

LEAVENWORTH COUNTY PLANNING COMMISSION

Agenda for the Regular Meeting of 6:00 P.M., Wednesday, May 12, 2021
County Courthouse - 300 Walnut Street - Leavenworth, Kansas 66048
www.leavenworthcounty.gov

Due to limited seating anyone wishing to attend will need to call 913-684-0465 before noon on Tuesday, May 11th. We encourage everyone to view the meeting live via YouTube

1. **Call to Order**
2. **Pledge of Allegiance**
3. **Roll Call**
4. **Approval of Minutes**
5. **Secretary's Report**
6. **Approval of Agenda**
7. **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
8. **Consent Agenda**
 - A. **Case DEV-21-004 & 005 Boyd Estates – *Continued from the April Meeting***

Consideration of a Preliminary and Final Plat for Boyd Estates, a four-lot plat, on a tract of land in the Northwest Quarter of Section 10, Township 10 South, Range 22 East of the 6th P.M., in Leavenworth County, Kansas.
Also known as 18401 Hollingsworth Road (PID: 154-19-0-00-00-013.01)
Submitted by Herring Surveying
 - B. **Case DEV-21-041 & 042 Putthoff Acres**

Consideration of a Preliminary and Final Plat for Putthoff Acres, a two-lot plat, on a tract of land consisting of the North Half of the Northwest quarter of the Southwest Quarter of Section 21, Township 10 South, Range 21 East of the 6th P.M., in Leavenworth County, Kansas.
Also known as 21476 219th Street (PID: 145-21-0-00-00-007.05)
Submitted by Hahn Surveying
 - C. **Case DEV-21-043 & 044 Lori Acres**

Consideration of a Preliminary and Final Plat for Lori Acres, a one-lot plat, on a tract of land in the Northeast Quarter of Section 10, Township 11 South, Range 21 East of the 6th P.M., in Leavenworth County, Kansas.
Also known as 20851 State Ave (PID 192-10-0-10-01-020.00)
Submitted by Herring Surveying

9. Regular Agenda

A. Case DEV-21-030 Sunny Side Estates

Consideration of a Preliminary Plat for Sunny Side Estates, a four-lot plat, located on all of Lot 1A, Heartland Estates, in Leavenworth County, Kansas.

Also known as 00000 Evans Road (PID: 182-09-0-00-00-016.07)

Submitted by Herring Surveying

B. Case DEV-21-034 Baseball Facility

Consideration of an application for a Special Use Permit for a commercial athletic field for a baseball training facility, located on Lot 1 of Madeline's Meadows a Subdivision in Leavenworth County, Kansas.

Also known as 25214 163rd Street (108-27-0-00-00-006.04)

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

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

C. Case DEV-20-140 Rezone Ledford

Consideration of an application for a rezoning request from B-3 & RR-5 zoning districts to B-3 zoning district on a tract of land located in the Northeast Quarter of Section 3, Township 9, Range 21 East of the 6th P.M. in Leavenworth County, Kansas.

Also known as 00000 Springdale Road (PID: 112-03-0-00-00-007.01)

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

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

D. Case DEV-21-039 Rezone Pine Ridge Partners

Consideration of an application for a rezoning request from RR-5 zoning district to RR-2.5 zoning district on a tract of land consisting of a portion of the Southwest Quarter of the Northwest Quarter of Section 32, Township 09 South, Range 22 East of the 6th P.M. in Leavenworth County, Kansas.

Also known as 00000 Seymore Road (PID: 109-32-0-00-00-004.02)

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

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

D. Case DEV-21-033 Text Amendment

Consideration of an application to consider Amendments to the 2006 Leavenworth County Zoning and Subdivision Regulations:

Article 3 – Definitions

Article 41 – Access Management

Article 43 – Cross Access Easements

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

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

Adjournment of Planning Commission

Next meeting date:

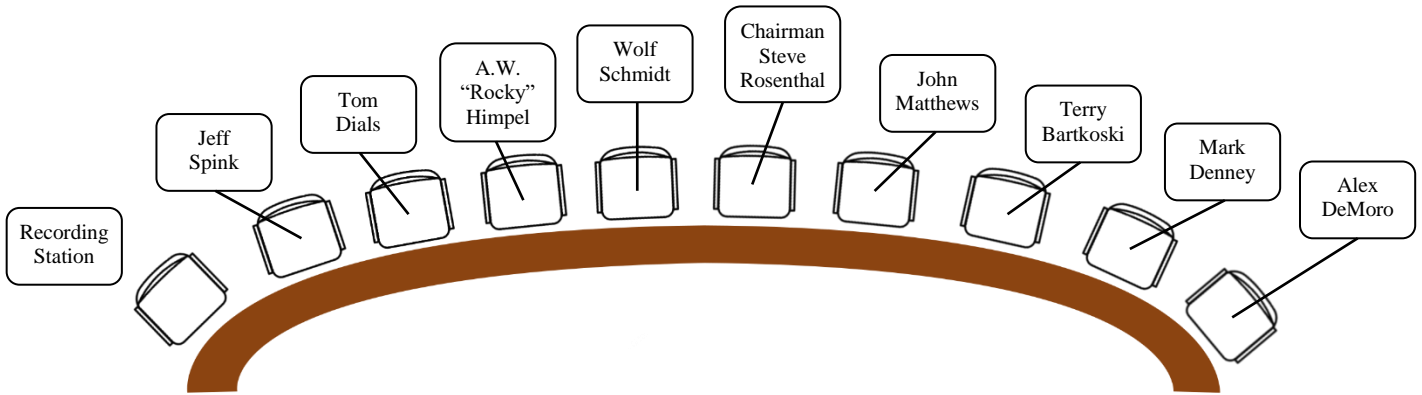
Wednesday, June 9, 2021 6 PM – Regularly Scheduled Meeting

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 2021



Leavenworth County Planning Commission

May 12, 2021

Legend

- RR-2.5
- RR-5
- B-1; B-2; B-3
- I-1; I-2; I-3
- PUD; R-1; R-1(15); R-1(43); R-2

DEV-20-140
Rezoning
Ledford

DEV-21-039
Rezoning
Pine Ridge Partners

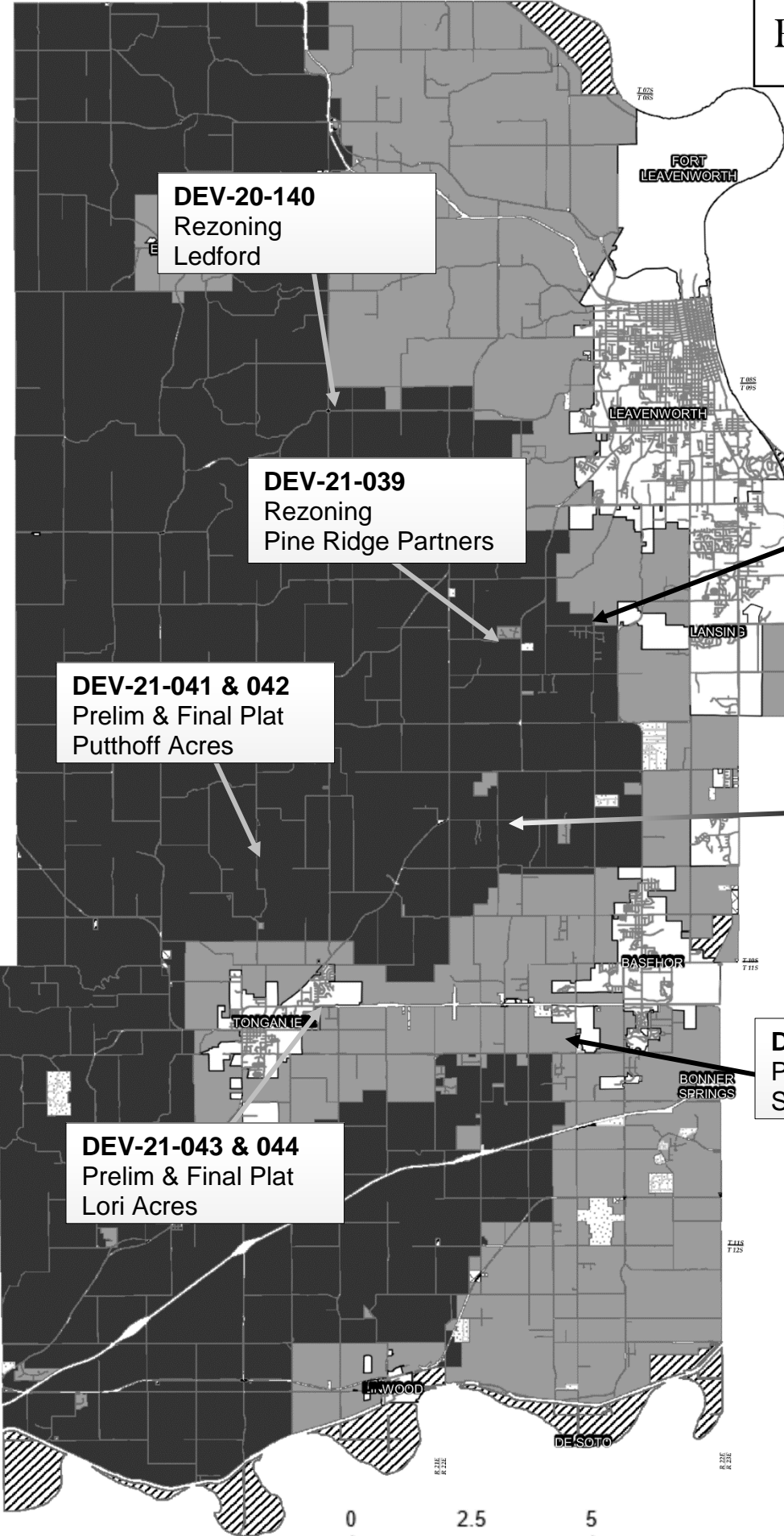
DEV-21-034
Special Use Permit
Boden Baseball

DEV-21-041 & 042
Prelim & Final Plat
Putthoff Acres

DEV-21-004 & 005
Prelim & Final Plat
Boyd Estates

DEV-21-043 & 044
Prelim & Final Plat
Lori Acres

DEV-21-030 & 031
Prelim & Final Plat
Sunny Side Estates



**LEAVENWORTH COUNTY PLANNING COMMISSION
MINUTES OF THE REGULAR MEETING
April 14, 2021**

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

Meeting called to order at 6:00 pm

Pledge of Allegiance

Members present: Steve Rosenthal, Mark Denney, A.W. Himpel, Jeff Spink, John Matthews, Terry Barkoski, Wolf Schmidt, and Tom Dials

Members absent: Alex DeMoro

Staff present: Krystal Voth-Director, Stephanie Sloop-Planning Coordinator, Joshua Gentzler-Planner, David Van Parys-Senior County Counselor

Approval of Minutes:

Commissioner Dials made a motion to approve the minutes from the previous Planning Commission. Commissioner Matthews seconded the motion.

ROLL CALL VOTE - Motion to approve passed, 7/0 (1 abstention)

Secretary's Report:

Krystal Voth gave the secretary's report, letting the commission know that there were several cases on the consent agenda, approval of the agenda would approve those cases. Ms. Voth also let them know that one item was being continued to the May meeting.

A motion was made by Commissioner Dials to approve the agenda. Commissioner Matthews seconded the motion.

ROLL CALL VOTE - Motion to approve passed, 8/0

Declarations: No further declarations

Case DEV-20-158 (Polhemus Mechanic)

Consideration of an application for a Special Use Permit for Polhemus Mechanic, an Automotive Repair Service, located on Lot 7 in Hidden Meadows Subdivision Phase 1, in Leavenworth County, Kansas.

Also known as 17405 Gatewood Street (103-08-0-00-00-015.06)

Request submitted by Mr. Polhemus

Also known as 17405 Gatewood Street

Krystal Voth reminded the Commission that at last month's meeting this case was presented. The Planning Commission tabled the case and instructed staff to draft conditions that they as a Board had decided upon. Ms. Voth presented the conditions to the board.

Chairman Rosenthal clarified that public comment had been closed at the previous meeting and that it did not need to be opened again. Chairman Rosenthal asked the applicant to come forward and asked him if he agreed with the conditions. Mr. Polhemus said he did agree with the conditions.

Commissioner Barkoski made a motion to approve DEV-20-158 for Polhemus Mechanic. Commissioner Schmidt seconded the motion.

ROLL CALL VOTE - Motion to approve passed, 8/0

The Board of County Commissioners will consider this item on **May 5, 2021 at 9:00 A.M** in the Leavenworth County Courthouse.

Case DEV-21-029

Consideration of an application for a Special Use Permit for a Laydown Yard & Repair Facility, located on a tract of land in the Southeast Quarter of Section 18, Township 08 South, Range 21 East of the 6th P.M., located in Leavenworth County, Kansas.

Request submitted by Mr. Mortsolf

Also known as 31962 235th Street (064-18-0-00-00-007.00)

Joshua Gentzler presented the staff report for the above-referenced case. Mr. Gentzler explained nature of the business and the applicant's request.

Chairman Rosenthal opened the public hearing portion of the hearing and asked if the applicant wished to speak. Mr. Mortsolf came forward to answer questions from the Commission. He stated that he did agree with the conditions and asked for clarification on some of the items.

Chairman Rosenthal asked if there was anyone that wished to speak in support of the business. Chairman Rosenthal asked if there was anyone wishing to speak in opposition. Several residents came forward to speak to get clarification on the request and to speak in opposition. Chairman Rosenthal closed the public portion of the hearing.

Commissioner Barkoski made a motion to approve DEV-21-029 for the Mortsolf Laydown Yard. Commissioner Dials seconded the motion.

ROLL CALL VOTE - Motion to approve passed, 5/3

The Planning Commission adjourned and the Board of Zoning Appeals convened.

Members present: Steve Rosenthal, A.W. Himpel, Jeff Spink, John Matthews, Terry Barkoski, Wolf Schmidt, and Tom Dials

Staff present: Krystal Voth-Director, Stephanie Sloop-Planning Coordinator, Joshua Gentzler-Planner, David Van Parys-Senior County Counselor

Case DEV-21-029

Consideration of an application for a Variance to Article 5, Section 4 which requires a minimum road frontage of 200 feet for a tract of land located in the south half of the northwest quarter described as Section 25, Township 10 S, Range 22 E of the 6th P.M., located in Leavenworth County, Kansas.

Also known as 00000 147th Street (157-25-0-00-00-002.04)

Krystal Voth presented the staff report for the above-referenced case.

Chairman Rosenthal opened the public hearing portion of the hearing and asked if the applicant wished to speak. Mr. and Mrs. Meyer came forward to answer questions from the Commission. They stated the reason for the requested variance.

Chairman Rosenthal asked if there was anyone that wished to speak in support of this request. Chairman Rosenthal asked if there was anyone wishing to speak in opposition. Chairman Rosenthal closed the public portion of the hearing.

Chairman Barkoski made a motion to approve DEV-21-029 a variance request. Commissioner Dials seconded the motion.

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

*****Consent Agenda*****
Case No. DEV-21-004-005
Boyd Estates
Preliminary and Final Plat

Staff Report – Planning Commission

May 12, 2021

GENERAL INFORMATION:

**Applicant/
Property Owner:** Janice I. Boyd
18401 Hollingsworth Road
Tonganoxie, KS 66086

Agent: Joe Herring
Herring Surveying
315 N. 5th Street
Leavenworth, KS 66048

Legal Description: A tract of land in the northwest quarter of Section 19, Township 10 South,
Range 22 East of the 6th P.M, in Leavenworth County, Kansas.

Parcel Size: ± 22 acres

Zoning/Land Use: RR-5, Rural Residential 5-acre minimum size parcels

Comprehensive Plan: This parcel is within the Residential land use category.

Parcel ID No.: 154-19-0-00-00-013.01

Planner: Krystal A. Voth

REPORT:

Request

The applicant is requesting a Preliminary and Final Plat for a two-lot subdivision.

Adjacent Land Use

The surrounding properties are residences and farms on varying sized parcels ranging from 1 acre to over 140 acres in size.

Flood Plain

There are no Special Flood Hazard Areas on this parcel per FEMA Firm Map 20103C0225G July 16, 2015.

Utilities/Services

Sewer: Private septic system
Fire: Stranger
Water: RWD # 8
Electric: Evergy

Access/Streets

The property is accessed by Hollingsworth Road. This road is a County Collector with a hard surface ± 60' of ROW.

Agency Comments

See attached comments – Email – Krystal Voth – Planning and Zoning, April 23, 2021
See attached comments – Email – Olssen – Public Works, May 3, 2021
See attached comments – Email – Becky Fousek – Rural Water District 8, February 9, 2021

Findings

1. The proposed development is consistent with the Zoning District for RR-5. The lots are five acres in size and have the
2. The property is not within a sewer district boundary or is within 660 feet of the incorporated limits of a municipality; therefore, a waiver to the requirement of allowing private septic systems is supported by staff. A private sewage disposal permit may be issued per Leavenworth County Sanitary Code requirements.
3. The water district had indicated that further development of this property will require additional easements for the waterline. The existing lots are five acres or more in size and are therefore allowed to be serviced by well water. Currently there are no plans to upgrade the water lines to be able to support fire hydrants.
4. The subdivision, as proposed, is in conformance with the comprehensive plan.

Subdivision Classification

This is classified as a Class "R" Subdivision. According to the Leavenworth County Zoning & Subdivision regulations, a Class "R" Subdivision is any subdivision in which all the lots lie 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.)

Staff Comments

The plat, as submitted, is a two-lot subdivision located on Hollingsworth Road which is a County Collector Roadway. Lot 1 has an existing home and is proposed at just over five acres. The remaining lot is approximately 17 acres in size. The lots are in conformance with the Comprehensive Plan. Should Lot 2 be further divided in the future, the development will be subject to the Access Management policy, the Zoning and Subdivision Regulations, Sanitary Code and all other codes in effect at the time of development. Further, Rural Water District 8 has requested additional easements along 187th Street to facilitate the expansion of their water lines for future development. The applicant shall work with the water district if there is future development of Lot 2. The existing lots are greater than five acres and are therefore allowed to be serviced by a well. The applicant has addressed all comments and concerns raised by Planning and Zoning and Public Works. Staff recommends approval of the development.

STAFF RECOMMENDATION:

The staff recommends approval of Case No.DEV-21-004/005, Preliminary and Final Plat for Boyd Estates, with the following 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. After approval of this subdivision by the Board of County Commission, all conditions listed shall be adhered to and copies shall be provided to the Planning and Zoning Department within 30 days.

ACTION OPTIONS:

1. Recommend approval of Case No. DEV-21-004/005, Preliminary and Final Plat for Boyd Estates, to the Board of County Commission, with or without conditions; or
2. Recommend denial of Case No. DEV-21-004/005, Preliminary and Final Plat for Boyd Estates, to the Board of County Commission for the following reasons; or

3. Continue the hearing to another date, time, and place because;

ATTACHMENTS:

Aerial Map
Memorandums
Preliminary and Final Plat

DEV-21-004 & 005 Boyd Estates



Legend

- Address Point
- Parcel
- City Limit Line
- Major Road
- <all other values>
- 70
- Road
- + Railroad
- Section
- Section Boundaries
- County Boundary

Notes

511.5 0 255.74 511.5 Feet

This Cadastral Map is for informational purposes only. It does not purport to represent a property boundary survey of the parcels shown and shall not be used for conveyances or the establishment of property boundaries.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

BOYD ESTATES

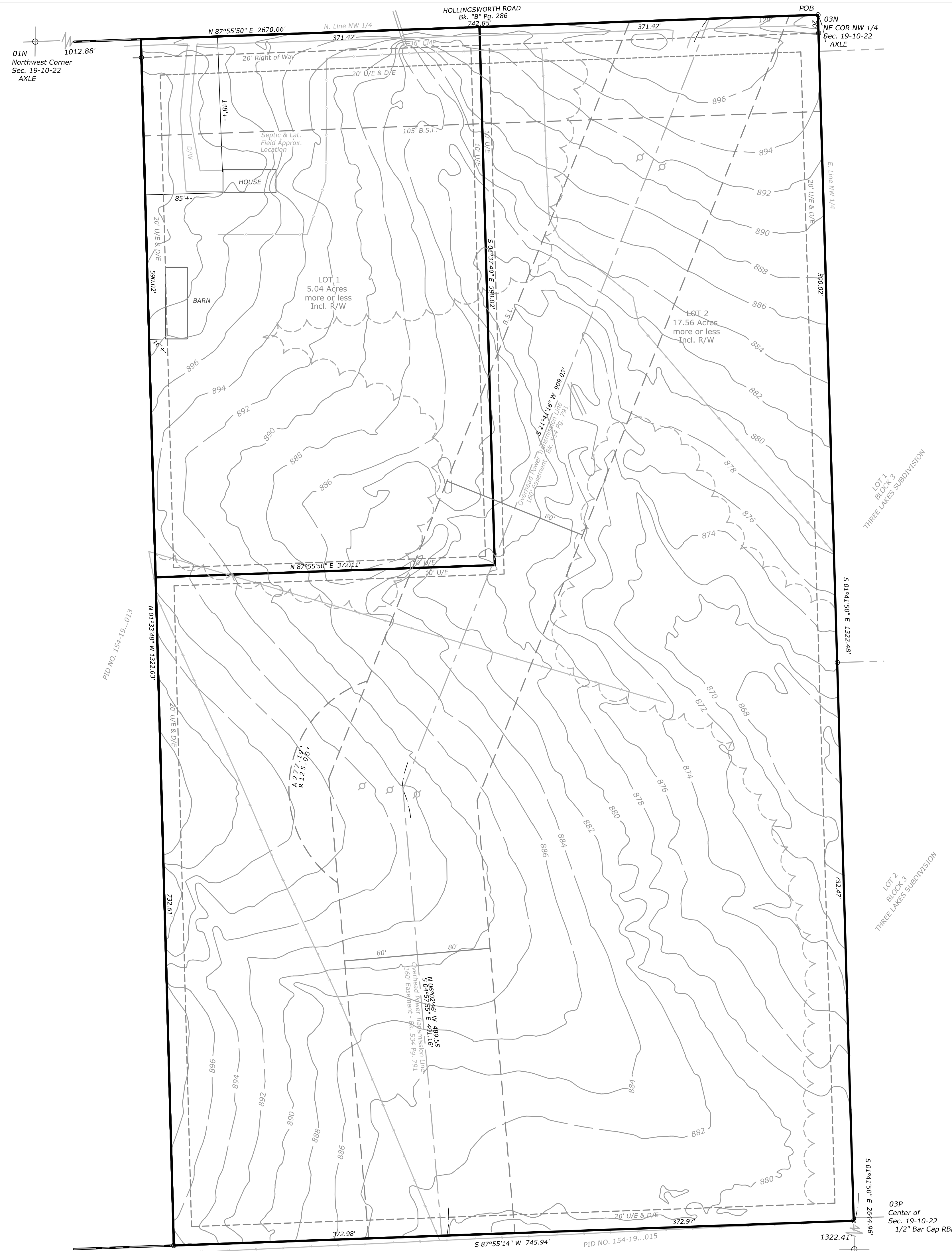
A Minor Subdivision in the Northwest Quarter of Section 19, Township 10 South, Range 22 East of the 6th P.M., Leavenworth County, Kansas.

PRELIMINARY PLAT

PREPARED FOR:
Janice I. Boyd
18401 Hollingsworth Road
Tonganoxie, Kansas 66086
PID NO. 154-19-0-00-013.01

RECORD DESCRIPTION:
Tract of land in the North Half of the Northwest Quarter of Section 19, Township 10 South, Range 22 East of the 6th P.M., Leavenworth County, Kansas, more fully described as follows: Beginning at the Northeast corner of said Northwest Quarter; thence South 01 degrees 41'50" East for a distance of 1322.48 feet along the East line of said Northwest Quarter; thence South 87 degrees 55'14" West for a distance of 745.94 feet; thence North 01 degrees 33'48" West for a distance of 1322.63 feet to the North line of said Northwest Quarter; thence North 87 degrees 55'50" East for a distance of 742.85 feet to the true point of beginning.
Together with and subject to covenants, easements, and restrictions of record. Said property contains 22.60 acres, more or less, including road right of way.
Error of Closure: 1 - 982411

**05-03-2021
OLSSON REVIEW
No Comments**

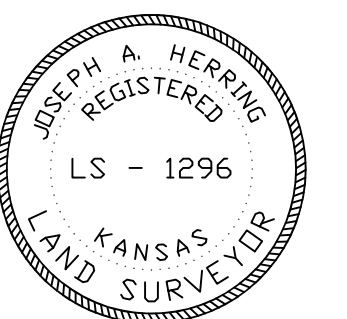


- RESTRICTIONS:**
- 1) All proposed structures within this plat shall comply with the Leavenworth County Zoning and Subdivision Regulations or zoning regulation jurisdiction.
 - 2) An Engineered Waste Disposal System may be required due to poor soil conditions.
 - 3) Erosion and sediment control measures 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
 - 5) No off-plat restrictions.

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

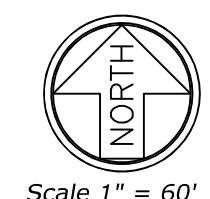
- NOTES:**
- 1) This survey does not show ownership.
 - 2) All distances are calculated from measurements or measured this survey, unless otherwise noted.
 - 3) All recorded and measured distances are the same, unless otherwise noted.
 - 4) Error of Closure - See Error of Closure Calculations
 - 5) Basis of Bearing - KS State Plane NAD 83, North Zone 1501
 - 6) Point Origin Unknown, unless otherwise noted.
 - 7) Proposed Lots for Residential Use.
 - 8) Road Record - See Survey
 - 9) Benchmark - NAVD88 Project Benchmark (BM) - 1/2" Bar Cap 1296 NE Cor Lot 2 - Elev. 890.6'
 - 10) Easements, if any, are created hereon or listed in referenced title commitment.
 - 11) Reference Recorded Deed Document No. 2020R12775
 - 12) Utility Companies -
- Water - RWD 8
- Electric - Evergy
- Sewer - Septic / Lagoon
- Gas - Propane / Natural Gas
 - 13) Reference McCaffrey Short Title Owners & Encumbrances updated December 14, 2020
 - 14) Property is not in a Special Flood Hazard Area per FEMA FIRMS Map 20103C0225 dated July 16, 2015
 - 15) Building Setback Lines as shown hereon or noted below
- All side yard setbacks - 15' (Accessory - 15')
- All rear yard setbacks - 40' (Accessory - 15')
 - 16) Distances to and of structures, if any, are +- 1'.
 - 17) Easements as per referenced Title Commitment are shown hereon
- Easement to Kansas Power & Light Book 539 Page 1366 - Overhead Transmission Line
- Oil & Gas Lease Book 533 Page 644, blanket description in nature - not shown.
 - 18) Fence Lines do not necessarily denote the boundary line for the property.
 - 19) Reference Surveys:
Recorded Plats - DOYLE ACRES, GRAVEL ROAD SUBDIVISION, THREE LAKES SUBDIVISION
J.A.Herring Survey recorded Document 2020S082
 - 20) Existing barn on Lot 1 encroaches upon the Western 20' Utility and Drainage Easement, barn may remain as it exists today. Any modifications, repairs to the barn shall be subject to the current zoning regulations.

- LEGEND:**
- - 1/2" Bar Set with Cap No.1296
 - - 1/2" Bar Found, unless otherwise noted.
 - - Concrete Base to be Set around Point
 - △ - PK Nail Found in Place
 - () - 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
 - C.A.E. - Cross Access Easement
 - POB - Point of Beginning
 - ⊙ - Power Pole
 - X - Fence Line
 - OHP - Overhead Power Lines
 - T - Underground Telephone/Fiber Optic Line
 - ⊕ - Gas Valve
 - ⊞ - Water Meter/Valve
 - ⊞ - Telephone Pedestal
 - W - 6" Water Line - location as per district
 - ~ - Tree/Brush Line



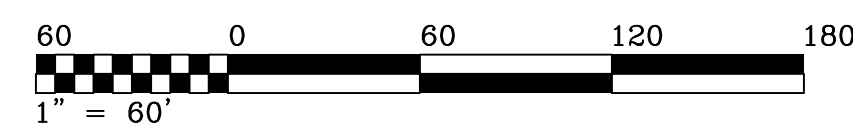
I hereby certify that this survey was made by me, or under my direct supervision, on the ground during the month of January 2021 and this map or plat is correct to the best of my knowledge.

Joseph A. Herring
PS # 1296



Scale 1" = 60'

Job # K-20-1260
December 22, 2020 Rev. 4/27/21



03P
Center of
Sec. 19-10-22
1/2" Bar Cap RBD

BOYD ESTATES

A Minor Subdivision in the Northwest Quarter of Section 19, Township 10 South, Range 22 East of the 6th P.M., Leavenworth County, Kansas.

FINAL PLAT

PREPARED FOR:
Janice I. Boyd
18401 Hollingsworth Road
Tonganoxie, Kansas 66086
PID NO. 154-19-0-00-013.01

RECORD DESCRIPTION:
Tract of land in the North Half of the Northwest Quarter of Section 19, Township 10 South, Range 22 East of the 6th P.M., Leavenworth County, Kansas, more fully described as follows: Beginning at the Northeast corner of said Northwest Quarter; thence South 01 degrees 41'50" East for a distance of 1322.48 feet along the East line of said Northwest Quarter; thence South 87 degrees 55'14" West for a distance of 745.94 feet; thence North 01 degrees 33'48" West for a distance of 1322.63 feet to the North line of said Northwest Quarter; thence North 87 degrees 55'50" East for a distance of 742.85 feet to the true point of beginning.
Together with and subject to covenants, easements, and restrictions of record. Said property contains 22.60 acres, more or less, including road right of way.
Error of Closure: 1 - 982411

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: BOYD ESTATES.

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 appurtenances 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 bear no responsibility for any maintenance and upkeep of said Easements.

Streets shown on the accompanying plat and not heretofore dedicated for public use are hereby so dedicated.

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 BOYD ESTATES, have set our hands this _____ day of _____, 2021.

Janice I. Boyd

NOTARY CERTIFICATE:
Be it remembered that on this _____ day of _____, 2021, before me, a notary public in and for said County and State came Janice I. Boyd, a single person, 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 BOYD ESTATES this _____ day of _____, 2021.

Secretary Krystal A. Voth
Chairman Steven Rosenthal

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 - _____

COUNTY COMMISSION APPROVAL:
We, the Board of County Commissioners of Leavenworth County, Kansas, do hereby approve the foregoing plat of BOYD ESTATES, this _____ day of _____, 2021.

Chairman Mike Smith
County Clerk Attest: Janet Klasinski

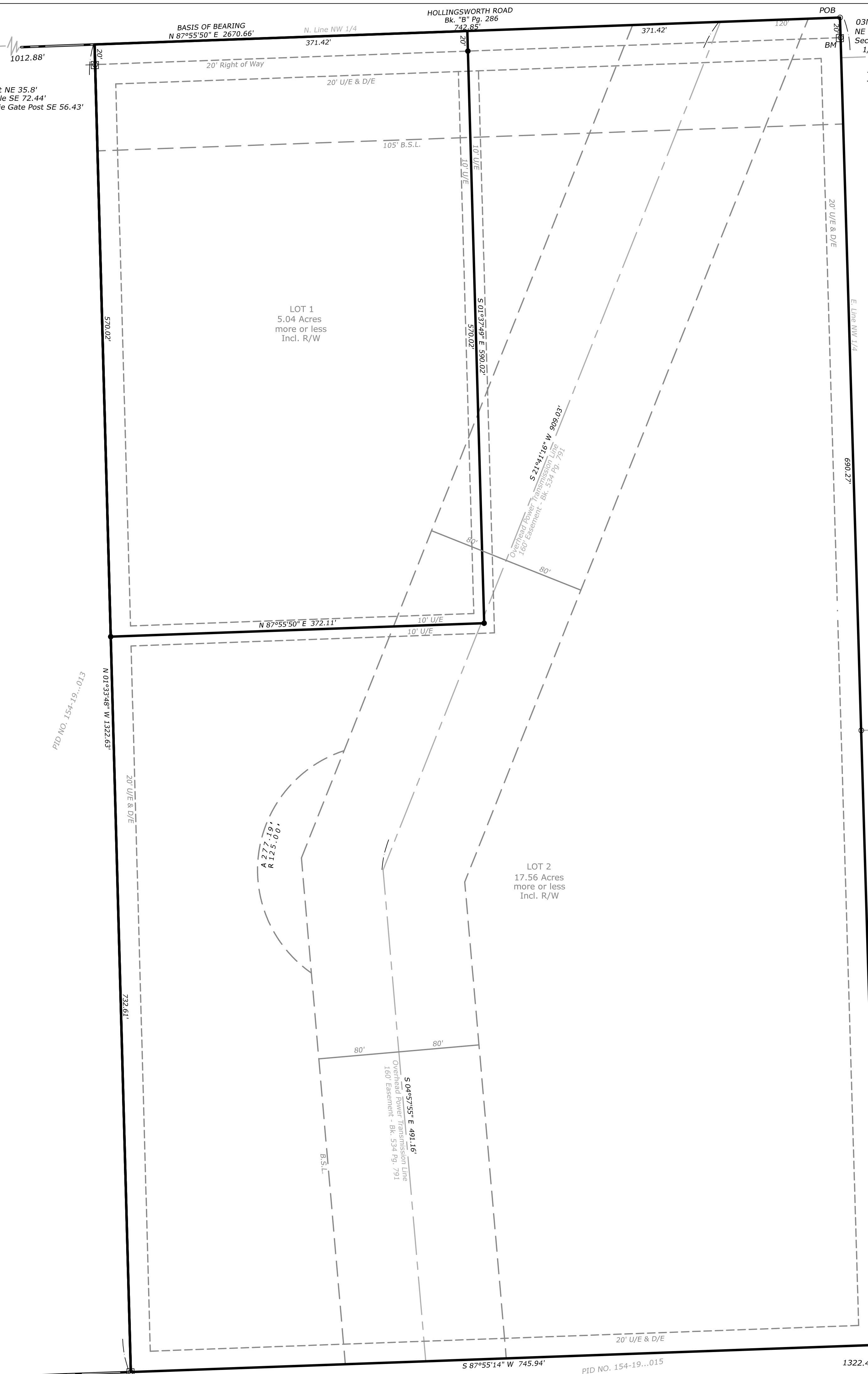
REGISTER OF DEED CERTIFICATE:
Filed for Record as Document No. _____ on this _____ day of _____, 2021 at _____ o'clock ___M in the Office of the Register of Deeds of Leavenworth County, Kansas.

Register of Deeds - TerriLois G. Mashburn

COUNTY REVIEWER
I hereby certify this plat meets the requirements of KSA-58-2001 through 58-2005. The face of this plat was reviewed based on Kansas Minimum Standards for Boundary Surveys. No field verification is implied. This review is for surveying information only.

Leavenworth County Reviewer

**05-03-2021
OLSSON
REVIEW
No Comments**



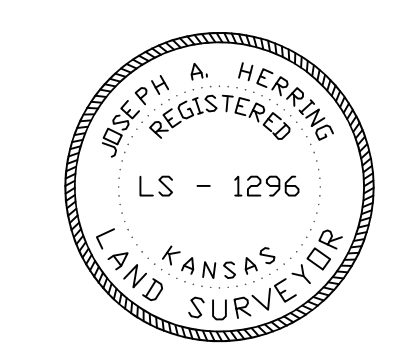
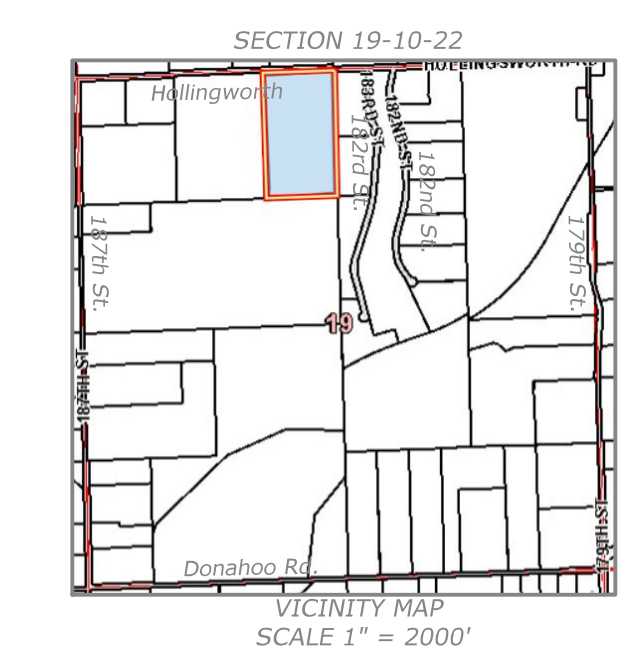
POB
NE COR NW 1/4
Sec. 19-10-22 (Level)(Hahn)
1/2" Bar Found
1) PK Nail with Washer Corner Post N 32.44'
2) Mag Nail in Fence Post SSW 32.33'
3) 1/2" Bar Cap LS-1296 S 20.0'

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 may 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
5) No off-plat restrictions.

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

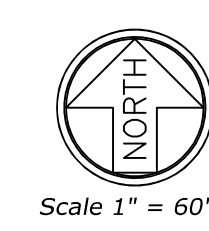
- NOTES:**
- This survey does not show ownership.
 - All distances are calculated from measurements or measured this survey, unless otherwise noted.
 - All recorded and measured distances are the same, unless otherwise noted.
 - Error of Closure - See Error of Closure Calculations
 - Basis of Bearing - KS State Plane NAD 83, North Zone 1501
 - North line of Northwest Quarter - N 87°55'50" E
 - Point Origin Unknown, unless otherwise noted.
 - Proposed Lots for Residential Use.
 - Road Record - See Survey
 - Benchmark - NAVD88
 - Project Benchmark (BM) - 1/2" Bar Cap 1296 NE Cor Lot 2 - Elev. 890.6'
 - Easements, if any, are created hereon or listed in referenced title commitment.
 - Reference Recorded Deed Document No. 2020R12775
 - Utility Companies -
 - Water - RWD 8
 - Electric - Evergy
 - Sewer - Septic / Lagoon
 - Gas - Propane / Natural Gas
 - Reference Thompson-Affinity Title LLC File No. 227967 updated January 13, 2021
 - Property is not in a Special Flood Hazard Area per FEMA FIRM Map 20103C0225 dated July 16, 2015
 - Building Setback Lines as shown hereon or noted below
 - All side yard setbacks - 15' (Accessory - 15')
 - All rear yard setbacks - 40' (Accessory - 15')
 - Distances to and of structures, if any, are +- 1'.
 - Easements as per referenced Title Commitment are shown hereon
 - Easement to Kansas Power & Light Book 534 Page 791 - Overhead Transmission Line - Water Line Easement
 - Fence Lines do not necessarily denote the boundary line for the property.
 - Reference Surveys:
 - Recorded Plats - DOYLE ACRES, GRAVEL ROAD SUBDIVISION, THREE LAKES SUBDIVISION
 - J.A.Herring Survey recorded Document 2020S082
 - Existing barn on Lot 1 encroaches upon the Western 20' Utility and Drainage Easement, barn may remain as it exists today. Any modifications, repairs to the barn shall be subject to the current zoning regulations.

- LEGEND:**
- - 1/2" Rebar Set with Cap No.1296
 - - 1/2" Rebar Found, unless otherwise noted.
 - - Concrete Base to be Set around Point
 - () - 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

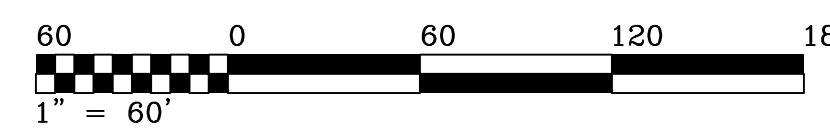


I hereby certify that this survey was made by me, or under my direct supervision, on the ground during the dates of January thru February 2021 and this map or plat is correct to the best of my knowledge.

Joseph A. Herring
PS # 1296



Job # K-20-1260
December 22, 2020 Rev. 4/27/21



03P
Center of
Sec. 19-10-22 (Level)(Hahn)
1/2" Bar Cap RBD
1) East-West Fence Line N 1.5'+-
2) North-South Fence Line E 1.5'+-

BOYD ESTATES

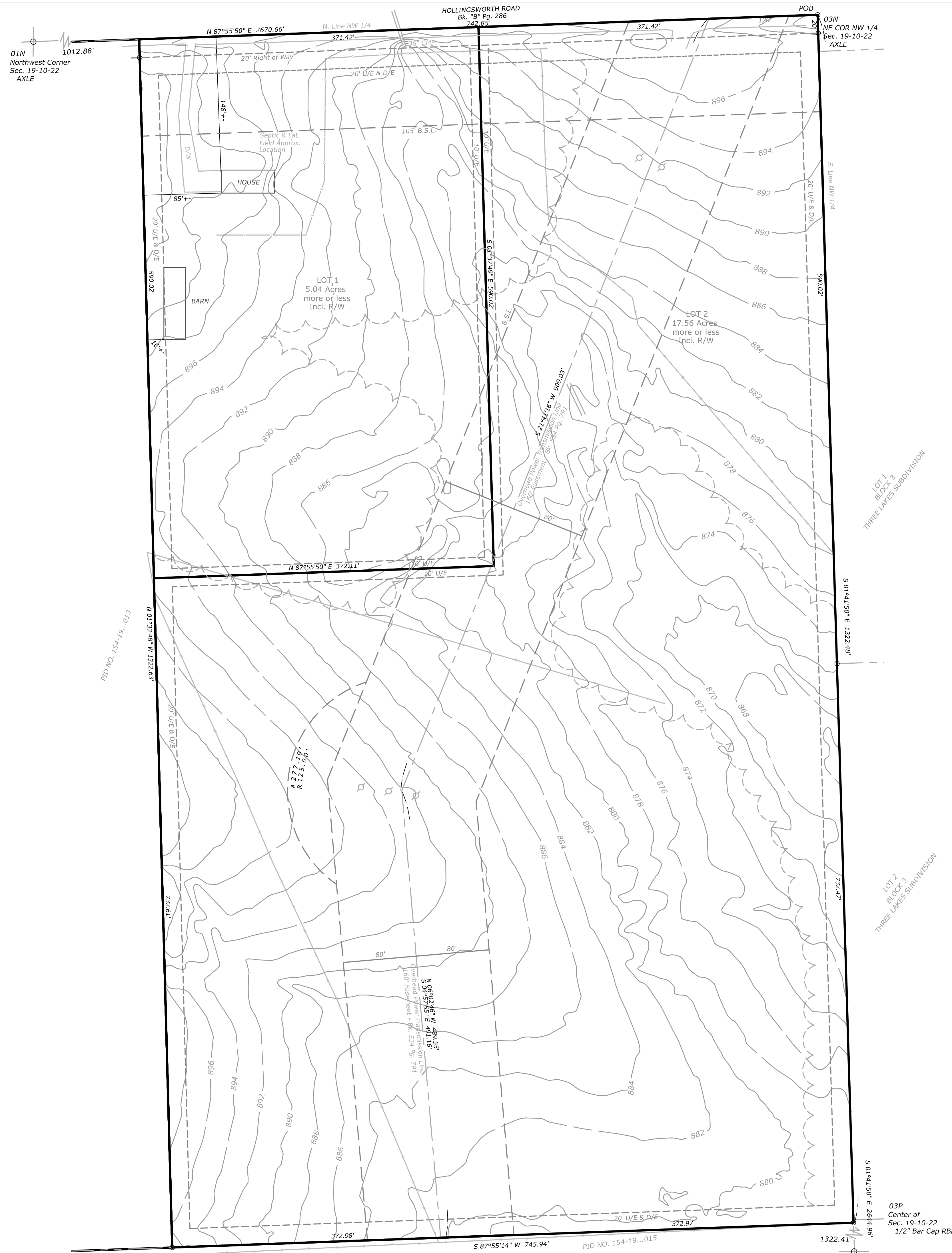
A Minor Subdivision in the Northwest Quarter of Section 19, Township 10 South, Range 22 East of the 6th P.M., Leavenworth County, Kansas.

PRELIMINARY PLAT

PREPARED FOR:
Janice I. Boyd
18401 Hollingsworth Road
Tonganoxie, Kansas 66086
PID NO. 154-19-0-00-013.01

RECORD DESCRIPTION:
Tract of land in the North Half of the Northwest Quarter of Section 19, Township 10 South, Range 22 East of the 6th P.M., Leavenworth County, Kansas, more fully described as follows: Beginning at the Northeast corner of said Northwest Quarter; thence South 01 degrees 41'50" East for a distance of 1322.48 feet along the East line of said Northwest Quarter; thence South 87 degrees 55'14" West for a distance of 745.94 feet; thence North 01 degrees 33'48" West for a distance of 1322.63 feet to the North line of said Northwest Quarter; thence North 87 degrees 55'50" East for a distance of 742.85 feet to the true point of beginning.
Together with and subject to covenants, easements, and restrictions of record. Said property contains 22.60 acres, more or less, including road right of way.
Error of Closure: 1 - 982411

**05-03-2021
OLSSON REVIEW
No Comments**

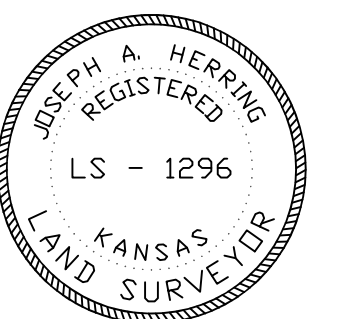


- RESTRICTIONS:**
- 1) All proposed structures within this plat shall comply with the Leavenworth County Zoning and Subdivision Regulations or zoning regulation jurisdiction.
 - 2) An Engineered Waste Disposal System may be required due to poor soil conditions.
 - 3) Erosion and sediment control measures 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
 - 5) No off-plat restrictions.

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

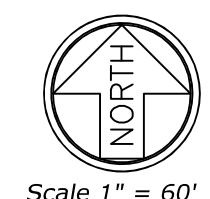
- NOTES:**
- 1) This survey does not show ownership.
 - 2) All distances are calculated from measurements or measured this survey, unless otherwise noted.
 - 3) All recorded and measured distances are the same, unless otherwise noted.
 - 4) Error of Closure - See Error of Closure Calculations
 - 5) Basis of Bearing - KS State Plane NAD 83, North Zone 1501
 - 6) Point Origin Unknown, unless otherwise noted.
 - 7) Proposed Lots for Residential Use.
 - 8) Road Record - See Survey
 - 9) Benchmark - NAVD88 Project Benchmark (BM) - 1/2" Bar Cap 1296 NE Cor Lot 2 - Elev. 890.6'
 - 10) Easements, if any, are created hereon or listed in referenced title commitment.
 - 11) Reference Recorded Deed Document No. 2020R12775
 - 12) Utility Companies -
- Water - RWD 8
- Electric - Evergy
- Sewer - Septic / Lagoon
- Gas - Propane / Natural Gas
 - 13) Reference McCaffrey Short Title Owners & Encumbrances updated December 14, 2020
 - 14) Property is not in a Special Flood Hazard Area per FEMA FIRMS Map 2010C0225 dated July 16, 2015
 - 15) Building Setback Lines as shown hereon or noted below
- All side yard setbacks - 15' (Accessory - 15')
- All rear yard setbacks - 40' (Accessory - 15')
 - 16) Distances to and of structures, if any, are +- 1'.
 - 17) Easements as per referenced Title Commitment are shown hereon
- Easement to Kansas Power & Light Book 539 Page 1366 - Overhead Transmission Line
- Oil & Gas Lease Book 533 Page 644, blanket description in nature - not shown.
 - 18) Fence Lines do not necessarily denote the boundary line for the property.
 - 19) Reference Surveys:
Recorded Plats - DOYLE ACRES, GRAVEL ROAD SUBDIVISION, THREE LAKES SUBDIVISION
J.A.Herring Survey recorded Document 2020S082
 - 20) Existing barn on Lot 1 encroaches upon the Western 20' Utility and Drainage Easement, barn may remain as it exists today. Any modifications, repairs to the barn shall be subject to the current zoning regulations.

- LEGEND:**
- - 1/2" Bar Set with Cap No.1296
 - - 1/2" Bar Found, unless otherwise noted.
 - - Concrete Base to be Set around Point
 - △ - PK Nail Found in Place
 - () - 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
 - C.A.E. - Cross Access Easement
 - POB - Point of Beginning
 - ⊙ - Power Pole
 - X - Fence Line
 - OHP - Overhead Power Lines
 - T - Underground Telephone/Fiber Optic Line
 - ⊕ - Gas Valve
 - ⊞ - Water Meter/Valve
 - ⊞ - Telephone Pedestal
 - W - 6" Water Line - location as per district
 - ~ - Tree/Brush Line



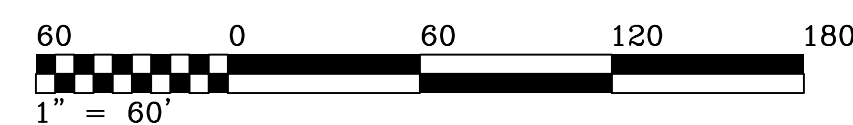
I hereby certify that this survey was made by me, or under my direct supervision, on the ground during the month of January 2021 and this map or plat is correct to the best of my knowledge.

Joseph A. Herring
PS # 1296



Scale 1" = 60'

Job # K-20-1260
December 22, 2020 Rev. 4/27/21



03P
Center of
Sec. 19-10-22
1/2" Bar Cap RBD

*****Consent Agenda*****
Case No. DEV-21-041/042
Putthoff Acres
Preliminary and Final Plat

Staff Report – Planning Commission

May 12, 2021

GENERAL INFORMATION:

**Applicant/
Property Owner:** Putthoff Trust
21686 219th Street
Tonganoxie, KS 66086

Agent: Hahn Surveying

Legal Description: A tract of land in the north half of the Northwest Quarter of the Southwest Quarter of Section 10, Township 10 South, Range 21 East of the 6th P.M, in Leavenworth County, Kansas.

Parcel Size: ± 20.1 acres

Zoning/Land Use: RR-5, Rural Residential 5-acre minimum size parcels

Comprehensive Plan: This parcel is within the Residential Estate land use category.

Parcel ID No.: 145-21-0-00-00-007.05

Planner: Joshua Gentzler

REPORT:

Request

The applicant is requesting a Preliminary and Final Plat for a two (2) lot subdivision.

Adjacent Land Use

The surrounding properties are residences and farms on varying sized parcels ranging from 10 acres to 46 acres in size.

Flood Plain

There are no Special Flood Hazard Areas on this parcel per FEMA Firm Map 20103C0225G July 16, 2015.

Utilities/Services

Sewer: Private septic system
Fire: Tonganoxie Fire Department
Water: Rural Water District 9
Electric: Freestate

Access/Streets

The property is accessed by 219th Street. This road is a County Collector with a paved surface ± 25' wide.

Agency Comments

See attached comments – Email – Lauren Anderson – Public Works, May 3, 2021
See attached comments – Email – Timothy Smith – Tonganoxie Township FD, April 5, 2021
See attached comments – Email – Jon Orndorff – Rural Water District 9, April 13, 2021
See attached comments – Email – Amanda Tarwater – FreeState, April 2, 2021

Findings

1. The proposed subdivision is consistent with the zoning district of RR 5; Rural Residential Zoning 5 acre minimum size parcels and meets the lot-depth to lot-width ratio of 3.5:1 or 4:1, have the minimum frontage of 300', and a minimum lot size of 5 acres.

2. The property is not within a sewer district boundary or is within 660 feet of the incorporated limits of a municipality; therefore, a waiver to the requirement of allowing private septic systems is supported by staff. A private sewage disposal permit may be issued per Leavenworth County Sanitary Code requirements.
3. At time of development, fire hydrants shall be required if necessary infrastructure is available.
4. The proposed subdivision is in accordance with the Comprehensive Plan.

Subdivision Classification

This is classified as a Class "C" Subdivision. According to the Leavenworth County Zoning & Subdivision regulations, a Class "C" Subdivision is any subdivision in which all the lots lie 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.)

Staff Comments

The applicant is requesting the approval of a 2-lot subdivision located at 21476 219th Street, Tonganoxie. Zoning of the property and the surrounding area is RR-5. Both lots are 10 acres in size and meet the requirements for the zoning district.

Staff is supportive of the request as proposed and recommends approval of the development.

STAFF RECOMMENDATION:

The staff recommends approval of Case No. DEV-21-041 & 042, Preliminary and Final Plat for Putthoff Acres, with the following 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. After approval of this subdivision by the Board of County Commission, all conditions listed shall be adhered to and copies shall be provided to the Planning and Zoning Department within 30 days.

ACTION OPTIONS:

1. Recommend approval of Case No. DEV-21-041 & 042, Preliminary and Final Plat for Putthoff Acres, to the Board of County Commission, with or without conditions; or
2. Recommend denial of Case No. DEV-21-041 & 042, Preliminary and Final Plat for Putthoff Acres, to the Board of County Commission for the following reasons; or
3. Continue the hearing to another date, time, and place.

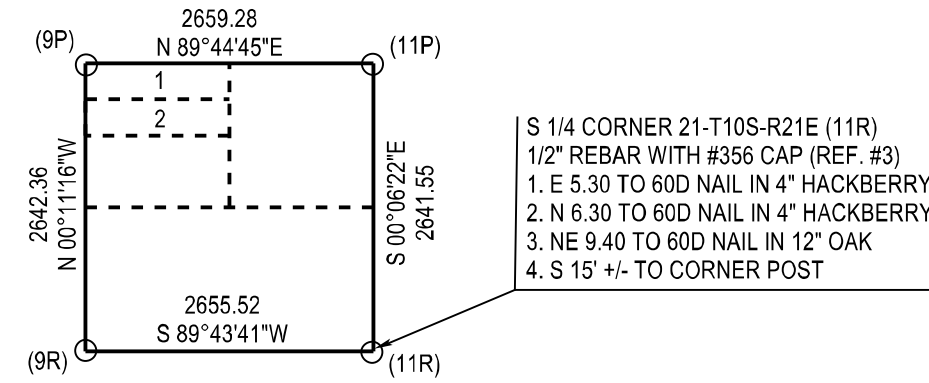
ATTACHMENTS:

Aerial Map
Memorandums
Preliminary and Final Plat

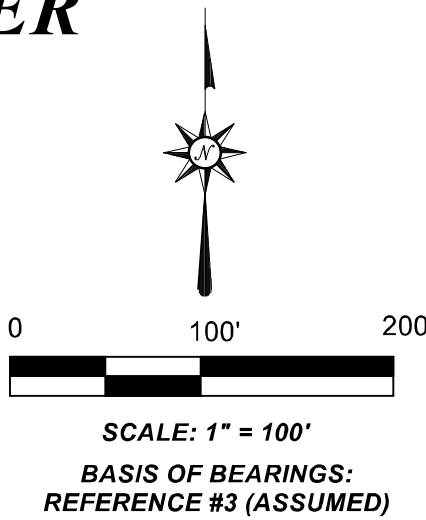
PUTTHOFF ACRES

THE NORTH HALF OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER
SECTION 21-T10S-R21E OF THE 6TH P.M.,
LEAVENWORTH COUNTY, KANSAS

PRELIMINARY PLAT

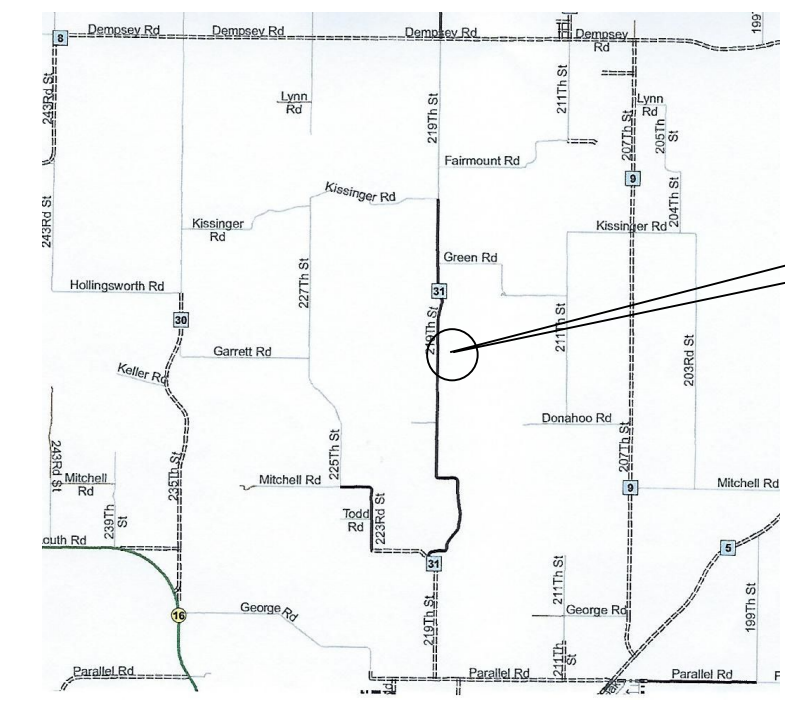


SECTION MAP - SW 1/4
NO SCALE



LEGEND

- 1/2" x 24" REBAR SET WITH #1349 CAP
- 1/2" REBAR WITH #356 CAP FOUND (REF. #3) UNLESS OTHERWISE NOTED
- SURVEY MONUMENT FOUND (AS NOTED) ADDED CONCRETE
- U/E UTILITY EASEMENT



LOCATION MAP
NO SCALE

DEED DESCRIPTION - DOC. #2017R07637

THE NORTH HALF OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 21-T10S-R21E OF THE 6TH P.M., LEAVENWORTH COUNTY, KANSAS, COMMENCING AT THE WEST QUARTER CORNER OF SECTION 21; THENCE, SOUTH 680.59 FEET ALONG THE WEST LINE OF SECTION 21; THENCE, EAST 1329.17 FEET; THENCE, NORTH 680.49 FEET; THENCE, WEST 1329.54 FEET TO THE POINT OF BEGINNING, INCLUDING ROAD RIGHT OF WAY.

OWNER

GEORGE L. COOPER TRUST
21476 219TH STREET
TONGANOXIE, KANSAS 66086
PN. 145-21-0-00-007.05

DEVELOPER

PUTTHOFF TRUST - LAURIE PUTTHOFF
21686 219TH STREET
TONGANOXIE, KANSAS 66086
(913)908-8900

RESTRICTIONS

1. 40' REAR SETBACK FOR RESIDENCES
- 15' REAR SETBACK FOR ACCESSORY BUILDINGS
- 15' SIDE SETBACK
2. AN ENGINEERED WASTEWATER DISPOSAL SYSTEM MAY BE REQUIRED DUE TO POOR SOIL CONDITIONS.
3. EROSION CONTROL SHALL BE USED WHEN DESIGNING AND CONSTRUCTING DRIVEWAYS.
4. A FORM OF SEDIMENT CONTROL SHALL BE INSTALLED BEFORE WORK BEGINS AND MAINTAINED THROUGHOUT THE TIME THAT THE LAND DISTURBING ACTIVITIES ARE TAKING PLACE.
5. RE-VEGETATION OF ALL DISTURBED SITES SHALL BE COMPLETED WITHIN 45 DAYS AFTER COMPLETION OF FINAL GRADING, WEATHER PERMITTING.
6. LOTS ARE SUBJECT TO THE CURRENT ACCESS MANAGEMENT POLICY RESOLUTION.

NOTES

1. FENCE LINES DO NOT DENOTE PROPERTY LINES.
2. EXISTING USE OF AREA BEING PLATTED - AGRICULTURAL / RESIDENTIAL PROPOSE USE - AGRICULTURAL / RESIDENTIAL
3. LEAVENWORTH COUNTY, KANSAS, DOES NOT REPRESENT, WARRANT OR GUARANTEE THAT THE DETAILS SHOWN ON THIS DOCUMENT AND PROVIDED BY THE APPLICANT, INCLUDING ANY SURVEY INFORMATION SHOULD BE RELIED UPON BY ANY THIRD PARTY AS BEING WHOLLY OR PARTIALLY ACCURATE AND COMPLETE.
4. THIS PROPOSED PLAT IS NOT IN A SPECIAL FLOOD HAZARD AREA. FEMA MAP 2010300225G, DATED 07/16/2015

REFERENCES

1. S-15, #2 (2003)
2. S-15, #5 (2003)
3. DOC. #2015S016
4. ROAD RECORD B-128

ZONING

RURAL RESIDENTIAL / RR-5.0

UTILITIES

WATER / R.W.D. #9
ELECTRIC / FREESTATE
GAS / PRIVATE PROPANE
SEWER / PRIVATE ON SITE SYSTEM

DRAINAGE CALCULATIONS

ON SEPARATE DOCUMENT BY DAVID LUTGEN, PE

BENCHMARK

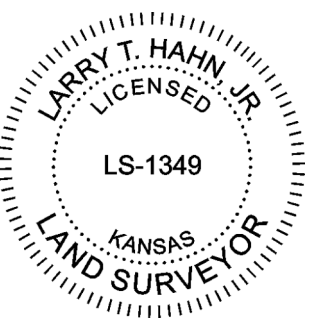
1/2" REBAR WITH #1314 AT THE W 1/4 CORNER
21-T10S-R21E EL. 1034.33 (NAVD88)

ROAD INFORMATION

COUNTY COLLECTOR - 20' +/- WIDE WITH PAVED SURFACE

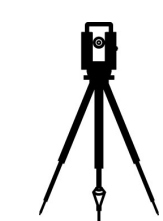
EASEMENT DEDICATION

AN EASEMENT OR LICENSE TO ENTER UPON, LOCATE, CONSTRUCT AND MAINTAIN OR AUTHORIZE THE LOCATION, CONSTRUCTION OR MAINTAINANCE AND USE OF CONDUITS, WATER, GAS, SEWER PIPE, POLES, WIRES, DRAINAGE FACILITIES, DUCTS, CABLES AND SIMILAR FACILITIES UPON, OVER AND UNDER THESE AREAS OUTLINED AND DESIGNATED ON THIS PLAT AS UTILITY EASEMENT OR U/E IS HEREBY GRANTED TO LEAVENWORTH COUNTY, KANSAS WITH SUBORDINATE USE OF THE SAME BY OTHER GOVERNMENTAL ENTITIES AND PUBLIC UTILITIES AS MAY BE AUTHORIZED BY STATE LAW TO USE SUCH EASEMENT FOR SAID PURPOSES.



LARRY T. HAHN, LS #1349

THIS IS TO CERTIFY THAT IN THE MONTH OF MARCH, 2021, THIS SURVEY WAS MADE UNDER MY DIRECT SUPERVISION AND THAT SAID SURVEY MEETS OR EXCEEDS THE "KANSAS MINIMUM STANDARDS" FOR BOUNDARY SURVEYS PURSUANT TO K.S.A. 74-7037.

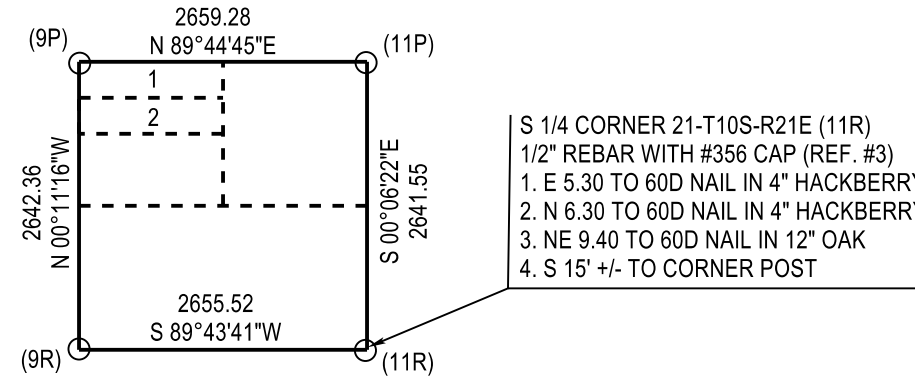


HAHN SURVEYING
PO BOX 41
LANSING, KANSAS 66043
(913) 547-3405
hahnsurvey@gmail.com

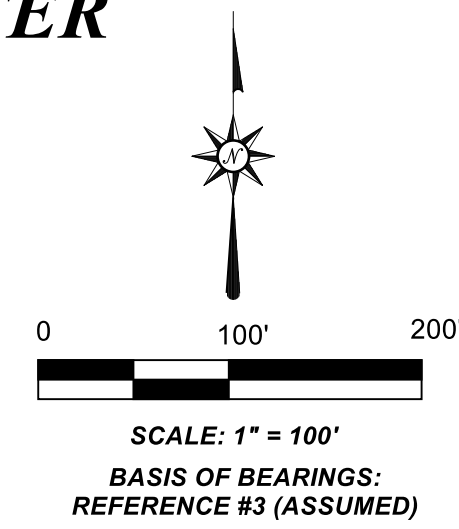
PUTTHOFF ACRES

THE NORTH HALF OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER SECTION 21-T10S-R21E OF THE 6TH P.M., LEAVENWORTH COUNTY, KANSAS

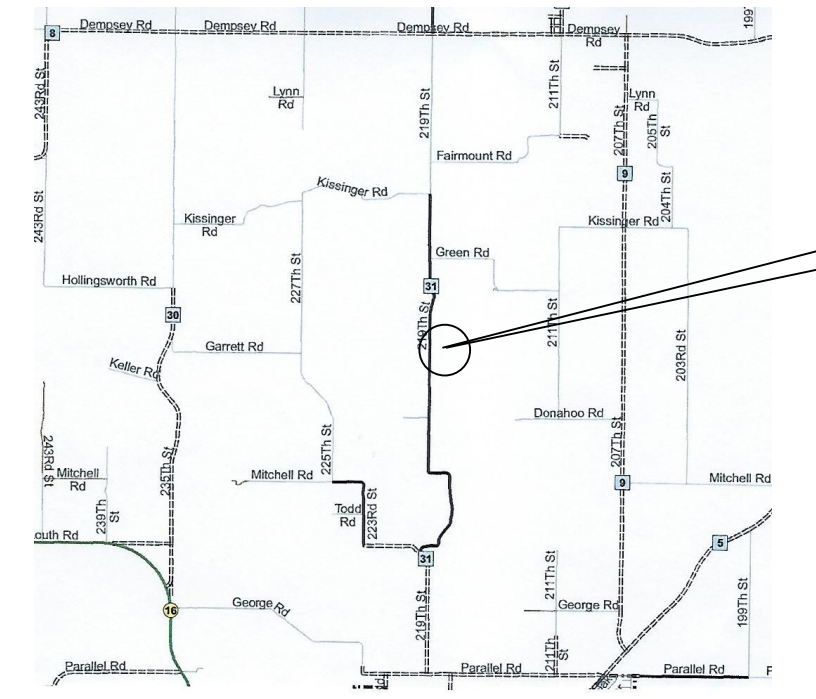
FINAL PLAT



SECTION MAP - SW 1/4
NO SCALE



- LEGEND**
- 1/2" x 24" REBAR SET WITH #1349 CAP
 - 1/2" REBAR WITH #356 CAP FOUND (REF. #3) UNLESS OTHERWISE NOTED
 - SURVEY MONUMENT FOUND (AS NOTED) ADDED CONCRETE
 - U/E UTILITY EASEMENT



LOCATION MAP
NO SCALE

DEED DESCRIPTION - DOC. #2017R07637

THE NORTH HALF OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 21-T10S-R21E OF THE 6TH P.M., LEAVENWORTH COUNTY, KANSAS. COMMENCING AT THE WEST QUARTER CORNER OF SECTION 21; THENCE, SOUTH 660.59 FEET ALONG THE WEST LINE OF SECTION 21; THENCE, EAST 1329.17 FEET; THENCE, NORTH 660.49 FEET; THENCE, WEST 1329.54 FEET TO THE POINT OF BEGINNING, INCLUDING ROAD RIGHT OF WAY.

IN TESTIMONY WHEREOF

THE UNDERSIGNED PROPRIETOR STATE THAT ALL TAXES ON THE ABOVE DESCRIBED TRACT OF LAND HAVE BEEN PAID AND THAT SHE HAS CAUSED THE SAME TO BE SUBDIVIDED IN THE MANNER SHOWN ON THE ACCOMPANYING PLAT WHICH SHALL BE KNOWN AS "PUTTHOFF ACRES".

Laurie Putthoff
Putthoff Trust

STATE OF KANSAS / COUNTY OF LEAVENWORTH

ON THIS _____ DAY OF _____, 2021, BEFORE ME APPEARED LAURIE PUTTHOFF, KNOWN TO ME TO BE THE SAME PERSON DESCRIBED HEREIN AND WHO EXECUTED THE SAME AS HER FREE ACT AND DEED. IN WITNESS THEREOF, I HAVE SET MY HAND AND AFFIXED MY NOTARIAL SEAL THIS _____ DAY OF _____, 2021.

NOTARY PUBLIC _____ MY COMMISSION EXPIRES _____

APPROVAL

WE THE LEAVENWORTH COUNTY PLANNING COMMISSION, DO HEREBY APPROVE THE FOREGOING PLAT OF "PUTTHOFF ACRES" THIS _____ DAY OF _____, 2021.

CHAIRPERSON / STEVE ROSENTHAL _____ SECRETARY / KRISTAL VOTH, CFM _____

THE LEAVENWORTH COUNTY ENGINEERS 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 _____

WE THE BOARD OF COUNTY COMMISSIONERS OF LEAVENWORTH COUNTY, KANSAS, DO HEREBY APPROVE THE FOREGOING PLAT OF "PUTTHOFF ACRES" THIS _____ DAY OF _____, 2021.

CHAIRPERSON / MICHAEL SMITH _____ COUNTY CLERK / JANET KLASINSKI (ATTEST) _____

COUNTY SURVEYOR CERTIFICATION

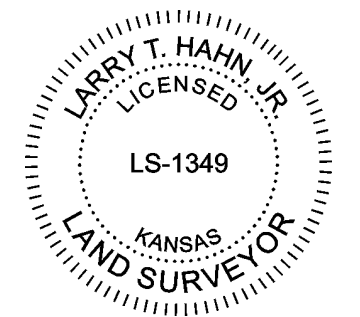
I HEREBY CERTIFY THIS PLAT MEETS THE REQUIREMENTS OF K.S.A. 58-2005. THE FACE OF THIS PLAT WAS REVIEWED BASED ON KANSAS MINIMUM STANDARDS FOR BOUNDARY SURVEYS. NO FIELD VERIFICATION IS IMPLIED. THIS REVIEW IS FOR SURVEY INFORMATION ONLY.

Should read "County Survey Reviewer" until LVCO has a County Surveyor

STATE OF KANSAS / COUNTY OF LEAVENWORTH

FILED FOR RECORD IN DOCUMENT # _____ ON THIS _____ DAY OF _____, 2021 AT _____ O'CLOCK _____ IN THE OFFICE OF THE REGISTER OF DEEDS, LEAVENWORTH COUNTY, KANSAS.

REGISTER OF DEEDS / TERRILOIS MASHBURN _____

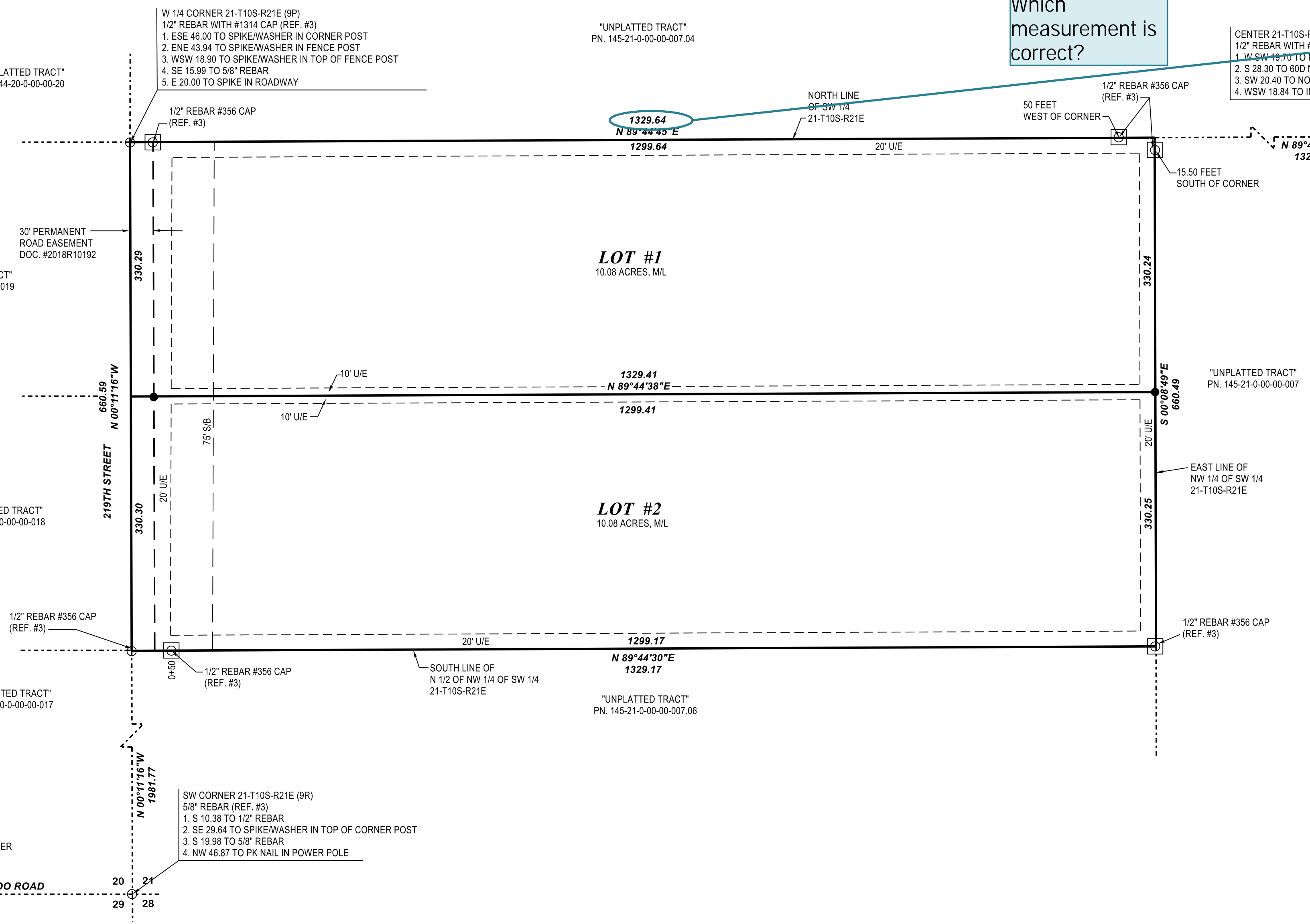


LARRY T. HAHN, LS #1349

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Which measurement is correct?

- CENTER 21-T10S-R21E (11P)
1/2" REBAR WITH #356 CAP (REF. #3)
1. NW 1/4 SW 1/4 TO MAG NAIL IN HEDGE TREE/CORNER POST
2. S 28.30 TO 60D NAIL IN 30" HEDGE
3. SW 20.40 TO NORTH GATE POST
4. WSW 18.84 TO INVERTED STONE



- REFERENCES**
- S-15, #2 (2003)
 - S-15, #5 (2003)
 - DOC. #2015S016
 - ROAD RECORD B-128

ZONING
RURAL RESIDENTIAL / RR-5.0

- BENCHMARK**
- 1/2" REBAR WITH #1314 AT THE W 1/4 CORNER 21-T10S-R21E. EL. 1034.33 (NAVD88)

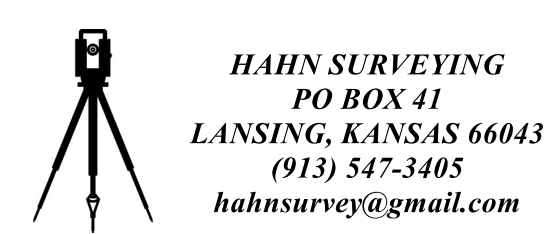
- RESTRICTIONS**
- 40' REAR SETBACK FOR RESIDENCES
 - 15' REAR SETBACK FOR ACCESSORY BUILDINGS
 - 15' SIDE SETBACK
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 - EROSION CONTROL SHALL BE USED WHEN DESIGNING AND CONSTRUCTING DRIVEWAYS.
 - A FORM OF SEDIMENT CONTROL SHALL BE INSTALLED BEFORE WORK 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.
 - LOTS ARE SUBJECT TO THE CURRENT ACCESS MANAGEMENT POLICY RESOLUTION.

STREET DEDICATION
ALL STREETS ON THE ACCOMPANYING PLAT AND NOT HERETOFORE DEDICATED TO PUBLIC USE ARE HEREBY SO DEDICATED.

EASEMENT DEDICATION
AN EASEMENT OR LICENSE TO ENTER UPON, LOCATE, CONSTRUCT AND MAINTAIN OR AUTHORIZE THE LOCATION, CONSTRUCTION OR MAINTENANCE AND USE OF CONDUITS, WATER, GAS, SEWER PIPE, POLES, WIRES, DRAINAGE FACILITIES, DUCTS, CABLES AND SIMILAR FACILITIES UPON, OVER AND UNDER THESE AREAS OUTLINED AND DESIGNATED ON THIS PLAT AS UTILITY EASEMENT OR U/E IS HEREBY GRANTED TO LEAVENWORTH COUNTY, KANSAS WITH SUBORDINATE USE OF THE SAME BY OTHER GOVERNMENTAL ENTITIES AND PUBLIC UTILITIES AS MAY BE AUTHORIZED BY STATE LAW TO USE SUCH EASEMENT FOR SAID PURPOSES.

- NOTES**
- FENCE LINES DO NOT DENOTE PROPERTY LINES.
 - EXISTING USE OF AREA BEING PLATTED - AGRICULTURAL / RESIDENTIAL PROPOSE USE - AGRICULTURAL / RESIDENTIAL
 - LEAVENWORTH COUNTY, KANSAS, DOES NOT REPRESENT, WARRANT OR GUARANTEE THAT THE DETAILS SHOWN ON THIS DOCUMENT AND PROVIDED BY THE APPLICANT, INCLUDING ANY SURVEY INFORMATION SHOULD BE RELIED UPON BY ANY THIRD PARTY AS BEING WHOLLY OR PARTIALLY ACCURATE AND COMPLETE.
 - THIS PROPOSED PLAT IS NOT IN A SPECIAL FLOOD HAZARD AREA. FEMA MAP 20103C0225G, DATED 07/16/2015

DEVELOPER
PUTTHOFF TRUST - LAURIE PUTTHOFF
21686 219TH STREET
TONGANOXIE, KANSAS 66086
(913)908-8900

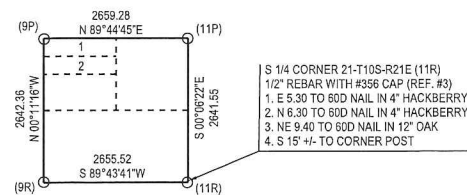


A subdivision in

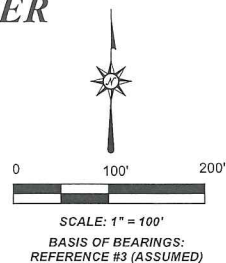
PUTTHOFF ACRES

THE NORTH HALF OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER SECTION 21-T10S-R21E OF THE 6TH P.M., LEAVENWORTH COUNTY, KANSAS

FINAL PLAT

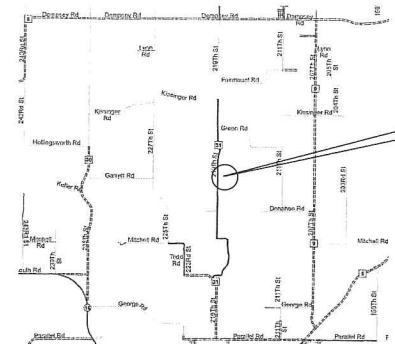


SECTION MAP - SW 1/4 NO SCALE



LEGEND

- 1/2" x 24" REBAR SET WITH #1349 CAP
- 1/2" REBAR WITH #356 CAP FOUND (REF. #3) UNLESS OTHERWISE NOTED
- SURVEY MONUMENT FOUND (AS NOTED) ADDED CONCRETE
- U/E UTILITY EASEMENT



LOCATION MAP NO SCALE

DEED DESCRIPTION - DOC. #201707637

THE NORTH HALF OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 21-T10S-R21E OF THE 6TH P.M., LEAVENWORTH COUNTY, KANSAS, COMMENCING AT THE WEST QUARTER CORNER OF SECTION 21; THENCE, SOUTH 660.59 FEET ALONG THE WEST LINE OF SECTION 21; THENCE, EAST 1329.17 FEET; THENCE, NORTH 660.49 FEET; THENCE, WEST 1329.54 FEET TO THE POINT OF BEGINNING, INCLUDING ROAD RIGHT OF WAY.

IN TESTIMONY WHEREOF

THE UNDERSIGNED PROPRIETOR STATE THAT ALL TAXES ON THE ABOVE DESCRIBED TRACT OF LAND HAVE BEEN PAID AND THAT SHE HAS CAUSED THE SAME TO BE SUBDIVIDED IN THE MANNER SHOWN ON THE ACCOMPANYING PLAT WHICH SHALL BE KNOWN AS "PUTTHOFF ACRES".

Laurie Putthoff
Putthoff Trust

STATE OF KANSAS / COUNTY OF LEAVENWORTH

ON THIS _____ DAY OF _____, 2021, BEFORE ME APPEARED LAURIE PUTTHOFF, KNOWN TO ME TO BE THE SAME PERSON DESCRIBED HEREIN AND WHO EXECUTED THE SAME AS HER FREE ACT AND DEED. IN WITNESS THEREOF, I HAVE SET MY HAND AND AFFIXED MY NOTARIAL SEAL THIS _____ DAY OF _____, 2021.

NOTARY PUBLIC _____ MY COMMISSION EXPIRES _____

APPROVAL

WE THE LEAVENWORTH COUNTY PLANNING COMMISSION, DO HEREBY APPROVE THE FOREGOING PLAT OF "PUTTHOFF ACRES" THIS _____ DAY OF _____, 2021.

CHAIRPERSON / STEVE ROSENTHAL _____ SECRETARY / KRISTAL VOTH, CFM _____

THE LEAVENWORTH COUNTY ENGINEERS 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 _____

WE THE BOARD OF COUNTY COMMISSIONERS OF LEAVENWORTH COUNTY, KANSAS, DO HEREBY APPROVE THE FOREGOING PLAT OF "PUTTHOFF ACRES" THIS _____ DAY OF _____, 2021.

CHAIRPERSON / MICHAEL SMITH _____ COUNTY CLERK / JANET KLASINSKI (ATTEST) _____

COUNTY SURVEYOR CERTIFICATION

I HEREBY CERTIFY THIS PLAT MEETS THE REQUIREMENTS OF K.S.A. 58-2005. THE FACE OF THIS PLAT WAS REVIEWED BASED ON KANSAS MINIMUM STANDARDS FOR BOUNDARY SURVEYS. NO FIELD VERIFICATION IS IMPLIED. THIS REVIEW IS FOR SURVEY INFORMATION ONLY.

COUNTY SURVEYOR _____

STATE OF KANSAS / COUNTY OF LEAVENWORTH

REGISTERED PROFESSIONAL SURVEYOR _____ ON THIS _____ DAY OF _____, 2021 AT _____ O'CLOCK _____ IN THE OFFICE OF THE REGISTER OF DEEDS, LEAVENWORTH COUNTY, KANSAS.

REGISTER OF DEEDS / TERRILLOIS MASHBURN

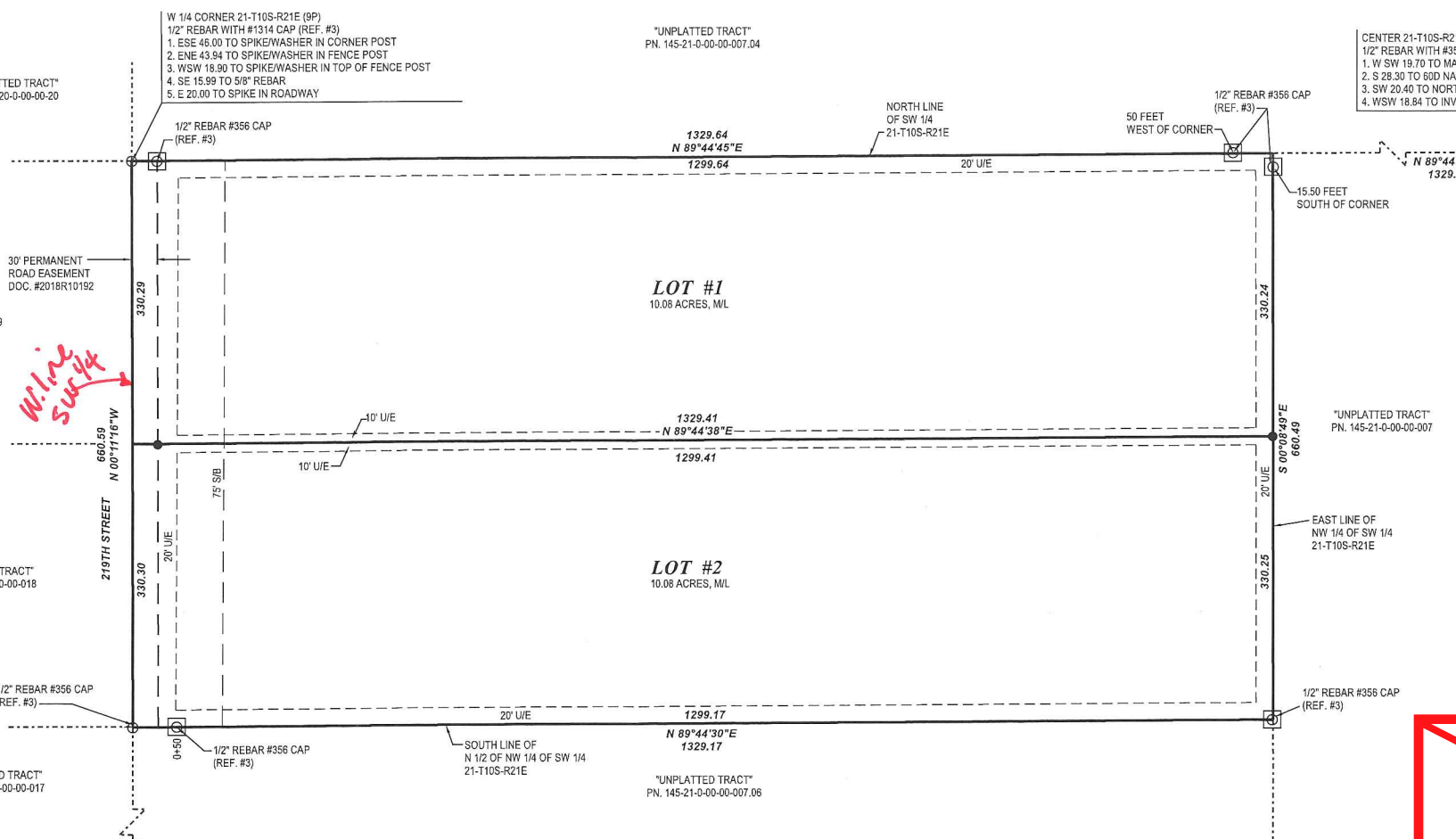


LARRY T. HAHN, LS #1349

THIS IS TO CERTIFY THAT IN THE MONTH OF MARCH, 2021, THIS SURVEY WAS MADE UNDER MY DIRECT SUPERVISION AND THAT SAID SURVEY MEETS OR EXCEEDS THE "KANSAS MINIMUM STANDARDS" FOR BOUNDARY SURVEYS PURSUANT TO K.S.A. 74-7037.



LARRY T. HAHN, JR.
LICENSED
KANSAS
PROFESSIONAL
LAND SURVEYOR
LS-1349
HAHN SURVEYING
PO BOX 41
LANING, KANSAS 66043
(913) 547-3405
hahnsurvey@gmail.com



REFERENCES

- S-15, #2 (2003)
- S-15, #5 (2003)
- DOC. #2015S016
- ROAD RECORD B-128

ZONING

RURAL RESIDENTIAL / RR-5.0

BENCHMARK

1/2" REBAR WITH #1314 AT THE W 1/4 CORNER 21-T10S-R21E. EL. 1034.33 (NAVD88)

RESTRICTIONS

- 40' REAR SETBACK FOR RESIDENCES
- 15' REAR SETBACK FOR ACCESSORY BUILDINGS
- 15' SIDE SETBACK
- AN ENGINEERED WASTEWATER DISPOSAL SYSTEM MAY BE REQUIRED DUE TO POOR SOIL CONDITIONS.
- 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.
- LOTS ARE SUBJECT TO THE CURRENT ACCESS MANAGEMENT POLICY RESOLUTION.

STREET DEDICATION

ALL STREETS ON THE ACCOMPANYING PLAT AND NOT HERETOFORE DEDICATED TO PUBLIC USE ARE HEREBY SO DEDICATED.

EASEMENT DEDICATION

AN EASEMENT OR LICENSE TO ENTER UPON, LOCATE, CONSTRUCT AND MAINTAIN OR AUTHORIZE THE LOCATION, CONSTRUCTION OR MAINTENANCE AND USE OF CONDUITS, WATER, GAS, SEWER PIPE, POLES, WIRES, DRAINAGE FACILITIES, DUCTS, CABLES AND SIMILAR FACILITIES UPON, OVER AND UNDER THESE AREAS OUTLINED AND DESIGNATED ON THIS PLAT AS UTILITY EASEMENT OR U/E IS HEREBY GRANTED TO LEAVENWORTH COUNTY, KANSAS WITH SUBORDINATE USE OF THE SAME BY OTHER GOVERNMENTAL ENTITIES AND PUBLIC UTILITIES AS MAY BE AUTHORIZED BY STATE LAW TO USE SUCH EASEMENT FOR SAID PURPOSES.

NOTES

- FENCE LINES DO NOT DENOTE PROPERTY LINES.
- EXISTING USE OF AREA BEING PLATTED - AGRICULTURAL / RESIDENTIAL PROPOSED USE - AGRICULTURAL / RESIDENTIAL
- LEAVENWORTH COUNTY, KANSAS, DOES NOT REPRESENT, WARRANT OR GUARANTEE THAT THE DETAILS SHOWN ON THIS DOCUMENT AND PROVIDED BY THE APPLICANT, INCLUDING ANY SURVEY INFORMATION SHOULD BE RELIED UPON BY ANY THIRD PARTY AS BEING WHOLLY OR PARTIALLY ACCURATE AND COMPLETE.
- THIS PROPOSED PLAT IS NOT IN A SPECIAL FLOOD HAZARD AREA. FEMA MAP 2010C0225G, DATED 07/16/2015

DEVELOPER

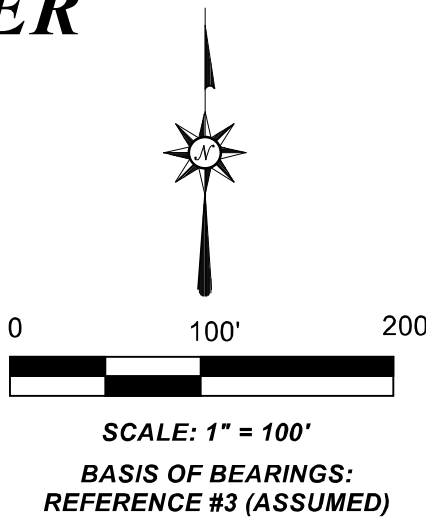
PUTTHOFF TRUST - LAURIE PUTTHOFF
21686 219TH STREET
TONGANOXIE, KANSAS 66086
(913)908-8900

Use cert. Bl. ch. I sent

PUTTHOFF ACRES

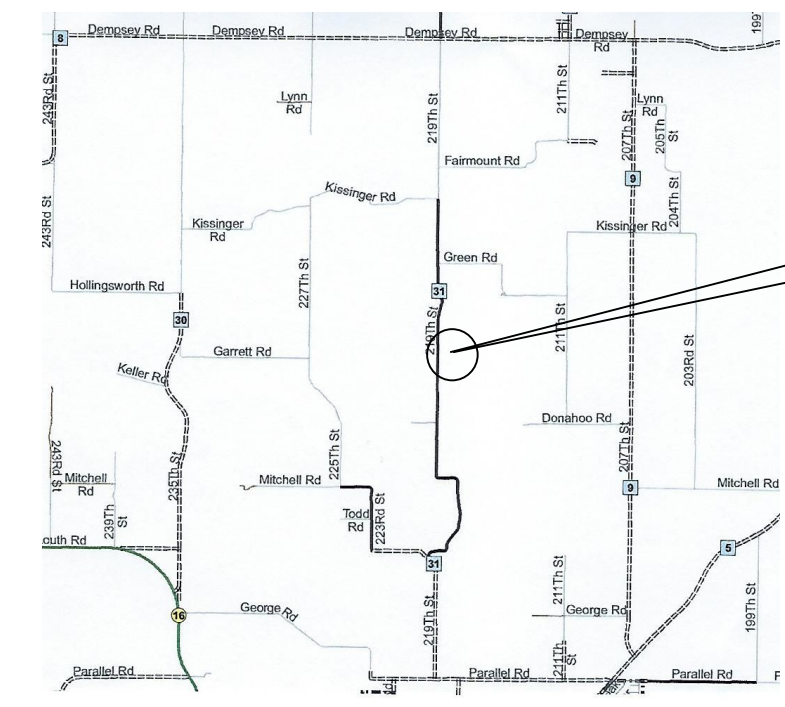
THE NORTH HALF OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER
SECTION 21-T10S-R21E OF THE 6TH P.M.,
LEAVENWORTH COUNTY, KANSAS

PRELIMINARY PLAT



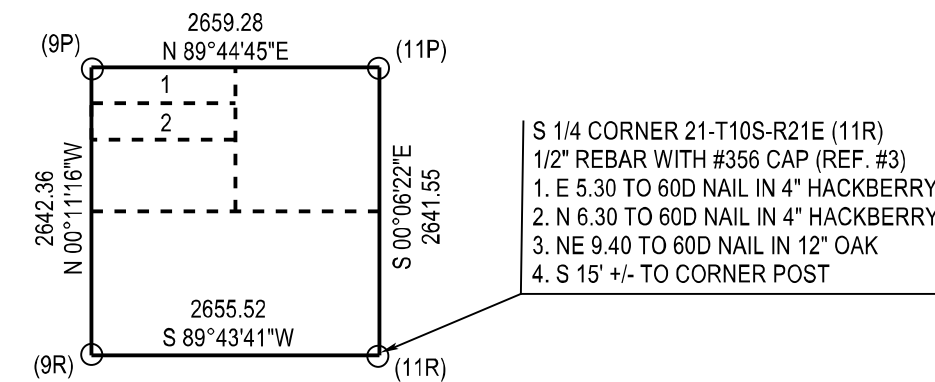
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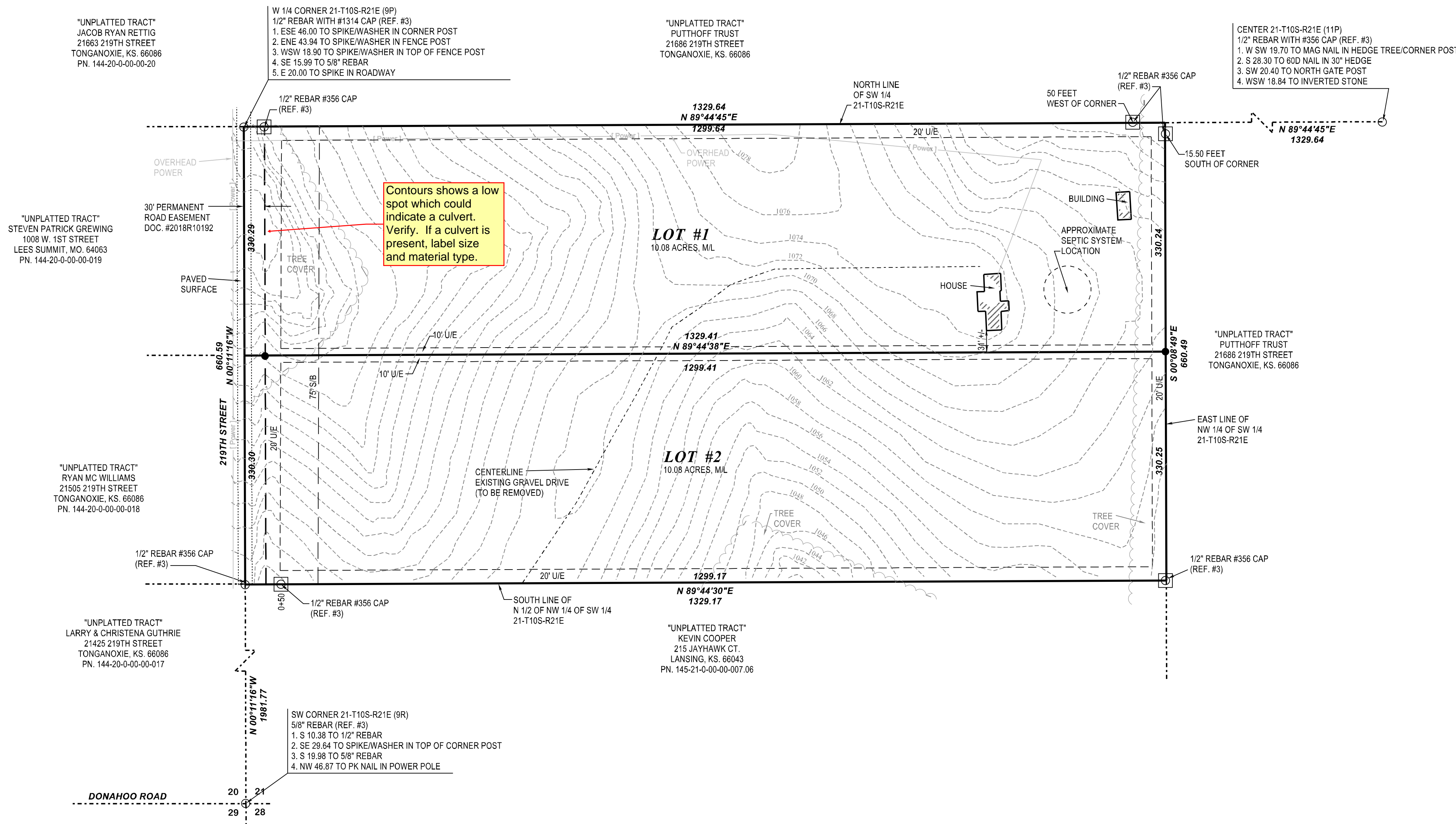


LOCATION MAP
NO SCALE

04-05-2021
OLSSON REVIEW



SECTION MAP - SW 1/4
NO SCALE



DEED DESCRIPTION - DOC. #2017R07637

THE NORTH HALF OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 21-T10S-R21E OF THE 6TH P.M., LEAVENWORTH COUNTY, KANSAS, COMMENCING AT THE WEST QUARTER CORNER OF SECTION 21; THENCE, SOUTH 680.59 FEET ALONG THE WEST LINE OF SECTION 21; THENCE, EAST 1329.17 FEET; THENCE, NORTH 680.49 FEET; THENCE, WEST 1329.54 FEET TO THE POINT OF BEGINNING, INCLUDING ROAD RIGHT OF WAY.

OWNER

GEORGE L. COOPER TRUST
21476 219TH STREET
TONGANOXIE, KANSAS 66086
PN. 145-21-0-00-007.05

DEVELOPER

PUTTHOFF TRUST - LAURIE PUTTHOFF
21686 219TH STREET
TONGANOXIE, KANSAS 66086
(913)908-8900

RESTRICTIONS

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- 15' REAR SETBACK FOR ACCESSORY BUILDINGS
- 15' SIDE SETBACK
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REFERENCES

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2. S-15, #5 (2003)
3. DOC. #2015S016
4. ROAD RECORD B-128

ZONING

RURAL RESIDENTIAL / RR-5.0

UTILITIES

WATER / R.W.D. #9
ELECTRIC / FREESTATE
GAS / PRIVATE PROPANE
SEWER / PRIVATE ON SITE SYSTEM

DRAINAGE CALCULATIONS

ON SEPARATE DOCUMENT BY DAVID LUTGEN, PE

BENCHMARK

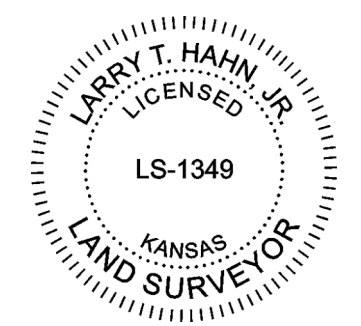
1/2" REBAR WITH #1314 AT THE W 1/4 CORNER
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ROAD INFORMATION

COUNTY COLLECTOR - 20' +/- WIDE WITH PAVED SURFACE

EASEMENT DEDICATION

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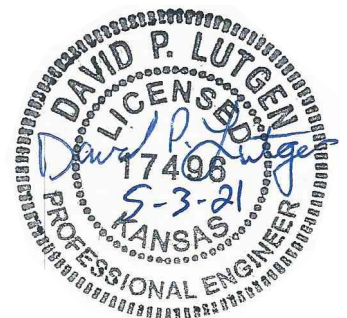


LARRY T. HAHN, LS #1349

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HAHN SURVEYING
PO BOX 41
LANSING, KANSAS 66043
(913) 547-3405
hahnsurvey@gmail.com

Putthoff Acres
Leavenworth County Kansas
Drainage Report
March 23, 2021
Revised April 28, 2021
Revised May 3, 2021



Parcel Information - The 20.16-acre (+/-) parcel is located north of Donahoo Road on 219th Street in Leavenworth County KS. The parcel is zoned RR 5.0.

Existing Conditions – There is an existing house and outbuilding on the property. The majority of the parcel appears to be used as hay ground. The property can be divided into three drainage areas, see exhibit #1.

A composite c value was calculated for each drainage area as shown in the table below. The composite c value is based on the soil type, slopes, and existing land use, see Exhibits #2, #2A, and #3. No changes are anticipated in DA #2 so calculations for DA #2 are not included.

Existing	c value	Acres in each Drainage Area		
		DA #1	DA #3	
Wooded	0.35	0.30	0.76	
Pasture	0.36	6.78	7.84	
Gravel Drive	0.50	0.22	0.00	
Composite c		0.36	0.36	

$$\text{composite c} = \frac{(\text{Wooded Acres} * 0.35 + \text{Pasture Acres} * 0.36 + \text{Gravel Drive Acres} * 0.50)}{\text{Total Acres}}$$

Developed Conditions – The proposed development will create one new residential building lot. The new home is assumed to be located in drainage area #1 as shown on exhibit #1. A composite c value was calculated for the drainage area as shown in the table below. The composite c value is based on the soil type, slopes, and land use, see Exhibits #2, #2A, and #3. The developed storm water runoff calculations include 10,000 sq ft of impervious area for each new building lot. This impervious area will account for the driveway, house footprint, and outbuilding. It is assumed that a 2-acre area around the home will be maintained as a lawn and the remainder will be pasture. A composite c value for each drainage area was calculated as shown below.

Developed	c value	Acres in each Drainage Area		
		DA #1	DA #3	
Wooded	0.35	0.30	0.73	
Pasture	0.36	4.71	7.57	
Impervious	0.90	0.23	0.00	
Grass	0.30	2.00	0.00	
Gravel Drive	0.50	0.06	0.30	
Composite c		0.36	0.36	

composite c =
$$\frac{(\text{Wooded Acres} * 0.35 + \text{Pasture Acres} * 0.36 + \text{Impervious Acres} * 0.90 + \text{Grass Acres} * 0.30 + \text{Gravel Drive Acres} * 0.50)}{\text{Total Acres}}$$

The storm water runoff for existing and developed conditions is summarized in the following tables. Calculations for the storm water runoff are included with the report.

	DA #1	
	Q10	Q100
Existing	14.4	25.5
Developed	14.4	25.5
Change	0%	0%

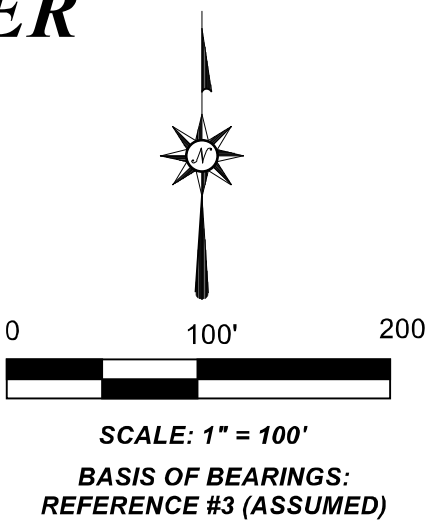
	DA #3	
	Q10	Q100
Existing	16.7	30.0
Developed	16.7	30.0
Change	0%	0%

Conclusion – The change in land use for this parcel of ground results in no net change to the storm water runoff from the site.

PUTTHOFF ACRES

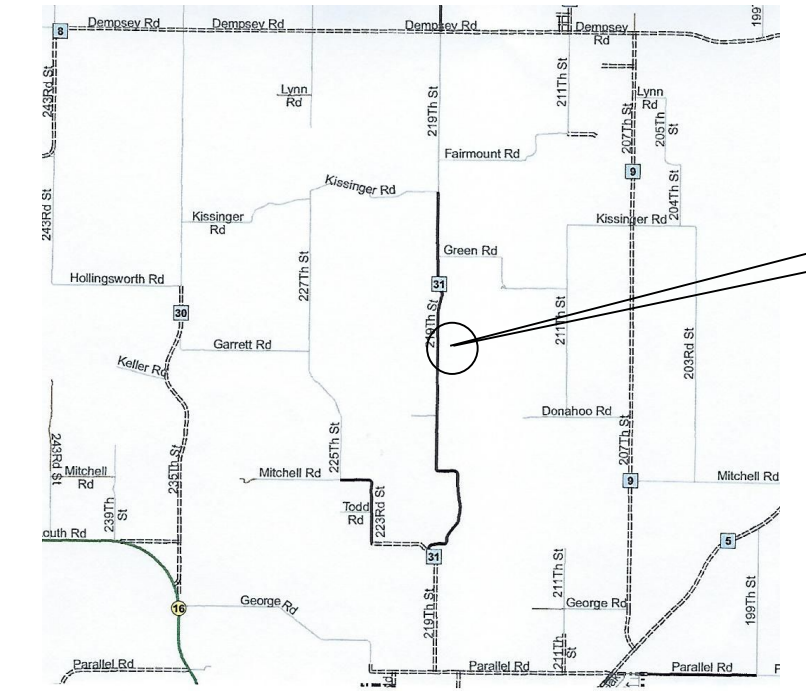
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PRELIMINARY PLAT

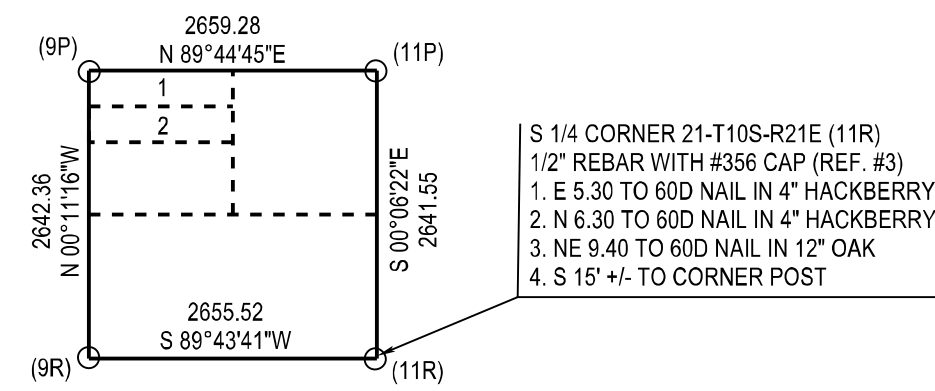


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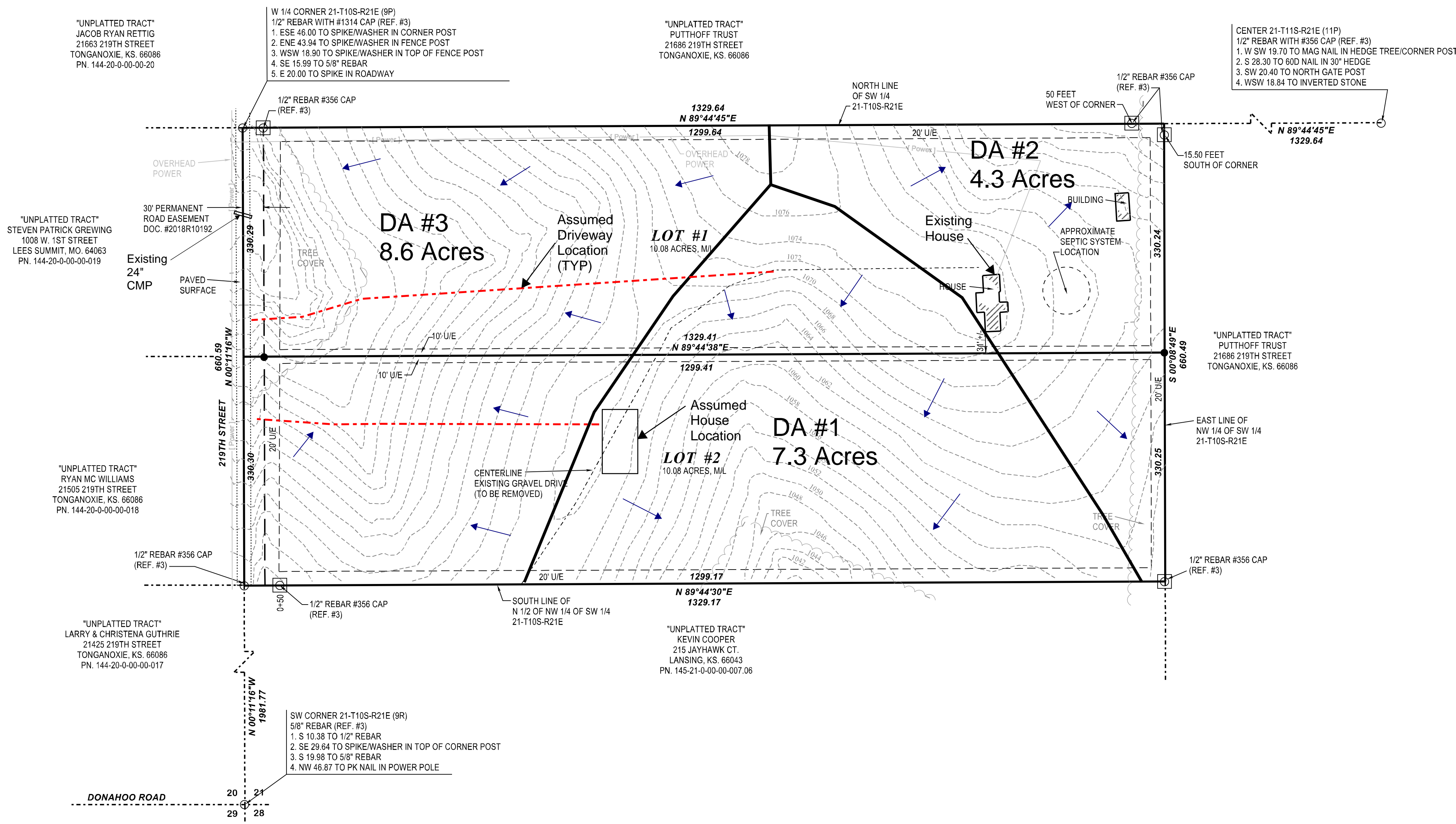
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SECTION MAP
NO SCALE



SECTION MAP - SW 1/4
NO SCALE



DEED DESCRIPTION - DOC. #2017R07637

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DEVELOPER
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ZONING

RURAL RESIDENTIAL / RR-5.0

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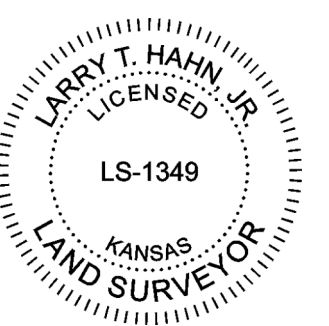
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ROAD INFORMATION

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EASEMENT DEDICATION

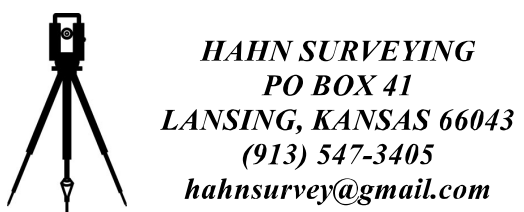
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EXHIBIT #1



HAHN SURVEYING
PO BOX 41
LANSING, KANSAS 66043
(913) 547-3405
hahnsurvey@gmail.com

TABLE 1 Values of Runoff Coefficient C

URBAN AREAS:	
Type of drainage area	Runoff coefficient C
Lawns:	0.05 - 0.10
Sandy soil, flat 2%	0.10 - 0.15
Sandy soil, average, 2 - 7%	0.15 - 0.20
Sandy soil, steep, 7%	0.13-0.17
Heavy soil, flat, 2%	0.18 - 0.22
Heavy soil, average, 2 - 7%	0.25 - 0.35
Heavy soil, steep, 7%	
Business:	0.70 - 0.95
Downtown areas Neighborhood areas	0.50.0.70
Residential:	0.30 - 0.50
Single-family areas	0.40 - 0.60
Multi units, detached Multi units,	0.60 - 0.75
attached Suburban	0.25 - 0.40
Apartment dwelling areas	0.50 - 0.70
Industrial:	
Light areas	0.50 - 0.80
Heavy areas	0.60 - 0.90
Parks, cemeteries	0.10 - 0.25
Playgrounds	0.20 - 0.35
Railroad yard areas	0.20 - 0.40
Unimproved areas	0.10 - 0.30
Streets:	0.70 - 0.95
Asphaltic	0.80 - 0.95
Concrete	0.70 - 0.85
Brick	
Drives and walks	0.75 - 0.85
Roofs	0.75 - 0.95

AGRICULTURAL AREAS:

Topography and Vegetation	Runoff Coefficient C Soil Texture		
	Soil Texture		
	Open Sandy Loam	Clay and Silt Loam	Tight Clay
Woodland			
Flat 0 - 5% Slope	0.10	0.30	0.40
Rolling 5 - 10% Slope	0.25	0.35	0.50
Hilly 10 - 30% Slope	0.30	0.50	0.60
Pasture			
Flat	0.10	0.30	0.40
Rolling	0.16	0.36	0.55
Hilly	0.22	0.42	0.60
Cultivated			
Flat	0.30	0.50	0.60
Rolling	0.40	0.60	0.70
Hilly	0.52	0.72	0.82

Source - Natural Resources Conservation Service (NRCS) US Department of Agriculture (USDA) Peak Discharge Course
https://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb1083019.pdf

EXHIBIT #2

Table 3-1 Runoff Coefficients for Rational Formula

Type of Drainage Area	Runoff Coefficient, C*
Concrete or Asphalt Pavement	0.8 – 0.9
Commercial and Industrial	0.7 – 0.9
Gravel Roadways and Shoulders	0.5 – 0.7
Residential – Urban	0.5 – 0.7
Residential – Suburban	0.3 – 0.5
Undeveloped	0.1 – 0.3
Berms	0.1 – 0.3
Agricultural – Cultivated Fields	0.15 – 0.4
Agricultural – Pastures	0.1 – 0.4
Agricultural – Forested Areas	0.1 – 0.4

For flat slopes or permeable soil, lower values shall be used. For steep slopes or impermeable soil, higher values shall be used. Steep slopes are 2:1 or steeper.

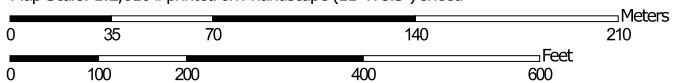
From Michigan State Administrative Rules R 280.9.

Referenced from MDOT Drainage Manual, www.michigan.gov



Map Unit Symbol	Map Unit Name
7461	Oska silty clay loam, 3 to 8 percent slopes, eroded
7501	Pawnee clay loam, 4 to 8 percent slopes, eroded
7506	Pawnee clay loam, 1 to 4 percent slopes, eroded
7550	Rosendale-Bendena silty clay loams, 3 to 40 percent slopes
7576	Shelby clay loam, 8 to 12 percent slopes, eroded

Map Scale: 1:2,610 if printed on A landscape (11" x 8.5") sheet.



Map projection: Web Mercator Corner coordinates: WGS84



Natural Resources
Conservation Service

Web Soil Survey
National Cooperative Soil Survey

EXHIBIT #3

Drainage Area #1- 10 year

Existing Conditions

Area = 7.3 acres
C= 0.36
L= 1450
S= 8.8
K= 1

$$T_i = 1.8(1.1-C)L^{.5}/S^{1/3} \quad L_{max} = 300$$

$$i_{10} = 175/(T_c + 18.8) \quad 5 < T_c < 15$$

$$T_i = 11.1$$

$$i_{10} = 214/(T_c + 26.7) \quad 15 < T_c < 60$$

$$T_t = 2.42$$

$$T_c = 13.5$$

$$i_{10} = 5.41$$

$$Q = KCiA$$

$$Q = 14.4 \text{ cfs}$$

Developed Conditions

Area = 7.3 acres
C= 0.36
L= 1450
S= 8.8
K= 1

$$T_i = 1.8(1.1-C)L^{.5}/S^{1/3} \quad L_{max} = 300$$

$$i_{10} = 175/(T_c + 18.8) \quad 5 < T_c < 15$$

$$T_i = 11.1$$

$$i_{10} = 214/(T_c + 26.7) \quad 15 < T_c < 60$$

$$T_t = 2.42$$

$$T_c = 13.5$$

$$i_{10} = 5.41$$

$$Q = KCiA$$

$$Q = 14.4 \text{ cfs}$$

Drainage Area #1 - 100 year

Existing Conditions

Area = 7.3 acres
C= 0.36
L= 1450
S= 8.8
K= 1.25

$$T_i = 1.8(1.1-C)L^{.5}/S^{1/3} \quad L_{max} = 300$$

$$i_{100} = 256/(T_c + 19.8) \quad 5 < T_c < 15$$

$$T_i = 11.1$$

$$i_{100} = 331/(T_c + 30) \quad 15 < T_c < 60$$

$$T_t = 2.42$$

$$T_c = 13.5$$

$$i_{100} = 7.68$$

$$Q = KCiA$$

$$Q = 25.5 \text{ cfs}$$

Developed Conditions

Area = 7.3 acres
C= 0.36
L= 1450
S= 8.8
K= 1.25

$$T_i = 1.8(1.1-C)L^{.5}/S^{1/3} \quad L_{max} = 300$$

$$i_{100} = 256/(T_c + 19.8) \quad 5 < T_c < 15$$

$$T_i = 11.1$$

$$i_{100} = 331/(T_c + 30) \quad 15 < T_c < 60$$

$$T_t = 2.42$$

$$T_c = 13.5$$

$$i_{100} = 7.68$$

$$Q = KCiA$$

$$Q = 25.5 \text{ cfs}$$

Drainage Area #3- 10 year

Existing Conditions

Area = 8.6 acres
C= 0.36
L= 760
S= 6.5
K= 1

$$T_i = 1.8(1.1-C)L^{.5}/S^{1/3}$$

L max = 300

$$i_{10} = 175/(T_c + 18.8) \quad 5 < T_c < 15$$

$$T_i = 12.4$$

$$i_{10} = 214/(T_c + 26.7) \quad 15 < T_c < 60$$

$$T_t = 1.27$$

$$T_c = 13.6$$

$$i_{10} = 5.39$$

$$Q = KCiA$$

$$Q = 16.7 \text{ cfs}$$

Developed Conditions

Area = 8.6 acres
C= 0.36
L= 760
S= 6.5
K= 1

$$T_i = 1.8(1.1-C)L^{.5}/S^{1/3}$$

L max = 300

$$i_{10} = 175/(T_c + 18.8) \quad 5 < T_c < 15$$

$$T_i = 12.4$$

$$i_{10} = 214/(T_c + 26.7) \quad 15 < T_c < 60$$

$$T_t = 1.27$$

$$T_c = 13.6$$

$$i_{10} = 5.39$$

$$Q = KCiA$$

$$Q = 16.7 \text{ cfs}$$

Drainage Area #3 - 100 year

Existing Conditions

Area = 8.6 acres
C= 0.36
L= 760
S= 6.5
K= 1.25

$$T_i = 1.8(1.1-C)L^{.5}/S^{1/3}$$

L max = 300

$$i_{100} = 256/(T_c + 19.8)$$

5 < Tc < 15

$$T_i = 12.3$$

$$i_{100} = 331/(T_c + 30)$$

15 < Tc < 60

$$T_t = 1.27$$

$$T_c = 13.6$$

$$i_{100} = 7.67$$

$$Q = KCiA$$

$$Q = 30.0 \text{ cfs}$$

Developed Conditions

Area = 8.6 acres
C= 0.36
L= 760
S= 6.5
K= 1.25

$$T_i = 1.8(1.1-C)L^{.5}/S^{1/3}$$

L max = 300

$$i_{100} = 256/(T_c + 19.8)$$

5 < Tc < 15

$$T_i = 12.3$$

$$i_{100} = 331/(T_c + 30)$$

15 < Tc < 60

$$T_t = 1.27$$

$$T_c = 13.6$$

$$i_{100} = 7.67$$

$$Q = KCiA$$

$$Q = 30.0 \text{ cfs}$$

From: [Mitch Pleak](#)
Sent: Monday, May 3, 2021 11:50 AM
To: [Gentzler, Joshua](#)
Cc: [Anderson, Lauren](#); [Noll, Bill](#); [Voth, Krystal](#); [019-2831](#)
Subject: RE: DEV-21-041 & 042 Preliminary/Final Plat Review Requested - Putthoff Acres PP, FP, and DR

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.

Joshua,
Lauren and I have reviewed the revised PP and FP with no further comments. Below is a link to the reviewed documents.

<https://oaconsulting.sharefile.com/d-s916fcf9c604d43d09b22c6067083e3b0>

Sincerely,
Mitch Pleak

From: Gentzler, Joshua <JGentzler@leavenworthcounty.gov>
Sent: Thursday, April 29, 2021 2:23 PM
To: Mitch Pleak <mpleak@olsson.com>
Cc: Anderson, Lauren <LAnderson@leavenworthcounty.gov>; Noll, Bill <BNoll@leavenworthcounty.gov>; Voth, Krystal <KVoth@leavenworthcounty.gov>
Subject: RE: DEV-21-041 & 042 Preliminary/Final Plat Review Requested - Putthoff Acres PP, FP, and DR

All,

Here is a revised copy of the Putthoff Acres Plats.

Joshua Gentzler
[Planning & Zoning](#)

From: Mitch Pleak <mpleak@olsson.com>
Sent: Monday, April 5, 2021 4:42 PM
To: Gentzler, Joshua <JGentzler@leavenworthcounty.gov>
Cc: Anderson, Lauren <LAnderson@leavenworthcounty.gov>; Noll, Bill <BNoll@leavenworthcounty.gov>; Voth, Krystal <KVoth@leavenworthcounty.gov>; 019-2831 <019-2831@olsson.com>
Subject: RE: DEV-21-041 & 042 Preliminary/Final Plat Review Requested - Putthoff Acres PP, FP, and DR

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.

Joshua,
Below is a link to PP comments. There is no comments for the Final Plat.

Drainage Report dated 3.23.21 include:

- Remove large space in the developed conditions paragraph.
- DA #3 will include new gravel drives for Lot 1 and Lot 2. Revise report for said change and add gravel c value source.

- DA #1 has existing driveway that appears will be removed due to the plat. Include tree mass in calculations. Revise report for said existing conditions/changes.
- Contours indicate a culvert along 219th Street and Lot 1. Provide size and material type of the culvert.

Citrix Attachments Expires October 2, 2021

2021.03.26 DEV-21-041 Prelim Plat.pdf	1023.8 KB
---------------------------------------	-----------

[Download Attachments](#)

Mitchell Pleak uses Citrix Files to share documents securely.

Let me know of any questions.

Sincerely,

Mitch Pleak

From: Gentzler, Joshua
Sent: Friday, April 2, 2021 2:48 PM
To: Anderson, Lauren ; Mitch Pleak ; Noll, Bill
Subject: DEV-21-041 & 042 Preliminary/Final Plat Review Requested

The Leavenworth County Department of Planning and Zoning has received a request for a Preliminary and Final Plat for Putthoff Acres DEV-21-041/042.

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 End of Business on Friday, April 9th, 2021.

If you have any questions or need additional information, please contact me at (913) 684-0464 or at JGentzler@LeavenworthCounty.org.

Thank you,

Joshua Gentzler
Planner II
[Planning & Zoning](#)
Leavenworth County
913.684.0464

From: [Amanda Tarwater](#)
Sent: Friday, April 2, 2021 3:04 PM
To: [Gentzler, Joshua](#)
Subject: Re: DEV-21-041 & 042 Preliminary/Final Plat Review Requested

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.

FreeState Electric has no objection to this request.

Thank you,

Amanda Tarwater
Member Account Coordinator



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

From: "Gentzler, Joshua"
Date: Friday, April 2, 2021 at 2:52 PM
To: "Magaha, Chuck" , "Miller, Jamie" , "Patzwald, Joshua" , "Van Parys, David" , 'Timothy Smith' , Amanda Tarwater , "RWD 9 (Lvrwd9@gmail.com)"
Subject: DEV-21-041 & 042 Preliminary/Final Plat Review Requested

Warning: This message originated outside of the FEC organization. Do not click links or open attachments unless you have validated the sender and know the content is safe. <="" span="">

The Leavenworth County Department of Planning and Zoning has received a request for a Preliminary and Final Plat for Putthoff Acres DEV-21-041/042.

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 End of Business on Friday, April 9th, 2021.

If you have any questions or need additional information, please contact me at (913) 684-0464 or at JGentzler@LeavenworthCounty.gov.

Thank you,

Joshua Gentzler
Planner II
[Planning & Zoning](#)
Leavenworth County
913.684.0464

From: [Timothy Smith](#)
Sent: Monday, April 5, 2021 8:57 AM
To: [Gentzler, Joshua](#)
Subject: Re: DEV-21-041 & 042 Preliminary/Final Plat Review Requested

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.

Joshua,

Tonganoxie Township has no issues with this request.

Thanks,

On Fri, Apr 2, 2021 at 2:52 PM Gentzler, Joshua <JGentzler@leavenworthcounty.gov> wrote:

The Leavenworth County Department of Planning and Zoning has received a request for a Preliminary and Final Plat for Putthoff Acres DEV-21-041/042.

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 End of Business on Friday, April 9th, 2021.

If you have any questions or need additional information, please contact me at (913) 684-0464 or at JGentzler@LeavenworthCounty.gov.

Thank you,

Joshua Gentzler

Planner II

[Planning & Zoning](#)

Leavenworth County

913.684.0464

--

Tim Smith, Chief

Tonganoxie Township Rural Fire Department

President Kansas State Association Fire Chiefs

18993 McLouth Rd

Tonganoxie KS 66086

Phone: [913-845-3801](tel:913-845-3801)

Fax: [913-845-3801](tel:913-845-3801)

Cell: [816-392-2468](tel:816-392-2468)

Failure to Prepare

Is

Preparing to Fail

From: [Rural Water District 9](#)
Sent: Tuesday, April 13, 2021 3:12 PM
To: [Gentzler, Joshua](#)
Subject: Re: DEV-21-041 & 042 Preliminary/Final Plat Review Requested

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.

We will be able to provide water to this area.

Jon Orndorff
District Manager
Rural Water District 9
913-845-3571

On Apr 13, 2021, at 14:58, Gentzler, Joshua wrote:

Good afternoon,
I am following up on this request from last week. Does RWD 9 have any comments on this Plat?

Thank you,
Joshua Gentzler
[Planning & Zoning](#)

From: Gentzler, Joshua

Sent: Friday, April 2, 2021 2:52 PM

To: Magaha, Chuck ; Miller, Jamie ; Patzwald, Joshua ; Van Parys, David ; 'Timothy Smith' ; Amanda Holloway (Amanda.holloway@freestate.coop) ; RWD 9 (Lvrwd9@gmail.com)

Subject: DEV-21-041 & 042 Preliminary/Final Plat Review Requested

The Leavenworth County Department of Planning and Zoning has received a request for a Preliminary and Final Plat for Putthoff Acres DEV-21-041/042.

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

End of Business on Friday, April 9th, 2021.

If you have any questions or need additional information, please contact me at (913) 684-0464 or at JGentzler@LeavenworthCounty.gov.

Thank you,
Joshua Gentzler
Planner II
[Planning & Zoning](#)
Leavenworth County
913.684.0464


<2021.03.26 DEV-21-042 Application.pdf><2021.03.26 DEV-21-042 Final Plat.pdf>
<2021.03.26 DEV-21-041 Prelim Plat.pdf>

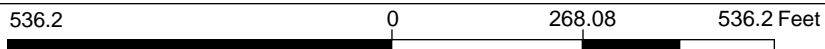
DEV-21-041 & 042 Putthoff Acres



Legend

- Address Point
- Parcel Number
- Lot Line
- Parcel
- City Limit Line
- Major Road
- <all other values>
- 70
- Road
- + Railroad
- Section
- Section Boundaries
- County Boundary

1 in. = 268ft. 



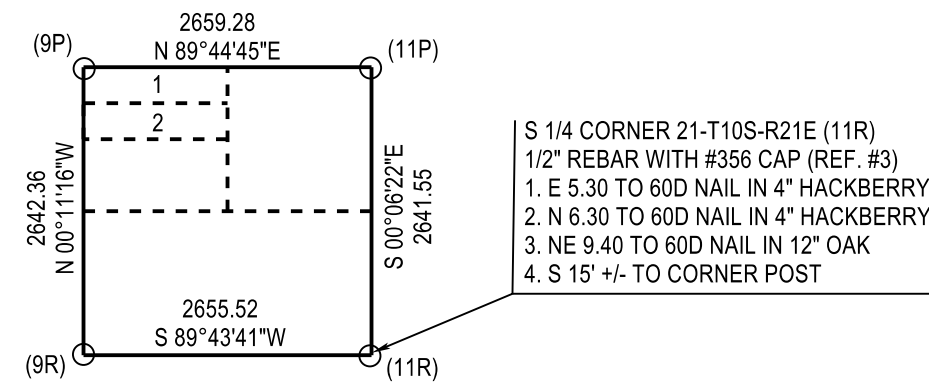
This Cadastral Map is for informational purposes only. It does not purport to represent a property boundary survey of the parcels shown and shall not be used for conveyances or the establishment of property boundaries.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

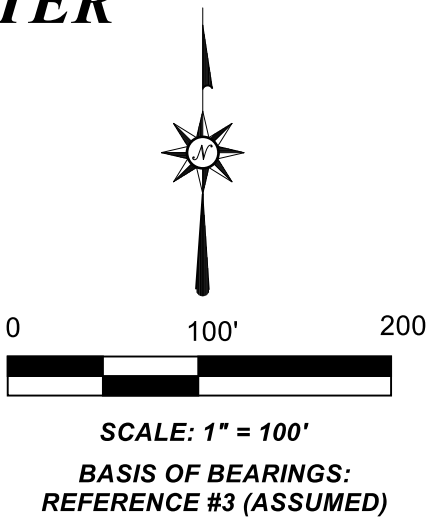
Notes

PUTTHOFF ACRES

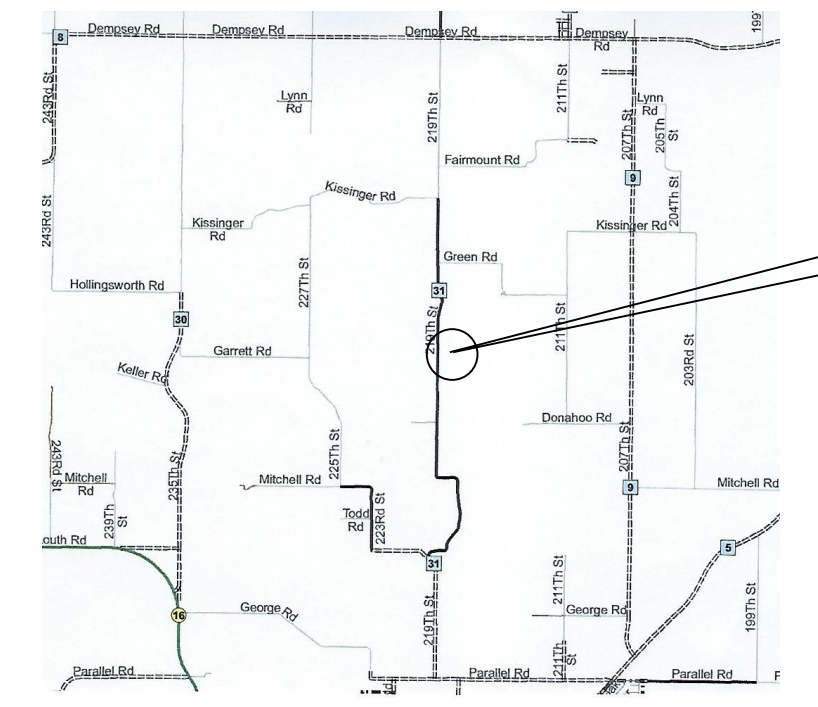
A SUBDIVISION IN THE NORTH HALF OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER
SECTION 21-T10S-R21E OF THE 6TH P.M.,
LEAVENWORTH COUNTY, KANSAS
PRELIMINARY PLAT



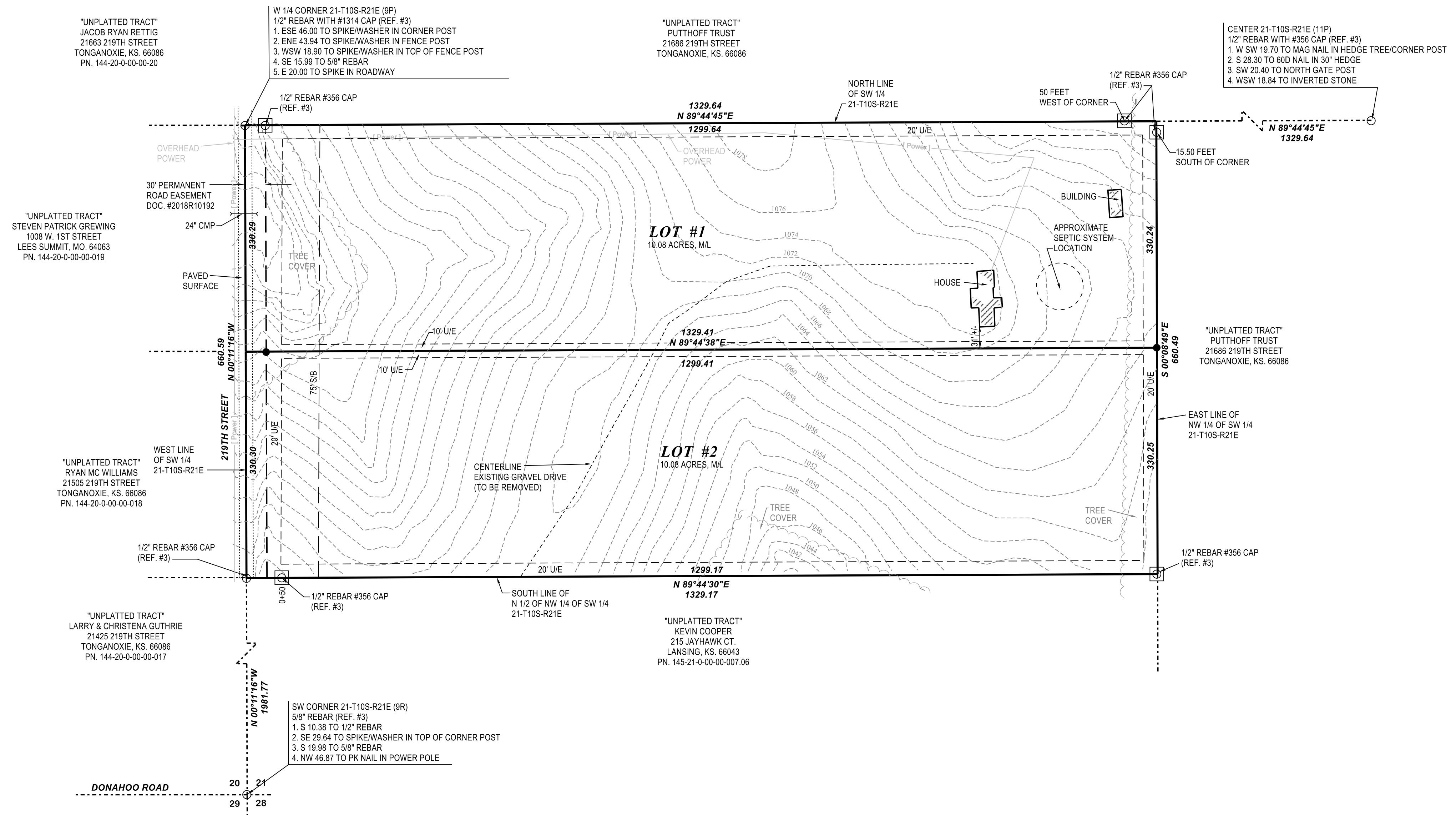
SECTION MAP - SW 1/4
NO SCALE



- LEGEND**
- 1/2" x 24" REBAR SET WITH #1349 CAP
 - 1/2" REBAR WITH #356 CAP FOUND (REF. #3) UNLESS OTHERWISE NOTED
 - SURVEY MONUMENT FOUND (AS NOTED) ADDED CONCRETE
 - U/E UTILITY EASEMENT - DEDICATED THIS PLAT



LOCATION MAP
NO SCALE



DEED DESCRIPTION - DOC. #2017R07637

THE NORTH HALF OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 21-T10S-R21E OF THE 6TH P.M., LEAVENWORTH COUNTY, KANSAS, COMMENCING AT THE WEST QUARTER CORNER OF SECTION 21; THENCE, SOUTH 660.59 FEET ALONG THE WEST LINE OF SECTION 21; THENCE, EAST 1329.17 FEET; THENCE, NORTH 660.49 FEET; THENCE, WEST 1329.64 FEET TO THE POINT OF BEGINNING, INCLUDING ROAD RIGHT OF WAY.

OWNER
GEORGE L. COOPER TRUST
21476 219TH STREET
TONGANOXIE, KANSAS 66086
PN. 145-21-0-00-00-07.05

DEVELOPER
PUTTHOFF TRUST - LAURIE PUTTHOFF
21686 219TH STREET
TONGANOXIE, KANSAS 66086
(913)906-8900

RESTRICTIONS

1. 40' REAR SETBACK FOR RESIDENCES
- 15' REAR SETBACK FOR ACCESSORY BUILDINGS
- 15' SIDE SETBACK
2. AN ENGINEERED WASTEWATER DISPOSAL SYSTEM MAY BE REQUIRED DUE TO POOR SOIL CONDITIONS.
3. EROSION CONTROL SHALL BE USED WHEN DESIGNING AND CONSTRUCTING DRIVEWAYS.
4. A FORM OF SEDIMENT CONTROL SHALL BE INSTALLED BEFORE WORK BEGINS AND MAINTAINED THROUGHOUT THE TIME THAT THE LAND DISTURBING ACTIVITIES ARE TAKING PLACE.
5. RE-VEGETATION OF ALL DISTURBED SITES SHALL BE COMPLETED WITHIN 45 DAYS AFTER COMPLETION OF FINAL GRADING, WEATHER PERMITTING.
6. LOTS ARE SUBJECT TO THE CURRENT ACCESS MANAGEMENT POLICY RESOLUTION.

NOTES

1. FENCE LINES DO NOT DENOTE PROPERTY LINES.
2. EXISTING USE OF AREA BEING PLATTED - AGRICULTURAL / RESIDENTIAL PROPOSE USE - AGRICULTURAL / RESIDENTIAL
3. LEAVENWORTH COUNTY, KANSAS, DOES NOT REPRESENT, WARRANT OR GUARANTEE THAT THE DETAILS SHOWN ON THIS DOCUMENT AND PROVIDED BY THE APPLICANT, INCLUDING ANY SURVEY INFORMATION SHOULD BE RELIED UPON BY ANY THIRD PARTY AS BEING WHOLLY OR PARTIALLY ACCURATE AND COMPLETE.
4. THIS PROPOSED PLAT IS NOT IN A SPECIAL FLOOD HAZARD AREA. FEMA MAP 20103C0225G, DATED 07/16/2015

REFERENCES

1. S-15, #2 (2003)
2. S-15, #6 (2003)
3. DOC. #2015S016
4. ROAD RECORD B-128

ZONING

RURAL RESIDENTIAL / RR-5.0

UTILITIES

WATER / R.W.D. #9
ELECTRIC / FREESTATE
GAS / PRIVATE PROPANE
SEWER / PRIVATE ON SITE SYSTEM

DRAINAGE CALCULATIONS

ON SEPARATE DOCUMENT BY DAVID LUTGEN, PE

BENCHMARK

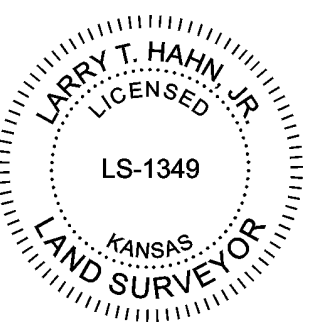
1/2" REBAR WITH #1314 AT THE W 1/4 CORNER
21-T10S-R21E. EL. 1034.33 (NAVD88)

ROAD INFORMATION

COUNTY COLLECTOR - 20' +/- WIDE WITH PAVED SURFACE

EASEMENT DEDICATION

AN EASEMENT OR LICENSE TO ENTER UPON, LOCATE, CONSTRUCT AND MAINTAIN OR AUTHORIZE THE LOCATION, CONSTRUCTION OR MAINTAINANCE AND USE OF CONDUITS, WATER, GAS, SEWER PIPE, POLES, WIRES, DRAINAGE FACILITIES, DUCTS, CABLES AND SIMILAR FACILITIES UPON, OVER AND UNDER THESE AREAS OUTLINED AND DESIGNATED ON THIS PLAT AS UTILITY EASEMENT OR U/E IS HEREBY GRANTED TO LEAVENWORTH COUNTY, KANSAS WITH SUBORDINATE USE OF THE SAME BY OTHER GOVERNMENTAL ENTITIES AND PUBLIC UTILITIES AS MAY BE AUTHORIZED BY STATE LAW TO USE SUCH EASEMENT FOR SAID PURPOSES.



LARRY T. HAHN, LS #1349

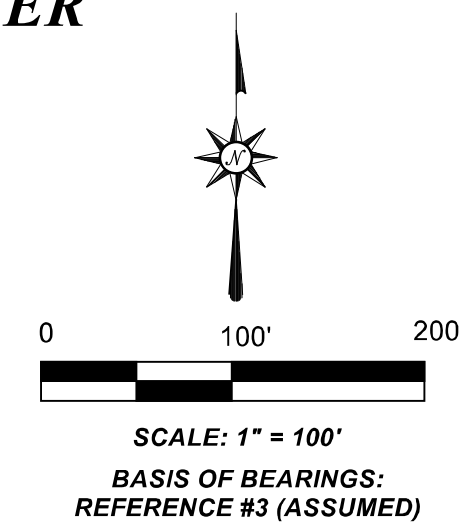
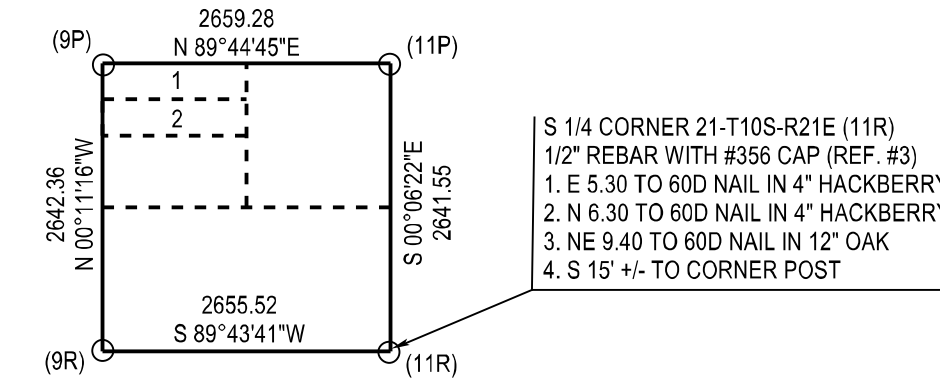
THIS IS TO CERTIFY THAT IN THE MONTH OF MARCH, 2021, THIS SURVEY WAS MADE UNDER MY DIRECT SUPERVISION AND THAT SAID SURVEY MEETS OR EXCEEDS THE "KANSAS MINIMUM STANDARDS" FOR BOUNDARY SURVEYS PURSUANT TO K.S.A. 74-7037.

HAHN SURVEYING
PO BOX 41
LANSING, KANSAS 66043
(913) 547-3405
hahnsurvey@gmail.com

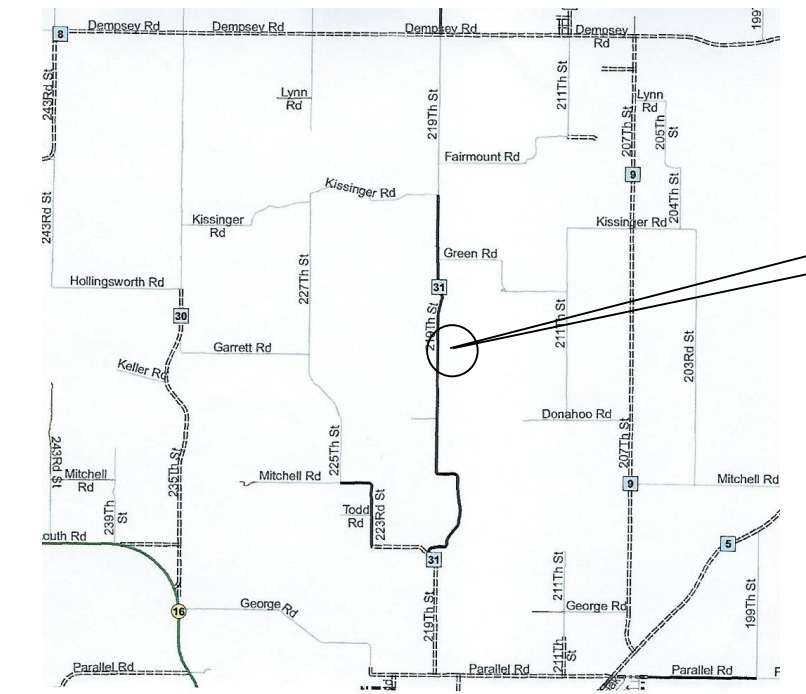
PUTTHOFF ACRES

A SUBDIVISION IN THE NORTH HALF OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER SECTION 21-T10S-R21E OF THE 6TH P.M., LEAVENWORTH COUNTY, KANSAS

FINAL PLAT



- LEGEND**
- 1/2" x 24" REBAR SET WITH #1349 CAP
 - 1/2" REBAR WITH #356 CAP FOUND (REF. #3) UNLESS OTHERWISE NOTED
 - SURVEY MONUMENT FOUND (AS NOTED) ADDED CONCRETE
 - U/E UTILITY EASEMENT - DEDICATED THIS PLAT



DEED DESCRIPTION - DOC. #2017R07637

THE NORTH HALF OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 21-T10S-R21E OF THE 6TH P.M., LEAVENWORTH COUNTY, KANSAS, COMMENCING AT THE WEST QUARTER CORNER OF SECTION 21; THENCE, SOUTH 660.59 FEET ALONG THE WEST LINE OF SECTION 21; THENCE, EAST 1329.17 FEET; THENCE, NORTH 660.49 FEET; THENCE, WEST 1329.64 FEET TO THE POINT OF BEGINNING, INCLUDING ROAD RIGHT OF WAY.

IN TESTIMONY WHEREOF

THE UNDERSIGNED PROPRIETOR STATE THAT ALL TAXES ON THE ABOVE DESCRIBED TRACT OF LAND HAVE BEEN PAID AND THAT SHE HAS CAUSED THE SAME TO BE SUBDIVIDED IN THE MANNER SHOWN ON THE ACCOMPANYING PLAT WHICH SHALL BE KNOWN AS "PUTTHOFF ACRES".

Laurie Putthoff
Putthoff Trust

STATE OF KANSAS / COUNTY OF LEAVENWORTH

ON THIS _____ DAY OF _____, 2021, BEFORE ME APPEARED LAURIE PUTTHOFF, KNOWN TO ME TO BE THE SAME PERSON DESCRIBED HEREIN AND WHO EXECUTED THE SAME AS HER FREE ACT AND DEED. IN WITNESS THEREOF, I HAVE SET MY HAND AND AFFIXED MY NOTARIAL SEAL THIS _____ DAY OF _____, 2021.

NOTARY PUBLIC _____ MY COMMISSION EXPIRES _____

APPROVAL

WE THE LEAVENWORTH COUNTY PLANNING COMMISSION, DO HEREBY APPROVE THE FOREGOING PLAT OF "PUTTHOFF ACRES" THIS _____ DAY OF _____, 2021.

CHAIRPERSON / STEVE ROSENTHAL _____ SECRETARY / KRISTAL VOTH, CFM _____

THE LEAVENWORTH COUNTY ENGINEERS 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 _____

WE THE BOARD OF COUNTY COMMISSIONERS OF LEAVENWORTH COUNTY, KANSAS, DO HEREBY APPROVE THE FOREGOING PLAT OF "PUTTHOFF ACRES" THIS _____ DAY OF _____, 2021.

CHAIRPERSON / MICHAEL SMITH _____ COUNTY CLERK / JANET KLASINSKI (ATTEST) _____

COUNTY SURVEY CERTIFICATION

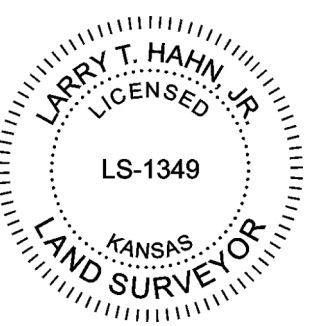
I HEREBY CERTIFY THAT THIS DOCUMENT HAS BEEN REVIEWED BY ME AND IS BEING FILED FOR SURVEY INFORMATION ONLY.

LEAVENWORTH COUNTY SURVEY REVIEWER _____

STATE OF KANSAS / COUNTY OF LEAVENWORTH

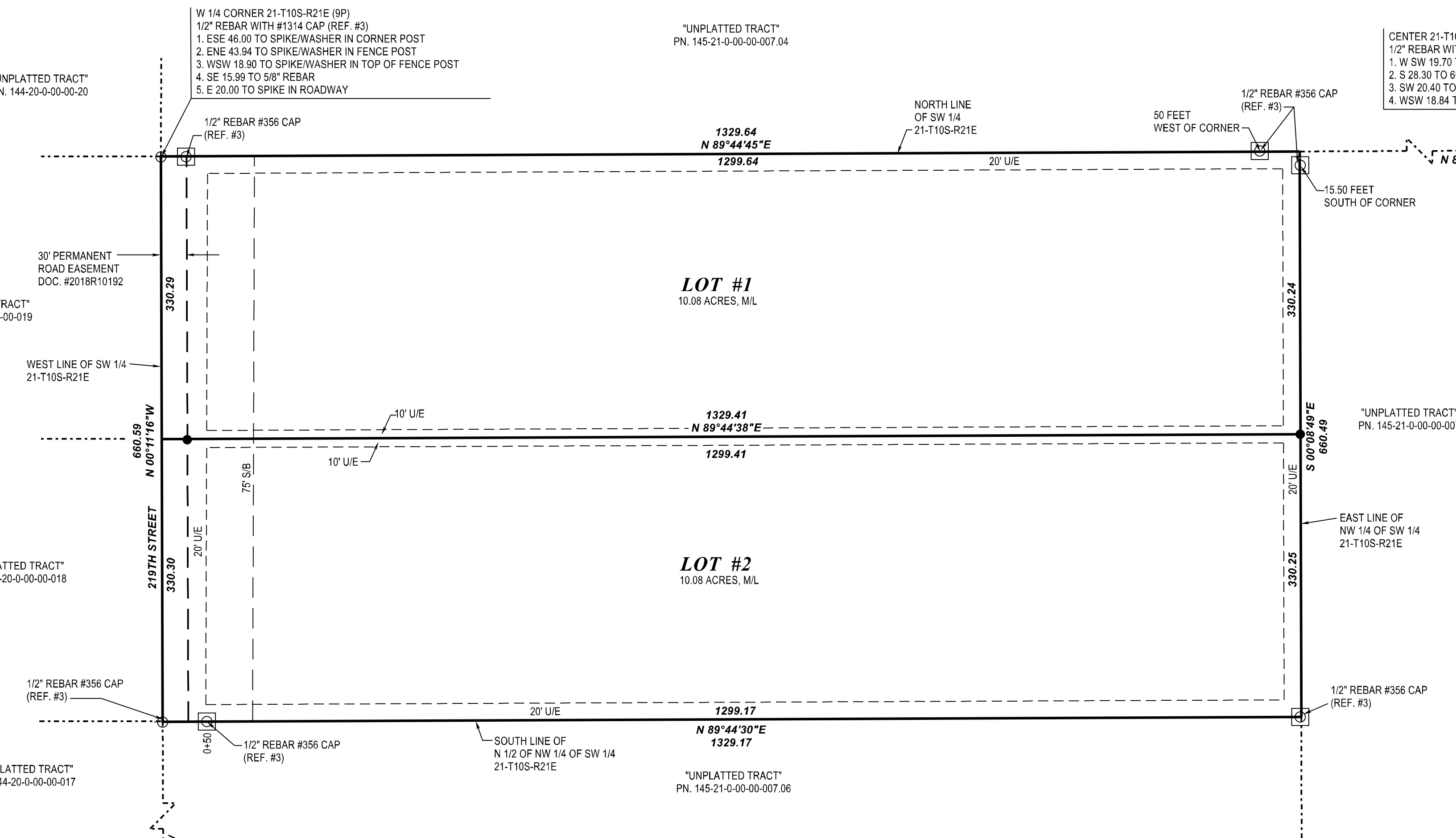
FILED FOR RECORD IN DOCUMENT# _____ ON THIS _____ DAY OF _____, 2021 AT _____ O'CLOCK _____ IN THE OFFICE OF THE REGISTER OF DEEDS, LEAVENWORTH COUNTY, KANSAS.

REGISTER OF DEEDS / TERRILOIS G. MASHBURN _____



LARRY T. HAHN, LS #1349

THIS IS TO CERTIFY THAT IN THE MONTH OF MARCH, 2021, THIS SURVEY WAS MADE UNDER MY DIRECT SUPERVISION AND THAT SAID SURVEY MEETS OR EXCEEDS THE "KANSAS MINIMUM STANDARDS" FOR BOUNDARY SURVEYS PURSUANT TO K.S.A. 74-7037.



REFERENCES

1. S-15, #2 (2003)
2. S-15, #5 (2003)
3. DOC. #2015S016
4. ROAD RECORD B-128

ZONING

RURAL RESIDENTIAL / RR-5.0

BENCHMARK

1/2" REBAR WITH #1314 AT THE W 1/4 CORNER 21-T10S-R21E. EL. 1034.33 (NAVD88)

RESTRICTIONS

1. 40' REAR SETBACK FOR RESIDENCES
- 15' REAR SETBACK FOR ACCESSORY BUILDINGS
- 15' SIDE SETBACK
2. AN ENGINEERED WASTEWATER DISPOSAL SYSTEM MAY BE REQUIRED DUE TO POOR SOIL CONDITIONS.
3. EROSION CONTROL SHALL BE USED WHEN DESIGNING AND CONSTRUCTING DRIVEWAYS.
4. A FORM OF SEDIMENT CONTROL SHALL BE INSTALLED BEFORE WORK BEGINS AND MAINTAINED THROUGHOUT THE TIME THAT THE LAND DISTURBING ACTIVITIES ARE TAKING PLACE.
5. RE-VEGETATION OF ALL DISTURBED SITES SHALL BE COMPLETED WITHIN 45 DAYS AFTER COMPLETION OF FINAL GRADING, WEATHER PERMITTING.
6. LOTS ARE SUBJECT TO THE CURRENT ACCESS MANAGEMENT POLICY RESOLUTION.

STREET DEDICATION

ALL STREETS ON THE ACCOMPANYING PLAT AND NOT HERETOFORE DEDICATED TO PUBLIC USE ARE HEREBY SO DEDICATED.

EASEMENT DEDICATION

AN EASEMENT OR LICENSE TO ENTER UPON, LOCATE, CONSTRUCT AND MAINTAIN OR AUTHORIZE THE LOCATION, CONSTRUCTION OR MAINTENANCE AND USE OF CONDUITS, WATER, GAS, SEWER PIPE, POLES, WIRES, DRAINAGE FACILITIES, DUCTS, CABLES AND SIMILAR FACILITIES UPON, OVER AND UNDER THESE AREAS OUTLINED AND DESIGNATED ON THIS PLAT AS UTILITY EASEMENT OR U/E IS HEREBY GRANTED TO LEAVENWORTH COUNTY, KANSAS WITH SUBORDINATE USE OF THE SAME BY OTHER GOVERNMENTAL ENTITIES AND PUBLIC UTILITIES AS MAY BE AUTHORIZED BY STATE LAW TO USE SUCH EASEMENT FOR SAID PURPOSES.

NOTES

1. FENCE LINES DO NOT DENOTE PROPERTY LINES.
2. EXISTING USE OF AREA BEING PLATTED - AGRICULTURAL / RESIDENTIAL PROPOSE USE - AGRICULTURAL / RESIDENTIAL
3. LEAVENWORTH COUNTY, KANSAS, DOES NOT REPRESENT, WARRANT OR GUARANTEE THAT THE DETAILS SHOWN ON THIS DOCUMENT AND PROVIDED BY THE APPLICANT, INCLUDING ANY SURVEY INFORMATION SHOULD BE RELIED UPON BY ANY THIRD PARTY AS BEING WHOLLY OR PARTIALLY ACCURATE AND COMPLETE.
4. THIS PROPOSED PLAT IS NOT IN A SPECIAL FLOOD HAZARD AREA. FEMA MAP 2010C0225G, DATED 07/16/2015

DEVELOPER

PUTTHOFF TRUST - LAURIE PUTTHOFF
21886 219TH STREET
TONGANOXIE, KANSAS 66086
(913) 908-8900

*****Consent Agenda*****
Case No. DEV-21-043/044
Lori Acres
Preliminary and Final Plat

Staff Report – Planning Commission

May 12, 2021

GENERAL INFORMATION:

**Applicant/
Property Owner:** Visionary Homes
2040 Vermont Street
Lawrence, KS 66048

Agent: Herring Surveying

Legal Description: A tract of land in the Northeast Quarter of Section 10, Township 11 South, Range 21 East of the 6th P.M, in Leavenworth County, Kansas.

Parcel Size: ± 2.5 acres

Zoning/Land Use: RR-5, Rural Residential 5-acre minimum size parcels

Comprehensive Plan: This parcel is within the Mixed-Use land use category.

Parcel ID No.: 192-10-0-10-01-020.00

Planner: Joshua Gentzler

REPORT:

Request

The applicant is requesting a Preliminary and Final Plat for a one (1) lot subdivision.

Adjacent Land Use

The surrounding properties are residences and farms on varying sized parcels ranging from 0.25 acre to over 150 acres in size.

Flood Plain

There are no Special Flood Hazard Areas on this parcel per FEMA Firm Map 20103C0306G July 16, 2015.

Utilities/Services

Sewer: Private septic system
Fire: Tonganoxie
Water: Suburban Water
Electric: Freestate

Access/Streets

The property is accessed by Highway 24/40 (State Avenue). This road is a split State Highway with a paved surface ± 100' wide.

Agency Comments

See attached comments – Email – Mitch Pleak – Public Works, May 3, 2021
See attached comments – Email – Amanda Tarwater – FreeState, April 13, 2021
See attached comments – Email – Steve Tufte – County Survey Reviewer, April 30, 2021

Findings

1. The proposed subdivision is consistent with the zoning district of RR 2.5; Rural Residential Zoning 2.5-acre minimum size parcels and meets the lot-depth to lot-width ratio of 3.5:1 or 4:1, have the minimum frontage of 200', and the minimum lot size of 2.5 acres.

2. The property is within a sewer district boundary or is within 660 feet of the incorporated limits of a

Municipality. however, a waiver to the requirement of allowing private septic systems is supported by staff. A private sewage disposal permit may be issued per Leavenworth County Sanitary Code requirements. Any further subdividing of any lot within this subdivision shall require the installation of public sanitary sewer or connection to an existing public sanitary sewer.

3. At time of development, fire hydrants shall be required if necessary infrastructure is available.
4. The lots are located within the US 24/40 Corridor Study area. The proposed subdivision does not comply with the T3 – Suburban Development Zone.
5. The proposed subdivision is in accordance with the Comprehensive Plan.

Subdivision Classification

This is classified as a Class “A” Subdivision. According to the Leavenworth County Zoning & Subdivision regulations, a Class “A” Subdivision is any subdivision in which all the lots lie within the Initial Urban Growth Area of Leavenworth County. Staff is supportive of a waiver of the requirement to connect to a sanitary sewer system as the property currently has a single-family home with a septic system developed on it. (See condition 2.)

Staff Comments

The applicant is requesting approval of a one-lot subdivision located at 20851 State Avenue. Zoning of the parcel and adjacent to the east, south, and immediately west is RR-2.5. The properties to the north and southwest are located in Tonganoxie. The lot is 2.5 acres in size and meets the requirements for the zoning district.

Staff is supportive of the request as proposed and recommends approval of the development.

STAFF RECOMMENDATION:

The staff recommends approval of Case No.DEV-21-043/044, Preliminary and Final Plat for Lori Acres, with the following 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. Any further subdividing of any lot within this subdivision shall require the installation of public sanitary sewer or connection to an existing public sanitary sewer.
5. At time of development, fire hydrants shall be required if necessary infrastructure is available.
6. After approval of this subdivision by the Board of County Commission, all conditions listed shall be adhered to and copies shall be provided to the Planning and Zoning Department within 30 days.

ACTION OPTIONS:

1. Recommend approval of Case No. DEV-21-043/044, Preliminary and Final Plat for Lori Acres, to the Board of County Commission, with or without conditions; or
2. Recommend denial of Case No. DEV-21-043/044, Preliminary and Final Plat for Lori Acres, to the Board of County Commission for the following reasons; or
3. Continue the hearing to another date, time, and place.

ATTACHMENTS:

Aerial Map
Memorandums
Preliminary and Final Plat

LORI ACRES

A Minor Subdivision Plat in the Northeast Quarter of Section 10, Township 11 South, Range 21 East of the 6th P.M., Leavenworth County, Kansas.

PREPARED FOR:
 Visionary Homes LLC
 2040 Vermont Street
 Lawrence, KS 66046
 PID NO. 192-10-0-10-01-020

FINAL PLAT

SURVEYOR'S DESCRIPTION:

TRACT 1:
 Tract of land in the West Half of East Half of the Northeast Quarter of Section 10, Township 11 South, Range 21 East of the 6th P.M., Leavenworth County, Kansas, more fully described as follows: Commencing at the Northwest Corner of the Northeast Quarter; thence North 88 degrees 32'44" E 663.11 feet and South 01 degrees 34'03" East 1222.07 feet to the TRUE POINT OF BEGINNING, said point being a 1" Bar on the Southerly right of way of U.S. Highway 24-40 (State Avenue); thence North 87 degrees 56'48" East for a distance of 328.57 feet along said right of way; thence South 01 degrees 33'15" East for a distance of 332.00 feet; thence South 87 degrees 56'48" West for a distance of 328.50 feet; thence North 01 degrees 34'03" West for a distance of 332.00 feet to point of beginning. Together with and subject to covenants, easements, and restrictions of record. Said property contains 2.50 acres, more or less, including road right of way. Error of Closure: 1 - 181282

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: LORI ACRES.

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 appurtenances 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 bear no responsibility for any maintenance and upkeep of said Easements.

Streets shown on the accompanying plat and not heretofore dedicated for public use are hereby so dedicated.

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 LORI ACRES, have set our hands this _____ day of _____, 2021.

Dennis Mills
 Visionary Homes, LLC

NOTARY CERTIFICATE:

Be it remembered that on this _____ day of _____, 2021, before me, a notary public in and for said County and State came Dennis Mills, Visionary Homes LLC, 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

My Commission Expires: _____ (seal)

APPROVALS

We, the Leavenworth County Planning Commission, do hereby approve the foregoing plat of LORI ACRES this _____ day of _____, 2021.

Secretary Krystal A. Voth
 Chairman Steven Rosenthal

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 - _____

COUNTY COMMISSION APPROVAL:

We, the Board of County Commissioners of Leavenworth County, Kansas, do hereby approve the foregoing plat of LORI ACRES, this _____ day of _____, 2021.

Chairman Michael W. Smith
 County Clerk Attest: Janet Klasinski

REGISTER OF DEED CERTIFICATE:

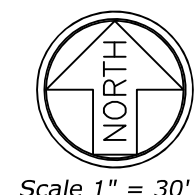
Filed for Record as Document No. _____ on this _____ day of _____, 2021 at _____ o'clock _____ M in the Office of the Register of Deeds of Leavenworth County, Kansas,

Register of Deeds - TerriLois G. Mashburn

COUNTY REVIEWER

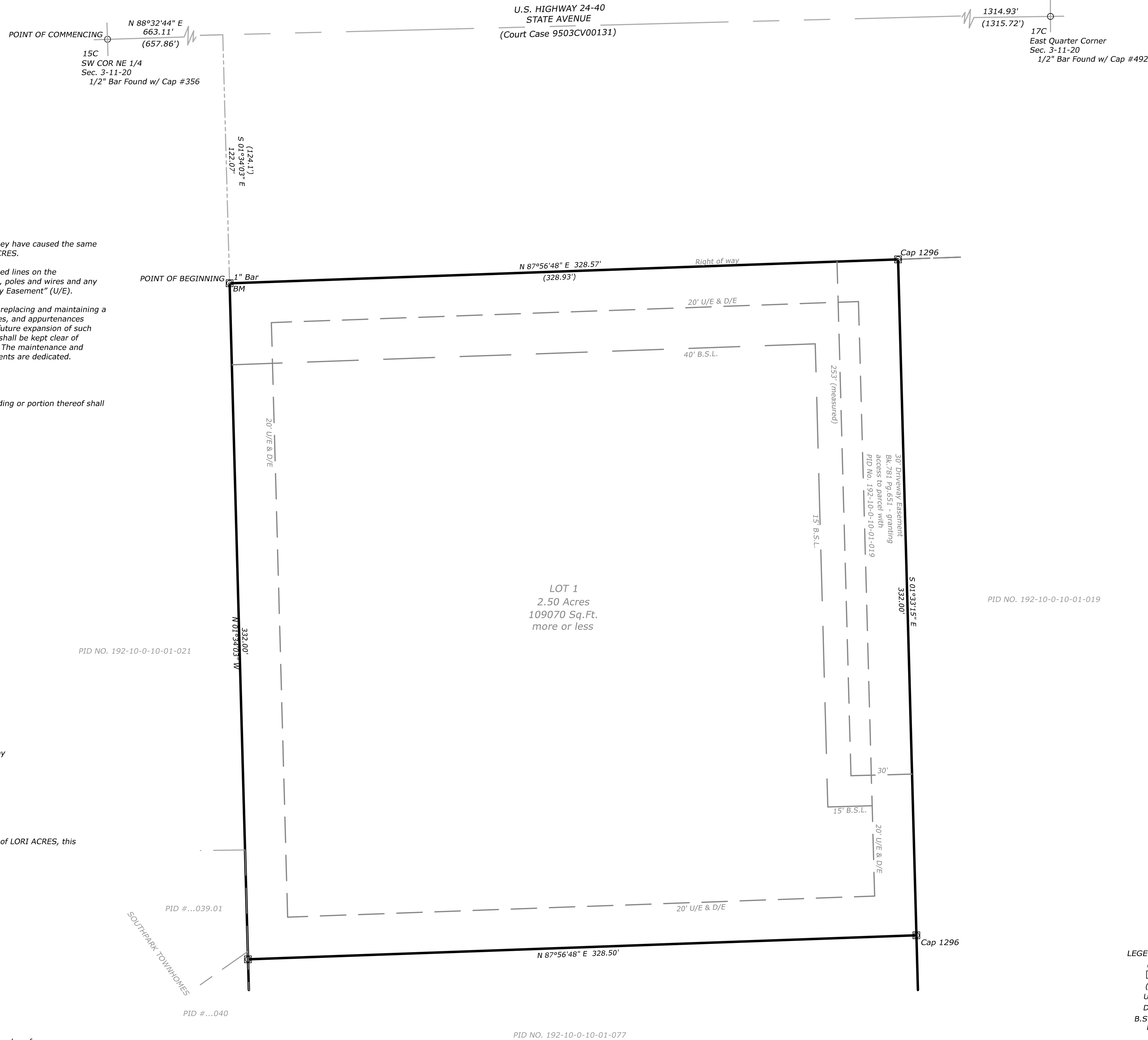
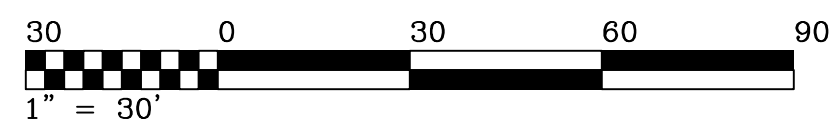
I hereby certify this plat meets the requirements of KSA-58-2001 through 58-2005. The face of this plat was reviewed based on Kansas Minimum Standards for Boundary Surveys. No field verification is implied. This review is for surveying information only.

COUNTY REVIEWER
 Stephen G. Turley, KS-PS No. 24562
 Leavenworth County Reviewer



Scale 1" = 30'

Job # K-19-1314
 March 26, 2021 Rev. April 20, 2021
 J. Herring, Inc. (dba)
HERRING SURVEYING & COMPANY
 315 North 5th Street, Leav., KS 66048
 Ph. 913.651.3858 Fax 913.674.5361
 Email - survey@herringcash.com



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 may 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 Access per KDOT Approval.
- 5) No off-plat restrictions.

ZONING:

RR-2.5, Rural Residential, 2.5-Acre minimum size parcels - Current and proposed

NOTES:

- 1) This survey does not show ownership, unless otherwise noted.
- 2) All distances are calculated from measurements or measured this survey, unless otherwise noted.
- 3) Error of Closure - See Error of Closure Calculations
- 4) Basis of Bearing - KS State Plane NAD 83, North Zone 1501
- 5) Point Origin Unknown, unless otherwise noted.
- 6) Proposed Lots for Residential Use.
- 7) Road Record - See Survey
- 8) Benchmark - NAVD88
- 9) Project Benchmark (BM) - Northwest Corner Lot 1 - 1" Bar - 924.3'
- 10) Easements, if any, are created hereon or listed in referenced title commitment.
- 11) Reference Recorded Deed Document Number 2020R10898
- 12) Utility Companies -
 - Water - Suburban Water
 - Electric - Freestate
 - Sewer - Septic / Lagoon
 - Gas - Propane / Natural Gas
- 13) Reference Kansas Secured Title Inc. File Number TX0013466 updated August 13, 2018
- 14) Property is not in a Special Flood Hazard Area per FEMA FIRM Map 20103C0302G & 0306G dated July 16, 2015
- 15) Building Setback Lines as shown hereon or noted below
 - All side yard setbacks - 15' (Accessory - 15')
 - All rear yard setbacks - 40' (Accessory - 15')
- 16) Distances to and of structures, if any, are +- 1'.
- 17) Easements as per referenced Title Commitment are shown hereon
 - Right of way Easement Bk. 788 Pg. 1795, blanket description, to Leavenworth Jefferson Electric Cooperative, Inc., not shown hereon.
 - Jefferson County Rural Water District No. 13 Easement Bk. 627 Pg. 512 does not affect surveyed as per discussion with Water District #9, line is East of said Property.
- 18) Fence Lines do not necessarily denote the boundary line for the property.
- 19) Reference Surveys:
 (MDC) - M.D. Cooper Survey Book S-6 #60 dated 1968
 Recorded plat of SOUTHPARK TOWNHOMES, GREYSTONE ADD.
 (JAH) - J.A. Herring Survey Document #2020S008



LEGEND:

- - 1/2" Rebar Found, unless otherwise noted.
- - Concrete Base to be Set around Point
- () - Record / Deeded Distance
- U/E - Utility Easement
- D/E - Drainage Easement
- B.S.L. - Building Setback Line
- BM - Benchmark



I hereby certify that this survey was made by me, or under my direct supervision, on the ground during the month of April 2021, and this map or plat is correct to the best of my knowledge.

Joseph A. Herring
 PS # 1296

LORI ACRES

A Minor Plat in the Northeast Quarter of Section 10, Township 11 South, Range 21 East of the 6th P.M., Leavenworth County, Kansas.

PRELIMINARY PLAT

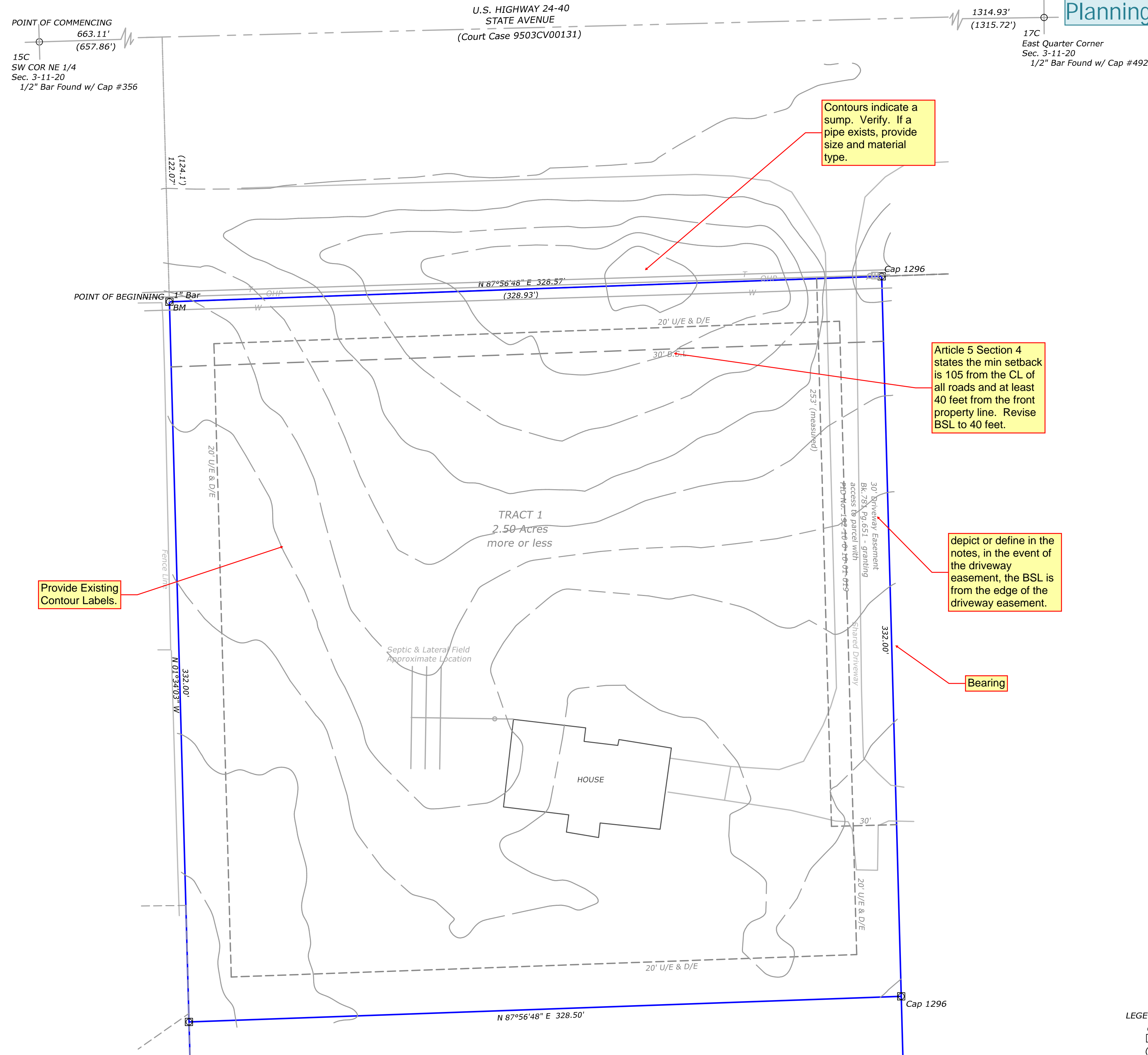
PREPARED FOR:
 Visionary Homes LLC
 2040 Vermont Street
 Lawrence, KS 66046
 PID NO. 192-10-0-10-01-020

04-20-2021
 Planning Review

04-05-2021
 OLSSON REVIEW

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Contours indicate a sump. Verify. If a pipe exists, provide size and material type.

Article 5 Section 4 states the min setback is 105 from the CL of all roads and at least 40 feet from the front property line. Revise BSL to 40 feet.

depict or define in the notes, in the event of the driveway easement, the BSL is from the edge of the driveway easement.

Bearing

Provide Existing Contour Labels.

Provide adjacent property owner information around the subject plat.

- 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 may 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 Access per KDOT Approval.
 - 5) No off-plat restrictions.

ZONING:
 RR-2.5, Rural Residential, 2.5-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 Error of Closure Calculations
 - 5) Basis of Bearing - KS State Plane NAD 83, North Zone 1501
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- LEGEND:**
- - 1/2" Bar Found, unless otherwise noted.
 - - Concrete Base to be Set around Point
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 - B.S.L. - Building Setback Line
 - R/W - Permanent Dedicated Roadway Easement dedicated this plat
 - ⊖ - Centerline
 - Section Line
 - BM - Benchmark
 - ⊙ - Power Pole
 - X - Fence Line
 - OHP - Overhead Power Lines
 - T - Underground Telephone/Fiber Optic Line
 - ⊕ - Gas Valve
 - ⊕ - Water Meter/Valve
 - ⊕ - Telephone Pedestal
 - W - 6" Water Line - location as per district
 - ~ - Tree/Brush Line

Provide updated dates.

I hereby certify that this survey was made by me, or under my direct supervision, on the ground during the dates of October thru December 2019 and this map or plat is correct to the best of my knowledge.

Joseph A. Herring
 PS # 1296

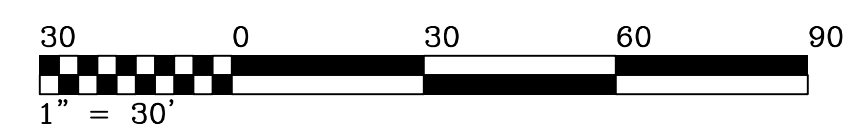


Scale 1" = 30'

Job # K-19-1314
 March 26, 2021

J. Herring, Inc. (dba)
HERRING
 SURVEYING
 & COMPANY

315 North 5th Street, Leav., KS 66048
 Ph. 913.651.3858 Fax 913.674.5361
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LORI ACRES

A Minor Plat in the Northeast Quarter of Section 10, Township 11 South, Range 21 East of the 6th P.M., Leavenworth County, Kansas.

PREPARED FOR:
 Visionary Homes LLC
 2040 Vermont Street
 Lawrence, KS 66046
 PID NO. 192-10-0-10-01-020

FINAL PLAT

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CERTIFICATION AND DEDICATION

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IN TESTIMONY WHEREOF,

We, the undersigned owners of LORI ACRES, have set our hands this _____ day of _____, 2021.

Dennis Mills
 Visionary Homes, LLC

NOTARY CERTIFICATE:

Be it remembered that on this _____ day of _____, 2021, before me, a notary public in and for said County and State came Dennis Mills, Visionary Homes LLC, 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

My Commission Expires: _____ (seal)

APPROVALS

We, the Leavenworth County Planning Commission, do hereby approve the foregoing plat of LORI ACRES this _____ day of _____, 2021.

Secretary Krystal A. Voth
 Chairman Steven Rosenthal

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 -

COUNTY COMMISSION APPROVAL:

We, the Board of County Commissioners of Leavenworth County, Kansas, do hereby approve the foregoing plat of LORI ACRES, this _____ day of _____, 2021.

Chairman Michael W. Smith
 County Clerk Attest: Janet Klasinski

REGISTER OF DEED CERTIFICATE:

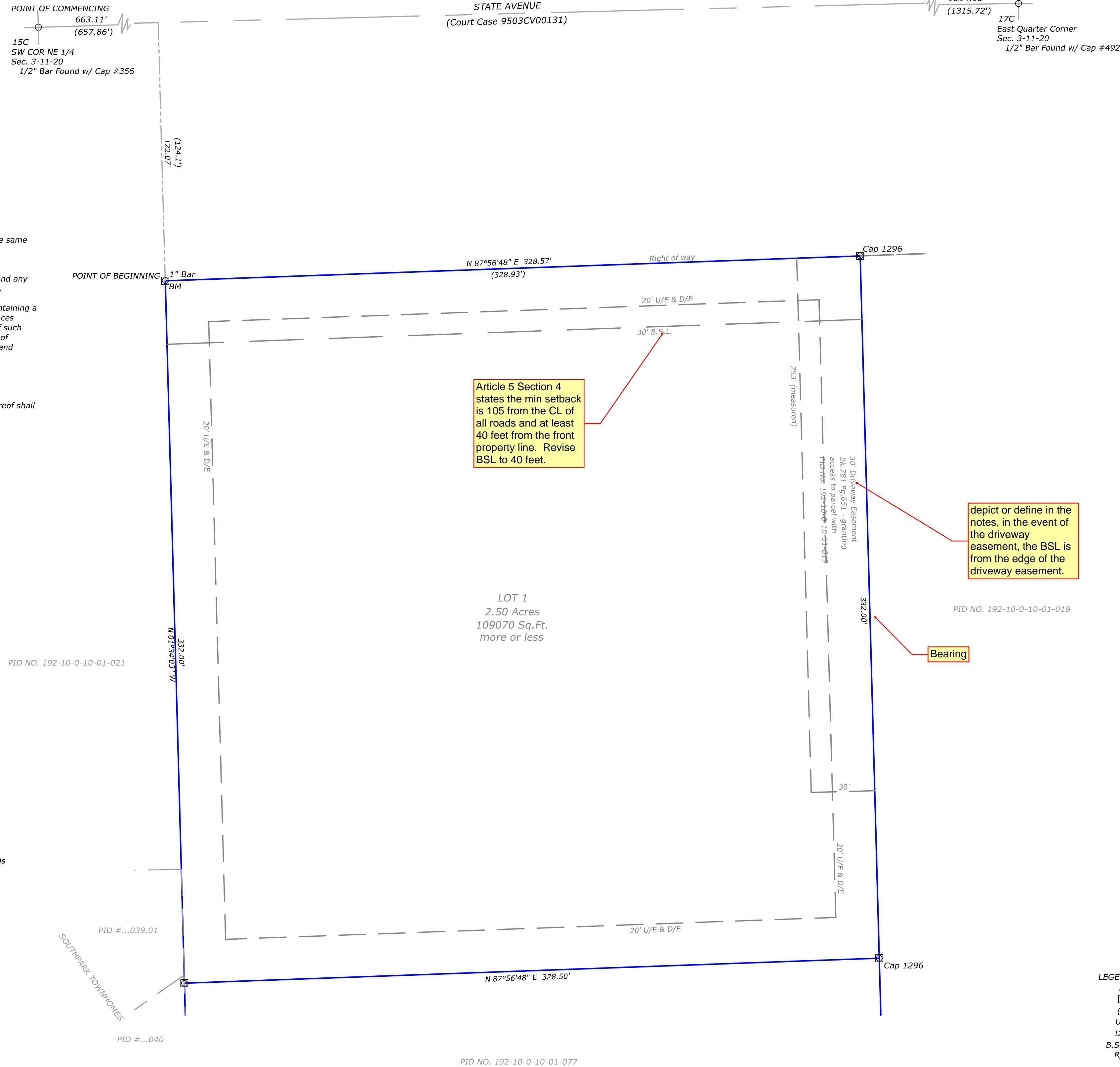
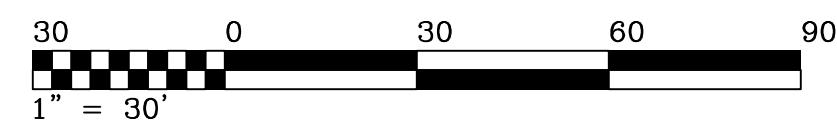
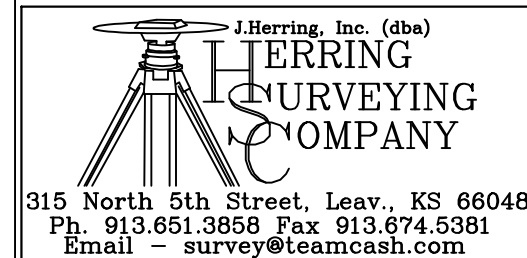
Filed for Record as Document No. _____ on this _____ day of _____, 2021 at _____ o'clock _____ M in the Office of the Register of Deeds of Leavenworth County, Kansas,

Register of Deeds - TerriLois G. Mashburn



Scale 1" = 30'

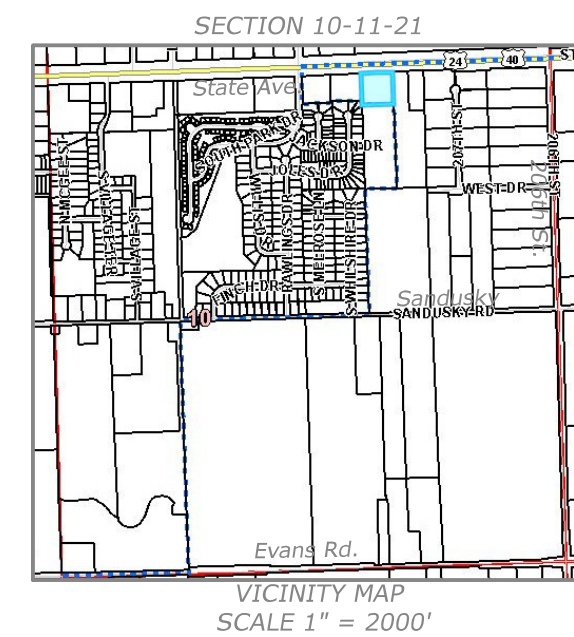
Job # K-19-1314
 March 26, 2021



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- X - Fence Line
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- ⊖ - Gas Valve
- ⊖ - Water Meter/Valve
- ⊖ - Telephone Pedestal
- W - 6" Water Line - location as per district
- ~ - Tree/Brush Line

04-05-2021
 OLSSON REVIEW

04-20-2021
 Planning Review

RESTRICTIONS:

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- 5) No off-plat restrictions.

ZONING:

RR-2.5, Rural Residential, 2.5-Acre minimum size parcels - Current and proposed

NOTES:

- 1) This survey does not show ownership.
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- 4) Error of Closure - See Error of Closure Calculations
- 5) Basis of Bearing - KS State Plane NAD 83, North Zone 1501
- 6) Point Origin Unknown, unless otherwise noted.
- 7) Proposed Lots for Residential Use.
- 8) Road Record - See Survey
- 9) Benchmark - NAVD88 Project Benchmark (BM) - Northwest Corner Lot 1 - 1" Bar - 924.3'
- 10) Easements, if any, are created hereon or listed in referenced title commitment.
- 11) Reference Recorded Deed Document Number 2020R10898
- 12) Utility Companies - Water - Suburban Water - Electric - Freestate - Sewer - Septic / Lagoon - Gas - Propane / Natural Gas
- 13) Reference Kansas Secured Title Inc. File Number TX0013466 updated August 13, 2018
- 14) Property is not in a Special Flood Hazard Area per FEMA FIRM Map 20103C0302G & 0306G dated July 16, 2015
- 15) Building Setback Lines as shown hereon or noted below - All side yard setbacks - 15' (Accessory - 15') - All rear yard setbacks - 40' (Accessory - 15')
- 16) Distances to and of structures, if any, are + - 1'.
- 17) Easements as per referenced Title Commitment are shown hereon - Right of way Easement Bk. 788 Pg. 1795, blanket description, to Leavenworth Jefferson Electric Cooperative, Inc., not shown hereon. - Jefferson County Rural Water District No. 13 Easement Bk. 627 Pg. 512 does not affect surveyed as per discussion with Water District #9, line is East of said Property.
- 18) Fence Lines do not necessarily denote the boundary line for the property.
- 19) Reference Surveys: (MDC) - M.D.Cooper Survey Book S-6 #60 dated 1968 Recorded plat of SOUTHPARK TOWNHOMES, GREYSTONE ADD. (JAH) - J.A.Herring Survey Document #2020S008

Replace with "County Survey Reviewer"

Provide updated dates.

I hereby certify that this survey was made by me or under my direct supervision, on the ground during the dates of October thru December 2019 and this map or plat is correct to the best of my knowledge.

Joseph A. Herring
 PS # 1296

LORI ACRES

A Minor Subdivision Plat in the Northeast Quarter of Section 10, Township 11 South, Range 21 East of the 6th P.M., Leavenworth County, Kansas.

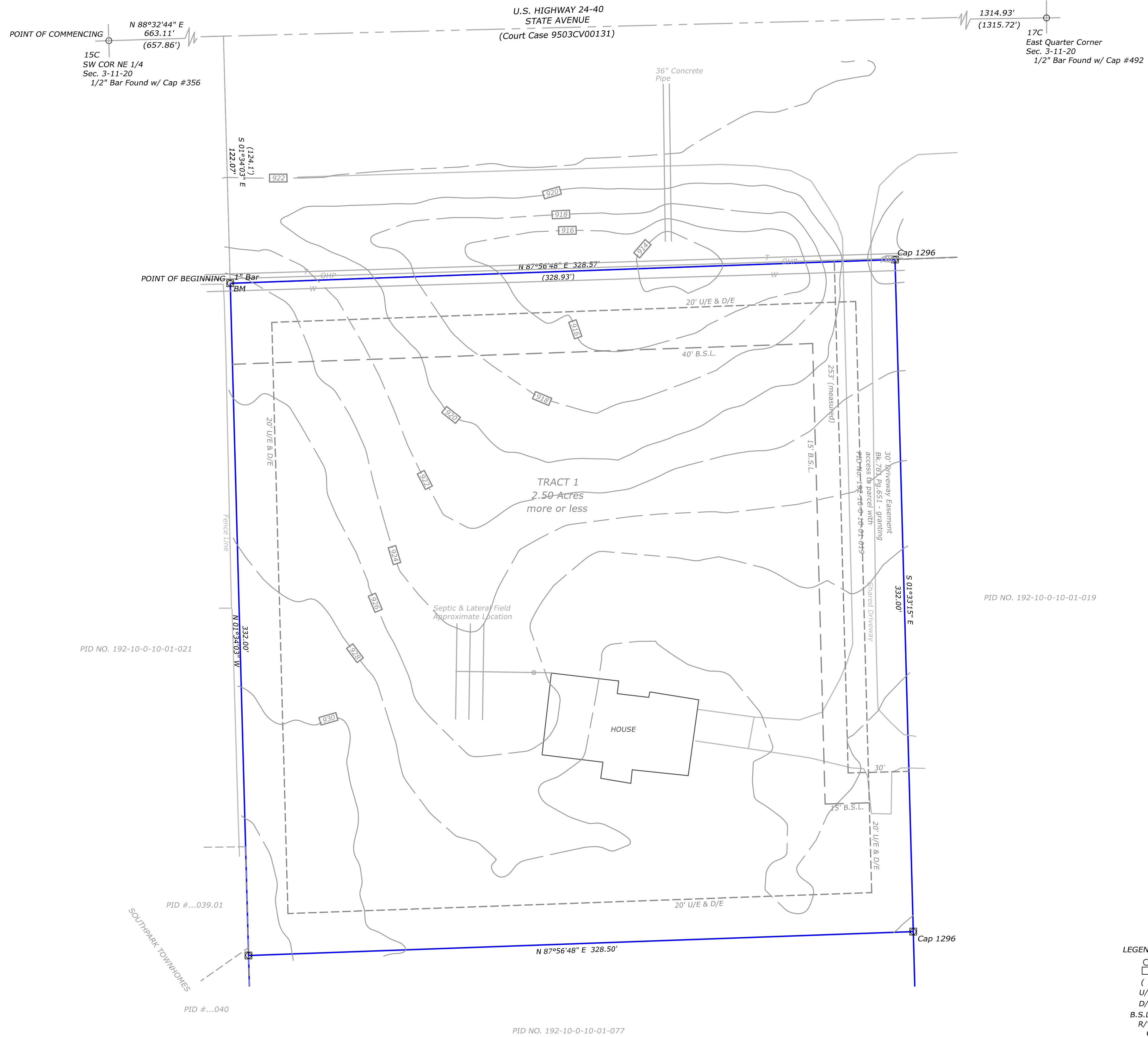
PREPARED FOR:
 Visionary Homes LLC
 2040 Vermont Street
 Lawrence, KS 66046
 PID NO. 192-10-0-10-01-020

PRELIMINARY PLAT

SURVEYOR'S DESCRIPTION:

TRACT 1:
 Tract of land in the West Half of East Half of the Northeast Quarter of Section 10, Township 11 South, Range 21 East of the 6th P.M., Leavenworth County, Kansas, more fully described as follows: Commencing at the Northwest Corner of the Northeast Quarter; thence North 88 degrees 32'44" E 663.11 feet and South 01 degrees 34'03" East 1222.07 feet to the TRUE POINT OF BEGINNING, said point being a 1" Bar on the Southerly right of way of U.S. Highway 24-40 (State Avenue); thence North 87 degrees 56'48" East for a distance of 328.57 feet along said right of way; thence South 01 degrees 33'15" East for a distance of 332.00 feet; thence South 87 degrees 56'48" West for a distance of 328.50 feet; thence North 01 degrees 34'03" West for a distance of 332.00 feet to point of beginning. Together with and subject to covenants, easements, and restrictions of record. Said property contains 2.50 acres, more or less, including road right of way. Error of Closure: 1 - 181282

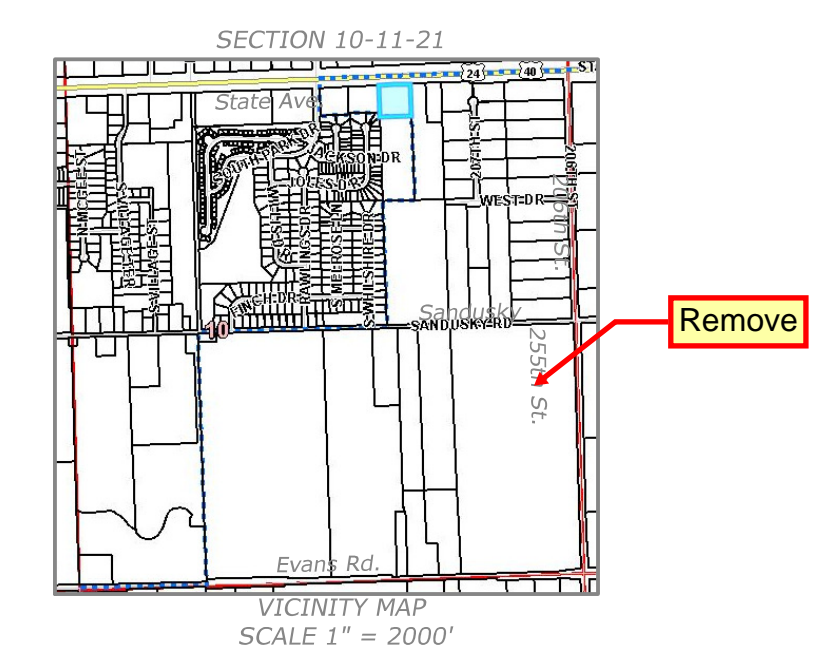
04-22-2021
OLSSON REVIEW



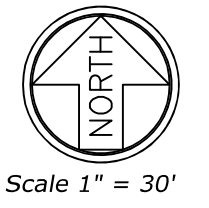
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 - 2) An Engineered Waste Disposal System may be required due to poor soil conditions.
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 - 4) Lots are subject to the Access per KDOT Approval.
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ZONING:
 RR-2.5, Rural Residential, 2.5-Acre minimum size parcels - Current and proposed

- NOTES:**
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- LEGEND:**
- - 1/2" Bar Found w/ Cap #356
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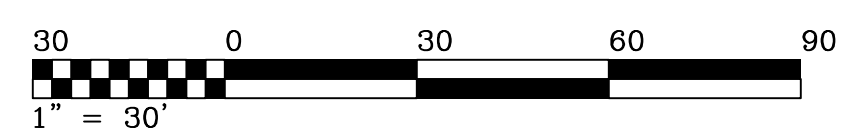


Scale 1" = 30'

Job # K-19-1314
 March 26, 2021 Rev. April 20, 2021



315 North 5th Street, Leav., KS 66048
 Ph. 913.651.3858 Fax 913.674.5361
 Email - survey@herringcash.com



I hereby certify that this survey was made by me, or under my direct supervision, on the ground during the month of April 2021, and this map or plat is correct to the best of my knowledge.

Joseph A. Herring
 PS # 1296

From: [Steve](#)
Sent: Tuesday, April 27, 2021 11:23 AM
To: [Noll, Bill](#)
Cc: '[Joe Herring](#)'; [Gentzler, Joshua](#)
Subject: Re: Lori Acres Subd. review

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.

Lori Acres is good to go.

Steve Tufte

American Surveying

On Tuesday, April 27, 2021, 09:00:12 AM CDT, Noll, Bill <bnoll@leavenworthcounty.gov> wrote:

I believe all of the corrections have been made on this review. Will you look and I will get you a copy to sign.

Thanks

Bill Noll, PS MPA CPM CFM

Leavenworth County

Infrastructure and Construction Services Director

(913) 684-0470

From: Joe Herring [<mailto:herringsurveying@outlook.com>]
Sent: Tuesday, April 27, 2021 8:43 AM
To: Noll, Bill <BNoll@leavenworthcounty.gov>; Gentzler, Joshua <JGentzler@leavenworthcounty.gov>
Subject: Re: Lori Acres Subd. review

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.

Thank you - Joe Herring

04/05/2021

LORI ACRES SUBD. REVIEW

1. This is a subdivision, needs to say that, put that behind Minor as such: A Minor Subdivision Plat in the Northeast
2. Typo's in description: Commencing at Southwest, not Northwest corner.... there are two norths after "(state avenue)"
3. No bearing on drawing from commencement point to east, no bearing on east side lot
4. Clean up legend, 10 or 12 non-applicable symbols
5. Change your drawing templates to describe the rebars specifically, minimum standards call for detailed description of monuments, the old term "Bars" replaced with "Rebars". Bars can be square, round or rectangular, modern rebars are round only.
6. Survey drawings are to be based on recent field work, your date in lower right is a year and a half ago, that's not recent. If you were out there recently to confirm rebars are still in, then put that date there.
7. The certification not correct, put below on it.

COUNTY REVIEWER CERTIFICATION

I hereby certify that this document
has been reviewed by me and is
being filed for survey information only.

Stephan C. Tufte, KS PS No. 1252
Leavenworth County Reviewer

From: [Mitch Pleak](#)
Sent: Thursday, April 22, 2021 3:08 PM
To: [Gentzler, Joshua](#)
Cc: [Anderson, Lauren](#); [Noll, Bill](#); [Voth, Krystal](#); [019-2831](#)
Subject: RE: DEV-21-043 & 044 Preliminary/Final Plat Review Requested - Lori Acres PP and FP

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.

Joshua,
Lauren and I have reviewed the PP and FP. The FP has no further comments. The PP has outstanding comments.

I have enclosed both in the link below.

Please let us know of any questions.

<https://oaconsulting.sharefile.com/d-s8a32d4708c8a479395b7475b2c5bed8c>

Sincerely,

Mitch Pleak, PE
Project Engineer / Civil

D 913.748.2503

7301 W. 133rd Street, Suite 200
Overland Park, KS 66213
O 913.381.1170



Follow Us: [Facebook](#) / [Twitter](#) / [Instagram](#) / [LinkedIn](#) / [YouTube](#)

[View Legal Disclaimer](#)

From: Gentzler, Joshua <JGentzler@leavenworthcounty.gov>
Sent: Tuesday, April 20, 2021 2:02 PM
To: Mitch Pleak <mpleak@olsson.com>
Cc: Anderson, Lauren <LAnderson@leavenworthcounty.gov>; Noll, Bill <BNoll@leavenworthcounty.gov>; Voth, Krystal <KVoth@leavenworthcounty.gov>
Subject: RE: DEV-21-043 & 044 Preliminary/Final Plat Review Requested - Lori Acres PP and FP

All,

Joe resubmitted the prelim and final today. I've attached them for review.

Joshua Gentzler
[Planning & Zoning](#)

From: Mitch Pleak <mpleak@olsson.com>
Sent: Monday, April 5, 2021 4:52 PM
To: Gentzler, Joshua <JGentzler@leavenworthcounty.gov>
Cc: Anderson, Lauren <LAnderson@leavenworthcounty.gov>; Noll, Bill <BNoll@leavenworthcounty.gov>; Voth, Krystal <KVoth@leavenworthcounty.gov>; 019-2831 <019-2831@olsson.com>
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Thanks,

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Citrix Attachments Expires October 2, 2021

2021.03.26 DEV-21-043 Prelim Plat.pdf	1.1 MB
2021.03.26 DEV-21-044 Final Plat.pdf	1.7 MB

[Download Attachments](#)

Mitchell Pleak uses Citrix Files to share documents securely.

From: Gentzler, Joshua
Sent: Friday, April 2, 2021 2:56 PM
To: Anderson, Lauren ; Mitch Pleak ; Noll, Bill
Subject: DEV-21-043 & 044 Preliminary/Final Plat Review Requested

The Leavenworth County Department of Planning and Zoning has received a request for a Preliminary and Final Plat for Lori Acres, case number DEV-21-043/044.

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 End of Business on Friday, April 9th, 2021.

If you have any questions or need additional information, please contact me at (913) 684-0464 or at JGentzler@LeavenworthCounty.gov.

Thank you,

From: [Mitch Pleak](#)
Sent: Monday, May 3, 2021 11:36 AM
To: [Gentzler, Joshua](#)
Cc: [Anderson, Lauren](#); [Noll, Bill](#); [Voth, Krystal](#); [019-2831](#)
Subject: RE: DEV-21-043 & 044 Preliminary/Final Plat Review Requested - Lori Acres PP and FP

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Joshua,
Lauren and I have reviewed the sent PP. There is no further comments. Below is a link to the PP reviewed.

<https://oaconsulting.sharefile.com/d-s607d2caa1c2a4f9dbd9e84b5338e1f03>

Thanks,

Mitch Pleak

From: Gentzler, Joshua <JGentzler@leavenworthcounty.gov>
Sent: Tuesday, April 27, 2021 10:13 AM
To: Mitch Pleak <mpleak@olsson.com>
Cc: Anderson, Lauren <LANDerson@leavenworthcounty.gov>; Noll, Bill <BNoll@leavenworthcounty.gov>; Voth, Krystal <KVoth@leavenworthcounty.gov>
Subject: RE: DEV-21-043 & 044 Preliminary/Final Plat Review Requested - Lori Acres PP and FP

Updated prelim attached, Joe addressed your last comments, Mitch.

Joshua Gentzler
[Planning & Zoning](#)

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Sincerely,

Mitch Pleak, PE

Project Engineer / Civil

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[View Legal Disclaimer](#)

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[Planning & Zoning](#)

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Thank you,

Joshua Gentzler
Planner II
[Planning & Zoning](#)
Leavenworth County
913.684.0464

From: [Amanda Tarwater](#)
Sent: Friday, April 2, 2021 3:07 PM
To: [Gentzler, Joshua](#)
Subject: Re: DEV-21-043 & 044 Preliminary/Final Plat Review Requested

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.

FreeState Electric has no objection to this request.

Thank you,

Amanda Tarwater
Member Account Coordinator



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

From: "Gentzler, Joshua"
Date: Friday, April 2, 2021 at 2:58 PM
To: 'Timothy Smith', "'Travis@SuburbanWaterInc.com'", Amanda Tarwater, "Magaha, Chuck", "Miller, Jamie", "Patzwald, Joshua", "Van Parys, David"
Subject: DEV-21-043 & 044 Preliminary/Final Plat Review Requested

Warning: This message originated outside of the FEC organization. Do not click links or open attachments unless you have validated the sender and know the content is safe. <="" span="">

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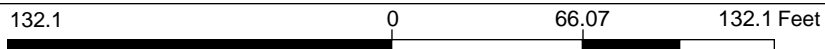
DEV-21-043 & 044 Lori Acres



Legend

- Address Point
- Parcel Number
- Lot Line
- Parcel
- ⋮ City Limit Line
- Major Road
- <all other values>
- 70
- Road
- + Railroad
- Section
- Section Boundaries
- County Boundary

1 in. = 66ft.



This Cadastral Map is for informational purposes only. It does not purport to represent a property boundary survey of the parcels shown and shall not be used for conveyances or the establishment of property boundaries.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes

LORI ACRES

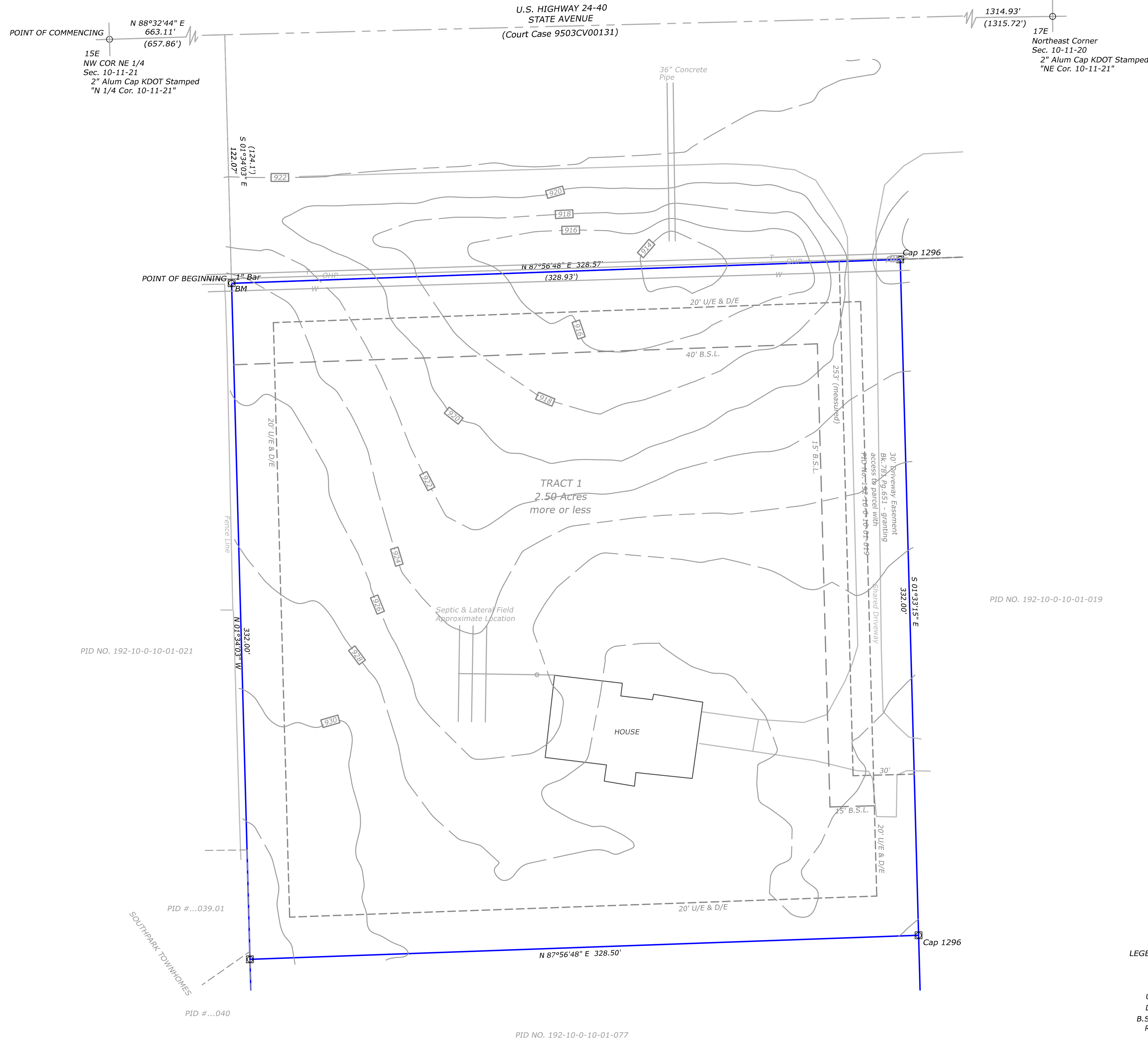
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 Lawrence, KS 66046
 PID NO. 192-10-0-10-01-020

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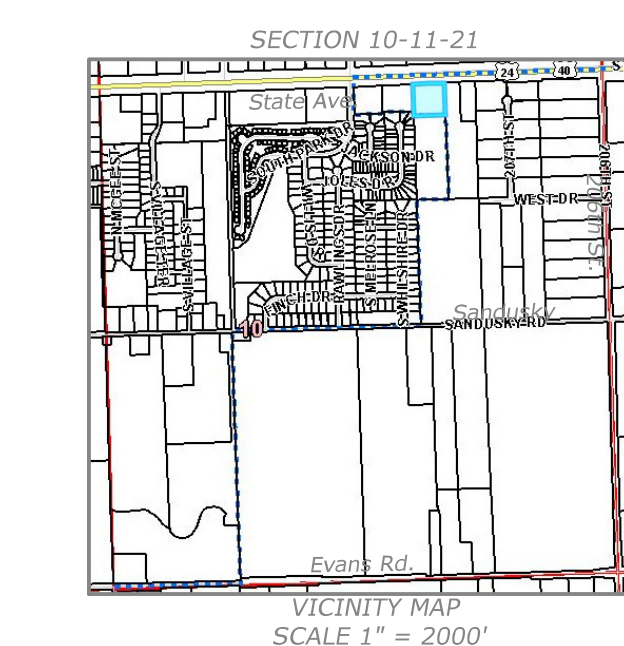
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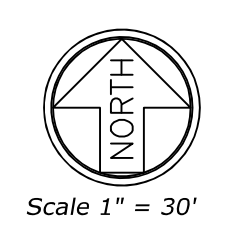
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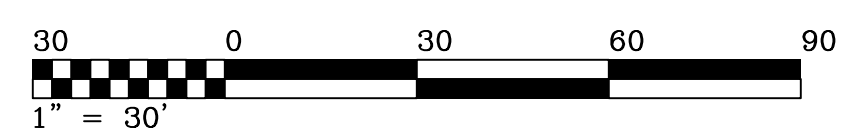


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Job # K-19-1314
 March 26, 2021 Rev. April 20, 2021

J. HERRING, Inc. (dba)
HERRING SURVEYING & COMPANY

315 North 5th Street, Leav., KS 66048
 Ph. 913.651.3858 Fax 913.674.5361
 Email - survey@jeancash.com



I hereby certify that this survey was made by me, or under my direct supervision, on the ground during the month of April 2021, and this map or plat is correct to the best of my knowledge.

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PREPARED FOR:
 Visionary Homes LLC
 2040 Vermont Street
 Lawrence, KS 66046
 PID NO. 192-10-0-10-01-020

FINAL PLAT

SURVEYOR'S DESCRIPTION:

TRACT 1:
 Tract of land in the West Half of East Half of the Northeast Quarter of Section 10, Township 11 South, Range 21 East of the 6th P.M., Leavenworth County, Kansas, more fully described as follows:
 Commencing at the Northwest Corner of the Northeast Quarter; thence North 88 degrees 32'44" E 663.11 feet; thence South 01 degrees 34'03" East 122.07 feet to the TRUE POINT OF BEGINNING, said point being a 1" Bar on the Southerly right of way of U.S. Highway 24-40 (State Avenue); thence North 87 degrees 56'48" East for a distance of 328.57 feet along said right of way; thence South 01 degrees 33'15" East for a distance of 332.00 feet; thence South 87 degrees 56'48" West for a distance of 328.50 feet; thence North 01 degrees 34'03" West for a distance of 332.00 feet to point of beginning.
 Together with and subject to covenants, easements, and restrictions of record.
 Said property contains 2.50 acres, more or less, including road right of way.
 Error of Closure: 1 - 181282

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: LORI ACRES.

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 appurtenances 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 bear no responsibility for any maintenance and upkeep of said Easements.

Streets shown on the accompanying plat and not heretofore dedicated for public use are hereby so dedicated.

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 LORI ACRES, have set our hands this _____ day of _____, 2021.

Dennis Mills
 Visionary Homes, LLC

NOTARY CERTIFICATE:

Be it remembered that on this _____ day of _____, 2021, before me, a notary public in and for said County and State came Dennis Mills, Visionary Homes LLC, 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

My Commission Expires: _____ (seal)

APPROVALS

We, the Leavenworth County Planning Commission, do hereby approve the foregoing plat of LORI ACRES this _____ day of _____, 2021.

Secretary Krystal A. Voth
 Chairman Steven Rosenthal

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 - _____

COUNTY COMMISSION APPROVAL:

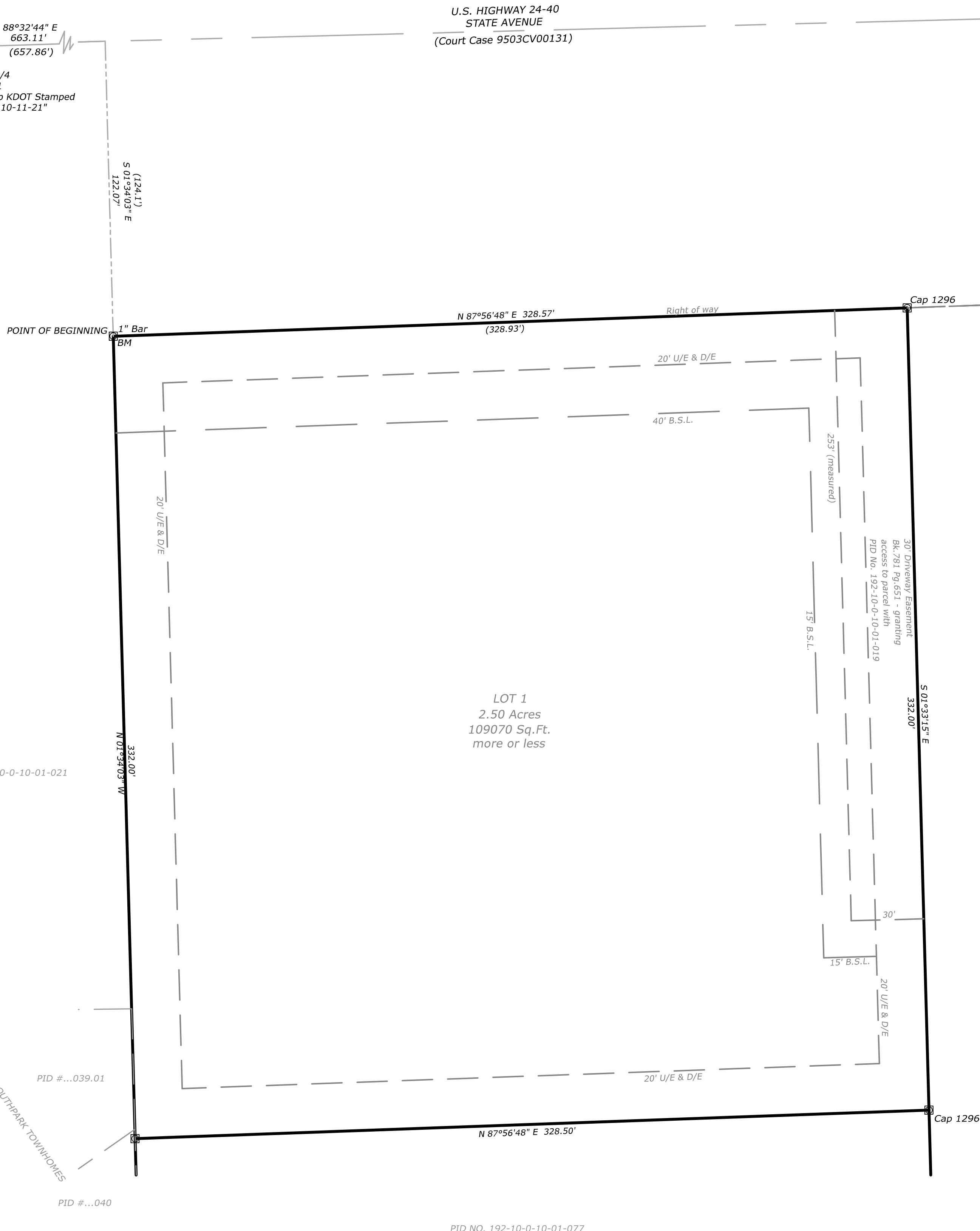
We, the Board of County Commissioners of Leavenworth County, Kansas, do hereby approve the foregoing plat of LORI ACRES, this _____ day of _____, 2021.

Chairman Michael W. Smith
 County Clerk Attest: Janet Klasinski

REGISTER OF DEED CERTIFICATE:

Filed for Record as Document No. _____ on this _____ day of _____, 2021 at _____ o'clock _____ M in the Office of the Register of Deeds of Leavenworth County, Kansas,

Register of Deeds - TerriLois G. Mashburn



U.S. HIGHWAY 24-40
 STATE AVENUE
 (Court Case 9503CV00131)

1314.93'
 (1315.72')
 17E
 Northeast Corner
 Sec. 10-11-20
 2" Alum Cap KDOT Stamped
 "NE Cor. 10-11-21"

RESTRICTIONS:

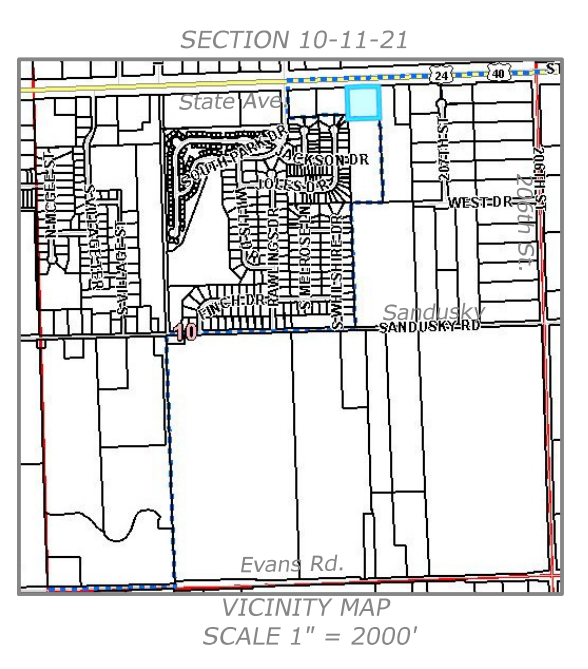
- 1) All proposed structures within this plat shall comply with the Leavenworth County Zoning and Subdivision Regulations or zoning regulation jurisdiction.
- 2) An Engineered Waste Disposal System may be required due to poor soil conditions.
- 3) Erosion and sediment control measures shall be used when 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 Access per KDOT Approval.
- 5) No off-plat restrictions.

ZONING:

RR-2.5, Rural Residential, 2.5-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 Error of Closure Calculations
- 5) Basis of Bearing - KS State Plane NAD 83, North Zone 1501
- 6) Point Origin Unknown, unless otherwise noted.
- 7) Proposed Lots for Residential Use.
- 8) Road Record - See Survey
- 9) Benchmark - NAVD83
 Project Benchmark (BM) - Northwest Corner Lot 1 - 1" Bar - 924.3'
- 10) Easements, if any, are created hereon or listed in referenced title commitment.
- 11) Reference Recorded Deed Document Number 2020R10898
- 12) Utility Companies -
 - Water - Suburban Water
 - Electric - Freestate
 - Sewer - Septic / Lagoon
 - Gas - Propane / Natural Gas
- 13) Reference Kansas Secured Title Inc. File Number TX0013466 updated August 13, 2018
- 14) Property is not in a Special Flood Hazard Area per FEMA FIRM Map 20103C0302G & 0306G dated July 16, 2015
- 15) Building Setback Lines as shown hereon or noted below
 - All side yard setbacks - 15' (Accessory - 15')
 - All rear yard setbacks - 40' (Accessory - 15')
- 16) Distances to and of structures, if any, are + - 1'.
- 17) Easements as per referenced Title Commitment are shown hereon
 - Right of way Easement Bk. 788 Pg. 1795, blanket description, to Leavenworth Jefferson Electric Cooperative, Inc., not shown hereon.
 - Jefferson County Rural Water District No. 13 Easement Bk. 627 Pg. 512 does not affect surveyed as per discussion with Water District #9, line is East of said Property.
- 18) Fence Lines do not necessarily denote the boundary line for the property.
- 19) Reference Surveys:
 (MDC) - M.D.Cooper Survey Book S-6 #60 dated 1968
 Recorded plat of SOUTHPARK TOWNHOMES, GREYSTONE ADD.
 (JAH) - J.A.Herring Survey Document #2020S008



LEGEND:

- - 1/2" Rebar Found, unless otherwise noted.
- - Concrete Base to be Set around Point
- () - Record / Deeded Distance
- U/E - Utility Easement
- D/E - Drainage Easement
- B.S.L. - Building Setback Line
- BM - Benchmark

COUNTY REVIEWER
 I hereby certify this plat meets the requirements of KSA-58-2001 through 58-2005. The face of this plat was reviewed based on Kansas Minimum Standards for Boundary Surveys. No field verification is implied. This review is for surveying information only.

COUNTY REVIEWER -
 Stephan C. Tutte, KS PS No. 1252
 Leavenworth County Reviewer

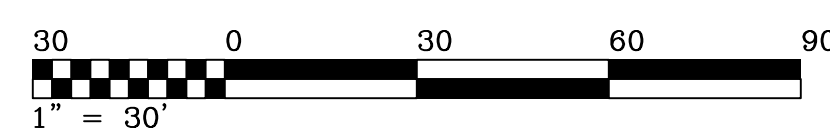


Scale 1" = 30'

Job # K-19-1314
 March 26, 2021 Rev. April 21, 2021

J. Herring, Inc. (dba)
HERRING SURVEYING & COMPANY

315 North 5th Street, Leav., KS 66048
 Ph. 913.651.3858 Fax 913.674.5361
 Email - survey@jeancash.com



I hereby certify that this survey was made by me, or under my direct supervision, on the ground during the month of April 2021, and this map or plat is correct to the best of my knowledge.

Joseph A. Herring
 PS # 1296

Case No. DEV-21-030
Sunnyside Estates – Cross Access Easements
Preliminary Plat

Staff Report – Planning Commission

May 12, 2021

GENERAL INFORMATION:

**Applicant/
Property Owner:** Allan F. & Marion S. Stork
16678 Evans Road
Basehor, KS 66007

Agent: Joe Herring
Herring Surveying Company
315 N. 5th Street
Leavenworth, KS 66048

Legal Description: Lot 1A of Heartland Estates

Parcel Size: ± 10.5 acres

Zoning/Land Use: RR-2.5, Rural Residential 2.5-acre minimum size parcels

Comprehensive Plan: This parcel is within the Mixed-Use land use category.

Parcel ID No.: 182-09-0-00-00-016.07

Planner: Krystal A. Voth

REPORT:

Request

The applicant is requesting a Preliminary Plat for a four-lot Cross Access Easement subdivision.

Adjacent Land Use

Ginger Creek Subdivision is to the east, and Lee Chiles Subdivision is to the south. There is a church approximately ¼ mile to the west. The city of Basehor limits are less than ¾ of a mile to the east. In addition to the subdivisions there are several large, agricultural tracts of land.

Flood Plain

There are no Special Flood Hazard Areas on this parcel per FEMA Firm Map 20103C0327G July 16, 2015.

Utilities/Services

Sewer: Private septic system
Fire: Fairmount
Water: Suburban
Electric: Evergy

Access/Streets

The property is accessed by Evans Road which is a County Collector Road with a hard surface.

Agency Comments

The proposed subdivision does not meet the basic requirements of the Access Management Policy. Agencies have not commented at this time.

Findings

1. The proposed subdivision is consistent with the current Zoning District of RR-2.5 for minimum lot size and proposed road frontage along the Cross Access Easement.

2. The subdivision does not conform to the roadway spacing requirements as set forth in the current access management policy. Further, the subdivision does not meet the updated access management policy which has significantly reduced spacing requirements from the current policy.
3. At time of development, fire hydrants shall be required if necessary infrastructure is available.
4. The property is not within a sewer district boundary or is within 660 feet of the incorporated limits of a municipality; therefore, a waiver to the requirement of allowing private septic systems is supported by staff. A private sewage disposal permit may be issued per Leavenworth County Sanitary Code requirements.
5. The proposed development does not conform to the comprehensive plan. The proposed development indicates four lots each of which is approximately 2.5 acres in size. The Comprehensive Plan calls for the area to be mixed-use.
6. The Staff recommendation for this development is denial.

Subdivision Classification

This is classified as a Class "C" Subdivision. According to the Leavenworth County Zoning & Subdivision regulations, a Class "C" Subdivision is any subdivision in which all the lots lie 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 4)

Staff Comments

The proposed development is a four-lot subdivision located on a 10 acre tract of land known as Lot 1A of Heartland Estates. The development meets the requirements of the zoning district; however, the proposed roadway does not conform to the Access Management Policy. The current policy (which is being amended) requires a minimum spacing of 1,330 feet from the intersection and other roadways. The submitted development is approximately 1,200 feet from the intersection of Evans and 166th and is approximately 400' from the intersection of 168th Street which is located on the south side of Evans Road. Further, the proposed driveway is located less than 200' from the nearest driveway located directly to the west of the development. The current policy requires a minimum of 300' of spacing.

The Board of County Commissioners has recently tasked Staff with updating the Access Management Policy. The updated policy, if approved, will reduce the corner clearance (intersection clearance) from 1,330 to 660'. The proposed development would meet this new requirement. Further, the updated policy also clearly states that spacing requirements are for the affected roadside only, meaning the intersection distance for 168th Street would no longer be a determining factor. However, the updated policy clearly states that new development cannot cause a neighboring property owner to have a non-conforming driveway per spacing requirements. Specifically, the policy states, "No lot shall be created that would require the neighboring property to be accessed by a noncompliant entrance." The minimum spacing is 300'. Approval of the layout as proposed is in direct violation of the proposed Access Management Policy and places an undo burden on the neighbor to the west.

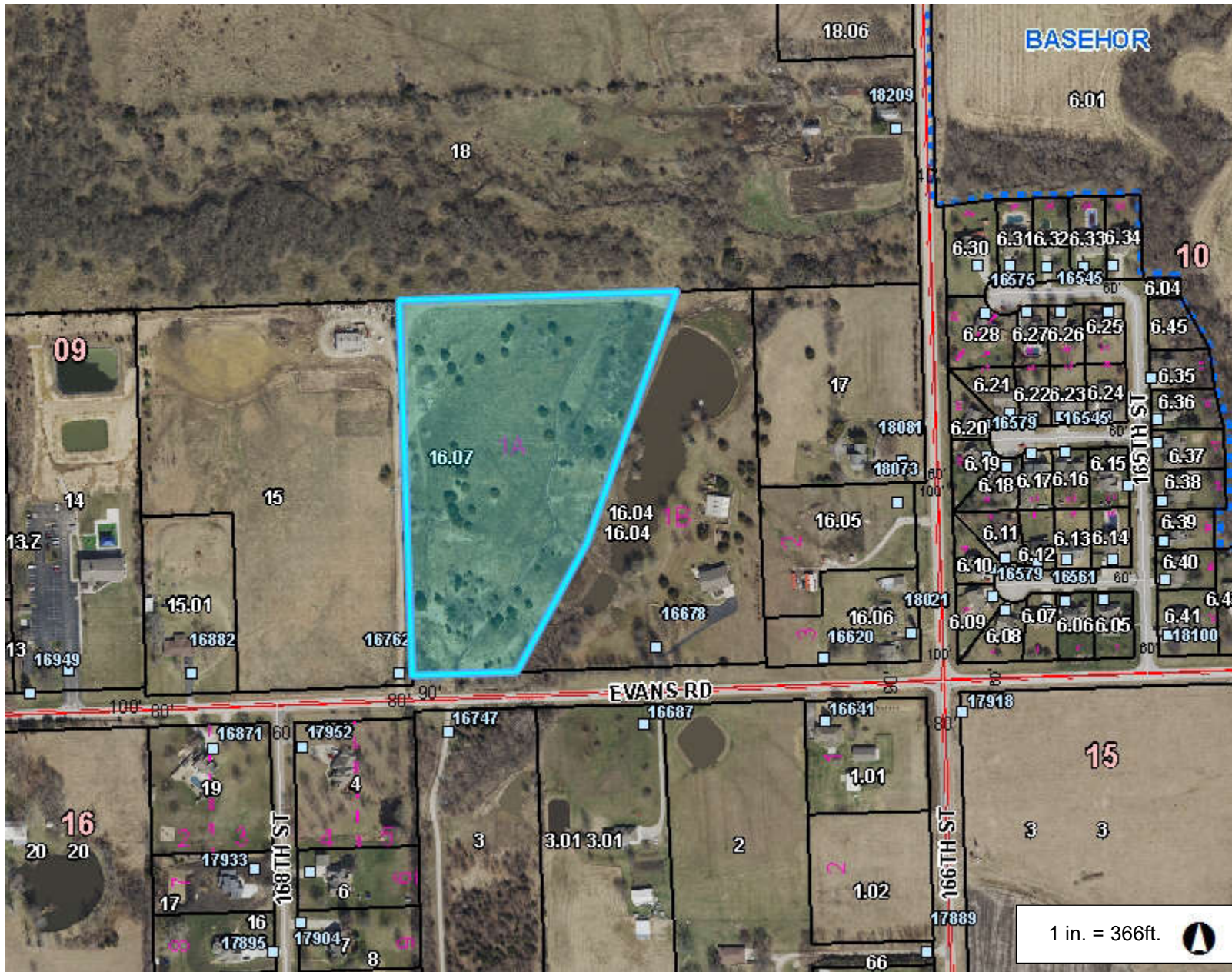
When originally presented to Staff, the development was proposed to encompass the lot to the west (the lot with the driveway spacing conflict). The developer proposed to use the existing driveway to develop the property as a Cross Access Easement. Staff was generally supportive of the proposed layout as it was generally in conformance with the Access Management Policy. However, the development, as submitted, does not conform and Staff is unable to recommend approval. The applicant has stated that he is potentially willing to work with the neighboring property owner to submit a development similar to what was originally presented. Staff has strongly recommended the applicant do so and recommended continuing this development to a future Planning Commission when the proposal could be supported. If the applicant wishes to involve the neighboring property owner, a new survey, road plan and drainage report must be submitted.

At this time, the submitted plans have only been preliminarily reviewed by Staff. Therefore, Staff is presenting the preliminary plat only to the Planning Commission for review. Staff recommends denial of Case No. DEV-21-030 – Preliminary Plat for Sunny Side Estates.

ATTACHMENTS:

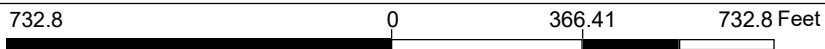
Aerial Map
Memorandums
Preliminary Plat

Sunny Side Estates



- ### Legend
- Address Point
 - Parcel Number
 - Lot Line
 - Parcel
 - ⋯ City Limit Line
 - Major Road
 - <all other values>
 - 70
 - Road
 - ⊕ Railroad
 - Section
 - Section Boundaries
 - County Boundary

1 in. = 366ft.

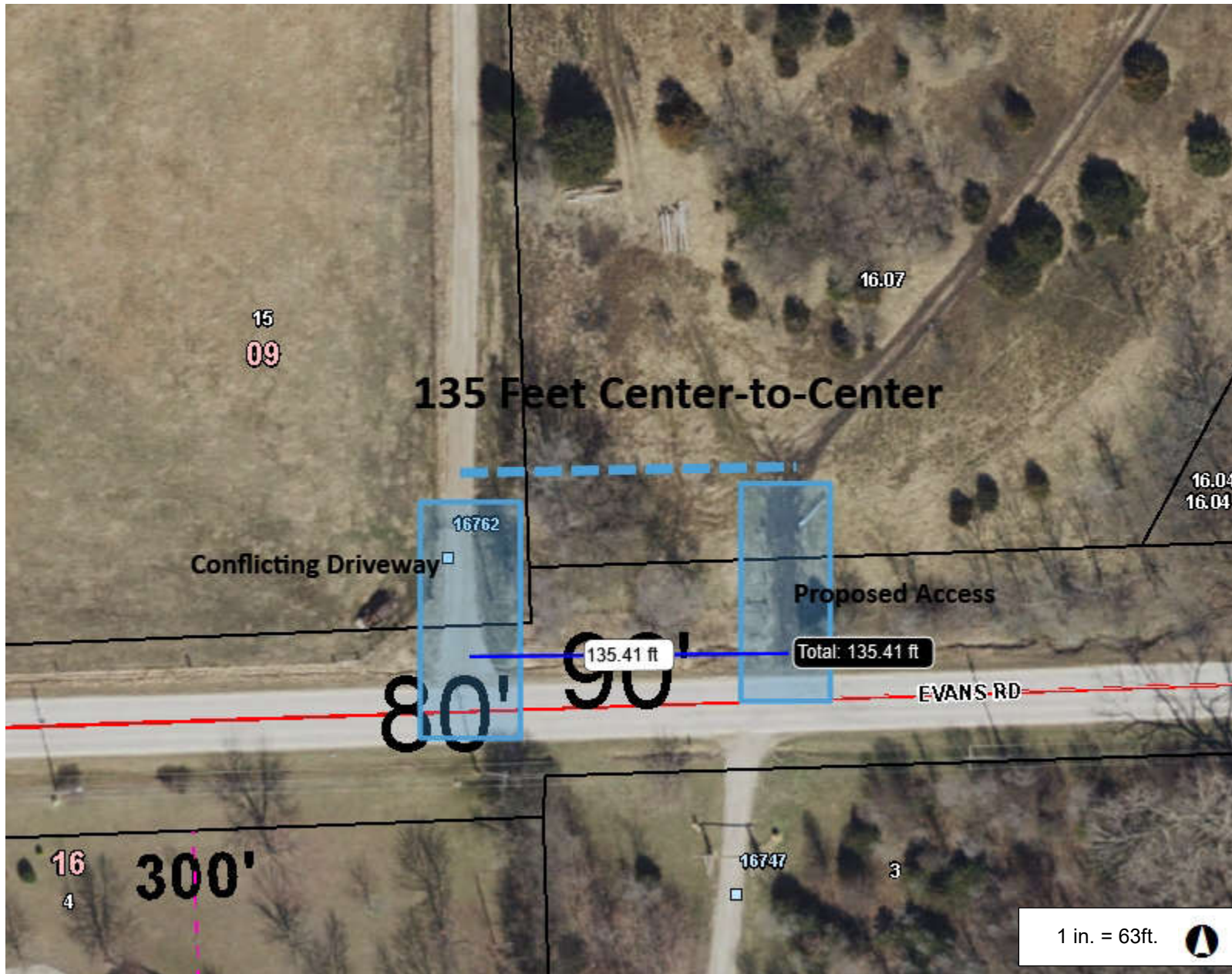


This Cadastral Map is for informational purposes only. It does not purport to represent a property boundary survey of the parcels shown and shall not be used for conveyances or the establishment of property boundaries.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes

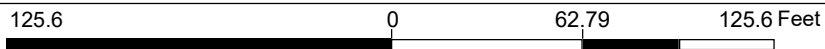
Sunny Side Estates Spacing



Legend

- Address Point
- Parcel Number
- Lot Line
- Parcel
- City Limit Line
- Major Road
- <all other values>
- 70
- Road
- + Railroad
- Section
- Section Boundaries
- County Boundary

Notes



This Cadastral Map is for informational purposes only. It does not purport to represent a property boundary survey of the parcels shown and shall not be used for conveyances or the establishment of property boundaries.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

INDEX OF SHEETS

1. Title Sheet
2. Typical Section and General Notes
3. Plan & Profile

STATE OF KANSAS LEAVENWORTH COUNTY SUNNY SIDE ESTATES PRIVATE ROAD PLANS

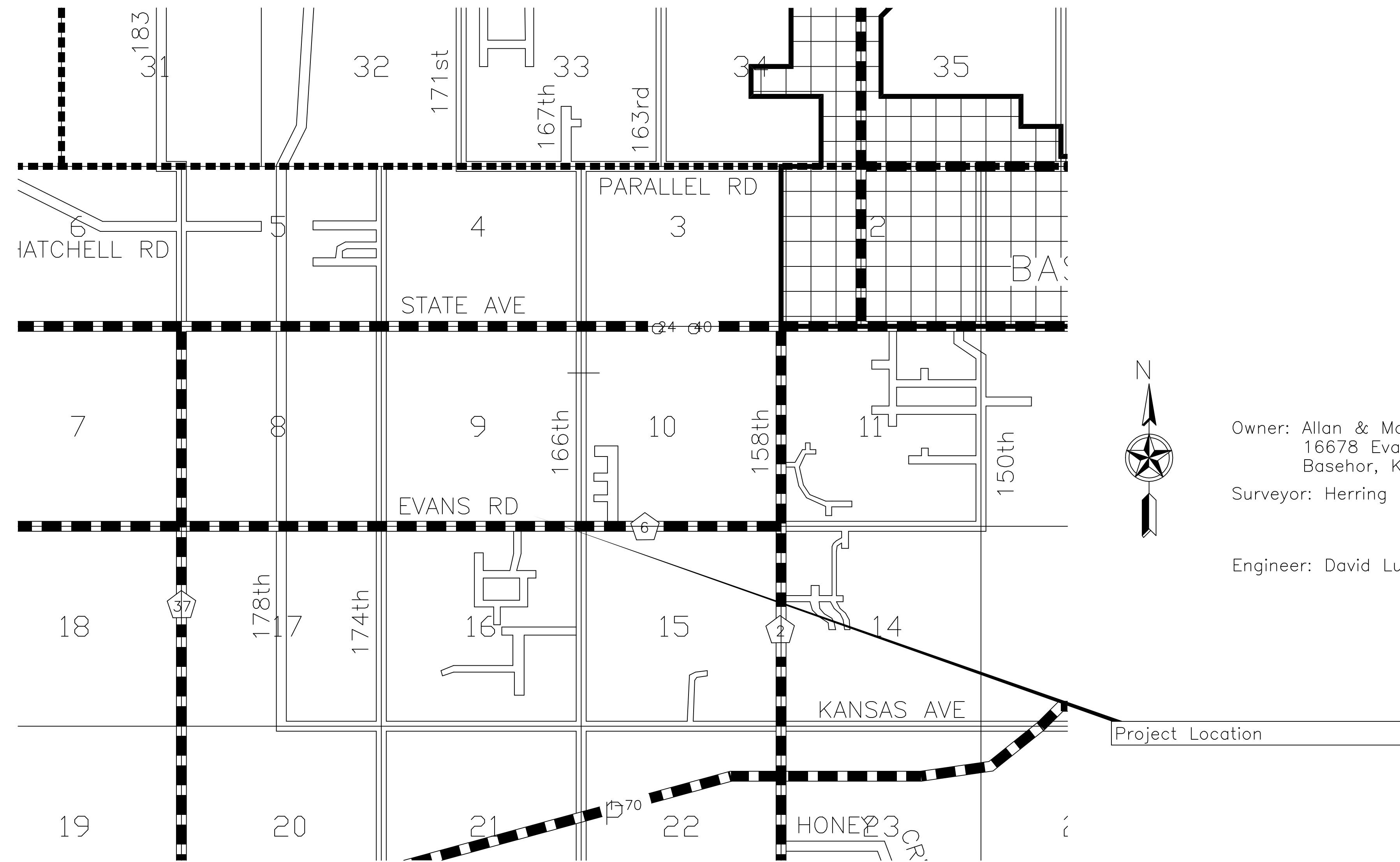
UTILITY COMPANIES

Evergy
AT&T
Suburban Water

Benchmark - 1/2" bar cap 1296 NE Corner Lot 2
EL. 890.6 (NAVD 88)

Design Reference - AASHTO Guidelines for Geometric
Design of Low-Volume Roads (2019 Edition)

Design Speed - 20 mph



Owner: Allan & Marion Stork
16678 Evans Road
Basehor, KS 66007
Surveyor: Herring Surveying

Engineer: David Lutgen, P.E.

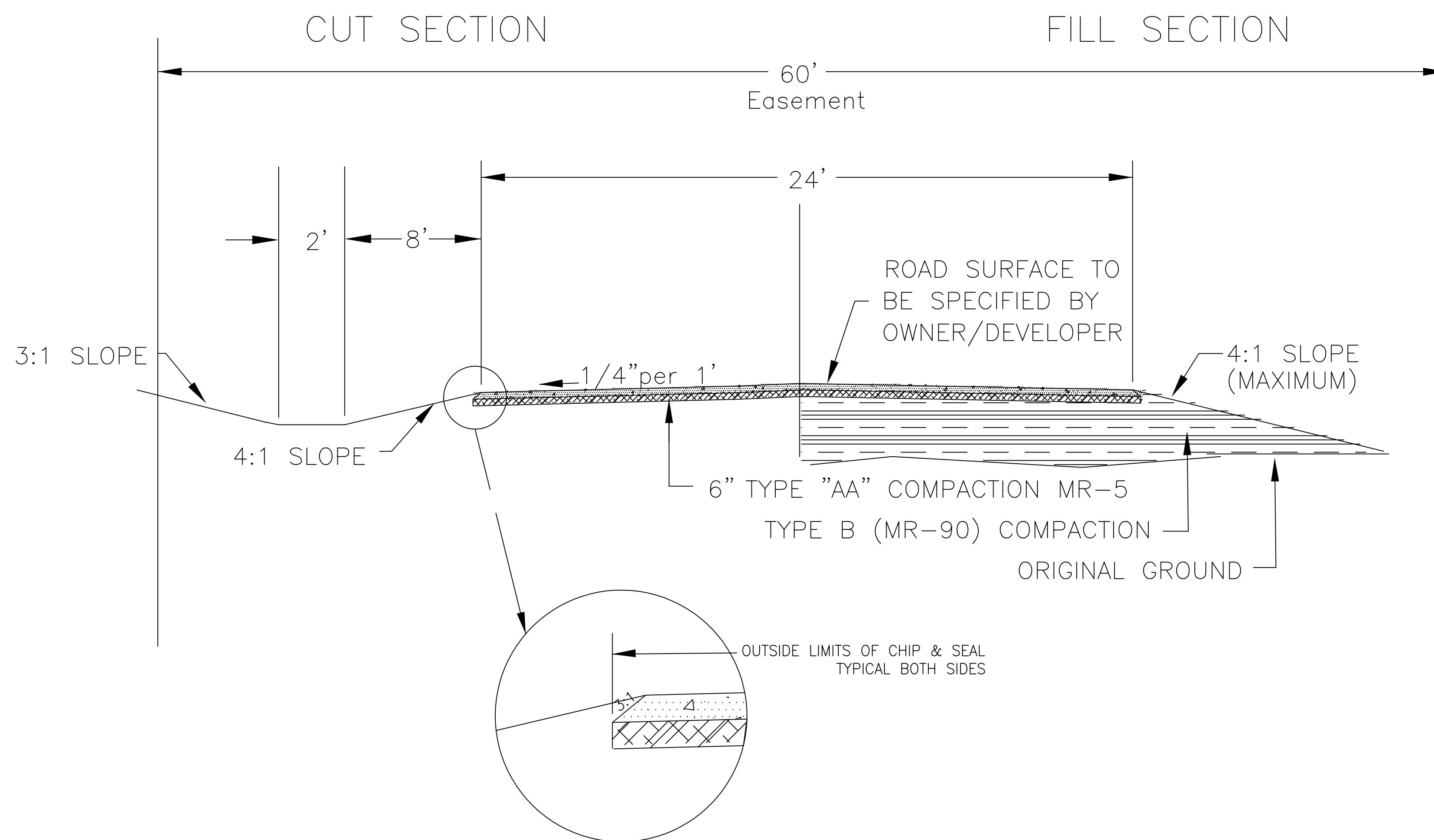
Project Location



David P. Lutgen, P.E. _____ Date _____

Sunny Side Estate Private Road	TITLE SHEET
SHEET NO. 1 OF 3	BY APP'D
DESIGNED BY DRAWN BY CHECKED BY ISSUE DATE: JOB NO.	NO. DATE REVISIONS

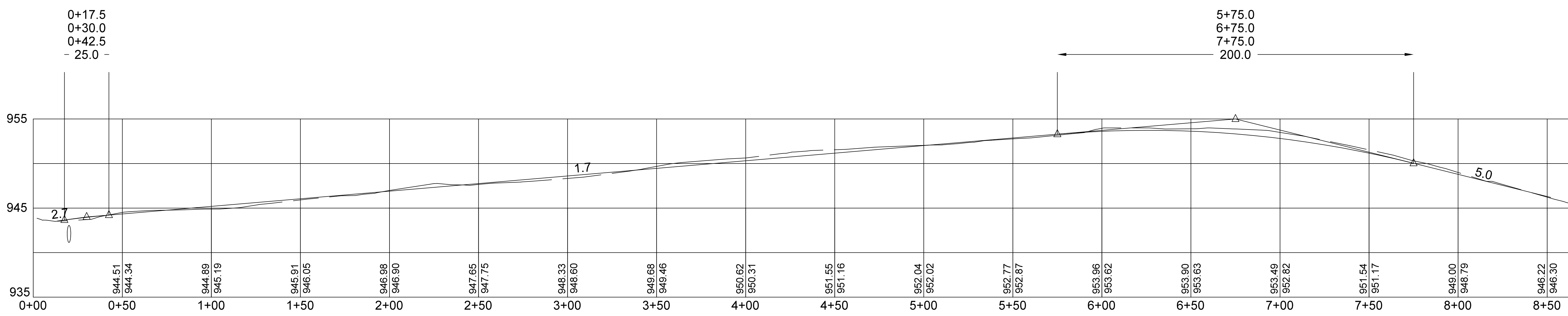
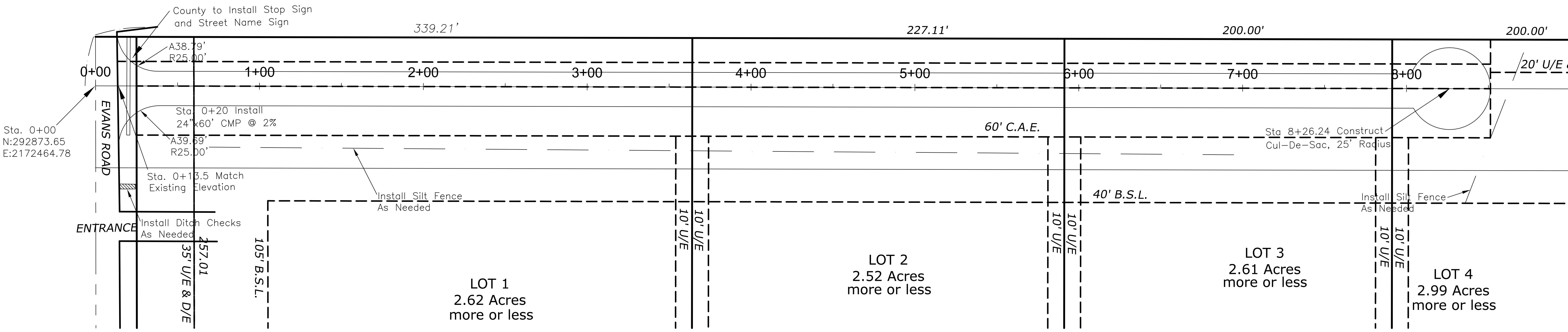
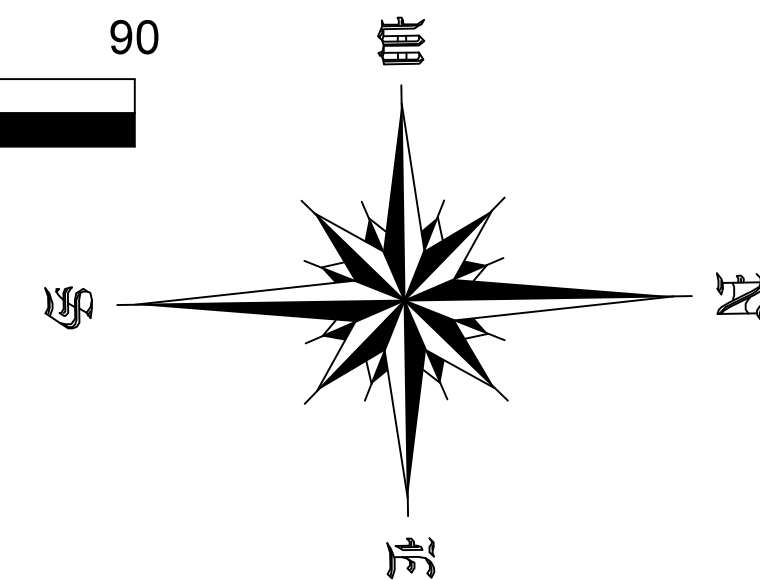
Private Road



General Notes:

1. Utilities shown are based upon information available to the Engineer. Contractor shall verify all utility locations before digging.
2. Contractor shall provide adequate traffic control signing as outlined in the latest edition of the MUTCD.
3. All construction shall conform with current County specifications.
4. Contractor to obtain all necessary permits prior to construction.
5. All excavation is unclassified.
6. Contractor responsible for compliance with NPDES regulations. This includes obtaining a KDHE NOI permit and preparing/maintaining a SWPPP.
7. This private access road is to serve four single family home sites.

Sunny Side Estates Private Road	TYPICAL SECTION AND GENERAL NOTES
SHEET NO. 2 of 3	REVISIONS
Job No. _____	NO. DATE
Issue Date: _____	BY APP'D
Checked By: _____	BY
Drawn By: _____	BY
Designed By: _____	BY
5	BY
4	BY
3	BY
2	BY
1	BY



DESIGNED BY	4	NO.	DATE
DRAWN BY	3	REVISIONS	BY
CHECKED BY	2		APP'D
ISSUE DATE	1		
JOB NO.			

Sunny Side Estates Private Road	
Plan & Profile	
SHEET NO. 3 OF 3	

SUNNY SIDE ESTATES

A Cross Access Easement Plat of a part of Lot 1, HEART LAND ESTATES, a subdivision in Leavenworth County, Kansas.

PRELIMINARY PLAT

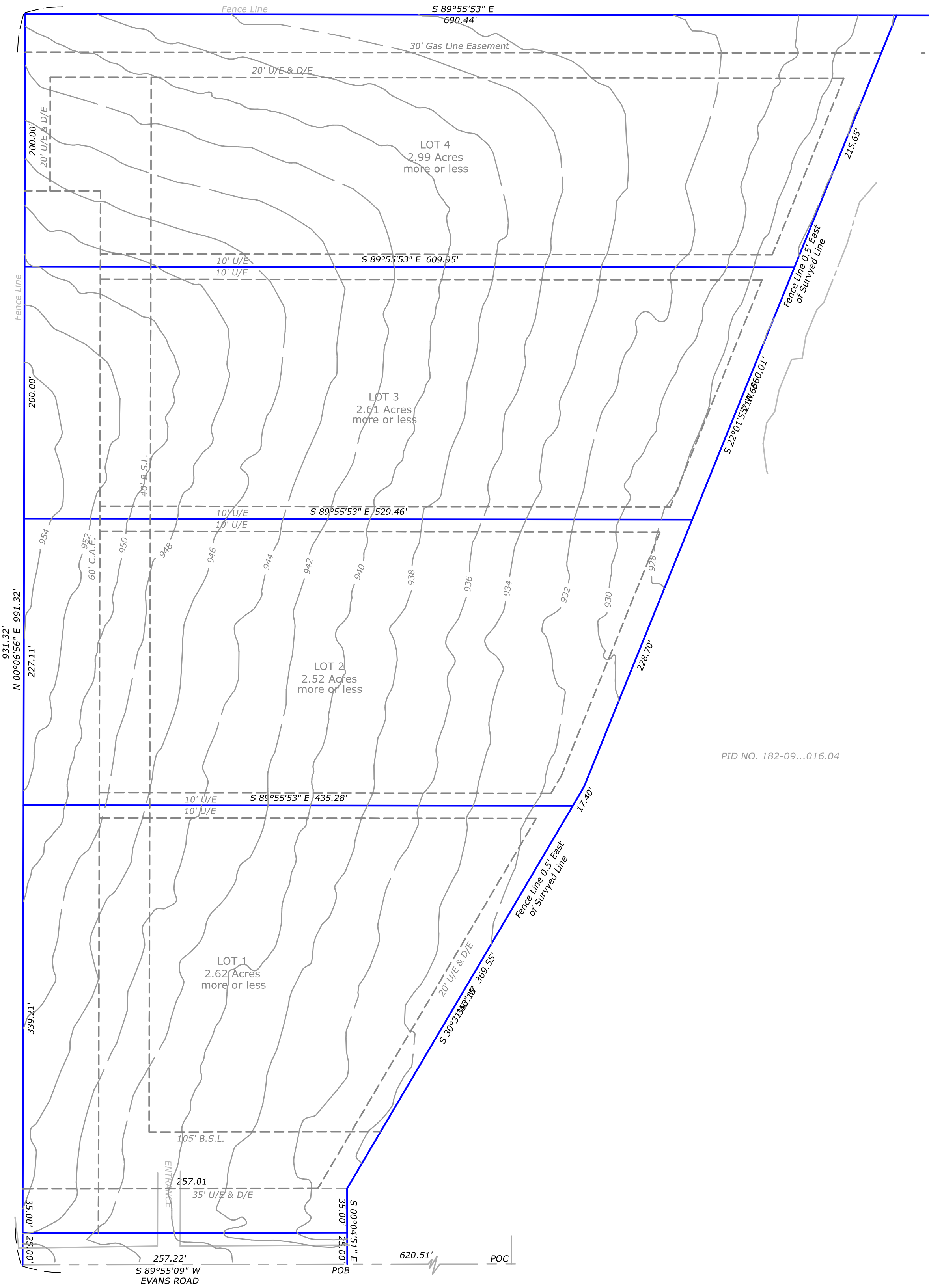
PREPARED FOR:
Allan F. & Marion Sue Stork
16678 Evans Road
Basehor, KS 66007
PID NO. 182-09-00-00-016.07

SURVEYOR'S DESCRIPTION:
A part of Lot 1, HEART LAND ESTATES, a Subdivision in Leavenworth County, Kansas, more fully described as follows: Commencing at the Southeast corner of said Lot 1; thence South 89 degrees 55'09" West for a distance of 620.51 feet along the South line of said Lot 1 to the TRUE POINT OF BEGINNING; thence continuing South 89 degrees 55'09" West for a distance of 257.22 feet along said South line; thence North 00 degrees 06'56" East for a distance of 991.32 feet along the West line of said Lot 1; thence South 89 degrees 55'53" East for a distance of 690.44 feet along the North line of said Lot 1; thence South 22 degrees 01'55" West for a distance of 690.01 feet; thence South 30 degrees 31'46" West for a distance of 369.55 feet to the North right of way of Evans Road, as platted; thence South 00 degrees 04'51" East for a distance of 60.00 feet to point of beginning.
Together with and subject to covenants, easements, and restrictions of record.
Said property contains 10.89 acres, more or less, including road right of way.
Error of Closure: 1 - 457751

PID NO. 182-09...018

PID NO. 182-09...015

PID NO. 182-09...016.04

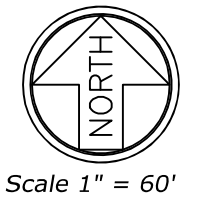


RESTRICTIONS:
1) All proposed structures within this plat shall comply with the Leavenworth County Zoning and Subdivision Regulations or zoning regulation jurisdiction.
2) An Engineered Waste Disposal System may be required due to poor soil conditions.
3) Erosion and sediment control measures shall be 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.
5) Lots are subject to the off-plat Home Owner's Association detailing the maintenance of the Cross Access Easement. General terms - each Lot Owner is responsible for a 25% share of maintenance of said area.

ZONING:
RR-2.5, Rural Residential, 2.5-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 Error of Closure Calculations
6) Point Origin Unknown, unless otherwise noted.
7) Proposed Lots for Residential Use.
8) Road Record - See Survey
9) Benchmark - NAVD88
Project Benchmark (BM) - 1/2" Bar Cap 1296 NE Cor Lot 2 - Elev. 890.6'
10) Easements, if any, are created hereon or listed in referenced title commitment.
11) Reference Recorded Deed Document No. 2020R12775
- Water - Suburban
- Electric - Everyg
- Sewer - Septic / Lagoon
- Gas - Propane / Natural Gas
13) Reference Thompson-Affinity Title LLC File No. 227967 updated January 13, 2021
14) Property is not in a Special Flood Hazard Area per FEMA FIRN Map 20103C0327G dated July 16, 2015
15) Building Setback Lines as shown hereon or noted below
- All side yard setbacks - 15' (Accessory - 15')
- All rear yard setbacks - 40' (Accessory - 15')
16) Distances to and of structures, if any, are + 1'.
17) Easements as per referenced Title Commitment are shown hereon
- Easement to Kansas Power & Light Book 534 Page 791 - Overhead Transmission Line
- Water Line Easement
18) Fence Lines do not necessarily denote the boundary line for the property.
19) Reference Surveys:
- Recorded Plat - HEART LAND ESTATES
- J.A.Herring Survey recorded Document 2020S026

LEGEND:
● - 1/2" Bar Set with Cap No.1296
○ - 1/2" Bar Found, unless otherwise noted.
□ - Concrete Base to be Set around Point
△ - PK Nail Found in Place
() - 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
CL - Centerline
SL - Section Line
BM - Benchmark
C.A.E. - Cross Access & Utility Easement
POB - Point of Beginning

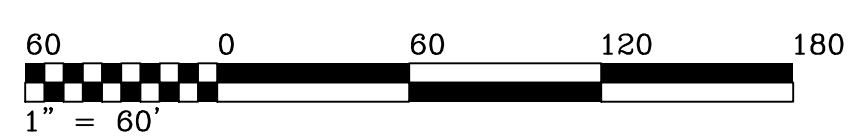


Scale 1" = 60'

Job # K-20-1356
February 12, 2021

J. HERRING, INC. (dba)
SURVEYING & COMPANY

315 North 5th Street, Leav., KS 66048
Ph. 913.651.3858 Fax 913.674.5361
Email - survey@jeancash.com



I hereby certify that this survey was made by me, or under my direct supervision, on the ground during the month of January 2021 and this map or plat is correct to the best of my knowledge.

Joseph A. Herring
PS # 1296

Case No. DEV-21-034
Boden Baseball Facility

Special Use Permit – Commercial Athletic Field- Indoor Baseball Training Facility
Public Hearing Required

Staff Report – Planning Commission

May 12, 2021

GENERAL INFORMATION:

**Applicant/
Property Owner:** Kevin & Andrea Boden
308 Fawn Valley Street
Lansing, KS 66043

Legal Description: Lot 1 of Madeline’s Meadows, in Leavenworth County, Kansas.

Location: 25214 163rd Street, Leavenworth, KS located at the intersection of 163rd & Gilman Road.

Parcel Size: ± 3.1 acres

Zoning/Land Use: RR-2.5, Rural Residential 2.5-acre minimum size parcels

Comprehensive Plan: This parcel is within the Residential land use category.

Parcel ID No.: 108-27-0-00-00-006.04

Planner: Krystal A. Voth

REPORT:

Request

The applicant is requesting a Special Use Permit for an indoor training facility for youth baseball. The facility has an area for hitting instruction as well as fielding instruction.

Adjacent Land Use

The properties to the south are located within the Highcrest Subdivision. The lots range in size from 1.5 acres to over five acres. The subdivision is well-established and has been almost completely built out over the last 25 years. The subject property is located within the Madeline’s Meadows subdivision which was approved 2019 as a seven-lot subdivision. The lots range in size from approximately three acres to 10 acres in size. The area to the west remains undeveloped.

Flood Plain

There are no Special Flood Hazard Areas on this parcel per FEMA Firm Map 20103C0250G July 16, 2015.

Utilities/Services

Sewer: Private septic system
Fire: FD-1
Water:
Electric: Evergy

Access/Streets

The property is accessed by Gilman Road, a County Local Road with a hard surface ± 24’ wide.

Agency Comments

See attached comments – Email – Olsson – Public Works, May 12, 2021
See attached comments – Email – David Asmus –Leavenworth County Fire District 1, April 12, 2021

Factors to be considered

The following factors are to be considered by the Planning Commission and the Board of County Commission when approving or disapproving this Special Use Permit request:

1. Character of the neighborhood: The character of the neighborhood is primarily rural-suburban in nature. There is a large, fully-developed subdivision to the south. To the west is mostly undeveloped, agricultural land.
2. Zoning and uses of nearby property: The surrounding properties are zoned RR-2.5, Rural Residential 2.5-acre minimum size parcels. The uses are rural residences and agricultural.
3. Suitability of the property for the uses to which it has been restricted: The property is within an area suited for rural residences and agricultural use. The use is allowed with approval of a Special Use Permit
4. Extent to which removal of the restrictions will detrimentally affect nearby property: Removal of the restrictions will allow a commercial business to operate. The business generates traffic. Given the current traffic counts on Gilman Road, it is unlikely that the increase in traffic will be noticeable. The applicant is aware that on-street parking is not allowed and must provide parking for the associated vehicles.
5. Length of time the property has been vacant as zoned: The property is not vacant.
6. Relative gain to economic development, public health, safety and welfare: The proposed use will provide income to the applicant.
7. Conformance to the Comprehensive Plan: The Future Land Use Map indicates this area as Residential 3 units/acre
8. Staff recommendation is for the approval of Special Use Permit with conditions.

<u>LOCATION</u>	
Adjacent Residences	Adjacent residences to the south are located within the Highcrest West subdivision. The parcels range in size from 1.5 acres to five-acres in size. The subject parcel is located on Lot 1 of Madeline’s Meadows.
Adjacent Zoning/Uses	Zoning in the area is RR-2.5 and are used primarily as rural-suburban residences and agricultural uses.
Density	Highcrest West to the immediate south is nearly fully built out. The subdivision consists of more than 50 homes.
Nearby City Limits	The city of Lansing is approximately ¾ of a mile to the east of the property.
Initial Growth Management Area	The property is not located within an Initial Growth Management Area.

<u>IMPACT</u>	
Noise Pollution	The use is unlikely to cause sustained noise pollution as all activities will take place inside of the existing building.
Traffic	The use is expected to generate approximately 50 total trips per day. The breakdown of the trips is essentially 10-12 vehicles to the site to begin a practice and 10-12 vehicles leaving the site at the end of practice. The Boden’s anticipate having two team practices per day.
Lighting	The applicant does not have lighting other than security lighting and is not requesting lighting.
Outdoor Storage	There is no outdoor storage.
Parking	The applicant is required to provide a parking area large enough to accommodate eight vehicles. The parking area shall be at a minimum gravel and shall be well-marked. There shall be no on-street parking.
Visitors/Employees	The use is expected to generate approximately 50 total trips per day. The breakdown of the trips is essentially 10-12 vehicles to the site to begin a practice and 10-12 vehicles leaving the site at the end of practice. The Boden’s anticipate having two team practices per day.
Waste	The business does not cause environmental waste.

SITE COMPATABILITY	
Size of Parcel	The parcel is three (3) acres in size.
Zoning of Parcel	The parcel is zoned Rural Residential-2.5
Buildings (Existing & Proposed)	Currently there is an accessory building that has been utilized as the practice facility.
Setbacks	Existing building meet the required setbacks.
Screening	There is no screening, however, screening is not necessary.

History

The applicants applied for a building permit in 2019 for a single-family home and an accessory structure. The accessory structure was built prior to the home. In the fall of 2020 the applicants began running a commercial business for youth baseball practice without a Special Use Permit. Upon receiving notification that a Special Use Permit was required the applicants contacted Planning and Zoning. Construction of the home is currently underway.

Staff Comments

The applicants are requesting a Special Use Permit for an indoor baseball training facility. The nature of the business is that it will be most heavily used during the late fall and winter months when practicing outdoors is difficult due to weather. The facility will see the majority of business from November through Mid-March with the majority of operations taking place in January and February. Typically, there are no more than two teams practicing on any given day and those practices do not take place together. Each team usually has 10 players and coaches combined. Therefore, there are approximately 10 trips to the facility and 10 trips leaving the facility for each practice.

The activities will take place solely inside of the existing building which is insulated. Noise should not be a concern. There have been many reports of mud being tracked onto Gilman Road due to the business. This issue should be remedied once the applicants build the gravel parking area which is a requirement of the SUP. The Fire Chief for FD-1 recently visited the site and has provided Mr. and Mrs. Boden with a list of items they need to complete for safety. The Boden’s have agreed to the requirements. The business has no employees other than the property owners. Instruction is provided by coaches and instructors. In the event the business expands beyond the scope of the narrative, the applicants shall contact Planning and Zoning for direction regarding updating the permit.

Staff recommends approval of the application.

STAFF RECOMMENDATION:

The staff recommends approval of Case No.DEV-21-034, Special Use Permit for a Commercial Athletic Field- Indoor baseball training, with the following conditions:

1. The SUP shall be limited to a period of five (5) years.
2. The business shall be limited to the hours of 8:00 AM until 9:30 PM Monday-Sunday.
3. The applicant shall cause to have constructed a graveled parking lot that can accommodate a minimum of eight (8) vehicles.
4. In no scenario shall there be more patrons to the facility than the parking area can provide for.
5. There shall be no employees other than the property owners.
6. The business shall be limited to two teams per day at the practice facility.
7. The applicants shall pay for a commercial building permit for the accessory structure being utilized for the baseball facility.
8. The applicant shall adhere to the following memorandums:
 - a. Olsson – Public Works, May 12, 2021
 - b. David Asmus –Leavenworth County Fire District 1, April 12, 2021
Chuck Magaha – Emergency Management, Month day, 2021

9. No signage is allowed in the right-of-way. No signage is requested with the SUP. All signage shall comply with Article 25, Sign Regulations of the Leavenworth County Zoning and Subdivision Regulations.
10. No on-street parking shall be allowed.
11. This SUP shall be limited to the Narrative dated March 5, 2021 submitted with this application.
12. This SUP shall comply with all local, state, and federal rules and regulations that may be applicable. After approval of this SUP by the Board of County Commission all conditions listed shall be adhered to and copies shall be provided to the Planning and Zoning Department within 30 days.

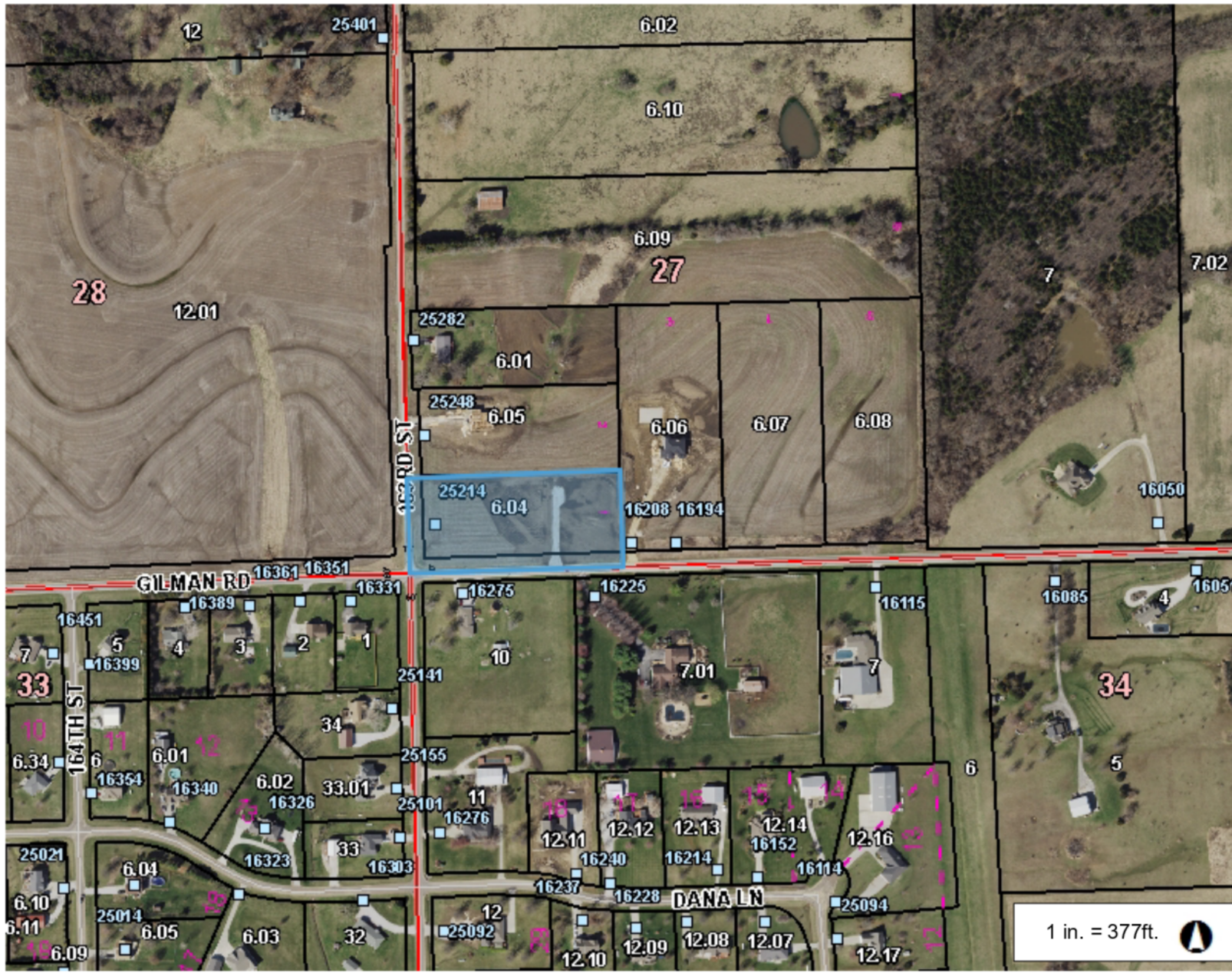
ACTION OPTIONS:

1. Recommend approval of Case No DEV-21-034, Special Use Permit for a Commercial Athletic Field-Indoor baseball training, to the Board of County Commission, with Findings of Fact, and with or without conditions; or
2. Recommend denial of Case No. DEV-21-034, Special Use Permit for a Commercial Athletic Field-Indoor baseball training, to the Board of County Commission, with Findings of Fact; or
3. Continue the Public hearing to another date, time, and place.

ATTACHMENTS:

Narrative
Location/Aerial Maps
Memorandums

DEV-21-034



Legend

- Address Point
- Parcel Number
- Lot Line
- Parcel
- City Limit Line
- Major Road
- <all other values>
- /0
- Road
- Railroad
- Section
- Section Boundaries
- County Boundary

Notes

This Cadastral Map is for informational purposes only. It does not purport to represent a property boundary survey of the parcels shown and shall not be used for conveyances or the establishment of property boundaries.
THIS MAP IS NOT TO BE USED FOR NAVIGATION



Leavenworth County Fire District #1
111 E. Kansas Street
Lansing, KS. 66043



April 12, 2021

Kevin Boden
25214 163rd St
Leavenworth, Ks. 66048

Dear Kevin,

Here is the list of the items we discussed to bring you up to code as an Assembly Occupancy:

1. Exits
 - a. A 2nd exit needs to be added. The exit must be located with a maximum path of egress distance of 75 feet. (The longest distance someone must walk to an exit is 75 feet)
 - b. Exits must be equipped with panic hardware and swing in the direction of egress
 - c. Landings outside the exits must be a minimum of 60x60 inches and less than a 2-degree slope.
 - d. Pathway from the landing must be same width as landing and extend to the public way.
 - e. Exit signs are required above the exits. The signs shall be internally or externally illuminated. Signs shall be always illuminated and have a battery back up to ensure continued illumination for a minimum of 90 minutes in case of power failure.
2. Emergency Lights
 - a. Emergency lighting shall be installed to provide lighting during a power failure.
 - b. Emergency lighting shall be installed on its own breaker for monthly and annual maintenance testing.
3. Fire Extinguisher
 - a. At least 1 fire extinguisher with a minimum 2-A/5-BC rating shall be installed.
 - b. Extinguishers shall be certified and serviced by an approved organization.
4. Occupancy Load
 - a. Maximum occupancy load is 400.
 - b. This must be posted inside the building.
5. Alarm System
 - a. An alarm system consisting of a manual pull station, smoke detector and horn/strobe shall be installed and monitored by an alarm company. This is required due to your occupancy load being greater than 300.
6. Knox Box
 - a. I would recommend adding a Knox Box. A Knox Box is a box mounted outside that only the fire department has access to. In the box you can store a key to the doors for access in case of an emergency outside normal hours. If this is something you are interested in, I can get you the application.

If you have any questions, feel free to contact us.

David Asmus,

Captain/EMT

● Page 2
Leavenworth County Fire District #1
111 E. Kansas
Lansing, Kansas 66043
Office: 913-727-5844

May 7, 2021

Voth, Krystal

From: Mitch Pleak <mpleak@olsson.com>
Sent: Friday, May 7, 2021 8:06 AM
To: Voth, Krystal
Cc: Noll, Bill; Anderson, Lauren
Subject: FW: DEV-21-034 Baseball Practice Facility SUP

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.

Krystal,
Please see below.
Thanks,
Mitch

From: Mitch Pleak <mpleak@olsson.com>
Sent: Monday, April 12, 2021 3:44 PM
To: Anderson, Lauren <LAnderson@leavenworthcounty.gov>; Noll, Bill <BNoll@leavenworthcounty.gov>
Cc: 019-2831 <019-2831@olsson.com>
Subject: DEV-21-034 Baseball Practice Facility SUP

All,
The applicant has confirmed the max amount of trips per day would be 56 trips. The site is off a gravel roadway and approximately 175 feet north of Gilman Rd and 163rd Street intersection. Gilman Rd is hard surfaced. 163rd Street is hard surfaced south of Gilman Rd and gravel north of Gilman Rd. 163rd Street is a dead end road to the north.

Per the TIF policy, Gravel Roadways (C.) states: 50 and more Passenger Vehicle trips per day or 10 or more Commercial Vehicle trips per day requires a Traffic Impact Study to include physical roadway assessment along the proposed gravel road traffic route.

Per the TIF policy, General Requirements (1.) states: Initially, the application will be reviewed by the County Engineer for applicability to County Standards to determine if studies and/assessments, based on sound engineering judgement, are required.

Olsson has completed an initial review with findings below:

- Physical Roadway Assessment: Since this is seasonal SUP, the trips would work out to significantly less than 50 cars per day per year. Also, these will just be small cars and trucks. It is Olsson's opinion, a physical roadway assessment is not warranted.
- Traffic Impact Study: Since the SUP is seasonal and is slightly above the 50 trip threshold. It is Olsson's opinion, a traffic impact study is not warranted. The applicant should provide adequate parking within their site. On street parking (on 163rd or Gilman Road) should not be allowed.
- In the future, if the facility use changes (increased trips due to additional practices, year round use, etc) the County should retain their ability to review the application again.

Please let me know of any questions. We can touch base on this tomorrow at our 1:30pm meeting before sending on to Krystal.

Sincerely,

Mitch Pleak, PE

Project Engineer / Civil

D 913.748.2503

7301 W. 133rd Street, Suite 200

Overland Park, KS 66213

O 913.381.1170



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SPECIAL USE PERMIT APPLICATION

Leavenworth County Planning Department
300 Walnut, St., Suite 212
County Courthouse
Leavenworth, Kansas 66048
913-684-0465

PID: <u>108-27-006.04</u>	Office Use Only	Date Received: <u>3-5-2021</u>
Township <u>Delaware</u>		
Planning Commission Date: <u>May 12, 2021</u>		
Case No. <u>DEV-21-034</u>	Date Paid <u>3-5-2021</u>	
Zoning District <u>RR-2.5</u>		
Comprehensive Plan land use designation <u>Residential Units / Acre</u>		

APPLICANT/AGENT INFORMATION	OWNER INFORMATION (If different)
NAME <u>Kevin and Andrea Boden</u>	NAME <u>Dan Lynch / Inrichtus Builders</u>
ADDRESS <u>308 Fawn Valley St.</u>	ADDRESS <u>1204 State Ave</u>
CITY/ST/ZIP <u>Lansing, MO 64643</u>	CITY/ST/ZIP <u>Tonyahnoxie MO 64686</u>
PHONE <u>(785) 633-7588</u>	PHONE <u>(913) 481-6847</u>
EMAIL <u>andrea.rothers@gmail.com</u>	EMAIL _____
CONTACT PERSON <u>Andrea Boden</u>	CONTACT PERSON <u>Dan Lynch</u>

PROPOSED USE INFORMATION
Existing and Proposed structures <u>Existing outbuilding</u>
Reason for requesting a Special Use Permit <u>Baseball practice</u>

PROPERTY INFORMATION	
Address of property <u>25214 163rd St., Leavenworth</u>	Parcel size <u>2 1/2 acres</u>
Current use of the property <u>Baseball practice</u>	
Does the owner live on the property? <u>No - Currently building SFR</u>	
Does the applicant own property in states or counties other than Kansas and Leavenworth County? <u>no</u>	

I, the undersigned am the (circle one) 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 Special Use Permit as indicated above. I hereby agree to "cease and desist" the operation of the activity upon denial of the permit by the Board of County Commissioners.

Signature [Signature] Date 2/24/21

ATTACHMENT A

LEAVENWORTH COUNTY DEVELOPMENT APPLICATION PERMIT

CASE NUMBER DEV-21-034

PERMIT SUB-TYPE SPECIAL USE PERMIT

PID 108-27-0-00-00-006.04 PARCEL SIZE 2.42 AC ZONE RR-2.5
TWSP DELAWARE SCHOOL DIST 469 SDD NO
SUBDIVISION Madeline's Meadows LOT NO 1 BLOCK NO
WATER DIST RWD 8 ELECTRIC EVERGY SEWER DIST n/a
FLOOD PLAIN IN PARCEL NO FLOOD PLAIN ON BUILDING SITE NO
SITE ADDRESS 25214 163rd St
SITE CITY Leavenworth SITE STATE KS SITE ZIP CODE 66048

LAST NAME Boden FIRST NAME Kevin/Andrea PHONE 785-633-7588
EMAIL andrea.rothers@gmail.com
ADDRESS 308 Fawn Valley St
CITY Lansing STATE KS ZIP CODE 66043

CONSULTANT CONSULTANT PHONE
CONSULTANT EMAIL

PROPOSED ZONING n/a SUP CATEGORY - USE Indoor Athletic Field
VARIANCE REGULATION CURRENT USE RESIDENTIAL ROAD LOCAL
COMP PLAN USE DESIGNATION Residential 3 Units/Acre UGMA

SUBDIVISION TYPE GROSS ACREAGE COVENANTS NO
MAXIMUM LOT SIZE MINIMUM LOT SIZE OPEN SPACE ACREAGE
LOTS TRACTS TOTAL PARCELS DENSITY

NOTES:

STAFF	STAFF ACTION	[] PUBLIC HEARING	AGENDA AREA	REGULAR
PC	5/12/2021	PC ACTION	PENDING	NOTICE PUB
BOCC		BOCC ACTION		RESOLUTION PUB
BZA		BZA ACTION	DURATION	EXPIRATION

APPLICATION FEE \$400.00 TIF 0.00 BOND 0.00 TOTAL FEES \$400.00
CHECK NO 4095 [] CASH [] CC TIFF CHECK NO

STAFF APPROVAL  DATE 3/5/21

APPLICANT DATE

Written Description of the Proposed Use

In the fall of 2019, we purchased the property in question for purposes of constructing a new home and a large outbuilding to be used for personal storage and for use by our 11-year old son's baseball team. Our son is a member of the Titans Baseball Club. The club involves three teams, with boys from Lansing, Leavenworth, Basehor, and Tonganoxie only. We are registered as a non-profit organization for tax purposes. I (Kevin) am in charge of the organization. We decided to build a large outbuilding on our own property because in past years, our Titans team used a facility in Tonganoxie for winter practices. When that facility closed, we decided to build a place of our own. At the time, we planned to use the building for my son's team only, as we had in Tonganoxie, and possibly allow other Titans teams later.

In February 2020, we were ready for construction of our building. Unfortunately, we faced the sudden onset of the Coronavirus pandemic, and this put a hold on our process for various reasons. As a result, we were unable to begin construction of our building until the fall of 2020. As soon as the building was complete, we started using it for our son's Titans baseball team. Shortly thereafter, numerous baseball teams began contacting us to inquire about using the building. Because of the Coronavirus pandemic, many churches, gyms, and school facilities were not allowing use of their space for sports activities, so members of the community were reaching out to us about our building. We have since allowed several baseball teams, in addition to our own, to use the building for team practices at minimal cost, to cover our own expenses. We were overwhelmed by the number of people asking to use our building, and we tried to limit it. However, in hindsight, we realize the extra traffic in the neighborhood likely caused concern for those living there.

Recently, we contracted with Dan Lynch Real Estate to begin construction of our house. When he went to Leavenworth County Planning and Zoning to transfer our home construction permit to his name (previously in the name of PCDI), the request was denied. We contacted the County and were told by Krystal Voth that neighbors have complained about traffic related to our building, and that a special use permit is required. Krystal refused us the construction permit until our property became "in compliance" with County regulations, so we sent Krystal a cease and desist letter stating that we would no longer use our building for group baseball team practices until a special use permit is obtained. This was our only avenue for securing a home construction permit, which is needed to keep us in compliance with yet another county regulation--that we cannot have an outbuilding on residential property without an actual residence.

In pursuing a special use permit, we first note that we are asking for something fairly limited in nature. The building will primarily be used for group baseball practices in the months of January,

February, and early March, when the weather is too cold for outdoor practice. The very limited nature of our building use is why we did not pursue a special use permit in the first place. We were under the impression that special use permits are necessary for businesses like daycare operations or mechanic shops that operate daily and year-round. We do not consider ourselves a business in that sense. While we are charging a small fee for people to use our building, we are not really “open” to the public in the same sense as most businesses, so did not fully realize the need for a permit. We are not advertising our building to the general public for business and are not allowing random people to come in and use the building. We have limited use to people we know here in Leavenworth County. Krystal Voth has explained that special use permits are necessary for any operation that changes the character of a neighborhood and that we are an illegal business. We do not believe that our building significantly changes the character of our neighborhood. As the County Commissioners reviewing our application can see, a small airport is operated adjacent from our property, just down Gilman Road. While we will pursue a special use permit in order to remain in compliance, we feel it is a stretch to say we have significantly changed a neighborhood that houses a fully-functioning airport, where vehicles are parked on a daily basis.

It is now March and we have essentially reached the near-end of the roughly 2 1/2-month period in which our building has been used for teams practices. Outside of this short time period, we intend, going forward, for our building to be used on isolated occasion during the rest of the year (such as during bad weather), and for personal and private use. It is widely known that once baseball season gets underway in March, teams are no longer practicing much, as they are playing actual games and have less time for frequent practice sessions. Moreover, in warm weather, any remaining practices are happening outdoors. Once mid-March hits, there will be very limited use of our building for the next 9-10 months and it will likely sit empty but-for private use.

As for the expected hours that our building might be used, so far it has been used about 4 hours per day, and this is what we expect in the future--during the months of January, February, and part of March. On weeknights, the building has been used between the hours of 5 pm to 9 pm, and the building is used intermittently throughout the day on weekends. Only two teams use the building per day, and each team practices for two hours. Again, we emphasize that this sort of usage only takes place during the months of January, February, and part of March. There is no demand for year-round indoor baseball practice.

Regarding traffic, each team that uses the building involves about 10 players/coaches combined (coaches are parents of players, and some teammates do not participate in winter practice because they are involved in wrestling). Each team practice, then, involves about 10 vehicles coming onto the property. A handful of parents remain at the building during practice and park a vehicle on the property, while some parents simply drop their children off and pick them up at

the end of practice. At most, we have observed about 6-8 vehicles parked on our property during a practice. On an average day, when two teams practice, we expect about 20 vehicles total coming onto the property to pick up/drop off.

Regarding parking, because we recently constructed this building and have not built our house, we currently have just a gravel driveway going to the building, with no grass around it. Snow and rain have been problematic, as the absence of grass has caused significant mud issues as people have been driving off the gravel and onto the yard. This will no longer be an issue once the weather changes and we are able to lay sod. In spring/summer, we plan to lay sod around the building to ensure that the area has proper coverage to prevent mud issues. We also plan to add a small rocked area next to the building to be designated for parked vehicles—although again, we expect to have no more than 6-8 vehicles parked on our property at a time. We are aware that a few people using the building have parked on 163rd Street, and we put a stop to this immediately. We are fully aware that it is totally unacceptable to park on 163rd Street and plan to enforce rules preventing anyone from parking there.

After becoming aware of neighborhood complaints about our building, we took an entire Saturday to walk around the neighborhood and visit with those surrounding our building. After hearing about our plans and realizing we are only expecting winter use of our building, we were able to ease the concerns of many. In fact, several of our neighbors are now using the building for their own children's entertainment. We spoke with the seven homeowners directly surrounding the building and only left with significant concerns by one neighbor, who largely complained about vehicles parked on 163rd Street. Again, we promise to resolve that issue entirely.

We feel we are doing a great service to the youth of Leavenworth County by offering up our building, and the benefit greatly outweighs any detriments. Local baseball teams are forced to regularly travel to Johnson County and other areas to rent facilities at an enormous cost. Since we completed our building, we have received repeated calls from people in the community who are thrilled to have a place for winter baseball practice. This prevents our residents from having to travel on school nights, in bad weather, and in cold weather months, only to spend their money outside our county. The small monetary contribution we receive in exchange for providing the building allows us to merely break even on the cost of our building, and we are happy with that. We both have good jobs and salaries and this is not our source of income. Instead, we would like to continue providing local baseball players, and particularly our own son, with an affordable option for developing skills for the few short months leading up to the season. While use of the building certainly increases traffic in our neighborhood to an extent, we see no other detriments to the neighborhood. There is no equipment outside the building that might cause danger to persons passing by or that might be an "eyesore" to neighbors. The building is secure, sound, and fully insulated, and there is no noise that might bother neighbors. The people who are using the

building are Leavenworth County residents, not random people without local ties. There is significant community benefit to allowing our youth to use this building and we are excited to see such an opportunity for our friends and neighbors, particularly during the Coronavirus pandemic when many kids have been stuck at home for so long. The building provides a great place for families to get out during the winter months, when people are stir-crazy and longing for baseball season. We are happy to provide a great opportunity for our community and would like the opportunity to continue that next fall when the need arises.

Thank you for your time and consideration.

Sincerely,



Kevin and Andrea Boden

3/05/2021
9:23:02

LEAVENWORTH COUNTY TAX RECEIPT # 34929

User-LCROOK
62984/604237
Page 1 of 1
TOTAL TAX 67.78

CLASS	VALUATION	TOTAL	LEVY	GENERAL TAX	SPECIALS
A	579	117.070	117.070	67.78	.00

 Tax Unit 061 Twp-DELAWARE TOWNSHIP
 Prop Addr: 25214 163RD ST 66048
 Acres-2.42 Subd-MADELINES MEADOWS Lot-1
 MADELINES MEADOWS, S27, T09, R22E, LOT 1
 , ACRES 2.42

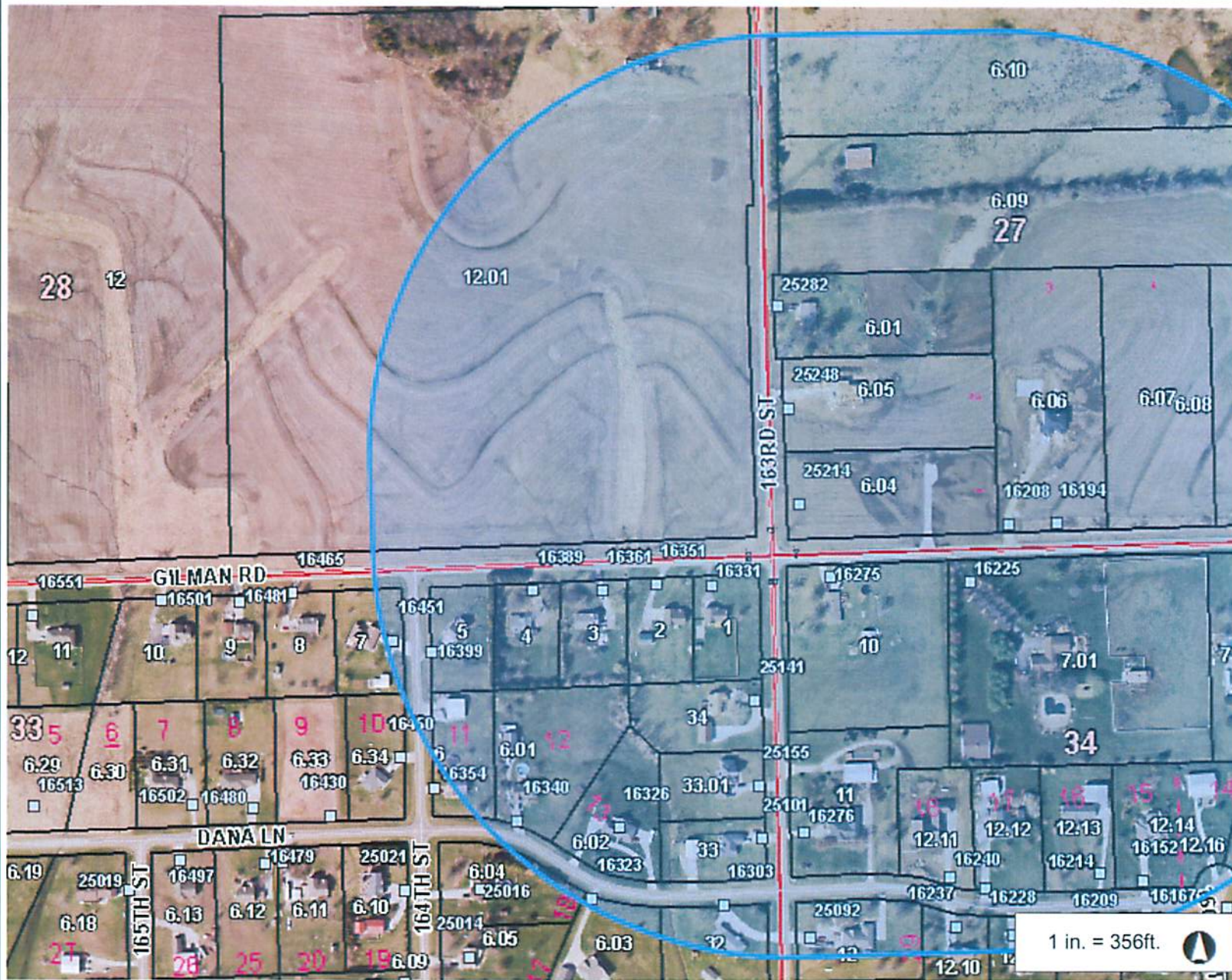
BODEN, ANDREA G ROTHERS & KEVIN T
652 SHADY BEND DR
TONGANOXIE KS 66086-6205

1744-Stmt#

 2/25/2021 DATE PAID
 34929 RECEIPT #
 67.78 TAX/SPEC PD
 .53 INTEREST PD
 .00 FEES PD
 68.31 TOTAL PD

2020 taxes paid in full.

Leavenworth County, KS



Legend

- Address Point
- Parcel Number
- Lot Line
- Parcel
- City Limit Line
- Major Road
- <all other values>
- 70
- Road
- Railroad
- Section
- Section Boundaries
- County Boundary

1 in. = 356ft.

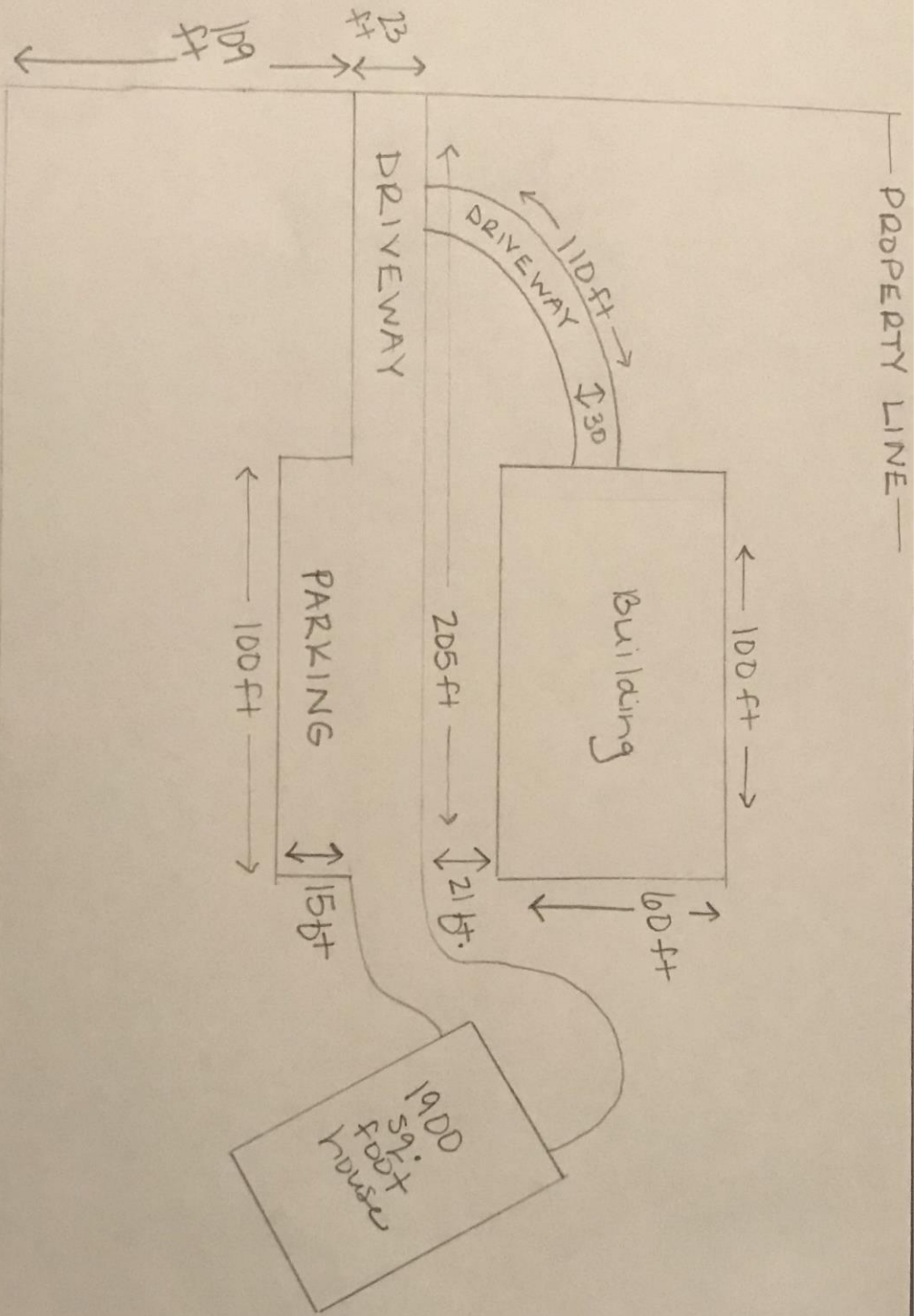


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Notes

163rd Street



Gilman Rd.

Voth, Krystal

From: Amber Bollin <amberbollin@gmail.com>
Sent: Wednesday, April 28, 2021 8:46 PM
To: Voth, Krystal
Cc: kboden19@gmail.com
Subject: 25214 163rd Street Leavenworth: Boden Special Use Permit

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.

Hello. We just wanted to reach out and give our full support for the Boden Special Use Permit for Baseball Facility. So many places have shut out youth athletics due to the times we are living in and I think it is great that there is a place for these kids to fall back on when the outdoors are not in their favor. We live just over a mile from the location and see no issues this would cause us or our surrounding neighbors. They are not going to be outside making a noise disturbance and it's giving our kids another place to belong. We appreciate what the Boden's are doing!

Thanks for your time.
Jeff and Amber Bollin
25312 171st Street, Leavenworth

Voth, Krystal

From: Joshua Garner <garner173d@gmail.com>
Sent: Wednesday, April 28, 2021 9:11 PM
To: Voth, Krystal
Subject: Boden special use permit for baseball facility

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.

To whom it may concern

I am writing you in support of Keven's indoor baseball facility. I am a resident of Leavenworth and own a home in Leavenworth. This facility is much needed in the community.

Families continue to travel to KC and surrounding areas to teams and clubs with indoor facility use, this does not benefit our community. We put money outside of Leavenworth, also the kids do not build a friendship through sports with other kids in there community if they are traveling outside of the county. With this building kids that go to school together can stay on the same team for years to come and build skills all year around that could lead to other opportunities such as college scholarships or other future sports goals.

I hope you will consider this.

Respectfully

Joshua Garner

Voth, Krystal

From: Amber Bollin <amberbollin@gmail.com>
Sent: Wednesday, April 28, 2021 8:46 PM
To: Voth, Krystal
Cc: kboden19@gmail.com
Subject: 25214 163rd Street Leavenworth: Boden Special Use Permit

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Thanks for your time.
Jeff and Amber Bollin
25312 171st Street, Leavenworth

Voth, Krystal

From: Charissa Boldridge <cboldrid@g.emporia.edu>
Sent: Thursday, April 29, 2021 11:33 AM
To: Voth, Krystal
Cc: kboden19@gmail.com
Subject: 25214 163rd St. Leavenworth: Boden Special Use Permit for Baseball Facility

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.

Good morning,

Although I'm not a resident of Leavenworth county, I frequent the area often for my son to practice baseball. The shed has been an important piece to these young boys and their practice. We would greatly appreciate any consideration of maintaining this vital piece of our community so the boys have a safe place to practice.

Thank you,
Charissa Boldridge

Voth, Krystal

From: Joshua Garner <garner173d@gmail.com>
Sent: Wednesday, April 28, 2021 9:11 PM
To: Voth, Krystal
Subject: Boden special use permit for baseball facility

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Respectfully

Joshua Garner

Voth, Krystal

From: Charissa Boldridge <cboldrid@g.emporia.edu>
Sent: Thursday, April 29, 2021 11:33 AM
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Cc: kboden19@gmail.com
Subject: 25214 163rd St. Leavenworth: Boden Special Use Permit for Baseball Facility

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.

Good morning,

Although I'm not a resident of Leavenworth county, I frequent the area often for my son to practice baseball. The shed has been an important piece to these young boys and their practice. We would greatly appreciate any consideration of maintaining this vital piece of our community so the boys have a safe place to practice.

Thank you,
Charissa Boldridge

Voth, Krystal

From: Marie Gillaspie <marie.gillaspie@gmail.com>
Sent: Thursday, April 29, 2021 3:53 PM
To: Voth, Krystal
Cc: kboden19@gmail.com
Subject: Fwd: 25214 163rd Street Boden special use permit for baseball facility

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.

Good Afternoon Krystal;

We fully support the special use permit for the indoor baseball facility. So many places have shut out youth sports leaving the kids with no place to practice. This indoor facility would allow kids to continue to improve on skills all year around. Weather hinders baseball practice, an indoor facility would be fantastic. We appreciate the Boden's for trying to make this facility a reality for our youth.

We are a Leavenworth County resident
Thank you
Greg and Marie Gillaspie

Voth, Krystal

From: Chuck Rambo <chuckrambo89@gmail.com>
Sent: Thursday, April 29, 2021 8:22 AM
To: Voth, Krystal
Cc: kboden19@gmail.com
Subject: Request for Approval

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.

Mrs. Voth,

I respectfully request that you allow the practice facility at 25214 163rd Street in Leavenworth to remain open for the kids. Shutting the shed down takes away the opportunity for these aspiring athletes to get off the couch, put the controller down, and work hard for something year-round, not just the warm months. The practice facility is the best thing to happen to youth sports in Leavenworth County in a long time, and I respectfully request you allow it to remain open.

We have so many problems with our youth today, and the struggle to keep them engaged after school is real and challenging. That's why as a local coach, and father of five, sitting out the cold months of the year and losing that prep time is frustrating. It is even more confusing as to why anyone would oppose the shed.

Year-round, we have an opportunity to keep our kids engaged with sports, specifically during the cold and rainy months. Instead of sitting inside waiting on the weather to get warmer and playing video games, they can practice, learn about commitment to something bigger than themselves, learn how to be counted on, and be a part of a team.

Thank you for your consideration, and I ask that you approve the practice facility and allow it to remain open to the fantastic and talented youth of Leavenworth county.

Thank you for your consideration.

Chuck Rambo

Voth, Krystal

From: Cj Warhurst <035198@gmail.com>
Sent: Thursday, April 29, 2021 6:16 PM
To: Voth, Krystal
Cc: kboden19@gmail.com
Subject: Reference 25214 163rd Street, Leavenworth: Boden Special Use Permit for Baseball Facility

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.

Greetings.

I have been a Leavenworth County resident for 17 years.

It is my understanding there will soon be a committee meeting considering a special use permit for the above referenced location.

This facility will be a great benefit for our community in many ways, I would like to just mention a few for your consideration.

Health and safety really stand out when I think about a facility such as this. Children in our area can have a safe environment to exercise while being protected from the harsh and changing weather that often finds our region. The opportunity to exercise during inclement weather would greatly benefit the health of our young and up-and-coming leaders within the County.

It appears the location of this facility will also afford more opportunity for youth activities to those who do not have access to the metropolitan areas of this part of Leavenworth County.

I could go on, but for the sake of brevity I will conclude.

It is with great respect for our Leavenworth County residents and leadership holders that I ask you to approve this special use permit.

Thank you for reading and considering my comments.

Casey J. Warhurst

Voth, Krystal

From: C. Oakley <oakleydo@hotmail.com>
Sent: Friday, April 30, 2021 8:23 PM
To: Voth, Krystal
Cc: Kevin Boden
Subject: 25214 163rd Road Special Use Permit

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.

Ms Voth:

I live off Dempsey Rd and 163rd in Leavenworth County. I am writing to express my support for a special use variance for 25214 163rd Road. My son would utilize the facility if the special use permit is granted. As a parent of three kids in the Lansing school district am always struggling to find ways to get the kids off the electronics. An indoor facility in Leavenworth county would be a fantastic service for the community.

Please let me know if you have questions.

Chris Oakley
913-284-2017

Get [Outlook for iOS](#)

Voth, Krystal

From: Jayme Wright <jaymelwright@yahoo.com>
Sent: Sunday, May 2, 2021 8:21 PM
To: Voth, Krystal
Subject: Ref 25214 163rd Street Leavenworth: Boden Special Use Permit for Baseball Facility

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.

To Whom It Concerns,

I am writing today because it was brought to my attention Kevin Boden's baseball facility is under review for a 'special' permit of business. I would like it known my feeling as a Leavenworth County Resident (22361 West Cedar St. Tonganoxie Ks). Kevin has provided via these facilities a location for my son to continue his growth in baseball, as a student and athlete. This facility has provided him with not only the opportunity to continue to improve his athletic ability both within baseball as well as other overall health benefits, it has also provided him with the ability to grow socially throughout the year (not just during 'no-rain' seasons).

His facility is a location for athletes to practice year-round, rain-or-shine and continue to maintain their improvement without fail. I would compare it to summer school. You would not want a child to stop learning simply because the 'season' of schooling as stopped. His facility allows athletes to continue their training throughout the year.

I strongly urge those making the decisions to allow his facility to continue to operate. Not only is Kevin a person of high-integrity and community involvement, he encourage kids and parents to be the same.

Sincerely, Jayme Wright

972.505.9983

Voth, Krystal

From: Sarah Wensel <swensel1105@gmail.com>
Sent: Tuesday, May 4, 2021 4:33 PM
To: Voth, Krystal
Subject: Boden Special Use permit for Baseball Facility

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.

I am emailing you to voice my support for the Boden Special Use Permit for Baseball Facility at 25214 163rd Street, Leavenworth. My extended Family and I, all Leavenworth County Residents, are advocates of the Boden Baseball Facility. This Facility in Leavenworth County allows multiple teams from our County to practice year round so Leavenworth can compete with teams throughout the greater Kansas City area. The young athletes benefiting from this Facility are from Lansing, Tonganoxie, Basehor and Leavenworth. I respectfully urge the Committee to approve this Facility so these young men can continue to improve and excel in the sport they love during all seasons of the year. For these boys Baseball is not just a game, but a way of life.

Sincerely,
Sarah Wensel

Sent from my iPhone

April 19, 2021

Re: Application for Special Use Permit
25214 163rd Street.
Leavenworth, Kansas 66048

Commission Members -

This letter is to express my support for the special use permit application for the above referenced property. My family lives at 16208 Gilman Road, which is the property immediately to the east of the subject property. My wife and I purchased our four-acre site and completed construction of our new home in July of 2020. We have invested considerable time and money in our property, with the intent of it being our forever home.

The Boden's indoor facility conforms well with the surrounding area. Just to the east is a small airport, with a number of large outbuildings. To the west are several working farms with large outbuildings and outdoor equipment storage. The additional traffic resulting from the practice facility is minimal, and the new driveway and parking area will eliminate any potential congestion on both 163rd and Gilman. The facility is utilized by youth sports teams, so the hours of operation are late afternoon though early evening. This in no way disrupts the surrounding residential properties.

In addition, the facility provides a much-needed service to Leavenworth County. There are extremely limited indoor practice options for Leavenworth County teams. This forces most teams to travel to Wyandotte and Johnson Counties for off-season training. The Boden's facility provides an affordable, local option for teams, which is a tremendous benefit to Leavenworth County youth sports.

I fully support the Boden's application for a special use permit. I have no concerns about the facility having a negative impact on my property or the surrounding area. Thank you for allowing me the opportunity to share my thoughts.

Respectfully,

A handwritten signature in black ink, appearing to read 'Joshua Hoppes', with a long horizontal line extending to the right.

Joshua Hoppes
16208 Gilman Rd.
Leavenworth, KS

To whom it may concern,

As the coach of the 11U Leavenworth Pioneers baseball team and a parent of a son who loves baseball, I'd like to share with you how important the Boden's shed has been to us. Over the last few years it has become more difficult to find a place for our youth team to hold practices and work on baseball skills. In the colder months and when the weather doesn't cooperate, indoor practice spots are non-existent. The shed has allowed him a reliable place to work on the skills he loves by having team practices and personal instructors.

It has been a blessing to us to have a place to use. We have always been at a competitive disadvantage with the teams we compete against because we simply have not had the facilities they have. Boden's shed has allowed us to bridge that gap and allowed the boys to work on the skills they need to be competitive. I have really appreciated the efforts the Boden's have made to maintain the shed and always be available to open it for our team to use.

Most importantly the shed has provided a place for aspiring young baseball players and coaches to meet new kids and instructors that share their same interest in baseball. It has been great for our community. My son has gained new friends and adults that have an interest in his personal development as a player and young adult. I'm very thankful to the Boden family for investing in a facility that can help so many people in our community. We look forward to being able to use it in the future.

Sincerely,

Guy Nieman



LANSING HIGH SCHOOL

U.S.D. # 469



Rob McKim, Principal
Nick Gray, Asst. Principal
Dr. Sandy Van Cise, Asst. Principal
Gary Mattingly, Activities / Athletic Director
Kari Anderson, Counselor
Wes Cackler, Counselor
Kristie Wessel, Counselor

1412 147th St.
Lansing, KS
66048-1698
(913) 727-3357
FAX (913) 273-6708

March 15, 2021

RE: Indoor practice facility owned by Kevin Boden

I am writing to encourage allowing Kevin Boden to continue to use the indoor training/baseball facility he owns off of Gilman Rd. in Leavenworth County.

This structure allows kids to have an alternative site to practice when the weather is bad. This allows more opportunities for local kids so that they don't have to travel to Kansas City, find practice times that aren't at all hours and pay the high costs associated with those facilities.

This facility will allow local youth and teams an opportunity to improve their skill level to better themselves physically and mentally.

I see this as a great opportunity for Leavenworth County kids.

Please don't hesitate to contact me if you would like to hear more reasons why this is a great opportunity.

Sincerely,

Gary Mattingly
Activities / Athletic Director
Lansing High School
gary.mattingly@usd469.net
913-240-6102



March 20, 2021

This letter is to inform you of how valuable the indoor training/baseball facility that Kevin Boden owns off of Gilman Rd. is to the youth of both the Lansing and Leavenworth communities. Kevin is providing a facility that gives the youth of our communities the opportunity to develop their skills.

Kevin's structure allows kids to have an alternate site for both the Lansing and Leavenworth youth to practice when the weather is unfavorable. Kevin has built this facility for the youth to stay in Leavenworth County and not have to travel to surrounding communities to find practice facilities. The youth would be spending not only their time, but parents would be spending their money in other communities.

This facility allows local athletes to improve their skills and better themselves physically and mentally to better prepare them for their seasons.

Kevin has provided this opportunity for Leavenworth County kids to improve themselves without having to leave the county..

Please don't hesitate to contact me if you would like to hear more reasons why this is a great opportunity.

Sincerely,

Michael Koontz
Athletic Director
Leavenworth High School
michael.koontz@lvpioneers.org
(913) 684-1550

Case No. DEV-20-140
Rezoning from B-3 & RR-5 to B-3
*****Public Hearing Required*****

Staff Report – Planning Commission

May 12, 2021

GENERAL INFORMATION:

**Applicant/
Property Owner:** Greg Ledford
12139 Leavenworth Road
Kansas City, KS 66109

Legal Description: A tract of land in the northeast quarter of Section 3, Township 9 South,
Range 21 East of the 6th P.M, in Leavenworth County, Kansas.

Location: 28910 207th Street, Located at the northeast intersection of 20th & Springdale Road

Parcel Size: ± 13 acres

Zoning/Land Use: B-3 and RR-5

Comprehensive Plan: This parcel is within the Rural Residential 2.5 land use category.

Parcel ID No.: 112-03-0-00-00-007.01

Planner: Krystal A. Voth

REPORT:

Update

This item was originally heard by the Planning Commission in January. At that time, the applicant was requesting to rezone the entire parcel to B-3. After concerns raised by the neighbors and the Planning Commission the applicant has updated the request. The current request is to extend the current B-3 Zoning approximately 6.47 acres, keeping a buffer with the north property line. This change in layout is in response to direction given by the Planning Commission.

Request

The applicant is requesting to extend the current B-3 zoning which is situated in the southwest portion of the property to the approximate 6.7 acres along the southwest corner of the property after direction from the Planning Commission was provided.

Adjacent Land Use

The surrounding properties are residences and farms on varying sized parcels ranging from 1 acre to over 140 acres in size. All four corners of the intersection are zoned as B-3.

Flood Plain

There are no Special Flood Hazard Areas, Zone X on this parcel per FEMA Firm Map 20103C125G July 16, 2015.

Utilities/Services

Sewer: Private septic system
Fire: Fire District 1
Water: RWD 5
Electric: FreeState

Access/Streets

The property is accessed by 207th Street, a County Arterial Road with a hard surface The property also fronts along Springdale Road a state-maintained highway.

Agency Comments

See attached comments – Memo – Tim Goetz – Rural Water District 5, January 4, 2021

Factors to be considered

The following factors are to be considered by the Planning Commission and the Board of County Commission when approving or disapproving this Rezoning request:

1. Character of the neighborhood: The character of the neighborhood is rural; agricultural uses and rural residences.
2. Zoning and uses of nearby property: The surrounding properties are zoned RR-5, Rural Residential 5-acre minimum size parcels. The four corners of the intersection are zoned as B-3, General Business. The uses are rural residences and agricultural use.
3. Suitability of the property for the uses to which it has been restricted: The property is within an area which is suitable for residential uses. The property is located on a state-maintained highway, making it suitable for commercial business.
4. Extent to which removal of the restrictions will detrimentally affect nearby property: The area will not likely be detrimentally affected. A portion of the property has been zoned as B-3 for several years. Extending the existing zoning will not detrimentally affect the surrounding neighbors.
5. Length of time the property has been vacant as zoned: The property is not vacant. There is currently a home on the property.
6. Relative gain to economic development, public health, safety and welfare: The proposed use will allow the applicant to run a boat and RV storage business on the parcel.
7. Conformance to the Comprehensive Plan: The Future Land Use Map indicates this area as RR-2.5.
8. Staff recommendation is for the approval of the rezoning request.

Staff Comments

The applicant is requesting a rezoning for a portion of the property located at the northeast corner of 207th and Springdale. A portion of the property is currently zoned as B-3. The request is being made in order for the applicant to locate a boat and RV storage facility on the property. Due to the location on a state highway and a county arterial road the property is appropriate for the proposed use. It is worth noting, however, that rezoning the portion of the parcel to B-3 does open the parcel up to any uses which are allowed in the B-3 zoning district. The applicant will be required to submit a site plan and building permits for all buildings. Staff is supportive of the rezoning request.

STAFF RECOMMENDATION:

The staff recommends approval of Case No.DEV-20-140, Rezoning from RR-5 to B-3, General Business.

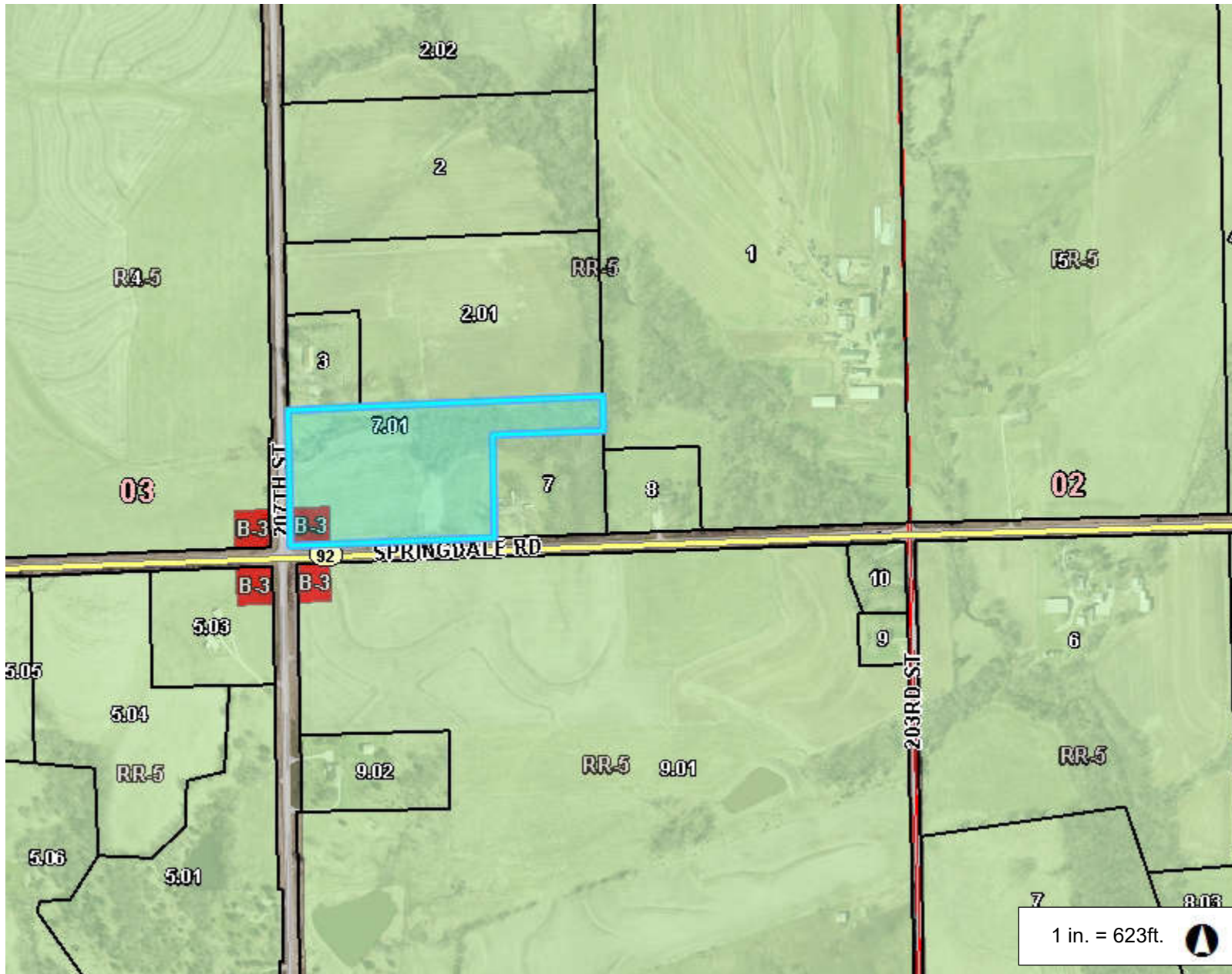
ACTION OPTIONS:

1. Recommend approval of Case No. DEV-20-140, Rezoning from R-5 to B-3, General Business, to the Board of County Commission, with Findings of Fact, or
2. Recommend denial of Case No. DEV-20-140, Rezoning from RR-5 to B-3, General Business, to the Board of County Commission, with Findings of Fact; or
3. Continue the Public hearing to another date, time, and place.

ATTACHMENTS:

Narrative
Location/Aerial Maps
Memorandums

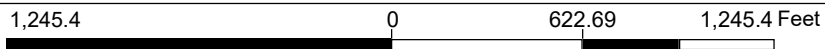
Rezoning Request - Ledford RR-5 to B-3



Legend

- Parcel Number
- Parcel
- City Limit Line
- Major Road
 - <all other values>
 - 70
- Road
- Railroad
- Section
- Section Boundaries
- County Boundary
- 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

1 in. = 623ft.



This Cadastral Map is for informational purposes only. It does not purport to represent a property boundary survey of the parcels shown and shall not be used for conveyances or the establishment of property boundaries.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes

REZONING APPLICATION PROCEDURES

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
pr@leavenworthcounty.gov
913-684-0465

REZONING 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)
- B. Legal Description (current deed) of the property.
- C. Payment of application fee. Make check payable to Leavenworth County Planning and Zoning Department.
- D. Owner Authorization Form if not the legal owner of the property (Attachment B).
- E. Site Plan (one physical copy along with one digital copy)
- F. Applicant or applicant's representative must attend the Planning Commission and Board of County Commissioner's Hearing.

FOR ADDITIONAL REQUIREMENTS, PLEASE REFER TO THE *LEAVENWORTH COUNTY ZONING & SUBDIVISION REGULATIONS*, WHICH INCLUDES THE FOLLOWING ARTICLES APPLICABLE TO REZONE APPLICATIONS.

- 1. Article 17 - Planned Unit Developments
- 2. Article 27 - Site Plan (for Staff Review and Approval)
- 3. Article 31 - Amendments
- 4. Any other applicable Regulations.

DEADLINE: See Planning Commission Schedule and Deadlines form.

PLANNING DEPARTMENT PROCEDURES

Public Hearing: The Planning Department will schedule a hearing before the Planning Commission, which is responsible for hearing the Rezoning request.

Posting of Sign: The Planning Department will post a sign on the property prior to the date of the public hearing.

Newspaper Publication: The Planning Department will publish the Legal notice of the public hearing 20 days prior to the date of public hearing.

Letter of Notification: The Planning Department will mail notices of the public hearing, to all property owners within 1,000 feet (Unincorporated area) and 200 feet (Incorporated area) of the subject property at least 20 days prior to the public hearing.

Protest Period: See KS Statute 12-757.

Board of County Commission – The Board of County Commission will hear the recommendations of the Planning Commission and make a decision.

REZONING APPLICATION
 Leavenworth County Planning Department
 300 Walnut, St., Suite 212
 County Courthouse
 Leavenworth, Kansas 66048
 913-684-0465

Office Use Only	
PID: _____	Date Received: _____
Township _____	
Planning Commission Date: _____	
Case No. _____	Date Paid _____
Zoning District _____	
Comprehensive Plan land use designation _____	

APPLICANT/AGENT INFORMATION	OWNER INFORMATION (if different)
NAME <u>Greg Ledford</u>	NAME <u>Frank & Rita Watkins</u>
ADDRESS <u>12139 Leavenworth Rd</u>	ADDRESS <u>289 W 207th St</u>
CITY/ST/ZIP <u>Kansas City KS 66109</u>	CITY/ST/ZIP <u>Easton KS 66000</u>
PHONE <u>913-202-2513</u>	PHONE <u>913-715-1512</u>
EMAIL <u>twomanyhondas@yahoo.com</u>	EMAIL <u>Frank.S.E.49.2009@live.com</u>
CONTACT PERSON <u>Greg Ledford</u>	CONTACT PERSON <u>Rita Watkins</u>

PROPOSED USE INFORMATION
Proposed Land Use <u>RV, Boat storage</u>
Reason for Requesting Rezoning <u>Increased area for existing B-3 zoning to accommodate RV, Boat storage facility on property</u>

PROPERTY INFORMATION
Address of Property <u>Springdale Rd Easton KS 66020</u> <u>Northeast of</u> <u>Intersection of 92 and 207</u>
Parcel Size <u>12.82 AC</u>
Current use of the property <u>Agriculture with B-3 zoning at intersection corner on land</u>
Present Improvements or structures <u>None</u>

I, the undersigned am the (owner), (duly authorized agent) (Circle One) of the aforementioned property situated in the unincorporated portion of Leavenworth County, Kansas. By execution of my signature, I do hereby officially apply for rezoning as indicated above.

Signature Greg Ledford Date 10-29-20

ATTACHMENT A

OWNER AUTHORIZATION

I/WE Frank & Rita Watkins hereby referred to as the "Undersigned", being of lawful age, do hereby on this 30 day of Oct, 2020, make the following statements, to wit:

- 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
See Attachment "A" attached hereto and incorporated herein by reference.
- I/We the undersigned, have previously authorized and hereby authorize Greg Ledford (Hereinafter referred to as "Applicant"), to act on my/our behalf for the purpose of making application with the Planning Office of Leavenworth County, Kansas, _____ (common address) the subject real property, or portion thereof, and which authorization includes, but is not limited to, all acts or things whatsoever necessarily required of the applicant in the application process.
- 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, 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.
- 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, the Undersigned, have set my hand and seal below.

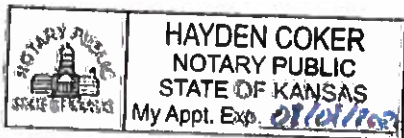
Frank Watkins
Owner

Rita M. Watkins
Owner

STATE OF KANSAS
COUNTY OF LEAVENWORTH


The foregoing instrument was acknowledge before me on this 30th day of October, 2020,
by Greg Ledford
My Commission Expires: 01/01/2022

Hayden Coker
Notary Public



7/8/2020

ATTACHMENT B

 First American Title™	ALTA Commitment for Title Insurance
	ISSUED BY First American Title Insurance Company
Schedule A	By: McCaffree-Short Title Company, Inc.

Transaction Identification Data for reference only:

Issuing Agent: McCaffree-Short Title Company, Inc. Issuing Office: 330 Delaware, Leavenworth, KS 66048

ALTA® Universal ID:

Loan ID No.:

Commitment No.: L19-28531

Issuing Office File No.: L19-28531

Property Address: 00000 Springdale Road, Easton, KS 66020

SCHEDULE A

1. Commitment Date: May 22, 2019 at 08:00 AM
2. Policy to be issued:
 - (a) ALTA Owners Policy (06/17/06)
Proposed Insured: To Be Determined
Proposed Policy Amount: \$1,000.00
Title Insurance Premium: \$381.00
 - (b) ALTA Loan Policy (06/17/06)
Proposed Insured: To Be Determined, its successors and/or assigns as their respective interests may appear.
Proposed Policy Amount: \$1,000.00
Title Insurance Premium: \$275.00
3. The estate or interest in the Land described or referred to in this Commitment is Fee Simple.
4. Title to the Fee Simple estate or interest in the Land is at the Commitment Date vested in:
Frank H. Watkins and Rita M. Watkins, husband and wife
5. The Land is described as follows:
SEE EXHIBIT A ATTACHED HERETO

This page is only a part of a 2016 ALTA® Commitment for Title Insurance issued by First American Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I—Requirements; Schedule B, Part II—Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.

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SCHEDULE A
(Continued)

FIRST AMERICAN TITLE INSURANCE COMPANY
By: McCaffree-Short Title Company, Inc., Agent

McCaffree-Short Title Company




Linsey A. Garrod, Agent No. 17398556

This page is only a part of a 2016 ALTA® Commitment for Title Insurance issued by First American Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I—Requirements; Schedule B, Part II—Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.

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	ALTA Commitment for Title Insurance
Schedule A (Continued)	ISSUED BY First American Title Insurance Company By: McCaffree-Short Title Company, Inc.

File No.: L19-28531

LEGAL DESCRIPTION

The Land referred to in this policy is described as follows:

Commencing at a point 1,980 feet South of the Northwest corner of the West 80 acres of the Northeast Fractional Quarter of Section 3, Township 9, Range 21, Leavenworth County, Kansas, thence running South 600 feet; thence East to the East line of the West 80 acres of the Northeast Fractional Quarter; thence North 600 feet to the Northeast corner of the above described tract; thence West to the place of beginning, EXCEPT a tract beginning at a point 30 feet North of the Southeast corner of the West Half of the Northeast Quarter of Section 3, Township 9 South, Range 21; thence North 474 feet; thence West 460 feet; thence South 474 feet; thence East 460 feet to the place of beginning, all in Leavenworth County, Kansas, except part taken or used for road.

 First American Title™	ALTA Commitment for Title Insurance
	<small>ISSUED BY</small> First American Title Insurance Company
Schedule BI & BII	By: McCaffree-Short Title Company, Inc.

Commitment No: L19-28531

SCHEDULE B, PART I

Requirements

All of the following Requirements must be met:

1. The Proposed Insured must notify the Company in writing of the name of any party not referred to in this Commitment who will obtain an interest in the Land or who will make a loan on the Land. The Company may then make additional Requirements or Exceptions.
2. Pay the agreed amount for the estate or interest to be insured.
3. Pay the premiums, fees, and charges for the Policy to the Company.
4. Documents satisfactory to the Company that convey the Title or create the Mortgage to be insured, or both, must be properly authorized, executed, delivered, and recorded in the Public Records.
 - a. Warranty Deed from Frank H. Watkins and Rita M. Watkins, husband and wife to To Be Determined.
 - b. Mortgage from To Be Determined to To Be Determined, securing the principal amount of \$1,000.00.
5. Pay, satisfy and release of record the Mortgage, dated November 21, 2012, executed by Frank W. Watkins and Rita M. Watkins, husband and wife, to Frontier Community Credit Union, recorded November 27, 2012, as Document No. 2012R11220, in the original amount of \$244,000.00.
6. **IF THE LENDER REQUIRES MECHANIC'S LIEN COVERAGE:**
Furnish satisfactory proof that there has been no improvements or construction on the premises in the last 12 months (Owner's affidavit).
7. **IF THE LENDER REQUIRES SURVEY COVERAGE:**
Furnish an executed Survey Affidavit/Indemnity Agreement along with evidence that there is nobody in possession other than the record owner. (Owner's affidavit)


FOR INFORMATIONAL PURPOSES ONLY:

The McCaffree-Short Title Company, Inc., insurance license number for Missouri is 8021942 and for Kansas is NPN # 8240004.

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 First American Title™	ALTA Commitment for Title Insurance
	<small>ISSUED BY</small> First American Title Insurance Company
Schedule BI & BII (Cont.)	

Commitment No.: L19-28531

SCHEDULE B, PART II

Exceptions

THIS COMMITMENT DOES NOT REPUBLISH ANY COVENANT, CONDITION, RESTRICTION, OR LIMITATION CONTAINED IN ANY DOCUMENT REFERRED TO IN THIS COMMITMENT TO THE EXTENT THAT THE SPECIFIC COVENANT, CONDITION, RESTRICTION, OR LIMITATION VIOLATES STATE OR FEDERAL LAW BASED ON RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, GENDER IDENTITY, HANDICAP, FAMILIAL STATUS, OR NATIONAL ORIGIN.

The Policy will not insure against loss or damage resulting from the terms and provisions of any lease or easement identified in Schedule A, and will include the following Exceptions unless cleared to the satisfaction of the Company:

1. Any defect, lien, encumbrance, adverse claim, or other matter that appears for the first time in the Public Records or is created, attaches, or is disclosed between the Commitment Date and the date on which all of the Schedule B, Part I—Requirements are met.
2. Rights or claims of parties in possession not shown by the Public Records.
3. Easements, or claims of easements, not shown by the Public Records.
4. Any encroachment, encumbrance, violation, variation or adverse circumstances affecting Title that would be disclosed by an accurate and complete survey of the Land or that could be ascertained by an inspection of the Land.
5. Any lien, or right to lien, for services, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the Public Records.
6. Taxes, or special assessments, if any, not shown as existing liens by the Public Records.
7. The lien of the General Taxes for the year 2019, and thereafter.
8. The policy, when issued, will not insure against the possibility that the property in question may be included in a benefit or other improvement district, contemplated or existing, but for which no assessments have as yet been shown on the tax rolls.
9. Right of Way Easement to Rural Water District No. 5 of Leavenworth County, Kansas, recorded December 21, 1964, in Book 454 at Page 245.
10. Right of Way Easement to Rural Water District No. 5 of Leavenworth County, Kansas, recorded February 18, 1965, in Book 454 at Page 330.

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11. Oil and Gas Lease by and between Antonetta Pierron and James W. Klassen, recorded February 18, 1975 in Book 514 at Page 1643; Various assignments and instruments, if any.
12. Right of Way Easement to Rural Water District No. 5 of Leavenworth County, Kansas, recorded November 18, 1982, in Book 561 at Page 1021 and in Book 561 at Page 1023.
13. Oil and Gas Lease by and between Louis Pierron, et al and Fairway Petroleum, Inc., recorded March 20, 1986 in Book 591 at Page 883; Various assignments and instruments, if any.
14. Oil and Gas Lease by and between Louis Pierron, et al and L.J.C. Leasing, recorded March 9, 1988, in Book 621 at Page 1133; Various assignments and instruments, if any.
15. Right of Way Easement to Rural Water District No. 5 of Leavenworth County, Kansas, recorded November 19, 1991, in Book 659 at Page 116.
16. Financing statements, if any, affecting the Land not shown by public the records.
17. Tenancy rights, either as month to month, or by virtue of written leases of persons in possession of any part of the subject property.
18. FOR INFORMATIONAL PURPOSES ONLY:

Parcel ID#28932

Taxes for 2018 in the amount of \$28.06 are PAID.
19. CHAIN OF TITLE:

Frank H. Watkins & Rita M. Watkins, husband and wife, acquired title by Quit Claim Deed filed November 27, 2012, as Document No. 2012R11219.

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First American Title™

ALTA Commitment for Title Insurance

ISSUED BY

First American Title Insurance Company

Commitment

By: **McCaffree-Short Title Company, Inc.**

COMMITMENT FOR TITLE INSURANCE

Issued By

FIRST AMERICAN TITLE INSURANCE COMPANY

NOTICE

IMPORTANT—READ CAREFULLY: THIS COMMITMENT IS AN OFFER TO ISSUE ONE OR MORE TITLE INSURANCE POLICIES. ALL CLAIMS OR REMEDIES SOUGHT AGAINST THE COMPANY INVOLVING THE CONTENT OF THIS COMMITMENT OR THE POLICY MUST BE BASED SOLELY IN CONTRACT.

THIS COMMITMENT IS NOT AN ABSTRACT OF TITLE, REPORT OF THE CONDITION OF TITLE, LEGAL OPINION, OPINION OF TITLE, OR OTHER REPRESENTATION OF THE STATUS OF TITLE. THE PROCEDURES USED BY THE COMPANY TO DETERMINE INSURABILITY OF THE TITLE, INCLUDING ANY SEARCH AND EXAMINATION, ARE PROPRIETARY TO THE COMPANY, WERE PERFORMED SOLELY FOR THE BENEFIT OF THE COMPANY, AND CREATE NO EXTRACTIONAL LIABILITY TO ANY PERSON, INCLUDING A PROPOSED INSURED.

THE COMPANY'S OBLIGATION UNDER THIS COMMITMENT IS TO ISSUE A POLICY TO A PROPOSED INSURED IDENTIFIED IN SCHEDULE A IN ACCORDANCE WITH THE TERMS AND PROVISIONS OF THIS COMMITMENT. THE COMPANY HAS NO LIABILITY OR OBLIGATION INVOLVING THE CONTENT OF THIS COMMITMENT TO ANY OTHER PERSON.

COMMITMENT TO ISSUE POLICY

Subject to the Notice; Schedule B, Part I—Requirements; Schedule B, Part II—Exceptions; and the Commitment Conditions, **First American Title Insurance Company**, a California Corporation (the "Company"), commits to issue the Policy according to the terms and provisions of this Commitment. This Commitment is effective as of the Commitment Date shown in Schedule A for each Policy described in Schedule A, only when the Company has entered in Schedule A both the specified dollar amount as the Proposed Policy Amount and the name of the Proposed Insured.

If all of the Schedule B, Part I—Requirements have not been met within six months after the Commitment Date, this Commitment terminates and the Company's liability and obligation end.

First American Title Insurance Company

Dennis J. Gilmore, President

Jeffrey S. Robinson, Secretary

If this jacket was created electronically, it constitutes an original document.

This page is only a part of a 2016 ALTA® Commitment for Title Insurance issued by First American Title Insurance Company. This Commitment is not valid without the Notice, the Commitment to Issue Policy, the Commitment Conditions, Schedule A, Schedule B, Part I—Requirements; Schedule B, Part II—Exceptions.

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COMMITMENT CONDITIONS

1. DEFINITIONS

- (a) "Knowledge" or "Known": Actual or imputed knowledge, but not constructive notice imparted by the Public Records.
- (b) "Land": The land described in Schedule A and affixed improvements that by law constitute real property. The term "Land" does not include any property beyond the lines of the area described in Schedule A, nor any right, title, interest, estate, or easement in abutting streets, roads, avenues, alleys, lanes, ways, or waterways, but this does not modify or limit the extent that a right of access to and from the Land is to be insured by the Policy.
- (c) "Mortgage": A mortgage, deed of trust, or other security instrument, including one evidenced by electronic means authorized by law.
- (d) "Policy": Each contract of title insurance, in a form adopted by the American Land Title Association, issued or to be issued by the Company pursuant to this Commitment.
- (e) "Proposed Insured": Each person identified in Schedule A as the Proposed Insured of each Policy to be issued pursuant to this Commitment.
- (f) "Proposed Policy Amount": Each dollar amount specified in Schedule A as the Proposed Policy Amount of each Policy to be issued pursuant to this Commitment.
- (g) "Public Records": Records established under state statutes at the Commitment Date for the purpose of imparting constructive notice of matters relating to real property to purchasers for value and without Knowledge.
- (h) "Title": The estate or interest described in Schedule A.

2. If all of the Schedule B, Part I—Requirements have not been met within the time period specified in the Commitment to Issue Policy, this Commitment terminates and the Company's liability and obligation end.

3. The Company's liability and obligation is limited by and this Commitment is not valid without:

- (a) the Notice;
- (b) the Commitment to Issue Policy;
- (c) the Commitment Conditions;
- (d) Schedule A;
- (e) Schedule B, Part I—Requirements; and
- (f) Schedule B, Part II—Exceptions;

4. COMPANY'S RIGHT TO AMEND

The Company may amend this Commitment at any time. If the Company amends this Commitment to add a defect, lien, encumbrance, adverse claim, or other matter recorded in the Public Records prior to the Commitment Date, any liability of the Company is limited by Commitment Condition 5. The Company shall not be liable for any other amendment to this Commitment.

5. LIMITATIONS OF LIABILITY

- (a) The Company's liability under Commitment Condition 4 is limited to the Proposed Insured's actual expense incurred in the interval between the Company's delivery to the Proposed Insured of the Commitment and the delivery of the amended Commitment, resulting from the Proposed Insured's good faith reliance to:
 - (i) comply with the Schedule B, Part I—Requirements;
 - (ii) eliminate, with the Company's written consent, any Schedule B, Part II—Exceptions; or
 - (iii) acquire the Title or create the Mortgage covered by this Commitment.
- (b) The Company shall not be liable under Commitment Condition 5(a) if the Proposed Insured requested the amendment or had Knowledge of the matter and did not notify the Company about it in writing.
- (c) The Company will only have liability under Commitment Condition 4 if the Proposed Insured would not have incurred the expense had the Commitment included the added matter when the Commitment was first delivered to the Proposed Insured.
- (d) The Company's liability shall not exceed the lesser of the Proposed Insured's actual expense incurred in good faith and described in Commitment Conditions 5(a)(i) through 5(a)(iii) or the Proposed Policy Amount.
- (e) The Company shall not be liable for the content of the Transaction Identification Data, if any.
- (f) In no event shall the Company be obligated to issue the Policy referred to in this Commitment unless all of the Schedule B, Part I—Requirements have been met to the satisfaction of the Company.

This page is only a part of a 2016 ALTA® Commitment for Title Insurance issued by First American Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I—Requirements; Schedule B, Part II—Exceptions.

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(g) In any event, the Company's liability is limited by the terms and provisions of the Policy.

6. LIABILITY OF THE COMPANY MUST BE BASED ON THIS COMMITMENT

- (a) Only a Proposed Insured identified in Schedule A, and no other person, may make a claim under this Commitment.
- (b) Any claim must be based in contract and must be restricted solely to the terms and provisions of this Commitment.
- (c) Until the Policy is issued, this Commitment, as last revised, is the exclusive and entire agreement between the parties with respect to the subject matter of this Commitment and supersedes all prior commitment negotiations, representations, and proposals of any kind, whether written or oral, express or implied, relating to the subject matter of this Commitment.
- (d) The deletion or modification of any Schedule B, Part II—Exception does not constitute an agreement or obligation to provide coverage beyond the terms and provisions of this Commitment or the Policy.
- (e) Any amendment or endorsement to this Commitment must be in writing and authenticated by a person authorized by the Company.
- (f) When the Policy is issued, all liability and obligation under this Commitment will end and the Company's only liability will be under the Policy.

7. IF THIS COMMITMENT HAS BEEN ISSUED BY AN ISSUING AGENT

The issuing agent is the Company's agent only for the limited purpose of issuing title insurance commitments and policies. The issuing agent is not the Company's agent for the purpose of providing closing or settlement services.

8. PRO-FORMA POLICY

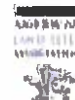
The Company may provide, at the request of a Proposed Insured, a pro-forma policy illustrating the coverage that the Company may provide. A pro-forma policy neither reflects the status of Title at the time that the pro-forma policy is delivered to a Proposed Insured, nor is it a commitment to insure.

9. ARBITRATION

Arbitration provision intentionally removed.

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Privacy Information

We Are Committed to Safeguarding Customer Information

In order to better serve your needs now and in the future, we may ask you to provide us with certain information. We understand that you may be concerned about what we will do with such information - particularly any personal or financial information. We agree that you have a right to know how we will utilize the personal information you provide to us. Therefore, together with our subsidiaries we have adopted this Privacy Policy to govern the use and handling of your personal information.

Applicability

This Privacy Policy governs our use of the information that you provide to us. It does not govern the manner in which we may use information we have obtained from any other source, such as information obtained from a public record or from another person or entity. First American has also adopted broader guidelines that govern our use of personal information regardless of its source. First American calls these guidelines its Fair Information Values.

Types of Information

Depending upon which of our services you are utilizing, the types of nonpublic personal information that we may collect include:

- Information we receive from you on applications, forms and in other communications to us, whether in writing, in person, by telephone or any other means;
- Information about your transactions with us, our affiliated companies, or others; and
- Information we receive from a consumer reporting agency.

Use of Information

We request information from you for our own legitimate business purposes and not for the benefit of any nonaffiliated party. Therefore, we will not release your information to nonaffiliated parties except: (1) as necessary for us to provide the product or service you have requested of us; or (2) as permitted by law. We may, however, store such information indefinitely, including the period after which any customer relationship has ceased. Such information may be used for any internal purpose, such as quality control efforts or customer analysis. We may also provide all of the types of nonpublic personal information listed above to one or more of our affiliated companies. Such affiliated companies include financial service providers, such as title insurers, property and casualty insurers, and trust and investment advisory companies, or companies involved in real estate services, such as appraisal companies, home warranty companies and escrow companies. Furthermore, we may also provide all the information we collect, as described above, to companies that perform marketing services on our behalf, on behalf of our affiliated companies or to other financial institutions with whom we or our affiliated companies have joint marketing agreements.

Former Customers

Even if you are no longer our customer, our Privacy Policy will continue to apply to you.

Confidentiality and Security

We will use our best efforts to ensure that no unauthorized parties have access to any of your information. We restrict access to nonpublic personal information about you to those individuals and entities who need to know that information to provide products or services to you. We will use our best efforts to train and oversee our employees and agents to ensure that your information will be handled responsibly and in accordance with this Privacy Policy and First American's Fair Information Values. We currently maintain physical, electronic, and procedural safeguards that comply with federal regulations to guard your nonpublic personal information.

Information Obtained Through Our Web Site

First American Financial Corporation is sensitive to privacy issues on the Internet. We believe it is important you know how we treat the information about you we receive on the Internet. In general, you can visit First American or its affiliates' Web sites on the World Wide Web without telling us who you are or revealing any information about yourself. Our Web servers collect the domain names, not the e-mail addresses, of visitors. This information is aggregated to measure the number of visits, average time spent on the site, pages viewed and similar information. First American uses this information to measure the use of our site and to develop ideas to improve the content of our site.

There are times, however, when we may need information from you, such as your name and email address. When information is needed, we will use our best efforts to let you know at the time of collection how we will use the personal information. Usually, the personal information we collect is used only by us to respond to your inquiry, process an order or allow you to access specific account/profile information. If you choose to share any personal information with us, we will only use it in accordance with the policies outlined above.

Business Relationships

First American Financial Corporation's site and its affiliates' sites may contain links to other Web sites. While we try to link only to sites that share our high standards and respect for privacy, we are not responsible for the content or the privacy practices employed by other sites.

Cookies

Some of First American's Web sites may make use of "cookie" technology to measure site activity and to customize information to your personal tastes. A cookie is an element of data that a Web site can send to your browser, which may then store the cookie on your hard drive.

FirstAm.com uses stored cookies. The goal of this technology is to better serve you when visiting our site, save you time when you are here and to provide you with a more meaningful and productive Web site experience.

Fair Information Values

Fairness We consider consumer expectations about their privacy in all our businesses. We only offer products and services that assure a favorable balance between consumer benefits and consumer privacy.

Public Record We believe that an open public record creates significant value for society, enhances consumer choice and creates consumer opportunity. We actively support an open public record and emphasize its importance and contribution to our economy.

Use We believe we should behave responsibly when we use information about a consumer in our business. We will obey the laws governing the collection, use and dissemination of data.

Accuracy We will take reasonable steps to help assure the accuracy of the data we collect, use and disseminate. Where possible, we will take reasonable steps to correct inaccurate information. When, as with the public record, we cannot correct inaccurate information, we will take all reasonable steps to assist consumers in identifying the source of the erroneous data so that the consumer can secure the required corrections.

Education We endeavor to educate the users of our products and services, our employees and others in our industry about the importance of consumer privacy. We will instruct our employees on our fair information values and on the responsible collection and use of data. We will encourage others in our industry to collect and use information in a responsible manner.

Security We will maintain appropriate facilities and systems to protect against unauthorized access to and corruption of the data we maintain.



M c C A F F R E E - S H O R T

TITLE COMPANY | EST. 1857

Privacy Policy

We Are Committed to Safeguarding Customer Information

In order to better serve your needs now and in the future, we may ask you to provide us with certain information. We understand that you may be concerned about what we will do with such information - particularly any personal or financial information. We agree that you have a right to know how we will utilize the personal information you provide to us. Therefore, together with our subsidiaries we have adopted this Privacy Policy to govern the use and handling of your personal information.

Applicability

This Privacy Policy governs our use of the information that you provide to us. It does not govern the manner in which we may use information we have obtained from any other source, such as information obtained from a public record or from another person or entity.

Types of Information

Depending upon which of our services you are utilizing, the types of nonpublic personal information that we may collect include:

- Information we receive from you on applications, forms and in other communications to us, whether in writing, in person, by telephone or any other means;
- Information about your transactions with us, our affiliated companies, or others; and
- Information we receive from a consumer reporting agency.

Use of Information

We request information from you for our own legitimate business purposes and not for the benefit of any nonaffiliated party. Therefore, we will not release your information to nonaffiliated parties except: (1) as necessary for us to provide the product or service you have requested of us; or (2) as permitted by law. We may, however, store such information indefinitely, including the period after which any customer relationship has ceased. Such information may be used for any internal purpose, such as quality control efforts or customer analysis. We may also provide all of the types of nonpublic personal information listed above to one or more of our affiliated companies. Such affiliated companies include financial service providers, such as title insurers, property and casualty insurers, and trust and investment advisory companies, or companies involved in real estate services, such as appraisal companies, home warranty companies and escrow companies. Furthermore, we may also provide all the information we collect, as described above, to companies that perform marketing services on our behalf, on behalf of our affiliated companies or to other financial institutions with whom we or our affiliated companies have joint marketing agreements.

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Even if you are no longer our customer, our Privacy Policy will continue to apply to you.

Confidentiality and Security

We will use our best efforts to ensure that no unauthorized parties have access to any of your information. We restrict access to nonpublic personal information about you to those individuals and entities who need to know that information to provide products or services to you. We will use our best efforts to train and oversee our employees and agents to ensure that your information will be handled responsibly and in accordance with this Privacy Policy. We currently maintain physical, electronic, and procedural safeguards that comply with federal regulations to guard your nonpublic personal information.

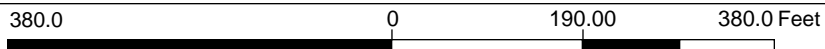
Leavenworth County, KS



Legend

- Address Point
- Parcel Number
- Lot Line
- Parcel
- ⊞ City Limit Line
- Major Road
- <all other values>
- 70
- Road
- + Railroad
- Section
- ▭ Section Boundaries
- ▭ County Boundary

1 in. = 190ft.



This Cadastral Map is for informational purposes only. It does not purport to represent a property boundary survey of the parcels shown and shall not be used for conveyances or the establishment of property boundaries.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes

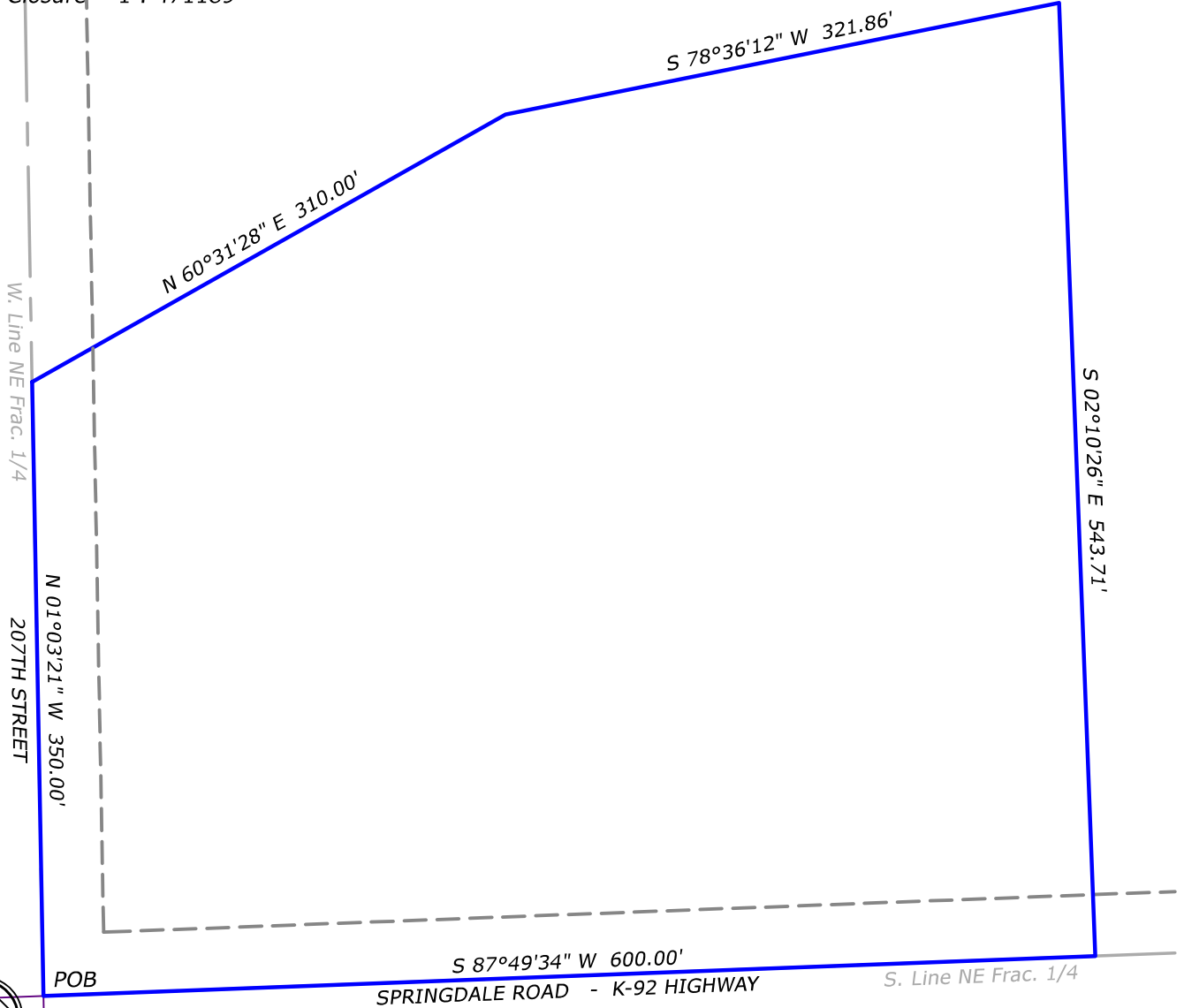
REZONE EXHIBIT

Tract in the NE Fractional 1/4
of Section 3-9-21,
Leavenworth County, Kansas.

PREPARED FOR:
Greg Ledford / Watkins Property
PID NO. 112-03-0-00-00-007.01

REZONE DESCRIPTION:

A tract of land in the in the Northeast Fractional Quarter of Section 3, Township 9 South, Range 21 East of the 6th P.M., Leavenworth County, Kansas, more fully described as follows: Beginning at the Southeast Quarter of said Northeast Fractional Quarter; thence North 01 degrees 03'21" West for a distance of 350.00 feet along the West line of said Northeast Fractional Quarter; thence North 60 degrees 31'28" East for a distance of 310.00 feet; thence North 78 degrees 36'12" East for distance of 321.86 feet; thence South 02 degrees 10' 26" East for a distance of 543.71 feet to the South line of said Northeast Fractional Quarter; thence South 87 degrees 49'34" West for a distance of 600.00 feet along said South line to the point of beginning.
Together with and subject to covenants, easements, and restrictions of record.
Said property contains 6.47 acres, more or less.
Error of Closure - 1 : 471189



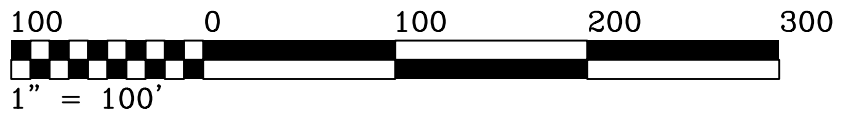
Scale 1" = 100'

SE COR NE 1/4
Sec. 3-9-21
Shown for Reference Only

Job # K-21-1456
March 23, 2021

J.HERRING, Inc. (dba)
HERRING
SURVEYING
COMPANY

315 North 5th Street, Leav., KS 66048
Ph. 913.651.3858 Fax 913.674.5381
Email - survey@teamcash.com



THIS DOES NOT CONSTITUTE A BOUNDARY SURVEY

Case No. DEV-21-039
Pine Ridge Rezoning
*****Public Hearing Required*****

Staff Report – Planning Commission

May 12, 2021

GENERAL INFORMATION:

**Applicant/
Property Owner:** Pine Ridge Partners
608 Delaware
Leavenworth, KS 66048

Legal Description: A tract of land in the Northwest Quarter of Section 32, Township 09 South,
Range 22 East of the 6th P.M, in Leavenworth County, Kansas.

Location: South of the intersection of 177th Terrace and Seymour Road

Parcel Size: ± 38 acres

Zoning/Land Use: RR-5, Rural Residential 2.5-acre minimum size parcels

Comprehensive Plan: This parcel is within the Residential land use category.

Parcel ID No.: 109-32-0-00-00-004.02

Planner: Joshua Gentzler

REPORT:

Request

The applicant is requesting to rezone a parcel of land from RR-5 to RR-2.5.

Adjacent Land Use

The surrounding properties are residences and farms on varying sized parcels ranging from 2.5 acres to over 80 acres in size.

Flood Plain

There are no Special Flood Hazard Areas, on this parcel per FEMA Firm Map 20103C0250G July 16, 2015.

Utilities/Services

Sewer: Private septic system
Fire: Fire District #1
Water: Rural Water District #8
Electric: FreeState

Access/Streets

The property is accessed by Seymour Road. This road is a County Local Road with a paved surface ± 24' wide.

Agency Comments

See attached comments – Memo – Kyle Anderson – Planning and Zoning, April 7, 2021
See attached comments – Memo – Lauren Anderson – Public Works, April 7, 2021
See attached comments – Memo – Michael Stackhouse –Township Fire Department, April 8, 2021
See attached comments – Memo – Becky Fousek – Rural Water District 8, April 3, 2021
See attached comments – Email – Amanda Tarwater – FreeState, April 3, 2021

Factors to be considered

The following factors are to be considered by the Planning Commission and the Board of County Commission when approving or disapproving this Rezoning request:

1. Character of the neighborhood: The character of the neighborhood is rural; agricultural uses and rural residences.
2. Zoning and uses of nearby property: The properties to the north are zoned RR-2.5, Rural Residential 2.5-acre minimum size parcels. Properties to the east, south, and west are zoned RR-5, Rural Residential 5-acre minimum size parcels. The uses are rural residences and agricultural use.
3. Suitability of the property for the uses to which it has been restricted: The property is within an area that is appropriate for rural residence and agricultural uses.
4. Extent to which removal of the restrictions will detrimentally affect nearby property: The area will not likely be detrimentally affected. The area is suited for rural residential uses which includes single family homes. Removal of restrictions would result in creating the potential for a neighborhood to be developed.
5. Length of time the property has been vacant as zoned: The property is vacant and has been used for agricultural purposes.
6. Relative gain to economic development, public health, safety and welfare: The proposed use will provide additional homes in Leavenworth County.
7. Conformance to the Comprehensive Plan: The Future Land Use Map indicates this area as Residential (2.5-Acre Minimum).
8. Staff recommendation is for the approval of the rezoning request.

Staff Comments

The proposed rezoning is located south of the intersection of 177th Terrace and Seymour Road. The property is currently zoned as RR-5. The applicants are requesting approval of a rezoning from RR-5 to RR-2.5. Staff is generally supportive of the request as the property is designated to become RR-2.5 in the Comprehensive Plan.

STAFF RECOMMENDATION:

The staff recommends approval of Case No. DEV-21-039, Rezoning from RR-5 to RR-2.5.

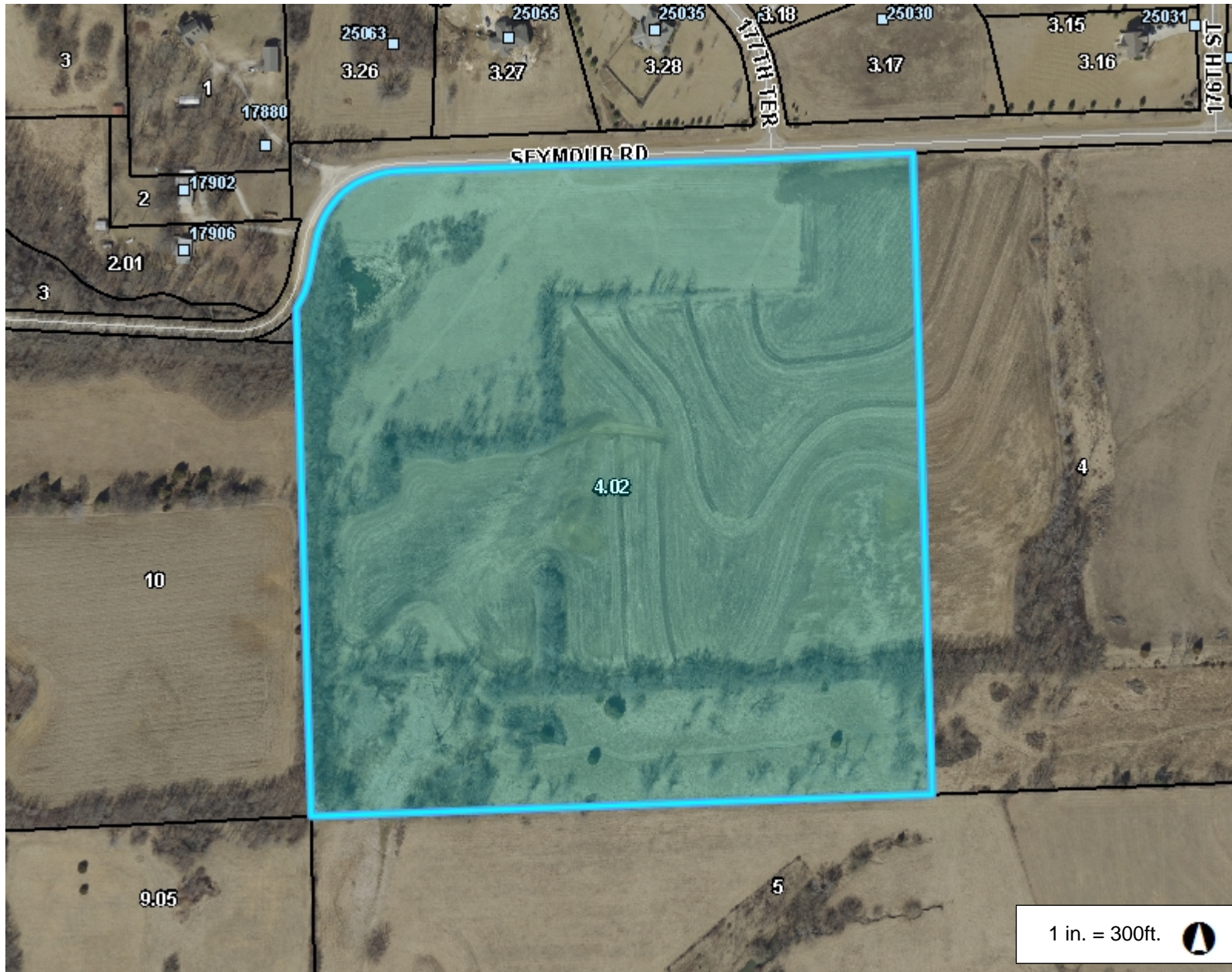
ACTION OPTIONS:

1. Recommend approval of Case No. DEV-21-039, Rezoning from RR-5 to RR-2.5, to the Board of County Commission, with Findings of Fact, or
2. Recommend denial of Case No. DEV-21-039, Rezoning from RR-5 to RR-2.5, to the Board of County Commission, with Findings of Fact; or
3. Continue the Public hearing to another date, time, and place.

ATTACHMENTS:

Narrative
Location/Aerial Maps
Memorandums

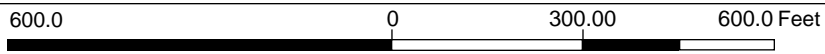
DEV-21-039 Rezoning Pine Ridge



Legend

- Address Point
- Parcel Number
- Lot Line
- Parcel
- City Limit Line
- Major Road
- <all other values>
- 70
- Road
- + Railroad

1 in. = 300ft.



This Cadastral Map is for informational purposes only. It does not purport to represent a property boundary survey of the parcels shown and shall not be used for conveyances or the establishment of property boundaries.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes

From: [Anderson, Lauren](#)
Sent: Wednesday, April 7, 2021 2:35 PM
To: [Gentzler, Joshua](#); [Mitch Pleak](#)
Subject: RE: DEV-21-039 Rezoning Pine Ridge Partners

Joshua,

Public Works does not have any comment on this rezoning application.

As stated by the applicant, the proposed zoning meets the future land use plan from the comprehensive plan. The road is an existing chip & seal roadway with relatively low traffic counts (<50vpd) and there is not any issue with regular roadway flooding in this area. >

Thanks,
Lauren

From: Gentzler, Joshua
Sent: Friday, April 2, 2021 3:03 PM
To: 'Firedistrict1@fd1lv.org'; RWD 8 (RWD8LV@gmail.com); Amanda Holloway (Amanda.holloway@freestate.coop); Anderson, Kyle; Anderson, Lauren; Magaha, Chuck; Miller, Jamie; Mitch Pleak; Thorne, Eric; Van Parys, David
Subject: DEV-21-039 Rezoning Pine Ridge Partners

Good afternoon,

The Department of Planning and Zoning has received an application for a Rezoning regarding a property immediately south of the intersection of 177th Ter. and Seymour Road (PID: 109-32-0-00-00-040.20)

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 9th.

If you have any questions or need additional information, please contact me at (913) 684-0464 or at JGentzler@LeavenworthCounty.Gov.

Thank you,

Joshua Gentzler
Planner II
[Planning & Zoning](#)
Leavenworth County
913.684.0464



Leavenworth County
Planning & Zoning Department
300 Walnut, Suite 212
Leavenworth, Kansas 66048

To: Krystal Voth
Director

From: Kyle Anderson
Environmental Tech/Code Enforcement

Date: April 7, 2021

RE: Pine Ridge Partners
Case DEV-21-039, Rezone
00000 Seymour Rd
Leavenworth, KS 66048
PID# 109-32-0-00-00-004.02

Our department received a Rezone application for the above listed location. To date we have not received any complaints on this property.

Thank you,

Kyle Anderson
kanderson@leavenworthcounty.gov

REZONING APPLICATION
 Leavenworth County Planning Department
 300 Walnut, St., Suite 212
 County Courthouse
 Leavenworth, Kansas 66048
 913-684-0465


Office Use Only	
Township: _____	Date Received: _____
Planning Commission Date _____	
Case No. _____	Date Paid _____
Zoning District _____	Comprehensive Plan Land Use Designation _____

APPLICANT/AGENT INFORMATION	OWNER INFORMATION (If different)
NAME <u>Pine Ridge Partners, LLC</u>	NAME <u>Dorota M. Forge</u>
ADDRESS <u>608 Delaware</u>	ADDRESS <u>4235 N. 109th Terr.</u>
CITY/ST/ZIP <u>Leavenworth KS</u> <u>66048</u>	CITY/ST/ZIP <u>Kansas City, KS</u> <u>66109</u>
PHONE <u>913-683-0233</u>	PHONE <u>Applicant will be owner by 4-15-21</u>
EMAIL <u>mike@seillyandsons.com</u>	EMAIL _____
CONTACT PERSON <u>Mike Reilly</u>	CONTACT PERSON <u>Mike Reilly</u>

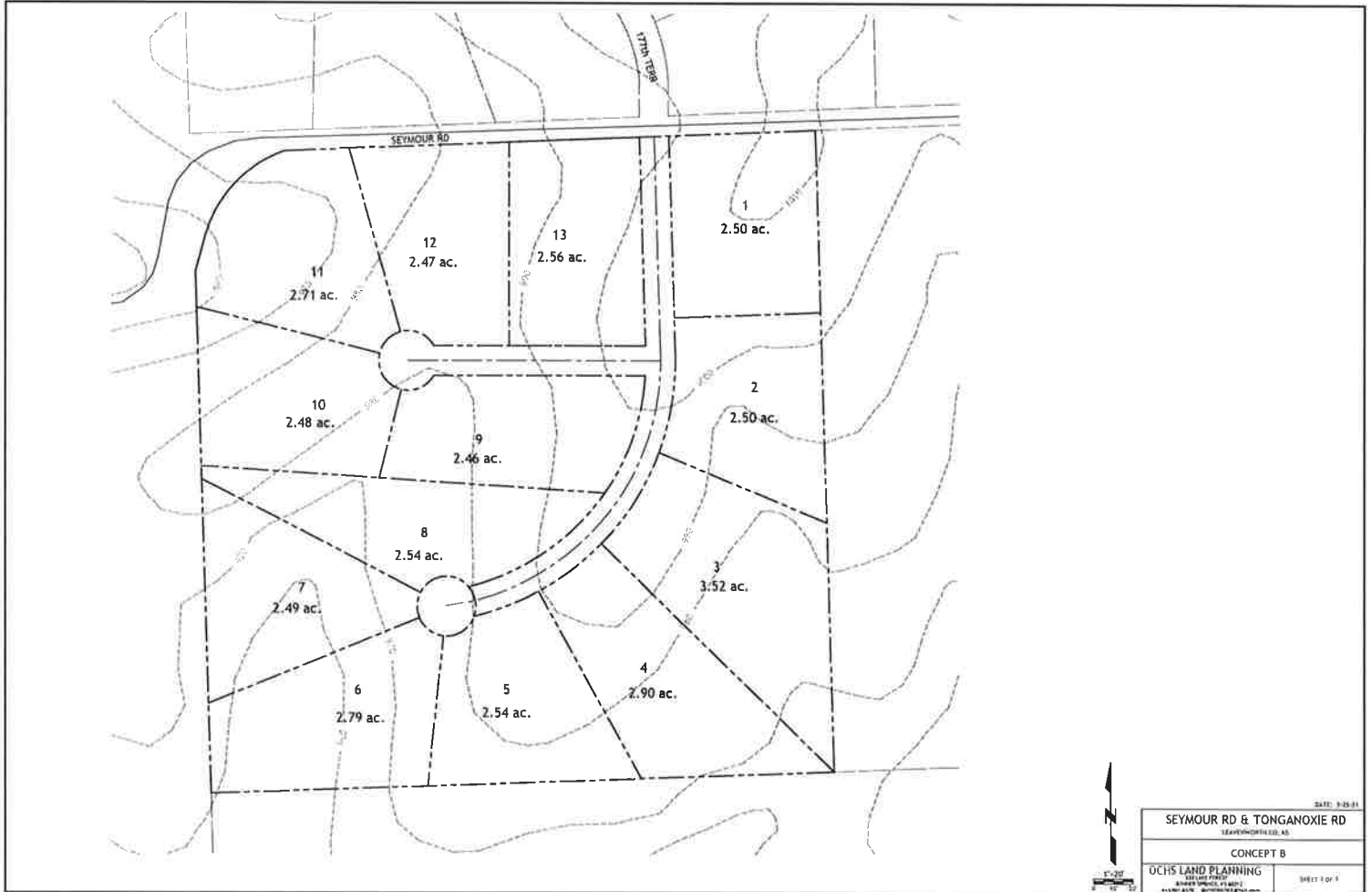
PROPOSED USE INFORMATION	
Proposed Land Use <u>Residential Subdivision - min. 2.5 acre - RR2.5</u>	
Current Zoning <u>RR 5</u>	Requested Zoning <u>RR 2.5</u>
Reason for Requesting Rezoning <u>Better use of land for that area for development. RR 2.5 fits comprehensive plan for that area</u>	

PROPERTY INFORMATION
Address of Property <u>00000 Seymour Rd.</u>
Parcel Size <u>37.36 acres</u>
Current use of the property <u>Ag</u>
Present Improvements or structures <u>None</u>
PID <u>1093200000004020</u>

I, the undersigned am the (owner), (duly authorized agent), (Circle One) of the aforementioned property situated in the unincorporated portion of Leavenworth County, Kansas. By execution of my signature, I do hereby officially apply for rezoning as indicated above.

Signature  Date 3-25-21

ATTACHMENT A



DATE: 8-28-11
 SEYMOUR RD & TONGANOXIE RD
 SEAWORTH E.D., AS
 CONCEPT B
 OCHS LAND PLANNING
 1221 ONE FIFTH
 SEASIDE, MISSOURI 64158
 816-435-8000
 SHEET 1 OF 1

Real Estate Validation Questionnaire not required
due to K.S.A. 79-1437(e)(4)

C/COL
|||E
v/2

WARRANTY DEED

THIS DEED, Made this 9th day of ^{March} ~~February~~, 2004 between Grantors,
HENRY LEE FORGE and DONNA M. FORGE, husband and wife; Richard J.
Forge and Kathryn Forge, husband and wife; MARY WINIFRED FORGE
JACKSON, a single person; BERNADETTE ANN FORGE, a single person, of
Leavenworth County, in the State of Kansas, as first party, **HENRY LEE FORGE and DONNA
M. FORGE, husband and wife**, as joint tenants with rights of survivorship and not as tenants in
common, Grantees, Leavenworth County, in the State of Kansas, as second party,

WITNESSETH, That first party, in consideration of the sum of One Dollar (\$1.00) and other good and
valuable consideration, the receipt of which is hereby acknowledged, by these presents CONVEYS
AND WARRANTS, unto second party, heirs and assigns, all the estate, right, title, interest, and claim
which first party has in and to the following described real estate situated in Leavenworth County, State
of Kansas, to wit:

**The South Half of the Northwest Quarter (NW 1/4) Less the East Half thereof
Section 32, Township 9 South, Range 22 East, Leavenworth County, Kansas
less railroad right of way.**

TO HAVE AND TO HOLD THE SAME, Together with all and singular the tenements,
hereditaments and appurtenances thereunto belonging, or in any wise appertaining, forever.

In Witness Whereof, first party has executed this deed on the day and year first above written.

Henry Lee Forge
Henry Lee Forge

Donna M. Forge
Donna M. Forge

Richard J. Forge
Richard J. Forge

Kathryn Forge
Kathryn Forge

Mary Winifred Forge Jackson
Mary Winifred Forge Jackson

Bernadette Ann Forge
Bernadette Ann Forge

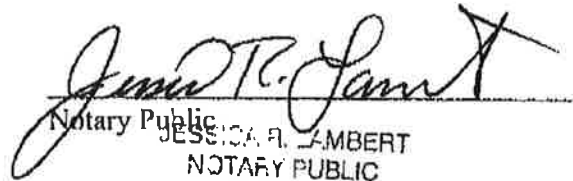
BK 0909 862079

STATE OF KANSAS)
)
COUNTY OF LEAVENWORTH)

BE IT REMEMBERED, That on this 9th day of ~~February~~ ^{March}, 2004, before me, the undersigned, a notary public in and for the County and State aforesaid, came HENRY LEE FORGE and DONNA M. FORGE personally known to me to be the same person who executed the above deed, and duly acknowledged the execution of the same.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal on the day and year last above written.

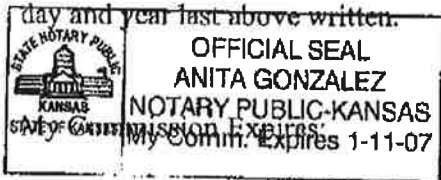
My Commission Expires:


Notary Public
JESSICA R. LAMBERT
NOTARY PUBLIC
STATE OF KANSAS
My Appt. Expires 8/21/05

STATE OF KANSAS)
)
COUNTY OF LEAVENWORTH)

BE IT REMEMBERED, That on this 9th day of ~~February~~ ^{March}, 2004, before me, the undersigned, a notary public in and for the County and State aforesaid, came RICHARD J. FORGE and KATHRYN FORGE personally known to me to be the same person who executed the above deed, and duly acknowledged the execution of the same.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal on the



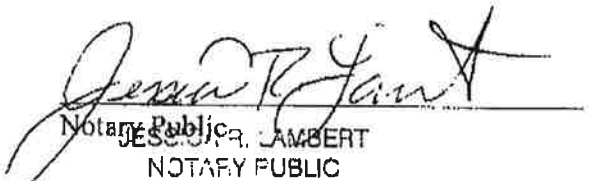

Notary Public

STATE OF KANSAS)
)
COUNTY OF LEAVENWORTH)

BE IT REMEMBERED, That on this 9th day of ~~February~~ ^{March}, 2004, before me, the undersigned, a notary public in and for the County and State aforesaid, came MARY WINIFRED JACKSON FORGE personally known to me to be the same person who executed the above deed, and duly acknowledged the execution of the same.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal on the day and year last above written.

My Commission Expires:


Notary Public
JESSICA R. LAMBERT
NOTARY PUBLIC
STATE OF KANSAS
My Appt. Expires 8/21/05

BK 0909662080

STATE OF KANSAS)
)
COUNTY OF LEAVENWORTH)

BE IT REMEMBERED, That on this 9th day of ~~February~~ ^{March}, 2004, before me, the undersigned, a notary public in and for the County and State aforesaid, came BERNADETTE ANN FORGE personally known to me to be the same person who executed the above deed, and duly acknowledged the execution of the same.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal on the day and year last above written.





Notary Public

Entered in the transcript on
9th day of March, 04
Linda A. Sabers P. Cox
County Clerk

2004 MAR 11 7:19:37 PM

BK0909662081

From: [Amanda Tarwater](#)
Sent: Friday, April 2, 2021 3:16 PM
To: [Gentzler, Joshua](#)
Subject: Re: DEV-21-039 Rezoning Pine Ridge Partners

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.

FreeState Electric has no objection to this request.

Thank you,

Amanda Tarwater
Member Account Coordinator



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

From: "Gentzler, Joshua"
Date: Friday, April 2, 2021 at 3:02 PM
To: "'Firedistrict1@fd1lv.org"' , "RWD 8 (RWD8LV@gmail.com)" , Amanda Tarwater , "Anderson, Kyle" , "Anderson, Lauren" , "Magaha, Chuck" , "Miller, Jamie" , Mitch Pleak , "Thorne, Eric" , "Van Parys, David"
Subject: DEV-21-039 Rezoning Pine Ridge Partners

Warning: This message originated outside of the FEC organization. Do not click links or open attachments unless you have validated the sender and know the content is safe. <="" span="">

Good afternoon,

The Department of Planning and Zoning has received an application for a Rezoning regarding a property immediately south of the intersection of 177th Ter. and Seymour Road (PID: 109-32-0-00-00-040.20)

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 9th.

If you have any questions or need additional information, please contact me at (913) 684-0464 or at JGentzler@LeavenworthCounty.Gov.

Thank you,

Joshua Gentzler
Planner II
[Planning & Zoning](#)

Leavenworth County
913.684.0464

From: [Rural Water](#)
Sent: Saturday, April 3, 2021 9:15 AM
To: [Gentzler, Joshua](#)
Subject: Re: DEV-21-039 Rezoning Pine Ridge Partners

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.

Joshua Gentzler,

RWD#8 has been contacted by the applicant agent, Mike Reilly about water service to this property/subdivision.

RWD#8 has an 8" waterline on the North side of Seymour Rd., therefore, with a road bore water service can be made available to the south side of Seymour Rd.

RWD#8 can provide water service to the 13 Lots as sketched on the application.

Mike Reilly agreed on the phone that he would work

with RWD#8 on utility easement, waterline layout plans, and that he would meet with the Board of RWD#8 to make a proper application for service.

If you have any questions, please contact me by email or phone: 913-796-2164.

Becky Fousek, Office Manager

RWD#8 LV CO

On Fri, Apr 2, 2021 at 3:02 PM Gentzler, Joshua <JGentzler@leavenworthcounty.gov> wrote:

Good afternoon,

The Department of Planning and Zoning has received an application for a Rezoning regarding a property immediately south of the intersection of 177th Ter. and Seymour Road (PID: 109-32-0-00-00-040.20)

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Thank you,

Joshua Gentzler

Planner II

[Planning & Zoning](#)

Leavenworth County

913.684.0464

--

Becky Fousek

Office Manager

Rural Water District #8-LV CO

From: [Mike Stackhouse](#)
Sent: Thursday, April 8, 2021 12:52 PM
To: [Gentzler, Joshua](#)
Cc: [Dave Asmus](#)
Subject: RE: DEV-21-039 Rezoning Pine Ridge Partners

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.

Mr. Gentzler,

Good afternoon. The proposed housing addition does not throw any red flags, however we would ask that the hydrant spacing, apparatus access road requirements, and water flow requirements be addressed to correspond to the 2006 edition of the International Building and Fire Code which is what I am being told, the county is in the process of adopting. I realize that enforcing that is impossible until adopted, but I would still like to request that the contractor be requested to follow the codes. Thank you.

B/R,

Michael L. Stackhouse
Fire Chief
Fire District #1 of Leavenworth County
111 E. Kansas
Lansing, Kansas 66043
Office: 913-727-5844
Cell: 913-683-3223



From: Gentzler, Joshua
Sent: Friday, April 2, 2021 3:03 PM
To: Mike Stackhouse ; RWD 8 (RWD8LV@gmail.com) ; Amanda Holloway (Amanda.holloway@freestate.coop) ; Anderson, Kyle ; Anderson, Lauren ; cmagaha@leavenworthcounty.gov; jmiller@leavenworthcounty.gov; Mitch Pleak ; Thorne, Eric ; Van Parys, David
Subject: DEV-21-039 Rezoning Pine Ridge Partners

Good afternoon,

The Department of Planning and Zoning has received an application for a Rezoning regarding a property immediately south of the intersection of 177th Ter. and Seymour Road (PID: 109-32-0-00-00-040.20)

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 9th.

If you have any questions or need additional information, please contact me at (913) 684-0464 or at JGentzler@LeavenworthCounty.Gov.

Thank you,

Joshua Gentzler
Planner II
[Planning & Zoning](#)
Leavenworth County
913.684.0464

Case No. DEV-21-033
Proposed Amendment to the 2006 Leavenworth County Zoning and
Subdivision Regulations
*****Public Hearing Required*****

Staff Report – Planning Commission

May 12, 2021

GENERAL INFORMATION:

Applicant: Leavenworth County Planning and Zoning Department

Planner: Krystal A. Voth

REQUEST:

This is a request to consider a proposed amendment to the 2006 Leavenworth County Zoning and Subdivision Regulations. Proposed amendment is for the following Articles:

Article 3 – Definitions –

Recreation Vehicle to amend the definition from:

A vehicular-type portable structure without permanent foundation that can be towed, hauled, or driven and is primarily designed as a temporary living accommodation for recreate and camping purposes.

The proposed definition and restrictions:

Storage of Recreational Vehicles: In the Rural, and all Planned Residential Districts, storage of recreational vehicles is permitted only in accordance with the following provisions:

1. Recreational vehicles shall not be stored except:

a. Within an enclosed building; or

b. In the rear yard behind the principal structure or in a side yard other than the street side yard of a corner lot behind the front setback line and at least ten (10) feet from all lot lines.

2. Such storage shall be permitted for only those recreational vehicles owned by occupants of the premises.

3. No travel trailer, pick-up camper, bus or truck converted into a camper, or motor home, whether owned by the occupant of the premises or owned by others, shall be utilized for living, sleeping or housekeeping purposes for longer than two (2) weeks total during any twelve (12) month period when parked in any location not zoned and approved for such use.

4. No more than one (1) boat and boat trailer and no more than one (1) travel trailer, pick-up camper, bus or truck converted into a camper, or motor home may be stored outside a building unless a Special Use Permit has been obtained for boat and RV storage.

5. Temporary Parking in the Customary Driveway: A boat, a camping trailer, a pickup camper, a motor home or a recreational vehicle may be parked in the customary driveway for purposes of loading or unloading or trip preparation for a period of time not to exceed 48 hours.

Article 41 – Access Management

The current Access Management Policy can be found on paged 138-140 of the Leavenworth County Zoning and Subdivision Regulations and is provided as an attachment to this report.

Proposed Policy:

ARTICLE 41- ACCESS MANAGEMENT

Section 1. OVERVIEW

The intent and purpose of the Access Management Policy is to encourage the orderly development of land while maximizing the health, safety and welfare of residents within Leavenworth County. The proposed

Access Management Policy shall promote safety within Leavenworth County by assessing the number of access points thereby evaluating the safety of County roadways. The proposed Access Management Policy shall promote current and future development within areas of the County by encouraging the preservation of property which ultimately preserves land for future development. The proposed Access Management Policy shall preserve parcels of land where services can be feasibly provided in the future. Parcels of land which are situated adjacent to and abutting County Arterial and County Local Roads shall be subject to the policies and restrictions set forth in the Access Management Policy. Policies and regulations set forth in the Special Development District and future development districts shall supersede the Access Management Policy for parcels within those districts.

The Access Management Policy provides for the development of land, while protecting and managing current and future access, by allowing access of driveways to parcels which meet the minimum required road frontage. Driveway spacing will be determined by the road classification system.

Those regulations specific to the Access Management Policy would apply to properties only upon development or change of use. The Access Management Policy encompasses all parcels of land which are adjacent to or abutting County Arterial and County Collector Road.

Section 2. DEFINITIONS

1. Development – Any division of the land.
2. Road Classification System – See Exhibit A
3. Public Road Entrance Management Standards – See Exhibit B
4. Public Road Access Management Standards – See Exhibit C

Section 3. ZONING AND SUBDIVISION REGULATIONS

Development of parcels shall be subject to the standards and requirements set forth in the Leavenworth County Zoning and Subdivision Regulations, Sanitary Code and Floodplain Management Ordinance.

Section 4. URBAN GROWTH MANAGEMENT AREAS

Development occurring within 660' feet of an incorporated city limits shall be required to obtain and produce a Certificate of Authorization for access; unless:

1. The incorporated City and County have agreed upon and implemented a separate Access Agreement Policy.

Section 5. VARIANCES

An applicant may apply for a variance to the Access Management Policy. The Board of Zoning Appeals may review and approve a variance on a case-by-case basis according to the criteria set forth in the Leavenworth County Zoning and Subdivision Regulations Article 28 – Board of Zoning Appeals.

Section 6. EXHIBITS

EXHIBIT A – Roadway Classification Definitions:

- A. MAJOR – Roadway section with historical vehicle traffic volumes of greater than 1000 vehicles per day (vpd).
- B. MINOR – Roadway section with historical vehicle traffic volumes of less than or equal to 1000 vehicles per day (vpd).
- C. STATE – Roadway that is maintained by the State of Kansas. All Access Management on state maintained roadways is determined by the State of Kansas
- D. ARTERIAL – Roadway that carries longer-distance traffic flow between communities and important centers of activity.
- E. COLLECTOR – Roadway that carries traffic from local streets to arterial streets
- F. LOCAL – Low capacity roadways that carries traffic from interior subdivision roadways to adjacent local, collector, arterial, or state roads

- G. INTERIOR SUBDIVISION – Roadways, either public or private, designed as part of a subdivision, built by the developer, to provide access to the residential properties within the subdivision. These roadways are identified as ‘Local Roadways’ or ‘Private Roadways’ on Leavenworth County Classification Map.

EXHIBIT B - Public Road Entrance Management Standards:

1. The minimum entrance spacing standards from adjacent roadways or other adjacent entrances shall be dependent upon the road classification of the roadway being accessed. Spacing is required to be met only along the side of the roadway that is being accessed. Entrance spacing requirements are designated by zoning districts as follows:

a. Residential Entrance Spacing:

The entrance spacing standards for entrance permits for platted and unplatted residential property onto public roads in the unincorporated areas of Leavenworth County are hereby adopted as follows:

- I. Major Arterial Roadway: Minimum Required Entrance Spacing = 660 feet
- II. Corner Clearance from Intersection = 330 feet

- III. Minor Arterial Roadway: Minimum Required Entrance Spacing = 300 feet
- IV. Corner Clearance from Intersection = 200 feet

- V. Major Collector Roadway: Minimum Required Entrance Spacing = 300 feet
- VI. Corner Clearance from Intersection = 200 feet

- VII. Minor Collector Roadway: Minimum Required Entrance Spacing = 200 feet
- VIII. Corner Clearance from Intersection = 100 feet

- IX. Local/Interior Subdivision Roadway: Minimum Required Entrance Spacing = *See Below
- X. Corner Clearance from Intersection = 100 feet

b. Additional Provisions

- I. Residential Lots fronting upon a roadway classified as a Local Road by the Leavenworth County Classification Map shall access the roadway with an entrance in a location that meets the line of sight requirements generally accepted by engineering standards within the AASHTO Green Book. It is desirable that they be designed and located to meet criteria for intersection sight distance and other design elements set forth. However, where this is not practical, they should be located to provide the best reasonable sight distance and meet other design criteria to the extent practicable.
- II. Lots with frontage on roadways of various road classifications must place their entrance along the roadway with the lower roadway classification. Any lot that abuts a local road and has secondary frontage must utilize the local roadway for its access location. Any lot that abuts two local roadways must utilize the roadway with the lowest traffic volume. All lots that have frontage on interior subdivision roadways must access the property from said interior roadway.
- III. Each Lot is allowed one primary entrance. Lots that are three acres or larger shall be allowed a secondary entrance location. The secondary location must meet the same spacing requirements set forth for the primary entrance location.
- IV. All existing lots are permitted a primary entrance, when possible. In the event that an existing property cannot meet the required spacing as stated in this policy, the entrance shall be located to provide the best reasonable sight distance and meet other design criteria to the extent practicable. No lot shall be created that would require the neighboring property to be accessed by a noncompliant entrance.

c. Business/Industrial Entrance Spacing

The entrance spacing standards for entrance permits for business or industrially zoned properties onto public roads in the unincorporated areas of Leavenworth County are hereby adopted as follows:

- I. **Arterial Roadway:**
 - a. Minimum Required Entrance Spacing = 250 feet
 - b. Corner Clearance from Intersection = 330 feet
- II. **Collector Roadway:**
 - a. Minimum Required Entrance Spacing = 200 feet
 - b. Corner Clearance from Intersection = 200 feet
- III. **Local Roadway:**
 - a. Minimum Required Entrance Spacing = 125 feet
 - b. Corner Clearance from Intersection = 100 feet

EXHIBIT C - Public Road Access Management Standards

Roadway Spacing:

The minimum offset spacing for a new roadway is based upon the highest classification of roadway for either the roadway being accessed or the nearest intersecting roadway. In the event that there are intersections on either side of the accessed roadway section, each intersection will be treated independently and the proposed roadway must meet both intersection spacing requirements. Roadway spacing is required to be met only along the side of the roadway that is being accessed. In the event that a roadway exists on the opposite side of the accessed road, all efforts should be made to create a 4-way intersection or maintain the minimum spacing requirements. These standards, for purposes of approval of subdivision plats pursuant to the Leavenworth County Subdivision Regulations, are hereby adopted as follows:

Existing Roadway Classification	Minimum Road Spacing (Feet)*
State	660
Arterial	660
Collector	660
Local	330
Interior Subdivision	330

Article 43 – Cross Access Easements

Section 2.1.c is being amended from the following:

Lots within Cluster Developments shall be situated so that all lots are accessed by the cross-access easement. Cross access easements shall be subject to the Leavenworth County Access Management policy requirements for driveway spacing.

To:

Lots within Cluster Developments shall be situated so that all lots are accessed by the cross-access easement. Cross access easements shall be subject to the Leavenworth County Access Management policy requirements for driveway and roadway spacing.

Section 3.3 proposed amendment from the following:

When established as part of a cluster development, the road and drainage plans submitted to County Staff shall be prepared and sealed by an engineer licensed in the State of Kansas.

To:

When established as part of a cluster development, the road and drainage plans submitted to County Staff shall be prepared and sealed by an engineer licensed in the State of Kansas. The developer shall provide an

as-built drawing to the County upon completion of the Cross-Access Easement. The as-built shall be completed by the designing engineer. Building permits shall not be issued until such document has been received.

STAFF RECOMMENDATION:

The staff recommends approval of Case No. DEV-21-033, proposed amendment to the 2006 Leavenworth County Zoning and Subdivision Regulations.

ACTION OPTIONS:

1. Recommend approval of Case No. DEV-21-033, proposed amendment to the 2006 Leavenworth County Zoning and Subdivision Regulations, to the Board of County Commission, with Findings of Fact; or
2. Recommend denial of Case No. DEV-21-033, proposed amendment to the 2006 Leavenworth County Zoning and Subdivision Regulations, to the Board of County Commission, with Findings of Fact; or
3. Continue the Public hearing to another date, time, and place.

ATTACHMENTS:

Article 41 – Access Management Policy as currently written.

Addendum to Agenda - May 11, 2021

From: [Joe Pavlich](#)
Sent: Sunday, May 9, 2021 4:18 PM
To: [PZ](#)
Subject: Application (DEV-20-140) Rezoning Request
Attachments: 2.pdf

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.

May 9, 2021

Leavenworth County Planning Commission:

Attached are copies of documents we previously submitted to the Planning Commission before the January 13, 2021 hearing. It concerns Mr. Greg Ledford's desire to open an RV/Boat Storage facility on the northeast corner of intersection KS-92 and County 207 in Leavenworth County, KS. We again oppose the rezoning and construction of the facility on the property in question as a majority of property owners in the area do. In a letter mailed to us last December, Mr. Ledford mentioned how he was looking forward to "getting back to the country", that "my wife Allison is ready for some peace and quiet that comes with living out where you can see the stars", and that "A nice country feel was also very important to us." An RV/Boat storage facility is not going to give Mr. Ledford and his family as well as surrounding families that back to the country, peace and quiet and that country feel. He and his family and the surrounding families will only have that back to the country, peace and quiet and country feel if the Planning Commission denies his rezoning request, and that Mr. Ledford does not construct the RV/Boat storage facility on the involved property. We request that the Planning Commission deny his rezoning request. Thank you.

Pavlich Farms (Joe Pavlich, Phyllis Fierst, Don Pavlich, Joni Pavlich, Richard Pavlich and Jim Pavlich)
801 North 5th St
Kansas City KS 66101

Public Comment on DEV-20-140

Leavenworth County Planning Department

Courthouse, 300 Walnut

Leavenworth, KS 66048

Phone: 913-684-0465

April 21, 2021

NOTICE TO AFFECTED PROPERTY OWNERS

PAVLICH FARMS
801 N 5TH ST
KANSAS CITY, KS 66101

NOTICE OF PUBLIC HEARING

Notice is hereby given for the Leavenworth County Planning Commission to hold a public hearing regarding an application (DEV-20-140) for a rezoning request from B-3 & RR-5 zoning districts to B-3 zoning district on the following described property:

A tract of land in the in the Northeast Fractional Quarter of Section 3, Township 9 South, Range 21 East of the 6th P.M., Leavenworth County, Kansas, more fully described as follows: Beginning at the Southeast Quarter of said Northeast Fractional Quarter; thence North 01 degrees 03'21" West for a distance of 350.00 feet along the West line of said Northeast Fractional Quarter; thence North 60 degrees 31'28" East for a distance of 310.00 feet; thence North 78 degrees 36'12" East for distance of 321.86 feet; thence South 02 degrees 10' 26" East for a distance of 543.71 feet to the South line of said Northeast Fractional Quarter; thence South 87 degrees 49'34" West for a distance of 600.00 feet along said South line to the point of beginning. Together with and subject to covenants, easements, and restrictions of record. Said property contains 6.47 acres, more or less.

Request submitted by Greg Ledford
Parcel ID number: 112-03-0-00-00-007.01

The hearing will be held on Wednesday the 12th day of May, 2021 at 6:00 p.m., in the Meeting Room, located on the second floor of the Leavenworth County Courthouse, 300 Walnut Street, Leavenworth, Kansas.

Further information is available for inspection, including a complete legal description, during regular business hours in the Leavenworth County Planning & Zoning Department, located in the County Courthouse. All interested persons are invited to attend the meeting if they wish to comment on this request.

While the Courthouse is now open to the public, we still encourage everyone who wishes to participate to provide written comments to the Planning and Zoning Department and to view the Livestream of the meeting via YouTube, as the meeting room has limited capacity.

Anyone wishing to attend the meeting in person or give public comment via phone needs to call the Planning and Zoning office no later than noon Tuesday, May 11th. All visitors will be required to wear a mask. Furthermore, any written correspondence to be presented

Public Comment on DEV-20-140

Leavenworth County Planning Department

Courthouse, 300 Walnut

Leavenworth, KS 66048

Phone: 913-684-0465

at the meeting must be submitted to the Planning and Zoning office by noon Tuesday,
May 11th.

Respectfully,

Krystal A. Voth, CFM – Director

Leavenworth County Planning and Zoning Department

PROTEST PETITION

We, the undersigned, in accordance with KSA 12-757, being the owners of record of the property enumerated below, protest the proposed re-zoning from B-3 & RR-5 to B-3 on the property described as Tr. in NE 1/4 3-9-21

Parcel ID #: 112-03-D-00-00-007.01
In Leavenworth County, commonly known as Springdale Road

For the following reasons:

PLEASE SEE AND READ THE ATTACHED.

SIGNATURE	ADDRESS	DATE
<i>[Signature]</i>	801 N 5TH ST KANSAS CITY KS 66101	1-21-2021
<i>[Signature]</i>	801 N 5TH ST KANSAS CITY KS 66101	1-21-2021
<i>[Signature]</i>	801 N 5TH ST KANSAS CITY KS 66101	1-21-2021
<i>[Signature]</i>	801 N 5TH ST KANSAS CITY KS 66101	1-21-2021
<i>[Signature]</i>	801 N 5TH ST KANSAS CITY KS 66101	1-21-2021
<i>[Signature]</i>	801 N 5TH ST KANSAS CITY KS 66101	1-21-2021

STATE OF KANSAS)
COUNTY OF LEAVENWORTH)

Joan Pavlich, of lawful age, being first duly sworn, upon his/her oath states that she/he was the bearer of the above and forgoing protest, and that she/he witnessed the above signatures.

Subscribed and sworn before me the 21st day of January, 2021

Joan Pavlich
Notary Public

My Commission Expires March 6, 2023



January 21, 2021

Board of Leavenworth County Kansas Commissioners:

Attached is a copy of the Letter Pavlich Farms received from the Leavenworth County Planning Department. It concerns Mr. Greg Ledford's rezoning request from B-3 & RR-5 zoning districts to B-3 zoning district on the following described property:

A tract of land in Northeast Quarter of Section 3, Township 9, Range 21 East of the 6th P.M. in Leavenworth County, Kansas. Also known as 00000 Springdale Road.

In a letter Pavlich Farms received from Mr. Ledford, who has lived in Piper, Kansas for many years, he states that he grew up on a farm and is looking forward to getting back to the country, that a nice country feel was also very important to him, his wife and daughter. Getting the property rezoned to build an RV/Boat storage unit is not country. It's bringing the city to the country. A house can be built on the property without any rezoning for him and his family to get back to the country, but his proposed RV/Boat storage business should be in the city. On January 13, 2021, the Leavenworth County Planning Commission voted to deny Mr. Ledford's request to rezone the property. The Commission made the right decision, and we request the Board of Leavenworth County Kansas Commissioners to also deny rezoning of the property. We wish Mr. Ledford success in starting his business, but it should be in the city not the country.

Pavlich Farms (Joseph Pavlich, Phyllis Fierst, Donald Pavlich Joan Pavlich and Jim Pavlich)
801 N. 5th St.
Kansas City, KS 66101

Public Comment on DEV-20-140

Leavenworth County Planning Department

Courthouse, 300 Walnut

Leavenworth, KS 66048

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PAVLICH FARMS
801 N 5TH ST
KANSAS CITY, KS 66101

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Parcel ID number: 112-03-0-00-00-007.01

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Anyone wishing to attend the meeting in person or give public comment via phone needs to call the Planning and Zoning office no later than noon Tuesday, January 12th. All visitors will be required to wear a mask. Furthermore, any written correspondence to be presented at the meeting must be submitted to the Planning and Zoning office by noon Tuesday, January 12th.

Respectfully,

Krystal Voth
Director of Planning & Zoning
Leavenworth County Planning and Zoning Department

Public Comment on DEV-20-140

Joe Pavlich

From: Joe Pavlich
Sent: Tuesday, January 12, 2021 10:19 AM
To: pz@leavenworthcounty.gov
Subject: FW: Rezoning Request
Attachments: 5.pdf

January 12, 2021

Leavenworth County Planning Commission:

Attached is a copy of the letter Pavlich Farms received from the Leavenworth County Planning Department. It concerns Mr. Greg Ledford's rezoning request from B-3 & RR-5 zoning districts to B-3 zoning district on the following described property:

A tract of land in Northeast Quarter of Section 3, Township 9, Range 21 East of the 6th P.M. in Leavenworth County, Kansas. Also know as 00000 Springdale Road.

In a letter received from Mr. Ledford, who has lived in Piper, Kansas for many years, he states that he grew up on a farm and is looking forward to getting back to the country, that a nice country feel was also very important to him, his wife and daughter. Getting the property rezoned to build an RV/Boat storage unit is not country. It's bringing the city to the country. A house can be built on the property without any rezoning for him and his family to get back to the country, but his proposed RV/Boat storage business should be in the city. Therefore, we request that the Leavenworth County Planning Commission deny Mr. Ledford's rezoning request at the hearing on January 13, 2021. We wish Mr. Ledford success in starting his business, but it should be in the city not the country.

Pavlich Farms (Joe Pavlich, Phyllis Fierst, Don Pavlich, Joni Pavlich, Richard Pavlich and Jim Pavlich)
801 N 5th St
Kansas City KS 66101

Public Comment on DEV-20-140

Leavenworth County Planning Department

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Respectfully,

Krystal Voth
Director of Planning & Zoning
Leavenworth County Planning and Zoning Department

Public Comment on DEV-20-140

Happy Holidays and Merry Christmas from the Ledford Family

I would like to take a moment to Wish everyone Happy Holidays and introduce our family. My name is Greg Ledford. I along with my wife Alison and daughter Shelby are excited to say we are under contract to purchase the 13-acre property at KS-92 and 207th street. I would like to take this opportunity to share with you a little about us and our plans. We look forward to meeting you in person.

I grew up on a farm in northern Missouri, which my folks are still farming. I appreciated that way of life growing up and am looking forward to getting back to the country after many years of living in Piper Kansas. My 8-year-old Shelby is very excited to get to a large sized property where she can run and play. She has a 4-wheeler and wants a horse (if I agree to that), and my wife Alison is ready for some peace and quiet that comes with living out where you can see the stars. I have been looking for property that fit our needs. I believe this one does just that. A good school was important for Shelby and the Easton school fits that well. A nice country feel was also very important to us. A large enough piece of land that we could put a house, shop, and have a couple cattle to raise to feed our family. We also hope to start a business. As you may or may not know, the 4 properties at the intersection of KS-92 and 207 all share a G-3 business zoning area in common. We are looking to increase the size of that G-3 business zone on our property to open an RV/Boat storage unit to serve the needs of the Easton area. I will have a shop on the property to serve both that business and my own needs, followed by building a house so that we can move into the area in the future. If all goes well with our plans, you would see me working to establish our business and start moving into the new property early next spring. I would appreciate hearing from you if you have any questions. I look forward to meeting each of you if you are comfortable with that and would like to talk to me in person. Getting to know our neighbors is important to us and we hope to have that privilege soon.

Again, Happy Holidays and Merry Christmas to you! We would appreciate your support as we move forward with our zoning plans and establishing our home here in the area. Please don't hesitate to give me a call if you would care to discuss anything, 913-620-8969.

Sincerely,

Greg, Alison, and Shelby Ledford

From: [Dan Greer, Marlow White Uniforms](#)
Sent: Tuesday, May 11, 2021 8:40 AM
To: [PZ](#)
Subject: DEV-20-140
Attachments: DEV-20-140.pdf

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.

Dear Planning and Zoning Commission,

I am writing to request that the zoning change for DEV-20-140 not be approved. I have attached a letter for tomorrow's meeting that expresses my position on this. Our property is just a few hundred yards down the road from this potential change.

Thank you for your consideration.

May 11, 2021

RE: (DEV-20-140)

Dear Leavenworth County Planning Commission,

Springdale Road (HWY 92) is the boulevard of Leavenworth County. For miles, beautiful, well maintained farms and manicured lawns greet the eyes of auto drivers, motorcyclists, and even bicyclists who specifically chose this gorgeous road. The green rolling hills and winding roads evidence the beauty of our County. Generations of residents have taken pride in maintaining the landscape such that it has reputation for peace and natural attractiveness.

We have heard that a zoning change is being requested for the property at the intersection of Springdale Road and 207th street (DEV-20-140). It is our understanding that the plan is for it to be used as an RV and boat storage facility. Frankly, one of the primary reasons these facilities exist is because people don't want these units in their own yard. Perhaps the owner doesn't have the space, but in most cases, it is an unsightly feature that is worth paying to get off the landscape.

Why should we condense these individual eyesores into a giant community problem that we all have to look at every day? I'm sure the owners will try to keep it neat, but honestly, who wants to look at a bunch of aging boats and RV's? Certainly, these facilities already exist and can exist in the right place. Why not put it on a side road or on a property that is large enough to screen it with terrain features? Why does it need to be "smack dab" in the prettiest part of the county? There are lots of commercial areas already zoned for this type of facility.

Public Comment on DEV-20-140

Most of us live here because it is separated from the hustle and bustle of “town” life. We like the open fields, homes, and farms. Let’s encourage this facility to be put in the right place- not right in the middle of Leavenworth County’s natural parkway.

Sincerely,

Daniel and Rachel Greer
20853 Springdale Rd,
Easton, KS 66020

Marilyn M Thompson
28664 207th St
Easton, KS 66020

Leavenworth County Planning & Zoning
300 Walnut St
Leavenworth, KS 66048

Attn. Krystal Voth

I am responding to the Notice of Public Hearing regarding a rezoning request from B-3 & RR-5 zoning to B-3 zoning. The property is in the NE ¼ of 3-9-21, parcel ID #112-03-0-00-007.01 and the request was submitted by Greg Ledford.

I am **OPPOSED** to this rezoning. Mr. Ledford had submitted this rezoning request before and the Planning Commission voted against it and then the Leavenworth County Commissioners spent less than 5 minutes on it and pushed it back to the Planning Commission. This area is no place for a Boat/RV storage facility. This does not fit into the Comprehensive Plan. The front page of the Comprehensive Plan states "Sustainably managing growth and maintaining rural lifestyles." How does this maintain a rural lifestyle? Why was a Comprehensive Plan even done when you don't follow what YOU have written?

This is a farming community and needs to stay as such. This Boat/RV will end up being a junk yard and if this zoning goes through anyone can have whatever business they want there. Just because one acre of the 4 corners of Springdale Rd and 207th St were zoned B-3 years ago doesn't mean that B-3 needs to be expanded. I would also like to know why the Planning and Zoning office thinks this is a great idea for this area. Would you want this in your backyard? The Planning Commission has to explain why they're voting for or against. The Planning and Zoning office should do so as well. Let's stick to the Comprehensive Plan!

Also, it would be great if the plans for this "business" were online to view. I work the same business hours as the Courthouse and don't have the time to take off work to look at this nonsense.

Previously I expressed my concern for the environmental impact and traffic affect for this parcel. This is a very busy intersection. The elementary, middle school and high school are all located on 207th St. There is a lot of traffic on Springdale Rd as well. There is a creek running through this tract too. What about oil, gas and other chemicals seeping into the ground? I guess no one cares about the environment and the traffic until someone ends up getting killed.

Bottom line is let's keep rural areas rural. Follow your Comprehensive Plan!


Marilyn Thompson
913-683-2008

Public Comment on DEV-20-140

Kevin Thompson
28725 203rd Street
Leavenworth, KS 66048

May 10, 2021

Dear Leavenworth County Planning and Zoning Commissioners,

This letter is in opposition to the proposed rezoning the tract of land located in the Northeast Quarter of Section 3, Township 9, Range 21 East of the 6th P.M. in Leavenworth County, Kansas. My sister and I own the tract to the South on Springdale Rd from Mr. Ledford's tract of land. Our property has been in my family for 80+ years I'd like to continue to manage our property to maintain and safeguard it for future generations, and I'd like to see the same for the surrounding area. My family's goal has always been to be good stewards for the land, and it is my opinion that the proposed use for Mr. Ledford's tract is detrimental to both the land and the surrounding area.

The Leavenworth County Comprehensive Plan's tag line is "Sustainably managing growth and maintaining rural lifestyles." I fail to see how a proposed boat and RV storage center aids the County's growth and it certainly wouldn't help to maintain rural lifestyles. I have no issue if Mr. Ledford wants to build a house on the parcel of land or if he even wants to farm it as was done so previously, but I agree with the January 13, 2021 Commission vote to deny rezoning as it does not meet the County's Comprehensive Plan. One of the main complaints found in the Comprehensive Plan process was too much commercial and industrial property in rural areas. It's time for the County planning and zoning commission to stand up for rural areas and say no to unwanted, unnecessary and potentially environmentally harmful land uses like that of an RV and boat storage business. Another concern I have is that if the tract of land is rezoned and the business fails, anyone (including Mr. Ledford) could try a different business that could be even more disruptive to the rural lifestyle of nearby property owners. I want to stress the environmental concerns I have as well. I haven't seen any plans from Mr. Ledford, but assuming that the proposed RV and boat storage would be open-air, I worry about the impact that storing items of that nature would have on the land and the surrounding area, especially given the creek that runs through the property and on to adjoining properties. I see in the Notice that information is available for inspection during regular business hours in the Planning & Zoning Dept. Why isn't this information available on the Planning & Zoning website? It would be beneficial to all parties involved if it were easier to access the information as it may be unfair to Mr. Ledford.

A quick search for boat or recreational vehicle storage returns several options currently available both in the County and in nearby surrounding areas with the closest one less than 10 miles from this tract of land. The point was made at the January 13th meeting that having storage available is convenient for those moving to the area. I think this point is confusing general household storage and the intended purpose of what Mr. Ledford has stated previously. But even so, there are dozens of storage facilities for household items in Leavenworth County. In fact a new facility just opened in Tonganoxie within the last year.

The corridor at Springdale and 207th Street is also a busy thoroughfare with people traveling to and from the schools in Easton as well as various farming activities that could cause for dangerous situations if there were to be increased traffic from people trying to store their boats and RVs. Road safety in rural areas was an issue that also came up when developing the Comprehensive Plan.

I would also oppose any approval of a special use permit for this business. Again, referring to the County's Comprehensive Plan, members of our community have provided feedback that special use permits were "just a way for businesses to avoid zoning regulations, which interferes with planned growth" and I agree.

Thank you for taking the time to consider my opposition.

Kevin Thompson
MDR Farm, LLC

Public Comment on DEV-20-140

Gentzler, Joshua

From: Voth, Krystal
Sent: Tuesday, May 11, 2021 10:26 AM
To: Gentzler, Joshua
Subject: FW: Zoning language concerning RV's, boats etc.

For the packet...

From: Loughry, Mark
Sent: Tuesday, May 11, 2021 10:11 AM
To: Voth, Krystal <KVoth@leavenworthcounty.gov>
Subject: FW: Zoning language concerning RV's, boats etc.

From: Desiree Waxmonski <d_wax79@yahoo.com>
Sent: Tuesday, May 11, 2021 10:09 AM
To: bocc <bocc@leavenworthcounty.gov>
Subject: Fw: Zoning language concerning RV's, boats etc.

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.

[Sent from Yahoo Mail for iPhone](#)

Begin forwarded message:

On Tuesday, May 11, 2021, 12:50 AM, Desiree Waxmonski <d_wax79@yahoo.com> wrote:

Dear County Commissioners,

I recently read that in the May 12th 2021 meeting you will be considering regulating how many boats, campers or RV's one can have parked on their PRIVATE RURAL property. I would like to ask you as a citizen that owns a 5th wheel camper, a boat and a jet-ski what would you suggest I do with these items? Take them to a storage unit and risk them being damaged, broken into or stolen? If you force me to do this will the county reimburse me for the monthly storage fees I should not have to pay? When I purchased these items I took into consideration where I was going to store them knowing I have plenty of room on my property and I did not have rules like this that I had to obey. Now I know storing them on my property will not guarantee that things won't get stolen or broken into however I am able to keep a closer eye on them and call the sheriff a lot sooner than if they were on some storage lot. Plus I don't know about you but I do NOT like the idea of parking my \$23,000.00 5th wheel camper in a storage lot 10-15 miles away from my home and I am sure my insurance agent would not like that either. Believe it or not it people actually have broken into RV storage lots in the middle of the night and stole huge 5th wheel campers. At least at my home they would have a few obstacles to go thru first which would create a lot of noise and wake my dogs which in turn would wake me. All I can see happening is less revenue for the county because people will not buy campers, RV's or boats if you try to restrict what they can store their personal property. Plus you are wanting to say that only one boat per

household or one RV/Camper per household. Why are you trying to penalize someone that can afford two different types of boats or RV/Campers? Seems to me that you would welcome that with open arms because that is more income for the county due to the fact they have to tag those items. Before you say owning more than one type of RV/Camper is impossible I will tell you it is very possible. As a matter of fact I have plans, that is if I will not be told where I can store it, to pay off my 5th wheel, keep it and buy a smaller camper for trips to national parks where my 5er can't fit. But if I am told that I can only store one on my property I just won't buy the second one and that would be less money in the county's pocketbook. Plus since when should anyone be worried about what someone out in the country has on THEIR PROPERTY? What's next? Telling farmers how many tractors they can store on their property or the number of implements they can have for said tractor? Those people that want these rules can stay in the city where they seem to love HOA's, over reaching rules and being Nosey Nellie's. Meanwhile for those of us that are sick of all the over reaching rules, nosey Nellie's and despise HOA's let us move away from it and live a simple, quiet life in the country where we can have multiple campers/RV's or boats on our property. We are not trying to tell you how many vehicles you can store in your driveway so stop trying to tell us how many boats, campers, or RV's we can store on OUR PROPERTY!! Please do NOT consider this regulation and tell whoever came up with this idea to stop trying to control everybody, sit back, relax, take a deep breath and enjoy life!! That is what these Campers/RV's and boats help the rest of us do. If you do not like to see what is in a country yard then stay in the city. In my honest opinion this is NOT in the best interest of the county and would only financially hurt the county. I do plan on watching the meeting in hopes that this will be shot down.

Thank you for your time.

Desiree Waxmonski
Concerned county citizen

Gentzler, Joshua

From: Heather Bray <hbray.oog@gmail.com>
Sent: Monday, May 10, 2021 8:30 PM
To: PZ; bocc
Subject: May 12th Meeting

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.

I am writing today to give my husband and I's opinion on Case No DEV-21-033, Proposed Amendment to the 2006 Leavenworth County Zoning and Subdivision Regulations.

We feel as if the new verbiage is too restrictive and too specific.

- We live in the county, not the city, not in a multi-family subdivision, not in an HOA ran neighborhood. We pay taxes on our property and our toys. We should be allowed to keep them on our property without such specific rules. We should not need a Special Use Permit to have the items we've worked hard for and paid taxes on multiples times (Sales, Property).
- We have a 3 bay carport specifically to fit our truck, RV and boat. Carport which is clean and streamlined without grass and weeds. This is not an "enclosed" building and by having that specific verbiage in the amendment worries me that we will be told to enclose it or get rid of it. We have our property nice and neat and feel that it should not be a requirement to hide it. By asking for such specific storage, you are putting a large, financial burden on home and land owners to require such storage.
- Why does the county feel the need to police the number of items someone has. Sounds like a lot of extra work they don't need to worry themselves with. Some people have more than 1 boat and 1 RV.
- What about the properties that have broken down tractors and other such farming equipment, as well as, the other items that do run. I don't see that listed in this amendment. Some people have a bass boat, a pontoon, and an RV, etc. No different than multiple farming equipment that no one worries about.
- Parking an RV in the driveway? I have a long driveway with a circle drive. I could park 30+ cars in my driveway but can't have my RV in the drive? BUT WHY? What is this hurting? In a city neighborhood I understand but I don't understand living in the county surrounded by trees, not blocking anyone's view. How does this affect the county? What if family comes in town from out of state - should we run them off cause they aren't the homeowner?
- Does this have anything to do with small acre lot single family homes being sold in plenty and the developer is worried about eyesores? Don't build in the county or close to county property if that's a problem.
- Why would people want to buy rural property in LV Co if there are going to be such specific and restrictive rules on what they can and can't have and how they can and can't store them?

Frustrated Rural Leavenworth County Residents,

Dean & Heather Bray
20819 State Ave
Tonganoxie, KS 66086

From: [John S.](#)
Sent: Monday, May 10, 2021 7:58 PM
To: [PZ](#)
Subject: Boats and RVs

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.

Hello my name is John Stalec I live at 14060 McIntyre Road Leavenworth Kansas 66048

I want to voice my opinion about your vote boats and RVs decision you're fixing to make. You guys really need to back off this stuff. We're sick and tired of your over-reaching rules. This isn't the giant HOA this is Leavenworth County the county that I've lived in for 25 years because it's not like Johnson County! If you want people to move out that built this County just pay us for our homes and we will leave. Cuz that's what you guys or apparently trying to do!

From: [JP](#)
Sent: Monday, May 10, 2021 6:36 PM
To: [PZ](#); [bocc](#)
Subject: Proposed Planning Commission amendments regarding RVs

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.

Hello, first let me thank you for your service to the state, our county and our residents.

My name is Jeff Perry, my family and I live in LV County on ~17 acres of unincorporated land along 24/40 highway outside Reno Township.

I am writing in regards to the proposed changes to Leavenworth County Zoning and Subdivision Regulations related to RVs/boats.

I have carefully reviewed page 138 in the Planning Commission filing at <https://files.leavenworthcounty.gov/Agenda%20-%202021.05.12%20Agenda%20Packet.pdf>

My comments:

General Feedback: Zoning standards like these are designed to be applied to smaller lots that are zoned in residential areas. Applying rules like this across an entire county could easily be considered arbitrary and capricious in their application as their main purpose is aesthetic and the restrictions would not provide any discernable public benefit in many cases (such as larger plots in rural areas). Many rural properties have appropriate setbacks, privacy and are not platted in ways that these rules could be easily applied to (such as "rear yard" definitions). To apply rules like these across an entire county, require massive investments in enclosure buildings, and treat all land like a HOA inside a fully platted city is a serious overreach.

I am formally requesting that this rule be dropped or at minimum rewritten extensively in such a way to restrict its use to smaller lots in incorporated areas. I know my neighbors well and if they wanted to live in Overland Park with restrictions like this they would move to a city that had zoning rules like these.

Direct Feedback:

Part 1: Enclosures and Storage: I do not believe it's reasonable for the county to mandate how I choose to store my own property (inside a structure) when there are no impacts or public benefits for neighbors of any kind. Many rural properties do not have a "Rear Yard" per se in the sense of a platted neighborhood with parallel streets and back to

Public Comment on DEV-21-033

back houses. In our area, due to typical rural lot geometry, it's almost impossible to use a "rear yard" definition effectively. I.e. You could easily have a "rear yard" with a neighboring property facing it (unlike in a typical residential area with platted streets and "back yards". **If this rule does go through it should allow for alternative landscape screening or fencing at a minimum.**

Part 2: Ownership Again this language is entirely too broad. It should not be the counties concerns how many RVs, boats, etc that I own & store if there are NO impacts on any neighbors on properties. The purpose of rules like this is to limit one owners impact on another's but the benefit only applies for smaller properties,. This rule doesn't apply to us but I don't believe it's reasonable to restrict us from storing a family members RV on our land should we want to. I would understand if someone can't "charge"

Part 3: Occupancy: While we don't have any personal issues with this I can't believe Leavenworth is trying to make rules like this during a pandemic. Have a heart and leave people alone with their own properties. Especially if there are no impacts to other residents.

Part 4: Quantity: Why can't someone with a large amount of acreage own more than 1 boat or RV without incurring massive storage costs with no public benefit? I do not believe it's reasonable for someone with a carefully screened, improved, or otherwise isolated property to be required have a special use permit to store their property. I completely understand the need for these rules in a town or in areas with small close lots. That said, zoning and restriction like these should be left to the cities or townships that, by their nature, regulate areas with close in parcels.

Part 5: Temporary Parking in the Customary Driveway: The Temporary driveway parking restriction for an entire county is incredibly tone deaf in my opinion. Leavenworth County is not a Home Owners Association where one would typically see and agree to (as a condition of buying) terms limiting their use of their own property for what can only be aesthetic reason. This item doesn't apply to us but it's an overreach that I can't fathom the purpose of when applied to an entire county. Many rural driveways are thousands of feet long how would this rule even determine a "customary driveway". **If this rule goes through it should be restricted to driveways that are within 10 ft of a property line or a road at a minimum and should not apply in any other case.**

I believe it's an incredible overreach to try and apply something like this across an entire county. Applying these rules as written and as broadly (applying to rural lands) may legally limit land owners rights in a way that cannot be defended as having a demonstrable public benefit in a large number of cases.

Thank you for your time and consideration. Please don't hesitate to reach out to me if you would like to discuss this.

Jeff Perry

Public Comment on DEV-21-033

From: [Michael Webb](#)
Sent: Tuesday, May 11, 2021 9:23 AM
To: [PZ](#)
Subject: Proposed changes to RV storage

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.

I am against the proposed changes pertaining to storage of Recreational Vehicles. For rural properties, this would create problems for those with recreational vehicles who have stored them on their property for years, without problems. If this practice causes problems or becomes an eyesore, a nuisance action can be taken against the owner of the property. Home Owner Association rules and city ordinances take care of the non-rural storage of recreational vehicles. I believe this change is unnecessary, is vague enough in some areas to cause problems with enforcement, and is not needed at this time.

Michael Webb
17716 157th Ter
Basehor, KS 66007
(913) 568-8819
webb1416@mac.com

Gentzler, Joshua

From: noreply@revize.com
Sent: Tuesday, May 11, 2021 10:51 AM
To: PZ
Subject: Contact Us - PZ

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.

Name = Robert D Patzwald

PhoneEmail = patzwald@sbcglobal.net

Message-Content = Good morning, I live in the City of Leavenworth so I am not directly impacted by any decisions related to RV and boat parking but I am a voter so I do have some thoughts.

I am a supporter of large garages for such things within the City of Leavenworth. I also understand that many folks in the county probably take advantage of parking anything and everything on their property.

I do think a property owner should be allowed to park an RV and/or boat in a driveway, at least during the use seasons. I have my Camper Trailer parked legally in my driveway for the summer months. I keep the RV plugged in to allow me to run my refrigerator and pack and unpack as necessary. I don't think this is problem for the neighbors. I have not had any complaints.

Parking these types of vehicles behind or on the side of the house makes more need for paved or rocked driveways. Many county homes already have long driveways and best management practices tells us we should limit paved areas for stormwater run off concerns.

Farmers park equipment everywhere. Often the equipment is surplus and in need of disposal. People that live in the county should not expect rules similar or even more restrictive that urban rules. Most people move to the county to get away from such restrictive rules and I support them.

Thanks for listening,

Bob

Client IP = 107.139.31.228

Leavenworth County Planning & Zoning

Re: DEV 21-034

I am writing in regards to the above referenced Special Use Permit.

It's my understanding the owners are wanting to zone their area as commercial, which is not conducive to the residential setting with which it is a part of. This building since it was built, has brought an increased amount of traffic to the area.. I feel that after the second building is completed it will increase again. It is very out of place where it is located. If it was meant for commercial use, why was that not determined from the buildings inception? What has it done to property values in the immediate proximity?

I do not want a commercial business in this residential neighborhood.

Sharon & Bob Jeselnik

Public Comment on DEV-21-034

5/9/2021

Leavenworth County Planning and Zoning Department,

I am writing this letter in response to Special Use Permit (DEV-21-034). This building was built in a mostly residential location not a commercial area and is noncompliant with the surrounding area. The building is an eyesore to the neighborhood. It should have never been allowed to be built. It has ruined the look of the area. Every time I come to this intersection all I see is this eyesore. Now they want to make it a commercial business? If this land is rezoned commercial when they are ready to sale the property what is next, an auto repair shop, autobody shop, heavy equipment repair, etc.? I am sure the value of the properties surrounding this building have been hurt specially the property directly to the north. Why was something like this allowed in an area with mostly high valued homes? I for one do not want a commercial operation in my neighborhood.

Rodger Dittimore Jr.

From: [Sloop, Stephanie](#)
Sent: Monday, May 10, 2021 1:50 PM
To: [Gentzler, Joshua](#); [Voth, Krystal](#)
Subject: Jim Kirk - Public Comment

Mr. Kirk, 16214 Dana Lane, called to voice his concern. His main concerns are:

- That they continue to drag mud into the road way. They have removed gravel that was helping to control the mud.
- They are not controlling their noxious weeds.
- That headlights from waiting vehicles and vehicles leaving and entering the property glare into his house.

Stephanie Sloop

Public Relations and Planning Coordinator
Planning and Zoning
Leavenworth County Courthouse
300 Walnut St. Ste. 212
Leavenworth. KS 66048
(913) 364-5750 ph



To: Leavenworth County Planning and Zoning Department/Planning Commission

Subject: Objection to Special Use Permit for 25214 163rd Street, Leavenworth, KS

The purpose of this letter is to object to the issuance of a Special Use Permit for 25214 163rd Street, Leavenworth, KS. I reside at 25282 163rd street and the issuance of a special use permit for the establishment of a baseball training facility at 25214 163rd Street, Leavenworth, KS. The use of this facility as a baseball training facility during January-March 2021 had a significant negative impact upon my quality of life and peace of mind and the approval of a Special Use Permit would undoubtedly do the same.

This area is a residential neighborhood and not commercial. I specifically purchased my residence in 2013 as I wanted to reside at a location with acreage that had very little traffic and noise. If the Boden's wanted to build a facility for baseball training, then they should have built it in an area zoned for the establishment of that type of facility or purchased vacant land in the county that was not in a residential area.

At no time did the Boden's notify me ahead of time that they were going to utilize the metal building as a commercial establishment. My peace and quiet were severely impacted in January, February and early March with from 30-40 vehicles a night coming and going and parking at times on both sides of 163rd Street. There were times that there were so many vehicles parked along the road street that I could not leave my house. I also had to put up with patrons of the facility using my driveway to turn around in, causing further disruption to my life. There was a constant flow of vehicles in and out of the street as the Boden's were charging patrons on an hourly basis to use their facility. There was also a lot of vehicles as well on Saturday and Sunday.

I did call the Planning and Zoning Commission to question whether or not a Special Use Permit had been issued for the establishment of a commercial facility. At 25214 163rd Street and was told that no Special Use Permit had been issued and they were aware of the situation. I was also told that others had complained as well about the significant increase in traffic as well as the parking on 163rd Street and that the owners had until March 1st to respond to a inquiry for the Planning and Zoning Commission.

I have read the Written Description submitted by the Boden's to the County Commissioners and I believe it has misstated the facts. Kevin Boden had posted on the Titan's Baseball Facility Facebook on December 20, 2020 that the facility was available for group practices, individual lessons and private use as well as speed and agility training for 2 days a week for 6 weeks at \$110 per person. In effect, the Boden's were operating a commercial establishment without authorization by the county. I have a picture of a social media post from the Titan Baseball Facility Facebook page dated December 28, 2020 that establishes that they were advertising for use of the barn as a training facility.

Public Comment on DEV-21-034

I moved to the country for peace and quiet, not to listen to the thump of a baseball hitting a backstop all evening. It's also a safety issue having a commercial facility established on a non-paved road such as 163rd Street. The amount of vehicles parking along both sides of 163rd Street would hinder an ambulance or fire truck from being able to get to my residence in a timely manner. I would think 163rd Street and Gilman Road is a dangerous intersection with the hill immediately to the east.

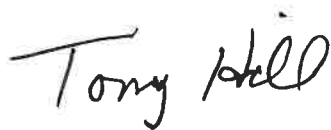
In my mind I think it was very presumptuous of the Boden's to start a commercial facility in a residential neighborhood, especially without talking to the current neighborhood residents to find out how they felt about it. To me it demonstrates a complete disregard for the quality of life of those of us that live in the neighborhood.

Additionally, their statement that there were only a few vehicles being parked along 163rd Street is not true. There were numerous evenings when at least 6-10 vehicles were parked along 163rd Street and this went on continuously until early March. At no time was there anyone monitoring the parking situation to prevent parking along 163rd Street. I have no confidence that no parking on 163rd Street will be enforced by the Boden's if a Special Use Permit is approved.

While there have been many letters of support provided by the Boden's for the approval of a Special Use Permit to establish the baseball training facility, none of those that submitted the letters live within the neighborhood that will be adversely affected if the Special Use Permit is approved. I'm sure that they would feel the same as I do if someone were to establish a similar facility in close proximity to where they reside.

In closing, the issuance of a Special Use Permit for 25214 163rd Street would adversely impact my quality of life as well as potentially have a significant negative impact upon the value of my property and being able to sell it in the future.

Thank you,

A handwritten signature in black ink that reads "Tony Hill". The signature is written in a cursive style with a large, sweeping "T" and "H".

Tony Hill
25282 163rd Street
Leavenworth, KS 66048

MAY 10 2021

May 4, 2021

Krystal A. Voth, CFM
Director
Leavenworth County Planning and Zoning Department
Courthouse, 300 Walnut
Leavenworth, KS 66048

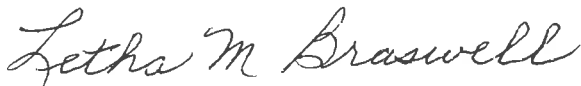
Reference your "Notice to Affected Property Owners" dated April 21, 2021, regarding hearing for Special Use Permit for commercial athletic field at 25214 163rd Street for Kevin and Andrea Boden.

I am submitting my objection for this permit. I have lived here for 27 years and through the years since we built here, houses have been built and all houses and yards are well maintained to make this a very attractive, quiet area. There have been some large buildings built in this area, but they are all set back from the streets and are not nearly as noticeable as the large industrial looking building the Bodens have built right out on the corner. It certainly ruins the looks of the area and now to hear they want to make it a commercial athletic field for a baseball training facility just seems to be an unreasonable request for this area and unfair to the people already living here.

A couple of months ago, the Bodens sent out a letter apparently to appease the homeowners in the area. In it, they assured us that their building would only be for their own personal and private use except for a couple of months per year. Now this hearing for commercial use certainly indicates that their letter was not honest in their predicted use of the building.

If the permit is approved for this commercial athletic field, I believe this would be just the beginning of the downfall of our beautiful neighborhood. Who knows who or what would be requested next time.

Yours truly,



Letha M. Braswell
16209 Dana Lane
Leavenworth, KS 66048

Public Comment on DEV-21-034

From: blomeml@gmail.com
Sent: Tuesday, May 11, 2021 10:26 AM
To: [PZ](#)
Subject: Proposed Amendment to the 2006 Leavenworth County Zoning and Subdivision Regulations-OPPOSED to RV Restrictions

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.

To the Leavenworth County Planning Commission,

I strongly oppose the proposed changes to RV storage restrictions listed in reference to “Case No. DEV-21-033 Proposed Amendment to the 2006 Leavenworth County Zoning and Subdivision Regulations” under Article 3 for storage of recreational vehicles. There is simply no compelling reason for this proposed change so broad in scope in rural Leavenworth County. Further, given the incredible variety of arrangements of equipment on various properties, practical enforcement will be very difficult and arbitrary based upon questions of what constitutes, “In the rear yard behind the principal structure or in a side yard other than the street side yard of a corner lot...”

Based upon a telephone conversation I held with a very helpful member of the Planning and Zoning Department staff, it appears that this measure is directed at clarifying and strengthening the prohibition on people living in their recreational vehicle (RV) as the sole residence or primary structure on their property. This concern is certainly understandable for a number of public safety and health reasons, and using an (RV) for such a purpose appears to already be prohibited in some form. I share and agree with this concern.

However, the scope of these proposed restrictions goes well beyond that intent and restricts legitimate personal storage and RV uses. Only one of the five proposed provisions (No. 3: “No travel trailer, pick-up camper, bus or truck converted into a camper, or motor home, whether owned by the occupant of the premises or owned by others, shall be utilized for living, sleeping or housekeeping purposes for longer than two (2) weeks total during any twelve (12) month period when parked in any location not zoned and approved for such use.”) targets the legitimate concern voiced by the county. As phrased, it is also too broad and unfocused to meet that intent. A person could legitimately use an RV as guest accommodations in their back yard, out of sight, not as part of the primary structure, and still violate the provision.

In my own case, I collect, renovate, and use vintage travel trailers. This is a legitimate purpose well outside of the concern of the county about people living in their RV as a primary residence, but it would be prohibited under the new provisions. I purchased property in the county outside of town zoning restrictions so that I could pursue my hobby. Most work is done within my shop building, but I don’t have room for all trailers, and two remain outside. I also volunteer to store my local Boy Scout Troop trailer, which I do not own, and a cargo trailer. Storage of the Scout trailer would also be prohibited under these provisions. These travel trailers, while not restored yet, are clean and maintained, neatly aligned in my driveway with the others, are secured, and pose no visual nuisance or safety hazard. I have received no complaints in seven years of living here, and dozens of enthusiastic compliments and questions of friendly interest.

My recommendation is that the County and County Planning Commission eliminate provisions 1, 2, 4, and 5 from the proposed definition and restrictions, and re-write number 3 to clarify and directly prohibit the use of RVs (or truck campers or boats) as a sole or primary residence on a property for any period greater than two weeks without an approved building permit and contract for construction of a primary residence that meets all other applicable building regulations.

Public Comment on DEV-21-034

I can be reached for any questions at my return email address or by telephone at 706 587 1390.

Best regards,

Matthew Blome

Collin & Kelly Meyer
16361 Gilman Rd
Leavenworth, KS 66048

Leavenworth County Planning and Zoning Department
300 Walnut St
Leavenworth, KS 66048
pz@leavenworthcounty.gov

Regarding: Application for Special Use Permit (DEV-21-034), Kevin & Andrea Boden, 25214
163rd St, Leavenworth, KS 6604

Dear Planning Commission,

The purpose of this letter is to strongly oppose the approval of the special use permit for an athletic facility on the corner of 163rd and Gilman. We hope that once their house is built and they move into the neighborhood the Boden's will see that the facility's use last winter was a huge change to our usually pretty quiet residential neighborhood and the facility is not ideal for the county road/intersection they are using. This past winter when it was being used for this purpose it changed the traffic drastically several evenings a week for several months; and in addition to the increased traffic, you must also consider these roads are not well lit, do not have shoulders and have no center line. It definitely felt like a safety issue in regard to traffic. It was also incredibly apparent the visitors to our neighborhood and the facility were not familiar with the area and/or are not invested in the neighborhood. Speeding down the road and over the hill (that you cannot see over until you crest the hill) is one example, also tracking significant amounts of mud into the streets and those that live in the neighborhood are left to deal with it daily. To the extent it would track more than a quarter mile. We have lived in our home (three houses from this intersection) for 10 years this July and we can say with all certainty this is not how our neighbors treat each other. If this past winter were a test to see how this would work, unfortunately, our opinion is not favorable, and we kindly ask that you deny this special use permit.

Additionally, the Boden's were very kind and made it a point to visit us and explain their justification. To which I sympathize, we have driven our kids all over Kansas and Missouri for sports and it is no fun. Unfortunately, in doing so we have witnessed how lucrative the kid's sports industry can be. We also fear that although the intention is to only use the facility for a few months in the winter, if this permit is granted would it then be open for all year and the amount of money that can be made for this industry can quickly turn that huge barn into a full-time athletic facility. Having a child that has competed in competitive volleyball, softball and basketball we are incredibly aware of how high and in demand those facilities are, what the traffic at those facilities looks like and the parking. I know the Boden's have insisted this is not their intentions, however, what if another family or a company moves in and it is their intention. It creates a completely different neighborhood year round, and although we support

Public Comment on DEV-21-034

everyone's right to do what they want on their property it does not seem as fair when the new family to the neighborhood get to change everything about the neighborhood for our families.

Thank you for your consideration,

Collin and Kelly Meyer

Name: Robert Lamborn, Managing Partner of Lamborn Acres

Address: 971 Ridge Drive, Lansing

Comments:

I, as a representative of Lamborn Acres, wish to express our opposition to the approval of Case DEV-21-034, Boden Baseball Facility, for the following reasons:

- 1 – As the former owners of this property, the land was sold for Residential purposes and we did not wish for the land to be used for commercial activities
- 2 – We are concerned about the level of traffic going to and from the property.
- 3 – We are concerned that there are no restroom facilities at the building.
- 4 – We are concerned that the noise generated by the facility will detrimentally affect the neighbors.
- 5 - We are concerned that the usage of the property as a commercial business will detrimentally affect the neighbors.
- 6 - We are landowners in the Madeline's Acres development and own land adjoining Madeline's Acres.

Voth, Krystal

From: Ryan Gant <cabryan66048@yahoo.com>
Sent: Tuesday, May 11, 2021 12:02 PM
To: PZ
Subject: Special Use permit (DEV-21-034) for Meeting May 12, 2021

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May 11, 2021

To Whom It May Concern:

My name is Charity Briggs and I reside at 25155 163rd Street, Leavenworth, Kansas. I have lived here for 9 years. I am writing about the Special Use Permit (DEV-21-034) request for the following property: 25214 163rd Street, Leavenworth, Kansas. Parcel Id Number: 108-27-0-00-00-006.04

I am writing for several reasons. My main purpose in writing this letter is to stress to you the concerns I have about living this close to a commercial facility. When searching for this house we purposely made sure we would not be living by any commercial businesses or properties as we had dreamed of a quiet neighborhood to raise our family. We saved for years and spent a lot of time searching for the right area. Now that is being taken from us by someone who decided to build a location in an area that they are not zoned to be in. And they are now hoping to be granted a permit to continue operating in an area that is residential.

I am unhappy that someone would blatantly break rules and build a structure for commercial usage on land that has been set up as residential and agricultural. I live about ½ block from this facility and it has opened up our neighborhood to more traffic than I've seen out here the entire time I've lived here. And with the traffic comes a lot of noise not just from vehicles but also from people. There has also been trash in the street and on the corners that does not benefit anyone living in this neighborhood. I do not want to live by a busy business or commercial facility. I also do not want to live by a big sports practice field or facility. These are reasons that I chose this location and neighborhood to live in. If there will be a continuation of commercial establishments appearing in my county (not city) neighborhood, then I will have to consider relocating to a county with more respect for it's homeowners.

I have lived in this neighborhood for a short 9 years but have watched house after house being built as well as agricultural land being converted to residential living area. This is sad from the stand point that land is something that we as humans cannot make more of and the thought of driving out all agricultural land in favor of more housing and commercial establishments is a bit too much for discussion at this meeting. However, I have been involved in youth sports in Leavenworth County for many years, including as President of the Leavenworth Soccer Association (LSA) for 5 years. I know that personally we (LSA) spent many hours researching and checking on needed permits and requirements for practice facilities and game fields for both practice and for games as well as for tournaments. We also looked at purchasing land for expansion and once again did research to learn if it was feasible to put a sports facility in that location. I am more than upset that someone would go ahead and purchase land and build a facility without getting permission first. It seems

irresponsible and I have to wonder what other choices that would be made for their benefit and not for the good of the neighborhood or neighbors, let alone the people choosing to use this facility. I have also been informed that the county does not take action against those who break the rules other than to fine them. This is unacceptable behavior and I truly hope this is NOT the case. I hate that the people at the above location may lose money by being made to close their establishment and relocate to an area that is zoned for sport facilities, however, there are consequences to breaking rules in our society. I would not expect a murderer or rapist to go free because they had already committed the crime and nothing can undo that now. (I am not comparing the severity of the accused permit to the above crimes, the crime could be a white collared crime or something as simple as a parking ticket or library book fine, only that we as a society do not let punishment or consequences disappear for crimes or oversights or lack of common sense in our society, so would it be just to let this go?) I have been told by many in the neighborhood to not even approach the County Planning Commission because you do not value input and will always side by the party asking for a permit because they will pay fines that benefit the county. I definitely hope this is not true. I am hoping that you value every thought and opinion that is presented to you. I hope that every voice and concern is taken seriously.

In conclusion, I am NOT in favor of a special use permit and hope that the recommendation is denied. I would like to continue living in a peaceful quiet neighborhood where I know and respect my neighbors. If you have any questions or concerns, please feel free to contact me at any of the below addresses or phone numbers. I would also request that this letter be forwarded to all deciding bodies in this issue (not just for this meeting, but for future meetings as well).

Thank you for your time,

Charity Briggs

25155 163rd Street

Leavenworth, Kansas 66048

Cabryan66048@yahoo.com

(913)680-1169

Voth, Krystal

From: Ryan Gant <cabryan66048@yahoo.com>
Sent: Tuesday, May 11, 2021 12:18 PM
To: PZ
Cc: Ryan Gant
Subject: Meeting may 12, 2021 (From Ryan Gant)

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.

Good Morning,

I live on 163rd Street very near the building in question (25214 163rd St). My vote would be NO to granting a special use permit for the baseball practice facility. I moved out to my neighborhood in the county about 9 years ago. I moved to this neighborhood because I wanted peace and quiet and to get away from all the traffic and hustle and bustle of the living in a town or city. Over the 9 years that I've lived here I've had to work very hard to maintain my peaceful life out here sometimes working multiple jobs so I could keep my family in a nice quiet secluded neighborhood. With the building of this facility the owners have brought all of the traffic and noise that I have worked so hard to avoid basically right to my front door. I am extremely upset about this and do not want this permit granted.

Ryan D. Gant
ryangant1@yahoo.com

Public Comment on DEV-21-034

Voth, Krystal

From: Jesse Smallwood <jsmallwdj@gmail.com>
Sent: Sunday, May 9, 2021 4:01 PM
To: Voth, Krystal
Cc: kboden19@gmail.com
Subject: Special Permit for Kevin Boden (Baseball)

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Good Afternoon,

My name is Jesse Smallwood, I live inside Leavenworth County and I also teach at Leavenworth High School. I am just writing to show my support of letting Kevin do this great thing for our community. With living in Leavenworth for many years, there has not been a great opportunity like this for Leavenworth county. If you do research many kids will leave leavenworth county due to loss of no sport opportunities. Many kids will leave Leavenworth because there will be better opportunities to work out and train in the Shawnee areas, Platte County, and Johnson County areas. Having said that, this would be great to have a place in LV that is open, affordable, and such a great family like the Bodens. If there are any questions or concerns please contact me at 913-626-7393.

Best,

Jesse Smallwood.

Voth, Krystal

From: Tiffany <matinamomma@gmail.com>
Sent: Thursday, May 6, 2021 7:38 AM
To: Voth, Krystal
Cc: kboden19@gmail.com
Subject: Baseball facility; Boden special use permit

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.

>
> Dear Krystal Voth,
>
> I am writing concerning the property on 25214 163rd Street. Please approve their special use permit to help youth in our community.
> I have been a resident of Leavenworth County for more than 20 years. I was involved in sports as a youth and all of our children have enjoyed participating in sports too. I know all about our Kansas weather that can change in minutes and result in cancelled sports practices. I appreciate the initiative that a local resident took to create a space for kids to practice in the cold winters and other inclement weather. There isn't much opportunity for our youth to practice during those times. Shouldn't we want our kids to be practicing a skill instead of cooped up at home?
> My understanding is that this building is available to any individual or teams to rent for lessons and practice- not just one. So far, teams and players from Leavenworth, Tonganoxie, Basehor and Lansing have benefited from this building.
> Please allow our youth to continue improving year round with the help of this facility. It is a benefit to the whole community.
>
> Thank you for your consideration,
>
> Tiffany Matina
>
> Sent from my iPhone

From: [Gentzler, Joshua](#)
Sent: Wednesday, May 5, 2021 9:09 AM
To: [Gentzler, Joshua](#)
Subject: Brandon Hamel Comment on Case DEV-21-039 Rezoning

Name: Brandon Hamel

Address: 25062 Woodridge Circle

Comment: In today's environment, broadband/high speed internet access is a needed utility for residential development. As a resident of the neighborhood to the north of the proposed rezoning, internet access is difficult to obtain. Because of this, it does not make sense to add a neighborhood in this location in the County.