

CITY OF LEAVENWORTH PLANNING COMMISSION
COMMISSION CHAMBERS, CITY HALL
100 N 5th Street, Leavenworth, Kansas 66048
REGULAR SESSION
Monday, April 6, 2020
6:00 PM

CALL TO ORDER:

Commissioners Present

Mike Burke
Claude Wiedower
Linda Bohnsack
Chris Murphy
Jay Byrne
John Karrasch
Sherry Hines Whitson

Commissioners Absent

City Staff Present

Julie Hurley
Jacquelyn Porter
Michelle Baragary

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

APPROVAL OF MINUTES: March 2, 2020

Chairman Burke asked for comments or a motion on the minutes presented for approval: March 2, 2020. Mr. Wiedower moved to accept the minutes as presented, seconded by Mr. Murphy. The minutes were approved by a vote of 7-0.

OLD BUSINESS:

None

NEW BUSINESS:

1. 2020-05 SUB – WEST GLEN 3RD PLAT, PRELIMINARY PLAT

Consider a preliminary plat for the West Glen 3rd Plat subdivision.

Chairman Burke called for the staff report.

Planning Director Julie Hurley stated the subject property is owned by JMK Partners, LLC, plat prepared by Napier Engineering. The applicant is requesting approval of a 4 lot preliminary plat for the West Glen residential development. The property is currently vacant and zoned PUD, Planned Unit Development. The property was originally platted as Tract A as part of the West Glen, 1st Plat, approved by the Planning Commission on September 11, 2017. A request to rezoning the subject property from R1-6 (High Density Single Family Residential) to PUD (Planned Unit Development) was recommended for approval by the

Planning Commission on October 1, 2018. That rezoning was requested in order to develop the townhomes that are currently proposed as part of this plat application.

The subject property is 2.32 acres in size, and is currently undeveloped. The site lies to the east of 20th Street, directly south of New Lawrence Road. The plat consists of 4 residential lots with an average size of 20,775 square feet. Each lot will be developed with a townhome consisting of 2 units, for a total of 8 residential units in the development. Also included are associated utility easements and dedication of new public right-of-way, as well as Tract A, which is reserved for landscaping and monument signage.

The plat was reviewed at the January 15, 2020 Development Review Committee meeting. All issues identified have been addressed or will be addressed at the time of construction.

The associated final plat for the development is also on this agenda.

Staff recommends approval of the West Glen 3rd Plat, Preliminary Plat.

ACTION/OPTIONS:

- Approve the Preliminary Plat
- Deny the Preliminary Plat
- Table the issue for additional information/consideration.

Mr. Karrasch asked if the City's Engineering Department had any concerns with the close proximity of the access drive to the church's access drive intersection.

Ms. Hurley stated that had been discussed. There is an inlet they have to work around.

Mr. Karrasch asked if the general feel of this subdivision would be similar to the community located at 20th Street and Tonganoxie Road, on the northeast side.

Ms. Hurley responded in general yes.

With no further questions or comments, Chairman Burke called for a motion. Mr. Wiedower moved to approve 2020-05 West Glen 3rd Plat Preliminary Plat, seconded by Mr. Murphy and approved by a vote of 6-1. Ms. Bohnsack voted in the negative on the preliminary plat stating she has concerns about exit of West Glen Circle (inaudible) should be going into the West Glen Plat (inaudible) and she is concerned there are no sidewalks on the preliminary plat.

Ms. Hurley asked if Ms. Bohnsack is stating the street should be connected to New Lawrence Rd.

Ms. Bohnsack responded the circle street should not be coming out on 20th Street (inaudible).

Ms. Hurley asked for clarification that the right-of-way that is being platted, Ms. Bohnsack is not wanting it to come off of 20th Street.

Ms. Bohnsack responded that is correct. She believes it should come off the platted road on the north side of the subdivision.

Ms. Hurley stated the only platted road to the north is New Lawrence Rd. Ms. Hurley stated directly to the north is Tract C, which is part of the West Glen subdivision.

2. 2020-06 SUB – WEST GLEN 3RD PLAT, FINAL PLAT

Consider a final plat for the West Glen 3rd Plat subdivision.

Chairman Burke called for the staff report.

Planning Director Julie Hurley stated the subject property is owned by JMK Partners, LLC, plat prepared by Atlas Surveyors. The applicant is requesting approval of a 4 lot final plat for the West Glen residential development. The property is currently vacant and zoned PUD, Planned Unit Development. The property was originally platted as Tract A as part of the West Glen, 1st Plat, approved by the Planning Commission on September 11, 2017. A request to rezoning the subject property from R1-6 (High Density Single Family Residential) to PUD (Planned Unit Development) was recommended for approval by the Planning Commission on October 1, 2018. That rezoning was requested in order to develop the townhomes that are currently proposed as part of this plat application.

The subject property is 2.32 acres in size, and is currently undeveloped. The site lies to the east of 20th Street, directly south of New Lawrence Road. The plat consists of 4 residential lots with an average size of 20,775 square feet. Each lot will be developed with a townhome consisting of 2 units, for a total of 8 residential units in the development. Also included are associated utility easements and dedication of new public right-of-way, as well as Tract A, which is reserved for landscaping and monument signage.

The plat was reviewed at the January 15, 2020 Development Review Committee meeting. All issues identified have been addressed or will be addressed at the time of construction.

The associated preliminary plat for the development is also on this agenda.

Staff recommends approval of the West Glen 3rd Plat, Final Plat.

ACTION/OPTIONS:

- Approve the Preliminary Plat
- Deny the Preliminary Plat
- Table the issue for additional information/consideration.

Chairman Burke called for questions from the commissioners about the staff report.

Mr. Karrasch asked if the street and potential sidewalk would be private or public.

Ms. Hurley responded it would be public right-of-way. Mr. Hurley also stated there is a 6' sidewalk shown on the plat around the north and east side of the cul-de-sac.

With no further questions or comments, Chairman Burke called for a motion. Mr. Wiedower moved to approve 2020-06 SUB, West Glen 3rd Plat Final Plat, seconded by Ms. Whitson and approved by a vote of 7-0.

3. 2020-07 SUB – MOONLIGHT LAKE, PRELIMINARY PLAT

Consider a preliminary plat for the Moonlight Lake subdivision.

Chairman Burke called for the staff report.

Planning Director Julie Hurley will review both the preliminary and final plat together. A separate vote will be taken for each plat request.

Planning Director Julie Hurley stated the subject property is owned by Limestone Land Company, LLC, plat prepared by Hahn Surveying. The applicant is requesting approval of a 9 lot preliminary plat for the Moonlight Lake residential development. The property is currently vacant and zoned R1-25, Low Density Single Family Residential District.

The subject property is 45.54 acres in size, and is currently undeveloped. The site is addressed as 4500 New Lawrence Road, and is situated between New Lawrence Road and 20th Street. The plat consists of 9 residential lots with an average size of 5.1 acres. Also included are associated utility easements.

The plat was discussed at the March 5, 2020 Development Review Committee meeting. All issues identified at that time will be addressed prior to construction commencing on any of the lots.

The associated final plat for the development is also on this agenda.

Staff recommends approval of the Moonlight Lake Preliminary Plat.

ACTION/OPTIONS:

- Approve the Preliminary Plat
- Deny the Preliminary Plat
- Table the issue for additional information/consideration.

4. 2020-08 SUB – MOONLIGHT LAKE, FINAL PLAT

Consider a final plat for the Moonlight Lake subdivision.

Chairman Burke called for the staff report.

Planning Director Julie Hurley stated the subject property is owned by Limestone Land Company, LLC, plat prepared by Hahn Surveying. The applicant is requesting approval of a 9 lot preliminary plat for the Moonlight Lake residential development. The property is currently vacant and zoned R1-25, Low Density Single Family Residential District.

The subject property is 45.54 acres in size, and is currently undeveloped. The site is addressed as 4500 New Lawrence Road, and is situated between New Lawrence Road and 20th Street. The plat consists of 9 residential lots with an average size of 5.1 acres. Also included are associated utility easements.

The plat was discussed at the March 5, 2020 Development Review Committee meeting. All issues identified at that time will be addressed prior to construction commencing on any of the lots.

The associated preliminary plat for the development is also on this agenda.

Staff recommends approval of the Moonlight Lake Final Plat.

ACTION/OPTIONS:

- Approve the Preliminary Plat
- Deny the Preliminary Plat
- Table the issue for additional information/consideration.

Mr. Wiedower asked if this would be public access.

Ms. Hurley responded there is no proposed right-of-way.

Mr. Karrasch asked if the lake would be set up as an HOA.

Lance Lozenski, property owner, stated the HOA covenants would state what the lake can and cannot be used for.

Ms. Bohnsack stated this is the worse subdivision she has seen (inaudible). She believes this site would be an excellent opportunity for the use of a conversation subdivision, where most of the property is kept for private purposes and held in common by all the lot owners. The area in the southeast portion would be an excellent location for a central drive with lots coming off the central drive and the rest of the property, including the lake, being left in a conservation for the lot owners.

Ms. Bohnsack stated the plat shows the lake shared by eight different lots. In order to maintain the lake, it would need to be addressed by the eight property owners. The plat needs an easement noted to address the issues with the lake. Ms. Bohnsack further stated there are also a lot of deep slopes to work with.

Mr. Wiedower asked if everyone has equal access to the lake.

Mr. Lozenski responded that the HOA covenants would state that each property owner would maintain the part of the lake they own. The water level of the lake would not be changed and the houses are uphill from the lake.

Mr. Wiedower asked where the water from the lake comes from.

Justin Lozenski stated it natural drains from the south. There is also a storm sewer off 20th Street that dumps into the pond.

Mr. Karrasch asked if the burden for maintaining the dam going to be placed on the owners of lot 2 & 9 or would that also be part of the HOA agreement with the other lot owners.

Justin Lozenski stated the covenants would state the dam would be maintained by who owns the land the dam is located on.

Mr. Karrasch asked if the lot owners along New Lawrence Rd would be required to put in sidewalks.

Ms. Hurley stated Public Works has worked with the contractor about improvements along New Lawrence Rd but it will not include sidewalks.

Justin Lozenski stated Public Works requires a shoulder on New Lawrence Road and greater visibility for the driveways pulling out onto New Lawrence Road.

Ms. Bohnsack asked if the dam is permitted by the State.

Ms. Hurley responded it is not regulated by the State. Public Works looked into this extensively. The size of the lake and dam is such that it is not regulated by the State.

Ms. Bohnsack (inaudible) believes the lake is going to cause a lot of problems.

Mr. Byrne asked if the City would be concerned if the dam was not maintained and the lake dried up.

Ms. Hurley responded she does not believe so. The City does not have jurisdiction over the lake either. Lakes of this size are within the purview of private ownership.

With no further questions or comments, Chairman Burke called for a motion. Mr. Wiedower moved to approve 2020-07 SUB Moonlight Lake Preliminary Plat, seconded by Mr. Byrne and approved by a vote of 6-1. Ms. Bohnsack voted nay.

Mr. Burke asked the developer that as people are buying into your property that information regarding the lake and dam would be fully explained so that individuals who are looking to buy one of these lots will know ahead of time what they are getting in to.

Justin Lozenski stated that was correct.

Mr. Burke asked the developer if they have done something like this before with dividing a lake.

Justin Lozenski stated this is their first time dividing a lake like this. With the type of homes and the cost of the properties, the developer does not foresee a buyer spending that amount of money then neglecting the lake and potentially hurting their investment in the property.

Chairman Burke called for a motion. Mr. Wiedower moved to approve 2020-08 SUB Moonlight Lake Final Plat, seconded by Ms. Whitson and approved by a vote of 6-1. Ms. Bohnsack voted nay.

Mr. Karrasch stated this is his last Planning Commission meeting. It's been an honor to serve with everyone.

Ms. Hurley stated we currently have applications that require a public hearing. The City is waiting on guidance from the Kansas League of Municipalities as to whether or not we can meet the statutory requirements for public hearings. Staff will provide more information as they receive it.

With no further business, Chairman Burke adjourned the meeting.

The meeting adjourned at 6:41 p.m.

JH/mb