

## LEAVENWORTH COUNTY PLANNING COMMISSION

Agenda for a Regular Meeting of 5:30 P.M., Wednesday, May 14, 2025  
County Courthouse - 300 Walnut Street - Leavenworth, Kansas 66048

[www.leavenworthcounty.gov](http://www.leavenworthcounty.gov)

1. **Call to Order**

2. **Pledge of Allegiance**

3. **Roll Call**

4. **Approval of Minutes**

5. **Secretary's Report**

6. **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

7. **Approval of Agenda**

8. **Consent Agenda**

**A. Case DEV-25-003/004 Preliminary and Final Plat – Peterson Acres 2<sup>nd</sup> Plat**

Consideration of a Preliminary and Final Plat for a tract of land in the Southwest Quarter of the Northwest Quarter of Section 24, Township 11 South, Range 20 East of the 6<sup>th</sup> P.M., Leavenworth County, Kansas.

**Also known as 00000 246<sup>th</sup> Street**

**PID: 206-24-0-00-00-008.00**

**B. Case DEV-25-029 Preliminary Plat – Papa Ponderosa**

Consideration of a Preliminary Plat for a tract of land in the Northeast Quarter of Section 17, Township 11 South, Range 22 East of the 6<sup>th</sup> P.M., Leavenworth County, Kansas.

**Also known as 00000 Evans Road**

**PID: 184-17-0-00-00-003.00**

9. **Regular Agenda**

**A. Case DEV-25-017/018 Preliminary and Final Plat – Schram Estates**

Consideration of a Preliminary and Final Plat for a tract of land in the Northwest Quarter of Section 4, Township 12 South, Range 22 East of the 6<sup>th</sup> P.M., Leavenworth County, Kansas.

**Also known as 14445 170<sup>th</sup> Street**

**PID: 232-04-0-00-02-025.00**

**B. Case DEV-25-027 Boundary Line Adjustment – Miller/Watson**

Consideration of a Boundary Line Adjustment for tracts of land in the Northeast Quarter of Section 24, Township 9 South, Range 21 East of the 6<sup>th</sup> P.M., Leavenworth County, Kansas.

**Also known as 26447 187<sup>th</sup> Street & 26567 187<sup>th</sup> Street**

**PID: 116-24-0-00-00-001.00 & 116-24-0-00-00-001.01**



**C. Case DEV-25-030/031 Preliminary and Final Plat – Wren Meadows**

Consideration of a Preliminary and Final Plat for a tract of land in the Northeast Quarter of Section 14, Township 11 South, Range 20 East of the 6<sup>th</sup> P.M., Leavenworth County, Kansas.

**Also known as 00000 Evans Road**

**PID: 206-14-0-00-00-001.00**

**D. Case DEV-25-032/033 Preliminary and Final Plat – Carolina Wren Estates**

Consideration of a Preliminary and Final Plat for a tract of land in the Southeast Quarter of Section 32, Township 9 South, Range 23 East of the 6<sup>th</sup> P.M., Leavenworth County, Kansas.

**Also known as 24675 Wolcott Road**

**PID: 099-32-0-00-00-016.00**

**E. Case DEV-25-035 Boundary Line Adjustment – Limestone Land Company LLC**

Consideration of a Boundary Line Adjustment for tracts of land in the North Half of Section 16, Township 9 South, Range 22 East of the 6<sup>th</sup> P.M., Leavenworth County, Kansas.

**Also known as 00000 & 00000 Tonganoxie Road**

**PID: 105-16-0-00-00-001.01 & 105-16-0-00-00-001.04**

**F. Case DEV-25-022 Rezoning - Tuttle**

Consideration of a rezoning request from RR-2.5 zoning district to R-1(43) zoning on the following described property: A tract of land in the southeast quarter of Section 33, Township 10 South, Range 22 East of the 6<sup>th</sup> p.m., in Leavenworth County, Kansas, prepared by Roger B Dill pls 1408 dated February 17th, 2025; being more particularly described as follows: Commencing at the Southeast corner of Section 33; thence North 00°55'55" West, along the east line of the Southeast quarter of said Section 33, a distance of 659.91 feet, to the point of beginning of the herein described tract; thence north 00°55'55" West, a distance of 157.85 feet; thence South 88°07'22" West, a distance of 414.33 feet; thence South 01°51'34" East, a distance of 159.58 feet, to a point on the South line of the North half of the southeast quarter of said southeast quarter; thence North 87°52'40" East, a distance of 411.78 feet, to the point of beginning.

**Also known as 19701 163<sup>rd</sup> St**

**PID: 158-33-0-00-00-044.00**

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

**\*\*\*Public Comment limited to five minutes per person\*\*\***

**G. Case DEV-25-038 Rezoning - Breidenthal**

Consideration of a rezoning request from RR-5 zoning district to RR-2.5 zoning on the following described property: All that part of the West Half of the Northwest Quarter of Section 33, Township 11 South, Range 22 East of the 6<sup>th</sup> P.M. lying South of Kansas Highway 32, as written by Joseph A. Herring PS-1296 on April 14, 2025, Leavenworth County, Kansas, Together with and subject to covenants, easements, and restrictions of record.

**Also known as 15212 174<sup>th</sup> Street**

**PID: 188-33-0-00-00-002.01**

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

**\*\*\*Public Comment limited to five minutes per person\*\*\***

**Adjournment of Planning Commission**



## 10. Board of Zoning Appeals

## 11. Roll Call

## 12. Regular Agenda

### A. Case DEV-25-028 Variance - Schultz

Consideration of a Variance request from Article 20, Section 6 of the Leavenworth County Zoning & Subdivision Regulations on the following described property: Lot 1, Crosby Addition, Leavenworth County, Kansas.

**Also known as 16042 Linwood Road**

**PID: 188-27-0-00-00-004.13**

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

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

### Adjournment of the Board of Zoning Appeals

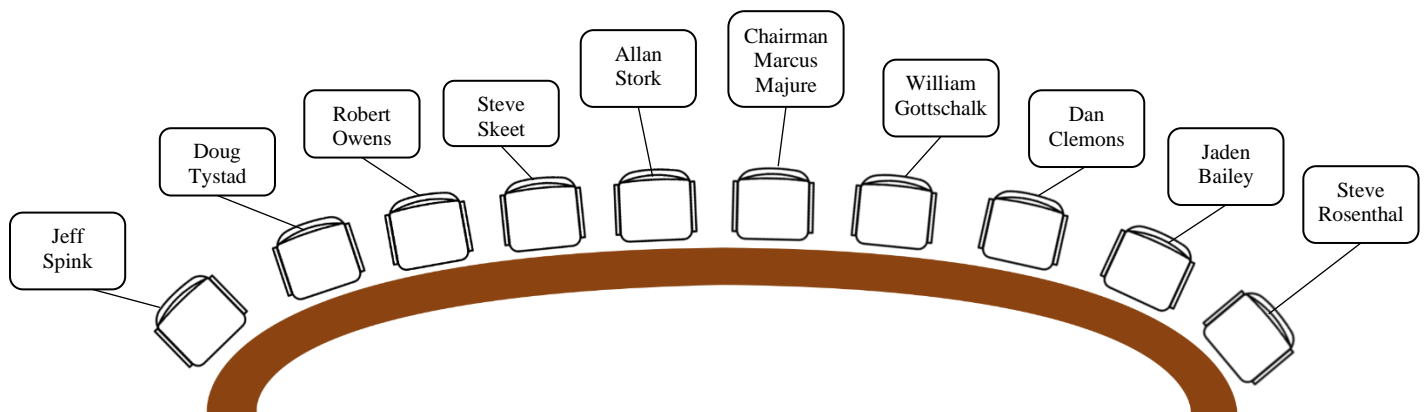
### Upcoming meeting dates:

**Wednesday, June 11, 2025, 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 Dawn Chamberlain – 913-684-0465

Planning Commission Seating Chart 2025





LEAVENWORTH COUNTY PLANNING COMMISSION  
MINUTES OF THE REGULAR MEETING  
April 9, 2025

*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:** Jaden Bailey, Allan Stork, William Gottschalk, Jeff Spink, Doug Tystad, Robert Owens, Marcus Majure, Steve Skeet and Dan Clemons

**Members absent:** Steve Rosenthal

**Staff present:** John Jacobson-Director, Amy Alison-Deputy Director, Josh Schweitzer-Development Planner, Misty Brown-County Counselor, Jon Khalil, Deputy County Counselor

**Approval of Minutes**

Commissioner Stork made a motion to approve the minutes. Commissioner Clemons seconded the motion.

**ROLL CALL VOTE - Motion to approve the minutes passed, 8/0 (1 absent)**

**Secretary's Report.** Amy Allison indicated there is one item on the Consent Agenda and three items on the Regular Agenda, along with one study session.

**Declarations.** None.

**Approval of Agenda**

Commissioner Stork made a motion to approve the agenda. Commissioner Gottschalk seconded the motion.

**ROLL CALL VOTE - Motion to approve the agenda passed, 8/0 (1 absent)**

**Regular Agenda**

**A. Case DEV-24-097/098 Preliminary and Final Plat – Crosby Addition No 2**

Consideration of a Preliminary and Final Plat for Lot 1, Crosby Addition and a tract of Land in the Southeast Quarter of Section 27, Township 11 South, Range 22 East of the 6<sup>th</sup> P.M., Leavenworth County, Kansas.

**Also known as 16042 & 16120 Linwood Rd**

**Staff's Report:** Josh Schweitzer gave the staff report. The request requires an Exception for the lot depth to the lot width for Lot #2. The lot exceeds the requirement by approximately 460 feet.

Krystal Voth, Atlas Consulting, stated that her client wishes to acquire additional land near their property. Their request is within the zoning regulations.

Commissioner Tystad made a motion to approve the Exception based upon all three criteria have been met. Commissioner Clemons seconded the motion.

**ROLL CALL VOTE - Motion to approve the agenda passed, 8/0 (1 absent).**

Commissioner Clemons made a motion to approve the preliminary plat and final plat based upon its compliance with the zoning and subdivision regulations. Commissioner Tystad seconded the motion.



**ROLL CALL VOTE - Motion to approve the agenda passed, 8/0 (1 absent).**

**B. Case DEV-25-013 Lot Split – Smith's Corner**

Consideration of a Lot Split for Lot 1, Smith's Corner, a subdivision of land in Leavenworth County, Kansas.

**Also known as 19575 Mitchell Rd**

Josh Schweitzer gave the report stating the applicant is requesting an Exception for the lot depth to the lot width ratio. The applicants are requesting to split a 5-acre lot into two 2.5 acre lots. The access is restricted on Tonganoxie Drive which would require both lots to access off of Mitchell Road.

Commissioner Tystad asked staff to clarify how we justify the adjoining lot to be as close as it is. Josh Schweitzer explained that Public Works has approved the entrance for that location. Amy Allison further explained that the proposed entrance is the best location possible.

Commissioner Clemons asked if there would be an issue if the owners sold the property. Ms. Allison explained that was the reason for the access easement that is listed on the lot split.

Commissioner Tystad motioned to approve the Exception in accordance with zoning and subdivision regulations. Commissioner Clemons seconded.

**ROLL CALL VOTE - Motion to approve the Exception passed, 8/0 (1 absent)**

**Chairman Majure stated the case does not go before the Board of County Commissioners.**

**C. Case DEV-25-012 Partial Vacation of Story's Addition**

Consideration of a Vacation of Part of Lots 19 through 46, Story's Addition, a subdivision located within Leavenworth County, Kansas.

**Also known as 00000 Boepler Road**

Amy Allison gave the report stating that per State Statute, owners of platted land located within the County ncan request to vacate said plat or a portion of the plat. To be approved, the County must find that adjoining property owner's rights will not be infringed if the vacation were approved nor that any utilities located within the vacation boundary are impacted. The applicant owns multiple lots within the Story's Addition which is a subdivision located within the County and is not within city limits. Ms. Allison added the area currently has three utility lines running along the northern property line. The existing waterline has been approved to be relocated to along the Boepler Road frontage. The applicant is in support of the request and willing to grant an easement if additional right-of-way is required. The remaining two utility lines are located within an easement that the applicant will be creating if the vacation is approved. Staff has determined that the request is in compliance of Kansas statute. Additionally, the history of the land was researched and this action poses no implications to surrounding property owners.

Ms. Allison added the area currently has two utility lines running through near the northern property line. There is also a water line and the water district has been notified and have agreed to relocate it near Boepler Road. The applicant is in support of the request and willing to grant an easement. Staff has determined that the request is in compliance of Kansas statute. Additionally, the history of the land was researched and this action poses no implications to surrounding property owners.

**Chairman Majure opened the public hearing.**

Joe Herring of Herring Surveying indicated that Staff presented the case very well. Mr. Herring mentioned the current owner simply wishes to vacate part of the land so they can further divide the land and build two homes. One would be on a small tract and the other would be on the 40+ acre portion.

No one from the public spoke in favor nor in opposition of the request.



**Chairman Majure closed the public hearing.**

Discussions ensued about the history of a vacation request and the nature of the rare request.

Commissioner Clemons motioned to approve the vacation request and found that the request would not violate adjoining property owners' rights and that all utilities located within the vacated area are provided for. Commissioner Owens seconded the motion.

**ROLL CALL VOTE - Motion to approve the Exception passed, 8/0 (1 absent)**

**Comprehensive Plan Study Session**

Deputy Director Amy Allison provided a presentation over three potential projects that staff recommends prioritizing as part of the 2025 Annual Comprehensive Plan Review. Those projects include:

1. Recommendation to limit Higher Density Residential (R-1 (43) and greater density) be limited to within 1,500 feet of a city limit.
2. Review County Road 1 Corridor.
3. Consider identifying and studying Sub-Planning Areas.

Meeting was adjourned at 6:11pm.



LEAVENWORTH COUNTY  
PLANNING COMMISSION  
STAFF REPORT

CASE NO: DEV-25-003 & 004 Peterson Acres

May 14, 2025

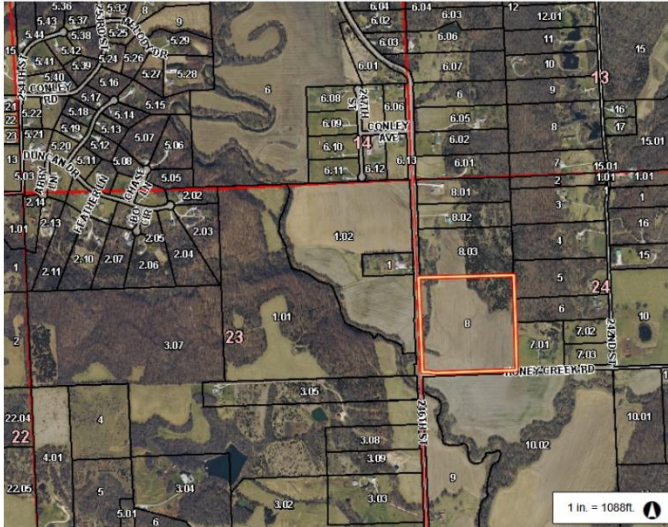
REQUEST: **Consent Agenda**

☒ Preliminary Plat ☒ Final Plat

STAFF REPRESENTATIVE:

JOSH SCHWEITZER  
Development Planner

SUBJECT PROPERTY: 00000 246th Street.



APPLICANT/APPLICANT AGENT:

Larry Hahn  
HAHN SURVEYING  
PO Box 1186  
Basehor, KS 66007

PROPERTY OWNER:

William & Deborah Peterson  
312 Old Colony Court  
North Newton, KS 67117

CONCURRENT APPLICATIONS:  
NONE

LAND USE

ZONING: RR-5

FUTURE LAND USE DESIGNATION:  
RR-2.5

LEGAL DESCRIPTION:

A Minor Subdivision in the Southwest ¼ of the Northwest 1/4 of Section 24, Township 11 South, Range 20, East of the 6th P.M., in Leavenworth County Kansas.

SUBDIVISION: N/A

FLOODPLAIN: Zone A

STAFF RECOMMENDATION: APPROVAL

PROPERTY INFORMATION

ACTION OPTIONS:

1. Recommend approval of Case No. DEV-25-003 & 004, Preliminary & Final Plat for Peterson Acres, to the Board of County Commission, with or without conditions; or
2. Recommend denial of Case No. DEV-25-003 & 004, Preliminary & Final Plat for Peterson Acres to the Board of County Commission for the following reasons; or
3. Continue the hearing to another date, time, and place.

PARCEL SIZE: 38.10 ACRES

PARCEL ID NO:  
206-24-0-00-00-008

BUILDINGS:  
N/A

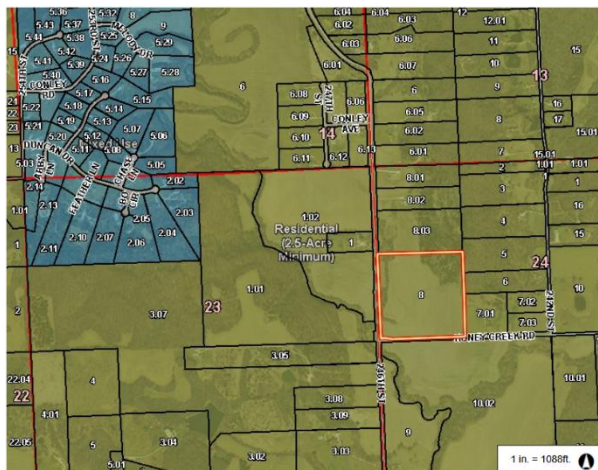
PROJECT SUMMARY:

Request for preliminary and final plat approval to subdivide property located at 00000 246th Street (206-24-0-00-00-008) as Lots 01 through 05 of Peterson Acres.

ACCESS/STREET:

246th Street - Collector, Paved ± 26';  
Honey Creek Road - Local, Gravel ± 26'

Location Map: FUTURE LAND USE DESIGNATION



UTILITIES

SEWER: PRIVATE SEPTIC

FIRE: Tonganoxie

WATER: RWD 13

ELECTRIC: FREESTATE

NOTICE & REVIEW:

STAFF REVIEW:  
5/6/2025

NEWSPAPER NOTIFICATION:  
N/A

NOTICE TO SURROUNDING  
PROPERTY OWNERS:  
N/A



<b>STANDARDS TO BE CONSIDERED:</b> <i>Type content in each if necessary (delete this afterwards)</i>			
<b>Leavenworth County Zoning and Subdivision Standards: Preliminary Review</b>		<b>Met</b>	<b>Not Met</b>
35-40	<b>Preliminary Plat Content</b>	X	
40-20	<b>Final Plat Content</b>	X	
41-6	<b>Access Management</b>	X	
41-6.B.a-c.	<b>Entrance Spacing</b>	X	
41-6.C.	<b>Public Road Access Management Standards</b>	X	
43	<b>Cross Access Easements</b>	N/A	
50-20	<b>Utility Requirements</b>	X	
50-30	<b>Other Requirements</b>	X	
50-40	<b>Minimum Design Standards</b>	X	
50-50	<b>Sensitive Land Development</b>	N/A	
50-60.	<b>Dedication of Reservation of Public Sites and Open Spaces</b>	N/A	

#### **STAFF COMMENTS:**

The applicant is proposing to divide a 38.10-acre parcel into five (5) lots. The Subdivision is classified as a Class C with all lots lying within the Rural Growth Area of Leavenworth County. Staff is supportive of a waiver of the requirement to connect to a sanitary sewer system as sanitary sewers are not located within 660' of the subdivision (see condition 3). Lot 1 – 3 will be approximately 10 acres in size. Lots 4 & 5 will be approximately 5 acres in size. All lots meet the requirements for the RR-5 zoning district.

#### **PROPOSED CONDITIONS:**

1. Building permits shall be required for any new construction.
2. Erosion control shall be used when designing and constructing driveways. A form of sediment control shall be installed before work begins and maintained throughout the time that the land disturbing activities are taking place. Re-vegetation of all disturbed sites shall be completed within 45 days after completion of final grading weather permitting.
3. A waiver for the use of private septic systems within this subdivision is granted with this approval.
4. At time of development, fire hydrants shall be required, if necessary, infrastructure is available.
5. The developer must comply with the following memorandums:
  - Memo – RWD 13, dated March 19, 2025
  - Memo – Chuck Magaha, dated April 28, 2025
  - Email – Timothy Smith, dated January 28, 2025

#### **ATTACHMENTS:**

- A: Application & Narrative
- B: Zoning Map
- C: Road Map (A minimum of 1/4 mile)
- D: Memorandums



**PRELIMINARY PLAT APPLICATION**  
 Leavenworth County Planning and Zoning Department,  
 300 Walnut St., Suite 30  
 Leavenworth, Kansas  
 913-684-0465  
 913-684-0398 Fax

Office Use Only

CAMA No.: _____		
Township: _____		
Planning Commission Meeting Date: _____		
Project No.: _____	Date Received: _____	Date Paid: _____

APPLICANT/AGENT INFORMATION		OWNER INFORMATION	
NAME: <u>LARRY HAHN</u>		NAME: <u>WILLIAM &amp; DEBORAH PETERSON</u>	
MAILING ADDRESS: <u>PO BOX 186</u>		MAILING ADDRESS: <u>312 OLD COLONY COURT</u>	
CITY/ST/ZIP: <u>BASEHOR, KANSAS 66007</u>		CITY/ST/ZIP: <u>NORTH NEWTON, KS. 67117</u>	
		<u>wcpeterson1981@cox.net</u>	
PHONE: _____	EMAIL: _____	PHONE: <u>620-217-1490</u>	EMAIL: _____
CONTACT PERSON: _____		CONTACT PERSON: <u>WILLIAM PETERSON</u>	

**GENERAL INFORMATION**

Proposed Subdivision Name: PETERSON ACRES 2ND PLAT

Nearest Intersection: 246TH STREET & HONEY CREEK ROAD

Legal Description (S-T-R 1/4 Section): SW 1/4 OF NW 1/4 SECTION 24-T11S-R20E

Zoning: RR - 5.00

Comprehensive Plan Land Use Designation: \_\_\_\_\_

Urban Growth Management Area: \_\_\_\_\_

Surveyor and/or Engineer Firm: HAHN SURVEYING

Contact Person: LARRY HAHN

Address: PO BOX 186 BASEHOR, KANSAS 66007

Phone: 913-547-3405 Fax: \_\_\_\_\_ Email: hahnsurvey@gmail.com

SUBDIVISION INFORMATION		
Gross Acreage: <u>39.74 ACRES</u>	Number of Lots: <u>5</u>	Minimum Lot Size: <u>5.01 ACRES</u>
Maximum Lot Size: <u>10.07 ACRES</u>	Proposed Zoning: <u>RR-5.0</u>	Density: _____
Open Space Acreage: _____	Water District: <u>RWD #13</u>	Proposed Sewage: <u>ON SITE</u>
Fire District: <u>TONGANOXIE</u>	Electric Provider: <u>FREESTATE</u>	Natural Gas Provider: <u>PROPANE</u>
Covenants: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Road Classification: <u>Local</u> <u>Collector</u> <u>Arterial - State - Federal</u>	
Is any part of the site designated as Floodplain? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, what is the panel number: <u>20103C0300G</u>		
I, the undersigned am the 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 preliminary plat approval as indicated above.		
Signature: <u>William C Peterson Deborah Peterson</u>		Date: <u>1/6/2016</u>

ATTACHMENT A-1





\* 2 0 1 5 R 0 4 1 4 4 2 \*

Doc #: 2015R04144

STACY R. DRISCOLL/REGISTER OF DEEDS  
LEAVENWORTH COUNTY

RECORDED ON

06/03/2015 10:32AM

RECORDING FEE: 20.00

INDEBTEDNESS: 0.00

PAGES: 2

Entered in the transfer record in my office this  
3 day of JULY 2015  
Jerry Klabomble  
by B. Jones County Clerk

TX0008987

# **QUIT CLAIM DEED**

Joint Tenancy

**William C. Peterson and Deborah A. Peterson, husband and wife,**

convey and quitclaim to

**William C. Peterson and Deborah A. Peterson, husband and wife**

as joint tenants with the right of survivorship and not as tenants in common,

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

**The Southwest ¼ of the Northwest ¼ of Section 24, Township 11  
South, Range 20 East of the 6th P.M., in Leavenworth County, Kansas,  
less any part thereof taken or used for road purposes.**

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.

**No Real Estate Validation Questionnaire per KSA 1993 Supp. 79-1437e as  
amended (3)**



# OWNER AUTHORIZATION

I/WE WILLIAM PETERSON & DEBORAH PETERSON, hereby referred to as the  
"Undersigned", being of lawful age, do hereby on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, 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 LARRY HAHN  
HAHN SURVEYING (Hereinafter referred to as "Applicant"), to act on my/our behalf  
for the purpose of making application with the Planning Department of Leavenworth County, Kansas, PN, 206-24-8  
(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

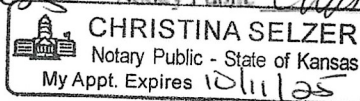
IN WITNESS THEREOF, I, the Undersigned, have set my hand below.

STATE OF KANSAS  
COUNTY OF LEAVENWORTH

x Deborah Peterson  
DEBORAH PETERSON  
x William Peterson  
WILLIAM PETERSON

The foregoing instrument was acknowledged before me on this 16 day of January, 2025  
by Christina Selzer

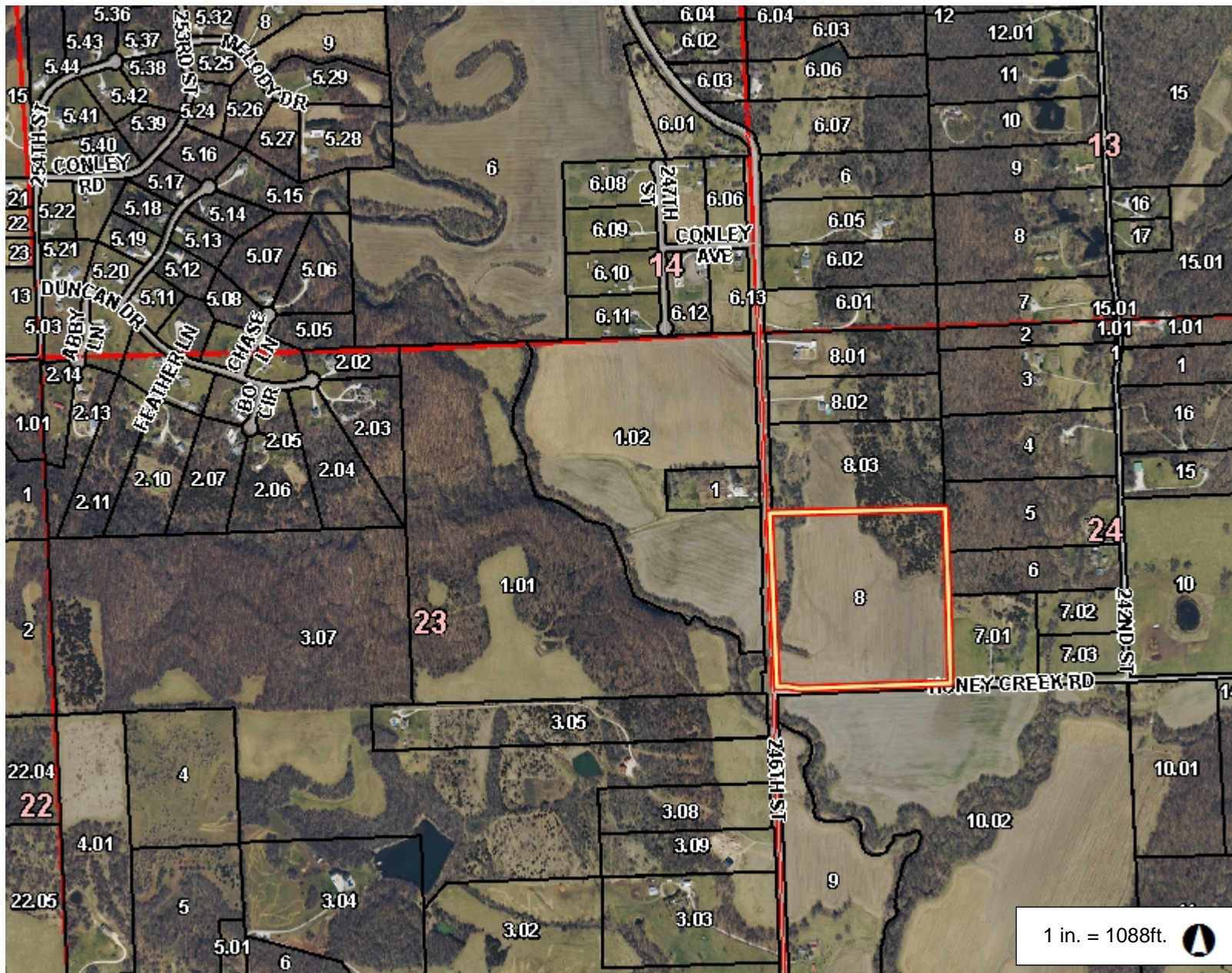
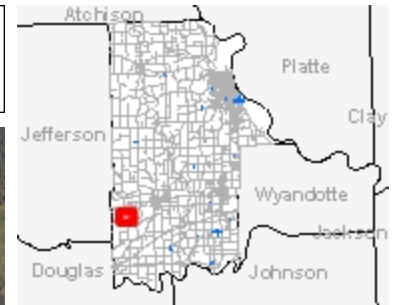
My Commission Expires: 10/11/2025



ATTACHMENT B



# Leavenworth County, KS



## Legend

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

1 in. = 1088ft.



2,176.1 0 1,088.05 2,176.1 Feet

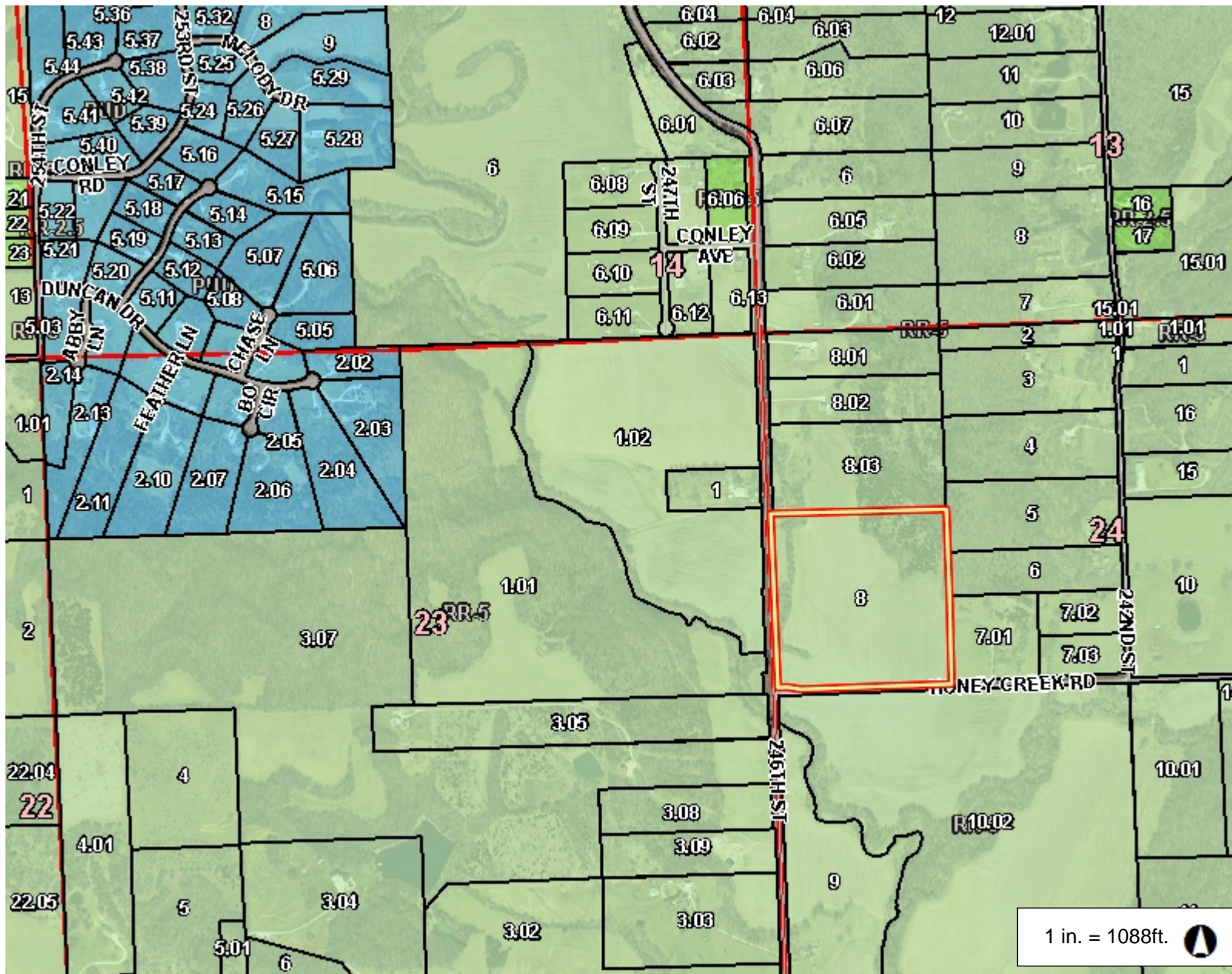
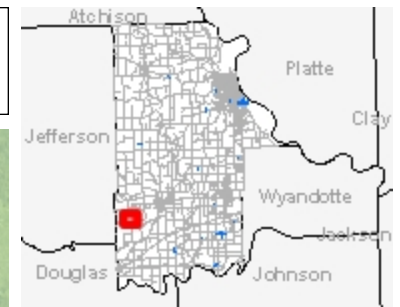
This Cadastral Map is for informational purposes only. It does not purport to represent a property boundary survey of the parcels shown and shall not be used for conveyances or the establishment of property boundaries.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

## Notes



# Leavenworth County, KS



## 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

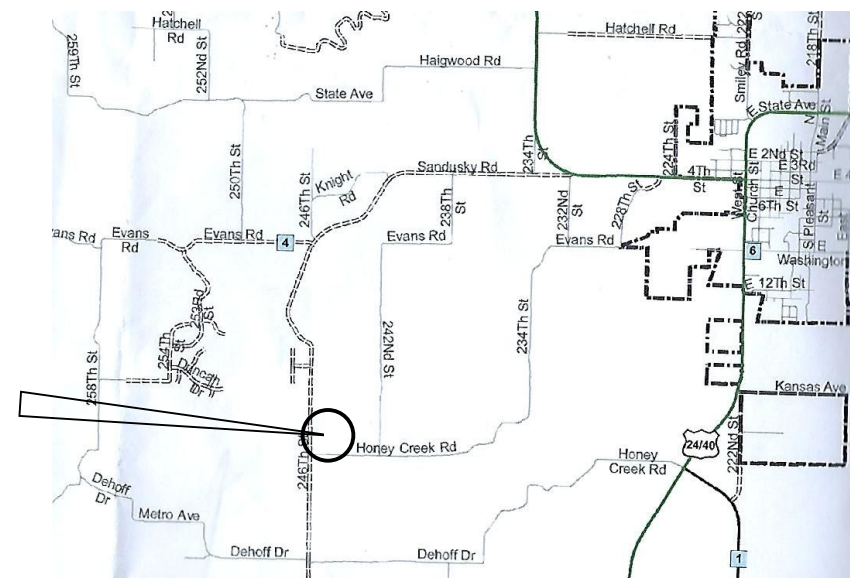
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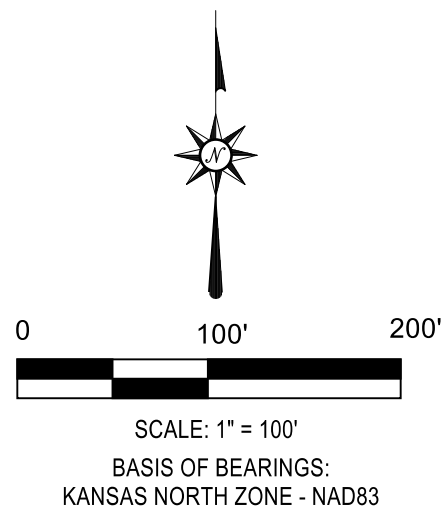
**PETERSON ACRES 2ND PLAT**  
**A SUBDIVISION BEING THE SW 1/4 OF THE NW 1/4**  
**SECTION 24-T11S-R20E OF THE 6TH P.M.,**  
**LEAVENWORTH COUNTY, KANSAS**

**PRELIMINARY PLAT**



**LOCATION MAP**  
NO SCALE

**04-29-25**  
**Combined PW**  
**Comments**



**OWNER / DEVELOPER**

WILLIAM C. PETERSON & DEBORAH A. PETERSON  
312 OLD COLONY COURT  
NORTH NEWTON, KANSAS 67117  
(620) 217-1490

**DEED DESCRIPTION - DOC. #2015R04144**

THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 24, TOWNSHIP 11 SOUTH,  
RANGE 20 EAST OF THE 6TH P.M., IN LEAVENWORTH COUNTY, KANSAS,  
LESS ANY PART THEREOF TAKEN OR USED FOR ROAD PURPOSES.

**PUBLIC IMPROVEMENT**

NONE

**UTILITIES**

ELECTRIC / FREESTATE  
WATER / R.W.D. #13  
GAS / PROPANE  
SEWAGE / PRIVATE ON SITE SYSTEM

**ROAD INFORMATION**

246TH STREET - COUNTY COLLECTOR  
28' WIDE WIDE WITH PAVED SURFACE  
HONEY CREEK ROAD - LOCAL  
24' WIDE WITH GRAVEL SURFACE

**DRAINAGE CALCULATIONS**

ON SEPARATE DOCUMENT BY DAVID LUTGEN, PE

**BENCHMARK**

1/2" REBAR AT THE NW CORNER OF 24-T11S-R20E  
EL. 872.65 (NAVD 88)

**REFERENCES**

- PETERSON ACRES - DOC. #2015P00019
- REISCHMAN CORNER - DOC. #2017P00021
- ROAD PLANS - 246TH STREET (PROJ. #52-S-973)  
SHEET 8 (1951)

**ZONING**

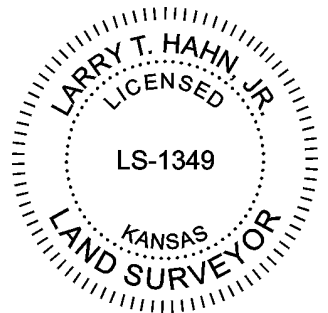
RR - 5.0

**RESTRICTIONS**

- NO OFF PLAT RESTRICTIONS.
- 40' REAR SETBACK FOR RESIDENCES  
15' REAR SETBACK FOR ACCESSORY BUILDINGS  
15' SIDE SETBACK
- AN ENGINEERED WASTEWATER DISPOSAL MAY BE REQUIRED DUE TO POOR SOIL CONDITIONS.
- EROSION CONTROL SHALL BE USED WHEN DESIGNING AND CONSTRUCTING DRIVEWAYS.
- A FORM OF SEDIMENT CONTROL SHALL BE INSTALLED BEFORE WORK BEGINS AND MAINTAINED  
THROUGHOUT THE TIME THAT THE LAND DISTURBING ACTIVITIES ARE TAKING PLACE.
- RE-VEGETATION OF ALL DISTURBED SITES SHALL BE COMPLETED WITHIN 45 DAYS AFTER COMPLETION  
OF FINAL GRADING, WEATHER PERMITTING.
- LOTS ARE SUBJECT TO THE CURRENT ACCESS MANAGEMENT POLICY RESOLUTION.
- STRUCTURES BUILT WITHIN THE SUBDIVISION SHALL COMPLY WITH RESOLUTION 2020-39, OR AS AMENDED,  
ACCURATE AND COMPLETE.
- EXISTING USE OF AREA BEING PLATTED - AGRICULTURAL  
PROPOSED USE - RR-5.0 / RESIDENTIAL

**NOTES**

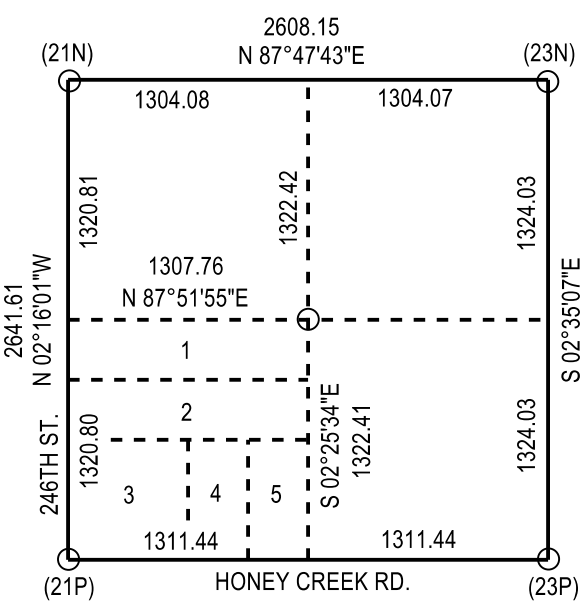
- FENCE LINES DO NOT DENOTE PROPERTY LINES.
- LEAVENWORTH COUNTY, KANSAS, DOES NOT REPRESENT, WARRANT OR GUARANTEE THAT THE DETAILS  
SHOWN ON THIS DOCUMENT AND PROVIDED BY THE APPLICANT OR ANY AGENT OF APPLICANT, INCLUDING  
ANY SURVEY INFORMATION SHOULD BE RELIED UPON BY ANY THIRD PARTY AS BEING WHOLLY OR PARTIALLY  
ACCURATE AND COMPLETE.
- EXISTING USE OF AREA BEING PLATTED - AGRICULTURAL  
PROPOSED USE - RR-5.0 / RESIDENTIAL



LARRY T. HAHN, PS #1349

THIS IS TO CERTIFY THAT IN THE MONTH OF DECEMBER, 2024, THIS  
SURVEY WAS MADE UNDER MY DIRECT SUPERVISION AND THAT SAID  
SURVEY MEETS OR EXCEEDS THE KANSAS MINIMUM STANDARDS  
FOR BOUNDARY SURVEYS.

**HAHN SURVEYING**  
PO BOX 186  
BASEHOR, KANSAS 66007  
(913) 547-3405  
hahnsurveying@gmail.com



**SECTION MAP**  
NW 1/4 24-T11S-R20E  
NO SCALE

- NW CORNER 24-T11S-R20E (21N)  
1/2" REBAR (REF. #1)  
1. SSE 55.25 TO TOP CENTER END OF 36" CMP  
2. WNW 32.50 TO 40D NAIL IN TOP OF CORNER POST  
3. NE 66.90 TO NAIL WITH WASHER IN FENCE POST

- N 1/4 CORNER 24-T11S-R20E (23N)  
5/8" REBAR (REF. #1)  
1. ESE 14.05 TO SPIKE IN 10" OAK  
2. NE 10.55 TO SPIKE IN 10" OAK  
3. SE 10.55 TO SPIKE IN 10" OAK  
4. E 65.93 TO 60D NAIL IN TOP OF CORNER POST

- CENTER 24-T11S-R20E (23P)  
1/2" REBAR (REF. #1)  
1. SE 28.95 TO PK NAIL IN GUY POLE  
2. NE 25.73 TO PK NAIL IN POWER POLE  
3. SW 79.00 TO PK NAIL IN POWER POLE

- W 1/4 CORNER 24-T11S-R20E (21P)  
1/2" REBAR (REF. #1)  
1. NW 47.12 TO MAG NAIL IN POWER POLE  
2. ENE 58.19 TO MAG NAIL IN POWER POLE  
3. ENE 58.65 TO 40D NAIL IN POWER POLE  
4. SSW 46.63 TO MAG NAIL IN TOP OF NORTH GUARD RAIL POST

"UNPLATTED TRACT"  
OWNER:  
GLORIA J. REISCHMAN; TRUST  
PO BOX 467  
TONGANOXIE, KS. 66086  
PN. 206-23-1.02

WEST LINE OF NW 1/4  
24-T11S-R20E

"UNPLATTED TRACT"  
OWNER:  
DANIEL & VELVET MILLER  
17025 246TH STREET  
TONGANOXIE, KS. 66086  
PN. 206-23-1.01

W 1/4 CORNER  
24-T11S-R21E

LOT 3  
PETERSON ACRES  
OWNER:  
KYLE & MARY PIERCE  
1226 NW PORTA DRIVE  
TOPEKA, KS. 66618  
PN. 206-24-8.03

SE CORNER LOT 3  
PETERSON ACRES  
1/2" REBAR WITH #1349 CAP  
IN CONCRETE

"UNPLATTED TRACT"  
OWNER:  
DEAN & MELANIE MOSS  
16973 242ND STREET  
TONGANOXIE, KS. 66086  
PN. 206-24-5

"UNPLATTED TRACT"  
OWNER:  
PAUL & JANET GRIPKA  
16941 242ND STREET  
TONGANOXIE, KS. 66086  
PN. 206-24-6

LOT 1  
REISCHMAN CORNER  
OWNER:  
KEVIN & HOLLY REISCHMAN  
24338 HONEY CREEK RD.  
TONGANOXIE, KS. 66086  
PN. 206-24-7.01

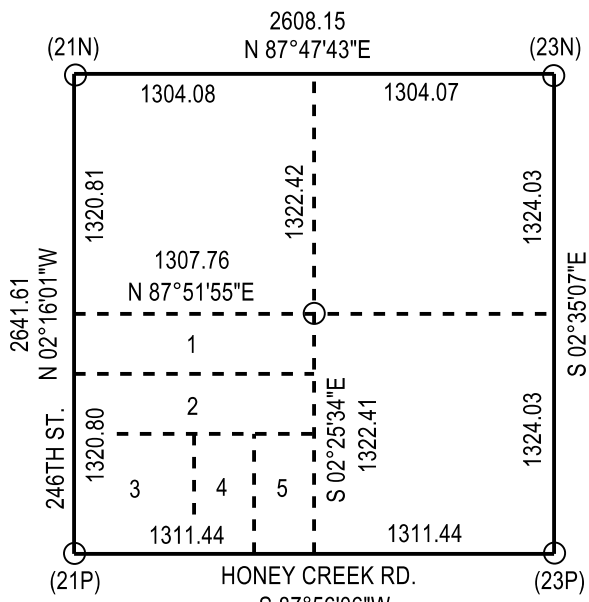
"UNPLATTED TRACT"  
OWNER:  
GLORIA J. REISCHMAN; TRUST  
PO BOX 467  
TONGANOXIE, KS. 66086  
PN. 206-24-10.02

Include Flowline  
elevations of  
culvert.



**PETERSON ACRES 2ND PLAT**  
**A SUBDIVISION BEING THE SW 1/4 OF THE NW 1/4**  
**SECTION 24-T11S-R20E OF THE 6TH P.M.,**  
**LEAVENWORTH COUNTY, KANSAS**

**PRELIMINARY PLAT**



**SECTION MAP**  
**NW 1/4 24-T11S-R20E**  
**NO SCALE**

NW CORNER 24-T11S-R20E (21N)  
1/2" REBAR (REF. #1)  
1. SSE 55.25 TO TOP CENTER END OF 36" CMP  
2. WNW 32.50 TO 40D NAIL IN TOP OF CORNER POST  
3. NE 66.90 TO NAIL WITH WASHER IN FENCE POST

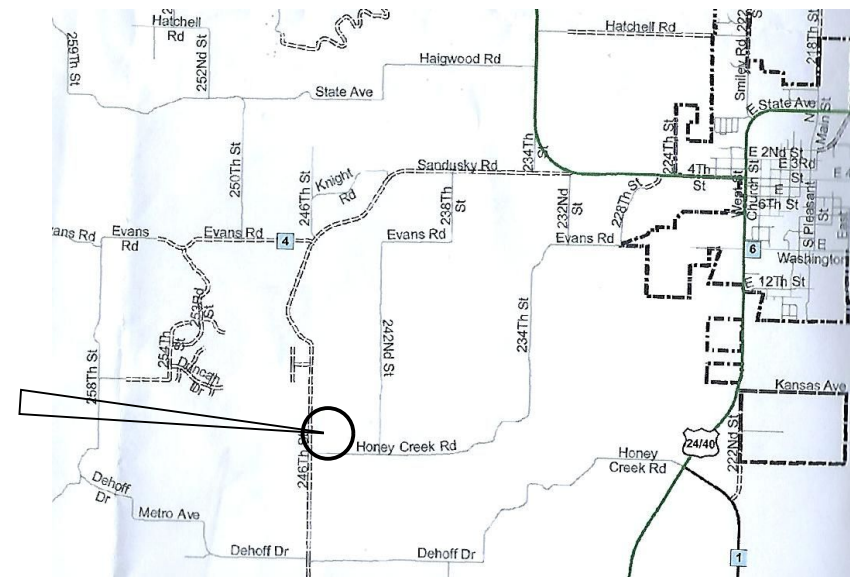
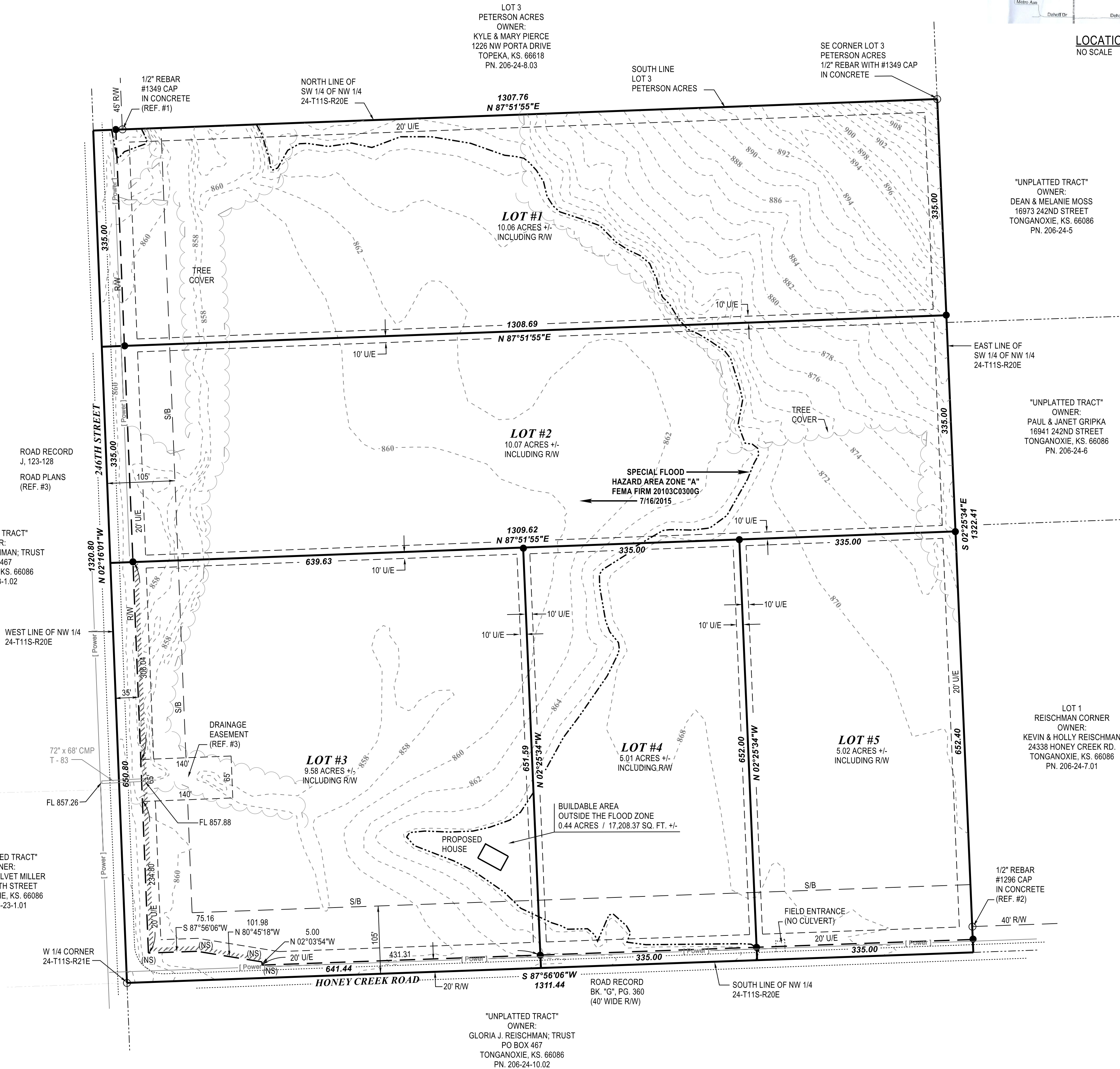
N 1/4 CORNER 24-T11S-R20E (23N)  
5/8" REBAR (REF. #1)  
1. ESE 14.05 TO SPIKE IN 10" OAK  
2. NE 10.55 TO SPIKE IN 10" OAK  
3. SE 10.55 TO SPIKE IN 10" OAK  
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CENTER 24-T11S-R20E (23P)  
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2. NE 25.73 TO PK NAIL IN POWER POLE  
3. SW 75.00 TO PK NAIL IN POWER POLE

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1. NW 47.12 TO MAG NAIL IN POWER POLE  
2. ENE 58.19 TO MAG NAIL IN POWER POLE  
3. ENE 58.65 TO 40D NAIL IN POWER POLE  
4. SSW 46.63 TO MAG NAIL IN TOP OF NORTH GUARD RAIL POST

"UNPLATTED TRACT"  
OWNER:  
GLORIA J. REISCHMAN; TRUST  
PO BOX 467  
TONGANOXIE, KS. 66086  
PN. 206-23-1.02

"UNPLATTED TRACT"  
OWNER:  
DANIEL & VELVET MILLER  
17025 246TH STREET  
TONGANOXIE, KS. 66086  
PN. 206-23-1.01



**LOCATION MAP**  
**NO SCALE**

**OWNER / DEVELOPER**

WILLIAM C. PETERSON & DEBORAH A. PETERSON  
312 OLD COLONY COURT  
NORTH NEWTON, KANSAS 67117  
(620) 217-1490

**DEED DESCRIPTION - DOC. #2015R04144**

THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 24, TOWNSHIP 11 SOUTH, RANGE 20 EAST OF THE 6TH P.M., IN LEAVENWORTH COUNTY, KANSAS, LESS ANY PART THEREOF TAKEN OR USED FOR ROAD PURPOSES.

**PUBLIC IMPROVEMENT**

NONE

**UTILITIES**

ELECTRIC / FREESTATE  
WATER / R.W.D. #13  
GAS / PROPANE  
SEWAGE / PRIVATE ON SITE SYSTEM

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246TH STREET - COUNTY COLLECTOR  
28' WIDE WIDE WITH PAVED SURFACE  
HONEY CREEK ROAD - LOCAL  
24' WIDE WITH GRAVEL SURFACE

**DRAINAGE CALCULATIONS**

ON SEPARATE DOCUMENT BY DAVID LUTGEN, PE

**BENCHMARK**

1/2" REBAR AT THE NW CORNER OF 24-T11S-R20E  
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**ZONING**

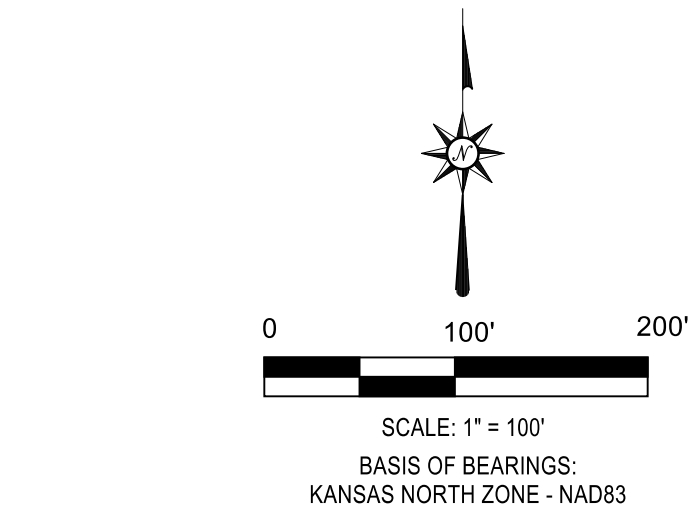
RR - 5.0

**RESTRICTIONS**

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15' SIDE SETBACK
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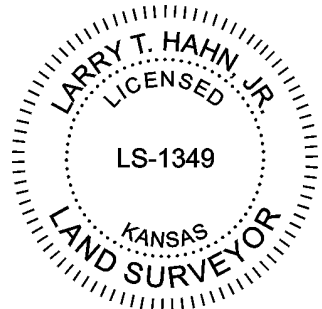
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PROPOSED USE - RR-5.0 / RESIDENTIAL



**LEGEND**

- 1/2" x 24" REBAR SET WITH #1349 CAP
- SURVEY MONUMENT FOUND (AS NOTED)  
ORIGIN UNKNOWN, UNLESS REFERENCED
- UTILITY EASEMENT - DEDICATED THIS PLAT
- DRAINAGE EASEMENT
- NO MONUMENT SET
- BUILDING SETBACK
- ROAD RIGHT OF WAY
- NO ACCESS



LARRY T. HAHN, PS #1349

THIS IS TO CERTIFY THAT IN THE MONTH OF DECEMBER, 2024, THIS SURVEY WAS MADE UNDER MY DIRECT SUPERVISION AND THAT SAID SURVEY MEETS OR EXCEEDS THE KANSAS MINIMUM STANDARDS FOR BOUNDARY SURVEYS.

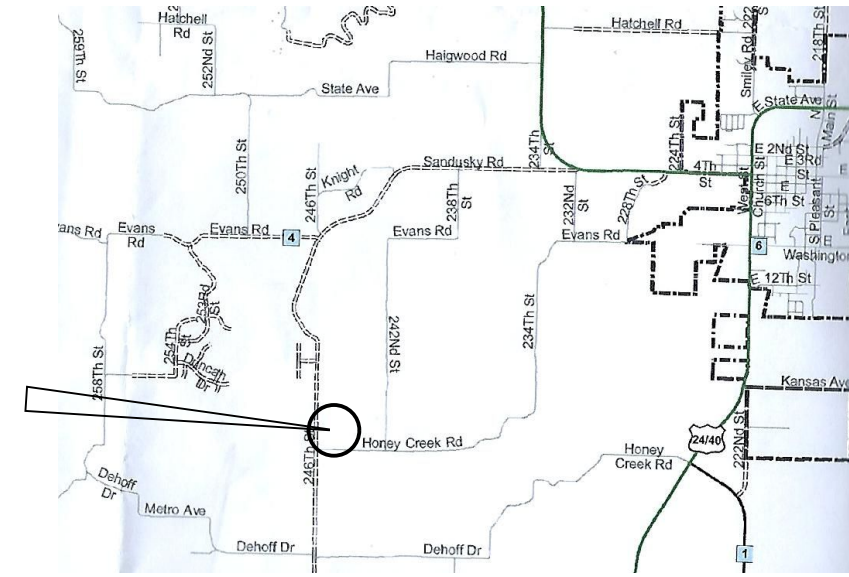
**HAHN SURVEYING**  
PO BOX 186  
BASEHOR, KANSAS 66007  
(913) 547-3405  
hahnsurveying@gmail.com



**PETERSON ACRES 2ND PLAT**  
**A SUBDIVISION BEING THE SW 1/4 OF THE NW 1/4**  
**SECTION 24-T11S-R20E OF THE 6TH P.M.,**  
**LEAVENWORTH COUNTY, KANSAS**

**FINAL PLAT**

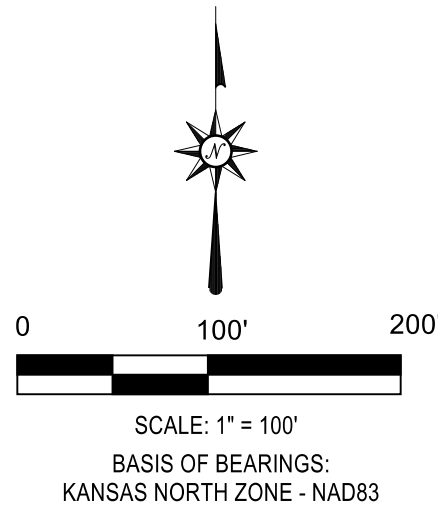
**04-29-25**  
**Combined PW No**  
**Comments**



**LOCATION MAP**  
NO SCALE

**LEGEND**

- 1/2" x 24" REBAR SET WITH #1349 CAP
- SURVEY MONUMENT FOUND (AS NOTED)  
ORIGIN UNKNOWN, UNLESS REFERENCED
- U/E UTILITY EASEMENT - DEDICATED THIS PLAT
- D/E DRAINAGE EASEMENT
- (NS) NO MONUMENT SET
- S/B BUILDING SETBACK
- R/W ROAD RIGHT OF WAY
- ////// NO ACCESS



**DEED DESCRIPTION - DOC. #2015R04144**

THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 24, TOWNSHIP 11 SOUTH, RANGE 20 EAST OF THE 6TH P.M., IN LEAVENWORTH COUNTY, KANSAS, LESS ANY PART THEREOF TAKEN OR USED FOR ROAD PURPOSES.

**CERTIFICATION AND DEDICATION**

THE UNDERSIGNED PROPRIETORS STATE THAT ALL TAXES ON THE ABOVE DESCRIBED TRACT OF LAND HAVE BEEN PAID AND THAT THEY HAVE CAUSED THE SAME TO BE SUBDIVIDED IN THE MANNER SHOWN ON THE ACCOMPANYING PLAT WHICH SHALL BE KNOWN AS "PETERSON ACRES 2ND PLAT".

EASEMENTS SHOWN ON THIS PLAT ARE HEREBY DEDICATED FOR PUBLIC USE. THE RIGHTS OF WAY WHICH ARE SHOWN WITH DASHED LINES ON THE ACCOMPANYING PLAT AND SAID EASEMENTS MAY BE EMPLOYED TO LOCATE AND MAINTAIN SEWERS, WATER LINES, GAS LINES, POLES AND WIRES AND ANY OTHER FORM OF PUBLIC UTILITY NOW AND HEREAFTER USED BY THE PUBLIC, UNDER AND ALONG THE STRIPS MARKED "UTILITY EASEMENT" OR "U/E".

BUILDING LINES OR SETBACK LINES (S/B) ARE HEREBY ESTABLISHED AS SHOWN ON THE ACCOMPANYING PLAT AND NO BUILDING OR PORTION THEREOF SHALL BE BUILT OR CONSTRUCTED BETWEEN THIS LINE AND THE STREET LINE.

IN TESTIMONY WHEREOF:  
WE, THE UNDERSIGNED OWNERS OF "PETERSON ACRES 2ND PLAT", HAVE SET OUR HAND THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2025.

WILLIAM C. PETERSON

DEBORAH A. PETERSON

**STATE OF KANSAS / COUNTY OF LEAVENWORTH**

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2025, BEFORE ME APPEARED WILLIAM C. PETERSON AND DEBORAH A. PETERSON, KNOWN TO ME TO BE THE SAME PERSONS DESCRIBED HEREIN AND WHO EXECUTED THE SAME AS THEIR FREE ACT AND DEED. IN WITNESS THEREOF, I HAVE SET MY HAND AND AFFIXED MY NOTARIAL SEAL THE DAY AND YEAR ABOVE WRITTEN.

NOTARY PUBLIC

MY COMMISSION EXPIRES

**APPROVAL**

WE, THE LEAVENWORTH COUNTY PLANNING COMMISSION, DO HEREBY APPROVE THE FOREGOING PLAT OF "PETERSON ACRES 2ND PLAT" THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2025.

CHAIRPERSON / MARCUS MAJURE

SECRETARY / JOHN JACOBSON

THE LEAVENWORTH COUNTY ENGINEERS PLAT REVIEW IS ONLY FOR GENERAL CONFORMANCE WITH THE SUBDIVISION REGULATIONS AS ADOPTED BY LEAVENWORTH COUNTY. THE COUNTY IS NOT RESPONSIBLE FOR THE ACCURACY AND ADEQUACY OF THE DESIGN, DIMENSIONS, ELEVATIONS AND QUANTITIES.

COUNTY ENGINEER / MITCH PLEAK, PE

WE, THE BOARD OF COUNTY COMMISSIONERS OF LEAVENWORTH COUNTY, KANSAS, DO HEREBY APPROVE THE FOREGOING PLAT OF "PETERSON ACRES 2ND PLAT" THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2025.

CHAIRPERSON / MIKE SMITH

COUNTY CLERK / FRAN KEPPLER (ATTEST)

**COUNTY SURVEYOR CERTIFICATION**

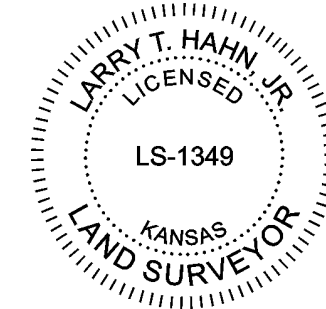
I HEREBY CERTIFY THIS SURVEY PLAT MEETS THE REQUIREMENTS OF K.S.A. 58-2005. THE FACE OF THIS SURVEY PLAT WAS REVIEWED FOR COMPLIANCE WITH KANSAS MINIMUM STANDARDS FOR BOUNDARY SURVEYS. NO FIELD VERIFICATION IS IMPLIED. THIS REVIEW IS FOR SURVEY INFORMATION ONLY.

COUNTY SURVEYOR / DANIEL BAUMCHEN, PS #1363

**STATE OF KANSAS / COUNTY OF LEAVENWORTH**

FILED FOR RECORD AS DOCUMENT # \_\_\_\_\_ ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2025  
AT \_\_\_\_\_ O'CLOCK \_\_\_\_\_ IN THE OFFICE OF THE REGISTER OF DEEDS OF LEAVENWORTH COUNTY, KANSAS.

REGISTER OF DEEDS / TERRILOIS G. MASHBURN

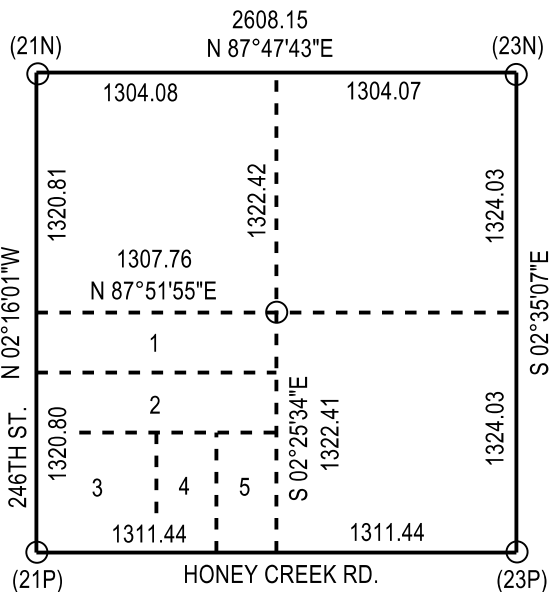


LARRY T. HAHN, PS #1349

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**HAHN SURVEYING**  
PO BOX 186  
BASEHOR, KANSAS 66007  
(913) 547-3405  
hahnsurvey@gmail.com



**SECTION MAP**

**NW 1/4 24-T11S-R20E**  
**NO SCALE**

NW CORNER 24-T11S-R20E (21N)  
1/2" REBAR (REF. #1)  
1. SSE 55.25 TO TOP CENTER END OF 36" CMP  
2. WNW 32.50 TO 40D NAIL IN TOP OF CORNER POST  
3. NE 66.90 TO NAIL WITH WASHER IN FENCE POST

N 1/4 CORNER 24-T11S-R20E (23N)  
5/8" REBAR (REF. #1)  
1. ESE 14.05 TO SPIKE IN 10" OAK  
2. NE 10.55 TO SPIKE IN 10" OAK  
3. SE 10.55 TO SPIKE IN 10" OAK  
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4. SSW 46.63 TO MAG NAIL IN TOP OF NORTH GUARD RAIL POST

**OWNER / DEVELOPER**

WILLIAM C. PETERSON & DEBORAH A. PETERSON  
312 OLD COLONY COURT  
NORTH NEWTON, KANSAS 67117  
(620) 217-1490  
PLAT PN. 206-24-8

**REFERENCES**

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- REISCHMAN CORNER - DOC. #2017P00021
- ROAD PLANS - 246TH STREET (PROJ. #52-S-973) SHEET 8 (1951)
- ROAD PLANS 52C-2466-01
- DEED BOOK 649, PAGE 961

**BENCHMARK**

1/2" REBAR AT THE NW CORNER OF 24-T11S-R20E  
EL. 872.65 (NAVD 88)

**ZONING**

RR - 5.0

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PROPOSED USE - RR-5.0 / RESIDENTIAL

**RESTRICTIONS**

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- ANY DEVELOPMENT IN THE SPECIAL FLOOD HAZARD AREA REQUIRES A FLOOD ZONE DEVELOPMENT PERMIT, INCLUDING ENTRANCES.

(TRAVERSE SUMMARY)  
CLOSED LOOP - 5 POINTS  
HORIZONTAL DISTANCE: 5262.41 FEET  
AREA: 1730755.10 SQ. FT. / 39.73 ACRES  
RELATIVE: 1.2933634 (CLOSED LOOP) LINEAR: 0.002 FEET DIRECTION: N 70°05'23"E  
NORTHING: -0.001 FEET EASTING: -0.002 FEET



**04-29-25  
Combined PW No  
Comments**

Peterson Acres 2<sup>nd</sup> Plat

Leavenworth County Kansas

Drainage Report

December 27, 2024

Revised April 12, 2025





# MEMO

**To:** Amy Allison  
**From:** Chuck Magaha  
**Subject:** Peterson Acres 2<sup>nd</sup> Plat Subdivision  
**Date:** April 28, 2025

Amy, I have reviewed the preliminary plat of the Peterson Acres Subdivision presented by William and Deborah Peterson. The subdivision meets the requirements for a fire hydrant and supported with a 6" water line as stated in the subdivision guidelines. The area in which the subdivision is proposed, a fire hydrant should be placed at 246<sup>th</sup> Street and Honey Creek Road, this hydrant will cover this subdivision.

I have no further recommendation for this subdivision.

If you have any questions please call me 684-0455.



## Schweitzer, Joshua

---

**From:** Anderson, Kyle  
**Sent:** Friday, March 28, 2025 8:21 AM  
**To:** Schweitzer, Joshua  
**Subject:** RE: DEV-25-003 & 004 Preliminary & Final Plat Peterson Acres - Hahn

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:** Wednesday, March 19, 2025 3:01 PM  
**To:** Noll, Bill <BNoll@leavenworthcounty.gov>; McAfee, Joe <JMcAfee@leavenworthcounty.gov>; 'Mitch Pleak' <mpleak@olsson.com>; Baumchen, Daniel <DBaumchen@leavenworthcounty.gov>; Miller, Jamie <JMiller@leavenworthcounty.gov>; Magaha, Chuck <cmagaha@lvsheriff.org>; Dedeker, Andrew <adedeker@lvsheriff.org>  
**Cc:** PZ <PZ@leavenworthcounty.gov>  
**Subject:** DEV-25-003 & 004 Preliminary & Final Plat Peterson Acres - Hahn

Good Afternoon,

The Leavenworth County Department of Planning and Zoning has received a request for a Preliminary and Final Plat for a five-lot subdivision located at 206-24-0-00-00-008.

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 2nd.

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

v / r

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



## Schweitzer, Joshua

---

**From:** Timothy Smith <chief1860@ttrfd.com>  
**Sent:** Tuesday, January 28, 2025 10:12 PM  
**To:** Johnson, Melissa  
**Subject:** Re: Peterson Acres for five lots, 206-24-0-00-00-008.00

**Follow Up Flag:** FollowUp  
**Flag Status:** Flagged

**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.

Melissa,

I have reviewed this request and would submit the following for consideration.

We are adding more and more residences to the county and cannot continue to do so without also improving our infrastructure. A part of doing this includes the installation of fire hydrants for fire suppression use. I have contacted Rural Water District 13 and they have a 6 inch main line running down the west side of 246th ST at that location. The fire department will require the installation of a new hydrant by the developer(s) at or near the intersection of 246th and Honey Creek RD for our approval of this request. Said hydrant must have a minimum of two 2.5" discharge fittings on it.

Thank you,

On Tue, Jan 28, 2025 at 4:39 PM Johnson, Melissa <[MJohnson@leavenworthcounty.gov](mailto:MJohnson@leavenworthcounty.gov)> wrote:

We have received this preliminary/final plat for the above listed property. We are waiting a response from this subdivision to make a complete packet for review.

If you have any questions, please let me know.

Thank you,

Melissa Johnson

Planner I

Leavenworth County

Planning & Zoning Department

Leavenworth County Courthouse



## Schweitzer, Joshua

---

**From:** Gary Willits <gary.willits@freestate.coop>  
**Sent:** Monday, January 27, 2025 12:00 PM  
**To:** Johnson, Melissa  
**Subject:** Peterson Acres 2nd Plat

**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.

FreeState Electric is fine with the proposed plat for Peterson Acres, at 246<sup>th</sup> street and Honey Creek road.

Thank you,  
Gary Willits

**Gary Willits**  
Staking Engineer



1-800-794-1989 | [www.freestate.coop](http://www.freestate.coop)





## **JEFFERSON COUNTY RURAL WATER DISTRICT #13**

---

**1951 Wellman Road**

**(785) 842-1502**

**Lawrence, KS 66044**

**[www.jfrwd13.com](http://www.jfrwd13.com)**

William Peterson  
312 Old Colony Ct  
North Newton, KS 67117  
Re: Peterson Acres's 5 lots

March 19, 2025

Dear Mr. Peterson,

The feasibility study completed on 1/28/2025 indicated there is sufficient pressure and flow to accommodate five meters, one for each lot.

Water cannot be guaranteed until the benefit units/ meters are purchased.

This letter does not guarantee any water service or commit the water district to any waterline projects.

Respectfully,

Joe Osborn, Plant & Distribution Mgr.



**LEAVENWORTH COUNTY  
PLANNING COMMISSION  
STAFF REPORT**

**CASE NO:** DEV-25-029 Papa Ponderosa

May 14, 2025

**REQUEST:** *Consent Agenda*

☒ Preliminary Plat      ☐ Final Plat

**STAFF REPRESENTATIVE:**

Amy Allison  
Deputy Director

**SUBJECT PROPERTY:** 00000 Evans Road (formerly 17675 Evans Rd)

**APPLICANT/APPLICANT AGENT:**

JOE HERRING  
HERRING SURVEYING  
315 N. 5th Street  
Leavenworth, KS 66048

**PROPERTY OWNER:**

Kooser Family Living Trust  
17559 Evans Rd  
Tonganoxie KS 66086

**CONCURRENT APPLICATIONS:**

NONE

**LAND USE**

**ZONING:** R-1 (43)

**FUTURE LAND USE DESIGNATION:**

Mixed Residential



**LEGAL DESCRIPTION:**

A tract of land in the Northeast Quarter of Section 17, Township 11 South, Range 22 East of the 6th 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-25-029, Preliminary Plat for Papa Ponderosa, to the Board of County Commission, with or without conditions; or
2. Recommend denial of Case No. DEV-25-029, Preliminary Plat for Papa Ponderosa to the Board of County Commission for the following reasons;  
or
3. Continue the hearing to another date, time, and place.

**PARCEL SIZE:** 37.5 ACRES

**PARCEL ID NO:**

184-17-0-00-00-003.00

**BUILDINGS:**

N/A

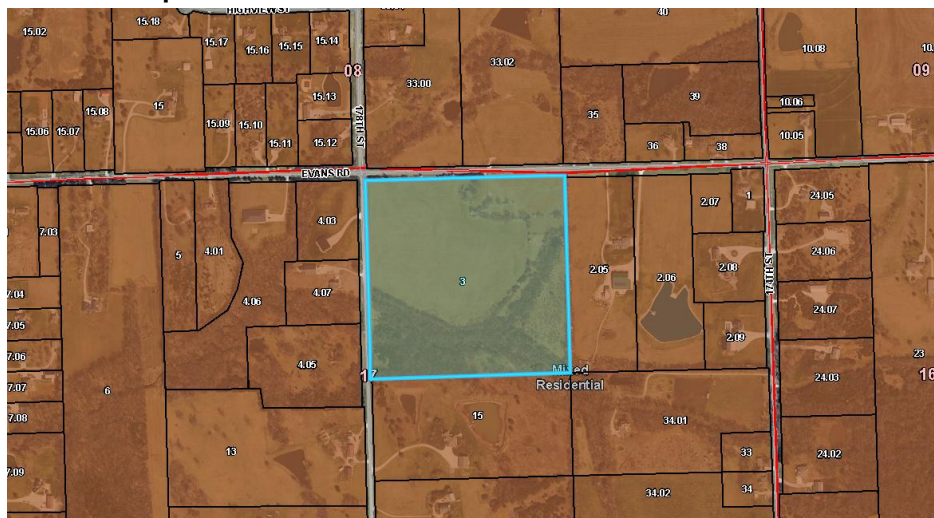
**PROJECT SUMMARY:**

Request for preliminary plat approval to subdivide property located at 00000 Evans Road (184-17-0-00-00-003.00) as Lots 1 through 9 of Papa Ponderosa.

**ACCESS/STREET:**

Evans Rd, Collector, Paved, ± 26' &  
178<sup>th</sup> St – High Volume Local, Paved ± 24'

**Location Map:** FUTURE LAND USE: Mixed Residential



**UTILITIES**

**SEWER:** PRIVATE SEPTIC

**FIRE:** Stranger

**WATER:** Suburban Water

**ELECTRIC:** Everygy

**NOTICE & REVIEW:**

**STAFF REVIEW:**

5/9/2025

**NEWSPAPER NOTIFICATION:**

N/A

**NOTICE TO SURROUNDING  
PROPERTY OWNERS:**

N/A



<b>STANDARDS TO BE CONSIDERED:</b> <i>Type content in each if necessary (delete this afterwards)</i>			
<b>Leavenworth County Zoning and Subdivision Standards: Preliminary Review</b>		<b>Met</b>	<b>Not Met</b>
35-40	<b>Preliminary Plat Content</b>	X	
40-20	<b>Final Plat Content</b>	N/A	
41-6	<b>Access Management</b>	X	
41-6.B.a-c.	<b>Entrance Spacing</b> High Volume Roadway spacing will apply for 178 <sup>th</sup> Street. Shared Drives will be required.		X
41-6.C.	<b>Public Road Access Management Standards</b>	X	
43	<b>Cross Access Easements</b>	N/A	
50-20	<b>Utility Requirements</b>	X	
50-30	<b>Other Requirements</b>	X	
50-40	<b>Minimum Design Standards</b>	X	
50-50	<b>Sensitive Land Development</b>	N/A	
50-60.	<b>Dedication of Reservation of Public Sites and Open Spaces</b>	N/A	

#### STAFF COMMENTS:

The applicant is proposing to divide a 37-acre parcel into nine (9) lots. The Subdivision is classified as a Class C with all lots lying within the Rural Growth Area of Leavenworth County. Staff is supportive of a waiver of the requirement to connect to a sanitary sewer system as sanitary sewers are not located within 660' of the subdivision (see condition 3). Lots 1 through 7 will front onto 178<sup>th</sup> Street, varying in size from 1.25 to 1.9 acres. All lots have over one acre excluding ROW, allowing for enough area to support a private septic system. 178<sup>th</sup> Street is a high-volume local roadway and due to that Public Works is recommending that all lots along 178<sup>th</sup> Street have a shared drive to meet spacing requirements. A condition of approval is that those shared drives must be identified on the final plat. Lots 8 & 9 front onto Evans Road. Lot 8 will be 2 acres and Lot 9 will be more than 26 acres. A shared driveway entrance on Lot 9 provides access to an adjoining parcel but may be developed in the future as a roadway if the lot is further subdivided and the right-of-way & entrance is compliant with County Standards. Lot 9 also has existing accessory structures that will be removed. A condition of approval has been recommended to reflect that. The drainage report will be reviewed as part of the Final Plat review. The Preliminary Plat may have to be amended due to the findings of the drainage report.

#### PROPOSED CONDITIONS:

1. Building permits shall be required for any new construction.
2. Erosion control shall be used when designing and constructing driveways. A form of sediment control shall be installed before work begins and maintained throughout the time that the land disturbing activities are taking place. Re-vegetation of all disturbed sites shall be completed within 45 days after completion of final grading weather permitting.
3. A waiver for the use of private septic systems within this subdivision is granted with this approval.
4. At time of development, fire hydrants shall be required, if necessary, infrastructure is available.
5. Shared driveway access easements must be identified on the Final Plat for lots fronting on 178<sup>th</sup> Street.
6. Accessory Structures located on Lot 9 must be demolished per the plat notation.
7. The developer must comply with the following memorandums:  
Memo – Public Works, dated May 9, 2025

#### ATTACHMENTS:

- A: Application & Narrative
- B: Zoning Map
- C: Road Map (A minimum of 1/4 mile)
- D: Memorandums



**PRELIMINARY PLAT APPLICATION**  
Leavenworth County Planning and Zoning Department  
300 Walnut St., Suite 212  
Leavenworth, Kansas  
913-684-0465

Office Use Only	
Township: _____	Planning Commission Meeting Date: _____
Case No. _____	Date Received/Paid: _____
Zoning District _____	Comprehensive Plan Land Use Designation: _____

APPLICANT/AGENT INFORMATION	OWNER INFORMATION
NAME: <u>Herring Surveying Company</u>	NAME: <u>Kooser Family Trust</u>
MAILING ADDRESS: <u>315 North 5th Street</u>	MAILING ADDRESS <u>17559 Evans Road</u>
CITY/ST/ZIP: <u>Leavenworth, KS 66048</u>	CITY/ST/ZIP <u>Tonganoxie, KS 66086</u>
PHONE: <u>913-651-3858</u>	PHONE: <u>N/A</u>
EMAIL : <u>herringsurveying@outlook.com</u>	EMAIL <u>N/A</u>

**GENERAL INFORMATION**

Proposed Subdivision Name: PAPA PONDEROSA

Address of Property: 00000 EVANS ROAD

PID: 184-17-0-00-00-003 Urban Growth Management Area: N/A

SUBDIVISION INFORMATION		
Gross Acreage: <u>38.4 AC</u>	Number of Lots: <u>9</u>	Minimum Lot Size: <u>1.25 AC</u>
Maximum Lot Size: <u>28 Ac</u>	Proposed Zoning: <u>R1-43</u>	Density: <u>N/A</u>
Open Space Acreage: <u>N/A</u>	Water District: <u>Suburban</u>	Proposed Sewage: <u>Septic</u>
Fire District: <u>Stranger</u>	Electric Provider: <u>Evergy</u>	Natural Gas Provider: <u>Propane</u>
Covenants: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Road Classification: <u>Local – Collector – Arterial – State – Federal</u>	
List of all Requested Exceptions: <i>Exceptions may be granted per Article 56 or as otherwise stated in the Zoning &amp; Subdivision Regulations.</i>	Cross-Access Easement Requested: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
	1. _____	
	2. _____	
	3. _____	
	4. _____	
	5. _____	

Is any part of the site designated as Floodplain? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No if yes, what is the panel number: <u>  </u>	
I, the undersigned, am the owner, <u>duly authorized agent</u> , 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 final plat approval as indicated above.	
Signature: <u>Joe Herring - digitally signed 3/13/2025</u>	Date: <u>3/13/2025</u>

**ATTACHMENT A**



ENTERED IN TRANSFER RECORD IN  
MY OFFICE THIS DAY 10/03/2024

*Janet Klasinski*  
COUNTY CLERK

Doc #: 2024R07391  
TERRILOIS MASHBURN  
REGISTER OF DEEDS  
LEAVENWORTH COUNTY, KANSAS  
RECORDED ON:  
10/03/2024 11:04:11 AM  
RECORDING FEE: 38.00  
PAGES: 2

MAIL TO:

Kooser Family Living Trust

*1559 Evans Rd*  
*Tangandixie, KS 66086*

## STATUTORY WARRANTY DEED

Gerald T. Widener and Barbara K. Widener, a married couple Grantor, conveys and warrants to

Kooser Family Living Trust, Grantee, the following described premises, to-wit:

The Northwest Quarter (NW 1/4) of the Northeast Quarter (NE 1/4) of Section Seventeen (17)  
Township Eleven (11) South Range Twenty-Two (22) East of the Sixth P.M., Less Right-of-Way, in  
Leavenworth County, Kansas.


For the sum of One Dollar and other good and valuable consideration.

Subject to: easements and restrictions of record, if any.

"Grantor" and "Grantee" are used for the singular or plural as context requires.

Executed to be effective as of *October 2nd* 2024.



 Security 1<sup>st</sup> Title | 3096145 | [docs\\_midwest/recordable\\_docs/ks/ks\\_deed\\_all\\_basic\\_ltr.html](https://docs.midwest/recordable_docs/ks/ks_deed_all_basic_ltr.html)



Gerald T. Widener  
Gerald T. Widener

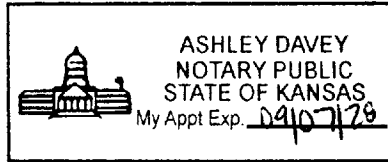
Barbara K. Widener  
Barbara K. Widener

State of Kansas, County of Leavenworth} ss.

This instrument was acknowledged before me on October 02, 2024 by Gerald T. Widener and Barbara K. Widener.

My Commission Expires: 09/10/2029

Ashley Davey  
Ashley Davey, Notary Public





## Allison, Amy

---

**From:** Joe Herring <herringsurveying@outlook.com>  
**Sent:** Friday, May 9, 2025 3:28 PM  
**To:** Allison, Amy; PZ  
**Subject:** Fw: Affidavits

**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.

Thank you - Joe Herring

---

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

---

**From:** Peggy Kooser <kooser.peggy@gmail.com>  
**Sent:** Thursday, September 26, 2024 8:14 AM  
**To:** Joe Herring <herringsurveying@outlook.com>  
**Subject:** Affidavits



AFFIDAVIT

Authorization of Contractors or Individuals to Act as Agents of a Landowner  
COUNTY OF LEAVENWORTH  
STATE OF KANSAS

We/I Rick Kooser and Peggy Kooser

Being dully sworn, dispose and say that we/I are the owner(s) of said property located at -  
3 parcels: 207th St Easton, KS + 00000 Easton Rd, Easton and that we authorize the  
following people or firms to act in our interest with the Leavenworth County Planning  
and Zoning Department for a period of one calendar year. Additionally, all statements  
herein contained in the information herewith submitted are in all respects true and correct  
to the best of our knowledge and belief.

Authorized Agents (full name, address & telephone number)

1) Joseph A. Herring – Herring Surveying Company 315 N. 5<sup>th</sup> Street, Leavenworth,  
KS 66048, 913-651-3858

2)  
Signed and entered this 18<sup>th</sup> day of September 20 24

Rick Kooser, Peggy Kooser 17559 Evans Rd.  
Print Name, Address, Telephone Longanoxie, KS

Rick Kooser Peggy Kooser  
Signature 66086

STATE OF KANSAS )  
 ) SS  
COUNTY OF LEAVENWORTH )

Be it remember that on this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_, before me, a notary public in and  
for said County and State came \_\_\_\_\_ to me  
personally known to be the same persons who executed the forgoing instrument of writing, and  
duly acknowledged the execution of same. In testimony whereof, I have hereunto set my hand  
and affixed my notary seal the day and year above written.

NOTARY PUBLIC \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

(seal)



**CERTIFICATION OF TRUST**  
**KSA 58a-1013**

Rick E. Kooser and Peggy A. Kooser, state:

1. The Kooser Family Living Trust was executed on July 23, 2007, and completely amended and restated on August 22, 2014, and then amended on January 21, 2019.
2. The Trustmakers of the trust are Rick E. Kooser and Peggy A. Kooser.
3. The identity and current address of the trustees are:

**Rick E. Kooser and/or Peggy A. Kooser**  
**17559 Evans Rd**  
**Tonganoxie, KS 66086**

4. The powers of the trustees are attached hereto and incorporated by reference herein.
5. The trust is amendable and revocable, and Rick E. Kooser and Peggy A. Kooser are the persons holding a power to so amend and/or revoke the trust.
6. The Trustmakers, serving also as Co-Trustees, have the authority to act together and separately regarding all matters under the trust.
7. The trust's taxpayer identification number is the social security number of either Trustmaker.
8. The manner of taking title to trust property is: "Rick E. Kooser and Peggy A. Kooser, or successors in trust, Trustees of the Kooser Family Living Trust under agreement dated July 23, 2007."

The trust has not been revoked, modified or amended in any manner that would cause the representations contained in the Certification of Trust to be incorrect. A copy of this Certification of Trust shall be deemed as valid as the original.

Rick E Kooser  
Rick E. Kooser, Trustee

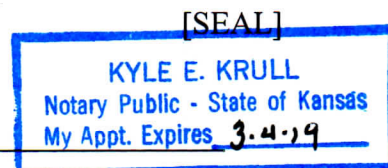
Peggy A Kooser  
Peggy A. Kooser, Trustee

STATE OF KANSAS

COUNTY OF JOHNSON

This instrument was acknowledged before me on January 21, 2019 by Rick E. Kooser and Peggy A. Kooser as Trustees of the Kooser Family Living Trust executed July 23, 2007.

Kyle E. Krull  
Kyle E. Krull, Notary Public  
My Appointment/Commission Expires: 3.4.19





*A Subdivision in the Northeast Quarter of Section 17, Township 11 South, Range 22 East of the 6th P.M., Leavenworth County, Kansas.*

PREPARED FOR:  
Kooser Family Living Trust  
17559 Evans Road  
Tongnaxie, KS 66086  
PID NO. 184-17-0-00-00-003

RECORD DESCRIPTION:  
Tract of land in the Northeast Quarter of Section 17, Township 11 North, Range 22 East of the 6th PM., Leavenworth County, Kansas, as written and recorded in the Highway 1206 on January 15, 2025, and more fully described as follows: Beginning at the Northwest corner of said Northeast Quarter; thence North 88 degrees 33'11" East for a distance of 608.53 feet along the North line of said Northeast Quarter; thence South 01 degrees 26'49" East for a distance of 315.00 feet; thence North 88 degrees 33'11" East for a distance of 175.00 feet; thence North 01 degrees 26'49" West for a distance of 315.00 feet to said North line; thence North 88 degrees 33'11" East for a distance of 522.31 feet along said North line to the West line of SMITH'S PONDEROSA REPLEAT; thence South 01 degrees 43'14" East for a distance of 1320.94 feet along said West line to the West line of SMITH'S PONDEROSA REPLEAT; thence North 01 degrees 43'14" West for a distance of 1320.94 feet along said West line to the point of beginning.

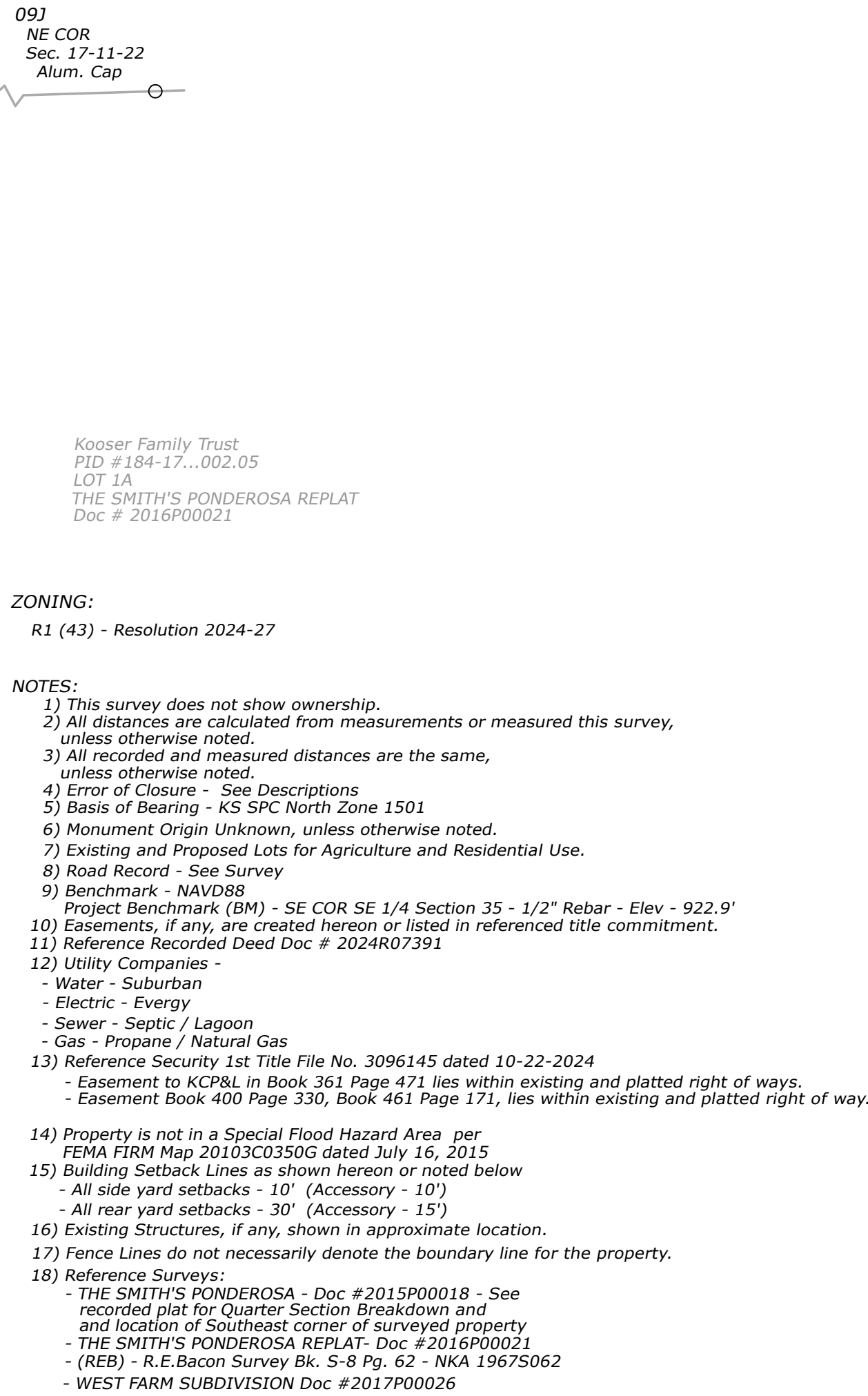
Together with and subject to covenants, easements, and restrictions of record.

Said property contains 38.46 acres, more or less, including road right of way.

Error of Closure: 1 - 1166566

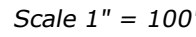
**RESTRICTIONS:**

- 1) All proposed structures within this plat shall comply with the Leavenworth County Zoning and Subdivision Regulations or zoning regulation jurisdiction.
- 2) An Erosion and Sediment Control System may be required due to poor soil conditions.
- 3) Erosion and sediment control measures shall be used when designing and constructing driveways and other structures. Re-vegetation of all disturbed areas shall be completed within 45 days after final grading.
- 4) Lots are subject to the current Access Management Policy.
- 5) All structures built within the subdivision shall comply with Resolution 2020-39, or as amended.
- 6) No off-plat restrictions.

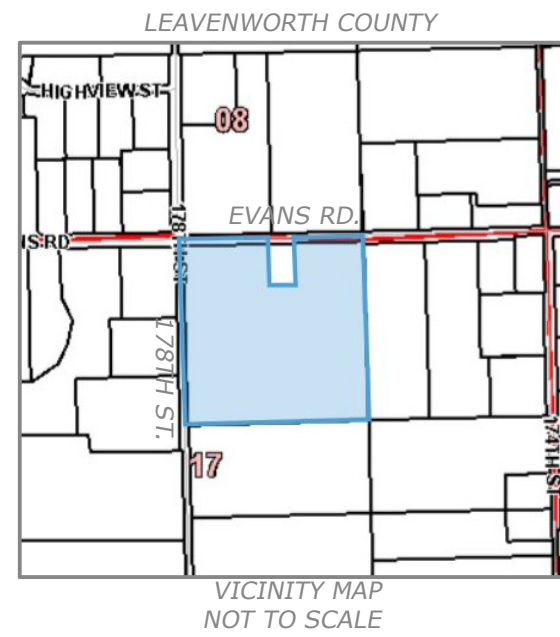
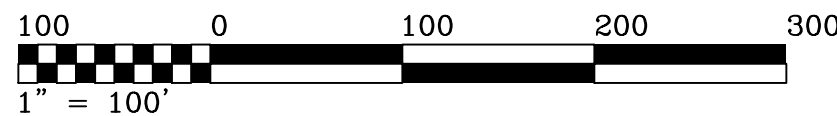


NOTES:

- 1) This survey does not show ownership.
- 2) All distances are calculated from measurements or measured this survey, unless otherwise noted.
- 3) All recorded and measured distances are the same, unless otherwise noted.
- 4) Error of closure - See Descriptions
- 5) Basis of Bearing - KS SPC North Zone 1501
- 6) Monument Origin Unknown, unless otherwise noted.
- 7) Existing and Proposed Lots for Agriculture and Residential Use.
- 8) Road Record - See Survey
- 9) Benchmark - NAVD83  
Project Benchmark (BM) - SE COR SE 1/4 Section 35 - 1/2" Rebar - Elev. - 922.9'
- 10) Easements, if any, are created hereon or listed in referenced title commitment.
- 11) Reference Recorded Deed Doc # 2024R07391
- 12) Utility Companies -
  - Water - Suburban
  - Electric - Evergy
  - Sewer - Septic / Lagoons
  - Gas - Propane / Natural Gas
- 13) Reference Security 1st Title File No. 3096145 dated 10-22-2024
  - Easement to KCR&L in Book 361 Page 471 lies within existing and platted right of ways.
  - Easement Book 400 Page 330, Book 461 Page 171, lies within existing and platted right of way.
- 14) Property is not in a Special Flood Hazard Area per FEMA FIRN Map 2013C0330G dated July 16, 2015
- 15) Building Setback Lines as shown hereon or noted below
  - All side yard setbacks - 10' (Accessory - 10')
  - All rear yard setbacks - 30' (Accessory - 15')
- 16) Existing Structures, if any, shown in approximate location.
- 17) Fence Lines do not necessarily denote the boundary line for the property.
- 18) References:
  - THE SMITH'S PONDEROSA - Doc #2015P00018 - See recorded plat for Quarter Section Breakdown and location of Southeast corner of surveyed property
  - THE SMITH'S PONDEROSA REPLAT - Doc #2016P00021
  - (REB) - R.E.Bacon Survey Bk. S-8 Pg. 62 - NKA 19675062
  - WEST FARM SUBDIVISION Doc #2017P00026

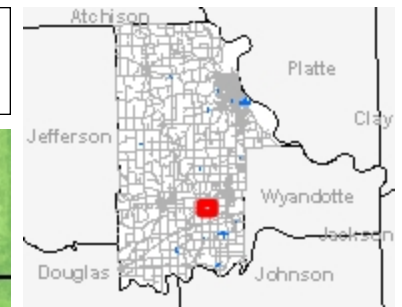
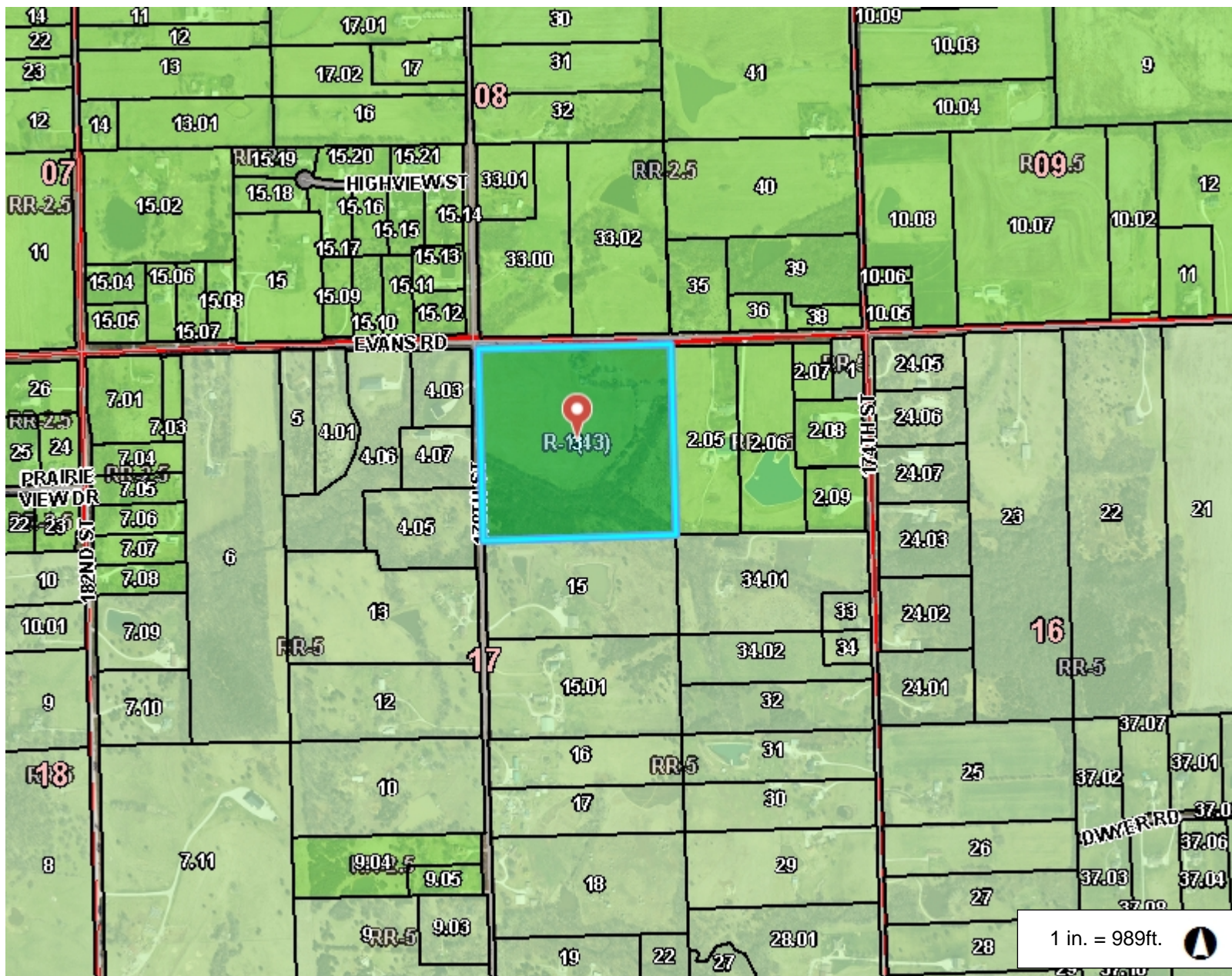


Job #K-24-1838  
March 6, 2025





# DEV-25-029 Papa Ponderosa



## 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

1,977.0 0 988.52 1,977.0 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





February 5, 2025

Leavenworth County  
Planning and Zoning  
Leavenworth KS 66048

To Whom It May Concern:

Suburban Water's present distribution system has the capacity to provide domestic water service (5/8" meter) for 17675 Evans Road, Leavenworth County, KS.

If you have questions, please contact me at 913-724-1800.

Sincerely,

Travis J Miles  
President



## Allison, Amy

---

**From:** Joe Herring <herringsurveying@outlook.com>  
**Sent:** Thursday, March 13, 2025 6:15 PM  
**To:** Johnson, Melissa  
**Subject:** Fw: Papa Ponderosa - Kooser Property. Fire

**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.

Sent via the Samsung Galaxy S22 5G, an AT&T 5G smartphone  
Get [Outlook for Android](#)

---

**From:** Mark B <stfdchief1760@gmail.com>  
**Sent:** Thursday, March 13, 2025 6:12:47 PM  
**To:** Joe Herring <herringsurveying@outlook.com>  
**Cc:** DesignGroupShawnee@evergy.com <DesignGroupShawnee@evergy.com>; Boone Heston <Boone.Heston@evergy.com>; Travis Miles <Travis@suburbanwaterinc.com>; trish@suburbanwaterinc.com <trish@suburbanwaterinc.com>  
**Subject:** Re: Papa Ponderosa - Kooser Property

Stranger Township Fire Department has no issues with this property.

Let me know if you have any questions.

Mark Billquist  
Stranger Township Fire Chief  
913-369-0510

On Thu, Mar 13, 2025 at 4:09 PM Joe Herring <[herringsurveying@outlook.com](mailto:herringsurveying@outlook.com)> wrote:

I believe all may have reviewed this property for a rezone. Kooser Family Trust on Evans Road.  
If you could submit the standard service letter to the me and the county for this project I would appreciate it.

Thank you - Joe Herring

---

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

--



**Mark Billquist**

Stranger Township Fire Chief

10-33 Foundation National Treasurer

[913-369-0510](tel:913-369-0510) mobile

[stfdchief1760@gmail.com](mailto:stfdchief1760@gmail.com)

***Step up and become the first line of defense as a mental health resource by asking four simple words, "How are you doing?"***



## Allison, Amy

---

**From:** Matt Roecker <Matt.Roecker@evergy.com>  
**Sent:** Thursday, March 27, 2025 2:29 PM  
**To:** Johnson, Melissa  
**Subject:** RE: [EXTERNAL]Papa Ponderosa Utility purveyance letter

**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

Melissa,

Evergy has no issues with this plat.

Thanks

**Matt Roecker**

Evergy

TD Designer IV

[matt.roecker@evergy.com](mailto:matt.roecker@evergy.com)

913-667-5116

---

**From:** Johnson, Melissa <MJohnson@leavenworthcounty.gov>  
**Sent:** Thursday, March 27, 2025 1:44 PM  
**To:** 'trish@suburbanwaterinc.com' <trish@suburbanwaterinc.com>; 'travis@suburbanwaterInc.com' <travis@suburbanwaterInc.com>; Design Group Shawnee <DesignGroupShawnee@evergy.com>  
**Cc:** 'Joe Herring' <herringsurveying@outlook.com>; PZ <PZ@leavenworthcounty.gov>  
**Subject:** [EXTERNAL]Papa Ponderosa Utility purveyance letter

**This Message Is From an External Sender**

This message came from outside your organization.

[Report Suspicious](#)

We have received an application for the above listed preliminary plat. Can you please send a response for what ever comment you would like to submit?

If you have any questions, please let me know.

Thank you,

Melissa Johnson

Planner I

Leavenworth County

Planning & Zoning Department

Leavenworth County Courthouse

300 Walnut St, Suite 212

Leavenworth County, Kansas 66048



## Allison, Amy

---

**From:** Anderson, Kyle  
**Sent:** Friday, March 28, 2025 8:27 AM  
**To:** Allison, Amy  
**Subject:** RE: RE: DEV-25-029 Preliminary Plat - Papa Ponderosa

We have not received any complaints on this property, and we are not aware of any septic systems currently installed on it. Septic systems on all lots under 2.5 acres must be designed by an engineer.

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:** Allison, Amy <AAllison@leavenworthcounty.gov>  
**Sent:** Thursday, March 27, 2025 4:06 PM  
**To:** Magaha, Chuck <cmagaha@lvsheriff.org>; Miller, Jamie <JMiller@leavenworthcounty.gov>; Dedeker, Andrew <adedeker@lvsheriff.org>; Brown, Misty <MBrown@leavenworthcounty.gov>; San, Soma <SSan@leavenworthcounty.gov>; 'travis@suburbanwaterinc.com' <travis@suburbanwaterinc.com>; 'trish@suburbanwaterinc.com' <trish@suburbanwaterinc.com>  
**Cc:** PZ <PZ@leavenworthcounty.gov>  
**Subject:** RE: DEV-25-029 Preliminary Plat - Papa Ponderosa

Good Afternoon,

The Leavenworth County Department of Planning and Zoning has received a request for a Preliminary Plat for a 9-lot subdivision located at 17675 Evans Rd.

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 Thursday, April 10, 2025.

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

Thank you,

Amy Allison, AICP  
Deputy Director  
Planning & Zoning  
Leavenworth County  
913.364.5757



## Allison, Amy

---

**From:** Baumchen, Daniel  
**Sent:** Wednesday, April 9, 2025 2:15 PM  
**To:** Allison, Amy; Noll, Bill; McAfee, Joe; Mitch Pleak  
**Subject:** RE: RE: DEV-25-029 Preliminary Plat - Papa Ponderosa

No comments for Preliminary plat

**Dan Baumchen, PS**  
County Surveyor  
Leavenworth County Department of Public Works  
913-684-0472

---

**From:** Allison, Amy <[AAllison@leavenworthcounty.gov](mailto:AAllison@leavenworthcounty.gov)>  
**Sent:** Thursday, March 27, 2025 4:06 PM  
**To:** Noll, Bill <[BNoll@leavenworthcounty.gov](mailto:BNoll@leavenworthcounty.gov)>; McAfee, Joe <[JMcAfee@leavenworthcounty.gov](mailto:JMcAfee@leavenworthcounty.gov)>; Mitch Pleak <[mpleak@olsson.com](mailto:mpleak@olsson.com)>; Baumchen, Daniel <[DBaumchen@leavenworthcounty.gov](mailto:DBaumchen@leavenworthcounty.gov)>  
**Subject:** FW: RE: DEV-25-029 Preliminary Plat - Papa Ponderosa

---

**From:** Allison, Amy <[AAllison@leavenworthcounty.gov](mailto:AAllison@leavenworthcounty.gov)>  
**Sent:** Thursday, March 27, 2025 4:06 PM  
**To:** Magaha, Chuck <[cmagaha@lvsheriff.org](mailto:cmagaha@lvsheriff.org)>; Miller, Jamie <[JMiller@leavenworthcounty.gov](mailto:JMiller@leavenworthcounty.gov)>; Dedeke, Andrew <[adedeke@lvsheriff.org](mailto:adedeke@lvsheriff.org)>; Brown, Misty <[MBrown@leavenworthcounty.gov](mailto:MBrown@leavenworthcounty.gov)>; San, Soma <[ssan@leavenworthcounty.gov](mailto:ssan@leavenworthcounty.gov)>; 'travis@suburbanwaterinc.com' <[travis@suburbanwaterinc.com](mailto:travis@suburbanwaterinc.com)>; 'trish@suburbanwaterinc.com' <[trish@suburbanwaterinc.com](mailto:trish@suburbanwaterinc.com)>  
**Cc:** PZ <[PZ@leavenworthcounty.gov](mailto:PZ@leavenworthcounty.gov)>  
**Subject:** RE: DEV-25-029 Preliminary Plat - Papa Ponderosa

Good Afternoon,

The Leavenworth County Department of Planning and Zoning has received a request for a Preliminary Plat for a 9-lot subdivision located at 17675 Evans Rd.

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 Thursday, April 10, 2025.

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

Thank you,

Amy Allison, AICP  
Deputy Director



5-8-25 Review:

Exhibit #2 - Depict homestead and grass area in Lot 8.



Papa Ponderosa  
Leavenworth County Kansas  
Drainage Report  
March 12, 2025





# PAPA PONDEROSA

A Subdivision in the Northeast Quarter of Section 17, Township 11 South, Range 22 East of the 6th P.M., Leavenworth County, Kansas.

## PRELIMINARY PLAT

PREPARED FOR:  
Kooser Family Living Trust  
17559 Evans Road  
Tonganoxie, KS 66086  
PID NO. 184-17-0-00-00-003

RECORD DESCRIPTION:  
Tract of land in the Northeast Quarter of Section 17, Township 11 South, Range 22 East of the 6th P.M., Leavenworth County, Kansas, as written by Joseph A. Herring PS-1296 on January 15, 2025, and more fully described as follows: Beginning at the Northwest corner of said Northeast Quarter; thence North 88 degrees 33'11" East for a distance of 608.53 feet along the North line of said Northeast Quarter; thence South 01 degrees 26'49" East for a distance of 315.00 feet; thence North 88 degrees 33'11" East for a distance of 175.00 feet; thence North 01 degrees 26'49" West for a distance of 315.00 feet to said North line; thence North 88 degrees 33'11" East for a distance of 527.31 feet along said North line to the West line of SMITH'S PONDEROSA REPLAT; thence South 01 degrees 43'14" East for a distance of 1320.94 feet along said West line; thence South 88 degrees 35'39" West for a distance of 1310.08 feet to the West line of said Northeast Quarter; thence North 01 degrees 45'13" West for a distance of 1320.00 feet along said West line to the point of beginning.  
Together with and subject to covenants, easements, and restrictions of record.  
Said property contains 38.46 acres, more or less, including road right of way.  
Error of Closure: 1 - 1166566

- RESTRICTIONS:
- 1) All proposed structures within this plat shall comply with the Leavenworth County Zoning and Subdivision Regulations or zoning regulation jurisdiction.
  - 2) An Engineered Waste Disposal System may be required due to poor soil conditions.
  - 3) Erosion and sediment control measures shall be used when designing and constructing driveways and other structures. Re-vegetation of all disturbed areas shall be completed within 45 days after final grading.
  - 4) Lots are subject to the current Access Management Policy
  - 5) All structures built within the subdivision shall comply with Resolution 2020-39, or as amended.
  - 6) No off-plat restrictions.

Repeat Comment: Add restriction and annotate drawing accordingly that Evans Road is a High Volume Collector and 178th Street is a High Volume (Other Roadway). This requires 300' between centerline of driveways and 200' from edge of intersection pavement for corner distance. Thus, applicable lots will need to show shared entrances.

Show overhead power and any other utilities adjacent or on the east side of 178th Street and south side of Evans Road.

Correct right-of-way per 178th Street plans.

Repeat Comment: Perform site visit and obtain material type, size, number, and flowlines for culverts.

JOHNSON, JEFF E  
PID #184-17...004.03  
LOT 2  
WEST FARM SUBD.  
Doc # 2017P00026

QUISENBERRY, AARON & TRICIA  
PID #184-17...004.07  
LOT 3A  
WEST FARM SUBD.  
Doc # 2017P00026

CHILES, DAVID M  
PID #184-17...004.05  
LOT 4  
WEST FARM SUBD.  
Doc # 2017P00026

WOODS, ROBERT A & KAREN L  
PID #183-08...033

WOODS, MICHAEL P & ELIZABETH A  
PID #183-08...033.02

09J  
NE COR  
Sec. 17-11-22  
Alum. Cap

Kooser Family Trust  
PID #184-17...002.05  
LOT 1A  
THE SMITH'S PONDEROSA REPLAT  
Doc # 2016P00021

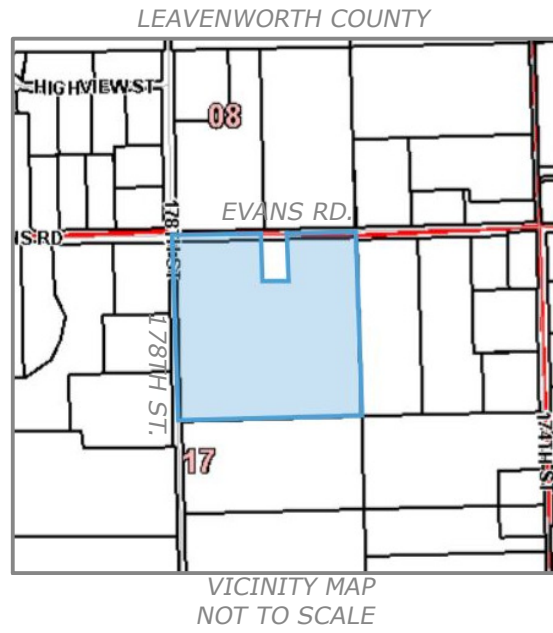
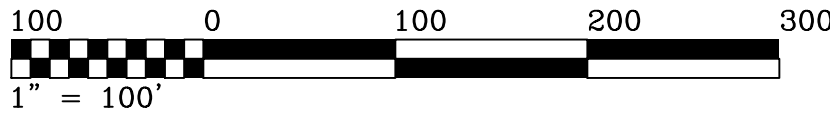
ZONING:  
R1 (43) - Resolution 2024-27

- NOTES:
- 1) This survey does not show ownership.
  - 2) All distances are calculated from measurements or measured this survey, unless otherwise noted.
  - 3) All recorded and measured distances are the same, unless otherwise noted.
  - 4) Error of Closure - See Descriptions
  - 5) Basis of Bearing - KS SPC North Zone 1501
  - 6) Monument Origin Unknown, unless otherwise noted.
  - 7) Existing and Proposed Lots for Agriculture and Residential Use.
  - 8) Road Record - See Survey
  - 9) Benchmark - NAVD88  
Project Benchmark (BM) - SE COR SE 1/4 Section 35 - 1/2" Rebar - Elev - 922.9'
  - 10) Easements, if any, are created hereon or listed in referenced title commitment.
  - 11) Reference Recorded Deed Doc # 2024R07391
  - 12) Utility Companies -
    - Water - Suburban
    - Electric - Evergy
    - Sewer - Septic / Lagoon
    - Gas - Propane / Natural Gas
  - 13) Reference Security 1st Title File No. 3096145 dated 10-22-2024
    - Easement to KCP&L in Book 361 Page 471 lies within existing and platted right of ways.
    - Easement Book 400 Page 330, Book 461 Page 171, lies within existing and platted right of way.
  - 14) Property is not in a Special Flood Hazard Area per FEMA FIRM Map 20103C0350G dated July 16, 2015
  - 15) Building Setback Lines as shown hereon or noted below
    - All side yard setbacks - 10' (Accessory - 10')
    - All rear yard setbacks - 30' (Accessory - 15')
  - 16) Existing Structures, if any, shown in approximate location.
  - 17) Fence Lines do not necessarily denote the boundary line for the property.
  - 18) Reference Surveys:
    - THE SMITH'S PONDEROSA - Doc #2015P00018 - See recorded plat for Quarter Section Breakdown and location of Southeast corner of surveyed property
    - THE SMITH'S PONDEROSA REPLAT - Doc #2016P00021
    - (REB) - R.E.Bacon Survey Bk. S-8 Pg. 62 - NKA 1967S062
    - WEST FARM SUBDIVISION Doc #2017P00026



Scale 1" = 100'

Job #K-24-1838  
March 6, 2025





**LEAVENWORTH COUNTY  
PLANNING COMMISSION  
STAFF REPORT**

**CASE NO:** DEV-25-017/018 Schram Estates

May 14, 2025

**REQUEST:** *Regular Agenda*

☒ Preliminary Plat      ☒ Final Plat

**STAFF REPRESENTATIVE:**

Amy Allison  
Deputy Director

**SUBJECT PROPERTY:** 14445 170<sup>th</sup> Street

**APPLICANT/APPLICANT AGENT:**

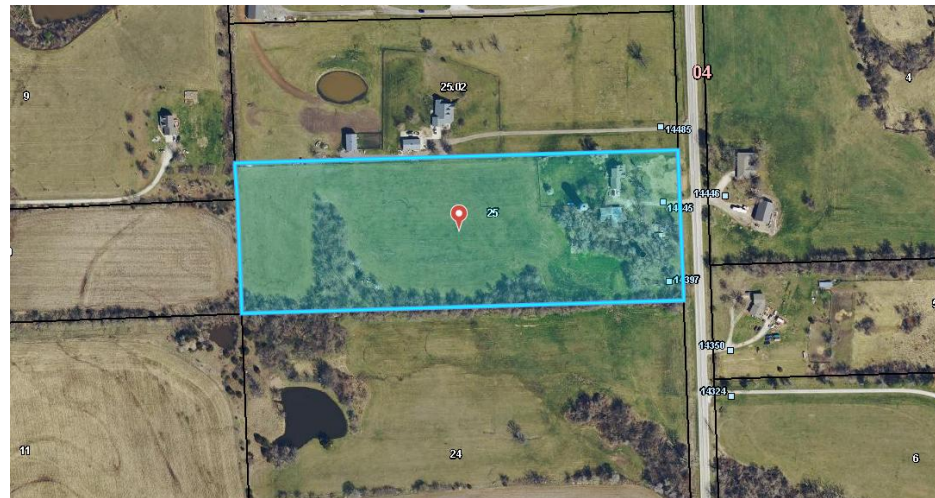
JOE HERRING  
HERRING SURVEYING  
315 N. 5th Street  
Leavenworth, KS 66048

**PROPERTY OWNER:**

Schram Trust  
14445 170<sup>th</sup> Street  
Bonner Springs, KS 66012

**CONCURRENT APPLICATIONS:**

NONE



**LAND USE**

**ZONING:** RR-2.5

**FUTURE LAND USE DESIGNATION:**

Residential (2.5-acre Min)

**LEGAL DESCRIPTION:**

A Minor Subdivision in the Northwest Quarter of Section 4, Township 12 South, Range 22 East of the 6th 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-25-017 & 018, Preliminary & Final Plat for Schram Estates, to the Board of County Commission, with or without conditions; or
2. Recommend denial of Case No. DEV-25-017 & 018, Preliminary & Final Plat for Schram Estates to the Board of County Commission for the following reasons; or
3. Continue the hearing to another date, time, and place.

**PARCEL SIZE:** 12.9 ACRES

**PARCEL ID NO:**

232-04-0-00-02-025.00

**BUILDINGS:**

House and accessory structures

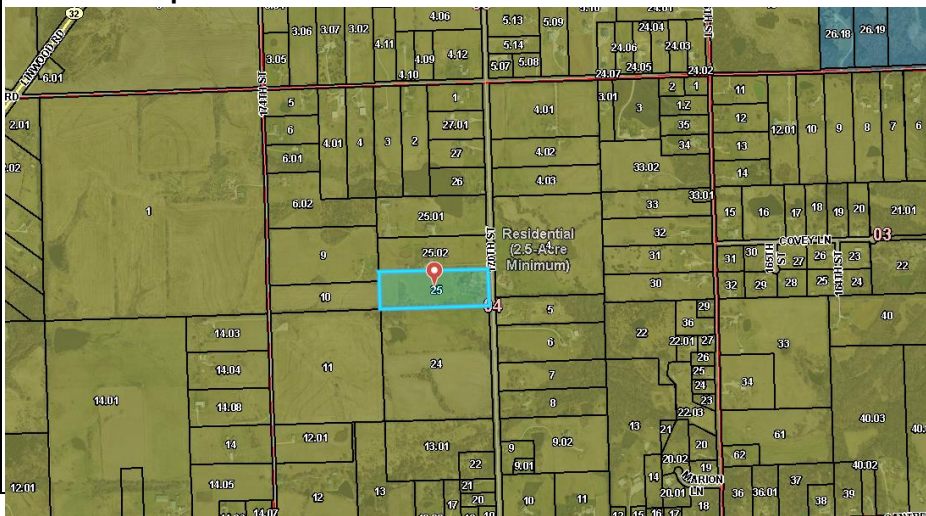
**PROJECT SUMMARY:**

Request for preliminary and final plat approval to subdivide property located at 14445 170<sup>th</sup> Street as Lots 1 and 2 of Schram Estates.

**ACCESS/STREET:**

170<sup>th</sup> Street - Collector, Paved ± 24'

**Location Map:** FUTURE LAND USE DESIGNATION



**UTILITIES**

**SEWER:** PRIVATE SEPTIC

**FIRE:** FD# 2

**WATER:** RWD 7

**ELECTRIC:** Evergy

**NOTICE & REVIEW:**

**STAFF REVIEW:**

4/30/2025

**NEWSPAPER NOTIFICATION:**

N/A

**NOTICE TO SURROUNDING  
PROPERTY OWNERS:**

N/A



<b>STANDARDS TO BE CONSIDERED:</b> <i>Type content in each if necessary (delete this afterwards)</i>			
<b>Leavenworth County Zoning and Subdivision Standards: Preliminary Review</b>		<b>Met</b>	<b>Not Met</b>
35-40	<b>Preliminary Plat Content</b>	X	
40-20	<b>Final Plat Content</b>	X	
41-6	<b>Access Management</b>	X	
41-6.B.a-c.	<b>Entrance Spacing</b>	X	
41-6.C.	<b>Public Road Access Management Standards</b>	X	
43	<b>Cross Access Easements</b>	N/A	
50-20	<b>Utility Requirements</b>	X	
50-30	<b>Other Requirements</b>	X	
50-40	<b>Minimum Design Standards</b>		X
	An exception from Lot-Depth to Lot-Width is needed for Lot 2.		
50-50	<b>Sensitive Land Development</b>	N/A	
50-60.	<b>Dedication of Reservation of Public Sites and Open Spaces</b>	N/A	

#### **STAFF COMMENTS:**

The applicant is proposing to divide a 13-acre parcel into two (2) lots. The Subdivision is classified as a Class C with all lots lying within the Rural Growth Area of Leavenworth County. Staff is supportive of a waiver of the requirement to connect to a sanitary sewer system as sanitary sewers are not located within 660' of the subdivision (see condition 3). Lot 1 is approximately 2.76 acres in size and is compliant with the zoning district standards. Lot 2 is 10.57 acres and has the minimum frontage required but is not compliant with the lot-width to lot-depth standards (approx.1:6). An exception will need to be approved. An Accessory Dwelling Unit permit has been issued for Lot 2. The applicant will need to modify that permit to a Single-Family Residence permit if the plat is approved.

#### **EXCEPTIONS:**

The applicant has requested an exception from Article 50, Section 40.3.i. – Lot-Depth to Lot-Width. The criteria for the acceptance of an exception is as follows:

1. That there are special circumstances or conditions affecting the property.
2. That the variance or exception is necessary for the reasonable and acceptable development of the property in question.
3. That the granting of the variance or exception will not be detrimental to the public welfare or injurious to the adjacent property.

*Motion: The Planning Commission hereby (approves/denies) an exception from Article 50, Section 40.3.i. – Lot-Depth to Lot-Width of the Zoning & Subdivision Regulations for the Schram Estates subdivision, as submitted by the application, based on a finding that all three criteria for an exception has been met.*

#### **PROPOSED CONDITIONS:**

1. Building permits shall be required for any new construction.
2. Erosion control shall be used when designing and constructing driveways. A form of sediment control shall be installed before work begins and maintained throughout the time that the land disturbing activities are taking place. Re-vegetation of all disturbed sites shall be completed within 45 days after completion of final grading weather permitting.
3. A waiver for the use of private septic systems within this subdivision is granted with this approval.
4. At time of development, fire hydrants shall be required, if necessary, infrastructure is available.
5. An exception from Article 50, Section 40.3.i. has been approved for Lot 2.



6. The developer must comply with the following memorandums:

Memo – RWD 7, dated July 3, 2024

Email – Kyle Anderson, Planning & Zoning, dated March 11, 2025

Memo – Chuck Magaha, Emergency Management, dated March 12, 2025

Email – Dan Baumchen, Survey, dated April 7, 2025

**PROPOSED MOTIONS:**

Approve case DEV-25-017/018, a request to plat the property located at 14445 170th Street into a 2-lot subdivision in conformance with the Zoning and Subdivision Regulations with a majority vote; or

*Motion: Chairman, I find that the subdivision request complies with the Zoning and Subdivision Regulations and move to recommend approval to the Board of County Commissioners of the request as outlined in Case DEV-25-017/018 based on the recommendation of Planning Staff and the findings as set forth in the Staff Report.*

Deny case DEV-25-017/018, a request to plat the property located at 14445 170th Street into a 2-lot subdivision not in conformance with the Zoning and Subdivision Regulations with a majority vote; or

*Motion: Chairman, I find that the subdivision request does not comply with the Zoning and Subdivision Regulations (list Article and Section #) and move to recommend denial to the Board of County Commissioners as outlined in Case DEV-25-017/018.*

Table the case to a date and time certain for additional information.

*Motion: Chairman, I move to table Case No. DEV-25-017/018 to (Date and Time) requesting additional information for (STATE THE REASON(S)).*

**ATTACHMENTS:**

A: Application & Narrative

B: Zoning Map

C: Road Map (A minimum of 1/4 mile)

D: Memorandums



FINAL &  
**PRELIMINARY PLAT APPLICATION**  
Leavenworth County Planning and Zoning Department  
300 Walnut St., Suite 212  
Leavenworth, Kansas  
913-684-0465

Office Use Only

Township: \_\_\_\_\_ Planning Commission Meeting Date: \_\_\_\_\_  
Case No. \_\_\_\_\_ Date Received/Paid: \_\_\_\_\_  
Zoning District \_\_\_\_\_ Comprehensive Plan Land Use Designation: \_\_\_\_\_

**APPLICANT/AGENT INFORMATION**

**OWNER INFORMATION**

NAME: Herring Surveying Company NAME: Schram Trust  
MAILING ADDRESS: 315 North 5th Street MAILING ADDRESS 14445 170th Street  
CITY/ST/ZIP: Leavenworth, KS 66048 CITY/ST/ZIP Bonner Springs, KS 66012  
PHONE: 913-651-3858 PHONE: N/A  
EMAIL : herringsurveying@outlook.com EMAIL N/A

**GENERAL INFORMATION**

Proposed Subdivision Name: SCHRAM ESTATES  
Address of Property: 14445 170th Street  
PID: 232-04-0-00-02-025 Urban Growth Management Area: N/A

**SUBDIVISION INFORMATION**

Gross Acreage: 12.85	Number of Lots: 2	Minimum Lot Size: 2.55 Ac
Maximum Lot Size: 10.3 Ac	Proposed Zoning: RR-2.5	Density: N/A
Open Space Acreage: N/A	Water District: RWWD 7	Proposed Sewage:
Fire District: Fire District #2	Electric Provider: Evergy	Natural Gas Provider: Propane
Covenants: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Road Classification: <i>Local – Collector – Arterial – State – Federal</i>	
List of all Requested Exceptions: <i>Exceptions may be granted per Article 56 or as otherwise stated in the Zoning &amp; Subdivision Regulations.</i>	Cross-Access Easement Requested: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
	1. Article 50, Section 40.3.i. Lot-Depth to Lot-Width for Lot 2	
	2.	
	3.	
	4.	
	5.	

Is any part of the site designated as Floodplain? ☐ Yes ☒ No if yes, what is the panel number:

I, the undersigned, am the 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 final plat approval as indicated above.

Signature: Joe Herring - digitally signed 9-2-24

Date: 9-2-24

**ATTACHMENT A**





\* 2 0 1 2 R 0 0 8 7 7 2 \*

Doc #: 2012R00877

STACY R. DRISCOLL/REGISTER OF DEEDS  
LEAVENWORTH COUNTY

RECORDED ON

01/31/2012 01:35PM

RECORDING FEE: 12.00

INDEBTEDNESS: 0.00

PAGES: 2

Entered in the transfer record in my office this

31st day of January, 2012  
Janet Klarsch by [Signature]  
County Clerk

## WARRANTY DEED

THIS DEED, is made and entered into this 23 day of January, 2012, by and between THOMAS J. SCHRAM and CHRISTA J. SCHRAM, husband and wife, Grantors, of Leavenworth County, State of Kansas, and THOMAS J. SCHRAM and CHRISTA J. SCHRAM, trustees of the SCHRAM TRUST DATED JANUARY 23, 2012, Grantee, of Leavenworth County, State of Kansas.

Grantee's mailing address: 14445 170th Street, Bonner Springs, Kansas 66012

WITNESSETH, That the Grantors, for and in consideration of the sum of One Dollar (\$1.00) and other valuable considerations paid by the Grantee, the receipt of which is hereby acknowledged, do by these presents, CONVEY AND WARRANT unto the Grantee, the following described real estate, situated in the County of Leavenworth, State of Kansas, to-wit:

A tract of land in the Northwest 1/4 in Section 4, Township 12 South, Range 22 East of the 6th P.M., being more particularly described as follows:  
Beginning at a point on the South line of said Northwest 1/4, said point being 40.00 feet West of the Southeast corner of said Northwest 1/4, the South line of said Northwest 1/4 having an assumed bearing of North 89 degrees 55'09" West; thence North 89 degrees 55'09" West along the South line of said Northwest 1/4, 1299.96 feet; thence North 00 degrees 01'03" East, 433.44 feet; thence South 89 degrees 55'09" East, parallel with the South line of said Northwest 1/4, 1299.83 feet to the Westerly right of way line of County Road No. 3; thence South 00 degrees 00'00" West along the Westerly right of way line of County Road No. 3, 433.44 feet to the point of beginning of the tract herein described,

in LEAVENWORTH COUNTY, KANSAS

Subject to easements, assessments, restrictions, encumbrances, reservations and covenants, if any, now of record.

IN WITNESS WHEREOF, the Grantors have hereunto set their hands the day and year first above written.

[Signature]  
THOMAS J. SCHRAM

[Signature]  
CHRISTA J. SCHRAM

Will + Trust Center  
3400 College Blvd.  
Leavenworth, KS 66211  
87



STATE OF KANSAS

)

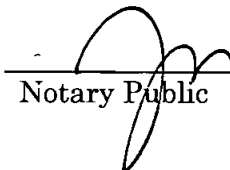
) SS:

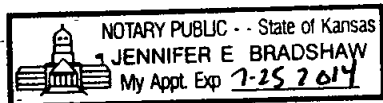
COUNTY OF JOHNSON

)

On this 23 day of January, 2012, before me personally appeared  
THOMAS J. SCHRAM and CHRISTA J. SCHRAM, to me known to be the persons who  
executed the foregoing instrument and acknowledged the execution of the same as their  
free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official  
seal at my office in Leawood, Kansas, the day and year first above written

  
\_\_\_\_\_  
Notary Public



**Exemption #7**

**A real estate sales validation questionnaire is not required due to K.S.A. 79-1437e(a)(7)**



## DECLARATION OF TRUST

This declaration of trust is made this January 23, 2011, by and between THOMAS J. SCHRAM and CHRISTA J. SCHRAM, as grantors, and THOMAS J. SCHRAM and CHRISTA J. SCHRAM, as trustees. The grantors are married to each other. THOMAS J. SCHRAM has children, namely MICHAEL SCHRAM, JASON SCHRAM and BLAKE SCHRAM.

### \*\*\* ARTICLE ONE \*\*\*

#### NAME OF TRUST AND TRUSTEE APPOINTMENTS

##### A. NAME OF TRUST:

This trust shall be known as the SCHRAM TRUST DATED JANUARY 23, 2012.

##### B. PRIMARY TRUSTEES:

We hereby designate ourselves as the primary trustees of this trust and we may each act independently. Upon the death, resignation or incapacity of one of us, the survivor shall continue to act as the primary trustee of this trust. In evaluating a trustee's ability to act under this trust agreement, incapacity shall be determined in accordance with the terms and provisions of Article Five, B.

##### C. SUCCESSOR TRUSTEES:

In the event that neither of us are able and willing to act as trustee, we designate DANIEL SCHRAM to act as trustee. In the event that DANIEL SCHRAM is unable or unwilling to act as trustee, we designate DENISE GILGES to act as trustee.

##### D. RESIGNATION OF TRUSTEE:

Any trustee of a trust created under this agreement may resign at any time by providing prior written not less than thirty (30) days prior to the effective date of the resignation to any other trustee then serving, any trustee appointed by this agreement to act upon the resigning trustee's resignation and any beneficiaries currently entitled to receive mandatory or discretionary distributions of income.

##### E. IF NO NAMED TRUSTEE CAN ACT:

If no trustee named for a trust created under this agreement is willing and able to act, a majority of the beneficiaries currently entitled to receive mandatory or discretionary distributions of income may appoint a bank or trust company operating under a state or federal trust charter to act as successor trustee. The vote of any minor or incapacitated beneficiary may be placed by the legal guardian or agent of said beneficiary. The beneficiaries entitled to appoint a successor corporate trustee may also remove and replace any corporate trustee with or without cause by providing written notice to such trustee not less than thirty (30) days prior to such removal.



**Allison, Amy**

---

**From:** Joe Herring <herringsurveying@outlook.com>  
**Sent:** Thursday, May 1, 2025 4:10 PM  
**To:** Christa Schram; PZ  
**Cc:** Jason Schram  
**Subject:** Re: this took all day  
**Attachments:** AuthorizationAFFIDAVIT .pdf; Resized\_20240621\_160137\_1719006559274.jpeg; Resized\_20240621\_160129\_1719006598141.jpeg; Resized\_20240621\_171358\_1719008047937.jpeg

**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 please see the attached authorization affidavits again.

If you need additional signatures, emails, or phone calls please let me know and I will have the family contact you immediately.

Thank you - Joe Herring

---

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

---

**From:** Christa Schram <Christa.Schram@huhtamaki.com>  
**Sent:** Friday, June 21, 2024 5:15 PM  
**To:** herringsurveying@outlook.com <herringsurveying@outlook.com>  
**Cc:** Jason Schram <jason@hpikc.com>  
**Subject:** this took all day

I apologize for the delay our power kept going out.

Thomas and Christa Schram authorize Joseph Herring to represent us.

Home Email [Schram5@aol.com](mailto:Schram5@aol.com)

Wk email [Christa.schram@huhtamaki.com](mailto:Christa.schram@huhtamaki.com)

*Thank you,*

*Christa Schram*

*Customer Service Account Coordinator*

*Please note new order email address: [HuhtamakiCG@inbox.fsiedi.com](mailto:HuhtamakiCG@inbox.fsiedi.com)*

**Huhtamaki**



## ARTICLE 56 – EXCEPTIONS

Where in the case of a particular proposed subdivision, it can be shown that strict compliance with the requirements of these regulations would result in extraordinary hardship to the subdivider because of unusual topography or other non-self-inflicted conditions; or that these conditions would result in inhibiting the achievement of the objectives of these regulations; the Planning Commission may vary, modify or waive the requirements so that substantial justice may be done and the public interest secured; provided, that such variance, modification or waiver will not have the effect of nullifying the intent and purpose of these regulations or interfering with carrying out the Comprehensive Plan.

In recommending such variance or exception, the Planning Commission shall find the following:

1. That there are special circumstances or conditions affecting the property.  
*Property is a family division and any division of property would need this exception.*
2. That the variance or exception is necessary for the reasonable and acceptable development of the property in question.  
*Yes - allows for the second house on this property.*
3. That the granting of the variance or exception will not be detrimental to the public welfare or injurious to adjacent property.  
*No*



# SCHRAM ESTATES

A Minor Subdivision in the Northwest Quarter of Section 4, Township 12 South, Range 22 East of the 6th P.M., Leavenworth County, Kansas.

## PRELIMINARY PLAT

PREPARED FOR:  
SCHRAM TRUST  
14445 170TH ST  
BOONER SPRINGS, KS 66012  
PID NO. 232-04-0-00-02-025

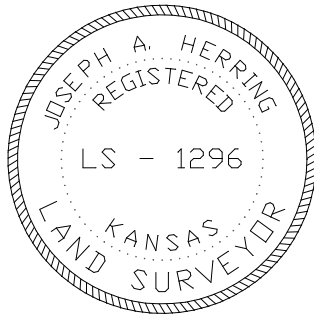
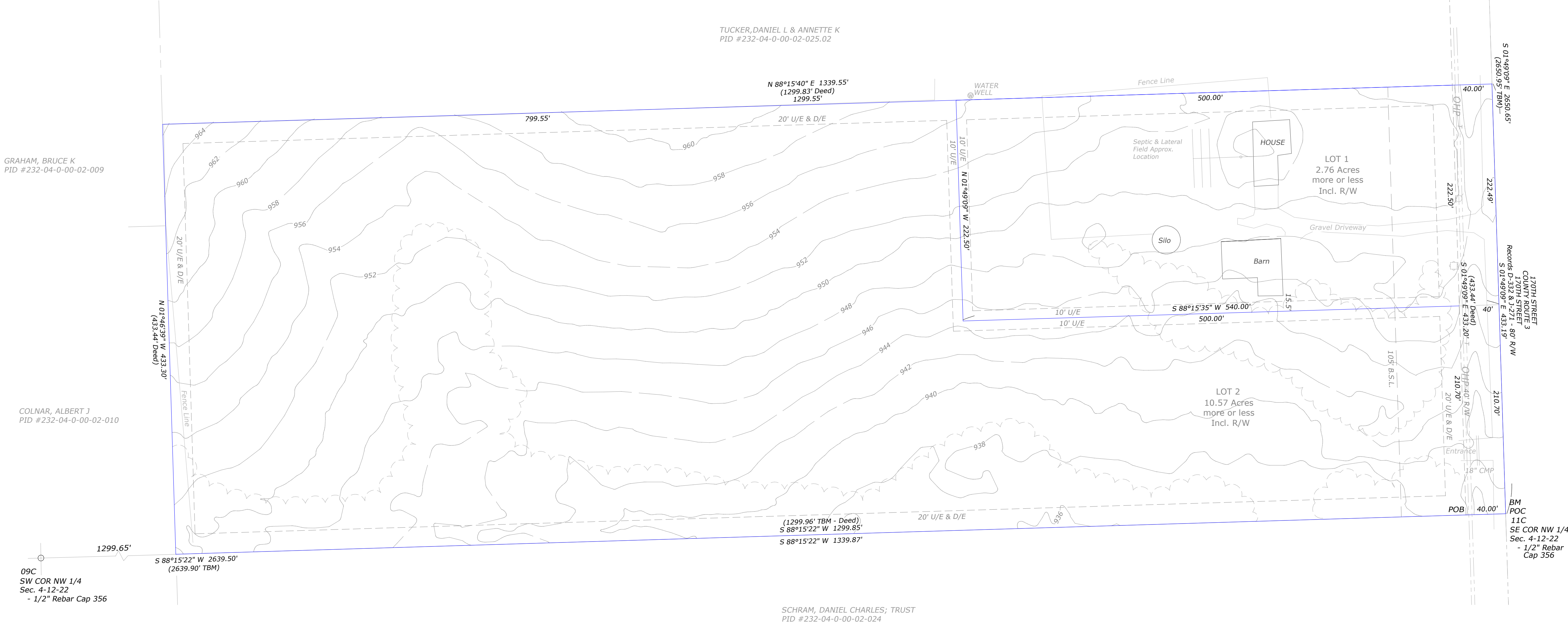
RECORD DESCRIPTION:  
A TRACT OF LAND IN THE NORTHWEST ONE QUARTER IN SECTION 4, TOWNSHIP 12 SOUTH, RANGE 22 EAST OF THE 6TH P.M., BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE SOUTH LINE OF SAID NORTHWEST ONE QUARTER, SAID POINT BEING 40.00 FEET WEST OF THE SOUTHEAST CORNER OF SAID NORTHWEST ONE QUARTER, THE SOUTH LINE OF SAID NORTHWEST ONE QUARTER HAVING AN ASSUMED BEARING OF NORTH 89 DEGREES 55 MINUTES 09 SECONDS WEST; THENCE NORTH 89 DEGREES 55 MINUTES 09 SECONDS WEST ALONG THE SOUTH LINE OF SAID NORTHWEST ONE QUARTER, 1299.96 FEET; THENCE NORTH 00 DEGREES 01 MINUTES 03 SECONDS EAST, 433.44 FEET; THENCE SOUTH 89 DEGREES 55 MINUTES 09 SECONDS EAST, PARALLEL WITH THE SOUTH LINE OF SAID NORTHWEST ONE QUARTER, 1299.83 FEET TO THE WESTERLY RIGHT OF WAY LINE OF COUNTY ROAD NO. 3; THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS WEST ALONG THE WESTERLY RIGHT OF WAY LINE OF COUNTY ROAD NO. 3, 433.44 FEET TO THE POINT OF BEGINNING OF THE TRACT HEREIN DESCRIBED. LESS ANY PART THEREOF TAKEN OR USED FOR ROADS.

- RESTRICTIONS:
- 1) All proposed structures within this plat shall comply with the Leavenworth County Zoning and Subdivision Regulations or zoning regulation jurisdiction.
  - 2) An Engineered Waste Disposal System may be required due to poor soil conditions.
  - 3) Erosion and sediment control measures shall be used when designing and constructing driveways and other structures. Re-vegetation of all disturbed areas shall be completed within 45 days after final grading.
  - 4) Lots are subject to the current Access Management Policy
  - 5) All structures built within the subdivision shall comply with Resolution 2020-39, or as amended.
  - 6) An exception to Article 50, Section 40.3.i. Lot-Depth to Lot-Width has been granted for Lot 2
  - 7) No off-plat restrictions.

ZONING:  
RR 2.5 - Rural Residential 2.5

- NOTES:
- 1) This survey does not show ownership.
  - 2) All distances are calculated from measurements or measured this survey, unless otherwise noted.
  - 3) All recorded and measured distances are the same, unless otherwise noted.
  - 4) Error of Closure - 1 : 426899, 13.32 Acres, more or less, Incl. R/W
  - 5) Basis of Bearing - KS SPC North Zone 1901
  - 6) Monument Origin Unknown, unless otherwise noted.
  - 7) Existing and Proposed Lots for Agriculture and Residential Use.
  - 8) Road Record - See Survey
  - 9) Benchmark - NAVD88
  - 10) Project Benchmark (BM) - SE COR NW 1/4 - 1/2" Rebar - Elev - 937.6'
  - 11) Easements, if any, are created hereon or listed in referenced title commitment.
  - 12) Reference Recorded Deed Doc # 2012R00877
  - 13) Utility Companies -
    - Water - RWD 7
    - Electric - Evergy
    - Sewer - Septic / Lagoon
    - Gas - Propane / Natural Gas
  - 14) Reference Alliance Title Company Number KS-ANTA-LV-5952 updated February 10, 2025
  - 15) Property is not in a Special Flood Hazard Area per FEMA FIRM Map 20103C0350G dated July 16, 2015
  - 16) Building Setback Lines as shown hereon or noted below
    - All side yard setbacks - 15' (Accessory - 15')
    - All rear yard setbacks - 40' (Accessory - 15')
  - 17) Existing Structures, if any, shown in approximate location.
  - 18) Fence Lines do not necessarily denote the boundary line for the property.
  - 19) Reference Surveys:
    - TbM - T.B. Melton dated 1985

- LEGEND:
- - 1/2" Bar Set with Cap No.1296
  - - 1/2" Bar Found, unless otherwise noted.
  - ( ) - Record / Deeded Distance
  - U/E - Utility Easement
  - D/E - Drainage Easement
  - B.S.L. - Building Setback Line
  - R/W - Permanent Dedicated Roadway Easement dedicated this plat
  - - Centerline
  - - Section Line
  - BM - Benchmark
  - POB - Point of Beginning
  - POC - Point of Commencing
  - ///// - No Vehicle Entrance Access
  - NS - Not Set this survey per agreement with client
  - - Power Pole
  - X - Fence Line
  - OHP - Overhead Power Lines
  - T - Underground Telephone/Fiber Optic Line
  - - Gas Valve
  - - Water Meter/Valve
  - - Telephone Pedestal
  - - 6" Water Line - location as per district
  - - Tree/Brush Line

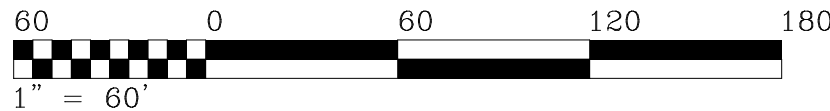


I hereby certify that this survey was made by me, or under my direct supervision, on the ground during the dates of September 2024 through February 2025 and this map or plat is correct to the best of my knowledge.

Joseph A. Herring  
PS # 1296



Job # K-24-1812  
February 15, 2025 Rev. 5-1-25  
J. Herring, Inc. (dba)  
HERRING  
SURVEYING  
& COMPANY  
315 North 5th Street, Leav., KS 66048  
Ph. 913.651.3858 Fax 913.674.5381  
Email - survey@teamcash.com





# SCHRAM ESTATES

A Minor Subdivision in the Northwest Quarter of Section 4, Township 12 South, Range 22 East of the 6th P.M., Leavenworth County, Kansas.

## FINAL PLAT

PREPARED FOR:  
SCHRAM TRUST dated January 23, 2012  
14445 170TH ST  
BOHNER SPRINGS, KS 66012  
PID NO. 232-04-0-00-02-025

### CERTIFICATION AND DEDICATION

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

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

"Drainage Easements" or "D/E" shown on this plat are hereby dedicated for the purpose of constructing, using, replacing and maintaining a culvert, storm sewer, drainage ditch, or other drainage facility or tributary connections, including similar facilities, and appurtenances thereto, including the right to maintain, repair and replace the drainage facility and for any reconstruction and future expansion of such facility, together with the right of access for the same, is hereby dedicated for public use. Drainage Easements shall be kept clear of obstructions that impair the strength or interfere with the use and/or maintenance of storm drainage facilities. The maintenance and upkeep of said Easements shall be the responsibility of the individual owners of the lots whereupon said Easements are dedicated. Leavenworth County shall bear no responsibility for any maintenance and upkeep of said Easements.

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

### IN TESTIMONY WHEREOF,

We, the undersigned owners of SCHRAM ESTATES, have set our hands this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

Thomas J. Schram, Trustee  
SCHRAM TRUST dated January 23, 2012

Christa J. Schram  
SCHRAM TRUST dated January 23, 2012

### NOTARY CERTIFICATE:

Be it remembered that on this \_\_\_\_\_ day of \_\_\_\_\_, 2025, before me, a notary public in and for said County and State came Thomas J. Schram and Christa J. Schram, Trustees to the SCHRAM TRUST dated January 23, 2012, to me personally known to be the same persons who executed the forgoing instrument of writing, and duly acknowledged the execution of same. In testimony whereof, I have hereunto set my hand and affixed my notary seal the day and year above written.

### NOTARY PUBLIC

My Commission Expires: \_\_\_\_\_ (seal)

### APPROVALS

We, the Leavenworth County Planning Commission, do hereby approve the foregoing plat of SCHRAM ESTATES this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

Secretary  
John Jacobson

Chairman  
Marcus Majure

### COUNTY ENGINEER'S APPROVAL:

The County Engineer's plat review is only for general conformance with the subdivision regulations as adopted by Leavenworth County. The County is not responsible for the accuracy and adequacy of the design, dimensions, elevations, and quantities.

County Engineer - Mitch Pleak

### COUNTY COMMISSION APPROVAL:

We, the Board of County Commissioners of Leavenworth County, Kansas, do hereby approve the foregoing plat of SCHRAM ESTATES this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

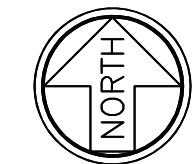
Chairman  
Mike Smith

County Clerk  
Attest: Fran Keppler

### REGISTER OF DEED CERTIFICATE:

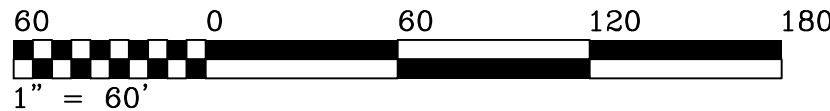
Filed for Record as Document No. \_\_\_\_\_ on this \_\_\_\_\_ day of \_\_\_\_\_, 2025 at \_\_\_\_\_ o'clock \_\_\_ M in the Office of the Register of Deeds of Leavenworth County, Kansas,

Register of Deeds - TerriLois G. Mashburn



Scale 1" = 60'

Job # K-24-1812  
February 15, 2025 Rev. 3/16/25



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

Daniel Baumchen, PS#1363  
County Surveyor

### ZONING:

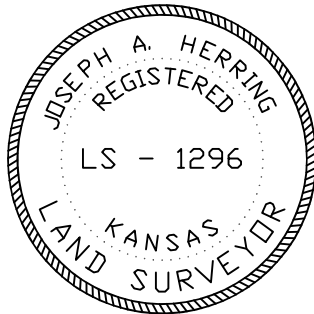
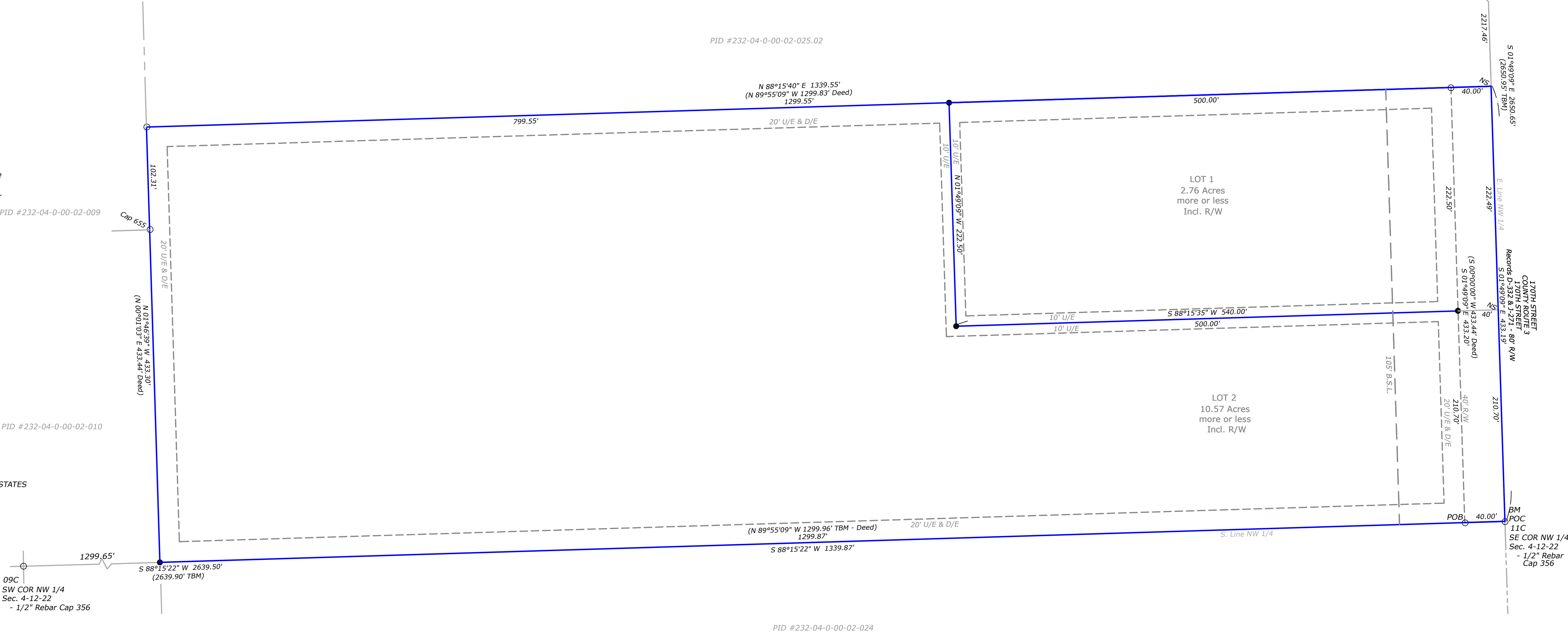
RR 2.5 - Rural Residential 2.5

### NOTES:

- 1) This survey does not show ownership.
- 2) All distances are calculated from measurements or measured this survey, unless otherwise noted.
- 3) All recorded and measured distances are the same, unless otherwise noted.
- 4) Error of Closure - 1 : 426899, 13.32 Acres, more or less, Incl. R/W
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- 6) Monument Origin Unknown, unless otherwise noted.
- 7) Existing and Proposed Lots for Agriculture and Residential Use.
- 8) Road Record - See Survey
- 9) Benchmark - NAVD88
- 10) Project Benchmark (BM) - SE COR NW 1/4 - 1/2" Rebar - Elev - 937.6'
- 11) Easements, if any, are created hereon or listed in referenced title commitment.
- 12) Reference Recorded Deed Doc # 2012R00877
- 13) Utility Companies -
  - Water - RWD 7
  - Electric - Evergy
  - Sewer - Septic / Lagoon
  - Gas - Propane / Natural Gas
- 14) Reference Alliance Title Company Number KS-ANTA-LV-5952 updated February 10, 2025
- 15) Property is not in a Special Flood Hazard Area per FEMA FIRM Map 20103C0350G dated July 16, 2015
- 16) Building Setback Lines as shown hereon or noted below
- 17) All side yard setbacks - 15' (Accessory - 15')
- 18) All rear yard setbacks - 40' (Accessory - 15')
- 19) Existing Structures, if any, shown in approximate location.
- 20) Fence Lines do not necessarily denote the boundary line for the property.
- 21) Reference Surveys:
  - TbM - T.B. Melton dated 1985

### LEGEND:

- - 1/2" Bar Set with Cap No.1296
- - 1/2" Bar Found, unless otherwise noted.
- ( ) - Record / Deeded Distance
- U/E - Utility Easement
- D/E - Drainage Easement
- B.S.L. - Building Setback Line
- R/W - Permanent Dedicated Roadway Easement
- CL - Centerline
- SL - Section Line
- BM - Benchmark
- POB - Point of Beginning
- POC - Point of Commencing
- //// - No Vehicle Entrance Access
- NS - Not Set this survey per agreement with client

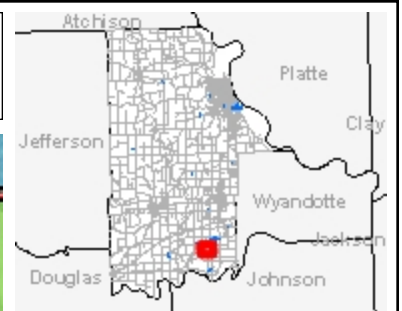
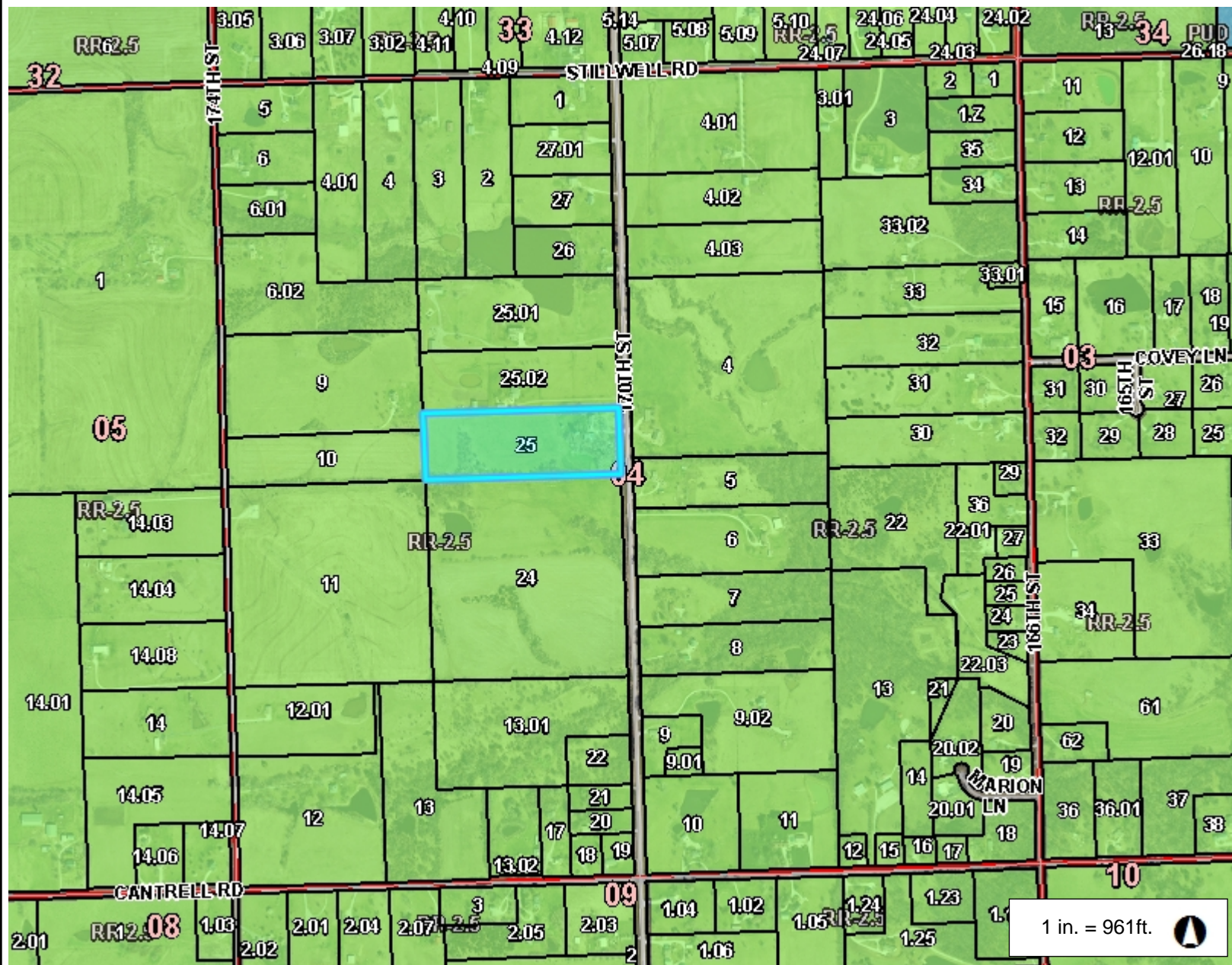


I hereby certify that this survey was made by me, or under my direct supervision, on the ground during the dates of September 2024 through February 2025 and this map or plat is correct to the best of my knowledge.

Joseph A. Herring  
PS # 1296



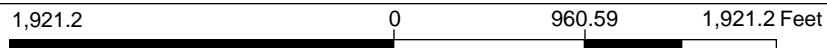
**DEV-25-017 & 018 Schram Estates**



### 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





# Leavenworth Rural Water District No. 7

P. O. Box 257 2451 S. 142<sup>nd</sup> St.

Bonner Springs, KS 66012

Phone: (913) 441-1205 Fax: (913) 422-3393 Toll Free: (888) 449-4028

E-Mail: [Jalayne@leavenworthrwd7.com](mailto:Jalayne@leavenworthrwd7.com)

Website: <http://www.lvrwd7.com>



July 3, 2024

RE: Water Service availability

To Whom It May Concern:

Leavenworth Rural Water District No. 7 is providing the same level of water service to the following legal description: Parcel # R30021 – Parcel # 2320400002025000 Proposed Lot 1 (10 Acres) in Section 04, Township 12, Range 22 in Leavenworth County, Kansas as currently providing to adjacent customers in the district. Address: 14445 170<sup>th</sup> St. Bonner Springs, KS 66012

If you have any questions, please feel free to contact the water office at 913-441-1205.

Thank you.

Sincerely,

Jalayne Turner  
Office Manager  
LVRWD#7



**Allison, Amy**

---

**From:** Joe Herring <herringsurveying@outlook.com>  
**Sent:** Tuesday, February 18, 2025 8:00 AM  
**To:** Johnson, Melissa  
**Subject:** Fw: Schram Property - 14445 170th

**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.

Thank you - Joe Herring

---

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

---

**From:** Matt Roecker <Matt.Roecker@evergy.com>  
**Sent:** Wednesday, July 3, 2024 8:17 AM  
**To:** herringsurveying@outlook.com <herringsurveying@outlook.com>  
**Cc:** PZ <PZ@leavenworthcounty.gov>  
**Subject:** Schram Property - 14445 170th

Internal Use Only

Hello,

Evergy will serve the property at 14445 170<sup>th</sup> in Leavenworth County.

Thanks

**Matt Roecker**

Evergy  
TD Designer IV  
[matt.roecker@evergy.com](mailto:matt.roecker@evergy.com)  
913-667-5116



## Allison, Amy

---

**From:** Joe Herring <herringsurveying@outlook.com>  
**Sent:** Tuesday, February 18, 2025 8:00 AM  
**To:** Johnson, Melissa  
**Subject:** Fw: [EXTERNAL]Schram Property - 14445 170th

**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.

Thank you - Joe Herring

---

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

---

**From:** Dylan Ritter <dritter@lvcofd2.com>  
**Sent:** Tuesday, July 9, 2024 9:18 AM  
**To:** Joe Herring <herringsurveying@outlook.com>  
**Cc:** Boone Heston <Boone.Heston@evergy.com>; Leavenworth RWD#7 <manager@leavenworthrwd7.com>; kritter@lvcofd2.com <kritter@lvcofd2.com>; Matt Roecker <Matt.Roecker@evergy.com>  
**Subject:** Re: [EXTERNAL]Schram Property - 14445 170th

Leavenworth County Fire District #2 has no comments or concerns.

Thanks

On Tue, Jul 9, 2024 at 8:58 AM Joe Herring <[herringsurveying@outlook.com](mailto:herringsurveying@outlook.com)> wrote:  
Can do that - this one is Bonner Springs address

Thank you - Joe Herring

---

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

---

**From:** Boone Heston <[Boone.Heston@evergy.com](mailto:Boone.Heston@evergy.com)>  
**Sent:** Tuesday, July 9, 2024 8:51 AM  
**To:** Joe Herring <[herringsurveying@outlook.com](mailto:herringsurveying@outlook.com)>; Leavenworth RWD#7 <[manager@leavenworthrwd7.com](mailto:manager@leavenworthrwd7.com)>; [kritter@lvcofd2.com](mailto:kritter@lvcofd2.com) <[kritter@lvcofd2.com](mailto:kritter@lvcofd2.com)>; [dritter@lvcofd2.com](mailto:dritter@lvcofd2.com) <[dritter@lvcofd2.com](mailto:dritter@lvcofd2.com)>; Matt Roecker



## Allison, Amy

---

**From:** Dedেকে, Andrew  
**Sent:** Wednesday, February 26, 2025 3:51 PM  
**To:** Allison, Amy  
**Subject:** RE: RE: DEV-25-017/018 Preliminary and Final Plat - Schram Estates

No concerns regarding this subdivision.

---

**From:** Allison, Amy <AAllison@leavenworthcounty.gov>  
**Sent:** Wednesday, February 26, 2025 2:42 PM  
**To:** Magaha, Chuck <cmagaha@lvsheriff.org>; Miller, Jamie <JMiller@leavenworthcounty.gov>; Dedেকে, Andrew <adedেকে@lvsheriff.org>; Brown, Misty <MBrown@leavenworthcounty.gov>; San, Soma <SSan@leavenworthcounty.gov>  
**Cc:** PZ <PZ@leavenworthcounty.gov>  
**Subject:** RE: DEV-25-017/018 Preliminary and Final Plat - Schram Estates

Good Afternoon,

The Leavenworth County Department of Planning and Zoning has received a request for a Preliminary and Final Plat for a two-lot subdivision located at 14445 170<sup>th</sup> 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, March 12<sup>th</sup>.

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



3-04-25 PW Combined:  
No Comments.



Schram Estates  
Leavenworth County Kansas  
Drainage Report  
September 3, 2024





## Allison, Amy

---

**From:** Anderson, Kyle  
**Sent:** Tuesday, March 11, 2025 10:53 AM  
**To:** Allison, Amy  
**Subject:** RE: RE: DEV-25-017/018 Preliminary and Final Plat - Schram Estates

We have not received any complaints on this property and it appears the septic system currently installed will remain on the same property as the home it services. The recently permitted Accessory Dwelling Unit that will be on lot 2 will need to be converted to a Single Family Residence Permit if plat is approved.

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:** Allison, Amy <AAllison@leavenworthcounty.gov>  
**Sent:** Wednesday, February 26, 2025 2:42 PM  
**To:** Magaha, Chuck <cmagaha@lvsheriff.org>; Miller, Jamie <JMiller@leavenworthcounty.gov>; Dedeke, Andrew <adedeke@lvsheriff.org>; Brown, Misty <MBrown@leavenworthcounty.gov>; San, Soma <SSan@leavenworthcounty.gov>  
**Cc:** PZ <PZ@leavenworthcounty.gov>  
**Subject:** RE: DEV-25-017/018 Preliminary and Final Plat - Schram Estates

Good Afternoon,

The Leavenworth County Department of Planning and Zoning has received a request for a Preliminary and Final Plat for a two-lot subdivision located at 14445 170<sup>th</sup> 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, March 12<sup>th</sup>.

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

Thank you,

Amy Allison, AICP  
Deputy Director  
Planning & Zoning  
Leavenworth County  
913.364.5757



# MEMO

**To:** Amy Allison  
**From:** Chuck Magaha  
**Subject:** Schram Estates Subdivision  
**Date:** March 12, 2025

Amy, I have reviewed the preliminary plat of the Schram Estates Estates Subdivision presented by Schram Trust. The subdivision meets the requirements for a fire hydrant and supported with a 6" water line as stated in the subdivision guidelines. The area in which the subdivision is proposed a fire hydrant should be placed along the right-a-way between lot 1 and lot 2. This will meet the requirements for this subdivision.

I have no further recommendation for this subdivision.

If you have any questions please call me 684-0455.



## Allison, Amy

---

**From:** Baumchen, Daniel  
**Sent:** Monday, April 7, 2025 10:32 AM  
**To:** 'Joe Herring'; Allison, Amy  
**Cc:** PZ  
**Subject:** RE: DEV-25-017/018 Schram Estates Review Comments  
**Attachments:** Schram FINAL No Comments 2025.04.07.pdf

No comments on drawing, but still need LSRR

**Dan Baumchen, PS**  
County Surveyor  
Leavenworth County Department of Public Works  
913-684-0472

---

**From:** Joe Herring <herringsurveying@outlook.com>  
**Sent:** Monday, March 31, 2025 1:49 PM  
**To:** Allison, Amy <AAllison@leavenworthcounty.gov>  
**Cc:** PZ <PZ@leavenworthcounty.gov>; Baumchen, Daniel <DBaumchen@leavenworthcounty.gov>  
**Subject:** Re: DEV-25-017/018 Schram Estates 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.

See attached.

Replies to comments.

1. Structure on Lot 2 has been removed.
2. Preliminary plat shows 15.5 feet from the existing structure to the new Lot line
3. Resending signed affidavit with Trust document
4. Sending Exemption Narrative

Thank you - Joe Herring

---

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



SCHRAM ESTATES

A Minor Subdivision in the Northwest Quarter of Section 4, Township 12 South, Range 22 East of the 6th P.M., Leavenworth County, Kansas.

FINAL PLAT

PREPARED FOR:  
SCHRAM TRUST dated January 23, 2012  
14445 170TH ST  
BOONER SPRINGS, KS 66012  
PID NO. 232-04-0-00-02-025

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

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

"Drainage Easements" or "D/E" shown on this plat are hereby dedicated for the purpose of constructing, using, replacing and maintaining a culvert, storm sewer, drainage ditch, or other drainage facility or tributary connections, including similar facilities, and appurtenances thereto, including the right to maintain, repair and replace the drainage facility and for any reconstruction and future expansion of such facility, together with the right of access for the same, is hereby dedicated for public use. Drainage Easements shall be kept clear of obstructions that impair the strength or interfere with the use and/or maintenance of storm drainage facilities. The maintenance and upkeep of said Easements shall be the responsibility of the individual owners of the lots whereupon said Easements are dedicated. Leavenworth County shall bear no responsibility for any maintenance and upkeep of said Easements.

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

IN TESTIMONY WHEREOF,  
We, the undersigned owners of SCHRAM ESTATES, have set our hands this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

Thomas J. Schram, Trustee  
SCHRAM TRUST dated January 23, 2012  
Christa J. Schram  
SCHRAM TRUST dated January 23, 2012

NOTARY CERTIFICATE:  
Be it remembered that on this \_\_\_\_\_ day of \_\_\_\_\_, 2025, before me, a notary public in and for said County and State came Daniel J. Schram and Christa J. Schram, Trustees to the SCHRAM TRUST dated January 23, 2012, to me personally known to be the same persons who executed the forgoing instrument of writing, and duly acknowledged the execution of same. In testimony whereof, I have hereunto set my hand and affixed my notary seal the day and year above written.

NOTARY PUBLIC \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_ (seal)

APPROVALS  
We, the Leavenworth County Planning Commission, do hereby approve the foregoing plat of SCHRAM ESTATES this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

Secretary  
John Jacobson  
Chairman  
Marcus Majure

COUNTY ENGINEER'S APPROVAL:  
The County Engineer's plat review is only for general conformance with the subdivision regulations as adopted by Leavenworth County. The County is not responsible for the accuracy and adequacy of the design, dimensions, elevations, and quantities.

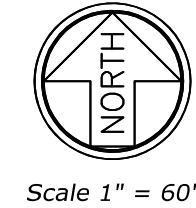
County Engineer - Mitch Pleak

COUNTY COMMISSION APPROVAL:  
We, the Board of County Commissioners of Leavenworth County, Kansas, do hereby approve the foregoing plat of SCHRAM ESTATES this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

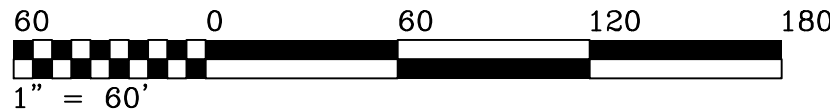
Chairman  
Mike Smith  
County Clerk  
Attest: Fran Keppler

REGISTER OF DEED CERTIFICATE:  
Filed for Record as Document No. \_\_\_\_\_ on this \_\_\_\_\_ day of \_\_\_\_\_, 2025 at \_\_\_\_\_ o'clock \_\_\_ M in the Office of the Register of Deeds of Leavenworth County, Kansas,

Register of Deeds - TerriLois G. Mashburn



Job # K-24-1812  
February 15, 2025 Rev. 3/16/25  
J. HERRING, Inc. (dba)  
SURVEYING & COMPANY  
315 North 5th Street, Leav., KS 66048  
Ph. 913.651.3858 Fax 913.674.5361  
Email - survey@leamcash.com



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

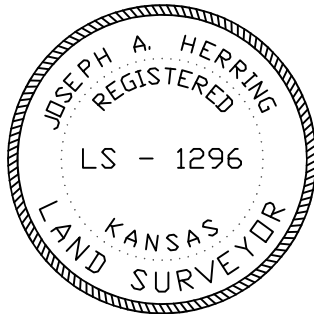
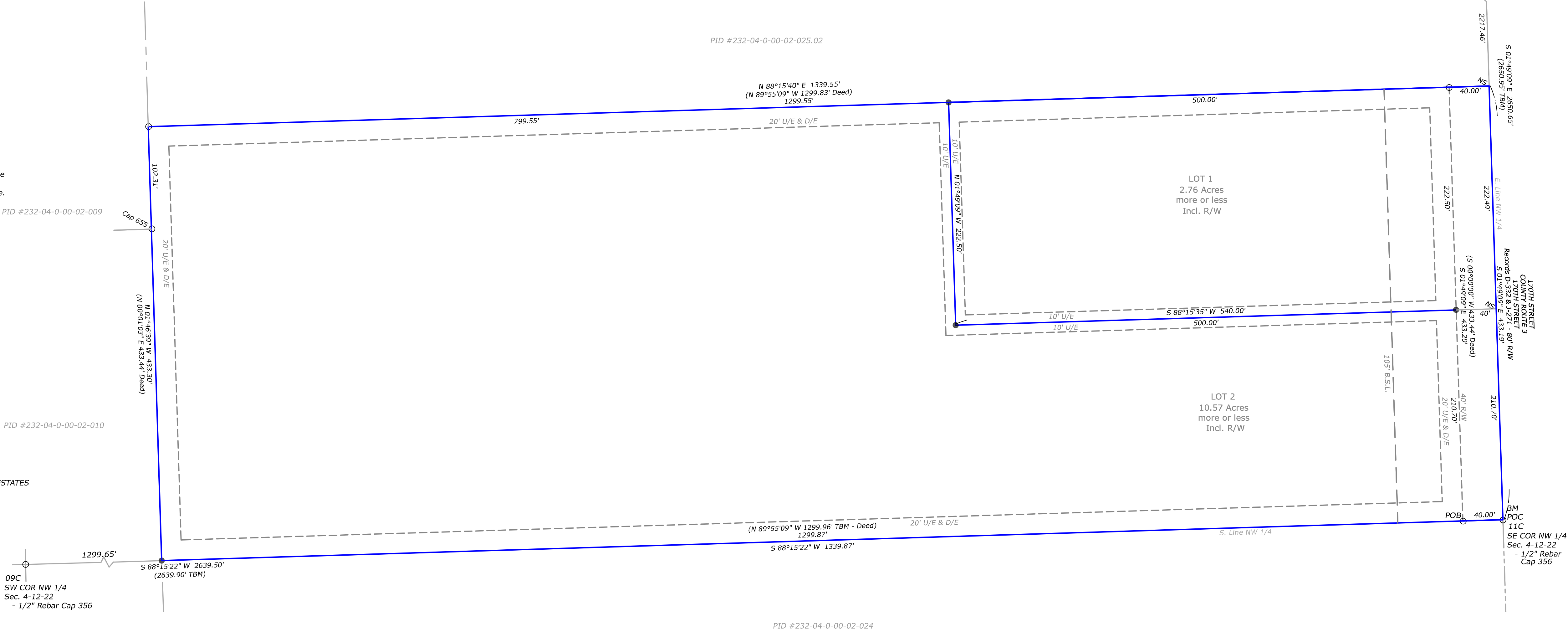
Daniel Baumchen, PS#1363  
County Surveyor

ZONING:  
RR 2.5 - Rural Residential 2.5

- NOTES:
- 1) This survey does not show ownership.
  - 2) All distances are calculated from measurements or measured this survey, unless otherwise noted.
  - 3) All recorded and measured distances are the same, unless otherwise noted.
  - 4) Error of Closure - 1 : 426899, 13.32 Acres, more or less, Incl. R/W
  - 5) Basis of Bearing - KS SPC North Zone 1901
  - 6) Monument Origin Unknown, unless otherwise noted.
  - 7) Existing and Proposed Lots for Agriculture and Residential Use.
  - 8) Road Record - See Survey
  - 9) Benchmark - NAVD88
  - 10) Project Benchmark (BM) - SE COR NW 1/4 - 1/2" Rebar - Elev - 937.6'
  - 11) Easements, if any, are created hereon or listed in referenced title commitment.
  - 12) Reference Recorded Deed Doc # 2012R00877
  - 13) Utility Companies -
    - Water - RWD 7
    - Electric - Evergy
    - Sewer - Septic / Lagoon
    - Gas - Propane / Natural Gas
  - 14) Reference Alliance Title Company Number KS-ANTA-LV-5952 updated February 10, 2025
  - 15) Property is not in a Special Flood Hazard Area per FEMA FIRM Map 20103C0350G dated July 16, 2015
  - 16) Building Setback Lines as shown hereon or noted below
  - 17) All side yard setbacks - 15' (Accessory - 15')
  - 18) All rear yard setbacks - 40' (Accessory - 15')
  - 19) Existing Structures, if any, shown in approximate location.
  - 20) Fence Lines do not necessarily denote the boundary line for the property.
  - 21) Reference Surveys:
    - TbM - T.B. Melton dated 1985

- LEGEND:
- - 1/2" Bar Set with Cap No.1296
  - - 1/2" Bar Found, unless otherwise noted.
  - ( ) - Record / Deeded Distance
  - U/E - Utility Easement
  - D/E - Drainage Easement
  - B.S.L. - Building Setback Line
  - R/W - Permanent Dedicated Roadway Easement
  - CL - Centerline
  - SL - Section Line
  - BM - Benchmark
  - POB - Point of Beginning
  - POC - Point of Commencing
  - //// - No Vehicle Entrance Access
  - NS - Not Set this survey per agreement with client

4-10-25  
PW Approved



I hereby certify that this survey was made by me, or under my direct supervision, on the ground during the dates of September 2024 through February 2025 and this map or plat is correct to the best of my knowledge.

Joseph A. Herring  
PS # 1296



# SCHRAM ESTATES

A Minor Subdivision in the Northwest Quarter of Section 4, Township 12 South, Range 22 East of the 6th P.M., Leavenworth County, Kansas.

## PRELIMINARY PLAT

PREPARED FOR:  
SCHRAM TRUST  
14445 170TH ST  
BOUNNER SPRINGS, KS 66012  
PID NO. 232-04-0-00-02-025

RECORD DESCRIPTION:  
A TRACT OF LAND IN THE NORTHWEST ONE QUARTER IN SECTION 4, TOWNSHIP 12 SOUTH, RANGE 22 EAST OF THE 6TH P.M., BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE SOUTH LINE OF SAID NORTHWEST ONE QUARTER, SAID POINT BEING 40.00 FEET WEST OF THE SOUTHEAST CORNER OF SAID NORTHWEST ONE QUARTER, THE SOUTH LINE OF SAID NORTHWEST ONE QUARTER HAVING AN ASSUMED BEARING OF NORTH 89 DEGREES 55 MINUTES 09 SECONDS WEST; THENCE NORTH 89 DEGREES 55 MINUTES 09 SECONDS WEST ALONG THE SOUTH LINE OF SAID NORTHWEST ONE QUARTER, 1299.96 FEET; THENCE NORTH 00 DEGREES 01 MINUTES 03 SECONDS EAST, 433.44 FEET; THENCE SOUTH 89 DEGREES 55 MINUTES 09 SECONDS EAST, PARALLEL WITH THE SOUTH LINE OF SAID NORTHWEST ONE QUARTER, 1299.83 FEET TO THE WESTERLY RIGHT OF WAY LINE OF COUNTY ROAD NO. 3; THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS WEST ALONG THE WESTERLY RIGHT OF WAY LINE OF COUNTY ROAD NO. 3, 433.44 FEET TO THE POINT OF BEGINNING OF THE TRACT HEREIN DESCRIBED. LESS ANY PART THEREOF TAKEN OR USED FOR ROADS.

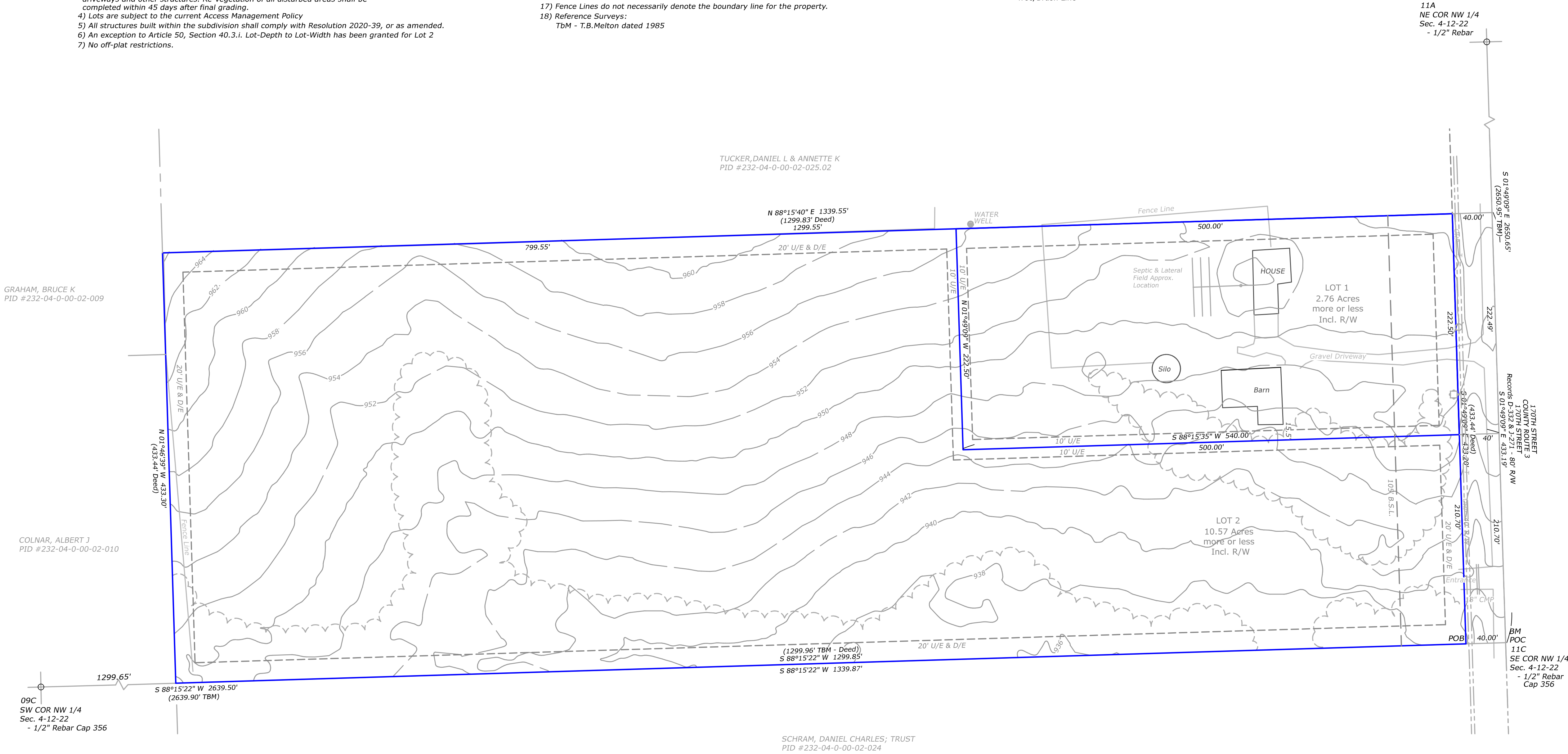
### RESTRICTIONS:

- 1) All proposed structures within this plat shall comply with the Leavenworth County Zoning and Subdivision Regulations or zoning regulation jurisdiction.
- 2) An Engineered Waste Disposal System may be required due to poor soil conditions.
- 3) Erosion and sediment control measures shall be used when designing and constructing driveways and other structures. Re-vegetation of all disturbed areas shall be completed within 45 days after final grading.
- 4) Lots are subject to the current Access Management Policy
- 5) All structures built within the subdivision shall comply with Resolution 2020-39, or as amended.
- 6) An exception to Article 50, Section 40.3.i. Lot-Depth to Lot-Width has been granted for Lot 2
- 7) No off-plat restrictions.

ZONING:  
RR 2.5 - Rural Residential 2.5

- NOTES:
- 1) This survey does not show ownership.
  - 2) All distances are calculated from measurements or measured this survey, unless otherwise noted.
  - 3) All recorded and measured distances are the same, unless otherwise noted.
  - 4) Error of Closure - 1 : 426899, 13.32 Acres, more or less, Incl. R/W
  - 5) Basis of Bearing - KS SPC North Zone 1501
  - 6) Monument Origin Unknown, unless otherwise noted.
  - 7) Existing and Proposed Lots for Agriculture and Residential Use.
  - 8) Road Record - See Survey
  - 9) Benchmark - NAVD88
  - 10) Project Benchmark (BM) - SE COR NW 1/4 - 1/2" Rebar - Elev - 937.6'
  - 11) Easements, if any, are created hereon or listed in referenced title commitment.
  - 12) Reference Recorded Deed Doc # 2012R00877
  - 13) Utility Companies -
    - Water - RWD 7
    - Electric - Evergy
    - Sewer - Septic / Lagoon
    - Gas - Propane / Natural Gas
  - 14) Reference Alliance Title Company Number KS-ANTA-LV-5952 updated February 10, 2025
  - 15) Property is not in a Special Flood Hazard Area per FEMA FIRM Map 20103C0350G dated July 16, 2015
  - 16) Building Setback Lines as shown hereon or noted below
    - All side yard setbacks - 15' (Accessory - 15')
    - All rear yard setbacks - 40' (Accessory - 15')
  - 17) Existing Structures, if any, shown in approximate location.
  - 18) Fence Lines do not necessarily denote the boundary line for the property.
  - 19) Reference Surveys:
    - TbM - T.B. Melton dated 1985

- LEGEND:
- - 1/2" Bar Set with Cap No.1296
  - - 1/2" Bar Found, unless otherwise noted.
  - ( ) - Record / Deeded Distance
  - U/E - Utility Easement
  - D/E - Drainage Easement
  - B.S.L. - Building Setback Line
  - R/W - Permanent Dedicated Roadway Easement dedicated this plat
  - - Centerline
  - - Section Line
  - BM - Benchmark
  - POB - Point of Beginning
  - POC - Point of Commencing
  - //// - No Vehicle Entrance Access
  - NS - Not Set this survey per agreement with client
  - - Power Pole
  - X - Fence Line
  - OHP - Overhead Power Lines
  - T - Underground Telephone/Fiber Optic Line
  - - Gas Valve
  - - Water Meter/Valve
  - - Telephone Pedestal
  - - 6" Water Line - location as per district
  - - Tree/Brush Line



I hereby certify that this survey was made by me, or under my direct supervision, on the ground during the dates of September 2024 through February 2025 and this map or plat is correct to the best of my knowledge.

Joseph A. Herring  
PS # 1296

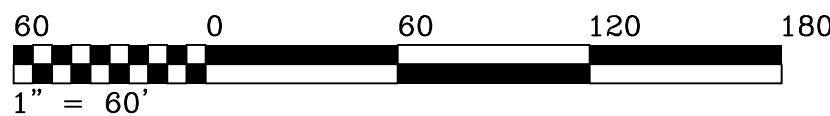


Scale 1" = 60'

Job # K-24-1812  
February 15, 2025



315 North 5th Street, Leav., KS 66048  
Ph. 913.651.3858 Fax 913.674.5361  
Email - survey@leamcash.com





**LEAVENWORTH COUNTY  
PLANNING COMMISSION  
STAFF REPORT**

**CASE NO:** DEV-25-027 Miller & Watson Boundary Line Adjustment

May 14, 2025

**REQUEST:** Exception from Zoning and Subdivision Regulation Article 50, Section 40.3.i (Lot-Depth to Lot-Width Ratio) and Article 50, Section 40.3.d. (Irregular-shaped Lot)

**STAFF REPRESENTATIVE:**

Amy Allison  
Deputy Director

**SUBJECT PROPERTY:** 26447 & 26567 187<sup>th</sup> Street

**APPLICANT/APPLICANT AGENT:**

Joe Herring  
Herring Surveying Company  
315 N. 5th St.  
Leavenworth, KS 66048

**PROPERTY OWNER:**

Lawrence E Miller Trust  
26447 187<sup>th</sup> Street  
Matthew Watson & Amanda  
McCoppin  
26567 187<sup>th</sup> Street

**CONCURRENT APPLICATIONS:**

N/A

**LAND USE**

ZONING: RR-5

FUTURE LAND USE DESIGNATION:  
Residential (2.5-acre min)



**LEGAL DESCRIPTION:**

Tracts of land in the Northeast Quarter of Section 24, Township 9 South, Range 21 East of the 6th p.m., Leavenworth County, Kansas.

SUBDIVISION: N/A

FLOODPLAIN: Zone A

**PROPERTY INFORMATION**

**PARCEL SIZE:** 118 Acres

**PARCEL ID NO:**

116-24-0-00-00-001.00 & -001.01

**BUILDINGS:**

Two houses and accessory structures

**ACTION OPTIONS:**

1. Approve Case DEV-25-027, Exception from Zoning & Subdivision Regulation Article 50, Section 40.3.i. (Lot-Depth to Lot-Width Ratio) and Article 50, Section 40.3.d. (Irregular-shaped Lot); or
2. Deny Case No.DEV-25-017, Exception from Zoning & Subdivision Regulation Article 50, Section 40.3.i. (Lot-Depth to Lot-Width Ratio) and Article 50, Section 40.3.d. (Irregular-shaped Lot); or
3. Modify Case No DEV-25-017, Exception from Zoning & Subdivision Regulation Article 50, Section 40.3.i. (Lot-Depth to Lot-Width Ratio) and Article 50, Section 40.3.d. (Irregular-shaped Lot);

**Location Map:** Future Land Use Designation

**ACCESS/STREET:**

187<sup>th</sup> Street: Arterial, Paved, ±25' Wide

**UTILITIES**

SEWER: N/A

FIRE: EASTON

WATER: RWD#12

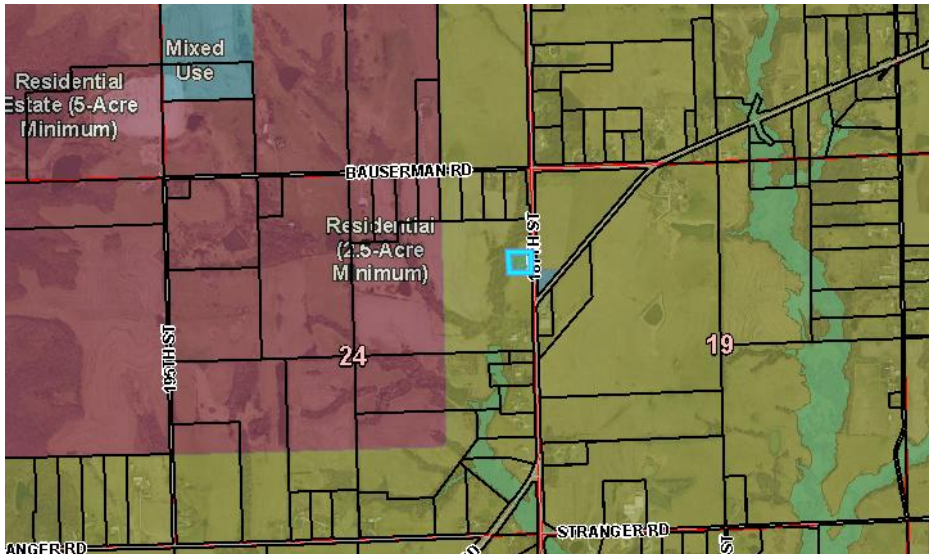
ELECTRIC: EVERGY

**NOTICE & REVIEW:**

STAFF REVIEW: 4/29/2025

NEWSPAPER NOTIFICATION:  
N/A

NOTICE TO SURROUNDING  
PROPERTY OWNERS:  
N/A





<b>FACTORS TO BE CONSIDERED: Article 50, Section 40.3.d (Irregular Lot Shape)</b>
<b><i>Where in the case of a particular proposed subdivision, it can be shown that strict compliance with the requirements of these regulation would result in extraordinary hardship to the subdivider because of unusual topography or other non-self-inflicted condition; or that these conditions would result in inhibiting the achievement of the objectives of these regulations.</i></b>
<p><b>1. That there are special circumstances or conditions affecting the property;</b></p> <ul style="list-style-type: none"> <li>The applicant would like the rear line to maintain the creek that separates their property from the adjoining parcel.</li> <li>Creeks are a somewhat common occurrence when dividing property and consideration must be given to the best method for dividing land around a natural feature.</li> </ul>
<p><b>2. That the exception is necessary for the reasonable and acceptable development of the property in question;</b></p> <ul style="list-style-type: none"> <li>By following the creek line, ownership of land is more easily identifiable. However, creeks and embankments do change while this property line will not.</li> </ul>
<p><b>3. That the granting of the exception will not be detrimental to the public welfare or injurious to adjacent property.</b></p> <ul style="list-style-type: none"> <li>Granting the exception does not appear to cause any issues with public welfare or injurious to adjacent properties.</li> </ul>

<b>FACTORS TO BE CONSIDERED: Article 50, Section 40.3.i (Lot-Depth to Lot-Width Ratio)</b>
<b><i>Where in the case of a particular proposed subdivision, it can be shown that strict compliance with the requirements of these regulation would result in extraordinary hardship to the subdivider because of unusual topography or other non-self-inflicted condition; or that these conditions would result in inhibiting the achievement of the objectives of these regulations.</i></b>
<p><b>1. That there are special circumstances or conditions affecting the property;</b></p> <ul style="list-style-type: none"> <li>The applicant is proposing a property that is wider than it is deep, exceeding the 1:1 ratio (approx. 1.73:1).The exception is necessary due to the desire to follow the creek line.</li> </ul>
<p><b>2. That the exception is necessary for the reasonable and acceptable development of the property in question;</b></p> <ul style="list-style-type: none"> <li>As stated above, by following the creek line, ownership of land is more easily identifiable. However, creeks and embankments do change while this property line will not.</li> <li>A 1:1 ratio is desirable for lots because it reduces stropping off frontage to allow for more developable lots to be created but also allows for more developable area within the lot, as front yard setbacks tend to be larger than others.</li> </ul>
<p><b>3. That the granting of the exception will not be detrimental to the public welfare or injurious to adjacent property.</b></p> <ul style="list-style-type: none"> <li>Granting the exception does not appear to cause any issues with public welfare or injurious to adjacent properties.</li> </ul>

#### **STAFF COMMENTS:**

The proposed layout is the desired option for the applicants in order to use the creek line as the determinant of where the boundary line should be placed. While following natural features for property lines can help property owners better identify their property lines, natural features like creek lines can change. If the creek were to widen or narrow, the shown property line would no longer match the natural feature. The need for both exceptions is required due to following the creek. Otherwise, both parcels are complaint with the underlying zoning district standards.



**EXCEPTIONS:**

The applicant has requested an exception from Article 50, Section 40.3.d. – Irregular-shaped Lot. The criteria for the acceptance of an exception is as follows:

1. That there are special circumstances or conditions affecting the property.
2. That the variance or exception is necessary for the reasonable and acceptable development of the property in question.
3. That the granting of the variance or exception will not be detrimental to the public welfare or injurious to the adjacent property.

*Motion: The Planning Commission hereby (approves/denies) an exception from Article 50, Section 40.3.d. – Irregular-shaped Lot of the Zoning & Subdivision Regulations for Case DEV-25-027, as submitted by the application, based on a finding that all three criteria for an exception has been met.*

The applicant has requested an exception from Article 50, Section 40.3.i. – Lot-Depth to Lot-Width. The criteria for the acceptance of an exception is as follows:

1. That there are special circumstances or conditions affecting the property.
2. That the variance or exception is necessary for the reasonable and acceptable development of the property in question.
3. That the granting of the variance or exception will not be detrimental to the public welfare or injurious to the adjacent property.

*Motion: The Planning Commission hereby (approves/denies) an exception from Article 50, Section 40.3.i. – Lot-Depth to Lot-Width of the Zoning & Subdivision Regulations for Case DEV-25-027, as submitted by the application, based on a finding that all three criteria for an exception has been met.*

**ATTACHMENTS:**

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



# Department of Planning and Zoning

## Leavenworth County Kansas

### BOUNDARY LINE ADJUSTMENT APPLICATION

#### OWNERSHIP INFORMATION

##### ~~TRACT 1~~ AGENT

Name Joe Herring / Herring Surveying Company

Address 315 North 5th Street

City/St/Zip Leavenworth, KS 66048

Phone 913-651-3858

Email herringsurveying@outlook.com

Book/Page Existing Deed See Survey

Applicant/Agent Contact Email herringsurveying@outlook.com

##### TRACT 1

##### TRACT 2 (Add separate sheet for additional parcels)

LAWRENCE E. MILLER TRUST

Name WATSON, MATHEW & MC COPPIN, AMANDA

26447 187TH ST

Address 26567 187TH ST

City/St/Zip Leavenworth, KS 66048

Phone N/A

Email N/A

Book/Page Existing Deed See Survey

#### EXISTING TRACT INFORMATION

Parcel Numbers 116-24-0-00-00-001

Tract 1

116-24-0-00-00-001.01

Tract 2

I, the undersigned, am the owner or **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 boundary line approval as indicated above.

Signature: Joe Herring - digitally signed 3-25-25

Date: 3/25/25

Signature \_\_\_\_\_ Date \_\_\_\_\_

Owner/Agent, Tract 1

Signature \_\_\_\_\_ Date \_\_\_\_\_

Owner/Agent, Tract 2

#### Received by Planning and Zoning Office

Case No. \_\_\_\_\_

Existing Zoning \_\_\_\_\_

Office Staff: \_\_\_\_\_ Date Received: \_\_\_\_\_



Entered in the transfer record in my office this

21 day of July, 2015  
Janet K. Eastman  
County Clerk  
by B. Jones

INDEBTEDNESS: 0  
PAGES: 2

QUIT CLAIM DEED

THIS INDENTURE, made this 1st day of July, 2015, between LAWRENCE E. MILLER, a single person, of Leavenworth County, Kansas, (hereinafter "Grantor"); and LAWRENCE E. MILLER, TINA M. PACKARD, AND DAVID L. MILLER, TRUSTEES (TRUSTEE'S SUCCESSORS AND ASSIGNS) OF THE LAWRENCE E. MILLER TRUST DATED JULY 1, 2015, (hereinafter "Grantee"). Tax Statements shall be mailed to: Lawrence E. Miller, Trustee, 26447 187<sup>TH</sup> St, Leavenworth, KS 66048.

WITNESSETH, that said Grantor, for and in consideration of the sum of ONE DOLLAR (\$1.00) to them duly paid, the receipt whereof is hereby duly acknowledged, has sold, and by these presents do GRANT, BARGAIN, SELL, RELEASE AND FOREVER QUIT CLAIM unto the said Grantee, Grantee's heirs and assigns forever, all of the following described tract, piece, and parcel of land, situated in Leavenworth County, Kansas, to-wit:

The Northeast Quarter (NE 1/4) of Section 24, Township 9, Range 21; LESS, the following described tract, to-wit:

Commencing at the Northeast corner of the NE 1/4 of Section 24, Township 9, Range 21; thence, S 00° W, (Assumed) 1,200.20 feet along the Section line to the point of beginning of this tract; thence S 00° W, 300 feet; thence, S 90° W, 363 feet; thence N 00° E, 300 feet; thence, N 90° E, 363 feet; to the point, place of beginning; ALSO, LESS the following tract of land, to-wit:

Tract deeded for road right-of-way described in the Quit-Claim Deed recorded in Book 506 at page 404 in the Office of the Register of Deeds of Leavenworth County, Kansas

Commonly known as 26447 187<sup>th</sup> St, Leavenworth, KS 66048.

together with all and singular, the hereditaments and appurtenances thereunto belonging or in any wise appertaining: TO HAVE AND TO HOLD the said granted premises unto the said Grantee, Grantee's heirs and assigns forever.

Pursuant to K.S.A. 79-1437e(a), a real estate validation questionnaire is not required due to exemption number 7.

THIS DEED IS PREPARED AT THE REQUEST OF THE PARTIES WITHOUT THE BENEFIT OF A TITLE SEARCH OR AD VALOREM TAX INFORMATION. THIS REVOKES ANY PRIOR TRANSFER ON DEATH DEED OF RECORD, SPECIFICALLY FILED IN BOOK 0809, PAGE 1105.

IN WITNESS WHEREOF, the said Grantor has hereunto set Grantor's hand and seal the day and year first above written.

Lawrence E. Miller  
LAWRENCE E. MILLER

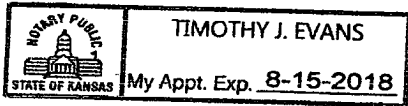
Prepared by and return to  
Evans & Mullinix, P A.  
7225 Renner Road, Suite 200  
Shawnee, KS 66217



STATE OF KANSAS                    )  
  ) ss.  
COUNTY OF LEAVENWORTH        )

BE IT REMEMBERED, that on this 1<sup>st</sup> day of July, 2015, before me, the undersigned, a notary public in and for the County and State aforesaid, came LAWRENCE E. MILLER, a single person, who is personally known to me to be the same person who executed the foregoing instrument, and duly acknowledged the execution of the same.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my notary seal of the day and year last above written.



*Timothy J. Evans*  
NOTARY PUBLIC



*Janet Klasmink*  
COUNTY CLERK

Doc #: 2021R03255  
TERRILOIS MASHBURN  
REGISTER OF DEEDS  
LEAVENWORTH COUNTY, KANSAS  
RECORDED ON:  
03/17/2021 12:59:21 PM  
RECORDING FEE: 38.00  
PAGES: 2

Continental Title Company: 20398397

**Warranty Deed**  
(Joint Tenants)

This indenture, Made this 9<sup>th</sup> day of February, 2021 between, Clifford M. Packard and Tina M. Packard, husband and wife of Leavenworth County, in the State of Kansas, party(ies) of the first part, and Mathew Watson, a single person and Amanda McCoppin, a single person, As Joint Tenants with right of Survivorship and not as Tenants in Common, of Leavenworth County, in the State of KS, party(ies) of the second part:

WITNESSETH, that the said party of the first part, in Consideration of the sum of TEN Dollars and other valuable considerations, the receipt whereof is hereby acknowledged, does by these presents, grant, bargain, sell and convey unto said parties of the second part, the survivor's heirs and assigns, all of the following described real estate, situated in the County of Leavenworth and State of Kansas to wit:

Legal Description: The Northeast Quarter (NE 1/4) of Section Twenty-Four (24), Township Nine (9) South, Range Twenty-One (21) East of the 6th Principle Meridian, described as follows: Commencing at the Northeast corner of the Northeast Quarter of Section 24-T9S-R21E; thence, S 00° West, (assumed) 1,200.20 feet along the section line of the POB of this tract; thence S 00° West, 300.00 feet; thence South 90° West 1,452.00 feet; thence North 00° East, 300.00 feet; thence North 90° East, 1,452.00 feet to the POB.

LESS AND EXCEPT that portion described in Warranty Deed recorded as Document No. 2009R06831, described as follows: A tract of land in the Northeast Quarter of Section 24, Township 9 South, Range 21 East of the 6th P.M., Leavenworth County, Kansas, more fully described as follows: Commencing at the Northeast corner of the Northeast Quarter of said Section 24; thence South 00 degrees West (assumed) 1,200.20 feet along the section line; thence South 90 degrees West, 363.00 feet to the point of beginning of this tract; thence South 00 degrees West, 300.00 feet; thence South 90 degrees West 1,089.00 feet; thence North 00 degrees East, 300.00 feet; thence North 90 degrees East, 1,089.00 feet to the point of beginning.

Less any part thereof taken or used for road purposes.

Note: Subject to easements, reservations, and restrictions, if any of record.

To have and to hold the same, together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in any wise appertaining forever.

And said party of the first part, for itself, and its successors and assigns, does hereby covenant, promise and agree, to and with said party(ies) of the second part, that at the delivery of these presents, it is lawfully seized in its own right of an absolute and indefeasible estate of inheritance, in fee simple, of and in all and singular the able granted and described premises, with the appurtenances; that the same are free, clear, discharged and unencumbered of and from all former and other grants, titles, charges, states, judgments, taxes, assessments and encumbrances, of what nature and kind so ever, and that it will Warrant and Forever Defend the same unto said party(ies) of the second part, survivor's heirs and assigns, and all and every person or persons whomsoever, lawfully claiming or to claim the same.



year last above written.

Clifford M Packard  
Clifford M Packard

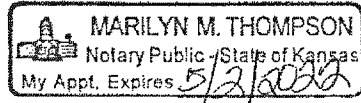
**Tina M Packard**

County of      Leavenworth

BE IT REMEMBERED, That on 9<sup>th</sup> day of February 2021 before me, a notary public, in and for said county and state aforesaid, came **Clifford M. Packard and Tina M. Packard, husband and wife** personally known to me to be the same PERSON(S) who executed the within instrument of writing and such person(s) duly acknowledged the execution of the same. IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year last above written.

**Marilyn M. Thompson - Notary Public**

**My Term Expires: May 2, 2022**





## **ARTICLE 56 – EXCEPTIONS**

Where in the case of a particular proposed subdivision, it can be shown that strict compliance with the requirements of these regulations would result in extraordinary hardship to the subdivider because of unusual topography or other non-self-inflicted conditions; or that these conditions would result in inhibiting the achievement of the objectives of these regulations; the Planning Commission may vary, modify or waive the requirements so that substantial justice may be done and the public interest secured; provided, that such variance, modification or waiver will not have the effect of nullifying the intent and purpose of these regulations or interfering with carrying out the Comprehensive Plan.

In recommending such variance or exception, the Planning Commission shall find the following:

1. That there are special circumstances or conditions affecting the property.
2. That the variance or exception is necessary for the reasonable and acceptable development of the property in question.
3. That the granting of the variance or exception will not be detrimental to the public welfare or injurious to adjacent property.

Exception for Width to Depth and angle break along south line (irregular shape).

1) Property is irregular in shape caused by the alignment of Tonganoxie Road and also the narrow tract of land that was previously created along Tonganoxie Road - 27604 Tonganoxie Road PID #105-16-0-00-00-001

2) Yes it is necessary for the division of this property and to leave the larger tract of land with more compliant and better configuration for future development. To adhere to the width to depth ratio would create another triangle shaped portion of the large tract. By exceeding the 45 degrees allowance for a line break it will keep that southern line at a 90 degree angle with the east line of the tract.

3) It will not be detrimental to the public welfare or injurious to adjacent property.

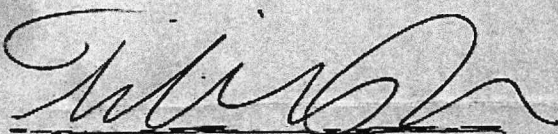


**NOTICE OF RESIGNATION OF CO-TRUSTEE**

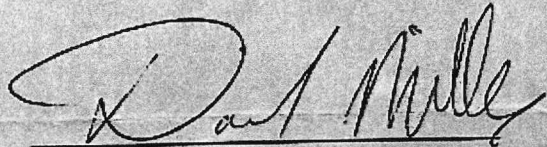
David L. Miller of 250 Douglas Place, #2602, Wichita, Kansas 67202, Co-Trustee of the Lawrence E. Miller Trust dated July 1, 2015, hereby gives notice, pursuant to K.S.A. 58a-705(1), that effective 30 days from the date this Notice is signed, he is resigning as Co-Trustee of the Lawrence E. Miller Trust dated July 1, 2015.

**SIGNED, SEALED, AND DELIVERED**

this 5<sup>th</sup> day of November, 2022, in the presence of



A NOTARY PUBLIC IN AND FOR  
The State of Kansas



David L. Miller  
Co-Trustee of the Lawrence E. Miller Trust  
Dated July 1, 2015.



State of Kansas  
County of Leavenworth }

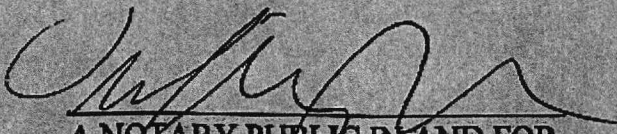
**ACCEPTANCE TO ACT AS CO-TRUSTEE**

The undersigned is the named Successor Co-Trustee of the Lawrence E. Miller Trust dated July 1, 2015.

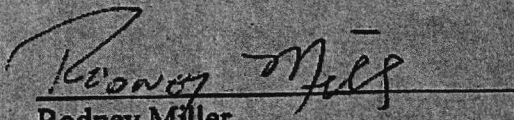
The undersigned hereby accepts the nomination and appointment as Successor Co-Trustee of the Lawrence E. Miller Trust dated July 1, 2015, effective upon the resignation of David L. Miller, as Co-Trustee of the Lawrence E. Miller Trust dated July 1, 2015.

**SIGNED, SEALED, AND DELIVERED**

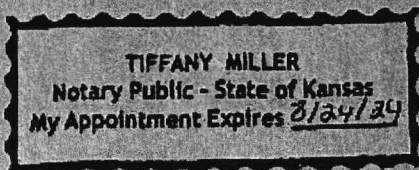
this 5<sup>th</sup> day of November, 2022, in the presence of



A NOTARY PUBLIC IN AND FOR  
The State of Kansas



Rodney Miller  
Successor Co-Trustee of the  
Lawrence E. Miller Trust  
Dated July 1, 2015



State of Kansas )





## ASSIGNMENT OF BENEFICIARY INTEREST

David L. Miller of 250 Douglas Place, #2602, Wichita, Kansas 67202 (the "Assignor") assigns to Rodney Miller of 710 S. 138<sup>th</sup> Street, Bonner Springs, Kansas 66012, Kathy Monahan of 24312 Sandusky Road, Tonganoxie, Kansas 66086, and Tina Packard of 26447 187<sup>th</sup> Street, Leavenworth, Kansas 66048 (the "Assignees") the following: Any and all right, title, and interest of each and every kind as beneficiary under the Lawrence E. Miller Trust dated July 1, 2015.

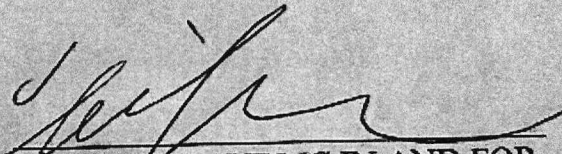
In consideration thereof, the Assignor acknowledges receipt of valuable consideration from the Assignees.

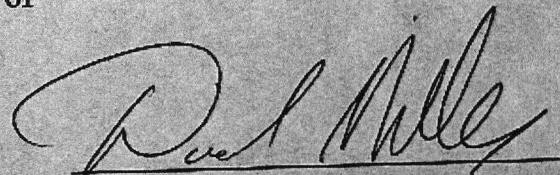
It is agreed that this Assignment will enure to the benefit and be binding upon the parties to this Assignment, their heirs, executors, administrators, successors and assigns, respectively.

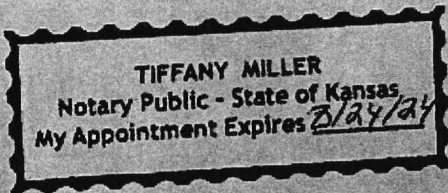
This Agreement will be construed in accordance with the laws of the State of Kansas.

### **SIGNED, SEALED, AND DELIVERED**

this 5<sup>th</sup> day of November, 2022, in the presence of

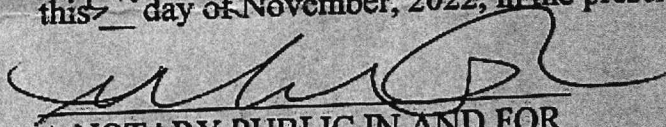
  
A NOTARY PUBLIC IN AND FOR  
The State of Kansas

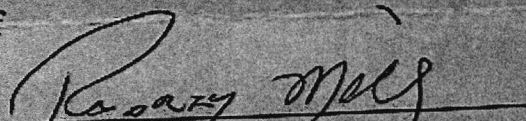
  
David L. Miller



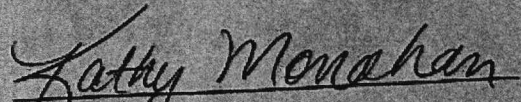
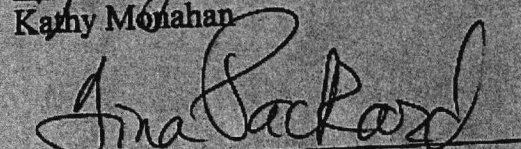
State of Kansas }  
County of Leavenworth }

**SIGNED, SEALED, AND DELIVERED**  
this 5<sup>th</sup> day of November, 2022, in the presence of

  
A NOTARY PUBLIC IN AND FOR  
The State of Kansas

  
Rodney Miller



  
Kathy Monahan  
  
Tina Packard

State of Kansas }  
County of Leavenworth }



AFFIDAVIT

Authorization of Contractors or Individuals to Act as Agents of a Landowner  
COUNTY OF LEAVENWORTH  
STATE OF KANSAS

We/I Kathy Monahan and \_\_\_\_\_

Being dully sworn, dispose and say that we/I are the owner(s) of said property located at -  
26447 187<sup>th</sup> St., Leavenworth, KS 66048, and that we authorize the following people or firms to act in our interest with the Leavenworth County Planning and Zoning Department for a period of one calendar year. Additionally, all statements herein contained in the information herewith submitted are in all respects true and correct to the best of our knowledge and belief.

Authorized Agents (full name, address & telephone number)

1) Joseph A. Herring - Herring Surveying Company 315 N. 5<sup>th</sup> Street, Leavenworth, KS 66048, 913-651-3858

2)

Signed and entered this 14<sup>th</sup> day of Feb., 2025

Kathy Monahan, 24312 Sandusky Rd., Tonganoxie, KS 66086  
Print Name, Address, Telephone

Kathy Monahan  
Signature

STATE OF KANSAS )

) SS

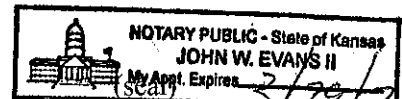
COUNTY OF LEAVENWORTH )

Be it remember that on this 14 day of February, 2025, before me, a notary public in and for said County and State came \_\_\_\_\_ to me personally known to be the same persons who executed the forgoing instrument of writing, and duly acknowledged the execution of same. In testimony whereof, I have hereunto set my hand and affixed my notary seal the day and year above written.

NOTARY PUBLIC

My Commission Expires:

March 29 / 2025





AFFIDAVIT

Authorization of Contractors or Individuals to Act as Agents of a Landowner

COUNTY OF LEAVENWORTH

STATE OF KANSAS

We/I Rodney Miller and \_\_\_\_\_

Being dully sworn, dispose and say that we/I are the owner(s) of said property located at -  
26401 101st St. Leavenworth, KS 66048, and that we authorize the following people or firms to act in our interest with the Leavenworth County Planning and Zoning Department for a period of one calendar year. Additionally, all statements herein contained in the information herewith submitted are in all respects true and correct to the best of our knowledge and belief.

Authorized Agents (full name, address & telephone number)

- 1) Joseph A. Herring – Herring Surveying Company 315 N. 5<sup>th</sup> Street, Leavenworth, KS 66048, 913-651-3858

2)

Signed and entered this 14th day of February, 2025.

Rodney Miller 700 S. 108th St. Bonner Springs, Kansas 66012 (913) 878-6144  
Print Name, Address, Telephone

Rodney Miller  
Signature

STATE OF KANSAS )

) SS

COUNTY OF LEAVENWORTH )

Be it remember that on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, a notary public in and for said County and State came \_\_\_\_\_ to me personally known to be the same persons who executed the forgoing instrument of writing, and duly acknowledged the execution of same. In testimony whereof, I have hereunto set my hand and affixed my notary seal the day and year above written.

NOTARY PUBLIC \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

(seal)







AFFIDAVIT

Authorization of Contractors or Individuals to Act as Agents of a Landowner  
COUNTY OF LEAVENWORTH  
STATE OF KANSAS

We/I Kathy Monahan and \_\_\_\_\_

Being dully sworn, dispose and say that we/I are the owner(s) of said property located at -  
26447 187<sup>th</sup> St., Leavenworth, KS 66048, and that we authorize the following people or firms to act in our interest with the Leavenworth County Planning and Zoning Department for a period of one calendar year. Additionally, all statements herein contained in the information herewith submitted are in all respects true and correct to the best of our knowledge and belief.

Authorized Agents (full name, address & telephone number)

1) Joseph A. Herring - Herring Surveying Company 315 N. 5<sup>th</sup> Street, Leavenworth, KS 66048, 913-651-3858

2)

Signed and entered this 14<sup>th</sup> day of Feb., 2025

Kathy Monahan, 24312 Sandusky Rd., Tonganoxie, KS 66086  
Print Name, Address, Telephone

Kathy Monahan  
Signature

STATE OF KANSAS )

) SS

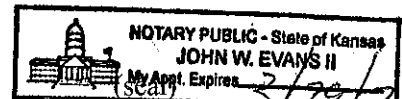
COUNTY OF LEAVENWORTH )

Be it remember that on this 14 day of February, 2025, before me, a notary public in and for said County and State came \_\_\_\_\_ to me personally known to be the same persons who executed the forgoing instrument of writing, and duly acknowledged the execution of same. In testimony whereof, I have hereunto set my hand and affixed my notary seal the day and year above written.

NOTARY PUBLIC

My Commission Expires:

March 29 / 2025





AFFIDAVIT

Authorization of Contractors or Individuals to Act as Agents of a Landowner

COUNTY OF LEAVENWORTH

STATE OF KANSAS

We/I Rodney Miller and \_\_\_\_\_

Being dully sworn, dispose and say that we/I are the owner(s) of said property located at -  
26401 101st St. Leavenworth, KS 66048, and that we authorize the  
following people or firms to act in our interest with the Leavenworth County Planning  
and Zoning Department for a period of one calendar year. Additionally, all statements  
herein contained in the information herewith submitted are in all respects true and correct  
to the best of our knowledge and belief.

Authorized Agents (full name, address & telephone number)

1) Joseph A. Herring – Herring Surveying Company 315 N. 5<sup>th</sup> Street, Leavenworth,  
KS 66048, 913-651-3858

2)

Signed and entered this 14th day of February, 2025.

Rodney Miller 700 S. 108th St. Bonner Springs, Kansas 66012 (913) 828-6144  
Print Name, Address, Telephone

Rodney Miller  
Signature

STATE OF KANSAS )

) SS

COUNTY OF LEAVENWORTH )

Be it remember that on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, a notary public in and  
for said County and State came \_\_\_\_\_ to me  
personally known to be the same persons who executed the forgoing instrument of writing, and  
duly acknowledged the execution of same. In testimony whereof, I have hereunto set my hand  
and affixed my notary seal the day and year above written.

NOTARY PUBLIC \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

(seal)







## DECLARATION OF TRUST

I, LAWRENCE E. MILLER, of Leavenworth County, Kansas, (hereinafter referred to as "Grantor"), declare LAWRENCE E. MILLER, TINA M. PACKARD, and DAVID L. MILLER, Co-Trustees (hereinafter referred to as "Trustee") of the property identified in the attached Schedule of Property. The trust property so identified, any property added to the trust in accordance with the provisions of this instrument, and all investments and reinvestments thereof ("Trust Principal") shall be held upon the following terms:

### ARTICLE I Name of Trust

This instrument, and the initial trust hereby evidenced, as from time to time amended, may be designated the "***LAWRENCE E. MILLER TRUST DATED JULY 1, 2015.***"

### ARTICLE II Distribution of Income and Principal During My Lifetime

Commencing as of the date of this instrument and during my lifetime, Trustee shall administer the Trust Principal and any net income thereof as follows:

A. Discretionary Distribution. Trustee shall distribute and pay me, or apply for my benefit such amounts of net income and principal, even to the extent of exhausting principal, as the Trustee, in Trustee's sole discretion, believes desirable from time to time for my benefit ("beneficiary"), considering all circumstances and factors deemed pertinent by Trustee, in Trustee's sole discretion. Any undistributed net income shall be accumulated and added to principal, as from time to time determined by Trustee.

B. Distributions Directed in Writing. In addition, Trustee shall distribute to me, or others as provided for herein, such amounts of net income and principal as I, if not disabled as determined under paragraph C of this Article, may from time to time direct in writing.


C. Disability or Impairment. The decision as to whether at any time or from time to time I am (i) disabled for purposes of paragraph B of this Article, or (ii) unable to act as Trustee, in each case because of illness or other cause has impaired my ability to transact ordinary business, shall be made by the medical physician who treats me. During any period in which I am determined to be disabled hereunder, I may be removed as Trustee, or prohibited from making withdrawals pursuant to paragraph A of this Article, by written instrument signed by that physician and delivered to me and to the Trustee then acting hereunder. During any period in which I am determined to be disabled hereunder, I shall also be deemed to be deceased for all purposes of Article VII of this instrument.



As Trustee, I now sign this Declaration of Trust on the 1st day of July, 2015, acknowledging my acceptance of the duties and responsibilities of Trustee hereunder.

  
TINA M. PACKARD, Trustee

As Trustee, I now sign this Declaration of Trust on the 1st day of July, 2015, acknowledging my acceptance of the duties and responsibilities of Trustee hereunder.

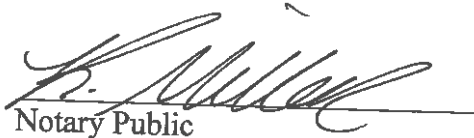
  
DAVID L. MILLER, Trustee

STATE OF KANSAS                     )  
  ) ss.  
COUNTY OF LEAVENWORTH       )

BE IT REMEMBERED, that on this 1<sup>st</sup> day of July 2015, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came LAWRENCE E. MILLER, as Grantor/Trustee, who is personally known to me to be the same person who executed the within instrument and who duly acknowledged the execution of the same to be said individual's free and voluntary act and deed.

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



  
Notary Public

STATE OF KANSAS                     )  
  ) ss.  
COUNTY OF LEAVENWORTH       )

BE IT REMEMBERED, that on this 1st day of July, 2015, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came TINA M. PACKARD, as Trustee, who is personally known to me to be the same person who executed the within instrument and who duly acknowledged the execution of the same to be said Trustee's free and voluntary act and deed.

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



  
Notary Public STATE OF KANSAS                     )



# CERTIFICATE OF SURVEY

Tracts of land in the Northeast Quarter of Section 24, Township 9 South, Range 21 East of the 6th P.M., Leavenworth County, Kansas.

## BOUNDARY LINE ADJUSTMENT

### TRACT A:

Tract of land in the Northeast Quarter of Section 24, Township 9 South, Range 21 East of the 6th P.M., Leavenworth County, Kansas, as written by Joseph A. Herring PS-1296 on March 25, 2025, and more fully described as follows:

Commencing at the Northeast corner of said Northeast Quarter; thence South 01 degrees 21'52" East for a distance of 692.00 feet along the East line of said Northeast Quarter; thence South 88 degrees 21'10" West for a distance of 186.02 feet along the South line of MILLER MEADOWS to the TRUE POINT OF BEGINNING, also being the apparent centerline of creek; thence South 12 degrees 05'22" East for a distance of 74.28 feet along said centerline; thence South 74 degrees 47'47" West for a distance of 59.43 feet along said centerline; thence South 31 degrees 29'51" East for a distance of 104.50 feet along said centerline; thence South 52 degrees 35'51" West for a distance of 174.08 feet along said centerline; thence South 03 degrees 34'05" West for a distance of 117.04 feet along said centerline; thence North 74 degrees 00'15" West for a distance of 54.82 feet along said centerline; thence South 07 degrees 52'56" West for a distance of 165.45 feet along said centerline; thence South 18 degrees 56'02" East for a distance of 78.52 feet along said centerline; thence South 63 degrees 37'58" West for a distance of 119.26 feet along said centerline; thence South 05 degrees 22'10" West for a distance of 224.57 feet along said centerline; thence North 88 degrees 38'09" East for a distance of 517.91 feet to the East line of said Northeast Quarter; thence South 01 degrees 21'52" East for a distance of 1055.67 feet along said East line to the Southeast corner of said Northeast Quarter; thence South 88 degrees 05'31" West for a distance of 2655.93 feet along the South line of said Northeast Quarter to the Southwest corner of said Northeast Quarter; thence North 01 degrees 31'58" West for a distance 1677.75 feet along the West line of said Northeast Quarter; thence North 88 degrees 21'10" East for a distance of 685.57 feet; thence North 01 degrees 38'50" West for a distance of 283.00 feet; thence North 88 degrees 21'10" East for a distance of 1790.61 feet to the point of beginning.

Together with and subject to covenants, easements, and restrictions of record. Said property contains 107.50 acres, more or less, including road right of way. Error of Closure: 1 - 69887

### TRACT B:

Tract of land in the Northeast Quarter of Section 24, Township 9 South, Range 21 East of the 6th P.M., Leavenworth County, Kansas, as written by Joseph A. Herring PS-1296 on March 25, 2025, and more fully described as follows:

Commencing at the Northeast corner of said Northeast Quarter; thence South 01 degrees 21'52" East for a distance of 692.00 feet along the East line of said Northeast Quarter to the TRUE POINT OF BEGINNING; thence South 88 degrees 21'10" West for a distance of 186.02 feet along the South line of MILLER MEADOWS, to the apparent centerline of creek; thence South 12 degrees 05'22" East for a distance of 74.28 feet along said centerline; thence South 74 degrees 47'47" West for a distance of 59.43 feet along said centerline; thence South 31 degrees 29'51" East for a distance of 104.50 feet along said centerline; thence South 52 degrees 35'51" West for a distance of 174.08 feet along said centerline; thence South 03 degrees 34'05" West for a distance of 117.04 feet along said centerline; thence North 74 degrees 00'15" West for a distance of 54.82 feet along said centerline; thence South 07 degrees 52'56" West for a distance of 165.45 feet along said centerline; thence South 18 degrees 56'02" East for a distance of 78.52 feet along said centerline; thence South 63 degrees 37'58" West for a distance of 119.26 feet along said centerline; thence South 05 degrees 22'10" West for a distance of 224.57 feet along said centerline; thence North 88 degrees 38'09" East for a distance of 517.91 feet to the East line of said Northeast Quarter; thence North 01 degrees 21'52" West for a distance of 893.01 along the East line of said Northeast Quarter to the point of beginning.

Together with and subject to covenants, easements, and restrictions of record. Said property contains 7.35 acres, more or less, including road right of way. Error of Closure: 1 - 320365

### TRANSFER AREA:

Tract of land in the Northeast Quarter of Section 24, Township 9 South, Range 21 East of the 6th P.M., Leavenworth County, Kansas, as written by Joseph A. Herring PS-1296 on April 26, 2025, and more fully described as follows:

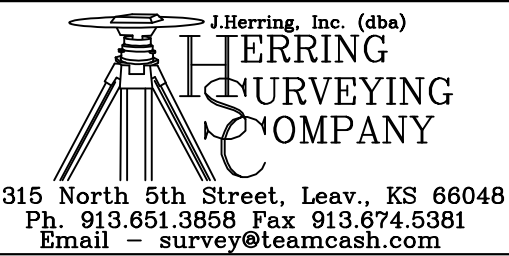
Commencing at the Northeast corner of said Northeast Quarter; thence South 01 degrees 21'52" East for a distance of 692.00 feet along the East line of said Northeast Quarter to the TRUE POINT OF BEGINNING; thence South 88 degrees 21'10" West for a distance of 186.02 feet along the South line of MILLER MEADOWS, to the apparent centerline of creek; thence South 12 degrees 05'22" East for a distance of 74.28 feet along said centerline; thence South 74 degrees 47'47" West for a distance of 59.43 feet along said centerline; thence South 31 degrees 29'51" East for a distance of 104.50 feet along said centerline; thence South 52 degrees 35'51" West for a distance of 174.08 feet along said centerline; thence South 03 degrees 34'05" West for a distance of 117.04 feet along said centerline; thence North 74 degrees 00'15" West for a distance of 54.82 feet along said centerline; thence South 07 degrees 52'56" West for a distance of 165.45 feet along said centerline; thence South 18 degrees 56'02" East for a distance of 78.52 feet along said centerline; thence South 63 degrees 37'58" West for a distance of 119.26 feet along said centerline; thence South 05 degrees 22'10" West for a distance of 224.57 feet along said centerline; thence North 88 degrees 38'09" East for a distance of 517.91 feet to the East line of said Northeast Quarter; thence North 01 degrees 21'52" West for a distance of 85.00 feet along said East line; thence South 88 degrees 38'08" West for a distance of 363.00 feet; thence North 01 degrees 21'52" West for a distance of 300.00 feet; thence North 88 degrees 38'08" East for a distance of 363.00 feet to said East line; thence North 01 degrees 21'52" West for a distance of 507.99 feet along said East line to the point of beginning.

Together with and subject to covenants, easements, and restrictions of record. Said property contains 4.85 acres, more or less, including road right of way. Error of Closure: 1 - 53356

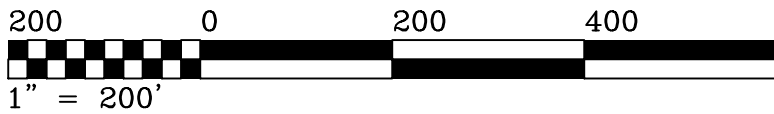
I hereby certify that this survey plat meets the requirements of K.S.A. 58-2005. The face of this survey plat was reviewed for compliance with Kansas Minimum Standards for Boundary Surveys. No field verification is implied. This review is for survey information only.

Daniel Baumchen, PS#1363  
County Surveyor

Job # K-25-1537 BLA  
March 25, 2025 Rev. 4-26-25



Scale 1" = 200'



Planning Director \_\_\_\_\_  
John Jacobson

RATIFICATION BY COUNTY STAFF  
This boundary line adjustment, as described and shown above, has been submitted to and approved by the following County Staff persons this \_\_\_\_ day of \_\_\_\_\_ 2025.

### PREPARED FOR:

LAWRENCE E. MILLER TRUST  
26447 187TH ST  
LEAVENWORTH, KS 66048  
PID NO. 116-24-0-00-00-001

WATSON, MATHEW & MC COPPIN, AMANDA  
26567 187TH ST  
LEAVENWORTH, KS 66048  
PID NO. 116-24-0-00-00-001.01

Record Description: Doc #2021R03255  
WATSON, MATHEW & MC COPPIN, AMANDA

Legal Description: The Northeast Quarter (NE 1/4) of Section Twenty-Four (24), Township Nine (9) South, Range Twenty-One (21) East of the 6th Principle Meridian, described as follows: Commencing at the Northeast corner of the Northeast Quarter of Section 24-T9S-R21E; thence, S 00° West, (assumed) 1,200.20 feet along the section line of the POB of this tract; thence S 00° West, 300.00 feet; thence South 90° West 1,452.00 feet; thence North 00° East, 300.00 feet; thence North 90° East, 1,452.00 feet to the POB.

LESS AND EXCEPT that portion described in Warranty Deed recorded as Document No. 2009R06831, described as follows: A tract of land in the Northeast Quarter of Section 24, Township 9 South, Range 21 East of the 6th P.M., Leavenworth County, Kansas, more fully described as follows: Commencing at the Northeast corner of the Northeast Quarter of said Section 24; thence South 00 degrees West (assumed) 1,200.20 feet along the section line; thence South 90 degrees West, 363.00 feet to the point of beginning of this tract; thence South 00 degrees West, 300.00 feet; thence South 90 degrees West 1,089.00 feet; thence North 00 degrees East, 300.00 feet; thence North 90 degrees East, 1,089.00 feet to the point of beginning.

### PARENT DESCRIPTION:

Tract of land in the Northeast Quarter of Section 24, Township 9 South, Range 21 East of the 6th P.M., Leavenworth County, Kansas, as written by Joseph A. Herring PS-1296 on April 8, 2022, and more fully described as follows: Commencing at the Northeast corner of said Northeast Quarter; thence South 01 degrees 21'52" East for a distance of 692.00 feet along the East line of said Northeast Quarter to the TRUE POINT OF BEGINNING; thence continuing South 01 degrees 21'52" East for a distance of 508.20 feet along said East line; thence South 88 degrees 38'08" West for a distance of 363.00 feet; thence South 01 degrees 21'52" East for a distance of 300.00 feet; thence North 88 degrees 38'08" East for a distance of 363.00 feet to the said East line; thence South 01 degrees 21'52" East for a distance of 1140.49 feet along said East line to the Southeast corner of said Northeast Quarter; thence South 88 degrees 05'31" West for a distance of 2655.93 feet along the South line of said Northeast Quarter to the Southwest corner of said Northeast Quarter; thence North 01 degrees 31'58" West for a distance 1677.75 feet along the West line of said Northeast Quarter; thence North 88 degrees 21'10" East for a distance of 685.57 feet; thence North 01 degrees 38'50" West for a distance of 283.00 feet; thence North 88 degrees 21'10" East for a distance of 1976.63 feet to the point of beginning.

Together with and subject to covenants, easements, and restrictions of record.

Said property contains 112.36 acres, more or less, including road right of way.

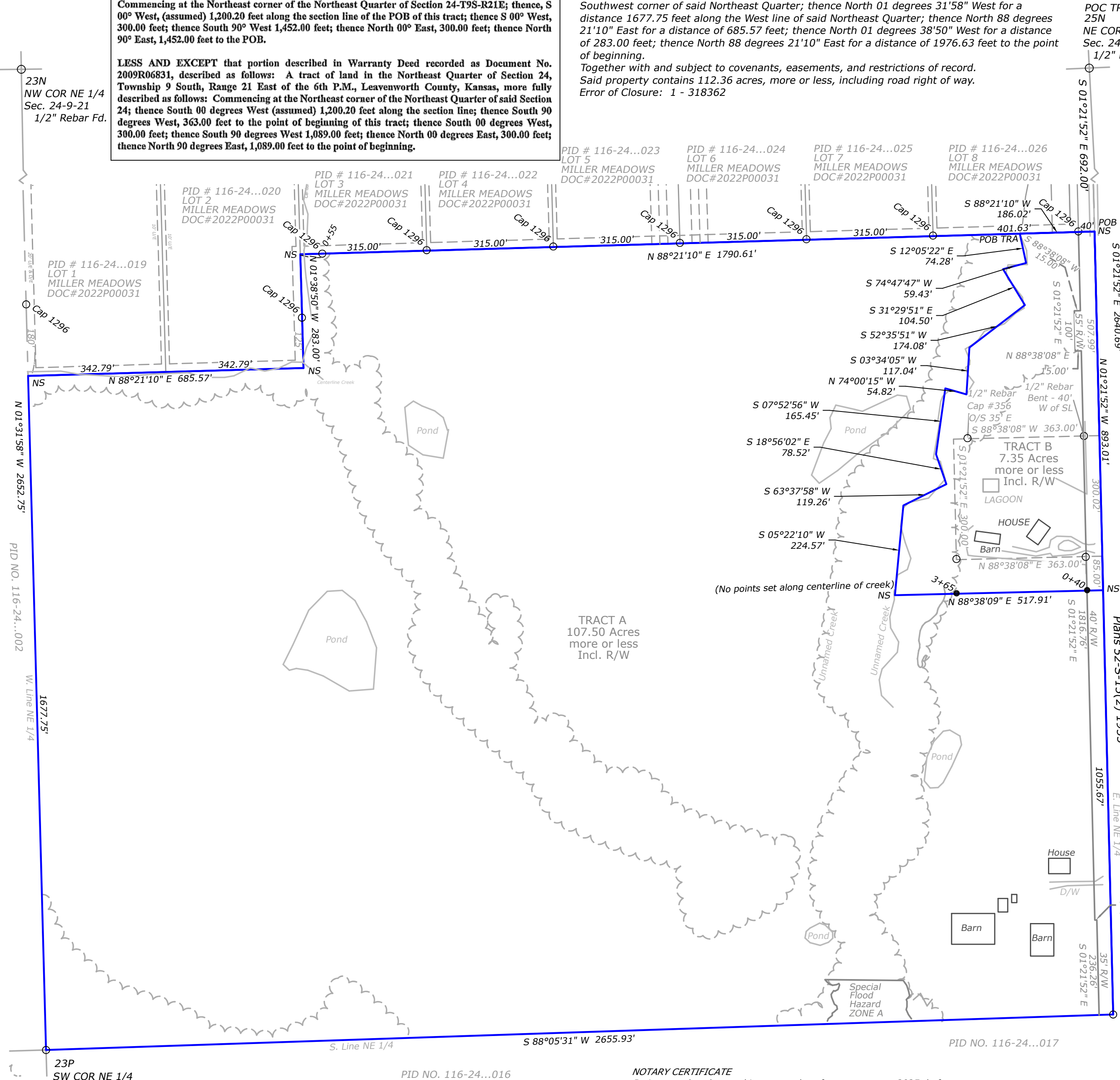
Error of Closure: 1 - 318362

PID # 116-24...023  
LOT 5  
MILLER MEADOWS  
DOC#2022P00031

PID # 116-24...024  
LOT 6  
MILLER MEADOWS  
DOC#2022P00031

PID # 116-24...025  
LOT 7  
MILLER MEADOWS  
DOC#2022P00031

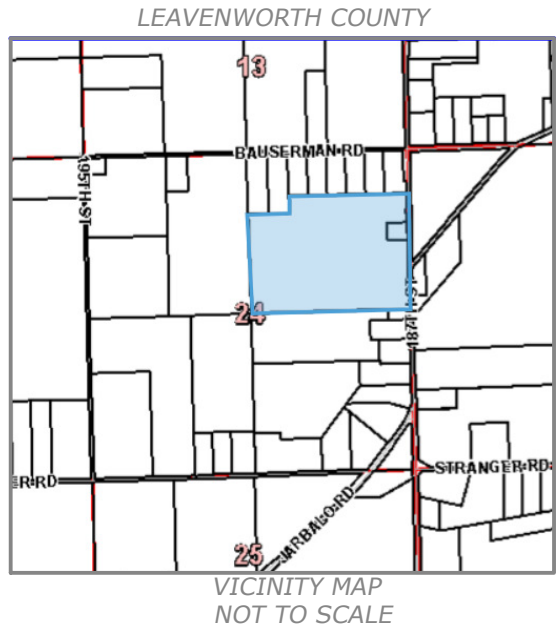
PID # 116-24...026  
LOT 8  
MILLER MEADOWS  
DOC#2022P00031



POC TRA & TRB  
25N  
NE COR NE 1/4  
Sec. 24-9-21  
1/2" Rebar Found

### NOTES:

- 1) This survey does not show ownership or easements, per agreement with client
- 2) All distances are calculated from measurements or measured this survey, unless otherwise noted.
- 3) All record and measured distances are the same, unless otherwise noted.
- 4) Error of Closure - See Surveyor's Description
- 5) Basis of Bearing - KS SPC North Zone 1501
- 6) Monument Origin Unknown, unless otherwise noted.
- 7) Referenced Surveys -
  - MILLER MEADOWS - Doc # 2022P00031
  - JAH - J.A.Herring Survey Doc #2022S015
- 8) Road Records - See Survey
- 9) Referenced Deed Document #2015R05697 & 2021R03255
- 10) Survey prepared without the benefit of a title commitment.
- 11) Fence Lines do not necessarily denote property lines.
- 12) Structures are shown in approximate location.
- 13) Property is in a Special Flood Hazard Area Zone A per FEMA FIRM Map 20103C0125G dated July 16, 2015
- 14) Utilities, if shown, are visible and above ground, except as noted. Easements may or may not exist.
- 15) Exception to regulation Article 50, Section 40.3.i. Lot-width to lot-depth and regulation Article 50, Section 40.3.d. Rear Lot Lines was granted by the Leavenworth County Planning Commission for Tract B.



### LEGEND:

- - 1/2" Rebar Set with Cap No.1296
- - 1/2" Rebar Found, unless otherwise noted.
- POB - Point of Beginning
- POC - Point of Commencing
- Tree/Brush Line
- NS - Not Set this Survey per agreement with client

### NOTARY CERTIFICATE

Be it remember that on this \_\_\_\_ day of \_\_\_\_\_ 2025, before me, a notary public in and for said County and State came John Jacobson, to me personally known to be the same persons who executed the foregoing instrument of writing, and duly acknowledged the execution of same. In testimony whereof, I have hereunto set my hand and affixed my notary seal the day and year above written.

NOTARY PUBLIC \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

(seal)

25P  
SE COR NE 1/4  
Sec. 24-9-21  
Alum. Cap Found

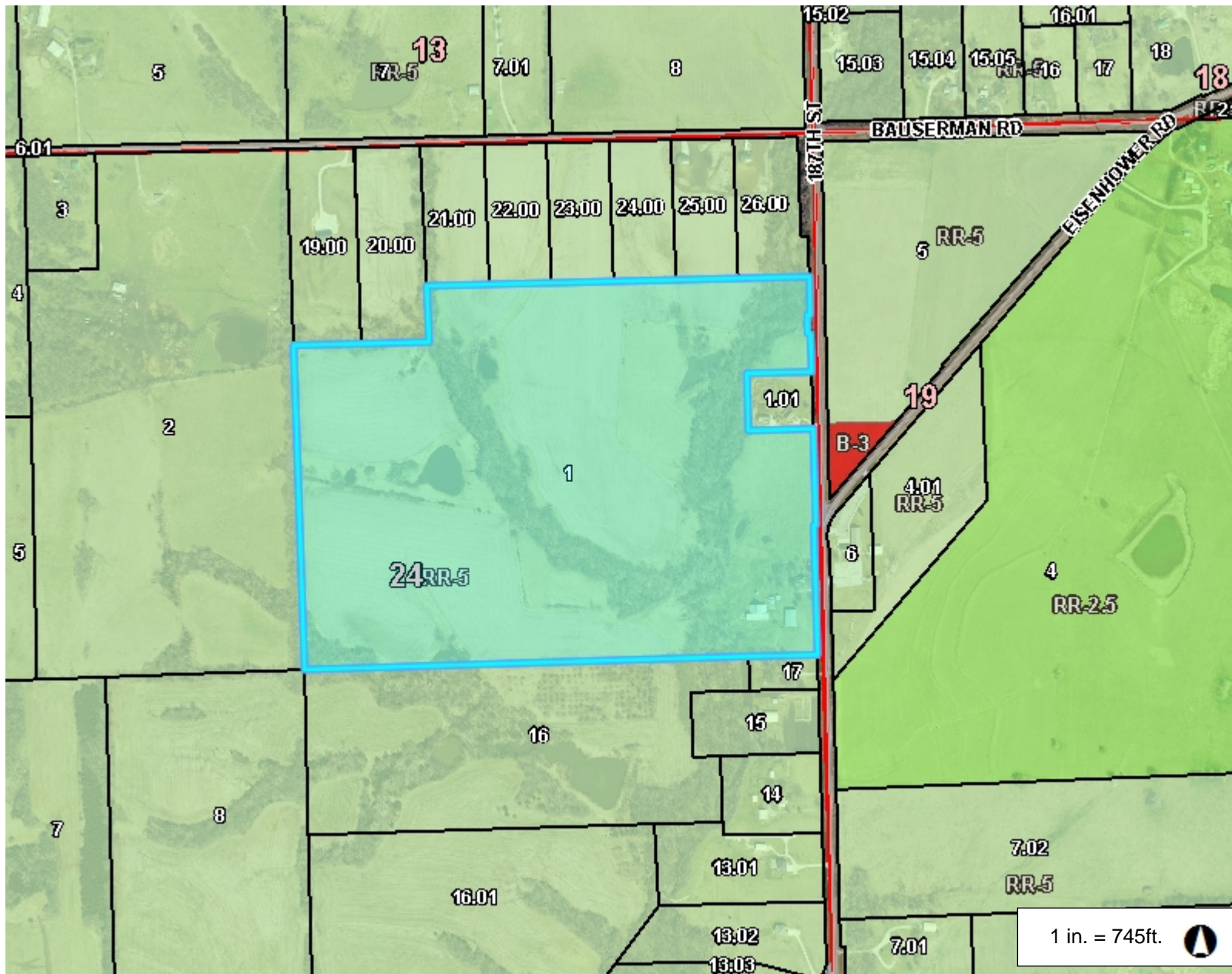


I hereby certify that this survey was made by me, or under my direct supervision, on the ground during the month of March 2025 and this map or plat is correct to the best of my knowledge.

Joseph A. Herring  
PS # 1296



# DEV-25-027 Miller/Watson BLA



## 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

1,489.3 0 744.65 1,489.3 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



**Allison, Amy**

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**From:** McAfee, Joe  
**Sent:** Friday, April 4, 2025 4:09 PM  
**To:** Schweitzer, Joshua  
**Cc:** PZ; Noll, Bill; Baumchen, Daniel  
**Subject:** RE: DEV-25-027 BLA for Miller/Watson - Herring

Joshua,  
PW Engineering has no comment on the BLA.

---

**From:** Schweitzer, Joshua <JSchweitzer@leavenworthcounty.gov>  
**Sent:** Wednesday, March 26, 2025 4:41 PM  
**To:** Noll, Bill <BNoll@leavenworthcounty.gov>; McAfee, Joe <JMcAfee@leavenworthcounty.gov>; Baumchen, Daniel <DBaumchen@leavenworthcounty.gov>  
**Cc:** PZ <PZ@leavenworthcounty.gov>  
**Subject:** DEV-25-027 BLA for Miller/Watson - Herring

Good Afternoon,

The Department of Planning and Zoning has received a request for a Boundary Line Adjustment for the properties located at PID: 116-24-0-00-00-001 & 116-24-0-00-00-001.01

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 April 9, 2025.

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

v / r

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







**LEAVENWORTH COUNTY  
PLANNING COMMISSION  
STAFF REPORT**

**CASE NO:** DEV-25-030 & 031 Wren Meadows

May 14, 2025

**REQUEST:** *Regular Agenda*

☒ Preliminary Plat      ☒ Final Plat

**STAFF REPRESENTATIVE:**

Amy Allison  
Deputy Director

**SUBJECT PROPERTY:** 00000 Evans Road

**APPLICANT/APPLICANT AGENT:**

JOE HERRING  
HERRING SURVEYING  
315 N. 5th Street  
Leavenworth, KS 66048

**PROPERTY OWNER:**

Orison LLC  
1204 State Ave, Suite A  
Leavenworth, KS 66048

**CONCURRENT APPLICATIONS:**

NONE



**LAND USE**

**ZONING:** RR-5

**FUTURE LAND USE DESIGNATION:**

Residential (2.5-acre min)

**LEGAL DESCRIPTION:**

A tract of land in the Northeast Quarter of Section 14, Township 11 South, Range 20 East of the 6th P.M., in Leavenworth County Kansas.

**SUBDIVISION:** N/A

**FLOODPLAIN:** Zone A

**STAFF RECOMMENDATION:** APPROVAL

**PROPERTY INFORMATION**

**ACTION OPTIONS:**

1. Recommend approval of Case No. DEV-25-030 & 031, Preliminary & Final Plat for Wren Meadows, to the Board of County Commission, with or without conditions; or
2. Recommend denial of Case No. DEV-25-030 & 031, Preliminary & Final Plat for Wren Meadows to the Board of County Commission for the following reasons; or
3. Continue the hearing to another date, time, and place.

**PARCEL SIZE:** 16.4 ACRES

**PARCEL ID NO:**

206-14-0-00-00-001.00

**BUILDINGS:**

N/A

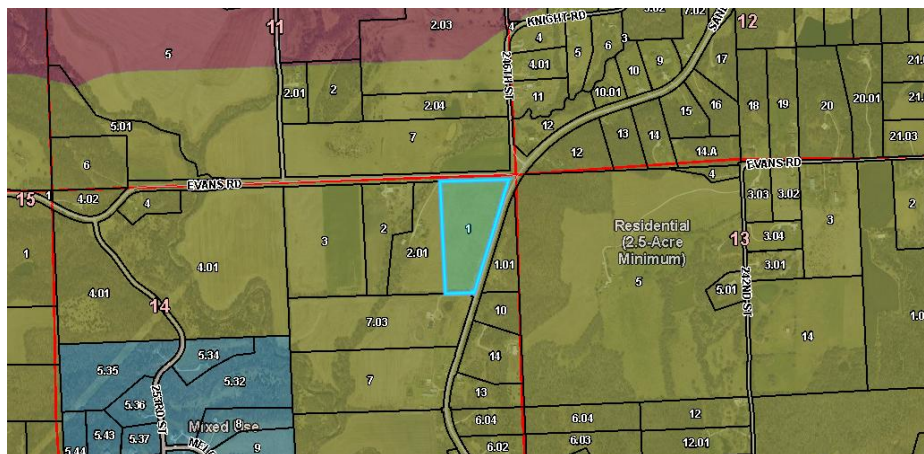
**PROJECT SUMMARY:**

Request for preliminary and final plat approval to subdivide property located at 00000 Evans Road (206-14-0-00-00-001.00) as Lots 1 through 3 of Wren Meadows.

**ACCESS/STREET:**

Evans Road and 246<sup>th</sup> Steet -  
Collector, Paved ± 26'

**Location Map: FUTURE LAND USE DESIGNATION**



**UTILITIES**

**SEWER:** PRIVATE SEPTIC

**FIRE:** Tonganoxie

**WATER:** RWD 13

**ELECTRIC:** FREESTATE

**NOTICE & REVIEW:**

**STAFF REVIEW:**

5/8/2025

**NEWSPAPER NOTIFICATION:**

N/A

**NOTICE TO SURROUNDING  
PROPERTY OWNERS:**

N/A



<b>STANDARDS TO BE CONSIDERED:</b> <i>Type content in each if necessary (delete this afterwards)</i>			
<b>Leavenworth County Zoning and Subdivision Standards: Preliminary Review</b>		<b>Met</b>	<b>Not Met</b>
35-40	<b>Preliminary Plat Content</b>	X	
40-20	<b>Final Plat Content</b>	X	
41-6	<b>Access Management</b>	X	
41-6.B.a-c.	<b>Entrance Spacing</b>	X	
41-6.C.	<b>Public Road Access Management Standards</b>	X	
43	<b>Cross Access Easements</b>	N/A	
50-20	<b>Utility Requirements</b>	X	
50-30	<b>Other Requirements</b>	X	
50-40	<b>Minimum Design Standards</b>		X
	An exception from Article 50, Section 40.3.i. Lot-Depth to Lot-Width for Lot 3.		
50-50	<b>Sensitive Land Development</b>	N/A	
50-60.	<b>Dedication of Reservation of Public Sites and Open Spaces</b>	N/A	

#### **STAFF COMMENTS:**

The applicant is proposing to divide a 16-acre parcel into three (3) lots. The Subdivision is classified as a Class C with all lots lying within the Rural Growth Area of Leavenworth County. Staff is supportive of a waiver of the requirement to connect to a sanitary sewer system as sanitary sewers are not located within 660' of the subdivision (see condition 3). Lot 1 is proposed to be 5.04 acres, Lot 2 is 6.92 acres and Lot 3 is 6.33 acres. All lots meet the requirements for the RR-5 zoning district. However, Lot 3 does not comply with the 1:1 lot-width to lot-depth ratio (approximately 1.36:1). An exception must be granted. RWD 13 did not provide comment for this application, however, all lots are over 5 acres and therefore can apply for a water well.

#### **EXCEPTIONS:**

The applicant has requested an exception from Article 50, Section 40.3.i. – Lot-Depth to Lot-Width. The criteria for the acceptance of an exception is as follows:

1. That there are special circumstances or conditions affecting the property.
2. That the variance or exception is necessary for the reasonable and acceptable development of the property in question.
3. That the granting of the variance or exception will not be detrimental to the public welfare or injurious to the adjacent property.

*Motion: The Planning Commission hereby (approves/denies) an exception from Article 50, Section 40.3.i. – Lot-Depth to Lot-Width of the Zoning & Subdivision Regulations for the Wren Meadows subdivision, as submitted by the application, based on a finding that all three criteria for an exception has been met.*

#### **PROPOSED CONDITIONS:**

1. Building permits shall be required for any new construction.
2. Erosion control shall be used when designing and constructing driveways. A form of sediment control shall be installed before work begins and maintained throughout the time that the land disturbing activities are taking place. Re-vegetation of all disturbed sites shall be completed within 45 days after completion of final grading weather permitting.
3. A waiver for the use of private septic systems within this subdivision is granted with this approval.
4. At time of development, fire hydrants shall be required, if necessary, infrastructure is available.
5. An exception from Article 50, Section 40.3.i. has been approved for Lot 3.



6. The developer must comply with the following memorandums:

Memo – Chuck Magaha, Emergency Management dated April 28, 2025

Email – Dan Baumchen, Survey dated May 8, 2025

**PROPOSED MOTIONS:**

Approve case DEV-25-030/031, a request to plat the property located at 00000 Evans Road into a 3-lot subdivision in conformance with the Zoning and Subdivision Regulations with a majority vote; or

*Motion: Chairman, I find that the subdivision request complies with the Zoning and Subdivision Regulations and move to recommend approval to the Board of County Commissioners of the request as outlined in Case DEV-25-030/031 based on the recommendation of Planning Staff and the findings as set forth in the Staff Report.*

Deny case DEV-25-030/031, a request to plat the property located at 00000 Evans Road into a 3-lot subdivision not in conformance with the Zoning and Subdivision Regulations with a majority vote; or

*Motion: Chairman, I find that the subdivision request does not comply with the Zoning and Subdivision Regulations (list Article and Section #) and move to recommend denial to the Board of County Commissioners as outlined in Case DEV-25-030/031.*

Table the case to a date and time certain for additional information.

*Motion: Chairman, I move to table Case No. DEV-25-030/031 to (Date and Time) requesting additional information for (STATE THE REASON(S)).*

**ATTACHMENTS:**

A: Application & Narrative

B: Zoning Map

C: Road Map (A minimum of 1/4 mile)

D: Memorandums



FINAL &  
**PRELIMINARY PLAT APPLICATION**  
Leavenworth County Planning and Zoning Department  
300 Walnut St., Suite 212  
Leavenworth, Kansas  
913-684-0465

Office Use Only

Township: \_\_\_\_\_ Planning Commission Meeting Date: \_\_\_\_\_  
Case No. \_\_\_\_\_ Date Received/Paid: \_\_\_\_\_  
Zoning District \_\_\_\_\_ Comprehensive Plan Land Use Designation: \_\_\_\_\_

**APPLICANT/AGENT INFORMATION**

**OWNER INFORMATION**

NAME: Herring Surveying Company NAME: MC MULLIN, KEITH & MEGAN  
MAILING ADDRESS: 315 North 5th Street MAILING ADDRESS 24799 EVANS ROAD  
CITY/ST/ZIP: Leavenworth, KS 66048 CITY/ST/ZIP TONGANOXIE, KS 66086  
PHONE: 913-651-3858 PHONE: N/A  
EMAIL: herringsurveying@outlook.com EMAIL N/A

**GENERAL INFORMATION**

Proposed Subdivision Name: WREN MEADOWS  
Address of Property: 00000 EVANS ROAD  
PID: PID NO. 206-14-0-00-00-001 Urban Growth Management Area: N/A

**SUBDIVISION INFORMATION**

Gross Acreage: <u>18 AC</u>	Number of Lots: <u>3</u>	Minimum Lot Size: <u>6.5 AC</u>
Maximum Lot Size: <u>5 AC</u>	Proposed Zoning: <u>RR 5</u>	Density: <u>N/A</u>
Open Space Acreage: <u>N/A</u>	Water District: <u>RWD 13</u>	Proposed Sewage: <u>Septic</u>
Fire District: <u>Tonganoxie</u>	Electric Provider: <u>Free State</u>	Natural Gas Provider: <u>Propane</u>
Covenants: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Road Classification: <u>Local – Collector - Arterial – State - Federal</u>	
List of all Requested Exceptions: <i>Exceptions may be granted per Article 56 or as otherwise stated in the Zoning &amp; Subdivision Regulations.</i>	Cross-Access Easement Requested: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
	1. <u>Article 50, Section 40.3.i. Lot-Depth to Lot-Width has been granted for Lot 3</u>	
	2. _____	
	3. _____	
	4. _____	
	5. _____	

Is any part of the site designated as Floodplain? ☒ Yes ☐ No if yes, what is the panel number: 20103C0300G

I, the undersigned, am the 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 final plat approval as indicated above.

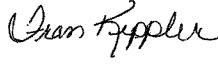
Signature: Joe Herring - digitally signed March 22, 2025

Date: 3/22/25

**ATTACHMENT A**



ENTERED IN TRANSFER RECORD IN  
MY OFFICE THIS DAY 04/11/2025



COUNTY CLERK

DOC #: 2025R02367  
TERRILOIS MASHBURN  
REGISTER OF DEEDS  
LEAVENWORTH COUNTY, KANSAS  
RECORDED ON:  
04/11/2025 12:27:03 PM  
RECORDING FEE: 38.00  
PAGES: 2

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Continental Title Company: C25001798

**KANSAS GENERAL WARRANTY DEED**  
(Individual)

This Indenture, made and entered into as of this 9 Day of April, 2025 by and between Keith McMullin, a single person, whose mailing address is: 24799 Evans Rd, Tonganoxie, KS 66086, in the County of Leavenworth, State of Kansas, party or parties of the first part, Grantor(s) and Orison LLC, whose mailing address is: 1204 State Ave, Ste A, Tonganoxie, KS 66086 of the County of Leavenworth, State of Kansas party or parties of the second part., Grantee(s).

WITNESSETH, that the said party or parties of the first part, for and in consideration of the sum of Ten Dollars (\$10.00) and other valuable considerations paid by the said party or parties of the second part, the receipt of which is hereby acknowledged, does by these presents GRANT, BARGAIN, SELL, CONVEYS AND WARRANTS unto the said party or parties of the second part, the following described Real Estate, situated in the County of Leavenworth, State of Kansas, to-wit:

A tract of land in the Northeast Quarter of the Northeast Quarter of Section 14, Township 11 South, Range 20 East, of the 6th PM, in Leavenworth County, Kansas, described as follows: Commencing at the Northeast corner of Section 14, which also being the Point of Beginning; thence South 00°14'39" East, 94.39 feet along the East line of Section 14 to the centerline of 246th Street; thence on a curve to the left having a radius of 1637.02 feet and a length of 323.98 feet along said centerline; thence South 19°32'35" West, 992.71 feet along said centerline; thence North 89°57'23" West, 361.00 feet; thence North 00°25'24" West, 1322.31 feet to the North line of Section 14; thence North 90° East, 840.23 feet along said North line of the Point of Beginning.

Parcel ID: 19398

Subject to building lines, conditions, easements, restrictions of record, and any zoning laws or ordinances affecting this property, if any.

**TO HAVE AND TO HOLD** the same, together with all rights and appurtenances to the same belonging, unto the said party or parties of the second part, and to the heirs and assigns of such party forever.

And said party or parties of the first part, for itself, and its successors and assigns, does hereby covenant, promise and agree, to and with said party or parties of the second part, that at the delivery of these presents, it is lawfully seized in its own right of an absolute and indefeasible estate of inheritance, in fee simple, of and in all and singular the above granted and described premises, with the appurtenances; that the same are free, clear, discharged and unencumbered of and from all former and other grants, titles, charges, estates, judgments, taxes, assessments and encumbrances, of what nature and kind so ever, and that it will Warrant and Forever Defend the same unto said party or parties of the second part, heirs and assigns, and all and every person or persons whomsoever, lawfully claiming or to claim the same.



IN WITNESS WHEREOF, the said party or parties of the first part has or have hereunto set their hand or hands the day and year first above written.



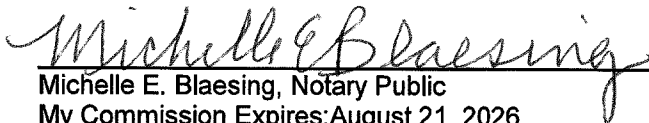
Keith McMullin

State of Kansas

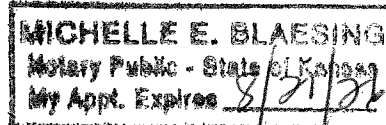
County of Leavenworth

On this 9 day of April, 2025, before me the undersigned notary, personally appeared Keith McMullin, a single person, who proved to me through identification documents which were DL, to me known to be the person(s) described in and who executed the foregoing instrument, and acknowledged that he/she/they executed the same as his/her/their free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal in the COUNTY and STATE aforesaid, the day and year first above written.



Michelle E. Blaesing, Notary Public  
My Commission Expires: August 21, 2026





AFFIDAVIT

Authorization of Contractors or Individuals to Act as Agents of a Landowner  
COUNTY OF LEAVENWORTH  
STATE OF KANSAS

We/I George Daniel Lynch, member, Drison, LLC

Being dully sworn, dispose and say that we/I are the owner(s) of said property located at -  
00000 Evans Rd. Tonganoxie, KS, and that we authorize the  
following people or firms to act in our interest with the Leavenworth County Planning  
and Zoning Department for a period of one calendar year. Additionally, all statements  
herein contained in the information herewith submitted are in all respects true and correct  
to the best of our knowledge and belief.

Authorized Agents (full name, address & telephone number)

1) Joseph A. Herring – Herring Surveying Company 315 N. 5<sup>th</sup> Street, Leavenworth,  
KS 66048, 913-651-3858

2)

Signed and entered this 10<sup>th</sup> day of April, 2025

George Daniel Lynch, 1704 State Ave, Ste A, Tonganoxie, KS 66086  
Print Name, Address, Telephone 913-369-2000/913-481-6847

George Daniel Lynch  
Signature

STATE OF KANSAS )

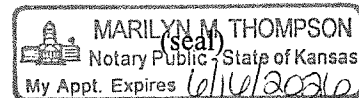
) SS

COUNTY OF LEAVENWORTH )

Be it remember that on this 10<sup>th</sup> day of April 2025 before me, a notary public in and  
for said County and State came George Daniel Lynch, member, Drison LLC to me  
personally known to be the same persons who executed the forgoing instrument of writing, and  
duly acknowledged the execution of same. In testimony whereof, I have hereunto set my hand  
and affixed my notary seal the day and year above written.

NOTARY PUBLIC Marilyn M. Thompson

My Commission Expires: June 16, 2026





## ARTICLE 56 – EXCEPTIONS

Where in the case of a particular proposed subdivision, it can be shown that strict compliance with the requirements of these regulations would result in extraordinary hardship to the subdivider because of unusual topography or other non-self-inflicted conditions; or that these conditions would result in inhibiting the achievement of the objectives of these regulations; the Planning Commission may vary, modify or waive the requirements so that substantial justice may be done and the public interest secured; provided, that such variance, modification or waiver will not have the effect of nullifying the intent and purpose of these regulations or interfering with carrying out the Comprehensive Plan.

In recommending such variance or exception, the Planning Commission shall find the following:

1. That there are special circumstances or conditions affecting the property.  
Parent Tract is irregular shaped due to existing roads.
2. That the variance or exception is necessary for the reasonable and acceptable development of the property in question.  
Yes - due to configuration and limiting access points along 246th
3. That the granting of the variance or exception will not be detrimental to the public welfare or injurious to adjacent property.  
No



WREN MEADOWS

A Minor Subdivision in the Northeast Quarter of Section 14, Township 11 South, Range 20 East of the 6th P.M., Leavenworth County, Kansas.

PRELIMINARY PLAT

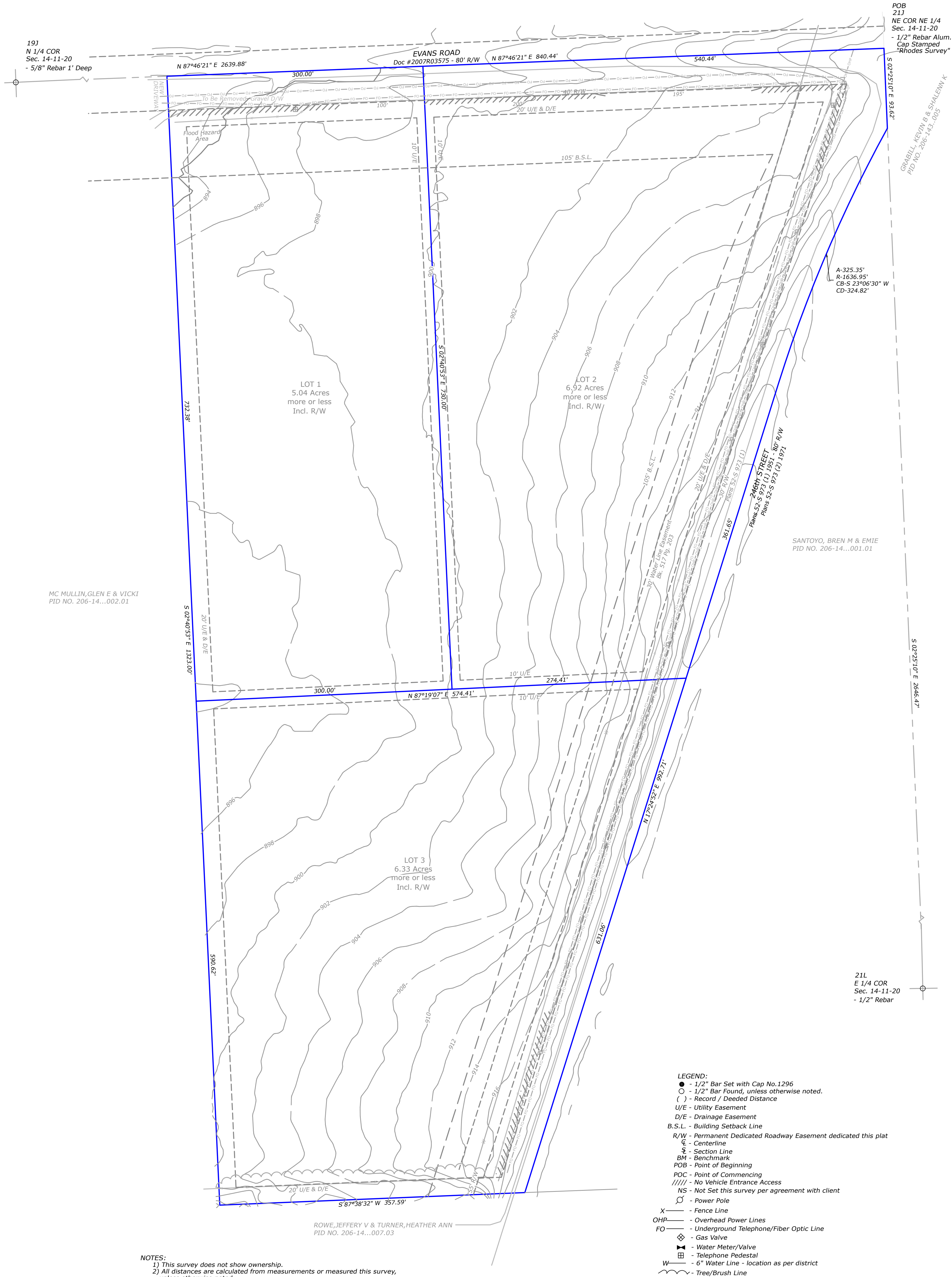
PREPARED FOR:  
Orison LLC  
1204 State Ave, Suite A  
TONGANOXIE, KS 66086  
PID NO. 206-14-0-00-00-001

RECORD DESCRIPTION:  
A tract of land in the Northeast Quarter of the Northeast Quarter of Section 14, Township 11 South, Range 20 East, of the 6th PM, in Leavenworth County, Kansas, described as follows:  
Commencing at the Northeast corner of Section 14, which also being the Point of Beginning;  
thence South 00°14'39" East, 94.39 feet along the East line of Section 14 to the centerline of 246th Street; thence on a curve to the left having a radius of 1637.02 feet and a length of 323.98 feet along said centerline; thence South 19°32'35" West, 992.71 feet along said centerline; thence North 89°57'23" West, 361.00 feet; thence North 00°25'24" West, 1322.31 feet to the North line of Section 14; thence North 90° East, 840.23 feet along said North line of the Point of Beginning.

- RESTRICTIONS:
- 1) All proposed structures within this plat shall comply with the Leavenworth County Zoning and Subdivision Regulations or zoning regulation jurisdiction.
  - 2) An Engineered Waste Disposal System may be required due to poor soil conditions.
  - 3) Erosion and sediment control measures shall be used when designing and constructing driveways and other structures. Re-vegetation of all disturbed areas shall be completed within 45 days after final grading.
  - 4) Lots are subject to the current Access Management Policy Additional access limits as shown hereon.
  - 5) All structures built within the subdivision shall comply with Resolution 2020-39, or as amended.
  - 6) An exception to Article 50, Section 40.3.i. Lot-Depth to Lot-Width has been granted for Lot 3
  - 7) No off-plat restrictions.

ZONING:  
RR 5 - Rural Residential 5

MC NULTY, THOMAS F & JUDY K  
PID NO. 201-11-1-007



- LEGEND:
- - 1/2" Bar Set with Cap No.1296
  - - 1/2" Bar Found, unless otherwise noted.
  - ( ) - Record / Deeded Distance
  - U/E - Utility Easement
  - D/E - Drainage Easement
  - B.S.L. - Building Setback Line
  - R/W - Permanent Dedicated Roadway Easement dedicated this plat
  - - Centerline
  - - Section Line
  - BM - Benchmark
  - POB - Point of Beginning
  - POC - Point of Commencing
  - //// - No Vehicle Entrance Access
  - NS - Not Set this survey per agreement with client
  - ⊙ - Power Pole
  - - Fence Line
  - OHP - Overhead Power Lines
  - FO - Underground Telephone/Fiber Optic Line
  - ⬢ - Gas Valve
  - ⬢ - Water Meter/Valve
  - ⬢ - Telephone Pedestal
  - W - 6" Water Line - location as per district
  - - Tree/Brush Line

- NOTES:
- 1) This survey does not show ownership.
  - 2) All distances are calculated from measurements or measured this survey, unless otherwise noted.
  - 3) All recorded and measured distances are the same, unless otherwise noted.
  - 4) Error of Closure - 1 : 491642, 18.29 Acres, more or less, Incl. R/W
  - 5) Basis of Bearing - KS SPC North Zone 1501
  - 6) Monument Origin Unknown, unless otherwise noted.
  - 7) Existing and Proposed Lots for Agriculture and Residential Use.
  - 8) Road Record - See Survey
  - 9) Benchmark - NAVD88
  - 10) Project Benchmark (BM) - NE COR NE 1/4 Section 14 - Elev - 911.6'
  - 11) Easements, if any, are created hereon or listed in referenced title commitment.
  - 12) Reference Recorded Deed Doc # 2025R02367
  - 13) Utility Companies -
    - Water - RWD 13
    - Electric - Freestate
    - Sewer - Septic / Lagoon
    - Gas - Propane / Natural Gas
  - 14) Reference Continental Title File Number C25001798 dated March 3, 2025.
  - 15) Property is in a Special Flood Hazard Area Zone A per FEMA FIRM Map 20103C0300G dated July 16, 2015
  - 16) Building Setback Lines as shown hereon or noted below
    - All side yard setbacks - 15' (Accessory - 15')
    - All rear yard setbacks - 40' (Accessory - 15')
  - 17) Existing Structures, if any, shown in approximate location.
  - 18) Fence Lines do not necessarily denote the boundary line for the property.
  - 19) Reference Surveys:
    - DGW - D.G.White - Survey S-15-05 #68, NKA 2005S068
    - JS - J.Stickler Survey Doc #2021S086



Job # K-25-1882  
March 22, 2025 Rev. 4/28/25

J. HERRING  
SURVEYING  
COMPANY

315 North 5th Street, Leav., KS 66048  
Ph. 913.661.3858 Fax 913.674.6381  
Email - survey@eamcash.com

Scale 1" = 60'

1" = 60'



WREN MEADOWS

A Minor Subdivision in the Northeast Quarter of Section 14, Township 11 South, Range 20 East of the 6th P.M., Leavenworth County, Kansas.

FINAL PLAT

PREPARED FOR:  
Orison LLC  
1204 State Ave, Suite A  
TONGANOXIE, KS 66086  
PID NO. 206-14-00-00-001

RECORD DESCRIPTION:  
A tract of land in the Northeast Quarter of the Northeast Quarter of Section 14, Township 11 South, Range 20 East, of the 6th PM, in Leavenworth County, Kansas, described as follows:  
Commencing at the Northeast corner of Section 14, which also being the Point of Beginning; thence South 00°14'39" East, 94.39 feet along the East line of Section 14 to the centerline of 246th Street; thence on a curve to the left having a radius of 1637.02 feet and a length of 323.98 feet along said centerline; thence South 19°32'35" West, 992.71 feet along said centerline; thence North 89°57'23" West, 361.00 feet; thence North 00°25'24" West, 1322.31 feet to the North line of Section 14; thence North 90° East, 840.23 feet along said North line of the Point of Beginning.

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

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

"Drainage Easements" or "D/E" shown on this plat are hereby dedicated for the purpose of constructing, using, replacing and maintaining a culvert, storm sewer, drainage ditch, or other drainage facility or tributary connections, including similar facilities, and appurtenances thereto, including the right to maintain, repair and replace the drainage facility and for any reconstruction and future expansion of such facility, together with the right of access for the same, is hereby dedicated for public use. Drainage Easements shall be kept clear of obstructions that impair the strength or interfere with the use and/or maintenance of storm drainage facilities. The maintenance and upkeep of said Easements shall be the responsibility of the individual owners of the lots whereupon said Easements are dedicated. Leavenworth County shall bear no responsibility for any maintenance and upkeep of said Easements.

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

IN TESTIMONY WHEREOF,  
We, the undersigned owners of WREN MEADOWS, have set our hands this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

George Daniel Lynch, Member Orison LLC

NOTARY CERTIFICATE:  
Be it remembered that on this \_\_\_\_\_ day of \_\_\_\_\_, 2025, before me, a notary public in and for said County and State came George Daniel Lynch, Member of Orison LLC, to me personally known to be the same persons who executed the foregoing instrument of writing, and duly acknowledged the execution of same. In testimony whereof, I have hereunto set my hand and affixed my notary seal the day and year above written.

NOTARY PUBLIC:  
My Commission Expires: \_\_\_\_\_ (seal)

APPROVALS  
We, the Leavenworth County Planning Commission, do hereby approve the foregoing plat of WREN MEADOWS this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

Secretary  
John Jacobson  
Chairman  
Marcus Majure

COUNTY ENGINEER'S APPROVAL:  
The County Engineer's plat review is only for general conformance with the subdivision regulations as adopted by Leavenworth County. The County is not responsible for the accuracy and adequacy of the design, dimensions, elevations, and quantities.

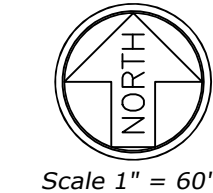
County Engineer - Mitch Pleak

COUNTY COMMISSION APPROVAL:  
We, the Board of County Commissioners of Leavenworth County, Kansas, do hereby approve the foregoing plat of WREN MEADOWS this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

Chairman  
Mike Smith  
County Clerk  
Attest: Fran Kepler

REGISTER OF DEED CERTIFICATE:  
Filed for Record as Document No. \_\_\_\_\_ on this \_\_\_\_\_ day of \_\_\_\_\_, 2025 at \_\_\_\_\_ o'clock \_\_\_\_M in the Office of the Register of Deeds of Leavenworth County, Kansas,

Register of Deeds - TerriLois G. Mashburn

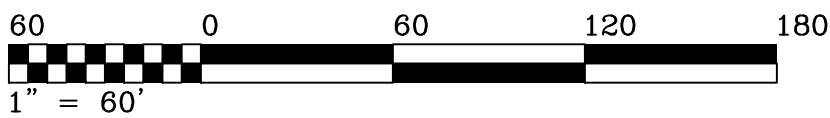


Job # K-25-1882  
March 22, 2025 Rev. 5/7/25

**J. HERRING & COMPANY**  
SURVEYING  
315 North 5th Street, Leav., KS 66048  
Ph. 913.661.3858 Fax 913.674.6381  
Email - survey@eamcash.com

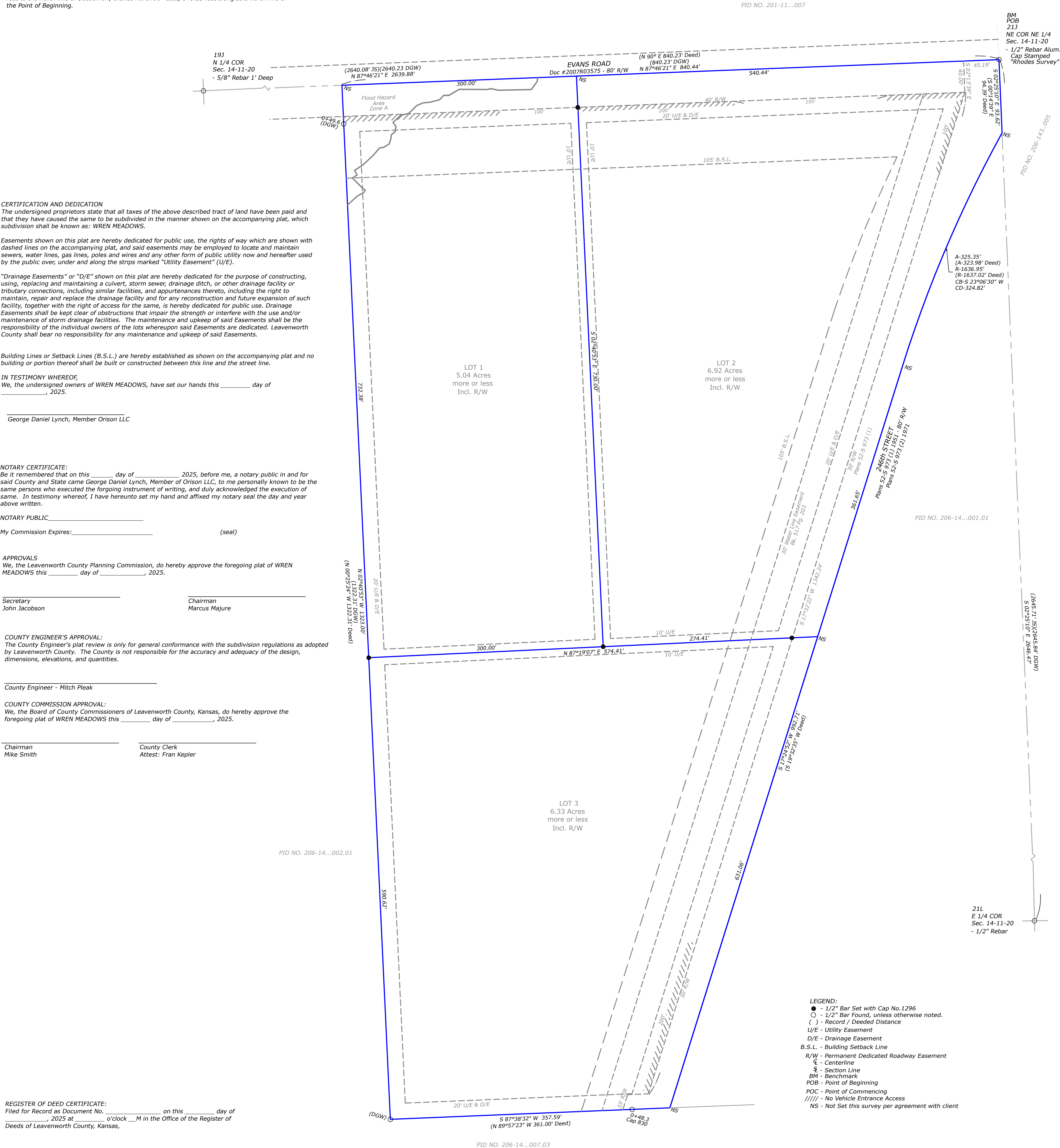
I hereby certify that this survey plat meets the requirements of K.S.A. 58-2005. The face of this survey plat was reviewed for compliance with Kansas Minimum Standards for Boundary Surveys. No field verification is implied. This review is for survey information only.

Daniel Baumchen, PS#1363  
County Surveyor



- RESTRICTIONS:
- 1) All proposed structures within this plat shall comply with the Leavenworth County Zoning and Subdivision Regulations or zoning regulation jurisdiction.
  - 2) An Engineered Waste Disposal System may be required due to poor soil conditions.
  - 3) Erosion and sediment control measures shall be used when designing and constructing driveways and other structures. Re-vegetation of all disturbed areas shall be completed within 45 days after final grading.
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  - 5) All structures built within the subdivision shall comply with Resolution 2020-39, or as amended.
  - 6) An exception to Article 50, Section 40.3.i. Lot-Depth to Lot-Width has been granted for Lot 3
  - 7) No off-plat restrictions.

ZONING:  
RR 5 - Rural Residential 5



- LEGEND:
- - 1/2" Bar Set with Cap No.1296
  - - 1/2" Bar Found, unless otherwise noted.
  - ( ) - Record / Deeded Distance
  - U/E - Utility Easement
  - D/E - Drainage Easement
  - B.S.L. - Building Setback Line
  - R/W - Permanent Dedicated Roadway Easement
  - - Centerline
  - - Section Line
  - BM - Benchmark
  - POB - Point of Beginning
  - POC - Point of Commencing
  - //// - No Vehicle Entrance Access
  - NS - Not Set this survey per agreement with client

- NOTES:
- 1) This survey does not show ownership.
  - 2) All distances are calculated from measurements or measured this survey, unless otherwise noted.
  - 3) All recorded and measured distances are the same, unless otherwise noted.
  - 4) Error of Closure - 1 : 491642, 18.29 Acres, more or less, Incl. R/W
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  - 10) Project Benchmark (BM) - NE COR NE 1/4 Section 14 - Elev - 911.6'
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    - Water - RWD 13
    - Electric - Freestate
    - Sewer - Septic / Lagoon
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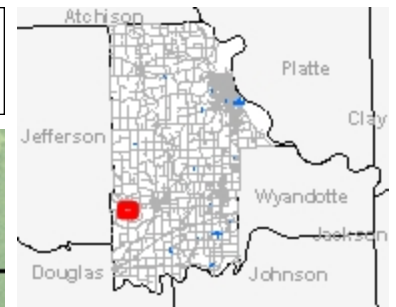
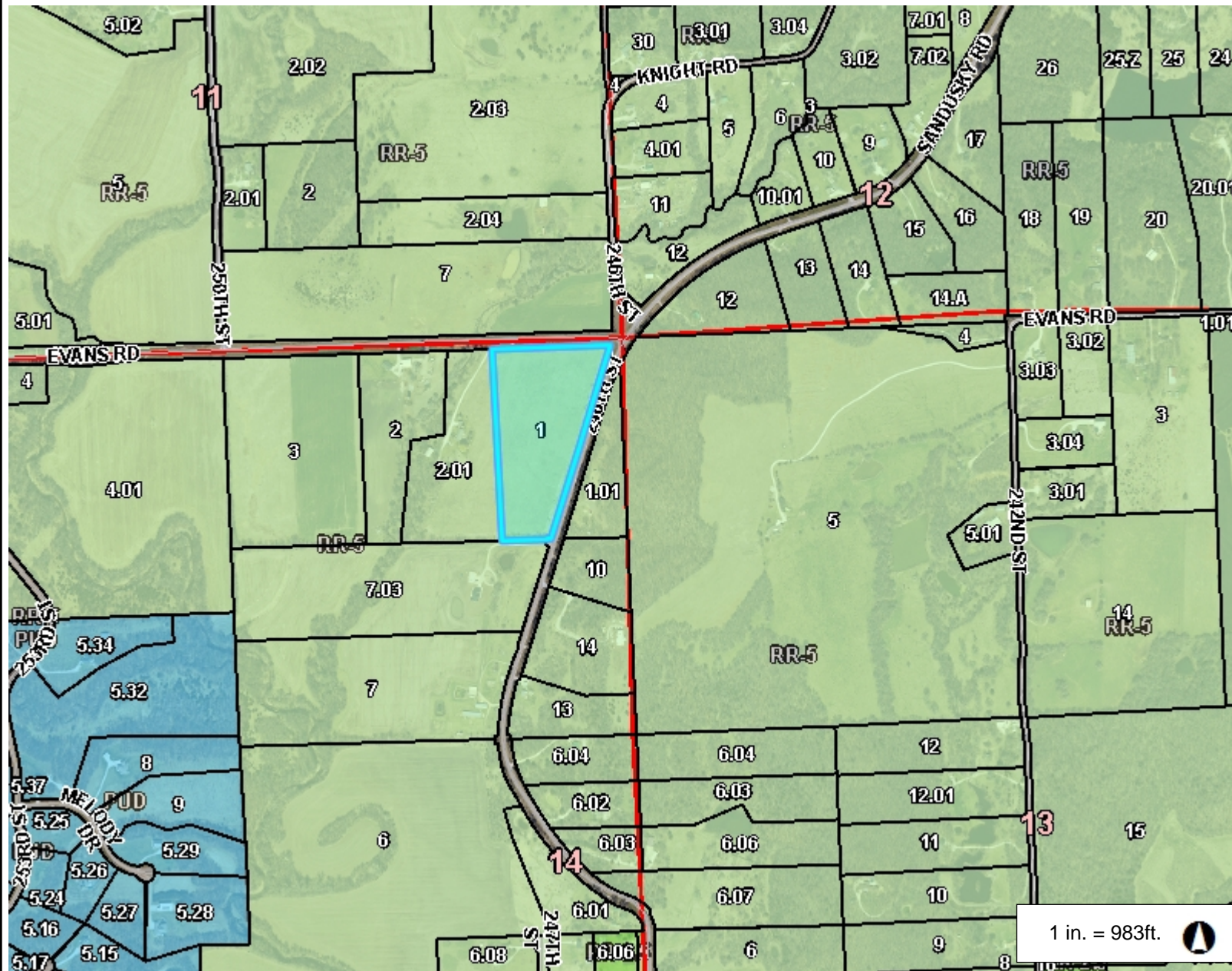


I hereby certify that this survey was made by me, or under my direct supervision, on the ground during the dates of March through April 2025 and this map or plat is correct to the best of my knowledge.

Joseph A. Herring  
PS # 1296



# DEV-25-030 & 031 Wren Meadows



## 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

1 in. = 983ft.



1,965.8 0 982.92 1,965.8 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

## Notes



## Allison, Amy

---

**From:** Timothy Smith <chief1860@ttrfd.com>  
**Sent:** Monday, March 24, 2025 8:15 AM  
**To:** Joe Herring; Johnson, Melissa  
**Subject:** Re: Wren Meadows Plat

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

**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.

We have reviewed this request and have no issues with it at this time.

On Fri, Mar 14, 2025 at 8:00 AM Joe Herring <[herringsurveying@outlook.com](mailto:herringsurveying@outlook.com)> wrote:

Please see the attached division and reply with the standard service letter to myself and the county.

Thank you - Joe Herring

---

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

--

Tim Smith, Chief  
*Tonganoxie Township Rural Fire Department*  
*Past President Kansas State Association Fire Chiefs*

18993 McLouth Rd  
Tonganoxie KS 66086

Phone: [913-845-3801](tel:913-845-3801)  
Fax: [913-845-3801](tel:913-845-3801)  
Cell: [816-392-2468](tel:816-392-2468)

*Failure to Prepare*

*Is*

*Preparing to Fail*



**Allison, Amy**

---

**From:** Line Department <linedepartment@freestate.coop>  
**Sent:** Monday, March 31, 2025 9:58 AM  
**To:** Johnson, Melissa  
**Subject:** RE: Wren Meadows purveyance letter

**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.

Melissa,  
FreeState Electric Coop has no concerns with this application.  
Thank you,  
Gary Willits

**Gary Willits**  
Staking Engineer



1-800-794-1989 | [www.freestate.coop](http://www.freestate.coop)

---

**From:** Line Department <[linedepartment@freestate.coop](mailto:linedepartment@freestate.coop)>  
**Sent:** Thursday, March 27, 2025 2:55 PM  
**To:** Gary Willits <[gary.willits@freestate.coop](mailto:gary.willits@freestate.coop)>  
**Subject:** FW: Wren Meadows purveyance letter

---

**From:** Johnson, Melissa <[MJohnson@leavenworthcounty.gov](mailto:MJohnson@leavenworthcounty.gov)>  
**Sent:** Thursday, March 27, 2025 2:53 PM  
**To:** 'jeffrwd13@hughes.net' <[jeffrwd13@hughes.net](mailto:jeffrwd13@hughes.net)>; Line Department <[linedepartment@freestate.coop](mailto:linedepartment@freestate.coop)>  
**Cc:** 'Joe Herring' <[herringsurveying@outlook.com](mailto:herringsurveying@outlook.com)>; PZ <[PZ@leavenworthcounty.gov](mailto:PZ@leavenworthcounty.gov)>  
**Subject:** Wren Meadows purveyance letter

We have received an application for the above listed preliminary plat. Can you please send a response for whatever comment you would like to submit?

If you have any questions, please let me know.

Thank you,

Melissa Johnson  
Planner I  
Leavenworth County  
Planning & Zoning Department  
Leavenworth County Courthouse  
300 Walnut St, Suite 212



## Allison, Amy

---

**From:** Anderson, Kyle  
**Sent:** Friday, March 28, 2025 8:29 AM  
**To:** Allison, Amy  
**Subject:** RE: RE: DEV-25-030 & 031 Preliminary and Final Plat – Wren Meadows

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:** Allison, Amy <AAllison@leavenworthcounty.gov>  
**Sent:** Thursday, March 27, 2025 4:11 PM  
**To:** Noll, Bill <BNoll@leavenworthcounty.gov>; McAfee, Joe <JMcAfee@leavenworthcounty.gov>; Mitch Pleak <mpleak@olsson.com>; Baumchen, Daniel <DBaumchen@leavenworthcounty.gov>  
**Cc:** PZ <PZ@leavenworthcounty.gov>  
**Subject:** FW: RE: DEV-25-030 & 031 Preliminary and Final Plat – Wren Meadows

---

**From:** Allison, Amy  
**Sent:** Thursday, March 27, 2025 4:10 PM  
**To:** Magaha, Chuck <[cmagaha@lvsheriff.org](mailto:cmagaha@lvsheriff.org)>; Miller, Jamie <[JMiller@leavenworthcounty.gov](mailto:JMiller@leavenworthcounty.gov)>; Dedeker, Andrew <[adedeker@lvsheriff.org](mailto:adedeker@lvsheriff.org)>; Brown, Misty <[MBrown@leavenworthcounty.gov](mailto:MBrown@leavenworthcounty.gov)>; San, Soma <[ssan@leavenworthcounty.gov](mailto:ssan@leavenworthcounty.gov)>  
**Subject:** RE: DEV-25-030 & 031 Preliminary and Final Plat – Wren Meadows

Good Afternoon,

The Leavenworth County Department of Planning and Zoning has received a request for a Preliminary and Final Plat for a 3-lot subdivision located at PID: 206-14-0-00-00-001.00.

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 Thursday, April 10, 2024.

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



**4-10-25  
PW Combined  
Approved**

Wren Meadows

Leavenworth County Kansas

Drainage Report

March 18, 2025





# MEMO

**To:** Amy Allison  
**From:** Chuck Magaha  
**Subject:** Wren Meadows Subdivision  
**Date:** April 28, 2025

Amy, I have reviewed the preliminary plat of the Wren Meadows Subdivision presented by Keith and Megan McMullin. The subdivision meets the requirements for a fire hydrant and supported with a 6" water line as stated in the subdivision guidelines. The area in which the subdivision is proposed, a fire hydrant should be placed at 246<sup>th</sup> Street and Evans Road, this hydrant will cover this subdivision.

I have no further recommendation for this subdivision.

If you have any questions please call me 684-0455.



WREN MEADOWS

A Minor Subdivision in the Northeast Quarter of Section 14, Township 11 South, Range 20 East of the 6th P.M., Leavenworth County, Kansas.

FINAL PLAT

PREPARED FOR:  
Orison LLC  
1204 State Ave, Suite A  
TONGANOXIE, KS 66086  
PID NO. 206-14-0-00-00-001

RECORD DESCRIPTION:  
A tract of land in the Northeast Quarter of the Northeast Quarter of Section 14, Township 11 South, Range 20 East, of the 6th PM, in Leavenworth County, Kansas, described as follows:  
Commencing at the Northeast corner of Section 14, which also being the Point of Beginning; thence South 00°14'39" East, 94.39 feet along the East line of Section 14 to the centerline of 246th Street; thence on a curve to the left having a radius of 1637.02 feet and a length of 323.98 feet along said centerline; thence South 19°32'35" West, 992.71 feet along said centerline; thence North 89°57'23" West, 361.00 feet; thence North 00°25'24" West, 1322.31 feet to the North line of Section 14; thence North 90° East, 840.23 feet along said North line of the Point of Beginning.

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

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

"Drainage Easements" or "D/E" shown on this plat are hereby dedicated for the purpose of constructing, using, replacing and maintaining a culvert, storm sewer, drainage ditch, or other drainage facility or tributary connections, including similar facilities, and appurtenances thereto, including the right to maintain, repair and replace the drainage facility and for any reconstruction and future expansion of such facility, together with the right of access for the same, is hereby dedicated for public use. Drainage Easements shall be kept clear of obstructions that impair the strength or interfere with the use and/or maintenance of storm drainage facilities. The maintenance and upkeep of said Easements shall be the responsibility of the individual owners of the lots whereupon said Easements are dedicated. Leavenworth County shall bear no responsibility for any maintenance and upkeep of said Easements.

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

IN TESTIMONY WHEREOF,  
We, the undersigned owners of WREN MEADOWS, have set our hands this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

George Daniel Lynch, Member Orison LLC

NOTARY CERTIFICATE:  
Be it remembered that on this \_\_\_\_\_ day of \_\_\_\_\_, 2025, before me, a notary public in and for said County and State came George Daniel Lynch, Member of Orison LLC, to me personally known to be the same persons who executed the foregoing instrument of writing, and duly acknowledged the execution of same. In testimony whereof, I have hereunto set my hand and affixed my notary seal the day and year above written.

NOTARY PUBLIC:  
My Commission Expires: \_\_\_\_\_ (seal)

APPROVALS  
We, the Leavenworth County Planning Commission, do hereby approve the foregoing plat of WREN MEADOWS this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

Secretary John Jacobson Chairman Marcus Majure

COUNTY ENGINEER'S APPROVAL:  
The County Engineer's plat review is only for general conformance with the subdivision regulations as adopted by Leavenworth County. The County is not responsible for the accuracy and adequacy of the design, dimensions, elevations, and quantities.

County Engineer - Mitch Pleak

COUNTY COMMISSION APPROVAL:  
We, the Board of County Commissioners of Leavenworth County, Kansas, do hereby approve the foregoing plat of WREN MEADOWS this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

Chairman Mike Smith County Clerk Attest: Fran Kepler

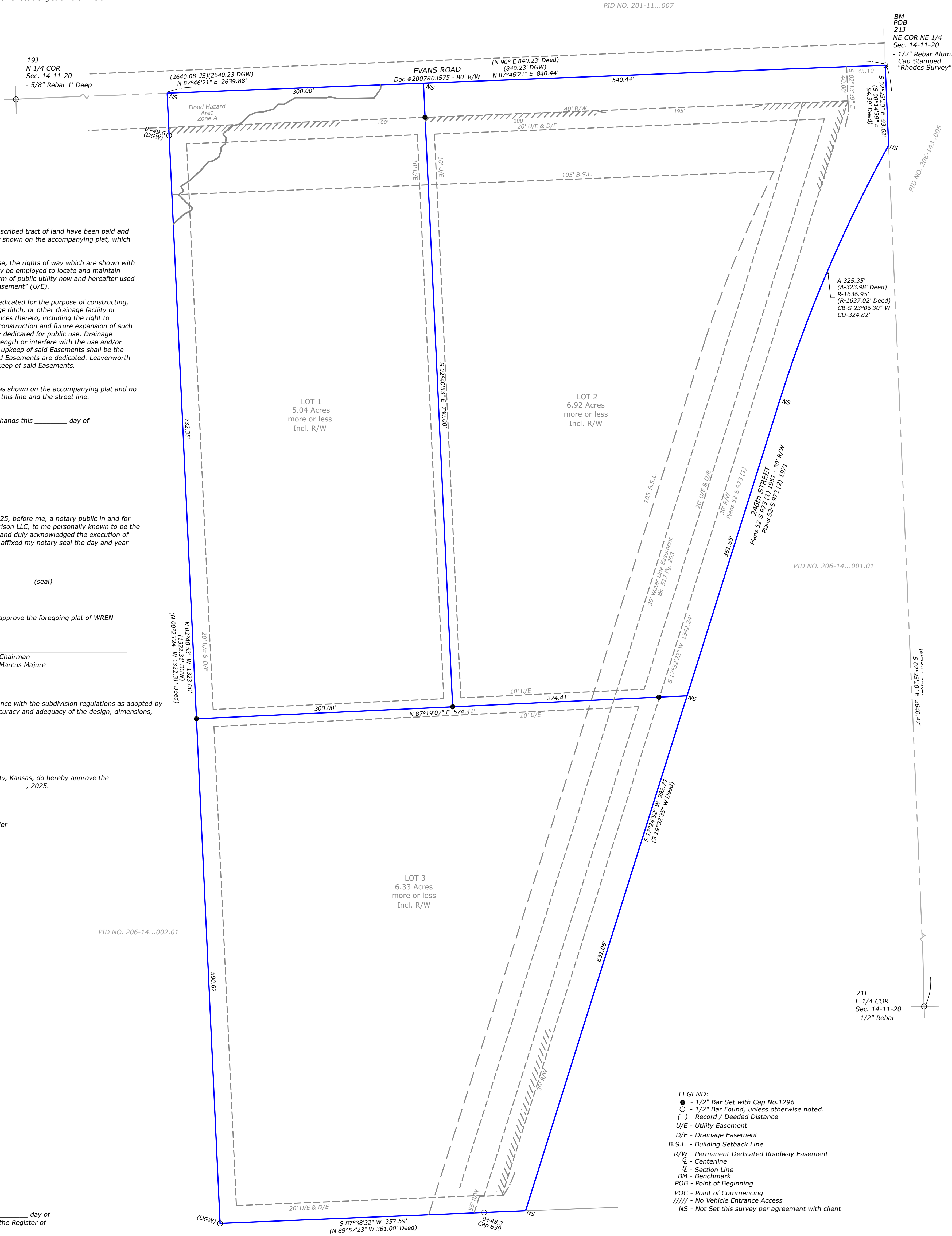
REGISTER OF DEED CERTIFICATE:  
Filed for Record as Document No. \_\_\_\_\_ on this \_\_\_\_\_ day of \_\_\_\_\_, 2025 at \_\_\_\_\_ o'clock \_\_\_\_M in the Office of the Register of Deeds of Leavenworth County, Kansas,

Register of Deeds - TerriLois G. Mashburn

- RESTRICTIONS:
- 1) All proposed structures within this plat shall comply with the Leavenworth County Zoning and Subdivision Regulations or zoning regulation jurisdiction.
  - 2) An Engineered Waste Disposal System may be required due to poor soil conditions.
  - 3) Erosion and sediment control measures shall be used when designing and constructing driveways and other structures. Re-vegetation of all disturbed areas shall be completed within 45 days after final grading.
  - 4) Lots are subject to the current Access Management Policy Additional access limits as shown hereon.
  - 5) All structures built within the subdivision shall comply with Resolution 2020-39, or as amended.
  - 6) An exception to Article 50, Section 40.3.i. Lot-Depth to Lot-Width has been granted for Lot 3
  - 7) No off-plat restrictions.

ZONING:  
RR 5 - Rural Residential 5

5-6-25  
PW Combined No  
Comments



- LEGEND:
- - 1/2" Bar Set with Cap No.1296
  - - 1/2" Bar Found, unless otherwise noted.
  - ( ) - Record / Deeded Distance
  - U/E - Utility Easement
  - D/E - Drainage Easement
  - B.S.L. - Building Setback Line
  - R/W - Permanent Dedicated Roadway Easement
  - - Centerline
  - - Section Line
  - BM - Benchmark
  - POB - Point of Beginning
  - POC - Point of Commencing
  - //// - No Vehicle Entrance Access
  - NS - Not Set this survey per agreement with client

- NOTES:
- 1) This survey does not show ownership.
  - 2) All distances are calculated from measurements or measured this survey, unless otherwise noted.
  - 3) All recorded and measured distances are the same, unless otherwise noted.
  - 4) Error of Closure - 1 : 491642, 18.29 Acres, more or less, Incl. R/W
  - 5) Basis of Bearing - KS SPC North Zone 1501
  - 6) Monument Origin Unknown, unless otherwise noted.
  - 7) Existing and Proposed Lots for Agriculture and Residential Use.
  - 8) Road Record - See Survey
  - 9) Benchmark - NAVD88
  - 10) Project Benchmark (BM) - NE COR NE 1/4 Section 14 - Elev - 911.6'
  - 11) Easements, if any, are created hereon or listed in referenced title commitment.
  - 12) Reference Recorded Deed Doc # 2025R02367
  - 13) Utility Companies -
    - Water - RWD 13
    - Electric - Freestate
    - Sewer - Septic / Lagoon
    - Gas - Propane / Natural Gas
  - 14) Reference Continental Title File Number C25001798 dated March 3, 2025.
  - 15) Property is in a Special Flood Hazard Area Zone A per FEMA FIRM Map 20103C0300G dated July 16, 2015
  - 16) Building Setback Lines as shown hereon or noted below
    - All side yard setbacks - 15' (Accessory - 15')
    - All rear yard setbacks - 40' (Accessory - 15')
  - 17) Existing Structures, if any, shown in approximate location.
  - 18) Fence Lines do not necessarily denote the boundary line for the property.
  - 19) Reference Surveys:
    - DGW - D.G.White - Survey S-15-05 #68, NKA 2005S068
    - JS - J.Stickler Survey Doc #2021S086



I hereby certify that this survey was made by me, or under my direct supervision, on the ground during the dates of March through April 2025 and this map or plat is correct to the best of my knowledge.

Joseph A. Herring  
PS # 1296

Job # K-25-1882  
March 22, 2025 Rev. 4/26/25

**J. HERRING SURVEYING & COMPANY**  
315 North 5th Street, Leav., KS 66048  
Ph. 913.661.3858 Fax 913.674.6381  
Email - survey@teamcash.com

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

Daniel Baumchen, PS#1363  
County Surveyor

Scale 1" = 60'

1" = 60'



WREN MEADOWS

A Minor Subdivision in the Northeast Quarter of Section 14, Township 11 South, Range 20 East of the 6th P.M., Leavenworth County, Kansas.

PRELIMINARY PLAT

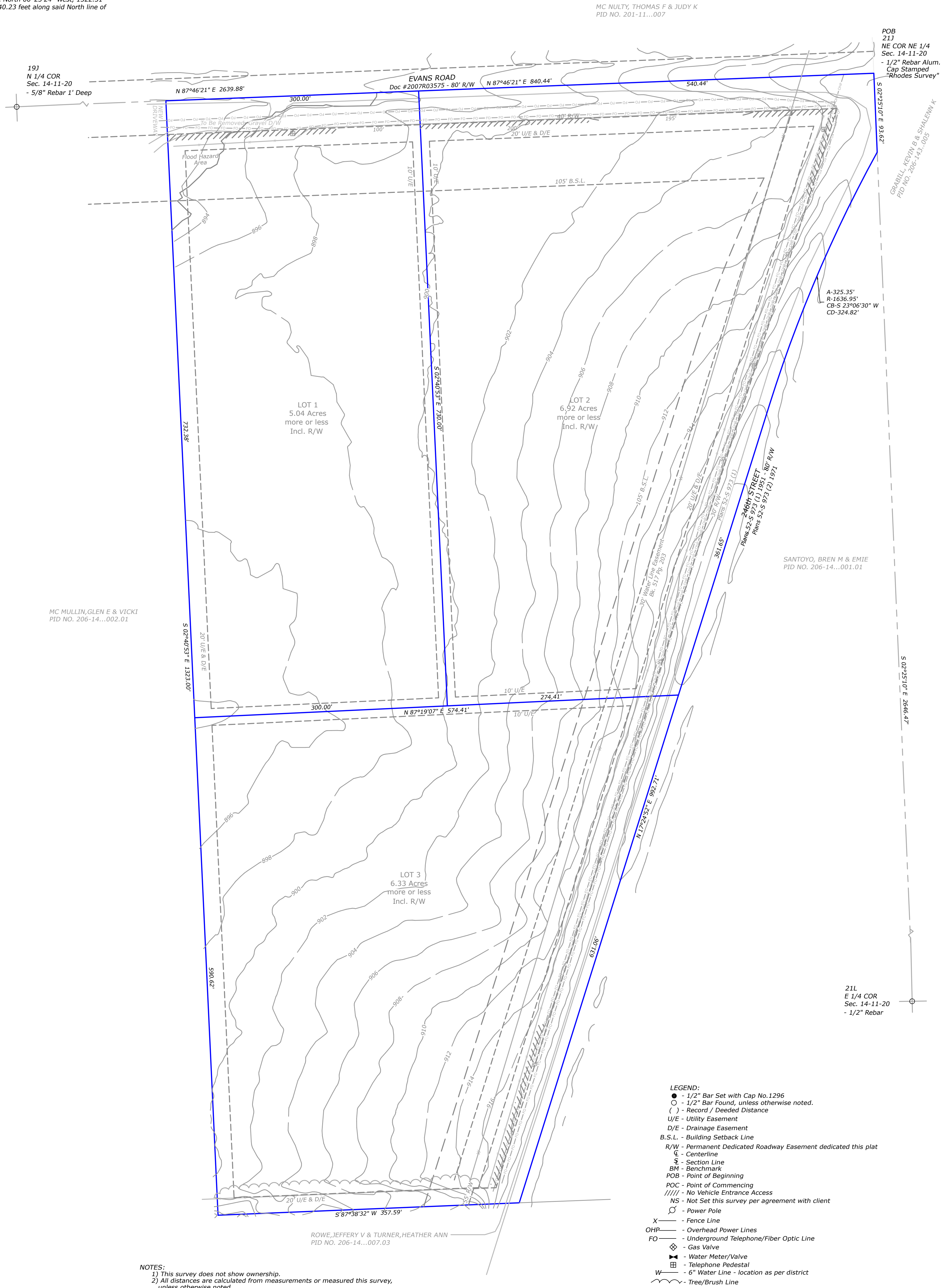
PREPARED FOR:  
Orison LLC  
1204 State Ave, Suite A  
TONGANOXIE, KS 66086  
PID NO. 206-14-0-00-00-001

RECORD DESCRIPTION:  
A tract of land in the Northeast Quarter of the Northeast Quarter of Section 14, Township 11 South, Range 20 East, of the 6th PM, in Leavenworth County, Kansas, described as follows:  
Commencing at the Northeast corner of Section 14, which also being the Point of Beginning;  
thence South 00°14'39" East, 94.39 feet along the East line of Section 14 to the centerline of 246th Street; thence on a curve to the left having a radius of 1637.02 feet and a length of 323.98 feet along said centerline; thence South 19°32'35" West, 992.71 feet along said centerline; thence North 89°57'23" West, 361.00 feet; thence North 00°25'24" West, 1322.31 feet to the North line of Section 14; thence North 90° East, 840.23 feet along said North line of the Point of Beginning.

- RESTRICTIONS:
- 1) All proposed structures within this plat shall comply with the Leavenworth County Zoning and Subdivision Regulations or zoning regulation jurisdiction.
  - 2) An Engineered Waste Disposal System may be required due to poor soil conditions.
  - 3) Erosion and sediment control measures shall be used when designing and constructing driveways and other structures. Re-vegetation of all disturbed areas shall be completed within 45 days after final grading.
  - 4) Lots are subject to the current Access Management Policy Additional access limits as shown hereon.
  - 5) All structures built within the subdivision shall comply with Resolution 2020-39, or as amended.
  - 6) An exception to Article 50, Section 40.3.i. Lot-Depth to Lot-Width has been granted for Lot 3
  - 7) No off-plat restrictions.

ZONING:  
RR 5 - Rural Residential 5

5-6-25  
PW Combined No  
Comments



- LEGEND:
- - 1/2" Bar Set with Cap No.1296
  - - 1/2" Bar Found, unless otherwise noted.
  - ( ) - Record / Deeded Distance
  - U/E - Utility Easement
  - D/E - Drainage Easement
  - B.S.L. - Building Setback Line
  - R/W - Permanent Dedicated Roadway Easement dedicated this plat
  - - Centerline
  - - Section Line
  - BM - Benchmark
  - POB - Point of Beginning
  - POC - Point of Commencing
  - //// - No Vehicle Entrance Access
  - NS - Not Set this survey per agreement with client
  - ⊙ - Power Pole
  - X - Fence Line
  - OHP - Overhead Power Lines
  - FO - Underground Telephone/Fiber Optic Line
  - ⬢ - Gas Valve
  - ⬢ - Water Meter/Valve
  - ⬢ - Telephone Pedestal
  - W - 6" Water Line - location as per district
  - ~ - Tree/Brush Line

- NOTES:
- 1) This survey does not show ownership.
  - 2) All distances are calculated from measurements or measured this survey, unless otherwise noted.
  - 3) All recorded and measured distances are the same, unless otherwise noted.
  - 4) Error of Closure - 1 : 491642, 18.29 Acres, more or less, Incl. R/W
  - 5) Basis of Bearing - KS SPC North Zone 1501
  - 6) Monument Origin Unknown, unless otherwise noted.
  - 7) Existing and Proposed Lots for Agriculture and Residential Use.
  - 8) Road Record - See Survey
  - 9) Benchmark - NAVD88
  - 10) Project Benchmark (BM) - NE COR NE 1/4 Section 14 - Elev - 911.6'
  - 11) Easements, if any, are created hereon or listed in referenced title commitment.
  - 12) Reference Recorded - Deed Doc # 2025R02367
  - 13) Utility Companies -
    - Water - RWD 13
    - Electric - Freestate
    - Sewer - Septic / Lagoon
    - Gas - Propane / Natural Gas
  - 14) Reference Continental Title File Number C25001798 dated March 3, 2025.
  - 15) Property is in a Special Flood Hazard Area Zone A per FEMA FIRM Map 20103C0300G dated July 16, 2015
  - 16) Building Setback Lines as shown hereon or noted below
    - All side yard setbacks - 15' (Accessory - 15')
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  - 19) Reference Surveys:
    - DGW - D.G.White - Survey S-15-05 #68, NKA 2005S068
    - JS - J.Stickler Survey Doc #2021S086



Job # K-25-1882  
March 22, 2025 Rev. 4/28/25

J. HERRING  
SURVEYING  
COMPANY

315 North 5th Street, Leav., KS 66048  
Ph. 913.661.3858 Fax 913.674.6381  
Email - survey@eamcash.com

Scale 1" = 60'

1" = 60'



## Allison, Amy

---

**From:** Baumchen, Daniel  
**Sent:** Thursday, May 8, 2025 9:04 AM  
**To:** 'Joe Herring'; Allison, Amy  
**Cc:** PZ  
**Subject:** RE: DEV-25-030 & 031 Wren Meadows Review Comments  
**Attachments:** WREN MEADOWS FINAL No Comments 2025.05.08.pdf

No comments, but still need 3 LSRR

**Dan Baumchen, PS**  
County Surveyor  
Leavenworth County Department of Public Works  
913-684-0472

---

**From:** Joe Herring <herringsurveying@outlook.com>  
**Sent:** Wednesday, May 7, 2025 5:30 AM  
**To:** Allison, Amy <AAllison@leavenworthcounty.gov>  
**Cc:** PZ <PZ@leavenworthcounty.gov>; Baumchen, Daniel <DBaumchen@leavenworthcounty.gov>  
**Subject:** Re: DEV-25-030 & 031 Wren Meadows 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.

See Attached

Thank you - Joe Herring

---

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

---

**From:** Allison, Amy <[AAllison@leavenworthcounty.gov](mailto:AAllison@leavenworthcounty.gov)>  
**Sent:** Tuesday, May 6, 2025 3:39 PM  
**To:** 'Joe Herring' <[herringsurveying@outlook.com](mailto:herringsurveying@outlook.com)>  
**Cc:** PZ <[PZ@leavenworthcounty.gov](mailto:PZ@leavenworthcounty.gov)>  
**Subject:** RE: DEV-25-030 & 031 Wren Meadows Review Comments

Good Afternoon Joe,

Please find the outstanding comments from Survey attached. I will need a revised copy by noon tomorrow for this item to be on the May meeting.



**LEAVENWORTH COUNTY  
PLANNING COMMISSION  
STAFF REPORT**

**CASE NO:** DEV-25-032 & 033 Carolina Wren Estates

May 14, 2025

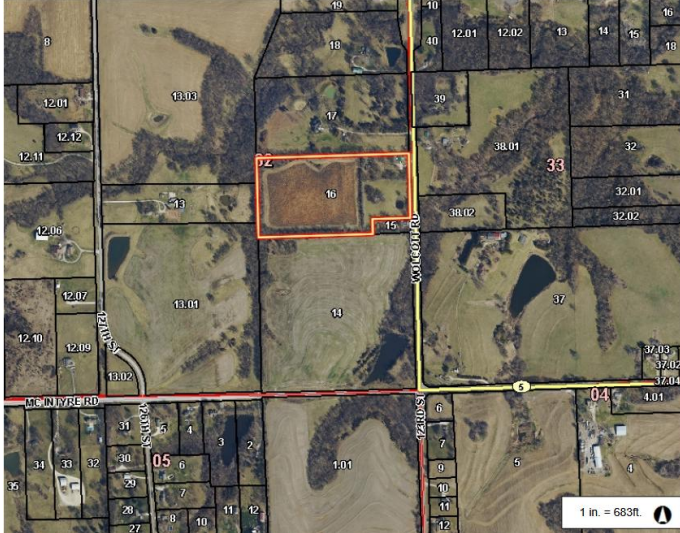
**REQUEST:** *Regular Agenda*

☒ Preliminary Plat      ☒ Final Plat

**STAFF REPRESENTATIVE:**

JOSH SCHWEITZER  
Development Planner

**SUBJECT PROPERTY:** 24675 Wolcott Rd.



**APPLICANT/APPLICANT AGENT:**

JOE HERRING  
HERRING SURVEYING  
315 N. 5th Street  
Leavenworth, KS 66048

**PROPERTY OWNER:**

Gary & Diana Barker  
17334 174th Street  
Leavenworth, KS 66048

**CONCURRENT APPLICATIONS:**

NONE

**LAND USE**

**ZONING:** RR-2.5

**FUTURE LAND USE DESIGNATION:**

Residential 3-units an acre

**LEGAL DESCRIPTION:**

A Minor Subdivision in the Northeast Quarter of the Southeast Quarter of Section 32, Township 9 South, Range 23, East of the 6th 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-25-032 & 033, Preliminary & Final Plat for 'Carolina Wren Estates, to the Board of County Commission, with or without conditions; or
2. Recommend denial of Case No. DEV-25-032 & 033, Preliminary & Final Plat for 'Carolina Wren Estates to the Board of County Commission for the following reasons; or
3. Continue the hearing to another date, time, and place.

**PARCEL SIZE:** 18.6 ACRES

**PARCEL ID NO:**

099-32-0-00-00-016

**BUILDINGS:**

Existing House and outbuilding

**PROJECT SUMMARY:**

Request for a preliminary & final plat approval to subdivide property located at 24675 Wolcott Road (099-32-0-00-00-016) as Lots 01 through 02 of Carolina Wren Estates.

**ACCESS/STREET:**

Wolcott Road – State Highway, paved  
± 22'

**Location Map:** FUTURE LAND USE DESIGNATION



**UTILITIES**

**SEWER:** PRIVATE SEPTIC

**FIRE:** Lansing City FD

**WATER:** CRWD 1

**ELECTRIC:** EVERGY

**NOTICE & REVIEW:**

**STAFF REVIEW:**

5/7/2025

**NEWSPAPER NOTIFICATION:**

N/A

**NOTICE TO SURROUNDING  
PROPERTY OWNERS:**

N/A



<b>STANDARDS TO BE CONSIDERED:</b> <i>Type content in each if necessary (delete this afterwards)</i>			
<b>Leavenworth County Zoning and Subdivision Standards: Preliminary Review</b>		<b>Met</b>	<b>Not Met</b>
35-40	<b>Preliminary Plat Content</b>	X	
40-20	<b>Final Plat Content</b>	X	
41-6	<b>Access Management</b>	X	
41-6.B.a-c.	<b>Entrance Spacing</b>	X	
41-6.C.	<b>Public Road Access Management Standards</b>	X	
43	<b>Cross Access Easements</b>	N/A	
50-20	<b>Utility Requirements</b>	X	
50-30	<b>Other Requirements</b>	X	
50-40	<b>Minimum Design Standards</b>		X
	An Exception from Article 50, Section 40.3.i is required for Lot 2		
50-50	<b>Sensitive Land Development</b>	N/A	
50-60.	<b>Dedication of Reservation of Public Sites and Open Spaces</b>	N/A	

#### **STAFF COMMENTS:**

The applicant is proposing to divide a 18.6-acre parcel into two (2) lots. The Subdivision is classified as a Class C with all lots lying within the Rural Growth Area of Leavenworth County. Staff is supportive of a waiver of the requirement to connect to a sanitary sewer system as sanitary sewers are not located within 660' of the subdivision (see condition 3). Lots range in size from 6.89 to 12.3 acres. Lot 2 requires an exception as it exceeds the Lot-depth to Lot-width requirement. If the exception were to be approved for Lot 2, both of the lots would be in compliance with regulations of the RR-2.5 zoning district.

#### **EXCEPTIONS:**

The applicant has requested an exception from Article 50, Section 40.3.i. – Lot-depth to Lot-width. The criteria for the acceptance of an exception is as follows:

1. That there are special circumstances or conditions affecting the property.
2. That the variance or exception is necessary for the reasonable and acceptable development of the property in question.
3. That the granting of the variance or exception will not be detrimental to the public welfare or injurious to the adjacent property.

*Motion: The Planning Commission hereby (approves/denies) an exception from Article 50, Section 40.3.i. – Lot-depth to Lot-width from the Zoning & Subdivision Regulations for the Carolina Wren Estates subdivision, as submitted by the application, based on a finding that all three criteria for an exception has been met.*

#### **PROPOSED CONDITIONS:**

1. Building permits shall be required for any new construction.
2. Erosion control shall be used when designing and constructing driveways. A form of sediment control shall be installed before work begins and maintained throughout the time that the land disturbing activities are taking place. Re-vegetation of all disturbed sites shall be completed within 45 days after completion of final grading weather permitting.
3. A waiver for the use of private septic systems within this subdivision is granted with this approval.
4. At time of development, fire hydrants shall be required, if necessary, infrastructure is available.
5. An exception from Article 50, Section 40.3.i. has been approved for Lot 2.
6. All corrections from review comments made by county staff.



7. The developer must comply with the following memorandums:

Memo – RWD 8, dated March 18, 2025

Memo – Chuck Magaha, dated April 9, 2025

**PROPOSED MOTIONS:**

Approve case DEV-25-019/020, a request to plat the property located at 00000 259<sup>th</sup> St. into a 4-lot subdivision in conformance with the Zoning and Subdivision Regulations with a majority vote; or

*Motion: Chairman, I find that the subdivision request complies with the Zoning and Subdivision Regulations and move to recommend approval to the Board of County Commissioners of the request as outlined in Case DEV-25-019/020 based on the recommendation of Planning Staff and the findings as set forth in the Staff Report.*

Deny case DEV-25-019/020, a request to plat the property located at 00000 259<sup>th</sup> St. into a 4-lot subdivision not in conformance with the Zoning and Subdivision Regulations with a majority vote; or

*Motion: Chairman, I find that the subdivision request does not comply with the Zoning and Subdivision Regulations (list Article and Section #) and move to recommend denial to the Board of County Commissioners as outlined in Case DEV-25-019/020.*

Table the case to a date and time certain for additional information.

*Motion: Chairman, I move to table Case No. DEV-25-019/020 to (Date and Time) requesting additional information for (STATE THE REASON(S)).*

**ATTACHMENTS:**

A: Application & Narrative

B: Zoning Map

C: Road Map (A minimum of 1/4 mile)

D: Memorandums



FINAL &  
**PRELIMINARY PLAT APPLICATION**  
Leavenworth County Planning and Zoning Department  
300 Walnut St., Suite 212  
Leavenworth, Kansas  
913-684-0465

Office Use Only

Township: \_\_\_\_\_ Planning Commission Meeting Date: \_\_\_\_\_  
Case No. \_\_\_\_\_ Date Received/Paid: \_\_\_\_\_  
Zoning District \_\_\_\_\_ Comprehensive Plan Land Use Designation: \_\_\_\_\_

**APPLICANT/AGENT INFORMATION**

**OWNER INFORMATION**

NAME: Herring Surveying Company NAME: Wahaus Farms LLC  
MAILING ADDRESS: 315 North 5th Street MAILING ADDRESS 24721 Wolcott Road  
CITY/ST/ZIP: Leavenworth, KS 66048 CITY/ST/ZIP Leavenworth, KS 66048  
PHONE: 913-651-3858 PHONE: N/A  
EMAIL : herringsurveying@outlook.com EMAIL N/A

**GENERAL INFORMATION**

Proposed Subdivision Name: CAROLINA WREN ESTATES  
Address of Property: 24675 Wolcott Road  
PID: 99-32-0-00-00-016 Urban Growth Management Area: N/A

**SUBDIVISION INFORMATION**

Gross Acreage: 19 AC	Number of Lots: 2	Minimum Lot Size: 6.6 AC
Maximum Lot Size: 12.5 AC	Proposed Zoning: RR - 2.5	Density: N/A
Open Space Acreage: N/A	Water District: Consolidate #1	Proposed Sewage: Septic
Fire District: Lansing	Electric Provider: Evergy	Natural Gas Provider: Propane
Covenants: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Road Classification: <i>Local – Collector - Arterial – State - Federal</i>	
List of all Requested Exceptions: <i>Exceptions may be granted per Article 56 or as otherwise stated in the Zoning &amp; Subdivision Regulations.</i>	Cross-Access Easement Requested: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
	1. Article 50 Section 40.3.i. Lot - Depth	
	2.	
	3.	
	4.	
	5.	

Is any part of the site designated as Floodplain? ☐ Yes ☒ No if yes, what is the panel number:

I, the undersigned, am the 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 final plat approval as indicated above.

Signature: Joe Herring - digitally signed 3-20-25

Date: 3-20-25

**ATTACHMENT A**



ENTERED IN TRANSFER RECORD IN  
MY OFFICE THIS DAY 09/10/2024

*Janet Klasmaker*  
COUNTY CLERK

Doc #: 2024R06784  
TERRILOIS MASHBURN  
REGISTER OF DEEDS  
LEAVENWORTH COUNTY, KANSAS  
RECORDED ON:  
09/10/2024 12:06:28 PM  
RECORDING FEE: 55.00  
PAGES: 3

Please return to:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### TRUSTEE'S DEED

TX0017758

The GRANTOR(S), Arlene J. Wightman, Trustee of The Wightman Family Living Trust Dated February 6, 2013 convey to Wahaus Farms, LLC, a Kansas limited liability company, Grantee.

The Grantor(s), by virtue of the terms and provisions of said trust agreement, in consideration of the sum of one dollar and other valuable consideration, the receipt of which is hereby acknowledged, does hereby grant, sell, and convey to Grantee, the following described real estate in LEAVENWORTH County, Kansas, to wit:

**See Exhibit "A" attached hereto and by this reference made a part hereof**  
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.

The Grantor(s) covenant(s) that the aforesaid trust remains in full force and effect and has not been revoked, that the undersigned is/are the trustees of said trust and have full right and authority to convey the above-described real estate and to make, execute and deliver this deed pursuant to the power set forth in the said trust instrument.



EXHIBIT "A"

The South Half (S 1/2) of the Northeast Quarter (NE 1/4) of the Southeast Quarter (SE 1/4) of Section Thirty-two (32), Township Nine (9), Range Twenty-three (23), EXCEPTING a tract of land described as follows: A tract of land in the South Half of the Northeast Quarter of the Southeast Quarter of Section 32, Township 9, Range 23, described as follows, Beginning at a point 180 feet West of the Southeast corner of the Northeast Quarter of the Southeast Quarter of Section 32, Township 9, Range 23, thence West 180 feet; thence North parallel to the section line 120 feet; thence East 180 feet; thence South parallel to the Section line 120 feet to the place of beginning, ALSO EXCEPTING A tract of land commencing at the Southeast corner of the Northeast Quarter of the Southeast Quarter of Section 32, Township 9, Range 23; thence West on the Section line 180 geet; thence North and parallel with the Section line 120 feet; thence East parallel with the Section line 180 feet to the Section line; thence South on the Section line 120 feet to the place of beginning.

ALL in Leavenworth County, Kansas



AFFIDAVIT

Authorization of Contractors or Individuals to Act as Agents of a Landowner

COUNTY OF LEAVENWORTH

STATE OF KANSAS

We/I Kevin D. Wahaus and Tammie A Wahaus  
representatives of Wahaus Farms, LLC

Being dully sworn, dispose and say that we/I are the owner(s) of said property located at -  
24675 Wolcott Rd, Leavenworth KS, and that we authorize the  
following people or firms to act in our interest with the Leavenworth County Planning  
and Zoning Department for a period of one calendar year. Additionally, all statements  
herein contained in the information herewith submitted are in all respects true and correct  
to the best of our knowledge and belief.

Authorized Agents (full name, address & telephone number)

1) Joseph A. Herring – Herring Surveying Company 315 N. 5<sup>th</sup> Street, Leavenworth,  
KS 66048, 913-651-3858

2)

Signed and entered this 7<sup>th</sup> day of March, 2025

Kevin D. Wahaus 24721 Wolcott Rd WKS Tammie A Wahaus  
24721 Wolcott Rd  
Print Name, Address, Telephone 913-683-3305 LV KS 816-590-5510

[Signature]  
Signature

[Signature]

STATE OF KANSAS )

) SS

COUNTY OF LEAVENWORTH )

Be it remembered that on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, before me, a notary public in and  
for said County and State came \_\_\_\_\_ to me  
personally known to be the same persons who executed the forgoing instrument of writing, and  
duly acknowledged the execution of same. In testimony whereof, I have hereunto set my hand  
and affixed my notary seal the day and year above written.

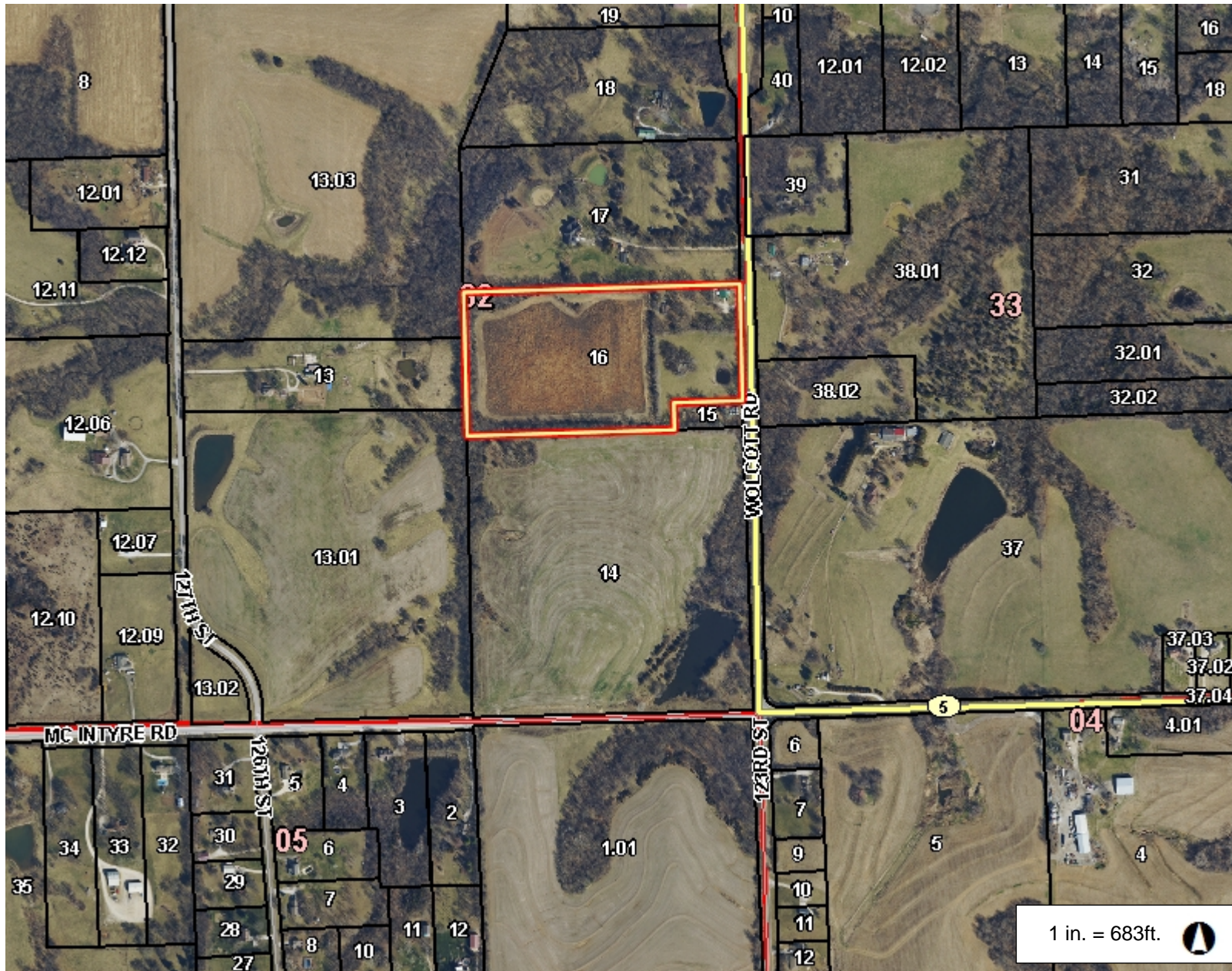
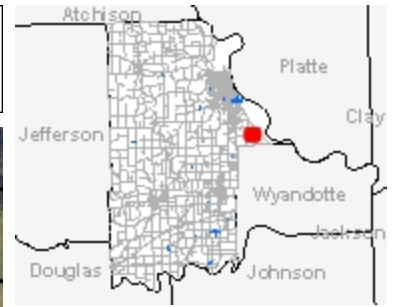
NOTARY PUBLIC \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

(seal)



# Leavenworth County, KS



## 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

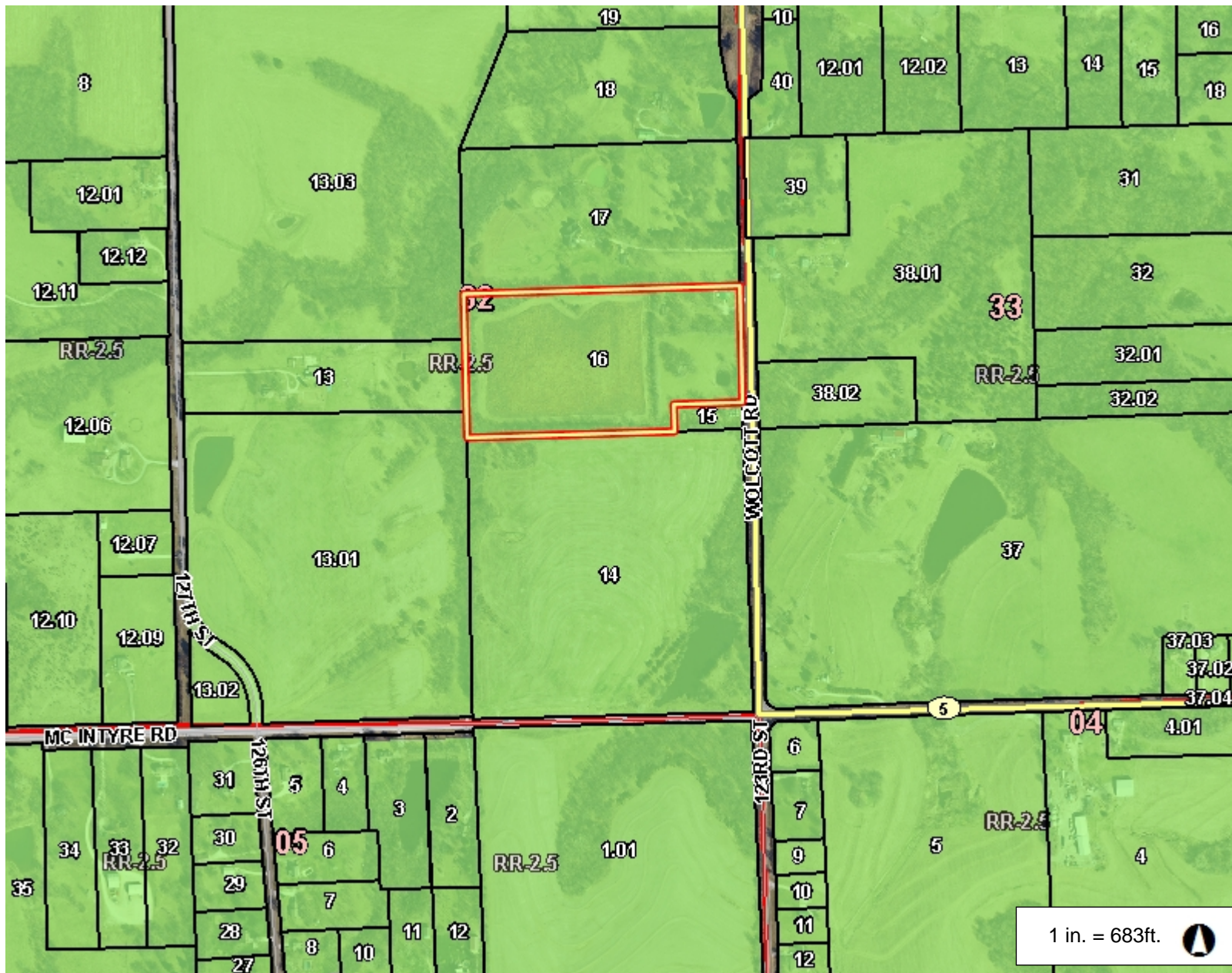
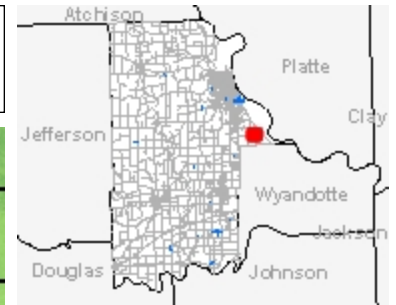
1,366.4 0 683.20 1,366.4 Feet

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



# Leavenworth County, KS



## 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

1 in. = 683ft.



1,366.4 0 683.20 1,366.4 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

## Notes



# CAROLINA WREN ESTATES

A Minor Subdivision in the Southeast Quarter of Section 32, Township 9 South, Range 23 East of the 6th P.M., Leavenworth County, Kansas.

## PRELIMINARY PLAT

PREPARED FOR: WAHAUS FARMS LLC  
24721 WOLCOTT RD  
LEAVENWORTH, KS 66048

PROPERTY ADDRESS: 24675 WOLCOTT RD  
LEAVENWORTH, KS 66048  
PID NO. 099-32-0-00-00-016

**SURVEYOR'S DESCRIPTION:**  
Tract of land in the Southeast Quarter of Section 32, Township 9 South, Range 23 East of the 6th P.M., Leavenworth County, Kansas, as written by Joseph A. Herring PS-1296 on March 20, 2025, and more fully described as follows: Commencing at the Northeast corner of said Southeast Quarter; thence South 01 degrees 36'00" East for a distance 667.83 feet along the East line of said Southeast Quarter to the TRUE POINT OF BEGINNING; thence continuing South 01 degrees 36'00" East for a distance of 544.06 feet along said East line; thence South 88 degrees 00'05" West for a distance of 360.01 feet; thence South 01 degrees 36'00" East for a distance of 121.76 feet; thence South 88 degrees 22'45" West for distance of 962.79 feet; thence North 01 degrees 30'50" West for a distance of 663.21 feet; thence North 88 degrees 09'47" East for a distance of 1321.80 feet to the point of beginning. Together with and subject to covenants, easements, and restrictions of record. Said property contains 19.19 acres, more or less, including road right of way. Error of Closure: 1 - 681527

### RESTRICTIONS:

- 1) All proposed structures within this plat shall comply with the Leavenworth County Zoning and Subdivision Regulations or zoning regulation jurisdiction.
- 2) An Engineered Waste Disposal System may be required due to poor soil conditions.
- 3) Erosion and sediment control measures shall be used when designing and constructing driveways and other structures. Re-vegetation of all disturbed areas shall be completed within 45 days after final grading.
- 4) Lot Access is subject to KDOT Approval.
- 5) All structures built within the subdivision shall comply with Resolution 2020-39, or as amended.
- 6) An exception to Article 50, Section 40.3.1. Lot-Depth to Lot-Width has been granted for Lot 2
- 7) Structures that exist within the building setback line or platted easement. Any future building or expansion must comply with the building setback. If the structure is damaged greater than 51% it may not be rebuilt or restored on the existing location and must meet all setbacks
- 8) Lots 1 and 2 share an access point to Wolcott Road. Maintenance for the common access area shall be shared by Lots 1 and 2.
- 9) No off-plat restrictions.

### ZONING:

RR 2.5 - Rural Residential 2.5

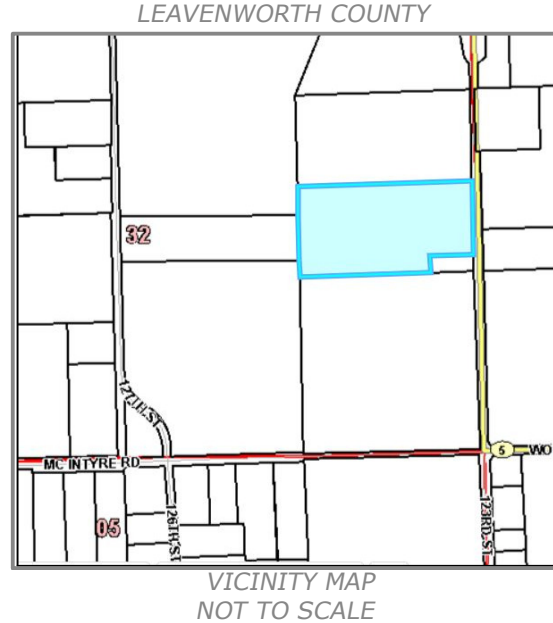
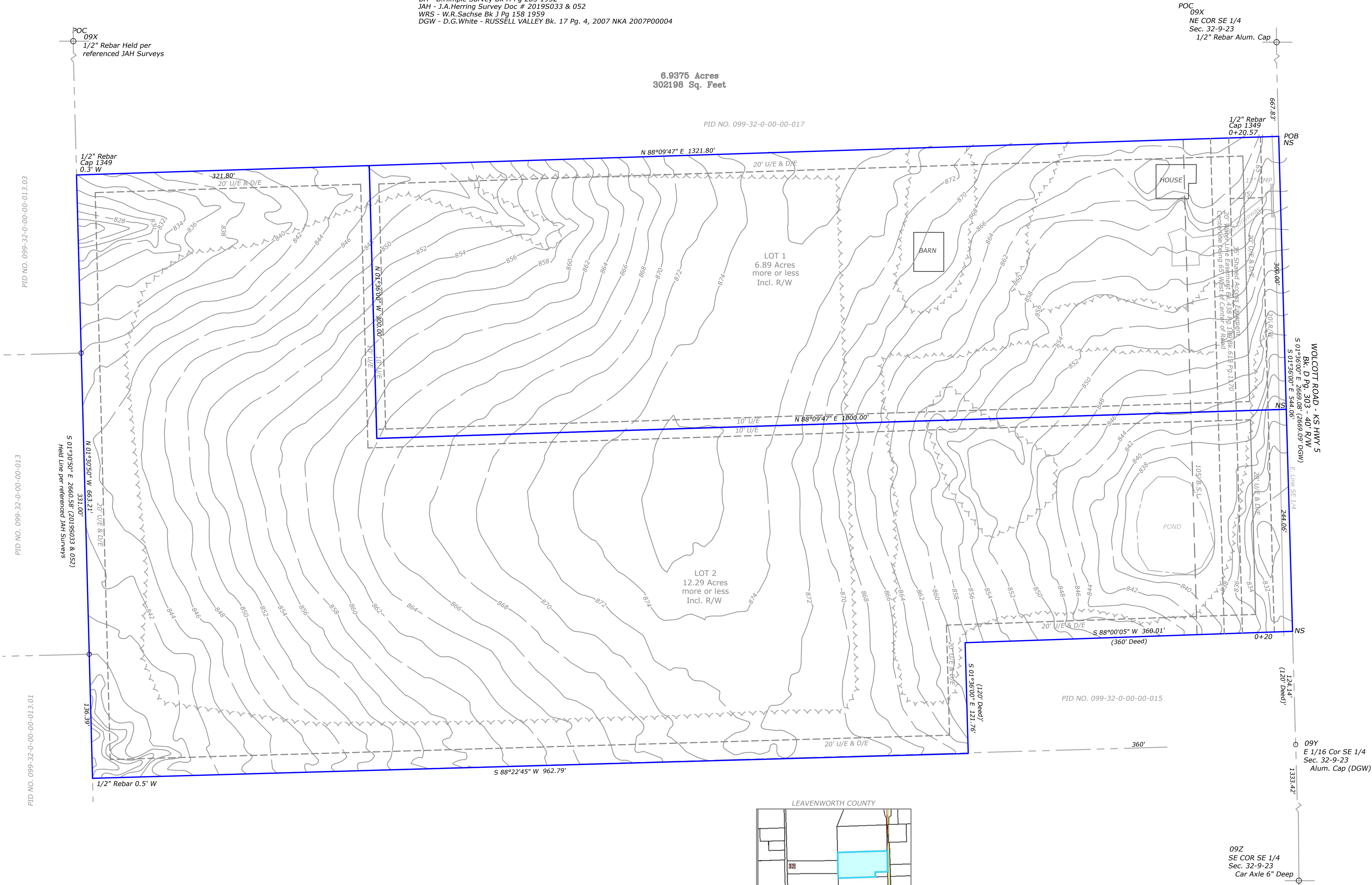
### NOTES:

- 1) This survey does not show ownership.
- 2) All distances are calculated from measurements or measured this survey, unless otherwise noted.
- 3) All recorded and measured distances are the same, unless otherwise noted.
- 4) Error of Closure - See Descriptions
- 5) Basis of Bearing - KS SPC North Zone 1501
- 6) Monument Origin Unknown, unless otherwise noted.
- 7) Existing and Proposed Lots for Agriculture and Residential Use.
- 8) Road Record - See Survey
- 9) Benchmark - NAVD88
- 10) Project Benchmark (BM) - NE COR SE 1/4 Section 32 - Elev - 837.24'
- 11) Easements, if any, are created hereon or listed in referenced title commitment.
- 12) Reference Recorded Deed Doc # 2024R06784
- 13) Utility Companies -
  - Water - Consolidated #1
  - Electric - Evergy
  - Sewer - Septic / Lagoon
  - Gas - Propane / Natural Gas
- 14) Reference Kansas Secured Title Company File No. TX0017758 updated March 10, 2025
  - Rural Water District #3 Book 438 Page 189, shown hereon.
  - Rural Water District #1 Book 613 Page 1170, shown hereon.
- 15) Property is not in a Special Flood Hazard Area per FEMA FIRM Map 2010C0251C dated July 16, 2015
- 16) Building Setback Lines as shown hereon or noted below
  - All side yard setbacks - 15' (Accessory - 15')
  - All rear yard setbacks - 40' (Accessory - 15')
- 17) Existing Structures, if any, shown in approximate location.
- 18) Fence Lines do not necessarily denote the boundary line for the property.
- 19) Reference Surveys:
  - BH - B.Himble Survey Bk H Pg 283 1952
  - JAH - J.A.Herring Survey Doc # 2019S033 & 052
  - WRS - W.R.Sachse Bk J Pg 158 1959
  - DGW - D.G.White - RUSSELL VALLEY Bk. 17 Pg. 4, 2007 NKA 2007P00004

### LEGEND:

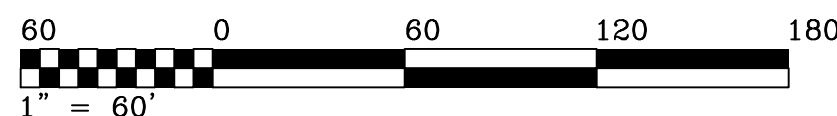
- - 1/2" Rebar Set with Cap No.1296
- - 1/2" Rebar Found, unless otherwise noted.
- ( ) - Record / Deeded Distance
- U/E - Utility Easement
- D/E - Drainage Easement
- B.S.L. - Building Setback Line
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- SL - Section Line
- BM - Benchmark
- POB - Point of Beginning
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- //// - No Vehicle Entrance Access
- NS - Not Set this survey per agreement with client
- - Power Pole
- X - Fence Line
- OHP - Overhead Power Lines
- T - Underground Telephone/Fiber Optic Line
- ◇ - Gas Valve
- ⊞ - Water Meter/Valve
- ⊞ - Telephone Pedestal
- W - 6" Water Line - location as per district
- ~ - Tree/Brush Line

4-29-25  
PW Combined No  
Comments



Job # K-24-1832  
March 6, 2025

J. Herring, Inc. (dba)  
J. HERRING  
SURVEYING  
& COMPANY  
315 North 5th Street, Leav., KS 66048  
Ph. 913.651.3858 Fax 913.674.5361  
Email - survey@leamcash.com





# CAROLINA WREN ESTATES

A Minor Subdivision in the Southeast Quarter of Section 32, Township 9 South, Range 23 East of the 6th P.M., Leavenworth County, Kansas.

## PRELIMINARY PLAT

PREPARED FOR: WAHAUS FARMS LLC  
24721 WOLCOTT RD  
LEAVENWORTH, KS 66048

PROPERTY ADDRESS: 24675 WOLCOTT RD  
LEAVENWORTH, KS 66048  
PID NO. 099-32-0-00-00-016

**SURVEYOR'S DESCRIPTION:**  
Tract of land in the Southeast Quarter of Section 32, Township 9 South, Range 23 East of the 6th P.M., Leavenworth County, Kansas, as written by Joseph A. Herring PS-1296 on March 20, 2025, and more fully described as follows: Commencing at the Northeast corner of said Southeast Quarter; thence South 01 degrees 36'00" East for a distance 667.83 feet along the East line of said Southeast Quarter to the TRUE POINT OF BEGINNING; thence continuing South 01 degrees 36'00" East for a distance of 544.06 feet along said East line; thence South 88 degrees 00'05" West for a distance of 360.01 feet; thence South 01 degrees 36'00" East for a distance of 121.76 feet; thence South 88 degrees 22'45" West for distance of 962.79 feet; thence North 01 degrees 30'50" West for a distance of 663.21 feet; thence North 88 degrees 09'47" East for a distance of 1321.80 feet to the point of beginning.  
Together with and subject to covenants, easements, and restrictions of record.  
Said property contains 19.19 acres, more or less, including road right of way.  
Error of Closure: 1 - 681527

### RESTRICTIONS:

- 1) All proposed structures within this plat shall comply with the Leavenworth County Zoning and Subdivision Regulations or zoning regulation jurisdiction.
- 2) An Engineered Waste Disposal System may be required due to poor soil conditions.
- 3) Erosion and sediment control measures shall be used when designing and constructing driveways and other structures. Re-vegetation of all disturbed areas shall be completed within 45 days after final grading.
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- 5) All structures built within the subdivision shall comply with Resolution 2020-39, or as amended.
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### ZONING:

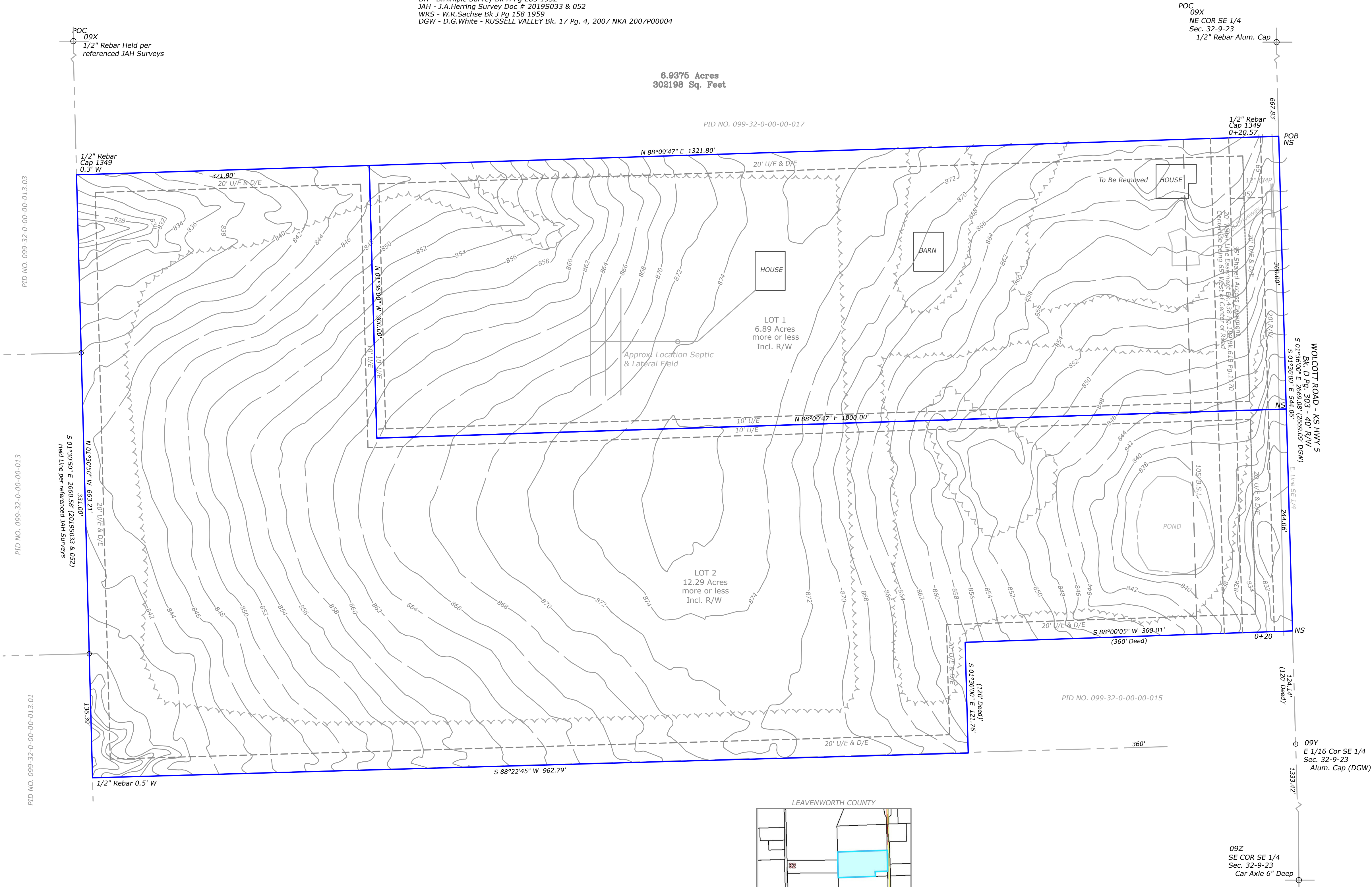
RR 2.5 - Rural Residential 2.5

### NOTES:

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- 5) Basis of Bearing - KS SPC North Zone 1501
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  - DGW - D.G.White - RUSSELL VALLEY Bk. 17 Pg. 4, 2007 NKA 2007P00004

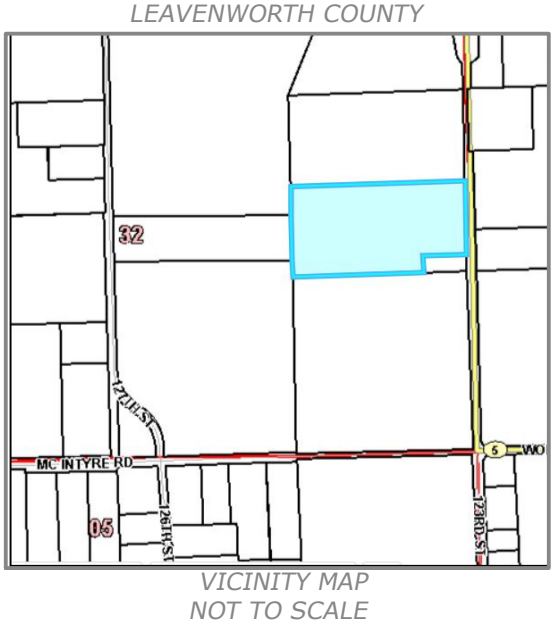
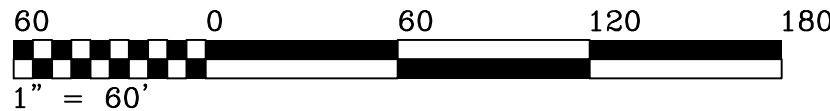
### LEGEND:

- - 1/2" Rebar Set with Cap No.1296
- - 1/2" Rebar Found, unless otherwise noted.
- ( ) - Record / Deeded Distance
- U/E - Utility Easement
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- ◇ - Gas Valve
- ⊞ - Water Meter/Valve
- ⊞ - Telephone Pedestal
- W - 6" Water Line - location as per district
- ~ - Tree/Brush Line



Job # K-24-1832  
March 6, 2025 Rev. 5-2-25

J. Herring, Inc. (dba)  
**J. HERRING**  
SURVEYING  
& COMPANY  
315 North 5th Street, Leav., KS 66048  
Ph. 913.651.3858 Fax 913.674.5361  
Email - survey@leamcsh.com





A Minor Subdivision in the Southeast Quarter of Section 32, Township 9 South, Range 23 East of the 6th P.M., Leavenworth County, Kansas.

PREPARED FOR:	PROPERTY ADDRESS:
WAHAUS FARMS LLC	24675 WOLCOTT RD
24721 WOLCOTT RD	LEAVENWORTH, KS 66048
LEAVENWORTH, KS 66048	PID NO. 099-32-0-00-00-016

Tract of land in the Southwest Quarter of Section 32, Township 9 South, Range 23 East of the 6th P.M., Leavenworth County, Kansas, as written by Joseph A. Herring P.S-1296 on March 20, 2025, and more fully described as follows: Commencing at the Northeast corner of said Southeast Quarter; thence South 01 degrees 26'00" East for a distance of 667.83 feet to the East line of said Southwest Quarter to the TRUE POINT OF BEGINNING; thence continuing South 01 degrees 36'00" East for a distance of 544.06 feet to said East line; thence South 88 degrees 00'05" West for a distance of 360.01 feet; thence South 01 degrees 36'00" East for a distance of 121.76 feet; thence South 88 degrees 22'45" West for a distance of 962.79 feet; thence North 01 degrees 30'50" West for a distance of 663.21 feet; thence North 88 degrees 09'47" East for a distance of 1321.80 feet to the point of beginning.

Together with covenants, easements, and other matters of record.

Said property contains 19.19 acres, more or less, including road right of way.

Error of Closure: 1' - 68152

The undersigned proprietors state that all taxes of the above described tract of land have been paid and that they have caused the same to be subdivided in the manner shown on the accompanying plat, which subdivision shall be known as: CAROLINA WREN ESTATES.

"Drainage Easements" or "D/E" shown on this plat are hereby dedicated for the purpose of constructing, using, replacing and maintaining a culvert, storm sewer, drainage ditch, or other drainage facility or tributary connections, including similar facilities, and appurtenances thereto, including the right to maintain, repair and replace the drainage facility and for any reconstruction and future expansion of such facility, together with the right to install, maintain, replace, repair and reconstruct any drainage facility or structure, including any culvert, storm sewer, drainage ditch, or other drainage facility or tributary connections, and to remove any obstructions that impair the strength or interfere with the use and/or maintenance of storm drainage facilities. The maintenance and upkeep of said Easements shall be the responsibility of the individual owners of the lots whereupon said Easements are dedicated. Leavenworth County shall bear no responsibility for any maintenance and upkeep of said Easements.

IN TESTIMONY WHEREOF,  
We, the undersigned owners of CAROLINA WREN ESTATES, have set our hands this \_\_\_\_\_ day  
of \_\_\_\_\_, 2025.

**NOTARY CERTIFICATE:**  
Be it remembered that on this \_\_\_\_\_ day of \_\_\_\_\_ 2025, before me, a notary public in and for said County and State came Kevin D. Wahaus, Member of Wahaus Farms LLC, to me personally known to be the same persons who executed the forging instrument of writing, and duly acknowledged the execution of same. In testimony whereof, I have hereunto set my hand and affixed my notary seal the day and year above written.

My Commission Expires: \_\_\_\_\_ (seal)

We, the Leavenworth County Planning Commission, do hereby approve the foregoing plat of CAROLINA WREN ESTATES this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

COUNTY ENGINEER'S APPROVAL:  
The County Engineer's plat review is only for general conformance with the subdivision regulations as adopted by Leavenworth County. The County is not responsible for the accuracy and adequacy of the design, dimensions, elevations, and quantities.

COUNTY COMMISSION APPROVAL:  
We, the Board of County Commissioners of Leavenworth County, Kansas, do hereby approve the foregoing plat  
of CAROLINA WREN ESTATES this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

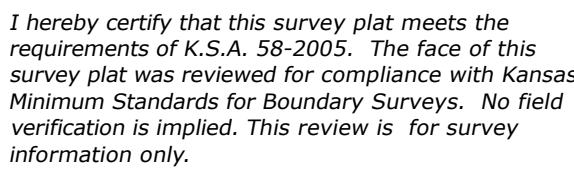
REGISTER OF DEED CERTIFICATE:  
Filed for Record as Document No. \_\_\_\_\_ on this \_\_\_\_\_ day of  
\_\_\_\_\_, 2025 at \_\_\_\_\_ o'clock \_\_M in the Office of the Register of  
Deeds of Leavenworth County, Kansas,



Scale 1" = 60'

 J.Herring, Inc. (dba)  
**HERRING**  
**SURVEYING**  
**& COMPANY**

315 North 5th Street, Leav., KS 66048  
Ph. 913.651.3858 Fax 913.674.5381  
Email - [survey@teamcash.com](mailto:survey@teamcash.com)



PID NO. 099-32-0-00-00-014

POC  
09X  
NE COR SE 1/4  
Sec. 32-9-23  
1/2" Rebar Alum. Cap

**4-29-25  
PW Combined No  
Comments**

POC  
09X  
NE COR SE 1/4  
Sec. 32-9-23  
1/2" Rebar Alum. Cap

**DB**

WOLCOTT ROAD - KS HWY 5  
Bk. D Pg. 303 - 40' R/W  
S 01°36'00" E 2669.08' (2669.09' DG  
S 01°36'00" E 2669.08' (2669.09' DG

7

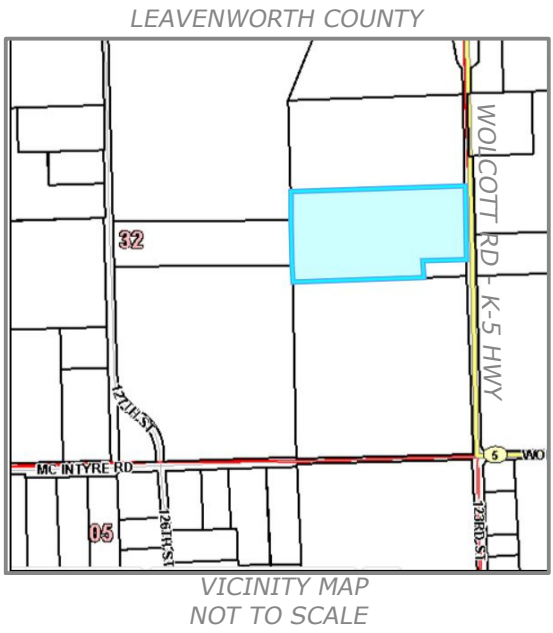
NS

09Y  
E 1/16 Cor SE 1/4  
Sec. 32-9-23  
Alum. Cap (DGW)

09Z  
SE COR SE 1/4  
Sec. 32-9-23  
Car Axle 6" D

*I hereby certify that this survey was made by me, or under my direct supervision, on the ground during the dates of October 2024 through March 2025 and this map or plat is correct to the best of my knowledge.*

Joseph A. Herring  
PS # 1296





# CAROLINA WREN ESTATES

A Minor Subdivision in the Southeast Quarter of Section 32, Township 9 South, Range 23 East of the 6th P.M., Leavenworth County, Kansas.

## FINAL PLAT

PREPARED FOR: WAHAUS FARMS LLC  
24721 WOLCOTT RD  
LEAVENWORTH, KS 66048

PROPERTY ADDRESS: 24675 WOLCOTT RD  
LEAVENWORTH, KS 66048  
PID NO. 099-32-0-00-00-016

**SURVEYOR'S DESCRIPTION:**  
Tract of land in the Southeast Quarter of Section 32, Township 9 South, Range 23 East of the 6th P.M., Leavenworth County, Kansas, as written by Joseph A. Herring PS-1296 on March 20, 2025, and more fully described as follows:  
Commencing at the Northeast corner of said Southeast Quarter; thence South 01 degrees 36'00" East for a distance 667.46 feet along the East line of said Southeast Quarter to the TRUE POINT OF BEGINNING; thence continuing South 01 degrees 36'00" East for a distance of 544.06 feet along said East line; thence South 88 degrees 00'05" West for a distance of 360.01 feet; thence South 01 degrees 36'00" East for a distance of 121.76 feet; thence South 88 degrees 22'45" West for distance of 962.79 feet; thence North 01 degrees 30'50" West for a distance of 663.21 feet; thence North 88 degrees 09'47" East for a distance of 1321.80 feet to the point of beginning.  
Together with and subject to covenants, easements, and restrictions of record.  
Said property contains 19.19 acres, more or less, including road right of way.  
Error of Closure: 1 - 681527

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

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

"Drainage Easements" or "D/E" shown on this plat are hereby dedicated for the purpose of constructing, using, replacing and maintaining a culvert, storm sewer, drainage ditch, or other drainage facility or tributary connections, including similar facilities, and appurtenances thereto, including the right to maintain, repair and replace the drainage facility and for any reconstruction and future expansion of such facility, together with the right of access for the same, is hereby dedicated for public use. Drainage Easements shall be kept clear of obstructions that impair the strength or interfere with the use and/or maintenance of storm drainage facilities. The maintenance and upkeep of said Easements shall be the responsibility of the individual owners of the lots whereupon said Easements are dedicated. Leavenworth County shall bear no responsibility for any maintenance and upkeep of said Easements.

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

**IN TESTIMONY WHEREOF,**  
We, the undersigned owners of CAROLINA WREN ESTATES, have set our hands this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

Kevin D. Wahaus, Member of  
Wahaus Farms LLC

**NOTARY CERTIFICATE:**  
Be it remembered that on this \_\_\_\_\_ day of \_\_\_\_\_, 2025, before me, a notary public in and for said County and State came Kevin D. Wahaus, Member of Wahaus Farms LLC, to me personally known to be the same persons who executed the foregoing instrument of writing, and duly acknowledged the execution of same. In testimony whereof, I have hereunto set my hand and affixed my notary seal the day and year above written.

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

**APPROVALS**  
We, the Leavenworth County Planning Commission, do hereby approve the foregoing plat of CAROLINA WREN ESTATES this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

Secretary John Jacobson  
Chairman Marcus Majure

**COUNTY ENGINEER'S APPROVAL:**  
The County Engineer's plat review is only for general conformance with the subdivision regulations as adopted by Leavenworth County. The County is not responsible for the accuracy and adequacy of the design, dimensions, elevations, and quantities.

County Engineer - Mitch Pleak

**COUNTY COMMISSION APPROVAL:**  
We, the Board of County Commissioners of Leavenworth County, Kansas, do hereby approve the foregoing plat of CAROLINA WREN ESTATES this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

Chairman Mike Smith  
County Clerk Attest: Fran Keppler

**REGISTER OF DEED CERTIFICATE:**  
Filed for Record as Document No. \_\_\_\_\_ on this \_\_\_\_\_ day of \_\_\_\_\_, 2025 at \_\_\_\_\_ o'clock \_\_\_\_M in the Office of the Register of Deeds of Leavenworth County, Kansas,

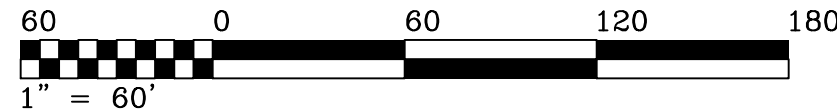
Register of Deeds - TerriLois G. Mashburn



Job # K-24-1832  
March 6, 2025 Rev. 5/2/25

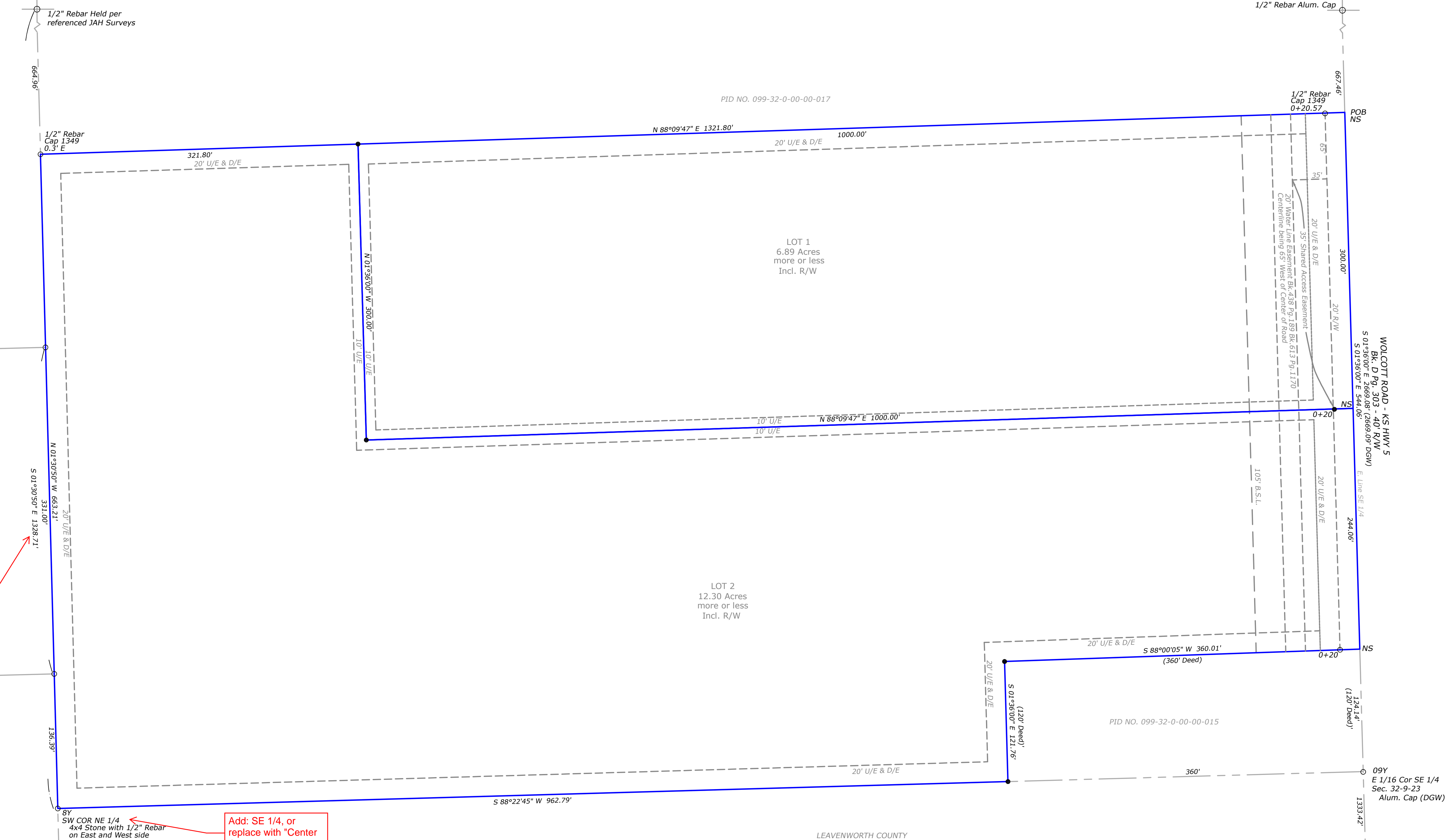
J. Herring, Inc. (dba)  
**J. HERRING SURVEYING & COMPANY**

315 North 5th Street, Leav., KS 66048  
Ph. 913.651.3858 Fax 913.674.5361  
Email - survey@leamcash.com



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

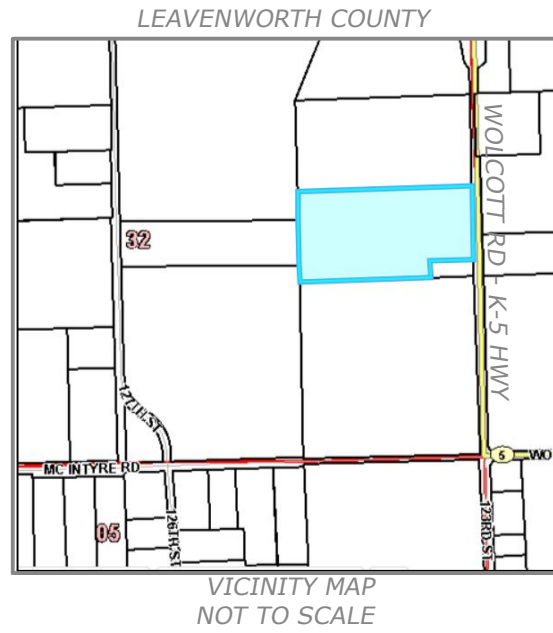
Daniel Baumbach, PS#1363  
County Surveyor



- NOTES:**
- 1) This survey does not show ownership.
  - 2) All distances are calculated from measurements or measured this survey, unless otherwise noted.
  - 3) All recorded and measured distances are the same, unless otherwise noted.
  - 4) Error of Closure - See Descriptions
  - 5) Basis of Bearing - KS SPC North Zone 1501
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    - Electric - Evergy
    - Sewer - Septic / Lagoon
    - Gas - Propane / Natural Gas
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- LEGEND:**
- - 1/2" Rebar Set with Cap No.1296
  - - 1/2" Rebar Found, unless otherwise noted.
  - ( ) - Record / Deeded Distance
  - U/E - Utility Easement
  - D/E - Drainage Easement
  - B.S.L. - Building Setback Line
  - R/W - Road Right of way
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  - SL - Section Line
  - BM - Benchmark
  - POB - Point of Beginning
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  - //// - No Vehicle Entrance Access
  - NS - Not Set this survey per agreement with client

Provide LSRR



I hereby certify that this survey was made by me, or under my direct supervision, on the ground during the dates of October 2024 through March 2025 and this map or plat is correct to the best of my knowledge.

Joseph A. Herring  
PS # 1296



4-29-25  
PW Combined No  
Comments

Carolina Wren Estates

Leavenworth County Kansas

Drainage Report

March 18, 2025





## ARTICLE 56 – EXCEPTIONS

Where in the case of a particular proposed subdivision, it can be shown that strict compliance with the requirements of these regulations would result in extraordinary hardship to the subdivider because of unusual topography or other non-self-inflicted conditions; or that these conditions would result in inhibiting the achievement of the objectives of these regulations; the Planning Commission may vary, modify or waive the requirements so that substantial justice may be done and the public interest secured; provided, that such variance, modification or waiver will not have the effect of nullifying the intent and purpose of these regulations or interfering with carrying out the Comprehensive Plan.

In recommending such variance or exception, the Planning Commission shall find the following:

1. That there are special circumstances or conditions affecting the property.  
Parent tract is narrow as it exists with limited access on to State Highway
2. That the variance or exception is necessary for the reasonable and acceptable development of the property in question.  
Yes - Allows for better use of property with additional build sites
3. That the granting of the variance or exception will not be detrimental to the public welfare or injurious to adjacent property.  
No



# MEMO

**To:** Amy Allison  
**From:** Chuck Magaha  
**Subject:** Carolina Wren Estates Subdivision  
**Date:** April 28, 2025

Amy, I have reviewed the preliminary plat of the Carolina Wren Estates Subdivision presented by Wahaus Farms LLC Trust. The subdivision meets the requirements for a fire hydrant and supported with a 6" water line as stated in the subdivision guidelines. The area in which the subdivision is proposed a fire hydrant should be placed along the right-a-way between lot 1 and lot 2 on Wolcott Road. This will meet the requirements for this subdivision.

I have no further recommendation for this subdivision.

If you have any questions please call me 684-0455.



## Schweitzer, Joshua

---

**From:** Anderson, Kyle  
**Sent:** Friday, March 28, 2025 8:34 AM  
**To:** Schweitzer, Joshua  
**Subject:** RE: DEV-25-032 & 033 Preliminary & Final Plat Carolina Wren Estates - Herring  
**Attachments:** 2024.10.21 RES-24-252 SFR.pdf; 2025.03.25 Septic Inspection.pdf

We have not received any complaints on this property. Should the pre-plat show the home that is currently being built, and the septic system that has been installed to service it? Permit and inspection attached.

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:** Thursday, March 27, 2025 4:14 PM  
**To:** Magaha, Chuck <cmagaha@lvsheriff.org>; Dedeker, Andrew <adedeker@lvsheriff.org>; Miller, Jamie <JMiller@leavenworthcounty.gov>; Brown, Misty <MBrown@leavenworthcounty.gov>; Khalil, Jon <jkhalil@leavenworthcounty.gov>; Noll, Bill <BNoll@leavenworthcounty.gov>; McAfee, Joe <JMcAfee@leavenworthcounty.gov>; 'Mitch Pleak' <mpleak@olsson.com>; Baumchen, Daniel <DBaumchen@leavenworthcounty.gov>; 'Steven Taylor [KDOT]' <Steven.Taylor@ks.gov>  
**Cc:** PZ <PZ@leavenworthcounty.gov>  
**Subject:** DEV-25-032 & 033 Preliminary & Final Plat Carolina Wren Estates - Herring

Good Afternoon,

The Leavenworth County Department of Planning and Zoning has received a request for a Preliminary & Final Plat for a 2-lot subdivision located at 24675 Wolcott Rd.

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 Thursday, April 10, 2025.

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

v / r

Joshua J. Schweitzer  
Development Planner  
Leavenworth County Planning & Zoning



## Schweitzer, Joshua

---

**From:** Joe Gates <jgates@lansings.org>  
**Sent:** Friday, March 28, 2025 9:07 AM  
**To:** Johnson, Melissa  
**Subject:** Re: [External] - purveyance letter for Carolina Wren Estates

**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.

Good morning, Lansing Fire Department does not have any issues with this plat. Thank you.

Joe Gates  
Fire Chief  
913-727-5844  
913-306-5541  
Jgates@lansings.org



---

**From:** Johnson, Melissa <MJohnson@leavenworthcounty.gov>  
**Sent:** Thursday, March 27, 2025 3:15 PM  
**To:** Joe Gates <jgates@lansings.org>  
**Cc:** PZ <PZ@leavenworthcounty.gov>; 'Joe Herring' <herringsurveying@outlook.com>  
**Subject:** [External] - purveyance letter for Carolina Wren Estates

We have received an application for the above listed plat. Can you please send a response for whatever comment(s) you would like to submit?

If you have any questions, please let me know.

Thank you,

Melissa Johnson  
Planner I  
Leavenworth County  
Planning & Zoning Department  
Leavenworth County Courthouse  
300 Walnut St, Suite 212  
Leavenworth County, Kansas 66048  
(913) 684-0465

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*





P.O. Box 419  
15520 Crestwood Dr.  
Basehor, KS 66007  
913-724-7000 - O  
913-724-1310 - F  
[www.crwld1.com](http://www.crwld1.com)

---

March 14, 2025

Joe Herring  
Herring Surveying Company  
315 N 5<sup>th</sup> St.  
Leavenworth, KS 66048

Re: Carolina Wren Estates

Dear Mr. Herring,

Thank you for providing the opportunity for the water district to provide comments on the proposed plat. The proposed plat is in our service area, and is serviceable from a 6-inch water main along the east side of the property.

Any new connections to the water system will follow the policies of the water district in place at the time of connection. There is an existing fire hydrant approximately 150 feet north of the north property line. Additional fire hydrants can be added to the existing water main at the developers expense.

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

Respectfully,

*Mike Fulkerson*

Mike Fulkerson  
General Manager

Cc; file



## Schweitzer, Joshua

---

**From:** Shauna Snyder <shauna.snyder@freestate.coop>  
**Sent:** Monday, March 24, 2025 1:13 PM  
**To:** PZ  
**Cc:** Joe Herring  
**Subject:** SERVICE VERIFICATION - Parcel - R28345

**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.

FreeState Electrical Cooperative will provide power to 3 separate lots, parcel R28345, for Wren Meadows - Lynch Residential.

Thank you,

**Shauna Snyder**  
Work Order Coordinator



1-800-794-1989 | [www.freestate.coop](http://www.freestate.coop)



## Schweitzer, Joshua

---

**From:** Steven Taylor [KDOT] <Steven.Taylor@ks.gov>  
**Sent:** Thursday, April 10, 2025 2:47 PM  
**To:** Schweitzer, Joshua  
**Subject:** RE: DEV-25-032 & 033 Preliminary & Final Plat Carolina Wren Estates - Herring

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**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.

How do they plan to access lot 2?

---

**From:** Schweitzer, Joshua <JSchweitzer@leavenworthcounty.gov>  
**Sent:** Thursday, March 27, 2025 4:14 PM  
**To:** Magaha, Chuck <cmagaha@lvsheriff.org>; Dedeke, Andrew <adedeke@lvsheriff.org>; Miller, Jamie <JMiller@leavenworthcounty.gov>; Brown, Misty <MBrown@leavenworthcounty.gov>; Khalil, Jon <jkhalil@leavenworthcounty.gov>; Noll, Bill <BNoll@leavenworthcounty.gov>; McAfee, Joe <JMcAfee@leavenworthcounty.gov>; 'Mitch Pleak' <mpleak@olsson.com>; Baumchen, Daniel <DBaumchen@leavenworthcounty.gov>; Steven Taylor [KDOT] <Steven.Taylor@ks.gov>  
**Cc:** PZ <PZ@leavenworthcounty.gov>  
**Subject:** DEV-25-032 & 033 Preliminary & Final Plat Carolina Wren Estates - Herring

**EXTERNAL:** This email originated from outside of the organization. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Good Afternoon,

The Leavenworth County Department of Planning and Zoning has received a request for a Preliminary & Final Plat for a 2-lot subdivision located at 24675 Wolcott Rd.

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 Thursday, April 10, 2025.

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

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:** Joe Herring <herringsurveying@outlook.com>  
**Sent:** Monday, April 14, 2025 8:43 AM  
**To:** Schweitzer, Joshua; Steven Taylor [KDOT]  
**Subject:** Re: DEV-25-032 & 033 Preliminary & Final Plat Carolina Wren Estates - Herring

**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.

If kdot will not allow a new entrance then they will share the existing entrance.

Sent via the Samsung Galaxy S22 5G, an AT&T 5G smartphone  
Get [Outlook for Android](#)

---

**From:** Schweitzer, Joshua <JSchweitzer@leavenworthcounty.gov>  
**Sent:** Monday, April 14, 2025 7:53:32 AM  
**To:** 'Joe Herring' <herringsurveying@outlook.com>  
**Subject:** FW: DEV-25-032 & 033 Preliminary & Final Plat Carolina Wren Estates - Herring

Good Morning Joe,

Below is the remarks that KDOT had made for the above mentioned case.

v / r

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

---

**From:** Steven Taylor [KDOT] <Steven.Taylor@ks.gov>  
**Sent:** Thursday, April 10, 2025 2:47 PM  
**To:** Schweitzer, Joshua <JSchweitzer@leavenworthcounty.gov>  
**Subject:** RE: DEV-25-032 & 033 Preliminary & Final Plat Carolina Wren Estates - Herring

**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.

How do they plan to access lot 2?

---

**From:** Schweitzer, Joshua <[JSchweitzer@leavenworthcounty.gov](mailto:JSchweitzer@leavenworthcounty.gov)>  
**Sent:** Thursday, March 27, 2025 4:14 PM  
**To:** Magaha, Chuck <[cmagaha@lvsheriff.org](mailto:cmagaha@lvsheriff.org)>; Dedeke, Andrew <[adedeke@lvsheriff.org](mailto:adedeke@lvsheriff.org)>; Miller, Jamie <[JMiller@leavenworthcounty.gov](mailto:JMiller@leavenworthcounty.gov)>; Brown, Misty <[MBrown@leavenworthcounty.gov](mailto:MBrown@leavenworthcounty.gov)>; Khalil, Jon <[jkhalil@leavenworthcounty.gov](mailto:jkhalil@leavenworthcounty.gov)>; Noll, Bill <[BNoll@leavenworthcounty.gov](mailto:BNoll@leavenworthcounty.gov)>; McAfee, Joe <[JMcAfee@leavenworthcounty.gov](mailto:JMcAfee@leavenworthcounty.gov)>; 'Mitch Pleak' <[mpleak@olsson.com](mailto:mpleak@olsson.com)>; Baumchen, Daniel <[DBaumchen@leavenworthcounty.gov](mailto:DBaumchen@leavenworthcounty.gov)>; Steven Taylor [KDOT] <[Steven.Taylor@ks.gov](mailto:Steven.Taylor@ks.gov)>



**LEAVENWORTH COUNTY  
PLANNING COMMISSION  
STAFF REPORT**

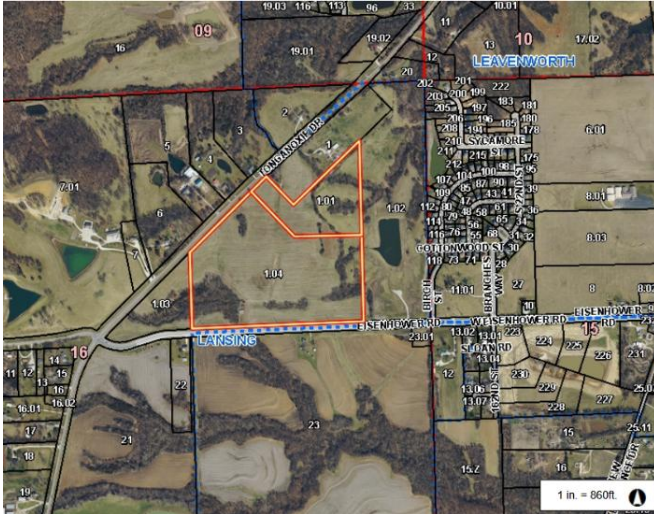
**CASE NO:** DEV-25-035 Limestone Boundary Line Adjustment Exception

May 14, 2025

**REQUEST:** Exception from Zoning and Subdivision Regulation Article 50, Section 40.3.i (Lot-Depth to Lot-Width Ratio) & Article 50, Section 40.3.d. (Lot Line Design)

**STAFF REPRESENTATIVE:**  
JOSH SCHWEITZER  
Development Planner

**SUBJECT PROPERTY:** 00000 Tonganoxie Dr



**APPLICANT/APPLICANT AGENT:**  
Joe Herring  
Herring Surveying Company  
315 N. 5th St.  
Leavenworth, KS 66048

**PROPERTY OWNER:**  
Limestone Land Company  
17096 Eisenhower Rd.  
Leavenworth, KS 66048

**CONCURRENT APPLICATIONS:**  
N/A

**LAND USE**

**ZONING:** RR-2.5

**FUTURE LAND USE DESIGNATION:**  
Mixed Residential

**LEGAL DESCRIPTION:**

A tract of land in the Northwest Quarter of Section 26, Township 11 South, of Range 22 East of the 6th p.m., Leavenworth County, Kansas.

**SUBDIVISION:** N/A

**FLOODPLAIN:** N/A

**PROPERTY INFORMATION**

**ACTION OPTIONS:**

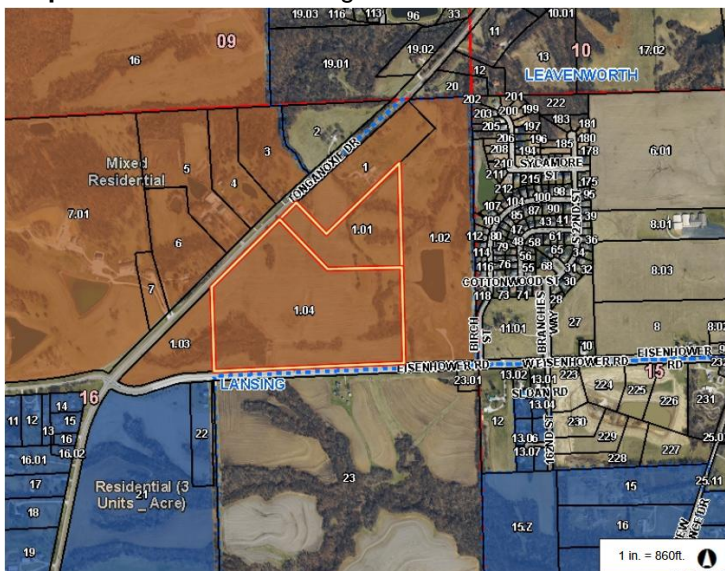
1. Approve Case DEV-25-035, Exception from Zoning & Subdivision Regulation Article 50, Section 40.3.i. (Lot-Depth to Lot-Width Ratio) & Article 50, Section 40.3.d. (Lot Line Design); or
2. Deny Case No.DEV-25-035, Exception from Zoning & Subdivision Regulation Article 50, Section 40.3.i. (Lot-Depth to Lot-Width Ratio) & Article 50, Section 40.3.d. (Lot Line Design); or
3. Modify Case No DEV-25-035, Exception from Zoning & Subdivision Regulation Article 50, Section 40.3.i. (Lot-Depth to Lot-Width Ratio) & Article 50, Section 40.3.d. (Lot Line Design)

**PARCEL SIZE:** 47.2 & 14.7 Acres

**PARCEL ID NO:**  
105-16-0-00-00-001.01; 001.04

**BUILDINGS:**  
N/A

**Location Map: Future Land Use Designation**



**ACCESS/STREET:**  
Tonganoxie Dr.: Arterial, ±25' to ±42' Wide, Paved; Eisenhower Rd.: Arterial, ±52' Wide, Paved

**UTILITIES**

**SEWER:** N/A

**FIRE:** FD#1

**WATER:** RWD#8

**ELECTRIC:** EVERGY

**NOTICE & REVIEW:**

**STAFF REVIEW:** 05/07/2025

**NEWSPAPER NOTIFICATION:**  
N/A

**NOTICE TO SURROUNDING  
PROPERTY OWNERS:**  
N/A



<b>FACTORS TO BE CONSIDERED:</b> Article 50, Section 40.3.i. (Lot-Depth to Lot-Width Ratio)
<b><i>Where in the case of a particular proposed subdivision, it can be shown that strict compliance with the requirements of these regulation would result in extraordinary hardship to the subdivider because of unusual topography or other non-self-inflicted condition; or that these conditions would result in inhibiting the achievement of the objectives of these regulations.</i></b>
<p><b>1. That there are special circumstances or conditions affecting the property;</b></p> <ul style="list-style-type: none"> <li>The alignment of Tonganoxie Drive is the cause of how the property lines aligns / its shape. Causing this to be a condition that was not self-inflicted.</li> <li>Due to the angle of Tonganoxie Drive and the depth of the existing lot, it would be very difficult to create a lot that would meet the lot-depth to lot-width stand without creating a L-shape lot for tract B. In that configuration the arm would create issues for development of tract B. Whereas the proposed layout creates two squared off lots that makes future subdivision easier.</li> </ul>
<p><b>2. That the exception is necessary for the reasonable and acceptable development of the property in question;</b></p> <ul style="list-style-type: none"> <li>Based off the proposed drawing, it is reasonable to believe that the proposed development of property would allow for more compliant tracts of land by approving the exception.</li> </ul>
<p><b>3. That the granting of the exception will not be detrimental to the public welfare or injurious to adjacent property.</b></p> <ul style="list-style-type: none"> <li>Granting of the exception does not appear to cause any issues with public welfare or is injurious to adjacent properties due to the proposed layout providing a more consistent and orderly layout for future development.</li> </ul>

<b>FACTORS TO BE CONSIDERED:</b> Article 50, Section 40.3.d. (Lot-Line Design)
<b><i>Where in the case of a particular proposed subdivision, it can be shown that strict compliance with the requirements of these regulation would result in extraordinary hardship to the subdivider because of unusual topography or other non-self-inflicted condition; or that these conditions would result in inhibiting the achievement of the objectives of these regulations.</i></b>
<p><b>1. That there are special circumstances or conditions affecting the property;</b></p> <ul style="list-style-type: none"> <li>The proposed layout creates a lot line transition that is greater than 45-degree angle. However, the proposed line would stay parallel to Tonganoxie Road and perpendicular to Eisenhower Drive, which meets the intent of the regulation. This situation is caused by the angle of Tonganoxie Drive.</li> </ul>
<p><b>2. That the exception is necessary for the reasonable and acceptable development of the property in question;</b></p> <ul style="list-style-type: none"> <li>As stated above, while the bearing change is greater than 45-degree. The lot lines will remain parallel and perpendicular to adjacent streets. This allows for tracts of land to have more uniform property lines and reduces irregularities during future subdivision actions.</li> </ul>
<p><b>3. That the granting of the exception will not be detrimental to the public welfare or injurious to adjacent property.</b></p> <ul style="list-style-type: none"> <li>Granting of the exception does not appear to cause any issues with public welfare or is injurious to adjacent properties.</li> </ul>

#### **STAFF COMMENTS:**

The requested lot-depth to lot-width ratio would approximately be 800 feet over the 1:4 ratio. The proposed layout also has a side property line bearing change greater than 45-degrees. While not compliant with the regulations, it is due to the nature of the existing tract layout and adjacent street grid system. The creation of more uniform lots would be difficult without needing exceptions. Both of the necessary exceptions are for Tract B. Tract A meets regulations of the RR-2.5 zoning requirements. Tract B would meet regulations if exceptions were approved.

#### **EXCEPTIONS:**

The applicant has requested an exception from Article 50, Section 40.3.i. – Lot-depth to Lot-width. The criteria for the acceptance of an exception is as follows:

1. That there are special circumstances or conditions affecting the property.
2. That the variance or exception is necessary for the reasonable and acceptable development of the property in question.
3. That the granting of the variance or exception will not be detrimental to the public welfare or injurious to the adjacent property.



*Motion: The Planning Commission hereby (approves/denies) an exception from Article 50, Section 40.3.d. – Lot-depth to Lot-width from the Zoning & Subdivision Regulations for the Limestone Land Boundary Line Adjustment, as submitted by the application, based on a finding that all three criteria for an exception has been met.*

The applicant has requested an exception from Article 50, Section 40.3.i. – Lot-depth to Lot-width. The criteria for the acceptance of an exception is as follows:

1. That there are special circumstances or conditions affecting the property.
2. That the variance or exception is necessary for the reasonable and acceptable development of the property in question.
3. That the granting of the variance or exception will not be detrimental to the public welfare or injurious to the adjacent property.

*Motion: The Planning Commission hereby (approves/denies) an exception from Article 50, Section 40.3.d. – Lot Line Design from the Zoning & Subdivision Regulations for the Limestone Land Boundary Line Adjustment, as submitted by the application, based on a finding that all three criteria for an exception has been met.*

**ATTACHMENTS:**

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



# Department of Planning and Zoning

## Leavenworth County Kansas

### BOUNDARY LINE ADJUSTMENT APPLICATION

#### OWNERSHIP INFORMATION

##### TRACT 1

Name Joe Herring / Herring Surveying Company

Address 315 North 5th Street

City/St/Zip Leavenworth, KS 66048

Phone 913-651-3858

Email herringsurveying@outlook.com

Book/Page Existing Deed \_\_\_\_\_

Applicant/Agent Contact Email herringsurveying@outlook.com

##### TRACT 2 (Add separate sheet for additional parcels)

Name Lance Lozenski - Limestone Land Co LLC

Address 17096 Eisenhower Road

City/St/Zip Leavenworth, KS 66048

Phone N/A

Email N/A

Book/Page Existing Deed \_\_\_\_\_

#### EXISTING TRACT INFORMATION

Parcel Numbers 105-16-0-00-00-001.01

Tract 1

105-16-0-00-00-001.04

Tract 2

I, the undersigned, am the owner or **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 boundary line approval as indicated above.

Signature: Joe Herring - digitally signed 4-7-25 Date: 4-7-25

Signature \_\_\_\_\_ Date \_\_\_\_\_

Owner/Agent, Tract 1

Signature \_\_\_\_\_ Date \_\_\_\_\_

Owner/Agent, Tract 2

#### Received by Planning and Zoning Office

Case No. \_\_\_\_\_

Existing Zoning \_\_\_\_\_

Office Staff: \_\_\_\_\_ Date Received: \_\_\_\_\_



ENTERED IN TRANSFER RECORD IN  
MY OFFICE THIS DAY 12/23/2024

*Janet Klasinski*  
COUNTY CLERK

DOC #: 2024R09462  
TERRILOIS MASHBURN  
REGISTER OF DEEDS  
LEAVENWORTH COUNTY, KANSAS  
RECORDED ON:  
12/23/2024 10:11:43 AM  
RECORDING FEE: 21.00  
PAGES: 1

WARRANTY DEED (Statutory)

THE GRANTOR,

**Limestone Land Company LLC, a Kansas limited liability company**

a limited liability company duly organized and existing under and by virtue of the laws of the State of Kansas and having its principal place of business in the State of Kansas, hereby

CONVEYS AND WARRANTS to

**Limestone Land Company LLC, a Kansas limited liability company**

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

**TRACT 1:**

Tract of land in the Northeast Quarter of Section 16, Township 9 South, Range 22 East of the 6th P.M., Leavenworth County, Kansas, as written by Joseph A. Herring PS-1296 on February 16, 2024, more fully described as follows: Commencing at the Southeast corner of said Northeast Quarter; thence South 87 degrees 29'29" West for a distance of 732.00 feet along the South line of said Northeast Quarter; thence North 01 degrees 15'57" West for a distance of 1044.38 feet to the TRUE POINT OF BEGINNING; thence South 88 degrees 44'03" West for a distance of 771.78 feet; thence North 42 degrees 14'25" West for a distance of 684.29 feet to the apparent centerline of Tonganoxie Drive; thence North 47 degrees 45'35" East for a distance of 233.80 feet along said centerline; thence South 42 degrees 14'25" East for a distance of 490.00 feet; thence North 47 degrees 45'35" East for a distance of 957.14 feet; thence South 01 degrees 15'57" East for a distance of 927.62 to the point of beginning,

Together with and subject to covenants, easements, and restrictions of record.

Said property contains 13.5 acres, more or less, including road right of way.

**TRACT 2:**

Tract of land in the Northeast Quarter of Section 16, Township 9 South, Range 22 East of the 6th P.M., Leavenworth County, Kansas, as written by Joseph A. Herring PS-1296 on February 16, 2024, more fully described as follows: Commencing at the Southeast corner of said Northeast Quarter; thence South 87 degrees 29'29" West for a distance of 732.00 feet along the South line of said Northeast Quarter to the TRUE POINT OF BEGINNING; thence continuing South 87 degrees 29'29" West for a distance of 1882.03 feet along said South line to the Southwest corner of said Northeast Quarter; thence North 01 degrees 41'37" West for a distance of 970.76 feet along the West line of said Northeast Quarter to the apparent centerline of Tonganoxie Drive; thence North 44 degrees 56'35" East for a distance of 637.11 feet along said centerline; thence along a curve the right having a radius of 5729.65 feet and an arc length of 282.06 feet along said centerline, being subtended by a chord bearing North 46 degrees 21'13" East and a chord distance of 282.06 feet; thence South 42 degrees 14'25" East for a distance of 684.29 feet; thence North 88 degrees 44'03" East for a distance of 771.78 feet; thence South 01 degrees 15'57" East for a distance of 1044.38 to the point of beginning,

Together with and subject to covenants, easements, and restrictions of record.

Said property contains 51.9 acres, more or less, including road right of way.

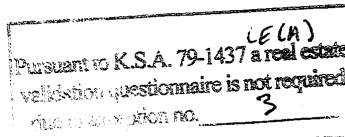
(Subject to easements, restrictions, and reservations of record, and all taxes and assessments that may be levied, imposed, or become payable hereafter.)

Dated this 23 day of Dec. A.D. 2024

**Limestone Land Company LLC, a Kansas limited liability company**

*Lance Lozenski*

BY: Lance Lozenski, Managing Member



STATE OF KANSAS, COUNTY OF LEAVENWORTH

This instrument was acknowledged before me on this 23 day of December 2024 by:  
**Lance Lozenski, Managing Member of Limestone Land Company LLC, a Kansas limited liability company**

My appointment expires:



*Carly Veron*  
Notary Public  
*Carly Veron*



AFFIDAVIT

Authorization of Contractors or Individuals to Act as Agents of a Landowner  
COUNTY OF LEAVENWORTH  
STATE OF KANSAS

We/I Limestone Land Co, LLC and Lance Lozenski

Being dully sworn, dispose and say that we/I are the owner(s) of said property located at -  
~~Property on Tonganoxie Rd, approx 32 acres~~, and that we authorize the  
following people or firms to act in our interest with the Leavenworth County Planning  
and Zoning Department for a period of one calendar year. Additionally, all statements  
herein contained in the information herewith submitted are in all respects true and correct  
to the best of our knowledge and belief.

Authorized Agents (full name, address & telephone number)

1) Joseph A. Herring – Herring Surveying Company 315 N. 5<sup>th</sup> Street, Leavenworth,  
KS 66048, 913-651-3858

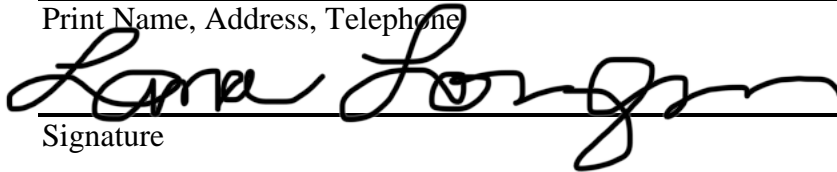
2)

April 2025

Signed and entered this 6 day of \_\_\_\_\_, 20\_\_.

Lance Lozenski, Owner 17096 Eisenhower Rd 66048

Print Name, Address, Telephone



Signature

STATE OF KANSAS )

) SS

COUNTY OF LEAVENWORTH )

Be it remember that on this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_, before me, a notary public in and  
for said County and State came \_\_\_\_\_ to me  
personally known to be the same persons who executed the forgoing instrument of writing, and  
duly acknowledged the execution of same. In testimony whereof, I have hereunto set my hand  
and affixed my notary seal the day and year above written.

NOTARY PUBLIC \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

(seal)



## **ARTICLE 56 – EXCEPTIONS**

Where in the case of a particular proposed subdivision, it can be shown that strict compliance with the requirements of these regulations would result in extraordinary hardship to the subdivider because of unusual topography or other non-self-inflicted conditions; or that these conditions would result in inhibiting the achievement of the objectives of these regulations; the Planning Commission may vary, modify or waive the requirements so that substantial justice may be done and the public interest secured; provided, that such variance, modification or waiver will not have the effect of nullifying the intent and purpose of these regulations or interfering with carrying out the Comprehensive Plan.

In recommending such variance or exception, the Planning Commission shall find the following:

1. That there are special circumstances or conditions affecting the property.
2. That the variance or exception is necessary for the reasonable and acceptable development of the property in question.
3. That the granting of the variance or exception will not be detrimental to the public welfare or injurious to adjacent property.

Exception for Width to Depth and angle break along south line (irregular shape).

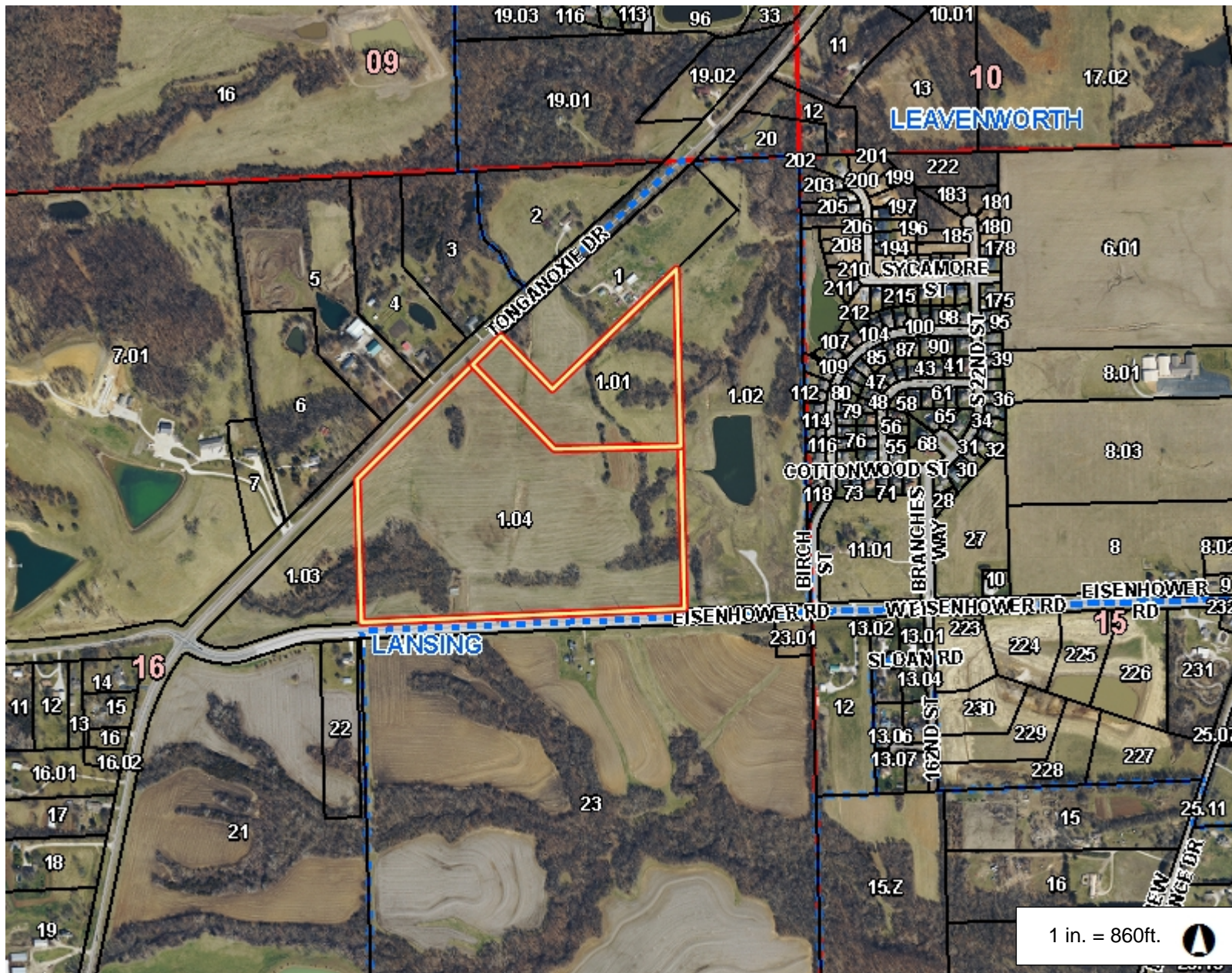
1) Property is irregular in shape caused by the alignment of Tonganoxie Road and also the narrow tract of land that was previously created along Tonganoxie Road - 27604 Tonganoxie Road PID #105-16-0-00-00-001

2) Yes it is necessary for the division of this property and to leave the larger tract of land with more compliant and better configuration for future development. To adhere to the width to depth ratio would create another triangle shaped portion of the large tract. By exceeding the 45 degrees allowance for a line break it will keep that southern line at a 90 degree angle with the east line of the tract.

3) It will not be detrimental to the public welfare or injurious to adjacent property.



# Leavenworth County, KS



## Legend

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

1 in. = 860ft.



1,720.2 0 860.10 1,720.2 Feet

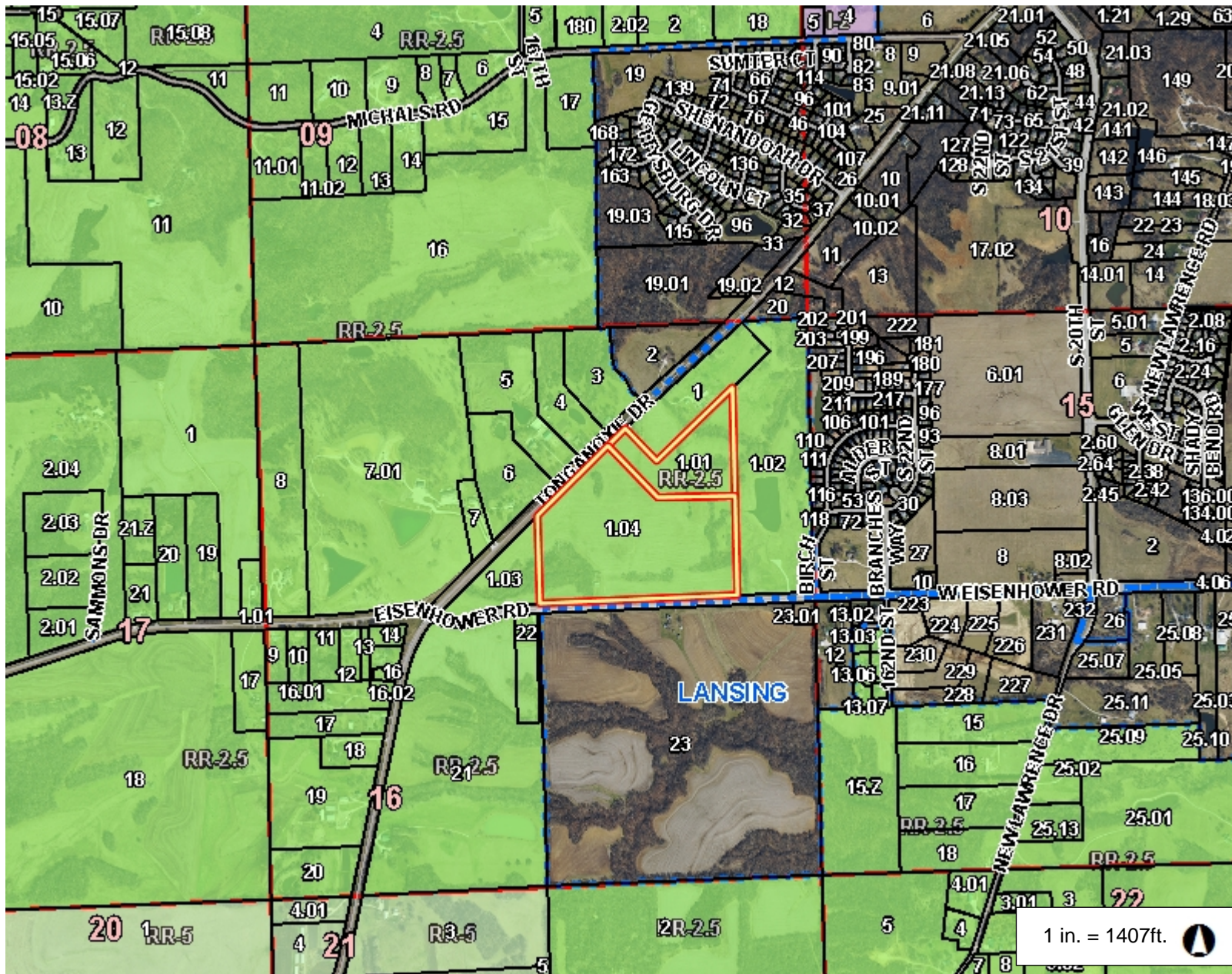
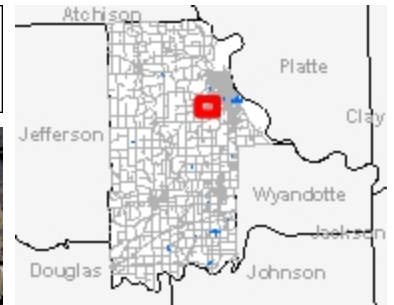
This Cadastral Map is for informational purposes only. It does not purport to represent a property boundary survey of the parcels shown and shall not be used for conveyances or the establishment of property boundaries.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

## Notes



# Leavenworth County, KS



## 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



CERTIFICATE OF SURVEY

Tracts of land in the North Half of Section 16, Township 9 south  
Range 22 East of the 6th P.M., Leavenworth County, Kansas.

BOUNDARY LINE ADJUSTMENT

PREPARED FOR:

Limestone Land Company LLC  
17096 Eisenhower Road  
Leavenworth, KS 66048  
PID NO. 105-16-0-00-00-001.01 & 001.04

PARENT DESCRIPTIONS: Per Doc # 2024S011

TRACT 1:  
Tract of land in the Northeast Quarter of Section 16, Township 9 South, Range 22 East of the 6th P.M., Leavenworth County, Kansas, as written by Joseph A. Herring PS-1296 on February 16, 2024, more fully described as follows: Commencing at the Southeast corner of said Northeast Quarter; thence South 87 degrees 29'29" West for a distance of 732.00 feet along the South line of said Northeast Quarter; thence North 01 degrees 15'57" West for a distance of 1044.38 feet to the TRUE POINT OF BEGINNING; thence South 88 degrees 44'03" West for a distance of 771.78 feet; thence North 42 degrees 14'25" West for a distance of 684.29 feet to the apparent centerline of Tonganoxie Drive; thence North 47 degrees 45'35" East for a distance of 233.80 feet along said centerline; thence South 42 degrees 14'25" East for a distance of 490.00 feet; thence North 47 degrees 45'35" East for a distance of 957.14 feet; thence South 01 degrees 15'57" East for a distance of 927.62 to the point of beginning, Together with and subject to covenants, easements, and restrictions of record. Said property contains 13.5 acres, more or less, including road right of way. Error of Closure: 1 - 217874

TRACT 2:  
Tract of land in the Northeast Quarter of Section 16, Township 9 South, Range 22 East of the 6th P.M., Leavenworth County, Kansas, as written by Joseph A. Herring PS-1296 on February 16, 2024, more fully described as follows: Commencing at the Southeast corner of said Northeast Quarter; thence South 87 degrees 29'29" West for a distance of 732.00 feet along the South line of said Northeast Quarter to the TRUE POINT OF BEGINNING; thence continuing South 87 degrees 29'29" West for a distance of 1882.03 feet along said South line to the Southwest corner of said Northeast Quarter; thence North 01 degrees 41'37" West for a distance of 970.76 feet along the West line of said Northeast Quarter to the apparent centerline of Tonganoxie Drive; thence North 44 degrees 56'35" East for a distance of 637.11 feet along said centerline; thence along a curve the right having a radius of 5729.65 feet and an arc length of 282.06 feet along said centerline, being subtended by a chord bearing North 46 degrees 21'13" East and a chord distance of 282.06 feet; thence South 42 degrees 14'25" East for a distance of 684.29 feet; thence North 88 degrees 44'03" East for a distance of 771.78 feet; thence South 01 degrees 15'57" East for a distance of 1044.38 to the point of beginning. Together with and subject to covenants, easements, and restrictions of record. Said property contains 51.9 acres, more or less, including road right of way. Error of Closure: 1 - 51547

SURVEY DESCRIPTION:

TRACT A:  
Tract of land in the Northeast Quarter of Section 16, Township 9 South, Range 22 East of the 6th P.M., Leavenworth County, Kansas, as written by Joseph A. Herring PS-1296 on April 5, 2025, more fully described as follows: Commencing at the Southeast corner of said Northeast Quarter; thence South 87 degrees 29'29" West for a distance of 1503.96 feet along the South line of said Northeast Quarter to the TRUE POINT OF BEGINNING; thence continuing South 87 degrees 29'29" West for a distance of 1110.07 feet along said South line to the Southwest corner of said Northeast Quarter; thence North 01 degrees 41'37" West for a distance of 970.76 feet along the West line of said Northeast Quarter to the apparent centerline of Tonganoxie Drive; thence North 44 degrees 56'35" East for a distance of 637.11 feet along said centerline; thence along a curve the right having a radius of 5729.68 feet and an arc length of 282.22 feet along said centerline, being subtended by a chord bearing North 46 degrees 21'10" East and a chord distance of 282.19 feet; thence South 42 degrees 14'25" East for a distance of 684.29 feet; thence South 01 degrees 15'57" East for a distance of 1061.12 to the point of beginning, Together with and subject to covenants, easements, and restrictions of record. Said property contains 33.25 acres, more or less, including road right of way. Error of Closure: 1 - 400290

TRACT B:  
Tract of land in the Northeast Quarter of Section 16, Township 9 South, Range 22 East of the 6th P.M., Leavenworth County, Kansas, as written by Joseph A. Herring PS-1296 on April 5, 2025, more fully described as follows: Commencing at the Southeast corner of said Northeast Quarter; thence South 87 degrees 29'29" West for a distance of 732.00 feet along the South line of said Northeast Quarter to the TRUE POINT OF BEGINNING; thence continuing South 87 degrees 29'29" West for a distance of 771.96 feet along said South Line; thence North 01 degrees 15'57" West for a distance of 1061.12 feet; thence North 42 degrees 14'25" West for a distance of 684.29 feet to the apparent centerline of Tonganoxie Drive; thence North 47 degrees 45'35" East for a distance of 233.80 feet along said centerline; thence South 42 degrees 14'25" East for a distance of 490.00 feet; thence North 47 degrees 45'35" East for a distance of 957.14 feet; thence South 01 degrees 15'57" East for a distance of 1972.00 to the point of beginning, Together with and subject to covenants, easements, and restrictions of record. Said property contains 32.16 acres, more or less, including road right of way. Error of Closure: 1 - 340076

RATIFICATION BY COUNTY STAFF

This tract split, as described and shown above, has been submitted to and approved by the following County Staff persons this \_\_\_\_\_ day of \_\_\_\_\_ 2025.

Planning Director \_\_\_\_\_  
Marcus Majure

NOTARY CERTIFICATE

Be it remember that on this \_\_\_\_\_ day of \_\_\_\_\_ 2025, before me, a notary public in and for said County and State came Marcus Majure, to me personally known to be the same persons who executed the foregoing instrument of writing, and duly acknowledged the execution of same. In testimony whereof, I have hereunto set my hand and affixed my notary seal the day and year above written.

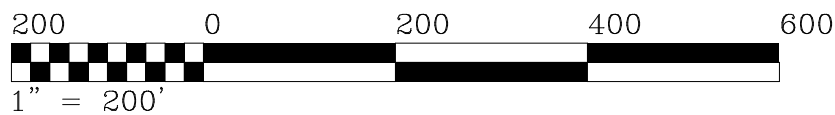
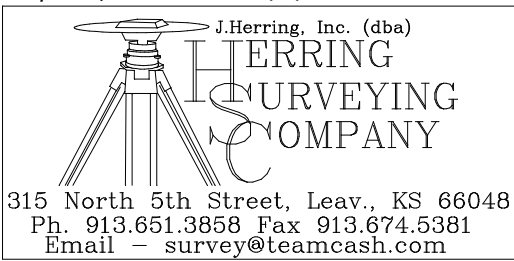
NOTARY PUBLIC \_\_\_\_\_

My Commission Expires: \_\_\_\_\_  
(seal)



Scale 1" = 200'

Job # K-25-1497 Lozenski  
April 5, 2025 Rev. 5/1/25

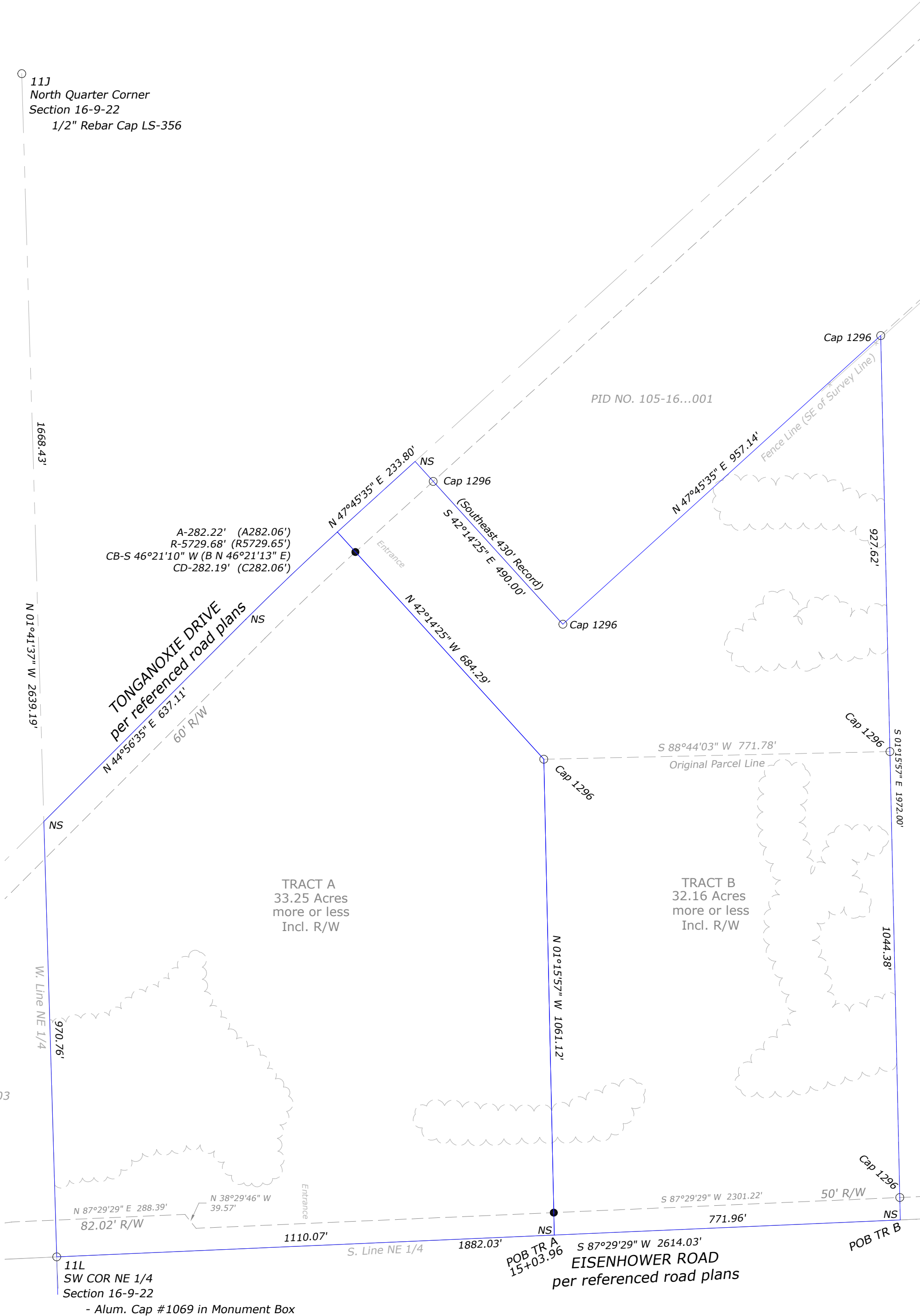


11J  
North Quarter Corner  
Section 16-9-22  
1/2" Rebar Cap LS-356

A-282.22' (A282.06')  
R-5729.68' (R5729.65')  
CB-S 46°21'10" W (B N 46°21'13" E)  
CD-282.19' (C282.06')

TRACT A  
33.25 Acres  
more or less  
Incl. R/W

TRACT B  
32.16 Acres  
more or less  
Incl. R/W



NOTES:

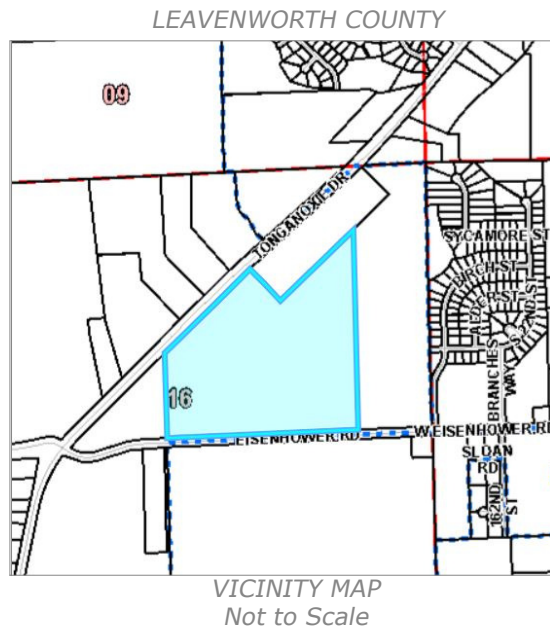
- 1) This survey does not show ownership or easements, per agreement with client
- 2) All distances are calculated from measurements or measured this survey, unless otherwise noted.
- 3) All record and measured distances are the same, unless otherwise noted.
- 4) Error of Closure - See Surveyor's Description
- 5) Basis of Bearing - KS SPC North Zone 1501
- 6) Monument Origin Unknown, unless otherwise noted.
- 7) Referenced Surveys -  
THE BRANCHES ADD. # 2 - Doc#2010P00014  
LTH - L.T.Hahn Survey dated 2019  
DGW - D.G.White Survey dated 2010  
Referenced Road Plans (See below)  
DLK - D.L.King Survey Doc # 2013S005  
REB - R.E.Bacon Surveys S-8 #67 NKA 1967S067  
S-8 #68 NKA 1967S068  
S-6 #105 NKA 1965S105  
JAH - J.A.Herring Survey Doc # 2021S046 & 2021S093 2024S011
- 8) Road Records  
Tonganoxie Road Plans - 52-F.A.S-1 14B - 1939  
Eisenhower & Tonganoxie Plans - 52 C 3604-01 - 1999  
Eisenhower Road Improvement Plans dated 2017 52-S-SU-1537 (2), 1968
- 9) Referenced Deed Document # 2021R14250
- 10) Survey prepared without the benefit of a title commitment.
- 11) Fence Lines do not necessarily denote property lines.
- 12) Structures are shown in approximate location.
- 13) Property is not in a Special Flood Hazard Area per FEMA FIRM Map 20103C0139G dated July 16, 2015
- 14) Utilities, if shown, are visible and above ground, except as noted. Easements may or may not exist.
- 15) On May 14, 2025, the Leavenworth County Planning Commission approved your request for an exception from Article 50, Section 40.3.i (Lot-Depth to Lot-Width Ratio) and Article 50, Section 40.3.d (Lot Line Design) of the Leavenworth County Zoning & Subdivision Regulations for Tract B.

LEGEND:

- - 1/2" Rebar Set with Cap No.1296
- - 1/2" Rebar Found, unless otherwise noted.
- POB - Point of Beginning
- POC - Point of Commencing
- ~ - Tree/Brush Line
- NS - Not Set this Survey per agreement with client
- X - Fence Line

POC RECORD  
13J  
NE COR NE 1/4  
Section 16-9-22  
2" Iron Pipe

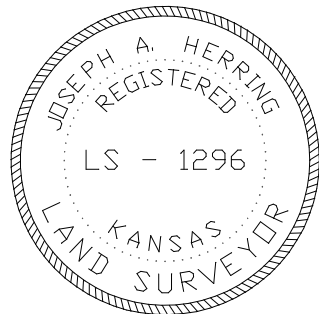
POC A & B  
13L  
SE COR NE 1/4  
Section 16-9-22  
- 1/2" Rebar in Monument Box



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

Daniel Baumchen, PS#1363  
County Surveyor

Reviewed 2025.05.05 No Comments



I hereby certify that this survey was made by me, or under my direct supervision, on the ground during the month of April 2025 and this map or plat is correct to the best of my knowledge.

Joseph A. Herring  
PS # 1296



## Schweitzer, Joshua

---

**From:** McAfee, Joe  
**Sent:** Friday, April 11, 2025 9:18 AM  
**To:** Schweitzer, Joshua; Noll, Bill; Baumchen, Daniel  
**Cc:** PZ  
**Subject:** RE: DEV-25-035 BLA for Limestone Land

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Josh,  
PW Engineering has no comment on the BLA.

---

**From:** Schweitzer, Joshua <JSchweitzer@leavenworthcounty.gov>  
**Sent:** Monday, April 7, 2025 3:40 PM  
**To:** Noll, Bill <BNoll@leavenworthcounty.gov>; McAfee, Joe <JMcAfee@leavenworthcounty.gov>; Baumchen, Daniel <DBaumchen@leavenworthcounty.gov>  
**Cc:** PZ <PZ@leavenworthcounty.gov>  
**Subject:** DEV-25-035 BLA for Limestone Land

Good Afternoon,

The Department of Planning and Zoning has received a request for a Boundary Line Adjustment for the properties located at PID: 105-16-0-00-00-001.01; 001.04.

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 April 21, 2025.

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

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:** Anderson, Kyle  
**Sent:** Monday, April 14, 2025 11:03 AM  
**To:** Schweitzer, Joshua  
**Subject:** RE: DEV-25-035 BLA for Limestone Land

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:** Monday, April 7, 2025 3:40 PM  
**To:** Noll, Bill <BNoll@leavenworthcounty.gov>; McAfee, Joe <JMcAfee@leavenworthcounty.gov>; Baumchen, Daniel <DBaumchen@leavenworthcounty.gov>  
**Cc:** PZ <PZ@leavenworthcounty.gov>  
**Subject:** DEV-25-035 BLA for Limestone Land

Good Afternoon,

The Department of Planning and Zoning has received a request for a Boundary Line Adjustment for the properties located at PID: 105-16-0-00-00-001.01; 001.04.

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 April 21, 2025.

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

v / r

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



**LEAVENWORTH COUNTY  
PLANNING COMMISSION  
STAFF REPORT**

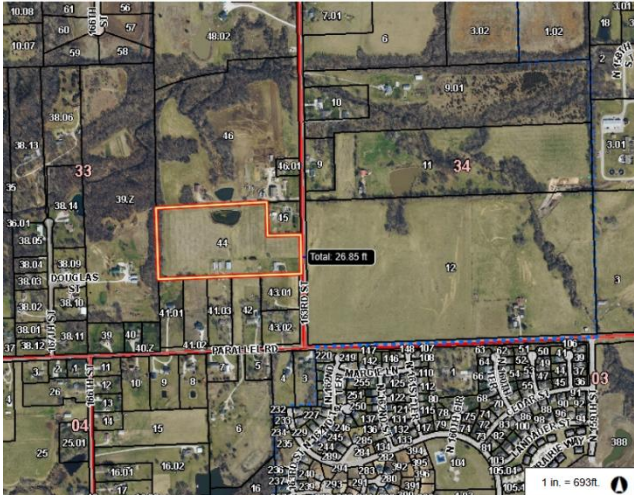
CASE NO: DEV-25-022 Tuttle Rezone

May 14, 2025

**REQUEST: *Public Hearing Required***

☒ ZONING AMENDMENT      ☐ SPECIAL USE PERMIT  
☐ TEMPORARY SPECIAL USE PERMIT

**SUBJECT PROPERTY:** 19701 163<sup>rd</sup> St.



**STAFF REPRESENTATIVE:**

Josh Schweitzer  
Development Planner

**APPLICANT/APPLICANT AGENT:**

Krystal Voth  
Atlas Land Consulting

**PROPERTY OWNER:**

Steve & Diana Tuttle  
19701 163<sup>rd</sup> St.  
Basehor, KS 66007

**CONCURRENT APPLICATIONS:**  
N/A

**LAND USE**

ZONING: RR-2.5 to R-1(43)

Future Land Use Designation:  
RESIDENTIAL 3-UNITS PER  
ACRE

**LEGAL DESCRIPTION:**

A tract of land in the Southeast Quarter of Section 33, Township 10 South, Range 22 East of the 6<sup>th</sup> PM, in Leavenworth County, Kansas.

SUBDIVISION: N/A

FLOODPLAIN: N/A

**STAFF RECOMMENDATION: DISAPPROVAL**

**PROPERTY INFORMATION**

**ACTION OPTIONS:**

1. Recommend approval of Case No. DEV-25-022, Rezone for Tuttle, to the Board of County Commission, with or without conditions; or
2. Recommend denial of Case No. DEV-25-022, Rezone for Tuttle, to the Board of County Commission for the following reasons; or
3. Continue the hearing to another date, time, and place.

PARCEL SIZE: 1.5 Acres  
(Rezoning) 17.5 Acres

PARCEL ID NO:  
158-33-0-00-00-044

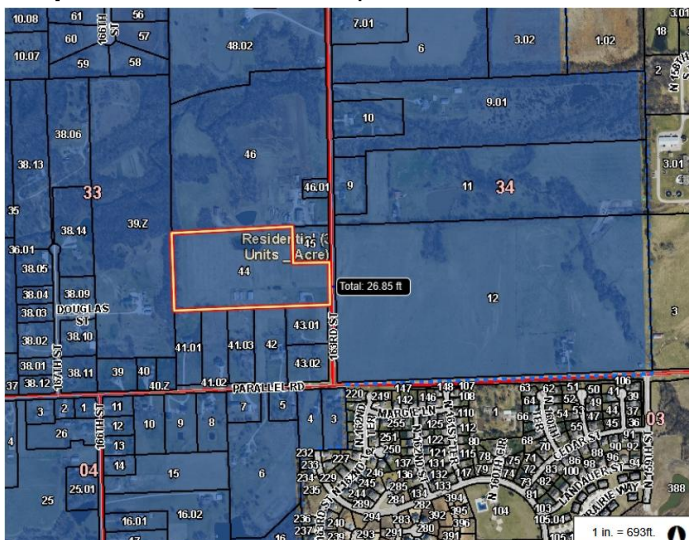
BUILDINGS:  
Existing House

**PROJECT SUMMARY:**

Request to rezone Lot 2 of a proposed subdivision at 19701 163<sup>rd</sup> St. (PID: 158-33-0-00-00-044).

ACCESS/STREET:  
163<sup>rd</sup> St. Collector, PAVED, ±26'  
WIDE

**Location Map: Future Land Use Map**



**UTILITIES**

SEWER: SEPTIC

FIRE: Fairmount

WATER: Suburban Water

ELECTRIC: Evergy

**NOTICE & REVIEW:**

STAFF REVIEW: 5/5/2025

NEWSPAPER NOTIFICATION:  
4/17/2025

NOTICE TO SURROUNDING  
PROPERTY OWNERS:  
4/23/2025



<b>FACTORS TO BE CONSIDERED:</b> <i>Type content in each if necessary (delete this afterwards)</i>		
<b><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:</i></b>	<b>Met</b>	<b>Not Met</b>
<b>1. Character of the Neighborhood:</b> <i>Density: Surrounding parcels range in size from 1 acre to more than 78 acres.</i>  <i>Nearby City Limits: Basehor is less than a 1/2 mile to the southeast.</i>  <i>Initial Growth Management Area: This parcel is located approximately 16 feet outside the Urban Growth Area</i>	X	
<b>2. Zoning and uses of nearby property:</b> <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. With the proposed rezoning request could be considered spot zoning.</i>		X
<b>3. Suitability of the Property for the uses to which is has been restricted:</b> <i>The property is suitable for rural residences and agricultural uses.</i>	X	
<b>4. Extent to which removal of the restrictions will detrimentally affect nearby property:</b> <i>Nearby properties are unlikely to be negatively impacted as the proposed rezoning remains rural residential. However, only rezoning Lot 2 instead of the entire parcel could be considered spot zoning, which is something staff does not typically support.</i>		X
<b>5. Length of time the property has been vacant as zoned:</b> <input type="checkbox"/> Vacant: <input checked="" type="checkbox"/> Not Vacant:	X	
<b>6. Relative gain to economic development, public health, safety and welfare:</b> <i>The rezoning does not impact economic development, public health, safety or welfare.</i>	X	
<b>7. Conformance to the Comprehensive Plan:</b> <i>Future Land Use Map: The proposed zoning request is less dense than what the comprehensive plan calls for.</i> <i>Section 4 Land Use and Development Plan Strategies: There are 1 acre lots within the 1000 foot buffer zone of the property</i>	X	

#### **STAFF COMMENTS:**

The applicants are requesting a rezoning from Rural-Residential 2.5 to Residential-1(43). The applicant provided a concept drawing, which is a proposed subdivision where they are splitting off 1.5 acres around the existing house. They are only requesting to rezone Lot 2 of the proposed subdivision. This is something that staff does not typically support as it could be considered spot zoning. Our recommendation to the applicants was to rezone the entire parcel, which staff would support that request.

#### **PROPOSED MOTIONS:**

Approve case DEV-25-022, a request to rezone the property at 19701 163<sup>rd</sup> Street (as presented) from RR-2.5 to R-1(43) with Findings of Fact with a majority vote; or



*Motion: Chairman, I find that the rezoning request complies with the Golden Factors and move to recommend approval to the Board of County Commissioners of the request as outlined in Case DEV-25-022 based on the recommendation of Planning Staff and the findings as set forth in the Staff Report.*

Deny case DEV-25-022, a request to rezone the property at 19701 163<sup>rd</sup> Street (as presented) from RR-2.5 to R-1(43) without Findings of Fact with a majority vote; or

*Motion: Chairman, I find that the rezoning request does not comply with Golden Factors (LIST FACTORS) and move to recommend denial to the Board of County Commissioners as outlined in Case DEV-25-022.*

Table the case to a date and time certain for additional information.

*Motion: Chairman, I move to table Case No. DEV-25-022 to (Date and Time) requesting additional information for (STATE THE REASON(S)).*

**ATTACHMENTS:**

A: Application & Narrative

B: Zoning Map

C: Memorandums



## REZONING APPLICATION

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

Office Use Only

Township: \_\_\_\_\_ Date Received: \_\_\_\_\_  
Planning Commission Date \_\_\_\_\_  
Case No. \_\_\_\_\_ Date Paid \_\_\_\_\_  
Zoning District \_\_\_\_\_ Comprehensive Plan Land Use Designation \_\_\_\_\_

### APPLICANT/AGENT INFORMATION

NAME Atlas Land Consulting - Krystal Voth, Austin Thompson  
ADDRESS 14500 Parallel Road Suite R  
CITY/ST/ZIP Basehor, KS 66007  
PHONE 417-622-2907  
EMAIL krystal@alconsult-llc.com  
CONTACT PERSON Krystal Voth

### OWNER INFORMATION (If different)

NAME Steve & Diana Tuttle  
ADDRESS 19701 163rd Street  
CITY/ST/ZIP Basehor, KS 66007  
PHONE 816-225-8830  
EMAIL tutfarms@sunflower.com  
CONTACT PERSON Steve Tuttle (Phone)

### PROPOSED USE INFORMATION

Proposed Land Use Residential  
Current Zoning RR-2.5 Requested Zoning R1-43  
Reason for Requesting Rezoning The applicant desires to divide the existing home from the parcel. We are requesting rezoning of the 1.5 acres in the southeast portion of the property. Legal Description attached

### PROPERTY INFORMATION

Address of Property 19701 163rd Street  
Parcel Size 17.5  
Current use of the property Residential & Agricultural  
Present Improvements or structures Existing SFR and ag buildings  
PID 158-33-0-00-00-044.00-0

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 Krystal A. Voth, Authorized Agent Date \_\_\_\_\_

ATTACHMENT A



LOT 2:

A TRACT OF LAND IN THE SOUTHEAST QUARTER OF SECTION 33, TOWNSHIP 10 SOUTH, RANGE 22 EAST OF THE 6TH P.M., IN LEAVENWORTH COUNTY, KANSAS, PREPARED BY ROGER B DILL PLS 1408 DATED FEBRUARY 17TH, 2025; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 33; THENCE NORTH 00°55'55" WEST, ALONG THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 33, A DISTANCE OF 659.91 FEET, TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED TRACT; THENCE NORTH 00°55'55" WEST, A DISTANCE OF 157.85 FEET; THENCE SOUTH 88°07'22" WEST, A DISTANCE OF 414.33 FEET; THENCE SOUTH 01°51'34" EAST, A DISTANCE OF 159.58 FEET, TO A POINT ON THE SOUTH LINE OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF SAID SOUTHEAST QUARTER; THENCE NORTH 87°52'40" EAST, A DISTANCE OF 411.78 FEET, TO THE POINT OF BEGINNING.

CONTAINING 655551.79 SQFT OR 1.50 ACRES MORE OR LESS



OWNER AUTHORIZATION

I/WE Diana Tuttle, hereby referred to as the  
"Undersigned", being of lawful age, do hereby on this 14 day of March, 2025 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 Atlas 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, \_\_\_\_\_  
(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.

Diana Tuttle

Owner

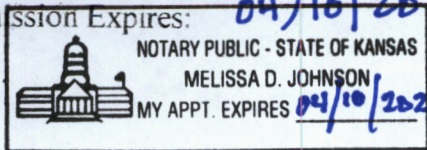
Owner

STATE OF KANSAS  
COUNTY OF LEAVENWORTH

The foregoing instrument was acknowledge before me on this 14<sup>th</sup> day of March, 2025,

by Diana Tuttle

My Commission Expires: 04/10/2028



Melissa D. Johnson

Notary Public

Melissa D. Johnson



OWNER AUTHORIZATION

I/WE Stephen W. Tuttle, hereby referred to as the  
"Undersigned", being of lawful age, do hereby on this 14 day of February, 2025, 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, Golden Rd. Linwood, KS 66054 (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.

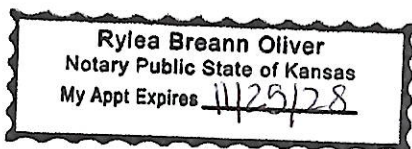
Stephen W. Tuttle  
Owner

Owner

STATE OF KANSAS  
COUNTY OF LEAVENWORTH

The foregoing instrument was acknowledged before me on this 14<sup>th</sup> day of February 2025  
by Rylea Oliver

My Commission Expires:

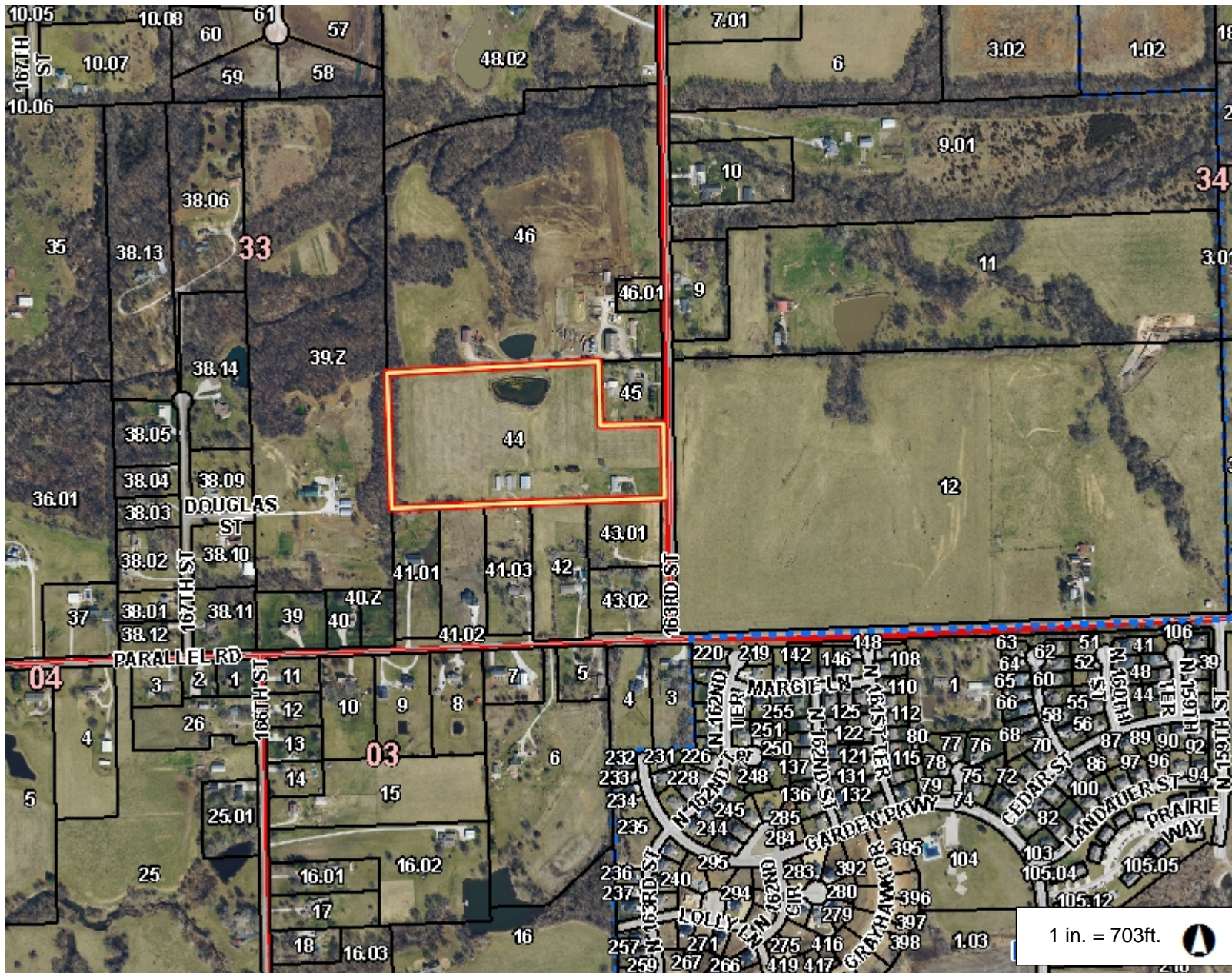
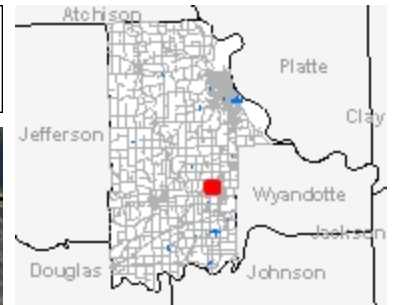


11/25/28  
Notary Public

ATTACHMENT B



# Leavenworth County, KS



## Legend

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

1,406.9 0 703.45 1,406.9 Feet

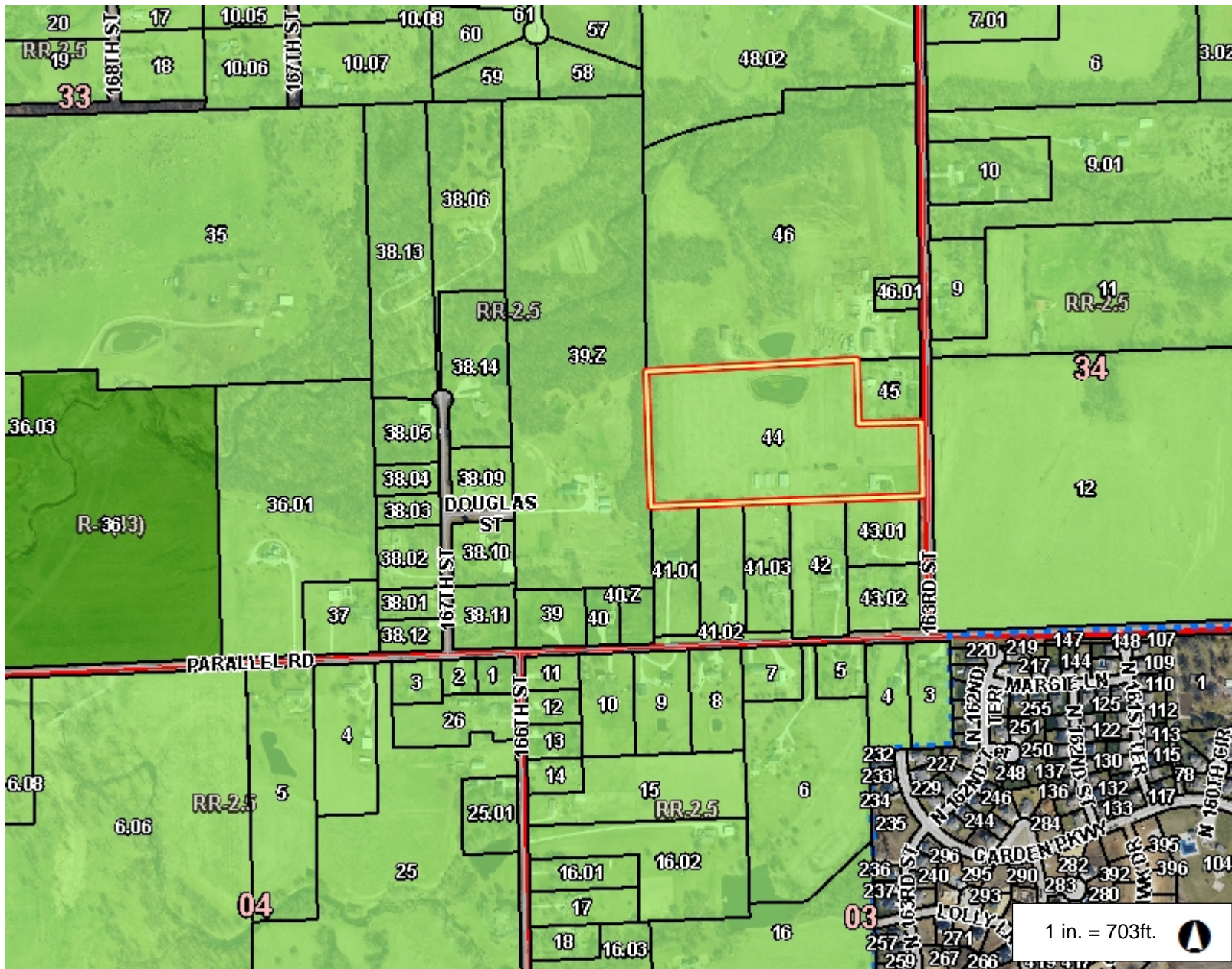
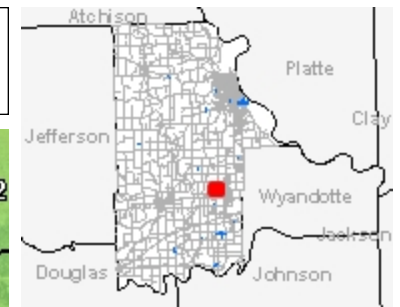
This Cadastral Map is for informational purposes only. It does not purport to represent a property boundary survey of the parcels shown and shall not be used for conveyances or the establishment of property boundaries.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

## Notes



# Leavenworth County, KS



## 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

1,406.9 0 703.45 1,406.9 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



# Leavenworth County, KS



## Legend

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



473.8 0 236.89 473.8 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

## Notes







## Schweitzer, Joshua

---

**From:** Alex Van Dyke <avandyke@cityofbasehor.org>  
**Sent:** Wednesday, April 9, 2025 1:11 PM  
**To:** Schweitzer, Joshua  
**Subject:** Re: Tuttle Rezone

**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.

I understand now. I got them mixed up in the quick read through, thank you for the clarification!

Yes, we have no objection to the rezoning request or the 2-lot plat of the Tuttle Acres that is being proposed.

Thanks again,  
**Alex Van Dyke**  
City Planner  
City of Basehor  
1600 N. 158th Street  
Basehor, KS 66007  
913-724-1370  
avandyke@cityofbasehor.org



This email transmission and any attachments are for the exclusive use of the intended recipient(s) to whom addressed and may contain information that is confidential, privileged or exempt from public disclosure and which is the sole property of the City of Basehor, Kansas. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient or believe you received this communication in error, please contact the sender at (913) 724-1670; permanently delete this message from your system, without first forwarding or replying to it; and destroy and delete any and all copies or printouts of this email and any attachments thereto.

---

**From:** Schweitzer, Joshua <JSchweitzer@leavenworthcounty.gov>  
**Sent:** Wednesday, April 9, 2025 1:07 PM  
**To:** Alex Van Dyke <avandyke@cityofbasehor.org>  
**Subject:** RE: Tuttle Rezone

Alex,

They have concurrent applications in. After the disposition of the rezone, the plat will be placed on the agenda. We are just reviewing both items at the same time. Are your comments the same for the plat as well?

v / r

Joshua J. Schweitzer  
Development Planner  
Leavenworth County Planning & Zoning





March 11th, 2025

Leavenworth County Planning and Zoning Department  
Leavenworth County Courthouse  
300 Walnut Suite 212  
Leavenworth, Kansas 66048

RE: Tuttle Acres

Suburban Water, Inc. (SWC) has received the proposed plat for Tuttle Farms, Leavenworth County, KS. Suburban has completed an initial review of the proposed development. SWC has existing infrastructure located in proximity. SWC will provide water service to the proposed development. System improvements necessary to provide service to the proposed development will be provided by SWC to the developer upon approval of the preliminary and final plat approval by LVCO.

Sincerely,

Travis J Miles

President



## Schweitzer, Joshua

---

**From:** Anderson, Kyle  
**Sent:** Friday, March 28, 2025 9:08 AM  
**To:** Schweitzer, Joshua  
**Subject:** RE: DEV-25-022 Tuttle Rezone

We have not received any complaints on this property.

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:** Wednesday, March 26, 2025 9:02 AM  
**To:** Magaha, Chuck <cmagaha@lvsheriff.org>; Miller, Jamie <JMiller@leavenworthcounty.gov>; Dedeker, Andrew <adedeker@lvsheriff.org>; Brown, Misty <MBrown@leavenworthcounty.gov>; Khalil, Jon <jkhalil@leavenworthcounty.gov>; Noll, Bill <BNoll@leavenworthcounty.gov>; McAfee, Joe <JMcAfee@leavenworthcounty.gov>; 'travis@suburbanwaterinc.com' <travis@suburbanwaterinc.com>; 'trish@suburbanwaterinc.com' <trish@suburbanwaterinc.com>; 'designgroupleavenworth@evergy.com' <designgroupleavenworth@evergy.com>; 'lingenfelserm@fairmountfd.org' <lingenfelserm@fairmountfd.org>  
**Cc:** PZ <PZ@leavenworthcounty.gov>  
**Subject:** DEV-25-022 Tuttle Rezone

Good Morning

The Department of Planning and Zoning has received an application for a rezone regarding the property at 19701 163<sup>rd</sup> St (Only Lot 2 of the proposed Preliminary Plat) from RR-2.5 to R-1(43).

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 April 9, 2025.

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

v / r

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



## Schweitzer, Joshua

---

**From:** McAfee, Joe  
**Sent:** Wednesday, April 9, 2025 12:29 PM  
**To:** Schweitzer, Joshua  
**Subject:** RE: DEV-25-023 & 024 Preliminary & Final Plat Tuttle Acres - Atlas

That is correct.

---

**From:** Schweitzer, Joshua <[JSchweitzer@leavenworthcounty.gov](mailto:JSchweitzer@leavenworthcounty.gov)>  
**Sent:** Wednesday, April 9, 2025 12:27 PM  
**To:** McAfee, Joe <[JMcAfee@leavenworthcounty.gov](mailto:JMcAfee@leavenworthcounty.gov)>  
**Subject:** RE: DEV-25-023 & 024 Preliminary & Final Plat Tuttle Acres - Atlas

Good Afternoon Joe,

I am getting ready to send comments out to Atlas for both this case and the Rezone. I am assuming you have no comments for the Rezone as all of your comments are being addressed with the plat?

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](mailto:JMcAfee@leavenworthcounty.gov)>  
**Sent:** Wednesday, April 9, 2025 10:45 AM  
**To:** Schweitzer, Joshua <[JSchweitzer@leavenworthcounty.gov](mailto:JSchweitzer@leavenworthcounty.gov)>; Magaha, Chuck <[cmagaha@lvsheriff.org](mailto:cmagaha@lvsheriff.org)>; Dedeke, Andrew <[adedeke@lvsheriff.org](mailto:adedeke@lvsheriff.org)>; Miller, Jamie <[JMiller@leavenworthcounty.gov](mailto:JMiller@leavenworthcounty.gov)>; Baumchen, Daniel <[DBaumchen@leavenworthcounty.gov](mailto:DBaumchen@leavenworthcounty.gov)>; Noll, Bill <[BNoll@leavenworthcounty.gov](mailto:BNoll@leavenworthcounty.gov)>; 'Mitch Pleak' <[mpleak@olsson.com](mailto:mpleak@olsson.com)>; Brown, Misty <[MBrown@leavenworthcounty.gov](mailto:MBrown@leavenworthcounty.gov)>; Khalil, Jon <[jkhilil@leavenworthcounty.gov](mailto:jkhilil@leavenworthcounty.gov)>  
**Cc:** PZ <[PZ@leavenworthcounty.gov](mailto:PZ@leavenworthcounty.gov)>  
**Subject:** RE: DEV-25-023 & 024 Preliminary & Final Plat Tuttle Acres - Atlas

Joshua,  
PP, FP, DR comments attached. Let me know if you have questions.

---

**From:** Schweitzer, Joshua <[JSchweitzer@leavenworthcounty.gov](mailto:JSchweitzer@leavenworthcounty.gov)>  
**Sent:** Wednesday, March 26, 2025 9:16 AM  
**To:** Magaha, Chuck <[cmagaha@lvsheriff.org](mailto:cmagaha@lvsheriff.org)>; Dedeke, Andrew <[adedeke@lvsheriff.org](mailto:adedeke@lvsheriff.org)>; Miller, Jamie <[JMiller@leavenworthcounty.gov](mailto:JMiller@leavenworthcounty.gov)>; Baumchen, Daniel <[DBaumchen@leavenworthcounty.gov](mailto:DBaumchen@leavenworthcounty.gov)>; Noll, Bill <[BNoll@leavenworthcounty.gov](mailto:BNoll@leavenworthcounty.gov)>; McAfee, Joe <[JMcAfee@leavenworthcounty.gov](mailto:JMcAfee@leavenworthcounty.gov)>; 'Mitch Pleak' <[mpleak@olsson.com](mailto:mpleak@olsson.com)>; Brown, Misty <[MBrown@leavenworthcounty.gov](mailto:MBrown@leavenworthcounty.gov)>; Khalil, Jon <[jkhilil@leavenworthcounty.gov](mailto:jkhilil@leavenworthcounty.gov)>





Krystal Voth <krystal@alconsult-llc.com>

---

## Two-Lot Subdivision

5 messages

---

**Krystal Voth** <krystal@alconsult-llc.com>  
To: ingenfelserm@fairmountfd.org

Tue, Mar 18, 2025 at 1:58 PM

[Preview attachment Tuttle Acres-Preliminary Plat.pdf](#)



[Tuttle Acres-Preliminary Plat.pdf](#)

777 KB

Good afternoon, Chief

I am working on behalf of Atlas on behalf of Steve Tuttle. Mr. Tuttle is seeking approval from LVCO for the attached two-lot plat. We are required to provide this proposal to the Fire District for review. As you can see, there are no internal streets proposed; this is simply creating a lot where an existing home is currently located. I would greatly appreciate your input on this matter at your earliest convenience. We have submitted this item to the County, but they will not proceed until we have approval from the FD. If you have any questions, please let me know! Thanks so much!

Best,

Krystal Voth  
417-622-2907



**Tuttle Acres-Preliminary Plat.pdf**

777K

---

**Krystal Voth** <krystal@alconsult-llc.com>  
To: "lingenfelserm@fairmountfd.org" <lingenfelserm@fairmountfd.org>

Tue, Mar 18, 2025 at 2:14 PM

[Quoted text hidden]



**Tuttle Acres-Preliminary Plat.pdf**

777K

---

**Krystal Voth** <krystal@alconsult-llc.com>  
To: "lingenfelserm@fairmountfd.org" <lingenfelserm@fairmountfd.org>

Wed, Apr 2, 2025 at 12:07 PM

Hi Mike!

I hope this email finds you well. I just wanted to check in on the status of this project. If you need additional information, please let me know.

Thanks!

Krystal

[Quoted text hidden]

---

**Mike Lingenfelser** <lingenfelserm@fairmountfd.org>  
To: Krystal Voth <krystal@alconsult-llc.com>

Wed, Apr 2, 2025 at 12:11 PM

Krystal  
Fairmount Township Fire Department has no issues with this.  
*Mike Lingenfelser, Fire Chief*  
*Fairmount Township Fire Department*



**LEAVENWORTH COUNTY  
PLANNING COMMISSION  
STAFF REPORT**

CASE NO: DEV-25-038 Breidenthal Rezone

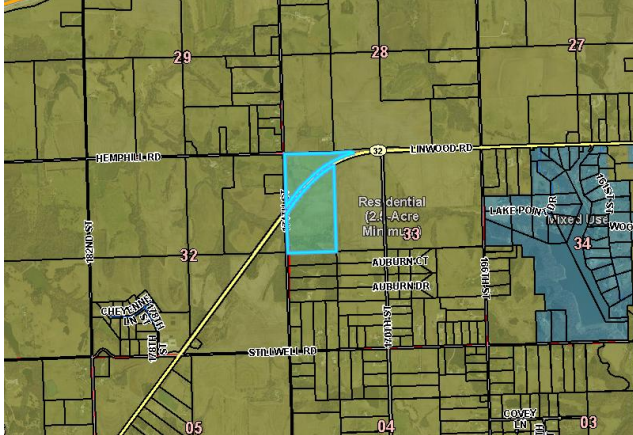
May 14, 2025

**REQUEST: *Public Hearing Required***

☒ ZONING AMENDMENT                      ☐ SPECIAL USE PERMIT  
☐ TEMPORARY SPECIAL USE PERMIT

**SUBJECT PROPERTY:** 15212 174<sup>th</sup> Street

**FUTURE LAND USE MAP:** Residential (2.5-acre min)



**STAFF REPRESENTATIVE:**

Amy Allison  
Deputy Director

**APPLICANT/APPLICANT AGENT:**

Joe Herring  
Herring Surveying Company

**PROPERTY OWNER:**

RJ Jr. & Constance Breidenthal  
17649 Hemphill Rd  
Bonner Springs, KS 66012

**CONCURRENT APPLICATIONS:**

N/A

**LAND USE**

ZONING: RR-2.5

FUTURE LAND USE  
DESIGNATION: RESIDENTIAL  
(2.5-acre minimum)

SUBDIVISION: N/A

FLOODPLAIN: N/A

**LEGAL DESCRIPTION:**

All that part of the West Half of the Northwest Quarter of Section 33, Township 11 South, Range 22 East of the 6th P.M. lying South of Kansas Highway 32, as written by Joseph A. Herring PS-1296 on April 14, 2025, Leavenworth County, Kansas, Together with and subject to covenants, easements, and restrictions of record.

**STAFF RECOMMENDATION: APPROVAL**

**ACTION OPTIONS:**

1. Recommend approval of Case No. DEV-25-038, Rezone for Breidenthal, to the Board of County Commission, with or without conditions; or
2. Recommend denial of Case No. DEV-25-038, Rezone for Breidenthal, to the Board of County Commission for the following reasons; or
3. Continue the hearing to another date, time, and place.

**PROPERTY INFORMATION**

PARCEL SIZE: 52 ACRES (area of land being rezoned per request)

PARCEL ID NO:  
188-33-0-00-00-002.01

BUILDINGS:  
N/A

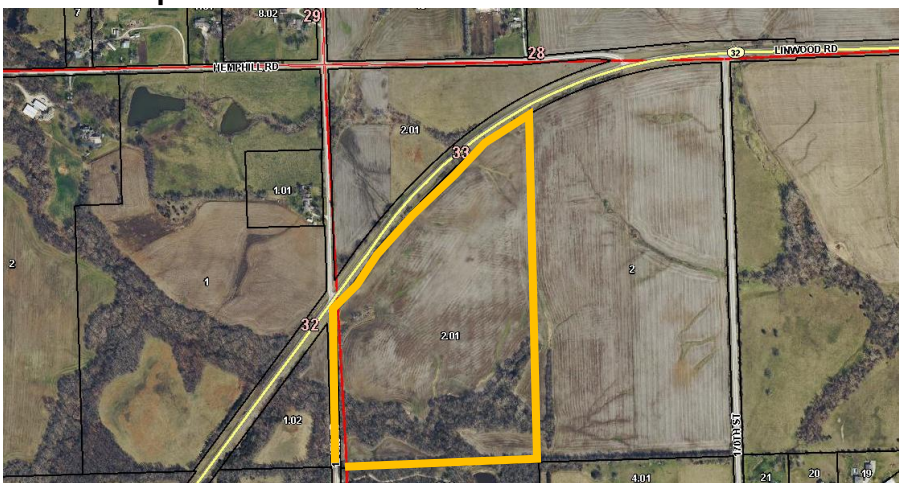
**PROJECT SUMMARY:**

Request to rezone the southern portion of 15212 174<sup>th</sup> Street from RR-5 to RR-2.5. (PID: 188-33-0-00-00-002.01).

**ACCESS/STREET:**

174<sup>th</sup> Street, Local, Gravel, ±24' wide AND Linwood Rd (K-32), State Hwy, Paved, ±30' wide

**Location Map:**



**UTILITIES**

SEWER: SEPTIC

FIRE: Fire District #2

WATER: RWD #7

ELECTRIC: Evergy

**NOTICE & REVIEW:**

STAFF REVIEW: 4/17/2025

NEWSPAPER NOTIFICATION:  
4/22/2025

NOTICE TO SURROUNDING  
PROPERTY OWNERS:  
4/20/2025



<b>FACTORS TO BE CONSIDERED:</b> <i>Type content in each if necessary (delete this afterwards)</i>		
<b>The following factors are to be considered by the Planning Commission and the Board of County Commissioners when approving or disapproving this Rezone request:</b>	<b>Met</b>	<b>Not Met</b>
<b>1. Character of the Neighborhood:</b> <i>Density:</i> Surrounding parcels range in size from 4.4 acres to more than 149 acres. The area is not densely populated.  <i>Nearby City Limits:</i> Basehor is located more than 3 miles to the northeast.  <i>Initial Growth Management Area:</i> This parcel is located within the Rural Growth Area.		X
<b>2. Zoning and uses of nearby property:</b> <i>Adjacent Uses:</i> Most of the adjacent parcels are residential and agricultural in nature.  <i>Adjacent Zoning:</i> Adjacent parcels to the north, east and west are zoned RR-5 while the parcels to the South are zoned RR-2.5.	X	
<b>3. Suitability of the Property for the uses to which it has been restricted:</b> The property is suitable for rural residences and agricultural uses.	X	
<b>4. Extent to which removal of the restrictions will detrimentally affect nearby property:</b> <i>Nearby properties are unlikely to be negatively impacted as the proposed rezoning remains rural residential.</i>	X	
<b>5. Length of time the property has been vacant as zoned:</b> <input checked="" type="checkbox"/> <i>Vacant:</i> Based on historical imagery, it appears this property was never developed. <input type="checkbox"/> <i>Not Vacant:</i>	X	
<b>6. Relative gain to economic development, public health, safety and welfare:</b> The rezoning does not impact economic development, public health, safety or welfare. In the event the parcel were to be developed as a rural subdivision, twice as many homes could potentially be constructed which may have a positive impact on economic development.	X	
<b>7. Conformance to the Comprehensive Plan:</b> <i>Future Land Use Map:</i> Residential (2.5 acres minimum) <i>Section 4 Land Use and Development Plan Strategies:</i> The proposed use is compatible with the future land use designation.	X	

#### **STAFF COMMENTS:**

The applicants are requesting a rezoning from Rural-Residential 5 to Rural-Residential 2.5 for the southern portion of 15212 174<sup>th</sup> Street. Surrounding parcels are residential and agriculture in nature but are primarily 5 acres or greater in size which does not match the request. However, the properties to the South are already zoned RR-2.5 so the request would be extending that zoning district boundary. Also, the Comprehensive Plan identifies the future land use of this area as *Residential (2.5-acre minimum)*. When taking all the factors into account, staff is supportive of the request.

#### **PROPOSED MOTIONS:**

1. Approve case DEV-25-038, a request to rezone the property at 15212 174<sup>TH</sup> Street (as presented) from RR-5 to RR-2.5 with Findings of Fact with a majority vote; or

*Motion: Chairman, I find that the rezoning request complies with the Golden Factors and move to recommend approval to the Board of County Commissioners of the request as outlined in Case DEV-25-038 based on the recommendation of Planning Staff and the findings as set forth in the Staff Report.*



2. Deny case DEV-25-038, a request to rezone the property at 15212 174<sup>TH</sup> Street (as presented) from RR-5 to RR-2.5 without Findings of Fact with a majority vote; or

*Motion: Chairman, I find that the rezoning request does not comply with Golden Factors (LIST FACTORS) and move to recommend denial to the Board of County Commissioners as outlined in Case DEV-25-038.*

3. Table the case to a date and time certain for additional information.

*Motion: Chairman, I move to table Case No. DEV-25-038 to (Date and Time) requesting additional information for (STATE THE REASON(S)).*

**ATTACHMENTS:**

A: Application

B: Zoning Map

C: Memorandums



## REZONING APPLICATION

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

Office Use Only

Township: \_\_\_\_\_ Date Received: \_\_\_\_\_  
Planning Commission Date \_\_\_\_\_  
Case No. \_\_\_\_\_ Date Paid \_\_\_\_\_  
Zoning District \_\_\_\_\_ Comprehensive Plan Land Use Designation \_\_\_\_\_

### APPLICANT/AGENT INFORMATION

NAME Joe Herring  
ADDRESS 315 North 5th Street  
CITY/ST/ZIP Leavenworth, KS 66048  
PHONE 913-651-3858  
EMAIL herringsurveying@outlook.com  
CONTACT PERSON Joe

### OWNER INFORMATION (If different)

NAME BREIDENTHAL, R J JR & CONSTANCE  
ADDRESS 17649 HEMPHILL RD  
CITY/ST/ZIP Bonner Springs, KS 66012  
PHONE N/A  
EMAIL N/A  
CONTACT PERSON Joe

### PROPOSED USE INFORMATION

Proposed Land Use AG  
Current Zoning RR-5 Requested Zoning RR 2.5  
Reason for Requesting Rezoning Match Future Land Use map and allow for a 2.5 acre tract to be divided

### PROPERTY INFORMATION

Address of Property 15212 174th Street  
Parcel Size 54 Acre  
Current use of the property Agriculture  
Present Improvements or structures Residential Structure in construction  
PID 188-33-0-00-00-002.01

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 Joe Herring - Digitally Signed April 14, 2025 Date 4-14-25

ATTACHMENT A



# GUARANTEE LAND TITLE OF LEAVENWORTH, INC.

400 DELAWARE, LEAVENWORTH, KS  
682-0200

FROM

TO

## DEED - GENERAL WARRANTY, JOINT TENANCY

THIS DEED, Made this 26th day of July, 19 90, between THOMAS S. THENO AND DEBORAH S. THENO, husband and wife,

Entered in Transfer Record in my office, this 2 Aug 19 90

Larry E. Schell  
Clay M. Hunt County Clerk.

STATE OF KANSAS ss.  
County,

This instrument was filed for record on the day of

19   , at    o'clock    M., and duly recorded in Book    of Deeds, at page   

Registrar of Deeds.

By    Deputy.

### FEES

Registrar of Deeds for recording, \$   

County Clerk, for transfer, \$   

Total, \$   

of Leavenworth County, in the State of Kansas as first parties, and ROBERT J. BREIDENTHAL JR. and CONSTANCE L. BREIDENTHAL, husband and wife,

of Leavenworth County, in the State of Kansas as joint tenants with the right of survivorship and not as tenants in common, as second parties,

WITNESSETH: In consideration of the sum of TEN DOLLARS (\$10.00) and no/100 Dollars and other valuable consideration the receipt of which is hereby acknowledged, first parties hereby convey and warrant unto second parties, as joint tenants with the right of survivorship and not as tenants in common, all the following described real estate situated in the County of Leavenworth State of Kansas, to wit:

### AN UNDIVIDED 1/2 INTEREST IN:

STATE OF KANSAS  
COUNTY OF LEAVENWORTH  
FILED FOR RECORD

1990 AUG -2 P 3:53 E

DORA I. PARMER

REGISTER OF DEEDS

ALL of the Northwest Quarter of Section 33, Township 11 South, Range 22 East, of the Sixth P.M., except the East One-Half of the Northwest Quarter of said Section 33, lying South of K-32 Highway subject to that part being used for right of way purposes on K-32 Highway, County road on the West and a county road on the North, containing a net area of 72 acres more or less.

### SUBJECT TO RESTRICTIONS, RESERVATIONS, AND EASEMENTS OF RECORD, IF ANY.

TO HAVE AND TO HOLD THE SAME, Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, forever, as joint tenants, the survivor to take the whole estate.

First parties, for themselves, their heirs, executors and administrator, do hereby covenant, promise and agree to and with second parties that at the delivery of these presents they are lawfully seized in their own right of an absolute and indefeasible estate of inheritance, in fee simple, of and in all and singular the above described premises together with the appurtenances; that the same are free, clear, discharged and unincumbered of and from all former and other grants, estates, taxes, assessments and incumbrances of what nature or kind soever, except:

and that they will WARRANT AND FOREVER DEFEND the same unto second parties, as joint tenants with the right of survivorship and not as tenants in common, and the heirs and assigns of the survivor of them, against first parties, their heirs, and all and every person or persons whomsoever lawfully claiming or to claim the same.

IN WITNESS WHEREOF, first parties have hereunto set their hands, the day and year first above written.

Thomas S. Theno  
Thomas S. Theno

Deborah S. Theno  
Deborah S. Theno

STATE OF Kansas, Leavenworth COUNTY, ss.

BE IT REMEMBERED, That on this 26th day of July, 19 90, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came

Thomas S. Theno and Deborah S. Theno, husband and wife, who are personally known to me to be the same persons who executed the foregoing deed, and duly acknowledged the execution of the same.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal on the day and year last above written.



Theresa L. Decker  
Notary Public  
Theresa L. Decker



AFFIDAVIT

Authorization of Contractors or Individuals to Act as Agents of a Landowner  
COUNTY OF LEAVENWORTH  
STATE OF KANSAS

We/I RJ Breidenthal and Constance Breidenthal

Being dully sworn, dispose and say that we/I are the owner(s) of said property located at - \_\_\_\_\_, and that we authorize the following people or firms to act in our interest with the Leavenworth County Planning and Zoning Department for a period of one calendar year. Additionally, all statements herein contained in the information herewith submitted are in all respects true and correct to the best of our knowledge and belief.

Authorized Agents (full name, address & telephone number)

- 1) Joseph A. Herring – Herring Surveying Company 315 N. 5<sup>th</sup> Street, Leavenworth, KS 66048, 913-651-3858

2)

Signed and entered this 21 day of March, 2025

Print Name, Address, Telephone RJ Breidenthal 17649 Hemph. II Rd 913-908-0083 Bonner Springs KS 66012

RJ Breidenthal Constance Breidenthal  
Signature

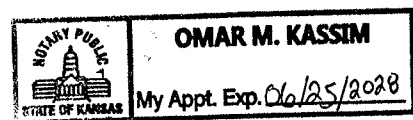
STATE OF KANSAS )  
 ) SS  
COUNTY OF LEAVENWORTH )

Be it remember that on this 21<sup>st</sup> day of March 2025, before me, a notary public in and for said County and State came RJ + Constance Breidenthal to me personally known to be the same persons who executed the forgoing instrument of writing, and duly acknowledged the execution of same. In testimony whereof, I have hereunto set my hand and affixed my notary seal the day and year above written.

NOTARY PUBLIC Omar Kasim

My Commission Expires: 06/25/2028

(seal)







Area: 54.68 ac  
Perimeter: 6,605.31 ft

1,086.73 ft

1,306.06 ft

2,340.18 ft

679.08 ft

14.78 ft





2.01

LINWOOD RD

15457

13

15TH ST

ANIMAL FLOOD HAZARD Zone X

2.01

539.61 ft

Area: 2.78 ac  
Perimeter: 1,521.43 ft

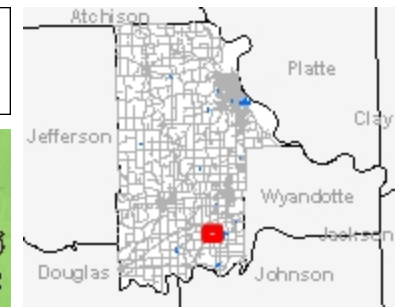
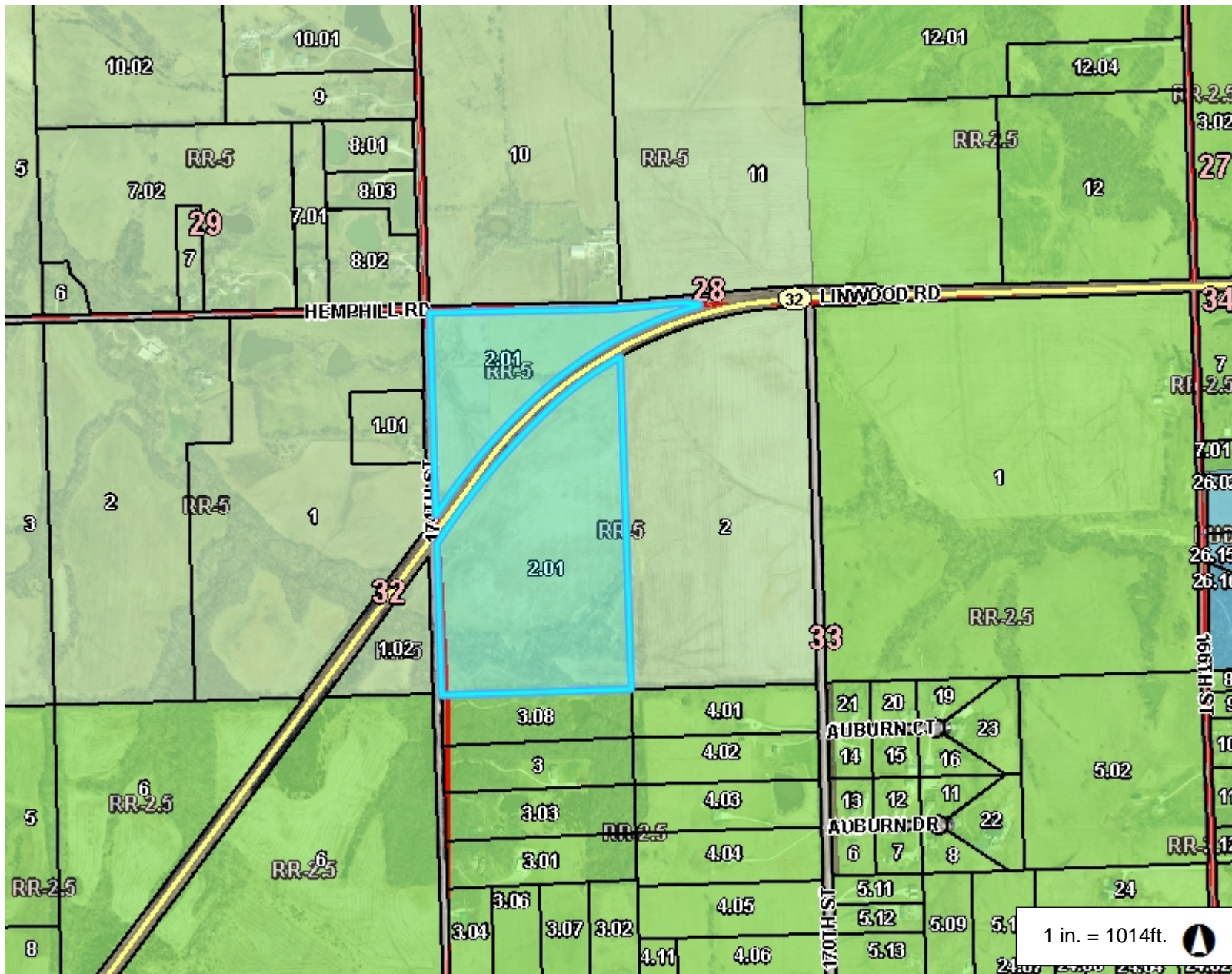
228.50 ft

528.29 ft

15192



# DEV-25-038 Breidenthal Rezone



## 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



## Allison, Amy

---

**From:** Steven Taylor [KDOT] <Steven.Taylor@ks.gov>  
**Sent:** Wednesday, April 16, 2025 8:39 AM  
**To:** Allison, Amy  
**Subject:** RE: DEV-25-038 Breidenthal Rezone

**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.

Thanks. My only concern was access. Didn't want them to expect to access 32.

Steve

---

**From:** Allison, Amy <AAllison@leavenworthcounty.gov>  
**Sent:** Wednesday, April 16, 2025 8:33 AM  
**To:** Steven Taylor [KDOT] <Steven.Taylor@ks.gov>  
**Subject:** RE: DEV-25-038 Breidenthal Rezone

**EXTERNAL:** This email originated from outside of the organization. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Good Morning Steve,

I can request a layout from the applicant but I believe they said on the southern tract is where the parcel will be split.

Sincerely,  
Amy Allison, AICP  
Deputy Director  
Planning & Zoning  
Leavenworth County  
913.364.5757

### Disclaimer

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---

**From:** Steven Taylor [KDOT] <[Steven.Taylor@ks.gov](mailto:Steven.Taylor@ks.gov)>  
**Sent:** Wednesday, April 16, 2025 8:14 AM  
**To:** Allison, Amy <[AAllison@leavenworthcounty.gov](mailto:AAllison@leavenworthcounty.gov)>  
**Subject:** RE: DEV-25-038 Breidenthal Rezone

**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.



## Allison, Amy

---

**From:** Steven Taylor [KDOT] <Steven.Taylor@ks.gov>  
**Sent:** Wednesday, April 16, 2025 10:04 AM  
**To:** Allison, Amy  
**Subject:** RE: Breidenthal Rezone

**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.

Thanks Amy, KDOT has no concerns.

---

**From:** Allison, Amy <AAllison@leavenworthcounty.gov>  
**Sent:** Wednesday, April 16, 2025 10:01 AM  
**To:** Steven Taylor [KDOT] <Steven.Taylor@ks.gov>  
**Subject:** FW: Breidenthal Rezone

**EXTERNAL:** This email originated from outside of the organization. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Steve,

Please see the concept attached.

Amy

---

**From:** Joe Herring <[herringsurveying@outlook.com](mailto:herringsurveying@outlook.com)>  
**Sent:** Wednesday, April 16, 2025 10:00 AM  
**To:** Allison, Amy <[AAllison@leavenworthcounty.gov](mailto:AAllison@leavenworthcounty.gov)>  
**Subject:** Re: Breidenthal Rezone

**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.

Concept sketch

Thank you - Joe Herring

---

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

---

**From:** Joe Herring  
**Sent:** Monday, April 14, 2025 6:44 AM  
**To:** PZ <[PZ@leavenworthcounty.gov](mailto:PZ@leavenworthcounty.gov)>  
**Subject:** Breidenthal Rezone



## Allison, Amy

---

**From:** jalayne leavenworthrwd7.com <jalayne@leavenworthrwd7.com>  
**Sent:** Thursday, April 17, 2025 6:53 AM  
**To:** Allison, Amy; Magaha, Chuck; Anderson, Kyle; Miller, Jamie; Dedেকে, Andrew; Brown, Misty; Mitch Pleak; Noll, Bill; McAfee, Joe; 'Steven Taylor [KDOT]'; 'designgroupshawnee@evergy.com'; 'kritter@lvcofd2.com'; 'dritter@lvcofd2.com'  
**Cc:** PZ; Leavenworth RWD#7  
**Subject:** Re: DEV-25-038 Breidenthal Rezone

**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.

Good morning all,  
LVCRWD#7 has no issues regarding the rezoning of 15212 174<sup>th</sup> Street.

Jalayne Turner  
Jalayne Turner  
Office Manager  
LVRWD#7  
2451 S. 142<sup>nd</sup> St.  
P O Box 257  
Bonner Springs, KS 66012-0257  
913-441-1205 Office  
913-422-3393 Fax  
[www.lvrwd7.com](http://www.lvrwd7.com)

---

**From:** Allison, Amy <AAllison@leavenworthcounty.gov>  
**Sent:** Tuesday, April 15, 2025 2:15 PM  
**To:** Magaha, Chuck <cmagaha@lvsheriff.org>; Anderson, Kyle <KAnderson@leavenworthcounty.gov>; Miller, Jamie <JMiller@leavenworthcounty.gov>; Dedেকে, Andrew <adedেকে@lvsheriff.org>; Brown, Misty <MBrown@leavenworthcounty.gov>; Mitch Pleak <mpleak@olsson.com>; Noll, Bill <BNoll@leavenworthcounty.gov>; McAfee, Joe <JMcAfee@leavenworthcounty.gov>; 'Steven Taylor [KDOT]' <Steven.Taylor@ks.gov>; 'designgroupshawnee@evergy.com' <designgroupshawnee@evergy.com>; jalayne leavenworthrwd7.com <jalayne@leavenworthrwd7.com>; 'kritter@lvcofd2.com' <kritter@lvcofd2.com>; 'dritter@lvcofd2.com' <dritter@lvcofd2.com>  
**Cc:** PZ <PZ@leavenworthcounty.gov>  
**Subject:** DEV-25-038 Breidenthal Rezone

Good Afternoon,

The Department of Planning and Zoning has received a rezoning application for 15212 174<sup>th</sup> Street 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 Tuesday, April 29, 2025.



## Allison, Amy

---

**From:** Anderson, Kyle  
**Sent:** Wednesday, April 23, 2025 9:36 AM  
**To:** Allison, Amy  
**Subject:** RE: DEV-25-038 Breidenthal Rezone

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

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---

**From:** Allison, Amy <AAllison@leavenworthcounty.gov>  
**Sent:** Tuesday, April 15, 2025 2:16 PM  
**To:** Magaha, Chuck <cmagaha@lvsheriff.org>; Anderson, Kyle <KAnderson@leavenworthcounty.gov>; Miller, Jamie <JMiller@leavenworthcounty.gov>; Dedeker, Andrew <adedeker@lvsheriff.org>; Brown, Misty <MBrown@leavenworthcounty.gov>; Mitch Pleak <mpleak@olsson.com>; Noll, Bill <BNoll@leavenworthcounty.gov>; McAfee, Joe <JMcAfee@leavenworthcounty.gov>; 'Steven Taylor [KDOT]' <Steven.Taylor@ks.gov>; 'designgroupshawnee@evergy.com' <designgroupshawnee@evergy.com>; 'jalayne@leavenworthrwd7.com' <jalayne@leavenworthrwd7.com>; 'kritter@lvcofd2.com' <kritter@lvcofd2.com>; 'dritter@lvcofd2.com' <dritter@lvcofd2.com>  
**Cc:** PZ <PZ@leavenworthcounty.gov>  
**Subject:** DEV-25-038 Breidenthal Rezone

Good Afternoon,

The Department of Planning and Zoning has received a rezoning application for 15212 174<sup>th</sup> Street 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 Tuesday, April 29, 2025.

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

Thank you,

Amy Allison, AICP  
Deputy Director  
Planning & Zoning  
Leavenworth County  
913.364.5757



## Allison, Amy

---

**From:** McAfee, Joe  
**Sent:** Friday, April 25, 2025 9:32 AM  
**To:** Allison, Amy; Magaha, Chuck; Anderson, Kyle; Brown, Misty; Mitch Pleak; Noll, Bill; 'Steven Taylor [KDOT]'  
**Cc:** PZ  
**Subject:** RE: DEV-25-038 Breidenthal Rezone

Amy,  
PW Engineering has no comment on the rezone.

---

**From:** Allison, Amy <AAllison@leavenworthcounty.gov>  
**Sent:** Tuesday, April 15, 2025 2:16 PM  
**To:** Magaha, Chuck <cmagaha@lvsheriff.org>; Anderson, Kyle <KAnderson@leavenworthcounty.gov>; Miller, Jamie <JMiller@leavenworthcounty.gov>; Dedeke, Andrew <adedeke@lvsheriff.org>; Brown, Misty <MBrown@leavenworthcounty.gov>; Mitch Pleak <mpleak@olsson.com>; Noll, Bill <BNoll@leavenworthcounty.gov>; McAfee, Joe <JMcAfee@leavenworthcounty.gov>; 'Steven Taylor [KDOT]' <Steven.Taylor@ks.gov>; 'designgroupshawnee@evergy.com' <designgroupshawnee@evergy.com>; 'jalayne@leavenworthrwd7.com' <jalayne@leavenworthrwd7.com>; 'kritter@lvcofd2.com' <kritter@lvcofd2.com>; 'dritter@lvcofd2.com' <dritter@lvcofd2.com>  
**Cc:** PZ <PZ@leavenworthcounty.gov>  
**Subject:** DEV-25-038 Breidenthal Rezone

Good Afternoon,

The Department of Planning and Zoning has received a rezoning application for 15212 174<sup>th</sup> Street 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 Tuesday, April 29, 2025.

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

Thank you,

Amy Allison, AICP  
Deputy Director  
Planning & Zoning  
Leavenworth County  
913.364.5757

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## Allison, Amy

---

**From:** Dylan Ritter <dritter@lvcofd2.com>  
**Sent:** Tuesday, May 6, 2025 4:04 PM  
**To:** Allison, Amy  
**Subject:** Re: FW: DEV-25-038 Breidenthal Rezone

**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.

No comments or concerns.

Thank you

Dylan Ritter  
Assistant Chief  
Leavenworth County Fire District #2  
100 Main Street  
P.O. Box 270  
Linwood, KS, 66052  
(913) 339-8973

On Tue, May 6, 2025 at 15:53 Allison, Amy <[AAllison@leavenworthcounty.gov](mailto:AAllison@leavenworthcounty.gov)> wrote:

Good Afternoon Chief,

Just wanted to check back in to see if you have any comments for this request?

Sincerely,

Amy Allison, AICP

Deputy Director

Planning & Zoning

Leavenworth County

913.364.5757

**Disclaimer**



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

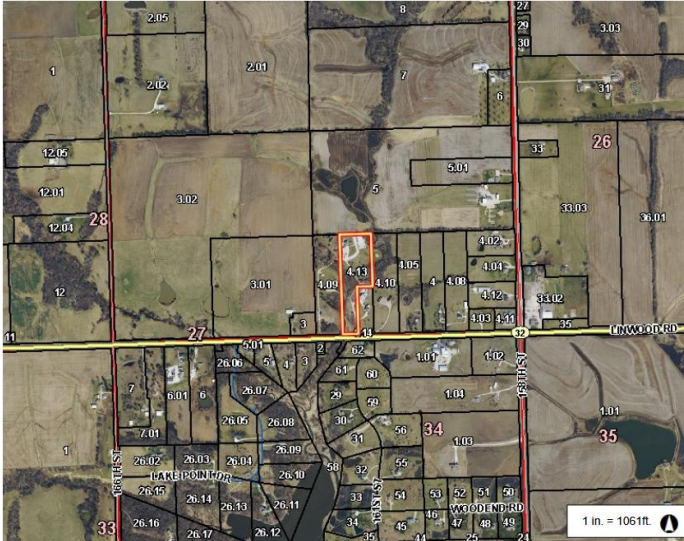
**CASE NO:** DEV-25-028 Schultz (**PUBLIC HEARING REQUIRED**)

May 14, 2025

**REQUEST:** Variance from Zoning and Subdivision Regulations Article 20 Section 6 (Accessory building built within rear yard setback)

**STAFF REPRESENTATIVE:**  
JOSH SCHWEITZER  
Development Planner

**SUBJECT PROPERTY:** 16042 Linwood Road



**APPLICANT/APPLICANT AGENT:**  
AUSTIN THOMPSON  
Atlas Land Consulting  
14500 Parallel Rd Unit R  
Basehor, KS 66007

**PROPERTY OWNER:**  
Dustin & Jessica Schultz  
16042 Linwood Rd.  
Bonner Springs, KS 66012

**CONCURRENT APPLICATIONS:**  
N/A

**LAND USE**

**ZONING:** RR-2.5

**FUTURE LAND USE DESIGNATION:**  
RR-2.5

**LEGAL DESCRIPTION:**

Lot 1 Crosby Addition, Leavenworth County, Kansas

**SUBDIVISION:** Crosby Addition

**FLOODPLAIN:** Zone A

**PROPERTY INFORMATION**

**ACTION OPTIONS:**

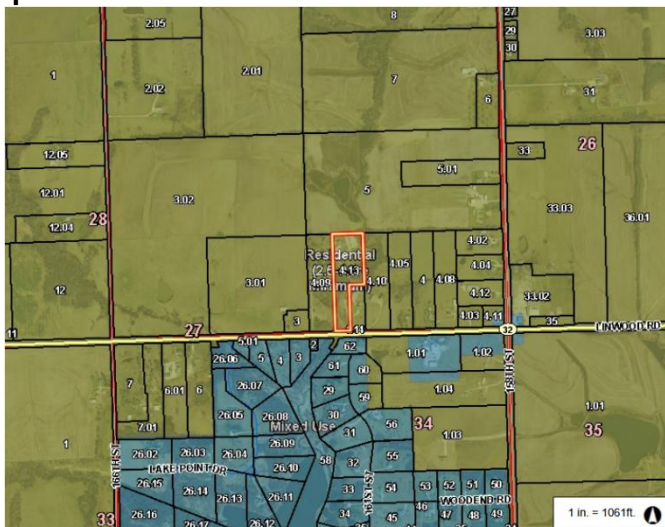
**PARCEL SIZE:** 9.1 ACRES

**PARCEL ID NO:**  
188-27-0-00-00-004.13

**BUILDINGS:**  
Existing House & Outbuildings

1. Recommend approval of Case No. DEV-25-028 , variance from the minimum rear yard setback for Accessory buildings; or
2. Recommend denial of Case No. DEV-25-028 , variance from the minimum rear yard setback for Accessory buildings; or
3. Continue the hearing to another date, time, and place.

**Location Map:**



**ACCESS/STREET:**  
Linwood Road, State Highway,  
Paved, ±36' WIDE,

**UTILITIES**

**SEWER:** SEPTIC

**FIRE:** FAIRMOUNT

**WATER:** RWD#7

**ELECTRIC:** EVERGY

**NOTICE & REVIEW:**

**STAFF REVIEW:** N/A

**NEWSPAPER NOTIFICATION:**  
4/17/2025

**NOTICE TO SURROUNDING  
PROPERTY OWNERS:**  
4/23/2025



<b>FACTORS TO BE CONSIDERED:</b>	
<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>	
<b>1. 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;</b>	<ul style="list-style-type: none"> <li>In 2015 the applicants purchased an accessory building permit and the structure appeared to be in compliance with regulations at that time. Between 2021 and 2022 an extension to the accessory building was added onto without a building permit being obtained, which has caused the structure to be out of compliance with regulations.</li> </ul>
<b>2. The granting of the variance will not adversely affect the rights of adjacent property owners or residents;</b>	<ul style="list-style-type: none"> <li>Granting of the variance does not appear to adversely affect the rights of adjacent property owners as the accessory structure still remains on their property, they are just within the 15' rear yard setback for accessory buildings. Based off a survey action the accessory structure is 10.58' from the property line.</li> </ul>
<b>3. 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:</b>	<ul style="list-style-type: none"> <li>It was not until the replat of Crosby Addition that the accessory structure was noted for non-compliance. If the variance is not granted, this parcel will be considered non-compliant and not entitled to any further building permits.</li> </ul>
<b>4. The variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare; and;</b>	<ul style="list-style-type: none"> <li>The granting of the variance does not appear to adversely affect the public health, safety, morals, order, convenience, prosperity or the general welfare.</li> </ul>
<b>5. Granting the variance desired will not be opposed to the general spirit and intent of the zoning regulations</b>	<ul style="list-style-type: none"> <li>The rear yard setbacks are to allow for further development of parcels and to ensure that structures are not placed over the setback for the installation of potential utilities. If further development is done, applicants would have to ensure that if utilities would be installed that their building would not hinder that process.</li> </ul>

#### **STAFF COMMENTS:**

The applicants are requesting a variance from the minimum rear setback for accessory structure requirement. In 2015 a building permit was purchased to build an accessory structure on their property. At that time, the structure appeared to be in compliance with regulations until somewhere between 2021 and 2022 when an extension to the accessory structure was created. This extension was completed without a building permit and now it is over the rear yard setback.

#### **MOTIONS:**

Approve case DEV-25-028, a Variance Request from Article 20, Section 6 – (Rear yard setback for accessory structures) with a Finding of Fact being met and a majority vote; or



Motion: *Chairman, I hereby approve a variance from Article 20, Section 6 – (Rear yard setback for accessory structures) for Case DEV-25-028, as submitted by the application, based on a finding that all five criteria for a variance has been met.*

Deny case DEV-25-028, a Variance Request from Article 20, Section 6 – (Rear yard setback for accessory structures) with a Finding of Fact not being met and a majority vote; or

Motion: *Chairman, I hereby deny a variance from Article 20, Section 6 – (Rear yard setback for accessory structures) for Case DEV-25-028, as submitted by the application, based on a finding that Factor (insert factor not met) has not been met.*

Table the case to a date and time certain for additional information.

Motion: *Chairman, I move to table Case No. DEV-25-028 to (Date and Time) requesting additional information for (STATE THE REASON(S)).*

**ATTACHMENTS:**

A: Application & Narrative

B: Zoning Map

C: Memorandums



\* Payment 300.00  
~~owner with~~  
~~deed~~

458  
R306751  
9.10

**BOARD OF ZONING APPEALS APPLICATION**

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

Fairmount  
no build area  
yes flood  
Energy  
RWD #7

Crosby Addition Lot 1

Office Use Only

Case No. DEV-25-028  
PID: 188-27 004-13  
Township Stranger  
BZA Hearing Date \_\_\_\_\_  
ACTION \_\_\_\_\_ Date Received \_\_\_\_\_ Date Paid \_\_\_\_\_  
Zoning District RR 2.5  
Comprehensive Plan land use designation \_\_\_\_\_

**APPLICANT/AGENT INFORMATION**

NAME Austin Thompson - ALC  
ADDRESS 14500 Parallel Rd Unit R  
CITY/ST/ZIP Basehor, Ks 66007  
PHONE 913-702-8916  
EMAIL austin@alconsult-llc.com

**OWNER INFORMATION (If different)**

NAME Jessica Schultz  
ADDRESS 16042 Linwood Rd  
CITY/ST/ZIP Bonner Springs, KS 66012  
PHONE \_\_\_\_\_  
EMAIL scrosby5800@gmail.com

**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 16042 Linwood Rd Bonner Springs, KS 66012  
Parcel size 9.10 Acres  
Present improvements or structures Existing buildings and residential homes  
Current use of the property? Residential

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 Jessica Schultz Date 2-28-25

**ATTACHMENT A**

188  
R306751



Doc #: 2016R03344  
STACY R. DRISCOLL  
REGISTER OF DEEDS  
LEAVENWORTH COUNTY  
RECORDED ON  
04/27/2016 03:10PM  
RECORDING FEE: \$15.00

Entered in the transfer record in my office this  
27 day of April, 2016.

Janet K. Lasinski  
by B. Jones County Clerk

INDEBTEDNESS: 0  
PAGES: 1

Kansas Secured Title  
866 Northstar Court  
Tonganoxie, KS 66086  
TX9761

**GENERAL WARRANTY DEED**  
Joint Tenancy  
(Statutory)

**Michael Crosby, also known as, Michael J. Crosby and Sandra Crosby, also known as Sandra K. Crosby, husband and wife**

convey and warrant to

**Jessica Schultz and Dustin Schultz, wife and husband**

as joint tenants with the right of survivorship and not as tenants in common,

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

**Lot 1, CROSBY ADDITION, 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

No Real Estate Validation Questionnaire per KSA 1993 Supp. 79-1437e as amended (3)

Dated this 26<sup>th</sup> day of April, 2016.

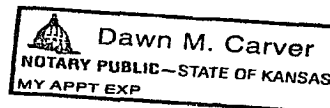
Michael J. Crosby  
Michael J. Crosby

Sandra K. Crosby  
Sandra K. Crosby

State of Kansas

County of LEAVENWORTH

§



The foregoing instrument executed was acknowledged before me this 26<sup>th</sup> day of April, 2016, by **Michael J. Crosby and Sandra K. Crosby, husband and wife.**

Dawn M. Carver  
Notary Public

My appointment expires 12/17/2017



OWNER AUTHORIZATION

I/WE Jessica Schultz, hereinafter referred to as the "Undersigned", being of lawful age, do hereby on this 3 day of March, 2025, 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 (insert or attach):
2. I/We, the Undersigned, have previously authorized and hereby authorize Austin Thompson with ALC (hereinafter referred to as "Applicant"), to act on my/our behalf for the purpose of making application with the Planning and Zoning Department of Leavenworth County, Kansas, for:

Variance request for a building over the setback line

application number and proposed use/purpose [not available until submittal]

at:

16042 & 16120 Linwood Rd Bonner Springs, KS 66012

common address (situs)

upon the subject real property, or portions thereof, and which authorization includes, but is not limited to, all acts or things whatsoever necessarily required of Applicant in the pertinent 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/We 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/WE the Undersigned, have set my hand below.

Jessica Schultz  
Owner

\_\_\_\_\_  
Owner

STATE OF KANSAS

(  
(§

COUNTY OF LEAVENWORTH (

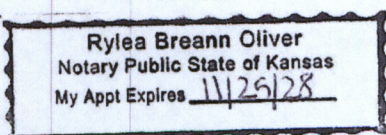
The foregoing instrument was acknowledged before me on March, 3<sup>rd</sup>, 2025, by

Rylea Oliver 11/25/28

My Commission Expires:

Rylea Oliver  
Notary Public

ATTACHMENT B



06/17/2021

Page 4 of 5



## Schweitzer, Joshua

---

**From:** Dustin Schultz <dschultzsoccer1@gmail.com>  
**Sent:** Thursday, April 3, 2025 9:03 AM  
**To:** Schweitzer, Joshua  
**Subject:** 16042 Linwood Road Platting and Variance

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.

Hi Josh,

> I am authorizing Atlas land surveying permission to oversee the variance and entire scope of our platting project.

>

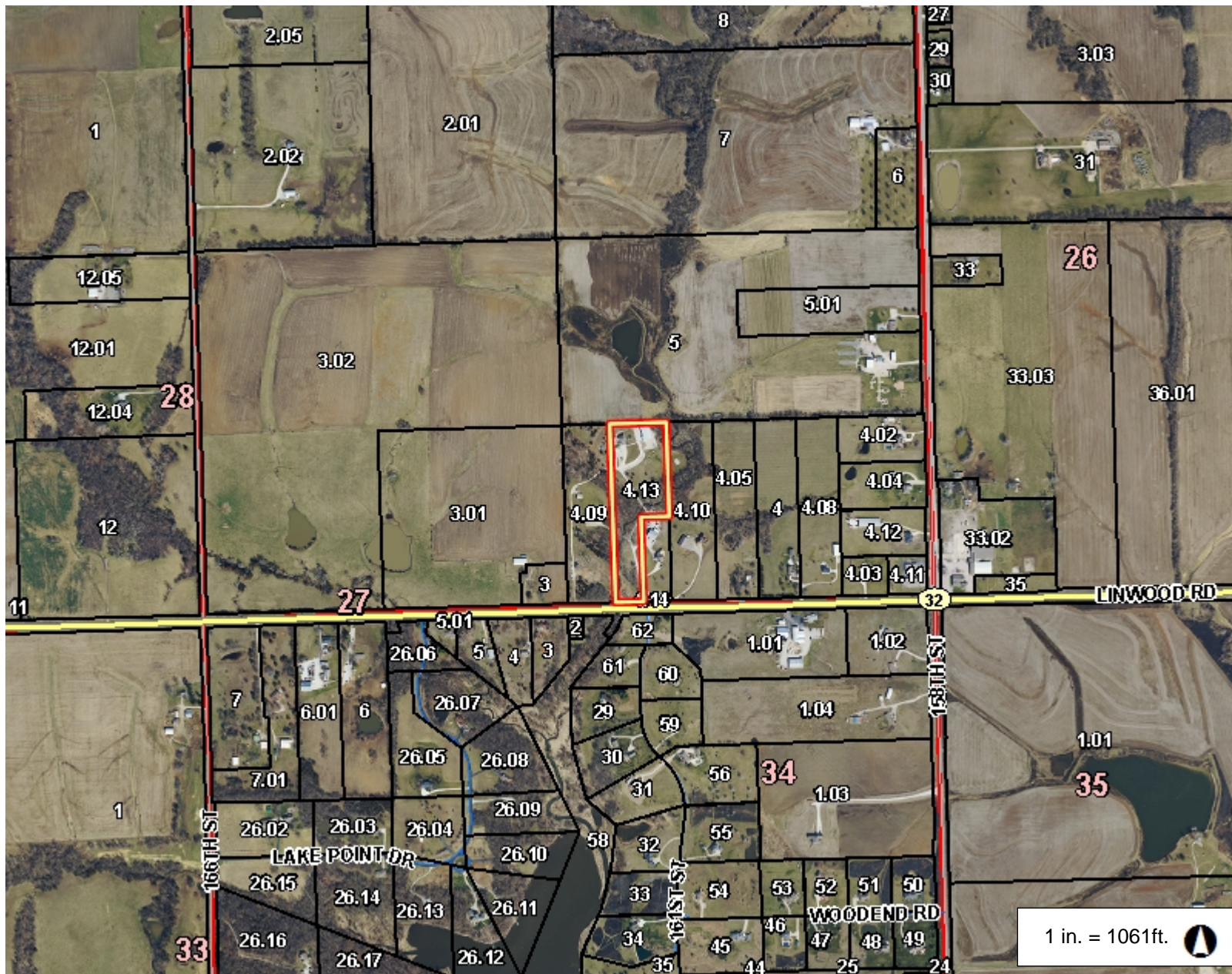
Thanks

-Dustin Schultz

Sent from my iPhone



# Leavenworth County, KS



## 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

2,122.5 0 1,061.23 2,122.5 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

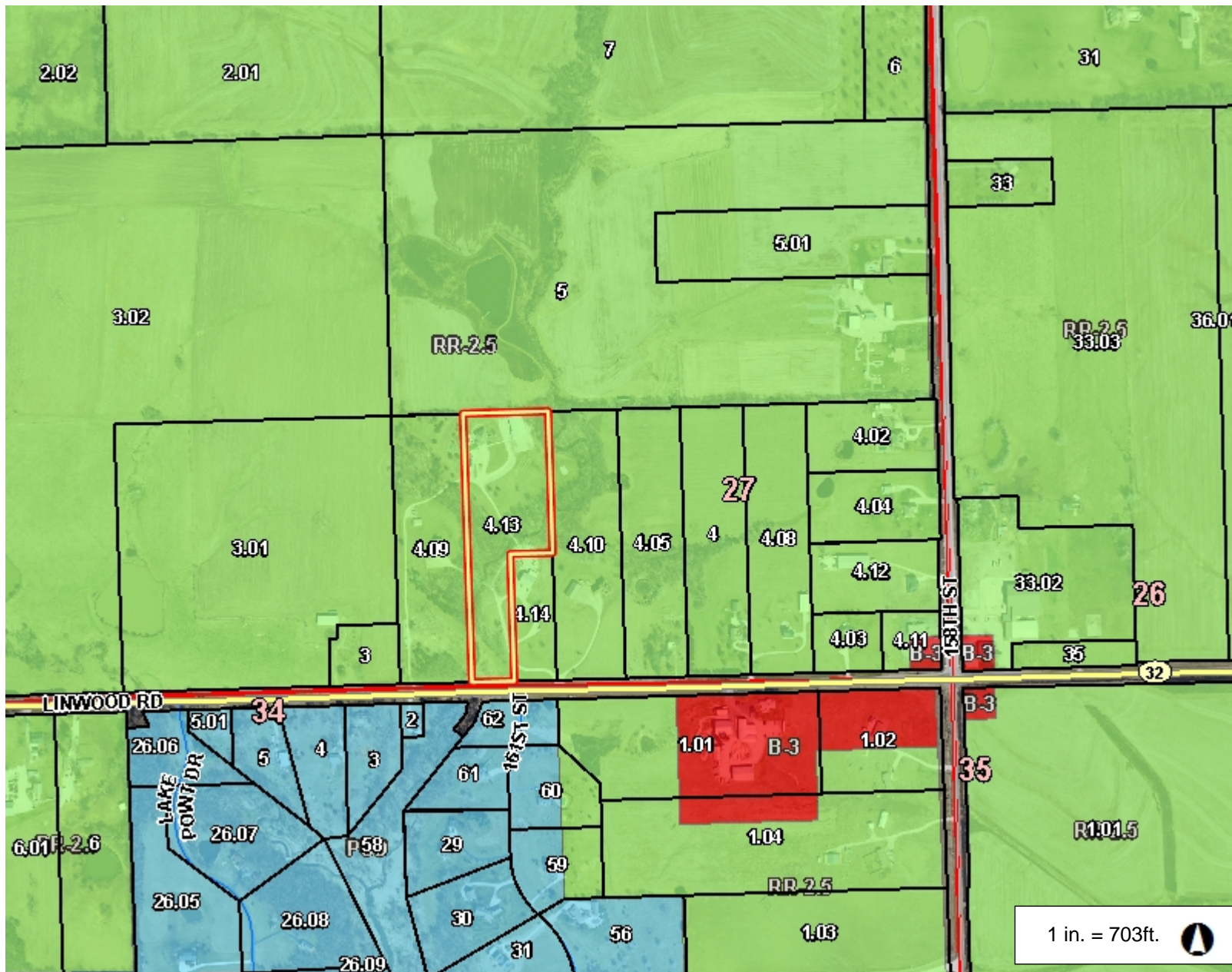


# Leavenworth County, KS



## 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



1,406.9 0 703.45 1,406.9 Feet

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THIS MAP IS NOT TO BE USED FOR NAVIGATION

## Notes



## Written Narrative Requirements

**Written Narrative Description:** A written narrative description of the proposed variance must be submitted that addresses:

### **FACTORS TO BE CONSIDERED**

A request for a variance may be granted in such individual cases, upon finding that all the following conditions have been met (KS Statutes 12-759).

- (A) That the variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone or district; and is not created by an action or actions of the property owner or the applicant;
- (B) That the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents;
- (C) That 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;
- (D) That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare;
- (E) That granting the variance desired will not be opposed to the general spirit and intent of the zoning regulations.

### **ATTACHMENT C**

A) The variance is unique because the building is currently existing. It is currently not feasible to tear down a large building. Just from an economic stand point for the owner.

B) This will not adversely affect the rights of adjacent property owners or residents because this building is already existing. The building was constructed after 2020 (according to GIS aerials). So the building has been existing for 5 years.

C) The variance will remove the hardship from the owner. If the owner is required to tear down the building this would be a huge financial problem.

D) The variance will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare.

E) The variance does not go against the general spirit and intent of the zoning regulations. Buffers are put in place for mistakes/errors in these areas.





### Legend

- Address Point
- Parcel Number
- Lot Line
- 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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### Legend

- Address Point
- Parcel Number
- Lot Line
- Parcel
- City Limit Line
- Major Road
- <all other values>
- 70
- Road
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- + Railroad
- + Section
- Section Boundaries
- County Boundary

### Notes

134.0 0 67.00 134.0 Feet

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### Legend

- Address Point
- Parcel Number
- Lot Line
- Parcel
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### Notes

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THIS MAP IS NOT TO BE USED FOR NAVIGATION



## Schweitzer, Joshua

---

**From:** Anderson, Kyle  
**Sent:** Monday, April 14, 2025 11:06 AM  
**To:** Schweitzer, Joshua  
**Subject:** RE: DEV-25-028 Schultz Variance

We have not received any complaints on this property and the variance will bring it into compliance.

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.*

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**From:** Schweitzer, Joshua <[JSchweitzer@leavenworthcounty.gov](mailto:JSchweitzer@leavenworthcounty.gov)>  
**Sent:** Monday, April 14, 2025 8:46 AM  
**To:** Anderson, Kyle <[KAnderson@leavenworthcounty.gov](mailto:KAnderson@leavenworthcounty.gov)>  
**Subject:** FW: DEV-25-028 Schultz Variance

v / r

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

---

**From:** Schweitzer, Joshua <[JSchweitzer@leavenworthcounty.gov](mailto:JSchweitzer@leavenworthcounty.gov)>  
**Sent:** Thursday, March 27, 2025 1:20 PM  
**To:** Magaha, Chuck <[cmagaha@lvsheriff.org](mailto:cmagaha@lvsheriff.org)>; 'Steven Taylor [KDOT]' <[Steven.Taylor@ks.gov](mailto:Steven.Taylor@ks.gov)>; Noll, Bill <[BNoll@leavenworthcounty.gov](mailto:BNoll@leavenworthcounty.gov)>; McAfee, Joe <[JMcAfee@leavenworthcounty.gov](mailto:JMcAfee@leavenworthcounty.gov)>; Brown, Misty <[MBrown@leavenworthcounty.gov](mailto:MBrown@leavenworthcounty.gov)>; Khalil, Jon <[jkhalil@leavenworthcounty.gov](mailto:jkhalil@leavenworthcounty.gov)>; Dedeker, Andrew <[adedeker@lvsheriff.org](mailto:adedeker@lvsheriff.org)>; 'lingenfelserm@fairmountfd.org' <[lingenfelserm@fairmountfd.org](mailto:lingenfelserm@fairmountfd.org)>  
**Cc:** PZ <[PZ@leavenworthcounty.gov](mailto:PZ@leavenworthcounty.gov)>  
**Subject:** DEV-25-028 Schultz Variance

Good Afternoon,

The Department of Planning and Zoning has received a request for a Variance from Article 20, Section 6. 15 ft. rear yard requirement on accessory buildings for the property located at 16042 Linwood Rd.



## Schweitzer, Joshua

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**From:** McAfee, Joe  
**Sent:** Friday, April 4, 2025 4:13 PM  
**To:** Schweitzer, Joshua; Noll, Bill; Brown, Misty; Khalil, Jon  
**Cc:** PZ  
**Subject:** RE: DEV-25-028 Schultz Variance

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Joshua,  
No comment from PW Engineering.

---

**From:** Schweitzer, Joshua <JSchweitzer@leavenworthcounty.gov>  
**Sent:** Thursday, March 27, 2025 1:20 PM  
**To:** Magaha, Chuck <cmagaha@lvsheriff.org>; 'Steven Taylor [KDOT]' <Steven.Taylor@ks.gov>; Noll, Bill <BNoll@leavenworthcounty.gov>; McAfee, Joe <JMcAfee@leavenworthcounty.gov>; Brown, Misty <MBrown@leavenworthcounty.gov>; Khalil, Jon <jkhalil@leavenworthcounty.gov>; Dedeker, Andrew <adedeker@lvsheriff.org>; 'lingenfelserm@fairmountfd.org' <lingenfelserm@fairmountfd.org>  
**Cc:** PZ <PZ@leavenworthcounty.gov>  
**Subject:** DEV-25-028 Schultz Variance

Good Afternoon,

The Department of Planning and Zoning has received a request for a Variance from Article 20, Section 6. 15 ft. rear yard requirement on accessory buildings for the property located at 16042 Linwood Rd.

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 April 10, 2025.

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

v / r

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