

LEAVENWORTH COUNTY PLANNING COMMISSION  
MINUTES OF THE REGULAR MEETING  
November 12, 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:** Joshua Zenger, Jaden Bailey, William Gottschalk, Dan Clemons, Chairman Jeff Spink, Doug Tystad, Steve Skeet, Andrew Gribble and Marcus Majure.

**Members absent:** None.

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

**Approval of Minutes**

Commissioner Bailey motioned to approve the minutes. Commissioner Tystad seconded.

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

**Secretary's Report.** Amy Allison stated there are four items on the Consent Agenda. Ms. Allison added there are three subdivision items on the Regular Agenda, including one public hearing. Ms. Allison stated additional items were received after the agenda packet was complete. Staff

**Declarations** None.

**Approval of Agenda**

Commissioner Majure motioned to approve the agenda and Commissioner Clemons seconded.

**ROLL CALL VOTE - Motion to approve the motion passed 9/0.**

**Regular Agenda**

**Case DEV-25-102/103 Preliminary and Final Plat – Nehl Acres**

Consideration of a Preliminary and Final Plat for a tract of land in Section 4, Township 11 South, Range 21 East of the 6<sup>th</sup> P.M., Leavenworth County, Kansas.

**Also known as 22013 Parallel Road**

Josh Schweitzer outlined the preliminary and final plan consideration, where the applicant is proposing to split a 15-acre tract into two lots. Mr. Schweitzer explained the request does require an exception for an irregular shaped lot. In this case the property owners prefer the newly split lots to align the creek line. The natural features of the property and potential changes were explained and Mr. Schweitzer mentioned that those details have been included in the staff report.

Applicant Krystal Voth of Atlas spoke briefly about the progression of the creek on the property over time and offered to answer any questions.

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

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

Commissioner Gribble motioned to approve the plat and Commissioner Tystad seconded.

**ROLL CALL VOTE - Motion to approve the plat passed 9/0.**

**B. Case DEV-25-106 Preliminary Plat – The Reserve at Blake Farms**

Consideration of a Preliminary Plat for a tract of land in the Northeast Quarter of Section 14, Township 10 South, Range 22 East of the 6<sup>th</sup> P.M., Leavenworth County, Kansas.

**Also known as 14971 Fairmount Road**

Amy Allison outlined the request for a preliminary plat approval, which is a cross access subdivision which includes a public drive which currently contains an existing primary property and accessory structure. The application is requesting to divide the property into 8 lots, which would require two exceptions to comply with regulations. Mr. Herring shared the history of the property and the high-end potential of the expansion.

Applicant Joe Herring spoke of the request is essentially a plan to separate lot 8 which contains a barn and a shop to maximize use.

Commissioners Tystad and Owens asked a few questions regarding the larger horse barn. Joe Herring clarified several items.

Commissioner Owens asked if the property owners are considering a barndominium concept. Mr. Herring confirmed that type of structure is being considered but if it is built, it will be high-quality.

Commissioner Gribble asked questions regarding conformity and road access. Commissioner Tystad asked about fire district access. Mr. Herring confirmed the layout would accommodate emergency services.

Commissioner Clemons motioned to approve the exception and Commissioner Tystad seconded.

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

Commissioner Bailey motioned to approve the subdivision request and Commissioner Gribble seconded.

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

Commissioner Zenger motioned to approve the plat and Commissioner Clemons seconded.

**ROLL CALL VOTE - Motion to approve the plat passed 9/0.**

**C. Case DEV-25-117/118 Preliminary and Final Plat – Aye Acres**

Consideration of a Preliminary and Final Plat for a tract of land in the Southeast Quarter of Section 32, Township 10 South, Range 21 East of the 6<sup>th</sup> P.M., Leavenworth County, Kansas.

**Also known as 19851 219<sup>th</sup> Street**

Josh Schweitzer outlined the consideration of applicant's proposal to divide their property into 2 lots. This request requires an exception as lot 2 exceeds the lot depth to lot width ratio by approximately 130 feet.

Joe Herring explained the applicant's request for the exception as well as the impact the flood plain has on the regulations.

Commissioner Clemons 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 plat and Commissioner Clemons seconded.

**ROLL CALL VOTE - Motion to approve the plat passed 9/0.**

**D. Case DEV-25-021 Special Use Permit – Kaw Valley Companies, Inc.**

Consideration of a Special Use Permit request for a sand excavation and stockpiling business on the following described property: A tract of land over a portion of the Northwest, Northeast, Southwest and Southeast of Section 22, Township 12 South, Range 22 East, of Leavenworth County, Kansas.

**Also known as 16201 & 00000 Lenape Road**

Amy Allison stated the case is a Special Use Permit for the parcels which are zoned I-3, heavy industrial. Both properties are currently being used for agricultural purposes. Ms. Allison explained the applicant is requesting the SUP for sand excavation and stockpiling business on both properties. Ms. Allison provided specific details regarding the intent of processes of the applicant including explanation of employees and proposed hours of operation. Ms. Allison explained the anticipated traffic and that the applicant has offered both primary and alternate routes. It was further added that the applicant intends to convert the excavation pit into a recreational lake that will serve future property owners. Ms. Allison added that once a KDHA permit has been finalized, a copy of the permit including the reclamation plan and state required bond shall be provided to the County. Ms. Allison covered fencing and sanitary conditions in the Special Use Permit. The cities of DeSoto and Olathe's concerns were mentioned along with the applicant's plan to remedy the concerns.

Ms. Allison shared the concept plans applicant proposes for plantings to serve as noise buffering as well as lighting specifics. Staff has recommended noise near residential areas is not to exceed 65 decibels.

A dust control and abatement program would be in place by the applicant to make sure all stock piles would be maintained and watered at regular intervals. Ms. Allison mentioned the property is located in a regulatory floodway and the applicant provided letters of jurisdictional determination from Army Corp of Engineers based upon the flood plain requirements. Additionally, the applicant has been in contact with the State in regards to the water resources and floodplain requirements. The applicant provided a State floodplain permit as part of their application. Ms. Allison added that a floodplain permit is also required by the County.

Lastly, Ms. Allison stated that the applicant has requested the SUP be approved for a period of 25 years. Staff is recommending a period of 3 years based upon the impact of the surrounding property owners and increased traffic as well as conditions to be met if the proposal is approved.

Aaron March spoke on behalf of Kaw Valley. Mr. March thanked property owners who attended a recent community meeting as well as the Planning Commission meeting. Mr. March thanks various departments of Leavenworth County. Mr. March added that Kaw Valley has agreed to 28 of the 31 requirements.

Mr. March explained the history of Kaw Valley, zoning classifications and current and potential future functions. Adequate buffering will be provided by installing berms with a 6ft construction site. They are highly regulated by federal and local governments.

Mr. March explained the excavating process and how the dredges are utilized. Production details were provided along with specifics on the traffic study and the transporting by trucks owned by Kaw Valley. Mr. March confirmed Evergy has lines nearby and would provide electrical needs, not diesel.

Mr. March outlined the process of dust abatement to reduce the amount of waste in the production as well as the fencing on the property to protect the top soil as well as Kaw Valley's inspection schedule. It was further mentioned that no toxic chemicals would be used in Kaw Valley's operations.

Eric Fritz spoke about the specifics on traffic on relevant roadways. Mr. Fritz mentioned an extensive route study that was done and that Kaw Valley has been receptive to recommendation by Olssen Engineering which

identifies areas of improvements which would be part of the development agreement. K32 access was mentioned and concepts about bicycle and traffic safety. It is anticipated that these

Brian Boyd if GBA Engineering discussed the noise analysis. He touched about the measurable decibels and to mitigate the noise. Trees would be planted on the north and south ends of the parcel to reduce the noise to an allowable.

Mr. March returned to explain the economic impact of the Wichita State has studied the impact would create an strengthen local economy. It is estimated a lasting operational presence that strengthens local employment, household employment and economic growth.

Mr. March explained the expenses involved with complying with the conditions of the SUP, which would likely exceed the 3-year recommendation by staff. Mr. March explained the reasons behind Kaw Valley's disagreement with 3 of the conditions recommended by staff.

Chairman Spink offered questions by the Planning Commission.

Commissioner Owens asked Mr. March for clarification regarding who will maintain the ponds, which was provided. Commissioner Owens asked Director Jacobson for clarification of the zoning. Mr. Jacobson confirmed this particular property has been zoned Industrial since 1965.

Commissioner Tystad asked for clarification about the current agricultural use (corn and beans crops). Commissioner Tystad also asked if Kaw Valley anticipates an entrance on Lanape Road. Tystad asked for confirmation of operation hours and traffic and economic impact on the County. Tystad asked for clarification for

Commissioner Zenger asked for clarification on public roadway improvements by the applicant. Mr. March responded that those items are very preliminary, but will be included in the required development agreement.

Director Jacobson stated the development agreement would be created with the involvement of Board of County Commissioners.

Commissioner Tystad asked for further about the engineering and what would occur if another hauler comes in to assist with operations. Mr. March confirmed a Point of Sale would not occur on site.

Commissioner Gribble asked for clarification on drudging and stockpiling. Mr. March responded Were inventory is stored until sold which could typically be 1-5 days. Primary and secondary routes and right-of-way access.

Commissioner Tystad asked if engineers have looked at ground stability near Lanape Road. Mr. March responded that before the County would approve the installation of a transmission line under Lanape Road, the engineering report would need to be submitted to Leavenworth County Public Works department. Discussions ensued regarding points of sale at this facility. Mr. March confirmed that there would not be points of sale at this location.

Commissioner Zenger asked for clarification on specifics "temporary" stockpiling as well as primary and secondary routes and right-of-way specifics.

Commissioner Bailey asked if County Road 1 and I-70 would ever be considered for alternate routes. Mr. stated that was mentioned by not part of their application. Currently there is no rail, but they are happy to explore and likely not occur in the near future.

Current a public hearing comes to a Planning Commission recommendation which then is addressed with BOCC.

Director John Jacobson stated that Kaw Valley cannot operate an SUP unless every condition of the development agreement is met.

Commissioner Clemons asked for clarification on roadway materials, traffic life expectancy of the materials on the roadway as well as signage and the types of trucks that would be affecting the roadways. Life expectancy of the roadways after improvement are estimated to be 20 years.

Commissioner Owens questioned roadway improvements and County Counselor Misty Brown stated that in 2023 the County established a policy regarding a haul route that is requested in connection with an SUP and which require the applicant to hire a 3<sup>rd</sup> party to study and determine road improvements that would be appropriate to support the usage and applicant would be required to pay for those improvements. In order to obtain the SUP the process is required to

Commissioner Clemons spoke of his concern regarding a 25year SUP based upon long-term road conditions as time lapses.

Commissioner Tystad asked for clarification on the applicant's position on conditions regarding to applicant's complying with requirements for roadways and coverts.

Commissioner Bailey asked about the possibility of connecting Golden Road to Loring Road as a possible alternate route.

Commissioner Clemons raised his concern for the length of the SUP as it relates to Kaw Valley's maintaining roadway quality.

Commissioner Majure asked if the operations would affect water well. Deputy Director Allison stated water quality certification would be part of the SUP. Commissioner Majure raised the issue of trips per day. Mr. March stated an average of 50 trips on average per day.

Further discussions ensued regarding safety, State involvement and traffic related to the Kaw Valley.

Commissioners discussed the possibility of retail sales tax dollars from the project. Director Jacobson suggested planning commissioners request the issue of including sales tax be included in the development agreement as part of the Special Use Permit.

### **Chairmen Spink opened the Public Hearing.**

Kirk Saur, vice-chairman that the Fire District #2 and the district has taken no formal position of the SUP, but does have some safety concerns. Assistant Fire Chief Dylan Ritter spoke about this project, but has limited information.

Currently the fire district covers 92 square miles, nearly all of the calls (500-550 per year) are related to high-speed traffic accidents. The district includes some of the worst intersections that the department responds to annually. The district responds to roughly 4-7 fatalities per year and they correlate with several dangerous intersections.

Charlie Hefton, 14539 158<sup>th</sup> Street, spoke in opposition based upon the dangers at the intersection of 158<sup>th</sup> and K-32.

David Holland, 13242 170<sup>th</sup> St., Linwood, spoke in opposition based upon his concerns related to safety and traffic issues.

Mike McDonald, 14439 Woodend Rd., spoke in opposition based upon the complexity of the Kaw Valley's use and the importance of making an informed decision. He spoke of impact on roadways and safety and also questioned the benefits are there to the County if the SUP is approved.

Brad Aberall, 15355 161<sup>st</sup> St, Bonner Springs, spoke in opposition based upon his concern related to the truck traffic.

Maureen Ross, 12927 170<sup>th</sup> St., Linwood) who resides approximately 1 mile from the site. Ms. Ross spoke in opposition based up declined property values and the dangers of silica dust.

Dan Yates, 15256 Loring Rd, Bonner Springs, spoke in opposition based upon the dangers and risks the Kaw Valley project. Mr. Yates raised the concern that the County will not have the ability to monitor the activity.

Alan Jaskinia, 13162 158<sup>th</sup> St., Bonner Springs, spoke in opposition based upon potential traffic issues, specifically related to the 3 bridges connecting the Missouri River.

Cindy Reeves, 18738 Golden Road, spoke in opposition of based upon safety. She has witnessed dispatch of Life Lights and has known of many fatalities.

Paula Constania, 13162 158<sup>th</sup> and Loring, spoke in opposition based upon traffic concerns.

Mike Little, 14896 170<sup>th</sup> St, Bonner Springs, spoke in opposition based upon the pollution.

Tony Schmidt, 17322 Golden Rd, who spoke in opposition of the project based upon Golden Factors not being met. He and his wife received a notice about the SUP application. Mr. Schmidt stated he believed that not all property owners within 1,000 feet were notified.

Stacy Schmidt, 17322 Golden Rd, spoke in opposition based upon the Planning Commissions lack of facts, safety and declining property values.

Jason Hinckley, 17000 Loring Rd., stated the reasons for his opposition based upon community safety concerns, economic impact and lack of transparency and the County's inability to monitor the conditions of the Special Use Permit.

Mark Tinburg, 16904 Kreider Rd., Bonner Springs, outlined his opposition to approval of the SUP based upon environmental impacts.

Scott Harrison, 15885 Woodend Rd., near 158<sup>th</sup> and K-32. Mr. Harrison spoke in opposition based upon safety and traffic fatalities.

Todd Donaldson, 16440 Golden Rd., who resides across the street from the sandpit. Mr. Donaldson spoke in opposition based upon old data being used for the project.

Chris Hanson, 12537 166<sup>th</sup> St, spoke in opposition based upon the pollution and health risks.

Matthew Ross, 12927 170<sup>th</sup> St. Linwood, spoke in opposition based upon the noise, pollution, and roadway safety.

Damian Martell, 14725 Kreider Rd., just north of the Kaw Valley project. Mr. Martell spoke in opposition of the SUP based upon lack of information and the negative impact of the sandpit.

Jennifer Smith James, 13804 158<sup>th</sup> St., spoke in opposition based upon roadway safety and pollution related to health risks.

Nancy Carpenter, 14681 Krieder Rd., spoke in opposition of the SUP based upon declining of property values, roadway safety and traffic concerns.

**There was a brief break in the meeting.**

Aaron March addressed the public concerns and reinforced their plans to address the public concerns. Mr. March gave the example of the success of project near Lake Quivira. There was an SUP renewal recently and no one attended in opposition of the renewal.

**Chairman Spink closed the public hearing.**

Commissioner Tystad stated his stance on potential problems with the Kaw Valley SUP renewal and the hours of operation. Deputy Director Amy Allison responded with clarifications.

Commissioner Clemons requested clarification on timeframe of meeting conditions prior to SUP approval. Jacobson confirmed the 3-year period of the SUP begins after all conditions have been met.

Commissioner Gribble asked Kaw Valley the timeframe on the Lake Quivira SUP renewal. Mr. March confirmed the Lake Quivira SUP was renewed for a period of 10 years.

Further discussions ensued.

Commissioner Bailey proposed the case be tabled to allow more time to gather information needed to make the final decision.

County Counselor Brown stated that since the public hearing has been closed and new information could not be considered.

Director Jacobson stated it is not realistic to discuss design details related on the SUP within the next month.

Commissioners discussed potential term of the SUP.

Commissioner Tystad motioned to deny the request based upon golden factors 1, 4 and 6 factors. Commissioner Skeet seconded the motion.

Commissioner Tystad amended his motion to include golden factor 2 and Commission Skeet seconded.

**ROLL CALL VOTE - Motion to deny approval passed 9/0.**

**Meeting concluded at 9:23pm.**

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