

ITEM NO. 8 RM24 TO CS; 9,297 SQ FT; 1725 NEW HAMPSHIRE ST (MKM)

Z-2-2-09: Consider a request to rezone 9,297 square feet, located at 1725 New Hampshire Street from RM24 (Multi-Dwelling Residential) to CS (Commercial Strip). Submitted by Wally Storey Associates Inc, for Woodoc Investments, LLC, property owner of record.

STAFF PRESENTATION

Ms. Mary Miller presented the item. She reviewed the communication letter from neighbor Ms. Patricia Sinclair.

Commissioner Dominguez inquired about a traffic review of the site.

Ms. Miller said the City Engineer would review traffic during the Site Planning stage.

Commissioner Harris asked if the parking spaces with dashed lines at the bottom of the concept plan were part of the plan.

Ms. Miller said no, those were not part of the plan.

Commissioner Hird inquired about the number of access points on New Hampshire Street.

Ms. Miller said she did not believe another access point would be recommended by the City Engineer.

Commissioner Hird asked if the volume of traffic on New Hampshire Street might increase.

Ms. Miller said yes, it would be possible.

Commissioner Hird asked about the paragraph in the staff report in which the applicants response says to *"Remove an existing structure that has asbestos and clean up the area for the necessary parties."* He asked if that had any impact on staffs findings.

Ms. Miller said no, staff did not have any information on the asbestos.

APPLICANT PRESENTATION

Mr. Robert Farha, Woodoc Investments, LLC, said some of the tiles in the building flooring contains asbestos. He stated that the tenants are protected under the Kansas Landlord/Tenant Act but that he has contacted one of the tenants who has lived in the building for 18 years to assist him in finding a new place to live. He will contact the rest of the tenants once the rezoning is approved to provide them time to move. They all have leases which go to July 30th.

Commissioner Dominguez asked if the other tenants were in their first year of lease.

Mr. Farha replied, yes.

Mr. Wally Storey, was present on behalf of Dillons.

Commissioner Harris asked Mr. Storey what Dillons plans were for the site. She asked if there would be changes to the backside of the building and loading dock as well.

Mr. Storey said at this point in time he did not have that information. He said there were discussions to do work on the backside of the building. He said there would be a right turn in from New Hampshire Street into the new parking lot that would mostly be used for employees. He said Dillons would redesign

the lane for outbound traffic. He said Dillons will use landscape trees to soften the noise between Babcock Place and Dillons.

Commissioner Harris asked if the new parking lot that is mostly for employees would have access to the rest of the property.

Mr. Storey said yes, it would join the existing parking lot.

Commissioner Harris asked if the parking area was for employees only, why did it need access to the lot on Massachusetts Street.

Mr. Storey said the design of the New Hampshire Street access would make exiting from the lot difficult.

Commissioner Harris said one of the concerns of the neighborhood was cut through traffic on New Hampshire Street.

Mr. Storey said the redesign/configuration would allow better control over the traffic flow.

Commissioner Finkeldei said he did not think the Commission should spend too much time on the Site Plan since that is not what is being currently reviewed.

Mr. McCullough said the plan has not gone through the Site Plan review process yet and any concerns could be addressed at that point. He appreciated the comments regarding cut through traffic and traffic safety, and these would be considered during review of the site plan.

PUBLIC HEARING

Ms. Britta Ernst, current resident of the apartment building at 1725 New Hampshire Street, felt that the building was historic and beautiful and should remain standing. She said she enjoys living in the building and does not want it to be turned into a parking lot.

Ms. Patricia Sinclair, resident of the Barker neighborhood, wanted to see Dillons stay at the location but felt that Dillons should not be allowed to do whatever they want at the expense of the safety of the neighborhood. She expressed concerns about drainage, the needs of Babcock Place, safety in private parking lots, and traffic safety to New Hampshire Street. She was concerned about the lack of opportunity for public comment during the site plan process. She asked that the project be deferred until these issues can be worked on.

Commissioner Dominguez said that many of Ms. Sinclair's issues will be reviewed during the site plan stage.

Ms. Sinclair said Site Plans were not public hearings.

Mr. McCullough said Site Plans are administratively approved, but there are public notice signs posted at the site, property owner notification letters sent out, and Site Plans posted to the City website that are emailed through a list serve.

Commissioner Finkeldei asked if Ms. Sinclair could meet with Planning staff and go over her concerns.

Mr. McCullough said yes but pointed out that the Code limited those who can appeal the site plan.

Commissioner Dominguez asked if this would be the only time they would have public comment on the site.

Mr. McCullough said Planning Commission is hearing public comments on the proposed land use.

COMMISSION DISCUSSION

Commissioner Harris asked if Dillons needs extra parking.

Ms. Miller said that Dillons does not currently have the parking that is required and are in non-compliance so Dillons would need to bring the parking into compliance.

Commissioner Moore said it was exciting that someone wanted to expand the Dillons shopping center. He said it was a land use issue and it will bring Dillons into compliance.

Commissioner Finkeldei said that there are traffic issues/impacts to be addressed but that the site plan has a lot of good things, such as landscaping, islands, better flow, and possibly closing one of the Massachusetts Street access points. He hoped that other issues, such as the entrance on New Hampshire Street, could be worked on. He stated that as a zoning issue it was compatible with the zoning around it.

Commissioner Hird said the zoning needs to be objective, not specific to Dillons, and he hopes the site plan will deal with traffic issues. He felt that staff did an excellent job of analyzing the land use issues. He said it was important for neighbors to have a voice in the site plan process.

Commissioner Blaser asked if the site plan would include screening on New Hampshire.

Ms. Miller said yes, there would be landscaping on New Hampshire.

Commissioner Blaser agreed with Commissioner Hird that it was a land use issue. He stated he would vote in favor of the rezoning.

Commissioner Hird felt it was important to have a grocery store in an urban area and if rezoning helps to maintain the grocery store then it would be good for the neighborhood.

Commissioner Dominguez said he lives in the 1600 block of Massachusetts Street and his family walks to Dillons often. He felt the store was important for the neighborhood. He said it was an owners right to sell property and Planning Commissions job is to review land use issues. He said he would support the rezoning.

Commissioner Harris said she had mixed, but mostly positive, feelings. She felt that this could be an opportunity to address existing safety issues, although it was scary to rezone property when the outcome is not known. She said she would trust staff and the public process to come up with a better plan.

ACTION TAKEN

Motioned by Commissioner Moore, seconded by Commissioner Blaser, to approve the request to rezone approximately 9,297 square feet, from RM24 (Multi-Dwelling Residential) to CS (Commercial Strip) based on the findings presented in the staff report and forwarding it to the City Commission with a recommendation for approval.

Unanimously approved 6-0. Student Commissioner Shelton also voted in favor.