

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

**REGULAR SESSION  
Monday, September 9, 2024  
6:00 p.m.**

CALL TO ORDER:

- 1. Roll Call/Establish Quorum**
- 2. Approval of Minutes: August 5, 2024**

OLD BUSINESS:

**None**

NEW BUSINESS:

**1. 2024-19 SUP – 1830 S BROADWAY ST.**

Conduct a public hearing for Case No. 2024-19 SUP – 1830 S Broadway St., wherein the applicant is requesting a Special Use Permit to allow the operation of a Day Care Center in the RMX zoning district.

**2. 2024-22 SUB – SIOUX ESTATES FINAL PLAT**

Consider a final plat for Sioux Estates Final Plat, Case No. 2024-22 SUB.

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, August 5, 2024**  
6:00 PM

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**CALL TO ORDER:**

**Commissioners Present**

Brian Stephens  
Don Homan  
Sherry Whitson  
Maryann Neeland

**Commissioners Absent**

Bill Waugh  
Kathy Kem

**City Staff Present**

Julie Hurley  
Michelle Baragary

Chairman Stephens called the meeting to order at 6:02 p.m. and noted a quorum was present.

**APPROVAL OF MINUTES: July 1, 2024**

Chairman Stephens asked for questions, comments or a motion on the minutes presented for approval: July 1, 2024. Commissioner Homan moved to approve the minutes as presented, seconded by Commissioner Whitson, and approved by a vote of 4-0.

**OLD BUSINESS**

None

**NEW BUSINESS:**

**1. 2024-17 REZ – CITY-INITIATED REZONING**

Conduct a public hearing for Case No. 2024-17 REZ, wherein the City is requesting to rezone the properties located at approximately 2<sup>nd</sup> Avenue & Santa Fe from RM-F, Residential Multi Family, to R1-6 High Density Single Family Residential District.

Chairman Stephens called for the staff report.

Planning Director Julie Hurley stated this is a city-initiated request to rezone properties located at approximately 2<sup>nd</sup> Avenue & Santa Fe from RM-F, Residential Multi Family, to R1-6 High Density Single Family Residential District.

In recent years, the City of Leavenworth has received multiple rezoning and special use permit requests for properties occupied by existing nonconforming uses. Typically, these requests originate from the intention of the property owner to either sell or expand the existing nonconforming use on the property, which necessitates bringing the property into conformance with existing development standards. It has been the general desire of the Planning Commission and city staff to facilitate these applications in instances where no action of the property owner has caused the property to become nonconforming.

In an effort to further facilitate the bringing of nonconforming properties into conformance without any additional burden to property owners, staff has identified an area suitable for a city-initiated rezoning. State statute grants authority to municipalities to initiate a rezoning process for privately owned properties. The identified area consists of an existing neighborhood containing 15 individual properties all developed with single-family homes, which is currently zoned RM-F, Residential Multi Family. The area east of 2<sup>nd</sup> Avenue, roughly between Santa Fe and Sheridan Streets. The RM-F zoning designation makes all of the existing single-family homes nonconforming, as single-family homes are not allowed either by-right or with approval of an SUP in the RM-F zoning district. Staff proposes to rezone the properties within the identified area to R1-6, High Density Single Family Residential District, which will bring all properties included into conformance with current development standards.

The 15 properties included in the rezoning request are all currently occupied by single-family homes, and include the following addresses:

- |                             |                                 |
|-----------------------------|---------------------------------|
| 1. 535 Santa Fe             | 9. 510 Sheridan St              |
| 2. 529 Santa Fe             | 10. 506 Sheridan St             |
| 3. 523 Santa Fe             | 11. 2605 2 <sup>nd</sup> Avenue |
| 4. 517 Santa Fe             | 12. 547 Sheridan St             |
| 5. 513 Santa Fe             | 13. 537 Sheridan St             |
| 6. 507 Santa Fe             | 14. 527 Sheridan St             |
| 7. 2531 2 <sup>nd</sup> Ave | 15. 517 Sheridan St             |
| 8. 514 Sheridan St          |                                 |

Ms. Hurley further stated that as staff was looking for areas that would be appropriate for a city-initiated rezoning, this area came up because staff had a request from one of the individuals who lives in this neighborhood at one of these addresses. That individual was looking to refinance her home and could not get that refinancing done because staff could not provide a letter to the financial institution stating that it was conforming and could be rebuilt as-is if the home were destroyed by more than 50% of its fair market value.

### **CONDITIONS OF DETERMINATION**

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

- a) The character of the neighborhood;

*The subject properties are located east of 2<sup>nd</sup> Avenue, between Santa Fe and Sheridan. The area is occupied by existing single-family homes, with a mix of single-family and two-family homes to the north, south, and west. To the east, across a creek and wooded area, are the State Street Apartments.*

- b) The zoning and use of properties nearby;

*The property to the north is zoned R1-6 and is occupied by two-family homes (existing nonconforming use). The property to the south is zoned RM-F and is occupied by two-family homes. The properties to the west are zoned R1-6 and are occupied by a mix of single-family and two-family homes. The properties to the east are zoned RM-F and are occupied by the State Street Apartments and a single-family home.*

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

*The subject properties have always been occupied by single-family homes, with no plans to demolish or convert the existing homes to multi-family housing.*

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

*The proposed rezoning will have no detrimental affect nearby properties. There is no proposed change in the use of the properties; they will continue to function as single-family homes. The proposed rezoning will bring the existing structures into conformance with the adopted Development Regulations and allow home owners to modify, expand, sell or refinance their single-family homes without the need to obtain a variance or rezoning.*

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

*The subject properties are not vacant.*

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

*The proposed rezoning will not affect the value of the landowner's properties. The properties are currently classified and taxed as single-family units, which will not be impacted by the rezoning.*

g) The recommendations of permanent or professional staff;

*Staff recommends approval of the rezoning request.*

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

*The area is identified as appropriate for single-family uses on the Comprehensive Land Use Plan.*

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

*No other factors.*

After the required notices were sent to the affected property owners as required by Kansas State Statute, staff received inquiries from 4 individuals pertaining to the nature of the request. No complaints or comments were received.

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

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

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

Commissioner Homan asked for clarification that single-family homes cannot be built in multi-family zoning districts.

Ms. Hurley responded in the affirmative stating single-family homes are not allowed by-right or with the issuance of a SUP in multi-family zoning districts.

Commissioner Whitson asked staff to go over the R1-6 and RM-F standards again for clarification.

Ms. Hurley responded that the R1-6 zoning district does not allow multi-family, and the RM-F zoning district does not allow single-family homes.

Commissioner Homan asked if he is correct by stating the R1-6 zoning district does not allow for duplexes but the RM-F zoning does allow duplexes.

Ms. Hurley responded that in the R1-6 zoning district, you can apply for a special use permit to have a two-family home, but in the RM-F zoning district, you cannot apply for a special use permit to have a single-family home.

Commissioner Whitson is hung-up on the “rebuild as-is”. Is this at the time of what the construction is warranting?

Ms. Hurley responded that she is not sure how the lending laws are, but this is just what staff has been finding from folks. Obviously, with every property that is sold, purchased or refinanced, staff does not get a request for a zoning verification letter for every single property. For the requests that staff does get, if we cannot provide that letter stating that the house is conforming and could be rebuilt, then some of these folks are unable to sell, purchase or refinance their home. For example, say one of the property owners of the subject properties were trying to sell or refinance their home, and they needed a zoning verification letter for their lending institution, staff could not provide a letter stating the home is conforming and could be rebuilt.

Commissioner Whitson stated the reason she asked this question is that she lives in a historical home, and had a difficult time getting her lender insurance to say that they could rebuild the home because they obviously cannot rebuild it as 1875, but they can rebuild it to the standards of today.

Ms. Hurley again stated she is not sure what it is with the lending institutions but it is something with the use of the property. If the existing use is nonconforming and the structure cannot be replaced, that is where folks are running into the problem.

Chairman Stephens stated that this city-initiated rezoning will match the single-family use to the proper zoning of R1-6, which will make these 15 homes conforming, and saves each property owners \$350 as well.

Commissioner Whitson asked staff if anyone was against this rezoning request.

Ms. Hurley responded that staff had four individuals call to ask questions about the rezoning, but after staff explained it to them, nobody had any complaints or concerns.

With no further questions or discussion from the commissioners about the staff report, Chairman Stephens opened the public hearing.

Sylvia Arvizu, 2531 2<sup>nd</sup> Ave., asked what are the limitations that are imposed on them with this zoning change. There are a couple lots included in the zoning request that could potentially have another house built on it or apartments.

Chairman Stephens replied that as it is zoned now, if one of those houses were to be destroyed, the owner of that property could build a duplex or any other multi-family housing on that parcel even though it is a single-family dwelling now. If the rezoning is approved, and these 15 properties are rezoned to what they should be, which is R1-6, then if any of these houses are destroyed, then they can only be replaced with a single-family dwelling. This is not the government infringing on anybody to create any type of hardship. This rezoning is helping so that if any of these property owners had their home destroyed, they could rebuild their single-family dwelling without going through some ridiculous government red tape.

Ms. Arvizu stated that some of her neighbors have large enough lots that they could build or continue to build on their lots.

Commissioner Homan stated they would have to come back to this commission to divide their lot.

Ms. Hurley stated the limitation would be that only single-family homes could be built on any of these lots. A property owner could apply for a special use permit to build a duplex, but that is it.

Ms. Arvizu stated that 507 Santa Fe is a large lot, and that property owner could potentially put a trailer on that lot.

Chairman Stephens stated if the property owner of 507 Santa Fe wanted to build an apartment complex, they could do that with the current zoning, but if the zoning changes to R1-6, then only single-family homes could go there. There are also requirements on how many outbuildings that are permitted for single family zoning districts.

Commissioner Whitson stated the way 507 Santa Fe is zoned right now the property could potentially build multi-family dwelling units. If the rezoning is approved to R1-6, then only single-family homes are permitted.

Ms. Arvizu asked if those lots would change back to multi-family.

Commission Homan responded in the negative stating they would have to request a special use permit that would either be accepted or denied. He further stated they could split the lot and build another single-family home, or build an outbuilding on their property.

(Inaudible. Everyone is talking over each other).

Ms. Hurley stated that with the R1-6 it would be single-family zoning, and all the regulations that go with single-family zoning would apply.

Commission Neeland stated she believes what is being asked is what happens if the owner of one of these larger lots wants to split their lot for example, to build two more homes that will be rentals. The property owner would need to come before this board, and notices would be mailed to property owners within the radius per Kansas statute. At the time of the public hearing, people would have the opportunity to speak in favor of or against the request.

Ms. Hurley stated 507 Santa Fe is a larger lot with 1.5 acres. It is certainly big enough that they could split it down the middle and sell that other half to build another single-family home. Except right now, they could not do that because it is zoned multi-family. Additionally, they cannot put another single-family home on the same lot as the existing single-family home because that does not meet the definition of multi-family. That would be two single-family homes one lot, which is not allowed by the zoning district.

Carla Herbert, 517 Santa Fe, stated that when she read the letter she was confused with the language "high density single family residential".

Chairman Stephens responded that is a category so we know what is rural, what is highly rural, etc. High density would be smaller lots in a more populated area.

Ms. Herbert asked what this zoning change will do to her taxes.

Chairman Stephens responded that the county handles the taxes, and taxes would not change with this rezoning request.

Ms. Hurley further stated that the county assesses the taxes based on the actual use, and not how the city has it zoned. These 15 properties are taxes as single-family homes, and that will not change.

Nicolas Rodriguez, 523 Santa Fe, stated he and his wife just moved into this home and it is the first home they have owned. He asked for clarification between conforming and nonconforming.

Chairman Stephens replied that conforming is when the property and any structures are conforming to the Development Regulations. Nonconforming is when they are not conforming to the regulations. Nonconforming would not come into play until something happens or you pull a permit, etc. The rezoning action would bring the properties into a conforming status with the city's zoning.

Mr. Rodriguez asked if he wanted to install a fence, would he need a special permit.

Chairman Stephens stated that permit does not go through this board but rather through the permitting process.

Mr. Rodriguez stated it sounds like the city is trying to help the homeowners in this neighborhood by rezoning the properties.

With no one else wishing to speak, Chairman Stephens closed the public hearing and called for discussion among the commissioners or a motion. Based on the findings as stated and conditions as presented, Commissioner Whitson moved to recommend approval of the rezoning request from R-MF to R1-6 to the City Commission, seconded by Commissioner Homan, and passed by a vote of 4-0.

Ms. Hurley stated this item will go to the City Commission for first consideration on Tuesday, August 27<sup>th</sup>.

**OTHER BUSINESS:**

With no other business, Chairman Stephens called for a motion to adjourn. Commissioner Whitson moved to adjourn, seconded by Commissioner Homan, and approved 4-0.

Ms. Hurley stated we will have a meeting in September, which will be the second Monday in September because of the holiday.

Meeting adjourned at 6:37 p.m.

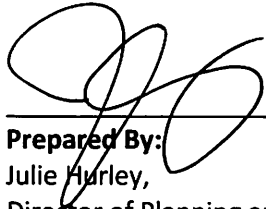
Minutes taken by Planning Assistant Michelle Baragary.

**PLANNING COMMISSION AGENDA ITEM  
2024-19 SUP  
1830 S. BROADWAY STREET**

**SEPTEMBER 9<sup>TH</sup>, 2024**

**SUBJECT:**

A request for a Special Use Permit to allow the operation of a Day Care Center at 1830 S. Broadway Street.



**Prepared By:**

Julie Hurley,  
Director of Planning and  
Community Development

**NATURE OF REQUEST**

The owner, 1830 S Broadway LLC, is requesting a special use permit for the operation of a Day Care Center at 1830 S. Broadway Street to be operated by Happy Little Hearts Daycare. The property is currently zoned RMX, Residential Mixed Use District, and Day Care Centers are allowed in the RMX zoning district with issuance of a Special Use Permit. The operator is licensed by the State of Kansas to care for a maximum of 12 children, dependent upon the ages of the children in care.

1830 S. Broadway is the former site of the Council on Aging, and was previously rezoned from PUD to RMX in 2022 to accommodate a mixture of appropriate uses for the site. The property is surrounded by an existing single-family neighborhood.

**CONDITIONS OF DETERMINATION**

In recommending approval of a special use, the Planning Commission may impose such conditions, safeguards and restrictions as may be necessary to carry out the general purpose and intent of the ordinance. The development regulations stipulate specific conditions as a requirement for the approval of Child Care Centers as follows:

1. Shall not be located along an arterial street as designated on the Major Street Plan Map unless indirect vehicular access to that street, such as with a frontage road is available. The City Planner, with the advice of the DRC, shall determine if the drop off and pick up arrangements of a childcare center or business appear safe. Appeal of any negative decision shall be to the City Commission.

*The subject property is bordered on 4 sides by streets; Pennsylvania, Garland, Rees, and Broadway Streets. All four streets are classified as Local Streets.*

2. Shall provide at least one hundred (100) square feet of open space per child. This open space shall be 100% enclosed by a minimum four (4) foot high fence or wall.

*The subject property is 9.32 acres in size, and includes an existing area of approximately 5,000 sqft on the west side of the building enclosed by a 4' high chain link fence. Any additional area the operator intends to utilize as open space for children in care would need to be enclosed by a fence.*



3. Shall provide a loading zone capable of accommodating at least two (2) automobiles for the easy picking up and discharging of passengers.

*The subject property includes two separate parking lots capable of accommodating multiple vehicles.*

4. Shall conform to all requirements of the State of Kansas and shall acquire a State of Kansas Child Care Center License.

*The applicants have provided a copy of their Temporary Permit for a Group Day Care Home from the Kansas Department of Health and Environment (KDHD). The applicant shall provide a copy of their permanent license once obtained.*

5. All childcare centers operated in residential zoning districts shall be the only legal residence of the operator.

*Not applicable for the RMX zoning district, as it is a mixed use district.*

6. Childcare centers in residential districts may have one non-illuminated monument sign with no more than 3 square feet per side and a maximum of 2 sides or one non-illuminated sign affixed to the main structure of 3 square feet.

*Any signage displayed will conform to this requirement.*

#### **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, or will comply, with all provisions of City of Leavenworth Development Regulations, based upon review of all available materials.*

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

*Child Care Centers are an essential service to working parents in the community, and promote the economic development, welfare and convenience of the public.*

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

*Staff has no indication that the proposed Child Care Center will cause any substantial injury to the value of other property in the neighborhood, based upon available data.*

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 daycare could account for an increase in up to 48 car trips per day on the street, when at full capacity of 12 children.*

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

**STAFF RECOMMENDATION:**

Staff recommends approval of the Special Use Permit request based on the analysis and findings included herein, subject to the following conditions:

1. A minimum of 1,200 square feet of open space 100% enclosed by a minimum 4' high fence or wall shall be provided and maintained in good condition.
2. A copy of the permanent Group Day Care Home license shall be provided annually upon renewal by the State of Kansas.
3. The operation shall be limited to a maximum of 12 children.

Failure to maintain compliance with all conditions shall result in revocation of the Special Use Permit.

**ACTION/OPTIONS:**

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

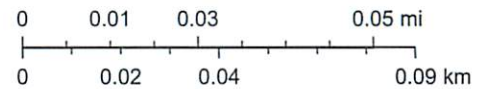
# 2024-19-SUP 1830 S. Broadway



9/6/2024, 10:17:34 AM

1:2,257

- Override 1
- Parcels (City Owned)
- Parcels\_Current
- Buildings
- Address (Points)
- Leavenworth City Limits
- City Right-of-Way
- RoadCenterline



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**SPECIAL USE PERMIT**  
CITY OF LEAVENWORTH, KANSAS

OFFICE USE ONLY

CASE NO.: 2024-19 SUP

Application No.	15757
Fee (non-refundable)	\$350.00
Filing Date	7-12-24
Received By	pd online
Hearing Date	9-9-24
Publication Date	8-15-24

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: child care center  
License 18084173

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

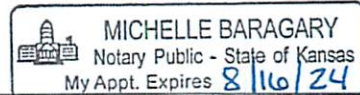
Subject Property:	1830 S Broadway St		
Legal Description:	(Attach a full legal description provided by the Register of Deeds Office)		
Real Estate PID #:			
Zoning:	RMX	Historic District:	

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

Name(s) of Owner (print):	1830 Broadway LLC		
Owner Address:	14413 Reeds St Overland Park KS 66223		
Contact No.	615-218-8423	Email:	Baidwan.Baljit@gmail.com
Signature of Owner(s):	<u>Baidwan</u>		

State of Kansas

County of Leavenworth (SEAL)



Signed or attested before me on: April 12, 2024

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:	Happy Little Hearse daycare [Sherry Hunsicker]		
Address:	1830 S Broadway St Leavenworth KS 66048		
Contact No.	913-368-6326	Email:	sherry8865@gmail.com

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

**Check list below...**

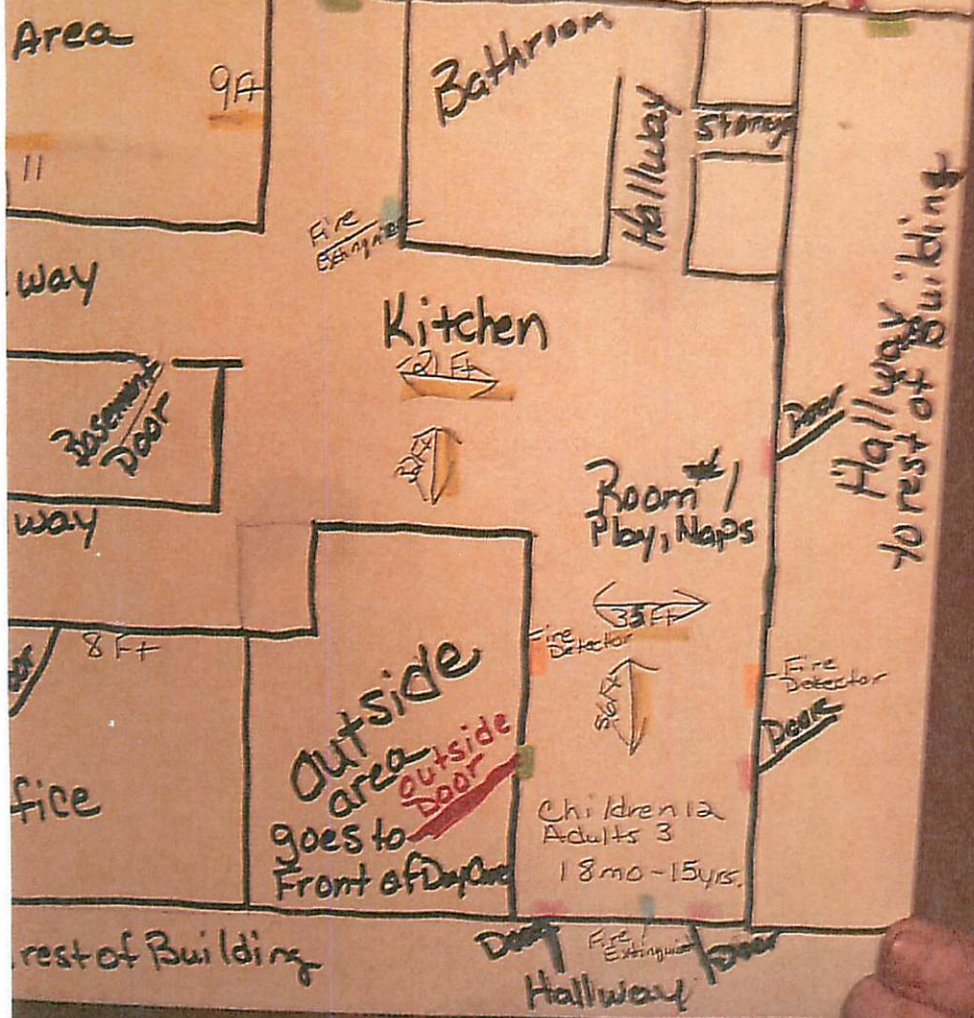
<input type="checkbox"/>	Non-Refundable Fee of \$350.00 is due at time of application
<input type="checkbox"/>	Certified list of property owners within two hundred (200) feet of the subject property
<input type="checkbox"/>	Attach <b>full</b> legal description obtained through the Register of Deeds Office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

AYCARE Area outside area

105. Broadway St.

outside Door 36x87

outside Door 36x87



rest of Building

Fire Extinguisher Door Hallway

outside area

20x7  
outside  
Door

DAYCARE Area  
1830S. Broadway  
St. 36x87  
outside  
Door

Play area  
Room #2

TV Area

9ft

Bathroom

- measurements
- Fire extinguishers
- Smoke detectors
- Exits Lights
- Exit Signs
- Outside exits

21"

Hallway

Fire  
Extinguisher

Kitchen

21ft



Hallway



Children & Adults  
15  
12 children 18mo-15yr.  
3 adults  
Concrete Building



office

outside  
area  
goes to  
Front of Daycare  
outside  
Door

Children & Adults 3  
18mo-15yr.

Hallway in rest of Building

Fire Extinguisher  
Hallway

**Kansas Department of Health and Environment  
Temporary Permit**

Group Day Care Home  
Temporary Permit No. 0084173-002

Licensee: Sherry Lou Hunninghake

Facility: Happy Little Hearts Daycare

Located at: 1830 S Broadway St  
Leavenworth, KS 66048

In the county of: Leavenworth

Having filed an application and having agreed to comply with the laws and regulations of the State of Kansas governing Group Day Care Homes, Sherry Lou Hunninghake is hereby authorized to care for a maximum of 12 children, under one of the following options:

**MAXIMUM LICENSED CAPACITY IF ONE ADULT IS PRESENT WITH THE CHILDREN:**

- 9 children, at least 2 ½ years but under 11 years of age\*; or
- 10 children, at least 3 years but under 11 years of age\*; or
- 12 children, at least 5 years but under 11 years of age; or refer to Table I in K.A.R. 28-4-114(e) if children under 2 ½ years of age are in attendance.

**MAXIMUM LICENSED CAPACITY IF TWO ADULTS ARE PRESENT WITH THE CHILDREN:**

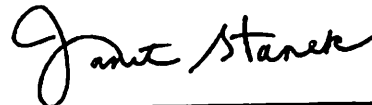
- 12 children, infancy to 11 years of age\*, with not more than 9 children under 5 years of age, 3 of whom may be under 18 months of age; or
- 10 children, infancy to 11 years of age\*, with not more than 8 children under 5 years of age, 4 of whom may be under 18 months of age; or
- 12 children, at least 18 months but under 11 years of age\*, with not more than 5 children, 18 months to 2½ years of age.

\*Children five years of age and over may be substituted for younger children in the license capacity. Children under 11 years of age who are related to the applicant with a temporary permit, the licensee, or any other provider shall be included in the maximum number of children in each age group. Children at least 11 years of age but under 16 years of age who are unrelated to the provider shall be included in the license capacity if child care for this age group as a whole exceeds three hours a week.

This Temporary Permit is effective 07/12/2024 and expires on 10/10/2024.

Smoking is prohibited inside the day care home during hours of operation.

\*\* Local codes and ordinances may prescribe other requirements for the legal operation of this facility.



Janet Stanek, Secretary  
Kansas Department of Health and Environment

**PLANNING COMMISSION AGENDA ITEM  
2024-22-SUB**

**SIOUX ESTATES  
FINAL PLAT**

**SEPTEMBER 9<sup>TH</sup>, 2024**

**SUBJECT:**

A request for a final plat of Sioux Estates, Final Plat



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**Prepared By:**

Julie Hurley,  
Director of Planning and  
Community Development

**ANALYSIS:**

The subject property is owned by Development, Inc., plat prepared by Atlas Surveying. The applicant is requesting the plat in order to combine the three lots currently addressed as 729, 735 and 737 Metropolitan for potential future development. All lots are zoned GBD, General Business District, and are currently vacant. The lot addressed as 729 Metropolitan was formerly occupied by an Evergy electrical substation. The plat does not include any dedication of right-of-way or easements.

Staff recommends approval of the Sioux Estates plat.

**ACTION/OPTIONS:**

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



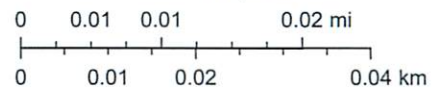
# 2024-22-SUB Sioux Estates



9/6/2024, 9:54:58 AM

1:1,128

- Override 1
- Ft Leavenworth Military Installation
- Parcels\_Current
- Leavenworth City Limits
- Buildings
- City Right-of-Way
- Address (Points)
- RoadCenterline



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

# SIoux ESTATES

A REPLAT OF LOTS 27-32 BLOCK 104, PART OF THE VACATED PORTION OF SIOUX STREET, AND A PORTION OF BLOCK 105 IN DAY AND MACAULAY'S SUBDIVISION, A SUBDIVISION OF LAND IN THE CITY OF LEAVENWORTH, LEAVENWORTH COUNTY, KANSAS



- LEGEND**
- ▲ DENOTES FOUND SECTION CORNER
  - DENOTES SET 1/2" REBAR A.C. CLS 363 MO CLS 2022104231
  - DENOTES FOUND PROPERTY CORNER
  - (M) MEASURED
  - (D) DEEDED
  - (P) PLATTED
  - (C) CALCULATED

## GENERAL NOTES

1. THE BASIS FOR THE BEARING SYSTEM FOR THIS PLAT IS THE KANSAS NORTH ZONE U.S. STATE PLANE 1983.
2. ALL DISTANCES SHOWN HEREON ARE GROUND DISTANCES IN FEET.
3. FIGURE(S) IN NOTE, ACCORDING TO "FISH" MAP CORRELATIVE PANEL NUMBERS 20150201 JCL, EFFECTIVE JULY 16, 2015, THIS PLAT IS LOCATED IN ZONE(S) "Y".
4. BOUNDARY ENCLOSURE: 1 PART IN 100000000.
5. CURRENT ZONING: CDD - GENERAL BUSINESS DISTRICT.
6. RECORDING & REBARS: REBAR ANCHOR PLACEMENT WITH ALUMINUM CAP STAMPED "2022-08-22" IN CONCRETE PADS.
7. NORTHING & WESTING: 3760.91 NORTHING & 21.96 WESTING.
8. TITLE REPORT: CONDUCTED BY ALLAN'S TITLE FILE NO. 241889.
9. REFERENCED SURVEYS:
  - DAY AND MACAULAY'S SUBDIVISION ACCORDING TO PLAT BY N.W. 287 P.0000.
  - VACATED SIOUX STREET ACCORDING TO ORDER 2008-004-0173.
10. 5' BENCH MARK: FRONT YARD: 23; SIDE YARD: 0; REAR YARD: 23.

## VICINITY MAP



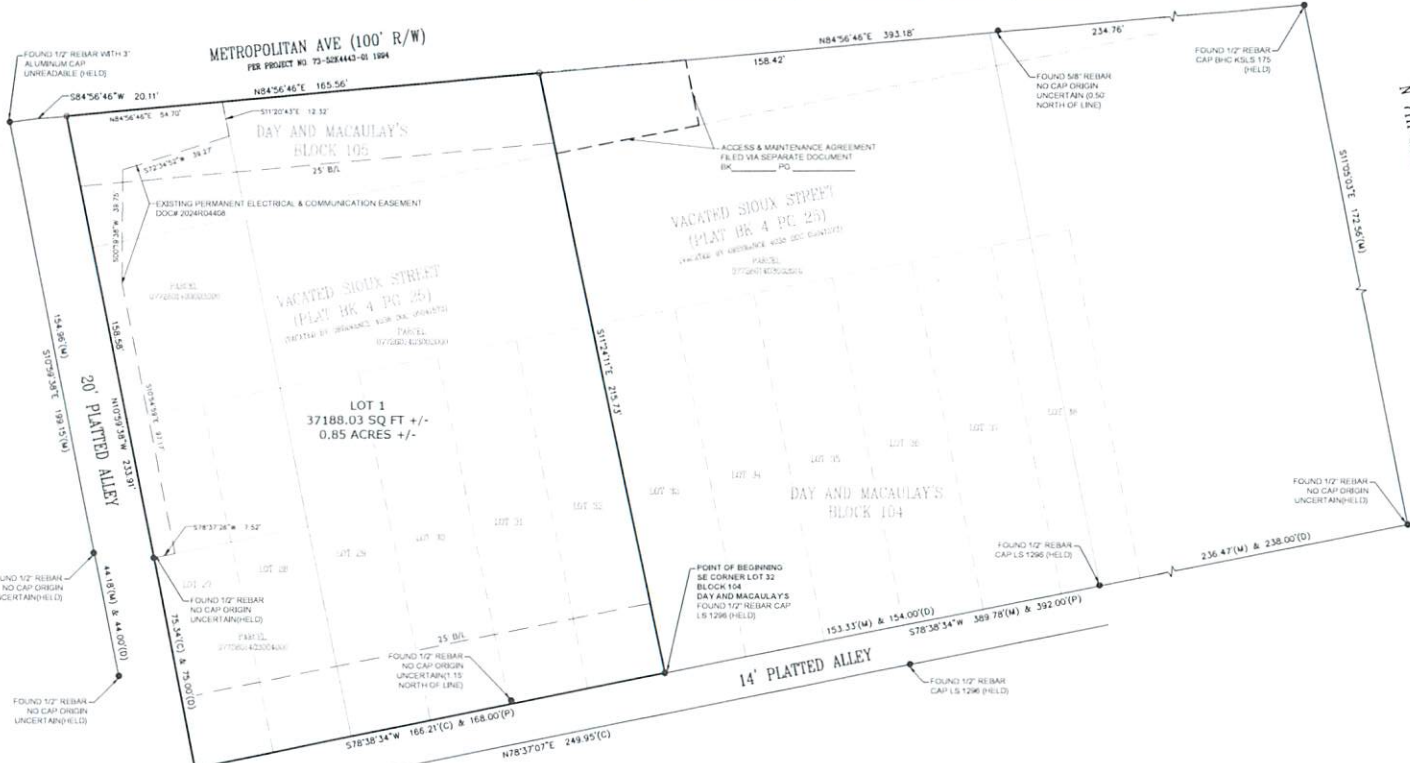
VICINITY MAP NOT TO SCALE

This is to certify on this 16th day of JULY, 2024 this field survey was completed on the ground by me or under my direct supervision and that said survey meets or exceeds the "Kansas Minimum Standards" for boundary surveys.

ANDREA N. WEISHAUBT, PLS 1730

**JOB NO: 24-212**

<b>SCALE</b>	<b>PREPARED FOR</b>
20' = 1" SCALE IN FEET	<b>DEVELOPMENT INC</b>
<b>SEC-TWN-RNG</b>	ADDRESS: 721-737 METROPOLITAN AVE LEAVENWORTH, KS 66608
<b>26-08-22</b>	<b>DATE</b>
	<b>AUGUST 7, 2024</b>



### SURVEYORS SUGGESTED DESCRIPTION:

A REPLAT OF LOTS 27 THROUGH 32 BLOCK 104, PART OF THE VACATED PORTION OF SIOUX STREET AND A PORTION OF BLOCK 105 IN DAY AND MACAULAY'S SUBDIVISION, A SUBDIVISION OF LAND IN THE CITY OF LEAVENWORTH, LEAVENWORTH COUNTY, KANSAS, PREPARED BY ANDREA N. WEISHAUBT, PLS 1730 DATED JULY 2024, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 32 BLOCK 104, THENCE SOUTH 89°58'34" WEST, ALONG THE SOUTH LINE OF LOT 32 THROUGH 27 SAID BLOCK 104, A DISTANCE OF 196.21 FEET TO THE SOUTHWEST CORNER OF SAID LOT 31; THENCE NORTH 89°58'34" WEST, ALONG THE WEST LINE OF SAID LOT 27 BLOCK 104 AND ITS PROLONGATION, A DISTANCE OF 233.91 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF METROPOLITAN AVENUE AS IT NOW EXISTS, THENCE NORTH 84°54'46" EAST, ALONG SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 185.16 FEET, THENCE SOUTH 17°17'11" EAST, ALONG THE PROLONGATION OF THE EAST LINE OF SAID LOT 32 BLOCK 104, A DISTANCE OF 213.73 FEET TO THE POINT OF BEGINNING, CONTAINING 37188.03 SQ FT OR 0.85 ACRES MORE OR LESS.

### DESCRIPTION:

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 "SIoux ESTATES".

THE UNDERSIGNED PROPRIETOR OF SAID PROPERTY SHOWN ON THIS PLAT DOES HEREBY DEDICATE FOR PUBLIC USE AND PUBLIC WAYS AND THOROUGHFARES, ALL PARCELS AND PARTS OF LAND INDICATED ON SAID PLAT AS STREETS, ALLEYS, PUBLIC ROADS, OPEN LOTS, PARKWAYS, AVENUES AND ALLEYS NOT HERETOFORE DEDICATED, WHERE PRIMA FACIE EVIDENCE HAS BEEN OBTAINED TO ANY PERSON, UTILITY OR CORPORATION ON SAID PARTS OF THE LAND SO DEDICATED, AND ANY FENCES, LINES, POLES AND WIRES, CONDUITS, SPOUTS OR CABLES HERETOFORE INSTALLED THEREON AND THEREON ARE REQUIRED TO BE REMOVED, IN ACCORDANCE WITH PROPOSED IMPROVEMENTS AS NOW SET FORTH, THE UNDERSIGNED PROPRIETOR HEREBY AGREES AND AGREES TO INDEMNIFY THE CITY OF LEAVENWORTH, KANSAS, FROM ANY EXPENSE INCIDENT TO THE RELOCATION OF ANY SUCH EXISTING UTILITY INSTALLATIONS WITHIN SAID PRIMA FACIE EVIDENCE.

THE UNDERSIGNED PROPRIETORS OF THE ABOVE DESCRIBED LAND HEREBY CONSENT AND AGREE, THE CITY COMMISSION OF LEAVENWORTH, KANSAS, SHALL HAVE THE POWER TO RELEASE SUCH LAND PROPOSED TO BE DEDICATED FOR PUBLIC WAYS AND THOROUGHFARES, OR PART THEREOF, FOR PUBLIC USE, FROM THE LIES AND EFFECT OF ANY SPECIAL ASSIGNMENTS, AND THAT THE AMOUNT OF THE UNPAID SPECIAL ASSIGNMENTS ON SUCH LAND DEDICATED SHALL BECOME AND REMAIN A LIEN ON THE REMAINDER OF THAT LAND PENDING OR ARISING ON SUCH DEDICATION OF PUBLIC WAYS OR THOROUGHFARES.

THE USE OF ALL UNITS IN THIS SUBDIVISION SHALL HEREAFTER BE SUBJECT TO THE RESTRICTIONS WHICH WILL BE EXECUTED AS A SEPARATE INSTRUMENT OF WRITING AND WILL BE RECORDED IN THE OFFICE OF THE REGISTER OF DEEDS OF LEAVENWORTH COUNTY, KANSAS, SAID RESTRICTIONS WILL THEREBY BE MADE A PART OF THE DESCRIPTION OF THIS PLAT AS THOUGH FULLY SET FORTH HEREIN.

### PLANNING COMMISSION:

THIS PLAT OF SIoux ESTATES HAS BEEN SUBMITTED TO AND APPROVED BY THE LEAVENWORTH PLANNING COMMISSION THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

BRAN STEPHENS CHAIRMAN  
JULIE TRIPLETT SECRETARY  
BRAN FAUST DIRECTOR OF PUBLIC WORKS

### ACKNOWLEDGMENT:

STATE OF KANSAS  
COUNTY OF \_\_\_\_\_

### COUNTY SURVEYOR:

I, \_\_\_\_\_, COUNTY SURVEYOR,  
DOES HEREBY CERTIFY THAT THIS PLAT MEETS THE REQUIREMENT OF K.S.A. 84-2008, THE FACE OF THIS PLAT HAS BEEN REVIEWED FOR COMPLIANCE WITH KANSAS MINIMUM STANDARDS FOR BOUNDARY SURVEYS, NO FIELD VERIFICATION IS IMPLIED. THIS REVIEW IS FOR SURVEY INFORMATION ONLY.

### REGISTER OF DEEDS:

LEAVENWORTH COUNTY SURVEYOR  
DANIEL SARGENT, KS PLS 1903

### NOTARY PUBLIC:

BE IT REMEMBERED THAT ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC, IN AND FOR SAID COUNTY AND STATE, CAME \_\_\_\_\_ TO ME PERSONALLY, KNOWN TO BE THE SAME PERSON WHO EXECUTED THE FOREGOING INSTRUMENT OF WRITING, AND SAID \_\_\_\_\_ ACKNOWLEDGED THE EXECUTION OF SAID INSTRUMENT OF WRITING, AND SAID \_\_\_\_\_ ADVISED ME BY NOTARY SEAL, THE DAY AND YEAR ABOVE WRITTEN.

### DEEDS:

STATE OF KANSAS, COUNTY OF LEAVENWORTH, SS  
THIS IS TO CERTIFY THAT THIS INSTRUMENT HAS BEEN FILED FOR RECORD IN THE REGISTER OF DEEDS OFFICE ON THE \_\_\_\_\_ DAY \_\_\_\_\_, 20\_\_\_\_ AT \_\_\_\_\_ AM/P/M.

### DEEDS:

DEEDS OF WASHINGTON REGISTER OF DEEDS

1730250 1730 27 32 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100 101 102 103 104 105 106 107 108 109 110 111 112 113 114 115 116 117 118 119 120 121 122 123 124 125 126 127 128 129 130 131 132 133 134 135 136 137 138 139 140 141 142 143 144 145 146 147 148 149 150 151 152 153 154 155 156 157 158 159 160 161 162 163 164 165 166 167 168 169 170 171 172 173 174 175 176 177 178 179 180 181 182 183 184 185 186 187 188 189 190 191 192 193 194 195 196 197 198 199 200 201 202 203 204 205 206 207 208 209 210 211 212 213 214 215 216 217 218 219 220 221 222 223 224 225 226 227 228 229 230 231 232 233 234 235 236 237 238 239 240 241 242 243 244 245 246 247 248 249 250 251 252 253 254 255 256 257 258 259 260 261 262 263 264 265 266 267 268 269 270 271 272 273 274 275 276 277 278 279 280 281 282 283 284 285 286 287 288 289 290 291 292 293 294 295 296 297 298 299 300 301 302 303 304 305 306 307 308 309 310 311 312 313 314 315 316 317 318 319 320 321 322 323 324 325 326 327 328 329 330 331 332 333 334 335 336 337 338 339 340 341 342 343 344 345 346 347 348 349 350 351 352 353 354 355 356 357 358 359 360 361 362 363 364 365 366 367 368 369 370 371 372 373 374 375 376 377 378 379 380 381 382 383 384 385 386 387 388 389 390 391 392 393 394 395 396 397 398 399 400 401 402 403 404 405 406 407 408 409 410 411 412 413 414 415 416 417 418 419 420 421 422 423 424 425 426 427 428 429 430 431 432 433 434 435 436 437 438 439 440 441 442 443 444 445 446 447 448 449 450 451 452 453 454 455 456 457 458 459 460 461 462 463 464 465 466 467 468 469 470 471 472 473 474 475 476 477 478 479 480 481 482 483 484 485 486 487 488 489 490 491 492 493 494 495 496 497 498 499 500 501 502 503 504 505 506 507 508 509 510 511 512 513 514 515 516 517 518 519 520 521 522 523 524 525 526 527 528 529 530 531 532 533 534 535 536 537 538 539 540 541 542 543 544 545 546 547 548 549 550 551 552 553 554 555 556 557 558 559 560 561 562 563 564 565 566 567 568 569 570 571 572 573 574 575 576 577 578 579 580 581 582 583 584 585 586 587 588 589 590 591 592 593 594 595 596 597 598 599 600 601 602 603 604 605 606 607 608 609 610 611 612 613 614 615 616 617 618 619 620 621 622 623 624 625 626 627 628 629 630 631 632 633 634 635 636 637 638 639 640 641 642 643 644 645 646 647 648 649 650 651 652 653 654 655 656 657 658 659 660 661 662 663 664 665 666 667 668 669 670 671 672 673 674 675 676 677 678 679 680 681 682 683 684 685 686 687 688 689 690 691 692 693 694 695 696 697 698 699 700 701 702 703 704 705 706 707 708 709 710 711 712 713 714 715 716 717 718 719 720 721 722 723 724 725 726 727 728 729 730 731 732 733 734 735 736 737 738 739 740 741 742 743 744 745 746 747 748 749 750 751 752 753 754 755 756 757 758 759 760 761 762 763 764 765 766 767 768 769 770 771 772 773 774 775 776 777 778 779 780 781 782 783 784 785 786 787 788 789 790 791 792 793 794 795 796 797 798 799 800 801 802 803 804 805 806 807 808 809 810 811 812 813 814 815 816 817 818 819 820 821 822 823 824 825 826 827 828 829 830 831 832 833 834 835 836 837 838 839 840 841 842 843 844 845 846 847 848 849 850 851 852 853 854 855 856 857 858 859 860 861 862 863 864 865 866 867 868 869 870 871 872 873 874 875 876 877 878 879 880 881 882 883 884 885 886 887 888 889 890 891 892 893 894 895 896 897 898 899 900 901 902 903 904 905 906 907 908 909 910 911 912 913 914 915 916 917 918 919 920 921 922 923 924 925 926 927 928 929 930 931 932 933 934 935 936 937 938 939 940 941 942 943 944 945 946 947 948 949 950 951 952 953 954 955 956 957 958 959 960 961 962 963 964 965 966 967 968 969 970 971 972 973 974 975 976 977 978 979 980 981 982 983 984 985 986 987 988 989 990 991 992 993 994 995 996 997 998 999 1000



Project No. 2024-22 SUB

MINOR SUBDIVISION  
FINAL PLAT APPLICATION  
CITY OF LEAVENWORTH

OFFICE USE ONLY  
Application No. 15946  
Fee: 350.00  
(\$350 plus \$10 per lot over 5 lots)  
Date Paid 7/29/24  
Received By pd. online  
PC Meeting Sept. 9, 2024

NAME OF SUBDIVISION/PROJECT: Sioux Estates

LOCATION OF SUBDIVISION/PROJECT: Sioux Estates 737 Metropolitan Ave

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

NAME: DEVELOPMENT INC

STREET ADDRESS: 737 METROPOLITAN AVE

CITY: LEAVENWORTH STATE: KS ZIP: 66048

PHONE: 913-828-4440 EMAIL: jeremy@greenamyre.com

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

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

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

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

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

NAME OF ENGINEER PREPARING PLAT:

NAME: Atlas Land Consulting - Austin Thompson

STREET ADDRESS: 14500 Parallel Rd Unit R

CITY: Basehor STATE: KS ZIP: 66007

COMPANY: Atlas Land Consulting

PHONE: 913-702-8916 EMAIL: austin@alconsult-llc.com

PARCEL NO: R2647, R2648, R2645 SEC.TWP.RNG. 26-08-22

ZONING OF SUBJECT PROPERTY: GBD CURRENT LAND USE: SUBSTATION/VACANT

TOTAL ACREAGE: 0.85 ACRES NUMBER OF LOTS: 1

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

DATE OF FINAL PLAT APPROVAL, IF REPLAT: \_\_\_\_\_

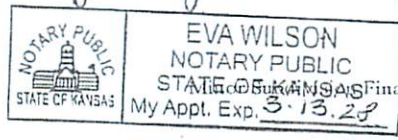
I/We, the undersigned, certify that I/we am/are the owner of the property described above and that is subject to this request for review of a subdivision under the rules of the Subdivision Regulations of the City of Leavenworth, Kansas.

SIGNATURE OF OWNER(S) [Signature] Date: 07/24/2024

State of Kansas, County of Leavenworth SS

Signed or attested before me on July 24<sup>th</sup>, 2024 by Jeremy Greenamyre

[Signature]  
Notary Appointment Expires 3.13.28



Final Plat App. July 2020