

LEAVENWORTH COUNTY PLANNING COMMISSION  
MINUTES OF THE REGULAR MEETING  
May 13, 2026

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

**The Planning Commission meeting was called to order at 5:31 p.m.**

**Pledge of Allegiance**

**Members present:** Joshua Zenger, Jaden Bailey, Dan Clemons, William Gottschalk, Chairman Jeff Spink, Doug Tystad, Robert Owens and Andrew Gribble

**Members absent:** Marcus Majure

**Staff present:** John Jacobson-Director, Amy Allison-Deputy Director, Josh Schweitzer-Planner II, Misty Brown-County Counselor, Anne Marie Yatsula-Deputy County Counselor

**Approval of Minutes**

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

**ROLL CALL VOTE - Motion to approve the minutes passed 8/0. (Absent: Marcus Majure)**

**Secretary's Report**

Deputy Director Amy Allison stated that there were three items on the Consent Agenda. Ms. Allison added there would be three subdivision actions on the Regular Agenda; two special use permit requests and the annual review of the Comprehensive Plan. Ms. Allison informed the public they should sign in if speaking and that additional seating with live coverage is available in the Planning & Zoning offices.

**Declarations** None.

**Approval of Agenda**

Commissioner Owens requested a correction to the attendance of previous Planning Commission meeting.

Commissioner Tystad motioned to approve the amended agenda and Commissioner Clemons seconded.

**ROLL CALL VOTE - Motion to approve the minutes passed 8/0. (Absent: Marcus Majure)**

**9. Regular Agenda**

**A. Case DEV-26-040 Boundary Line Adjustment Exception – Stauffer**

Consideration of an Exception to the Zoning & Subdivision Regulations for a tract of land in the Southeast Quarter of Section 34, Township 11 South, Range 22 East of the 6th P.M., Leavenworth County, Kansas.  
**Also known as 15025 158<sup>th</sup> Street**

Planner II, Josh Schweitzer stated that the applicant stated that the applicant is requesting an exception from the zoning and subdivision regulations, lot-depth to lot-width ratio for Lot 2 on the boundary lot adjustment

Surveyor Joe Herring explained that the owners would like to separate the pond and an area nearby to construct an accessory structure behind the existing house and keep everything on one tract. Essentially, the request is made to further enhance the property and allow the remaining area to be developed in the future.

Commissioner Tystad asked for clarification regarding the entrance and a possible cross access easement.

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

**ROLL CALL VOTE - Motion to approve the exception passed 8/0.**

**B. Case DEV-26-042 Boundary Line Adjustment Exception – Hite/Dill Trust**

Consideration of an Exception to the Zoning & Subdivision Regulations for a tract of land in the Southwest Quarter of Section 34, Township 9 South, Range 20 East of the 6th P.M., Leavenworth County, Kansas.

**Also known as 24458 & 24728 259<sup>th</sup> Street**

Deputy Director Amy Allison stated that the applicant is requesting a boundary line adjustment in the south area of the parcel, which would allow them to acquire approximately three additional acres to the south. The adjoining property owner is willing to comply.

Krystal Voth of Atlas Consulting spoke on behalf of the applicant further explaining that the driveway causes the challenge to comply with the road frontage requirements.

Commissioner Zenger motioned to approve the request and Commissioner Bailey seconded.

**ROLL CALL VOTE - Motion to approve the exception passed 8/0.**

**C. Case DEV-26-062 Plat Exception – Creekstone Ridge 3<sup>rd</sup> Plat**

Consideration of an Exception to the Zoning & Subdivision Regulations for the replat of Lots 3 and 5, Creekstone Ridge, Leavenworth County, Kansas.

**Also known as 00000 176<sup>th</sup> Street**

Planner II, Josh Schweitzer stated that the applicant is requesting an exception related to road connectivity regulation and are seeking to re-plat lots 3 and 5 of the subdivision. The applicant is seeking to construct an interior subdivision road off of 178<sup>th</sup> Street. Mr. Schweitzer clarified that the re-platting request would come at a later date.

Surveyor Joe Herring explained that this request is possibly the fourth rendition of the reconfiguration for this property. A drawing was submitted with the application for this particular request.

Further discussions ensued between the Commissioners, the Surveyor and Director Jacobson.

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

**ROLL CALL VOTE - Motion to approve the exception passed 8/0.**

#### **D. Case DEV-25-021 Special Use Permit – Kaw Valley**

Consideration of a Special Use Permit request for an Extraction or raw materials (Sand Excavation and Stockpiling Business) on the following described property: tracts of land in the Northwest, Northeast, Southwest and Southeast Quarters of Section 22, Township 12 South, Range 22 East, Leavenworth County, Kansas.

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

Deputy Director Allison outlined prior action where the Planning Commission approved the applicant's Special Use Permit at the November, 2025 meeting. A recommendation to modify the application was given that at that time and the Board of County Commissioners considered the matter on their March 25, 2026 meeting. The applicant then proposed making further changes to their application. The Board of County Commissioners further directed the applicant back before the Planning Commission for re-consideration.

County Counselor Misty Brown addressed the Planning Commissioners explaining the a remand is not a common practice; but Counselor emphasized that this matter was heard before the Board of County Commissioner and it was sent back to Planning Commissioners specifically: 1) conduct a new public hearing to address any modifications to the application to include a possible new haul route, potential retail sales and reclamation plan; 2) to have the Planning Commission evaluate the application as modified under the applicable approval criteria to include the Golden Factors; and 3) to develop an updated recommendation for the Commission's consideration.

The applicant has indicated that the original application has not changed, but they have expressed a willingness to consider changes to the proposed special conditions and are present during the public hearing and able to answer any questions. Counselor Brown mentioned that any evaluation or improvements of the roads would include involvement of a third-party engineer only after a Special Use Permit was granted.

Further discussions ensued and Counselor Brown further explained the position Planning Commissioners need to take moving forward.

Commissioner Owens asked for clarification on the term of the SUP. Deputy Director Allison stated that Staff's recommendation is a 3-year term, while the applicant had requested a 25-year term.

Further discussions ensued and Commissioner Tystad suggested all Commissioners again review the Golden Factors that led the Planning Commission to recommend disapproval.

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

Kaw Valley representatives explained details concerning a development agreement that has been negotiated, currently being negotiated.

New facts and information that has arisen since the last time Kaw Valley went before this Planning Commission. The property layout and zoning was explained. The regulations of their operation were mentioned. Besides Leavenworth County Public Works and Planning and Zoning, KDOT has various departments and organizations that reviews Kaw Valley's activities. This includes how operations affect road systems and well water. Additionally, the federal government is overseeing operations. Namely, Mine Safety Health Administration (MSHA), OSHA, U.S. Army Corps of Engineers and FEMA. Hauling hours were outlined as well as drudging having no restrictions. Equipment details were provided and explanation given that Kaw Valley does not operate by diesel; they rely electric power. The frequency of trips was explained, with an average of 50 trips per day. The traffic study was outlined to be over 100 trips per day; yet confirmed the roadways could accommodate Kaw Valley's demands on Golden Road and K-32.

Details were provided regarding a development plan that is currently underway between Kaw Valley and Leavenworth County.

Eric Fritz of GBA Transportation explained the federal grant was awarded to the County to make significant improvements to Golden Road. Further details were explained on how these improvements would affect the shoulders of the road, slopes and safety improvements at K-32 and Golden Road. It was mentioned that the grant funds would not allow for overlay on the roadways.

Mr. March stated that his understand was that the federal grant is specifically designed to mitigation the majority of safety concerns and would be in the amount of approximately \$8 million. This would address safety issues on Golden Road as they exist today. The following details were outlined:

1. Additional pavement with a depth of 5-inches with a 20yr life span is proposed; estimated to cost \$3 million, but final determination would be by a third-party engineer.
2. Kaw Valley would seek rail to the site, meeting is scheduled with UPR to discuss.
3. A per ton royalty was mentioned. For every ton of sand that leaves Kaw Valley's facility, a check will be sent to the County weekly for the life of the Special Use Permit

Mr. March stated that while Staff is recommending a 3-yr term for the Special Use Permit, Kaw Valley is requesting 25 years. The proposal of adding fencing was outlined to secure higher safety as well as limiting hours for drudging and stockpiling. Alternative routes were also mentioned, but Mr. March stated none seem to be beneficial. Mr. March stated the Kaw Valley is in agreement to add a condition requiring their traffic to turn left at K-32. Retail sales and sales tax and not part of their business model but Kaw Valley is open to adding as a condition of the SUP. It was mentioned that Kaw Valley has a history of generating economic development. Mr. March mentioned those who are the ownership group, Senior Vice President and Director of Business Development and General Manager/Director of Sales.

Commissioner Owens asked what potentially would happen with the property after the 25-yr term of the SUP. Mr. March responded that potentially a recreational pond with fishing. Kaw Valley has had conversations with the State about adding a public park.

Further discussions ensued regarding possible future uses for the property after the SUP expires. Commissioner Owens expressed the high concerns of high-grade silica sand, computer chips, guidance systems, etc. Counselor Misty Brown reminded the commission that the focus of the meeting is the impact of the roads.

Further discussions ensued regarding the potential fencing. Director Jacobson asked about the material used for the fencing. A chain-link fence was agreed to potentially.

Eric Soriano of Hernes Landscaping (residing in Shawnee, Kansas) spoke in favor of the Kaw Valley Special Use Permit. Mr. Soriano has done business with Kaw Valley for over 20 years and has found them to be a professional, high-caliber operation. Mr. Soriano supports the idea of the natural product that Kaw Valley creates.

Frank Lichtenauer of Overland Park, Kansas spoke in favor of SUP based upon the fact that his concrete company has utilized Kaw Valley over the course of 40 years with no issues.

Lisa Haack, Executive Director for Leavenworth County Development Corporation spoke in favor of the SUP for Kaw Valley. Ms. Haack stated her job is to support economic projects that create quality jobs and broaden the County's tax base. Ms. Haack added that approximately 90% of the property tax burden comes to the residents while commercial and industrial businesses cover roughly 10%. Additional jobs and business opportunities

Ernie Rieke of 23030 243<sup>rd</sup>. McLouth, Kansas spoke in favor of the SUP and explained the expansive use and need for sand. Mr. Rieke's family business moves heavy equipment and has done so for Kaw Valley. Mr. Rieke added that the Kaw Valley fleet is among the newest and safest equipment their business transports.

Ian Leintz, 102 Timbercreek Circle, Lansing, Kansas spoke in favor of the SUP approval for Kaw Valley.

William Minton, 105 E. Washington Street, Tonganoxie, Kansas spoke in favor of the sand pit operation. Mr. Minton has a Public Works job and says his employer purchases sand from Johnson County. Mr. Minton added if we purchased sand from our own County it would benefit everyone.

Jacob Morey, 21520 259<sup>th</sup>, McLouth, Kansas spoke in favor of the SUP, who also works for a local Public Works department and would

Commissioner Bailey motioned for a 5-minute break, Commissioner Owens seconded.

**Chairman Spink re-opened the Public Hearing.**

Cindy Reeves, 18738 Golden Road, Linwood, Kansas spoke in opposition of the Kaw Valley SUP based upon safety, noise and health risks.

Joel Sipp, 12421 158<sup>th</sup> Street, Linwood, Kansas, spoke in opposition.

Mike McDonald, 14439 Woodend Rd., Bonner Springs, Kansas spoke in opposition based upon environmental problems, flood risks and detrimental impact on property values.

Nancy Carpenter, 14681 Kreider Rd., Bonner Springs, Kansas spoke in opposition based upon environmental impacts.

Stacy Schmitt, 17322 Golden Rd., Linwood, Kansas spoke in opposition based upon the affect to the rural residential properties and environmental impact.

Rick Friederich, 15225 161<sup>st</sup> Street, Bonner Springs, Kansas spoke in opposition based upon safety concerns and the negative impacts from the hauling of material.

Ralph Wiggins, 12151 Desoto St., Linwood, Kansas spoke in opposition based upon the negative impact on water wells and supply.

Todd Donaldson, 16440 Golden Rd., spoke in opposition based upon Kaw Valley's negative impact on soil traffic.

Ben Morgan, 12548 158<sup>th</sup> St., Linwood, Kansas spoke in opposition based upon the negative impact on the shared family well near his home.

Jennifer Smith who resides near 158<sup>th</sup> and Kreider Road, Bonner Springs, Kansas spoke in opposition based upon the negative impact on the residents and the nearby properties.

Commissioner Tystad requested clarification regarding Kaw Valley's source of water and the impact of the neighborhood across the highway from the industrial area.

Mr. March responded that operations will be closely monitored by Kaw Valley and KDHE. Water equalization processes were explained by Eric Fritz of GBA Transportation.

Commissioner Tystad asked further clarification regarding accurate traffic patterns and more specifics of hauling details. Mr. March confirmed 20,000 total truck loads annually.

**Chairman Spink closed the Public Hearing.**

Commissioner Zenger motioned to deny the application for the SUP. Commissioner Clemons seconded.

Counselor Brown requested detail on the proposal to deny based upon Golden Factor #6. Commissioner Zenger stated the SUP would adversely affect public health, safety, morals, convenience, prosperity or welfare. Commissioner Zenger added that the applicant's operations may adversely affect adjacent properties, reduce health and public safety due to traffic.

Commissioner Tystad raised the issue of negative impact to the neighborhood character Golden Factor #1, based upon possibly extending haul routes that abut residential areas and the interplay between the two districts.

Further discussions ensued between the Planning Commission.

**ROLL CALL VOTE - Motion to deny the application for the SUP passed 5/3.**

**E. Case DEV-26-015 Special Use Permit – Tillman Infrastructure Communication Tower**

Consideration of a Special Use Permit request for a Wireless Communications Facility (Communication Tower) on the following described property: The Southwest Quarter (SW ¼) of Section Thirty-four (34), Township Eleven (11) South of Range Twenty-one (21) East of the 6th Principal Meridian except public highways.

**Also known as 15076 214<sup>th</sup> Street**

Deputy Director Allison outlined the application for a Special Use Permit to construct a telecommunications tower. The property is zoned RR-5 and applicant has requested to construct a 199-foot tower on the northwest corner of the parcel. Ms. Allison explained the various regulations and business decisions applicable. The tower will operate continuously with maintenance performed approximately once per month. Staff has recommended approval based upon all nine criteria on this type of operations has been met.

Commissioner Clemons questioned FCC requirements related to telecommunications towers. Director Jacobson explained the limitation of local authorities as it pertains to these types of towers.

**Chairman Spink opened the Public Hearing.**

Patrick Irwin, 5607 W. 130<sup>th</sup> St., Overland Park, Kansas spoke as a representative of the Applicant. Mr. Irwin explained that Tillman has filed with the FAA and received a No Hazard Determination letter. Mr. Irwin added that every tower that is built is filed with the FCC and the FAA and explained the low risk for issues with aircraft traffic.

No one spoke in favor or opposition of the application for the SUP.

**Chairman Spink closed the Public Hearing.**

Commissioner Tystad requested confirmation of the term of the SUP. Deputy Director Allison stated it would be 20 years.

Commissioner Tystad motioned to approve and Commissioner Skeet seconded.

**ROLL CALL VOTE - Motion to approve the application for the SUP passed 8/0.**

**F. Case DEV-26-048 Annual Comprehensive Plan Review – 2026 Proposed Amendment**

Consideration of the 2026 Annual Comprehensive Plan Review as required by K.S.A. 12-747 for the Leavenworth County Comprehensive Plan

Deputy Director Allison reminded the Planning Commission that the Comprehensive Plan must be reviewed annually and suggest any modifications to the Board of County Commissioners.

Ms. Allison reiterated that a work session took place in February, 2026 to address the Comprehensive Plan and one amendment was suggested at that time, essentially modifying timelines. Staff continues to recommend the amendment to strategically review the Plan periodically. Ms. Allison stated that Staff is recommending a 5-10 year review cycle.

**Chairman Spink opened the Public Hearing.**

Further discussions ensued regarding factors related to review cycles in cities and counties. Future land-use impacts were exchanged between Director Jacobson and Planning Commissioners.

Mr. Jacobson added that appropriate consultants may be involved in future reviews.

**Chairman Spink closed the Public Hearing.**

Commissioner Clemons motioned to approve the review of the Comprehensive Plan and Commissioner Gottschalk seconded.

**ROLL CALL VOTE - Motion to approve the Annual Review of the Comprehensive Plan passed 8/0.**

**Planning Commission meeting adjourned at 8:41pm.**

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