

CITY OF LEAVENWORTH PLANNING COMMISSION
COMMISSION CHAMBERS, CITY HALL
100 N 5th Street, Leavenworth, Kansas 66048
REGULAR SESSION
Monday, November 7, 2016
7:00 PM

CALL TO ORDER:

Commissioners Present

Jay Byrne
Mike Burke
John Karrasch
Linda Bohnsack
Claude Wiedower
Frank Wenzel
Pat McGlinn

Commissioners Absent

City Staff Present

Julie Hurley
Michelle Baragary

Chairman Byrne called the meeting to order and noted a quorum was present.

Approval of Minutes: October 3, 2016

Chairman Byrne asked for comments or a motion on the minutes presented for approval: October 3, 2016. Mr. Karrasch moved to accept the minutes as presented, seconded by Ms. Bohnsack. The minutes were approved by a unanimous vote of 7-0.

Chairman Byrne stated the order of the agenda changed. The first item will be 2016-16 SUB – First City Hotel-Second Plat followed by 2016-11 REZ – Leavenworth Business & Technology Park, which will be heard in conjunction with 2016-14 SUB – Leavenworth Business & Technology Park Preliminary Plat and 2016-15 SUB – Leavenworth Business & Technology Park Final Plat. The final agenda item will be 2016-17 REZ – 1623 Spruce Street.

NEW BUSINESS:

1. 2016-16 SUB – FIRST CITY HOTEL-SECOND PLAT

Consider a two lot final plat for the First City Hotel development, located at Metropolitan Ave & 4th Street.

Chairman Byrne called for the staff report. City Planner Julie Hurley stated this request is for a two lot plat for the First City Hotel-Second Plat located at 4th Street and Metropolitan Avenue. Lot 1 of the proposed plat is currently developed with the Fairfield Inn, Lot 2 will be developed with a second hotel. The recording of the plat will vacate an existing 14' alley, present in Lot 2 of the proposed plat. Four residential structures have been demolished on the site to make way for development of the hotel, with one residential structure remaining to be demolished.

The Development Review Committee reviewed the plat at their September 15, 2016 meeting. Items noted at that time included specific requirements regarding utilities and easements. No concerns were identified with the plat.

Chairman Byrne asked for questions for the staff. Mr. McGlenn asked if there have been any complaints about the request. Ms. Hurley responded by stating she has not received any feedback on the request.

Mr. Karrasch asked how the current plat differs from the first plat. Ms. Hurley stated the first plat was for the lot 1, the portion north of the alley where the existing hotel is developed. Lot 2 is platting over the smaller residential lots where the homes were to combine it into two large lots.

With no further discussion Chairman Byrne called for a motion. Mr. Karrasch moves to accept the second plat as presented; seconded by Mr. Wiedower and approved by a unanimous vote 7-0.

2. 2016-11 REZ – LEAVENWORTH BUSINESS & TECHNOLOGY PARK

Conduct a public hearing for Case No. 2016-11 REZ, Eisenhower & 14th Street. The petitioner, JMK Partners LLC, is requesting consideration for rezoning from its present classification of R-MF Multiple Family Residential District and R1-6 High Density Single Family Residential District to I-1 Light Industrial District.

Chairman Byrne called for the staff report. City Planner Julie Hurley stated she will be discussing the rezoning, preliminary plat and final plat together since it is one project. The rezoning is the only item which requires a public hearing. After the public hearing is closed, the board can take action on all three items.

Ms. Hurley reviewed the policy report for the rezoning stating the applicant, JMK Partners LLC, is requesting a rezoning of their property located at Eisenhower Road and the proposed 14th Street from R1-6, High Density Single Family Residential District and R-MF, Multiple Family Residential District to I-1, Light Industrial District. The property is 81.91 acres in size and is currently undeveloped. The site lies directly to the west of the Gary Carlson Business Park and the Storage Box self-storage center. A preliminary and final plat for the subject property are also on this agenda.

The rezoning is being requested to allow for development of a new business park for light industrial uses, similar in nature to the existing Gary Carlson Business Park. There is little available space remaining within the Gary Carlson Business Park for use by prospective tenants, and this project is being proposed in order to market the Leavenworth area to new businesses looking to relocate or expand their operations. The Leavenworth Business & Technology Park is being developed in partnership with the City of Leavenworth, Leavenworth County, and the Leavenworth County Development Corporation (LCDC)

The site is currently agricultural in nature. The properties to the east are zoned I-1 and developed with the Gary Carlson Business Center and Storage Box self-storage facility. The property to the north is zoned R1-25, Low Density Single Family Residential District and is developed with a single family home and associated agricultural use. The property to the west is zoned R1-25, R1-6, and GBD, General Business District and is developed with a single family home and associated agricultural use. The property to the south is primarily in the City of Lansing.

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. The properties to the east are developed with the Gary Carlson Business Center and the Storage Box self-storage facility. The properties to the north and west are developed with large lot single family homes and associated agricultural use. The property lies along Eisenhower Road, a primary arterial corridor. Eisenhower Road is a key transportation corridor in Leavenworth, providing efficient access for a number of existing industrial uses including the Gary Carlson Business Center tenants and Hallmark Cards. Funds have been designated to widening and improving Eisenhower Road from the point in front of the Storage Box west to County Road 5. Design is currently underway for the project, with construction expected to take place in 2019. The area directly to the west of the subject property is expected to be developed with commercial and residential uses in the future, with commercial uses focused near the intersection of 20th Street and Eisenhower Road.

- b) The zoning and use of properties nearby;

The properties to the east are zoned I-1 and developed with the Gary Carlson Business Center and Storage Box self-storage facility. The property to the north is zoned R1-25, Low Density Single Family Residential District and is developed with a single family home and associated agricultural use. The property to the west is zoned R1-25, R1-6, and GBD, General Business District and is developed with a single family home and associated agricultural use. The property to the south of Eisenhower Road lies within the City Limits of Lansing and is currently zoned A-1, Agricultural, and developed with large lot single-family homes.

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

As the subject property is currently undeveloped, no physical restrictions exist which would limit its' use in regard to existing zoning.

- 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 property is accessed by an existing major thoroughfare designed to handle traffic levels generated by the proposed use, and there are existing comparable uses immediately adjacent to the subject site. Additionally, the developer intends to install significant landscaping throughout the portion of the property abutting Eisenhower Road, with existing dense vegetation around the perimeter of the property that can be preserved to minimize visual impact from surrounding properties.

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

The subject property has never been developed with any non-agricultural 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 impact on economic development within the Leavenworth community by way of increased tax base and the potential for future jobs as tenants locate within the business park. Additionally, initial site work to be completed on the land to make it “vertical ready” for future tenants through grading and construction of infrastructure and utilities, is anticipated to be completed in large part by local contractors, having an immediate positive impact.

- 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 use on the southern portion of the property adjacent to Eisenhower Road, and low-density residential use on the northern portion of the property. However, the property lies directly adjacent to an existing business park which is identified as industrial in the Future Land Use plan. Additionally, the property directly to the south of the existing Gary Carlson Business Park is identified as being appropriate for industrial uses in the Future Land Use plan. The subject property is similar in size and nature to the property identified as appropriate for industrial use, and accomplishes the goal of locating industrial uses near one another, allowing for a consolidation of resources and minimizing impact on surrounding properties and infrastructure systems. 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 and final plat for the subject property are presented for consideration in conjunction with the proposed rezoning.

Chairman Byrne called for questions for staff. Mr. Wenzel asked about the landscaping along the frontage of Eisenhower Road. Ms. Hurley stated Mike Reilly would be better suited to answer this question. Mr. Reilly approached the board.

Mr. Reilly is with JMK Partners, LLC. Mr. Reilly began by giving a brief history of the property. He further stated the Leavenworth County Port Authority Site Selection Committee identified the subject property in 2015 as the primary site for future industrial park growth in the City of Leavenworth. Mr. Reilly’s discussion of the project is attached as Exhibit A. Mr. Reilly concluded by stating there is an urgency to the project as there are two local businesses currently in the market which cannot be served from a lot size perspective; therefore, the businesses are forced to look outside the City of Leavenworth for lots that can serve their needs.

Chairman Byrne asked for questions. Mr. Karrasch asked how many people are currently employed in the Gary Carlson Park. Mr. Reilly stated approximately 500 employees.

Mr. Wiedower asked about the residential impact of the people living on Eisenhower and how they plan on minimizing the impact. Mr. Reilly stated a landscape tract is included in the project, which will be a buffer to the neighbors located to the south of the subject property.

Mr. Karrasch asked for a more detailed description on the expansion of Eisenhower Road and if a stop light will be installed. Mr. Reilly stated it is his understanding that Eisenhower Road, at 155th Street, will be expanded to a full 4-lane road out to Tonganoxie Road; a turning lane is not in the plans. There have been no discussions about a stop light at the entrance of the industrial park; however, there are discussions about a stop light at 20th Street and Eisenhower, which should give the necessary breakage in time to allow full access into the industrial park.

Mr. Karrasch asked City Manager Paul Kramer for a little more background on the reasoning why Eisenhower Road is being used to access the industrial park instead of Muncie Road. Mr. Kramer stated widening Eisenhower Road is a county project and funded by the county. He further stated the county was looking at projects that would impact Leavenworth County as a whole not just the City of Leavenworth. Muncie Road was not considered because it would only impact the City of Leavenworth, not Leavenworth County. Furthermore, the City of Leavenworth has no room for growth to the North, South or East; therefore, everything is being pushed to the west. Additionally, the cost to expand/widen Muncie Road would be much greater than to widen Eisenhower Road. There would be considerable land acquisition costs, a lot of large homesteads would be disrupted, there's a pipeline which goes west of 10th Street, and the entire cost would be picked up by the city.

Chairman Byrne opened the public hearing.

Ed Bristow approached the board. Mr. Bristow owns the property located at 15639 Eisenhower Road. Mr. Bristow asked if there would be any restrictions on the permitted uses in addition to the restrictions currently in the Development Regulations for light industrial since the property would be a Business and Technology Park. Ms. Hurley stated that has not been proposed.

Mr. Bristow asked if there has been other assessments of the property besides the Phase I assessment. Mr. Byrne stating additional assessments are only required if Phase I indicates further assessment of the property is necessary.

Mr. Bristow asked until there are tenants, who is responsible for maintaining the property. Mr. Kramer responded by stating once the project is done, the property is turned over to the City of Leavenworth, Leavenworth County and the management arm, which is the Leavenworth County Port Authority (LCPA). The LCPA becomes the landowner.

Mr. Bristow speaks in opposition of the proposed rezoning of 14th Street and Eisenhower Road. His discussion is attached as Exhibit B.

Kathryn Goetz approached the board. Ms. Goetz owns the property located at 15583 Eisenhower Road. Ms. Goetz speaks in opposition of the proposed rezoning of 14th Street and Eisenhower Road. Ms. Goetz has great concern about the proposed entrance to the business park being across her driveway. Ms. Goetz believes that using this land for commercial use is an ongoing ghettoization by the City of Leavenworth and Leavenworth County. She further stated a thriving community will be destroyed because Leavenworth does not have a solid urban planning, which should be focused on established commercial areas such as 4th Street and downtown Leavenworth.

Mr. Karrasch asked Ms. Goetz if she would agree that diversity is a great thing and that most civilizations thrive on or needs diversity. Ms. Goetz responded by saying diversity has many contextual meanings. She further stated this proposed project is not a diversification of community because the city is willing to dissolve everything around it to push the project forward. Mr. Karrasch stated by looking at the city and not just one neighborhood, the city is limited in its industrial base due to the city's topography.

Randy Goetz, Kathryn Goetz's husband, approached the board to speak in opposition of the proposed rezoning of 14th Street and Eisenhower Road. Mr. Goetz stated the industrial park should be in the north end of Leavenworth, especially since it provides access to three highways. Furthermore, Eisenhower Road is already too congested. The subject property is within close proximity to an elementary school, middle school and high school. Because of this, Mr. Goetz believes a better use of the subject property is residential use. Like Ms. Goetz, Mr. Goetz also feels the City of Leavenworth does not have a long-term plan. He voiced concern about Eisenhower Road becoming more congested and traffic safety issues.

Dion Depaolis, located at 15675 Eisenhower Road, approached the board to speak in opposition. He does not believe a 25' landscape buffer will help. Mr. Depaolis also mentioned concern about increased noise, lighting, and traffic. Mr. Depaolis further stated his property as well as neighboring property's land value will decrease if the industrial park is approved.

With no further comments, Chairman Byrne closed the public hearing and opened discussion for the commissioners.

Mr. Wiedower asked Mr. Reilly if there are other options for the entrance to the industrial park than directly across from residential property. Mr. Reilly clarified stated they reviewed 3 to 5 iterations of this project. The difficulty they were having was with the Magellan pipeline.

Mr. Wiedower asked if it is still the intent for JMK Partners to put residential housing in this area in the future. Mr. Reilly confirmed their intention is to build approximately 90 single family homes to the west of the industrial park.

Mr. McGlenn asked how close the landscape track will be to Eisenhower Road. Mr. Reilly stated the landscape track would be right outside of the right-of-way for Eisenhower Road. The landscape buffer will be along the frontage. It will be a 25' berm with landscaping plantings placed on top, irrigated and sodded with a monument sign at the entrance.

Mr. Kramer wanted to clarify that this project is not a Reilly business park but rather the owners of the industrial park are the City of Leavenworth, Leavenworth County and the Port Authority, and as such, nothing will be allowed in the industrial park without their approval. No private entity has a say on who the tenants of the industrial park will be. Furthermore, this area is framed to be a business and technology park; not heavy manufacturing and the city is very conscience about what they will allow to go there.

Ms. Bohnsack stated the plat does not reference any kind of restrictions about building standards and the neighboring properties of the subject property may need reassurances that specific standards will be upheld. Ms. Hurley stated the current Development Regulations regulate building appearance, design, materials, etc. and any user coming in to this area would be subject to our current design standards and building regulations. This would be handled at the time of site development, not with a plat.

Mr. Wenzel stated that we are all members of the community, and as such, want the best for economic growth of the city. The proposed project fits into the vision of what the city commission has expressed for the growth of the city and county of Leavenworth.

With no further discussion, Chairman Byrne called for a motion on the rezoning. Mr. Wenzel moved to recommend to the City Commission approval of the request to rezone the property located at 14th Street and Eisenhower Road from R-MF Multiple Family Residential and R1-6 High Density Single Family Residential to I-1 Light Industrial. Mr. McGlinn seconded the motion and approved by a unanimous vote 7-0.

OLD BUSINESS:

1. 2016-14 SUB – LEAVENWORTH BUSINESS & TECHNOLOGY PARK PRELIMINARY PLAT

Consider a request for a preliminary plat for the Leavenworth Business & Technology Park, located at Eisenhower Road & 14th Street.

Chairman Byrne called for the next item. City Planner Julie Hurley reiterated the preliminary and final plats are for a one lot three track subdivision. The three tracks will be for detention and water quality purposes. Also included, the 14th Street right-of-way will be dedicated.

Chairman Byrne asked for any discussions. Mr. Karrasch asked if the landscape buffer could be increased from 25'. Mr. Reilly responded saying there is flexibility and it can be increased to a height that the commission would be satisfied with.

With no further discussion, Chairman Byrne called for a motion. Mr. Karrasch moves to accept the preliminary plat as presented with the amendment that the landscape easement be increased from 25' to 40' in width; seconded by Ms. Bohnsack and approved by a unanimous vote 7-0.

2. 2016-15 SUB – LEAVENWORTH BUSINESS & TECHNOLOGY PARK FINAL PLAT

Consider a request for a final plat for the Leavenworth Business & Technology Park, located at Eisenhower Road & 14th Street.

Chairman Byrne called for the next item. City Planner Julie Hurley reiterated the preliminary and final plats are for a one lot three track subdivision. The three tracks will be for detention and water quality purposes. Also included, the 14th Street right-of-way will be dedicated.

Chairman Byrne asked if there were any differences between the preliminary plat and final plat. Ms. Hurley responded there were no differences. Ms. Hurley recommends Mr. Karrasch's stipulation on the preliminary plat be carried over to the final plat as well.

Chairman Byrne called for a motion. Mr. Burke moves to accept the preliminary plat as presented with the stipulation that the landscape easement be increased from 25' to 40' in width; seconded by Mr. Wenzel and approved by a unanimous vote 7-0.

NEW BUSINESS:

3. 2016-17 REZ – 1623 SPRUCE STREET

Conduct a public hearing for Case No. 2016-17 REZ, 1623 Spruce Street. The petitioner, Brent Motley, is requesting consideration for Rezoning from R-MF Multiple Family Residential District to R1-6 High Density Single Family Residential District.

Chairman Byrne called for the staff report. City Planner Julie Hurley stated the applicant is requesting a rezoning of their property located at 1623 Spruce Street from R-MF to R1-6. The property is 4.8 acres in size and is currently developed with a free-standing garage. A single family home was previously located on the site and was demolished a number of years ago. The Development Regulations do not allow for the construction of a single family home on property zoned R-MF, and the owner is requesting the rezoning for the purpose of constructing a single family home for his personal use. The existing detached garage will remain. The owner has indicated that he intends to construct the house towards the rear of the property. Access will be provided via a paved driveway from Spruce Street.

The Development Review Committee reviewed the application at their October 27, 2016 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 neighborhood is residential in nature, with single family homes of varying lot sizes to the north, east, south and west.
- b) The zoning and use of properties nearby;
The properties to the east are zoned R-MF R1-9 to the south, R1-6 to the west, and R1-9 to the north.
- c) The suitability of the subject property for the uses to which it has been restricted;
The subject property is zoned for multiple family residential. It is surrounded by single-family residential, and is identified as appropriate for single-family residential on the Future Land Use Map, making it an undesirable location for multi-family 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. The construction of a single-family home will not create any significant impact upon services or land use.
- e) The length of time the subject property has remained vacant as zoned;
The subject property was previously developed with a single family home and has remained vacant since the demolition of that home approximately 15 years ago.

- 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 negligible impact upon economic development, except for the increase in property value created by the construction of a home.
- 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 medium density single family residential. The R1-6, high density single family residential, zoning designation is being requested for purposes of continuity. Crown Estates is located directly to the west and is zoned R1-6, as are all other existing residential homes along Spruce Street further to the east of the subject property. Therefore, staff finds the proposed request to be in conformance 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.
No other factors.

Chairman Byrne called for questions. Ms. Bohnsack asked if the property is in the flood zone. Ms. Hurley responded it is not.

Chairman Byrne opened the public hearing.

With no one wishing to speak, Chairman Byrne closed the public hearing and called for questions from the commissioners.

Chairman Byrne called for a motion. Mr. Karrasch moves to recommend the rezoning request from R-MF Multiple Family Residential to R1-6 High Density Single Family Residential based on the conditions of determination; seconded by Ms. Bohnsack and approved by a unanimous vote of 7-0.

OTHER:

Ms. Hurley stated the sign subcommittee will be meeting next week. An update will be provided at the December meeting.

With no further business, the meeting was adjourned at 8:42 pm.

JH/mb