

**CITY OF LEAVENWORTH PLANNING COMMISSION**  
**COMMISSION CHAMBERS, CITY HALL**  
100 N 5<sup>th</sup> Street, Leavenworth, Kansas 66048  
**REGULAR SESSION**  
**Monday, June 7, 2021**  
6:00 PM

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**CALL TO ORDER:**

**Commissioners Present**

Claude Wiedower  
Sherry Hines Whitson  
Bill Waugh  
Joseph Burks  
Chris Murphy  
James Diggs

**Commissioners Absent**

**City Staff Present**

Julie Hurley  
Michelle Baragary

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

Planning Director Julie Hurley stated Wes Henning is moving and has therefore resigned from the Planning Commission.

**APPROVAL OF MINUTES:** May 3, 2021

Chairman Wiedower asked for comments or a motion on the minutes presented for approval: May 3, 2021. Mr. Burks moved to approve the minutes as presented, seconded by Mr. Murphy and approved by a vote of 6-0.

Chairman Wiedower welcomed new Planning Commission member Bill Waugh and thanked Mr. Mike Burke for his many years of serving on the Planning Commission.

**OLD BUSINESS:**

**None**

**NEW BUSINESS:**

**1. ELECTION OF VICE CHAIRMAN**

Chairman Wiedower asked for a volunteer or a nomination for Vice Chair. Mr. Burks nominated himself as Vice Chairman, seconded by Ms. Whitson and approved by a vote of 6-0.

**2. 2021-19 SUB – THE BRANCHES ADDITION NO. 3 FINAL PLAT**

Consider a final plat for The Branches Addition No. 3.

Chairman Wiedower called for the staff report.

Planning Director Julie Hurley stated the subject property is owned by Reilly Development, LLC, plat prepared by Atlas Surveyors. The applicant is requesting approval of a 45 lot final plat for The Branches Addition residential development. The property is currently vacant and zoned R1-6, High Density Single Family Residential District.

The subject property is 25.09 acres in size, and is currently undeveloped. The site lies between South 20<sup>th</sup> Street and Tonganoxie Drive. The plat consists of 46 residential lots with an average size of 15,763 square feet. The maximum lot size is 39,235 sqft and the minimum lot size is 8,400 sqft. Also included are associated utility easements, open space/drainage easements and emergency access.

The Development Review Committee reviewed the preliminary plat at their December 10, 2020 meeting. The proposed plat at the meeting was modified to the current preliminary plat in March. The items discussed at that time of the December meeting included the two access points: the first access point to the east and the second access point would be from Tract B to the south, the need for a Home Owner's Association, and it was also noted the need to address threatened and endangered species.

Storm water and sewer plans have been submitted, and Public Works are in the process of reviewing. Public Improvement Plans will be finalized and approved by Public Works prior to the recording of the final plat. Fire Marshall has been in coordination with Napier Engineering in regards to the second fire access dedicated by Tract A.

The associated Preliminary Plat was reviewed and approved by the Planning Commission on April 5, 2021. There have been no substantial changes to the plat since that time.

**ACTION/OPTIONS:**

- Approve the Final Plat for Branches Addition No. 3
- Deny the Final Plat for Branches Addition No. 3
- Table the issue for additional information/consideration.

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

Mr. Burks asked for clarification about the fire access point that runs through the green space.

Ms. Hurley responded that access is through Tract A on the south side. The engineer has been in contact with the Fire Department as the fire code sets the regulations for the need to be compacted and whether or not it's blocked, etc. There is an open tract adjoining that in the existing Branches Subdivision so the thought would be that it would go all the way through that green space. The engineer has been in contact with the Fire Department to work out how that will be constructed.

With no further questions about the staff report, Chairman Wiedower asked the applicant to provide any updates to the commission.

Mike Reilly, 608 Delaware, stated there have not been any substantial changes. Mr. Reilly stated they are not the original developer of this site. It is cumbersome given that Tract B has two houses on each side of it. To install a public road through this tract would substantially hurt the value of those two properties.

Mr. Reilly further stated they have worked with staff and the Fire Department to develop a turf road to be used for emergency purposes only. Signage will be installed dedicating the turf road access for emergency vehicles only. The hope is to be able to take access east at some point in time through the Westar site but that is yet to be determined.

Mr. Wiedower asked about the timeline.

Mr. Reilly stated as soon as they get approval and materials ordered they anticipate excavation within two weeks.

Mr. Diggs asked what the selling price will be.

Mr. Reilly responded with the cost of lumber and materials the starting point will be \$350,000 and will go up from there.

With no further questions or discussion, Chairman Wiedower called for a motion. Mr. Murphy moved to approve The Branches Addition No. 3 final plat, seconded by Mr. Diggs and approved by a vote of 6-0.

### **3. 2030 COMPREHENSIVE PLAN**

Conduct a public hearing to approve Resolution No. 2021-01 adopting the 2030 Comprehensive Plan.

Chairman Wiedower called for the staff report.

Planning Director Julie Hurley stated in December, 2019, the City entered into a contract with Shockey Consulting to provide services for a Comprehensive Plan update. Since that time, Shockey has completed multiple sessions with the Stakeholder Focus Group, joint sessions with the City Commission and Planning Commission, as well as a public engagement process that included two virtual public participation meetings. The final Comprehensive Plan will be the culmination of all input received throughout the process.

Staff from Shockey Consulting was present to give an overview of the draft chapters of the Plan and to facilitate a discussion related to the content of the chapters at the April 5, 2021 Planning Commission meeting. Items discussed at that time were incorporated into the final Comprehensive Plan document. The final Plan is presented for public hearing and adoption.

#### **ACTION:**

Approve a resolution adopting the 2030 Comprehensive Plan

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

Mr. Wiedower asked if anyone in the public has contacted staff about the Comprehensive Plan.

Ms. Hurley responded in the negative.

Mr. Murphy stated his concern is insuring we keep the green space that is built into the Plan.

Mr. Diggs asked how do we know how much green space will be left if construction is always approved.

Ms. Hurley responded the Comprehensive Plan is a high level document with broad goals and what staff envisions for the City of Leavenworth. Shockey Consulting provided the city with a checklist of all of those goals and actions that have been put into the Plan. When a city creates a Comprehensive Plan, that is not the end point but rather the start point where staff will take those goals and actions defined in the Plan and will start working through those by updating regulations and policies, and putting those into place to account for things like green space, buildable area, etc. As the city moves forward with new subdivisions, staff will have been able to put regulations in place for those ideals that have been brought up with the Comprehensive Plan.

Ms. Hurley further stated the final check and balance are the projects coming before the Planning Commission for approval. For example, if a plat comes before the Planning Commission, and the commission does not see there is designated green space, this board has the ability to recommend there be green space or they could recommend denial to the City Commission. The Comprehensive Plan is not a static document; the Plan is intended to be reviewed annually to make sure the goals that were laid out are still in line with the city's needs.

Mr. Burks stated his concern that residents of the city are not in attendance at tonight's meeting nor did anyone contact staff either in favor of or against the Comprehensive Plan seeing it speaks of the future of the city.

Ms. Hurley responded it is fairly common for residents not to be in attendance. By the time you get through whatever public involvement process you have and you get to that endpoint of adopting the Plan, everybody who typically is interested in being involved in something like this is sort of done by this point because they have already participated during the public involvement process. Sometimes residents who did not participate during the public involvement process will talk negatively after the fact; but again these types of documents are meant to be reviewed and revised as the city moves forward.

Mr. Burks stated it is incumbent for the Planning Commissioners to read and understand the Comprehensive Plan so that they can hold things accountable.

Mr. Wiedower stated people were offered opportunities to provide their input about the Plan so if people made a choice not to participate that was their choice.

With no further discussion or questions, Chairman Wiedower called for a motion. Mr. Murphy moved to Resolution 2021-01 adopting the 2030 Comprehensive Plan, seconded by Mr. Burks. Chairman Wiedower called the roll and Resolution 2021-01 was approved unanimously 6-0.

Ms. Hurley stated there are no items on the agenda for July.

With no other business, Chairman Wiedower adjourned the meeting at 6:21 p.m.

Minutes taken by Administrative Assistant Michelle Baragary.