

**CITY OF LEAVENWORTH PLANNING COMMISSION**  
**COMMISSION CHAMBERS, CITY HALL**  
100 N 5<sup>th</sup> Street, Leavenworth, Kansas 66048  
**REGULAR SESSION**  
**Monday, January 4, 2021**  
6:00 PM

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**CALL TO ORDER:**

**Commissioners Present**

Claude Wiedower  
Linda Bohnsack  
James Diggs  
Joseph Burks  
Chris Murphy  
Mike Burke

**Commissioners Absent**

Sherry Hines Whitson

**City Staff Present**

Julie Hurley  
Michelle Baragary

Mike Burke, Claude Wiedower, Joseph Burks, Chris Murphy, Julie Hurley and Michelle Baragary were present in the commission chambers. James Diggs and Linda Bohnsack participated remotely. Linda Bohnsack joined the meeting at 6:15 p.m. Sherry Hines Whitson was absent.

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

**APPROVAL OF MINUTES:** December 7, 2020

Chairman Burke asked for comments or a motion on the minutes presented for approval: December 7, 2020. Mr. Wiedower moved to approve the minutes as presented, seconded by Mr. Murphy and approved by a vote of 5-0. Commissioner Bohnsack arrived after the vote.

**OLD BUSINESS:**

**None**

**NEW BUSINESS:**

**1. 2021-01 REZ – 1440 AND 1460 QUINCY STREET**

Conduct a public hearing for Case No. 2021-01 REZ – 1440 and 1460 Quincy Street. The applicant is requesting a rezoning of the property located at 1440 and 1460 Quincy Street from R1-9, Medium Density Single Family Residential District, to R1-6, High Density Single Family Residential District.

Chairman Burke called for the staff report.

Planning Director Julie Hurley stated the subject properties are owned by LD Development, LLC. The applicant is requesting a rezoning of their properties from R1-9, Medium Density Single Family Residential District, to R1-6, High Density Single Family Residential District. The two parcels are situated to the north of Quincy Street

west of 14<sup>th</sup> Street, totaling approximately 4.76 acres. 1440 Quincy is currently vacant, and 1460 Quincy is occupied by a single family house. Pending approval of the proposed rezoning and preliminary plat, the existing single family home will be demolished.

The rezoning is being requested in order to allow for the development of a single family subdivision, similar in nature to the subdivision adjoining the subject property immediately to the east. The present zoning of R1-9 allows for lots meeting the minimum requirements of 9,000 sqft in size and 75' in width. The proposed zoning of R1-6 allows for lots meeting the minimum requirements of 6,000 sqft in size and 48' in width. The accompanying preliminary plat, also on the agenda for consideration, shows a total of 18 lots with an average lot size of 9,647 sqft and an average lot width of 62'. The largest lot is 12,516 sqft and the smallest lot is 8,185 sqft. The subdivision adjoining the subject property immediately to the east includes a similar cul-de-sac layout with a total of 16 lots with an average lot size of 10,836 sqft.

The Development Review Committee reviewed the project at their December 17, 2020 meeting and discussed items related to utilities, drainage, and improvements to Quincy Street. Utilities are available to the property, and easements will need to be obtained in order to connect to existing utilities to the east. Grading on lots as they are developed will need to direct drainage to the street, instead of away from individual lots and onto adjoining properties, and will be addressed prior to recording of the final plat. No concerns were noted by the Police or Fire Departments.

Staff has received calls from nearby property owners with concerns about stormwater drainage. Public Works staff indicated that they are not aware of any existing drainage issues in this area. Staff has also received a call with a concern for the two existing ponds to the west of the proposed development. Public Works staff indicated that those ponds are not part of the same drainage area and will not be affected by this development.

A request to rezone the subject property from R1-9 to R1-6 was also proposed in 2007 with an accompanying preliminary plat largely the same as is proposed currently. The Planning Commission recommended approval of that rezoning request at that time, and the City Commission discussed and placed on first consideration an ordinance to rezoning the property. A valid protest petition was filed, and the ordinance failed on second consideration.

### **CONDITIONS OF DETERMINATION**

Whenever the Planning Commission or City Commission takes action on an application for amendment to these Development Regulations, and such proposed amendment is not a general revision of existing ordinances, but one which will affect specific property, the Planning Commission and City Commission shall consider the following factors:

- a) The character of the neighborhood;

***The subject property is occupied by one single family home. To the north, east and south are other single family subdivisions with lots ranging in size from slightly smaller to slightly larger than those proposed as part of this development. To the west are several large lot residential parcels, each over 3 acres in size.***

- b) The zoning and use of properties nearby;

***The immediately adjacent properties are zoned R1-9, Medium Density Single Family Residential. Beyond the immediately adjacent properties to the north, east and west are properties zoned R1-6, High***

**Density Single Family Residential. To the northwest is property zoned R-MF, Multi Family Residential. The majority of surrounding properties are developed with single family homes.**

- c) The suitability of the subject property for the uses to which it has been restricted;

**The subject property is currently zoned R1-9, Medium Density Single Family Residential, and the property is suitable for single family uses.**

- d) The extent to which removal of the restrictions will detrimentally affect nearby property;

**The proposed rezoning should have no detrimental effect on nearby property. The majority of concerns expressed to staff by neighbors regarding this proposal involve stormwater drainage that currently occurs from this property onto properties located to the east. The development of the proposed subdivision should positively impact any stormwater issues currently experienced, as the developed lots will be required to direct stormwater runoff to the proposed cul-de-sac to be captured by the stormwater drainage system, instead of directly stormwater runoff onto other properties.**

- e) The length of time the subject property has remained vacant as zoned;

**The property has always been single-family/agricultural in nature.**

- f) The relative gain to economic development, public health, safety and welfare by the reduction of the value of the landowner's property as compared to the hardship imposed by such reduction upon the individual landowner;

**The proposed rezoning would have a positive effect upon the economic vitality of Leavenworth by increasing the available housing stock.**

- g) The recommendations of permanent or professional staff;

**Staff recommends approval of the rezoning request.**

- h) The conformance of the requested change to the adopted or recognized Comprehensive Land Use Plan being utilized by the city;

**The subject area is identified as appropriate for Medium Density Residential uses, which is defined as 6,000-9,000 sqft of lot area per dwelling unit. The proposed development provides an average of 9, 647 of lot area per dwelling unit as shown on the accompanying preliminary plat, and thus conforms to the adopted Future Land Use Map.**

- i) Such other factors as may be relevant to a particular proposed amendment. The factors considered in taking action on any proposed amendment shall be included in the minutes or otherwise be made part of the written record.

**No other factors.**

#### **REZONING ACTION/OPTIONS:**

- Recommend approval of the rezoning request from R1-9 to R1-6 to the City Commission
- Recommend denial of the rezoning request from R1-9 to R1-6 to the City Commission
- Table the issue for additional information/consideration.

Chairman Burke called for questions for staff. With no questions for staff, the applicant approached the board.

Josh Hoppes, represents LBH Development, stated the purpose is to have 18 lots instead of 16 lots and have a more affordable price point at \$250k - \$275k.

Chairman Burke asked for clarification this is only for single-family homes, not duplexes, townhomes, etc.

Mr. Hoppes responded in the affirmative.

Commissioner Wiedower asked if the developer has plans to address the water runoff issues.

Mr. Hoppes responded they have plans to address stormwater on the new subdivision and their plans cannot cause stormwater issues on adjacent properties.

Commissioner Wiedower asked if the current infrastructure with utilities has capacity to handle the new subdivision.

Mr. Hoppes responded that is his understanding.

Commissioner Wiedower asked how the new subdivision will provide a positive impact.

Mr. Hoppes responded they are building family homes so they will be bringing new families to the community and roughly \$4,000 per home in real estate taxes for 18 new homes is approximately \$72,000 in revenue for USD453 are both positives for Leavenworth.

Commissioner Wiedower stated the major concerns from neighboring property owners appears to be with water runoff. Mr. Wiedower asked for clarification that the developer's plans for stormwater will not negatively impact neighboring properties and will most likely improve current stormwater issues neighboring property owners have.

Mr. Hoppes responded that no development is allowed to have water runoff to adjacent properties so the developer is required to address stormwater issues. If adjacent property owners are currently experiencing runoff from the subject property, then that would be improved with developing the property with catch basins and the stormwater system that is designed by their engineer.

Commissioner Murphy asked about plans to deal with increased traffic and poor road conditions in the area.

Mr. Hoppes responded they will improve the overall aesthetics of their development. Improve Quincy Street in front of the new subdivision by widening the street and adding curbs, gutters and sidewalks.

Chairman Burke stated a concern from a neighbor in the adjacent subdivision to the east is with electricity.

Ms. Hurley responded, as with any development, they must coordinate with the utility companies.

Mr. Hoppes stated they have had preliminary discussions with Evergy. There is a pole in front of the subject property and they are working with Evergy to determine their power usage and improvements that need to be made to ensure the necessary power.

Commissioner Wiedower asked if the new housing development will have sump pumps.

Mr. Hoppes responded they are still early in the process with their engineer so this is still to be determined exactly what will be needed to address water runoff.

Chairman Burke asked about leaving trees along the north and east of the subject property to leave a barrier between subdivisions.

Mr. Hoppes stated they intend on leaving as many trees as they possibly can.

With no further questions from the commissioners, Chairman Burke opened the public hearing.

Robin Hasak, 1324 S. 15<sup>th</sup> Street, has a concern about the drainage issue since the new development is just to the north of his neighborhood. He believes improvements needs to be made to the streets, as well as installing curbs and sidewalks before a new development is allowed. Mr. Hasak further stated his neighborhood has one of the worst power grids within the city.

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

Commissioner Burks stated the current zoning for the subject property permits 16 houses. The applicant is requesting rezoning to R1-6 to allow for an additional two homes. That is only two additional families and two additional cars from what is currently permitted. Furthermore, the request is for single-family homes, improvements to Quincy Street will occur along the new development, stormwater is being addressed, increase in traffic will be minimal with only two additional homes, the new subdivision will improve the comp numbers for the adjacent subdivisions, improves USD453 taxes, etc.

Commission Bohnsack stated the density of the proposed development will be very similar to the density of the subdivision on S. 14<sup>th</sup> Street. With the additional houses (inaudible) the amenities and the density that will be needed to help extend drainage, sewers, etc. to the whole neighborhood, not just that subdivision. The more houses you have and the more people being served then the more chance the services are able to be extended in that area. Once the new drainage system is installed, this will improve the water runoff.

Commissioner Wiedower stated he sees the benefits of the real estate tax on 18 additional homes but looking at the greater good, he believes the city is being remiss by not improving around there for egress and traffic.

Commissioner Murphy stating building the new homes would be great for the city; however, you're not fixing the problem if you are only developing the street in front of the subdivision and not all the way down Quincy Street.

Commissioner Burks stated if the commission votes against the rezoning, the developer can immediately move forward with building 16 houses; if the commission votes in favor of the rezoning, the developer can move forward with building 18 houses. Either way, the developer will build a subdivision and the traffic issue for all of Quincy Street will not be addressed beforehand.

With no further comments, questions or discussion, Chairman Burke called for a motion. Commissioner Burks moves to recommend approval of the rezoning request from R1-9 to R1-6 to the City Commission, seconded by Commissioner Bohnsack and approved by a vote of 4-2. Commissioners Wiedower and Murphy voted nay.

## **2. 2021-02 SUB – PRELIMINARY PLAT FOR ADAMS VALLEY**

Consider a preliminary plat for Adams Valley Subdivision.

Chairman Burke called for the staff report.

Planning Director Julie Hurley stated the subject property is owned by LD Development, LLC, plat prepared by Napier Engineering, LLC. The applicant is requesting approval of an 18 lot preliminary plat for the Adams Valley residential development. The property is currently occupied by a single family home. A request to rezone the property from R1-9, Medium Density Single Family Residential District, to R1-6, High Density Single Family Residential District, is also on this agenda for consideration.

The subject property is 4.76 acres in size, and is occupied by one single family home. The site consists of the two existing parcels addressed as 1440 and 1460 Quincy Street. The plat consists of 18 residential lots with an average size of 9,647 sqft.

The plat was discussed at the December 17, 2020 Development Review Committee meeting. Items related to utilities, drainage, and improvements to Quincy Street were discussed. Utilities are available to the property, and easements will need to be obtained in order to connect to existing utilities to the east. Grading on lots as they are developed will need to direct drainage to the street, instead of away from individual lots and onto adjoining properties, and will be addressed prior to recording the final plat when site improvement plans shall be submitted for review and approval by the Public Works Department.

If the preliminary plat is approved, the applicant will submit a final plat. The final plat will come to the Planning Commission for approval and then go to the City Commission for acceptance of the public utilities, since easements will be dedicated as part of the final plat. Prior to recording the final plat, the engineer will be required to submit a public improvement design plan to the Public Works Department to be approved that will address all the utilities.

Staff recommends approval of the Adams Valley Preliminary Plat.

### **ACTION/OPTIONS:**

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

Chairman Burke called for questions for staff or the applicant.

Will no questions or comments, Chairman Burke called for a motion. Commissioner Wiedower moved to approve the preliminary plat for Adams Valley Subdivision, seconded by Commissioner Murphy and approved by a vote of 6-0.

With no other business, Chairman Burke adjourned the meeting.

The meeting adjourned at 6:44 p.m.

JH/mb