



CITY OF OSAWATOMIE PLANNING AND ZONING COMMISSION

MEETING AGENDA

January 9, 2024 | 5:00 pm | Memorial Hall 411 11th Street, Osawatomie 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 December 12, 2023 **Action Required.**
4. Future Land Use Map **discussion and link to the map.**

<https://indi8ca631e0a994.maps.arcgis.com/apps/instant/exhibit/index.html?appid=e5e9b8ff67954d88b3d0bbc19d0bac08>

5. Planning Commission Update –
 - a. City Council will consider the expansion of the Planning Commission on January 11, 2024.
 - b. City Council will consider a Temporary Moratorium on Zoning Changes on January 25, 2024.
 - c. Ongoing Calendar for Comprehensive Plan. **Update and modifications?**
6. Adjournment (Motion of the Body). **Action Required.**

City of Osawatomie – Planning and Zoning Commission Minutes of the December 12, 2023

Osawatomie, Kansas. **December 12, 2023.** Planning Commission Meeting was held at Memorial Hall located at 411 11th Street, Osawatomie, KS 66064. Chairperson Will Cutburth called the meeting to order at 5:02 pm. Planning Commissioners present were: Mr. John Wastlund(arr. 5:04 pm), Mr. Brian King, Mr. Tyler Wright, Ms. Denise Bradley(arr. 5:05 pm), and Mr. Dale Samuels. Also attending were Michael Scanlon, Our City Planning LLC. Public present included; Mr. Philip Reavis, Ms Joy Reavis, Ms. Sarah Markwell, Mr Herek Henness, Ms. Karen LaDuex, Ms. Shannon Gilmore, Ms. Emily Duncan, Mr. Wes Duncan, Ms. Helen Wetzal, Mr. Bryan Wetzal, Mr. Jeff Dorsett, Mr. Kevin Schasteen, Mr. Dale Bratton and Ms. Michelle Chester. Also attending Mr. Dustin Baker, Alcove Development LLC and Mr. GW Weld.

ADOPTION OF THE AGENDA. Approval of December 12, 2023 Agenda. Chairman Cutburth asked the Agenda be approved as presented. **Motion** made by Mr. Wright, seconded by Mr. King to approve the Agenda. Yeas: All.

APPROVAL OF THE MINUTES. The minutes of the meeting of November 14, 2023 were made available to the Planning Commission in their packet and considered for approval. Chairman Cutburth moved that the minutes of the meeting of November 14, 2023 be approved, seconded by Ms. Bradley. Yeas: All.

PUBLIC HEARING IN REGARDS TO APPLICATION REZ2023-02 - REZONING OF 1009 PACIFIC. Chairman Cutburth opened the public hearing at 5:04 pm and asked the public to share their concerns and questions about the matter of REZ2023-02 – Rezoning of 1009 Pacific. Chairman Cutburth said any questions that can't be answered tonight will be written down and responded to.

Ms. Sarah Markwell of 924 Pacific Ave. said her two concerns were

1. Would the Asbestos and would that be abated? and
2. What's impact on property values and property taxes because of the proposed development.

Mr. Scanlon responded that Mr. Baker in his presentation will address the asbestos. Mr. Scanlon said however that asbestos abatement would occur in the normal course of construction. Mr. Scanlon also stated that given the condition of the property currently he would expect the proposed project would increase the condition and value of it. That increase in value could have an impact on surrounding property values that are positive – that would be the expectation. Mr. Scanlon stated it's the County Appraiser that determines values and not the City. The City levies taxes on properties based on overall values in the community.

Mr. Philip Reavis of 116 14th St. also stated he had a concern about asbestos and he understood it would be taken care of. Mr. Reavis also asked about Historic Tax Credits and whether or not the school was currently considered a historic structure.

Mr. Scanlon responded that it was not yet registered as a historic structure but would in time. That designation then allows the developer to seek Historic Tax Credits(HTC). Mr. Scanlon stated that Mr. Baker would cover the HTC in his presentation.

There being no further public comment the Public Hearing was closed at 5:12 pm.

REVIEW AND MAKE RECOMMENDATION ON APPLICATION REZ2023-02 - REZONING OF 1009 PACIFIC.

Staff Presentation: Mr. Scanlon stated that there were two handouts available tonight.

1. The first is the presentation he will give titled “REZONING OF 1009 PACIFIC.
2. The second is the City’s Staff Report on Application: REZ2023-02 – Rezoning of 1009 Pacific.

Mr. Scanlon walked the audience through the presentation which included:

- **History of the property since 1955.** And included summaries of current ownership, the City taking bids on demolition (\$200K) and the overall complexities you have with a project like this.
- **Steps in the Process.** Mr. Scanlon then went through the six steps completed or underway in this first phase. Mr. Scanlon wanted to make sure the audience was under no illusion that this would be an easy project to accomplish. Mr. Scanlon stated that he has been through several school building reuses, and stated about half are eventually demolished and the other half are usually very expensive to rehabilitate. That expense is easy to understand because these buildings were designed and built to be schools – and that primary purpose makes reuse very difficult.
- **Stipulations.** Mr. Scanlon stated that at this point there are five stipulations that staff is recommending the Planning Commission to include in their recommendation and presented those. Those stipulations are included in the City Staff Report.

Mr. Scanlon then walked the Planning Commission and audience through the City’s Staff report which recommends the approval of REZ 2023-02. Mr. Scanlon stated that many of the elements found in the report have to do with a famous rezoning case in Kansas that has become case law and created a set of common practices for city planning and zoning in Kansas. The case is Golden v. City of Overland Park. Mr. Scanlon then covered all nine (9) sections of the City Staff Report. At the conclusion Mr. Scanlon asked if there were any questions of the Planning Commission and then invited Mr. Baker to present as the applicant.

Mr. Dustin Baker, Alcove Development LLC introduced himself and his partner in this project GW Weld to the Planning Commission and audience. Mr. Baker then reviewed the expertise and communities his firm works in. Mr. Baker stated that he believes this project is achievable but it will require a combination of grants and tax credits to bring it to fruition. Mr. GW Weld touched briefly on the steps in creating a HTC project. Mr. Baker stated that nothing can be started until there's a rezoning of the property in place. The project they are proposing is an over 55 of age independent senior apartment project that Alcove Development LLC would own and manage. The project would have between 20-24 units. The rezoning if approved then allows him to invest his time and money in putting a project together. Right now there's not a project because the current zoning isn't appropriate. Mr. Baker took questions from the audience as to the type of senior housing project that this would be. He said it was too early to tell and that market studies need to be done, a review of the credits that can be applied for and he and Mr. Weld would need to take a deeper dig into the bones of the structure and anticipated project costs.

Mr. Baker then asked if there were questions from the Planning Commission. Chairman Cutburth and Commissioner Wright asked questions around timing and process. Specifically,

- How long will it take you to get HTCs? Mr. Baker responded that's a year long process and first involves getting the structure on the historic register.
- What do you anticipate the start date to be for the project? Mr. Baker stated that sometime in the year 2025 would be the start date.
- How long do you anticipate this project taking once it's underway? Mr. Baker stated construction should take approximately nine months.

Mr. Baker then took additional questions from the audience including,

- Stormwater concerns. Mr. Baker and GW Weld both stated they would explore ways to create additional green space and limit the runoff to address Ms. Hartwell's concern.
- Concerns about tearing up Brown now that it's been redone. Mr. Baker said he understands that any impact or damages need to be avoided as it relates to the improvements made to Brown St..
- Concerns about on-site management of the apartments. Mr. Weld stated an Apartment Complex needs to have about 100 units before they would consider an on-site manager and given the project size (20-24) units they can manage it by an emergency repair contact in the area and then managing other elements out of Lawrence.

Mr. Baker stated that this application is step one and that he and GW look forward to working with the City and their neighbors. Mr. Baker also promised to get his contact information out to the people that attended the meeting tonight.

There being no further questions Mr. Cutburth returned the item for Planning Commission action. Chairman Cutburth moved that the Planning Commission recommended to the City Council approval of application REZ2023-02 the rezoning of 1009 Pacific including stipulations a - e presented by staff. Motion was seconded by Mr. Wastlund. The vote was Yeas: Cuthburt, Wastlund, Wright, Bradley, Samuels. Nos: none Abstention: King

FINALIZING THE SURVEY FOR PUBLIC INPUT ON THE CITY'S COMPREHENSIVE PLAN.

Mr. Scanlon thanked the Planning Commission for the input they provided by email. He stated that he would like to entertain additional questions from the Planning Commission tonight that could be included in the final survey. Mr. Scanlon stated that once complete he will be alerting the City Council to the contents of the survey providing them with a "heads up" before sending it out via email, social media and the City's website. Mr. Scanlon thanked Mr. Wastlund for also making suggestions on the order of questions to assist survey participants in getting through it. Most commissioners like the questions presented. The collective feeling was that on the "types of housing question" survey respondents need to rank the choices. Feeling was that all these housing types are important, but what is the most important housing type? Commission felt by ranking that question we could get a "better feel" of the communities priorities. There was some discussion around the City Lake question with commissioners feeling we should also ask a question around uses. Mr. Scanlon said he'll note those concerns and make the appropriate changes. There being no further questions, Chairman Cutburth made the motion to accept the survey with the comments of the Planning Commission included in the final survey, Mr. Wright seconded. Yeas: All.

PLANNING COMMISSION MEMBERSHIP DISCUSSION AND ACTION.

Mr. Scanlon scanlon stated that there were two parts to this Agenda Item.

- Review of the current City Code and code requirements – and fixing the current terms of Planning Commission members.
- Proposed Planning Commission expansion and membership and recommendation to the City Council.

Mr. Scanlon stated before any action could be taken by the City Council the City Council passed a Resolution that requires a recommendation by the Planning Commission. Mr. Scanlon provided handouts of Chapter 16, sections 16-101 through 16-106. The handout had the relevant areas highlighted for discussion. Mr. Scanlon stated that one of the first things that needs to happen is an agreement on having outside residents participate. The feeling of the Commission was that outside boundary representation seemed appropriate given that in the future the City could very well be dealing with annexations. Then Mr. Scanlon discussed the number of members to mirror the City Council which had previously discussed and there seemed agreement. Then Mr. Scanlon said that it was unclear about terms for the currently serving Planning and Zoning Commission members and that we need to establish those and consider so inside three-year overlapping terms. The Commission agreed with Mr. Scanlon's various recommendations:

1. Nine member commission with one person representing the area outside of the City.
2. Three-year overlapping terms
3. And fixing the remainder of the code to match these recommendations and the current operation of the Planning Commission.

4. Designation of terms

ONE-YEAR TERMS	Wright, Samuels, Wastlund
TWO-YEAR TERMS	New Members
THREE-YEAR TERMS	King, Cutburth, Bradley

There being no further discussion Chairman Cutburth moved that the Planning Commission recommend to the City Council modifications to Chapter 16 of the City Code accounting for the items agreed to in Items 1-4 above. Seconded by King. Yeas: All.

ADJOURNMENT. Motion made by Mr. Wastlund was seconded by Ms. Bradley to adjourn. Yeas: All. The chairperson declared the meeting adjourned at 6:25 p.m.

/s/ Michael Scanlon
Michael Scanlon, Our City Planning LLC