

LEAVENWORTH COUNTY PLANNING COMMISSION
MINUTES OF THE REGULAR MEETING
May 14, 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, Dan Clemons and Steve Rosenthal

Members absent: None.

Staff present: John Jacobson-Director, Amy Allison-Deputy Director, Josh Schweitzer-Development Planner, 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, 8/1 (1 abstained).

Secretary's Report. Amy Allison indicated there are two items on the consent agenda and five subdivision and exception items on the Regular Agenda, as well as two rezones and one variance request before the Board of Zoning Appeals.

Declarations. Yes, Commissioner Rosenthal abstained from the consent agenda vote due to a conflict.

Approval of Agenda

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

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

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 6th P.M., Leavenworth County, Kansas.

Also known as 14445 170th Street

Amy Allison stated the property is currently zoned RR-2.5 and the owner is requesting to subdivide the property into a two-lot subdivision. Both parcels are in compliance with the zoning district standards; however, Lot 2 is not in compliance with the Lot depth to lot width subdivision standards. The applicant is requesting an Exception from the lot-depth to lot-width standard. Additionally, a condition of approval is that the Accessory Dwelling Unit permit must be amended to a single-family permit once approved.

Commissioner Tystad motioned to approve the Exception and Commissioner Stork seconded.

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

Commissioner Clemons motioned to approve the preliminary and final plat based upon the findings of Staff. Commissioner Tystad seconded.

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

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 6th P.M., Leavenworth County, Kansas.

Also known as 26447 187th Street & 26567 187th Street

Amy Allison stated that applicant has requested a boundary line adjustment to enlarge their non-compliant tract. The additional land would make the tract compliant with the minimum acreage requirement in the RR-5 zoning district. However, the boundary line adjustment would make the smaller lot non-compliant with the lot width to lot depth and the proposed tract layout creates an oddly shaped lot. Staff recommends approval of the request. Commissioner Tystad questioned what problems may arise later. Ms. Allison stated when a natural creek line is involved, creek lines can adjust; rainfall and flooding can change that. Surveyor Joe Herring clarified pins in the creek would not be set and that the description was written to the center of the creek line if the creek were to change, the boundary line would amend.

Chairman Majure asked about the lot width. Ms. Allison confirmed the lot is wider than it is deep.

Commissioner Tystad motioned to approve the Exception for the shape of the tract. Commissioner Clemons seconded.

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

Commissioner Bailey motioned to approve the Exception lot width to lot depth. Commissioner Skeet seconded.

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

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 6th P.M., Leavenworth County, Kansas.

Also known as 00000 Evans Road

Amy Allison presented the preliminary and final plat request for a 3-lot subdivision which is compliant with the RR-5 zoning district. However, the bottom parcel does not match lot width to lot depth ratio. Configuration on the roadway system would make it difficult to find an alternative to subdivide the parcel.

Commissioner Owens motioned to approve the Exception and Commissioner Tystad seconded.

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

Commissioner Tystad motioned to approve the request for the preliminary and final plat. Commissioner Gottschalk seconded.

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

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 6th P.M., Leavenworth County, Kansas.

Also known as 24675 Wolcott Road

Josh Schweitzer presented the request for a 2-lot subdivision. The property has two single-family homes. One is a new-build and the other near the road will be removed. One of the proposed lots exceeds the maximum lot-width to lot-depth requirement and will need an exception.

Discussion ensued.

Commissioner Clemons motioned to approve Exception and Commissioner Tystad seconded.

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

Commissioner Bailey motioned to recommend approval of the preliminary and final plat based upon the recommendations of Staff. Commissioner Clemons seconded.

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

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 6th P.M., Leavenworth County, Kansas.

Also known as 00000 & 00000 Tonganoxie Road

Josh Schweitzer provided the background on the applicant's request for a boundary line adjustment. Two exceptions were granted when the tract was split previously and to modify through the boundary line adjustment, an the same exceptions would need to be granted.

Commissioner Clemons motioned to approve the Lot-Width to Lot-depth exception, seconded by Commissioner Bailey.

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

Commissioner Bailey motioned to approve the lot line design exception and Commissioner Clemons seconded.

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

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 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.

Also known as 19701 163rd St

Josh Schweitzer outlined the rezone request to amend a portion of the property from RR-2.5 to R-1(43). The concept plan provided shows that Lot 2, which contains the existing house would be approximately 1.5 acres if the rezoning were approved. The applicant has proposed that only that section of the parcel be rezoned and the remainder remain RR-2.5 zoning. Staff recommended that the entire parcel be rezoned to create one consistent zoning district for the entire development. Staff is concerned that this request may be spot zoning. Therefore, staff is not supportive.

Chairman Majure opened the public hearing.

Krystal Voth of Atlas Land Consulting spoke about the applicant's re-zone request. Ms. Voth explained why the applicants are requesting a portion of their land be rezoned versus all of their property. Ms. Voth confirmed most of the adjacent properties are residential and agricultural in nature; however, all adjacent properties are zoned RR-2.5 which could be considered spot zoning.

Commissioner Owens asked about the property owners plans for the property. Owner, Mr. Tuttle, owns the property and is requesting to sell one of the properties while keeping the rest as agricultural. He currently owns the farm directly north of this parcel.

Commissioner Tystad clarified where the applicant resides. The property owner clarified that he lives two tracts south of the property. No one spoke in favor of the request nor in opposition of the request.

Chairman Majure closed the public hearing.

Commissioner Stork asked for further clarification about Spot Zoning and the minimum frontage requirements for the R-1(43) zoning district. Staff provided additional discussion about spot zoning but acknowledged that the underlying future land use designation supports R-1(43) zoning in this area. The frontage requirements would be met based on the provided concept. Commissioner Tystad mentioned the issue with lot width to lot depth and staff clarified that an exception would be needed once platting took place.

Commissioner Bailey motioned to recommend approval and Commissioner Skeet seconded.

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

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 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.

Also known as 15212 174th Street

Amy Allison presented the staff report for the proposed rezoning request. The applicant would like to rezone the southern portion of the property from RR-5 to RR-2.5. The concept plan shows that a 2.5-acre tract will be split from the southwest corner of that section of land. Staff is supportive of the request as it complies with the future land use map and RR-2.5 zoning is adjacent to the south.

Chairman Majure opened the Public Hearing.

Joe Herring of Herring Surveying stated the request does meet the criteria of the Comprehensive Plan. Mr. Herring further stated most of the property is currently used for farming and the applicant would prefer to continue to farm. However, the applicant may have other plans for the land where Basehor and Linwood will connect at a later date the applicant may split a portion of the property and pass it on to family.

Skeet requested clarification regarding the flood plain. Commissioner Tystad inquired if the owner is aware that an entrance on Linwood Road would be unlikely. Mr. Herring confirmed that the owner is aware.

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

Chairman Majure closed the Public Hearing.

Commissioner Gottschalk motioned to approve the request and Commissioner Tystad seconded.

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

Adjournment of Planning Commission at 6:38pm.

Board of Zoning Appeals – commenced at 6:43pm.

11. ROLL CALL VOTE: Commissioners Spink, Tystad, Gottschalk, Clemons, Bailey and Rosenthal

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

Josh Schweitzer presented the case. The variance request is for a rear yard setback requirement for an accessory structure. The property owner obtained a building permit for an accessory structure that was compliant with regulations. However, at some point, an addition was added onto the structure without a building permit and it was determined during the platting process for this parcel that the addition did not meet the setback requirements and currently sits approximately 10.5 feet from rear property line. To approve the request, the Board must find that five criteria have been met.

Chairman Majure opened the Public Hearing.

Krystal Voth of Atlas Land Consulting spoke about the intent of the setback requirement which is to ensure buildings are not built over the property line. She acknowledged that the owners should have applied for the building permit but are now aware of the requirement and understand they cannot encroach on setbacks for any future construction.

Commissioner Clemons clarified the location of a pool. No one spoke in favor or opposition of the request.

Tystad asked for clarification if the property owners would be able to apply for future building permits. Staff said that if the variance were approved, they would be eligible for future permits but if it were denied, the property would be considered non-compliant. Chairman Majure asked for clarification on the setback to the property owner and acknowledged that no adjoining land owners have come forward opposing the structure.

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

Chairman Majure closed the Public Hearing.

Commissioner Bailey motioned to approve the Variance and Commissioner Rosenthal seconded.

ROLL CALL VOTE - Motion to approve the Request passed, 7/0

Adjournment of the Board of Zoning Appeals at 6:55pm.