

**CITY OF LEAVENWORTH PLANNING COMMISSION**

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

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**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 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 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 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 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 7<sup>th</sup> 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 – 4<sup>th</sup> STREET & PAWNEE STREET**

Conduct a public hearing for Case No. 2017-03 REZ, 4<sup>th</sup> Street & Pawnee St. 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 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 4<sup>th</sup> 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 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.*

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. McGlenn 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 4<sup>th</sup> 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