

LEAVENWORTH COUNTY PLANNING COMMISSION
MINUTES OF THE REGULAR MEETING
June 11, 2025

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

The Planning Commission meeting was called to order at 5:32 p.m.

Pledge of Allegiance

Members present: Jaden Bailey, Allan Stork, William Gottschalk, Jeff Spink, Robert Owens, Marcus Majure, Steve Skeet, Dan Clemons and Steve Rosenthal

Members absent: Doug Tystad.

Staff present: John Jacobson-Director, Amy Allison-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, 8/1 (1 abstained).

Secretary's Report. John Jacobson stated the Register of Deeds would like to present. TerriLois Mashburn informed the public of fraudulent invoices on Leavenworth County Planning and Zoning letterhead.

Declarations. None.

Amy Allison indicated that the Board of Zoning Appeals will convene first to hear one variance request, then the Planning Commission will reconvene to consider three Subdivision/Exception items, one Rezone and one Special Use Permit request.

Approval of Agenda

Roll Call: Allan Stork, William Gottschalk, Jeff Spink, Robert Owens, Marcus Majure, Steve Skeet and Dan Clemons.

Board of Zoning Appeals

A. Case DEV-25-058 Variance - Eden

Consideration of a Variance request from **Article 5, Section 4.1.a** of the Leavenworth County Zoning & Subdivision Regulations on the following described property: Lot 1, Wake Subdivision, a subdivision in Leavenworth County, Kansas.

Also known as 19176 Stranger Road

Secretary's Report. Josh Schweitzer outlined the variance request approval of the construction of a 30 x 30 addition. The current structure was built in approximately 1963 prior to current regulations and is considered legal, non-conforming. The applicant would like to expand the structure within the regulatory setback. A variance is needed for this request. Staff provided the five non-statutory requirements.

Chairman Majure opened the public hearing.

Surveyor Joe Herring outlined the facts regarding the potential addition. The first consideration was not feasible as it interfered with the lateral lines on the property. The property owners are aware that if the structure is damaged 51% or more, it must be constructed in a different area of the property.

Karen Buttary, 19250 Stranger Road, Leavenworth, Kansas, spoke regarding the parcel. Ms. Buttary stated her family sold the property to current owners and are in favor of the proposed addition.

Property owners Travis and Taylor Eden spoke about the history of property since the purchase nearly four years ago. Travis Eden stated they were not aware of the regulation restrictions until they were working on drawings to expand the structure.

Chairman Majure closed the public hearing.

Commissioner Stork motioned to approve the variance and Commissioner Skeet seconded.

ROLL CALL VOTE - Motion to approve the variance passed, 6/0.

Adjournment of the Board of Zoning Appeals at 5:46pm.

Reconvened as the Planning Commission

Approval of Agenda

Commissioner Stork Motioned to approve agenda and Commissioner Clemons seconded

ROLL CALL VOTE: Motion to approve the variance passed, 7/0 (1 abstained, 1 absent).

Regular Agenda

A. Case DEV-25-023 & 024 Preliminary & Final Plat- Tuttle Acres

Consideration of a Preliminary and Final Plat for a Tract of land in the Southeast Quarter of Section 33, Township 10 South, Range 22 East of the 6th P.M., Leavenworth County, Kansas.

Also known as 19701 163rd Street

Staff Report. Josh Schweitzer stated the applicant is proposing to divide the property into two separate lots. It requires two Exceptions for Lot 1.

Krystal Voth spoke about the project and that it currently does not comply with current zoning regulations; thus requesting approval of the two Exceptions.

Commissioner Rosenthal motioned to approved the first Exception related to the non-conforming structure. Commissioner Bailey seconded.

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

Commissioner Rosenthal motioned to approve the second Exception related to Lot to Depth to Lot Width. Commissioner Clemons seconded.

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

Commissioner Rosenthal motioned to approve Preliminary and Final Plat based upon staff's recommendations. Commissioner Gottschalk seconded.

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

B. Case DEV-25-037 Boundary Line Adjustment- McKee/Runnebaum

Consideration of an Exception for a Boundary Line Adjustment for Tracts of land in the Southeast Quarter of Section 22, Township 9 South, Range 22 East of the 6th P.M., Leavenworth County, Kansas.
Also known as 26629, 26141, 26253 and 00000 155th Street

Staff Report: Josh Schweitzer stated that the property owner is requesting an Exception from the zoning regulations with the intent to adjust the boundaries of six (6) parcels down to five (5) parcels. The Exception is for lot-depth to lot-width for tracts 1 and 2.

Joe Herring of Herring Surveying spoke about the intent of the development of the parcel.

Commissioner Clemons motioned to approve the Exception. Commissioner Stork seconded.

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

C. Case DEV-25-054 Boundary Line Adjustment- Altenhofen/Valenzuela

Consideration of an Exception for a Boundary Line Adjustment for Tracts of land in the Northwest Quarter of Section 35, Township 11 South, Range 21 East of the 6th P.M., Leavenworth County, Kansas.
Also known as 20426 & 20500 Woodend Rd

Staff Report: Josh Schweitzer outlined the applicant's proposal to adjust the boundaries from three (3) parcels into two (2), in addition to removing a non-compliant property. If approved, the adjustment would comply with zoning regulations. The Exception is for lot-depth to lot-width.

Joe Herring of Herring Surveying stated that the property was recently re-zoned to accommodate this request.

Commissioner Bailey motioned to approve and Commissioner Clemons seconded.

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

Chairman Majure addressed Commissioner Steven Rosenthal and expressed appreciation and gratitude for his 30-year commitment to the Leavenworth County Planning Commission.

D. Case DEV-25-057 Rezoning - Rose

Consideration of a rezoning request from RR-5 zoning district to R-1 (43) zoning on the following described property: The East Half of Lots 13 to 24 inclusive AND the West Half of Lots 19 to 24 inclusive, Block 4, in the TOWN OF RENO AND The West ½ of Lots 13, 14, 15, 16, 17 and 18 in Block 4, in the TOWN OF RENO, according to the recorded plat thereof in Leavenworth County, Kansas
Also known as 23326 & 00000 Reno Road

Staff Report: Amy Allison stated the parcels in question is within the old Reno Township plat. Ms. Allison further explained the Applicant is requesting the property be re-zoned to R-1 (43) from RR-5 primarily because the septic system is failing and they do not have sufficient area to install a new system. Both parcels will need to be combined which would not be compliant with the current zoning district.

Chairman Majure opened the public hearing.

Chip DeMoss, attorney for the applicant shared the background his client's property.

No additional comments were received.

Chairman Majure closed the public hearing.

Commissioner Clemons motioned to approved the rezone request based upon compliance of the Golden Factors. Commissioner Stork seconded.

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

E. Case DEV-25-011 Special Use Permit - Flat Land Disposal LLC

Consideration of a Special Use Permit request for a Disposal or Storage of Waste Materials: Landfill on the following described property: Two tracts of land in the Northwest ¼ of Section 20, Township 8 South, Range 21 East of the 6th P.M., Leavenworth County, Kansas.

Also known as 00000 & 00000 Turner Road

Staff Report: Amy Allison presented the request and reviewed the staff report. Staff's recommendation is denial of the request based upon certain factors not being met.

Chairman Majure opened the public hearing.

Vince Cuezze, counsel for the applicant, presented to the Planning Commission. Mr. Cuezze reviewed staff's analysis and provided an alternative analysis in favor of meeting the Golden Factors, specifically Character of Neighborhood, Adjoining Land Uses and Benefit to the Community.

Tony Mellini of Terracon, spoke in favor of the SUP request and explained the benefits of the landfill; such as the positive economic factor causing new jobs to the area. Mr. Mellini added that Flat Land has full intent to comply with KDHE requirements.

Mark Blackburn, owner of Universal Waste Systems, spoke in favor of the landfill. Mr. Blackburn explained the positive benefits of the landfill and the potential of further expansion for more effective recycling in the area. Mr. Blackburn would like to work with the community to resolve any issues with the existing landfill.

Matthew Snider, 22247 Turner, Easton, spoke in opposition of the request stating due to visibility from adjoining properties and inability to resell his property.

Kyle Smith, 22476 Turner Road, Easton, spoke in opposition of the request due to traffic generation, erosion, concerns about environmental impact, and previous management.

Sharon Wagner, 22588 Easton Road, Easton, spoke in opposition of the expansion due to previous management, impact on roads, odor, property values, and negatives to public health and safety.

Ms. Wagner outlined her additional concerns regarding the negative impact in the community related to public health and safety. In addition, Ms. Wagner has seen a decline in her property value, which she believes is related to the nearby landfill.

Karen Crook, 22461 Happy Hollow Road, Easton, spoke in opposition due to contamination to the air, soil, and water and risk of methane gas, as well as concerns about traffic generation and young drivers on the road.

Howard Crook, 22461 Happy Hollow Road, Easton, spoke in opposition due to traffic accidents and potential risk due to traffic, property values and health risks due to environmental impacts.

Dennis Crook, 22351 Easton Road, Easton, spoke in opposition due to the potential materials that go into C&D Landfills and impacts on the environment and KDHE's ability to monitor this site for compliance.

Ron Weinmann, 31245 Cemetary Road, Easton, spoke about his concerns caused by the land fill; specifically, the odor, debris and the fires.

Jacob Pineau, 21940 Easton Road, Easton, spoke in opposition of approval based upon the same issues prior residents mentioned.

Donna Crook Rogers, 22447 Easton Road, Easton, spoke in opposition due to recent changes in the operation of the landfill including the odor and soot.

John Wagner, 22578 Easton Road, Easton, is in opposition based upon his understanding of the intent to extend the landfill and believes management will again continue to operate in an unsafe manner. Mr. Wagner opposes the landfill expansion.

Kara Luginbill-Smith, 22476 Turner Road, Easton, opposes the landfill expansion. Ms. Luginbill-Smith requested the Planning Commission "choose Easton's health over Flat Lands wealth".

Lloyd Crook, 22461 Happy Hollow Road, Easton, spoke of his largest concern being the potential increase of semi-truck traffic and how it impacts the safety of young drivers in the area.

Julie Eastburn, 22562 Easton Road, Easton, spoke in opposition stating her largest concern is safety on Highway 192. She mentioned with three (3) nearby schools, safety would potentially be impacted affecting her daughter and niece.

Kris Weinmann, 211 S. 3rd, Easton, spoke in opposition due to previous concerns raised as well as past legal challenges by the former owners and the potential future litigation due to non-compliance.

Chairman Majure closed the public hearing.

Counselor Misty Brown suggested an opportunity for a rebuttal by the Applicant, based upon the extensive public comments.

Mark Blackburn spoke about his respect of the surrounding property owners and acknowledged their concerns. Mr. Blackburn is aware that no one truly wants a facility like this nearby, but stated in his experience he believes they are necessary. Mr. Blackburn shared the success of their recycling facility in Santa Fe Springs, California which took 10 years to approve and build. The facility recycles an average of 2,000 tons per day and has been a very successful program. Mr. Blackburn stated their facilities must follow local, state and federal guidelines and the State and County should assist in helping the residents achieve a healthier environment. Mr. Blackburn believes with education to municipalities and the residents, a comprehensive recycling program could be created for the State of Kansas.

Commissioner Bailey asked Mr. Blackburn what the average acreage size of a C&D landfill is. Blackburn responded that they "recycle" rather than add to land fills. He spoke of his New Mexico facility, which adds C&D and trash together which provides a better compacting process.

Commissioner Owens questioned whether we are to look at this case as a new SUP. Counselor Misty Brown confirmed this application if for a new SUP and the Planning Commission should consider the factors in the staff report.

Commissioner Stork invited the Applicant to address additional questions. Commissioner Stork stated the serious nature of the problem in Leavenworth County and asked for specifics on how Flat Land's problems can be fixed. Mr. Blackburn responded that he would be interested in educating government and residents and create a concrete plan to improve the process.

Director Jacobson clarified the current use of the landfill versus alternative ways to address the problem. Mr. Jacobson suggested the owners of Flat Land first educate the residents, address the City of Easton and finally address with the County with how their plan would proceed. Mr. Blackburn disagreed with the SUP application becoming a new one rather than extension of the original one.

Commissioner Owens explained how he believes the second SUP is not related to the new request, it therefore should be a new SUP because it has been shut down by the State and County.

Clemons mentioned the change of traffic and the effects on the citizens.

Commissioner Bailey spoke of the fact that typically every SUP will be denied based upon the fact that they do not 1) meet the requirements of the Comprehensive Plan; and 2) the Golden Factor of the character of the

neighborhood is more prominent. Commissioner Bailey raised the idea of “is this expansion right for the area” and are there any recommended distance (from housing) requirements for this use and what would KDHE recommend?

Director Jacobson stated that typically this use is located in an industrial area. As far as the footprint of a C&D, the staff report contains the specific criteria to be considered which outlines staff’s recommendations for this type of land use.

Commissioner Bailey added that Mr. Blackburn of Universal stated that his other facilities are located in “industrial areas”. The Flat Land facility is a distinct difference.

Commissioner Spink states he’s at Route 7 and Highway 192 often and has witnessed many “just missed accidents” with trucks in the morning while kids are travelling to school. He has recommended his nieces take alternate routes because he’s witnessed trucks cutting the corner short or attempting to “beat the cars”. Commissioner Spink believes the road to the landfill is too narrow for the delivery trucks and mentioned the odor is an issue.

Commissioner Owens stated his concern for the safety of the high school kids and young driver’s as well as the unanswered environmental impact we will have in this area. Commissioner Owens stated he would like to move his family members to the area eventually which raises more health concern.

Commissioner Skeet supported the same concerns of other Commissioners, which ties his concerns to the Goden.

Commissioner Clemons mentioned Golden Factor #6 outlines public health safety and welfare.

Commissioner Stork believes there are many points to consider and the “character of the neighborhood” needs to be considered in the SUP. Commissioner Stork would welcome the opportunity for the Flat Land owning company to present to the community before the request a decision on the SUP.

Commissioner Gottschalk mentioned Golden Factor #4 related to traffic, and that he’s aware of the lack of shoulder space on the connecting road. He also mentioned the improvements on Highway 92 to allow for heavy equipment.

Commissioner Clemons stated his concerns are related to Golden Factors 6, 4, 2 and 1.

Commissioner Bailey expressed his gratitude for the candidness and respect Mr. Blackburn displayed to the residents while sharing options this community may have. Commissioner Bailey suggested that the Planning Commission look at this situation in a segmented way rather than ignoring the existing problem. Commissioner Bailey isn’t convinced expansion of Flat Land is the answer.

Commissioner Rosenthal suggested there are other C&D landfills in the County. Deputy Director Allison confirmed Flat Land is the only C&D landfill in the County, but there are other “clean rubble” landfills. Commissioner Rosenthal raised the issue that Flat Land must have good reason to have chosen that are and has run the facility for many years without problems confirms it is likely a good location for a landfill. Commissioner Rosenthal added that the public opposition to expansion of Flat Land confirms that it may not function correctly and has become a more recent problem. Commissioner Rosenthal suggested a possible traffic impact fee to remedy the traffic issue and allowing Universal an opportunity to improve the existing landfill.

Commissioner Owens motioned to deny the request for the Special Use Permit as it does not comply with Golden Factors 1, 2, 4 and 6). Commissioner Clemons seconded the motion.

ROLL CALL VOTE - Motion to deny the Special Use Permit passed, 8/0. (1 absent).

Adjournment of Planning Commission at 7:53pm.

Upcoming meeting dates:

Wednesday, July 9, 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 – 913-364-5750