

LEAVENWORTH COUNTY PLANNING COMMISSION

Agenda for a Regular Meeting of 5:30 P.M., Wednesday, May 8, 2024
County Courthouse - 300 Walnut Street - Leavenworth, Kansas 66048

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-24-025 & 026 Preliminary & Final Plat Boling Crossing

Consideration of a Preliminary & Final Plat for a Minor Subdivision in the Northeast Quarter of Section 31, Township 09 South, Range 22, East of the 6th P.M., in Leavenworth County, Kansas.

Also known as 00000 183rd Street.

PID: 109-31-0-00-003.01

9. **Regular Agenda**

A. Case DEV-24-006 2024 Language Amendment – Part One *CANCELLED*****

Consideration of the proposed amendments to Articles 3, 22, 33, 35, 40, 43, 50, & 60 of the Leavenworth County Zoning & Subdivision Regulations.

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

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

Adjournment of Planning Commission

Board of Zoning Appeals

1. Roll Call

2. Regular Agenda

A. Case DEV-24-028 Variance P&D Concrete Entrance Spacing

Consideration of a Variance request from Article 41, Section 6 Exhibit B of the Leavenworth County Zoning & Subdivision Regulations on the following described property: A tract of land in the Southeast ¼ of Section 4, Township 11 South, Range 21 East of the 6th p.m., in the City of Tonganoxie, Leavenworth County, Kansas.

Also known as 00000 Tonganoxie Drive

PID: 192-04-0-40-03-001.00

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

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

Adjournment of the Board of Zoning Appeals

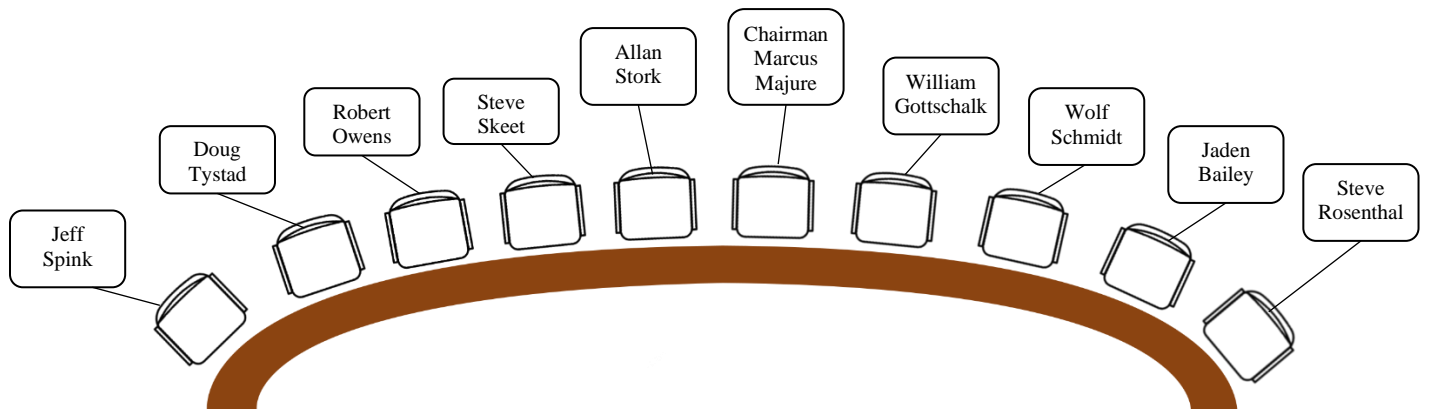
Upcoming meeting dates:

**Wednesday, June 12, 2024, 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 Stephanie Sloop – 913-684-0465

Planning Commission Seating Chart 2024



**LEAVENWORTH COUNTY PLANNING COMMISSION
MINUTES OF THE REGULAR MEETING
April 10, 2024**

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: Doug Tystad, Steve Rosenthal, Allan Stork, Wolf Schmidt, William Gottschalk, Jaden Bailey, Jeff Spink, Marcus Majure

Members absent: Jaden Bailey and Steve Skeet

Staff present: John Jacobson-Director, Amy Allison-Deputy Director, Josh Schweitzer-Planner, Stephanie Sloop-Planning Coordinator, David Van Parys-County Counselor

Minutes: Commissioner Tystad made a motion to approve the minutes and Commissioner Stork seconded that motion.

ROLL CALL VOTE - Motion to approve the passed, 7/0 (2 absent)

Secretary's Report: Amy Allison gave the secretary's report going over the agenda, stating that there were two items on the consent agenda.

Declarations: None

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

ROLL CALL VOTE - Motion to approve the agenda passed, 7/0 (2 absent)

**Case DEV-24-022 Preliminary Plat Exception Lot 1 Doane Acres Tract split
Consideration of an Exception from Article 50, Section 40.3.i (Lot-Depth to Lot-Width) for tracts of land
in Lot 1, Doane Acres, a Subdivision of land in Leavenworth County, Kansas.**

Josh Schweitzer gave the staff report for the above-listed case, outlining the details of the request.

Chairman Majure asked if there were any questions or discussions from the board. Chairman Majure asked if there was any additional information to present, if not he would accept a motion on the exception.

**Commissioner Stork motioned to approve the request for the Exception for Case DEV-24-022.
Commissioner Tystad seconded the motion.**

ROLL CALL VOTE - Motion to approve passed 7/0 (2 absent)

**Case DEV-24-013 Rezoning Z & M Vineyard
Consideration of a rezoning request form RR-5 zoning district to the RR-2.5 zoning district on the
following described property: Tract of land in the South Half of the Northwest quarter of Section13,
Township 12 South, Range 20, East of the 6th PM, Leavenworth County, Kansas.**

Amy Allison gave the staff report for the above-listed case, outlining the details of the request.

Chairman Majure asked if there were any questions or discussions from the board.

Chairman Majure opened the public comment portion of this hearing and invited the applicant/agent to come forward. Mr. Joe Herring, Herring Surveying, came forward to answer questions about the request.

Chairman Majure invited individuals wishing to so speak in favor or opposition of the request. No one came forward.

The public comment portion of the meeting was closed.

Chairman Majure asked if there was any additional information to present or questions from the board. Commissioners discussed policies. Chairman Majure said with no further discussion he would accept a motion.

Commissioner Stork motioned to approve the request for the request for Case DEV-24-013. Commissioner Schmidt seconded the motion.

ROLL CALL VOTE - Motion to approve passed 6/1 (2 absent)

*Commission Rosenthal voted no based on the case not meeting the following factors:
4. Extent to which removal of the restrictions will detrimentally affect nearby property
6. Relative gain to economic development, public health, safety and welfare*

Case DEV-24-024 Rezoning Walker-Cooper

Consideration of a rezoning request from the RR-5 to RR-2.5 zoning district on the following described property: Tract of land in the Southwest Quarter of the Northwest Quarter of Section 15, Township 10 South, Range 22 East of the 6th PM., Leavenworth County, Kansas

Josh Schweitzer gave the staff report for the above-listed case, outlining the details of the request.

Chairman Majure asked if there were any questions or discussions from the board.

Chairman Majure opened the public comment portion of this hearing and invited the applicant to come forward. Joe Herring/Herring Surveying came forward to answer questions about the request.

Chairman Majure invited individuals wishing to so speak in favor or opposition of the request. One individual came forward to ask questions about the request.

The public comment portion of the meeting was closed.

Chairman Majure asked if there was any additional information to present., if not he would accept a motion.

Commissioner Stork motioned to approve the request for the request for Case DEV-24-024. Commissioner Owens seconded the motion.

ROLL CALL VOTE - Motion to approve passed 7/0 (2 absent)

2024 Comprehensive Plan Annual Review

Consideration of the proposed amendments and action matrix as part of the Annual Review of the Comprehensive Plan for 2024.

Amy Allison gave the staff report for the above-listed case, outlining the details of the request.

Chairman Majure asked if there were any questions or discussions from the board. Chairman Majure opened the public comment of this hearing and invited members of the public forward to speak in favor or opposition. Several members of the public came forward to give public testimony.

The public hearing was closed.

Chairman Majure asked if there was any additional information to present or questions from the board. Discussion was had amongst the board members and staff. Chairman Majure said he would entertain a motion.

Commissioner Tystad motioned to approve the review of the 2024 Comprehensive Plan Annual Review with the addition of an additional matrix regarding a rooftop study. Discussion was had between the

planning board and staff. Commissioner Tystad amended his motion to approve the Annual Review as presented by staff. Commissioner Owens seconded the motion.

ROLL CALL VOTE - Motion to approve passed 7/0 (2 absent)

Meeting was adjourned 8:00 PM

Work Session called to order at 8:05

Work Session was held to discuss 2024 Language Amendment Part 1

Work Session ended at 8:27 PM.

Zoning

▨ B-1; B-2; B-3

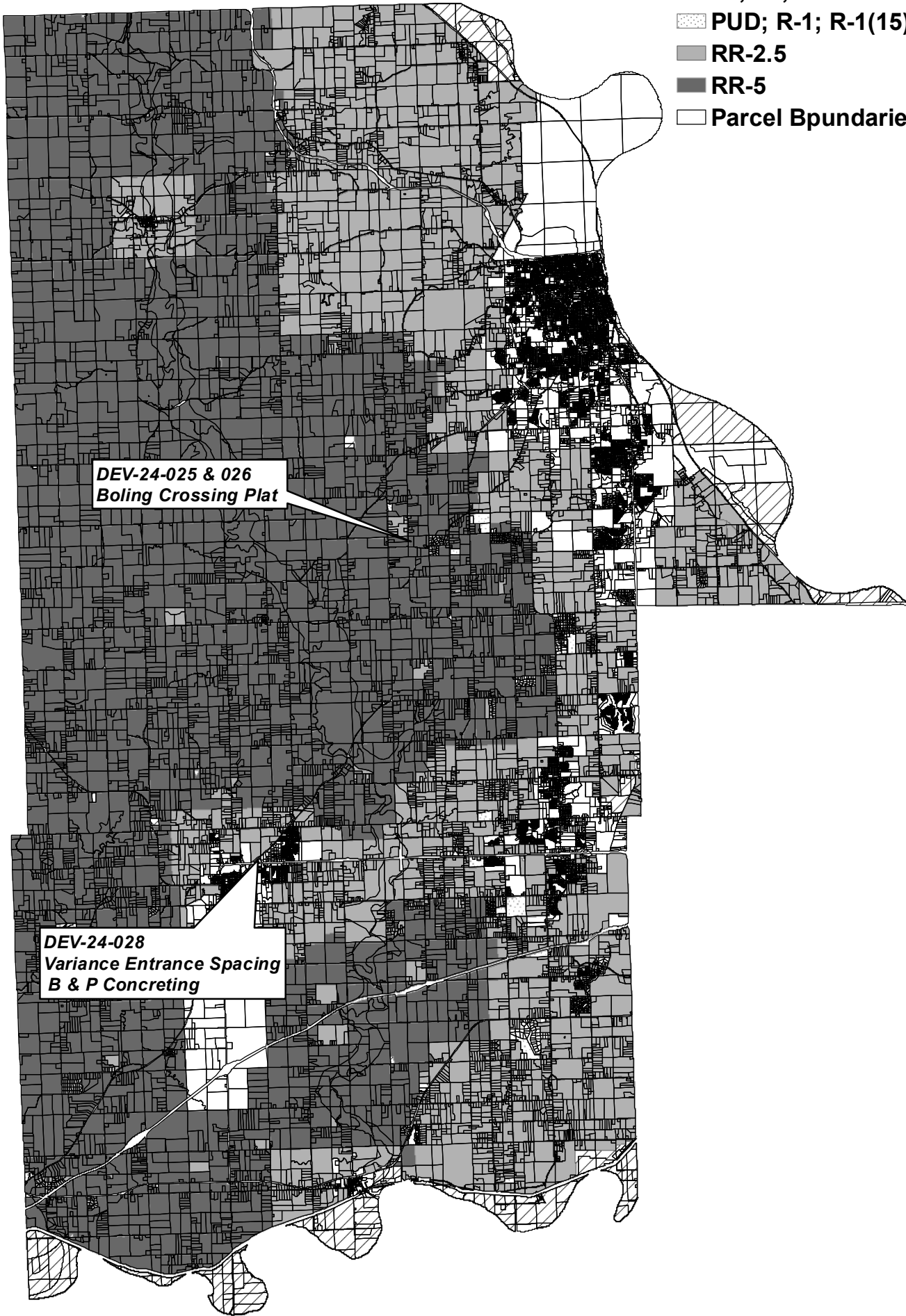
▨ I-1; I-2; I-3

▨ PUD; R-1; R-1(15); R-1(43); R-2

■ RR-2.5

■ RR-5

□ Parcel Bpundaries



DEV-24-025 & 026
Boling Crossing Plat

DEV-24-028
Variance Entrance Spacing
B & P Concreting

**LEAVENWORTH COUNTY
PLANNING COMMISSION
STAFF REPORT**

CASE NO: DEV-24-025 & 026 Boling Crossing

May 8, 2024

REQUEST: *Consent Agenda*

Preliminary Plat Final Plat

STAFF REPRESENTATIVE:

JOSH SCHWEITZER
Development Planner

SUBJECT PROPERTY: 00000 183RD Street.



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-5

FUTURE LAND USE DESIGNATION:

RR-2.5

LEGAL DESCRIPTION:

A Minor Subdivision in the Northeast Quarter of Section 31, Township 9 South, Range 22, East of the 6th P.M., in Leavenworth County Kansas.

SUBDIVISION: N/A

FLOODPLAIN: Parts of Lot 1 & 2 in Zone A

STAFF RECOMMENDATION: APPROVAL

PROPERTY INFORMATION

ACTION OPTIONS:

1. Recommend approval of Case No. DEV-24-025 & 026, Preliminary & Final Plat for Boling Crossing, to the Board of County Commission, with or without conditions; or
2. Recommend denial of Case No. DEV-24-025 & 026, Preliminary & Final Plat for Boling Crossing to the Board of County Commission for the following reasons; or
3. Continue the hearing to another date, time, and place.

PARCEL SIZE: 21.70 ACRES

PARCEL ID NO:

109-31-0-00-00-003.01

BUILDINGS:

N/A

PROJECT SUMMARY:

Request for a final plat approval to subdivide property located at 00000 183rd Street (109-31-0-00-00-003.01) as Lots 01 through 04 of Boling Crossing.

ACCESS/STREET:

183rd Street & Seymour Road - Local, Gravel ± 22'

Location Map: FUTURE LAND USE DESIGNATION



UTILITIES

SEWER: PRIVATE SEPTIC

FIRE: FD# 1

WATER: RWD 8

ELECTRIC: FREESTATE

NOTICE & REVIEW:

STAFF REVIEW:

4/23/2024

NEWSPAPER NOTIFICATION:

N/A

NOTICE TO SURROUNDING

PROPERTY OWNERS:

N/A

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

STAFF COMMENTS:

The applicant is proposing to divide a 21.70 acre parcel into four (4) 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 will be approximately 7.5 acres in size. Lots 2 - 4 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 8, dated March 18, 2024
 - Memo – Chuck Magaha, dated April 9, 2024
 - Email – Janell Phillips, dated March 18, 2024

ATTACHMENTS:

- A: Application & Narrative
- B: Zoning Maps
- C: 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: Barker, Gary & Diana Elaine
 MAILING ADDRESS: 315 North 5th Street MAILING ADDRESS Barker, Gary & Diana Elaine
 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: Boling Crossing
 Address of Property: 00000 183rd Street
 PID: 185-15-0-00-00-001 Urban Growth Management Area: N/A

SUBDIVISION INFORMATION

Gross Acreage: 22 Acres	Number of Lots: 4	Minimum Lot Size: 5 Ac
Maximum Lot Size: 7 Ac	Proposed Zoning: RR - 5	Density: N/A
Open Space Acreage: N/A	Water District: RWD 8	Proposed Sewage: Septic
Fire District: District 1	Electric Provider: Freestate	Natural Gas Provider: Propane
Covenants: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Road Classification: Local - Collector - Arterial - State - Federal	
	Cross-Access Easement Requested: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
List of all Requested Exceptions: <i>Exceptions may be granted per Article 56 or as otherwise stated in the Zoning & Subdivision Regulations.</i>	1.	
	2.	
	3.	
	4.	
	5. 20103C0225G & 250G	

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 3/9/2024

Date: 3/9/24

ATTACHMENT A

AFFIDAVIT

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

We: Gary K. Barker and Diana Barker

Being dully sworn, dispose and say that we/I are the owner(s) of said property located at -
18066 Seymour Rd Leav, 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. 5th Street, Leavenworth, KS 66048, 913-651-3858
- 2)

Signed and entered this _____ day of _____, 20__.

Print Name, Address, Telephone

Gary K. Barker Diana Barker

Signature

STATE OF KANSAS

)
) SS

COUNTY OF LEAVENWORTH)

Be it remember that on this 18th day of August 2023 before me, a notary public in and for said County and State came Gary Barker and Diana Barker 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 Katy Torneden

My Commission Expires: 01-27-2025

(seal)



Lawyers Title of Kansas, Inc.



121 Express Lane, Suite A Lansing, KS 66043
913-682-3368

OWNERS AND ENCUMBRANCE REPORT SCHEDULE A

1. Effective Date: **03/05/2024 07:00 AM** **Case No: 47404**
2. Title to the **Fee Simple** estate or interest in the land described or referred to in this Report is as the effective date hereof vested in:

Gary Barker and Diana Elaine Barker

The Company has been advised about a network security incident affecting access to Kansas court systems, including, but not limited to, the ability to search court records and e-file court documents. Once these issues have been resolved, the Company will require an updated search and reserves the right to make additional requirements and/or exceptions as we may deem necessary.

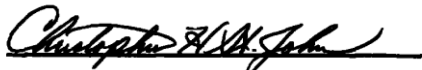
3. The land referred to in this Report is described as follows:

18066 Seymour Rd Leavenworth, KS 66048

See Page 2 Schedule A for Legal Description

The undersigned is a duly licensed and qualified abstractor for the State of Kansas, a member in good standing of the Kansas Land Title Association and the American Land Title Association whose bond as required by law is in force at the date of this report.

Lawyers Title of Topeka, Inc.



Abstractor

SCHEDULE A – Page 1

This Owners and Encumbrance Report is invalid unless Schedules A and B are attached.

Lawyers Title of Kansas, Inc.

SCHEDULE B – SECTION 2

Case No.: 47404

Other Documents, liens, or judgments affecting said real estate

NOTE: This is an owners and encumbrance report only. Liability is hereby limited to the cost of this report. This report is not to be used or relied upon for the purpose of sale, conveyance, mortgage or transfer of any kind, and should not be relied upon as the basis for a title insurance policy.

- 1. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the effective date hereof.**
- 2. Rights or claims of parties in possession, boundary line disputes, overlaps, encroachments, and any other matters not shown by the public records which would be disclosed by an accurate survey and inspection of the land described in Schedule A.**
- 3. Easements or claims of easements, not shown by the public records.**
- 4. Any lien, or right to a lien, for services, labor or material heretofore or hereinafter furnished, imposed by law and not shown by the public records.**
- 5. Easement granted to The Kansas Electric Power Company, filed October 29, 1941, recorded in Book 339 Page 228.**
- 6. Right of Way Easement granted to Rural Water District No. 8, Leavenworth County, Kansas, for water lines and appurtenances thereto, recorded in Book 447 Page 9.**
- 7. Easement granted to Kansas City Power & Light Company, filed January 17, 1979, recorded in Book 539 Page 636.**
- 8. Survey filed March 8, 2024, recorded in Document No. 2024S008.**
- 9. Public Roads and Highways.**
- 10. The Company has been advised about a network security incident affecting access to Kansas court systems, including, but not limited to, the ability to search court records and e-file court documents. Once these issues have been resolved, the Company will require an updated search and reserves the right to make additional requirements and/or exceptions as we may deem necessary.**

Note: All restrictions, if any, omit any covenant, condition or restriction based on race, color, religion, sex, handicap, familial status or national origin, unless and only to the extent that the restriction is not in violation of state or federal law, or relates to a handicap, but does not discriminate against handicapped people.

Lawyers Title of Kansas, Inc.
913-682-3368

Doc #: 2024R01692
TERRILOIS MASHBURN
REGISTER OF DEEDS
LEAVENWORTH COUNTY, KANSAS
RECORDED ON:
03/14/2024 03:40:21 PM
RECORDING FEE: 21.00
PAGES: 1

Entered in Transfer Record in my office _____

County Clerk

Mail Tax Statement to:

ENTERED IN TRANSFER RECORD IN
MY OFFICE THIS DAY 03/14/2024

Janet Klasmirke
COUNTY CLERK

QUIT CLAIM DEED (Statutory) - Joint Tenancy

THE GRANTORS,

Gary Barker and Diana Elaine Barker, husband and wife

CONVEY AND QUITCLAIM to

Gary Barker and Diana Elaine Barker, husband and wife

as joint tenants with full rights of survivorship and not as tenants in common,
for the sum of One Dollar and Other Valuable Consideration, the following described real estate:

A tract of land in the Northeast Quarter of Section 31, Township 9 South, Range 22 East of the 6th P.M., Leavenworth County, Kansas, as written by Joseph A. Herring PS-1296 on February 14, 2024, more fully described as follows:
Commencing at the Northwest corner of said Northeast Quarter; thence North 87 degrees 42'01" East for a distance of 730.06 feet along the North line of said Northeast Quarter to the TRUE POINT OF BEGINNING; thence continuing North 87 degrees 42'01" East for a distance of 1601.42 feet along said North line; thence South 01 degrees 35'04" East for a distance of 1186.99 feet; thence South 88 degrees 48'27" West for a distance of 369.86 feet; thence South 01 degrees 30'59" East for a distance of 157.69 feet; thence South 57 degrees 30'02" East for a distance of 330.08 feet; thence South 01 degrees 34'30" East for a distance of 99.00 feet to the centerline of Seymour Road as it exists today; thence North 86 degrees 51'52" West for a distance of 788.53 feet along said centerline; thence North 81 degrees 04'36" West for a distance of 151.52 feet along said centerline; thence North 75 degrees 47'40" West for a distance of 167.61 feet along said centerline; thence North 79 degrees 05'38" West for a distance of 136.44 feet along said centerline; thence North 83 degrees 09'26" West for a distance of 208.33 feet along said centerline; thence North 85 degrees 32'25" West for a distance of 70.33 feet along said centerline; thence North 01 degrees 33'16" West for a distance of 1400.57 feet to the point of beginning. Known as Tract 1 on Certificate of Survey filed March 8, 2024 in Document No. 2024S008.

AND

A tract of land in the Northeast Quarter of Section 31, Township 9 South, Range 22 East of the 6th P.M., Leavenworth County, Kansas, as written by Joseph A. Herring PS-1296 on February 14, 2024, more fully described as follows:
Beginning at the Northwest corner of said Northeast Quarter; thence North 87 degrees 42'01" East for a distance of 730.06 feet along the North line of said Northeast Quarter; thence South 01 degrees 33'16" East for a distance of 1400.57 feet to the centerline of Seymour Road as it exists today; thence North 85 degrees 32'25" West for a distance of 400.00 feet along said centerline; thence North 86 degrees 58'14" West for a distance of 333.26 feet along said centerline to the West line of said Northeast Quarter; thence North 01 degrees 33'16" West for a distance of 1322.53 feet along said West line to the point of beginning. Known as Tract 2 on Certificate of Survey filed March 8, 2024 in Document No. 2024S008.

(THIS DEED IS BEING RECORDED PURSUANT TO K.S.A. 79-1437e AS AMENDED, EXEMPTION #3)

(Subject to easements, restrictions, and reservations of record, and all taxes and assessments that may be levied, imposed, or become payable hereafter.)

Dated this 14th day of March A.D. 2024

Gary K. Barker
Gary Barker

Diana Elaine Barker
Diana Elaine Barker

STATE OF KANSAS, COUNTY OF LEAVENWORTH

This instrument was acknowledged before me on this 14th day of March 2024 by:
Gary Barker and Diana Elaine Barker, husband and wife

My appointment expires:

BRENDA DEGRAEVE
Notary Public - State of Kansas
My Appt. Expires 10-30-2026

Brenda DeGraeve
Notary Public
Brenda DeGraeve

**4-25-24
Olsson and
PW Review
No Further
Comment**

Boling Crossing

Leavenworth County Kansas

Drainage Report

March 8, 2024

Revised April 2, 2024



BOLING CROSSING

A Minor Subdivision in the Northeast Quarter of Section 31, Township 9 South, Range 22 East of the 6th P.M., Leavenworth County, Kansas.

FINAL PLAT

PREPARED FOR:
BARKER, GARY & DIANA ELAINE
17334 174TH ST
BASEHOR, KS 66007
PID # 109-31-0-00-003.01

RECORD DESCRIPTION:

A tract of land in the Northeast Quarter of Section 31, Township 9 South, Range 22 East of the 6th P.M., Leavenworth County, Kansas, as written by Joseph A. Herring PS-1296 on February 14, 2024, more fully described as follows:
Beginning at the Northwest corner of said Northeast Quarter; thence North 87 degrees 42'01" East for a distance of 730.06 feet along the North line of said Northeast Quarter; thence South 01 degrees 33'16" East for a distance of 1400.57 feet to the centerline of Seymour Road as it exists today; thence North 85 degrees 32'25" West for a distance of 400.00 feet along said centerline; thence North 86 degrees 58'14" West for a distance of 333.26 feet along said centerline to the West line of said Northeast Quarter; thence North 01 degrees 33'16" West for a distance of 1322.53 feet along said West line to the point of beginning.
Together with and subject to covenants, easements, and restrictions of record.
Said property contains 22.78 acres, more or less, including road right of ways.
Error of Closure - 1 : 718631

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: BOLING CROSSING.

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 apertures 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 have 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 BOLING CROSSING, have set our hands this _____ day of _____, 2024.

Gary Barker Diana Elaine Barker

NOTARY CERTIFICATE:

Be it remembered that on this _____ day of _____, 2024, before me, a notary public in and for said County and State came Gary Barker and Diana Elaine Barker, husband and wife, 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 BOLING CROSSING this _____ day of _____, 2024.

Secretary John Jacobson Chairperson 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 BOLING CROSSING this _____ day of _____, 2024.

Chairperson Jeff Culberston County Clerk Attest: Janet Klasinski

ZONING:

RR-5, Rural Residential, 5-Acre minimum size parcels - Current and proposed

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 Description
- 5) Basis of Bearing - KS SPC North Zone 1501
- 6) Monument Origin Unknown, unless otherwise noted.
- 7) Proposed Lots for Residential Use.
- 8) Road Record - See Survey
- 9) Benchmark - NAVD88
- 10) Project Benchmark (BM) - NW COR NE 1/4 Section 31 - Elev - 899.5'
- 11) Easements, if any, are created hereon or listed in referenced title commitment.
- 12) Reference Recorded Deed Doc # 2024R01692
- 13) Utility Companies -
 - Water - RWD B
 - Electric - Freestate
 - Sewer - Septic / Lagoon
 - Gas - Propane / Natural Gas
- 14) Reference Lawyer's Title File Number 47404 dated March 5, 2024
- 15) Property is in a Special Flood Hazard Area per FEMA FIRM Map 20103C0225G 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, not shown hereon.
- 18) Easements as per referenced Title Commitment do not cross surveyed property, unless noted hereon.
- 19) Fence Lines do not necessarily denote the boundary line for the property.
- 20) Reference Surveys:
 - DGW - D.G.White Survey 5-14 #32 1994 NKA 1994S032
 - JAH - J.A.Herring Survey Doc #2024S008

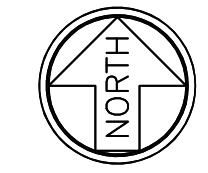
REGISTER OF DEED CERTIFICATE:

Filed for Record as Document No. _____ on this _____ day of _____, 2024 at _____ o'clock _____ M in the Office of the Register of Deeds of Leavenworth County, Kansas,

Register of Deeds - TerriLuis G. Mashburn

RESTRICTIONS:

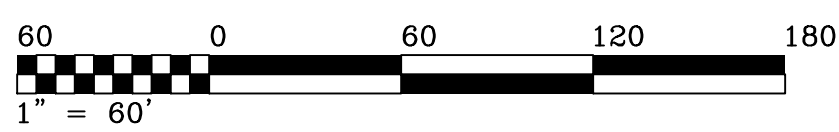
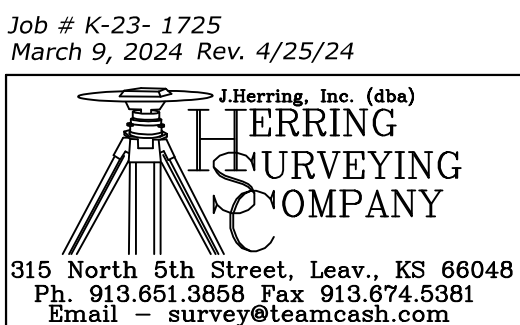
- 1) All proposed structures within this plat shall comply with the Leavenworth County Zoning and Subdivision Regulations or zoning regulation jurisdiction.
- 2) An Engineered Waste Disposal System will be required due to poor soil conditions.
- 3) Erosion and sediment control measures shall be used 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) Lot 1 and 2 driveway construction will require a Local Floodplain Fill and DWR Floodplain Fill permit. Other DWR permits may be required per driveway location and engineering.
- 7) Any building to be constructed in or near the Special Flood Hazard shall provide an elevation certificate to be approved by Leavenworth County prior to the issuance of a building permit along with any other applicable Federal, State or Local permit.
- 8) Lots 1 and 2 are impacted by Special Flood Zones and are depicted hereon graphically.
- 9) No off-plat restrictions.



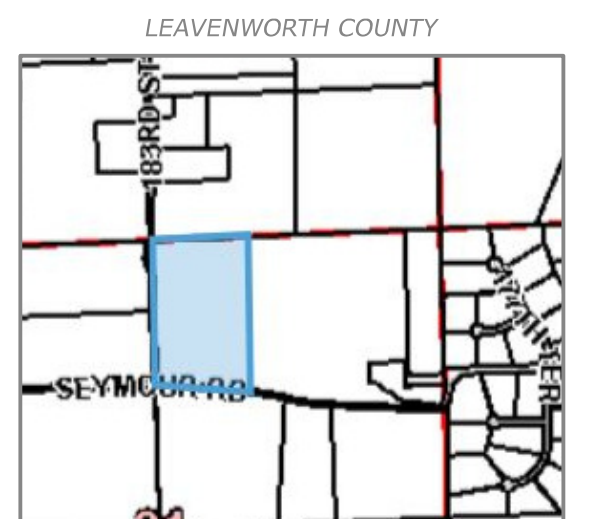
Scale 1" = 60'

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.

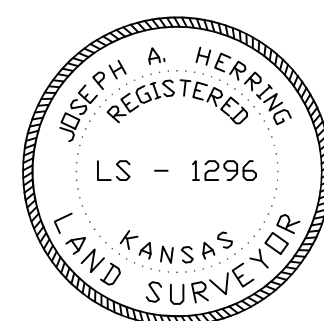
Daniel Baumchen, PS#1363
County Surveyor



- 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
 - NS - Not Set this Survey per agreement with client
 - //// - No Vehicle Entrance Access



VICINITY MAP NOT TO SCALE



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

Joseph A. Herring
PS # 1296

MEMO

To: Amy Allison
From: Chuck Magaha
Subject: Boling Crossing Subdivision
Date: April 9, 2024

Amy, I have reviewed the preliminary plat of the Boling Crossing Subdivision presented by Gary and Diana Elaine Barker. 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-away between Lot 2 and lot 3 along 183rd Street, 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: Allison, Amy
Sent: Thursday, April 25, 2024 8:56 AM
To: Schweitzer, Joshua
Subject: FW: RE: DEV-24-025/026 Preliminary and Final Plat – Boling Crossing

From: Anderson, Kyle <KAnderson@leavenworthcounty.gov>
Sent: Friday, March 22, 2024 9:13 AM
To: Allison, Amy <AAllison@leavenworthcounty.gov>
Subject: RE: RE: DEV-24-025/026 Preliminary and Final Plat – Boling Crossing

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: Wednesday, March 20, 2024 1:47 PM
To: Magaha, Chuck <cmagaha@lvsheriff.org>; Miller, Jamie <JMiller@leavenworthcounty.gov>; Patzwald, Joshua <jpatzwald@lvsheriff.org>; Brown, Misty <MBrown@leavenworthcounty.gov>
Cc: PZ <PZ@leavenworthcounty.gov>
Subject: RE: DEV-24-025/026 Preliminary and Final Plat – Boling Crossing

Good Afternoon,

The Leavenworth County Department of Planning and Zoning has received a request for a Preliminary and Final Plat for a 4-lot subdivision at 00000 183rd St. (109-31-0-00-00-003.01).

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 Tuesday, April 2, 2024.

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

Thank you,

Amy Allison, AICP

Rural Water District #8

P.O. Box 246
Leavenworth, KS 66048
Phone: 913-796-2164
Email: rwd8lv@gmail.com

March 18, 2024

To Whom it May Concern:

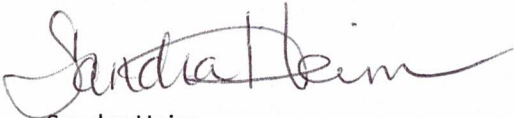
Joe Herring has requested water service to the Barker Estates located at 183rd and Seymour Rd.

There is a 2-inch line on 183rd being fed by an 8-inch line from the south and a 3-inch line from the North. As of this date, water would be available with proper application.

Proper application will include a copy of the warranty deed showing ownership of the property. A payment of \$5,500.00 per benefit unit for the right to connect to the Rural Water District #8. The meter installation cost is approximately \$2,500.00 due prior to installation.

If you have any further questions, please contact me at 913-796-2164.

Sincerely,



Sandra Heim
Office Manager for RWD#8

"Serving our members quality water since 1967"





Fire District No.1, County of Leavenworth

111 East Kansas Avenue, Lansing, KS. 66043

Wednesday January 28, 2024

Gary & Diana Elaine Barker
18066 Seymour Rd.
Leavenworth, KS. 66048

Dear Herring Surveying Company
In C/O Gary & Diana Elaine Barker,

Your final plat plan for Barker Estates located in the Northeast Quarter of Section 31, Township 9 South, Range 22 East of the 6th P.M., Leavenworth County, Kansas has been reviewed. There are no noticed deficiencies in accordance with the 2006 editions of the *International Building Code (IBC)*, *International Fire Code (IFC)*, and *International Mechanical Code (IMC)* and the plans provided by Herring Surveying Company dated 01/27/2024. Any changes to the provided plans would need to be reviewed by our office.

Michael L. Stackhouse,

Michael L. Stackhouse

Fire Chief
Fire District No.1, County of Leavenworth
111 E. Kansas Avenue
Lansing, Kansas 66043
Office: 913-727-5844

Shauna Snyder <shauna.snyder@freestate.coop>

 Reply

 Reply all

 Forward





To:You

Thu 2/15/2024 5:21 PM

Hi Joe,

Gary let me know that you are looking for a letter of service verification to provide to the county for the proposed development off of 183rd Street. What we normally provide to the county is just an email stating the below:

FreeState Electrical Cooperative will provide power to a new home/development being built on/at 183rd Street, parcel R17500, for **Barker** Estates. FreeState will provide service for 4 separate lots.

If this information is not sufficient or accurate, please let me know and we can discuss what other information we may be able to provide.

Thank you,
Shauna Snyder

Shauna Snyder
Members Service Representative



1-800-794-1989 | www.freestate.coop

Allison, Amy

From: Joe Herring <herringsurveying@outlook.com>
Sent: Monday, March 18, 2024 12:00 PM
To: PZ
Subject: Fw: Boling Crossing Access Points
Attachments: Boling Crossing Driveways.JPG

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 response below along with the rough sketch of locations that was provided.

Thank you - Joe Herring

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

From: Phillips, Janelle [KDA] <Janelle.Phillips@ks.gov>
Sent: Monday, March 18, 2024 11:52 AM
To: Joe Herring <herringsurveying@outlook.com>
Subject: RE: Boling Crossing

A DWR permit is only require for these driveways if the proposed project will raise the existing ground elevation by more than 1 foot. DWR has no concerns with the location as long as proper permitting is obtained.

Janelle Phillips, P.E.
Water Structures Team Lead
Division of Water Resources
Kansas Department of Agriculture
1320 Research Park Drive
Manhattan KS 66502
785-564-6656 - office
785-307-8292 – cell
Janelle.phillips@ks.gov

From: Joe Herring <herringsurveying@outlook.com>
Sent: Monday, March 18, 2024 11:43 AM
To: Phillips, Janelle [KDA] <Janelle.Phillips@ks.gov>
Subject: Boling Crossing

**LEAVENWORTH COUNTY
BOARD OF ZONING APPEALS
STAFF REPORT**

CASE NO: DEV-24-028 P&D Concrete Entrance Spacing

May 8, 2024

REQUEST: Variance from Zoning and Subdivision Regulations Article 41, Section 6, Exhibit B. Public Road Entrance Management Standards
(PUBLIC HEARING REQUIRED)

SUBJECT PROPERTY: 00000 TONGANOXIE DRIVE

STAFF REPRESENTATIVE:

AMY ALLISON
DEPUTY DIRECTOR

APPLICANT/APPLICANT

AGENT:

JON CHAMBERS
P&D CONCRETE
25493 KANSAS AVE
TONGANOXIE, KS 66086

PROPERTY OWNER:

PURE GRIT LLC

CONCURRENT APPLICATIONS:

N/A

LAND USE

ZONING: TONGANOXIE ZONING

FUTURE LAND USE DESIGNATION: TONGANOXIE ZONING

LEGAL DESCRIPTION:

A tract of land in the Southeast ¼ of Section 4, Township 11 South, Range 21 East of the 6th p.m., in the City of Tonganoxie, Leavenworth County, Kansas.

SUBDIVISION: N/A

FLOODPLAIN: N/A

PROPERTY INFORMATION

ACTION OPTIONS:

1. Approval of Case No. DEV-24-, variance from the Art. 41 – Sec. 6, Exhibit B Public Road Entrance Management Standards; or
2. Denial of Case No. DEV-24-, variance from the Art. 41 – Sec. 6, Exhibit B Public Road Entrance Management Standards; or
3. Continue the hearing to another date, time, and place.

PARCEL SIZE: 2.7 ACRES

PARCEL ID NO:
192-04-0-40-03-001.00

BUILDINGS:
PROPERTY UNDER CONSTRUCTION

Location Map:



ACCESS/STREET:
TONGANOXIE DRIVE
COUNTY ARTERIAL
±24' WIDE, PAVED

UTILITIES

SEWER: TONGANOXIE

FIRE: TONGANOXIE

WATER: TONGANOXIE

ELECTRIC: EVERGY

NOTICE & REVIEW:

STAFF REVIEW: N/A

NEWSPAPER NOTIFICATION:
4/16/2024

NOTICE TO SURROUNDING PROPERTY OWNERS:
4/16/2024

FACTORS TO BE CONSIDERED:

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)

- 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;***

The property in question is located within the City of Tonganoxie but has frontage on a section of Tonganoxie Drive which is controlled by the County. This is an unusual circumstance because normally the City of Tonganoxie would be in control of access on properties within the City and most likely has different standards for entrance spacing on their roadways.

- 2. *The granting of the variance will not adversely affect the rights of adjacent property owners or residents;***

The adjacent properties already have existing entrances. Unless one of the drives is discontinued for more than a year, the proposed request will not affect the status of the existing entrances.

- 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:***

The applicant has indicated that the entrance must go in the proposed location due to the required on-site stormwater detention facility. The applicant did not provide whether or not an alternate layout of the detention facility is feasible. The property does have enough frontage to allow an access point that meets the standards. Public Works has indicated no concerns about the location of the proposed driveway.

- 4. *The variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare; and;***

As mentioned previously, Public Works has indicated no concerns about the proposed location of the entrance. The applicant did provide a site distance analysis for the proposed entrance.

- 5. *Granting the variance desired will not be opposed to the general spirit and intent of the zoning regulations***

The intent of the regulation is to space out entrances on public roadways to reduce the potential for traffic collisions and stacking on the roadway. Public Works has indicated no concerns about the proposal so the request is not in opposition of the spirit or intent of the regulation.

STAFF COMMENTS:

The applicant is developing a site within the City of Tonganoxie that has frontage on a county-controlled roadway. The applicant has indicated that a new entrance is needed on Tonganoxie Drive to allow better traffic flow onto and around the site for the purpose of their business. However, the proposed entrance site is located within 250 feet of the adjacent entrance to the north. The commercial entrance spacing requirement for Tonganoxie Drive is 250 feet (Art. 41 – Sec. 6, Exhibit B). The approximate separation will be 100 feet as measured from centerlines. In order for the entrance permit to be approved, a variance from that standard must be approved. The applicant has provided a sight distance report that the Public Works Department has reviewed. They did not dispute the findings of the study.

ATTACHMENTS:

- A: Application & Narrative
- B: Memorandums

BOARD OF ZONING APPEALS PROCEDURES AND APPLICATION

For

**THE UNINCORPORATED AREA OF
LEAVENWORTH COUNTY, KANSAS**

**A PRE-APPLICATION CONFERENCE IS REQUIRED PRIOR TO
SUBMITTAL OF ANY APPLICATION**

**DEADLINE: All application materials shall be submitted by
application deadline as indicated on the current Planning Commission
Schedule and Deadlines form.**

ALL APPLICATION FEES ARE NON-REFUNDABLE

For more information contact:
Leavenworth County Department of Planning and Zoning
300 Walnut, Suite 212
Leavenworth, Kansas 66048
pz@leavenworthcounty.gov
913-684-0465

BOARD OF ZONING APPEALS (BZA) PROCEDURES

APPLICANT RESPONSIBILITIES: Omission of any of the following items may delay the review and processing of the application.

- A. A complete application form. (Attachment A + Narrative)
- B. A copy of the current recorded deed of the property.
- C. Payment of filing fee. Make checks payable to Leavenworth County Planning and Zoning Department.
- D. Letter of Owner Authorization (if applicable). (Attachment B)
- E. A narrative statement of the applicant's reasons for requesting the variance, or appeal; including the necessary hardship that will be imposed upon the applicant if the regulations are strictly enforced. (Attachment C – create narrative form)
- F. Applicant or applicant's representative **MUST** attend the Board of Zoning Appeals Hearing.

FOR ADDITIONAL REQUIREMENTS, PLEASE REFER TO THE *LEAVENWORTH COUNTY ZONING AND SUBDIVISION REGULATIONS* WHICH INCLUDES THE FOLLOWING ARTICLES APPLICABLE TO BZA APPLICATIONS:

- 1. Article 28 - Board of Zoning Appeals (BZA)
- 2. Any other applicable Regulations.

DEADLINE: See BZA Schedule and Deadline form.

PLANNING DEPARTMENT PROCEDURES

Public Hearing: The Planning and Zoning Department will schedule a hearing before the Board of Zoning Appeals (BZA), which is responsible for hearing an appeal or variance request.

Posting of Sign: The Planning and Zoning Department will post the sign on the property prior to the date of the Public Hearing.

Newspaper Publication: The Planning and Zoning Department will publish the Legal Notice of the Public Hearing 20 days prior to the date of Public Hearing.

BOARD OF ZONING APPEALS APPLICATION

Leavenworth County Planning and Zoning
300 Walnut, Suite 212
Leavenworth, Kansas 66048
913-684-0465

Office Use Only

Case No. _____
PID: _____
Township _____
BZA Hearing Date _____
ACTION _____ Date Received _____ Date Paid _____
Zoning District _____
Comprehensive Plan land use designation _____

APPLICANT/AGENT INFORMATION	OWNER INFORMATION (If different)
NAME <u>Jon Chambers</u>	NAME _____
ADDRESS <u>25493 Kansas Ave</u>	ADDRESS _____
CITY/ST/ZIP <u>Tonganoxie KS 66086</u>	CITY/ST/ZIP _____
PHONE <u>913-238-0372</u>	PHONE _____
EMAIL <u>jon@polisheddecorativeconcrete.com</u>	EMAIL _____

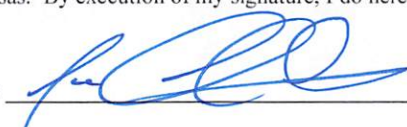
GENERAL INFORMATION

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 1201 State Ave
Parcel size 6.22 ac
Present improvements or structures Raw Ground
Current use of the property? Building my business to move operations here

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  Date 3/27/24

ATTACHMENT A

OWNER AUTHORIZATION

I/WE Son Chambers, hereinafter referred to as the "Undersigned", being of lawful age, do hereby on this 27 day of March, 20 24, 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 Son Chambers (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:

_____ application number and proposed use/purpose [*not available until submittal*]

at:

1701 State Ave Tonganoxie KS

_____ 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.

[Signature]

Owner

Owner

STATE OF KANSAS ()
(§)
COUNTY OF LEAVENWORTH ()

The foregoing instrument was acknowledged before me on March 27, 20 24, by

2-6-28

My Commission Expires:

[Signature]

Notary Public

ATTACHMENT B

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



March 27, 2024

Leavenworth County Department of Planning and Zoning
300 Walnut, Suite 212
Leavenworth, KS 66048

As a company we have been in business for 13 years. We have grown from a company that had 4 employees to a company that has 75 employees. With our growth, we have had to invest in many new assets such as trucks, trailers and various other pieces of equipment. Due to the length of our trucks and trailers, and our incoming materials/freight deliveries, adequate access is required.

We have been in our current location in KCK since 2016. We bought a beaten down boarded up vacant building and turned it into a very nice, clean and fully functioning building, however we have learned that our access to the parking area as well as access for offloading equipment/materials is very limited. We have experience and have learned a lesson. We had many obstacles to overcome, to meet all the needs of the city, county and lastly ourselves.

Considering KDOT and the potential for them to put in a divided highway or medians that may restrict our ability to gain access in a logical manner we are asking for a variance as follows:

- The spec'd option to space driveways 200 feet apart on Tonganoxie Dr may make sense for most properties, however it does not accommodate our usage for the property.
- Due to the states involvement in erosion control and water runoff we are required to have a large detention area to slow the flow of water. To accommodate this required detention area, we are limited in our access to Tonganoxie Dr.
- Our other consideration for this driveway is to allow us to pull a truck into the property from Tonganoxie Dr. and come in centered up on the north end of our building where a 4-post service lift will be to service and maintain our trucks. If we were to move the driveway SW, it would create a sweeping semi-circle. This does not work for trucks and trailers. This would also restrict our ability to leave the property and head north on Tonganoxie Dr.

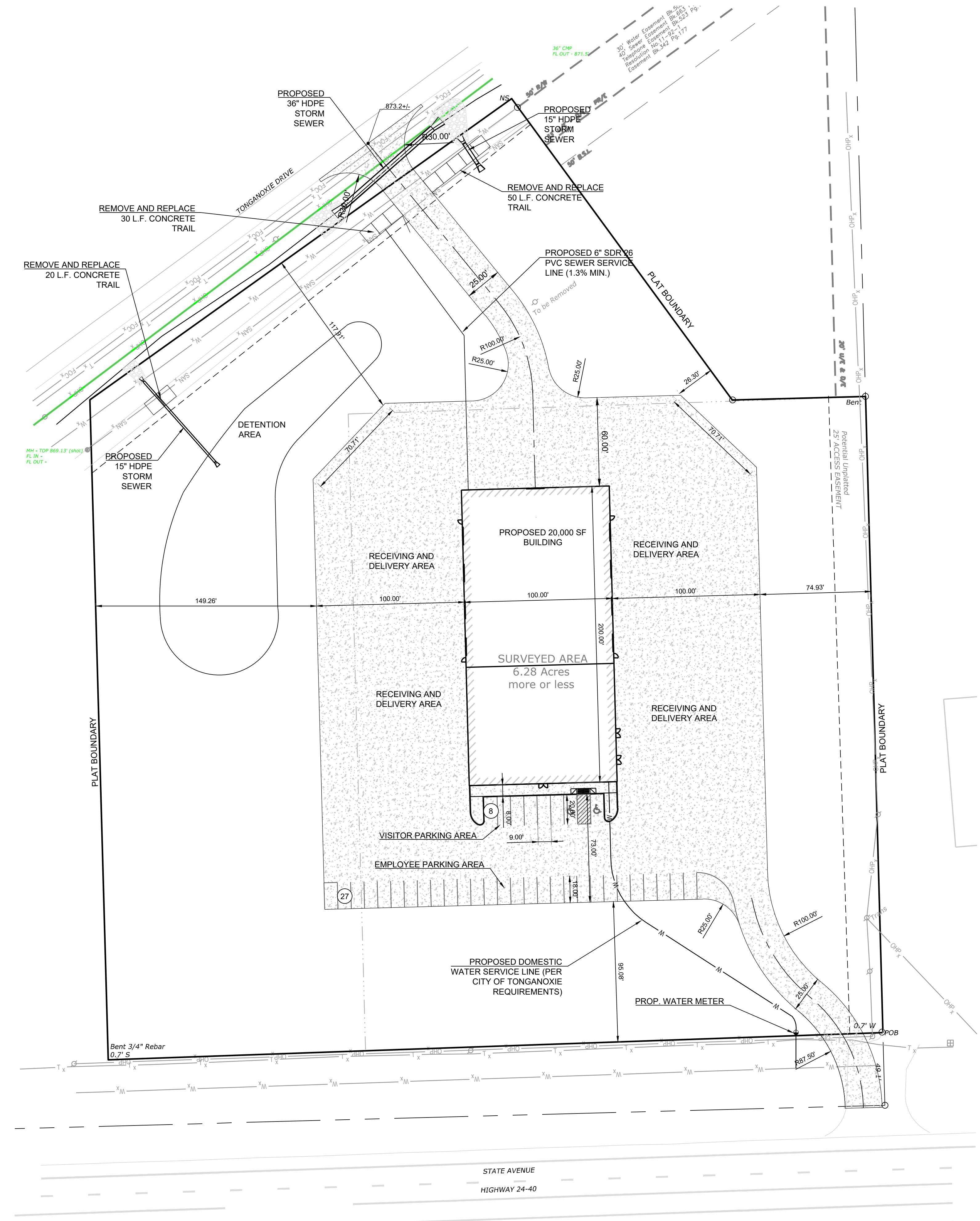
Thinking about the use, flow and function of the lot in the current drawings, as well as considering the potential outcome of the 24/40 roadway, we believe this makes the most logical sense. I do not want to invest in this magnitude of a project and still have a "work around" for our business as well as the community. The odd shape of the lot lines and the current adjacent driveway, which is on the farthest point of the property line has us in a difficult situation.

The building north of us is low usage and our building will be low usage as well since the largest share of our workforce are primarily "road warriors" with only office/admin support that will be using the Tonganoxie Dr access. I would like to ask for your consideration on the things outlined here and request a variance on the location of our Tonganoxie Dr access.

Respectfully submitted,
Jon Chambers

LEGEND:

- A/E - ACCESS EASEMENT
 - BC - BACK OF CURB
 - B/B - BACK TO BACK
 - BM - BENCHMARK
 - BL or B.L. - BUILDING LINE
 - CO - CLEANOUT
 - TJB - TELEPHONE JUNCTION BOX
 - C&G - CURB AND GUTTER
 - D/E - DRAINAGE EASEMENT
 - E/E - ELECTRICAL EASEMENT
 - EL - ELEVATION
 - FL - FLOW LINE
 - G/E - GAS LINE EASEMENT
 - HDPE - HIGH-DENSITY POLYETHYLENE
 - L/E - LANDSCAPE EASEMENT
 - MSFE - MINIMUM SERVICEABLE FLOOR ELEVATION
 - PVC - POLYVINYL CHLORIDE
 - P/L - PROPERTY LINE
 - PUB/E - PUBLIC EASEMENT
 - RCP - REINFORCED CONCRETE PIPE
 - ROW or R/W - RIGHT-OF-WAY
 - S/E - SANITARY SEWER EASEMENT
 - SL - SERVICE LINE
 - S/W - SIDEWALK
 - TE - TOP ELEVATION
 - U/E - UTILITY EASEMENT
 - WSE - WATER SURFACE ELEVATION
 - W/E - WATERLINE EASEMENT
-
- ASPHALT PAVEMENT - EXISTING
 - ASPHALT PAVEMENT - PROPOSED
 - CONCRETE PAVEMENT - EXISTING
 - ASPHALT PAVEMENT - EXISTING
 - CONCRETE SIDEWALK - EXISTING
 - CONCRETE SIDEWALK - PROPOSED
 - CURB & GUTTER
 - CURB & GUTTER - EXISTING
 - TREELINE
 - EXISTING LOT AND R/W LINES
 - EXISTING PLAT LINES
 - P/L - PROPERTY LINES
 - ROW - RIGHT-OF-WAY
 - SANITARY SEWER MAIN
 - SANITARY SEWER MAIN - EXIST.
 - STORM SEWER
 - STORM SEWER - EXISTING
 - CATV
 - FOC
 - T
 - E
 - OHP
 - UGE
 - G
 - W
 - LIGHT - EXISTING
 - EXISTING MANHOLE
 - CLEANOUT
 - EXISTING SANITARY MANHOLE
 - PROPOSED SANITARY MANHOLE
 - EXISTING AREA INLET
 - EXISTING CURB INLET
 - EXISTING GRATE INLET
 - EXISTING JUNCTION BOX
 - EXISTING STORM MANHOLE



GENERAL NOTES:

1. The Engineer and/or its representatives can not or will not provide a warranty, expressed or implied, for the construction of the designs presented in these plans. It is recommended that third party observation be provided by a qualified firm to provide continuous construction observation of the proposed improvements.
2. All construction shall conform to the City Technical Specifications and Design Criteria, State Road and Bridge Specifications, American Public Work Association (APWA) (Kansas City Chapter) Specifications and/or the Project Specifications as applicable. Contractor shall notify the Engineer of any discrepancies between the standard specifications and the Project Specification and Contract Documents.
3. Contractor is responsible for verifying quantities prior to bidding, as well as becoming familiar with and satisfying himself as to the general, local and site conditions that may effect cost, progress, and performance of work.
4. Contractor shall promptly give engineer written notice of all conflicts, errors, ambiguities or discrepancies that the contractor discovers in the bidding documents and confirm that the written resolution thereof by the engineer is acceptable to contractor.
5. Contractor is responsible for the jobsite safety of the project and the safety of the public and shall adhere to all federal, state and local safety regulations.
6. Contractor is responsible for coordinating construction activities with other contractors concurrently working onsite. Contractor shall coordinate all subcontractor activities, and shall be the sole contact for the owner.
7. Contractor shall secure all required permits insurance requirements and bonding prior to construction. Insurance certificates shall name Owner and Engineer as additional insured.
8. Water for use on site must be purchased from the local water utility having jurisdiction, and shall be purchased per their requirements.
9. All traffic control required in conjunction with the proposed construction shall be in conformance with the Manual of Uniform Traffic Control Devices (MUTCD) and shall be a subsidiary obligation of the contract.
10. Contractor is responsible for the coordination of all material testing required for their work. This includes scheduling of tests, coordinating and providing access to sample locations, and satisfying all test result reporting requirements.

UTILITIES:

1. Existing utilities have been shown to the greatest extent possible based upon information provided to the Engineer. The contractor is responsible for contacting the respective utility companies and field locating utilities prior to construction and identifying any potential conflicts. All conflicts shall immediately be brought to the attention of the Engineer.
2. The contractor shall be responsible for coordinating any required utility relocations. Utilities damaged through the negligence of the contractor shall be repaired at the contractor's expense.
3. Contractor shall verify flow-lines and structure tops prior to construction, and shall notify Engineer of any discrepancies. Provide shop drawings for all precast and manufactured utility structures for review by the Engineer prior to construction of the structures.
4. Utility Separation: Waterlines shall have a minimum of 10 feet horizontal and 2 feet vertical separation from all sanitary sewer lines, manholes, and sanitary sewer service laterals, as measured from edge to edge. If minimum separations can not be obtained, concrete encasement of the sanitary line shall be required 10 feet in each direction of the conflict.
5. Payment for trenching, backfilling, pipe embedment, flowable fill, backfill materials, clean up, seeding, sodding and any other items necessary for the construction of the utility line shall be included in the contract price for the utility installation.
6. The Contractor shall be responsible for contacting respective utility companies 48-hours in advance for the inspection of any proposed utility main extension or service line or service connection to any existing main.
7. Trench spoils shall be neatly placed onsite adjacent to the trench, and compacted to prevent saturation and excess sediment runoff. Unsuitable materials, excess rock and shale, asphalt, concrete, trees, brush etc. shall be properly disposed of offsite. Materials may be wasted onsite at the direction of the Owner or his appointed representative.
8. All excavation is considered unclassified, unless noted otherwise. Unclassified excavation for utility trenching is subsidiary to the unit price provided for the pipe. Any quantity provided for rock excavation is estimated based on the best information provided to the Project Engineer. The Engineer has the authority to identify and define the physical characteristics to determine the classification. Unit price quantities for rock excavation will be paid at a trench width of the nominal pipe diameter of the installed main plus 18 inches. Contractor is required to dispose of excess rock from their trenches by disposing it in areas as specified by the Project Engineer.

Site Information:

Owner: PURE GRIT, LLC
 General Contractor: CROCKHAM CONSTRUCTION, LLC
 Tom Stean
 PO Box 339
 Tonganoxie, KS
 913-369-3341

Address: 1201 State Avenue
 Lot Area: 6.28 Ac. (Boundary and Topographic Survey prepared by Herring Surveying)

Proposed Building Floor Area: 20,000 S.F.
 Proposed Concrete Paving Area: 90,100 S.F.

Current Zoning: Moderate Industrial District

Current Use: Vacant
 Proposed Use: Office/Shop for Polished and Decorative Concrete

Proposed Parking: 35 Stalls (2 handicap-accessible stalls)

SCHLAGEL
 ENGINEERS PLANNERS SURVEYORS LANDSCAPE ARCHITECTS
 14920 West 107th Street • Lenexa, Kansas 66215
 (913) 492-5158 • Fax: (913) 492-8400
 WWW.SCHLAGELASSOCIATES.COM

PREPARED BY:

 MARK ALLEN BREWER
 LICENSED
 20929
 03.11.2024
 KANSAS
 PROFESSIONAL ENGINEER

SCHLAGEL & ASSOCIATES, P.A.

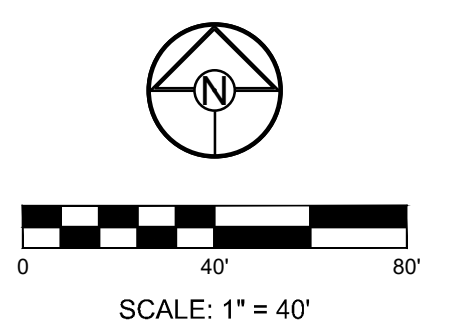
**POLISHED AND DECORATIVE CONCRETE
 SITE PLANS
 1201 STATE AVENUE TONGANOXIE, KANSAS**

REVISION DATE	DESCRIPTION
2.9.2024	STATE SUBMITTAL
3.8.2024	CITY SUBMITTAL

DRAWN BY: SCH	CHECKED BY: MAB	DATE PREPARED: 02/09/2024	PROJ. NUMBER: 24-032
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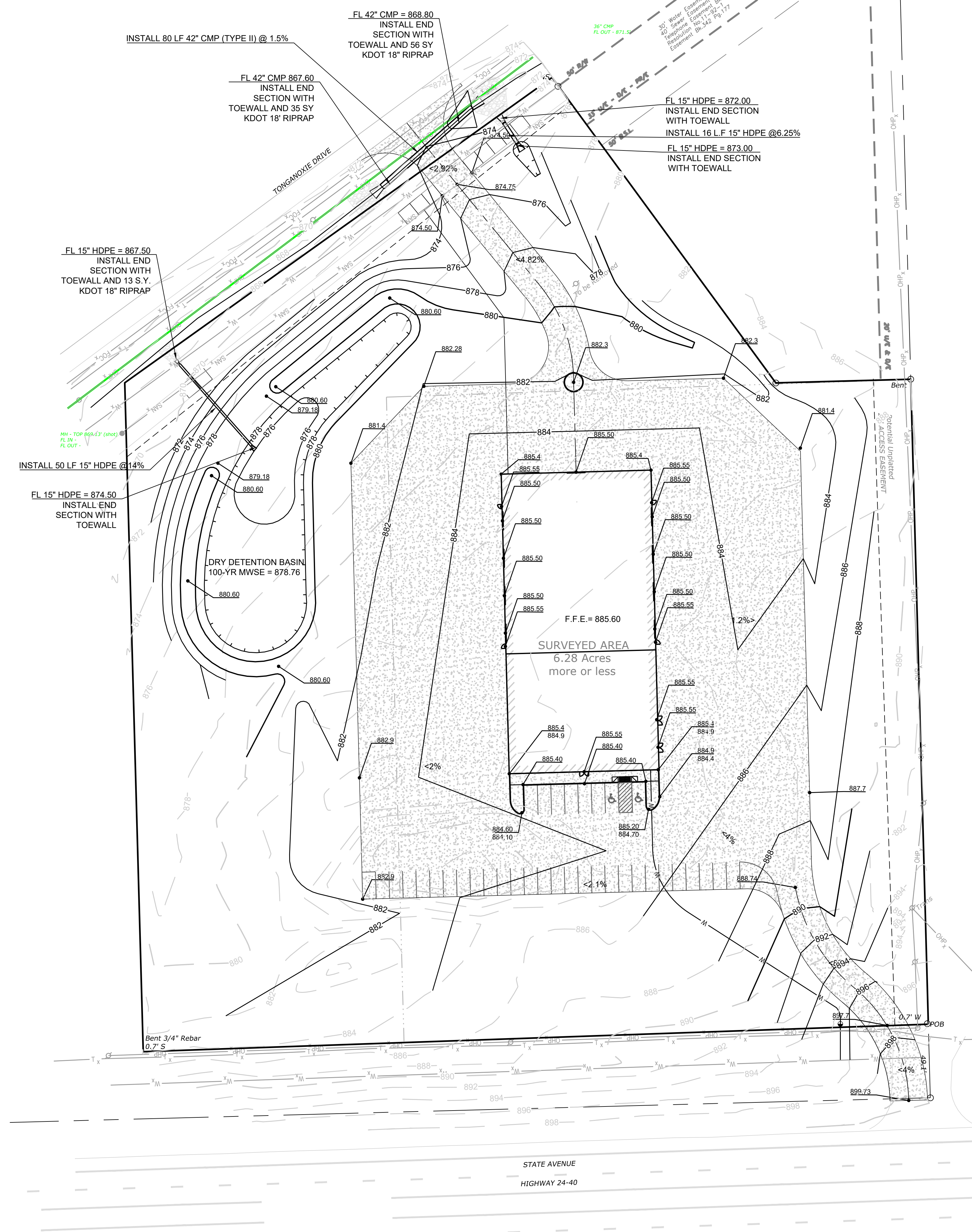
GENERAL LAYOUT

SHEET
C100



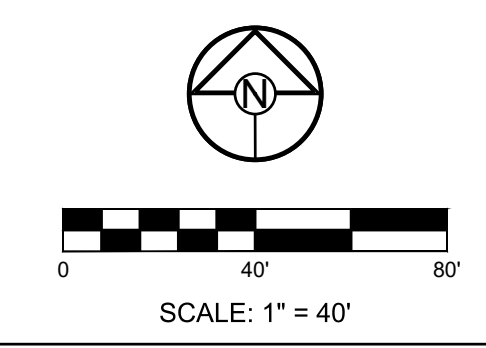
EARTHWORK:

- All earthwork shall conform to the Geotechnical Report prepared for this specific project. It is recommended that a Geotechnical Engineer observe and document all earthwork activities.
- Contours have been shown at 1-foot or 2-foot intervals, as indicated. Grading shall consist of completing the earthwork required to bring the physical ground elevations of the existing site to the finished grade (or sub-grade) elevations provided on the plans as spot grades, contours or others means as indicated on the plans.
- The existing site topography depicted on the plans by contouring has been established by aerial photography and field verified by g.p.s. observation near 2-6-2013. The contour elevations provided may not be exact ground elevations, but rather interpretations of such. Accuracy shall be considered to be such that not more than 10 percent of spot elevation checks shall be in error by more than one-half the contour interval provided, as defined by the National Map Accuracy Standards. Any quantities provided for earthwork volumes are established using this topography contour accuracy, and therefore the inherent accuracy of any earthwork quantity is assumed from the topography accuracy.
- Proposed contours are to approximate finished grade.
- Unless otherwise noted, payment for earthwork shall include backfilling of the curb and gutter, sidewalk and further manipulation of utility trench spoils. The site shall be left in a mowable condition and positive drainage maintained throughout.
- Unless otherwise noted, all earthwork is considered Unclassified. No additional compensation will be provided for rock or shale excavation, unless specifically stated otherwise.
- Prior to earthwork activities, pre-disturbance erosion and sediment control devices shall be in place per the Storm Water Pollution Prevention plan and/or the Erosion and Sediment Control Plan prepared for this site.
- All topsoil shall be stripped from all areas to be graded and stockpiled adjacent to the site at an area specified by the project owner or his appointed representative. Vegetation, trash, trees, brush, tree roots and limbs, rock fragments greater than 6-inches and other deleterious materials shall be removed and properly disposed of offsite or as directed by the owner or his appointed representative.
- Unless otherwise specified in the Geotechnical Report, all fills shall be placed in maximum 6-inch lifts and compacted to 95-percent of maximum density as defined using a modified proctor test.
- Subgrade for pavements shall be proof-rolled prior to paving operations utilizing a fully loaded tandem axle dump truck. All areas exhibiting excessive pumping and heaving shall be removed, filled and compacted with suitable materials and retested until acceptable results are achieved and final approval has been obtained from the Geotechnical Engineer.
- Subgrade for building pads shall include a minimum of 18-inches of Low Volume Change (LVC) material, or as identified in the site specific Geotechnical Report.
- Fill materials shall be per Geotechnical Report and shall not include organic matter, debris or topsoil. All fills placed on slopes greater than 6:1 shall be benched.
- The Contractor shall be responsible for redistributing the topsoil over proposed turf and landscaped areas to a minimum depth of 6-inches below final grade.
- All areas shall be graded for positive drainage. Unless noted otherwise the following grades shall apply:
 - Turf Areas - 2.5% Minimum, 4H:1V Maximum
 - Paved Areas - 1.2% Minimum, 5% Maximum
- A.D.A. parking stalls shall not be sloped greater than 2% in any direction and constructed per A.D.A. requirements.
- All disturbed areas shall be fertilized, seeded and mulched immediately after earthwork activities have ceased. Seeding shall be per the Erosion and Sediment Control Plan and/or Landscape Plan. If not specified seeding shall be per APWA Section 2400, latest edition. Unless otherwise noted, seeding shall be subsidiary to the contract price for earthwork and grading activities.
- All disturbed areas in the right-of-way shall be sodded, per city requirements.
- Underdrains are recommended for all paved areas adjacent to irrigated turf and landscaped beds.
- Contractor shall adhere to the reporting requirements outlined in the Storm Water Pollution Prevention Plan (SWPPP) prepared for this project. Erosion and Sediment control devices shall be properly maintained and kept clean of silt and debris and in good working order. Additional erosion and sediment control measures shall be installed as required.

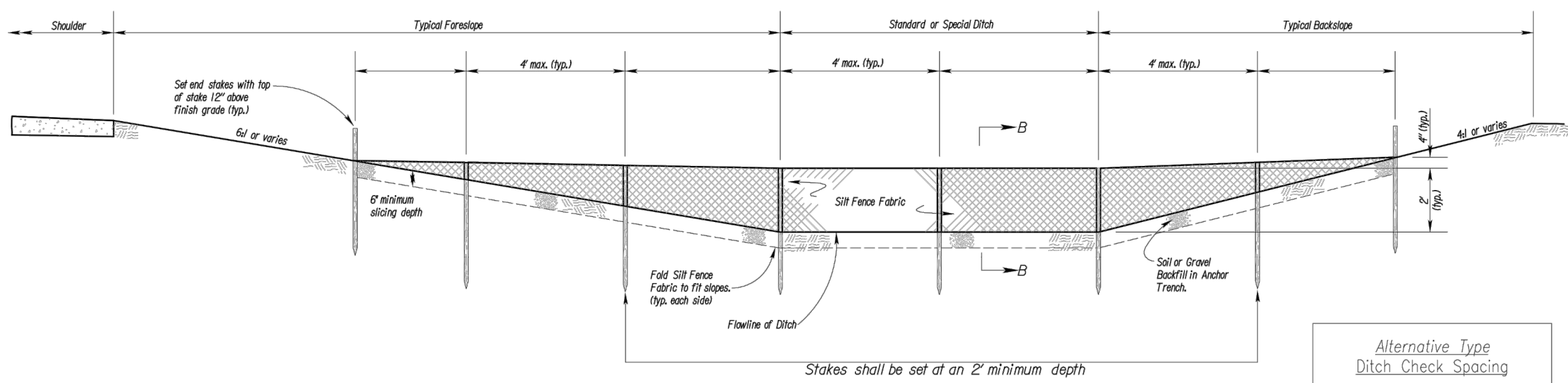


REVISION DATE	DESCRIPTION
2.9.2024	STATE SUBMITTAL
3.8.2024	CITY SUBMITTAL

DRAWN BY: SCH	CHECKED BY: MAB	DATE PREPARED: 02.09.2024	PROJ. NUMBER: 24-032
GRADING PLAN			
SHEET C200			



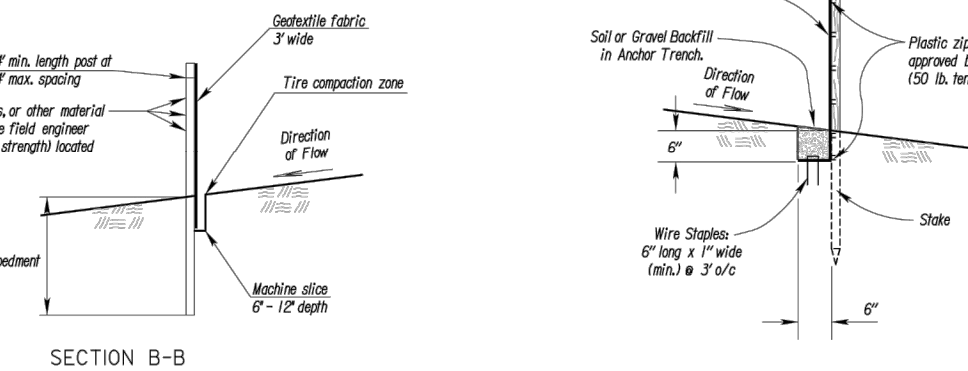
- Notes for Silt Fence Ditch Check**
- Stakes shall be 4" (min.) long and one of the following materials:
 - Hardwood - 1 1/2" x 1 1/2"
 - Southern Pine (No. 2) - 2 1/2" x 2 1/2"
 - Steel (1, 1.1, or 1.2) Section - 50 lbs. per 1'-0"
 - Synthetic - same strength as wood stakes.
 - Cross pieces shall be of same material as stakes.
 - Attach fence fabric securely on 6" centers (max).
 - Use of high flow material is acceptable.
 - Refer to plan sheets to estimate the length of silt fence required.
 - Use support fencing when tributary area is greater than 2.4 acres or when ditch gradient is greater than 2 percent.
 - Silt fence shall be to a 4" minimum depth.
 - Elevation of tie-in points shall be a minimum of 4" higher than the center.



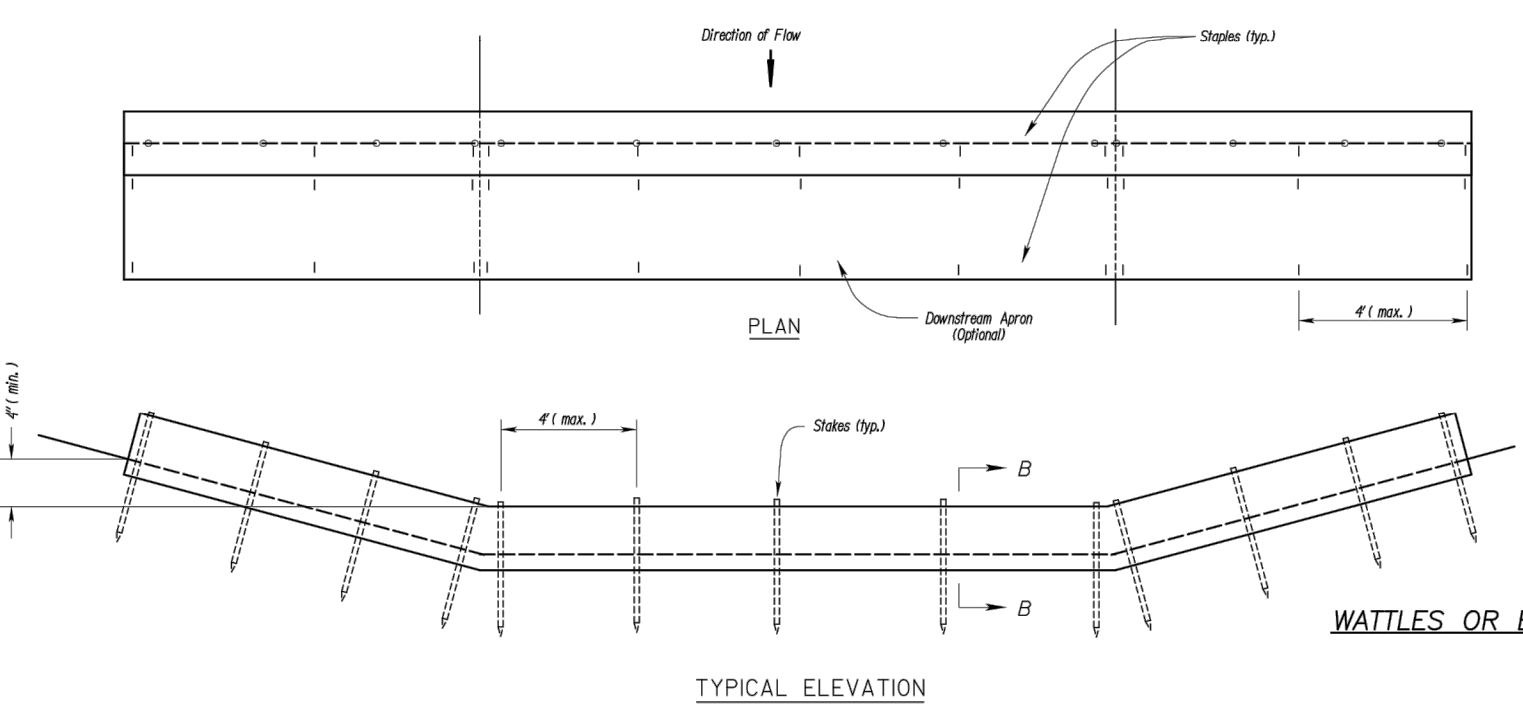
Alternative Type Ditch Check Spacing

Ditch Centerline Slope (S)	Spacing Interval (Feet)
1.0	200
2.0	100
3.0	65
4.0	50
5.0	40
6.0	33

Note: Use this spacing for all except Rock Ditch Checks.

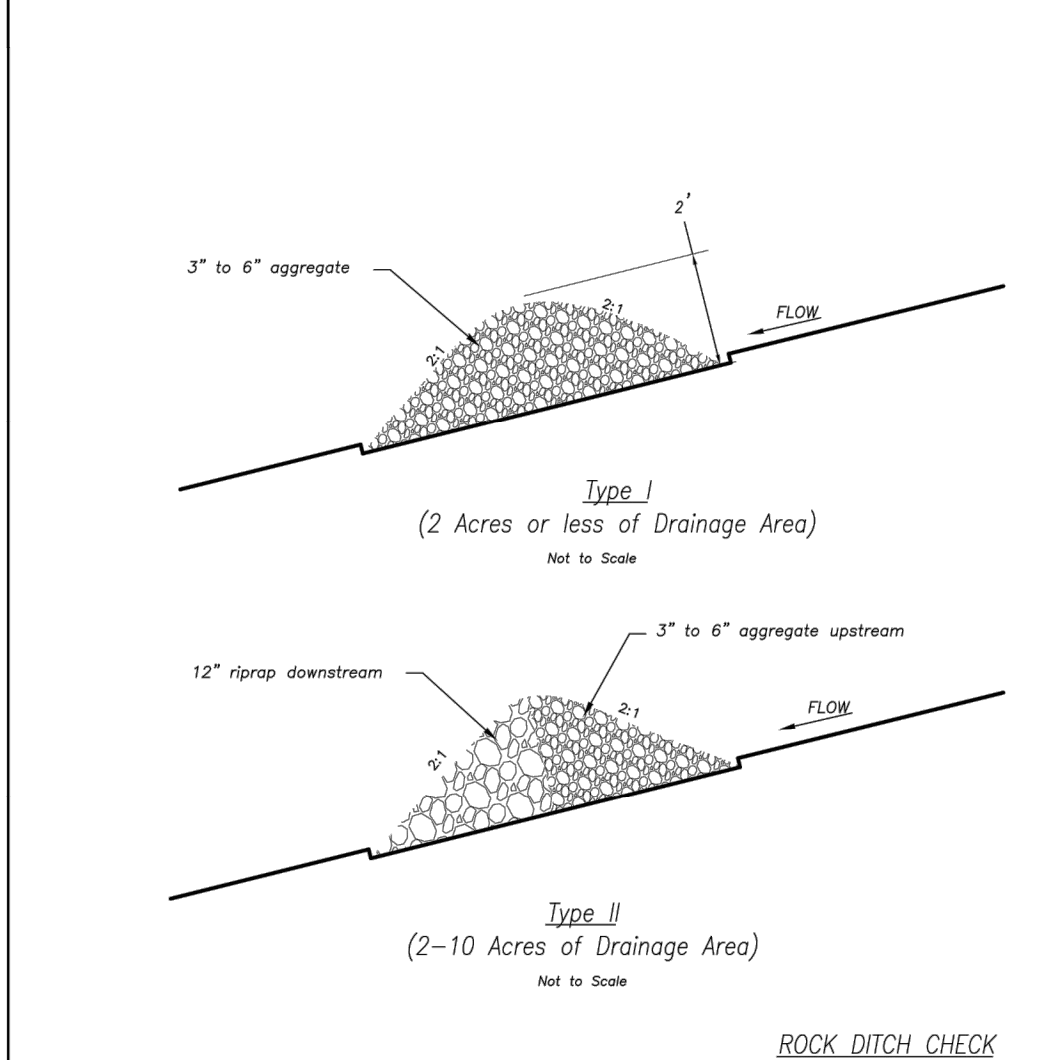


SILT FENCE DITCH CHECK
NO SCALE



- Notes for Wattles and Biodegradable Log Ditch Check**
- Use an evenly biodegradable log section as necessary to ensure water does not flow around end of ditch check.
 - Overlap sections a minimum of 18"
 - Stakes shall be per manufacturer's instructions. Length of stakes shall be a minimum of 2 times the diameter of the log or 24" minimum.
 - Use Erosion Control (Class 1) (Type C) as the downstream apron when directed by the Engineer.
 - Use 9" diameter logs when used with Erosion Control (Class 2) (Any Type) channel lining. Smaller diameter logs may be used with Erosion Control (Class 2) (Any Type) channel lining as directed by the Engineer.

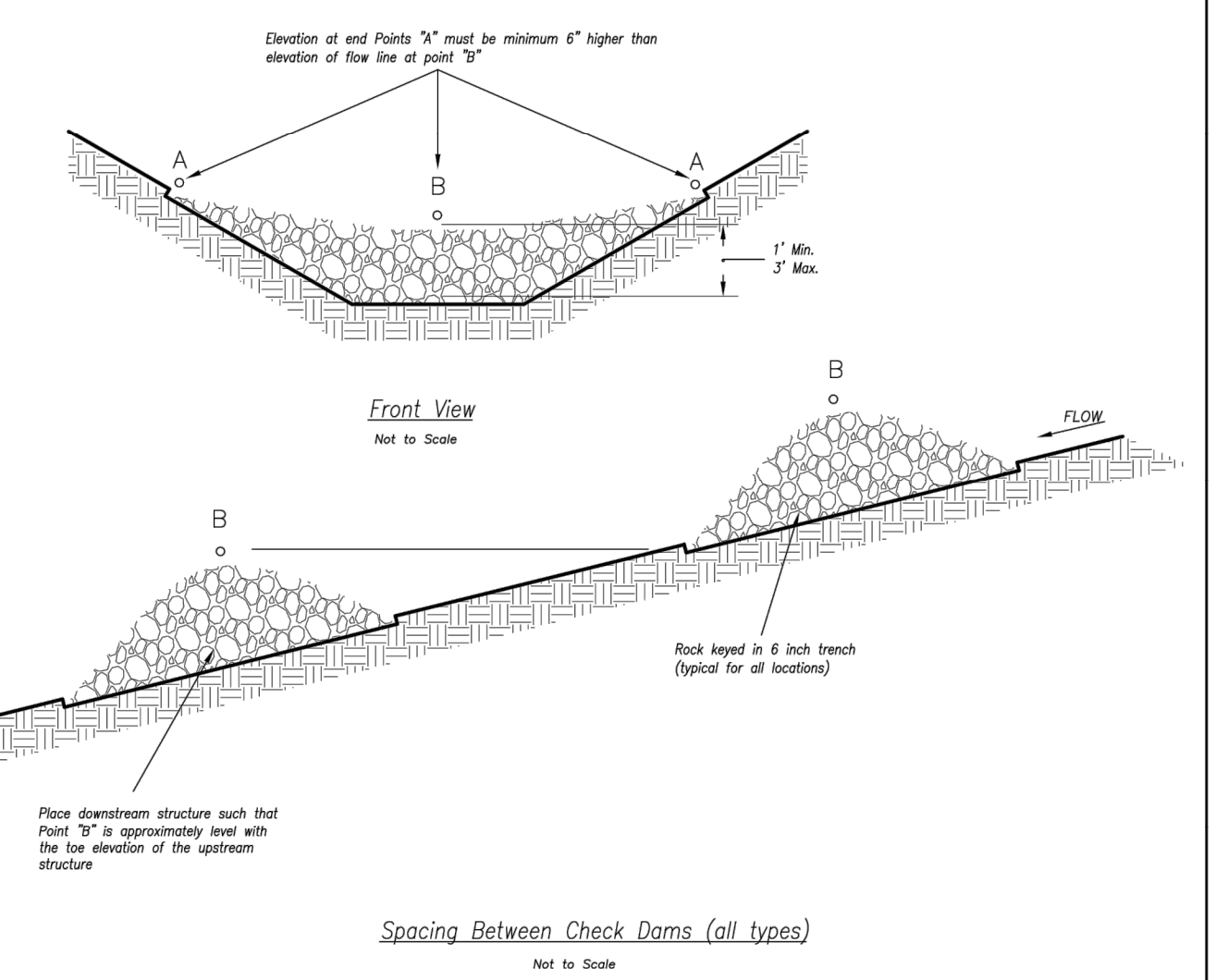
AMERICAN PUBLIC WORKS ASSOCIATION
KANSAS CITY METRO CHAPTER
STANDARD DRAWING NUMBER ESC-09
ADOPTED: 10/24/2016



Temporary Rock Ditch Check Spacing

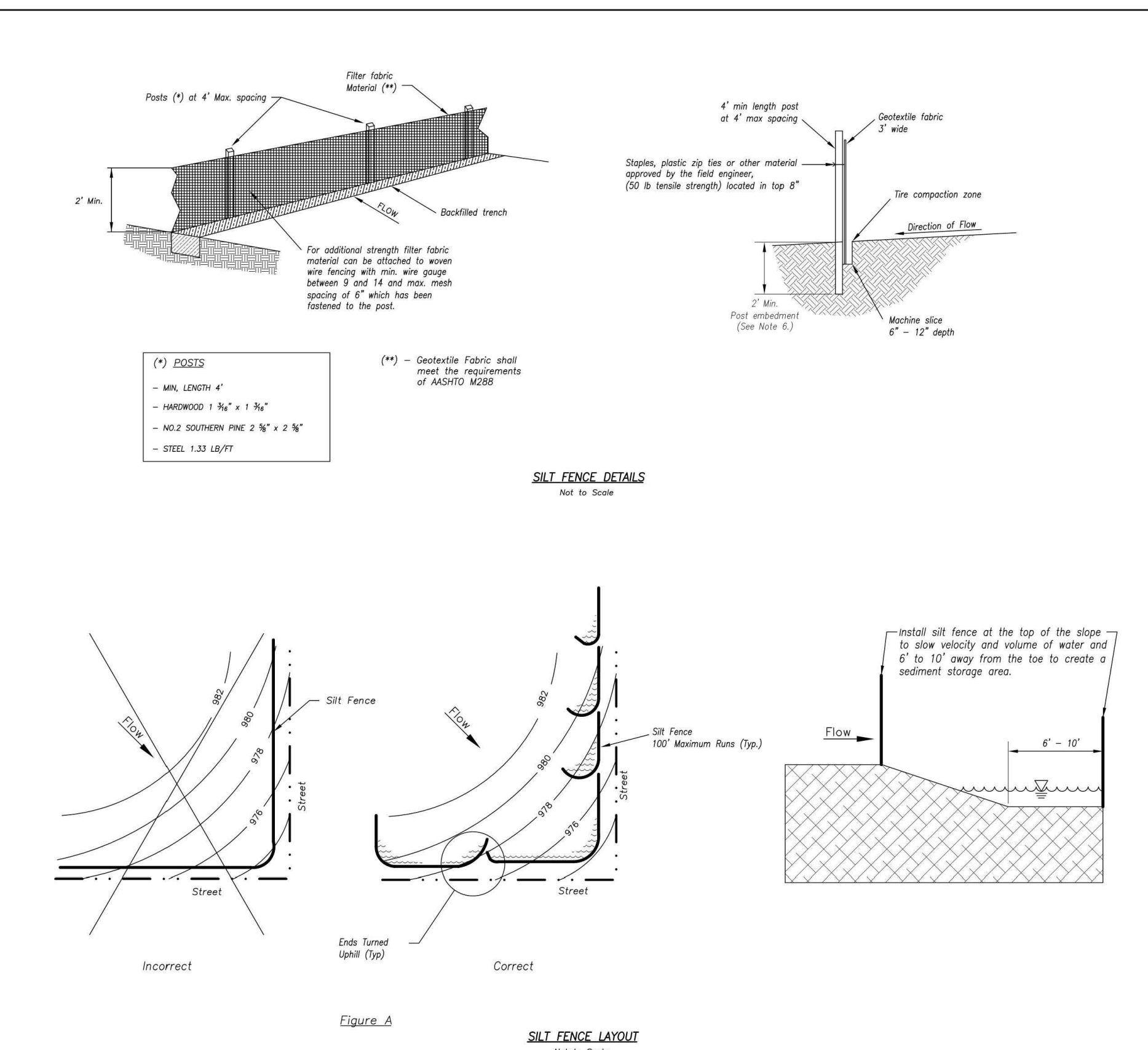
Ditch Centerline Slope (S)	Spacing Interval (Feet)
5.0	60
6.0	50
7.0	43
8.0	36
9.0	33
10.0	29

Note: Use this spacing only for Rock Ditch Checks.

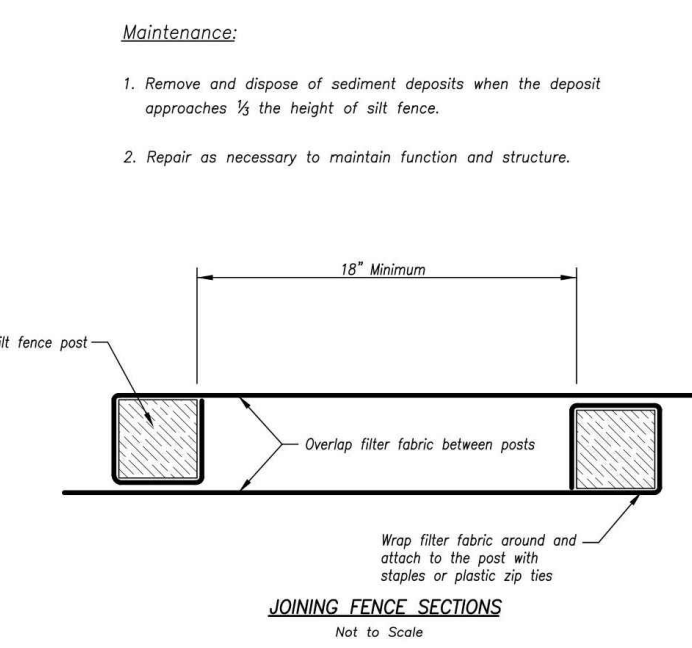


- Notes:**
- Rock check dams shall be used only for drainage areas less than 10 acres unless approved by the City Engineer.
 - Use rock checks only in situations where the ditch slope exceeds 6%.
- Maintenance:**
- Remove and dispose of sediment deposits when the deposit approaches 1/2 the height of the ditch check.
 - Repair and reshape as necessary to maintain function and integrity of installation.

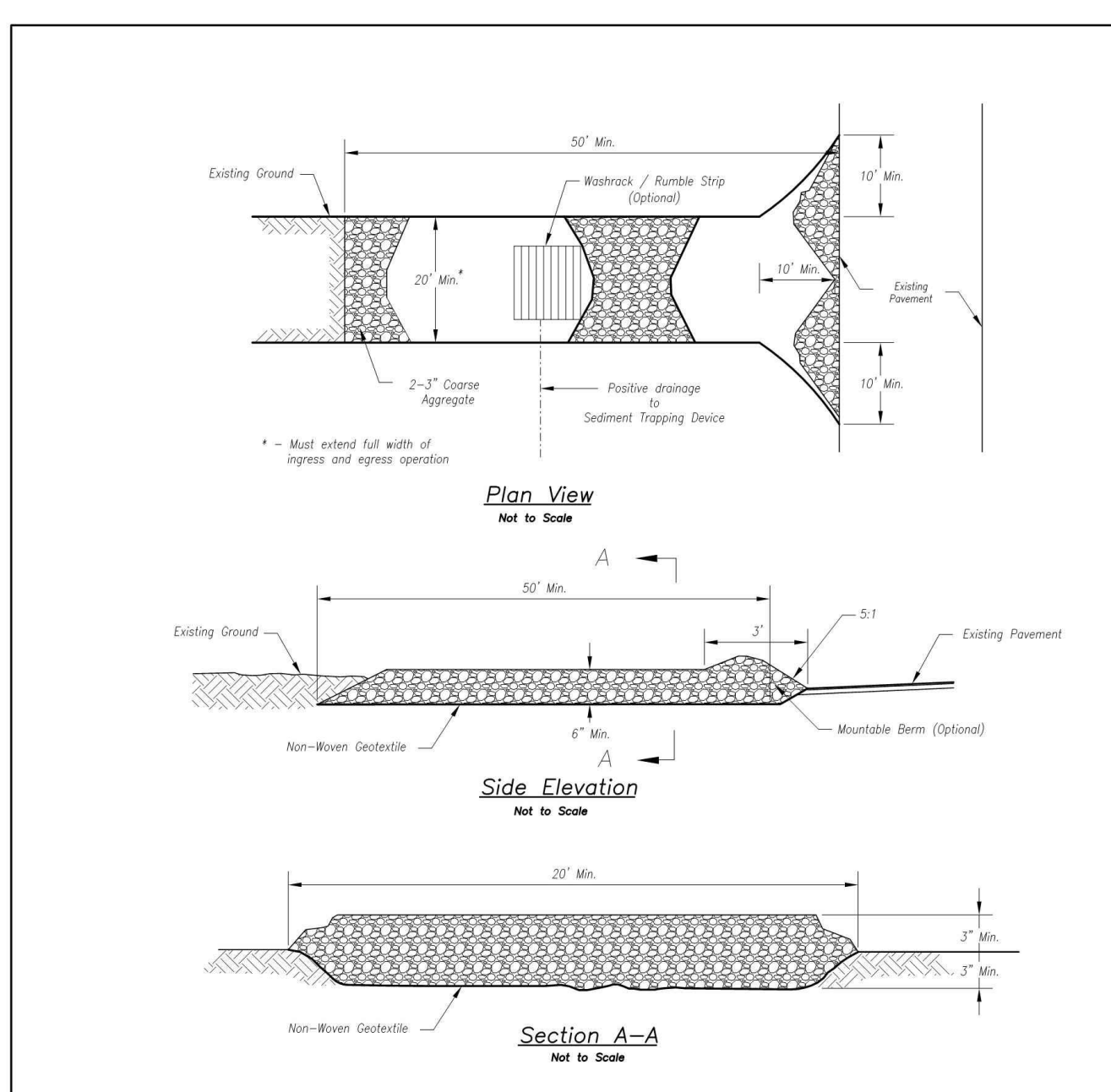
AMERICAN PUBLIC WORKS ASSOCIATION
KANSAS CITY METRO CHAPTER
STANDARD DRAWING NUMBER ESC-10
ADOPTED: 10/24/2016



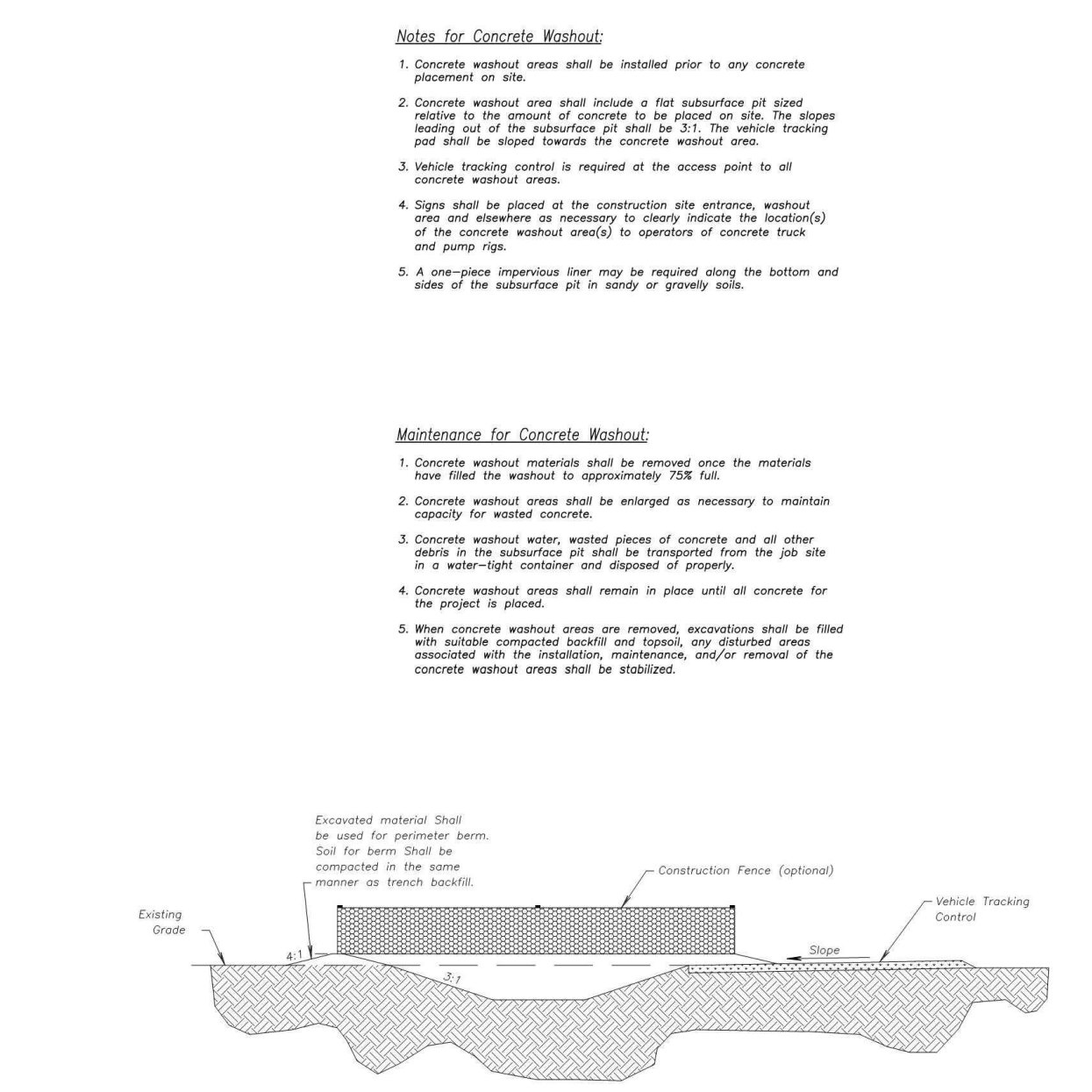
- Notes:**
- In order to contain water, the ends of the silt fence must be turned up (Figure A).
 - Long perimeter runs of silt fence must be limited to 100'. Runs should be broken up into several smaller segments to minimize water concentrations (Figure A).
 - Long slopes should be broken up with intermediate rows of silt fence to slow runoff velocities.
 - Attach fabric to upstream side of post.
 - Install posts a minimum of 2" into the ground.
 - Trenching will only be allowed for small or difficult installation, where sloping machine cannot be reasonably used.



AMERICAN PUBLIC WORKS ASSOCIATION
KANSAS CITY METRO CHAPTER
STANDARD DRAWING NUMBER ESC-03
ADOPTED: 10/24/2016



- Notes for Construction Entrance:**
- Avoid loading on steep slopes, or curves on public roads, or ditches of disturbed areas.
 - Remove all vegetation and other unsuitable material from the foundation area, grade, and crown for positive drainage.
 - If slope towards the public road exceeds 25%, construct a 2- to 8-inch high ridge with 3:1V side slopes across the foundation approximately 15 feet from the edge of the public road to divert runoff from it.
 - Install pipe under the entrance if needed to maintain drainage ditches along public roads.
 - Place stone to dimensions and grade as shown on plans. Leave surface sloped for drainage.
 - Divert all surface runoff and drainage from the entrance to a sediment control device.
 - If conditions warrant, place geotextile fabric on the graded foundation to improve stability.
- Maintenance for Construction Entrance:**
- Reshape entrance as needed to maintain function and integrity of installation. Top dress with clean aggregate as needed.



- Notes for Concrete Washout:**
- Concrete washout materials shall be removed prior to any concrete placement on site.
 - Concrete washout areas shall include a flat substructure pit sized relative to the amount of concrete to be placed on site. The slope leading out of the substructure pit shall be 2:1. The vehicle tracking pad shall be placed towards the concrete washout area.
 - Vehicle tracking control is required of the access point to all concrete washout areas.
 - Slope shall be placed of the construction site entrance, washout area and elsewhere as necessary to clearly indicate the location(s) of the concrete washout area(s) to operators of concrete trucks and pump rigs.
 - A one-piece impermeable liner may be required along the bottom and sides of the substructure pit in sandy or gravelly soils.
- Maintenance for Concrete Washout:**
- Concrete washout materials shall be removed once the materials have filled the washout to approximately 75% full.
 - Concrete washout areas shall be enlarged as necessary to maintain capacity for washed concrete.
 - Concrete washout water, washed pieces of concrete and all other debris in the substructure pit shall be transported from the job site in a water-tight container and disposed of properly.
 - Concrete washout areas shall remain in place until all concrete for the project is placed.
 - When concrete washout areas are removed, excavations shall be filled with suitable compacted backfill and drainage, any disturbed areas associated with the installation, maintenance, and/or removal of the concrete washout areas shall be stabilized.

AMERICAN PUBLIC WORKS ASSOCIATION
KANSAS CITY METRO CHAPTER
STANDARD DRAWING NUMBER ESC-01
ADOPTED: 10/24/2016

REVISION DATE	DESCRIPTION
2.9.2024	STATE SUBMITTAL
3.8.2024	CITY SUBMITTAL

DRAWN BY: SCH
CHECKED BY: MAB
DATE PREPARED: 02.09.2024
PROJ. NUMBER: 24-032

April 2, 2024

Mr. Bill Noll, PS MPS CPM CFM
Leavenworth County
Infrastructure and Construction Services Director
300 Walnut, Suite 007
Leavenworth, Kansas 66048

RE: SIGHT DISTANCE REVIEW FOR POLISHED AND DECORATIVE CONCRETE

Dear Mr. Noll,

Polished and Decorative Concrete wishes to construct a new 20,000 square foot facility located near the intersection of State Avenue and Ridge Street in the City of Tonganoxie. This site is comprised of approximately 6.28 acres and has an existing shared access to State Avenue that will remain, and they are proposing a new access location off of Tonganoxie Road.

We have prepared this site distance review to support the access request from Tonganoxie Road, which is under the jurisdiction of Leavenworth County in this location. The required sight distance was determined by reviewing the 2018 edition of the AASHTO "Green Book". The posted speed limit on Tonganoxie Road is 55 mph. The design values used in our analysis increased this to 60 mph. This resulted in the following values from the "Green Book":

CASE B1 (Left Turn from stop on minor road): 665-feet (Table 9-7)

CASE B2 (Right Turn from stop on minor road): 575-feet (Table 9-9)

STOPPING SIGHT DISTANCE (Along Tonganoxie Road): 570-Feet (Table 3-35)

These values are illustrated on the attached exhibits. Actual sight distances were measured onsite, and exceeded the required values for both cases. In our opinion, the existing intersection and stopping sight distance is adequate for the proposed access location.

Thank you for your consideration of the materials presented herein. Should you have any questions or need additional information, please do not hesitate to contact me.

Sincerely,
SCHLAGEL & ASSOCIATES, P.A.



Mark A. Breuer, P.E.
Principal



Allison, Amy

From: McAfee, Joe
Sent: Monday, April 15, 2024 9:50 AM
To: Allison, Amy
Cc: PZ
Subject: RE: DEV-24-028 P&D Concrete Entrance Variance Request

Amy,
We have reviewed the engineer's submittal for the commercial driveway offset distance variance request and have no issue regarding the professional's assessment of the sight distance investigation.

From: Allison, Amy <AAllison@leavenworthcounty.gov>
Sent: Thursday, April 4, 2024 9:01 AM
To: Magaha, Chuck <cmagaha@lvsheriff.org>; Brown, Misty <MBrown@leavenworthcounty.gov>; Noll, Bill <BNoll@leavenworthcounty.gov>; McAfee, Joe <JMcAfee@leavenworthcounty.gov>; Monica Peterson <MPeterson@jfcountryks.com>; 'George Brajkovic' <gbrajkovic@tonganoxie.org>
Cc: PZ <PZ@leavenworthcounty.gov>
Subject: DEV-24-028 P&D Concrete Entrance Variance Request

Good Morning,

The Department of Planning and Zoning has received a Variance request from Article 41, Section 6, Exhibit B.c.I. Business Entrance spacing on an Arterial Roadway for the property located at 1201 Kansas Ave (PID 192-04-0-40-03-001.00).

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 Friday, April 12, 2024.

If you have any questions or need additional information, please contact me at (913) 684-0465 or at 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.