

LEAVENWORTH COUNTY PLANNING COMMISSION

Agenda for a Regular Meeting of 5:30 P.M., Wednesday, July 10, 2024
County Courthouse - 300 Walnut Street - Leavenworth, Kansas 66048

www.leavenworthcounty.gov

1. **Call to Order**
2. **Pledge of Allegiance**
3. **Oath of Office – New and Returning Members**
4. **Roll Call**
5. **Approval of Minutes**
6. **Secretary's Report**
7. **Declarations: (if necessary)**
 - A. Declarations of receipt of communications by Planning Commissioners
 - B. Disclosure of ex-parte communications for each hearing item
 - C. Declarations of abstention from specific agenda items by a Commissioner
8. **Approval of Agenda**
9. **Regular Agenda**
 - A. Case DEV-24-075 Rezoning Lot 2 Dodge Addition**

Consideration of a rezoning request from RR-5 zoning district to RR-2.5 zoning district on the following described property: Lot 2, DODGE ADDITION, in Leavenworth County, Kansas.
Also known as: 00000 Cantrell Road
PID: 222-04-0-00-00-011.00
*****Public Hearing Required*****
*****Public Comment limited to three minutes per person*****
 - B. Case DEV-24-030 Special Use Permit Noyes Family Farm Event Center**

Consideration of a Special Use Permit for an Event Center on the following described property: Tract of land of Southwest ¼, Section 23, Township 10 South, Range 22 East of the Sixth P.M., in Leavenworth County, Kansas.
Also known as: 21576 155th Street
PID: 156-23-0-00-00-015.00
*****Public Hearing Required*****
*****Public Comment limited to three minutes per person*****

Adjournment of Planning Commission

10. Board of Zoning Appeals

11. Roll Call

12. Regular Agenda

A. Case DEV-24-069 Variance Findeisen Water Well

Consideration of a Variance request from Article 50, Section 20, Utility Requirements Leavenworth County Zoning & Subdivision Regulations and Leavenworth County Sanitary Code, Chapter 5, Water Supply, Article 2, Section I of the on the following described property: Lot 3, Dakota Hills, a subdivision in Leavenworth County, Kansas.

Also known as 00000 Dakota Drive

PID: 078-28-0-00-00-046.00

*****Public Hearing Required*****

*****Public Comment limited to three minutes per person*****

B. Case DEV-24-070 Variance Findeisen Water Well

Consideration of a Variance request from Article 50, Section 20, Utility Requirements Leavenworth County Zoning & Subdivision Regulations and Leavenworth County Sanitary Code, Chapter 5, Water Supply, Article 2, Section I of the on the following described property: Lot 4, Dakota Hills, a subdivision in Leavenworth County, Kansas.

Also known as 00000 Dakota Drive

PID: 078-28-0-00-00-047.00

*****Public Hearing Required*****

*****Public Comment limited to three minutes per person*****

Adjournment of the Board of Zoning Appeals

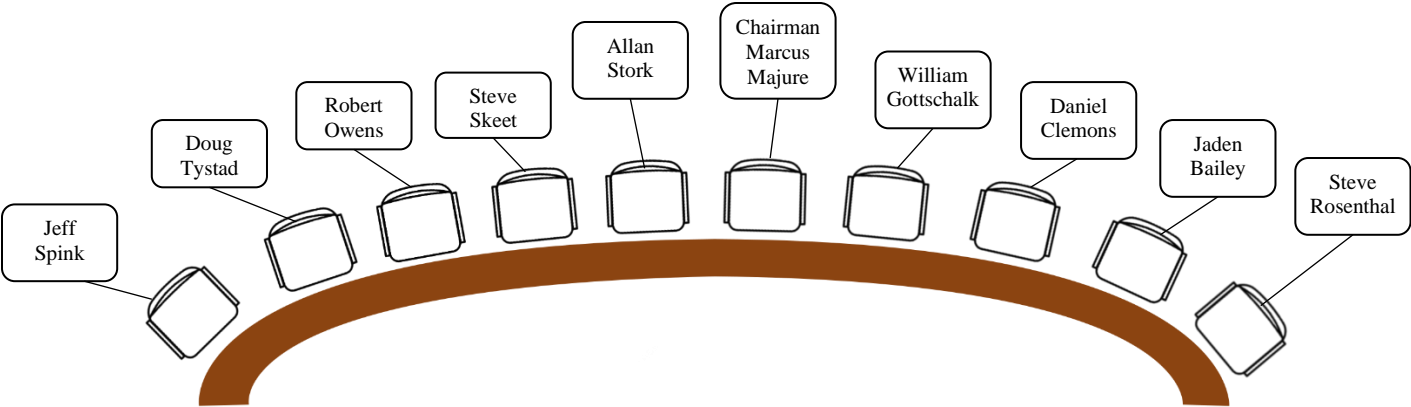
Upcoming meeting dates:

Wednesday, August 14, 2024, 5:30 PM
Regular Planning Commission Meeting

For More Information

If you have any questions or need to make special arrangements for a meeting,
please call or stop by the Planning and Zoning Department.
Contact Stephanie Sloop – 913-684-0465

Planning Commission Seating Chart 2024



**LEAVENWORTH COUNTY PLANNING COMMISSION
MINUTES OF THE REGULAR MEETING
June 12, 2024**

The complete recorded meeting can be found on the County's YouTube channel.

The Planning Commission meeting was called to order at 5:30 p.m.

Pledge of Allegiance

Members present: Steve Rosenthal, Allan Stork, Robert Owens, William Gottschalk, Steve Skeet, Jeff Spink, Marcus Majure, Doug Tystad, Wolf Schmidt, and Jaden Bailey

Members absent: None (*Jaden Bailey arrived at 5:37 wasn't present for the initial two motions*)

Staff present: John Jacobson-Director, Amy Allison-Deputy Director, Josh Schweitzer-Planner, Misty Brown-County Counselor

Minutes: Commissioner Skeet made a motion to approve the minutes and Commissioner Stork seconded that motion.

ROLL CALL VOTE - Motion to approve the passed, 6/0 (2 Abstain, 1 Absent)

Secretary's Report: Amy Allison gave the secretary's report going over the agenda, stating that there were 6 plats on the consent agenda. Approval of the agenda would approve those plats.

Declarations: None

Commissioner Tystad made a motion to approve the agenda, the Commissioner Schmidt made a motion to second.

ROLL CALL VOTE - Motion to approve the agenda passed, 8/0

Case DEV-24-042 & 043 Horvat Estates

Consideration of a Preliminary and Final Plat for a tract of land in the Northwest of Section 33, Township 10 South, Range 22, East of the 6th PM, Leavenworth County, Kansas.

Amy Allison gave the staff report for the above-listed case, outlining the details of the request. Allison stated that the applicant is asking for an exception to the plat. She explained to the board if they recommended granting the exception, they first make a motion granting the exception and then make a motion on the plat.

Chairman Majure asked if there were any questions or discussions from the board. Chairman Majure asked if the applicant wished to speak. Joe Herring, Herring Surveying, addressed the board, further explaining the nature of his request.

Chairman Majure asked if there were any further questions or discussions from the board, if not he would accept a motion.

Commissioner Rosenthal motioned to approve the exception requested for Case DEV-23-042 & 043 a Preliminary and Final Plat for Horvath Estates, the motion was seconded.

Commissioner Rosenthal motioned to approve the plat for Case DEV-23-042 & 043 a Preliminary and Final Plat for Horvath Estates, Commissioner Schmidt the motion was seconded.

ROLL CALL VOTE - Motion to approve passed 9/0

Case DEV-24-045 Rezoning from RR-5 to RR-2.5

Consideration of a rezoning request from RR-5 zoning district to RR-2.5 zoning district on the following described property: A tract of land at the Southwest corner of the Southeast Quarter of the Southeast Quarter of Section 22, Township 11, Range 20, East of the 6th P.M., Leavenworth County, Kansas.

Josh Schweitzer gave the staff report for the above-listed case.

Chairman Majure asked if there were any questions or discussions from the board. The public hearing was opened and the applicant/agent was invited to come forward. The applicant/agent, Joe Herring with Herring Surveying, came forward to describe the request and answer any questions from the board.

Chairman Majure asked if there was anyone present wishing to speak in favor or opposition. The public comment portion of the hearing was closed.

Chairman Majure asked if there were any further questions or discussions from the board. Discussion was had between board members.

Commissioner Tystad motioned to approve Case DEV-24-045 a rezoning from RR-5 to RR-2.5. Commissioner Owens seconded the motion.

ROLL CALL VOTE - Motion to approve passed 9/0

Case DEV-24-006 Text Amendment

Consideration of an Amendment to the 2006 Leavenworth County Zoning and Subdivisions Regulations – Article 19 – Table of Uses.

Amy Allison gave the staff report for the above-listed case.

Chairman Majure asked if there were any questions or discussions from the board. Hearing none the public hearing was opened. Joe Herring, with Herring Surveying, made comments to regarding text amendments. Discussion was had.

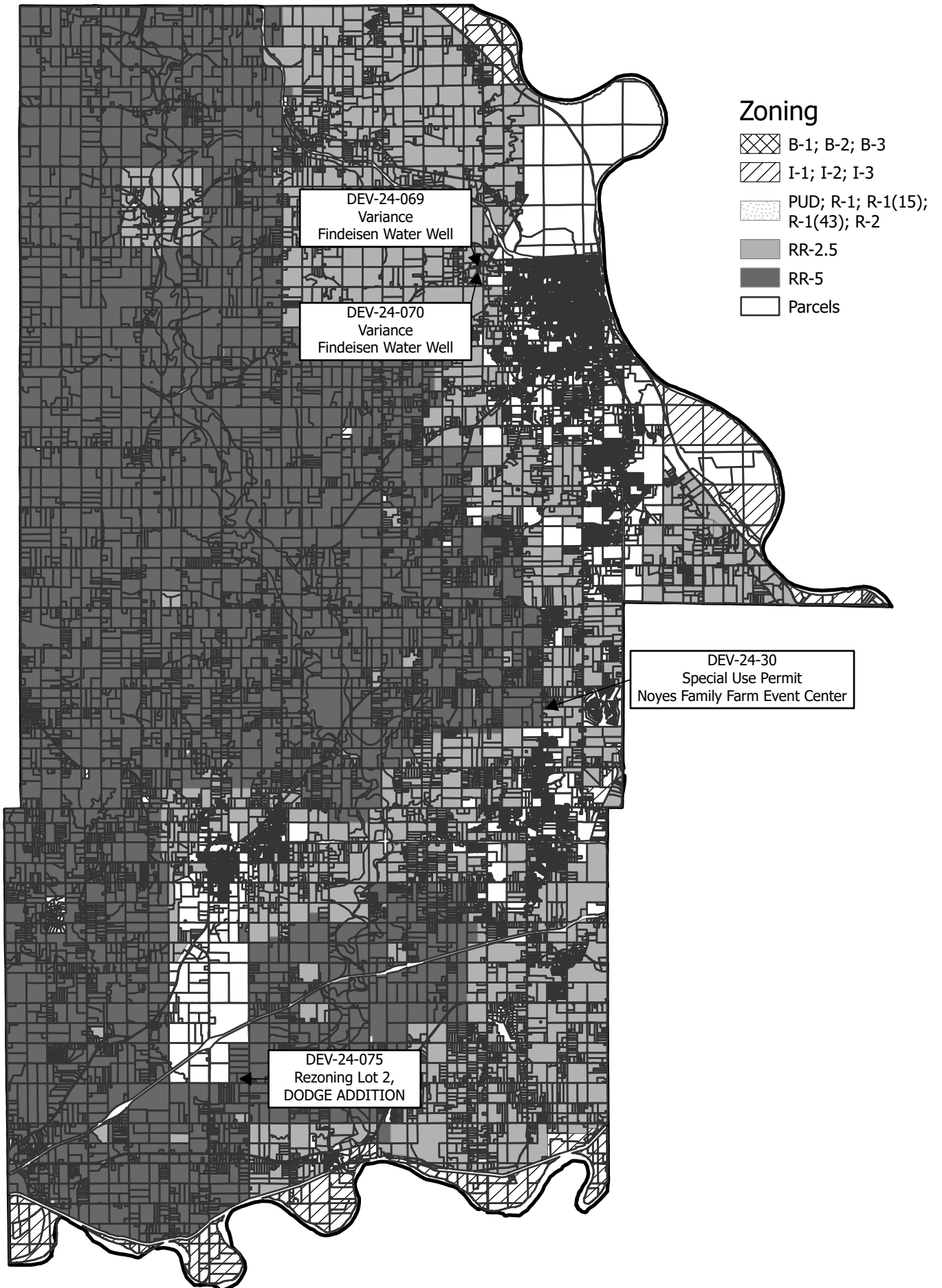
Chairman Majure asked if there was anyone present wishing to speak in favor or opposition. The public comment portion of the hearing was closed.

Chairman Majure stated that he would accept a motion if there were no further discussion.

Commissioner Rosenthal motioned to approve Case DEV-24-006 text amendments to the Leavenworth County Zoning and Subdivision Regulations with the amendments to Article 22, Section 2 that were discussed. Commissioner Tystad seconded the motion.

ROLL CALL VOTE - Motion to approve the request passed 9/0

Meeting was adjourned 6:32 PM



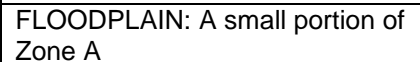
**LEAVENWORTH COUNTY
PLANNING COMMISSION
STAFF REPORT**

CASE NO: DEV-24-075 Lot 2 Dodge Addition July 10, 2024

July 10, 2024

STAFF REPRESENTATIVE:
JOSH SCHWEITZER
DEVELOPMENT PLANNER

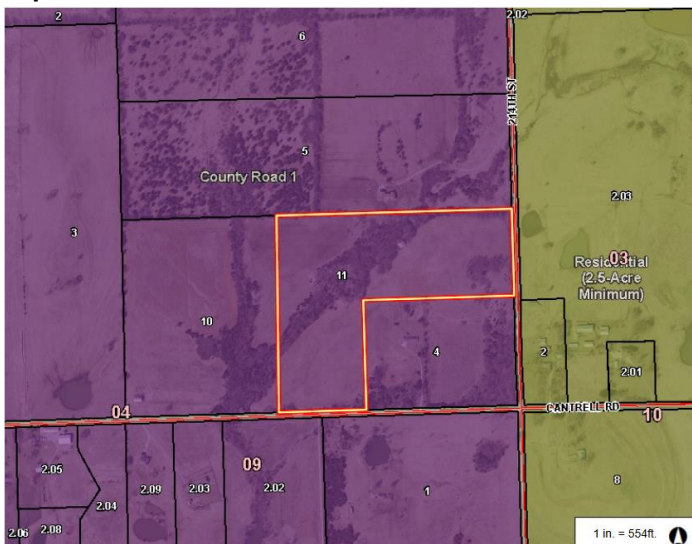
FUTURE LAND USE DESIGNATION:
COUNTY ROAD 1



BUILDINGS:
Existing Building

ACCESS/STREET:
CANTRELL ROAD/ 214TH ST.
LOCAL, GRAVEL, ±27' WIDE

NOTICE TO SURROUNDING
PROPERTY OWNERS:
06/18/2024



FACTORS TO BE CONSIDERED: <i>Type content in each if necessary (delete this afterwards)</i>		
The following factors are to be considered by the Planning Commission and the Board of County Commissioners when approving or disapproving this Rezone request:	Met	Not Met
1. Character of the Neighborhood: <i>Density: Surrounding parcels range in size from 2.9 acres to more than 140 acres. The area is not densely populated.</i> <i>Nearby City Limits: Linwood is more than two miles to the Southeast.</i> <i>Initial Growth Management Area: This parcel is located within the Rural Growth Area.</i>	X	
2. Zoning and uses of nearby property: <i>Adjacent Uses: Most of the adjacent parcels are residential and agricultural in nature.</i> <i>Adjacent Zoning: All adjacent properties within the 1000-foot buffer zone are zoned RR-5. However, the parcels directly to the east of the property are zoned RR-2.5 for the future land use designation.</i>	X	X
3. Suitability of the Property for the uses to which it has been restricted: <i>The property is suitable for rural residences and agricultural uses.</i>	X	
4. Extent to which removal of the restrictions will detrimentally affect nearby property: <i>Nearby properties are unlikely to be negatively impacted as the proposed zoning district remains rural residential</i>	X	
5. Length of time the property has been vacant as zoned: <input checked="" type="checkbox"/> <i>Vacant: There is no primary residence, only an accessory structure</i> <input type="checkbox"/> <i>Not Vacant:</i>	X	
6. Relative gain to economic development, public health, safety and welfare: <i>Rezoning does not impact economic development, public health, safety and welfare. In the event the parcel was to be developed as a rural subdivision, twice as many homes could potentially be constructed which may have a positive impact on the economic development</i>	X	
7. Conformance to the Comprehensive Plan: <i>Future Land Use Map: County Road 1. However, this area of County Road 1 was identified as Rural Residential with no distinction made in the Comprehensive Plan. Parcels directly to the east of the property Future Land Use is designated as RR-2.5</i> <i>Section 4 Land Use and Development Plan Strategies: The proposed use is not compatible with the future land use designation.</i>	X	

STAFF COMMENTS:

The applicants are requesting a rezoning from Rural-Residential 5 to Rural-Residential 2.5. The Comprehensive Plan identifies the future land use of this area as County Road 1. The County Road 1 Corridor Study identified this area as Rural Residential. During the rezoning of other parts of the corridor, this area was not rezoned. The surrounding areas part of the study were identified in the Future Land Use Map as compatible with RR-2.5. Due to the proximity of the Future Land Use RR-2.5 designation, Staff is supportive of the request.

ATTACHMENTS:

- A: Application & Narrative
- B: Zoning Map
- C: Location Map
- D: Memorandums

Energy Road 10
Flood County Rd 1

Lot 2
Dodge addition
30.40 458

REZONING APPLICATION

Leavenworth County Planning Department
300 Walnut, St., Suite 212
County Courthouse
Leavenworth, Kansas 66048
913-684-0465

Township: <u>Revo</u>	Office Use Only	Date Received: <u>06.14.2024</u>
Planning Commission Date		
Case No. <u>DEV-24-</u>	Date Paid	
Zoning District <u>RR-5</u>	Comprehensive Plan Land Use Designation <u>County Rd 1</u>	

APPLICANT/AGENT INFORMATION	OWNER INFORMATION (If different)
NAME <u>Austin Thompson - Atlas Land Consulting</u>	NAME <u>Jacob Sweeney & Devin Di Joseph</u>
ADDRESS <u>14500 Parallel Rd Unit R</u>	ADDRESS <u>PO Box 174</u>
CITY/ST/ZIP <u>Basehor, KS 66007</u>	CITY/ST/ZIP <u>Linwood, KS 66052</u>
PHONE <u>913-702-8916</u>	PHONE
EMAIL <u>austin@alconsult-llc.com</u>	EMAIL <u>devindijoseph@yahoo.com & jsweeney5460@gmail.com</u>
CONTACT PERSON <u>Austin Thompson</u>	CONTACT PERSON

PROPOSED USE INFORMATION
Proposed Land Use
Current Zoning <u>RR-5</u> Requested Zoning <u>RR-2.5</u>
Reason for Requesting Rezoning <u>This request is to rezone the property to RR-2.5. The goal is to split the current existing lot into 3 smaller parcels. The plat will follow the rezoning.</u>

PROPERTY INFORMATION
Address of Property <u>Parcel R310016 - 2220400000011000</u>
Parcel Size <u>30.40 Acres</u>
Current use of the property <u>Rural Residential</u>
Present Improvements or structures <u>N/A</u>
PID <u>2220400000011000</u>

I, the undersigned am the (owner), (duly authorized agent), (Circle One) of the aforementioned property situated in the unincorporated portion of Leavenworth County, Kansas. By execution of my signature, I do hereby officially apply for rezoning as indicated above.

Signature Devin Di Joseph Date 4/20/24

ATTACHMENT A

OWNER AUTHORIZATION

I/WE Devin Di Joseph + Jacob Sweeney, hereby referred to as the "Undersigned", being of lawful age, do hereby on this 20th day of April, 2024 make the following statements, to wit:

1. I/We the Undersigned, on the date first above written, am the lawful, owner(s) in fee simple absolute of the following described real property

See Attachment "A" attached hereto and incorporated herein by reference.
2. I/We the undersigned, have previously authorized and hereby authorize Austin Thompson with Atlas Land Consulting (Hereinafter referred to as "Applicant"), to act on my/our behalf for the purpose of making application with the Planning Office of Leavenworth County, Kansas, Parcel R310016 (common address) the subject real property, or portion thereof, and which authorization includes, but is not limited to, all acts or things whatsoever necessarily required of the applicant in the application process.
3. I/We the Undersigned, hereby agree to protect, defend, indemnify and hold the Board of County Commissioners of Leavenworth County, Kansas, its officers employees and agents (hereinafter collectively referred to as the "County"), free and harmless from and against any and all claims, losses, penalties, damages, settlements, costs, charges, professional fees or other expenses or liabilities, whether false, fraudulent, meritless or meritorious, of every kind and character arising out of or relating to any and all claims, liens, demands, obligations, actions, proceedings, or causes of action of every kind and character (hereinafter "claims"), in connection with, relating to, or arising directly or indirectly out of this authorization and the actions taken by the Applicant and the County in reliance thereof. I, the Undersigned, hereby further agree to investigate, handle, respond to, provide defense for and defend any such claims at my sole expense and agree to bear all other costs at my sole expense and agree to bear all other costs and expenses related thereto, even if such claims are groundless, false or fraudulent.
4. It is understood that in the event the Undersigned is a corporation or partnership then the individual whose signature appears below for and on behalf of the corporation or partnership has in fact the authority to so bind the corporation or partnership to the terms and statements contained within this instrument.

IN WITNESS THEREOF, I, the Undersigned, have set my hand and seal below.

Devin Di Joseph
Owner

Jacob S. Sweeney
Owner

STATE OF KANSAS
COUNTY OF LEAVENWORTH

The foregoing instrument was acknowledge before me on this 20th day of 4, 2024,
by Matt Epley

My Commission Expires: 02/21/28



[Signature]
Notary Public

ATTACHMENT B

INFORMATIONAL REPORT

ISSUED BY
MCCAFFREE-SHORT TITLE COMPANY, INC.

SCHEDULE A

File No.: L24-29701

1. Effective Date: March 22, 2024 at 08:00 AM

2. Policy (or Policies) to be issued:

a. Informational Report Only

Total Charge: \$250.00

3. The estate or interest in the land described or referred to in this Commitment is:
(Identify estate covered, i.e. Fee, Leasehold, etc.)

Fee Simple

4. Title to the Fee Simple estate or interest in the land is at the Effective Date vested in:

Jacob Sweeney and Devin Di Joseph

5. The land referred to in this Commitment is described as follows:

Lot 2, DODGE ADDITION, a tract of land in the South Half of the Southeast Quarter of Section 4, Township 12 South, Range 21 East of the 6th P.M., in Leavenworth County, Kansas.

McCaffree-Short Title Company



Tracy L. Johnson, Agent No. 5057588

(This Schedule A valid only when Schedule B is attached)

PURPOSE OF REZONE REQUEST:

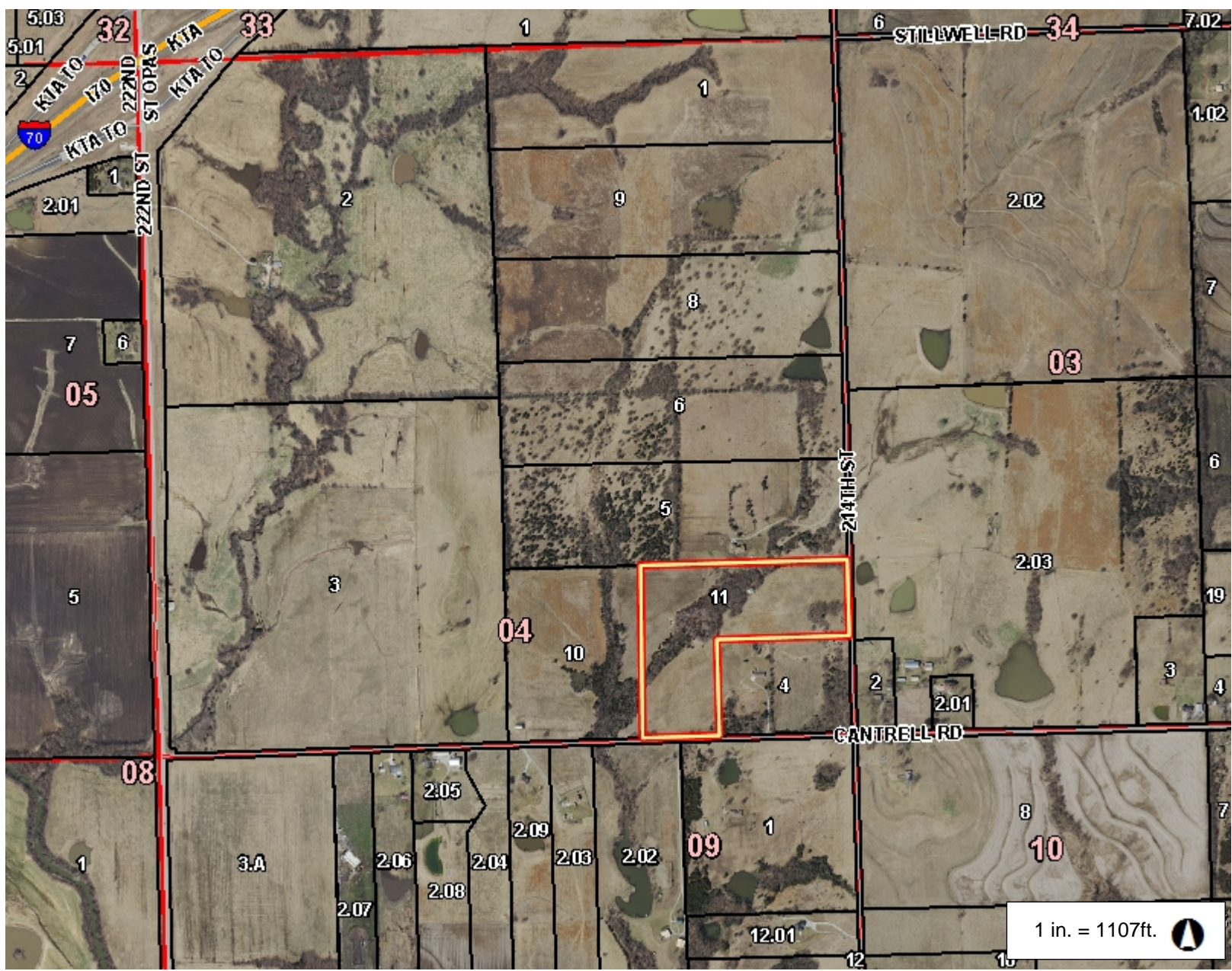
The purpose of the rezone is to ultimately split the property into 3 smaller lots. The lots do meet the 5 acre minimum for RR-5 zoning, but do not meet the necessary frontage of 300 feet. Each lot has a frontage of 297.90 feet which is 2.10 feet short of the require zoning.

The property is currently located in the County Road 1 Future Use Plan. The property was apart of the future plan established in 2020 but was not part of the future rezone apart of that plan. Neighboring properties were forcefully rezoned to MXD (Mixed Use) but our property remained RR-5.

Directly East on 214th Street, according to the Future Use Plan, is an area planned for RR 2.5 zoning. Our belief is allowing the subject properties (Lot 1 & Lot 2 of Dodge Addition No. 2) to be rezoned into RR-2.5, the intent of the Future Use Plan is still intact. If our property was meant to be zoned MXD or any other zoning, this process would have been completed during the Future Use Plan's establishment in 2020.

Finally, the current Plan for this area is a High-Density Area of 3 units per Acre. With the current infrastructure (roads and utilities) in place, it would be impossible to achieve this very High-Density Area. Our belief is RR-2.5 is Highest Density possible for the current infrastructure in place. Upgrading the infrastructure to meet the Higher density standard would be an unreasonable financial burden to Leavenworth County.

Location Map



Legend

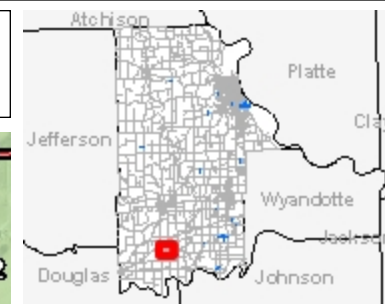
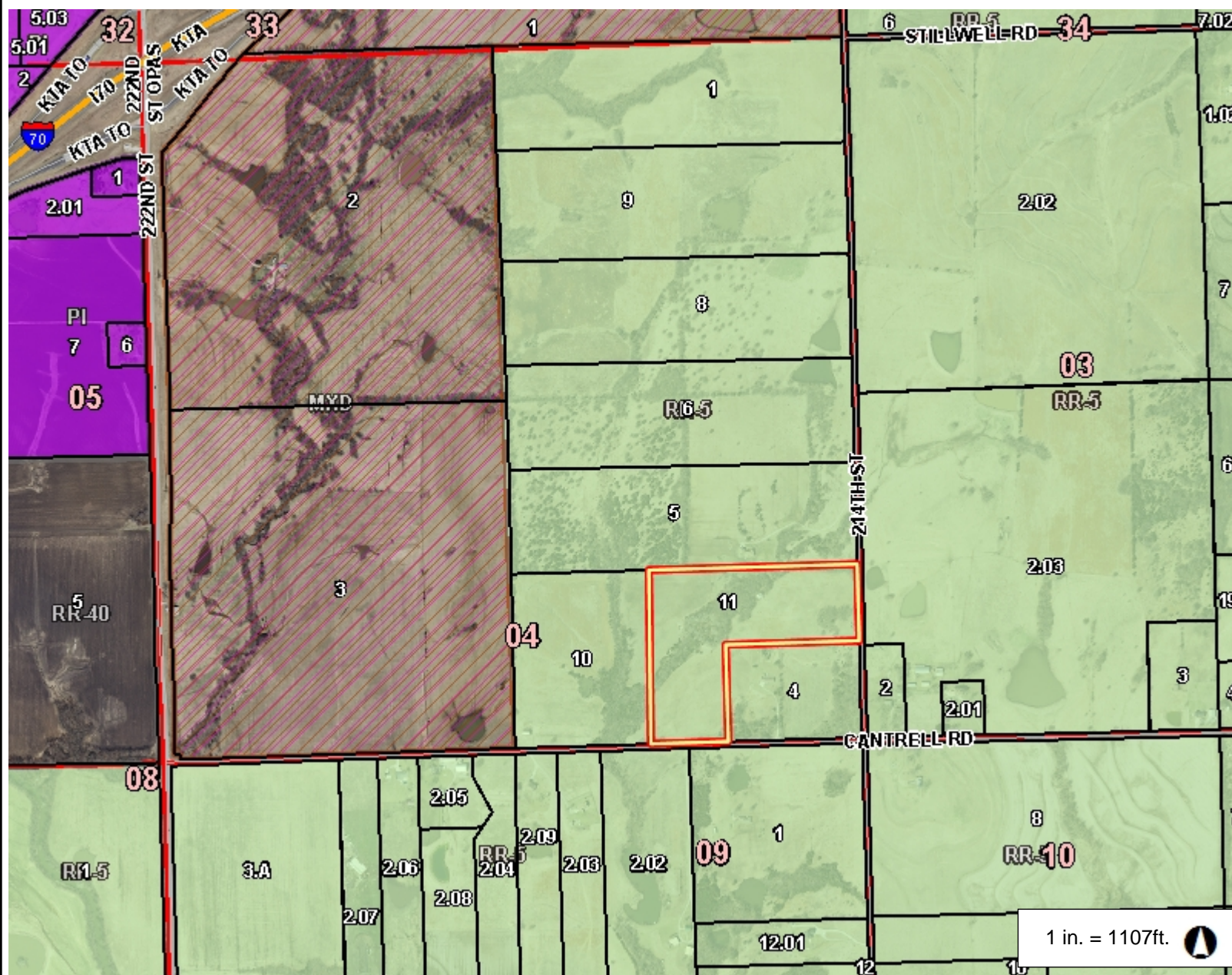
- Parcel Number
- Parcel
- City Limit Line
- Major Road
 - <all other values>
 - 70
- Road
 - <all other values>
 - PRIVATE
- Railroad
- Section
- Section Boundaries
- County Boundary

Notes

2,214.5 0 1,107.25 2,214.5 Feet

This Cadastral Map is for informational purposes only. It does not purport to represent a property boundary survey of the parcels shown and shall not be used for conveyances or the establishment of property boundaries.
THIS MAP IS NOT TO BE USED FOR NAVIGATION

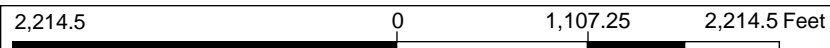
Zoning Map



Legend

- Parcel Number
- Parcel
- City Limit Line
- Major Road
 - <all other values>
 - 70
- Road
 - <all other values>
 - PRIVATE
- Railroad
- Section
- Section Boundaries
- County Boundary
- Zoning
 - B-1
 - B-2
 - B-3
 - I-1
 - I-2
 - I-3
 - MXD
 - PC
 - PI
 - PR-1
 - PR-2
 - PR-3

Notes



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THIS MAP IS NOT TO BE USED FOR NAVIGATION

Schweitzer, Joshua

From: Anderson, Kyle
Sent: Friday, June 21, 2024 9:37 AM
To: Schweitzer, Joshua
Subject: RE: DEV-24-075 Rezone Dodge Addition No 2 - ATLAS Land Consulting

We have not received any complaints on this property, and we are not aware of any septic systems currently installed on it.

Kyle Anderson
Environmental Technician/Code Enforcement
Leavenworth County Planning & Zoning
300 Walnut St. Ste. 212
Leavenworth, KS 66048
913-684-1084

Disclaimer: This message and any attachments are intended only for the use of the recipient or their authorized representative. The information provided in this email is limited in scope and response detail by available information, current zoning and subdivision regulations. Depending on the level of development, the applicable regulations can change. Final approval cannot be granted until a complete application has been submitted, reviewed and approved by the governing body. Nothing in this message or its contents should be interpreted to authorize or conclude approval by Leavenworth County.

From: Schweitzer, Joshua <JSchweitzer@leavenworthcounty.gov>
Sent: Friday, June 14, 2024 11:38 AM
To: Magaha, Chuck <cmagaha@lvsheriff.org>; McAfee, Joe <JMcAfee@leavenworthcounty.gov>; Miller, Jamie <JMiller@leavenworthcounty.gov>; Patzwald, Joshua <jpatzwald@lvsheriff.org>; Van Parys, David <DVanParys@leavenworthcounty.gov>; Brown, Misty <MBrown@leavenworthcounty.gov>; 'mpleak@olsson.com' <mpleak@olsson.com>; Noll, Bill <BNoll@leavenworthcounty.gov>; 'kritter@lvcofd2.com' <kritter@lvcofd2.com>; 'dritter@lvcofd2.com' <dritter@lvcofd2.com>; 'designgrouplawrenceservicecenter@evergy.com' <designgrouplawrenceservicecenter@evergy.com>; 'rwd10@conleysandu.com' <rwd10@conleysandu.com>
Cc: PZ <PZ@leavenworthcounty.gov>
Subject: DEV-24-075 Rezone Dodge Addition No 2 - ATLAS Land Consulting

All,

The Department of Planning and Zoning has received an application for a Rezone of property at 00000 Cantrell Rd. from RR-5 to RR-2.5.

The Planning Staff would appreciate your written input in consideration of the above request. Please review the attached information and forward any comments to us by Monday, July 1, 2024.

If you have any questions or need additional information, please contact me at (913) 684-0465 or at pz@leavenworthcounty.gov

v / r

Joshua J. Schweitzer
Development Planner
Leavenworth County Planning & Zoning

Schweitzer, Joshua

From: McAfee, Joe
Sent: Monday, June 24, 2024 2:34 PM
To: Schweitzer, Joshua; Van Parys, David; Brown, Misty; 'mpleak@olsson.com'; Noll, Bill
Cc: PZ
Subject: RE: DEV-24-075 Rezone Dodge Addition No 2 - ATLAS Land Consulting

Joshua,
PW has no comments on the rezone.

From: Schweitzer, Joshua <JSchweitzer@leavenworthcounty.gov>
Sent: Friday, June 14, 2024 11:38 AM
To: Magaha, Chuck <cmagaha@lvsheriff.org>; McAfee, Joe <JMcAfee@leavenworthcounty.gov>; Miller, Jamie <JMiller@leavenworthcounty.gov>; Patzwald, Joshua <jpatzwald@lvsheriff.org>; Van Parys, David <DVanParys@leavenworthcounty.gov>; Brown, Misty <MBrown@leavenworthcounty.gov>; 'mpleak@olsson.com' <mpleak@olsson.com>; Noll, Bill <BNoll@leavenworthcounty.gov>; 'kritter@lvcofd2.com' <kritter@lvcofd2.com>; 'dritter@lvcofd2.com' <dritter@lvcofd2.com>; 'designgrouplawrenceservicecenter@evergy.com' <designgrouplawrenceservicecenter@evergy.com>; 'rwd10@conleysandu.com' <rwd10@conleysandu.com>
Cc: PZ <PZ@leavenworthcounty.gov>
Subject: DEV-24-075 Rezone Dodge Addition No 2 - ATLAS Land Consulting

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v / r

Joshua J. Schweitzer
Development Planner
Leavenworth County Planning & Zoning
300 Walnut St, Suite 212
Leavenworth County, Kansas 66048
(913) 684-0465

Schweitzer, Joshua

From: Dylan Ritter <dritter@lvcofd2.com>
Sent: Friday, June 21, 2024 2:31 PM
To: Schweitzer, Joshua
Cc: Magaha, Chuck; McAfee, Joe; Miller, Jamie; Patzwald, Joshua; Van Parys, David; Brown, Misty; mpleak@olsson.com; Noll, Bill; kritter@lvcofd2.com; designgrouplawrenceservicecenter@evergy.com; rwd10@conleysandu.com; PZ
Subject: Re: DEV-24-075 Rezone Dodge Addition No 2 - ATLAS Land Consulting

Notice: This email originated from outside this organization. Do not click on links or open attachments unless you trust the sender and know the content is safe.

Fire District #2 has no comments or concerns.

Thank you

On Fri, Jun 14, 2024 at 11:38 AM Schweitzer, Joshua <JSchweitzer@leavenworthcounty.gov> wrote:

All,

The Department of Planning and Zoning has received an application for a Rezone of property at 00000 Cantrell Rd. from RR-5 to RR-2.5.

The Planning Staff would appreciate your written input in consideration of the above request. Please review the attached information and forward any comments to us by Monday, July 1, 2024.

If you have any questions or need additional information, please contact me at (913) 684-0465 or at pz@leavenworthcounty.gov

v / r

Joshua J. Schweitzer

Development Planner

Leavenworth County Planning & Zoning

300 Walnut St, Suite 212

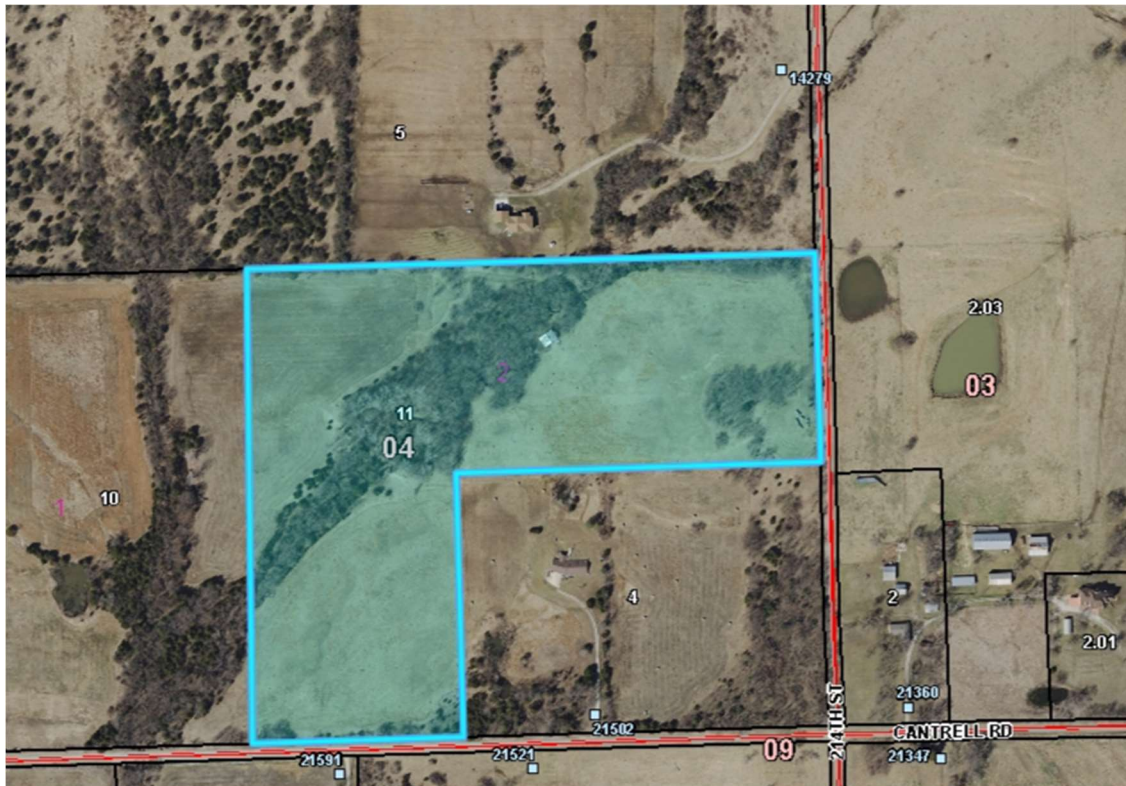


July 02, 2024

To Whom It May Concern:

This letter is to Inform you that Evergy will provide electrical power to the area pictured below per request of Austin Thompson.

Without knowing required load this letter does not guarantee we currently have capacity and additional build may be needed.



Dodge Addition No 2-1 Plat

Steven Heath

Evergy

TD Designer I

steven.heath@evergy.com

☎ 785-865-4857



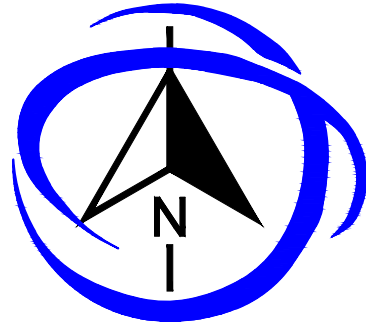
Mary Conley <mary.conley@conleysandu.com>
to LVCO, Devin, jsweeney5460@gmail.com, Steve, Steve, mary.conley@conleyandu.com, me, Mary ▾

8:00AM (2 hours ago) ☆ ↶ ⋮

Good morning Devin,
Yes, I agree with your statements in the previous email and LV RWD10 has no issue with you moving forward with the lot split.
Mary Conley

- Yes, I agree.
- We will proceed.
- I approve as well.

- ↶ Reply
- ↶↶ Reply all
- ↷ Forward



DODGE ADDITION NO. 2

A REPLAT OF LOT 2, DODGE ADDITION, A SUBDIVISION OF LAND IN
LEAVENWORTH COUNTY, KANSAS

UTILITIES
EVERGY - 800-383-1183
RURAL WATER DISTRICT 10 - 913-856-7375



KS ENG COA #9315
KS SUR COA #963
MO ENG COA #00200484
MO SUR COA #00200431
ALC
ATLAS LAND CONSULTING
SURVEYING | ENGINEERING | DRONE | CAD
913-702-5073
14500 Parallel Road, Unit R, Basheer KS 66607
ANDREA@ALCONSULT-LLC.COM

FINAL PLAT

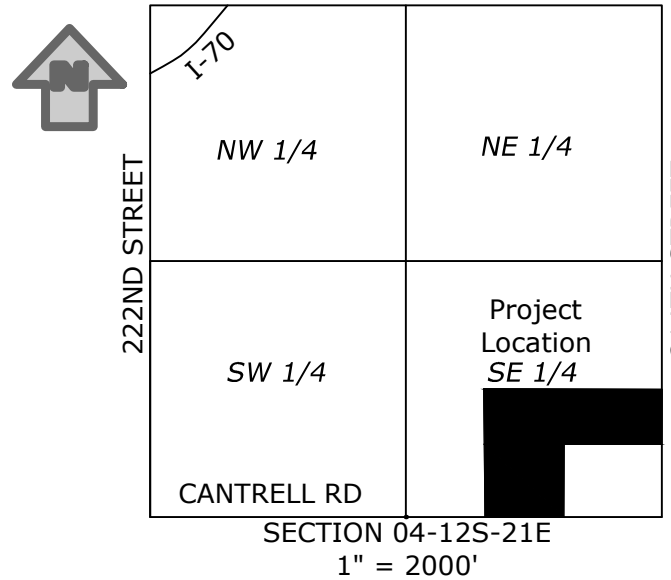
LEGEND

- △ DENOTES FOUND MONUMENT AS NOTED
- DENOTES SET 1/2" x 24" REBAR IN CONCRETE WITH
CAP ALC KS CLS 363 MO CLS 2022014231
- DENOTES FOUND PROPERTY CORNER AS NOTED
- B/L BUILDING LINE
- U/E UTILITY EASEMENT
- ⊗ TELEPHONE PEDESTAL
- FENCE LINE
- OHP OVERHEAD POWER LINE
- TREELINE

GENERAL NOTES

- THE BASIS FOR THE BEARING SYSTEM FOR THIS PLAT IS THE KANSAS NORTH ZONE U.S. STATE PLANE 1983. THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SEC 04-12S-21E S88°11'55"W.
- ALL DISTANCES SHOWN HEREON ARE GROUND DISTANCES IN FEET.
- FLOODPLAIN NOTE: ACCORDING TO "FIRM" MAP COMMUNITY PANEL NUMBERS 20103C0325G EFFECTIVE JULY 16, 2015, THIS PLAT IS LOCATED IN ZONES "X" AND ZONE "A".
- KS ONE CALL WAS NOT CALLED ON THIS SURVEY.
- THE MINIMUM FRONT YARD SETBACK FOR SINGLE FAMILY LOT SHALL BE 105 FEET FROM THE CENTERLINE OF THE ROAD.
- THE MINIMUM SIDE YARD SETBACK FOR SINGLE FAMILY LOT SHALL BE 15 FEET FROM EACH SIDE OF STRUCTURE. DETACHED ACCESSORY STRUCTURES MAY BE BUILT WITHIN 15 FEET OF THE SIDE PROPERTY LINE.
- THE MINIMUM REAR YARD SETBACK FOR SINGLE FAMILY LOT SHALL BE 40 FEET FROM THE STRUCTURE TO THE PROPERTY LINE. DETACHED ACCESSORY STRUCTURES MAY BE BUILT WITHIN 15 FEET OF THE REAR PROPERTY LINE.
- BENCHMARK - NGS KE0629 - ELEV-867.50
- CURRENT USE - RESIDENTIAL / PROPOSED USE - RESIDENTIAL
- CURRENT ZONING RR-5 / PROPOSED ZONING LOT 1 & LOT 2 RR 2.5 - LOT 3 RR-5
- ALL PROPOSED STRUCTURES WITHIN THIS PLAT SHALL COMPLY WITH THE LEAVENWORTH COUNTY ZONING AND SUBDIVISION REGULATIONS.
- ALL LOTS WILL BE ON SEPTIC SEWER SYSTEMS. AN ENGINEERED WASTE SYSTEM MAY BE REQUIRED DUE TO POOR SOIL CONDITIONS.
- TITLE COMMITMENT VIA MCCAFFREE-SHORT TITLE COMPANY - FILE NO. L24-29701
- EROSION AND SEDIMENT CONTROL MEASURES SHALL BE USED WHEN DESIGNING AND CONSTRUCTION OF DRIVEWAYS AND OTHER STRUCTURES. RE-VEGETATION OF ALL DISTURBED AREAS SHALL BE COMPLETED WITHIN 45 DAYS AFTER FINAL GRADING.
- REFERENCED SURVEY
-TRACT SPLIT COMPLETED APRIL 12, 2018 BY ATLAS SURVEYORS VIA ROGER B. DILL LS 1408 DOCUMENT NO. 2018S046
-DODGE ADDITION FINAL PLAT
- LOTS ARE SUBJECT TO THE CURRENT ACCESS MANAGEMENT POLICY.
- THERE ARE NO OFF-PLAT RESTRICTIONS IN PLACE.
- LOT 1 & LOT 2 PROPERTY ACCESS VIA CANTRELL ROAD & LOT 3 PROPERTY ACCESS VIA & 214TH STREET
- ALL STRUCTURES BUILT WITHIN THE SUBDIVISION SHALL COMPLY WITH RESOLUTION 2020-39, OR AS AMENDED.
- UTILITY INFORMATION:
 - WATER - RURAL WATER DISTRICT 10
 - ELECTRIC - EVERGY
 - SEWER - SEPTIC
 - GAS - PROPANE/NATURAL GAS
- ANY BUILDINGS TO BE CONSTRUCTED IN OR NEAR THE SPECIAL FLOOD HAZARD SHALL PROVIDE AN ELEVATION CERTIFICATE TO BE APPROVED BY LEAVENWORTH COUNTY PRIOR TO THE ISSUANCE OF A BUILDING PERMIT.

VICINITY MAP



This is to certify on this 12th day of APRIL, 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:24-073

SCALE

PREPARED FOR

120 60 0 120
SCALE IN FEET

SEC-TWN-RNG

JACOB SWEENEY &
DEVIN DI JOSEPH

04-12S-21E

CANTRELL RD.
LINWOOD, KS 66052
PO BOX 174 LINWOOD, KS 66052

DATE

APRIL 15, 2024

(C) NW CORNER OF THE SE 1/4 SEC 04-12S-21E
FOUND 5/8" REBAR NO CAP ORIGIN UNCERTAIN

N88°22'56"E 2642.38'
SOUTH LINE OF THE SOUTHEAST 1/4 SEC 04-12S-21E

(D) NE CORNER OF THE SE 1/4 SEC 04-12S-21E
FOUND 1/2" REBAR NO CAP ORIGIN UNCERTAIN

UNPLATTED
PARCEL ID
222040000005000
OWNER:
JESSE L & ANGELA LOEWEN

FOUND 1/2" REBAR CAP ALC KS CLS 363
MO CLS 2022014231 (HELD)

NORTHEAST CORNER OF
THE SOUTH HALF
OF THE SOUTHEAST 1/4
SEC 04-12S-21E

FOUND 1/2" REBAR CAP LS 1408(HELD)

FOUND 1/2" REBAR CAP LS 1408(HELD)
NORTHWEST CORNER OF THE SOUTH HALF
OF THE SOUTHEAST 1/4 SEC 04-12S-21E

LOT 3
897845.48 SQ FT
20.61 ACRES

UNPLATTED
PARCEL ID
222030000002030
OWNER:
HENRIETTA SHELTON

214TH STREET
50' R/W PER DOCUMENT #2018R05592

10' U/E PER
DOCUMENT 2018R05592

UNPLATTED
PARCEL ID
222030000002000
OWNER:
HENRIETTA SHELTON

SECTION CORNER TIES:

- A - SE CORNER OF THE SE 1/4 SEC 04-12S-21E
- 38.75' NW TO 60D NAIL IN TOP CORNER POST
 - 31.90' SW TO PK NAIL IN TOP CORNER POST
 - 30.90' SE TO 60D NAIL IN POWER POLE
- B - SW CORNER OF THE SE 1/4 SEC 04-12S-21E
- 24.25' SW TO PK NAIL IN HEDGE POST
 - 28.65' N TO PK NAIL IN CORNER POST
 - 39.60' SE TO 60D NAIL IN POWER POLE
- C - NW CORNER OF THE SE 1/4 SEC 04-12S-21E
- 4.00' N TO EAST/WEST FENCE LINE
 - 23.00' E TO NORTH/SOUTH FENCE LINE
 - 23.55' E TO 1/2" REBAR WITH CAP LS 356
 - 16.60' ENE TO NAIL AND SHINER IN FENCE CORNER POST
 - 22.10' ESE TO NAIL AND SHINER IN 12" TREE
- D - NE CORNER OF THE SE 1/4 SEC 04-12S-21E
- 65.90' SSW TO TOP OF 15" CMP
 - 21.20' E TO PK NAIL IN FENCE CORNER POST
 - 35.00' SE TO PK NAIL IN FENCE POST
 - 52.40' NNE TO TOP OF 15" CMP SOUTH END

UNPLATTED
PARCEL ID
222040000004000
OWNER:
WILLIAM A RUDOLPH

LOT 1
222677.96 SQ FT
5.11 ACRES

LOT 2
222677.69 SQ FT
5.11 ACRES

10' U/E PER
DOCUMENT 2018R05592

FOUND 1/2" REBAR CAP ALC KS CLS 363
MO CLS 2022014231 (HELD)

FOUND 1/2" REBAR
CAP LS 1408(HELD)

LOT 1 DODGE ADDITION
PARCEL ID
2220400000010000
OWNER:
MARCY E RODELL & THOMAS D DODGE

UNPLATTED
PARCEL ID
222040000003000
OWNER:
TAILGATE
RANCH
COMPANY

N88°11'54"E 1020.12'(M) & 1031.91'(P)

(A) SW CORNER OF THE SE 1/4 SEC 04-12S-21E
FOUND 1/2" REBAR NO CAP ORIGIN UNCERTAIN

UNPLATTED
PARCEL ID
2220900000002090
OWNER:
ROGER NORMAN &
CHRISTINE M CREWS

UNPLATTED
PARCEL ID
2220900000002030
OWNER:
JENNIFER J REUTLINGER

UNPLATTED
PARCEL ID
2220900000002020
OWNER:
TERESA A & DONALD C PAULEY

UNPLATTED
PARCEL ID
2220900000001000
OWNER:
DANIEL S & VICKI E HILL

DESCRIPTION PER TITLE COMMITMENT

TITLE COMMITMENT FILE NO: L24-29701 VIA MCCAFFREE-SHORT TITLE COMPANY, INC DATED MARCH 22, 2024 AT 8:00 AM

LOT 2, DODGE ADDITION, A TRACT OF LAND IN THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SECTION 4, TOWNSHIP 12 SOUTH, RANGE 21 EAST OF THE 6TH P.M., IN LEAVENWORTH COUNTY, KANSAS

DEDICATION

The undersigned proprietor of the above described tract of land has caused the same to be subdivided in the manner as shown on the accompanying plat, which subdivision and plat shall hereafter be known as "DODGE ADDITION NO. 2".

The streets and roads shown on this plat and not heretofore dedicated to public use, are hereby so dedicated by easement.

The undersigned proprietor of the above described tract of land does hereby certify that all prior existing easement rights on land to be dedicated for the public use running to any person, utility, or corporation have been absolved except that same person, utility or corporation shall retain whatever rights they would have as if located in a public street.

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

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

IN TESTIMONY WHEREOF, the undersigned proprietor has caused this instrument to be executed
this _____ day of _____, 202__.

OWNER

JACOB SWEENEY, OWNER

DI SWEENEY, OWNER

STATE OF KANSAS)

SS
COUNTY OF LEAVENWORTH)

BE IT REMEMBERED, that on this _____ day of _____, 202__, before me, a Notary Public in and for said County and State, came **DEVIN JOSEPH**, to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of the same.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my notarial seal the day and year above written.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my notarial seal the day and year above written.

My Commission Expires: _____

Notary Public

IN TESTIMONY WHEREOF, the undersigned proprietor has caused this instrument to be executed
this _____ day of _____, 202__.

OWNER

DEVIN JOSEPH, OWNER

STATE OF KANSAS)

SS
COUNTY OF LEAVENWORTH)

BE IT REMEMBERED, that on this _____ day of _____, 202__, before me, a Notary Public in and for said County and State, came **DEVIN JOSEPH**, to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of the same.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my notarial seal the day and year above written.

My Commission Expires: _____

Notary Public

**LEAVENWORTH COUNTY
PLANNING COMMISSION
STAFF REPORT**

CASE NO: DEV-24-030 Noyes Family Farm Event Center

July 10, 2024

REQUEST: Public Hearing Required

- ☐ Zoning Amendment ☒ Special Use Permit
☐ Temporary Special Use Permit

STAFF REPRESENTATIVE:

Amy Allison
Deputy Director

SUBJECT PROPERTY: 21576 155th Street

FUTURE LAND USE: Mixed Use

APPLICANT/APPLICANT AGENT:

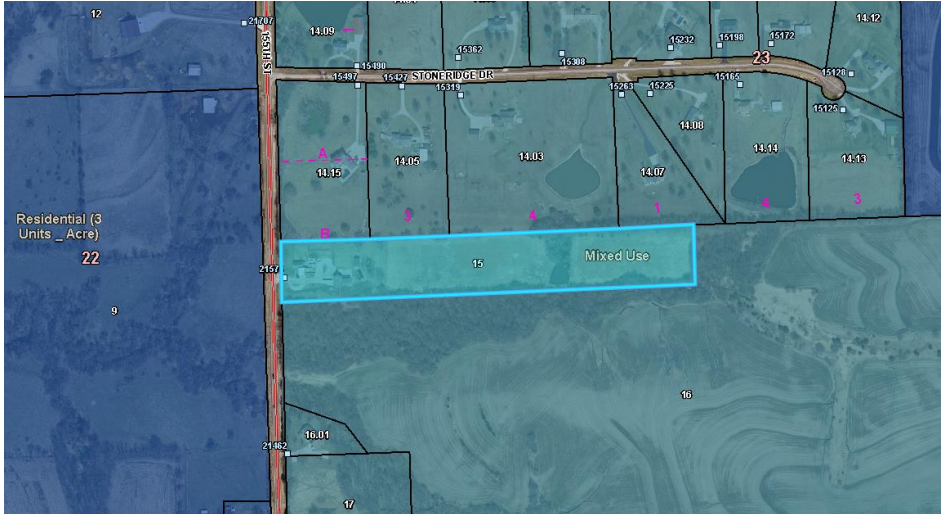
Christopher Storm
Storm Engineering Group, PA
5719 Westfield Drive
Lawrence KS 66049

PROPERTY OWNER:

The Noyes Family Farm, LLC

CONCURRENT APPLICATIONS:

N/A



LAND USE

ZONING: RR-2.5

FUTURE LAND USE DESIGNATION:
Mixed Use

LEGAL DESCRIPTION:

Tract of land of Southwest ¼, Section 23, Township 10 South, Range 22 East of the Sixth P.M., in Leavenworth County, Kansas

SUBDIVISION: N/A

FLOODPLAIN: N/A

STAFF RECOMMENDATION: APPROVAL

PROPERTY INFORMATION

ACTION OPTIONS:

1. Recommend approval of Case No. DEV-24-030, Special Use Permit for Noyes Family Farm, LLC for an Event Center, to the Board of County Commission, with or without conditions; or
2. Recommend denial of Case No. DEV-24-030, Special Use Permit for Noyes Family Farm, LLC for an Event Center, to the Board of County Commission for the following reasons; or
3. Continue the hearing to another date, time, and place.

PARCEL SIZE: 9.7 ACRES

PARCEL ID NO:
156-23-0-00-00-015.00

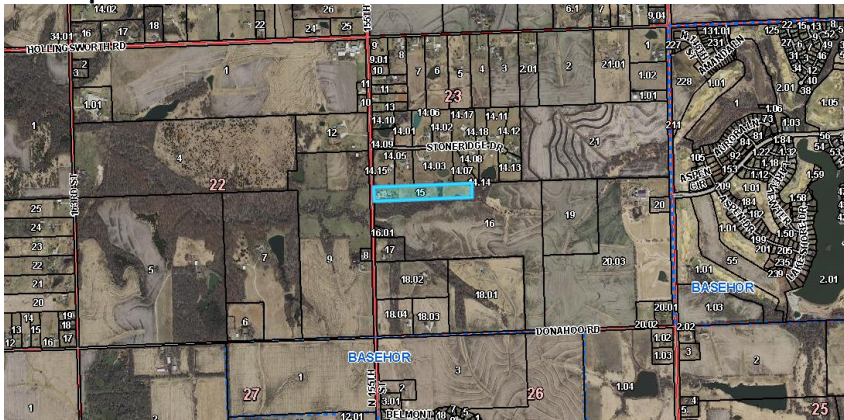
BUILDINGS:
EXISTING: Single family residence,
event barn and accessory structures

PROJECT SUMMARY:

Request for Special Use Permit to operate an Event Center for Noyes Family Farm LLC at 21576 155th Street.

ACCESS/STREET:
155th STREET
COUNTY COLLECTOR
±24' WIDE, PAVED

Location Map:



UTILITIES

SEWER: SEPTIC
FIRE: FAIRMOUNT
WATER: RWD#1 Cons.
ELECTRIC: EVERGY

NOTICE & REVIEW:

STAFF REVIEW: 6/15/2024

NEWSPAPER NOTIFICATION:
6/18/2024

NOTICE TO SURROUNDING
PROPERTY OWNERS:
6/17/2024

FACTORS TO BE CONSIDERED:		
<i>The following factors are to be considered by the Planning Commission and the Board of County Commissioners when approving or disapproving this Special Use Permit request:</i>	Met	Not Met
1. Character of the Neighborhood: <i>Density: The parcel is in a low density residential area. Properties range in size from 1 to 95.5 acres.</i> <i>Nearby City Limits: The City of Basehor is located approximately 0.44 miles to the south.</i> <i>Initial Growth Management Area: This parcel is not located within the Urban Growth Area.</i>	✓	
2. Zoning and uses of nearby property: <i>Adjacent Uses: Most of the adjacent parcels are residential and agricultural in nature.</i> <i>Adjacent Zoning: All adjacent properties are zoned RR-2.5 and RR-5</i>	✓	
3. Suitability of the Property for the uses to which it has been restricted: <i>The property is 9.7 acres. The property is suitable as a rural residence, for agricultural uses and the proposed use is allowed with a Special Use Permit.</i>	✓	
4. Extent to which removal of the restrictions will detrimentally affect nearby property: <i>The use is unlikely to detrimentally impact neighboring parcels. The event barn is located on the southern side of the property with a significant vegetative area to the south. A subdivision is located to the north of the parcel but the majority of the event activities will take place on the southern side. The applicant has proposed that all musical events will take place inside.</i> <i>Traffic: The applicant is proposing to hold events up to 150 people. 155th Street is a paved road and should be able to accommodate the traffic that is proposed.</i> <i>Lighting: The applicant indicated limited use of exterior lighting. Staff recommends placing a condition that all lighting shall be 0.00 foot-candles, as measured from the property line.</i> <i>Outdoor Storage: Outdoor storage will not be used for the purpose of the event center.</i> <i>Parking: Parking is provided and is adequate for the proposed use.</i> <i>Visitors/Employees: The applicant has indicated two full-time employees (property owners) will be running the business with up to six (6) part-time employees when needed.</i>	✓ (Condition 11) ✓ ✓ (Condition 12) ✓ ✓ ✓	

Waste: The applicant does not store chemicals, lubricants, oils or other chemicals on the property. The structure has restrooms indoors. Any waste generated from the property must be disposed of in compliance with all applicable local, state and federal laws.	✓ (Condition 14)	
5. Length of time the property has been vacant as zoned: <input type="checkbox"/> Vacant: To our knowledge, the property has never been developed. There is an existing water tower. <input checked="" type="checkbox"/> Not Vacant: The property is currently used as a residence.	✓	
6. Relative gain to economic development, public health, safety and welfare: The proposed application would allow for another business to be located within Leavenworth County. There does not appear to be any detrimental effects to the public health, safety or welfare.	✓	
7. Conformance to the Comprehensive Plan: Future Land Use Map: Mixed Use – Proposed Residential and Commercial mixture of uses	✓	

STAFF COMMENTS:

The applicant is requesting a Special Use Permit to operate an Event Center out of a converted barn built in 1903. The applicant began operating the business without a Special Use Permit but when notified by County Staff that a Permit was required, the applicant stopped operations and began the application process. The event space will be located on the first floor with the second and third stories being dedicated to private use of the homeowner. The applicant is proposing to hold events both indoors and outdoors with a maximum occupancy of 150 guests. The Fairmount Fire District has concerns with the building meeting the minimum requirements for the International Fire Code (IFC). Occupancy would also include the any staff hired for the event which could include up to 3-6 additional people. The event barn contains a prep-kitchen (no stove) with two bathrooms. Food and bartending services will be contracted out to third parties.

The applicant is proposing to hold events during both weekdays and weekends. Weekday event hours would be from 5 to 10 pm, whereas weekend events will be from 8 am to 11 pm. The site does have enough area to provide the required minimum parking spaces (39 spaces) but can accommodate parking spaces for up to 73 vehicles. The applicant will be providing two van-accessible ADA spaces. The property has existing tree lines along both property lines but staff does recommend placing a condition that screening to adjacent properties must be maintained. A residential subdivision does abut the property to the north but the event barn is located on the southern half of the property and the applicant has indicated that they will limit DJ equipment to inside the barn. The barn currently has minimal lighting. Staff recommends placing the standard conditions for both noise and lighting on this SUP if approved.

STAFF RECOMMENDED CONDITIONS:

1. The Special Use Permit shall be subject to the written narrative and site plan provided on June 13, 2024.
2. Events shall be limited to the hours of 5:00 PM to 10:00 PM on weekdays and 8:00 AM until 11:00 PM during weekends. All business operations in the Event Center shall cease by 12:00 AM.
3. Occupancy for all events shall be limited to 150 occupants. Employees shall be limited to two full-time employees and unlimited seasonal or part-time employees.
4. A commercial building permit shall be submitted to the Planning & Zoning Department, including engineered building plans for the proposed addition. An affidavit of compliance from the Engineer of Record may be substituted for the building plans and code footprint.
5. An engineered commercial septic plan shall be filed with the Planning & Zoning Department.

6. The proposed business shall be screened from adjacent property via a screening fence or landscaping. Landscaping may include existing vegetation but should any existing landscaping be removed, new plantings shall replace those areas that have been compromised.
7. No signage shall be allowed in the right-of-way. Sign permits shall be required for any on-site or off-site signage. The applicant shall provide an owner authorization form for any off-site signs. All signage shall comply with Article 25, Sign Regulations of the Leavenworth County Zoning and Subdivision Regulations.
8. No on-street parking shall be allowed.
9. One ADA van-accessible parking stall shall be required.
10. The applicant shall provide a certificate of general liability insurance in the amount of \$1,000,000 and shall indicate Leavenworth County as the certificate holder prior to commencement of activities on the site.
11. Any noise generated from the proposed activities shall be limited to 60 dB, as measured from the property line.
12. Any light generated from the proposed activities shall be limited to 0 foot-candles net gain, as measured from the property line. If the existing or proposed lighting for the business exceeds the requirement, the lighting shall be shielded from adjacent properties.
13. No outdoor storage of materials shall be allowed.
14. All waste generated from the proposed business shall be disposed of in a manner that meets all local, state and federal requirements.
15. This conditional SUP requires compliance with all local, state, and federal rules and regulations that may be applicable.
16. The Conditional Special Use Permit must comply with the following memorandums prior to any events taking place:
 - a. Mike Lingenfelter – Fairmount Fire District, dated July 2, 2024
 - b. Mitch Pleak – Olsson/Public Works, dated June 17, 2024
 - c. Chuck Magaha – Emergency Management, dated May 30, 2024
 - d. Boone Heston – Evergy, dated April 5, 2024
 - e. Kyle Anderson – Code Enforcement, dated April 5, 2024
 - f. Mike Fulkerson – Consolidated Water District #1, dated April 4, 2024
17. That no public nuisance be allowed or created upon the subject real property.
18. That the conditional Special Use Permit granted herein is subject to revocation upon the breaching of the conditions set forth herein, or any substantial change in the use of the subject property. The Noyes Family Farm Event Center, and its assigns or successors in interest, hereby consent to, and authorize, entry onto the subject property by employees or agents of the county for the purpose of inspecting the subject property for compliance with the conditions set forth herein.

ATTACHMENTS:

- A: Application & Narrative
- B: Zoning Map
- C: Vicinity Map
- D: Memorandums

SPECIAL USE PERMIT APPLICATION

Leavenworth County Planning Department
300 Walnut, St., Suite 212
County Courthouse
Leavenworth, Kansas 66048
913-684-0465

APPLICANT/AGENT INFORMATION	OWNER INFORMATION (If different)
NAME <u>Storm Engineering Group, P.A.</u>	NAME <u>The Noyes Family Farm, LLC</u>
ADDRESS <u>5719 Westfield Drive</u>	ADDRESS <u>21576 155th Street</u>
CITY/ST/ZIP <u>Lawrence, Kansas 66049</u>	CITY/ST/ZIP <u>Basehor, Kansas 66007</u>
PHONE <u>(785) 766-6661</u>	PHONE <u>(816) 210-8587</u>
EMAIL <u>chris@stormenggrp.com</u>	EMAIL <u>makingnoyes@gmail.com</u>
CONTACT PERSON <u>Christopher M. Storm</u>	CONTACT PERSON <u>Scott Noyes</u>

PROPERTY INFORMATION

PID: 1562300000015000 Zoning District: RR-2.5

Address of property 21576 155th Street, Basehor, Kansas 66007 Parcel size 9.70 acres

Current use of the property Rural single family residence (detached)

Does the owner live on the property? ☒ Yes ☐ No

Proposed Special Use Special Event Venue

TAX ASSESSEMENT STATEMENT

Upon the granting of a Special Use Permit by the Leavenworth County Board of County Commissioners, the assessable nature of the above referenced property and structures on the property may result in a change of the Appraised Class and Value and in the next year's Tax Assessment.

I, the applicant, have read and understand that there may be a change in the appraised value of my property due to the presence of a Special Use Permit for my property. (Check one) ☒ Yes ☐ No

I, the undersigned am the (circle one) owner, duly authorized agent, of the aforementioned property situated in the unincorporated portion of Leavenworth County, Kansas. By execution of my signature, I do hereby officially apply for a Special Use Permit and acknowledge the potential of a change in the Appraised Value of my property as indicated above. I hereby agree to "cease and desist" the operation of the activity upon denial of the permit by the Board of County Commissioners.

Signature  Date 

ATTACHMENT A

Entered in the transfer record in my office this

28 day of June, 20 17
Janet Klasterski
by B Jones County Clerk

GENERAL WARRANTY DEED (Statutory)

THE GRANTORS, Norman L. Brooks and Beverly Ann Brooks, husband and wife

convey and warrant to Michelle M. Noyes, a married person

GRANTEE, GRANTEE'S heirs and assigns, all right, title, and interest in and to the following REAL ESTATE in the County of Leavenworth, and the State of Kansas, to-wit:

TRACT OF LAND OF SOUTHWEST 1/4, SECTION 23, TOWNSHIP 10 SOUTH, RANGE 22
EAST OF THE SIXTH P.M., IN LEAVENWORTH COUNTY, KANSAS, MORE FULLY
DESCRIBED AS FOLLOWS: BEGINNING NORTHWEST CORNER OF SAID SOUTHWEST
1/4, THENCE EAST 1760 FEET, THENCE SOUTH 247.5 FEET, THENCE WEST 1760 FEET,
THENCE NORTH 247.5 FEET TO THE POINT OF BEGINNING, LESS THAT PART USED FOR
PUBLIC ROAD.

Per County tax roll records commonly known as: 21576 155th St., Basehor, KS 66007

for the sum of one dollar and other good and valuable consideration.

EXCEPT AND SUBJECT TO: Easements, restrictions and assessments of record, and all the taxes and assessments that may be levied, imposed or become payable hereafter.

Dated this 20th day of June, 2017.

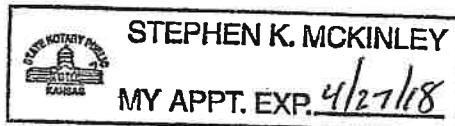
Norman L. Brooks By Beverly Ann Brooks
Norman L. Brooks, By Beverly Ann Brooks, As Attorney-In-Fact
As attorney in fact
Beverly Ann Brooks
Beverly Ann Brooks

6880

STATE OF KANSAS, Wyandotte COUNTY, SS:

The foregoing instrument executed by **Beverly Ann Brooks, Attorney-In-Fact for Norman L. Brooks and Beverly Ann Brooks, husband and wife** was acknowledged before me this 20th day of June, 2017.

(Seal)



Stephen K. McKinley
Notary Public

My Term Expires: 4/27/18



Laura Kelly, Governor
Mark A. Burghart, Secretary

www.ksrevenue.gov

CERTIFICATE OF TAX CLEARANCE

Scott A Noyes

ISSUE DATE

02/28/2024

TRANSACTION ID

TKH4-44KE-4XDP

CONFIRMATION NUMBER

CYER-A36K-78SF

TAX CLEARANCE VALID THROUGH 05/28/2024

*Verification of this certificate can be obtained on our website, www.ksrevenue.org,
or by calling the Kansas Department of Revenue at 785-296-3199*

OWNER AUTHORIZATION

I/WE Scott and Michelle Noyes, hereby referred to as the
"Undersigned", being of lawful age, do hereby on this 29 day of March, 2024, make the following
statements, to wit:

1. I/We the Undersigned, on the date first above written, am the lawful, owner(s) in fee simple absolute of the following described real property

See Attachment "A" attached hereto and incorporated herein by reference.
2. I/We the undersigned, have previously authorized and hereby authorize Christopher M. Storm of Storm Engineering Group, P.A. (Hereinafter referred to as "Applicant"), to act on my/our behalf for the purpose of making application with the Planning Office of Leavenworth County, Kansas, 21576 155th Street, Basehor, Kansas 66007 (common address) the subject real property, or portion thereof, and which authorization includes, but is not limited to, all acts or things whatsoever necessarily required of Applicant in the application process.
3. I/We the Undersigned, hereby agree to protect, defend, indemnify and hold the Board of County Commissioners of Leavenworth County, Kansas, its officers employees and agents (hereinafter collectively referred to as the "County"), free and harmless from and against any and all claims, losses, penalties, damages, settlements, costs, charges, professional fees or other expenses or liabilities, whether false, fraudulent, meritless or meritorious, of every kind and character arising out of or relating to any and all claims, liens, demands, obligations, actions, proceedings, or causes of action of every kind and character (hereinafter "claims"), in connection with, relating to, or arising directly or indirectly out of this authorization and the actions taken by the Applicant and the County in reliance thereof. I, the Undersigned, hereby further agree to investigate, handle, respond to, provide defense for and defend any such claims at my sole expense and agree to bear all other costs at my sole expense and agree to bear all other costs and expenses related thereto, even if such claims are groundless, false or fraudulent.
4. It is understood that in the event the Undersigned is a corporation or partnership then the individual whose signature appears below for and on behalf of the corporation or partnership has in fact the authority to so bind the corporation or partnership to the terms and statements contained within this instrument.

IN WITNESS THEREOF, I, the Undersigned, have set my hand and seal below.

[Signature]
Owner

Owner

STATE OF KANSAS
COUNTY OF LEAVENWORTH

The foregoing instrument was acknowledged before me on this 29 day of March 2024
by Stephanie M. Sloup.

My Commission Expires:

Stephanie M. Sloup
Notary Public
Stephanie M. Sloup
ATTACHMENT C

The Noyes Family Farm
21576 155th Street, Basehor
SUP Application - Project Narrative

OVERVIEW: The Noyes Family Farm is located at 21576 155th Street and is owned by Scott and Michelle Noyes. The 9.7-acre property includes the Noyes's house, a barn built in 1903, a storage building, and a silo. The "Big Red Barn" was built in 1903 and renovated in 2022. The main floor has a 16-foot commercial glass door that lets in light on one end and a garage door on the other. These overhead doors can also be raised for accessibility and/or to be opened for integration with outdoor entertainment. There are three additional entry/ exit doors, one on the north side of the barn, and two on the south side of the barn. There are two bathrooms, an industrial prep kitchen with no stove or oven, just preparation tables and a commercial three bin sink. The main floor space easily accommodates multiple uses. The private areas on the second floor consist of a hayloft used for storage and two other rooms, one used as office area and a personal arts and crafts studio. The barn heating and cooling as well as the five overhead fans make the environment comfortable at any time of the year.

SPECIFIC USE: This site is appropriate for hosting special events because of its rural location, property size, and proximity to Basehor, Lansing, and Leavenworth. The site has a stand of mature trees. The land to the south and east is cultivated with pasture to the west. There is a rural subdivision to the north. Weekday evening events will be scheduled between 5 and 10 pm and weekend events may occur between 8 am and 11 pm. The maximum number of guests for an event is 150. There will be no retail sales onsite.

TRAVEL ROUTES: Visitors will likely use Fairmount Road, Hollingsworth Road, or Leavenworth Road from Highway K7/U.S. 73 to 155th Street. The site is located 0.5 miles south of Hollingsworth Road and 1.5 miles north of Leavenworth Road.

EMPLOYEES: Events at the Noyes Family Farm are facilitated by Scott and Michelle. There are no full-time employees. There is a teacher who works part time on a as needed basis for the Noyes Family Farm. Family members and friends will also be there from time to time. Depending on the size of an event there will be 3-6 people there to assist, answer questions, and help with parking.

HOURS OF OPERATIONS: The venue will be open or available for site tours by potential customers by appointment only. The majority of events are expected to occur during the weekend. Those that rent the property will have the option to rent for several hours, the day or weekend. All music by local musicians or a DJ will be turned off by 11 p.m. DJ equipment and speakers will be located inside the event barn.

PARKING: For small events there are several areas around the barn for parking and two accessible spaces and a ramp or zero entry space for wheelchair access to the barn. For safety, the parking area will be illuminated by site lighting during events only. Offsite parking is not allowed. The average number of guests per vehicle for the typical event is three. Based on the average number of guests per vehicle and the number of staff, a large event would require 50 guest spaces and 5 staff/vendor spaces. The existing gravel parking area north and west of the barn will allow for 16 passenger vehicles and five staff/vendor vehicles. For larger events additional parking will be available on grass areas identified on the site plan. The site plan shows additional parking spaces for overflow parking.

FOOD SERVICE: All food served will be catered by licensed and bonded companies for events. A licensed and insured bartender is a requirement in the rental agreement whenever alcohol is going to be offered/served. Catered food can be warmed in the microwave and warming drawer, but there is no stove or oven in the kitchen.

SIGNAGE: There will be an approximate 5-foot by 5-foot landscaping sign at the end of the driveway. It will be made of stone or a naturally made product. On the day of any event two portable A-frame signs will be placed at both ends of the property leading to the driveway to direct as well as alert others of a special event happening that day or evening.

In Case of Emergency:

The safety of our guests during severe weather and emergencies is paramount. The following steps will be taken prior to any events will include:

- Signs posted throughout the event building showing escape routes, fire extinguisher locations, notification procedures, and emergency contacts.
- Smoke detectors to be placed throughout the event building per fire code.
- A NOAA Weather Radio All Hazards (NWR) will be located in the event building and monitored for impending alerts.
- If a tornado or high wind warning is issued, guests will be notified by the event center public address system and directed to shelter in the basement of the existing residence.
- A sign will be posted outside, next to the main entrance of the event center that includes emergency contact information for first responders.

SECURITY: For events larger than 50 people, security will be hired to handle problems that may arise. This will be a size requirement listed within the rental agreement. After speaking with local law enforcement, we plan to use off-duty officers for this purpose.

UTILITIES: Service for the two bathrooms and prep kitchen is provided by an existing septic system located south of the barn. The existing system includes a 1,500-gallon two-compartment septic tank and 300 feet of rock and pipe absorption laterals. Water service from the residence and event barn is provided by Consolidated Rural Water District #1.

Event Venue Focus: Celebrations and seasonal “micro-events” to assist people who need space to enjoy family moments to celebrate but don’t have space in their respective homes.

Most common Year-round venue events:

- Bridal and baby showers
- Birthday parties
- Graduation celebrations
- Anniversary dinners
- Family reunions
- Private dinners

Seasonal venue events:

- Children’s Easter egg hunt
- Spring mother/daughter/granddaughter tea party
- Holiday tree barn (decorated trees for sale)
- Fall (craft) festival
- Several themed children’s events

Venue Goals/Objectives: We live here, care for the property ourselves and have mutually respectful relationships with our neighbors. This is our dream come true personal property. We hope to begin by hosting a few events and grow by hosting several events a month. Our tagline is “A little bit Country and a little bit Country Club” meaning a small, private, intimate setting with detailed personalized upscale venue events. Our property encompasses a hospitable and welcoming atmosphere. Our sincere desire is to share a portion of this property as a unique venue for those who will respect and enjoy it, as well as, become repeat customers having experienced special celebrations shared with family and friends at The Noyes Family Farm.



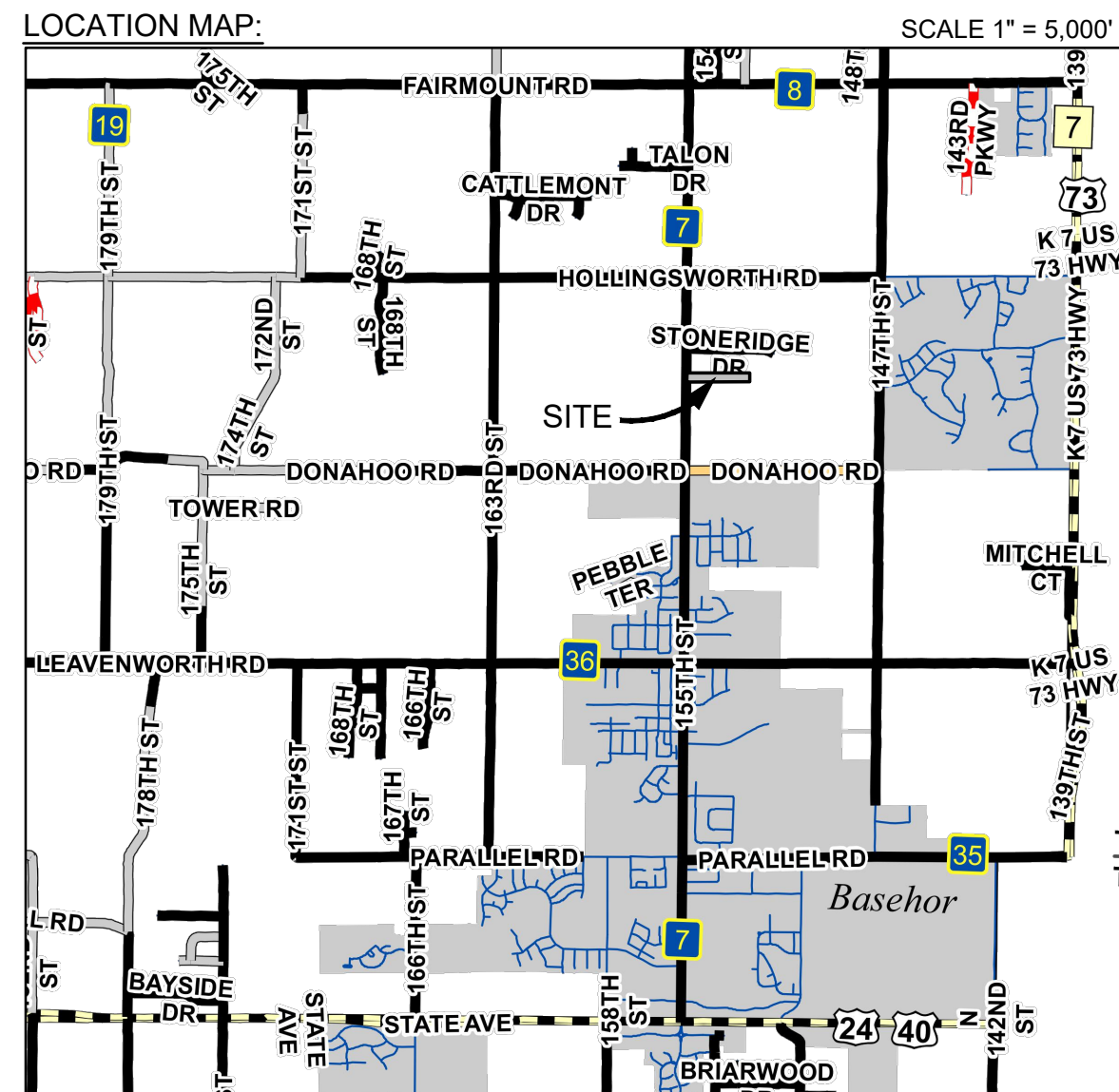
REV	DATE	DESCRIPTION
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DATE:	3/1/2024
PROJECT NO.:	24102
VERSION:	C

SHEET NUMBER:

1

OF **1** SHEETS



PROPOSED LAND USE: EVENT SPACE:

PROPOSED CAPACITY: 150 OCCUPANTS (INSIDE AND OUTSIDE)

EVENT SPACE AREA:	1ST FLOOR	EVENT AREA*	1,525 S.F.	
	PATIO AREA	EVENT AREA	965 S.F.	
	2ND FLOOR	OFFICE	245 S.F.	(NOT USED FOR EVENTS)
	3RD FLOOR	LOFT STUDIO	540 S.F.	(NOT USED FOR EVENTS)
	<u>TOTAL</u>		3,275 S.F.	

* EVENT AREA EXCLUDES FLOOR AREA FOR TWO RESTROOMS AND PREP KITCHEN

REQUIRED OFF-STREET PARKING:

ASSEMBLY HALL (WITHOUT FIXED SEATING) 1 SPACE / 100 S.F. USEABLE AREA; 2,490 S.F. 25 SPACES

CHURCH / SPORTS ARENA / THEATER	1 SPACE / 4 OCCUPANTS; 155 OCCUPANTS	39 SPACES
---------------------------------	--------------------------------------	-----------

FOR AVERAGE EVENT	1 SPACE / 3 VISITORS + STAFF	50 + 5 SPACES
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PROPOSED OFF-STREET PARKING:

☐ STAFF / VENDOR PARKING

5 SPACES

☐ ☐ GRAVEL PARKING / SMALL EVENTS [1

16 SPACES + 2 ACCESSIBLE

☐ OVERFLOW PARKING / LARGE EVENT

50 SPACES

TOTAL: 71 SPACES + 2 ACCESSIBLE SPACES

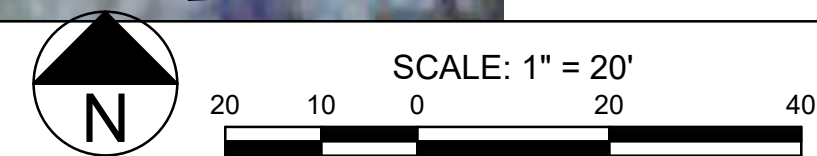
GENERAL NOTES:

1. PROPERTY OWNER: SCOTT & MICHELLE NOYES
21576 155TH STREET
BASEHOR, KANSAS 66007
2. LAND PLANNER & CIVIL ENGINEER: STORM ENGINEERING GROUP, P.A.
5719 WESTFIELD DRIVE
LAWRENCE, KANSAS 66049
3. EXISTING ZONING: RR-2.5 - RURAL DISTRICT
4. PROPOSED ZONING: RR-2.5 - RURAL DISTRICT
5. EXISTING LAND USE: RURAL RESIDENTIAL
6. PROPOSED LAND USE: RURAL RESIDENTIAL AND EVENT SPACE
7. SOIL TYPE: PAWNEE CLAY LOAM, 4 to 8% SLOPES, ERODED (7501)
8. SITE DOES NOT INCLUDE SPECIAL FLOOD HAZARD AREAS SUBJECT TO INUNDATION BY THE FLOOD EV
HAVING A 1-PERCENT CHANCE OF BEING EQUALED OR EXCEEDED IN ANY GIVEN YEAR PER FEMA MAP
20103C0241G AND 20103C0250G, EFFECTIVE 7/16/2015.
9. SPECIAL USE PERMIT VEHICLE GENERATED TRAFFIC SHALL NOT EXCEED ONSITE VEHICLE PARKING.
10. OFFSITE PARKING IS NOT ALLOWED.
11. ENTRANCE COLUMN TO BE RELOCATED PRIOR TO HOSTING ANY EVENTS UNDER THE APPROVED SUP.

LEGAL DESCRIPTION:

FROM GENERAL WARRANTY DEED (DOCUMENT 2017R05179, LEAVENWORTH COUNTY REGISTER OF DEEDS)


TRACT OF LAND OF SOUTHWEST 1/4, SECTION 23, TOWNSHIP 10 SOUTH, RANGE 22 EAST OF THE SIXTH P.M., IN LEAVENWORTH COUNTY, KANSAS, MORE FULLY DESCRIBED AS FOLLOWS: BEGINNING NORTHWEST CORNER OF SAID SOUTHWEST 1/4, THENCE EAST 1760 FEET, THENCE SOUTH 247.5 FEET, THENCE WEST 1760 FEET, THENCE NORTH 247.5 FEET TO THE POINT OF BEGINNING, LESS THAT PART USED FOR PUBLIC ROAD.



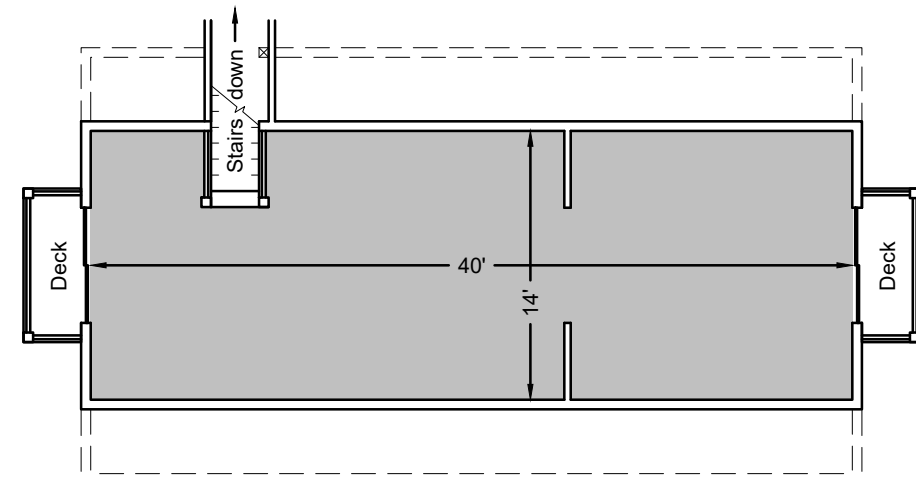
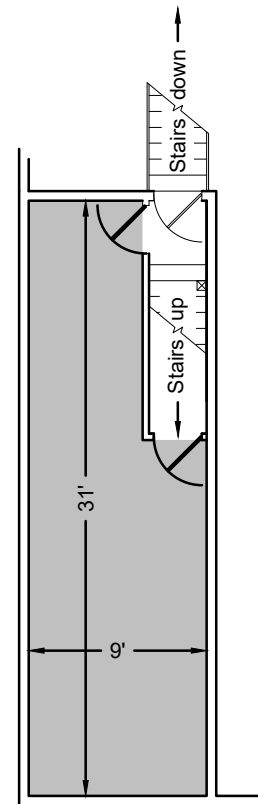
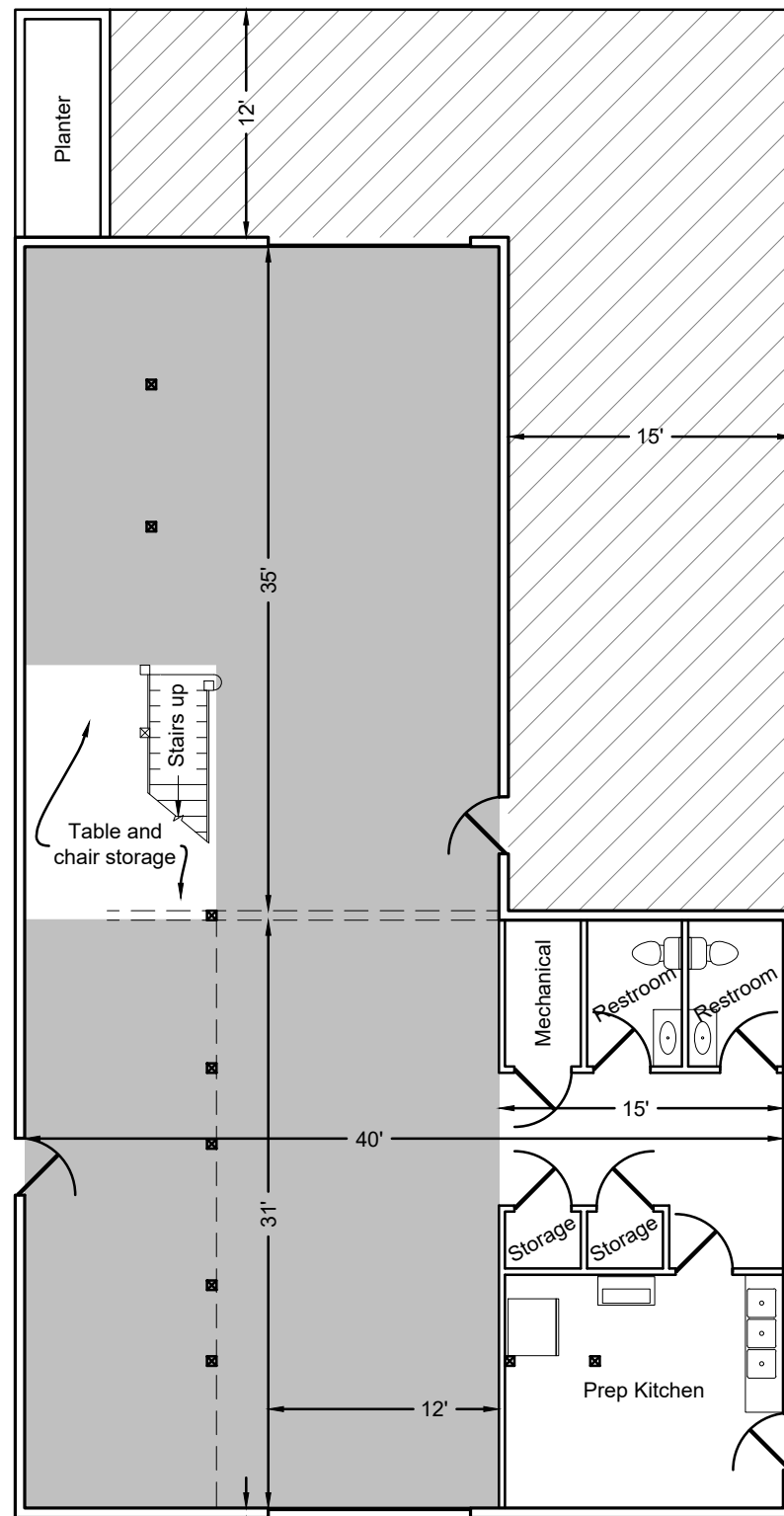
A SITE PLAN FOR

THE NOYES FAMILY FARM

21576 155TH STREET, BASEHOR
LEAVENWORTH COUNTY, KANSAS



THE NOYES FAMILY FARM



PROPOSED SPECIAL USE PERMIT INFORMATION

Name of Business The Noyles Family Farm

Existing and Proposed Structures Existing residence, event building, storage building, silo; no proposed buildings

Number of structures used for Special Use Permit one event building

Will the use require parking? ☒ Yes ☐ No How many parking spaces are proposed/available? 16 gravel, 30 grass
+ 2 accessible

Is the proposed use seasonal? ☐ Yes ☒ No
If yes, what months will the use be active? _____ through _____
Month Month

Reason for requesting a Special Use Permit: _____

Estimated Traffic

In this section, you are determining the impact your proposed use will have on the county roadways. A vehicle visiting your site is to be considered two trips because the visitor/employee/user will use the roadways twice. If you are planning to expand the use that may generate additional traffic during the duration of the permit, provide the traffic generation for the full expansion.

How many total Passenger vehicle trips (both entering and exiting) will be generated by the Special Use Permit?

Daily 0 Weekly 30 - 110 Monthly 0

If applicable, how many total Commercial (delivery, heavy trucks, equipment, etc.) vehicle trips (both entering and exiting) will be generated by the Special Use Permit?

Daily 0 Weekly 6 Monthly 0

If applicable, describe Seasonal trips not accounted for above: What type (Passenger and Commercial) vehicle trips, how many trips per vehicle type in the seasonal timeframe, and describe the seasonal time frame (months, weeks, or days) in a calendar year.

Passenger: Months 0 Weeks 0 Days 0

Commercial: Months 0 Weeks 0 Days 0

When are trips to the site expected to occur (i.e. throughout the day, limited certain hours, etc.)? If applicable, separate occurrences by vehicle type (Passenger, Commercial, Seasonal Passenger, and Seasonal Commercial):

On average, one event per week. Smaller events (about 15 vehicles) on weekdays will generally occur between 5 and 10 pm. Larger events (50 vehicles*+5 staff) only on weekends will occur between 8 am & 11 pm. (*3 visitors/veh.)

What is the anticipated route(s) from the nearest State Highway to the Site? From Highway K7/U.S. 73, west 2 miles on Hollingsworth Rd or Leavenworth Rd, then south 0.5 miles or north 1.5 miles on 155th Street.

Special Use Permit Renewal

Describe any change to operations since the SUP was last issued including traffic trips compared to this SUP:

Have you added any buildings since the SUP was last issued? ☐ Yes ☐ No Any parking? ☐ Yes ☐ No

ATTACHMENT B

WALDEN FAMILY TRUST
UNPLATTED (RR-2.5)

WEST LINE OF THE SW 1/4
SECTION 23, T10S, R22E
S1°27'34"E 247.50'

155TH STREET

* LEAVENWORTH COUNTY PUBLIC WORKS
COMMERCIAL ENTRANCE REQUIREMENTS
WIDTH: MINIMUM 24' MAXIMUM 36'
RADIUS: MINIMUM 10' MAXIMUM 25'

5' ORNAMENTAL
WOODEN FENCE

RESIDENCE
3 STORES

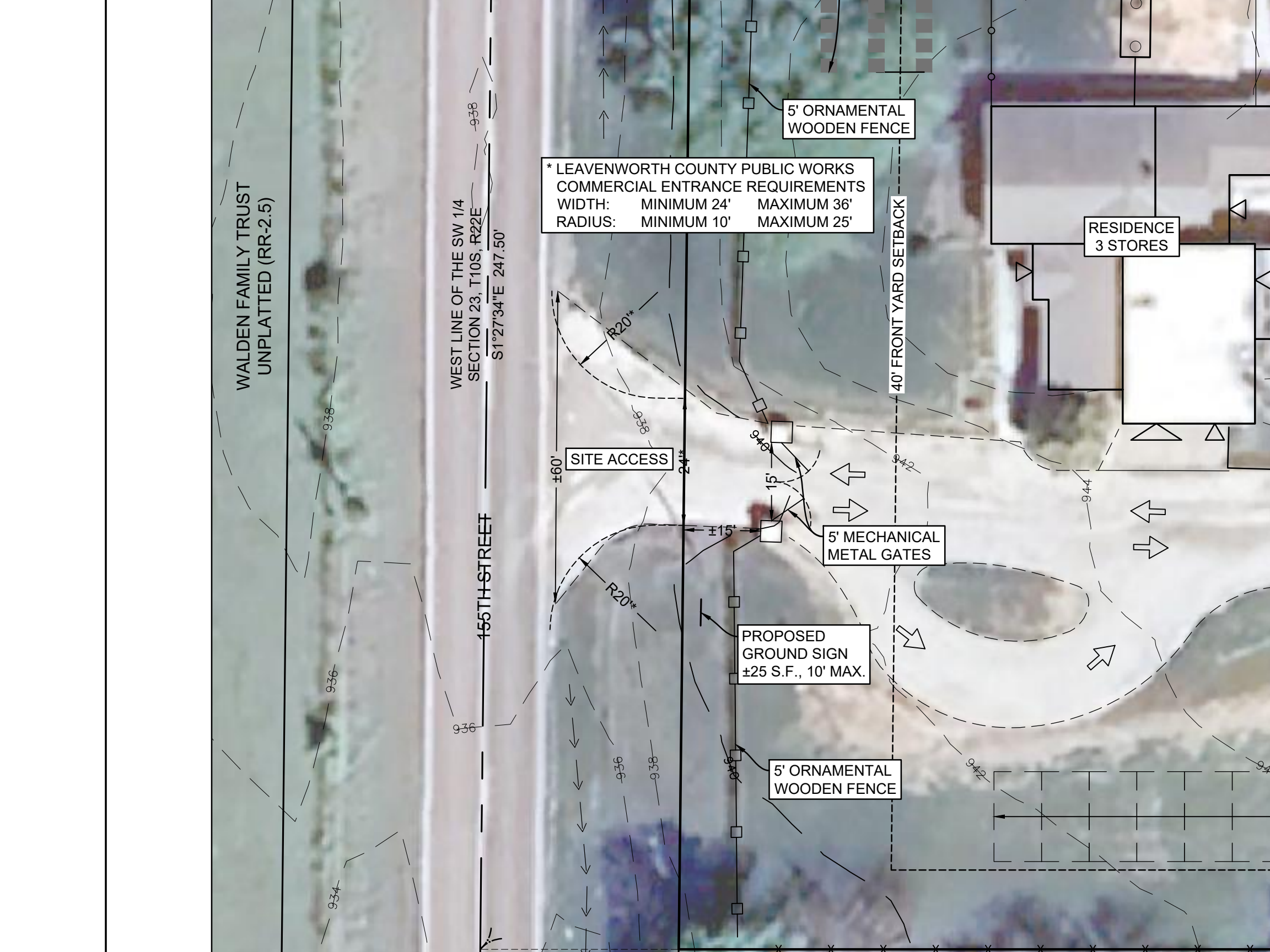
40' FRONT YARD SETBACK

SITE ACCESS

5' MECHANICAL
METAL GATES

PROPOSED
GROUND SIGN
±25 S.F., 10' MAX.

5' ORNAMENTAL
WOODEN FENCE



Storm Engineering Group, P.A.
5719 Westfield Drive
Lawrence, Kansas 66049
chris@stormenggrp.com



April 11, 2024

Joe McAfee, PE
Leavenworth County Public Works
300 Walnut Street, Suite 007
Leavenworth, Kansas 66048
Email: jmcafee@leavenworthcounty.gov

Dear Mr. McAfee:

This letter is in response to the request for an intersection sight distance analysis for the existing access to proposed access points to 21576 155th Street. The owner of this property has submitted a request for a Special Use Permit to the Leavenworth County Planning Department for a special event venue. The calculations in this analysis are based on *A Policy on Geometric Design of Highways and Streets* [1].

The existing 155th Street has two lanes, approximately 25 feet wide, and a posted speed of 50 mph. The existing street has a high point approximately 50 feet north of the entrance, allowing for more sight distance to the north and south.

The calculations of this analysis are based on an intersection with stop control on the minor road (entrance) with left turns (southbound onto 155th Street, Case B1) and right turns (northbound onto 155th Street, Case B2). Other analysis considerations include a posted speed limit of 50 mph (V_{major}), object height of 3.5 feet, driver eye height of 3.5 feet, and the decision point 14.5 feet from the edge of the major road for a stopped passenger car. To make a left or right turn on 155th Street will require time gaps (t_g) of 7.5 and 6.5 seconds for Cases B1 and B2, respectively (Tables 9-6, 9-8). Using Equation 9-1, the intersection sight distance (ISD) for left turns (Case B1) = $1.47 \cdot V_{major} \cdot t_g = 1.47 \times 50 \text{ mph} \times 7.5 \text{ sec} = 551.3 \text{ ft}$, and the ISD for right turns (Case B2) = $1.47 \times 50 \text{ mph} \times 6.5 \text{ sec} = 477.8 \text{ ft}$.

While parked at the subject entrance, approaching vehicles can be seen south to the entrance of 21462 155th Street and north to the entrance of 21707 155th Street. The distances vehicles can be seen on 155th Street exceed the required sight distance for left and right turns of stopped passenger car onto a major road. Pictures of approaching vehicles are included in Attachment A, and distances to the noted entrances are included in Attachment B. A few trees in the east right-of-way of 155th Street may limit the sight distance at the subject entrance if not maintained. I recommend that the sight distance be checked every summer and that trees be trimmed as needed.

Please contact me at (785) 766-6661 if you have any questions about this letter.

A handwritten signature in blue ink that reads 'Christopher M. Storm'.

Christopher M. Storm, PE
Storm Engineering Group, PA

Attachment A: Photos Taken at the Entrance of 21576 155th Street
B: Plan and Profile of 155th Street

[1] AASHTO (2018) *A Policy on Geometric Design of Highways and Streets*. The American Association of State Highway and Transportation Officials, AASHTO Green Book, Washington DC.

21576 155th Street

Intersection Sight Distance Study

Attachment A: Photos Taken at the Entrance of 21576 155th Street
4/11/2024



Photo looking south at entrance of
21576 155th Street (taken 4/10/2024)

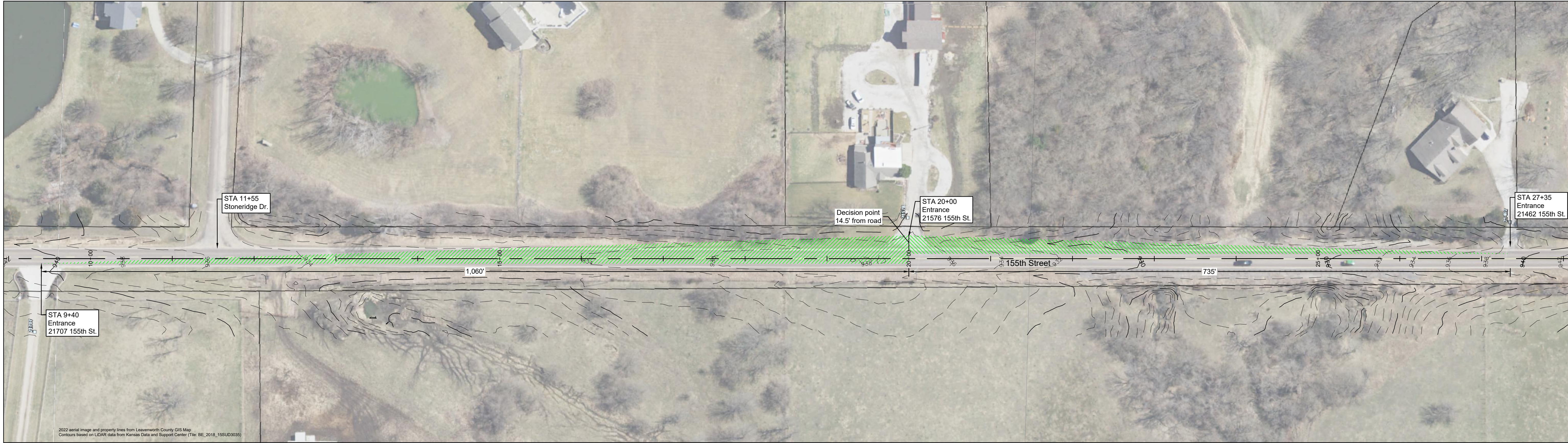
Approaching vehicle
visible at entrance to
21462 155th Street



Photo looking north at entrance of
21576 155th Street (taken 4/10/2024)

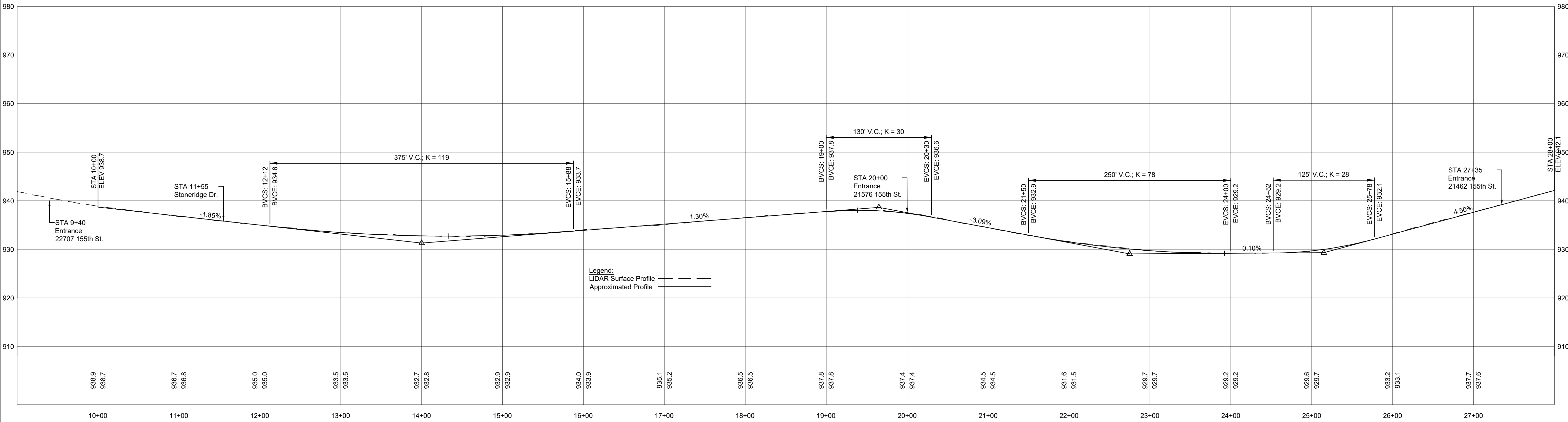
Approaching vehicle
visible at entrance to
21707 155th Street





155TH STREET
HORIZONTAL 1" = 60'
VERTICAL 1" = 10'

Note:
Posted Speed Limit 50 mph
AASHTO Design K Values
for Stopping Sight Distance
Crest Vertical Curve 84
Sag Vertical Curve 96



THE NOYES FAMILY FARM
21576 155TH STREET, BASEHOR, LEAVENWORTH COUNTY
INTERSECTION SIGHT DISTANCE STUDY
ATTACHMENT B: PLAN AND PROFILE OF 155TH STREET

REV DATE DESCRIPTION

DATE: 4/11/2024
PROJECT NO.: 24102
VERSION: A

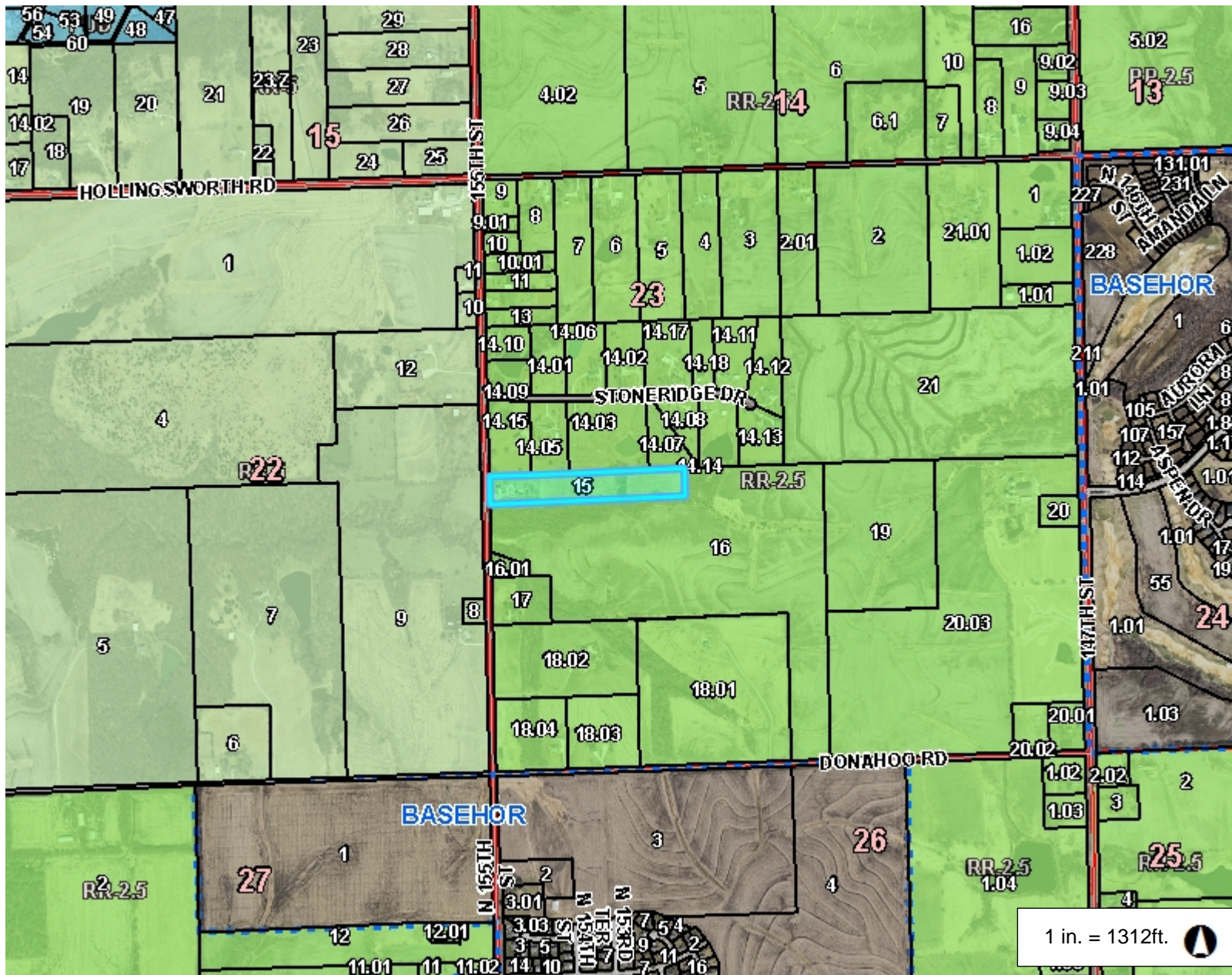
SHEET NUMBER:

1

OF 1 SHEETS



ZONING MAP



Legend

- Parcel Number
- Parcel
- City Limit Line
- Major Road
 - <all other values>
 - 70
- Road
 - <all other values>
 - PRIVATE
- +
- Railroad
- Section
- Section Boundaries
- County Boundary
- Zoning
 - B-1
 - B-2
 - B-3
 - I-1
 - I-2
 - I-3
 - MXD
 - PC
 - PI
 - PR-1
 - PR-2
 - PR-3

Notes

2,624.5 0 1,312.27 2,624.5 Feet

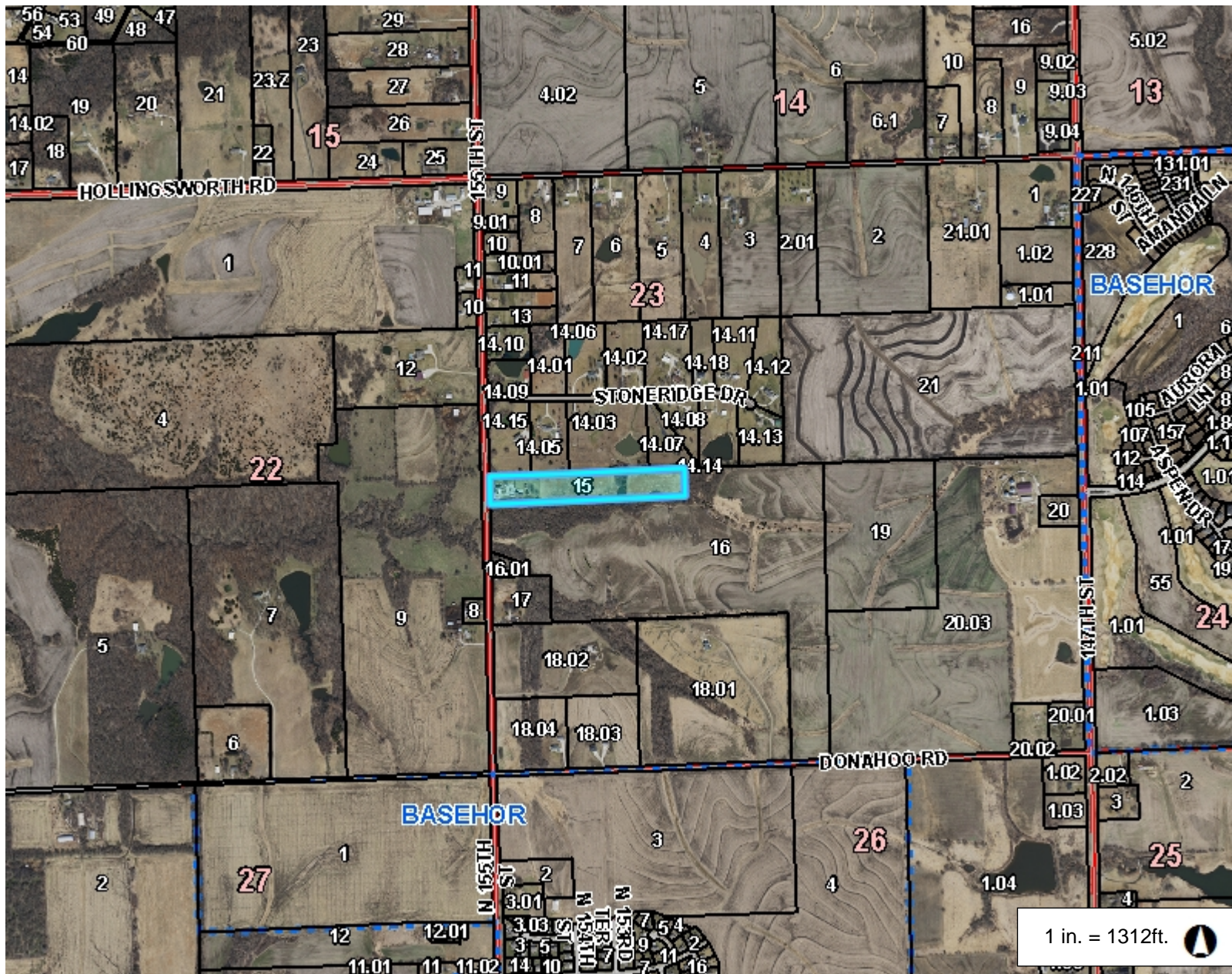
This Cadastral Map is for informational purposes only. It does not purport to represent a property boundary survey of the parcels shown and shall not be used for conveyances or the establishment of property boundaries.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

1 in. = 1312ft.



VICINITY MAP



Legend

- Parcel Number
- Parcel
- City Limit Line
- Major Road
- <all other values>
- 70
- Road
- <all other values>
- PRIVATE
- Railroad
- Section
- Section Boundaries
- County Boundary

Notes

2,624.5 0 1,312.27 2,624.5 Feet

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THIS MAP IS NOT TO BE USED FOR NAVIGATION

April 4, 2022

Amy Allison, AICP
Deputy Director
Leav. Co. Planning and Zoning
300 Walnut
Leavenworth, KS 66048

Re: 21576 155th St. SUP Application

Dear Ms. Allison,

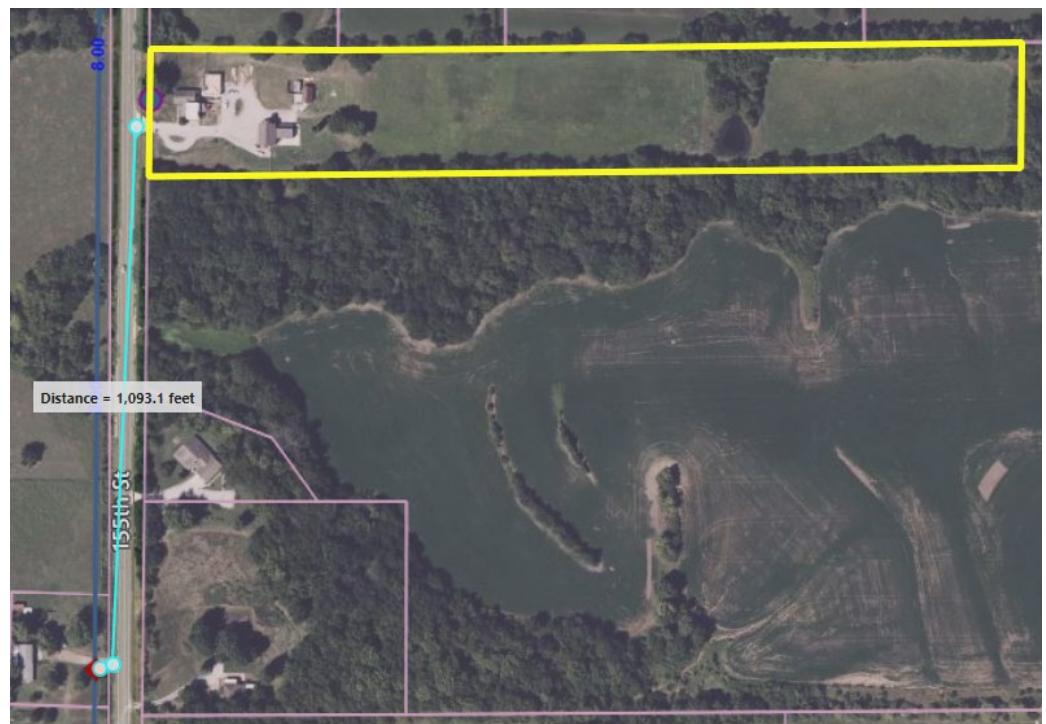
Thank you for providing the opportunity for the water district to provide comments on the proposed SUP. The water district has no objections to the SUP for 21576 155th St. The residence on the property is currently provided domestic water from us. Per our Bylaws, the venue owner will need to purchase a second meter for the event space. We will contact the property owner to inform them of this requirement. Below is a map of the closest fire hydrant location (1,093 feet south) to this address for your information.

If you have any additional questions/comments, please contact me at your convenience.

Respectfully,

Mike Fulkerson

Mike Fulkerson
General Manager



Cc; file

Allison, Amy

From: Anderson, Kyle
Sent: Friday, April 5, 2024 8:50 AM
To: Allison, Amy
Subject: RE: RE: DEV-24-030 Special Use Permit - Noyes Family Farm Event Center

When the event center was discovered and violation letter was sent out, the property owner's agent, Chris Storm, reached out to me quickly to get information and begin the process of putting together a complete SUP application. We will need an engineer to sign off on the existing septic system to verify it is capable of servicing the event center.

Kyle Anderson
Environmental Technician/Code Enforcement
Leavenworth County Planning & Zoning
300 Walnut St. Ste. 212
Leavenworth, KS 66048
913-684-1084

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From: Allison, Amy <AAllison@leavenworthcounty.gov>
Sent: Thursday, April 4, 2024 9:50 AM
To: Magaha, Chuck <cmagaha@lvsheriff.org>; Anderson, Kyle <KAnderson@leavenworthcounty.gov>; Miller, Jamie <JMiller@leavenworthcounty.gov>; Patzwald, Joshua <jpatzwald@lvsheriff.org>; Brown, Misty <MBrown@leavenworthcounty.gov>; McAfee, Joe <JMcAfee@leavenworthcounty.gov>; Noll, Bill <BNoll@leavenworthcounty.gov>; 'mfulkerson@crwd1.com' <mfulkerson@crwd1.com>; 'designgroupshawnee@evergy.com' <designgroupshawnee@evergy.com>; 'lingenfelserm@fairmountfd.org' <lingenfelserm@fairmountfd.org>
Cc: PZ <PZ@leavenworthcounty.gov>
Subject: RE: DEV-24-030 Special Use Permit - Noyes Family Farm Event Center

Good Morning,

The Department of Planning and Zoning has received a Special Use Permit application for an event center at 21576 155th Street.

The Planning Staff would appreciate your written input in consideration of the above request. Please review the attached information and forward any comments to us by Wednesday, April 17, 2024.

If you have any questions or need additional information, please contact me at (913) 684-0465 or at pz@leavenworthcounty.gov

Thank you,

Amy Allison, AICP
Deputy Director
Planning & Zoning

Allison, Amy

From: Boone Heston <Boone.Heston@evergy.com>
Sent: Friday, April 5, 2024 9:59 AM
To: Allison, Amy; Anderson, Kyle; Miller, Jamie; Brown, Misty; McAfee, Joe; Noll, Bill
Cc: PZ
Subject: Re: DEV-24-030 Special Use Permit - Noyes Family Farm Event Center

Notice: This email originated from outside this organization. Do not click on links or open attachments unless you trust the sender and know the content is safe.

Internal Use Only

Good morning,

Evergy is working with this customer to relocate a pole to allow for the widening of the driveway. Once our pole is relocated Evergy has no other concerns with this special use permit.

Thank you all,

Boone Heston

TD Designer
Leavenworth, KS

Evergy

Boone.Heston@evergy.com

O 913-758-2724

From: Jordan Mesmer <Jordan.Mesmer@evergy.com>

Sent: Thursday, April 4, 2024 9:58 AM

To: Allison, Amy <AAllison@leavenworthcounty.gov>; Magaha, Chuck <cmagaha@lvsheriff.org>; Anderson, Kyle <KAnderson@leavenworthcounty.gov>; Miller, Jamie <JMiller@leavenworthcounty.gov>; Patzwald, Joshua <jpatzwald@lvsheriff.org>; Brown, Misty <MBrown@leavenworthcounty.gov>; McAfee, Joe <JMcAfee@leavenworthcounty.gov>; Noll, Bill <BNoll@leavenworthcounty.gov>; 'mfulkerson@crwd1.com' <mfulkerson@crwd1.com>; Design Group Shawnee <designgroupshawnee@evergy.com>; 'lingenfelserm@fairmountfd.org' <lingenfelserm@fairmountfd.org>; Design Group Leavenworth <DesignGroupLeavenworth@evergy.com>

Cc: PZ <PZ@leavenworthcounty.gov>

Subject: Re: DEV-24-030 Special Use Permit - Noyes Family Farm Event Center

Internal Use Only

Hello,

This address looks to be served out of our Leavenworth service center. I have attached their design group to this e-mail.

Thanks,

Jordan Mesmer

Distribution Designer II

Jordan.Mesmer@evergy.com

O (913) 667-5122



From: Allison, Amy <AAllison@leavenworthcounty.gov>

Sent: Thursday, April 4, 2024 9:50 AM

To: Magaha, Chuck <cmagaha@lvsheriff.org>; Anderson, Kyle <KAnderson@leavenworthcounty.gov>; Miller, Jamie <JMiller@leavenworthcounty.gov>; Patzwald, Joshua <jpatzwald@lvsheriff.org>; Brown, Misty <MBrown@leavenworthcounty.gov>; McAfee, Joe <JMcAfee@leavenworthcounty.gov>; Noll, Bill <BNoll@leavenworthcounty.gov>; 'mfulkerson@crwd1.com' <mfulkerson@crwd1.com>; Design Group Shawnee <designgroupshawnee@evergy.com>; 'lingenfelserm@fairmountfd.org' <lingenfelserm@fairmountfd.org>

Cc: PZ <PZ@leavenworthcounty.gov>

Subject: RE: DEV-24-030 Special Use Permit - Noyes Family Farm Event Center

This Message Is From an External Sender

This message came from outside your organization.

Report Suspicious

Good Morning,

The Department of Planning and Zoning has received a Special Use Permit application for an event center at 21576 155th Street.

The Planning Staff would appreciate your written input in consideration of the above request. Please review the attached information and forward any comments to us by Wednesday, April 17, 2024.

If you have any questions or need additional information, please contact me at (913) 684-0465 or at pz@leavenworthcounty.gov

Thank you,

Amy Allison, AICP

Deputy Director

Planning & Zoning

Leavenworth County

913.364.5757

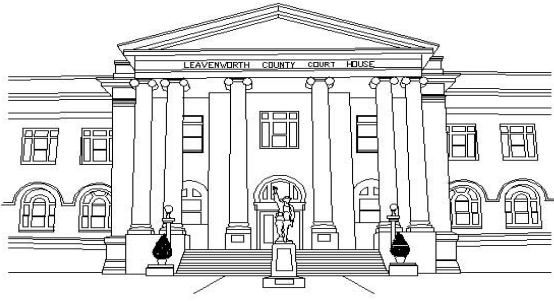
Disclaimer

This message and any attachments are intended only for the use of the recipient or their authorized representative. The information provided in this email is limited in scope and response detail by available information, current zoning and subdivision regulations. Depending on the level of development, the applicable regulations can change. Final approval cannot be granted until a complete application has been submitted, reviewed and approved by the governing body. Nothing in this message or its contents should be interpreted to authorize or conclude approval by Leavenworth County.

MEMO

To: Amy Allison
From: Chuck Magaha
Subject: Noyes Family Farm
Date: May 30, 2024

Amy, I have reviewed the special use permit for “The Noyes Family Farm” in the Fairmount Township area. I would like to see an emergency contingency plan be developed for this location in the event of an emergency or severe weather event should occur. This facility should have in place a S.A.M.E. weather alert radio in the meeting/event room along with the emergency plan posted if not already present, such as where to go or location for severe weather events or other emergencies. If the facility does not have emergency contacts posted, they should also have this information available in the meeting room and at the front of the building out side for emergency responders to notify during an emergency. I also would ask that an occupancy amount of patrons be posted in the building for safety. Amy if you have any questions please call me at 684-0455.



COUNTY OF LEAVENWORTH

Department of Public Works

300 Walnut, Suite 007

Leavenworth, Kansas 66048-2815

Phone (913) 684-0470

Fax (913) 684-0473

June 17, 2024

The Noyes Family Farm LLC SUP – Public Works Review

The Public Works Department have reviewed the following documents:

- 24.06.13 Narrative Revised
- 24.06.13 Site Plan ver B
- 24.06.03 Response to Comments
- 24.06.13 Response to Comments
- 24.06.13 Revised Attachment B
- 24.04.11 Intersection Sight Distance Analysis

155th Street and identified route from K-7 is a two-lane hard surfaced roadway. Sign and septic system to be permitted with a separate application. Fire Protection not reviewed by Public Works.

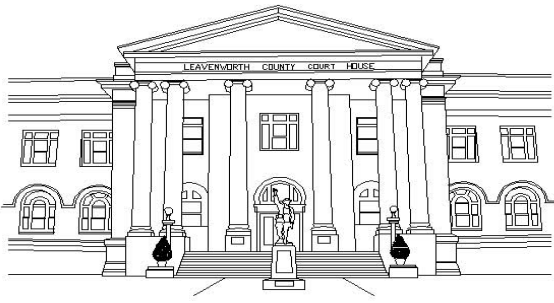
Below are responses from the received documents listed above. Direct any questions to Amy Allison at aallison@leavenworthcounty.gov.

1. Olsson Comment (4.23.24): The application should provide expected daily and weekly trips. If events aren't expected daily then that number may be '0', but the weekly number should encompass event trips (based on the application events could occur weekly, weekday or weekend). Additional requested information assists the reviewer to understand the expected traffic patterns to the site and determines if a traffic impact study is required. Confirm if the monthly trips presented are accurate (currently application is 200 trips, this would be 100 entering and exiting cars per month). Include trips for staff, any commercial vehicles, security, and other support services (trash, catering, etc.) in the SUP Traffic Application.

Applicant Response (6.03.24): No Response.

Olsson Response (06.11.24): No further comment.

2. Olsson Comment (4.23.24): The narrative mentions egg hunts, craft fairs, etc. These types of events would be expected to generate trips over the day versus a defined entry and exit period (dinner, wedding, etc). How many of these events are expected? Would events be one day or a Friday-Sunday? For special events open to the public, how will the applicant manage vehicle trips to available parking on site to avoid on street parking, public street vehicle congestion, maintain a route through site for emergency vehicles, and maintain onsite traffic circulation for visitors coming/going? Open to the public events could generate more than 150 visitors. Provide a



COUNTY OF LEAVENWORTH

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statement on the site plan stating Special Use Permit vehicle generated traffic shall not exceed onsite vehicle parking.

Applicant Response (6.03.24): The narrative mentions egg hunts, craft fairs, etc. These types of events would be expected to generate trips over the day versus a defined entry and exit period (dinner, wedding, etc). How many of these events are expected? Estimated six per year (*Easter, Memorial Day, 4th of July, Labor Day, Fall Festival, Winter Festival*) Would events be one day or a Friday-Sunday? *Some events will be one day (Easter, Memorial Day, 4th of July, Labor Day), other events may be Saturday and Sunday (Fall and Winter Festivals).* For special events open to the public, how will the applicant manage vehicle trips to available parking on site to avoid on street parking, public street vehicle congestion, maintain a route through site for emergency vehicles, and maintain onsite traffic circulation for visitors coming/going? *The site plan shows parking for over 80 vehicles and room for many more. During large events, staff and security will direct traffic and make sure site access is maintained.* Open to the public events could generate more than 150 visitors. Provide a statement on the site plan stating Special Use Permit vehicle generated traffic shall not exceed onsite vehicle parking. *Statement added to site plan as general note 9.*

Olsson Response (06.11.24): No further comment.

3. Olsson Comment (4.23.24): Include a statement in the narrative/site plan that offsite parking is not allowed.

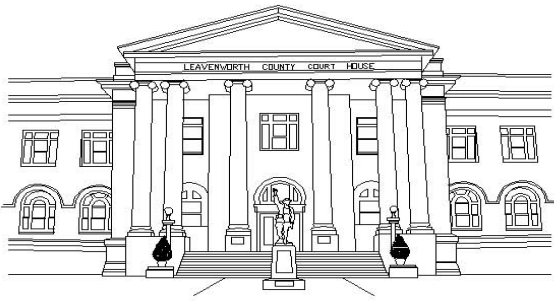
Applicant Response (6.03.24): *Statement added to site plan as general note 10.*

Olsson Response (6.11.24): No further comment.

4. Olsson Comment (4.23.24): It appears that adequate parking is not provided for a maximum capacity event. Parking also needs to consider site staffing/vehicles (3-6 people per narrative), security, event vendors, etc. Assume 2 people per vehicle for event attendees (150 maximum capacity = 75 vehicles). Provide the assumed number of guests per vehicle for a typical event in the narrative.

Applicant Response (6.03.24): *The revised site plan shows available event parking for 80 vehicles, including 5 staff parking. Note that several of the staff will be immediate family and able to use the existing garage of residence.*

Olsson Response (06.11.24): Revise attachment B language stating, "public works says 75 vehicles". Reviewer is not providing the assumed guests per vehicle for events. Said language was an example to support the comment. Assumed number of guests per vehicle to be provided by the applicant. Provide the assumed number of guests per vehicle for a typical event in the narrative and attachment B.



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Applicant Response (6.13.24): *Narrative, site plan, and Attachment B revised to show "The average number of guests per vehicle for the typical event is three." This results with a weekly range of passenger trips from 30 to 110 (150 guests/3 guests/veh. + 5 works/vendors = 55 vehicles → 110 trips), calculated required parking 55 spaces (site plan shows 50 overflow spaces, reduced from 60 overflow shown on version B.*

Olsson Response (6.17.24): No further comment.

5. Olsson Comment (4.23.24): The proposed sign and movable signs must be outside of the sight triangle and placed as to not limit sight distance. Proposed fencing should not limit sight distance.

Applicant Response (6.03.24): *The proposed sign is located outside of the entrance sight triangle and movable signs will be sized and placed to not interfere with sight distance.*

Olsson Response (6.11.24): No further comment.

6. Olsson Comment (4.23.24): Provide additional information on gate operations. Will the gate remain open during an event or be managed by a person? Provide documentation from fire/emergency services regarding how the gate should operate during events.

Applicant Response (6.03.24): *Revised site plan notes that the gate will be open during all public events.*

Olsson Response (6.11.24): No further comment.

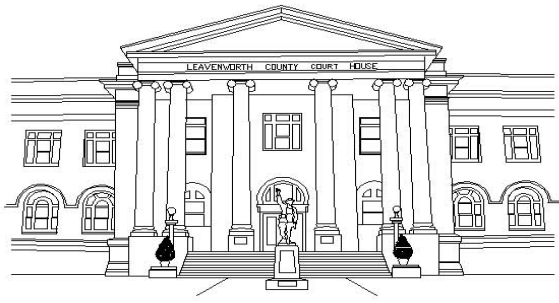
7. Olsson Comment (4.23.24): Gate is +/- 15 feet wide indicating one-way movement through gate causing the potential for queueing on 155th Street. Traffic should not be stopped from entering the site. Widen fence/gate to accommodate commercial driveway entrance standard for two-way traffic into the site.

Applicant Response (6.03.24): *Revised site plans show relocation of south column to provide 20 feet of opening. Note that the owner is coordinating with Evergy to relocate utility pole to shift entrance south.*

Olsson Response (6.11.24): Drive shall be widened and columns relocated prior to site being operational for SUP uses. Add statement on site plan.

Applicant Response (6.13.24): *Requested note added to revised site plan version C. Site plan General Note 11. ENTRANCE COLUMN TO BE RELOCATED PRIOR TO HOSTING ANY EVENTS UNDER THE APPROVED SUP.*

Olsson Response (6.17.24): No further comment.



COUNTY OF LEAVENWORTH

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300 Walnut, Suite 007

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-
-
8. Olsson Comment (4.23.24): Update site plan and application documentation on revisions based on comments.

Applicant Response (6.03.24): *Site plan revised as noted above.*

Olsson Response (6.11.24): No further comment.

Allison, Amy

From: Mike Lingenfelter <lingenfelterm@fairmountfd.org>
Sent: Tuesday, July 2, 2024 1:59 PM
To: Allison, Amy
Cc: Tyler Rathe
Subject: Re: FW: DEV-24-030 Noyes Family Farm SUP Review Comments
Attachments: Fire Marshal -Noyes Family Event.docx

Notice: This email originated from outside this organization. Do not click on links or open attachments unless you trust the sender and know the content is safe.

Amy

Currently the Fairmount Township Fire Department does not support the Noyes Family Farm SUP unless the building and occupancy meet the 2006 version of the International Fire Code (IFC). When the Leavenworth County Commission passed Resolution 2020-39, adopted basic building codes in 2020 providing a local amendment to both respective codes (2006 IRC/IBC) exempting existing agricultural buildings when occupancy was converted to a home or commercial use, they didn't exempt the building from the 2006 IFC which is the minimum standard set by the Kansas State Fire Marshal's office. The Fire Marshal has been in contact with Scott Noyes and he is providing them with the requested information. I am in full support of helping the Noyes get their SUP. I just want to make sure they aren't blindsided after they plan events. I have attached some reference material from the Fire Marshal's office.

Mike Lingenfelter, Fire Chief
Fairmount Township Fire Department
2624 N 155th St
Basehor, Kansas 66007
Work-913-724-4911
Cell 913-306-0258

On Mon, Jul 1, 2024 at 3:02 PM Allison, Amy <AAllison@leavenworthcounty.gov> wrote:

Good Afternoon Chief,

I spoke with the project Engineer on the Noyes Event Center SUP and he had indicated that you and the applicant had spoken and were in the process of resolving some of your concerns on the project. Can you update us on any remaining conditions or concerns you have for the project to be included in the staff report?

Thank you,

Amy Allison, AICP

Deputy Director

Planning & Zoning

Leavenworth County

913.364.5757

Disclaimer

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From: Mike Lingenfelter <lingenfelterm@fairmountfd.org>
Sent: Monday, June 10, 2024 4:06 PM
To: Allison, Amy <AAllison@leavenworthcounty.gov>
Subject: Re: FW: DEV-24-030 Noyes Family Farm SUP Review Comments

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Amy

I highly recommend that the Kansas State Fire Marshall's office be contacted and utilized to make sure that the event center is operated under the current fire and building codes for the state and county. I would hate to see this end up similar to the events center in Tonganoxie. I just want to make sure that the Noyes family isn't caught unexpectedly with additional cost in the change of occupancy. Some questions I have are: what is the occupancy classification? What is the occupancy load? Will there be visitors or guest on the 2nd and 3rd floor? Should the event center be sprinklered? Are there enough exits? Can the garage door be utilized as an exit if closed during an event? Are there large areas outside the exits for egress away from the building? If the parking lots are full how are the responding emergency vehicles going to operate?

One of my Captains looked through the 2006 IFC, and has the following concerns.

- The biggest concern comes to play with requiring a sprinkler system. What I am seeing in the 2006 IFC, is with this being an A-2 (banquet hall) style occupancy, per section 903.2.1.2 Group A-2, "an automatic sprinkler system shall be provided for Group A-2 occupancies where one of the following conditions exists: 1. The fire area exceeds 5,000 square feet (which this does not) 2. The fire area has an occupant load of 100 or

more; or 3. The fire area is located on a floor other than the level of exit discharge. This event space, having a square footage of 1,525 sq ft on the main event floor would have an occupant load of 101 occupants using table 1004.1.1 - Maximum floor area allowances per occupant, assembly without fixed seats - unconcentrated (tables and chairs) 15 net occupancy per sq ft coming to the occupancy load of 101, which is over the requirement per occupancy to require a sprinkler system.

- The next concern is regarding their prep kitchen. If using a stove, or commercial or domestic cooking device in a commercial setting, section 609.2 requires a commercial cooking hood and duct. There just needs to be some clarification on the purpose of the prep kitchen.
- Lastly is fire flow and available water. The closest hydrant to the facility is 1,200 feet away and would require closing 155th street, not to mention the chaos that would ensue from patrons attempting to leave the facility through only one entrance/exit drive. Looking at required fire flows in section B105.1 this facility would require 1,500 GPM of fire flow which should be obtainable through a long lay in with relay pumping, or drafting operations.

Mike Lingenfelter, Fire Chief

Fairmount Township Fire Department

2624 N 155th St

Basehor, Kansas 66007

Work-913-724-4911

Cell 913-306-0258

On Mon, Jun 3, 2024 at 10:55 AM Allison, Amy <AAllison@leavenworthcounty.gov> wrote:

Good Morning,

Please find the revised application for the Noyes Family Farm SUP attached. Please have all comments back to me no later than Monday, June 10th.

Sincerely,

Amy Allison, AICP

Deputy Director

Planning & Zoning

Leavenworth County

913.364.5757

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From: Christopher Storm <chris@stormenggrp.com>
Sent: Monday, June 3, 2024 10:52 AM
To: Allison, Amy <AAllison@leavenworthcounty.gov>
Cc: PZ <PZ@leavenworthcounty.gov>; Scott Noyes <makingnoyes@gmail.com>
Subject: Re: DEV-24-030 Noyes Family Farm SUP Review Comments

Notice: This email originated from outside this organization. Do not click on links or open attachments unless you trust the sender and know the content is safe.

Amy,

I have attached several documents in response to the review comments received in late April. These documents include:

1. Response to review comments
2. Revised narrative
3. Revised site plan, version B
4. Revised Attachment B, requested by Public Works
5. Event barn floor plan, requested by Planning

We wish to be scheduled for the July 10 planning commission meeting, but understand that the application must be complete by June 14.

Please let me know if you have any questions.

Chris Storm

On Tue, Apr 23, 2024 at 3:16 PM Allison, Amy <AAllison@leavenworthcounty.gov> wrote:

Good Afternoon Chris,

Please find the updated Public Works Comments and Emergency Management's memo attached.

Sincerely,

Amy Allison, AICP

Deputy Director

Planning & Zoning

Leavenworth County

913.364.5757

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From: Allison, Amy <AAllison@leavenworthcounty.gov>
Sent: Wednesday, April 17, 2024 4:34 PM
To: 'Christopher Storm' <chris@stormenggrp.com>
Cc: PZ <PZ@leavenworthcounty.gov>
Subject: DEV-24-030 Noyes Family Farm SUP Review Comments

Good Afternoon Chris,

Attached are comments from the following:

- Public Works – 4/16/2024 & 4/17/2024
- Planning & Zoning – 4/17/2024
- Consolidated WD 1 – 4/4/2024
- Code Enforcement – 4/5/2024
- Evergy – 4/5/2024
- Fairmount FD – 4/16/2024
-

The next public hearing notice deadline is May 17th. If you have any further questions, please let me know.

Sincerely,

Amy Allison, AICP

Deputy Director

Planning & Zoning

Leavenworth County

913.364.5757

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The following is a list of the adopted codes and standards from the Kansas State Fire Marshal.

22-1-3. Adopted codes and standards. The following codes and national fire protection association (NFPA) standards are adopted by reference:

- (a) International building code (IBC), international code council, 2006 edition, including the appendices but excluding the references in chapter 35 to NFPA 13, 13D, 13R, 14, 30, 72, 101, and 110;
- (b) international fire code (IFC), international code council, 2006 edition, including the appendices but excluding the following:
 - (1) Chapters 22, 30, 33, 34, 35, 36, and 38; and
 - (2) the references in chapter 45 to NFPA 10, 13, 13D, 13R, 14, 25, 30, 30A, 52, 72, 101, 110, and 385;
- (c) portable fire extinguishers. NFPA standard no. 10, including annexes A, B, C, D, E, F, G, H, I, J, and K, 2007 edition. The provisions of section 4.4.1 shall be effective only on and after January 1, 2014;
- (d) installation of sprinkler systems. NFPA standard no. 13, including annexes A, B, C, and E, 2007 edition;
- (e) installation of sprinkler systems in one-and two-family dwellings and manufactured homes. NFPA standard no. 13D, including annexes A and B, 2007 edition;
- (f) installation of sprinkler systems in residential occupancies up to and including four stories in height. NFPA standard no. 13R, including annexes A and B, 2007 edition;
- (g) installation of standpipe and hose systems. NFPA standard no. 14, including annexes A and B, 2007 edition;
- (h) dry chemical extinguishing systems. NFPA standard no. 17, including annexes A and B, 2002 edition;
- (i) wet chemical extinguishing systems. NFPA standard no. 17A, including annexes A and B, 2002 edition;
- (j) water-based fire protection systems. NFPA standard no. 25, including annexes A, B, C, D, and E, 2008 edition;
- (k) flammable and combustible liquids. NFPA standard no. 30, including annexes A, B, C, D, E, F, and H, 2008 edition;
- (l) motor fuel-dispensing facilities. NFPA standard no. 30A, including annexes A, B, and D, 2008 edition;
- (m) vehicular fuel systems. NFPA standard no. 52, including annexes A, C, D, and E, 2006 edition;
- (n) national electric code. NFPA standard no. 70, including annexes A, B, C, D, E, F, G, and H, 2008 edition;
- (o) fire alarms. NFPA standard no. 72, including annexes A, B, C, E, F, G, and H, 2007 edition;
- (p) vapor removal from cooking equipment. NFPA standard no. 96, including annexes A and B, 2008 edition;
- (q) life safety code. NFPA standard no. 101, including annexes A and B, 2006 edition;
- (r) alternative approaches to life safety. NFPA standard no. 101A, including annexes A and B, 2007 edition;

- (s) assembly seating, tents, and membrane structures. NFPA standard no. 102, including annexes A and B, 2006 edition;
- (t) emergency and standby power systems. NFPA standard no. 110, including annexes A, B, and C, 2005 edition;
- (u) fire safety symbols. NFPA standard no. 170, including annexes A, B, C, and D, 2006 edition; and
- (v) tank vehicles for flammable and combustible liquids. NFPA standard no. 385, including annexes A, B, and C 2007 edition. (Authorized by and implementing K.S.A. 2008 Supp. 31-133; effective May 10, 1993; amended Feb. 4, 2011.)

Here is the code referencing change of occupancy.

2006 IFC 102.3 Change of use or occupancy. No change shall be made in the use or occupancy of any structure that would place the structure in a different division of the same group or occupancy or in a different group of occupancies, unless such structure is made to comply with the requirements of this code and the International Building Code. Subject to the approval of the fire code official, the use or occupancy of an existing structure shall be allowed to be changed and the structure is allowed to be occupied for purposes in other groups without conforming to all the requirements of this code and the International Building Code for those groups, provided the new or proposed use is less hazardous, based on life and fire risk, than the existing use

The following is a link with good and pertinent information from the Fire Marshal's office.

[Agricultural Venue Properties | State Fire Marshal, KS](#)

**LEAVENWORTH COUNTY
BOARD OF ZONING APPEALS
STAFF REPORT**

CASE NO: DEV-24-069 Findeisen Water Well (**PUBLIC HEARING REQUIRED**)

July 10, 2024

REQUEST: Variance from Zoning and Subdivision Regulations Article 50, Section 20, Utility Requirements and Leavenworth County Sanitary Code, Chapter 5, Water Supply, Article 2, Section I

STAFF REPRESENTATIVE:
AMY ALLISON
DEPUTY DIRECTOR

SUBJECT PROPERTY: 00000 Dakota Drive
FUTURE LAND USE: Residential (3 units/acre)



APPLICANT/APPLICANT AGENT:
NEAL FINDEISEN
16354 DANA LANE
LEAVENWORTH KS 66048

PROPERTY OWNER:
KELLY MALEC & MARGARET HERRING

CONCURRENT APPLICATIONS:
DEV-24-070

LAND USE

ZONING: RR-2.5

FUTURE LAND USE
DESIGNATION: RESIDENTIAL
3/ACRE

LEGAL DESCRIPTION:

Lot 3, Dakota Hills, a subdivision in Leavenworth County, Kansas.

SUBDIVISION: DAKOTA HILLS

FLOODPLAIN: N/A

PROPERTY INFORMATION

ACTION OPTIONS:

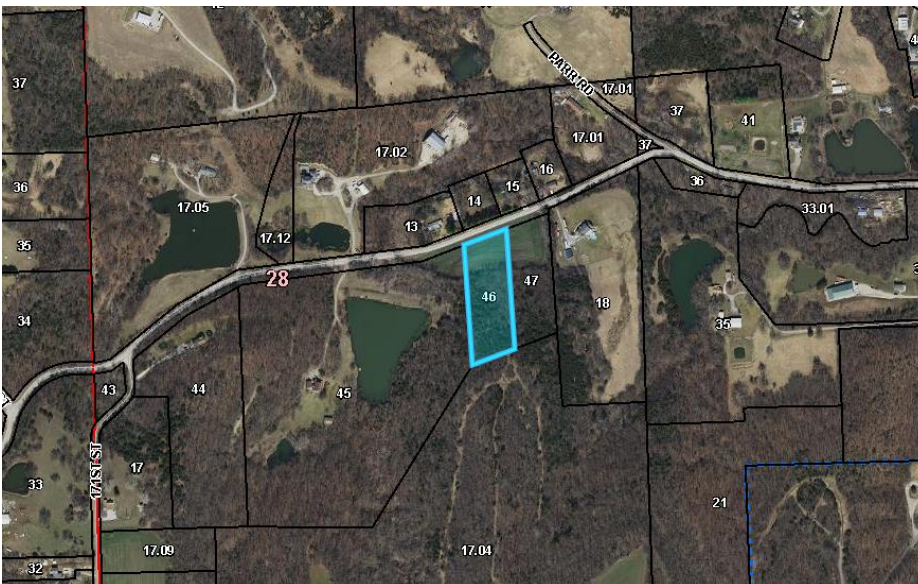
1. Approve Case No DEV-24-069, variance from Article 50, Section 20, Utility Requirements and Leavenworth County Sanitary Code, Chapter 5, Water Supply, Article 2, Section I; or
2. Denial of Case No DEV-24-069 variance from Article 50, Section 20, Utility Requirements and Leavenworth County Sanitary Code, Chapter 5, Water Supply, Article 2, Section I; or
3. Continue the hearing to another date, time, and place.

PARCEL SIZE: 2.53 ACRES

PARCEL ID NO:
078-28-0-00-00-046.00

BUILDINGS:
N/A

Location Map:



ACCESS/STREET:
DAKOTA DRIVE
LOCAL ±22' WIDE, PAVED

UTILITIES

SEWER: SEPTIC

FIRE: KICKAPOO

WATER: LEAVENWORTH CITY

ELECTRIC: EVERGY

NOTICE & REVIEW:

STAFF REVIEW: 6/14/2024

NEWSPAPER NOTIFICATION:
6/18/2024

NOTICE TO SURROUNDING
PROPERTY OWNERS:
6/17/2024

FACTORS TO BE CONSIDERED:	
<i>A request for a variance may be granted in such individual case upon finding that all of the following conditions have been met (KS Statute 12-759)</i>	
<p>1. <i>The variance requested arises from such condition which is unique and which is not ordinarily found in the same zoning classification, and is created by the zoning regulations and not by an action of the property owner or the applicant;</i></p> <p>The property in question is a platted lot from 2006 that has not been developed. The property is serviced by the City of Leavenworth and dependent upon the existing infrastructure on Dakota Drive. The City submitted a letter to the applicant stating that they will not be able to provide service to any new meters at this time.</p>	
<p>2. <i>The granting of the variance will not adversely affect the rights of adjacent property owners or residents;</i></p> <p>Per the applicant's narrative, all neighboring properties currently receive their service from Leavenworth Waterworks. As their water service is already installed, any impacts to surrounding property owners will be minimized.</p>	
<p>3. <i>The strict application of the provisions of the zoning regulations of which variance is requested will constitute unnecessary hardship upon the property owner represented in the application:</i></p> <p>The regulations that the applicant is requesting a variance from requires water service to a lot less than 5 acres to be from a public water source. This property is located within the Leavenworth Waterworks service area. Waterworks has indicated that they cannot provide service to additional lots at this time. Without water access the platted lots cannot be built on.</p>	
<p>4. <i>The variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare; and;</i></p> <p>The applicant is requesting to obtain a variance from the water well minimum lot standards. The water well will still need to meet all required setbacks from lateral fields and septic tanks once built on. Should the applicant be able to maintain those setbacks, the impact to public health and safety will be minimized. The request should not affect the public's morals, order, convenience, prosperity or general welfare.</p>	
<p>5. <i>Granting the variance desired will not be opposed to the general spirit and intent of the zoning regulations</i></p> <p>The purpose of the Zoning Regulations and Sanitary Code is to allow for the public to develop their property with minimum standards to reduce any impacts to the public health and well-being. The intent of the regulation is to allow for spacing from water contamination sources and to reduce users on existing ground water sources. The applicant must still meet other standards that are designed to limit contamination of ground water and affect surrounding property owners.</p>	

STAFF COMMENTS:

Dakota Hills was platted in 2006 and at the time of platting, no concerns were raised about the availability of water. The applicant is requesting a variance from the 5 acre minimum parcel size requirement due to the inability to receive service from the public water provider for their area. No other public water providers are available. To be able to build on the lots, the applicant must either drill a well or have potable water transported on site. The State of Kansas does not have a minimum parcel size for drilling wells. The County does have additional standards, i.e. setback and spacing requirements from septic systems and water wells (100 ft), that will need to be maintained if the request is approved.

ATTACHMENTS:

A: Application & Narrative

B: Zoning Map

C: Location Map

D: Memorandums

E: Neighbor Comments

CC 300th

Dakota Hills Lot 3
2.70 453 Energy
no water

Page 3 of 5

Doc #: 2020R02062
STACY R. DRISCOLL
REGISTER OF DEEDS
LEAVENWORTH COUNTY, KANSAS
RECORDED ON:
03/12/2020 10:07:12 AM
RECORDING FEE: 38.00
PAGES: 2

Entered in the transfer record in my office this
12 day of Mar, 2020
Stacy R. Driscoll
County Clerk
by B. Y. Drake

Please return to:

Kansas Secured Title
360 Santa Fe Street
Leavenworth, KS 66048
TX0014541

GENERAL WARRANTY DEED
(Statutory)

James H. McKinney and Priscilla C. McKinney, husband and wife

convey and warrant to

Kelly R. Malec, a single person, and Margaret J. Herring, a married person,

all the following REAL ESTATE in the County of LEAVENWORTH, and the State of Kansas, to-wit:

Lot 3, Dakota Hills, a subdivision in Leavenworth County, Kansas

AND

Lot 4, Dakota Hills, a subdivision in Leavenworth County, Kansas

for the sum of one dollar and other good and valuable consideration.

EXCEPT AND SUBJECT TO: Easements, restrictions and assessments of record, and all the taxes and assessments that may be levied, imposed or become payable hereafter.

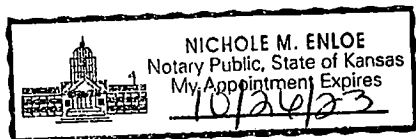
Dated this 11th day of March, 2020.

James H. McKinney
James H. McKinney

Priscilla C. McKinney
Priscilla C. McKinney

State of Kansas, County of LEAVENWORTH §

The foregoing instrument executed was acknowledged before me this 11th day of March, 2020,
by James H. McKinney and Priscilla C. McKinney, husband and wife.



Nichole M. Enloe
Notary Public

My appointment expires: _____

OWNER AUTHORIZATION

I/WE Kelly R Malec and Margaret Herring, hereby referred to as the "Undersigned", being of lawful age, do hereby on this 6 day of June, 2024, make the following statements, to wit:

1. I/We the Undersigned, on the date first above written, am the lawful, owner(s) in fee simple absolute of the following described real property
See Exhibit A attached hereto and incorporated herein by reference.
2. I/We the undersigned, have previously authorized and hereby authorize Neal Findeisen (Hereinafter referred to as "Applicant"), to act on my/our behalf for the purpose of making application with the Planning Office of Leavenworth County, Kansas, Lot 3 Dakota Drive, Leavenworth, KS 66048 (common address) the subject real property, or portion thereof, and which authorization includes, but is not limited to, all acts or things whatsoever necessarily required of Applicant in the application process.
3. I/We the Undersigned, hereby agree to protect, defend, indemnify and hold the Board of County Commissioners of Leavenworth County, Kansas, its officers employees and agents (hereinafter collectively referred to as the "County"), free and harmless from and against any and all claims, losses, penalties, damages, settlements, costs, charges, professional fees or other expenses or liabilities, whether false, fraudulent, meritless or meritorious, of every kind and character arising out of or relating to any and all claims, liens, demands, obligations, actions, proceedings, or causes of action of every kind and character (hereinafter "claims"), in connection with, relating to, or arising directly or indirectly out of this authorization and the actions taken by the Applicant and the County in reliance thereof. I, the Undersigned, hereby further agree to investigate, handle, respond to, provide defense for and defend any such claims at my sole expense and agree to bear all other costs at my sole expense and agree to bear all other costs and expenses related thereto, even if such claims are groundless, false or fraudulent.
4. It is understood that in the event the Undersigned is a corporation or partnership then the individual whose signature appears below for and on behalf of the corporation or partnership has in fact the authority to so bind the corporation or partnership to the terms and statements contained within this instrument.

IN WITNESS THEREOF, I, the Undersigned, have set my hand and seal below.

Kelly R Malec
Owner

Margaret Herring
Owner

STATE OF KANSAS
COUNTY OF LEAVENWORTH

The foregoing instrument was acknowledge before me on this 6 day of June, 2024,
by Kelly Malec + Margaret Herring.

My Commission Expires: 12/23/24

David Michael Green
Notary Public



June 6, 2024

I am currently in the process of trying to buy the property located at Lot 3, Dakota Dr, Leavenworth, Kansas 66048. Reasons for applying for a variance:

- A. A variance is being requested to be able to drill a well due to not having any other options for a water source for building a residence on the property. There is an attached letter from the city of Leavenworth stating that we are not able to gain access to the current water line that supplies the surrounding properties. The county currently does not service the area for water either.
- B. The surrounding properties are currently on a private line that has been recently taken over by the city, which we are not allowed to access as per attached letter. Drilling a well will not affect neighboring properties or their water source.
- C. Applicant is currently in the process of trying to purchase this property to use for building a residence. If a variance is not granted the lot will have no other way to access water.
- D. Granting the variance will not have any affect on public health, safety, morals, order, convenience, prosperity, or general welfare as it will have no affect on the neighboring properties.
- E. Granting the variance will not negatively impede the value of the adjoining properties and will not impact the spirit and intent of the zoning regulations.



Mr. Neal Findeisen,

It was a pleasure speaking with you this morning.

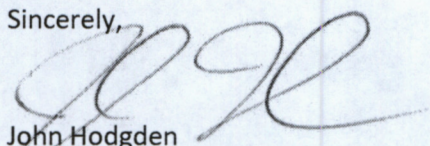
The parcel of land that we spoke of (0782800000046000) is located on the furthest west end of Dakota Drive. LVN Water has a 2" water line that currently serves 19 customers on Dakota Drive.

Due to the size of water line and the number of customers that it currently serves it is LVN Waterworks' position that any additional customers could cause a significant pressure loss during maximum consumption times that may be less than the required 20 psi limit set forth by the Kansas Department of Health and Environment.

As of this time Leavenworth Waterworks is unable to provide adequate water service to any additional customers on this parcel of land.

I will let you know if anything changes in the future that would allow additional customers in that area.

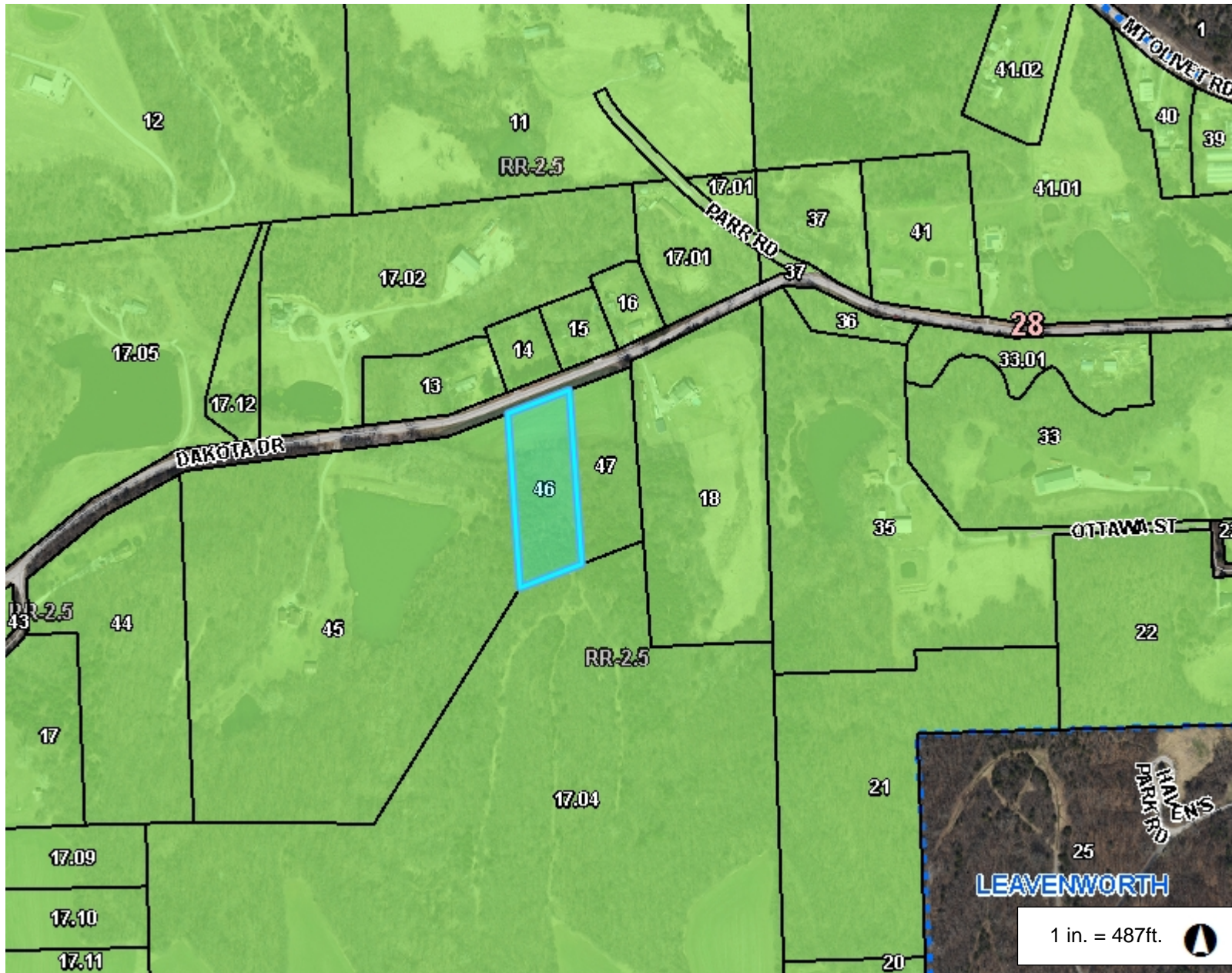
Sincerely,


John Hodgden
Distribution Manager

www.lvnwater.org

601 Cherokee Street
PO Box 576
Leavenworth, KS 66048
(913) 682-1513
(913) 628-0627 (fax)

ZONING MAP



Legend

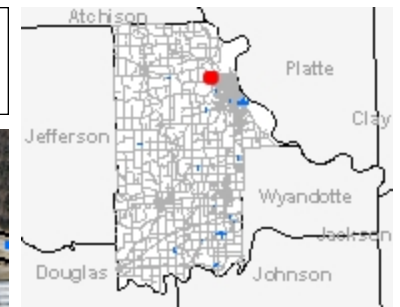
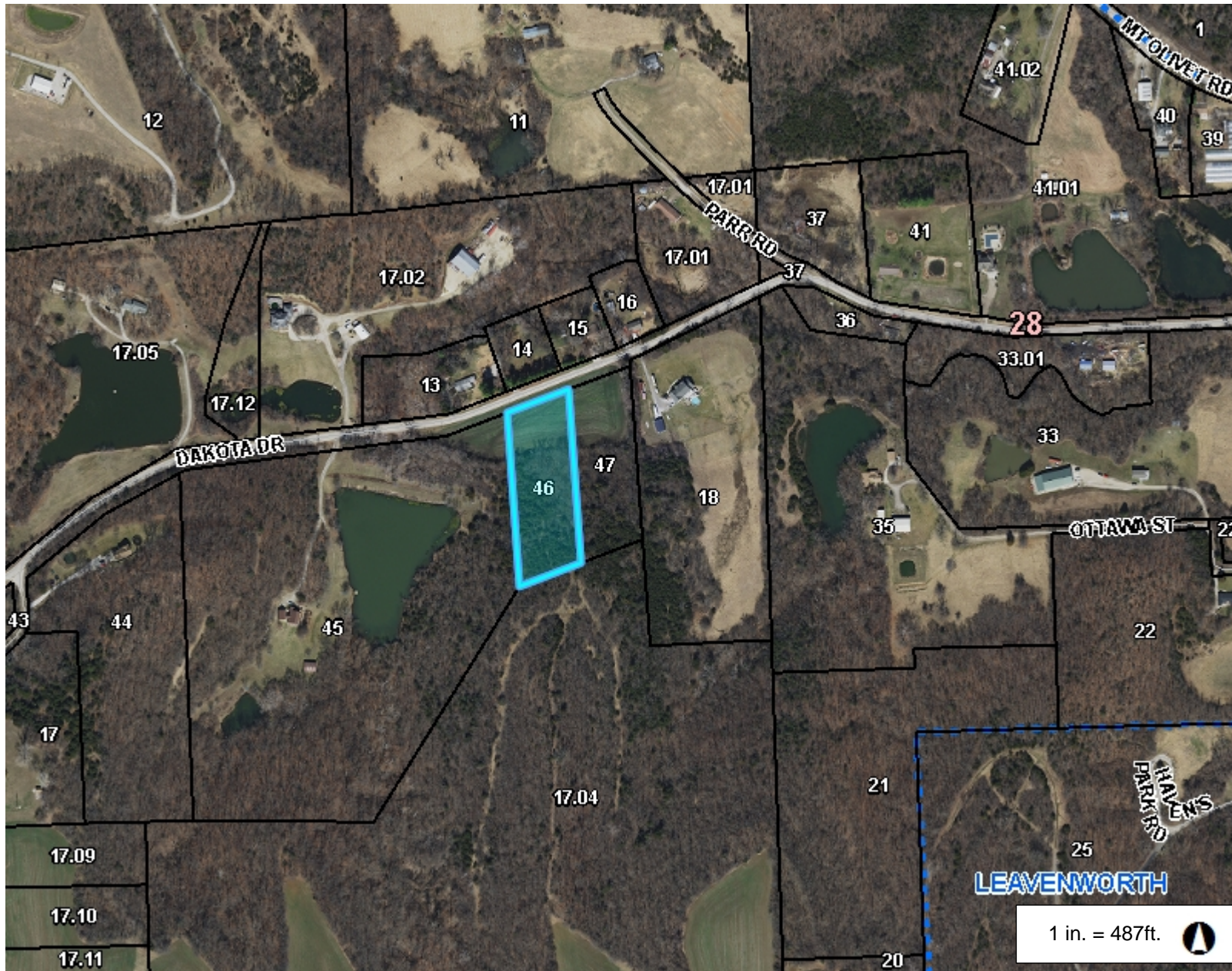
- Parcel Number
- Parcel
- City Limit Line
- Major Road
 - <all other values>
 - 70
- Road
 - <all other values>
 - PRIVATE
- Railroad
- Section
- Section Boundaries
- County Boundary
- Zoning
 - B-1
 - B-2
 - B-3
 - I-1
 - I-2
 - I-3
 - MXD
 - PC
 - PI
 - PR-1
 - PR-2
 - PR-3

Notes

This Cadastral Map is for informational purposes only. It does not purport to represent a property boundary survey of the parcels shown and shall not be used for conveyances or the establishment of property boundaries.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

VICINITY MAP



Legend

- Parcel Number
- Parcel
- City Limit Line
- Major Road
 - <all other values>
 - 70
- Road
 - <all other values>
 - PRIVATE
- Railroad
- Section
- Section Boundaries
- County Boundary

Notes

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THIS MAP IS NOT TO BE USED FOR NAVIGATION

Allison, Amy

From: Schweitzer, Joshua
Sent: Thursday, June 13, 2024 3:12 PM
To: Allison, Amy
Subject: FW: DEV-24-069 BZA Variance Lot 3 Dakota Hills

v / r

Joshua J. Schweitzer
Development Planner
Leavenworth County Planning & Zoning
300 Walnut St, Suite 212
Leavenworth County, Kansas 66048
(913) 684-0465

From: McAfee, Joe <JMcAfee@leavenworthcounty.gov>
Sent: Thursday, June 13, 2024 3:12 PM
To: Schweitzer, Joshua <JSchweitzer@leavenworthcounty.gov>
Subject: RE: DEV-24-069 BZA Variance Lot 3 Dakota Hills

Josh,
Public Works Engineering has no comments on the BZA.

From: Schweitzer, Joshua <JSchweitzer@leavenworthcounty.gov>
Sent: Friday, June 7, 2024 2:21 PM
To: Magaha, Chuck <cmagaha@lvsheriff.org>; Van Parys, David <DVanParys@leavenworthcounty.gov>; Brown, Misty <MBrown@leavenworthcounty.gov>; Noll, Bill <BNoll@leavenworthcounty.gov>; McAfee, Joe <JMcAfee@leavenworthcounty.gov>; 'johnmcevoysr@yahoo.com' <johnmcevoysr@yahoo.com>
Cc: PZ <PZ@leavenworthcounty.gov>
Subject: DEV-24-069 BZA Variance Lot 3 Dakota Hills

The Department of Planning and Zoning has received a request for a Variance from the Leavenworth County Sanitary Code Chapter 5, Article 2, Section 2.

The Planning Staff would appreciate your written input in consideration of the above request. Please review the attached information and forward any comments to us by 21 June.

If you have any questions or need additional information, please contact me at (913) 684-0465 or at pz@leavenworthcounty.gov

v / r

Joshua J. Schweitzer
Development Planner
Leavenworth County Planning & Zoning
300 Walnut St, Suite 212
Leavenworth County, Kansas 66048

Allison, Amy

From: Arthur Forbes <forbesusarmy76@gmail.com>
Sent: Tuesday, July 2, 2024 2:30 PM
To: Jacobson, John; Allison, Amy
Subject: DEV-24-069 & DEV-24-070

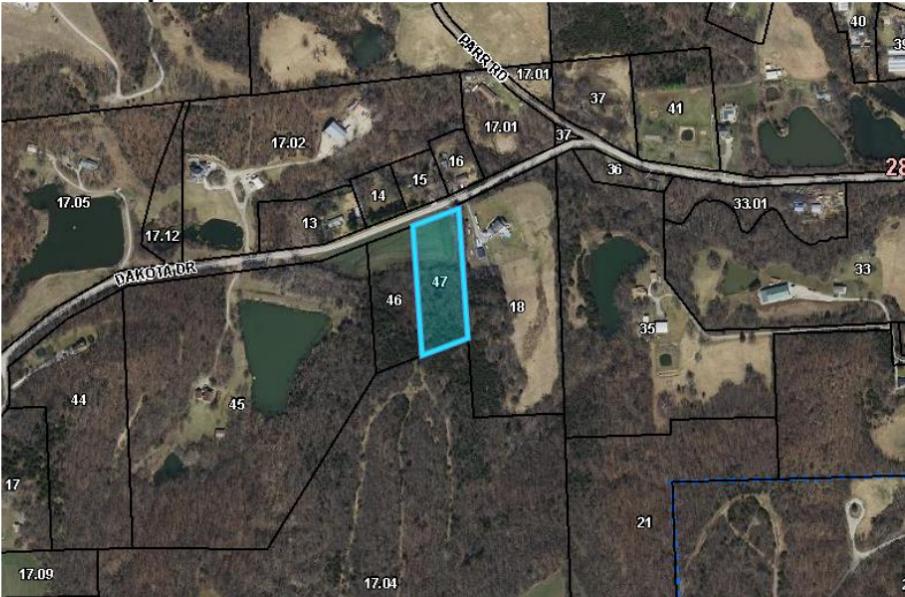
Notice: This email originated from outside this organization. Do not click on links or open attachments unless you trust the sender and know the content is safe.

To Whom It May Concern:

I am writing this letter in opposition to the proposed bypass of Leavenworth County's current zoning statutes which requires 5 acres or more to build and access a well. I understand that they want to cut the current requirements in half to build and access a well. I feel in time these builders would try to then be added onto to the current City water line which is already at full capacity with no room to add any additional households. I also feel by circumventing the current zoning guidelines this will negatively affect my property values.

Sincerely,

A.Forbes

<div> <div> <div>LEAVENWORTH COUNTY</div> <div>BOARD OF ZONING APPEALS</div> <div>STAFF REPORT</div> </div> </div>	
<div> <div>CASE NO: DEV-24-070 Findeisen Water Well (PUBLIC HEARING REQUIRED)</div> <div>July 10, 2024</div> </div>	
<div> <div>REQUEST: Variance from Zoning and Subdivision Regulations Article 50, Section 20, Utility Requirements and Leavenworth County Sanitary Code, Chapter 5, Water Supply, Article 2, Section I</div> </div>	<div> <div>STAFF REPRESENTATIVE:</div> <div>AMY ALLISON</div> <div>DEPUTY DIRECTOR</div> </div>
<div> <div>SUBJECT PROPERTY: 00000 Dakota Drive</div> <div>FUTURE LAND USE: Residential (3 units/acre)</div> <div>  </div> </div>	<div> <div>APPLICANT/APPLICANT AGENT:</div> <div>NEAL FINDEISEN</div> <div>16354 DANA LANE</div> <div>LEAVENWORTH KS 66048</div> <div>PROPERTY OWNER:</div> <div>KELLY MALEC & MARGARET HERRING</div> <div>CONCURRENT APPLICATIONS:</div> <div>DEV-24-070</div> <div>LAND USE</div> <div>ZONING: RR-2.5</div> <div>FUTURE LAND USE DESIGNATION: RESIDENTIAL 3/ACRE</div> <div>SUBDIVISION: DAKOTA HILLS</div> <div>FLOODPLAIN: N/A</div> </div>
<div> <div>LEGAL DESCRIPTION:</div> <div>Lot 4, Dakota Hills, a subdivision in Leavenworth County, Kansas.</div> </div>	
<div> <div>ACTION OPTIONS:</div> <div> <div>1. Approve Case No DEV-24-070, variance from Article 50, Section 20, Utility Requirements and Leavenworth County Sanitary Code, Chapter 5, Water Supply, Article 2, Section I; or</div> <div>2. Denial of Case No DEV-24-070, variance from Article 50, Section 20, Utility Requirements and Leavenworth County Sanitary Code, Chapter 5, Water Supply, Article 2, Section I; or</div> <div>3. Continue the hearing to another date, time, and place.</div> </div> </div>	<div> <div>PROPERTY INFORMATION</div> <div>PARCEL SIZE: 2.53 ACRES</div> <div>PARCEL ID NO:</div> <div>078-28-0-00-00-047.00</div> <div>BUILDINGS:</div> <div>N/A</div> </div>
<div> <div>Location Map:</div> <div>  </div> </div>	<div> <div>ACCESS/STREET:</div> <div>DAKOTA DRIVE</div> <div>LOCAL ±22' WIDE, PAVED</div> <div>UTILITIES</div> <div>SEWER: SEPTIC</div> <div>FIRE: KICKAPOO</div> <div>WATER: LEAVENWORTH CITY</div> <div>ELECTRIC: EVERGY</div> <div>NOTICE & REVIEW:</div> <div>STAFF REVIEW: 6/14/2024</div> <div>NEWSPAPER NOTIFICATION: 6/18/2024</div> <div>NOTICE TO SURROUNDING PROPERTY OWNERS: 6/17/2024</div> </div>

FACTORS TO BE CONSIDERED:	
<i>A request for a variance may be granted in such individual case upon finding that all of the following conditions have been met (KS Statute 12-759)</i>	
<p>1. <i>The variance requested arises from such condition which is unique and which is not ordinarily found in the same zoning classification, and is created by the zoning regulations and not by an action of the property owner or the applicant;</i></p> <p>The property in question is a platted lot from 2006 that has not been developed. The property is serviced by the City of Leavenworth and dependent upon the existing infrastructure on Dakota Drive. The City submitted a letter to the applicant stating that they will not be able to provide service to any new meters at this time.</p>	
<p>2. <i>The granting of the variance will not adversely affect the rights of adjacent property owners or residents;</i></p> <p>Per the applicant's narrative, all neighboring properties currently receive their service from Leavenworth Waterworks. As their water service is already installed, any impacts to surrounding property owners will be minimized.</p>	
<p>3. <i>The strict application of the provisions of the zoning regulations of which variance is requested will constitute unnecessary hardship upon the property owner represented in the application:</i></p> <p>The regulations that the applicant is requesting a variance from requires water service to a lot less than 5 acres to be from a public water source. This property is located within the Leavenworth Waterworks service area. Waterworks has indicated that they cannot provide service to additional lots at this time. Without water access the platted lots cannot be built on.</p>	
<p>4. <i>The variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare; and;</i></p> <p>The applicant is requesting to obtain a variance from the water well minimum lot standards. The water well will still need to meet all required setbacks from lateral fields and septic tanks once built on. Should the applicant be able to maintain those setbacks, the impact to public health and safety will be minimized. The request should not affect the public's morals, order, convenience, prosperity or general welfare.</p>	
<p>5. <i>Granting the variance desired will not be opposed to the general spirit and intent of the zoning regulations</i></p> <p>The purpose of the Zoning Regulations and Sanitary Code is to allow for the public to develop their property with minimum standards to reduce any impacts to the public health and well-being. The intent of the regulation is to allow for spacing from water contamination sources and to reduce users on existing ground water sources. The applicant must still meet other standards that are designed to limit contamination of ground water and affect surrounding property owners.</p>	

STAFF COMMENTS:

Dakota Hills was platted in 2006 and at the time of platting, no concerns were raised about the availability of water. The applicant is requesting a variance from the 5 acre minimum parcel size requirement due to the inability to receive service from the public water provider for their area. No other public water providers are available. To be able to build on the lots, the applicant must either drill a well or have potable water transported on site. The State of Kansas does not have a minimum parcel size for drilling wells. The County does have additional standards, i.e. setback and spacing requirements from septic systems and water wells (100 ft), that will need to be maintained if the request is approved.

ATTACHMENTS:

A: Application & Narrative

B: Zoning Map

C: Location Map

D: Memorandums

E: Neighbor Comments

BOARD OF ZONING APPEALS APPLICATION

Leavenworth County Planning and Zoning
300 Walnut, Suite 212
Leavenworth, Kansas 66048
913-684-0465

JUN 07 2024

cc 300⁰⁰

Dakota Hills lot 4
2.70 453 Energy
no water

Office Use Only

Case No. DEV-24-070
PID: 078-28 047.00
Township Kickapoo
BZA Hearing Date _____
ACTION Well - not 5 acres Date Received 06.07.2024 Date Paid 06.07.2024
Zoning District RR 2.5
Comprehensive Plan land use designation 3 acre min

APPLICANT/AGENT INFORMATION**OWNER INFORMATION (If different)**

NAME Logan & Kaitlin Findeisen
ADDRESS 1408 Columbia Ave
CITY/ST/ZIP Leavenworth, KS 66048
PHONE 913-683-9945
EMAIL findlogan007@gmail.com

NAME Kelly Malec & Margaret Herring
ADDRESS 515 Osage St
CITY/ST/ZIP Leavenworth, KS 66048
PHONE _____
EMAIL _____

GENERAL INFORMATION

Description of Appeal or Variance – Attach narrative addressing the Factor to be Considered (last page of application packet) to this application.

PROPERTY INFORMATION

Address of Property Lot 4 Dakota Drive, Leavenworth, KS 66048
Parcel size 2.74 Lot width: 209.1 Lot depth: 550
Present improvements or structures None
Current use of the property? Agriculture

I, the undersigned, am the (circle one) owner/authorized agent, of the aforementioned property situated in the unincorporated portion of Leavenworth County, Kansas. By execution of my signature, I do hereby officially apply for an appeal/variance as indicated above.

Signature Logan Findeisen Kaitlin Findeisen Date 6/6/24

ATTACHMENT A

Doc #: 2020R02062
STACY R. DRISCOLL
REGISTER OF DEEDS
LEAVENWORTH COUNTY, KANSAS
RECORDED ON:
03/12/2020 10:07:12 AM
RECORDING FEE: 38.00
PAGES: 2

Entered in the transfer record in my office this
12 day of Mar, 2020
Stacy R. Driscoll
County Clerk
by B. Y. Drake

Please return to:

Kansas Secured Title
360 Santa Fe Street
Leavenworth, KS 66048
TX0014541

GENERAL WARRANTY DEED
(Statutory)

James H. McKinney and Priscilla C. McKinney, husband and wife

convey and warrant to

Kelly R. Malec, a single person, and Margaret J. Herring, a married person,

all the following REAL ESTATE in the County of LEAVENWORTH, and the State of Kansas, to-wit:

Lot 3, Dakota Hills, a subdivision in Leavenworth County, Kansas

AND

Lot 4, Dakota Hills, a subdivision in Leavenworth County, Kansas

for the sum of one dollar and other good and valuable consideration.

EXCEPT AND SUBJECT TO: Easements, restrictions and assessments of record, and all the taxes and assessments that may be levied, imposed or become payable hereafter.

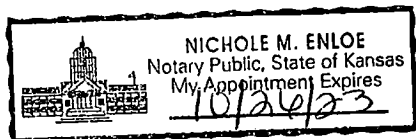
Dated this 11th day of March, 2020.

James H. McKinney
James H. McKinney

Priscilla C. McKinney
Priscilla C. McKinney

State of Kansas, County of LEAVENWORTH §

The foregoing instrument executed was acknowledged before me this 11th day of March, 2020,
by James H. McKinney and Priscilla C. McKinney, husband and wife.



Nichole M. Enloe
Notary Public

My appointment expires: _____

OWNER AUTHORIZATION

I/WE Kelly R Malec and Margaret Herring, hereby referred to as the
"Undersigned", being of lawful age, do hereby on this 6 day of June, 2024, make the following
statements, to wit:

1. I/We the Undersigned, on the date first above written, am the lawful, owner(s) in fee simple absolute of the following described real property

See Exhibit A attached hereto and incorporated herein by reference.
2. I/We the undersigned, have previously authorized and hereby authorize Kaitlin M Findeisen & Logan N Findeisen (Hereinafter referred to as "Applicant"), to act on my/our behalf for the purpose of making application with the Planning Office of Leavenworth County, Kansas, Lot 4 Dakota Drive, Leavenworth, KS 66048 (common address) the subject real property, or portion thereof, and which authorization includes, but is not limited to, all acts or things whatsoever necessarily required of Applicant in the application process.
3. I/We the Undersigned, hereby agree to protect, defend, indemnify and hold the Board of County Commissioners of Leavenworth County, Kansas, its officers employees and agents (hereinafter collectively referred to as the "County"), free and harmless from and against any and all claims, losses, penalties, damages, settlements, costs, charges, professional fees or other expenses or liabilities, whether false, fraudulent, meritless or meritorious, of every kind and character arising out of or relating to any and all claims, liens, demands, obligations, actions, proceedings, or causes of action of every kind and character (hereinafter "claims"), in connection with, relating to, or arising directly or indirectly out of this authorization and the actions taken by the Applicant and the County in reliance thereof. I, the Undersigned, hereby further agree to investigate, handle, respond to, provide defense for and defend any such claims at my sole expense and agree to bear all other costs at my sole expense and agree to bear all other costs and expenses related thereto, even if such claims are groundless, false or fraudulent.
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Kelly Malec
Owner

Margaret Herring
Owner

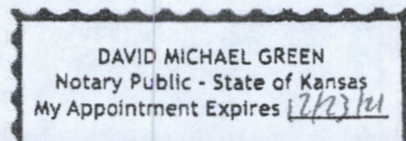
STATE OF KANSAS
COUNTY OF LEAVENWORTH

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by Kelly Malec & Margaret Herring

My Commission Expires: 12/23/24

David Michael Green
Notary Public



June 6, 2024

We are currently in the process of trying to buy the property located at Lot 4, Dakota Dr, Leavenworth, Kansas 66048. Reasons for applying for a variance:

- A. A variance is being requested to be able to drill a well due to not having any other options for a water source for building a residence on the property. There is an attached letter from the city of Leavenworth stating that we are not able to gain access to the current water line that supplies the surrounding properties. The county currently does not service the area for water either.
- B. The surrounding properties are currently on a private line that has been recently taken over by the city, which we are not allowed to access as per attached letter. Drilling a well will not affect neighboring properties or their water source.
- C. Applicant is currently in the process of trying to purchase this property to use for building a residence. If a variance is not granted the lot will have no other way to access water.
- D. Granting the variance will not have any affect on public health, safety, morals, order, convenience, prosperity, or general welfare as it will have no affect on the neighboring properties.
- E. Granting the variance will not negatively impede the value of the adjoining properties and will not impact the spirit and intent of the zoning regulations.

A Minor Subdivision in Southwest Quarter of
Section 28, Township 8 South,
Range 22 East of the 6th P.M.,
Leavenworth County, Kansas.

[illegible]

An undersigned purveyor tells that all traces of the above described kind of food have been paid off and that they cannot be sold further in the manner shown on the accompanying bill, which indication shall be known as DAKOTA HELL.

Comments shown on this bill are hereby dedicated for public use, the terms of which are always well defined from the accompanying plot, and said community may be employed to build and maintain peace, water supply, roads and other things that may be needed by the public over the course of time.

The date and place where the ship reached today is given by the public over the course of time.

Dated at _____, this _____ day of _____, 19____.

Signed _____

Witness _____

_____ Secretary General

ing (John or Robert Jones (JRL)) can easily establish on shows on the radio, television, or in the newspaper that he has been or is currently being interviewed by the press. He can also easily establish that he has been or is currently being interviewed by the press. He can also easily establish that he has been or is currently being interviewed by the press.

[illegible][illegible]

COUNTY ENGINEER'S AFFIDAVIT:
County Engineer's plan review is only for general conformance with the Uniform Building Code. The County Engineer does not issue a subdivision map. The County is not responsible for the accuracy and adequacy of the design, construction, elevations, and quantities.

No. 14, 15th
 County Engineer - Bill Green, P.E.
 COUNTY COMMISSIONERS APPROVED:
 the Board of County Commissioners of Leavenworth County, Kansas, do hereby approve
 the DRAFT OF COUNTY COMMISSIONERS, this _____ day of August, 2008.
 Signed: _____
 County Clerk
 Attest: Linda Schaefer

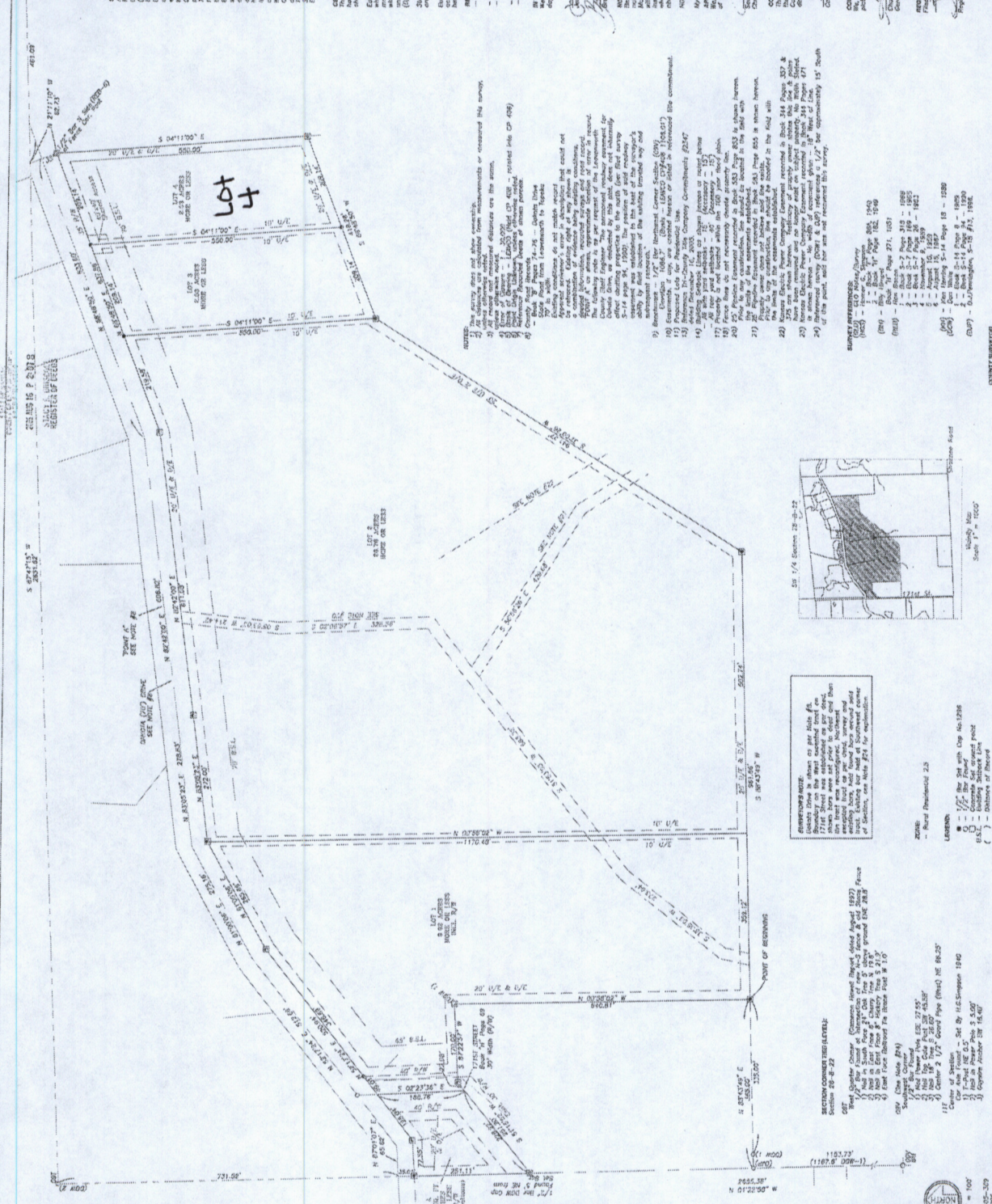
STATE OF MISSISSIPPI
 is for Shroud in Page 116 Page 83 on this 16th day of August
 1977 a check \$25 to the Office of the Registrar of Records of Lumberton County,
 North Carolina.
 James H. Russell, Jr. Clerk
 State of Texas - Shroud County

Plaintiff
 00-017704
 of Charlotte
 00-017705

under my Great-grandson, on the
 date of December 2005. My May 2006
 plot is correct to the best of my knowl-
 edge.
 Not prepared June 13, 2006
 Revised July 20, 2006
 Field work completed July 20, 2006

RECEIVED
 JUL 20 2006
 CLERK OF SUPERIOR COURT
 CHANDLER, ARIZONA

1000 JOURNAL OF CLIMATE

[illegible]



Mr. Logan Findeisen,

It was a pleasure speaking with you this morning.

The parcel of land that we spoke of (0782800000047000) is located on the furthest west end of Dakota Drive. LVN Water has a 2" water line that currently serves 19 customers on Dakota Drive.

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As of this time Leavenworth Waterworks is unable to provide adequate water service to any additional customers on this parcel of land.

I will let you know if anything changed in the future that would allow additional customers in that area.

Sincerely,

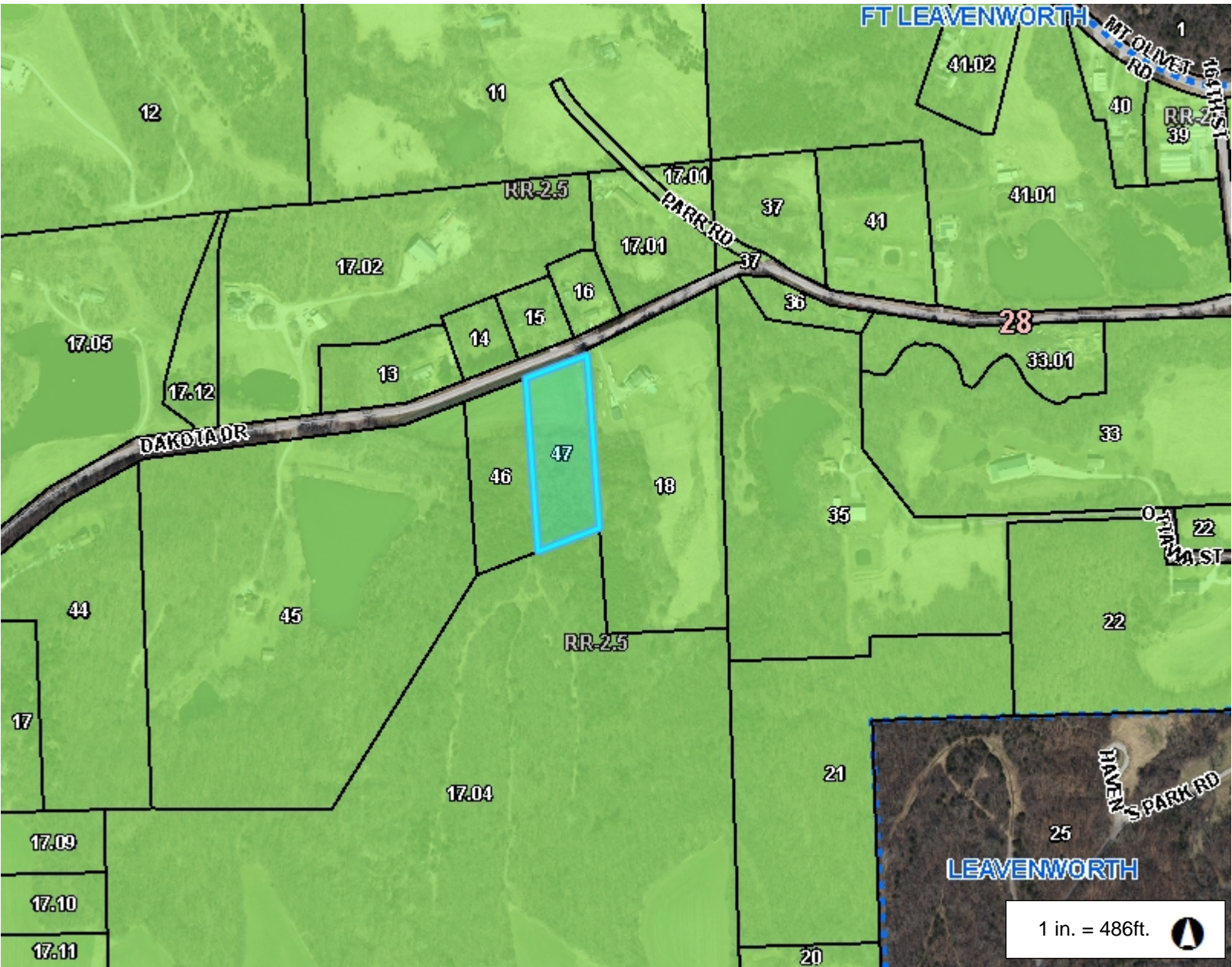
A handwritten signature in dark ink, appearing to read 'J. Hodgden'. The signature is fluid and cursive, with a large loop at the end.

John Hodgden
Distribution Manager

www.lvnwater.org

601 Cherokee Street
PO Box 576
Leavenworth, KS 66048
(913) 682-1513
(913) 628-0627 (fax)

ZONING MAP



Legend

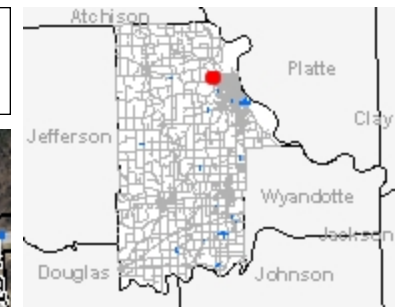
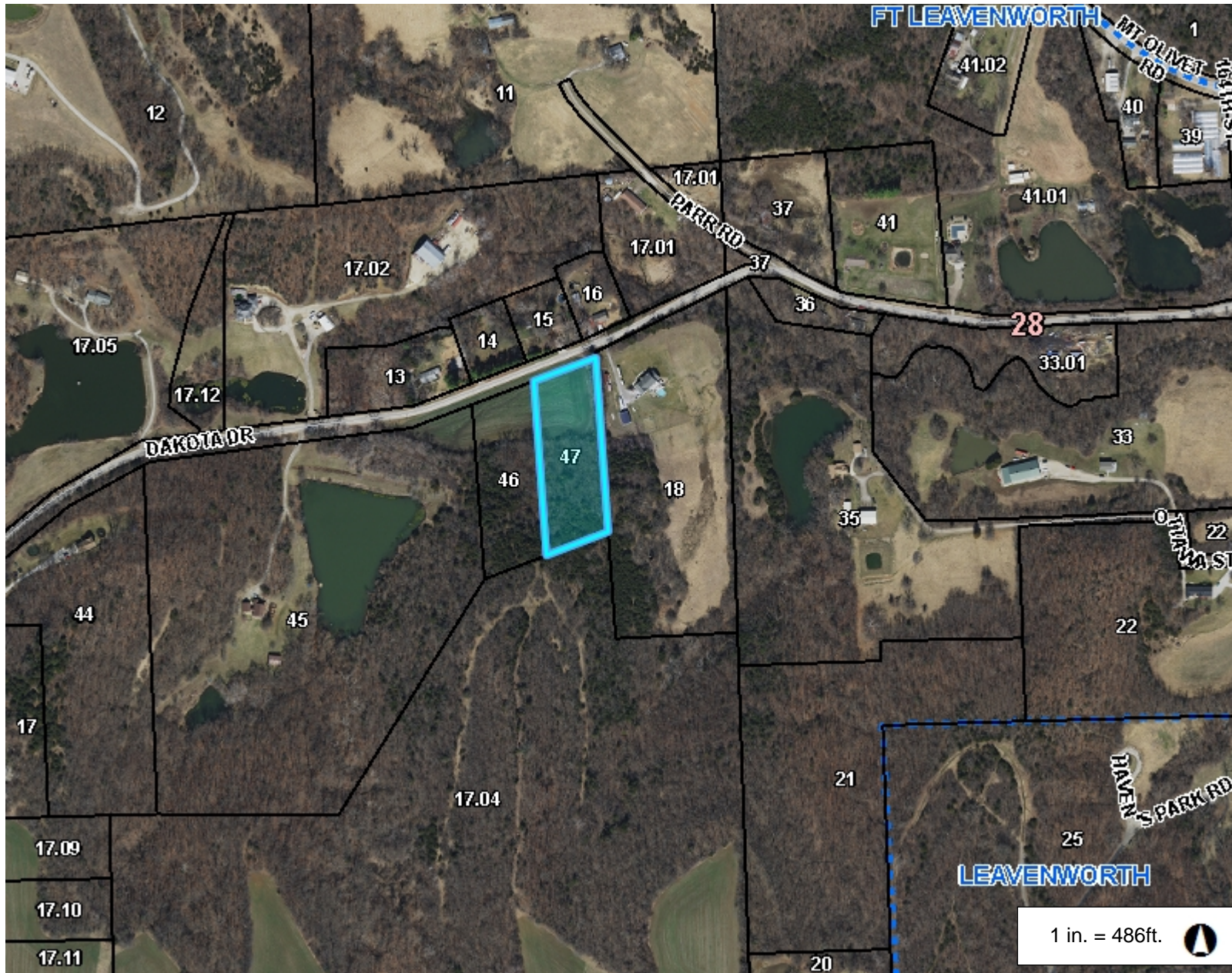
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 - PR-1
 - PR-2
 - PR-3

Notes

971.8 0 485.88 971.8 Feet

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VICINITY MAP



Legend

- Parcel Number
- Parcel
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- Major Road
 - <all other values>
 - 70
- Road
 - <all other values>
 - PRIVATE
- +
- Railroad
- Section
- Section Boundaries
- County Boundary

1 in. = 486ft.



971.8 0 485.88 971.8 Feet

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Sent: Thursday, June 13, 2024 3:12 PM
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v / r

Joshua J. Schweitzer
Development Planner
Leavenworth County Planning & Zoning
300 Walnut St, Suite 212
Leavenworth County, Kansas 66048
(913) 684-0465

From: McAfee, Joe <JMcAfee@leavenworthcounty.gov>
Sent: Thursday, June 13, 2024 3:12 PM
To: Schweitzer, Joshua <JSchweitzer@leavenworthcounty.gov>
Subject: RE: DEV-24-070 BZA Variance Lot 4 Dakota Hills

Josh,
Public Works Engineering has no comment on the BZA.

From: Schweitzer, Joshua <JSchweitzer@leavenworthcounty.gov>
Sent: Friday, June 7, 2024 2:22 PM
To: Magaha, Chuck <cmagaha@lvsheriff.org>; Van Parys, David <DVanParys@leavenworthcounty.gov>; Brown, Misty <MBrown@leavenworthcounty.gov>; Noll, Bill <BNoll@leavenworthcounty.gov>; McAfee, Joe <JMcAfee@leavenworthcounty.gov>; 'johnmcevoysr@yahoo.com' <johnmcevoysr@yahoo.com>
Cc: PZ <PZ@leavenworthcounty.gov>
Subject: DEV-24-070 BZA Variance Lot 4 Dakota Hills

The Department of Planning and Zoning has received a request for a Variance from the Leavenworth County Sanitary Code Chapter 5, Article 2, Section 2.

The Planning Staff would appreciate your written input in consideration of the above request. Please review the attached information and forward any comments to us by 21 June.

If you have any questions or need additional information, please contact me at (913) 684-0465 or at pz@leavenworthcounty.gov

v / r

Joshua J. Schweitzer
Development Planner
Leavenworth County Planning & Zoning
300 Walnut St, Suite 212
Leavenworth County, Kansas 66048

Allison, Amy

From: Arthur Forbes <forbesusarmy76@gmail.com>
Sent: Tuesday, July 2, 2024 2:30 PM
To: Jacobson, John; Allison, Amy
Subject: DEV-24-069 & DEV-24-070

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To Whom It May Concern:

I am writing this letter in opposition to the proposed bypass of Leavenworth County's current zoning statutes which requires 5 acres or more to build and access a well. I understand that they want to cut the current requirements in half to build and access a well. I feel in time these builders would try to then be added onto to the current City water line which is already at full capacity with no room to add any additional households. I also feel by circumventing the current zoning guidelines this will negatively affect my property values.

Sincerely,

A.Forbes