



CITY OF OSAWATOMIE PLANNING AND ZONING COMMISSION MEETING AGENDA

December 12 2023 | 5:00 pm | Memorial Hall 411 11th Street, Osawatomi KS 66064

1. Roll Call (Chairman Cutburth)
2. Adoption of the Agenda (Chairman Cutburth) **Action Required.**
3. Approval of Minutes:
 - 3a. Minutes from the Meeting on November 14, 2023. **Action Required.**
4. Public Hearing in regard to application REZ2023-02 - Rezoning of 1009 Pacific. (Chairman Cutburth)
 - a. Open the Public Hearing at _____pm
 - b. Take Public Comment on the application REZ2023-02
 - c. Close the Public Hearing at _____pm
5. Review and make recommendation on application REZ2023-02
 - a. Staff Report – Mike Scanlon (included in packet)
 - b. Questions for the Applicant
 - c. Planning and Zoning Commission deliberations and recommendation on REZ2023-02. **Action Required.**
6. Finalizing the Survey for Public Input on the City’s Comprehensive Plan.
 - a. Question by question review. **Action Required.**
7. Planning Commission membership discussion and action.
 - a. Review of current Codes and Code requirements – **fixing terms.**
 - b. Proposed Planning Commission expansion in membership and recommendation to City Council. **Action Required.**
8. Adjournment of the meeting.

Building and Codes Department
509 5th Street
PO Box 37
Osawatomie, Kansas 66064
(913) 755 - 2146
codes@osawatomieks.org



City Hall
439 Main Street
PO Box 37
Osawatomie, Kansas 66064
(913) 755 - 2146
info@osawatomieks.org

REZONING APPLICATION FORM

Return Form to:
Codes Administrator
PO Box 37
Osawatomie, KS 66064-0037
(913) 755-2146

For Office Use Only

Case No.: _____
Filing Fee: _____
Deposit: _____
Date Advertised: _____

Codes@osawatomieks.org

Date Notices Sent _____
Public Hearing Date: _____

APPLICANT: ALCOVE DEVELOPMENT, LLC PHONE: 913-954-0801
ADDRESS: PO BOX 3789, LAWRENCE, KS ZIP: 66046
OWNER: 1009 PACIFIC, LLC PHONE: 816-507-6989
ADDRESS: 4391 W. 89TH WAY, WESTMINSTER, CO ZIP: 80031
EMAIL CONTACT: DBAKER@ALCOVEPROPERTY.COM
LOCATION OF PROPERTY: 1009 PACIFIC, OSAWATOMIE, KS

LEGAL DESCRIPTION: LOTS 8, 9, 10, 11, 12, 13, 14, 15, 16 AND 17, BLOCK 1, JONES SUBDIVISION OF LOT 11 OR MARY G. CRANE'S ADDITION TO THE CITY OF OSAWATOE, MIAMI COUNTY, KANSAS.

Present Zoning R1 Requested Zoning: R3

Present Use of Property: ABANDONED AND VACANT ELEMENTARY SCHOOL

SURROUNDING LAND USE AND ZONING:

	<u>Land Use</u>	<u>Zoning</u>
North	<u>RESIDENTIAL</u>	<u>R1</u>
South	<u>RESIDENTIAL</u>	<u>R1</u>
East	<u>RESIDENTIAL</u>	<u>R1</u>
West	<u>RESIDENTIAL</u>	<u>R1</u>

CHARACTER OF THE NEIGHBORHOOD: RESIDENTIAL
(Residential, commercial, industrial, rural, mixed use, parkland, etc.)

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REQUIRED ATTACHEMENTS:

_____ Certified list of property owners within 200 feet obtained from Miami County Clerk's Office (within 1,000 feet if at the corporate limits of the City)

_____ Copy of notice letters and certified mail receipts to property owners

SIGNATURE _____

DATE: _____

BY: _____

TITLE: _____

[Handwritten Signature]

10/25/23

Dustin K. Baker

Manager

1009 Pacific Ave- 200 ft. Landowner Buffer R

OwnerName	MailAddr	PIDdash
MATNEY, MICHAEL E & KIMBERLEY K	924 BROWN AVE OSAWATOMIE, KS 66064	061-172-10-0-40-09- 010.00-0
SHAY, TONY N & ASTRID C	930 BROWN AVE OSAWATOMIE, KS 66064	061-172-10-0-40-09- 009.00-0
DAMRON, BROOKS	1002 BROWN AVE OSAWATOMIE, KS 66064	061-172-10-0-40-08- 020.00-0
KING, BRIAN M	1004 BROWN AVE OSAWATOMIE, KS 66064	061-172-10-0-40-08- 019.00-0
HOGUE, JOHNNY K JR & PATRICIA BRANN	1008 BROWN OSAWATOMIE, KS 66064	061-172-10-0-40-08- 018.00-0
BRAND, CHARLES R & HELEN V	38768 CRESCENT HILL RD OSAWATOMIE, KS 66064	061-172-10-0-40-08- 017.00-0
SLYTER REAL ESTATE 5, L.L.C.	29796 HEDGE LANE PAOLA, KS 66071	061-172-10-0-40-08- 016.00-0
REAVIS, PHILIP A & JOY L TRUST	PO BOX 11 OSAWATOMIE, KS 66064	061-172-10-0-40-08- 015.00-0
LYNN, SCOTT E	1030 BROWN AVE OSAWATOMIE, KS 66064	061-172-10-0-40-08- 014.00-0
JUSTESEN, WILLIAM JOHN & HEATHER	PO BOX 548 OSAWATOMIE, KS 66064	061-172-10-0-40-08- 013.00-0
DEVIN, NICOLAS & DENT-FREDRICKS, HAYLEY & NEEDHAM, MISTY D	922 N CEDAR OTTAWA, KS 66067	061-172-10-0-40-12- 007.00-0
HALL, GARY DON & POTTER, PAUL DEAN	933 BROWN AVE OSAWATOMIE, KS 66064	061-172-10-0-40-12- 008.00-0
RENTAL IMPACT, LLC	7910 W 99TH ST OVERLAND PARK, KS 66212	061-172-10-0-40-12- 009.00-0
1009 PACIFIC LLC	4391 W 89TH WAY WEST MINSTER, CO 80031	061-172-10-0-40-13- 001.00-0
BALLOU, TERRY R JR	PO BOX 352 OSAWATOMIE, KS 66064	061-172-10-0-40-13- 002.00-0
CARLTON, JERE L	1025 BROWN AVE OSAWATOMIE, KS 66064	061-172-10-0-40-13- 003.00-0
MCROBERTS EDWARD L & MARSHA M	1029 BROWN AVE OSAWATOMIE, KS 66064	061-172-10-0-40-13- 004.00-0
RENTAL IMPACT,	7910 W 99TH ST	061-172-10-0-40-13-

OwnerName	MailAddr	PIDdash
LLC	OVERLAND PARK, KS 66212	005.00-0
JC MANAGEMENT GROUP LLC	7715 SHAWNEE MISSION PKWY #STE 100 OVERLAD PARK, KS 66202	061-172-10-0-40-12-012.00-0
FLM PROPERTIES LLC	6607 SUMMER BLOSSOM LN LAKEWOOD RANCH, FL 34202	061-172-10-0-40-13-006.00-0
MANNING, EMILY A	934 PACIFIC OSAWATOMIE, KS 66064	061-172-10-0-40-12-011.00-0
JOE MORELAND, LLC	P.O. BOX 430 OSAWATOMIE, KS 66064	061-172-10-0-40-12-010.00-0
BARKER, CHARLES R	1020 PACIFIC OSAWATOMIE, KS 66064	061-172-10-0-40-13-013.00-0
DEREMUS, KIMBERLY S	1026 PACIFIC OSAWATOMIE, KS 66064	061-172-10-0-40-13-012.00-0
WEITER, CAYLEIGH	1028 PACIFIC OSAWATOMIE, KS 66064	061-172-10-0-40-13-011.00-0
LADUEX, KAREN S	1030 PACIFIC OSAWATOMIE, KS 66064	061-172-10-0-40-13-010.00-0
MARTIN, ADAM	1040 PACIFIC AVE OSAWATOMIE, KS 66064	061-172-10-0-40-13-009.00-0
LACEY, SAMANTHA	925 PACIFIC AVE OSAWATOMIE, KS 66064	061-172-10-0-40-18-008.00-0
CHILDS, ELAINE K	931 PACIFIC OSAWATOMIE, KS 66064	061-172-10-0-40-18-009.00-0
BIRCHARD, CHRISTINA I	937 PACIFIC OSAWATOMIE, KS 66064	061-172-10-0-40-18-010.00-0
NEWCOMB, STANLEY DALE & VALERIE J.	2347 W 51ST ST WESTWOOD, KS 66205	061-172-10-0-40-17-001.00-0
STEPHENS, DAVID & KATRINA	700 10TH ST OSAWATOMIE, KS 66064	061-172-10-0-40-17-002.00-0
DAVIS, STEVEN	32 PASADENA DR OLATHE, KS 66061	061-172-10-0-40-17-003.00-0
MENDEZ, DELMY XIOMARA AMAYA	704 10TH ST OSAWATOMIE, KS 66064	061-172-10-0-40-17-018.00-0
PLUM CREEK PROPERTIES LLC #2	37265 PLUM CREEK RD OSAWATOMIE, KS 66064	061-172-10-0-40-17-004.00-0

OwnerName	MailAddr	PIDdash
ZALDIVAR, CARLOS A	3147 DOUGLAS RD RICHMOND, KS 66080	061-172-10-0-40-17- 005.00-0
DONHAM, GRACE H	1037 PACIFIC OSAWATOMIE, KS 66064	061-172-10-0-40-17- 006.00-0
BRANAM, SKYE	708 10TH ST OSAWATOMIE, KS 66064	061-172-10-0-40-17- 017.00-0

Miami County GIS



439 Main Street
P.O. Box 37
Osawatomie, KS 66064



913 755 2146 (p)
913 755 4146 (f)
info@osawatomiaks.org

NOTICE OF PUBLIC HEARING OSAWATOMIE PLANNING COMMISSION

December 12, 2023

The Osawatomie Planning Commission will hold a public hearing December 12, 2023 at 5:00 pm at Memorial Hall, 411 11th Street, Osawatomie, Kansas. The purpose of the meeting is to hear public comments for the rezoning of the Swenson Early Childhood Education building. The proposed project will include the development of up to 20 to 24 elderly cottage apartments.



Any and all parties are welcome to come and be heard.

Those who wish to comment are urged to attend the hearing or may submit comments in writing 2 days prior to the meeting, to Bret Glendening, 509 5th Street; P.O. Box 37; Osawatomie, KS 66064.



Item: REZ2023-002

City Staff Report – Dated 12/8/2023

Planning and Zoning Commission

Meeting: 12/12/2023

Project Name: Swenson School Remodel – Alcove Development

Public Hearing Required

12/12/2023 @ 5:00 pm (Memorial Hall) before Planning and Zoning Commission

Case Number: REZ2023-002

Project Location: 1009 Pacific

Applicant: Alcove Development LLC

Executive Summary

Request Approval: Rezoning from R1 to R3

Current Zoning: R-1

Proposed Use: R-3 (Multifamily)

Proposed Development: Multifamily-Senior Housing

Land Area: 1.75 Acres

Related Case: None



Staff Proposed Motion:

Move to approve REZ2023-002, subject to stipulations a-e.

General Comment:

This property was sold to 1009 Pacific LLC by USD-367 (Osawatomie School District) in December 2016 for \$1.00. There have been more than 50 complaints lodged against the current owners for everything from mowing violations to missing windows to unsecured structure. In the spring of 2023, the City was contacted by Alcove Development LLC (Alcove) of their interest in the properties potential reuse. Since that time Alcove has entered into a Pre-Development Agreement with the City (September 12, 2023) and went under contract with Mr. Burhle (owner of the 1009 Pacific LLC which owns 1009 Pacific) for the sale of the property on September 16, 2023. Alcove is currently in the process of obtaining historic designation for the property and will be looking to match Historic Tax Credits with Housing Tax Credits over the coming year. These types of projects require committed developers with expertise in all manners of tax credits and potentially an RHID to assist. These are not “cheap nor inexpensive” projects to bring to fruition. But before they can continue their work the property needs to be considered and approved for rezoning from R1 to R3.

1. Background:

Vicinity Description: Character of the neighborhood, zoning and uses of nearby property.

Vicinity	Comprehensive Plan Designation	Land Use	Existing Development	Zoning
North	N/A	Residential	Neighborhood – Residential	R-1
South	N/A	Residential	Neighborhood – Residential	R-1
East	N/A	Residential	Neighborhood – Residential	R-1
West	N/A	Residential	Neighborhood – Residential	R-1
Subject Property 1009 Pacific	N/A	Governmental	Governmental – School	R-1

2. Site/Project History:

Suitability of the property for the uses it is currently zoned. Length of time the property has remained vacant as zoned.

- This property has sat vacant for seven (7) years and is a steady state of decline.
- No viable plans for this property have been submitted to the City for consideration.

3. Project Description / Summary:

- a. Overview: The applicant is requesting a Rezoning to R-3, Residential – High Density District to allow for a senior housing project. The current footprint of the building (24,246 sq ft) would be used to. Build between 20-24 units and the project would allow for 36 parking spaces on the site. Exhibit A is the Architectural Site Plan
- b. Connectivity:
 - i. Site Plan: The site is accessed from multiple points along its perimeter.
 - ii. Sidewalk Plan: The current Architectural Site Plan does not provide enough detail as to sidewalk connections on the north and south side of the property and needs further clarification.
- c. Parking Analysis: A total of 36 parking spaces are provided. The current code requirement is “One and one-half spaces per dwelling unit. Multifamily dwelling units designed specifically for the elderly, one space per two dwelling units.”
- d. Design Details:
 - i. Building Elevations: The building will have exterior modifications in design but overall building envelope and finished will remain the same or similar.
 - ii. Landscape Plan: The current Architectural Site Plan does not provide enough detail as to the overall landscaping of the property and needs further clarification.

4. Traffic Analysis:

Extent of the proposed use will not adversely affect the capacity or safety of the road.

- a. Overview: Given the previous use of the property and based upon trip generation information found in the Institute of Transportation Engineers Trip Generation Manual, 10th Edition the proposed use will generate less traffic and a detailed Traffic Analysis is not required.

5. Stormwater Analysis:

Extent to which the proposed use would create excessive stormwater run-off.

- a. Overview: The proposed development does not increase the impervious surface area of the site, and based on discussion with the developer we believe there could be modest increase (less than 10%) in pervious surface area which would improve overall performance during rain events.

6. Zoning District Analysis/Deviation:

The ability of the applicant to satisfy any requirements applicable to the specific use.

- a. Overview: Staff has reviewed the project against City code provisions and finds that all applicable requirements have been met.

7. Parking Ordinance Waiver:

The ability to adequately park or grant a reasonable deviation to parking requirements.

- a. Overview: None requested or required.

8. Planning Policy Evaluation:

The extent to which approval would detrimentally affect nearby properties. Extent to which there is a need for the use in the community. The conformance of the proposed use to the Comprehensive Plan and other planning policies.

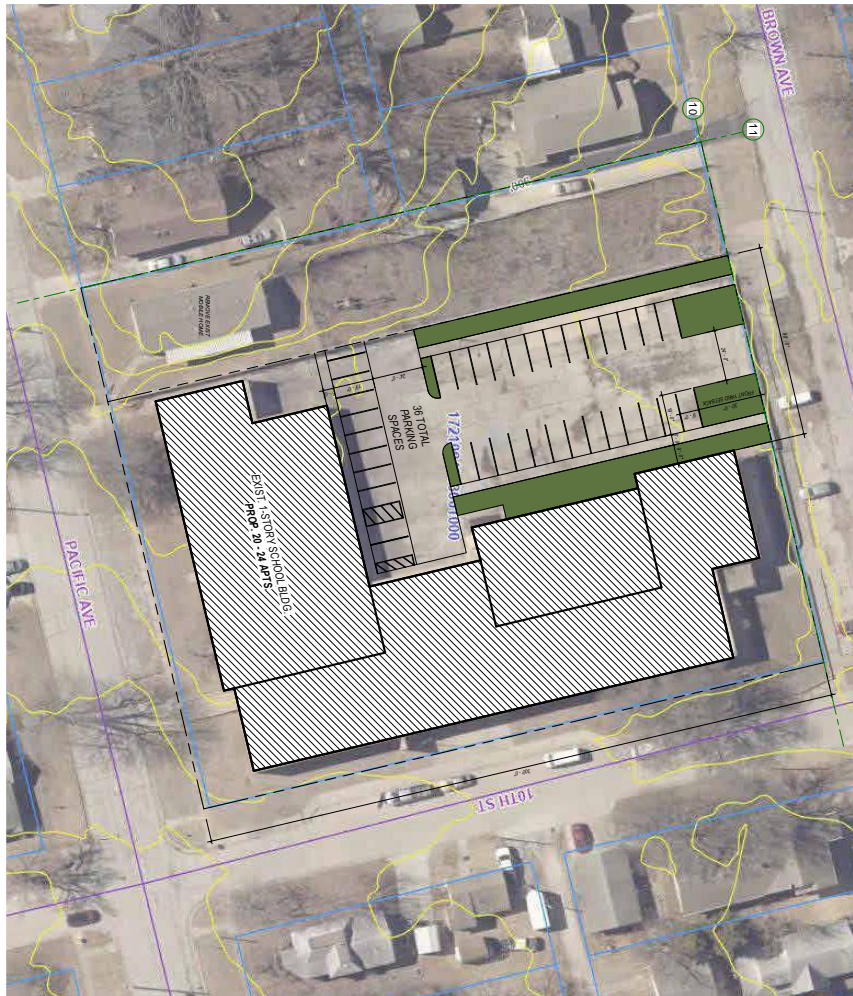
- a. Future Development Plan: Not applicable – already developed neighborhood.
- b. Goals and Policies of the Comprehensive Plan: Not applicable – as they have not been developed at this point. City operates from current zoning maps and community direction.

9. Recommendation of City's Professional Staff:

Staff recommends approval of Application REZ2023-02, subject to the following stipulations:

- a. The development shall be in accordance with Exhibit A (Architectural Site Plan). Provided, subsequent revisions may be made thereto in accordance with the application, notice, and other requirements of the city. In addition, the development shall follow and comply with all regulations and standards of the City of Osawatomie unless specifically exempted by the Governing Body.
- b. Prior to the submittal of a building permit, the Planning Commission shall approve a final development plan.
- c. Development of the site shall be limited to 24,426 square feet.
- d. Concurrent with the submittal of construction plans, the applicant shall provide a separate copy of the landscape plan.
- e. Prior to the issuance of a certificate of occupancy, all sidewalk ramps, and sidewalks in the public right-of-way adjacent to the property shall be constructed or reconstructed to conform with current public sidewalk ramp requirements, including the installation of truncated domes where applicable.

1 ARC 1° 20'-0"



OSAWATOMIE, KS 66064

AS1.0

ARCHITECTURAL SITE PLAN	Date: 2022.10.3 Drawn by: MEB Checked by: SCH Remarks:
----------------------------	---

Herby HERBIVORES INC.
 1100 Rth 200 N. Hwy
 Lawrenceville, GA 30046
 Tel: 770.962.1000

1

ITEM 6

The purpose of this survey is to gather information from the public related to the development of the Osawatomie Comprehensive Plan 2040.

1. Should the City allocate funds to repair and install sidewalks (incl. trails)?

- ☐ Always
- ☐ Usually
- ☐ Sometimes
- ☐ Rarely
- ☐ Never

2. Should the City allocate funds for bicycle infrastructure?

- ☐ Always
- ☐ Usually
- ☐ Sometimes
- ☐ Rarely
- ☐ Never

3. How often do you walk or use a bicycle for transportation?

- ☐ A great deal
- ☐ A lot
- ☐ A moderate amount
- ☐ A little
- ☐ Not at all

4. How valuable do you believe walking is in making a vibrant Osawatomie downtown?

- ☐ Extremely valuable
- ☐ Very valuable
- ☐ Somewhat valuable
- ☐ Not so valuable
- ☐ Not at all valuable

5. How would you rate the quality of parks and trails in Osawatomie?

- ☐ Very high quality
- ☐ High quality
- ☐ Neither high nor low quality
- ☐ Low quality
- ☐ Very low quality

6. Which of the following areas do you believe provide the greatest opportunity for economic development in Osawatomie? (select one)

- ☐ The Osawatomie State Hospital
- ☐ Mile 0 Trailhead for the Flint Hills State Park
- ☐ The old downtown area
- ☐ The east side of town between US 169 and first street?
- ☐ Undeveloped Northland properties

7. Should the City of Osawatomie promote home-ownership?

- ☐ Yes
- ☐ No

8. What type of housing should the City of Osawatomie encourage?

- ☐ Single-Family ownership
- ☐ Single-Family rental
- ☐ Multi-Family ownership
- ☐ Multi-Family rental
- ☐ Senior housing ownership
- ☐ Senior housing rental

9. Do you feel the housing offered in Osawatomie fits your price range?

- ☐ Yes
- ☐ No

10. Do you support Osawatomie efforts to provide a mix of housing to attract people at various life stages?

- ☐ Yes
- ☐ No

11. Do you support the City of Osawatomie encouraging new apartments?

- ☐ Yes
- ☐ No

12. Do you believe the city should pass building code changes that increase the energy efficiency of newly constructed residential properties ?

- ☐ Yes
- ☐ No

13. How would you rate the quality of life in Osawatomie? (with five stars being the highest rating)



14. Do you believe the quality of life in Osawatomie will improve over the next five years?

☐ Yes

☐ No

15. Do you believe improving downtown will increase the quality of life in Osawatomie?

☐ Yes

☐ No

16. Do you believe improving sidewalks and trails will improve the quality of life in Osawatomie?

☐ Yes

☐ No

17. Do you believe maintaining streets, sidewalks and city utilities are important?

☐ Strongly agree

☐ Agree

☐ Neither agree nor disagree

☐ Disagree

☐ Strongly disagree

18. How important do you feel getting a grocery store is to the long-term success of the community?

☐ Extremely important

☐ Very important

☐ Somewhat important

☐ Not so important

☐ Not at all important

19. How important is property maintenances and neighborhood preservation to the quality of life in Osawatomie?

☐ Extremely important

☐ Very important

☐ Somewhat important

☐ Not so important

☐ Not at all important

20. How important do you believe achieving National Historic Parks Status for John Brown Park is to Osawatomie's quality of life?

- ☐ Extremely important
- ☐ Very important
- ☐ Somewhat important
- ☐ Not so important
- ☐ Not at all important

21. How would you describe accessibility to the parks, city lake and other city owned properties?

- ☐ Excellent
- ☐ Acceptable
- ☐ Poor
- ☐ No Opinion

22. What public property needs the most improvement (or has been most neglected).

- ☐ City Auditorium
- ☐ City Parks
- ☐ Memorial Hall
- ☐ Old Stone Church
- ☐ Infrastructure
- ☐ Schools
- ☐ City Offices / City Hall
- ☐ Library

23. Would you consider creating a better trail connection between the City Lake and Town?

- ☐ Great idea
- ☐ Would like to hear more
- ☐ Not sure
- ☐ Bad idea

ITEM 7 ON AGENDA

Current Code – City of Osawatomie – Chapter 16

Article 1. City Planning Commission/Board Of Zoning Appeals

16-101. Commission re-establishment.

There is hereby established the Osawatomie City Planning Commission which is composed of five members of which all members shall be residents of the city.

(Code 2008; Code 2018)

16-102. Membership, terms, interest and compensation.

The members of the planning commission shall be appointed by the mayor with the consent of the governing body at the first regular meeting of the governing body in January of each year and take office at the next regular meeting of the commission. All members shall be appointed for staggered terms of three years each. The appointments shall be so made that the terms of office of no more than two members expire within the same year. Members of the planning commission shall continue to serve in their positions after their terms expire, until replaced or reappointed. In case of death, incapacity, resignation or disqualification of any member, appointment to such a vacancy on the commission shall be made of the unexpired term of the member leaving the membership. Should any member have a conflict of interest, either directly or indirectly, in any matter coming before the commission, he or she shall be disqualified to discuss or vote on the matter. The governing body may adopt rules and regulations providing for removal of members of the commission. Members of the commission shall serve without compensation but may be reimbursed for expenses actually incurred in the performance of their duties as deemed desirable by the governing body.

(Code 2008; Code 2018)

16-103. Meetings, officers and records.

The members of the planning commission shall meet at such time and place as may be fixed in the commission's bylaws. The commission shall elect one member as chairperson and one member as vice-chairperson who shall serve one year and until their successors have been elected. A secretary shall also be elected who may or may not be a member of the commission. Special meetings may be called at any time by the chairperson or in the chairperson's absence by the vice-chairperson. The commission shall adopt bylaws for the transaction of business and hearing procedures. All actions by the commission shall be taken by a majority vote of the entire membership of the commission; except that, a majority of the members present and voting at the hearing shall be required to recommend approval or denial of an amendment to the zoning regulations, a rezoning amendment or a special use permit. A proper record of all the proceedings of the commission shall be kept. The commission, from time to time, may establish subcommittees, advisory committees or technical committees to advise or assist in the activities of the commission.

(Code 2008)

16-104. Powers and duties.

The governing body and planning commission shall have all the rights, powers and duties as authorized in K.S.A. 12-741 et seq., and amendments thereto, which are hereby incorporated by reference as part of this section and shall be given full force and effect as if the same had been fully set forth. The commission is hereby authorized to make or cause to be made, adopted and maintained a comprehensive plan for the city and any unincorporated territory lying outside of the city but within Miami County in which the city is located, which in the opinion of the commission forms the total community of which the city is a part. The commission shall also cause to be prepared, adopted and maintained zoning and subdivision regulations on all land within the jurisdiction designated by the governing body. The comprehensive plan and zoning and subdivision regulations are subject to final approval of the governing body by ordinance. Periodically, the governing body may request the commission to undertake other assignments related to planning and land use regulations.

(Code 2008)

16-105. Board of zoning appeals.

The planning commission is hereby designated to also serve as the city's board of zoning appeals with all the powers and duties as provided for in K.S.A. 12-759. The board shall adopt rules in the form of bylaws for its operation which shall include hearing procedures. Such bylaws shall be subject to the approval of the governing body. Public records shall be kept of all official actions of the board which shall be maintained separately from those of the commission. The board shall keep minutes of its proceedings showing evidence presented, findings of fact, decisions and the vote upon each question or appeal. A majority of the members of the board present and voting at the hearing shall be required to decide any appeal. Subject to subsequent approval of the governing body, the board shall establish a scale of reasonable fees to be paid in advance by the appealing party.

(Code 2008)

16-106. Budget.

The governing body shall approve a budget for the planning commission and make such allowances to the commission as it deems proper, including funds for the employment of such employees or consultants as the governing body may authorize and provide, and shall add the same to the general budget. Prior to the time that moneys are available under the budget, the governing body may appropriate moneys for such purposes from the general fund. The governing body may enter into such contracts as it deems necessary and may receive and expend funds and moneys from the state or federal government or from any other resource for such purposes.