

**CITY OF LEAVENWORTH
PLANNING COMMISSION
COMMISSION CHAMBERS, CITY HALL
100 N. 5th Street
Leavenworth, KS 66048**

**REGULAR SESSION
Monday, February 1, 2021
6:00 p.m.**

GoToMeeting access instructions:

<https://global.gotomeeting.com/join/591103205> (Please mute your microphone until instructed otherwise).

OR

Phone Number: +1 (786) 535-3211

Access Code: 591-103-205

CALL TO ORDER:

- 1. Roll Call/Establish Quorum**
- 2. Motion to Amend December 7, 2020 Minutes Previously Adopted.**
During the voting process on page 2 of the December 7, 2020 meeting minutes, the following correction has been added "(Ms. Bohnsack did not vote due to technical issues)".
- 3. Approval of Minutes: January 4, 2021**

NEW BUSINESS:

- 1. ELECTION OF OFFICERS**
- 2. REVIEW BYLAWS**
- 3. 2021-04 SUB – WOODS ADDITION, FINAL PLAT**
Consider a final plat for Woods Addition.

OTHER BUSINESS:

None

ADJOURN

CITY OF LEAVENWORTH PLANNING COMMISSION
COMMISSION CHAMBERS, CITY HALL
100 N 5th Street, Leavenworth, Kansas 66048
REGULAR SESSION
Monday, December 7, 2020
6:00 PM

CALL TO ORDER:

Commissioners Present

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

Commissioners Absent

City Staff Present

Julie Hurley
Michelle Baragary

Mike Burke, Claude Wiedower, Joseph Burks, Julie Hurley and Michelle Baragary were present in the commission chambers. James Diggs, Sherry Hines Whitson, Chris Murphy and Linda Bohnsack participated remotely.

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

APPROVAL OF MINUTES: July 13, 2020

Chairman Burke asked for comments or a motion on the minutes presented for approval: July 13, 2020. Mr. Wiedower moved to approve the minutes as presented, seconded by Mr. Burks and approved by a vote of 4-0. Ms. Whitson, Ms. Bohnsack and Mr. Diggs did not vote due to technical difficulties.

APPROVAL OF MINUTES: October 5, 2020

Chairman Burke asked for comments or a motion on the minutes presented for approval: September 14, 2020. Mr. Wiedower moved to approve the minutes as presented, seconded by Mr. Diggs and approved by a vote of 5-0. Ms. Whitson and Ms. Bohnsack did not vote due to technical difficulties.

OLD BUSINESS:

None

NEW BUSINESS:

With numerous residents in attendance for the rezoning request, the commissioners reviewed the Fort Gate Marketplace 2nd Plat first.

- 1. 2020-40 SUB – FORT GATE MARKETPLACE FINAL PLAT, 2nd PLAT**
Consider a final plat for the Fort Gate Marketplace subdivision.

Chairman Burke called for the staff report.

Planning Director Julie Hurley stated the subject property is owned by Fort Gate Properties, LLC, plat prepared by Renaissance Infrastructure Consulting. The applicant is requesting approval of a 1.548 acre, 2 lot plat for the Fort Gate Marketplace commercial development. The property is zoned GBD, General Business District, and is currently vacant. The site was previously occupied by the Commanders Inn, which was recently demolished.

The applicant intends to redevelop the property with a commercial daycare center and a fast food restaurant. The plat includes all necessary utility easements.

The Project Plan to establish the North Gateway Redevelopment District for this project was reviewed by the Planning Commission for conformance with the Comprehensive Plan in November 2019, and approved by the City Commission.

The preliminary plat was approved by the Planning Commission at the May 5, 2020 Planning Commission meeting. Pending action by the Planning Commission, the City Commission will review the plat to accept land dedicated for public purposes in the form of utility easements. The first final plat for the Fort Gate Marketplace was approved by the Planning Commission on October 5, 2020.

Staff recommends approval of the Fort Gate Marketplace, Second Plat.

ACTION/OPTIONS:

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

Chairman Burke called for discussion among the commissioners.

With no questions or comments, Chairman Burke called for a motion. Mr. Wiedower moved to approve the Fort Gate Marketplace, Second Plat, Final Plat, seconded by Mr. Burks and approved by a vote of 5-1 (Ms. Bohnsack did not vote due to technical issues). Mr. Murphy voted nay stating a few months ago the commissioners approved the Fort Gate Marketplace First Plat which was for a convenience store and a fast food restaurant. Now the commissioners are being asked to approved the second plat, which is for a fast food restaurant and a daycare center. Mr. Murphy does not feel comfortable approving this plat which will end up with a convenience store, two fast food restaurants and a daycare center.

2. 2020-37 REZ – 2100 LIMIT STREET

Conduct a public hearing for Case No. 2020-37 REZ – 2100 Limit Street. The applicant is requesting a rezoning of the property located at 2100 Limit Street from R1-25, Low Density Single Family Residential District, to R-MF, Multiple Family Residential District.

Chairman Burke explained the public hearing process to the audience.

Chairman Burke called for the staff report.

Planning Director Julie Hurley stated the subject property is owned by Greenamyre Rentals, Inc. The applicant is requesting a rezoning of their property located at 2100 Limit Street and the lot directly adjacent to the north from R1-25 to R-MF. The two parcels are situated between Vilas and Limit Streets, totaling approximately 5 acres and are currently vacant. To the east is Henry Leavenworth Elementary School.

The rezoning is being requested in order to allow for the development of market-rate townhomes. The applicant has provided a conceptual site plan showing a total of 28 townhome units, with a through street from Vilas to Limit.

The Development Review Committee reviewed the project at their October 15, 2020 meeting and discussed items related to traffic congestion associated with the nearby school, street configuration, utility issues, stormwater and water quality issues, and other items related to the potential development of townhome units in this location. The applicant indicated that they would bring a concept for a cul-de-sac configuration instead of a through street to the Planning Commission meeting.

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 vacant and is surrounded by large lot single family residential development. To the east is Henry Leavenworth Elementary School. To the west is a traditional single family residential neighborhood.

- b) The zoning and use of properties nearby;

The surrounding properties are zoned R1-25, Low Density Single Family Residential District. Henry Leavenworth Elementary School to the east is zoned R1-9, Medium Density Single Family Residential District. The single family residential neighborhood to the west is zoned PUD, Planned Unit Development.

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

The subject property is currently zoned R1-25, Low Density Single Family Residential, which is typical of agricultural and large lot residential uses in the City. The property is vacant and is surrounded by large lot single family residential uses, but may be suitable for a variety of residential uses.

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

The proposed rezoning could have a potential detrimental effect on nearby property due to an increase in traffic along narrow and unimproved sections of Vilas and Limit Streets. The streets in the general vicinity are ditch section streets, and already experience brief periods of high traffic volume due to the nearby elementary school.

- 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 allowing for a variety of housing types and price points.

- 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 Low Density Residential uses, which is defined as 7,500-14,000 sqft of lot area per dwelling unit. The proposed development provides approximately 4,700 sqft of lot area per dwelling unit as shown on the submitted site plan.

- 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 R1-25 to R-MF to the City Commission
- Recommend denial of the rezoning request from R1-25 to R-MF to the City Commission
- Table the issue for additional information/consideration.

Chairman Burke called for discussion/questions about the staff report.

Mr. Wiedower asked if the City has an assessment of the economic impact.

Ms. Hurley responded an economic impact report is not required for rezoning proposals. Ms. Hurley further stated the City is in the process of updating their comprehensive plan, and one thing the City has repeatedly heard from public input from residents, property owners and business owners is the need for more variety in housing options. This development would feed into that identified need.

Mr. Wiedower asked if the project is approved, is the City ready to make the necessary capital improvements in that area.

Ms. Hurley responded there is no plan at this point in the capital improvement plan with the City to improve Vilas or Limit at this point.

Mr. Murphy stated his concern is with the traffic in the area. Has the City discussed that issue.

Ms. Hurley replied the Police Department and the Public Works Department are part of the Development Review Committee and spoke about this during the DRC meeting October 15, 2020. The main periods of congestion are during the drop-off and pick-up periods, which PD is well aware of.

Chairman Burke asked if staff received any comments from the school district.

Ms. Hurley responded in the negative.

Mr. Wiedower stated it appears the applicant has proposed a plan for a cul-de-sac to minimize traffic in the area by offering two separate entrances.

Ms. Hurley stated the conceptual site plan provided by the applicant is for a through street. One option discussed at DRC was a cul-de-sac or some other configuration, which the applicant can discuss further.

Chairman Burke asked if the project is approved would any immediate changes need to be made for the storm runoff to feed into or feed out of the subject property.

Ms. Hurley responded any new development would be required to take care of their storm water within their site, which means the subject property's storm water could not impact anything outside of that site.

Chairman Burke asked if the applicant would like to add anything.

Jeremy Greenamyre, applicant, stated after the DRC meeting he did think that maybe a cul-de-sac or U-shaped street, etc. to help direct traffic. Mr. Greenamyre further stated Leavenworth is a great place if you are looking for new single-family homes or existing single-family homes, but there is not a lot of multi-family or nicer market rate rental units hitting the market, which is the market he is targeting.

Mr. Greenamyre further stated he is not opposed to a different configuration that would make sense. Housing will be 1,000-1,200sqft range. There are no immediate plans to develop the lots. This is just preliminary conceptual plan and breaking ground probably would not happen for 5-10 years.

Mr. Wiedower asked if the units will be rental units or can they be purchased and what would the cost be.

Mr. Greenamyre responded the units would be rentals, \$1,000-1,400/mo., maintenance free. This is a market rate development so there are no low-moderate tax credits or City incentives.

Mr. Wiedower asked about the quality of the units.

Mr. Greenamyre stated the units have many of the updates you would expect to see in new home developments such as granite countertops, vaulted ceilings, garages, sprinkler systems and some units will have heated flooring.

Mr. Murphy stated the applicant had mentioned he would not be surprised if breaking ground did not happen for possibly 10 years. Mr. Murphy asked for clarification this project is not something the applicant wanted to start immediately.

Mr. Greenamyre responded this is a long-term hold. With all the other projects in the works, Mr. Greenamyre would be surprised if he got to this project before 3-5 years.

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

Brian Stephens, 2614 S. 25th Street, stated Greenamyre has done a lot for the community. Mr. Stephens concerns are increase in traffic and poor road conditions with Vilas and Limit Streets. Mr. Stephens further referenced the minutes from the October 15, 2020, DRC meeting stating there was no drainage plan, no identification for fire hydrants, no statements from the Fire Department, and no statements about utilities.

Rick Kimbrough, 2115 Vilas, is concerned with public safety – fire protection, police protection and emergency medical assistance. Mr. Kimbrough would like to see Vilas and Limit Streets widened.

Kevin Baker, 2101 Limit, commented his main concerns are the streets, stating the streets should be rebuilt.

Janiece Baker, 2101 Limit, is concerned with infrastructure, the increased traffic and the width of the streets making them dangerous to drive.

Jeff Fink, 2116 Vilas, is concerned with the safety of the streets stating people will drive in his front yard because Vilas is too narrow. Mr. Fink asked the commissioners why not build on the land located on Eisenhower.

Chairman Burke responded that property does not belong to the applicant.

Ms. Hurley asked what property on Eisenhower Mr. Fink is referring.

Mr. Fink responded the property the City spent millions of dollars on.

Ms. Hurley responded that property is the Business and Industrial Park, which is not owned by Greenamyre nor is it zoned residential.

Mr. Fink would like to know what other areas Mr. Greenamyre has looked at.

Chairman Burke asked Mr. Greenamyre if he looked at other properties within the City of Leavenworth for development before purchasing the subject properties.

Mr. Greenamyre responded in the negative stating the subject properties were presented to him as an opportunity, the price made sense and the location is good.

Mr. Wiedower stated the applicant may own other properties in Leavenworth but tonight's meeting is regarding the property on Vilas and Limit Streets.

Janiece Baker approached the board again stating a multi-family housing unit in a fully residential area is concerning. She further asked Mr. Kimbrough how many cars he counted last week.

Mr. Kimbrough replied last Friday he counted 153 cars parked along Vilas, Limit and 22nd Streets. In addition, many parents drive against the traffic on Vilas and drive west; then do a U-turn at the intersection of 20th Street and Vilas.

James Hassel, 2323 S. 24th Street, stated his concerns are with increased traffic and security risks for the kids, especially for the kids walking and riding bikes to/from school. He further mentioned there is no storm drainage infrastructure on Limit Street.

Heather Hassel, 2323 S. 24th Street, stated she understands the economic importance of the development; however, the current area consists of single families, yet the applicant is looking at professional working class moving into the proposed development. Ms. Hassel also has concerns with the lack of infrastructure in the area and safety concerns.

Jerry Heintzelman, 2089 Limit Street, stated his main concerns are water runoff, property value depreciation and poor street conditions. Mr. Heintzelman further stated Mr. Reilly was going to development this land but did not because Mr. Reilly was told he would need to improve the streets.

Storm Savage, 3032 Somerset Drive, stated his concerns are with depreciating property values, increased traffic and infrastructure.

Peter Campbell, 2311 Vilas Street, stated Mr. Reilly did not develop the land when he owned it because it was not profitable; so what has changed from then to now. Mr. Campbell further stated his concerns are with traffic and safety.

Terry Rogers, owns the land to the west of 2101 Limit Street, stated her concerns are depreciated property values and roads impassable for emergency vehicles. Ms. Rogers asked staff why they recommended approval for the rezoning request.

Ms. Hurley responded staff recommendation is based on all departments within the City that reviewed this through the Development Review Committee, which includes Planning, Public Works, Police, Fire, City Manager and City Clerk. The comments and minutes from that review has been included in the agenda packet. The issues brought up in that review by the different departments were items the various staff members felt could be addressed with the proposal at the time of development.

Chairman Burke stated the public hearing has been going on for an hour and twenty minutes. He will allow another 15 minutes of discussion before closing the public hearing. To summarize what he has heard is there is a question about the infrastructure; infrastructure of the roads, water runoff, narrowness of the roads and public safety. Chairman Burke asked if there is anything new that someone would like to come forward to address.

Mr. Heintzelman asked if there was ever a proposal or design for stormwater.

Ms. Hurley responded at this point there has not been. An engineering plan would be required at the time of site plan approval, which would come back to City staff for review.

Mr. Heintzelman does not believe the developer should be allowed to rezone the property if he does not already have stormwater plans.

Kathleen Buker, 2235 Hebbeln Drive, stated under the Future Land Use layer on the City's GIS there is multi-family zoning between Limit Street and Tonganoxie Drive. Ms. Buker further stated the street infrastructure still needs to be addressed with or without the approval of the proposed rezoning request.

Anita Duke, 2229 Vilas Street, stated her concerns are traffic, safety, stormwater and property values.

Mr. Savage asked if there has been a tax revenue versus a tax assessment study completed.

Ms. Hurley stated those studies are not done for a typical rezoning request.

Mr. Hassel referenced the DRC minutes stating the Police Department mentioned traffic backs up as far as the proposed subdivision.

Renate Campbell, 2311 Vilas Street, stated she works at Henry Leavenworth Elementary school and has concerns about the owls, deer, woodchucks, etc. that inhabit the subject property.

Chairman Burke asked Ms. Campbell what her position is at the school.

Ms. Campbell replied she is the Building Secretary.

Chairman Burke asked if the traffic issue has been addressed with the Board of Education.

Ms. Campbell stated the issue is being addressed but specific information would need to come from the BOE.

Kay Beaman, 2018 Limit Street, stated her concerns are stormwater runoff, traffic safety and street improvements.

Chairman Burke thanked everyone for participating, closed the public hearing and called for discussion among the commissioners.

Mr. Burks referenced comment #11 in the email dated October 12, 2020 and asked for clarification that the City does not currently have any plans to improve Limit Street.

Ms. Hurley responded in the affirmative.

Sherry Hines Whitson thanked everyone for coming together for a common cause.

With no other comments or questions, Chairman Burke called for a motion. Mr. Burks moved to recommend denial of the rezoning request from R1-25 to R-MF and seconded by Mr. Diggs. Chairman Burke called the roll and the motion to recommend denial was passed 6-1 (Ms. Bohnsack voted to approved the rezoning request).

Ms. Hurley stated any rezoning request, regardless of the vote the Planning Commission makes, unless it is to table the item for further discussion, will go to the City Commission for final consideration. State statute requires a 14-day protest petition period. The City Commission has cancelled their second regular meeting of December because it falls Christmas week. This will go to the first regularly scheduled City Commission meeting on January 12, 2021.

Ms. Baker asked if they would be notified of the City Commission meeting.

Ms. Hurley responded notification will not be sent out but they can check the agenda as it is posted on the City's website.

Chairman Burke asked if there were any other comments or business to discuss.

Ms. Hurley stated there are two items for January's agenda.

With no other business, Chairman Burke adjourned the meeting.

The meeting adjourned at 7:58 p.m.

JH/mb

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

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 14th 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. 15th 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. 14th 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

City of Leavenworth Planning Commission

BYLAWS, RULES AND REGULATIONS

The following rules and regulations governing the procedures of the Planning Commission are adopted in accordance with the planning laws of the State of Kansas.

Article I - Members

1. The membership of the Leavenworth Planning Commission is determined by Ordinance No. 7078. A majority of the currently duly appointed Commission shall constitute a quorum.
2. Members shall be appointed by the Mayor with the consent of the City Commission. Appointments shall be made for three-year terms. Vacancies shall be filled by appointment for the unexpired term. Members of the Board shall be residents of the City of Leavenworth and serve without compensation.

Article II - Officers

1. The Planning Commission shall organize annually at the first regular meeting after the annual appointment of members but no later than the September meeting.
2. The Commission shall elect a Chairperson and Vice-Chairperson from among the appointed members at the annual organization meeting. The officers shall serve for one year or until replaced.
3. The City Planner shall serve as the Secretary.
4. The Chairperson shall preside at all meetings and public hearings of the Planning Commission; shall decide all points of order and procedure; shall certify plans and subdivision plats; and shall transmit reports and recommendations of the Planning Commission to the governing body with the assistance of the Secretary. The Chairperson and the Secretary are required to certify plans and subdivision plats.
5. The Vice-Chairperson shall assume the duties of the Chairperson in his absence.
6. The Secretary shall be responsible for keeping the minutes of the Planning Commission; sending agendas to members of the Planning Commission; carrying out written correspondence; maintaining the records of the Commission; and performing such other duties as the

Planning Commission may require.

7. Should a Planning Commission member miss three regular monthly meetings in any 12 month period, the commission shall determine if the City Commission should be petitioned to replace that Planning Commission member.

Article III - Meetings

1. The Planning Commission shall meet monthly on the first Monday of the month at 6:00 p.m. in the Commission Auditorium, 1st Floor of City Hall. When the first Monday falls on a holiday, the meeting shall be held on the second Monday of the month.

2. Special meetings of the Planning Commission may be called by the Chairperson or, in his absence, by the Vice-Chairperson. Notice of special meetings shall be given by the Secretary to the members of the Commission at least three days prior to such meeting and shall state the purpose and time of the meeting.

3. All regular and special meetings, hearings and records shall be open to the public.

4. A majority of the Commission shall constitute a quorum for the transaction of business. If a quorum is not present at a regular or special meeting, those present may either adjourn the meeting or hold the meeting to consider such matters as are on the agenda. No action shall be taken at such a meeting and the Commission shall continue official action on any agenda items until a subsequent meeting when a quorum is present.

5. The order of business at all meetings shall be as follows:

- a) call to order
- b) determination of quorum
- c) approval of minutes
- d) old business
- e) new business and/or public hearing
- f) reports of committees
- g) reports of commission members and city staff
- h) adjournment

6. Motions shall be restated by the Chairperson before a vote is taken. The name of the maker and supporter of a motion shall be recorded.

7. An affirmative vote of the members present (when at least a quorum) is needed to authorize any official action of the Commission unless otherwise specified by statute.

8. All members of the Commission, including the Chairperson, shall have a vote when present unless a person shall disqualify him/herself from voting on any decision in which there might be a conflict of interest. In the event of a conflict of interest, a member shall so state before discussion of the item and shall remove him/herself from the dais.

9. When procedural and parliamentary rules by the Planning Commission do not conflict, procedure shall be according to "Robert's Rules of Order."

Article IV - Committees

The Chairperson may appoint any standing committee deemed necessary for the review and study of Commission business and any special committee seeking research and recommendations on special topics. Any committee may contain up to four members of the Commission.

Article V - Planning Commission Staff

1. The Planning Commission may employ staff and/or professional consultants as it may require, subject to approved budgetary limitations.

2. The staff shall conduct business for the Commission and prepare reports and agendas for the Commission pursuant to law and procedure.

3. The staff shall act as liaison for the Planning Commission to the City Commission and other boards/commissions and the general public.

4. The staff shall prepare an annual budget and annual review of the zoning ordinance and Comprehensive Plan and make recommendations for modifications.

5. The staff shall accept other responsibilities as may be directed by the Planning Commission, the Governing Body, or the City Manager.

Article VI - Records and Reports

1. The Commission shall keep a record of its resolutions, transactions, findings and determinations.

2. All records of the Planning Commission shall be available for public review.

3. The Commission shall review each January the comprehensive plan and zoning ordinance to determine if any portion has become obsolete and shall make a report to the governing body regarding same.

Article VII - Publicity

1. The Planning Commission shall encourage the public to attend its regular meetings and shall take positive action to keep its activities before the public by supplying newspapers and other media with information and by having members and staff appear before civic groups to discuss the purpose of planning and the work of the Planning Commission.

Article VIII - Amendments

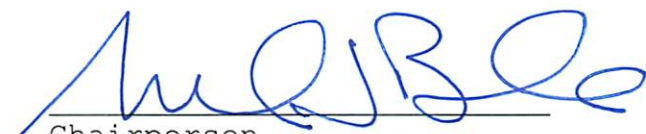
1. These rules of procedure may be amended by an affirmative vote by a majority of the Planning Commission members provided such proposed amendment has been submitted in writing to each member of the Commission at least three days prior to the meeting at which such action is to be taken.

Article IX - Rules of Order


Open Public Meetings. All meetings and study sessions shall be open to the public. A record must be kept of all business transacted.

Public Hearings. The Chairperson may prescribe procedures for the conduct of public hearings including setting a time limit for citizen input in order to provide a fair and impartial presentation of all sides of a request.

Passed and approved this 7TH day of January, 2019.


Chairperson
Michael J. Burke

ATTEST:


Secretary

**POLICY REPORT
LEAVENWORTH PLANNING COMMISSION
WOOD'S ADDITION PLAT
FINAL PLAT**

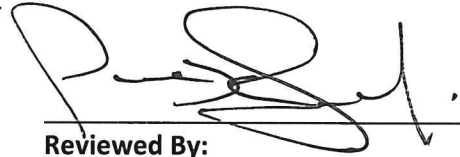
FEBRUARY 1, 202

SUBJECT:

A request for a final plat of Wood's Addition Plat


Prepared By:

Jacquelyn Porter
City Planner


Reviewed By:

Paul Kramer
City Manager

ANALYSIS:

The subject property is owned by Zam LLC and Charles M. Wood Revocable Trust LLC, plat prepared by Richard L Mattson of Midland Surveying. The applicant is requesting approval of a 2 lot final plat for the Wood's Addition Plat. The property is zoned NBD, Neighborhood Business District, and currently has a gas station operating and single drive thru carwash.

The subject property is a combination of 2.5 acres in size, and is currently two separate lots part of the Bain City Subdivision Block 5 portion of Lot 3 & all of Lot 4. The site lies to the west of Hughes Road, directly south of Limit Street. The Wood's Addition plat consists of 2 lots which will reflect an increase of 1,600 square feet to the current developed lot. The addition of 1,600 square feet of land to the developed lot will be added to the southeast corner of the property. The structure located at the south of the property, the carwash, has been proposed to be renovated with adding an addition to the south to accommodate a drive-thru liquor store. The additional 1600 square feet will allow for the proposed addition to the structure to meet the setback requirement set forth in the development regulation for a NBD zoning district.

The proposed plat has been reviewed by the Public Works Department, no issues were identified.

Staff recommends approval of Wood's Addition Plat with the condition that the submitted plat reflect appropriate lot numbers for the Wood's Addition Plat.

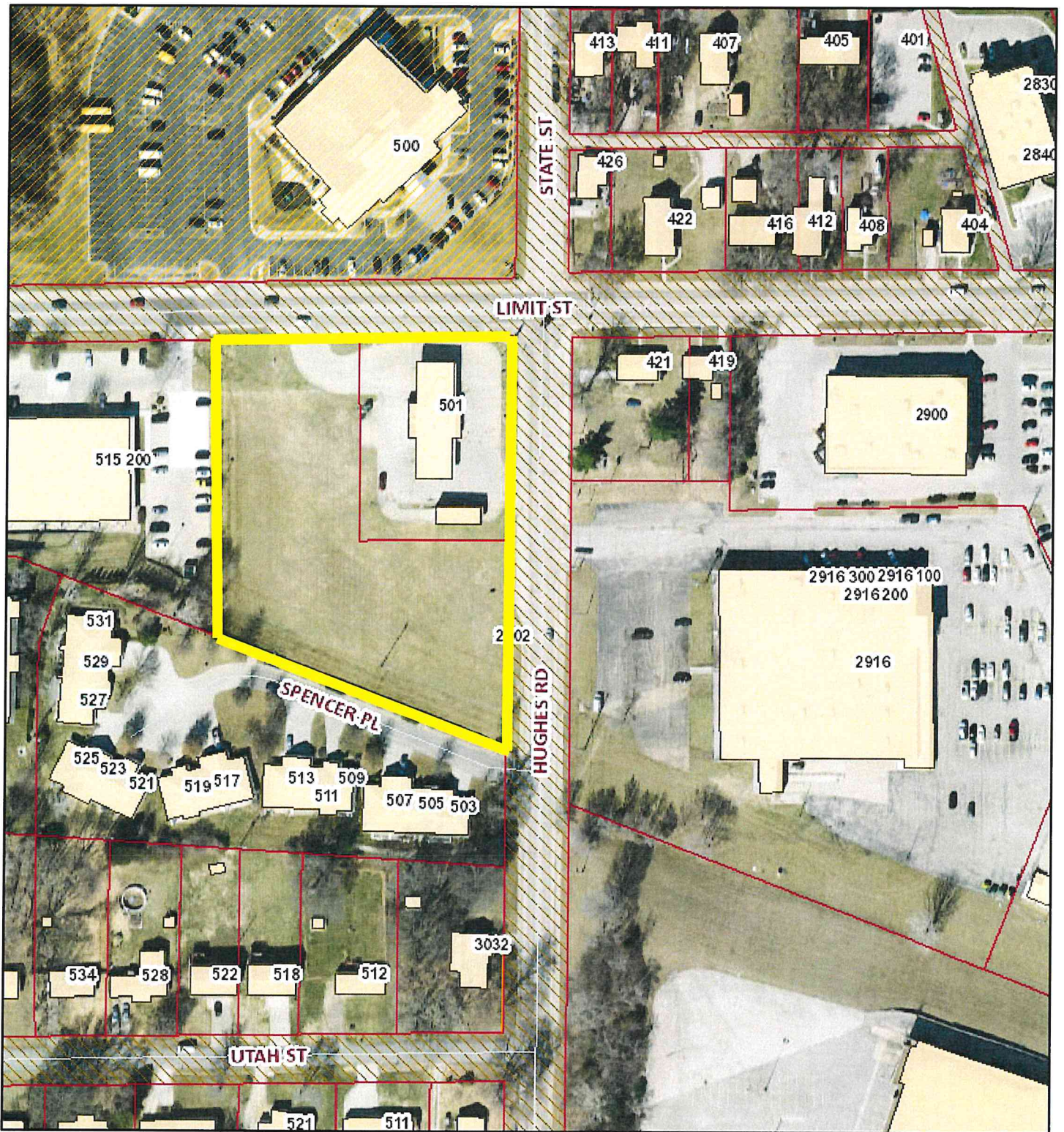
ACTION/OPTIONS:

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

ATTACHMENTS:

Location map
Application materials

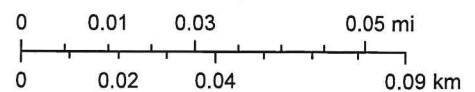
Wood's Addition



1/26/2021, 4:21:49 PM

1:2,257

- Override 1
- Parcels (City Owned)
- Parcels_Current
- Buildings
- Address (Points)
- Missouri River
- Lansing City Limits
- Ft Leavenworth Military Installation
- Leavenworth City Limits
- City Right-of-Way
- RoadCenterline



Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community



Project No. 2021-04 SUB

OFFICE USE ONLY
Application No. 8667
Fee: 350.00
(\$350 plus \$10 per lot over 5 lots)
Date Paid _____
Received By _____
PC Meeting 2-1-21

**MINOR SUBDIVISION
FINAL PLAT APPLICATION
CITY OF LEAVENWORTH**

NAME OF SUBDIVISION/PROJECT: Woods Addition

LOCATION OF SUBDIVISION/PROJECT: 501 Limit + 2902 Hughes Rd

NAME OF PROPERTY OWNER: (If Corporation, include name and address of Director or President)

NAME: Z Am LLC

STREET ADDRESS: 501 Limit St

CITY: Overland Park / Leavenworth STATE: Ks ZIP: 66048

PHONE: 913 244 7267 EMAIL: SamMorani@yahoo.com

NAME OF DEVELOPER: (If Corporation, include name and address of Director or President)

NAME: _____

STREET ADDRESS: _____

CITY: _____ STATE: _____ ZIP: _____

PHONE: _____ EMAIL: _____

NAME OF ENGINEER PREPARING PLAT:

NAME: Richard L Mattson LS

STREET ADDRESS: 4784 Frederick

CITY: St. Joseph STATE: MO ZIP: 64506

COMPANY: Midland Surveying

PHONE: 816-233-7900 EMAIL: rmattson@midlandSurvey.com

PARCEL NO: _____ SEC.TWP.RNG. Section 12, Township 9 South, Range 22E

ZONING OF SUBJECT PROPERTY: n30 CURRENT LAND USE: _____

TOTAL ACREAGE: 2.50 NUMBER OF LOTS: 2

LEGAL DESCRIPTION: (Attach full recorded legal description provided by the REGISTER OF DEEDS OFFICE)

DATE OF FINAL PLAT APPROVAL, IF REPLAT: _____

I/We, the undersigned, certify that I/we am/are the owner of the property described above and that is subject to this request for review of a subdivision under the rules of the Subdivision Regulations of the City of Leavenworth, Kansas.

SIGNATURE OF OWNER(S) _____ Date: 12/11/20

State of Kansas, County of Johnson, SS
Signed or attested before me on December 14, 2020 by Moize Morani

Notary (Seal) _____ Appointment Expires 6/27/2023





Project No. 2021-04 SUB

**MINOR SUBDIVISION
FINAL PLAT APPLICATION
CITY OF LEAVENWORTH**

OFFICE USE ONLY
Application No. 8667
Fee: _____
(\$350 plus \$10 per lot over 5 lots)
Date Paid _____
Received By _____
PC Meeting _____

NAME OF SUBDIVISION/PROJECT: Woods Addition

LOCATION OF SUBDIVISION/PROJECT: Sul Limit + 2902 Hughes Rd

NAME OF PROPERTY OWNER: (If Corporation, include name and address of Director or President)

NAME: _____

STREET ADDRESS: _____

CITY: _____ STATE: _____ ZIP: _____

PHONE: _____ EMAIL: _____

NAME OF DEVELOPER: (If Corporation, include name and address of Director or President)

NAME: _____

STREET ADDRESS: _____

CITY: _____ STATE: _____ ZIP: _____

PHONE: _____ EMAIL: _____

NAME OF ENGINEER PREPARING PLAT:

NAME: _____

STREET ADDRESS: _____

CITY: _____ STATE: _____ ZIP: _____

COMPANY: _____

PHONE: _____ EMAIL: _____

PARCEL NO: _____ SEC.TWP.RNG. _____

ZONING OF SUBJECT PROPERTY: _____ CURRENT LAND USE: _____

TOTAL ACREAGE: _____ NUMBER OF LOTS: _____

LEGAL DESCRIPTION: (Attach full recorded legal description provided by the REGISTER OF DEEDS OFFICE)

DATE OF FINAL PLAT APPROVAL, IF REPLAT: _____

I/We, the undersigned, certify that I/we am/are the owner of the property described above and that is subject to this request for review of a subdivision under the rules of the Subdivision Regulations of the City of Leavenworth, Kansas.

SIGNATURE OF OWNER(S) Charles M. Wood Date: 12/17/20

State of Kansas, County of Leavenworth, ss Charles M Wood
Signed or attested before me on December 15, 2020 by _____

Notary Public Appointment Expires 10-31-22
(Seal) 10-31-22

FINAL PLAT
WOOD'S ADDITION
 A MINOR SUBDIVISION IN THE NE 1/4
 SECTION 12, T-9S; R-22E
 LEAVENWORTH, LEAVENWORTH COUNTY, KANSAS

RECORD PROPERTY DESCRIPTIONS:
 THIS COMMITMENT WAS FILED ON MARCH 17, 2020
 AT THE LEAVENWORTH COUNTY CLERK'S OFFICE.

PARCEL 15:
 THE EAST 150.0 FEET OF THE NORTH 150.0 FEET OF LOT 4, BLOCK 5, BAIN CITY ADDITION TO THE CITY OF LEAVENWORTH, LEAVENWORTH COUNTY, KANSAS.
PARCEL 16:
 THE EAST 150.0 FEET OF THE NORTH 150.0 FEET OF LOT 4, BLOCK 5, BAIN CITY ADDITION TO THE CITY OF LEAVENWORTH, LEAVENWORTH COUNTY, KANSAS.
PARCEL 17:
 THE EAST 150.0 FEET OF THE NORTH 150.0 FEET OF LOT 4, BLOCK 5, BAIN CITY ADDITION TO THE CITY OF LEAVENWORTH, LEAVENWORTH COUNTY, KANSAS.
PARCEL 18:
 THE EAST 150.0 FEET OF THE NORTH 150.0 FEET OF LOT 4, BLOCK 5, BAIN CITY ADDITION TO THE CITY OF LEAVENWORTH, LEAVENWORTH COUNTY, KANSAS.

OVERALL PROPERTY DESCRIPTION:
 A tract of land located in Lot 4, Block 5, Bain City Addition to the City of Leavenworth, Leavenworth County, Kansas, containing approximately 2.50 acres, more or less, and is subject to all recorded and unrecorded encumbrances, easements, and rights-of-way.
SURVEYOR'S CERTIFICATE:
 I, the undersigned, being duly qualified and sworn as a Surveyor in and for the State of Kansas, do hereby certify that the above plat and survey were made by me or under my direct personal supervision and in accordance with the laws of the State of Kansas, and that I am a duly Licensed Professional Surveyor under the laws of the State of Kansas.

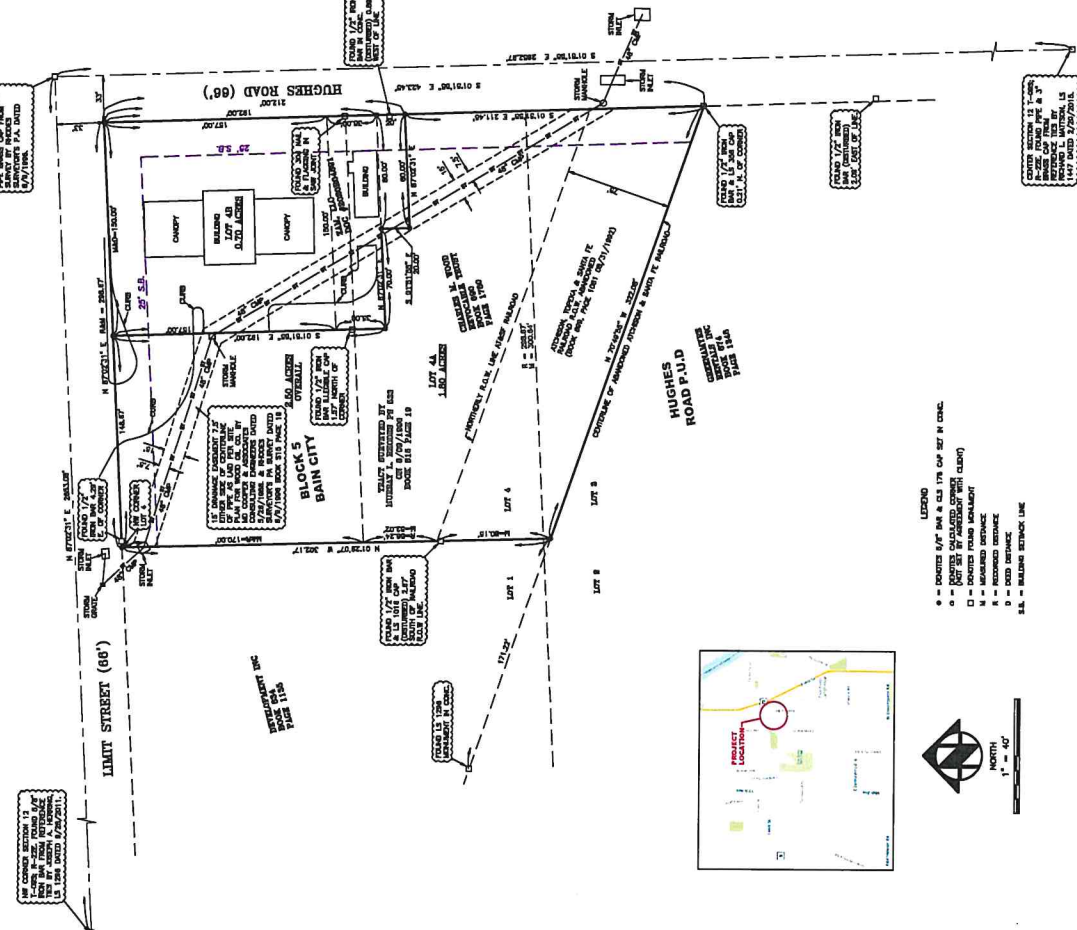
REGISTER OF DEEDS:
 STATE OF KANSAS)
 COUNTY OF LEAVENWORTH)
 My Commission Expires: _____
 My Commission Expires: _____

OFFICE OF PLANNING COMMISSION:
 This plat of _____ was submitted to and approved by the Leavenworth Planning Commission this _____ day of _____, 20____.
 Chairman _____
 City Clerk (SEA) _____
 Secretary _____

REGISTRAR OF DEEDS:
 STATE OF KANSAS)
 COUNTY OF LEAVENWORTH)
 My Commission Expires: _____
 My Commission Expires: _____

COUNTY SURVEYOR CERTIFICATE:
 I, _____, County Surveyor of Leavenworth County, Kansas, do hereby certify that the above plat and survey were made by me or under my direct personal supervision and in accordance with the laws of the State of Kansas, and that I am a duly Licensed Professional Surveyor under the laws of the State of Kansas.

PREPARED FOR:
 CHRIS WOODS
 SECTION 12, T-9S; R-22E
 LEAVENWORTH COUNTY, KANSAS.
MIDLAND SURVEYING
 4784 Riverside Blvd., St. Joseph, MO 64506
 PA (816) 582-4833 FAX (816) 582-2171
 MO (816) 232-2500 FAX (816) 232-4832



FILED	INDEXED	RECORDED	SHEET NO.
			1 of 1
DATE	DEC. 9, 2020	PLAT NO.	1 - 40
PREPARED FOR: CHRIS WOODS SECTION 12, T-9S; R-22E LEAVENWORTH COUNTY, KANSAS. MIDLAND SURVEYING 4784 Riverside Blvd., St. Joseph, MO 64506 PA (816) 582-4833 FAX (816) 582-2171 MO (816) 232-2500 FAX (816) 232-4832			