

**CITY OF LEAVENWORTH PLANNING COMMISSION**  
**COMMISSION CHAMBERS, CITY HALL**  
100 N 5<sup>th</sup> Street, Leavenworth, Kansas 66048  
**REGULAR SESSION**  
**Monday, February 4, 2019**  
6:00 PM

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**CALL TO ORDER:**

**Commissioners Present**

Jay Byrne  
Mike Burke  
John Karrasch  
Linda Bohnsack  
Camalla Leonhard  
Sherry Hines Whitson

**Commissioners Absent**

Claude Wiedower

**City Staff Present**

Julie Hurley  
Michelle Baragary

Chairman Byrne called the meeting to order at 6:00 p.m. and noted a quorum was present.

**Approval of Minutes:** January 7, 2019

Chairman Byrne asked for comments or a motion on the minutes presented for approval: January 7, 2019. Mr. Burke moved to accept the minutes as presented, seconded by Ms. Leonhard. The minutes were approved by a vote of 6-0.

**OLD BUSINESS:**

None

**NEW BUSINESS:**

**1. 2019-02 SUB – RICHARD WARREN SCHOOL FINAL PLAT**

Consider a final plat for the Richard Warren Middle School property.

Chairman Byrne called for the staff report.

City Planner Julie Hurley stated the subject property is owned by USD 453 Board of Education and is occupied by Richard Warren Middle School. The existing school property is comprised of two separate lots. Additionally, the Leavenworth School District also owns property to the north of the undeveloped Meadow Lane right-of-way adjacent to the school property. The School District is in the process of developing an addition to the existing middle school, and this plat is being requested in order to consolidate the multiple owned by the School District into one lot. The plat contains a total of 17.61 acres.

The School District has submitted a request to vacate the portion of the Meadow Lane right-of-way adjacent to the school property, which is scheduled to be considered by the City Commission at their regularly scheduled meeting on February 12, 2019. The section of Meadow Lane right-of-way proposed to be vacated is included in this plat. Any approval of the plat will be contingent upon approval of the vacation of the City Commission.

Public Works has reviewed the plat and has no concerns. Staff recommends approval of the Richard Warren School Final Plat.

Chairman Byrne asked for questions from the commissioners about the staff report.

Ms. Bohnsack asked if there are any utilities that the city will maintain an easement under the vacated area of Meadow Lane.

Ms. Hurley stated any easements have been accounted for and shown on the plat. The engineer can elaborate on that. As far as the actual right-of-way, no specific easement will be maintained for that; just the utilities.

Ms. Bohnsack asked what Tract A, south of the right-of-way, was originally designated for.

Ms. Hurley stated she is not sure but Matt Dedeke, who is with the school district, could answer that question.

Ms. Bohnsack asked if Tract A was for a drainage tract.

Ms. Hurley responded it is not.

Matt Dedeke, Director of Facilities for Leavenworth Public Schools, approached the board. Mr. Dedeke stated they have started the process to add a building to the north of the existing school. In preparation for this, they looked at their property and platting. The school district is asking to allow the final plat, which would include vacating Meadow Lane, and then combine the lots under the 3501 New Lawrence Road address. Additionally, if the vacancy is approved, the tree line that would sit close to the new building would be close to the parking lot. For safety/security reasons, this would allow the school to maintain the tree line and keep the undergrowth under control.

Chairman Byrne asked if there are any questions or discussion from the commissioners. With no additional questions/discussion, Chairman Byrne called for a motion. Mr. Karrasch moved to approve the final plat 2019-02 SUB based on the finding of facts, the information presented and contingent upon vacation approval of Meadow Lane by the City Commission, seconded by Ms. Bohnsack and approved by a vote of 6-0.

## **2. 2019-03 TXT – TEXT AMENDMENTS**

Hold a public hearing for proposed text amendments to the adopted Development Regulations.

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 December 3, 2018, the Planning Commission reviewed proposed text amendments which are now presented for public hearing and vote.

- **Section 3.02 Applicability and Exemptions; Subsection B.1**

Language should read “The division of land into parcels or tracts of NOT more than five acres and not involving any new streets or easements of access and not affecting major streets.”

- **Section 4.04; Use Standards**

Add provision for Accessory Dwelling Units in residential areas (Section 4.04; Subsection B.5.d):

- d. Accessory Dwelling Units. Accessory Dwelling Units (ADUs) may be approved by Special Use Permit in any residential zoning district subject to the following conditions:
  - (1) Shall be compatible with the design of the principal dwelling unit.
  - (2) Shall respect the general building scale and placement of structures to allow sharing of common space on the lot, such as driveways and yards.
  - (3) Shall not have a separate driveway entrance from the street(s) to which the property is adjacent.
  - (4) Shall be 900 square feet or smaller in size, not to exceed 33% of the floor area of the principal dwelling unit.
  - (5) Either the principal dwelling unit or the accessory dwelling unit must be occupied by the owner of the premises.
  - (6) Shall be subject to all applicable residential building codes.
  - (7) Lots containing accessory dwelling units shall contain a minimum of two off-street parking spaces, exclusive of garage space.

Mr. Byrne asked how the compatibility of design of the accessory dwelling unit and the principal dwelling unit will be enforced.

Ms. Hurley responded that if someone was applying to build an accessory dwelling unit on their lot, we would expect the applicant to bring building elevations when they apply for the Special Use Permit so a subjective decision could be made. This would allow a subjective review by the Planning Commission when the Special Use Permit is reviewed.

- **Section 4.04; Use Standards**

Add provision for Massage Therapy establishments as home occupation allowed by issuance of a Special Use Permit, as adopted previously in city ordinance by the City Commission.

- **Section 4.04 Use Standards; Subsection B.3.a**

Variations in size for detached garages should be approved through Board of Zoning Appeals process, not Special Use Permit process.

- **Section 8.04 Permits; Subsection C**  
Add “decorative light pole banners, which may not include any business or advertising information” as a type of sign excluded from permit.
- **Article 8.08; Signs Permitted in All Residential Districts**  
Add size standards for neighborhood identification monument signs in residential areas.
- **Section 10.01; Solar Energy**  
Remove requirement for Special Use Permit to install solar energy system with over 500 sqft of collection surface.
- **Article 12; Definition**  
Add definition for “Indoor Commercial Recreation”
- **Appendix A; Use Table**
  - “Live/Work Dwellings” allowed use in commercial zoning districts
  - Add use type for “Event Venue”
  - “Private Solar Collection Systems” allowed use in all districts
  - “Commercial Solar Collection Systems” allowed with SUP in all districts
  - “Commercial Wind Energy Systems” allowed with SUP in additional districts
  - Move “Athletic Facilities” from Commercial Services subsection to Recreation and Entertainment, Outdoor subsection

Mr. Byrne asked if by definition for Commercial Solar or Windy Energy is that the individual who owns it would be selling the energy.

Ms. Hurley responded in the affirmative. For example, if Westar wanted to put in a wind energy field, they would apply for a special use permit. Staff would review it as well as the Planning Commission.

Mr. Byrne stated he understands a R1-25 district coming in for a special use permit but wants to know if we even want to give the smaller zoned areas, such as R1-6, the opportunity to get a special use permit.

Ms. Hurley stated that if for the Planning Commission and City Commission to decide. Staff’s thinking was that we are not familiar with every single parcel of land within the city; so there may be a situation where a large parcel in the R1-6 district which the owner may want to install a small solar collection field which might end up being acceptable.

Mr. Karrasch asked for clarification on the smaller solar collection system. We are allowing it in non-residential with a permit as permissible and that would include private companies that may want to put solar collection panels on their roofs.

Ms. Hurley stated that is correct. For example, if Cereal Ingredients wants to put a solar collection system on their roof or a ground mounted system they would need to meet our requirements but they would have the opportunity to do that for their business. They could not sell energy but could use it for their own business.

**ACTION/OPTIONS:**

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

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

With no further discussion, Chairman Byrne called for a motion. Ms. Leonhard moved to approve 2019-03 TXT text amendments, seconded by Ms. Whitson and approved by a vote of 6-0.

### **3. ELECTION OF OFFICERS**

Selection of board members to hold the position of Chairperson and Vice Chairperson for the Planning Commission.

Chairman Byrne called for nominations for the Chairperson. Ms. Leonhard nominated Mr. Byrne. With no one seconding the nomination, Chairman Byrne called for another nomination. Mr. Karrasch nominated Ms. Whitson, seconded by Mr. Burke and passed by a unanimous vote of 6-0.

Chairman Byrne called for nominations for the Vice Chairperson. Mr. Karrasch nominated Ms. Leonhard, seconded by Ms. Whitson and passed by a unanimous vote of 6-0.

With no further business the meeting was adjourned at 6:34 p.m.

JH/mb