

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

**REGULAR SESSION  
Monday, May 1, 2017  
7:00 p.m.**

**CALL TO ORDER:**

- 1. Roll Call/Establish Quorum**
- 2. Approval of Minutes: March 6, 2017**

**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. 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.

**2. 2017-02 REZ – 320 S 7<sup>th</sup> STREET**

Conduct a public hearing for Case No. 2017-02 REZ, 320 S 7<sup>th</sup> Street. The applicant is requesting a rezoning of their property from General Business District (GBD) to Residential Mixed Use (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.

### **3. 2017-03 REZ – 4<sup>th</sup> & PAWNEE STREET**

Conduct a public hearing for Case No. 2017-03 REZ, 4<sup>th</sup> & Pawnee Street. The applicant is requesting a rezoning of their property located at the northwest corner of 4<sup>th</sup> & Pawnee Streets from Planned Unit Development (PUD) and High Density Single Family Residential District (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.

**OTHER BUSINESS:**

**ADJOURN:**

# CITY OF LEAVENWORTH PLANNING COMMISSION

COMMISSION CHAMBERS, CITY HALL  
100 N 5<sup>th</sup> Street, Leavenworth, Kansas 66048  
**REGULAR SESSION**  
**Monday, March 6, 2017**  
7:00 PM

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## CALL TO ORDER:

### Commissioners Present

Jay Byrne  
Mike Burke  
John Karrasch  
Pat McGlenn  
Claude Wiedower  
Camalla Leonhard

### Commissioners Absent

Linda Bohnsack

### City Staff Present

Julie Hurley  
Michelle Baragary

Chairman Byrne called the meeting to order at 7:03pm and noted a quorum was present.

## **Approval of Minutes:** February 6, 2017

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

## **OLD BUSINESS:**

None

## **NEW BUSINESS:**

### **1. 2016-23 SUP – 2622 State Street**

Conduct a public hearing for Case No. 2016-23 SUP – 2622 State Street. Justin Anderson, on behalf of Selective Site Consultants and the subject property owner, is requesting a Special Use Permit to allow a 170 foot monopole type communication tower and related ground equipment.

Chairman Byrne called for the staff report.

City Planner Julie Hurley stated the subject property is zoned R-MF, Residential Multi Family, and is occupied by the residential facility known as State Street Housing. The proposed 170' tower is commissioned by T-Mobile to serve customers in the Leavenworth area, with space available for 2 additional carriers to co-locate. The maximum height of a tower and antenna when two or more antennas

are collocated by two or more companies on a single tower is 170'. The proposal includes a 50' x 50' fenced area to enclose the tower and related ground equipment. Access will be provided by a paved 12' wide access drive off the existing parking lot serving the residential building.

There is no lighting proposed on the tower unless required by the Federal Aviation Administration, and no signage is proposed except for safety and identification as required by the Federal Communications Commission. The 50' x 50' fenced enclosure will be screened from the east and south by landscaping as requested by staff. Sufficient existing foliage exists to the north and west to screen the enclosure from adjoining properties.

The Development Regulations required that for each foot of tower height there shall be a minimum of 1.05 foot of setback from any property line. This would require a minimum 178' setback from all property lines for the proposed tower, which is provided.

### **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.

*A communication tower will provide numerous benefits to the economic development, welfare and convenience of the public through improved cellular communication capabilities.*

3. The special use will not cause substantial injury to the value of other property in the neighborhood in which it is located.

*Staff does not believe that the proposed communication tower will cause substantial injury to the value of other property in the neighborhood.*

4. The location and size of the special use, the nature and intensity of the operation involved in or conducted in connection with it, and the location of the site with respect to streets giving access to it are such that the special use will not dominate the immediate neighborhood so as to prevent development and use of neighboring property in accordance with the applicable zoning district regulations.

*The location and size of the proposed communication tower are such that it will not dominate the neighborhood and prevent development and use of neighboring property. The proposed tower will be situated to maximize its' distance from the impact on any adjoining single family residences. The subject property is bordered by a creek to the west, with dense tree growth to the north and west of the subject communications tower, minimizing it's visibility from surrounding properties.*

Ms. Hurley stated staff recommends approval of the Special Use Permit request based on the analysis and findings included herein.

Chairman Byrne called for questions and comments from board members.

Ms. Leonhard asked if the City mandates the time period for completion of communication towers. Ms. Hurley stated there are time restrictions with the issuance of building permits but not in conjunction with the special use permit.

Mr. McGlenn asked if there is a requirement to notify the nearby neighborhood. Ms. Hurley stated all properties within 200' of the subject property are notified. She continued by stating the City received a few questions from neighbors but did not receive any complaints or written comments.

Mr. Byrne asked is the proposed location is 170' from the apartment building. Ms. Hurley stated it is 109' from the existing building. Mr. Byrne further questioned the setback requirement from other properties but there is no required setback from the apartment building. Ms. Hurley responded since the property owner submitted the application, they are taking their own structures on the property into account. The setback requirement is to protect surrounding property owners who do not have an interest or stake in special use.

Mr. Wiedower mentioned the communication tower that the Planning Commission approved on October 13, 2016 was also T-Mobile. He continued by asking if T-Mobile needs this newly proposed tower to increase their coverage. Ms. Hurley stated according to new state statutes, the need for a particular location is not something cities can take into consideration or request information on.

Chairman Byrne requested staff briefly review the restrictions.

Ms. Hurley stated the Kansas Legislature adopted a new bill which established 18 restrictions on jurisdictions regarding what information can or cannot be required and considered during the approval process.

1. The City cannot require an applicant to submit information about, or evaluate an applicant's business decisions with respect to the applicant's designed service, customer demand for service or quality of the applicant's service to or from a particular site.
2. The City cannot require information that concerns the specific need for the wireless support structure.
3. The City cannot evaluate an application based on the availability of other potential locations for the placement of the wireless structure.
4. The City cannot dictate the type of equipment or technology to be used by the applicant.
5. The City cannot require the removal of existing wireless structures as a condition for approval (may still regulate removal of abandoned facilities).
6. The City cannot impose any restrictions at or near civilian airports.
7. The City cannot establish or enforce regulations for radio frequency signal strength.
8. The City cannot impose any surety requirements, including bonds, escrow deposits, letters of credit or any other type of financial surety.
9. The City cannot discriminate or create a preference on the basis of the ownership of any property or structure.
10. The City cannot impose any unreasonable requirements or obligations regarding the presentation, appearance or function of the wireless facility.
11. The City cannot impose any requirements that an applicant purchase, subscribe to or use any facilities or services owned, provided or operated by an entity in which the City has a competitive, economic, financial or other interest.

12. The City cannot impose environmental testing, sampling or monitoring requirements that exceed federal law.
13. The City cannot impose any compliance measures for radio frequency emissions or exposure from wireless facilities that exceed the requirements of the FCC.
14. The City cannot reject an application based on perceived or alleged environmental effects of radio frequency emissions or exposure.
15. The City cannot prohibit the use of emergency power systems that comply with federal and state environmental requirements and do not violate local health and safety requirements and noise control ordinances, but no local regulations may prevent the provision of emergency power during an actual emergency.
16. The City cannot condition or require the approval of an application based on the applicant's agreement to permit wireless facilities provided or operated by an authority to be placed at or collocated with the applicants support structure.
17. The City cannot impose a greater setback or fall-zone requirement for a wireless support structure than for other types of commercial structure of a similar size.
18. The City cannot limit the duration of an approval for less than 10 years.

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

Justin Anderson, 9900 W. 109<sup>th</sup> St, Ste 300, Overland Park, KS 66210. Mr. Anderson is with SSC and appears on behalf of Skyway Towers, the developer, and T-Mobile. Mr. Anderson stated this site is to bolster T-Mobile's coverage and capacity. The communication tower is collocatable. The site will be located on the northwest part of the property, which is screened by mature trees.

Mr. McGlenn asked if this will improve the Sprint coverage in Leavenworth. Mr. Anderson stated this site will only improve Sprint's coverage if Sprint collocates on it.

Mr. Byrne asked what access will be used for the installation of the tower. Mr. Anderson responded the existing access off State Street will be used, then they will go north off the existing parking lot approximately 130'. He further stated there will be landscaping on the south and east side of the compound.

Mr. Burke asked what the timeframe for installation. Mr. Anderson stated construction time is 3-4 weeks; however, a tower cannot be stacked if the wind is over 19 mph, which would increase construction time.

Mr. Wiedower asked if there is ever a situation when a tower would need to be higher than 170'. Mr. Anderson replied there have been sites like that but it does not occur often. Ms. Hurley stated maximum height allowed is 170' according to the Development Regulations. However, if the applicant would ever want to increase in the future, the applicant would need to apply for another special use permit requesting a variance to increase the height above 170'.

Mr. Byrne asked if the City is allowed to request the tower be masked, i.e. to look like a tree. Ms. Hurley stated one of the new state regulations restricts cities from imposing any unreasonable requirements or obligations regarding the appearance of the tower. She further stated the City could request it but cannot base its' approval on it.

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

With no further discussion, Chairman Byrne called for a motion. Mr. McGlenn moved to recommend approval of the Special Use Permit to the City Commission based upon findings as stated. The motion was seconded by Mr. Wiedower and passed by a unanimous vote 6-0.

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

JH/mb

PLANNING COMMISSION AGENDA ITEM  
2017-01-SUB  
RIVER VIEW REPLAT

MAY 1, 2017

**SUBJECT:**

A request for a final plat of River View Replat

  
\_\_\_\_\_

**Prepared By:**

Julie Hurley  
City Planner

  
\_\_\_\_\_

**Reviewed By:**

Paul Kramer  
City Manager

**ANALYSIS:**

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 Ct. and 16 Limit Street Ct. 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.

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.

Staff recommends approval of the River View Replat.

**ACTION/OPTIONS:**

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

**ATTACHMENTS:**

Location map  
Application materials





2017-01 SUB

CITY OF LEAVENWORTH  
FINAL PLAT APPLICATION

Planning Commission  
Project No. MARCH 6, 2017  
Meeting Date: 7:00

#1755

NAME OF SUBDIVISION/PROJECT: RIVER VIEW REPLAT

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

NAME: <u>MIKE GREENAMYRE</u>	<u>MIKE GREENAMYRE</u>	<u>DAVID R. &amp; MARTINA HOGG</u>
<u>GREENAMYRE RENTALS</u>	<u>MRG RESIDENCE LLC</u>	<u>2 LIMIT ST. CT.</u>
STREET ADDRESS: <u>2500 S 2ND ST</u>	<u>2500 S 2ND ST.</u>	<u>LEAVENWORTH, KS 66048</u>
<u>LEAVENWORTH, KS 66048</u>	<u>LEAVENWORTH, KS 66048</u>	
CITY: _____	STATE: _____	ZIP: _____
PHONE: <u>(913)927-2553</u>	FAX: _____	EMAIL: _____

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

NAME: MIKE GREENAMYRE / GREENAMYRE RENTALS

STREET ADDRESS: 2500 S 2ND ST.

CITY: LEAVENWORTH STATE: KS ZIP: 66048

NAME OF ATTORNEY OR AGENT:

NAME: \_\_\_\_\_

STREET ADDRESS \_\_\_\_\_

CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP: \_\_\_\_\_

NAME OF ENGINEER PREPARING PLAT: STEVEN WEST

COMPANY: MC ALEE, HENDERSON SOLUTIONS, INC. ADDRESS: 15700 COLLEGE BLVD, SUITE 202

CITY: LENEXA STATE: KS ZIP: 66219

PHONE: 913-888-4647 FAX: 913-390-9865 EMAIL: steven.west@mhs-eng.com

PARCEL NO: MULTIPLE (SHOWN BELOW) SEC.TWP.RNG. SW 1/4 SEC 6 - T9S - R23E

ZONING OF SUBJECT PROPERTY: \_\_\_\_\_ CURRENT LAND USE: RESIDENTIAL

TOTAL ACREAGE: 14.36 AC NUMBER OF LOTS: 3

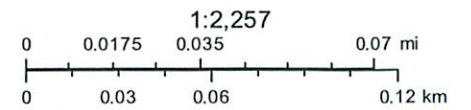
DATE OF PRELIMINARY PLAT APPROVAL: \_\_\_\_\_

- 0930 6030 0800 8010
- 0930 6030 0800 8020
- 0930 6030 0800 8030
- 0930 6030 0800 8040
- 0930 6030 0800 8050
- 0930 6030 0800 8000
- 0930 6030 0800 9000

# River View Replat



April 24, 2017



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



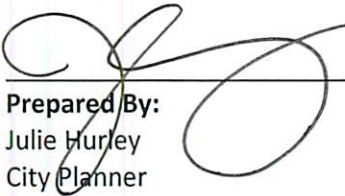
**PLANNING COMMISSION AGENDA ITEM**

**2017-02-REZ  
320 S. 7<sup>th</sup> Street**

**MAY 1, 2017**

**SUBJECT:**

A request to rezone the property located 320 S. 7<sup>th</sup> Street from GBD, General Business District to RMX, Residential Mixed Use District

  
Prepared By:  
Julie Hurley  
City Planner

  
Reviewed By:  
Paul Kramer  
City Manager

**ANALYSIS:**

The applicant is requesting a rezoning of their property located at 320 S. 7<sup>th</sup> 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 a part of the Redevelopment Overlay District, whose purpose is to facilitate the development of property in the downtown and northeast Leavenworth in accordance with the 2010 Downtown-North Leavenworth Redevelopment Master Plan. In particular, this location is identified as part of the Downtown 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<sup>rd</sup>.

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

## **CONDITIONS OF DETERMINATION**

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

- a) The character of the neighborhood;

*The subject property is part of Downtown Leavenworth and the Redevelopment Overlay District, with a variety of uses and building forms. Historic structures such as this are common in the area.*

- b) The zoning and use of properties nearby;

*The properties to the north and east are zoned 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, 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 2009.*

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

*The proposed rezoning will have a positive effect upon the economic vitality of Downtown Leavenworth in terms of bringing more residents to the area which will potentially increase the patronage of local businesses.*

- g) The recommendations of permanent or professional staff;

*Staff recommends approval of the rezoning request.*

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

*The subject area is identified as appropriate for commercial uses in the Comprehensive Plan. However, the majority of the Downtown area is identified as commercial on the Future Land Use Map, and there exists already a mix of residential uses in this area. Additionally, this area is part of the Downtown-North Leavenworth Redevelopment Area Master Plan, which 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.*

**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.

**Attachments:**

Application materials

Location map

DRC minutes

Excerpt: Downtown-North Leavenworth Redevelopment Area Master Plan

APP # 1882



APPLICATION FOR REZONING  
CITY OF LEAVENWORTH, KANSAS

2017-02 REZ

Acct'g. Z02  
FEE \$ 350.00

Filing Date	3/2/17
Fee Date Paid	3/2/17 <i>clw</i>
Notice of Hearing	4/6/17
Hearing Date	5/1/17

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: 320 S. 7th St. From its present classification of GBD  
district to \_\_\_\_\_ Proposed zone district ~~RMF~~ RMX

Use additional sheets if necessary:

Briefly describe the present use and character of the property and of the surrounding area:  
See attached sheet

Briefly describe the intended use and character of the property:  
see attached sheet

Briefly describe why you believe the land use (zoning) being requested is the most appropriate for this property:  
See attached sheet

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:  
see attached sheet

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:  
see attached sheet

AFFIDAVIT

State of Kansas County of Leavenworth  
I, JEREMY GREENAMYRE 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: \_\_\_\_\_  
Address: 2500 S. 2nd St. LEAVENWORTH KS 66046  
Phone: 913-651-9717

Subscribed and sworn before me this 1st day of March, 2017

Notary Public Brenda K Schwinn My commission expires April 7, 2020

BRENDA K. SCHWINN  
NOTARY PUBLIC  
STATE OF KANSAS  
My Appt. Expires 4-7-20

## **Present Use**

The building was built in 1893 as a train depot. It is listed on the National Register of Historic Places and sits on the edge of downtown. There are distinct portions of the building: a 2-story brick building on the east 1/3, and a metal-sided storage area on the west 2/3. Currently the east 1/3 of the building is being renovated into two loft-style apartments. The west 2/3 is vacant.

## **Intended Use**

We intend to finish the rehabilitation on the 2-story building. If rezoned, we will add three more apartments in the west 2/3 of the building. The character of the building will remain as both historic and industrial, in appearance.

## **Appropriateness**

We believe this rezoning is appropriate because it supports the city's plan for more downtown living, and it puts to use an otherwise vacant building.

## **Not detrimental**

This project will not be detrimental to public welfare because 1) It's down zoning to a less intensive use, 2) Improvements will include updated sidewalks, landscaping, and hard-surfaced parking, 3) It's rezoning will allow for the improvement and productive use of a building that's been vacant for almost a decade.

## **Restrictions?**

This property is not restricted by any easements, deed/plat restrictions, special-use permits, subdivisions, rezoning or variances.



2017-02-REZ 320 S. 7th Street



April 25, 2017

1:2,257



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



## **Development Review Committee Meeting**

### **Thursday, March 30, 2017**

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

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

##### **1. 320 S 7<sup>th</sup> Street – Rezoning from GBD to RMX and Historic Considerations**

- Attendees: Jeremy Greenamyre
- Registered historic property – LV Terminal Railway & Bridge Co. Freight Depot
- Total of units 5
- Renovating west side of building: removed corrugated siding, will do foundation work, will have 3 apartments on the front
- There is a public alley to the north (although it is not depicted on the GIS map)
- Flood plain rules have a disclaimer that if the property is on the national registry of historic buildings, the flood plain issues can be waived so long as the waiver does not change the historic nature of the building
- Rezoning to RMX – allows for residential, multi-family and some commercial uses
- Parking requirements: 1 parking stall per 1 bedroom. Parking will be on the south side. Will install parking blocks
- Will not regrade the parking lot. Will not pave the parking lot at this time.
- Hal to provide ADA requirements
- Hal approved the installation of a residential sprinkler system

##### **2. 610 Lawrence Avenue – Single Family Dwelling**

- Attendees: Won Kim
- Need administrative plat to combine the small triangular parcel with 610 Lawrence Ave
- Need floor plan for the bathroom
- City to provide Mr. Kim an answer about a sidewalk on Lawrence Ave
- City will not widen the street
- Need site plan for driveway coming off of Walnut St. Driveway needs to be at least 8.5' wide, side yard setback on Walnut St is 25', parking area must be a minimum of 18' (must be at least 43' from the north property line)
- Portion of driveway in ROW must be concrete; once inside the property line can use a more cost effective material (i.e. paver stones, asphalt, etc.)

##### **3. River View Replat**

- Owner wants to incorporate the vacated street right-of-way into their property
- City Commission will discuss sale or donation of the vacated street on Tuesday, April 11<sup>th</sup>

## CHARACTER AREA: DOWNTOWN WEST GATEWAY

### Aspiration

The *'Casual Elegance'* that creates a distinctive environment and fosters a more eclectic sense of place through uses and formats not necessarily associated with the historic core character.

North: **Seneca**

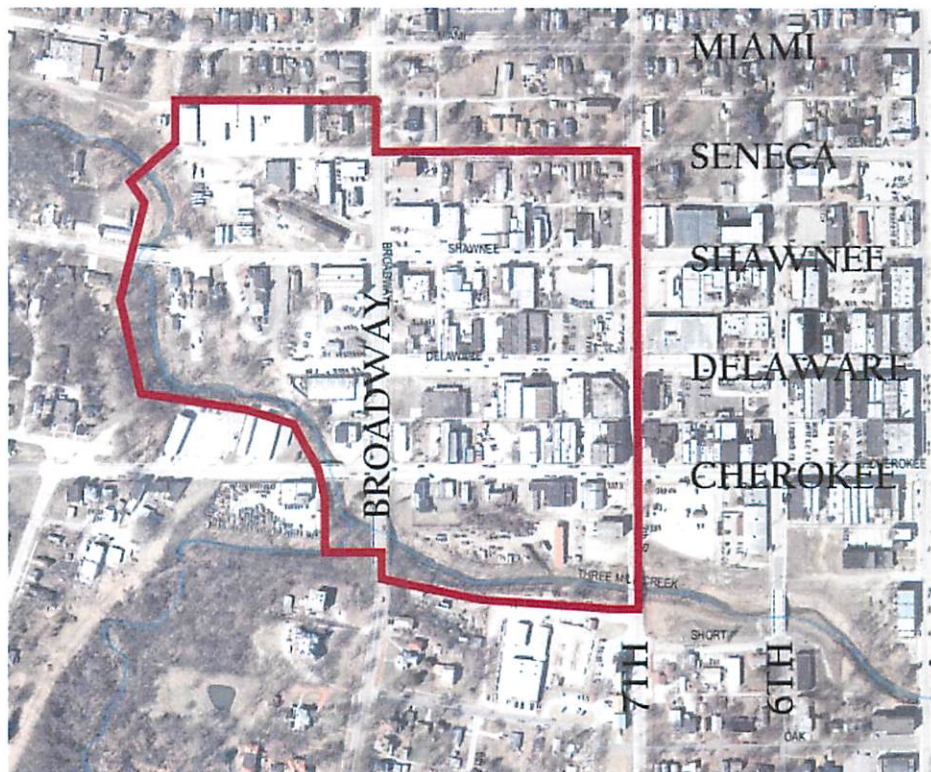
East: **7th**

South: **3-Mile Creek**

West: **3-Mile Creek**

Approximately **7 SQ Blocks**

This area appears to have its own unique presence. The area has a greater mix of service-oriented uses and building formats. The physical framework is relatively less-intact than the central core area of downtown, however, does consist of a significant inventory of contributing structures. In many instances, storefronts appear to be well maintained and active while others appear to be vacant, underutilized or showing signs of disrepair. The area is significant as the eastern entrance into the downtown.



First Then, First Now  
Leavenworth Leading the Way

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Overall, the area seems to have the opportunity to brand itself as a more eclectic area through a mix of business activity and building formats and styles. Vacant lots and surface parking lots provide the opportunity to redevelop and strengthen the urban framework. Other non-traditional building formats present the opportunity to either be redeveloped or reinvented and provide opportunities different from other areas within the core. Generous sidewalk widths provide the opportunity to still allow businesses to engage the public streetscape in a meaningful and urban manner, strengthening this areas contribution to the overall downtown. Buildings that are setback from the street present the opportunity for developing outdoor courtyards, plazas, sidewalk cafes and other significant entry elements that have a stronger relationship with the street edge.

Building formats and uses may include an urban/neighborhood scale grocery store, business that require significant indoor storage, production and distribution facilities, service stations, banks with drive-through facilities and other similar development prototypes.

It must be noted that the intent of the district is not to advocate a suburban development pattern, but rather to accommodate diverse business and building formats within the urban block and streetscape framework, uses that would be less desirable in the Downtown Core, Town Square and Creekside character areas. Ultimately, the goal is for the West Gateway area to complement and support, rather than competing with the other character areas.



*Preservation of historic and contributing structures should be pursued in the West Gateway. New and infill development should be context-sensitive and contribute to the overall sense of a vibrant, active environment.*

### West Gateway: Key Elements

The following are key elements for the West Gateway area:

#### Urban Form and Scale

The West Gateway area is considered an edge of the urban center of Leavenworth, providing a gateway into the traditional and historic downtown. It is best served by buildings and sites that compliment the traditional form and scale of downtown, but also may supporting businesses and services not easily accommodated in the downtown core, provide they compliment the blocks and streetscapes of greater downtown. This includes:

- Minimum of two story structures preferred on streetfronts, particularly for corner sites where 2-story, street-front buildings can anchor corners and define urban blocks and streetscapes,
- Allowances for other building types that accommodate uses that support and compliment the downtown core and surrounding neighborhoods. Developments should exhibit innovative site and building designs that engages the urban streetscape in a manner that is sensitive to the overall pedestrian scale and design of downtown.
- Non-traditional building types may be justified to either (1) allow additional uses that support services and needs of the greater downtown and not otherwise accommodated in the other character areas (i.e. neighborhood grocery, gas station, small warehouse /distribution) or (2) rehabilitation or re-use of existing buildings.



**Right:** The West Gateway may accommodate building formats that may not be appropriate in other character areas. Context and sensitivity to the urban form should be addressed so as not to detract from the character of the Downtown core area.

- Pedestrian scale amenities and entry features such as courtyards, plazas, sidewalk cafes or other similar elements should be incorporated in to all building forms and types. These may occur through extending existing building frontages towards the streetscape or developing more outdoor site elements that activate spaces along the streetscape for pedestrians.
- Buildings with drive-through facilities or which are heavily dependent on frequent automobile traffic are generally not preferred in the downtown area. However, some businesses such as banks, gas/service stations, pharmacies and others can complement services in the downtown area and neighborhoods. Where permitted, every effort should be made to minimize or remove the impact of automobile-oriented site and building elements. Where this is not accomplished sufficiently, careful evaluation must occur weighing the potential economic enhancement verses the impact on the integrity and physical character of the urban environment.
- Promote a mixed business, residential and entertainment district including retail, service, restaurant, arts, live/work studios, incubator businesses, and offices.

#### Urban Design Theme

The West Gateway area derives its character from an eclectic mix of building forms and styles which engage the pedestrian scale of downtown blocks and streetscapes in innovative and exciting ways. This practice should be continued through the following actions:

- Promote historic preservation, renovation and adaptive re-use of contributing structures when feasible.
- Maintain the context, scale, form and massing, similar to other character areas, but allow more diversified architectural materials, styles, and ornamentation.
- Allow for new development and architectural solutions, particularly where it reinforces the block structure and streetscapes of downtown.
- Consider building signage and ornamentation that have a more artistic appeal.
- Consider special signage or streetscape features that further its unique branding of the area such as artwork, icons or logos incorporated in lighting standards, special banners, variations in paving materials on public area or private gathering places, or distinctive street furniture systems.



*The West Gateway is envisioned to accommodate building formats that may not necessarily be optimum or appropriate in other character areas, but need to support a complete live, work and play environment. Regardless of the use, building formats throughout the character areas of downtown should further the qualities of a core-area environment.*

Parking Strategy

Parking in the West Gateway area should not compromise the urban form and scale of the traditional downtown.

- Maximize on-street parking on all streets. Angled parking is preferred, and parallel parking should be used where rights-of-way are constrained.
- Off-Street parking should be limited and located behind the building forms, screened from the urban public street face, particularly at corner locations.
- Some building types may accommodate small bays for side parking or limited front parking, but it should be designed and located in a manner to minimize impact on the streetscape. Designs that introduce pedestrian-scale site elements on the street edge are preferred, such as plazas, courtyards or patios, or designs that treat surface parking and vehicle access areas as shared or multi-use space which can be converted to pedestrian uses for events or used as dual pedestrian /vehicle space. In all instances, a low masonry wall and landscaping element should define any non-building edge along the block face and public rights-of way.

Projects and Initiatives

- Continue investments in the public realm through streetscape improvements. This investment could be an extension of the Delaware streetscape prototype. Slight modifications may be considered such as additional landscaping and tree wells; public art; curb extensions at intersections for traffic calming measures, decreased the width pedestrians traverse across the street and additional landscape and amenities.



*Adaptive re-use, preservation, and renovation of existing buildings is a key theme of Downtown redevelopment strategies.*

**PLANNING COMMISSION AGENDA ITEM**

**2017-03-REZ**

**4<sup>th</sup> & Pawnee Street**

**MAY 1, 2017**

**SUBJECT:**

A request to rezone the property located at 4<sup>th</sup> & Pawnee Street from PUD, Planned Unit Development and 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 is requesting a rezoning of their property located at the northwest corner of 4<sup>th</sup> & Pawnee Streets from PUD and R1-6 to 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.

**CONDITIONS OF DETERMINATION**

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

- a) The character of the neighborhood;

*The subject property is part of Downtown Leavenworth and the Redevelopment Overlay District, with a variety of uses and building forms. 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 4<sup>th</sup> 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.*

**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.

**Attachments:**

Application materials

Location map

Excerpt: Downtown-North Leavenworth Redevelopment Area Master Plan

# 1924



2017-03 REZ

Acct'g. Z02  
FEE \$ 350.00

APPLICATION FOR REZONING  
CITY OF LEAVENWORTH, KANSAS

Filing Date 3-13-17  
Fee Date Paid 350.00 3/13/17  
Notice of Hearing  4-6-17  
Hearing Date  5-1-17

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: 1001 N. 4th St. and 1101 N. 4th St.  
4th St. and Pawnee St. From its present classification of GBD, PUD, R1-6  
district to GBD Proposed zone district \_\_\_\_\_

Use additional sheets if necessary:

Briefly describe the present use and character of the property and of the surrounding area: The property is residential lots adjacent to the Fairfield Inn & Suites hotel.

Briefly describe the intended use and character of the property: TownePlace Suites hotel with associated parking, drives and utilities

Briefly describe why you believe the land use (zoning) being requested is the most appropriate for this property: Fits for the ability to build a complimentary extended stay hotel adjacent to the existing hotel. The 2 hotels will allow for shared drives and parking along with fire pit area and grilling stations.

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: It will be an improvement in quality of property compared to what it previously was.

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: Property has been re-platted. Area previously used for an alley was designated as a utility easement

AFFIDAVIT

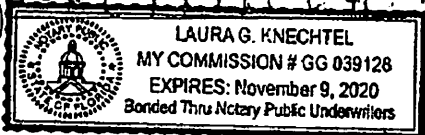
State of Kansas County of Leavenworth

I, John Ferguson 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: One Victory Drive, Suite 200, Liberty, MO 64068  
Phone: 816.781.2520

Subscribed and sworn before me this 2nd day of March, 2017

Notary Public [Signature] My commission expires 11-9-20

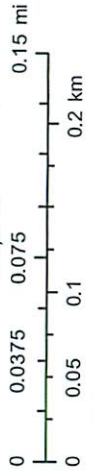


# 2017-03-REZ 4th & Pawnee



April 25, 2017

1:4,514



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

## CHARACTER AREA: NORTH GATEWAY BUSINESS AND INNOVATION CAMPUS

### Aspiration

The **Economic Engine** generating new business and employment opportunities and a high quality experience and image for Leavenworth's northeast entrance to downtown.

The North Gateway Business & Innovation Campus will evolve as one of the premier business and employment environments within the City of Leavenworth, integrating many building formats into a cohesive campus environment. A diverse business mix will create an economic asset that contributes to the success of other downtown businesses. The area affords a great degree of accessibility within the City and region (Metropolitan Avenue, adjacency to downtown Leavenworth and Fort Leavenworth, 25 minutes of Kansas City International Airport and within an hour to the Kansas City metropolitan area.) Anchored by the historic Fort Leavenworth to the north, the campus will contribute to the development of a quality corridor, as well as create a north gateway for downtown. Elements along the corridor should contribute the same quality and lasting investments reflected in the historic downtown of Leavenworth, and promote the pleasant urban experience that lies beyond the campus area. Ultimately the goal is to create a unique business and employment destination for Leavenworth and the northeast Kansas region.

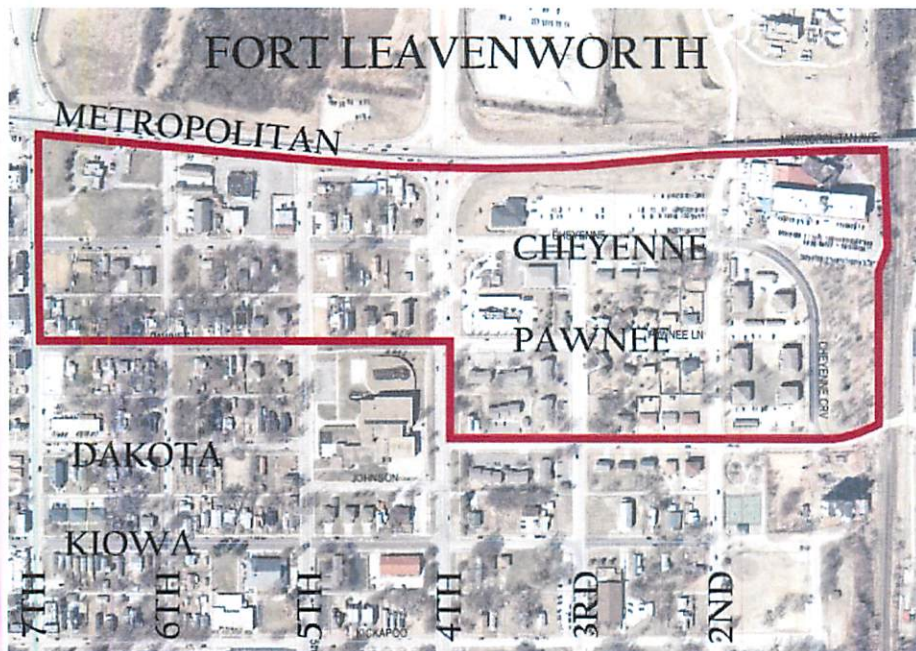
North: **Metropolitan**

East: **Missouri River**

South: **Pawnee/Dakota**

West: **7th**

Approximately **20 SQ Blocks**



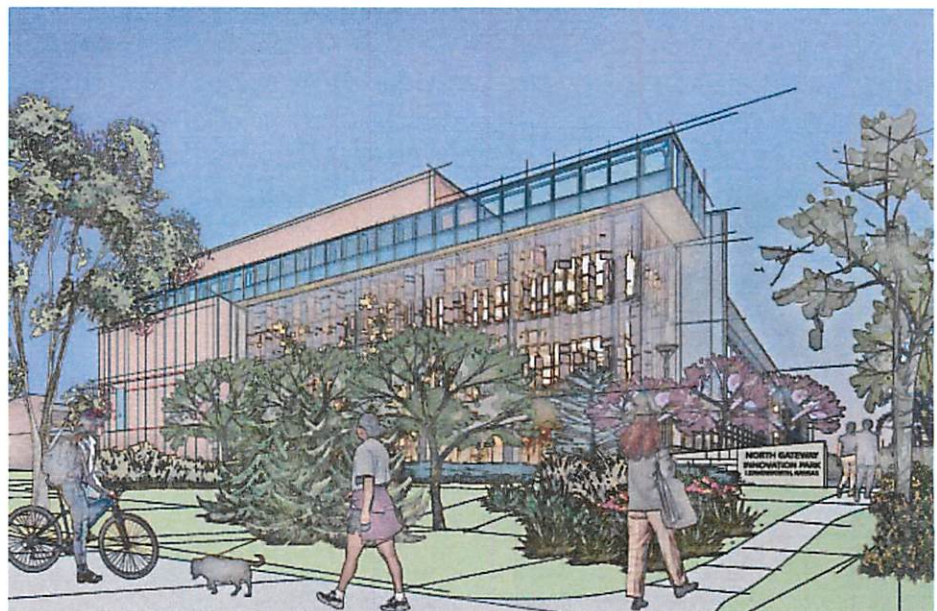
### North Gateway Business and Innovation Campus: Key Elements

The following are key elements for the North Gateway Business and Innovation Campus area:

#### Urban Form and Scale

The North Gateway Innovation and Business Campus is intended to accommodate a variety of building formats and types within a campus setting. The conceptual campus master plan reflects the following elements of urban form and scale that should be included in the future redevelopment of the area.

- Provide opportunity for office, retail, and mixed-use formats, with an employment emphasis that may be strategically targeted to Department of Defense-related industries. Multi-level buildings are preferred, but a market-sensitive approach should be accommodated that may allow single level business facilities.
- A high-quality hotel and conferencing facilities would be appropriate within the campus to support business uses. Given the proximity of the campus to Fort Leavenworth, such a facility could facilitate a variety of defense and non-defense business related events, seminars, and conferences within walking distance of the Fort and Leavenworth's Downtown.
- Create a high quality and distinctive campus entrance experience at Metropolitan and 4<sup>th</sup> Street. Building forms at the intersection of Metropolitan Avenue and 4<sup>th</sup> Street should be exclusively reserved for multi-level office or vertically integrated mixed-use-use to create a significant visual statement.



**Right:** A 'campus'-like environment is envisioned to welcome visitors and citizens at Leavenworth's northeast gateway. (Concept for illustrative purposes).

First Then, First Now  
 Leavenworth Leading the Way

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- Retail is appropriate to provide convenient goods and services for the immediate area, however retail uses should be a secondary and complimentary to employment-focused uses. Detailed design guidelines should be pursued that place specific requirements on retailing businesses so as not to dilute the campus image and experience.
- Along Metropolitan Avenue, 4<sup>th</sup> and 7<sup>th</sup> Streets, surface parking lots should be internalized within the campus and located behind buildings. The building forms throughout the campus will be arranged to create a significant visual edge with a 'build-to' line along a 20' campus green setback.
- Deviations from the build-to line would incorporate additional green space or plazas that engage the public realm. In instances between buildings that may expose rear-area parking, additional screening treatments will be incorporated. This can be combinations of low masonry walls, ornamental fencing and additional landscaping.

Urban Design Theme

The campus theme presents the opportunity to deviate from the traditional forms and scale of downtown to accommodate more regional opportunities. However the campus plan integrates two critical themes that improve the overall downtown and which tie all development in the area together – gateways that extended the downtown character and a variety of quality pedestrian-scale open spaces that become the focal points for buildings and sites throughout the area.

- A 20' building setback for the campus green should be established around the perimeter of the campus. This is intended to reflect the natural or 'soft' corridor development environment. A cohesive landscape design will further provide a quality aesthetic and present a greater visual quality as one enters Leavenworth from across the Missouri River.
- Additional green space should be considered at the intersection of Metropolitan Avenue and 4<sup>th</sup> Street for installment of Leavenworth community gateways.
- The setback and campus green should be incorporated along Metropolitan Avenue, from 7<sup>th</sup> Street to the bridge; 4<sup>th</sup> Street from Metropolitan Avenue to Pawnee Street, as part of the 4th Street Arbor Way. This setback may actually be greater in width from Pawnee Street to Miami Street, depending on the Arbor Way design. On the west side of 4<sup>th</sup> Street, the campus green landscape should be extended and be integrated with the green space along the Lawson Elementary School property.



*Existing retail may be aesthetically blended and coexists to support campus business and employment activities.*

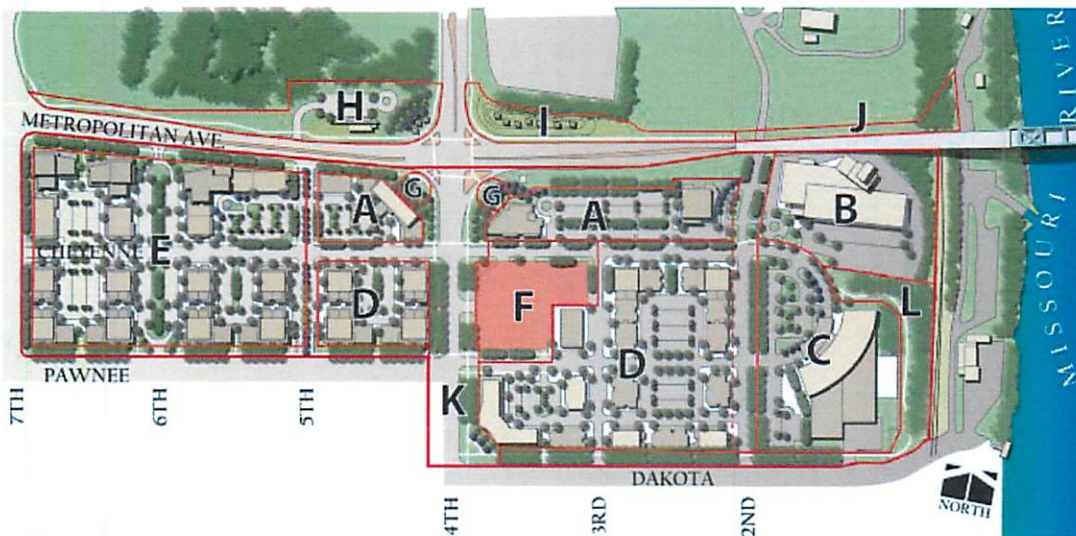
- 7<sup>th</sup> Street, from Metropolitan to Pawnee Street - incorporate a multi-modal (pedestrian and bicycle) path to connect residential areas with a potential community-wide trail north of Metropolitan Avenue.
- Pawnee Street, from 7<sup>th</sup> to 4<sup>th</sup> Street; Dakota Street, from 4<sup>th</sup> street to Ben Dougherty Park; Metropolitan Avenue, from 7<sup>th</sup> to 4<sup>th</sup> Street; and Cheyenne, from 4<sup>th</sup> to North Esplanade - incorporate a pedestrian and bicycle trail that links neighborhoods to Ben Dougherty Park, Esplanade Park and eventually the downtown area. In addition, a more generous landscaping along this south portion of the campus green is recommended, to enhance screening of service and functional areas of the North Gateway Business & Innovation Campus from adjacent neighborhoods.
- Masonry materials such as brick and stone should be the predominant material throughout the campus to create an enduring visual quality. Others materials that can be utilized to express innovative architectural solutions can be incorporated as accent materials.

Projects and Initiatives

- Develop a marketing campaign that emphasizes the assets of this area – regional destination and access, proximity to supporting business and institution, etc.
- Proactively pursue opportunities for the primary development of office and employment uses, including a mix of innovative industries such as technology, environmental, research and other similar enterprises (defense or non-defense related). This may include a focused effort towards defense industry contractors and vendors that have strong business relationships and contracts with Fort Leavenworth.
- Work with a developer to incorporate the Urban Form and Scale and Urban Design Theme elements into an overall development plan for the area.



*Substantial building forms at Metropolitan Avenue and 4th Street is envisioned by the master plan to present a significant visual experience into Leavenworth and the character areas of Downtown.*



**Left:** Conceptual redevelopment scenario for the North Gateway Innovation & Business Campus. (Concept for illustrative purposes).

**A: 'Signature' Architectural Buildings**

- Multi-level structures that engage the intersection to frame entrance into the 4th Street Arbor Way/Avenue of the Nations and Downtown.
- Potential hotel and conference site

**B: Existing Office**

- Preserve and promote on-going building and site enhancements

**C: Potential 'Super-Site'**

- Potential to redesign and create more substantial parcel that engages the riverfront, views and vistas of the Missouri River.
- Potential hotel and conference site
- Reserve portions for buffering and trail connections along Dakota Street

**D: Campus Buildings**

- Mix of building types and uses, accommodating market demand.
- Building frontages to engage the public realm with parking internalized behind building forms.
- Retain street grid pattern and promote on-street parking to provide convenience and minimize size of internalized parking areas.
- Reserve portions for buffering and trail connections along Dakota and Pawnee Streets

**E: 'Cheyenne Square'**

- Develop central green as amenity and visual icon for campus
- May be more conducive/flexible for mixed-use and ground level retailing
- Diversity of building forms may be considered, however, format should respond to the campus and urban environment (e.g. building frontages to engage the public realm with parking internalized behind building forms, preservation of street grid and on-street parking).
- Reserve portions for buffering and trail connections along Dakota, Pawnee and 7th Streets

**F: Existing Retail**

- 'Blend' with campus green landscape design and Arbor Way/Avenue of the Nations amenities
- Absorb into campus should redevelopment initiatives present themselves

**G. Potential Grand Leavenworth Gateway Sites**

- Reserve area for substantial gateway and landscaping features.

**H. Leavenworth Visitors Welcoming and Interpretive Center**

- New facility or relocation of existing structure
- Incorporate gateway artwork/outdoor gallery
- Consider community-wide trail development west of facility

**I. Outdoor Gallery**

- Reserve portion for development of historical/interpretive public art elements, native landscaping and other features that reinforces a defined gateway entrance into Leavenworth and Fort Leavenworth.

**J. Potential Community-Wide Trail**

Consider community-wide trail development that links potential Leavenworth Visitors Center with the Riverfront Campgrounds and North Gateway Campus south of Metropolitan Avenue.

**K: 4th Street Arbor Way/Avenue of the Nations**

- Interpretive, mobility and connectivity investments

**L: Campus Green**

- Preserve green space that accommodates public trail connections to and into the North Gateway Campus, amenities, views and vistas to the Missouri River