

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

**REGULAR SESSION
Monday, September 11, 2023
6:00 p.m.**

CALL TO ORDER:

- 1. Roll Call/Establish Quorum**
- 2. Approval of Minutes: July 10, 2023**

OLD BUSINESS:

None

NEW BUSINESS:

- 1. WELCOME NEW COMMISSIONER MARYANN NEELAND**
- 2. 2023-22 SUB – LIS SEVEN FINAL PLAT**
Consider a final plat for LIS SEVEN, Case No. 2023-22 SUB.
- 3. 2023-23 SUB – ST. CASIMIR CHURCH FINAL PLAT**
Consider a final plat for St. Casimir Church, Case No. 2023-23 SUB.
- 4. 2023-24 SUB – WHISPERING HILLS WEST FINAL PLAT**
Consider a final plat for Whispering Hills West, Case No. 2023-24 SUB.
- 5. 2023- 25 SUP – 722 S. 5TH STREET**
Conduct a public hearing for Case No. 2023-25 SUP – 722 S. 5th Street. The applicant is requesting a Special Use Permit to allow a restaurant use in the OBD, Office Business District, zoning district. Restaurant uses are allowed in the OBD zoning district with the issuance of a Special Use Permit.

OTHER BUSINESS:

None

ADJOURN

CITY OF LEAVENWORTH PLANNING COMMISSION
COMMISSION CHAMBERS, CITY HALL
100 N 5th Street, Leavenworth, Kansas 66048
REGULAR SESSION
Monday, July 10, 2023
6:00 PM

CALL TO ORDER:

Commissioners Present

Bill Waugh
Brian Stephens
Kathy Kem
James Diggs
Sherry Hines Whitson

Commissioners Absent

City Staff Present

Julie Hurley
Michelle Baragary

Commissioner Kem directed the meeting until a Vice Chairperson was voted on.

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

APPROVAL OF MINUTES: April 3, 2023

Commissioner Kem asked for comments or a motion on the minutes presented for approval: April 3, 2023. Commissioner Waugh moved to approve the minutes as presented, seconded by Commissioner Stephens and approved by a vote of 5-0.

OLD BUSINESS:

None

NEW BUSINESS:

1. ELECTION OF VICE CHAIRPERSON

Commissioner Stephens volunteered for Vice Chairperson, seconded by Commissioner Whitson, and approved by a vote of 5-0.

2. 2023-15 SUP – 500 & 502 PAWNEE

Conduct a public hearing for Case No. 2023-15 SUP – 500 & 502 Pawnee. The applicant is requesting a Special Use Permit to allow a two-family dwelling in the R1-6 zoning district, High Density Single Family Residential District, located at 500 & 502 Pawnee. Two-family dwellings are allowed in the R1-6 zoning district with the approval of a Special Use Permit.

Vice Chairman Stephens called for the staff report.

Planning Director Julie Hurley stated the applicant, Clim Curry, is requesting a Special Use Permit to allow a two-family dwelling in the R1-6 zoning district, located at 500 & 502 Pawnee. Two-family dwellings are allowed in the R1-6 zoning district with the approval of a Special Use Permit.

There is an existing two-family structure on the property that is considered a nonconforming structure, as there is no existing Special Use Permit. Per section 1.05 of the adopted Development Regulations:

Any structure which is devoted to a use which is permitted in the zoning district in which it is located, but which is located on a lot which does not comply with the applicable property development standards on the effective date of these Development Regulations, may be continued, so long as it remains otherwise lawful.

Section 1.05 of the Development Regulations also states in regards to Nonconforming Structures:

If a nonconforming structure is damaged by more than fifty percent (50%) of its fair market value, such building shall not be restored if such building is not in conformance with the regulations for the zoning district in which it is located, or an exception is granted by the Board of Zoning Appeals.

Recent changes in lending practices have made it increasingly difficult for borrowers to secure financing for properties which are considered nonconforming and that would not be permitted to be rebuilt as-is. The applicant is seeking the Special Use Permit in order for the property to becoming conforming to prepare for potential sale.

COMMISSION FINDINGS

The Commission may recommend issuance of a special use permit whenever it finds that:

1. The proposed special use complies with all applicable provisions of this ordinance.

Staff believes that this application complies with all provisions of City of Leavenworth Development Regulations.

2. The proposed special use at the specified location will contribute to and promote the economic development, welfare or convenience of the public.

This property has always functioned as a two-family dwelling, and contributes to the diversity of housing stock available to Leavenworth residents.

3. The special use will not cause substantial injury to the value of other property in the neighborhood in which it is located.

Staff does not feel that the use will cause any substantial injury to the value of other property in the neighborhood, as there are no changes proposed.

4. The location and size of the special use, the nature and intensity of the operation involved in or conducted in connection with it, and the location of the site with respect to streets giving access to it are such that the special use will not dominate the immediate neighborhood so as to prevent development and use of neighboring property in accordance with the applicable zoning district regulations.

A new structures or building modifications are proposed as part of this special use permit. The property will continue to function as it always has.

Notification was sent to property owners within 200' of the subject property, as required by Kansas Statue. Since notifications were mailed, staff has received no comments or inquiries.

There is one additional Special Use Permit request of a similar nature on this agenda, submitted by the same owner for another property.

The letter from the property owner that is included in the packet identified five different properties. After further review, staff noticed that three of those properties are located in the North Neighborhood Overlay District, which allows two-family dwellings by right. Therefore, those three properties are conforming and do not require a Special Use Permit.

Ms. Hurley stated the next item on the agenda is a request for the same type of Special Use Permit but for a different property owned by Mr. Curry. Questions and discussion will apply for both agenda items.

STAFF RECOMMENDATION:

Staff recommends approval of the Special Use Permit request based on the analysis and findings included herein.

ACTION/OPTIONS:

- Motion, based upon findings as stated and conditions as presented, to recommend approval to the City Commission with included conditions
- Motion, based upon findings as stated and conditions as presented, to recommend denial to the City Commission
- Table the issue for additional information/consideration

Vice Chairman Stephens asked for questions from commissioners about the staff report.

With no questions about the staff report, Vice Chairman Stephens opened the public hearing. With no one wishing to speak, Vice Chairman Stephens closed the public hearing and called for discussion among the commissioners.

Commissioner Diggs asked staff why this process is required since the subject duplexes have been duplexes for a very long time.

Property owner Clim Curry stated the properties have been duplexes for 30 years.

Ms. Hurley responded she could not find in our records when the properties were built, and is not sure what zoning might have been allowed at that time. Nonconformities such as this is all over town, especially in the northern part of town.

Vice Chairman Stephens asked staff if there is a proactive approach the city could take to find properties with this specific nonconformity, and move forward with this process if the owners of the properties so choose.

Ms. Hurley responded there is really no easy way to do that. Staff has had some internal discussions about that but to do a blanket zoning change it is not something the city wants to do. The property is zoned single-family, and the intent is for single-family homes. With the existing nonconforming duplexes, the more feasible option would be to look at something like a no fee structure for the property owners to bring the duplexes into compliance. In just the past couple years, staff has starting seeing more of these come through since banks have changed their lending practices.

Vice Chairman Stephens asked who is the appropriate person to get start this discussion with.

Ms. Hurley stated at a staff level we can see which properties are two-family properties through the stormwater fees. This could give staff an idea of how many of these types of nonconformities there

are. The next step would be to speak with the City Manager, who would discuss this with the City Commission. It would need to come to the Planning Commission since it is a land use and zoning issue. Ms. Hurley further stated she would bring this discussion up with the City Manager.

Mr. Curry stated he was blindsided by this issue when the sale of 500 & 502 Pawnee fell through because the property could not be rebuilt as a duplex since it is existing nonconforming. Mr. Curry further stated he cannot put the properties back on the market until he goes through this process of getting a special use permit.

Ms. Hurley stated for the record, the city is not requiring the issuance of a special use permit in order for the property to be sold. Any of these nonconforming properties are allowed to continue to exist, can be remodeled, renovated, etc. Property owners are running into issue with the banks changing their practices.

Referring to the two agenda items presented tonight, Vice Chairman Stephens asked if voting on the two Special Use Permit requests can be done together or if each request must be voted on individually.

Ms. Hurley responded that each item needs to be voted on separately.

Vice Chairman Stephens called for a motion on Case No. 2023-15 SUP. Commissioner Whitson moved that based upon the findings as stated and conditions as presented to recommend approval to the City Commission the issuance of a Special Use Permit to allow a two-family dwelling in the R1-6 zoning district located at 500 & 502 Pawnee, seconded by Commissioner Diggs, and passed by a vote of 5-0.

3. 2023-19 SUP – 507 & 509 PAWNEE

Conduct a public hearing for Case No. 2023-19 SUP – 507 & 509 Pawnee. The applicant is requesting a Special Use Permit to allow a two-family dwelling in the R1-6 zoning district, High Density Single Family Residential District, located at 507 & 509 Pawnee. Two-family dwellings are allowed in the R1-6 zoning district with the approval of a Special Use Permit.

Vice Chairman Stephens called for the staff report.

Planning Director Julie Hurley stated the applicant, Clim Curry, is requesting a Special Use Permit to allow a two-family dwelling in the R1-6 zoning district, located at 500 & 502 Pawnee. Two-family dwellings are allowed in the R1-6 zoning district with the approval of a Special Use Permit.

There is an existing two-family structure on the property that is considered a nonconforming structure, as there is no existing Special Use Permit. Per section 1.05 of the adopted Development Regulations:

Any structure which is devoted to a use which is permitted in the zoning district in which it is located, but which is located on a lot which does not comply with the applicable property development standards on the effective date of these Development Regulations, may be continued, so long as it remains otherwise lawful.

Section 1.05 of the Development Regulations also states in regards to Nonconforming Structures:

If a nonconforming structure is damaged by more than fifty percent (50%) of its fair market value, such building shall not be restored if such building is not in conformance with the regulations for the zoning district in which it is located, or an exception is granted by the Board of Zoning Appeals.

Recent changes in lending practices have made it increasingly difficult for borrowers to secure financing for properties which are considered nonconforming and that would not be permitted to be rebuilt as-is. The applicant is seeking the Special Use Permit in order for the property to becoming conforming to prepare for potential sale.

COMMISSION FINDINGS

The Commission may recommend issuance of a special use permit whenever it finds that:

1. The proposed special use complies with all applicable provisions of this ordinance.
Staff believes that this application complies with all provisions of City of Leavenworth Development Regulations.

2. The proposed special use at the specified location will contribute to and promote the economic development, welfare or convenience of the public.
This property has always functioned as a two-family dwelling, and contributes to the diversity of housing stock available to Leavenworth residents.

3. The special use will not cause substantial injury to the value of other property in the neighborhood in which it is located.
Staff does not feel that the use will cause any substantial injury to the value of other property in the neighborhood, as there are no changes proposed.

4. The location and size of the special use, the nature and intensity of the operation involved in or conducted in connection with it, and the location of the site with respect to streets giving access to it are such that the special use will not dominate the immediate neighborhood so as to prevent development and use of neighboring property in accordance with the applicable zoning district regulations.
No new structures or building modifications are proposed as part of this special use permit. The property will continue to function as it is currently.

Notification was sent to property owners within 200’ of the subject property, as required by Kansas Statue. Since notifications were mailed, staff has received no comments or inquiries.

STAFF RECOMMENDATION:

Staff recommends approval of the Special Use Permit request based on the analysis and findings included herein.

ACTION/OPTIONS:

- Motion, based upon findings as stated and conditions as presented, to recommend approval to the City Commission with included conditions
- Motion, based upon findings as stated and conditions as presented, to recommend denial to the City Commission
- Table the issue for additional information/consideration

(Discussion for this case ran concurrently with Case No. 2023-15 SUP).

Vice Chairman Stephens called for a motion on Case No. 2023-15 SUP. Commissioner Waugh moved that based upon the findings as stated and conditions as presented to recommend approval to the City Commission the issuance of a Special Use Permit to allow a two-family dwelling in the R1-6 zoning

district located at 507 & 509 Pawnee, seconded by Commissioner Whtison, and passed by a vote of 5-0.

OTHER BUSINESS:

With no other business, Ms. Hurley stated there are no items on the agenda for August.

Vice Chairman Stephens adjourned the meeting at 6:17 p.m.

Minutes taken by Planning Assistant Michelle Baragary.

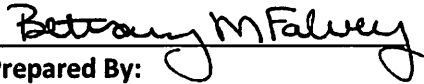
DRAFT

**PLANNING COMMISSION AGENDA ITEM
2023-22-SUB
LIS SEVEN
FINAL PLAT**

SEPTEMBER 11, 2023

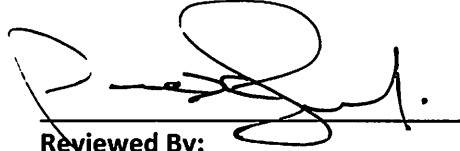
SUBJECT:

A request for a final plat of Lis Seven Subdivision



Prepared By:

Bethany Falvey
City Planner



Reviewed By:

Paul Kramer
City Manager

ANALYSIS:

The subject property is owned by Kelley Lis, plat prepared by Hahn Surveying. The applicant is requesting approval of a two lot final plat located at 701 Chestnut St. and 710 S. 7th St. The proposed plat consists of two existing platted lots in the Clark & Rees Subdivision (Part of Lots 1 and 2, Block 37). The plat is being requested to adjust the lot line between the two existing lots and expand Lis Seven Lot 2, addressed as 710 S. 7th.

Staff recommends approval of the Lis Seven Subdivision, Final Plat.

ACTION/OPTIONS:

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



Project No. 2023-22 SUB

FINAL PLAT APPLICATION
CITY OF LEAVENWORTH

OFFICE USE ONLY
Application No. 13676
Fee: 350.00
(\$350 plus \$10 per lot over 5 lots)
Date Paid 7/14/23
Received By AK
PC Meeting 9/11/23

NAME OF SUBDIVISION/PROJECT: LIS SEVEN
LOCATION OF SUBDIVISION/PROJECT: CHESTNUT STREET & SOUTH 7TH STREET
NAME OF PROPERTY OWNER: (If Corporation, include name and address of Director or President)

NAME: KELLEY A. LIS
STREET ADDRESS: 701 CHESTNUT STREET & 710 SOUTH 7TH STREET
CITY: LEAVENWORTH STATE: KANSAS ZIP: 66048
PHONE: 913-306-2734 FAX: _____ EMAIL: kli80@gmail.com

NAME OF DEVELOPER: (If Corporation, include name and address of Director or President)
NAME: _____
STREET ADDRESS: _____ SAME _____
CITY: _____ STATE: _____ ZIP: _____
PHONE: _____ FAX: _____ EMAIL: _____

NAME OF ENGINEER PREPARING PLAT:
NAME: LARRY HAHN
STREET ADDRESS: PO BOX 186
CITY: BASEHOR STATE: KANSAS ZIP: 66007
COMPANY: HAHN SURVEYING
PHONE: 913-547-3405 FAX: _____ EMAIL: hahnsurvey@gmail.com

PARCEL NO: LOT 1 (773620391) 0773602039001000
LOT 2 (7736203941) 0773602039011000 SEC.TWP.RNG. 36-T8S-R22E

ZONING OF SUBJECT PROPERTY: R1-6 CURRENT LAND USE: RESIDENTIAL

TOTAL ACREAGE: 8,377.76 SQ. FT. / 0.19 AC. NUMBER OF LOTS: 2

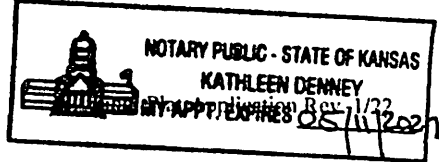
LEGAL DESCRIPTION: (Attach full legal description provided by the REGISTER OF DEEDS OFFICE or a TITLE COMPANY)

DATE OF PRELIMINARY PLAT APPROVAL: _____

SIGNATURE OF OWNER(S) Kelley A Lis Date: 6/26/2023

State of Kansas County of Leavenworth SS
Signed or attested before me on June 26, 2023 by Kathleen Denney

Kathleen Denney 5/11/2027
Notary Appointment Expires (Seal)



First American Title Insurance Company
115 East Park
Post Office Box 1125 *665948*
Olathe, KS 66061

KANSAS SPECIAL WARRANTY DEED

This Indenture, Made this *8th* day of February, 2006, by and between CitiFinancial, Inc., of *Denver* County, in the state of Colorado, parties of the first part, and Kelley A. Lis, *a single person*, of Leavenworth County, in the State Kansas, parties of the second part.

*Existing legal for
710 S. 7th St.*

WITNESSETH, That said parties of the first part, in consideration of the sum of ONE DOLLAR, to us duly paid, the receipt of which is hereby acknowledged, do by these presents, Sell and Convey unto the said parties of the second part, his/her/their heirs and assigns, all of the grantor's interest in the following described lot, tract, or parcel of the land, lying, being and situate in the County of Leavenworth and State of Kansas, to wit:

THE SOUTH 44 FEET OF LOT 1 AND THE SOUTH 44 FEET OF THE EAST 40 FEET OF LOT 2, ALL IN THE BLOCK 37, CLARK AND REES' ADDITION TO THE CITY OF LEAVENWORTH, LEAVENWORTH COUNTY, KANSAS.

Subject to all easements, restrictions and reservations, if any, now of record.

TO HAVE AND TO HOLD THE SAME, Together with all and singular the tenements, hereditaments and appurtenances thereto belonging or in any wise appertaining, forever. And said parties of the first part for themselves and for their heirs, executors or administrators, do hereby covenant, promise and agree to and with said parties of the second part, that at the delivery of these presents, said interest in said premises is free, clear, discharged and unencumbered of and from all former and other grants, titles, charges, estates, judgements, taxes, assessments, and encumbrances, of what nature or kind soever, by, through, or under said parties of the first part except as herein above stated and except for the lien of the taxes both general and special not now due and payable and that they will warrant and forever defend said interest unto the said parties of the second part, their heirs and assigns, against said parties of the first part their heirs, and all and every person or persons whomsoever, lawfully claiming or to claim the same by, through or under the parties of the first part.

IN WITNESS WHEREOF, The said parties of the first part have hereunto set his/her hand the day and year first above written.

Lawyers Title of Kansas, Inc.
913-682-3368

CN: 43417

Doc #: 2022R05612
TERRILOIS MASHBURN
REGISTER OF DEEDS
LEAVENWORTH COUNTY, KANSAS
RECORDED ON:
06/10/2022 10:32:13 AM
RECORDING FEE: 21.00
PAGES: 1

Entered in Transfer Record in my office _____

County Clerk

ENTERED IN TRANSFER RECORD IN
MY OFFICE THIS DAY 06/10/2022

Janet Klasmaker
COUNTY CLERK

Existing legal for 701 Chestnut

DEED-KANSAS WARRANTY (Statutory)

THE GRANTOR,

Dwight M. Gillespie and Linda M. Gillespie, husband and wife

CONVEYS AND WARRANTS to

Kelley A. Lis

FOR GOOD AND VALUABLE CONSIDERATION, the receipt of which is hereby acknowledged, for the sum of One Dollar and Other Valuable Consideration, the following described real estate:

The North 96 feet of Lot 1 and the East 40 feet of the North 96 feet of Lot 2, all in Block 37 in CLARK AND REES' ADDITION TO LEAVENWORTH, a subdivision in the City of Leavenworth, Leavenworth County, Kansas, LESS the North 82 feet of the West 2 feet of Lot 1 and the North 82 feet of the East 40 feet of Lot 2, Block 37, Clark and Rees' Addition to Leavenworth.

(Subject to easements, restrictions, and reservations of record, and all taxes and assessments that may be levied, imposed, or become payable hereafter.)

Dated this 9th day of June A.D. 2022

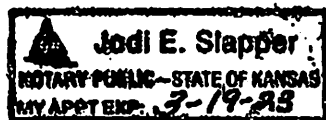
Dwight M. Gillespie
Dwight M. Gillespie

Linda M. Gillespie
Linda M. Gillespie

STATE OF KANSAS, COUNTY OF LEAVENWORTH

This instrument was acknowledged before me on this 9th day of June 2022 by:
Dwight M. Gillespie, and Linda M. Gillespie, husband and wife

My appointment expires:



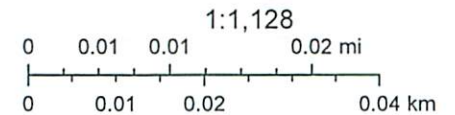
Jodi E. Slapper
Notary Public
Jodi E. Slapper

2023-22-SUB Lis Seven Map



8/31/2023, 1:56:14 PM

- Parcels_Current
- Buildings
- Address (Points)
- Leavenworth City Limits
- City Right-of-Way
- RoadCenterline



Platte County, Missouri Dept. of Conservation, Esri, HERE, Garmin, GeoTechnologies, Inc., USGS, EPA

2023-22-SUB Lis Seven Zoning



8/31/2023, 1:57:07 PM

Zoning_CURRENT

R1-6

Parcels_Current

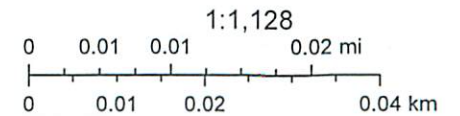
Buildings

Address (Points)

Leavenworth City Limits

City Right-of-Way

RoadCenterline



Platte County, Missouri Dept. of Conservation, Esri, HERE, Garmin, GeoTechnologies, Inc., USGS, EPA

LIS SEVEN

A REPLAT OF PART OF LOTS 1 AND 2, BLOCK 37 CLARK & REES ADDITION CITY OF LEAVENWORTH, KANSAS FINAL PLAT

DEED DESCRIPTION: DOCUMENT #2022R05612

THE NORTH 96 FEET OF LOT 1 AND THE EAST 40 FEET OF THE NORTH 96 FEET OF LOT 2, ALL IN BLOCK 37 IN CLARK AND REES ADDITION TO LEAVENWORTH, A SUBDIVISION IN THE CITY OF LEAVENWORTH, LEAVENWORTH COUNTY, KANSAS, LESS THE NORTH 82 FEET OF THE WEST 2 FEET OF LOT 1 AND THE NORTH 82 FEET OF THE EAST 40 FEET OF LOT 2, BLOCK 37, CLARK AND REES ADDITION TO LEAVENWORTH.

DEED DESCRIPTION: BOOK 976, PAGE 1469

THE SOUTH 44 FEET OF LOT 1 AND THE SOUTH 44 FEET OF THE EAST 40 FEET OF LOT 2, ALL IN BLOCK 37, CLARK AND REES ADDITION TO THE CITY OF LEAVENWORTH, LEAVENWORTH COUNTY, KANSAS.

SURVEYORS DESCRIPTION

A PART OF LOTS 1 AND 2, BLOCK 37, CLARK AND REES ADDITION, CITY OF LEAVENWORTH, KANSAS, AS SURVEYED BY LARRY T. HAHN, KS PS-1349, JUNE, 2023, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 1:
 THENCE, S 11°39'40"E, 139.08 FEET (MEASURED), 140.00 FEET (PLATTED) ALONG THE EAST LINE OF SAID LOT 1 TO THE SOUTHEAST CORNER OF LOT 1;
 THENCE, S 78°09'58"W, 85.00 FEET ALONG THE SOUTH LINE OF LOTS 1 AND 2, SAID POINT BEING 5.00 FEET EAST OF THE SOUTHWEST CORNER OF LOT 2;
 THENCE, N 11°39'40"W, 57.08 FEET;
 THENCE, N 78°09'58"E, 42.00 FEET, SAID POINT BEING 2.00 FEET EAST OF LOT LINE 1 AND 2;
 THENCE, N 11°39'40"W, 82.00 FEET TO THE NORTH LINE OF LOT 1, SAID POINT BEING 2.00 FEET EAST OF LOT CORNER 1 AND 2;
 THENCE, N 78°09'58"E, 43.00 FEET ALONG THE NORTH LINE OF LOT 1 TO THE POINT OF BEGINNING.
 CONTAINS 8,377.76 SQ. FT. / 0.19 ACRES +/-
 RELATIVE: 1:0 (CLOSED LOOP)

THE UNDERSIGNED PROPRIETOR STATE THAT ALL TAXES ON THE ABOVE DESCRIBED TRACT OF LAND HAVE BEEN PAID AND THAT SHE HAS CAUSED THE SAME TO BE SUBDIVIDED IN THE MANNER SHOWN ON THE ACCOMPANYING REPLAT WHICH SHALL BE KNOWN AS "LIS SEVEN".

IN TESTIMONY WHEREOF

I, THE UNDERSIGNED OWNER OF SAID LOTS HAVE SET MY HAND THIS _____ DAY OF _____, 2023.

KELLEY A. LIS

BE IT REMEMBERED, THAT ON THIS _____ DAY OF _____, 2023, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE COUNTY AND STATE AFORESAID, CAME KELLEY A. LIS, WHO PERSONALLY KNOWN TO ME TO BE THE SAME PERSON WHO EXECUTED THE WITHIN INSTRUMENT OF WRITING AND SUCH PERSON DULY ACKNOWLEDGE THE EXECUTION OF THE SAME.

NOTARY PUBLIC

MY COMMISSION EXPIRES

THIS PLAT OF "LIS SEVEN" HAS BEEN SUBMITTED TO AND APPROVED BY THE LEAVENWORTH PLANNING COMMISSION THIS _____ DAY OF _____, 2023.

DONALD HOMAN / CHAIRMAN

JULIE HURLEY, PLANNING & CD DIRECTOR

BRIAN FAUST, PUBLIC WORKS DIRECTOR

COUNTY SURVEYOR

I HEREBY CERTIFY THIS PLAT MEETS THE REQUIREMENTS OF K.S.A. 58-2005. 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.

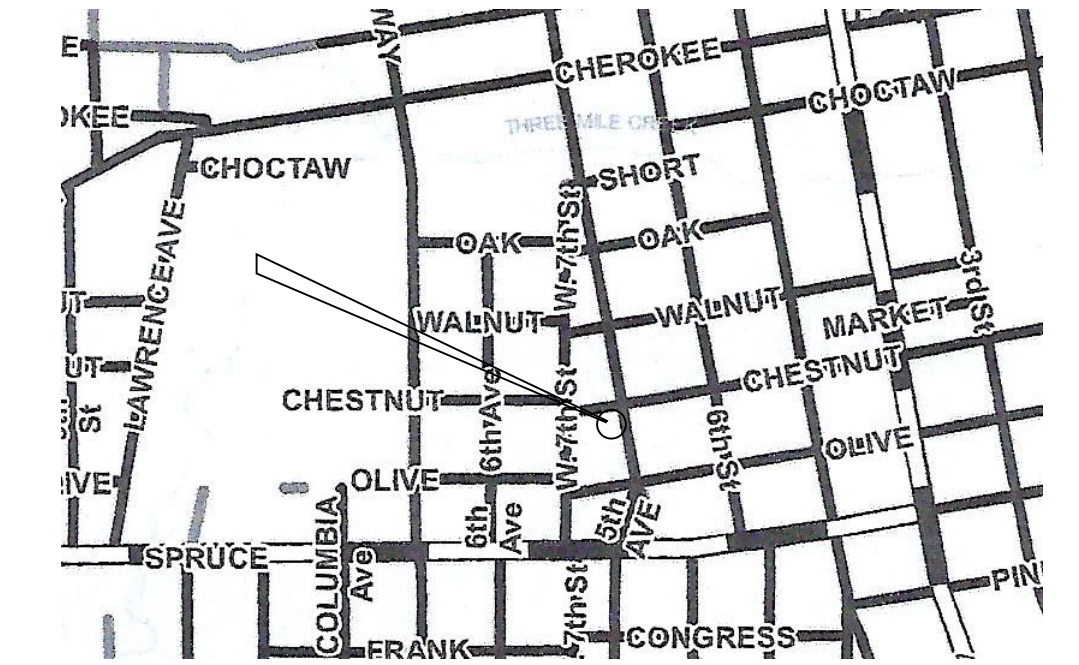
Reviewed 2023.08.22 No Comments

COUNTY SURVEYOR / DANIEL BAUMCHEN, PS

REGISTER OF DEEDS CERTIFICATE

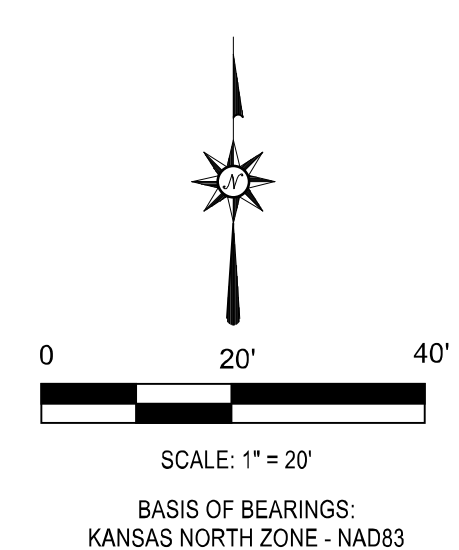
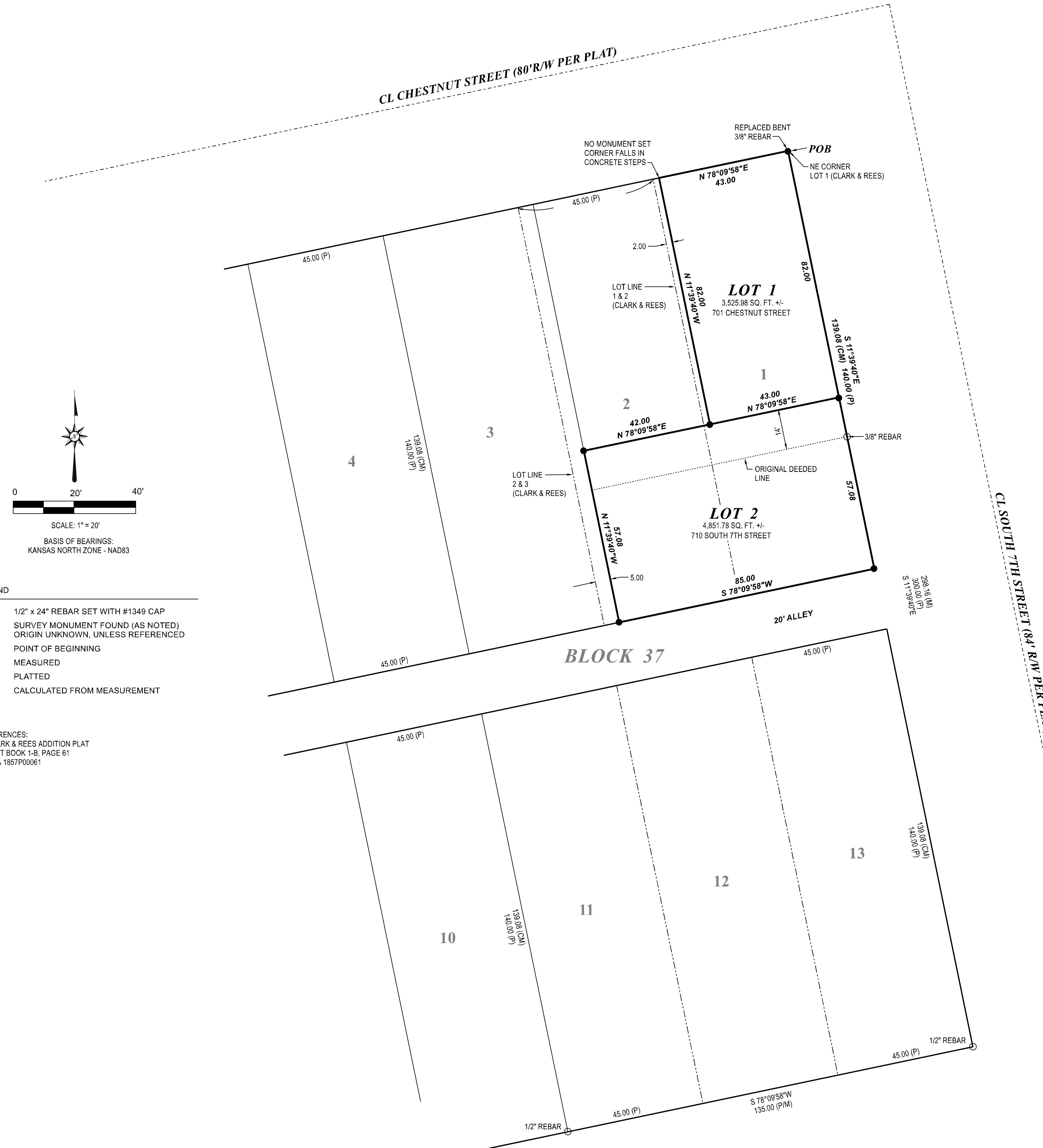
FILED FOR RECORD AS DOCUMENT # _____ ON THIS _____ DAY OF _____, 2023 AT _____ O'CLOCK _____ IN THE OFFICE OF THE REGISTER OF DEEDS OF LEAVENWORTH COUNTY, KANSAS.

REGISTER OF DEEDS / TERRILOIS G. MASHBURN



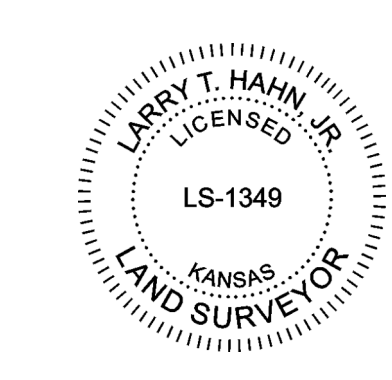
LOCATION MAP

NO SCALE



- LEGEND**
- 1/2" x 24" REBAR SET WITH #1349 CAP
 - SURVEY MONUMENT FOUND (AS NOTED) ORIGIN UNKNOWN, UNLESS REFERENCED
 - POB POINT OF BEGINNING
 - (M) MEASURED
 - (P) PLATTED
 - (CM) CALCULATED FROM MEASUREMENT

REFERENCES:
 1. CLARK & REES ADDITION PLAT
 PLAT BOOK 1-B, PAGE 61
 NKA 1857P00061



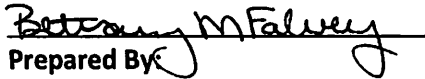
LARRY T. HAHN, KS PS-1349
 THIS IS TO CERTIFY THAT IN THE MONTH OF JUNE, 2023, THIS SURVEY WAS MADE UNDER MY DIRECT SUPERVISION AND THAT SAID SURVEY MEETS OR EXCEEDS THE "KANSAS MINIMUM STANDARDS" FOR BOUNDARY SURVEYS.

PLANNING COMMISSION AGENDA ITEM
2023-23-SUB
ST. CASIMIR CHURCH
FINAL PLAT

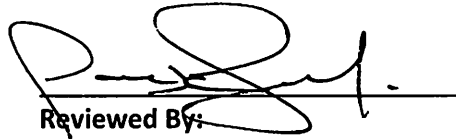
SEPTEMBER 11, 2023

SUBJECT:

A request for a final plat of St. Casimir Church Subdivision



Prepared By
Bethany Falvey
City Planner



Reviewed By
Paul Kramer
City Manager

ANALYSIS:

The subject property, Sacred Heart-St. Casimir Parish is owned by Roman Catholic Archdiocese, plat prepared by Herring Surveying Company. The applicant is requesting approval of a four lot final plat for the St. Casimir Church subdivision at 719 Pennsylvania Ave. The subject property is currently an unplatted lot that is approximately 1.64 acres. The property is zoned R1-6, High Density Single-Family Residential District and includes mixed-uses.

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

Staff recommends approval of the St. Casimir Church Subdivision, Final Plat.

ACTION/OPTIONS:

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



Project No. 2023-23 SUB

FINAL PLAT APPLICATION
CITY OF LEAVENWORTH

OFFICE USE ONLY

Application No. 13927

Fee: 350.00

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

Date Paid 7/27/23

Received By _____

PC Meeting 9-11-23

NAME OF SUBDIVISION/PROJECT: St. Casimir Church

LOCATION OF SUBDIVISION/PROJECT: 729 Pennsylvania

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

NAME: Sacred Heart - St. Casimir Parish

STREET ADDRESS: 521 Linn St.

CITY: Leavenworth STATE: KS ZIP: 66048

PHONE: 913-772-2424 FAX: _____ EMAIL: Chelsie@shsc.org

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: Joe Herring

STREET ADDRESS: 315 North 5th Street

CITY: Leavenworth STATE: KS ZIP: 66048

COMPANY: Herring Surveying Company

PHONE: 913-651-3858 FAX: _____ EMAIL: herringsurveying@outlook.com

PARCEL NO: 101-02-0-10-13-001.00-0 SEC.TWP.RNG. NE 1/4 2-9-22

ZONING OF SUBJECT PROPERTY: R1-9 CURRENT LAND USE: Mixed Use

TOTAL ACREAGE: 1.64 Acres+ NUMBER OF LOTS: 4

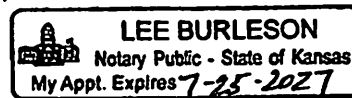
LEGAL DESCRIPTION: (Attach full legal description provided by the REGISTER OF DEEDS OFFICE or a TITLE COMPANY) SEE ATTACHED SURVEY

DATE OF PRELIMINARY PLAT APPROVAL: N/A

SIGNATURE OF OWNER(S) Chelsie Murphree Date: 7-26-23

State of Kansas, County of Leavenworth, SS
Signed or attested before me on July 27, 2023 by Chelsie Murphree

Lee Burleson 7-25-2027
Notary Appointment Expires (Seal)



15

PENNSYLVANIA ST

346'

729

727

719

716

S BROADWAY ST

206'

206'

CLEVELAND TER

LEAVENWORTH

346'

ARTHUR ST

186'

140'

1801

2

23

23

1

1802

54'

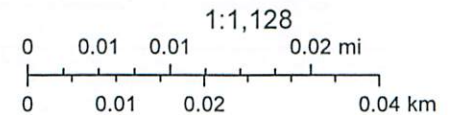
120'

2023-23-SUB St. Casimir Church map



9/1/2023, 12:51:17 PM

- Parcels_Current
- Buildings
- Address (Points)
- Leavenworth City Limits
- City Right-of-Way
- RoadCenterline










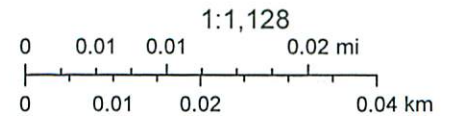
Platte County, Missouri Dept. of Conservation, Esri, HERE, Garmin, GeoTechnologies, Inc., USGS, EPA

2023-23-SUB St. Casimir Church zoning map



9/1/2023, 12:55:06 PM

- | | | | | | |
|--|---|---|---|---|-------------------|
| Zoning_CURRENT |  | Parcels_Current |  | Leavenworth City Limits | |
|  | R-MX |  | Buildings |  | City Right-of-Way |
|  | R1-6 | Address (Points) |  | RoadCenterline | |



Platte County, Missouri Dept. of Conservation, Esri, HERE, Garmin, GeoTechnologies, Inc., USGS, EPA

ST. CASIMIR CHURCH

A Minor Subdivision in the Northeast Quarter of Section 2, Township 9 South, Range 22 East of the 6th P.M., City of Leavenworth, Leavenworth County, Kansas.

FINAL PLAT

PREPARED FOR:
 ROMAN CATHOLIC ARCHDIOCESE
 719 PENNSYLVANIA STREET
 LEAVENWORTH, KS 66048
 PID NO. 101-02-0-10-13-001

SURVEYOR'S DESCRIPTION:
 A tract of land being a part of the Northeast Quarter of Section 2, Township 9 South, Range 22 East of the 6th P.M., City of Leavenworth, Leavenworth County, Kansas, as written by Joseph A. Herring PS-1296 on July 26, 2023, more fully described as follows:
 Commencing at the Northwest corner of Block 7 of FENNS BROADWAY SUBDIVISION; thence North 00 degrees 56'13" West for a distance of 30.01 feet along the East right of way line of South Broadway, as it exists today, to the TRUE POINT OF BEGINNING, said point being also on the North right of way of Arthur Street; thence continuing North 00 degrees 56'13" West for a distance of 203.68 feet along said East right of way to a point on the South right of way of Pennsylvania Street; thence North 87 degrees 41'12" East for a distance of 346.19 feet along said South right of way to the West right of way of Cleveland Terrace; thence South 00 degrees 54'42" East for a distance of 203.50 feet along said West right of way to the North right of way of Arthur Street; thence South 87 degrees 39'25" West for a distance of 346.11 feet along said North right of way to the point of beginning.
 Together with and subject to covenants, easement and restriction of record.
 Said property contain 1.62 acres, more or less.
 Error of Closure - 1 : 184175

PLAT DESCRIPTIONS:
 Lot 1, ST. CASIMIR CHURCH, a subdivision in the City of Leavenworth, Leavenworth County, Kansas.
 Lot 2, ST. CASIMIR CHURCH, a subdivision in the City of Leavenworth, Leavenworth County, Kansas.
 Lot 3, ST. CASIMIR CHURCH, a subdivision in the City of Leavenworth, Leavenworth County, Kansas.
 Lot 4, ST. CASIMIR CHURCH, a subdivision in the City of Leavenworth, Leavenworth County, Kansas.

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: ST. CASIMIR CHURCH.

IN TESTIMONY WHEREOF
 We, the undersigned owners of ST. CASIMIR CHURCH, have set our hands this _____ day of _____, 2023.

Father John A. Riley
 ROMAN CATHOLIC ARCHDIOCESE

NOTARY CERTIFICATE:
 Be it remembered that on this _____ day of _____, 2023, before me, a notary public in and for said County and State came Father John A. Riley, ROMAN CATHOLIC ARCHDIOCESE, to me personally known to be the same persons 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: _____ (seal)

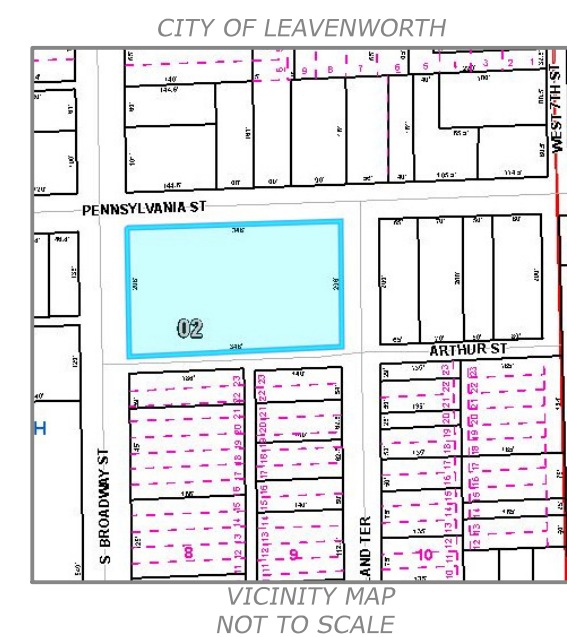
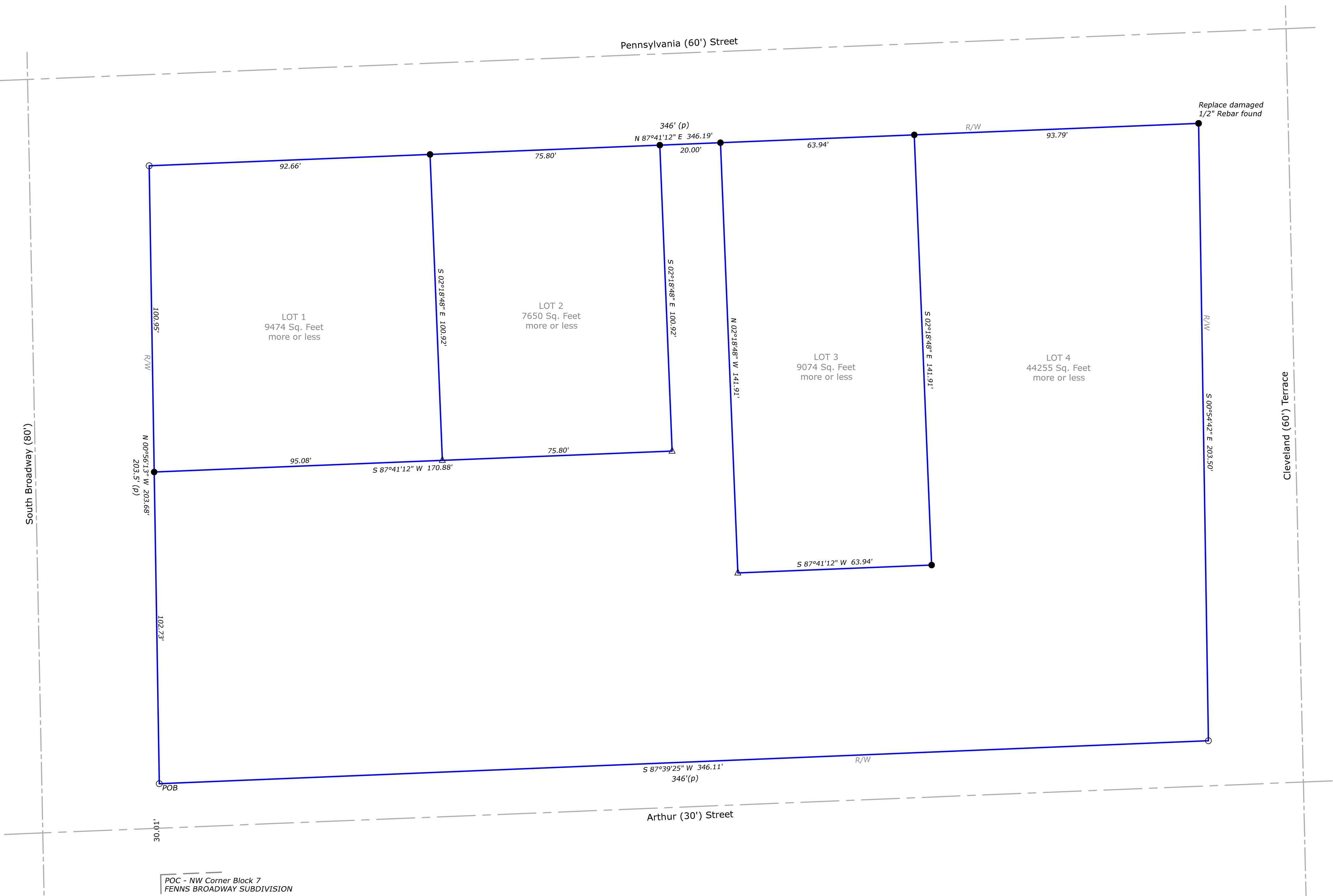
This plat of ST. CASIMIR CHURCH has been submitted to and approved by the Leavenworth Planning Commission on this _____ day of _____, 2023.

Chairman - Donald Homan Secretary - Julie Hurley

Public Works Director - Brian Faust

RESTRICTIONS:

- 1) All proposed structures within this plat shall comply with the Leavenworth City Zoning and Subdivision Regulations or zoning regulation jurisdiction.
- 2) All Lots must hook into City of Leavenworth Sanitary Sewer.
- 3) Erosion and sediment control measures shall be used when designing and constructing driveways and other structures. Re-vegetation of all disturbed areas shall be completed within 45 days after final grading.
- 4) Lots are limited to shown entrances and shared accordingly.
- 5) Any easements needed for cross/shared access, parking, or utilities will be created and recorded at the Leavenworth County Register of Deeds Office by a separate instrument.



REGISTER OF DEED CERTIFICATE:
 Filed for Record as Document No. _____ on this _____ day of _____, 2023 at _____ o'clock ___M in the Office of the Register of Deeds of Leavenworth County, Kansas,

Register of Deeds - TerriLois G. Mashburn

I hereby certify that this survey plat meets the requirements of K.S.A. 58-2005. The face of this survey plat was reviewed for compliance with Kansas Minimum Standards for Boundary Surveys. No field verification is implied. This review is for survey information only.

Reviewed 2022.08.22 No Comments

Daniel Baumchen, PS#1363
 County Surveyor

ZONING:

R1-9 - 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 Surveyor's Description
- 5) Basis of Bearing - KS SPC North Zone 1501
- 6) Point Origin Unknown, unless otherwise noted.
- 7) Benchmark - NAVD88
 Project Benchmark (BM) - 1/2" Bar SW Cor Property - 848.0'
- 8) Reference Surveys:
 Recorded Plat of FENNS BROADWAY SUBDIVISION
 NKA 1884P00002 Book 1-A Page 0002
 (JAH) - J.A.Herring Survey dated 2013
- 9) Survey prepared without the benefit of a title commitment.
- 10) Subject to Covenants, Restrictions, and Easements of Record.
- 11) Road Records per Leavenworth City Maps

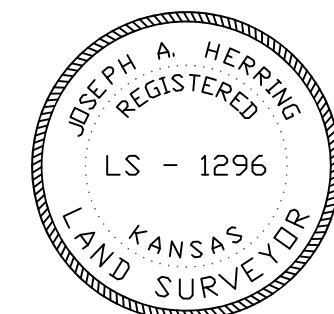
LEGEND:

- - 1/2" Bar Set with Cap No.1296
- - 1/2" Bar Found, unless otherwise noted.
- (p) - Record / Deeded / Platted Distance
- B.S.L. - Building Setback Line
- NS - Not Set this survey due to terrain/ditch area
- POB - Point of Beginning
- POC - Point of Commencing
- △ - PK Nail Set



Scale 1" = 20'

Job # K-23-1707
 July 26, 2023 Rev. 8/22/23
 J. Herring, Inc. (dba)
J. HERRING
SURVEYING
& COMPANY
 315 North 5th Street, Leav., KS 66048
 Ph. 913.651.3858 Fax 913.674.5361
 Email - survey@jeanash.com



I hereby certify that this survey was made by me, or under my direct supervision, on the ground during the dates of May through July 2023 and this map or plat is correct to the best of my knowledge.

Joseph A. Herring
 PS # 1296

**PLANNING COMMISSION AGENDA ITEM
2023-24-SUB**

**WHISPERING HILLS WEST
FINAL PLAT**

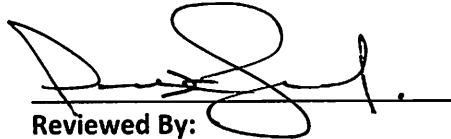
SEPTEMBER 11, 2023

SUBJECT:

A request for a final plat of Whispering Hills West



Prepared By:
Julie Hurlley,
Director of Planning and
Community Development



Reviewed By:
Paul Kramer,
City Manager

ANALYSIS:

The subject property is owned by Laura Fowler, plat prepared by Herring Surveying Company. The applicant is requesting approval of a replat of Lots 20 through 35 of Whispering Hills Replat Phase 1, and a tract of land in the southwest quarter of Section 4, Township 9 South, Range 22. The property is 80.31 acres in size and is currently vacant. The property is currently zoned PUD, Planned Unit Development

The applicant is requesting the plat for the purposes of combining multiple lots into two larger separate lots. The proposed plat includes lots 20 through 35 of Whispering Hills Replat Phase 1, a 69 acre tract of land that was not previously platted into individual lots, and a portion of undeveloped Hebblen Drive right-of-way. The 69 acre tract of land was included in the original Whispering Hills preliminary development plan, but was never platted as part of the subdivision. As part of the subject plat, the included portion of undeveloped Hebblen Drive right-of-way will be vacated. The Whispering Hills Replat Phase 1 was originally approved and recorded in 1987.

The subject plat was reviewed by the Development Review Committee on August 3, 2023. A number of items were discussed, including sewer connection and the need to construct a hammerhead turnaround point at the termination of the existing Hebblen Drive. All items have been addressed.

Staff recommends approval of Whispering Hills West.

ACTION/OPTIONS:

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

WHISPERING HILLS WEST

A Replat of Lots 20 through 32, WHISPERING HILLS REPLAT PHASE No. 1, and a tract in the Southeast Quarter of Section 4, Township 9 South, Range 22 East of the 6th P.M., City of Leavenworth, Leavenworth County, Kansas.

FINAL PLAT

PREPARED FOR:
Laura S. Hurley
230 South 7th Street
Leavenworth, KS 66048

117483'
Center of
Sec. 4-9-22
117' Radius

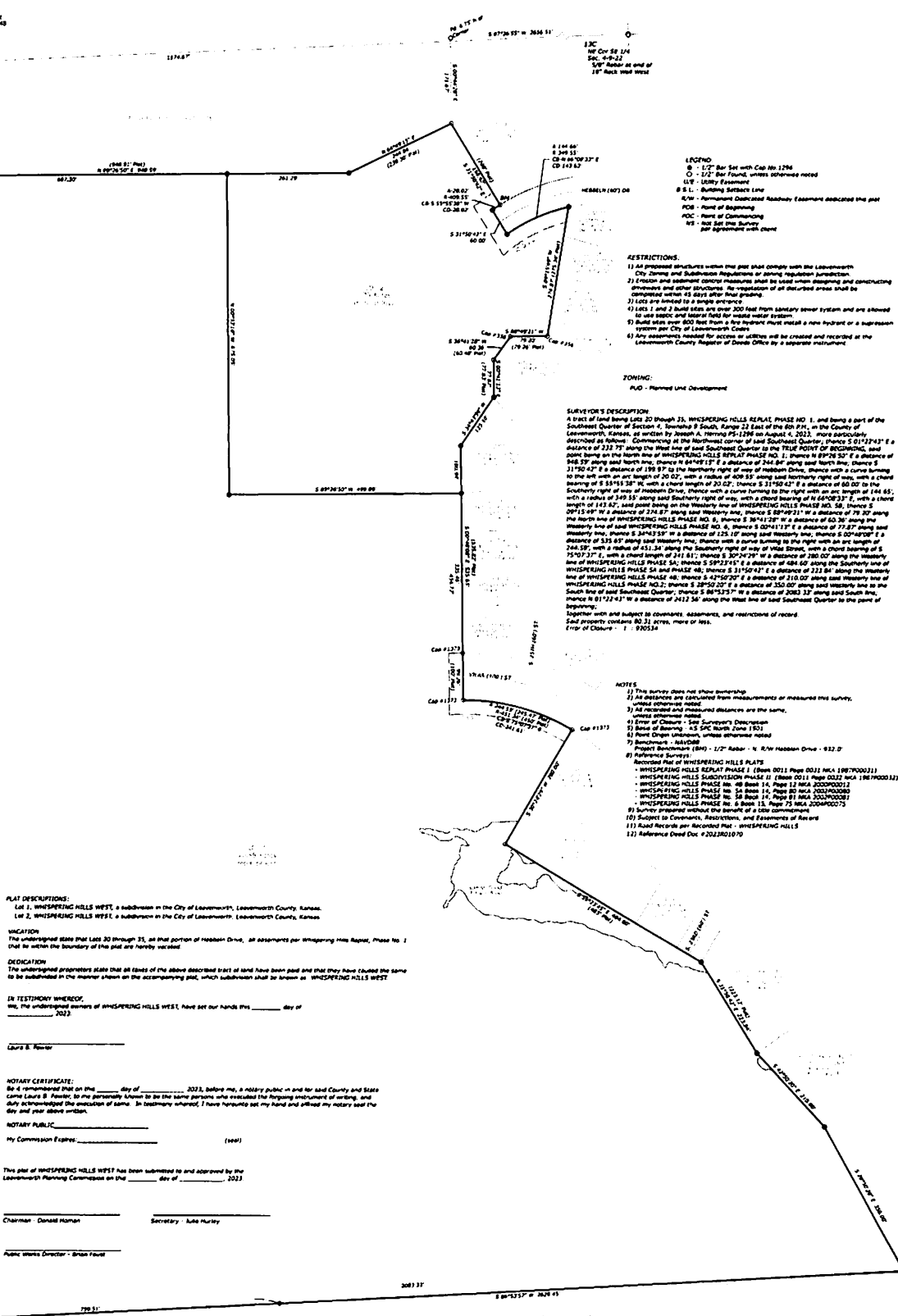
117483'
Center of
Sec. 4-9-22
117' Radius

117483'
Center of
Sec. 4-9-22
117' Radius

117483'
Center of
Sec. 4-9-22
117' Radius



100' = 1" Scale
July 26, 2023 Rev. 8/22/23



LEGEND:
 (E/C) - Easement
 (L) - Lot
 (R/W) - Right of Way
 (S) - Survey
 (C) - Corner
 (D) - Distance
 (B) - Bearing
 (A) - Area
 (V) - Volume
 (T) - Title
 (P) - Plat
 (R) - Record
 (F) - File
 (I) - Index
 (M) - Map
 (S) - Section
 (T) - Township
 (R) - Range
 (E) - East
 (W) - West
 (N) - North
 (S) - South

RESTRICTIONS:
 1) All proposed structures within the plat shall conform with the Leavenworth City Zoning and Subdivision Regulations or zoning Ordinance.
 2) Erosion and sediment control measures shall be used when digging and constructing structures and other structures. The vegetation of all disturbed areas shall be replaced within 15 days after final grading.
 3) All easements are intended to be a benefit to the land.
 4) Lots 1 and 2 shall have a fire hydrant or fire hydrant system and are approved to be used for fire hydrant or fire hydrant system.
 5) All easements needed for access or utilities will be created and recorded at the Leavenworth County Register of Deeds Office by a separate instrument.

ZONING:
 PUD - Planned Unit Development

SURVEYOR'S DESCRIPTION:
 A tract of land being Lots 20 through 32, WHISPERING HILLS REPLAT PHASE NO. 1, and being a part of the Southeast Quarter of Section 4, Township 9 South, Range 22 East of the 6th P.M., in the County of Leavenworth, Kansas, as section by Joseph A. Hurley, P.S. 11296 on August 5, 2023, more particularly described as follows: Commencing at the Northwest corner of said Southeast Quarter; thence S 01°12'43" E a distance of 222.72' along the West line of said Southeast Quarter to the TRUE POINT OF BEGINNING; said point being on the North line of WHISPERING HILLS REPLAT PHASE NO. 1; thence N 89°28'30" E a distance of 345.39' along said North line; thence S 64°58'17" E a distance of 244.84' along said North line; thence S 31°50'42" E a distance of 199.97' to the Northern right of way of Hebborn Drive; thence with a curve bearing to the left with an arc length of 50.00', with a radius of 409.55' along said Northern right of way; with a chord bearing of S 55°55'28" W with a chord length of 202.00'; thence S 31°50'42" E a distance of 60.00' to the Southern right of way of Hebborn Drive; thence with a curve bearing to the right with an arc length of 146.85', with a radius of 349.55' along said Southern right of way; with a chord bearing of N 64°08'33" E with a chord length of 142.62'; said point being on the Western line of WHISPERING HILLS PHASE NO. 36; thence S 2°15'04" W a distance of 226.87' along said Western line; thence S 80°49'21" W a distance of 79.00' along the Western line of WHISPERING HILLS PHASE NO. 6; thence S 20°41'20" W a distance of 60.00' along the Western line of WHISPERING HILLS PHASE NO. 4; thence S 80°49'21" W a distance of 79.00' along said Western line; thence S 24°43'59" W a distance of 125.10' along said Western line; thence S 00°49'08" E a distance of 333.87' along said Western line; thence with a curve bearing to the right with an arc length of 244.59', with a radius of 451.34' along the Southern right of way of Vine Street; with a chord bearing of S 75°02'17" W with a chord length of 241.61'; thence S 30°29'41" E a distance of 484.60' along the Western line of WHISPERING HILLS PHASE 5A; thence S 59°23'41" E a distance of 484.60' along the Southern line of WHISPERING HILLS PHASE 5A and PHASE 4B; thence S 31°50'42" E a distance of 222.84' along the Western line of WHISPERING HILLS PHASE 4B; thence S 42°50'20" W a distance of 210.00' along said Western line to the Southeast Quarter of Section 4; thence S 20°20'20" W a distance of 350.00' along said Western line to the South line of said Southeast Quarter; thence S 81°22'43" W a distance of 208.12' along said South line; thence N 81°22'43" W a distance of 2412.36' along the West line of said Southeast Quarter to the point of beginning.

Together with and subject to covenants, easements, and restrictions of record. Said records contain 80.31 acres, more or less.
 Error of Closure = 1.920534

NOTES:
 1) This survey shows three bearings.
 2) All distances are calculated or measured this survey, unless otherwise noted.
 3) All recorded and measured distances are the same, unless otherwise noted.
 4) Error of Closure - See Surveyor's Description.
 5) Basis of Bearing - U.S. GCS North Zone 15N.
 6) Plane Origin Unknown, unless otherwise noted.
 7) Benchmark - Stationed
 Project Benchmark (BM) - 117' Radius - N.W. Hebborn Drive - 932.0'
 Reference Survey:
 Recorded Plat of WHISPERING HILLS PLATS:
 - WHISPERING HILLS REPLAT PHASE 1 (Book 0011 Page 0023) N.C. 18977000311
 - WHISPERING HILLS SUBDIVISION PHASE 1 (Book 0011 Page 0022) N.C. 18970000312
 - WHISPERING HILLS PHASE No. 58 (Book 14 Page 12) N.C. 20000000211
 - WHISPERING HILLS PHASE No. 58 (Book 14 Page 14) N.C. 20000000212
 - WHISPERING HILLS PHASE No. 58 (Book 14 Page 16) N.C. 20000000213
 - WHISPERING HILLS PHASE No. 58 (Book 14 Page 18) N.C. 20000000214
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 - WHISPERING HILLS PHASE No. 58 (Book 14 Page 22) N.C. 20000000216
 - WHISPERING HILLS PHASE No. 58 (Book 14 Page 24) N.C. 20000000217
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 - WHISPERING HILLS PHASE No. 58 (Book 14 Page 28) N.C. 20000000219
 - WHISPERING HILLS PHASE No. 58 (Book 14 Page 30) N.C. 20000000220
 - WHISPERING HILLS PHASE No. 58 (Book 14 Page 32) N.C. 20000000221
 - WHISPERING HILLS PHASE No. 58 (Book 14 Page 34) N.C. 20000000222
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 - WHISPERING HILLS PHASE No. 58 (Book 14 Page 40) N.C. 20000000225
 - WHISPERING HILLS PHASE No. 58 (Book 14 Page 42) N.C. 20000000226
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 - WHISPERING HILLS PHASE No. 58 (Book 14 Page 48) N.C. 20000000229
 - WHISPERING HILLS PHASE No. 58 (Book 14 Page 50) N.C. 20000000230
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 - WHISPERING HILLS PHASE No. 58 (Book 14 Page 132) N.C. 20000000271
 - WHISPERING HILLS PHASE No. 58 (Book 14 Page 134) N.C. 20000000272
 - WHISPERING HILLS PHASE No. 58 (Book 14 Page 136) N.C. 20000000273
 - WHISPERING HILLS PHASE No. 58 (Book 14 Page 138) N.C. 20000000274
 - WHISPERING HILLS PHASE No. 58 (Book 14 Page 140) N.C. 20000000275
 - WHISPERING HILLS PHASE No. 58 (Book 14 Page 142) N.C. 20000000276
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 - WHISPERING HILLS PHASE No. 58 (Book 14 Page 150) N.C. 20000000280
 - WHISPERING HILLS PHASE No. 58 (Book 14 Page 152) N.C. 20000000281
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 - WHISPERING HILLS PHASE No. 58 (Book 14 Page 166) N.C. 20000000288
 - WHISPERING HILLS PHASE No. 58 (Book 14 Page 168) N.C. 20000000289
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Project No. 2023-24 SUB

FINAL PLAT APPLICATION
CITY OF LEAVENWORTH

OFFICE USE ONLY

Application No. 13913

Fee: 350.00
(\$350 plus \$10 per lot over 5 lots)

Date Paid 7/27/24

Received By AK

PC Meeting 9-11-23

NAME OF SUBDIVISION/PROJECT: Whispering Hills West

LOCATION OF SUBDIVISION/PROJECT: 00000 Hebbeln Dr

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

NAME: Laura B. Fowler

STREET ADDRESS: 930 S 17TH ST

CITY: Leavenworth STATE: KS ZIP: 66048

PHONE: 913-241-8708 FAX: N/A EMAIL: fowlerlb@gmail.com

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: 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: herringsurveying@outlook.com

PARCEL NO: 102-04-0-40-03-001.00-0 SEC.TWP.RNG. SE 1/4 - Sec 4-9-22

ZONING OF SUBJECT PROPERTY: PUD CURRENT LAND USE: AG

TOTAL ACREAGE: 80 AC NUMBER OF LOTS: 3

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)

Laura B. Fowler Date: 20230727

State of Kansas County of Leavenworth SS

Signed or attested before me on July 27, 2023 by Laura Fowler

Michelle Baragary
Notary

8/16/24
Appointment Expires (Seal)



- Entrance doors will be reviewed during permitting to decide if ADA doors are required.
- Review time for building permit is approximately 2 weeks
- Fire Department – not in attendance
 - Staff will have Fire Marshall contact applicants about fire shut-off valve located on the southeast side of the building and knox box requirements
- Police Department
 - Driveways cannot be blocked and no parking with 25' of access entrances. Possibly post signs stating this
 - Can request a parking restriction
- City Manager – not in attendance

OLD BUSINESS:

1. Hebbeln Drive – review Whispering Hills West plat for single family home

- Attendees – Laura Fowler, Julie Fowler and Joe Herring (surveyor)
- Project – Whispering Hills West final plat for single family home. Lot 3 will be removed from plat. Will not vacate the first 20' of ROW off Hebbeln Drive. No easements will be dedicated on the plat. Will have an access agreement for Lot 1 (will be recorded by separate instrument). If Lot 1 is developed, a utility and water easement will be dedicated and recorded by separate instrument.
- Planning (see attached email dated 7/28/23 for additional discussion/requirements)
 - The action of vacating the lots is what caused the abandonment of any further development, and therefore a hammerhead is required.
 - Lot 1 does have access off Vilas Street so an access agreement is not required.
 - Driveway – first 25' from property line shall be paved. After that, gravel is permitted but must meet fire code for compaction rates, radius, etc.
 - Need to submit revised plat. Remove the existing lot lines, and include note that states lots xyz are being vacated per this plat.
- Public Works
 - No hammerhead required at end of Vilas Street at this time. Will probably be required if Lot 1 was to be developed.
 - Hammerhead required off Hebbeln Drive at owner's expense. City agreed to asphalt construction. Curb and guttering will not be required on both sides of the road.
 - Sewer
 - Can have septic if the home is more than 300' from an existing public main. The number of bedrooms defines the size of the septic system.
 - If connecting to the main, a sewer connection fee has not been paid. Cost is \$.30/sqft. Can request a reduction through the City Manager.
- Building Inspections – no comments
- Fire Department – not in attendance

- Staff will verify with the Fire Marshall that the house must be within 600' of hydrant
- Police – no comments
- City Manager – not in attendance

OTHER BUSINESS:

None

Meeting adjourned at 2:31 p.m.

From: [Joe Herring](#)
To: [Michelle Baragary](#)
Cc: [Julie Hurley](#); [Bethany Falvey](#); [Brian Faust](#); "[fowlerlb@gmail.com](#)"
Subject: Re: Hebbeln Dr - Whispering Hills West final plat
Date: Friday, July 28, 2023 8:19:05 PM

See comments and suggestions below your comments.

Thank you - Joe Herring

J.Herring Inc., dba,Herring Surveying Company
315 N. 5th Street, Leavenworth, KS 66048
913-651-3858 - ROCK CHALK!

From: Michelle Baragary <mbaragary@firstcity.org>
Sent: Friday, July 28, 2023 11:54 AM
To: Joe Herring <herringsurveying@outlook.com>
Cc: Julie Hurley <jhurley@firstcity.org>; Bethany Falvey <Bethany.Falvey@firstcity.org>; Brian Faust <brian.f Faust@firstcity.org>; 'fowlerlb@gmail.com' <fowlerlb@gmail.com>; Michelle Baragary <mbaragary@firstcity.org>
Subject: Hebbeln Dr - Whispering Hills West final plat

Joe,
Brian, Bethany and I met with Laura and Julie this morning. Below were the discussion points (all highlighted items requires a revision to the plat). Could you get the revised plat to us by end of day Monday, July 31st?

1. Remove Lot 3; leaving lots 1 and 2.
 - Was told that the 3rd Lot would cause a hammerhead on Limit - it technically already has one with 25th Street. If we limit the access drive to Lot 3 and restrict it to East side of 25th Street - then no emergency vehicle should ever pass 25th Street - would this allow us to keep Lot 3 and create another buildable Lot for the owners and the City Tax Base? If there is another reason for removing Lot 3 then please advise.
2. Do not vacate the first 20 ft of Hebbeln Dr. Keep this as ROW for property owner to build required hammerhead (20' x 30' hammerhead)
 - - Would suggest to keep vacation the same and build hammerhead in existing right of way per the policy/aggreement with previous owner believe there is room to do so
3. No hammerhead required off Vilas Street at this time. Will probably be required if Lot 1 is ever developed. - OK
4. Discussed septic vs city sewer. Possibly move west property line of Lot 2 further west to

meet the required 500+ feet to allow septic and meet setbacks

- The West property line is 617 feet West of the nearest manhole. How much farther to move the west line to meet city requirement. - See below for 300 vs 500
- 5. Shared driveway is not required, however, if property owner chooses to have a shared access/driveway agreement, the city wants that on the plat
- 6. Planning requires first 25' from property line to be paved. After that gravel is allowed but will need to speak with Fire to meet their requirements
- 7. Fire - verified minimum driveway width is 16'
- 8. Fire must have access to gate

Also, #6 under RESTRICTIONS on the plat needs to be changed from 300 feet to 500 feet.

- It was very clear and stated many times during the DRC meeting that these lots would not have to be on City Sewer (Lots 1 and 2) and that they were over the 300' requirement. 500' was not mentioned by any department - did this regulation change from the time of our DRC meeting and submittal?

If you want me to stop in Monday morning to discuss I can do so - can also meet the Monday resubmittal in an attempt to get to September Agenda.

Thank you - Joe Herring

Thanks,

Michelle Baragary

Planning Assistant

City of Leavenworth

100 N. 5th Street

Leavenworth, KS 66048

(913) 680-2626

www.leavenworthks.org

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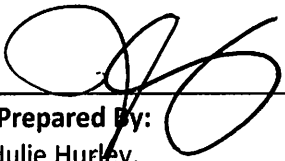
*** THIS EMAIL CAME FROM AN EXTERNAL SOURCE. PLEASE BE CAUTIOUS WHEN CLICKING ON LINKS OR ATTACHMENTS.

**PLANNING COMMISSION AGENDA ITEM
2023-25-SUP
722 S. 5TH STREET**

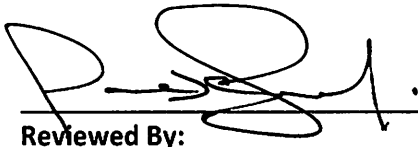
SEPTEMBER 11, 2023

SUBJECT:

A request for a Special Use Permit to allow a restaurant use in the OBD zoning district.



Prepared By:
Julie Hurley,
Director of Planning and
Community Development



Reviewed By:
Paul Kramer,
City Manager

NATURE OF REQUEST

The applicant, Sung Moxley, is requesting a Special Use Permit to allow a restaurant use in a property zoned OBD, Office Business District, located at 722 S. 5th Street. Restaurant uses are allowed in the OBD zoning district with the approval of a Special Use Permit. The property is surrounded by a mix of uses and is located approximately 3 blocks south of the Central Business District and one block north of Spruce Street.

The applicant previously applied for a variance to allow for a reduction in the number of required parking spaces for a restaurant use at the subject location. Parking for restaurant uses is required at a rate of 1 per 3 seats, and the applicant indicated there would be a total of 18 seats in the proposed restaurant resulting in a need for 6 on-site parking spaces. No on-site parking is available, however, ample parking is available on the street immediately surrounding the property, and the BZA approved the variance request on March 27, 2023.

COMMISSION FINDINGS

The Commission may recommend issuance of a special use permit whenever it finds that:

1. The proposed special use complies with all applicable provisions of this ordinance.

Staff believes that this application complies with all provisions of City of Leavenworth Development Regulations.

2. The proposed special use at the specified location will contribute to and promote the economic development, welfare or convenience of the public.

The proposed special use to allow a restaurant will contribute to the economic vitality of Leavenworth by allowing for the operation of a revenue generating business in the space, and to the convenience of the public by providing another restaurant option to patronize.

3. The special use will not cause substantial injury to the value of other property in the neighborhood in which it is located.

Staff does not feel that the proposed use will cause any substantial injury to the value of other property in the neighborhood.

4. The location and size of the special use, the nature and intensity of the operation involved in or conducted in connection with it, and the location of the site with respect to streets giving access to it are such that the special use will not dominate the immediate neighborhood so as to prevent development and use of neighboring property in accordance with the applicable zoning district regulations.

No new structures or building modifications are proposed as part of this special use permit. The Board of Zoning Appeals previously determined that the parking requirements can reasonably be accommodated by existing on-street parking spaces available in the immediate vicinity, without impacting the surrounding neighborhood.

Notification was sent to property owners within 200' of the subject property, as required by Kansas statute. Since notifications were mailed, staff has received no inquiries or comments regarding the proposed residential home stay.

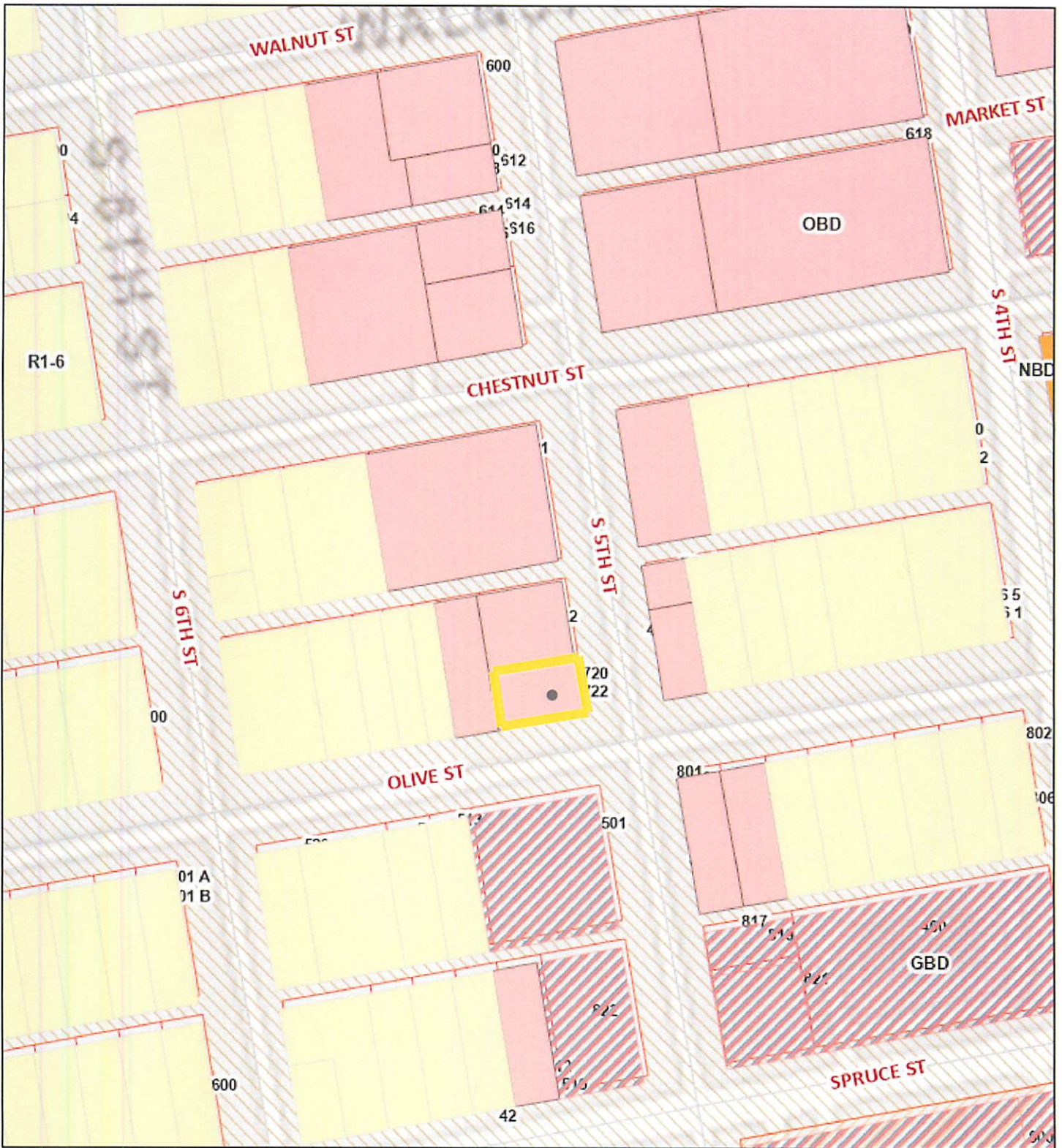
STAFF RECOMMENDATION:

Staff recommends approval of the Special Use Permit request for a restaurant use in a property zoned Office Business District at 722 S. 5th Street based on the analysis and findings included herein.

ACTION/OPTIONS:

- Motion, based upon findings as stated and conditions as presented, to recommend approval to the City Commission
- Motion, to recommend denial to the City Commission
- Table the issue for additional information/consideration.

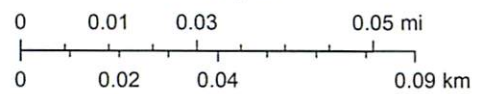
2023-25-SUP (Zoning)



9/7/2023, 10:26:19 AM

1:2,257

- Override 1
- Parcels (City Owned)
- Zoning_CURRENT
- Parcels_Current
- GBD
- NBD
- OBD
- R1-6
- Address (Points)
- Leavenworth City Limits
- City Right-of-Way
- RoadCenterline



Platte County, Missouri Dept. of Conservation, Esri, HERE, Garmin, GeoTechnologies, Inc., USGS, EPA



SPECIAL USE PERMIT
CITY OF LEAVENWORTH, KANSAS

OFFICE USE ONLY

CASE NO.: 2023-25 SUP

Application No.	13931
Fee (non-refundable)	\$350.00
Filing Date	7/28/23
Received By	
Hearing Date	9-11-23
Publication Date	8-16-23

As provided in Section 2.04 of the 2016 Development Regulations, application is hereby made for a SPECIAL USE PERMIT for the operation of a: to allow a restaurant in OBD zoning district

in accordance with the attached site plan on the following described property:

Subject Property:	777 South 5th St		
Legal Description:	(Attach a full legal description provided by the Register of Deeds Office)		
Real Estate PID #:			
Zoning:	OBD	Historic District:	

I/We, the undersigned, depose and state we are the owners of the above described property:

Name(s) of Owner (print):	Sung Im Moxley		
Owner Address:	777 South 5th St Leavenworth KS 66048		
Contact No.	913 215 8017	Email:	moxleybill23@gmail.com
Signature of Owner(s):			

State of Kansas
County of Leavenworth (SEAL)



Signed or attested before me on: July 28, 2023

Notary Public: Michelle Baragary
My Appointment Expires: 8/16/24

If business is operated by someone other than the owner, provide name and address of operator(s).

Name of Lessee:	Oliver Bradwell		
Address:	2205 10 Ave		
Contact No.	913 565-0270	Email:	OB Janitorial@gmail.com

NOTE: All signatures must be in ink. Signature of owner(s) must be secured and notarized.

Check list below...

<input type="checkbox"/>	Non-Refundable Fee of \$350.00 is due at time of application
<input type="checkbox"/>	Certified list of property owners within two hundred (200) feet of the subject property
<input type="checkbox"/>	Attach full legal description obtained through the Register of Deeds Office
<input type="checkbox"/>	Site Plan drawn to scale (See General Instructions)
<input type="checkbox"/>	Supporting documentation (See General Instructions)



**BOARD OF ZONING APPEALS MINUTES
MONDAY, MARCH 27, 2023, 6:00 P.M.
COMMISSION ROOM, CITY HALL
LEAVENWORTH, KANSAS**

CALL TO ORDER:

Board Members Present

Mike Bogner
Ron Bates
Jan Horvath
Dick Gervasini
Kathy Kem

Board Member(s) Absent

City Staff Present

Julie Hurley
Bethany Falvey
Michelle Baragary

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

APPROVAL OF MINUTES: January 23, 2023

Chairman Bogner asked for comments, changes or a motion on the January 23, 2023 minutes presented for approval. Commissioner Horvath moved to approve the minutes as presented, seconded by Commissioner Kem and approved by a vote of 5-0.

OLD BUSINESS:

None

NEW BUSINESS:

1. 2023-02 BZA – 722 S. 5TH STREET

Hold a public hearing for Case No. 2023-02 BZA – 722 S. 5th Street, wherein the petitioner is seeking a variance to section 5.02 of the adopted Development Regulations to allow a reduction in required off-street parking spaces for a restaurant use.

Chairman Bogner called for the staff report.

Planning Director Julie Hurley stated the applicants, Sung and Bill Moxley, are requesting a variance from section 5.02 of the adopted Development Regulations to allow a reduction in required off-street parking for a proposed restaurant located at 722 S. 5th Street. The proposed restaurant will be operated by a tenant of the building owners. No on-site parking is available. The property is zoned OBD, Office Business

District, and is surrounded by a mix of uses. The location is approximately three blocks south of the Central Business District and one block north of Spruce Street.

Parking for restaurant uses is required at a rate of 1 per 3 seats. The tenant has indicated that there will be 18 seats, resulting in a requirement for 6 parking spaces. The Development Regulations allow for the required off-street parking to be reduced by up to 50% for each on-street space within 500 feet. Ample on-street parking exists within 500 feet of the site to accommodate parking needs generated by the restaurant, including 6 parking spaces directly to the south of the building off of Olive Street.

Restaurant uses in the OBD zoning district require approval of a Special Use Permit, through the Planning Commission and City Commission. Any approval of this variance request would be subject to approval of a Special Use Permit, or rezoning of the property to a district that allows restaurant uses by right.

Chairman Bogner asked the commissioners for questions/comments about the staff report.

With no discussion about the staff report, Chairman Bogner opened the public hearing.

William Moxley, owner, stated he owns the house to the north of the subject property, and stated he gave the tenant permission to use the parking in front of his house. Even though it is not off-street parking, it opens up more parking spaces.

With no one else wishing to speak, Chairman Bogner closed the public hearing and called for comments from the board.

Commissioner Horvath asked what parking is considered allowable from the distance of the subject building.

Ms. Hurley responded per the Development Regulations, staff can allow for a reduction in off-street parking to be reduced by up to 50% for each on-street parking space within 500 feet. Measuring from the subject heading south, 500 feet is past the Spruce Street intersection.

With no further discussion, Chairman Bogner read the following criteria regarding the Board's authority and reviewed each item.

BOARD OF ZONING APPEALS AUTHORITY:

The Board's authority in this matter is contained in Article 11 (Board of Zoning Appeals), Section 11.03.B (Powers and Jurisdictions – Variances)

Variances: To authorize in specific cases a variance from the specific terms of these Development Regulations which will not be contrary to the public interest and where, owing the special conditions, a literal enforcement of the provisions of these Development Regulations will, in an individual case, result in unnecessary hardship, provided the spirit of these Development Regulations shall be observed, public safety and welfare secured, and substantial justice done. Such variance shall not permit any use not permitted by the Development Regulations of the City of Leavenworth, Kansas in such district. Rather, variances shall only be granted for the detailed requirements of the district such as area, bulk, yard, parking or screening requirements.

1. The applicant must show that his property was acquired in good faith and where by reason of exceptional narrowness, shallowness or shape of this specific piece of property at the time of the effective date of the Zoning Ordinance, or where by reason of exceptional topographical conditions or other extra-ordinary or exceptional circumstances that the strict application of the

terms of the Development Regulations of the City of Leavenworth, Kansas actually prohibits the use of his property in the manner similar to that of other property in the zoning district where it is located.

2. A request for a variance may be granted, upon a finding of the Board that all of the following conditions have been met. The Board shall make a determination on each condition, and the finding shall be entered in the record.
 - a) *The Board shall make a determination on each condition, and the finding shall be entered in the record.*
 - b) *That the variance requested arises from such condition which is unique to the property in question and is not ordinarily found in the same zone or district; and is not created by an action or actions of the property owner or the applicant.*

Vote 5-0

All board members voted in the affirmative.

- c) *That the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents.*

Vote 5-0

All board members voted in the affirmative.

- d) *That the strict application of the provisions of the Development Regulations from which the variance is requested will constitute unnecessary hardship upon the property owner represented in the application.*

Vote 5-0

All board members voted in the affirmative.

- e) *That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare.*

Vote 5-0

All board members voted in the affirmative.

- f) *That granting of the variance desired will not be opposed to the general spirit and intent of the Development Regulations.*

Vote 5-0

All board members voted in the affirmative.

3. In granting a variance, the Board may impose such conditions, safeguards, and restrictions upon the premises benefited by the variance as may be necessary to reduce or minimize any potentially injurious effect of such variance upon other property in the neighborhood, and to carry out the general purpose and intent of the Development Regulations.

ACTION:

Approve or deny the variance request to allow a reduction in required off-street parking for a restaurant use at 722 S. 5th Street.

Chairman Bogner stated based on the findings, the board granted the variance to allow a reduction in required off-street parking for property located at 722 S. 5th Street with no conditions or restrictions.

Commissioner Kem asked when this will go to the Planning Commission for the Special Use Permit.

Ms. Hurley responded the application for the Special Use Permit has not been submitted at this time.

2. 2023-06 BZA – 5000 10TH AVENUE

Hold a public hearing for Case No. 2023-06 BZA – 5000 10th Avenue, wherein the petitioner is seeking a variance to section 8.11 of the adopted Development Regulations to allow an increase in the allowable wall signage for a property zoned GBD, General Business District.

Chairman Bogner called for the staff report.

City Planner Bethany Falvey stated the existing Walmart store is located at 5000 10th Avenue in an area zoned GBD, General Business District. The applicant has submitted a sign application to revise seven existing signs on the front elevation and add/relocate 12 new or existing signs on the front and side elevation. A sign variance was previously approved by the City Commission on May 23, 2017 to allow installation of “Vision Center” and “Pickup” signs, both on the east side of the building and by the Board of Zoning Appeals on September 16, 2019 to allow installation of a “FedEx” sign on the front elevation. The requested variance is to allow 2 additional signs on the front (East) side and 7 additional signs on the south wall for a property zoned GBD, General Business District.

Chairman Bogner asked the commissioners for questions about the staff report.

Chairman Bogner asked if there are any restrictions on the size of the signs or does the submission meet all the design standards for the size of the signs.

Ms. Falvey responded the size of the signs meet the sign code requirements, and that the variance is just for the number of signs on the building.

Commissioner Kem stated it is important to point out that the overall square footage of the signage has been dramatically reduced.

With no further discussion about the staff report, Chairman Bogner opened the public hearing.

Scott Pfeifer, on behalf of BRR Architecture for the Walmart store, stated the idea behind the signs is for directionality and wayfinding for customers. The front of the building is trying to get more access and better signage for the pharmacy drive-thru, and the side of the building is for the auto center to help guide customers to which stall they need to go to.

Commissioner Kem asked if the pylon sign will be changing.

Mr. Pfeifer responded the existing pylon sign is to remain as is.

With no one else wishing to speak, Chairman Bogner closed the public hearing and called for discussion amongst the board members.

With no further discussion, Chairman Bogner read the following criteria regarding the Board’s authority and reviewed each item.

BOARD OF ZONING APPEALS AUTHORITY: