

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

**REGULAR SESSION  
Monday, May 4, 2020  
6:00 p.m.**

**CALL TO ORDER:**

- 1. Roll Call/Establish Quorum**
- 2. Approval of Minutes: April 6, 2020**

**NEW BUSINESS:**

- 1. 2020-15 SUB – CROWN ESTATES 4<sup>TH</sup> PLAT, FINAL PLAT**  
Consider a final plat for the Crown Estates 4<sup>th</sup> Plat subdivision.
- 2. 2020-17 SUB – FORT GATE MARKETPLACE, PRELIMINARY PLAT**  
Consider a preliminary plat for the Fort Gate Marketplace subdivision.
- 3. 2020-18 SUB – BALL'S ADDITION, FINAL PLAT**  
Consider a final plat for the Ball's Addition subdivision.

**OTHER BUSINESS:**

NONE

**ADJOURN**

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

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**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 3<sup>RD</sup> PLAT, PRELIMINARY PLAT**

Consider a preliminary plat for the West Glen 3<sup>rd</sup> 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, 1<sup>st</sup> 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 20<sup>th</sup> 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 3<sup>rd</sup> 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 20<sup>th</sup> 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 3<sup>rd</sup> 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 20<sup>th</sup> 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 20<sup>th</sup> 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 3<sup>RD</sup> PLAT, FINAL PLAT**

Consider a final plat for the West Glen 3<sup>rd</sup> 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, 1<sup>st</sup> 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 20<sup>th</sup> 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 3<sup>rd</sup> 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 3<sup>rd</sup> 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 20<sup>th</sup> 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 20<sup>th</sup> 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 20<sup>th</sup> 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

DRAFT

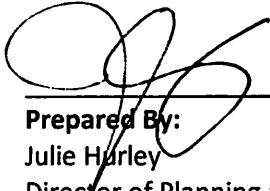


**PLANNING COMMISSION AGENDA ITEM  
2020-15-SUB  
CROWN ESTATES 4<sup>TH</sup> PLAT  
FINAL PLAT**

**MAY 4, 2020**

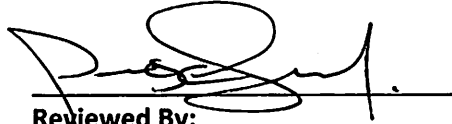
**SUBJECT:**

A request for a final plat of Crown Estates 4<sup>th</sup> Plat



**Prepared By:**

Julie Hurley  
Director of Planning and  
Community Development



**Reviewed By:**

Paul Kramer  
City Manager

**ANALYSIS:**

The subject property is owned by R3 Properties, LLC, plat prepared by Herring Surveying Company. The applicant is requesting approval of a 2.12 acre, 2 lot final plat for Crown Estates 4<sup>th</sup> Plat residential development. The property is currently vacant and zoned R1-9, Medium Density Single Family Residential District.

The site lies south of Spruce Street past the current dead-end of 17<sup>th</sup> Street Terrace in the Crown Estates Subdivision. Additional right-of-way for 17<sup>th</sup> Street Terrace is being dedicated as part of this plat in order to accommodate any potential future development to the south of the subject plat. 17<sup>th</sup> Street Terrace will not be extended at this time, but could be constructed in the future.

The plat was reviewed at the February 13, 2020 Development Review Committee meeting. No major issues were identified at that time.

**ACTION/OPTIONS:**

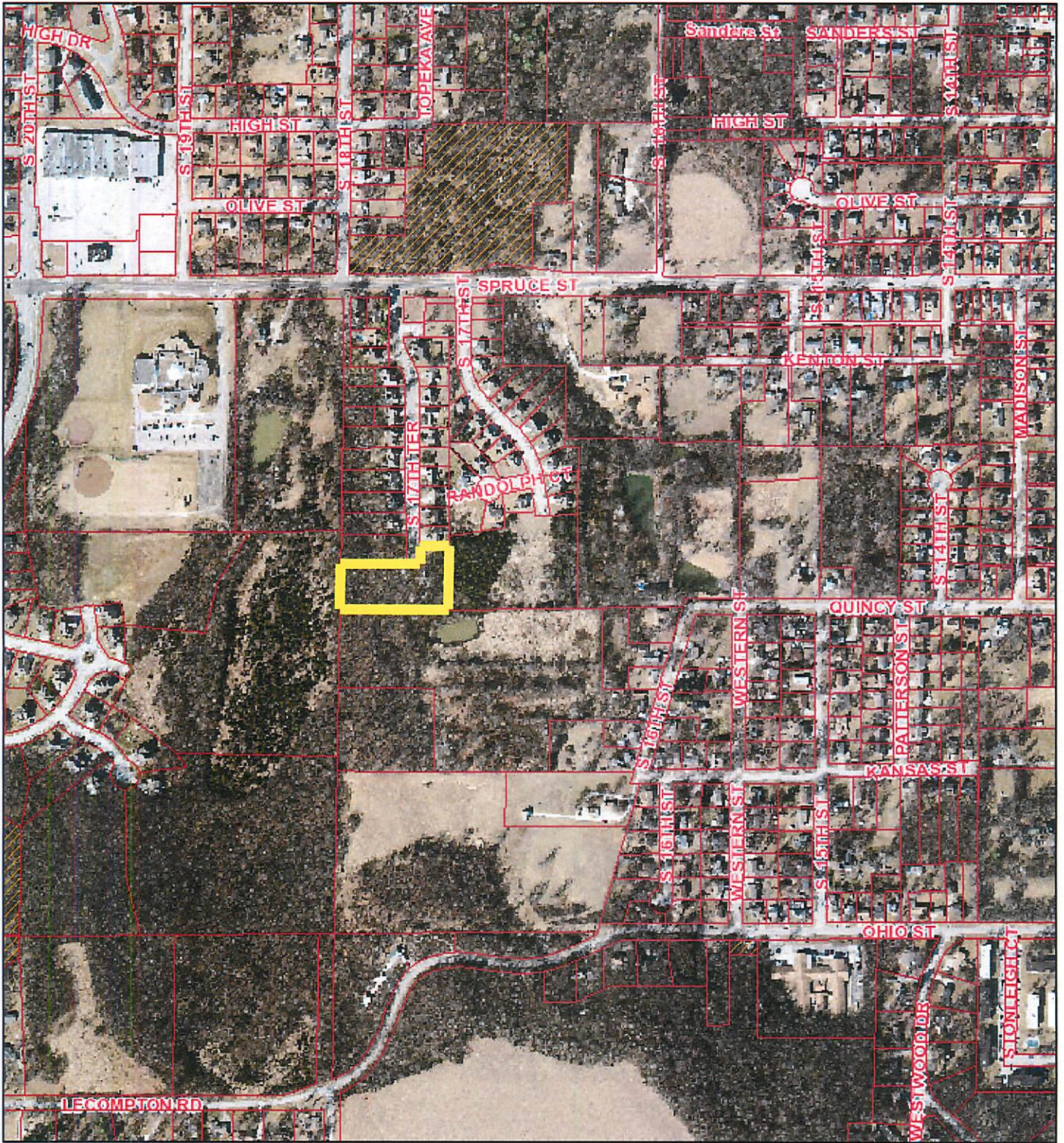
- Approve the Final Plat
- Deny the Final Plat
- Table the issue for additional information/consideration.

**ATTACHMENTS:**

Location map  
Application materials  
DRC minutes

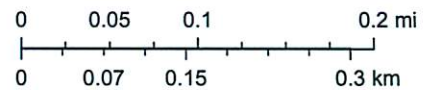


# 2020-15-SUB Crown Estates 4th Plat



4/30/2020, 10:10:07 AM

1:9,028



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





Project No. 2020-15 SUB

OFFICE USE ONLY

Application No. 7282

Fee: 350.00

(\$350 plus \$10 per lot over 5 lots)

Date Paid 4-6-20

Received By \_\_\_\_\_

NOH, N2PO, Publication - NA

FINAL PLAT APPLICATION  
CITY OF LEAVENWORTH

NAME OF SUBDIVISION/PROJECT: CROWN ESTATES 4TH PLAT Hearing: 5-4-20

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

NAME: R3 Properties LLC - Jeff Dedeke

STREET ADDRESS: [REDACTED] 1018 S. 17th Street Terrace

CITY: Leavenworth STATE: KS ZIP: 66048

PHONE: N/A FAX: N/A EMAIL: N/A

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

NAME: \_\_\_\_\_

STREET ADDRESS: \_\_\_\_\_

CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP: \_\_\_\_\_

PHONE: \_\_\_\_\_ FAX: \_\_\_\_\_ EMAIL: \_\_\_\_\_

NAME OF ENGINEER PREPARING PLAT:

NAME: Surveyor - Joe Herring

STREET ADDRESS: 315 North 5th Street

CITY: Leavenworth STATE: KS ZIP: 66048

COMPANY: Herring Surveying Company

PHONE: 913-651-3858 FAX: N/A EMAIL: survey@teamcash.com

PARCEL NO: 078-34-0-40-03-009.2 SEC.TWP.RNG. 34-8S-22E

ZONING OF SUBJECT PROPERTY: R1-9 CURRENT LAND USE: Vacant

TOTAL ACREAGE: 2.12 NUMBER OF LOTS: 2

LEGAL DESCRIPTION: (Attach full legal description provided by the REGISTER OF DEEDS OFFICE or a TITLE COMPANY)

DATE OF PRELIMINARY PLAT APPROVAL: N/A

SIGNATURE OF OWNER(S) [Signature] R3 Properties LLC Date: 4-7-20

State of KS, County of Leavenworth, SS  
Signed or attested before me on April 7th, 2020 by Jeff Dedeke

Notary [Signature] 9-10-2022  
Appointment Expires



# CROWN ESTATES 4th PLAT

A Part of Block 8, Foote's Subdivision, City of Leavenworth, Leavenworth County, Kansas.

## FINAL PLAT

PREPARED FOR:  
**R3 PROPERTIES LLC**  
 1118 South 17th Street Terrace  
 Leavenworth, KS 66048  
 PID # 078-34-00-00-009-2

**SURVEYOR'S DESCRIPTION:**  
 A tract of land being a part of Block 8, FOOTE'S SUBDIVISION, City of Leavenworth, Leavenworth County, Kansas, more fully described as follows: Beginning at the Southwest corner of CROWN ESTATES 3rd PLAT; thence South 87 degrees 50'35" West for a distance of 454.54 feet along the South line of said Block 8; thence North 53 degrees 17'20" West for a distance of 179.96 feet along the West line of said Block 8; thence North 87 degrees 41'25" East for a distance of 311.60 feet to the East right of way line of 17th Street Terrace; thence North 02 degrees 18'25" West for a distance of 45.00 feet along said East line to the Southwest corner of Lot 9, CROWN ESTATES SUBDIVISION; thence North 87 degrees 41'25" East, along the South line of said Lot 9; for a distance of 121.67 feet to the West line of said CROWN ESTATES 3rd PLAT; thence South 01 degree 34'30" East (previously platted N 01°34'41" W) for a distance of 206.15 feet along said West line to the point of beginning, together with and subject to covenants, easement and restriction of record.  
 Said property contains 2.12 acres, more or less.  
 Error of Closure - 1 - 447587

**CERTIFICATION AND DEDICATION**  
 The undersigned proprietors state that all taxes of the above described tract of land have been paid and that they have caused the same to be subdivided in the manner shown on the accompanying plat, which subdivision shall be known as: CROWN ESTATES 4TH PLAT.

Easements shown on this plat are hereby dedicated for public use, the rights of way which are shown with dashed lines on the accompanying plat, and said easements may be employed to locate and maintain sewers, water lines, gas lines, poles and wires and any other form of public utility now and hereafter used by the public over, under and along the strips marked "Utility Easement" (UE) or "Drainage Easement" (DE).

Streets shown on the accompanying plat and not heretofore dedicated for public use are hereby so dedicated.

Building Lines or Setback Lines (B.S.L.) are hereby established as shown on the accompanying plat and no building or portion thereof shall be built or constructed between this line and the street line.

**IN TESTIMONY WHEREOF:**  
 We, the undersigned owners of CROWN ESTATES 4TH PLAT, have set our hands this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

Jeff Deibel, Chairman  
 R3 PROPERTIES LLC

**NOTARY CERTIFICATE:**  
 Be it remembered that on this \_\_\_\_\_ day of \_\_\_\_\_, 2020, before me, a notary public in and for said County and State came Jeff Deibel, Chairman of R3 Properties LLC, to me personally known to be the same person who executed the foregoing instrument of writing, and duly acknowledged the execution of same. In testimony whereof, I have hereunto set my hand and affixed my notary seal the day and year above written.

**NOTARY PUBLIC:**  
 My Commission Expires: \_\_\_\_\_ (SEE)

**PLANNING COMMISSION OF LEAVENWORTH, KANSAS**  
 This plat of CROWN ESTATES 4TH PLAT, has been submitted to and approved by the Leavenworth Planning Commission this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

Chairman \_\_\_\_\_

Secretary \_\_\_\_\_

**CITY COMMISSION OF LEAVENWORTH, KANSAS**  
 This plat approved by the City Commission of Leavenworth, Kansas, this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

(SEAL) Mayor \_\_\_\_\_

Director of Public Works \_\_\_\_\_

Attest: City Clerk \_\_\_\_\_

**REGISTER OF DEED CERTIFICATE:**  
 Filed for record as Document No. \_\_\_\_\_ on this \_\_\_\_\_ day of \_\_\_\_\_, 2020 at \_\_\_\_\_ o'clock \_\_\_\_\_ M in the Office of the Register of Deeds of Leavenworth County, Kansas.

Register of Deeds - Stacy Driscoll \_\_\_\_\_



Scale 1" = 30'

Job # K-19-1309  
 April 1, 2020 Rev. 4/30/2020

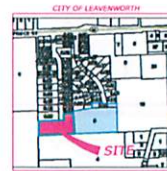


315 North 5th Street, Leav., KS 66044  
 Ph. 913.681.2008 Fax 913.674.5361  
 Email: info@tering.com

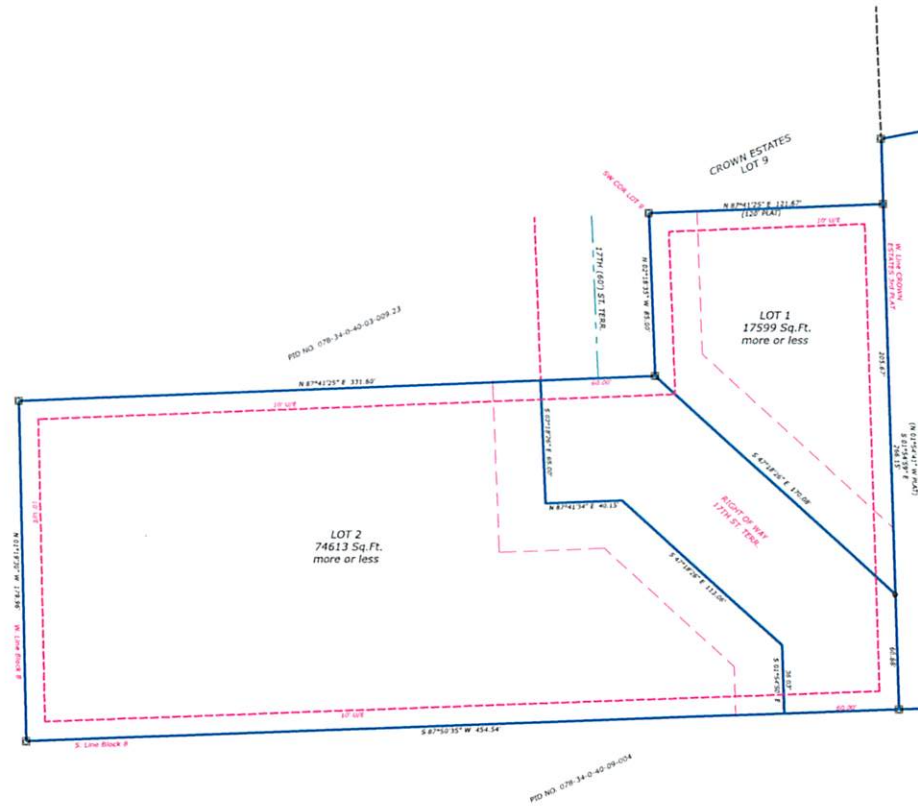


**COUNTY SURVEYOR**  
 I hereby certify this plat meets the requirements of KSA-58-2001 through 58-2005. The face of this plat was reviewed based on Kansas Minimum Standards for Boundary Surveys. No field verification is implied. This review is for surveying information only.

COUNTY SURVEYOR - Wayne Malinoc, RLS



VICINITY MAP  
 Not to Scale



- ZONING:**  
 #1 - Residential
- NOTES:**  
 1) This survey does not show ownership.  
 2) All distances are calculated from measurements or measured this survey, unless otherwise noted.  
 3) All recorded and measured distances are the same, unless otherwise noted.  
 4) Error of Closure - See Error of Closure Calculations.  
 5) Book of Bearings - Recorded Plat - CROWN ESTATES.  
 6) Point Origin Unknown, unless otherwise noted.  
 7) Benchmark - NAD83.  
 8) Project Benchmark (BM) - 1/2" Bar SW Cor 17th Street - Elev. 912.7'  
 9) Reference Surveys - CROWN ESTATES PLATS.  
 10) Survey prepared without the benefit of a title commitment.  
 11) Subject to Covenants, Restrictions, and Easements of Record.

- LEGEND:**  
 ● - 1/2" Bar Set with Cap No. 1296  
 ○ - 1/2" Bar Fouls, unless otherwise noted.  
 □ - Concrete Base to be Set around Point  
 CL - Pk. Nail found in Place  
 | - Record / Dened Distance  
 --- - Utility Easement  
 --- - Landscape Easement  
 --- - Building Setback Line  
 --- - Permanent Dedicated Roadway Easement dedicated this plat



I hereby certify that this survey was made by me, or under my direct supervision, on the ground during the dates of June 2019 thru March 2020 and this map or plat is correct to the best of my knowledge.

Joseph A. Herring  
 PS # 1296



**Development Review Committee Meeting**  
**Thursday, February 13, 2020**

Committee members present: City Manager Paul Kramer, Assistant City Manager Taylour Tedder, Director Public Works Mike McDonald, Deputy Director Public Works Mike Hooper, Police Major Dan Nicodemus, Planning Director Julie Hurley and Administrative Assistant Michelle Baragary.

**NEW BUSINESS:**

- ***S. 17<sup>th</sup> Terrace – Jeff Dedeke***
  - Attendees: Jeff Dedeke
  - Wants to build a single family home on the west side of the lot and split off a portion of the lot to the east to sell
    - Need to plat and dedicate ROW
    - This is a Minor Subdivision so preliminary plat not required before final plat. Will need to go to City Commission for final approval because it's dedicating ROW

**OLD BUSINESS:**

None

**OTHER BUSINESS:**

None

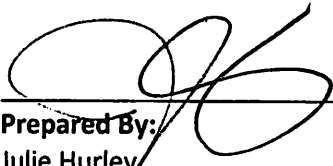
Meeting adjourned at 1:38 p.m.

**PLANNING COMMISSION AGENDA ITEM  
2020-17-SUB  
FORT GATE MARKETPLACE  
PRELIMINARY PLAT**

**MAY 4, 2020**

**SUBJECT:**

A request for a preliminary plat of Fort Gate Marketplace



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**Prepared By:**

Julie Hurley  
Director of Planning and  
Community Development



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**Reviewed By:**

Paul Kramer  
City Manager

**ANALYSIS:**

The subject property is owned by Fort Gate Properties, LLC, plat prepared by Renaissance Infrastructure Consulting. The applicant is requesting approval of a 3.62 acre, 5 lot preliminary plat for the Fort Gate Marketplace commercial development. The property is zoned GBD, General Business District, and is currently occupied by the Armed Forces Bank, Commander's Inn Motel, and a small residential structure.

The plat includes the vacation of the portion of 6<sup>th</sup> Street between Metropolitan Avenue and Cheyenne Street. The applicant intends to demolish the existing structures on the site and redevelop the property with an Armed Forces ATM on Tract A, a convenience store, two restaurant sites, and a multi-tenant commercial building. A site plan is attached for reference only.

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 plat was reviewed at the March 25, 2020 Development Review Committee meeting. All issues identified have been addressed or will be addressed at the time of construction.

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

**ACTION/OPTIONS:**

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

**ATTACHMENTS:**

Location map  
Application materials  
Site plan

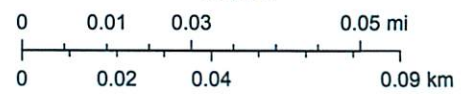


# 2020-17-SUB Fort Gate Marketplace



4/29/2020, 4:07:27 PM

1:2,257



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



Project No. 2020-17 SUB

Hearing Date 5-4-20

**PRELIMINARY PLAT APPLICATION  
CITY OF LEAVENWORTH**

OFFICE USE ONLY  
Application No. 7293  
Fee: 350.00  
(\$350 plus \$10 per lot over 5 lots)  
Date Paid 4-10-20  
Received By C. Collins  
NOH, N2PO, Publication - NA

NAME OF SUBDIVISION/PROJECT: Fort Gate Marketplace (7th St. & Metropolitan)

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

NAME: Fort Gate Properties, LLC

STREET ADDRESS: 7939 Floyd, Suite 200

CITY: Overland Park

STATE: KS

ZIP: 66204

PHONE: (913) 747-3340

FAX: \_\_\_\_\_

EMAIL: justin@cadencekc.com

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

NAME: Cadence - Justin Kaufmann

STREET ADDRESS: 7939 Floyd, Suite 200

CITY: Overland Park

STATE: KS

ZIP: 66204

NAME OF ENGINEER PREPARING PLAT: Brent Thompson

COMPANY: Renaissance Infrastructure Consulting

STREET ADDRESS: 132 Abbie Avenue

CITY: Kansas City

STATE: KS

ZIP: 66103

PHONE: 913-317-9500

FAX: \_\_\_\_\_

EMAIL: bthompson@ric-consult.com

PARCEL NO: \_\_\_\_\_ SEC.TWP.RNG. \_\_\_\_\_

ZONING OF SUBJECT PROPERTY: GBD CURRENT LAND USE: Commercial

TOTAL ACREAGE: 3.620 NUMBER OF LOTS: 5

LEGAL DESCRIPTION: (Attach full legal description provided by the REGISTER OF DEEDS OFFICE or a TITLE COMPANY) \_\_\_\_\_

Manner in which improvements will be made:

Streets:



By Developer



By Benefit District

Sanitary Sewers:



By Developer



By Benefit District

Waterlines:



By Developer



By Benefit District

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: \_\_\_\_\_

Justin Kaufmann

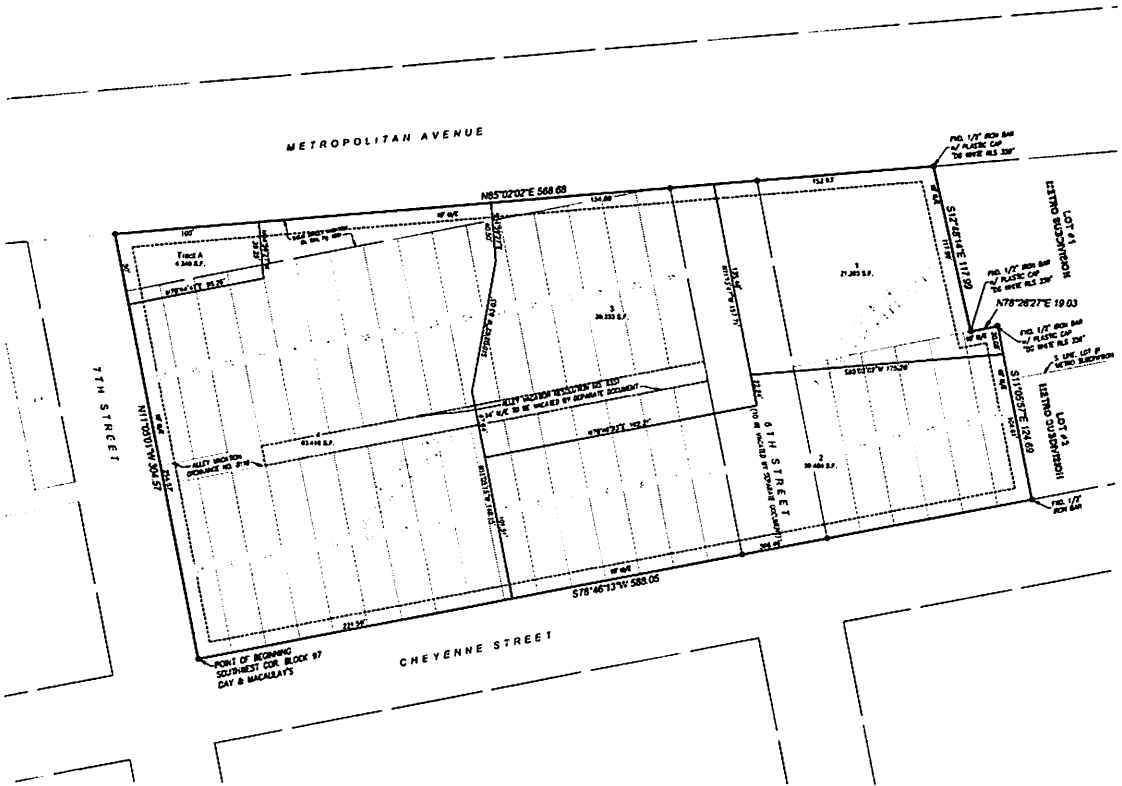
Date: \_\_\_\_\_

4-2-2020



# PRELIMINARY PLAT FORT GATE MARKETPLACE

## A SUBDIVISION IN THE CITY OF LEAVENWORTH, DOUGLAS COUNTY, KANSAS



**DESCRIPTION**

All that part of the North Fractional portion of Block G, together with all of Lots 11 through 16 inclusive, Blocks G, LEAVENWORTH and Lots 1 through 32, inclusive, situated Beau Street and 6th Street and all of the alley situated by Resolution No. 4051 and Ordinance No. 6116, all in Block 87, DAY AND MACALLAY'S SUBDIVISION, all in the City of Leavenworth, Leavenworth County, Kansas more particularly described as follows:

Beginning at the Southwest corner of said Block 87, and joint bearing on the East right-of-way line of 7th Street, as it now exists, thence North 11°02'01" West, along said East right-of-way line, a distance of 324.57 feet, to a point of intersection with the South right-of-way line of Metropolitan Avenue, as it now exists, thence North 85°02'07" East, along said South right-of-way line, a distance of 568.68 feet, to the Northwest corner of Lot 1, METRO SUBDIVISION, a subdivision in said City of Leavenworth, thence South 12°03'14" East, along the West line of said Lot 1, a distance of 117.03 feet, thence North 78°28'27" East, continuing along said West line, a distance of 18.03 feet, thence South 11°02'01" East, continuing along the West line of said Lot 1 and the West line of Lot 2, said METRO SUBDIVISION, a distance of 124.83 feet, to the Southwest corner of said Lot 2, said joint bearing on the North right-of-way line of Cheyenne Street, as it now exists, thence South 78°46'13" West, along said North right-of-way line, a distance of 588.05 feet to the Point of Beginning, containing 157,702 square feet, or 3.600 acres, more or less.

**DEDICATION**

The undersigned proprietor of the above described tract of land has caused the same to be subdivided in the manner as shown on the accompanying plat, which subdivision and plat shall hereafter be known as

**"FORT GATE MARKETPLACE"**

The proprietors, successors, and assigns, of property described on this plat hereby dedicate for public use all land described on this plat as streets or public ways not heretofore dedicated. Acceptance of the dedication of land for public right-of-way purposes described on this plat is for the sole purpose of maintaining right-of-way, and does not constitute acceptance of any terms or conditions set forth in any agreement not shown on this plat.

An easement or license to enter upon, locate, construct, use and maintain or authorize the location, construction or maintenance and use of conduits, water, gas, sewer pipes, poles, wires, drainage facilities, irrigation systems, ducts and cables, and similar facilities, upon, over and under these areas outlined and designated on this plat as "Utility Easement" or "U/E" is hereby granted to the City of Leavenworth, Kansas with subordinate use of the same by other governmental entities and public utilities as may be authorized by state law to use such easement for said purposes.

**RESTRICTIONS**

Tract "A" is intended to be used as an ATM Parcel, and shall be owned and maintained by the Lot 4.

**CONSENT TO LEVY**

The undersigned proprietor of the above described tract of land hereby agrees and consents and agrees that the governing body of any special assessment district shall have the power to release such land proposed to be dedicated for streets and roads, or both thereof, for public use, from the lien and effect of any special assessments, and that the amount of unpaid special assessments on such land dedicated, shall become and remain a lien on the remainder of this land pending or abating on such dedicated road or street.

**EXECUTION**

IN TESTIMONY WHEREOF, the undersigned proprietor has caused the instrument to be executed this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

**FORT GATE PROPERTIES, LLC**

\_\_\_\_\_  
Manager

STATE OF KANSAS )  
                          ) SS  
COUNTY OF JOHNSON

BE IT REMEMBERED, that on the \_\_\_\_\_ day of \_\_\_\_\_, 2020, before me a Notary Public in and for said County and State, came \_\_\_\_\_, Manager of Fort Gate Properties, LLC, who is personally known to me to be the same person who executed the foregoing instrument of writing on behalf of said corporation, and he duly acknowledged the execution of the same to be the act and deed of said corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on the day and year last written above.

Notary Public: \_\_\_\_\_  
My Appointment Expires \_\_\_\_\_

**APPROVALS**

APPROVED BY the Planning Commission of the City of Leavenworth, Leavenworth County, Kansas, on the \_\_\_\_\_ day of \_\_\_\_\_, 2020.

Mike Burns, Planning Commission Chairperson

John Hurley, Planning Commission Secretary  
ATTEST

Carla Williamson, City Clerk

The acceptance of this plat by the City Commission in the following form: This plat approved by the City Commission of Leavenworth, Kansas, this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

Rayne Orndorff, Mayor  
ATTEST

Carla Williamson, City Clerk

Michael McDonald, Director of Public Works

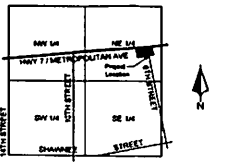
\_\_\_\_\_  
City Attorney

REGISTER OF DEEDS CERTIFICATE  
Filed for Record as Document \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 2020 at \_\_\_\_\_ o'clock \_\_\_\_\_ in the Office of the Register of Deeds of Leavenworth County, Kansas.

Jacy R. Drexler, Register of Deeds

COUNTY SURVEYOR'S APPROVAL:  
I hereby certify this plat meets the requirements of K.S.A. 8a-2205. The facts of this plat was reviewed for compliance with Kansas Minimum Standards for Boundary Surveys. No field verification is implied. This review is for survey information only.

COUNTY SURVEYOR \_\_\_\_\_



**LEGEND:**  
 ● FOUND NEARBY WITH NO MODERN/NEEDS CLOSURE GAP UNLESS OTHERWISE NOTED  
 ○ U/E UTILITY EASEMENT

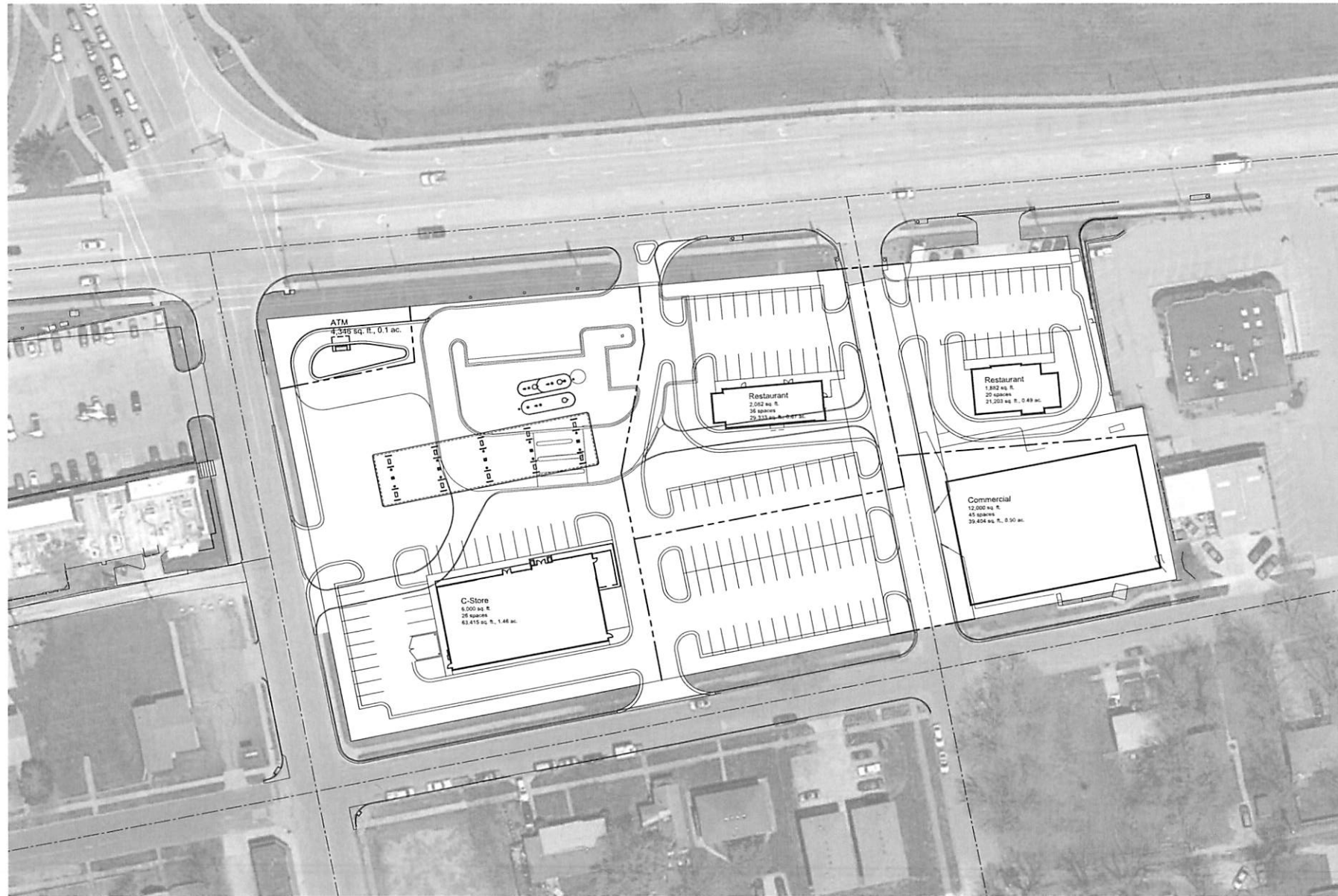
**NOTES**  
 Basis of Bearings: As determined by GPS observations, referenced to the Kansas State Plane Coordinate System, North Zone (NAD 83).  
 CLOSURE CALCULATIONS:  
 Precision, 1 part in 102706.7167  
 Error distance: 0.0027  
 Error direction: S0°18'03"W  
 Perimeter: 1723.01  
 All bearings and distances shown on this plat are plotted and measured unless otherwise noted.

Flood Plain Note: According to the F.E.A. Flood Insurance Rate Map Number 20100201330, revised July 16, 2015, this tract graphically lies in OTHER AREAS, ZONE X, defined as areas determined to be outside the 0.2% annual chance floodplain.



Brent E. Thompson, Kansas L.S. 1277  
bthompson@bc-cad.com

<b>FORT GATE MARKETPLACE</b>	
Prepared For: Chris Whitner Davidson A/E 4301 Indian Creek Parkway Overland Park, KS 66207 913.451.8200	
Date of Preparation: April 3, 2020	1122 Abbe Avenue Kansas City, Kansas 66103 913.317.8200 www.ri-cad.com



a new development for  
**615 Metropolitan**  
 SE Corner of Metropolitan & N. 7th Street  
 Leavenworth, Kansas

date: 03.10.2020  
 drawn by: DAE  
 checked by: DAE  
 reviewed by:

sheet number:  
**A1.1**

**1** Site Plan  
 scale: 1" = 30'-0"

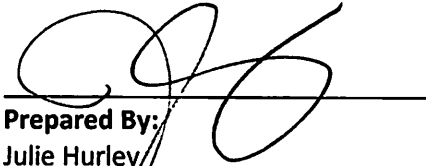
drawing type:  
 preliminary  
 project number:  
 20011

**PLANNING COMMISSION AGENDA ITEM  
2020-18-SUB  
BALL'S ADDITION  
FINAL PLAT**

**MAY 4, 2020**

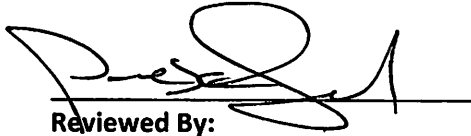
**SUBJECT:**

A request for a final plat of Ball's Addition



**Prepared By:**

Julie Hurley  
Director of Planning and  
Community Development



**Reviewed By:**

Paul Kramer  
City Manager

**ANALYSIS:**

The subject property is owned by Supermarket Developers, Inc., plat prepared by Renaissance Infrastructure Consulting. The applicant is requesting approval of a 4.11 acre, 1 lot final plat for the Ball's Addition. The property is zoned GBD, General Business District, and is currently occupied by Price Chopper.

The replat of this property is being done in order to correct existing utility easements and platted setbacks for the Price Chopper building in advance of a remodel of the store. No new exterior construction will take place.

The plat has been reviewed by the Public Works Department. All issues identified have been addressed.

Staff recommends approval of the Ball's Addition, Final Plat.

**ACTION/OPTIONS:**

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

**ATTACHMENTS:**

Location map  
Application materials

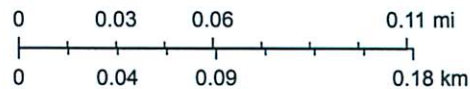


# 2020-18-SUB Ball's Addition



4/29/2020, 4:31:20 PM

1:4,514



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





meeting date 5-4-20

Project No. 2020-18 SUB

OFFICE USE ONLY

Application No. 7294

Fee: 350.00

(\$350 plus \$10 per lot over 5 lots)

Date Paid 4-13-20

Received By Staci Adams

NOH, N2PO, Publication - NA

FINAL PLAT APPLICATION  
CITY OF LEAVENWORTH

NAME OF SUBDIVISION/PROJECT: Ball's Addition 2107 S. 4th St. (Price Chopper)

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

NAME: Supermarket Developers, Inc.

STREET ADDRESS: 5000 Kansas Avenue

CITY: Kansas City STATE: KS ZIP: 66106

PHONE: 913-288-1004 FAX: N/A EMAIL: jriggs@awg.com

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

NAME: Supermarket Developers, Inc.

STREET ADDRESS: 5000 Kansas Avenue

CITY: Kansas City STATE: KS ZIP: 66106

PHONE: 913-288-1004 FAX: N/A EMAIL: jriggs@awg.com

NAME OF ENGINEER PREPARING PLAT:

NAME: Brent Thompson

STREET ADDRESS: 132 Abbie Avenue

CITY: Kansas City STATE: Kansas ZIP: 66103

COMPANY: Renaissance Infrastructure Consulting

PHONE: 913-317-9500 FAX: \_\_\_\_\_ EMAIL: bthompson@ric-consult.com

PARCEL NO: 1010104002003020 SEC.TWP.RNG. \_\_\_\_\_

ZONING OF SUBJECT PROPERTY: GBD CURRENT LAND USE: Commercial

TOTAL ACREAGE: 179,179 SF or 4.11 Ac. NUMBER OF LOTS: 1

LEGAL DESCRIPTION: \_\_\_\_\_  
(Attach full legal description provided by the REGISTER OF DEEDS OFFICE or a TITLE COMPANY)

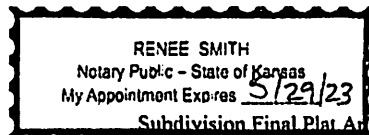
DATE OF PRELIMINARY PLAT APPROVAL: \_\_\_\_\_

SIGNATURE OF OWNER(S)

John Ryan by [Signature] Date: 04/03/2020  
*Chip Corcoran*

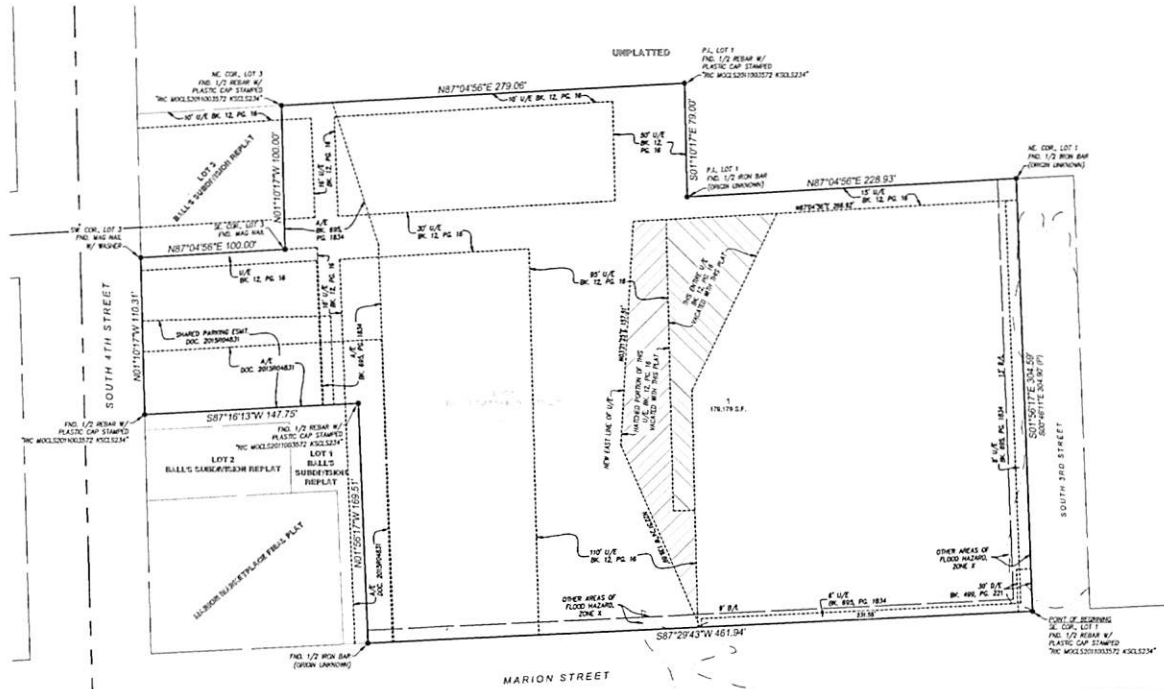
State of Kansas County of Johnson SS  
Signed or attested before me on April 3rd, 2020 by Chip Corcoran

Renee Smith 5/29/23  
Notary Appointment Expires  
(Seal)



# FINAL PLAT BALL'S ADDITION

A REPLAT OF A PORTION OF LOT 1, BALL'S SUBDIVISION REPLAT, A SUBDIVISION  
IN THE CITY OF LEAVENWORTH, LEAVENWORTH COUNTY, KANSAS



**DESCRIPTION**

A portion of Lot 1, BALL'S SUBDIVISION REPLAT, a subdivision of land in the City of Leavenworth, Leavenworth County, Kansas, being more particularly described as follows:  
**BEGINNING** at the Southeast Corner of said Lot 1, said point being on the northerly Right-of-Way Line of Marion Street and on the westerly Right-of-Way Line of S. 3rd Street, as such streets now exist, thence South 87°20'43" West, along the South Line of said Lot 1 and also being along said northerly Right-of-Way Line of Marion Street, a distance of 40.54 feet, thence North 01°56'17" West, a distance of 150.51 feet, thence South 87°56'33" West, a distance of 147.75 feet to a point on the West Line of said Lot 1 and also being the easterly Right-of-Way Line of South 4th Street, as now exists, thence North 01°56'17" West, along said West Line of Lot 1 and said easterly Right-of-Way Line of South 4th Street, a distance of 110.33 feet to the Southeast Corner of Lot 3, of said BALL'S SUBDIVISION REPLAT, thence North 87°04'55" East, along the South Line of said Lot 3, a distance of 100.00 feet to the Southeast Corner of said Lot 2, thence North 01°10'17" West, along the East Line of said Lot 2, a distance of 100.00 feet to the Northeast Corner of said Lot 2 and also being on the North Line of said Lot 1, thence North 87°04'55" East, along said North Line of Lot 1, a distance of 276.09 feet, thence South 01°10'17" East, along said North Line of Lot 1, a distance of 75.00 feet, thence North 87°04'55" East, along said North Line of Lot 1, a distance of 226.93 feet to the Northeast Corner of said Lot 1, said point being on said westerly Right-of-Way Line of S. 3rd Street, thence South 01°56'17" East, along the East Line of said Lot 1 and also being along said westerly Right-of-Way Line of S. 3rd Street, a distance of 304.56 feet (304.56 feet platted) to the POINT OF BEGINNING.

Containing 176,176 square feet or 4.113 acres, more or less.

All bearings as described herein are based on the Kansas State Plane Coordinate System, North Zone (NAD 83).

**DEDICATION**

The undersigned proprietor of the above described tract of land has caused the same to be subdivided in the manner as shown on the accompanying plat, which subdivision and plat shall hereafter be known as:

**"BALL'S ADDITION"**

The proprietors, successors, and assigns, of property described on this plat hereby dedicate for public use all land described on this plat as streets or public ways not heretofore dedicated. Acceptance of the dedication of land for public, right-of-way purposes described on this plat is for the sole purpose of maintaining right-of-way, and does not constitute acceptance of any terms or conditions set forth in any agreement or plan on this plat.

An easement or license to enter upon, locate, construct, use and maintain or authorize the location, construction or maintenance and use of conduits, water, gas, sewer pipes, poles, wires, drainage facilities, irrigation systems, ditches and canals, and similar facilities, upon, over and under these areas defined and designated on this plat as "Utility Easement" or "ULE" is hereby granted to the City of Leavenworth, Kansas with subordinate use of the same by other governmental entities and public utilities as may be authorized by state law for use such easement for said purposes.

**EVOLUTION**

IN TESTIMONY WHEREOF, the undersigned proprietor has caused this instrument to be executed this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

FOUR D COMPANY, LLC  
 \_\_\_\_\_  
 David Smith, President

STATE OF KANSAS ) SS  
 COUNTY OF \_\_\_\_\_ )

BE IT REMEMBERED, that on the \_\_\_\_\_ day of \_\_\_\_\_, 2020, before me a Notary Public in and for said County and State, came David Smith, President of FOUR D COMPANY, LLC, who is personally known to me to be the same person who executed the foregoing instrument of writing on behalf of said company, and he duly acknowledged the execution of the same to be the act and deed of said company.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on the day and year last written above.

Notary Public: \_\_\_\_\_  
 My Appointment Expires: \_\_\_\_\_

**APPROVALS**

APPROVED by the Planning Commission of the City of Leavenworth, Leavenworth County, Kansas, on this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_   
 Mike Burke, Planning Commission Chairperson

\_\_\_\_\_   
 Julie Hurley, Planning Commission Secretary  
 ATTEST:

\_\_\_\_\_   
 Caita Williamson, City Clerk  
 The acceptance of the plat by the City Commission in the following form this plat approved by the City Commission of Leavenworth, Kansas, this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_   
 Myron Ornduff, Mayor  
 ATTEST:

\_\_\_\_\_   
 Caita Williamson, City Clerk

\_\_\_\_\_   
 Michael McDonald, Director of Public Works

\_\_\_\_\_   
 City Attorney

REGISTER OF DEED CERTIFICATE  
 Filed for Record as Document \_\_\_\_\_ on this \_\_\_\_\_ day of \_\_\_\_\_, 2020 at \_\_\_\_\_ O'Clock, \_\_\_\_\_ in the Office of the Register of Deeds of Leavenworth County, Kansas.

\_\_\_\_\_   
 Stacy R. Dracoff, Register of Deeds

COUNTY SURVEYOR'S APPROVAL  
 I hereby certify this plat meets the requirements of K.S.A. 55-2005. The face of this plat was reviewed for compliance with Kansas Minimum Standards for Boundary Surveys. No field verification is implied. This review is for survey information only.

COUNTY SURVEYOR: \_\_\_\_\_

**NOTES**  
 Basis of Bearings: As determined by GPS observations, referenced to the Kansas State Plane Coordinate System, North Zone (NAD 83).

**CLOSURE CALCULATIONS:**  
 Precision, 1 part in: 315207.181  
 Error distance: 0.006  
 Error direction: N48°32'41"E  
 Perimeter: 1567.09'

All bearings and distances shown on this plat are platted and measured unless otherwise noted.

**Flood Plain Note:** According to the F.E.M.A. Flood Insurance Rate Map Number 20100201410, revised July 16, 2015, the land is generally less in:

- OTHER AREAS, ZONE X, defined as areas determined to be outside the 0.2% annual chance floodplain.
- OTHER FLOOD AREAS, ZONE X, defined as areas of 0.2% annual chance flood, areas of 1% annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile, and areas protected by levees from 1% annual chance flood.

I hereby certify that this Subdivision Plat is based upon an actual survey completed on the ground by me or under my direct supervision and that said survey meets or exceeds the current Kansas Minimum Standards For Boundary Surveys as established by the Kansas Board of Technical Professions, and that said survey is true and correct to the best of my professional knowledge and belief.



Brent E. Thompson, Kansas LS-1277  
 bthompson@bco-ks.com



**LEGEND**  
 ● FOLIO MONUMENT AS NOTED ON PLAT  
 ▲ ACCESS EASEMENT  
 ○ UTILITY EASEMENT



LINE 52  
**LOCATION MAP**  
 SECTION 14-36-22  
 SCALE 1" = 200'

**BALL'S ADDITION**

Prepared For: Joel Plogg Associated Wholesale Grocers 5000 Kansas Avenue Kansas City, Kansas 66106 (913) 226-1004	<b>Renaissance Infrastructure Consulting</b>
Date of Preparation: April 2, 2020	132 Ashw Avenue Kansas City, Kansas 66103 813.317.9500 www.riiconsult.com