

**CITY OF LEAVENWORTH PLANNING COMMISSION**

**COMMISSION CHAMBERS, CITY HALL**  
100 N 5<sup>th</sup> Street, Leavenworth, Kansas 66048

**REGULAR SESSION**  
**Monday, November 6, 2017**  
7:00 PM

---

**CALL TO ORDER:**

**Commissioners Present**

Jay Byrne  
Mike Burke  
Claude Wiedower  
Linda Bohnsack  
John Karrasch  
Camalla Leonhard  
Sherry Hanson

**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:** September 11, 2017

Chairman Byrne asked for comments or a motion on the minutes presented for approval: September 11, 2017. Mr. Wiedower moved to accept the minutes as presented, seconded by Ms. Hanson. The minutes were approved by a vote of 7-0.

**OLD BUSINESS:**

None

**NEW BUSINESS:**

**1. 2017-22 TXT – TEXT AMENDMENTS**

Conduct a public hearing for Case No. 2017-22 TXT – Text Amendments. On September 11, 2017 the Planning Commission reviewed proposed text amendments which are now presented for public hearing and vote.

Chairman Byrne called for the staff report.

City Planner Julie Hurley stated the Development Regulations were adopted by the City Commission in June 2016 after a year-long comprehensive update process. Through the daily use of the Regulations by staff, several minor items have arisen that may necessitate possible updating. This process is not uncommon, and it is anticipated that an annual review of the Development Regulations will be performed

in order to ensure that they remain up to date and comprehensive. On September 11, 2017 the Planning Commission reviewed proposed text amendments which are now presented for public hearing and vote.

Ms. Hurley went over the individual proposed changes.

- **Section 2.01 Text Amendments; subsection B**  
Remove language requiring that text amendments be proposed on forms established by the Director of the Planning Department and filed with the City Clerk.
- **Section 2.02 Platting; subsection B.3&4**  
Application and review processes for “Administrative Plats” and “Minor Subdivisions” are listed to be the same. Revise language to reflect the Administrative Plats shall involve lot line adjustments, lot splits or lot combinations of previously platted land and involve no new right-of-way or other public dedication, and may be approved administratively by staff. Minor Subdivisions shall involve no new right-of-way or utility easement dedication and consist of 5 or fewer lots, and shall require Planning Commission approval.
- **Section 2.04 Special Use Permits**  
Add language regarding application process for Special Use Permits, to include Protest Petition period. Kansas State Statute and prior legal rulings state that the same protest petition process applicable to Rezoning apply to Special Use Permit applications.
- **Section 4.04 Use Standards; subsection B.3.e – Yardicles**  
Change “Yardicles” to “Miscellaneous Yard Décor”.
- **Section 4.04 Use Standards; subsection B.4**  
Add language referring to definition of “commercial vehicles”. Change allowed Gross Vehicle Weight rating (GVW) from 12,000 to 10,000 per Kansas Department of Revenue definition.
- **Section 4.04 Use Standards; subsection B.5**  
Specific language regarding Home Occupations and Home Child Care Centers was inadvertently omitted in the 2016 revision. There were no intended changes to the regulations regarding Home Occupations or Home Child Care Centers, add language from 2011 Development Regulations.
- **Section 5.02 Required Parking; subsection A**  
Add required parking rate of 1 per 3 persons for “Assembly Hall”
- **Section 5.02 Required Parking; subsection A**  
Add general required parking rate of 1 space for every 200 square foot of building floor are accessible to the public for uses not specifically listed.
- **Section 5.02 Required Parking; subsection B**  
Add language to allow Development Review Committee to reduce required parking for historic properties.

Mr. Wiedower asked so when it’s reviewed the applicant would get the approval but it would not be a commitment for life; it would be approved on an as needed basis on a one-time exception.

Ms. Hurley stated it would be based on the use of the property. For example, the Carnegie building which was converted into lofts did meet the parking requirements; however, if they did not have enough space on that property to meet the parking requirements for the lofts, it would have been reviewed at that time. If they show they have x number of on-street parking within a certain vicinity and you are only having a certain number of residential lofts with this anticipated parking so this situation would be okay and they could develop the lofts without needing to add parking. Ms. Hurley stated that in this case, even if the applicant later sold the building, the parking allowance would stay as long as the use did not change (stayed as lofts).

Mr. Byrne asked if it is assumed that on-street parking (for everything other than the historic districts) will satisfy some of the requirements or is the table in addition to any on-street parking.

Mr. Hurley stated that on page 5-3, under the On-Street Parking provision, it addresses on-street parking. Stating *any site on a block containing on-street parking may reduce the required parking by up to 50% for each space within 500 feet*. Applicants are allowed to count some of that within a certain distance but they cannot reduce down to zero on-site parking but they can reduce a portion of it if they want to account for some of the on-street parking that is provided.

- **Section 5.03 General; subsection B.1**  
Add allowance for gravel parking pad in rear yard. Previously approved by ordinance, language was inadvertently omitted.
- **Section 6.08 Fences; subsection D – Commercial Areas**  
Change “Commercial Areas” to “Commercial and Industrial Areas”. Include height restriction for commercial areas.
- **Section 9.05 Administration; subsections A & C**  
Update incorrect references to sections 11.11 and 11.17.
- **Section 9.16 Procedure for Demolition, alteration or Expansion**  
Remove language exempting proposed demolition of a landmark or historic district property from review by the LPC.
- **Section 9.22 Public Hearing Process**  
Remove language exempting proposed alteration, expansion or demolition of a landmark or historic district property from public hearing process.
- **Article 12; Definitions**  
Add definition for “Assembly Hall”.  
Add definition for “Commercial Vehicle”, per adopted definition of Kansas Department of Revenue.
- **Appendix A; Use Table**  
Add “Assembly Hall” as permitted use in NBD, OBD, CBD, and GBD districts.

**ACTION/OPTIONS:**

Recommend approval or denial of proposed text amendments for final action by City Commission.

Chairman Byrne called for questions on the staff report. With no questions or comments, Chairman Byrne opened the public hearing.

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

With no questions or comments from the commissioners, Chairman Byrne called for a motion. Ms. Bohnsack moved that the proposed changes within the staff report are submitted to the City Commission for approval. The motion was seconded by Ms. Hanson and passed by a vote 7-0.

With no further business the meeting was adjourned at 7:26 pm.

JH/mb