

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

**REGULAR SESSION  
Monday, April 1, 2024  
6:00 p.m.**

CALL TO ORDER:

- 1. Roll Call/Establish Quorum**
- 2. Approval of Minutes: March 4, 2024**

OLD BUSINESS:

**None**

NEW BUSINESS:

**1. 2024-09 REZ – 707 PAWNEE STREET**

Conduct a public hearing for Case No. 2024-09 REZ – 707 Pawnee Street, wherein the applicant is requesting a rezoning of their property located at 707 Pawnee Street from OBD, Office Business District, to R1-6, High Density Single Family Residential District.

**2. 2023-33 SUP – 4100 S 4<sup>TH</sup> STREET**

Conduct a public hearing for Case No. 2023-33 SUP – 4100 S 4<sup>th</sup> Street, wherein the applicant is requesting a Special Use Permit to allow a College or University in the R1-9 zoning district.

**3. 2024-10 SUB – WHISPERING HILLS WEST REPLAT FINAL PLAT**

Consider a final plat for Whispering Hills West Replat Final Plat, Case No. 2024-10 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, March 4, 2024**  
6:00 PM

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**CALL TO ORDER:**

**Commissioners Present**

Kathy Kem  
Sherry Whitson  
Bill Waugh  
Maryann Neeland

**Commissioners Absent**

Don Homan  
Brian Stephens

**City Staff Present**

Julie Hurley  
Michelle Baragary

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

**APPROVAL OF MINUTES:** February 5, 2024

Vice Chair Kem asked for questions, comments or a motion on the minutes presented for approval: February 5, 2024. Commissioner Whitson moved to approve the minutes as presented, seconded by Commissioner Waugh and approved by a vote of 4-0.

**OLD BUSINESS**

None

**NEW BUSINESS:**

**1. 2024-05 REZ – 46 LIMIT STREET**

Conduct a public hearing for Case No. 2024-05 REZ – 46 Limit Street, wherein the applicant is requesting a rezoning of their property located at 46 Limit Street from R1-9, Medium Density Single Family Residential District, to R1-6, High Density Single Family Residential District.

Vice Chair Kem called for the staff report.

Planning Director Julie Hurley stated the owner and applicant, Property Management & Maintenance, Inc., is requesting a rezoning of their property located at 46 Limit Street from R1-9, Medium Density Single Family Residential District, to R1-6, High Density Single Family Residential District. The property is .57 acres in size and is occupied by a single-family home. The owner is requesting the rezoning in order to divide the parcel into three separate residential lots. The minimum required lot width for R1-9 zoning district is 75', and the minimum required lot width for the R1-6 zoning district is 48'. The lot containing the existing home will be 76.99' in width, with the other two lots being 61.4' in width, exceeding the minimum required lot width. The accompanying plat is also on this agenda.

As originally platted, the subject property consisted of 4 separate lots, each approximately 50' in width. In the immediately surrounding neighborhood, there are lots of varying widths and sizes. The lot configuration as presented will be in character with the remainder of the neighborhood.

### **CONDITIONS OF DETERMINATION**

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

- a) The character of the neighborhood;

*The subject property is .57 acre in size and is part of an established single-family neighborhood. Within the existing neighborhood, there are lots of varying sizes ranging from .16 acre to .58 acre.*

- b) The zoning and use of properties nearby;

*The properties to the north, east, and south are zoned R1-9. The properties to the north and east are part of the same existing neighborhood as the subject property and are occupied by single-family homes. The property to the south, across Limit Street, is an open field. The properties to the west, across Wilson Avenue, are zoned R1-6, and are also part of the same existing neighborhood as the subject property. Also nearby are the Woodland Village apartment homes, the City of Leavenworth dog park, and the VA campus.*

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

*The subject property is occupied by a single-family home and has been identified as appropriate for single-family uses on the Future Land Use map.*

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

*The proposed rezoning should have no detrimental effect upon surrounding properties. The proposed reconfiguration of the property from one residential lot into three is consistent with the character of the neighborhood.*

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

*The subject property is 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 have a positive effect on economic development of the City by providing two additional lots which may be developed with single-family homes, thereby increasing the tax revenue potential of the property, as well as by providing two additional homes for Leavenworth residents.*

- 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 residential 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 property owners within 200' of the subject property as required by Kansas State Statute, staff received no comments from notified property owners.

**REZONING ACTION/OPTIONS:**

- Recommend approval of the rezoning request from R1-9 to R1-6 to the City Commission.
- Recommend denial of the rezoning request from R1-9 to R1-6 to the City Commission.
- Table the issue for additional information/consideration

Vice Chair Kem asked for questions about the staff report. With no questions, Vice Chair Kem opened the public hearing. With no one wishing to speak, Vice Chair Kem closed the public hearing and called for a motion. Based on the findings as stated and conditions as presented, Commissioner Whitson moved to recommend approval of the rezoning request from R1-9 to R1-6 for property located at 46 Limit Street to the City Commission, seconded by Commissioner Neeland, and passed by a vote of 4-0.

**2. 2024-06 SUB – LIMIT PARK ADDITION FINAL PLAT**

Consider a final plat for Limit Park Addition, Case No. 2024-06 SUB.

Vice Chair Kem called for the staff report.

Planning Director Julie Hurley stated the owner and applicant, Property Management & Maintenance, Inc., is requesting a final plat of their property located at 46 Limit Street. The property is .57 acres in size and is a single lot occupied by a single-family home. The plat is being requested in order to divide the parcel into three separate residential lots, providing two additional lots for potential development of single-family homes. The lots will range in size from .17 acre to .22 acre.

An accompanying request to rezone the property from R1-9, Medium Density Single Family Residential District, to R1-6, High Density Single Family Residential District, is also on this agenda. The rezoning is being requested in order to allow residential lots with a width of less than 75', as required in the R1-9 zoning district. In the immediately surrounding neighborhood, there are lots of varying widths and sizes. The lot configuration as presented will be in character with the remainder of the neighborhood.

Action can be taken on the plat, and approval of the plat is contingent upon the City Commission giving final approval for the rezoning request. Therefore, should this plat be approved by the Planning Commission tonight, it cannot be recorded with the Register of Deeds until the rezoning is in place.

**STAFF RECOMMENDATION:**

Staff recommends approval of Limit Park Addition Final Plat.

**ACTION/OPTIONS:**

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

Vice Chair Kem asked for questions about the staff report.

With no questions, Vice Chair Kem called for a motion. Commissioner Whitson moved to approve the final plat for Limit Park Addition, seconded by Commissioner Waugh, and approved by a vote of 4-0.

**OTHER BUSINESS:**

With no other business, Ms. Hurley stated there will be a meeting on April 1, 2024.

Vice Chair Kem called for a motion to adjourn. Commissioner Waugh moved to adjourn, seconded by Commissioner Whitson, and approved by a vote of 4-0. The meeting adjourned at 6:10 p.m.

Minutes taken by Planning Assistant Michelle Baragary.

DRAFT

**PLANNING COMMISSION AGENDA ITEM**  
**2024-09 REZ**  
**707 PAWNEE STREET**

**APRIL 1<sup>ST</sup>, 2024**

**SUBJECT:**

A request to rezone the property located at 707 Pawnee Street from OBD, Office Business District, to R1-6, High Density Single Family Residential District.



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**Prepared By:**

Julie Hurley

Director of Planning and  
Community Development

**ANALYSIS:**

The owner and applicant, Chris Pena, is requesting a rezoning of their property located at 707 Pawnee Street from OBD, Office Business District, to R1-6, High Density Single Family Residential District. The property is .08 acre in size and is occupied by a single family home. The owner is requesting the rezoning in order to bring the property into conformance with development standards for a single-family home. The existing single-family home was previously damaged by fire and was repaired. The home as it exists is considered legal nonconforming, and no action is required by the City of Leavenworth in order for the property to continue to function as it is. The owner is intending to sell the property, and current lending and insurance standards frequently require that a property be in conformance with applicable local development standards, which has led the owner to opt to apply for a rezoning in order to make the property conforming with current standards. No additions or new construction is planned at this time.

**CONDITIONS OF DETERMINATION**

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

- a) The character of the neighborhood;

*The subject property is .08 acre in size and is part of an established single-family neighborhood. The property lies just to the west of 7<sup>th</sup> Street, which functions as a commercial corridor with a variety of commercial and office uses.*

- b) The zoning and use of properties nearby;

*The property directly adjacent to the east is zoned OBD, Office Business District, and is occupied by a single-family home. The property to the south is zoned OBD, and is occupied by a single-family home. The property to the west is zoned R1-6, High Density Single Family Residential District, and is occupied by a single-family home. The property to the north is zoned GBD, General Business District, and is occupied by the Dog and Cat Clinic.*

- c) The suitability of the subject property for the uses to which it has been restricted;  
*The subject property is occupied by a single family home and has been identified as appropriate for single-family uses on the Future Land Use map.*
- d) The extent to which removal of the restrictions will detrimentally affect nearby property;  
*The proposed rezoning should have no detrimental effect upon surrounding properties. There is no proposed change to the existing use of the property, and it will continue to function as a single-family home.*
- e) The length of time the subject property has remained vacant as zoned;  
*The subject property is 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 have a neutral effect on the economic development, public health, safety, and welfare of the City, as there is no proposed change in the use of the property, and no new construction proposed.*
- 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 residential 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 public notices were sent to property owners within 200' as required by Kansas State Statute, staff received one question regarding the status of the property from a notified property owner.

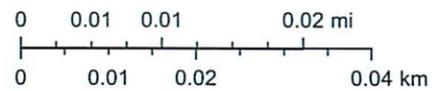
**REZONING ACTION/OPTIONS:**

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



3/28/2024, 10:39:32 AM

1:1,128



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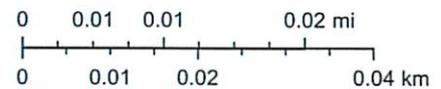
# 2024-09-REZ Future Land Use



3/28/2024, 10:40:40 AM

1:1,128

- Override 1
- Future Land Use (Comp Plan 2030)
- Commercial
- Public/Semi-Public
- Single-Family
- Parcels\_Current
- Address (Points)
- Leavenworth City Limits
- City Right-of-Way
- RoadCenterline



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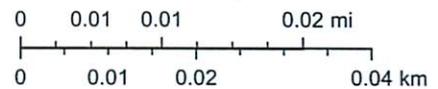
# 2024-09-REZ Zoning



3/28/2024, 10:41:51 AM

1:1,128

- Override 1
- Parcels\_Current
- Zoning\_CURRENT
- Address (Points)
- GBD
- Leavenworth City Limits
- OBD
- City Right-of-Way
- R1-6
- RoadCenterline



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**APPLICATION FOR REZONING**  
CITY OF LEAVENWORTH, KANSAS

OFFICE USE ONLY

CASE NO. 2024-09 REZ

Application #	<u>14942</u>
Fee (non-refundable)	\$350.00
Filing Date	<u>2/2/24</u>
Received By	
Hearing Date	<u>4/1/24</u>
Publication Date	<u>3/7/24</u>

The undersigned owner(s)/agent for the owner(s) of the property described below, herein petition for a change in the zone of the following legally described property: (agent must have authorization to make application).

Subject Property:	<u>707 Pawnee ST Leavenworth KS 66048</u>		
Rezoning:	Present classification of: <u>OBD</u>	district to: <u>R1-6</u>	
Legal Description:	<b>(Attach full legal description provided by the REGISTER OF DEEDS OFFICE)</b>		
Real Estate PID #	<u>052-077-26-0-14-09-004.00-0</u>	Historic District:	

I/We, Chris A. Pena being duly sworn, depose and say that I am the owner/agent for the owner of the property involved in this petition and that the statements and answers herein contained and then information herewith submitted are in all respects true and correct to the best of my knowledge and belief.

Name(s) of Owner (print or type):	<u>Chris Anthony Pena</u>		
Address:	<u>707 Pawnee ST Leavenworth KS 66048</u>		
Contact No.:	<u>(801) 6882637</u>	Email:	<u>penareinaldo@hotmail.com</u>
Signature of Owner(s):			

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

State of Utah )  
County of Salt Lake ), SS

Signed or attested before me on February 2, 2024 by Chris Anthony Pena  
(date) (name(s) of person(s))

Notary Public: Tori Wilson My Appointment Expires: 12/19/2026

(SEAL)



**If necessary, use additional sheets to respond to the following:**

Briefly describe the present use and character of the property and of the surrounding area:

The Property use is for a single family home use and is part of a small single family homes around

Briefly describe the intended use and character of the property:

The intended use of this property is to provide the opportunity for one family to live in and because we rebuild it we can present a style and the certainness of the high quality of the house

Briefly describe why you believe the land use (zoning) being requested is the most appropriate for this property:

Because it was a single family home that was damaged and we rebuilt it to the codes and city ordinances.

Give the reason(s) why you believe this proposal will not be materially detrimental to the public welfare and surrounding properties and/or measures you have taken or intend to take to prevent detrimental impacts:

I believe that this proposal will not be detrimental to the public because it was all ready a house that we just fix and rebuilt to the highest standard so people can live there.

Is the property affected by any easements, deed/plat restrictions or other conditions arising from previous Special Use Permits, Subdivisions, rezoning or variances? If so, briefly explain the origin and effect of such conditions:

NO

Check List:	
	Non-refundable fee of \$350.00 is due at time of application
	Certified list of the property owners within two hundred (200) feet of the subject property
	Full legal description obtained through the Register of Deeds Office
	Site plan drawn to scale (see General Instructions)
	Supporting documentation (see General Instructions)

**February 1<sup>st</sup>, 2024**

**From: Chris A. Pena**

**To: City of Leavenworth**

**Hello, my name is Chris Pena. I am a young entrepreneur that has aspiring dream to make something out of himself.**

**I want to thank you for the opportunity in allowing us to have the chance to talk with you. Regarding the situation at hand, I want to give you a background on the plan we had in going into this. We had bought a property that had some repairs that needed to be attended to. Some of which were a partially burnt roof, and renovation of interior. With these, at the beginning of the stage we had a plan to just do a basic renovation that wouldn't have exceeded over 50,000 dollars.**

**As time was progressing and repairs were taking place, we had restructured our plan, going from a basic repair to then wanting to completely renovate the entire property, to make it the most high-quality property that can be created. We didn't just do this for the positive of the house, but also for the positive and value of the community. That was our thought process in the restructuring of the plan. Furthermore, it wasn't in our knowledge that we had to apply for a rezoning of the property, due to the expenses that had increased based on the new plan we had set. It was a mistake on our end to not have this knowledge.**

**After all the work was done to the house, we have had multiple people offer to buy the house. We had moved forward with one of the offers, the person was ready to do the closing of the house on the 12th of February. Then we stumbled upon an issue. That being, the bank had found that the house was in a commercial zone, this making them have restrictions to lending the funds to the buyer. Your decision will not only help us, but also the buyer. As the bank is putting the lend on hold until we resolve this zoning issue.**

**We ask you for some leniency with us and forgive us for not fully understanding the zoning of properties. We have definitely learned from this.**

**Sincerely,**



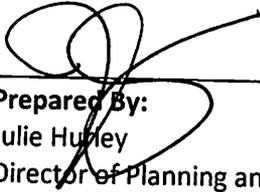
**Chris Pena**

**PLANNING COMMISSION AGENDA ITEM  
2023-33-SUP  
4100 S. 4<sup>th</sup> STREET**

**APRIL 1<sup>ST</sup>, 2024**

**SUBJECT:**

A request for a Special Use Permit to allow a College or University in the R1-9 zoning district.

  
\_\_\_\_\_  
**Prepared By:**

Julie Huney  
Director of Planning and  
Community Development

**NATURE OF REQUEST**

The applicant, University of Saint Mary, is requesting a Special Use Permit to allow a College or University in the R1-9 zoning district, located at 4100 S. 4<sup>th</sup> Street. The property is occupied by the University of Saint Mary, which was established on the site in 1923. College or University uses are allowed in the R1-9 district with approval of a Special Use Permit. The University is currently intending to construct a new dormitory facility on the existing campus.

The University is considered a nonconforming use, as there is no existing Special Use Permit. Any new construction or expansion of existing facilities associated with the University requires the approval of a Special Use Permit. Per section 1.05 the adopted Development Regulations:

*Any lawfully existing nonconforming use of part or all of a structure or any lawfully existing nonconforming use of land, not involving a structure or only involving a structure which is accessory to such use or land, may be continued, so long as otherwise lawful.*

Section 1.05 of the Development Regulations also states in regards to nonconforming uses:

*Any nonconforming use shall not be physically extended, expanded, or enlarged.*

Since the time of adoption of the original Subdivision Regulations of the City of Leavenworth in 1966, there have been multiple structures added on the University of Saint Mary campus without the applicant being required to apply for a Special Use Permit. This is likely an oversight, due to the long-standing tenure of the University on the site. Approval of a Special Use Permit will bring the property into conformance with regards to land use and allow for future university-related construction on the property without the need for additional Special Use permits.

Pending approval of the Special Use Permit, all applicable building permits shall be reviewed and approved.

## **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 functioned as a University since the 1923, providing a beneficial service to the economic development of the City by attracting a large number of students to the community, as well as functioning as one of the largest employers in the area.*

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 is no change in the use of the property.*

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.

*The use of the property will remain unchanged. The proposed new dormitory facility which precipitated the Special Use Permit request will be internal to the existing campus and will not adversely impact any neighboring properties..*

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 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.



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

**OFFICE USE ONLY**

CASE NO.: 2023-33 SUP

Application No.	14398
Fee (non-refundable)	\$350.00
Filing Date	10/3/23
Received By	Pd online
Hearing Date	12/4/23
Publication Date	11/9/23

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: Student Dormitory and remote parking lot.

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

Subject Property:	University of Saint Mary / St. John's Medical Plaza - Lot 4 <u>4100 S. 4th St. / 10000 Hughes</u>
Legal Description:	<b>(Attach a full legal description provided by the Register of Deeds Office)</b>
Real Estate PID #:	Dorm: 052-101-0-40-03-001.00-0 Parking: 052-101-12-0-10-03-004.05-0
Zoning:	R1-9 <del>LODD</del> Historic District:

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

Name(s) of Owner (print):	Sisters of Charity of Leavenworth
Owner Address:	4200 S 4TH ST, Leavenworth, KS 66048-5054
Contact No.	<u>913-758-6102</u> Email: <u>steeler@stmary.edu</u>
Signature of Owner(s):	<u>Wyane Steele SCC</u> <u>Cileen Hughes SCL</u>

State of KS  
County of Leavenworth



Signed or attested before me on: Oct. 2, 2023

Notary Public: Janet M. Seber

My Appointment Expires: 4-30-24

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

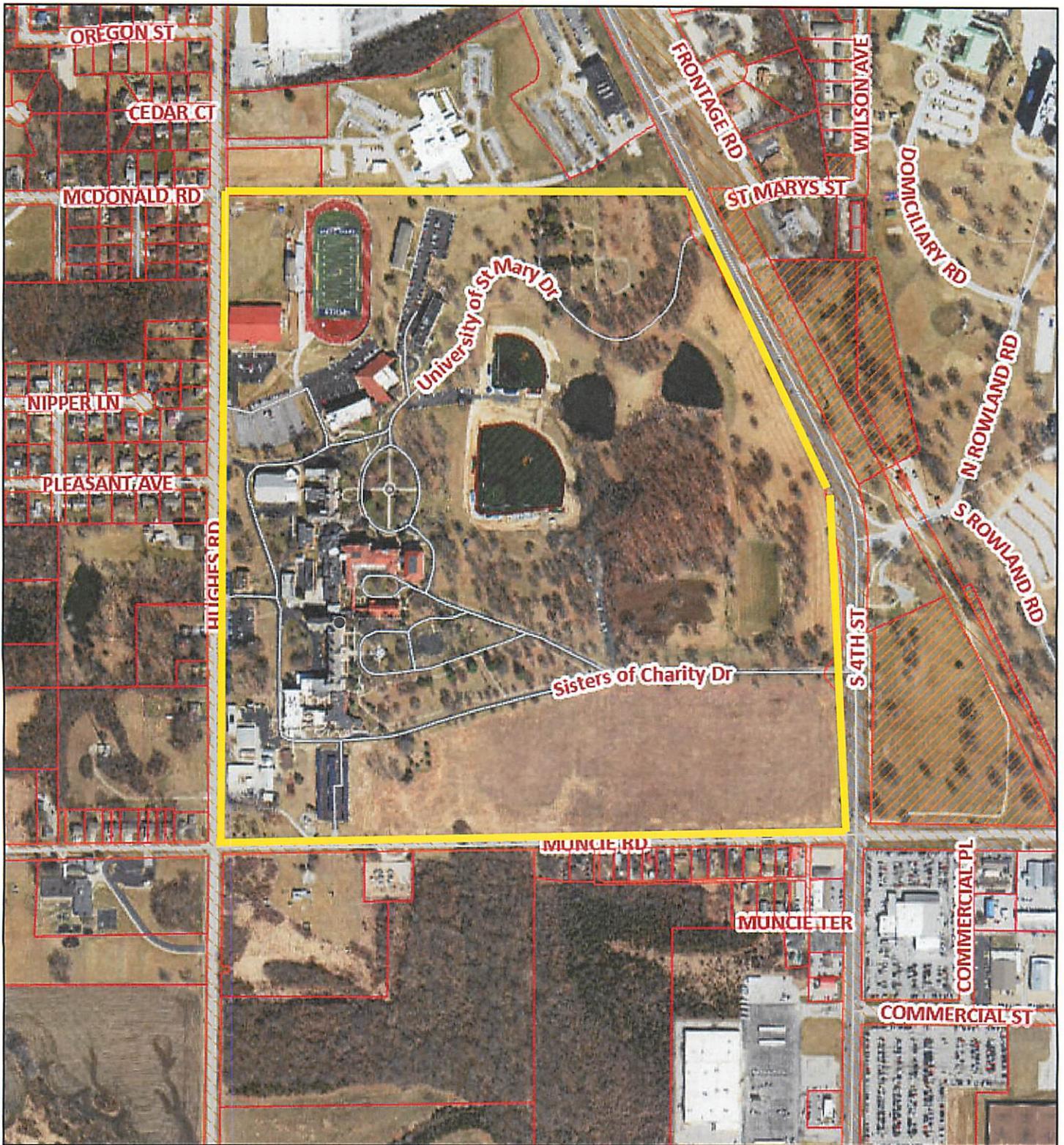
Name of Lessee:			
Address:			
Contact No.		Email:	

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

**Check list below...**

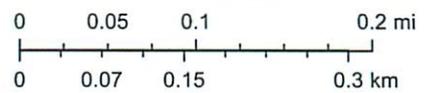
- Non-Refundable Fee of \$350.00 is due at time of application
- Certified list of property owners within two hundred (200) feet of the subject property
- Attach **full** legal description obtained through the Register of Deeds Office
- Site Plan drawn to scale (See General Instructions)
- Supporting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

# 2023-33-SUP



3/28/2024, 10:30:29 AM

1:9,028

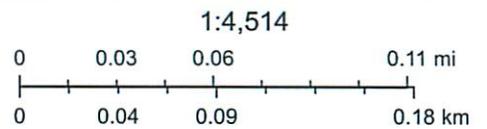


Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community

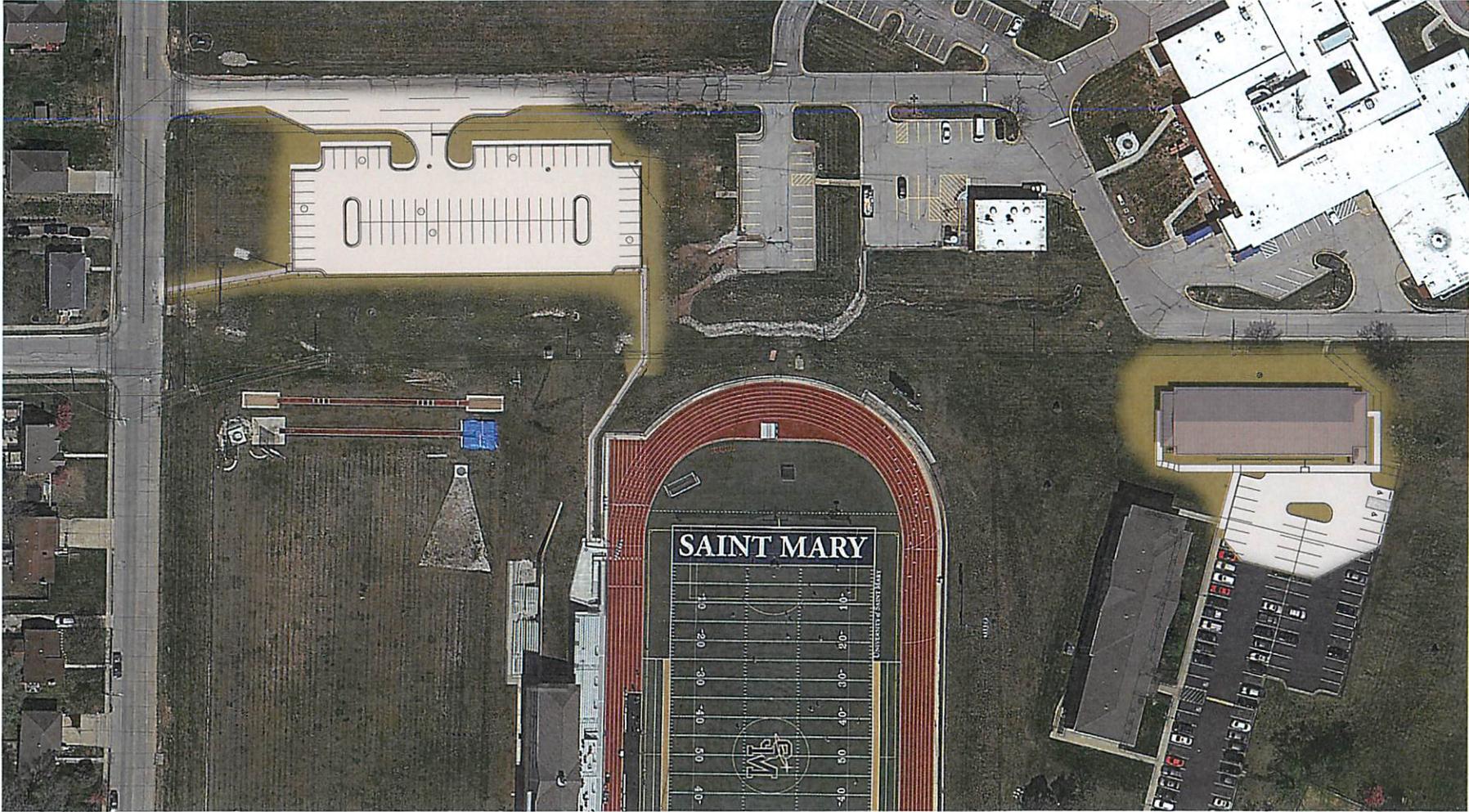
# 2023-33-SUP Location of New Dorm



3/28/2024, 10:33:55 AM



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



A1 SITE PLAN  
1/32" = 1'-0"

PRELIMINARY,  
NOT FOR  
CONSTRUCTION,  
RECORDING,  
PURPOSES, OR  
IMPLEMENTATION  
9/26/2023 10:21:16 AM

**ACI**  
**BOLAND**  
**ARCHITECTS**

ACI Boland, Inc.  
Kansas City | St. Louis  
1732 Wyandotte  
Kansas City, MO 64108  
T: 816.763.9600  
Licensee's Certificate of Authority Number

**CIVIL CONSULTANT**  
Kaw Valley Engineering  
8010 North Oak Trafficway  
Kansas City, Mo. 64118  
Phone Number 816.468.1818  
Licensee's Certificate of Authority Number

**MEP CONSULTANT**  
Lanford | Fendler + Associates  
1732 Wyandotte St.  
Kansas City, Missouri, 64108  
Phone Number 800.260.0500  
Licensee's Certificate of Authority Number

**STRUCTURAL CONSULTANT**  
Wilbur Smith Engineers  
2103 Wyandotte St., Ste. 200  
Kansas City, Mo. 64108  
Phone Number 816.431.8182  
Licensee's Certificate of Authority Number

University of St. Mary - Dormitory  
4100 4th St, Lot 4  
Leavenworth, Ks, 66048

Date	09-06-2023
Job Number	3-22177
Drawn By	Author
Checked By	Checker

Revision	Number	Date	Description

**PLANNING COMMISSION AGENDA ITEM  
2024-10-SUB**

**WHISPERING HILLS WEST REPLAT  
FINAL PLAT**

**APRIL 1<sup>ST</sup>, 2024**

**SUBJECT:**

A request for a final plat of Whispering Hills West Replat



**Prepared By:**

Julie Hurley,  
Director of Planning and  
Community Development

**ANALYSIS:**

The subject property is owned by Laura Fowler, plat prepared by Herring Surveying Company. The applicant is requesting approval of a replat of Whispering Hills West. The property is 80.31 acres in size consisting of two lots, and is currently vacant. The property is zoned PUD, Planned Unit Development

The applicant is requesting the plat for the purposes of creating five tracts along the eastern portion of the property to transfer to adjoining property owners. The adjoining properties are single-family lots, which are part of the Whispering Hills subdivision. Over the years, there has been some minor encroachment from the adjoining properties onto the subject property as it remained vacant, including sheds, gardens and other minor accessory items, and the transfer of the newly created tracts will clear up any ownership issues.

Staff recommends approval of Whispering Hills West Replat.

**ACTION/OPTIONS:**

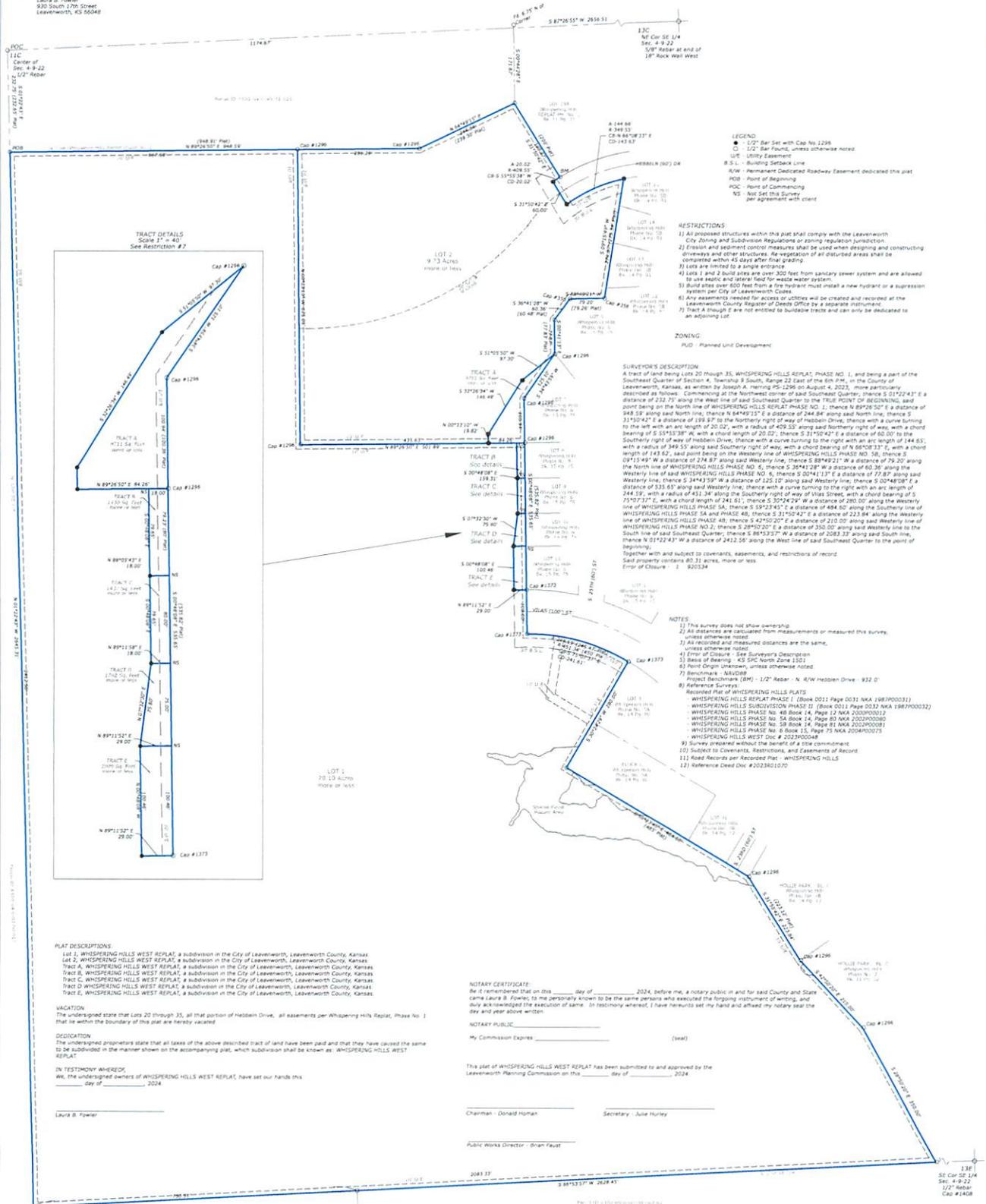
- Approve the Final Plat
- Deny the Final Plat
- Table the issue for additional information/consideration.

# WHISPERING HILLS WEST REPLAT

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 B. Fowler  
630 South 17th Street  
Leavenworth, KS 66048



- LEGEND:**
- 1/2" Bar Found, unless otherwise noted
  - 1/2" Easement
  - B.S.L. - Building Setback Line
  - R/W - Permanent Dedicated Roadway Easement dedicated to the plat
  - NS - Point of Beginning
  - NOC - Point of Commencing
  - NS - Not Set this Survey per agreement with client

- RESTRICTIONS:**
- All proposed structures within this plat shall comply with the Leavenworth City Zoning and Subdivision Regulations or zoning equivalent jurisdiction.
  - Erosion and sediment control measures shall be used when designing and constructing driveways and other structures. Revegetation of all disturbed areas shall be completed within 45 days after final grading.
  - Lots are limited to a single entrance.
  - Lots 1 and 2 build areas are over 300 feet from sanitary sewer system and are allowed to use septic and trench field for waste water system.
  - Build sites over 600 feet from a fire hydrant must install a new hydrant or a suppression system approved by the City of Leavenworth Code.
  - Any easements needed for access of utilities will be created and recorded at the time of recording this plat.
  - Tract A though F are not entitled to buildable tracts and can only be dedicated to an existing lot.

**ZONING:**  
RUD - 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 City of Leavenworth, Kansas, as written by Joseph A. Fleming, PLS 1296 on August 4, 2021, more particularly described as follows: Commencing at the Northwest corner of said Southeast Quarter; thence S 01°22'43" E a distance of 232.72' 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°28'50" E a distance of 348.58' along said North line; thence N 84°47'17" E a distance of 244.84' along said North line; thence S 31°50'42" E a distance of 189.87' to the Northern right of way of Hebbden Drive; thence with a curve turning to the left with an arc length of 202.02' with a radius of 402.53' using said Northern right of way, with a chord bearing of S 55°53'38" W with a chord length of 202.02'; thence S 31°50'42" E a distance of 60.00' to the Southern right of way of Hebbden Drive; thence with a curve turning to the right with an arc length of 144.65' with a radius of 349.55' along said Southern right of way, with a chord bearing of S 66°06'31" E, with a chord length of 143.62'; said point being on the Western line of WHISPERING HILLS PHASE NO. 50; thence S 09°12'47" W a distance of 274.87' along said Western line; thence S 88°49'21" W a distance of 79.00' along the Western line of said WHISPERING HILLS PHASE NO. 5; thence S 36°41'28" W a distance of 60.36' along said Western line; thence S 24°43'59" W a distance of 122.10' along said Western line; thence S 00°48'08" E a distance of 133.45' along said Western line; thence with a curve turning to the right with an arc length of 244.39' with a radius of 451.34' along the Southern right of way of Vilas Street; with a chord bearing of S 75°07'37" E, with a chord length of 244.61'; thence S 30°24'27" W a distance of 380.00' along the Western line of WHISPERING HILLS PHASE 5A; thence S 59°23'45" 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 233.84' along the Western line of WHISPERING HILLS PHASE 4B; thence S 42°50'20" E a distance of 210.00' along said Western line of WHISPERING HILLS PHASE NO. 2; thence S 28°50'20" E a distance of 350.00' along said Western line to the South line of said Southeast Quarter; thence S 88°13'27" W a distance of 208.32' along said South line; thence N 01°22'43" W a distance of 2412.26' 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 property contains 63.31 acres, more or less.  
Error of Closure = 1/20334

- NOTES:**
- This survey does not show ownership.
  - All distances are calculated from measurements or measured this survey, unless otherwise noted.
  - All recorded and measured distances are the same, unless otherwise noted.
  - Error of Closure - See Surveyor's Description.
  - Point of Beginning - 45' SPC North Zone 1501.
  - Point Origin Unknown, unless otherwise noted.
  - Benchmark - MVD081.
  - Project Benchmark (BM) - 1/2" Bar - N.W. Hebbden Drive - 932.0'
  - Reference Surveys:  
Recorded Plat of WHISPERING HILLS PLATS:  
- WHISPERING HILLS REPLAT PHASE I (Book 0021 Page 0031; N/A (887900031))  
- WHISPERING HILLS SUBDIVISION PHASE II (Book 0011 Page 0032; N/A (188790032))  
- WHISPERING HILLS PHASE No. 48 Book 14, Page 12; N/A (200300012)  
- WHISPERING HILLS PHASE No. 58 Book 14, Page 05; N/A (200300008)  
- WHISPERING HILLS PHASE No. 58 Book 14, Page 81; N/A (200300081)  
- WHISPERING HILLS PHASE No. 6 Book 15, Page 03; N/A (200400003)  
- WHISPERING HILLS PHASE No. 6 Book 15, Page 04; N/A (200400004)  
- WHISPERING HILLS PHASE No. 6 Book 15, Page 05; N/A (200400005)
  - Survey prepared without the benefit of a time commitment.
  - Subject to Covenants, Restrictions, and Easements of Record.
  - All Record Books per Recorded Plat - WHISPERING HILLS  
Reference deed Doc # 2022801030

**PLAT DESCRIPTIONS:**  
Lot 1, WHISPERING HILLS WEST REPLAT, a subdivision in the City of Leavenworth, Leavenworth County, Kansas.  
Lot 2, WHISPERING HILLS WEST REPLAT, a subdivision in the City of Leavenworth, Leavenworth County, Kansas.  
Tract A, WHISPERING HILLS WEST REPLAT, a subdivision in the City of Leavenworth, Leavenworth County, Kansas.  
Tract B, WHISPERING HILLS WEST REPLAT, a subdivision in the City of Leavenworth, Leavenworth County, Kansas.  
Tract C, WHISPERING HILLS WEST REPLAT, a subdivision in the City of Leavenworth, Leavenworth County, Kansas.  
Tract D, WHISPERING HILLS WEST REPLAT, a subdivision in the City of Leavenworth, Leavenworth County, Kansas.  
Tract E, WHISPERING HILLS WEST REPLAT, a subdivision in the City of Leavenworth, Leavenworth County, Kansas.

**VACATION:**  
The undersigned state that Lots 20 through 32, all that portion of Hebbden Drive, all easements per Whispering Hills Replat, Phase No. 1 that lie within the boundary of this plat are hereby vacated.

**DEDICATION:**  
The undersigned proprietors state that all taxes of the above described tract of land have been paid and that they have waived the same to be subdivided in the manner shown on the accompanying plat, which subdivision shall be known as: WHISPERING HILLS WEST REPLAT.

**IN TESTIMONY WHEREOF:**  
We, the undersigned owners of WHISPERING HILLS WEST REPLAT, have set our hands this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

Laura B. Fowler

**NOTARY CERTIFICATE:**  
Be it remembered that on this \_\_\_\_\_ day of \_\_\_\_\_, 2024, before me, a notary public in and for said County and State (name), Laura B. Fowler, to the personally known to be the same persons who executed the foregoing instrument of writing, and they 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.

My Commission Expires \_\_\_\_\_ (year)

My Commission Expires \_\_\_\_\_ (year)

**NOTARY PUBLIC:**  
This plat of WHISPERING HILLS WEST REPLAT has been submitted to and approved by the Leavenworth Planning Commission on this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

Chairman - Donald human  
Secretary - Julie Hurley

Public Works Director - Brian Faust

116  
SE Cor SE 1/4  
Sec. 4-9-22  
1/2" Rebar

REGISTER OF DEED CERTIFICATE:  
Filed for Record as Document No. \_\_\_\_\_ on this \_\_\_\_\_ day of \_\_\_\_\_, 2024 at \_\_\_\_\_ o'clock \_\_\_\_\_ M in the Office of the Register of Deeds of Leavenworth County, Kansas.

Register of Deeds - Terrance G. Hershburn

Job # W-23-1882  
July 26, 2023, Rec. 2172/24

115 North 9th Street, Leav., KS 66048  
Ph: 785-845-1000, Fax: 785-845-1001  
www.leavenworthks.com

Scale 1" = 200'

I hereby certify that this survey was made by me, or under my direct supervision, on the ground during the dates of May 2023 through February 2024 and this map or plat is correct to the best of my knowledge.

Joseph A. Fleming  
PLS # 1296

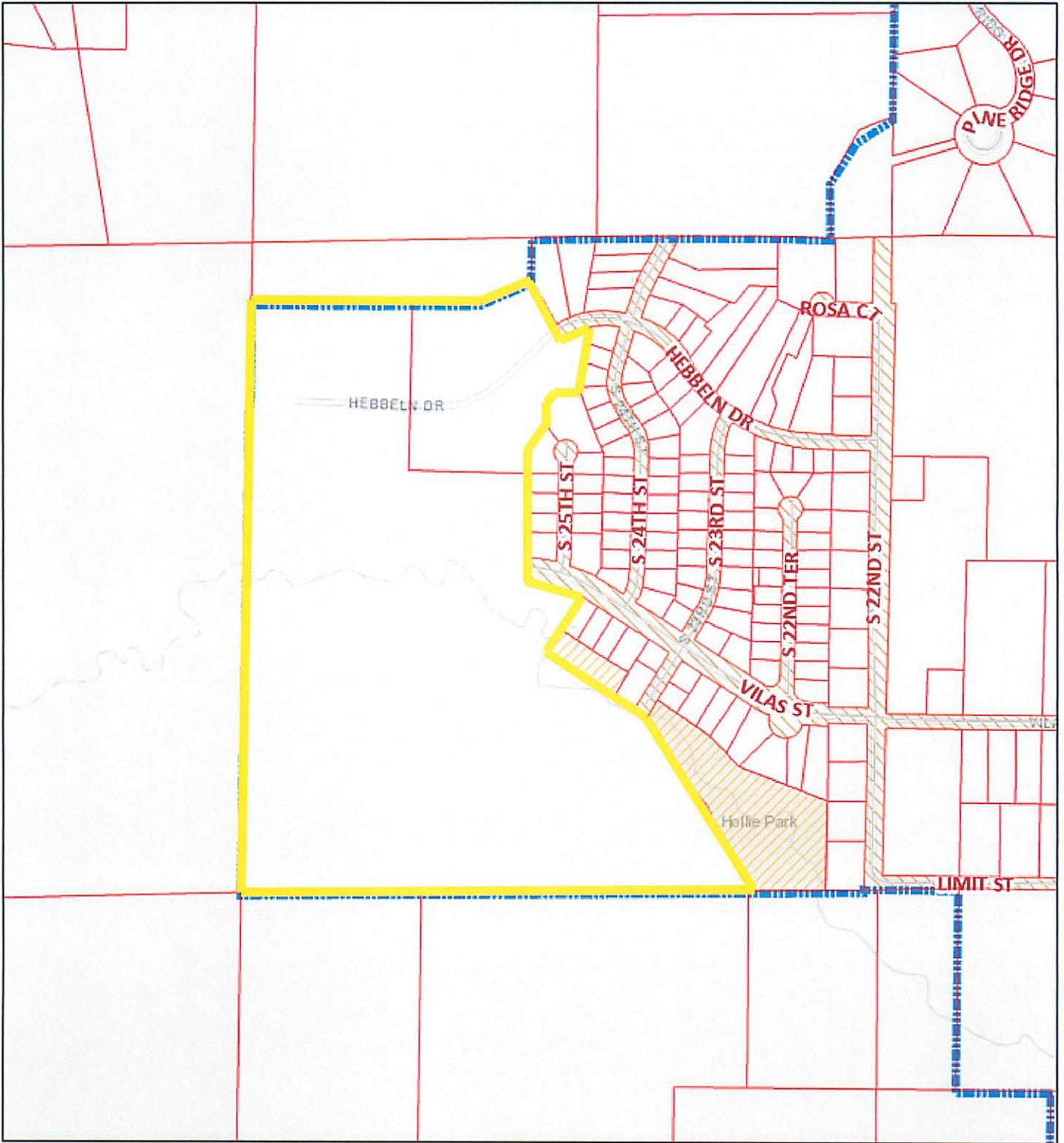
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1" = 100'

CITY OF LEAVENWORTH

LEAVENWORTH

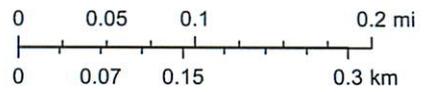
VALUITY HELP  
866-123-4567

116  
SE Cor SE 1/4  
Sec. 4-9-22  
1/2" Rebar  
Cap #1498



3/28/2024, 10:22:01 AM

1:9,028



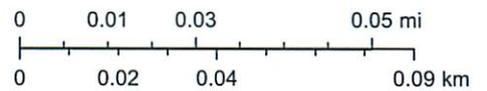
Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community

# 2024-10-SUB Location of Tracts



3/28/2024, 10:24:56 AM

1:2,257



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



Project No. 2024-10 SUB

**FINAL PLAT APPLICATION**  
CITY OF LEAVENWORTH

**OFFICE USE ONLY**

Application No. 15018  
Fee: 370  
((\$350 plus \$10 per lot over 5 lots)  
Date Paid 2-23-24  
Received By SU  
PC Meeting 4-1-24

NAME OF SUBDIVISION/PROJECT: WHISPERING HILLS REPEAT  
LOCATION OF SUBDIVISION/PROJECT: Whispering Hills  
NAME OF PROPERTY OWNER: (If Corporation, include name and address of Director or President)

NAME: Laura Fowler  
STREET ADDRESS: 2324 S. 24th St  
CITY: Leavenworth STATE: KS ZIP: 66048  
PHONE: 931-241-8708 FAX: \_\_\_\_\_ 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 Surveying Company  
STREET ADDRESS: 315 N. 5th St.  
CITY: Leavenworth STATE: KS ZIP: 66048  
COMPANY: see above  
PHONE: 913-651-3858 FAX: \_\_\_\_\_ EMAIL: SURVEY@TEAMCASH.COM

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

ZONING OF SUBJECT PROPERTY: \_\_\_\_\_ CURRENT LAND USE: \_\_\_\_\_

TOTAL ACREAGE: \_\_\_\_\_ NUMBER OF LOTS: \_\_\_\_\_

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) Laura Fowler Date: 20240223

State of Kansas, County of Leavenworth, SS  
Signed or attested before me on February 23, 2024 by Lee Burleson

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

