

**LEAVENWORTH COUNTY PLANNING COMMISSION  
AMENDED AGENDA**

Agenda for the Regular Meeting of 5:30 P.M., Thursday, August 5, 2021  
County Courthouse - 300 Walnut Street - Leavenworth, Kansas 66048

[www.leavenworthcounty.gov](http://www.leavenworthcounty.gov)

1. **Call to Order**
2. **Pledge of Allegiance**
3. **Oath of Office – New Members**
4. **Election of Chairman and Vice Chairman**
5. **Roll Call**
6. **Approval of Minutes**
7. **Secretary’s Report**
8. **Approval of Agenda**
9. **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
10. **Consent Agenda**
  - A. **Case DEV-21-059 & 060 Brockert Hill** – *Continued from the June Meeting*  
Consideration of a Preliminary and Final Plat for Brockert Hill, a 2-Lot plat located on a tract of land in the Northeast quarter of Section 27, Township 8 South, Range 21 East of the 6<sup>th</sup> P.M., in Leavenworth County, Kansas.  
**Also known as 00000 207<sup>th</sup> Street (PID 068-27-0-00-00-002.00)**
  - B. **Case DEV-21-079 & 080 Bretz Farms**  
Consideration of a Preliminary and Final Plat for Bretz Farms, a 4-Lot Plat, located on a tract of land located in the Southeast Quarter of Section 20, Township 9 South, Range 22 East of the 6<sup>th</sup> P.M., in Leavenworth County, Kansas.  
**Also known as 00000 Tonganoxie Drive (PID: 104-20-0-00-00-009.00)**
  - C. **Case DEV-21-081 & 082 Carbaugh Estates**  
Consideration of a Preliminary and Final Plat for Carbaugh Estates, a 3-lot plat, located on a tract of land in the Southeast Quarter of the Southeast Quarter of Section 15, Township 11 South, Range 20 East of the 6<sup>th</sup> P.M., In Leavenworth County, Kansas.  
**Also known as 00000 254<sup>th</sup> Street (PID: 205-15-0-00-00-014.00)**
11. **Regular Agenda**
  - A. **Case DEV-21-085 Emerald Estates** – *Continued to the August Meeting*  
Consideration of a Preliminary Plat for Emerald Estates, a 13-lot plat, on a tract of land in the Southwest Quarter of the Northwest Quarter of Section 32, Township 9 South, Range 22 East of the 6<sup>th</sup> P.M., in Leavenworth County, Kansas.  
**Also known as 00000 Seymour Road (109-32-0-00-00-004.02)**

**B. Case DEV-21-062 (Westland Construction)**

Consideration of an application for a Special Use Permit for a Contractor's Yard for Westland Construction, Inc, on a tract of land located in the Southwest ¼ of Section 27, Township 10 South, Range 22 East of the 6<sup>th</sup> P.M., in Leavenworth County, Kansas.

**Also known as 20510 163<sup>rd</sup> Street (PID: 158-27-0-00-00-006.03)**

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

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

**C. Case DEV-21-063 (Schuetz Construction)**

Consideration of an application for a Special Use Permit for a Contractor's Yard for Schuetz Construction located on a tract of land in the Southeast Quarter of Section 36, Township 11 South, Range 22 East of the 6<sup>th</sup> P.M., in Leavenworth County, Kansas.

**Also known as 14833 142<sup>nd</sup> Street (PID: 187-36-0-00-00-021.01)**

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

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

**D. Case DEV-21-071 (Dave's Construction)**

Consideration of an application for a Special Use Permit for a Contractor's Laydown Yard for Dave's Plus Construction, LLC, on a tract of land in the East Half of Section 9, Township 11 South, Range 22 East of the 6<sup>th</sup> P.M., Leavenworth County, Kansas.

**Also known as 18429 166<sup>th</sup> Street (PID: 182-09-0-00-00-018.01)**

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

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

**E. Case DEV-21-086 (RV & Boat Storage)**

Consideration of an application for a Special Use Permit for a RV and Boat Storage Unit on a tract of land located in the Northeast Quarter of Section 3, Township 9, Range 21 East of the 6<sup>th</sup> 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\*\*\***

**F. Case DEV-21-046 (Rezoning Request RR-5 to RR-2.5)**

Consideration of a rezoning request from RR-5 Zoning district to the RR-2.5 Zoning district on a tract of land in the south ½ of the southwest ¼ of Section 33, Township 9 South, Range 22 East, more fully described as follows: Beginning at the southwest corner of said southwest ¼, thence north 00 degrees 00'00" east for a distance of 330.74 feet along the west line of said southwest ¼, thence north 89 degrees 14' 43" east for a distance of 662.76, then south 00 degree 00' 57" west for a distance of 331.02 feet to the south line of said southwest ¼, thence south 89 degrees 16' 10" west for a distance of 662.67 feet along said south line to the point of beginning, in Leavenworth County, Kansas.

**Also known as 24450 171<sup>st</sup> Street (PID: 108-33-0-00-00-016.09)**

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

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

**G. Case DEV-21-067 (Rezoning Request RR-5 to RR-2.5)**

Consideration of a rezoning request from RR-5 Zoning district to the RR-2.5 Zoning district on a tract of land in the Fractional Southwest Quarter of Section 1, Township 8 South, Range 20 East of the 6th P.M., Leavenworth County, Kansas, as written by Joseph A. Herring PS-1296 on June 16, 2021, and more fully described as follows: Beginning at the Northwest corner of said Southwest Quarter; thence North 88 degrees 15'50" East for a distance of 253.37 feet along the North line of said Southwest Quarter; thence South 00 degrees 48'57" East for a distance of 502.62 feet; thence South 88 degrees 15'50" West for a distance of 253.37 feet; thence North 00 degrees 48'57" West for a distance of 502.62 feet to the point of beginning.

**Also known as 24257 Millwood Road (PID: 051-01-0-00-00-006.04)**

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

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

**H. Case DEV-21-100 (Text Amendment – Table of Uses)**

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

Article 19 – Table of Uses

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

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

**Adjournment of Planning Commission**

**11. Board of Zoning Appeals**

**1. Roll Call**

**A. Case DEV-21-070 (Variance Request)**

Consideration of a request of a Variance from the Leavenworth County Zoning and Subdivision Regulation under Article 5, Section 4 which requires minimum road frontage of 200', on a tract of land in the Northwest Quarter of Section 15, Township 11 South, of Range 21 East of the 6<sup>th</sup> P.M. in Leavenworth County, Kansas.

**Also known as 21187 Evans Road (PID: 195-15-0-00-00-005.01)**

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

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

**Adjournment of Planning Commission**

**Next meeting date:**

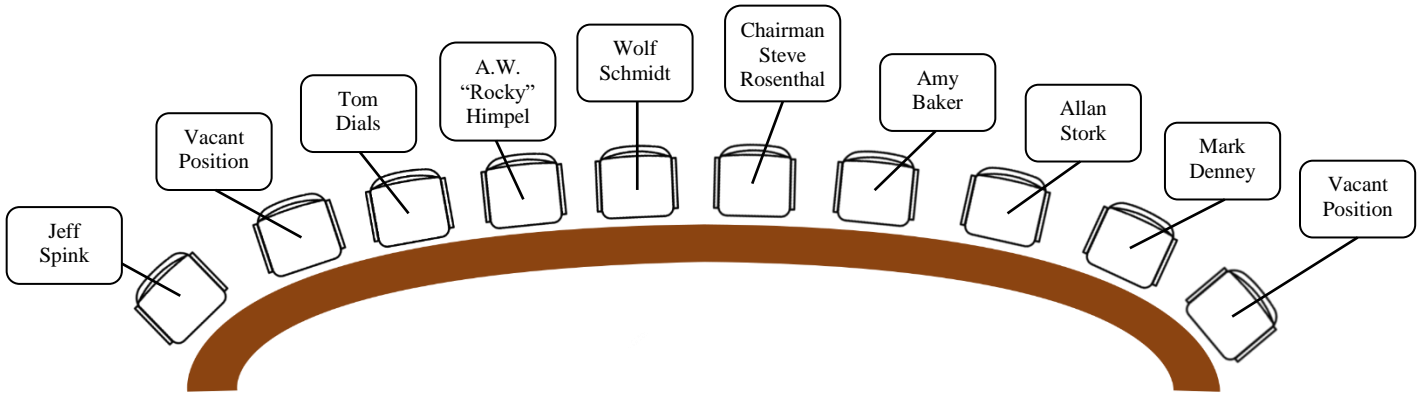
**Wednesday, August 11, 2021 6:00 PM – Regularly Scheduled Meeting**

**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  
MINUTES OF THE REGULAR MEETING  
June 9, 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, Tom Dials and Wolf Schmidt

**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 Himpel 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 abstain, 1 absent)**

**Secretary's Report:**

Krystal Voth gave the secretary's report, letting the commission know that there were two cases on the consent agenda, approval of the agenda would approve those cases. Ms. Voth thanked Mr. Matthews for his years of service as a Planning Commissioner.

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

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

**Declarations: No declarations**

**Case DEV-21-030 & 031**

**Consideration of an application for a Preliminary and Final Plat for Sunny Side Estates, located on all of Lot 1A, Heartland Estates, in Leavenworth County, Kansas.**

**Also known as 00000 Evans Road**

Ms. Voth presented the facts and findings for the above request bringing it to the Planning Commission attention that the proposed development does not meet the current Access Management Policy.

Chairman Rosenthal asked the applicant if they would like to address the commission. Mr. Joe Herring came forward.

**Commissioner Bartkoski made a motion to deny Case DEV-21-030 & 031, Commissioner Himpel seconded the motion.**

**ROLL CALL VOTE - Motion to deny passed, 8/0 (1 absent)**

The Board of County Commissioners will consider this item on **June 23, 2021 at 9:00 A.M** in the Leavenworth County Courthouse.

**Any person wishing to file a protest petition must contact the Planning & Zoning Office. Protest petitions must be filed with Leavenworth County within two weeks of this meeting. To be valid, the protest petition must be signed by owners of 20 % of the land area in the notification area.**

**Case DEV-21-022**

**Consideration of an application for a Special Use Permit for an Athletic Training Facility, located on a tract of land in the Northwest Quarter of Section 32, Township 10 South, Range 22 East of the 6<sup>th</sup> P.M., in Leavenworth County, Kansas.**

**Request submitted by Mr. and Mrs. Trent West**

**Also known as 19897 178<sup>th</sup> Street**

Mr. Gentzler presented the facts and findings for the above request, stating that staff recommended denial of this request.

Chairman Rosenthal opened the public hearing portion of the hearing and asked if the applicant wished to speak. Mr. West came forward and explained the nature of this request.

Chairman Rosenthal asked if there was anyone that wished to speak in support of the request. Several people came forward in person and via phone 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 and asked if there was further discussion.

***Commissioner Bartkoski made a motion to approve DEV-21-022, stating that he believed that it did not change the nature of the neighborhood and that it would be a benefit to the community. Commissioner Himpel seconded the motion. Commissioner Bartkoski stated the conditions that he wanted adopted with this request.***

**ROLL CALL VOTE - Motion to approve passed, 5/3 (1 absent)**

*(Commissioner Matthews voted no to approve based on his belief that this was not the right area. Commissioner Denney voted to approve, stating his determining factor was that it was deemed that Public Works determined with the amount of traffic generated that a traffic study was not needed. Commissioner Himpel and Chairman Rosenthal voted no because it did not follow the Comprehensive Plan. Chairman Rosenthal also voted no because of the road type.)*

The Board of County Commissioners will consider this item on **June 30, 2021 at 9:00 A.M** in the Leavenworth County Courthouse.

**Any person wishing to file a protest petition must contact the Planning & Zoning Office. Protest petitions must be filed with Leavenworth County within two weeks of this meeting. To be valid, the protest petition must be signed by owners of 20 % of the land area in the notification area.**

**Case DEV-21-055**

**Consideration of an application for a Special Use Permit for a Target Range for archery lessons and pro shop for bow maintenance, on Lots 15, Lots 43-46, and parts of Lots 47 and 48 in Northwoods at Timber Lakes AND a tract of land in the Southeast quarter of Section 24, Township 11 South, Range 22 East of the 6<sup>th</sup> P.M. in Leavenworth County, Kansas.**

**Request submitted by Mr. Silversteln**

**Also known as 14702 Timber Lane**

Mr. Gentzler presented the facts and findings for the above request, stating that staff recommended denial of this request.

Chairman Rosenthal opened the public hearing portion of the hearing and asked if the applicant wished to speak. The applicant came forward and explained the nature of this request.

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

**Commissioner Himpel made a motion to approve DEV-21-055, stating that it met all the Golden Factors. Commissioner Himpel also edited the condition about hours of operation to read, "as lighting conditions permit." Ms. Voth asked Commissioner Himpel to include his specific reasons for recommending approval as it goes against staff recommendation. Commissioner Himpel withdrew his motion. Commissioner Denney made a motion to approve Case DEV-21-055 with staff recommendations, changing condition two with verbiage laid out by County Counselor. Commissioner Denney stated that the applicant owned property all around where the activity was going to take place. He also stated that the HOA has given their support of this request, he stated that the increase in traffic didn't seem to be a concern, there is a gain to economic development by providing a service to the County. This use is allowed with a Special Use Permit in residential zoning. Commissioner Barkoski seconded the motion.**

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

The Board of County Commissioners will consider this item on **June 30, 2021 at 9:00 A.M** in the Leavenworth County Courthouse.

**Any person wishing to file a protest petition must contact the Planning & Zoning Office. Protest petitions must be filed with Leavenworth County within two weeks of this meeting. To be valid, the protest petition must be signed by owners of 20 % of the land area in the notification area.**

**Case DEV-21-019**

**Consideration of an application for a rezoning request from RR-5 zoning districts to RR-2.5 zoning district on a tract of land in the Southeast Quarter of the Southeast Quarter of Section 15, Township 11 South, Range 20 East of the 6th P.M., Leavenworth County.**

**Request submitted by David Lutgen**

**Also known as 00000 254<sup>th</sup> Street**

Ms. Voth presented the facts and findings for the above request.

Chairman Rosenthal opened the public hearing portion of the hearing and asked if the applicant wished to speak. Mr. Joe Herring came forward and explained his request and stated that this followed the Comprehensive Plan.

Chairman Rosenthal asked if there was anyone that wished to speak in support of the request. Chairman Rosenthal asked if there was anyone wishing to speak in opposition. Neighboring residents came forward to speak in opposition. Chairman Rosenthal closed the public portion of the hearing and asked if there was further discussion.

**Commissioner Himpel made a motion to approve DEV-21-019, going through the golden factors and stating that it met the Comprehensive Plan. Commissioner Matthews seconded the motion.**

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

The Board of County Commissioners will consider this item on **June 30, 2021 at 9:00 A.M** in the Leavenworth County Courthouse.

**Any person wishing to file a protest petition must contact the Planning & Zoning Office. Protest petitions must be filed with Leavenworth County within two weeks of this meeting. To be valid, the protest petition must be signed by owners of 20 % of the land area in the notification area.**

**Case DEV-21-051**

**Consideration of an application for a rezoning request from RR-2.5 zoning district to the B-3 zoning district on a tract of land in the Northwest quarter of the Northeast quarter of Section 12, Township 11 South, Range 21 East of the 6<sup>th</sup> P.M. in Leavenworth County.**

**Request submitted by Red Fuel Repair**

**Also known as 19393 State Ave**

Mr. Gentzler presented the facts and findings for the above request.

Chairman Rosenthal opened the public hearing portion of the hearing and asked if the applicant wished to speak. Mr. Joe Herring came forward and explained his request and stated that this followed the Comprehensive Plan.

Chairman Rosenthal asked if there was anyone that wished to speak in support of the request. Chairman Rosenthal asked if there was anyone wishing to speak in opposition. Neighboring residents came forward to speak in opposition. Chairman Rosenthal closed the public portion of the hearing and asked if there was further discussion.

***Commissioner Himpel made a motion to approve DEV-21-051, going through the golden factors and stating that it met the Comprehensive Plan and Future Land Use Map. Commissioner Schmidt seconded the motion.***

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

The Board of County Commissioners will consider this item on **June 30, 2021 at 9:00 A.M** in the Leavenworth County Courthouse.

**Any person wishing to file a protest petition must contact the Planning & Zoning Office. Protest petitions must be filed with Leavenworth County within two weeks of this meeting. To be valid, the protest petition must be signed by owners of 20 % of the land area in the notification area.**

Meeting was adjourned at 8:40 p.m.

DRAFT



# Leavenworth County Planning Commission

August 5, 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-21-067**  
Rezoning  
RR-5 to RR-2.5

**DEV-21-059 & 060**  
Prelim & Final Plat  
Brockert Hill

**DEV-21-086**  
Special Use Permit  
RV & Boat Storage

**DEV-21-079 & 080**  
Prelim & Final Plat  
Bretz Farms

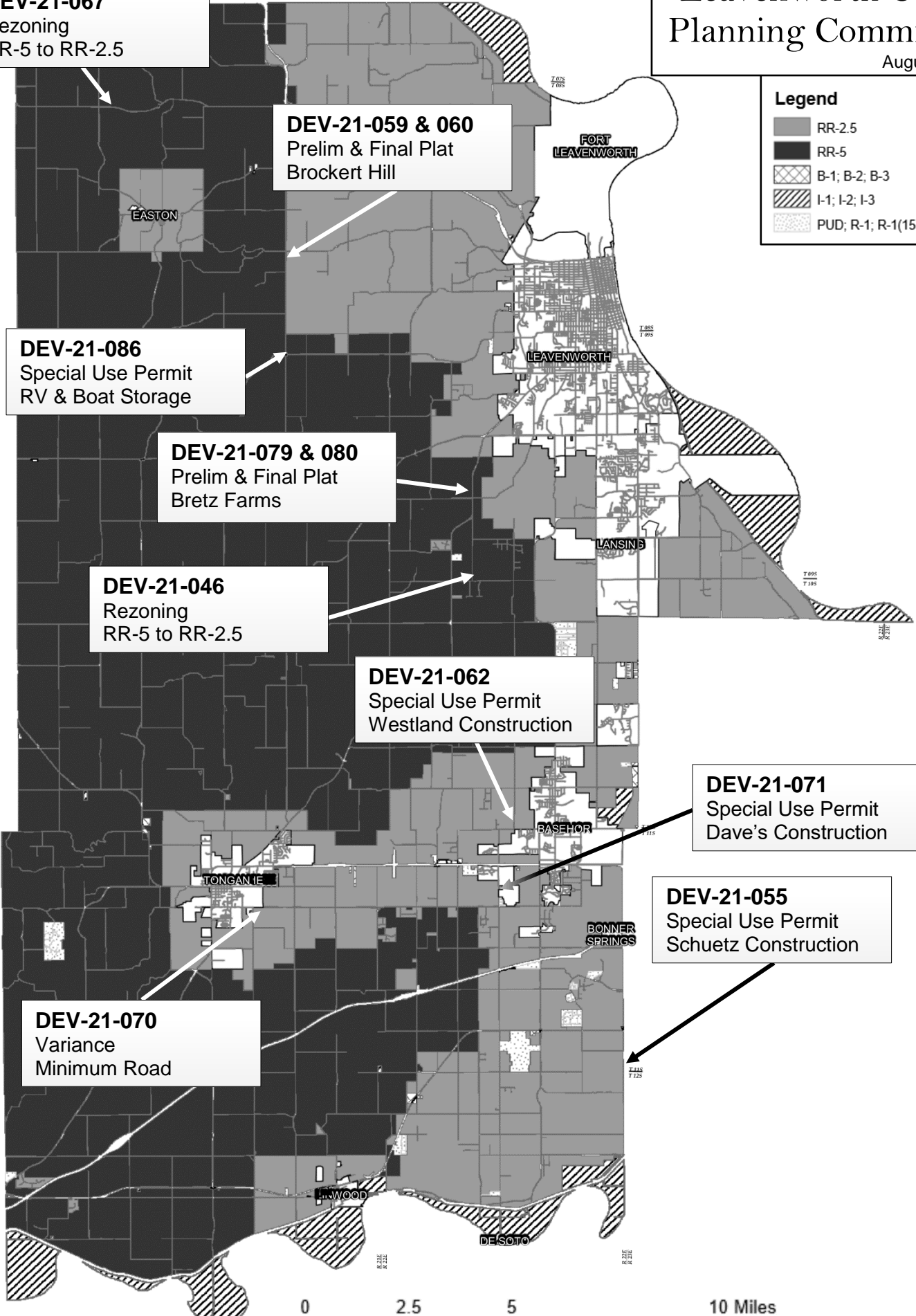
**DEV-21-046**  
Rezoning  
RR-5 to RR-2.5

**DEV-21-062**  
Special Use Permit  
Westland Construction

**DEV-21-071**  
Special Use Permit  
Dave's Construction

**DEV-21-055**  
Special Use Permit  
Schuetz Construction

**DEV-21-070**  
Variance  
Minimum Road



0 2.5 5 10 Miles

**\*\*\*Consent Agenda\*\*\***  
**Case No. DEV-21-059/060**  
**Brockert Hill**  
**Preliminary and Final Plat**

**Staff Report – Planning Commission**

**August 5, 2021**

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**GENERAL INFORMATION:**

**Applicant/  
Property Owner:** Lonnie and Dorothy Phillips  
30578 207<sup>th</sup> Street  
Easton, KS 66020

**Agent:** Larry Hahn  
Hahn Surveying  
P.O. Box 41  
Lansing, KS 66043

**Legal Description:** A tract of land in the Northeast Quarter of Section 27, Township 8 South, Range 221 East of the 6<sup>th</sup> P.M, in Leavenworth County, Kansas.

**Parcel Size:** ± 10 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.:** 068-27-0-00-00-002.00

**Planner:** Joshua Gentzler

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**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 three (3) acres to 138 acres in size.

**Flood Plain**

There are no Special Flood Hazard Areas on this parcel per FEMA Firm Map 20103C0125G July 16, 2015.

**Utilities/Services**

Sewer: Private septic system  
Fire: Kickapoo  
Water: Rural Water District 5  
Electric: Freestate

**Access/Streets**

The property is accessed by 207<sup>th</sup> Street. This road is a County Arterial with a paved surface ± 24' wide.

**Agency Comments**

See attached comments – Email – Lauren Anderson – Public Works, June 25, 2021  
See attached comments – Email – Lauren Anderson – County Surveyor, June 4, 2021  
See attached comments – Email – Tim Goetz – Rural Water District 5, April 28, 2021  
See attached comments – Email – Amanda Tarwater – Freestate Electric, April 27, 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, have the minimum frontage of 200', and minimum lot size of 2.5 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 plat, as submitted, is a two-lot subdivision located on 207<sup>th</sup> Street, which is a County Arterial roadway. Lot 1 is proposed at 4.8 acres, while Lot 2 is approximately 6.2 acres in size. Lot 2 also has an existing barn on the property. The lots are in conformance with the Comprehensive Plan. The applicant has addressed all comments and concerns raised by Planning and Zoning and Public Works. Staff recommends approval of the subdivision.

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## **STAFF RECOMMENDATION:**

The staff recommends approval of Case No. DEV-21-059 & 060, Preliminary and Final Plat for Brockert Hill 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.

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**ACTION OPTIONS:**

1. Recommend approval of Case No. DEV-21-059 & 060, Preliminary and Final Plat for Brockert Hill, to the Board of County Commission, with or without conditions; or
2. Recommend denial of Case No. DEV-21-059 & 060, Preliminary and Final Plat for Brockert Hill, to the Board of County Commission for the following reasons; or
3. Continue the hearing to another date, time, and place.

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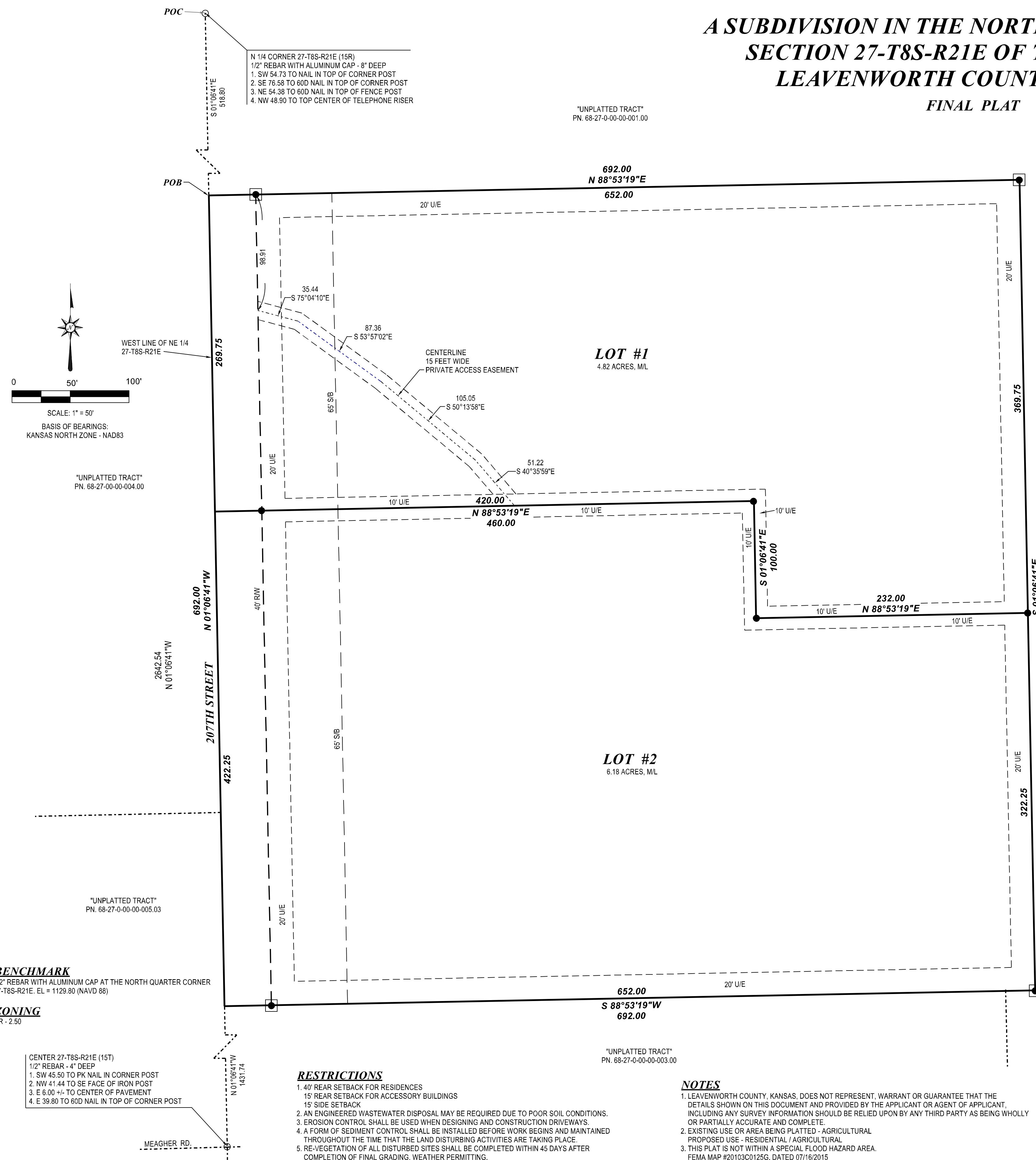
**ATTACHMENTS:**

Aerial Map  
Memorandums  
Preliminary and Final Plat

# BROCKERT HILL

A SUBDIVISION IN THE NORTHEAST QUARTER  
SECTION 27-T8S-R21E OF THE 6TH P.M.,  
LEAVENWORTH COUNTY, KANSAS

FINAL PLAT



**DEED DESCRIPTION - BOOK 692, PAGE 1661**

A PORTION OF THE NORTHWEST 1/4 NORTHEAST 1/4 OF SECTION 27, TOWNSHIP 8 SOUTH, RANGE 21 EAST OF THE 6TH P.M., LEAVENWORTH COUNTY, KANSAS, DESCRIBED AND BOUNDED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF THE NORTHEAST 1/4 OF SAID SECTION 27; THENCE SOUTH 00°39'53\"/>

**SURVEYORS DESCRIPTION**

A TRACT OF LAND IN THE NORTHEAST QUARTER OF SECTION 27-T8S-R21E OF THE 6TH P.M., LEAVENWORTH COUNTY, KANSAS, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 27; THENCE, S 01°06'41\"/>

**IN TESTIMONY WHEREOF**

THE UNDERSIGNED PROPRIETORS STATE THAT ALL TAXES ON 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 SHALL BE KNOWN AS \"BROCKERT HILL\".



LOCATION MAP  
NO SCALE

\_\_\_\_\_  
LONNIE D. PHILLIPS, SR.

\_\_\_\_\_  
DOROTHY MARIE PHILLIPS

**STATE OF KANSAS / COUNTY OF LEAVENWORTH**

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021, BEFORE ME APPEARED LONNIE D. PHILLIPS, SR. AND DOROTHY MARIE PHILLIPS, KNOWN TO ME TO BE THE SAME PERSONS DESCRIBED HEREIN AND WHO EXECUTED THE SAME AS THEIR 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 \"BROCKERT HILL\" THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021.

\_\_\_\_\_  
CHAIRPERSON / STEVE ROSENTHAL

\_\_\_\_\_  
SECRETARY / KRISTAL A. 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 / MITCH PLEAK, PE

WE THE BOARD OF COUNTY COMMISSIONERS OF LEAVENWORTH COUNTY, KANSAS, DO HEREBY APPROVE THE FOREGOING PLAT OF \"BROCKERT HILL\" THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021.

\_\_\_\_\_  
CHAIRPERSON / MICHAEL SMITH

\_\_\_\_\_  
COUNTY CLERK / JANET KLASINSKI (ATTEST)

**COUNTY REVIEWER CERTIFICATION**

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

\_\_\_\_\_  
STEVE G. TUFTS, KG PG NO. 4650  
LEAVENWORTH COUNTY 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

**EASEMENT DEDICATION**

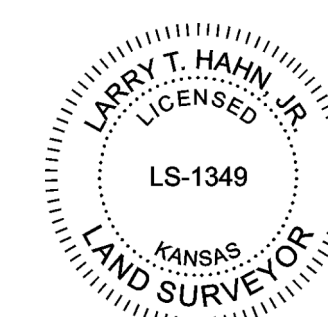
AN EASEMENT OR LICENSE TO ENTER UPON, LOCATE, CONSTRUCT AND MAINTAIN OR AUTHORIZE THE LOCATION, CONSTRUCTION OR MAINTAINANCE AND USE OF CONDUITS, WATER, GAS, SEWER PIPE, POLES, WIRES, DRAINAGE FACILITIES, DUCTS, CABLES AND SIMILAR FACILITIES UPON, OVER AND UNDER THESE AREAS OUTLINED AND DESIGNATED ON 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.

**STREET DEDICATION**

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

**LEGEND**

- 1/2\" x 24\" REBAR SET WITH #1349 CAP
- SURVEY MONUMENT FOUND (AS NOTED) ORIGIN UNKNOWN, UNLESS REFERENCED
- 1/2\" x 24\" REBAR SET WITH #1349 CAP IN CONCRETE
- POB POINT OF BEGINNING
- POC POINT OF COMMENCING
- U/E UTILITY EASEMENT - DEDICATED THIS PLAT
- S/B BUILDING SETBACK
- R/W ROAD RIGHT OF WAY



LARRY T. HAHN, LS #1349

THIS IS TO CERTIFY THAT IN THE MONTH OF APRIL, 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.

N 1/4 CORNER 27-T8S-R21E (15R)  
1/2\" REBAR WITH ALUMINUM CAP - 8\" DEEP  
1. SW 54.73 TO NAIL IN TOP OF CORNER POST  
2. SE 76.58 TO 60D NAIL IN TOP OF CORNER POST  
3. NE 54.38 TO 60D NAIL IN TOP OF FENCE POST  
4. NW 48.90 TO TOP CENTER OF TELEPHONE RISER

\"UNPLATTED TRACT\"  
PN. 68-27-0-00-00-001.00

\"UNPLATTED TRACT\"  
PN. 68-27-0-00-00-001.00

\"UNPLATTED TRACT\"  
PN. 68-27-00-00-004.00

\"UNPLATTED TRACT\"  
PN. 68-27-0-00-00-005.03

\"UNPLATTED TRACT\"  
PN. 68-27-0-00-00-003.00

**BENCHMARK**  
1/2\" REBAR WITH ALUMINUM CAP AT THE NORTH QUARTER CORNER 27-T8S-R21E, EL = 1129.80 (NAVD 88)

**ZONING**  
RR - 2.50

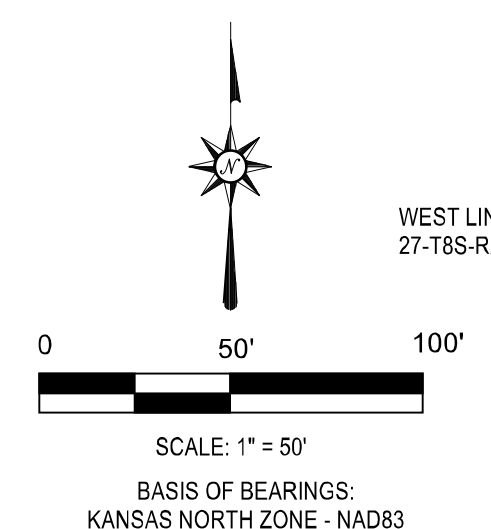
**RESTRICTIONS**

1. 40' REAR SETBACK FOR RESIDENCES
- 15' REAR SETBACK FOR ACCESSORY BUILDINGS
- 15' SIDE SETBACK
2. AN ENGINEERED WASTEWATER DISPOSAL MAY BE REQUIRED DUE TO POOR SOIL CONDITIONS.
3. EROSION CONTROL SHALL BE USED WHEN DESIGNING AND CONSTRUCTION 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. LEAVENWORTH COUNTY, KANSAS, DOES NOT REPRESENT, WARRANT OR GUARANTEE THAT THE DETAILS SHOWN ON THIS DOCUMENT AND PROVIDED BY THE APPLICANT OR AGENT OF APPLICANT, INCLUDING ANY SURVEY INFORMATION SHOULD BE RELIED UPON BY ANY THIRD PARTY AS BEING WHOLLY OR PARTIALLY ACCURATE AND COMPLETE.
2. EXISTING USE OR AREA BEING PLATTED - AGRICULTURAL PROPOSED USE - RESIDENTIAL / AGRICULTURAL
3. THIS PLAT IS NOT WITHIN A SPECIAL FLOOD HAZARD AREA. FEMA MAP #20103C0125G, DATED 07/16/2015
4. O & E REPORT BY ALLIANCE TITLE AGENCY, LLC - 4/9/2021

CENTER 27-T8S-R21E (15T)  
1/2\" REBAR - 4\" DEEP  
1. SW 45.50 TO PK NAIL IN CORNER POST  
2. NW 41.44 TO SE FACE OF IRON POST  
3. E 6.00 +- TO CENTER OF PAVEMENT  
4. E 39.80 TO 60D NAIL IN TOP OF CORNER POST



**From:** [Gentzler, Joshua](#)  
**Sent:** Monday, May 17, 2021 4:42 PM  
**To:** [Larry Hahn \(hahnsurvey@gmail.com\)](mailto:hahnsurvey@gmail.com)  
**Subject:** DEV-21-059/060 Brockert Hill Comments

---

Larry,

Public Works has the following questions/comments about the Brockert Hill plat:

The property being split has a driveway that not only extends to the barn on the property but extends further south to the adjacent property for access to a barn on 30578 207th. They have granted a private access easement through lot 1 to lot 2 for maintained access to the existing barn.

- Is the intention to remove the rest of the existing drive that extends further south? Or will they be maintaining this drive to extend through all 3 properties? If the drive is to continue to service the southern unplatted property (30578 207th) then it now services 3 properties which a private drive cannot do.
- If they intend to remove the existing access, I want to make sure that it is understood that they do not have the required spacing along 207th (arterial) to acquire a second entrance to the barn behind 30578 and will have to access off their existing driveway.

Planning and Zoning has no additional comments.

Please revise and send an updated plat and response to these comments by, **Monday, May 24<sup>th</sup>**.

Thank you,

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

# BROCKERT HILL

## A SUBDIVISION IN THE NORTHEAST QUARTER SECTION 27-T8S-R21E OF THE 6TH P.M., LEAVENWORTH COUNTY, KANSAS

### FINAL PLAT



**DEED DESCRIPTION - BOOK 692, PAGE 1664**  
 A PORTION OF THE SOUTHWEST 1/4 AND NORTHWEST 1/4 OF SECTION 27, TANGIPIRI SOUTH, RANGE 21 EAST OF THE 6TH P.M. LEAVENWORTH COUNTY, KANSAS, DESCRIBED AND BOUNDED AS FOLLOWS, BEGINNING AT THE NORTHWEST CORNER OF THE NORTHWEST 1/4 OF SAID SECTION 27; THENCE S01°00'00"W 80.00 FEET TO THE WEST LINE OF SAID NORTHWEST 1/4 TO A POINT; SAID POINT BEING THE TRUE POINT OF BEGINNING; THENCE SOUTH 89°57'00"E 88.00 FEET TO A POINT; SAID POINT BEING MARKED BY A 2" ROUND BRASS CAP IN CONCRETE MARKER; THENCE SOUTH 89°57'00"E 88.00 FEET TO A POINT ON THE WEST LINE OF SAID NORTHWEST 1/4; THENCE NORTH 01°00'00"W 88.00 FEET TO A POINT ON THE WEST LINE OF SAID NORTHWEST 1/4; THENCE NORTH 01°00'00"W 88.00 FEET TO THE TRUE POINT OF BEGINNING; AFORESAID NORTHWEST AND SOUTHWEST POINTS LOCATED IN THE SAID EASTING BEARING BEING IDENTIFIED BY A 2" ROUND BRASS CAP IN CONCRETE MONUMENT LOCATED 36 FEET EAST THEREOF ON THE RESPECTIVE NORTH AND SOUTH BOUNDARY LINES AS NOTICED OCCURRED.

**SURVEYORS DESCRIPTION**  
 A TRACT OF LAND IN THE NORTHEAST QUARTER OF SECTION 27-T8S-R21E OF THE 6TH P.M., LEAVENWORTH COUNTY, KANSAS, DESCRIBED AS FOLLOWS, COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 27; THENCE S 81°56'18" W 400.00 FEET TO THE WEST LINE OF SAID NORTH QUARTER TO THE POINT OF BEGINNING OF THE TRACT;  
 THENCE S 81°56'18" W 400.00 FEET;  
 THENCE S 81°56'18" W 400.00 FEET;  
 THENCE S 81°56'18" W 400.00 FEET TO THE POINT OF BEGINNING.  
 CONTAINING 110 ACRES, MORE OR LESS, ACCORDING TO RECORD.

**IN TESTIMONY WHEREOF**  
 THE UNDERSIGNED PROPRIETORS STATE THAT ALL TAXES ON THE ABOVE DESCRIBED TRACT OF LAND HAVE BEEN PAID AND THAT THEY HAVE CAUSED THE SAME TO BE SURVEYED IN THE MANNER SHOWN ON THE ACCOMPANYING PLAT WHICH SHALL BE KNOWN AS "BROCKERT HILL".

LEONIE O. PHILLIPS, SR.  
 DOROTHY MARIE PHILLIPS  
**STATE OF KANSAS / COUNTY OF LEAVENWORTH**  
 COUNTY CLERK, I DO HEREBY CERTIFY AND CORRECTLY RECORD AS FOLLOWS THE FOREGOING PLAT BEING KNOWN TO ME TO BE THE SAME PERSONS DESCRIBED HEREIN AND WHO EXECUTED THE SAME AS THEIR FREE ACT AND DEED; IN WITNESS WHEREOF, I HAVE SET MY HAND AND AFFIXED MY NOTARIAL SEAL, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2021.

PUBLIC: MY COMMISSION EXPIRES \_\_\_\_\_

**APPROVAL**  
 BY THE LEAVENWORTH COUNTY PLANNING COMMISSION. DO HEREBY APPROVE THE FOREGOING PLAT OF "BROCKERT HILL" THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2021.

CHAIRPERSON / STEVE ROSENTHAL SECRETARY / KRISTAL A. VOITH, CIV.  
 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 / MITCHELL R. HE  
 WE, THE BOARD OF COUNTY COMMISSIONERS OF LEAVENWORTH COUNTY, KANSAS, DO HEREBY APPROVE THE FOREGOING PLAT OF "BROCKERT HILL" THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2021.

CHAIRPERSON / MICHAEL SMITH COUNTY CLERK / JANET KRAMSK (ATTEST)

**COUNTY REVIEWER CERTIFICATION**

I HEREBY CERTIFY THAT THIS DOCUMENT HAS BEEN REVIEWED BY ME AND IS BEING FILED FOR SURVEY INFORMATION ONLY:  
 Reviewer: Michael J. Bogina KPS PS-1655  
 Leavenworth County Survey Reviewer  
 LEAVENWORTH COUNTY REVIEWER

**STATE OF KANSAS / COUNTY OF LEAVENWORTH**  
 FILED FOR RECORD IN BOOK \_\_\_\_\_ ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2021 AT \_\_\_\_\_ IN THE OFFICE OF THE REGISTER OF DEEDS, LEAVENWORTH COUNTY, KANSAS.

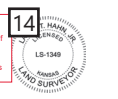
REGISTER OF DEEDS / TERRILL D. WEAVER

**EASEMENT DEDICATION**  
 AN EASEMENT OR LICENSE TO ENTER UPON, LOCATE, CONSTRUCT AND MAINTAIN OR AUTHORIZE THE LOCATION, CONSTRUCTION OF WATER MAINS AND USE CONDUITS, WATER GALS, SEWERING, RAILER, RILES, DRAINAGE FACILITIES, DUCTS, CABLES AND SIMILAR FACILITIES UPON, OVER AND UNDER THESE AREAS OUTLINED AND DESIGNATED ON THIS PLAT AS UTILITY EASEMENT OR USE 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.

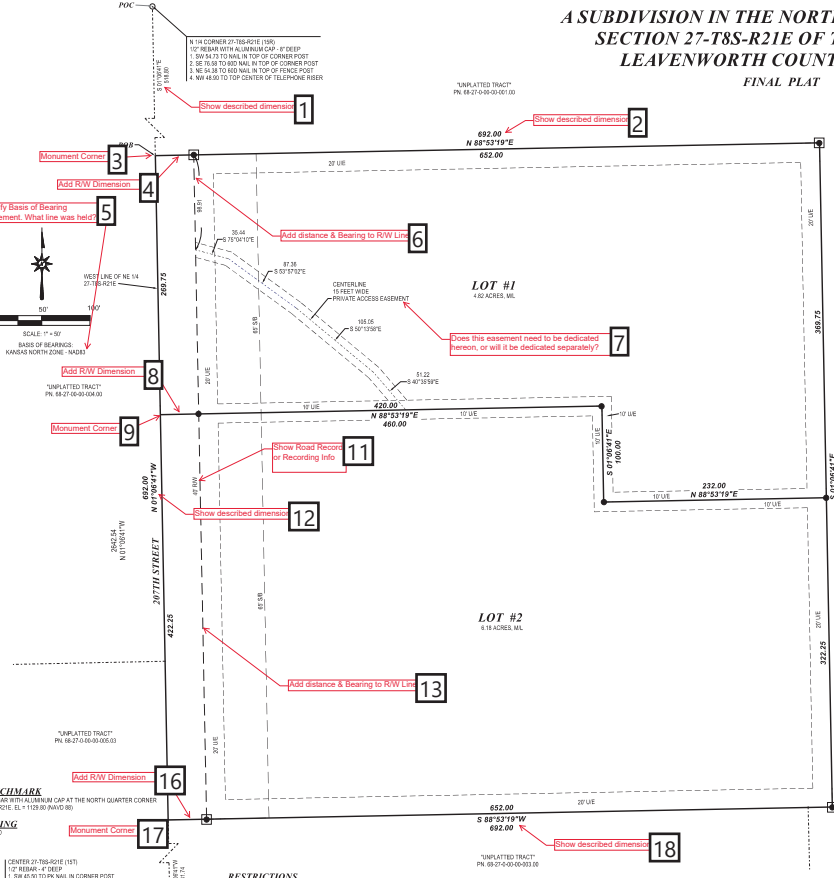
**STREET DEDICATION**  
 ALL STREETS ON THE ACCOMPANYING PLAT AND NOT HERETOFORE DEDICATED TO PUBLIC USE ARE HEREBY SO DEDICATED.

**LEGEND**

- 1/2" x 3/4" BRASS SET WITH #1549 CAP SURVEY MONUMENT FOUND (AS NOTED)
- IRON UNKNOWNS (AS REFERENCED IN CONCRETE)
- ◻ 1/2" x 3/4" BRASS SET WITH #1549 CAP IN CONCRETE
- POINT OF BEGINNING
- POINT OF COMMENCING
- UTILITY EASEMENT - DESIGNATED THIS PLAT
- SB BUILDING SETBACK
- R/W ROAD RIGHT OF WAY



KEITH L. HAVER, L.S. #1349  
 THIS IS TO CERTIFY THAT IN THE MONTH OF APRIL, 2021, THIS SURVEY WAS MADE UNDER MY DIRECT SUPERVISION AND THAT SAID SURVEY MEETS OR EXCEEDS THE "KANSAS MINIMUM STANDARD" FOR BOUNDARY SURVEYS PURSUANT TO K.S.A. 74-1207.



- 1. IN THE CORNER TO TELEPHONE POLE 10" REBAR WITH ALUMINUM CAP - 4" DEEP 2. 1/4" DIA. TO 100 WALL IN TOP OF CORNER POST 3. 3/4" DIA. TO 100 WALL IN TOP OF CORNER POST 4. NW 48.00 TO TOP CENTER OF TELEPHONE PIER

Clarify Basis of Bearing Statement. What line was held?

SCALE: 1" = 30'  
 BASIS OF BEARING: KANSAS NORTH ZONE, NAD83

**BENCHMARK**  
 1/2" DIA BRASS WITH ALUMINUM CAP AT THE NORTH QUARTER CORNER OF SECTION 27 T8S-R21E (AS NOTED)

**ZONING**  
 R21 (RESIDENTIAL)

**RESTRICTIONS**

1. NO REAR SETBACK FOR RESIDENTS
2. NO REAR SETBACK FOR ACCESSORY BUILDINGS
3. NO SIDE SETBACK
4. AN ENGINEERED WASTEWATER DISPOSAL SYSTEM IS REQUIRED DUE TO POOR SOIL CONDITIONS
5. EROSION CONTROL SHALL BE USED WHEN DESIGNING AND CONSTRUCTING DRAINAGES
6. A FORM OF EROSION CONTROL SHALL BE INSTALLED BEFORE WORK BEGINS AND MAINTAINED THROUGHOUT THE TIME THAT THE LAND IS USED FOR ANY ACTIVITIES NOT PERMITTED HEREIN
7. ALL UTILITIES SHALL BE COMPLETED WITHIN 45 DAYS AFTER COMPLETION OF FINAL DRAINAGE WEATHER PERMITTING
8. LOTS ARE SUBJECT TO THE CURRENT ACCESS MANAGEMENT POLICY RESOLUTION.

**NOTES**

1. LEAVENWORTH COUNTY, KANSAS, DOES NOT REPRESENT, WARRANT OR GUARANTEE THAT THE DETAILS SHOWN ON THIS DOCUMENT AND PROVIDED BY THE APPLICANT OR AGENT OR APPLICANT, INCLUDING ANY SURVEY INFORMATION SHOULD BE RELIED UPON BY ANY THIRD PARTY AS BEING WHOLLY OR PARTIALLY ACCURATE AND COMPLETE.
2. EXISTING USE OR AREA BEING PLATTED - AGRICULTURE, PROPOSED USE - RESIDENTIAL, AGRICULTURE.
3. THIS PLAT IS PART OF THE SPECIFIC RECORD DRAINAGE AREA, FEA# MAP #2010321050, DATED 07-14-2015.
4. O & E REPORT BY ALLIANCE TITLE AGENCY, LLC - #9202

# Summary of Comments on 2021.04.23 DEV-21-060 Final.pdf

Page: 1

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≡	Number: 1	Author: mjbogina	Subject: Callout	Date: 5/13/2021 11:12:47 AM
	<a href="#">Show described dimension</a>			
≡	Number: 2	Author: mjbogina	Subject: Callout	Date: 5/13/2021 11:12:58 AM
	<a href="#">Show described dimension</a>			
≡	Number: 3	Author: mjbogina	Subject: Callout	Date: 5/13/2021 11:07:21 AM
	<a href="#">Monument Corner</a>			
≡	Number: 4	Author: mjbogina	Subject: Callout	Date: 5/13/2021 11:06:42 AM
	<a href="#">Add R/W Dimension</a>			
≡	Number: 5	Author: mjbogina	Subject: Callout	Date: 5/13/2021 11:14:44 AM
	<a href="#">Clarify Basis of Bearing Statement. What line was held?</a>			
≡	Number: 6	Author: mjbogina	Subject: Callout	Date: 5/13/2021 11:06:03 AM
	<a href="#">Add distance &amp; Bearing to R/W Line</a>			
≡	Number: 7	Author: mjbogina	Subject: Callout	Date: 5/13/2021 11:12:04 AM
	<a href="#">Does this easement need to be dedicated hereon, or will it be dedicated separately?</a>			
≡	Number: 8	Author: mjbogina	Subject: Callout	Date: 5/13/2021 11:06:31 AM
	<a href="#">Add R/W Dimension</a>			
≡	Number: 9	Author: mjbogina	Subject: Callout	Date: 5/13/2021 11:07:31 AM
	<a href="#">Monument Corner</a>			
≡	Number: 10	Author: mjbogina	Subject: Callout	Date: 5/13/2021 11:13:12 AM
	<a href="#">Show described dimension</a>			
≡	Number: 11	Author: mjbogina	Subject: Callout	Date: 5/13/2021 11:28:15 AM
	<a href="#">Show Road Record or Recording Info</a>			
≡	Number: 12	Author: mjbogina	Subject: Callout	Date: 5/13/2021 11:13:29 AM
	<a href="#">Show described dimension</a>			
≡	Number: 13	Author: mjbogina	Subject: Callout	Date: 5/13/2021 11:05:53 AM
	<a href="#">Add distance &amp; Bearing to R/W Line</a>			
≡	Number: 14	Author: mjbogina	Subject: Callout	Date: 5/13/2021 11:10:48 AM
	<a href="#">Revise to Read:</a> I hereby certify this plat meets the requirements of K.S.A. 58-2005. The face of this plat was reviewed for compliance with Kansas Minimum Standards for Boundary Surveys. No field verification is implied. This review is for survey information only.			
≡	Number: 15	Author: mjbogina	Subject: Callout	Date: 5/13/2021 11:11:26 AM
	<a href="#">Revise to Read:</a> Michael J. Bogina KS PS-1655 Leavenworth County Survey Reviewer			
≡	Number: 16	Author: mjbogina	Subject: Callout	Date: 5/13/2021 11:06:51 AM
	<a href="#">Add R/W Dimension</a>			
≡	Number: 17	Author: mjbogina	Subject: Callout	Date: 5/13/2021 11:07:42 AM
	<a href="#">Monument Corner</a>			
≡	Number: 18	Author: mjbogina	Subject: Callout	Date: 5/13/2021 11:13:20 AM
	<a href="#">Show described dimension</a>			



**From:** [Anderson, Lauren](#)  
**Sent:** Friday, June 4, 2021 8:35 AM  
**To:** [Gentzler, Joshua](#)  
**Subject:** FW: DEV-21-059/060 Brockert Hill Revision  
**Attachments:** Brockert Hill Comments 2021.06.04.pdf

---

Joshua,

Survey review is complete. Engineering has not conducted any review, as discussed yesterday. I have not provided these comments to Larry Hahn, please do so when you send the other comments out.

Lauren

---

**From:** Michael Bogina <mjbogina@olsson.com>  
**Sent:** Friday, June 4, 2021 8:32 AM  
**To:** Anderson, Lauren <LAnderson@leavenworthcounty.gov>  
**Subject:** RE: DEV-21-059/060 Brockert Hill Revision

*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.

Review complete. No comments.

---

**From:** Anderson, Lauren <[LAnderson@leavenworthcounty.gov](mailto:LAnderson@leavenworthcounty.gov)>  
**Sent:** Friday, June 4, 2021 8:12 AM  
**To:** Michael Bogina <[mjbogina@olsson.com](mailto:mjbogina@olsson.com)>  
**Subject:** FW: DEV-21-059/060 Brockert Hill Revision

Mike,

Please see the attached Brockert Hill revision.

Lauren

---

**From:** Gentzler, Joshua  
**Sent:** Thursday, June 3, 2021 3:30 PM  
**To:** Anderson, Lauren <[LAnderson@leavenworthcounty.gov](mailto:LAnderson@leavenworthcounty.gov)>; Mitch Pleak <[MPleak@olsson.com](mailto:MPleak@olsson.com)>  
**Subject:** DEV-21-059/060 Brockert Hill Revision

Here's the revision to the Brockert Hill Final Plat.

**Joshua Gentzler**  
[Planning & Zoning](#)

---

**From:** larry hahn <[hahnsurvey@gmail.com](mailto:hahnsurvey@gmail.com)>  
**Sent:** Friday, May 28, 2021 12:20 PM  
**To:** Gentzler, Joshua <[JGentzler@leavenworthcounty.gov](mailto:JGentzler@leavenworthcounty.gov)>  
**Subject:** Re: DEV-21-059/060 Brockert Hill Comments

*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 -  
Attached is the revised Brockert Hill.

Larry Hahn, LS  
Hahn Surveying  
PO Box 41  
Lansing, Ks. 66043  
(913) 547-3405

On Fri, May 28, 2021 at 8:18 AM Gentzler, Joshua <[JGentzler@leavenworthcounty.gov](mailto:JGentzler@leavenworthcounty.gov)> wrote:

Larry, I've not seen a revised plat for Brockert Hill. Have you sent over an updated plat to Bill?  
Thanks,

Joshua Gentzler  
[Planning & Zoning](#)

---

**From:** Gentzler, Joshua

**Sent:** Monday, May 17, 2021 4:42 PM

**To:** Larry Hahn ([hahnsurvey@gmail.com](mailto:hahnsurvey@gmail.com)) <[hahnsurvey@gmail.com](mailto:hahnsurvey@gmail.com)>

**Subject:** DEV-21-059/060 Brockert Hill Comments

Larry,

Public Works has the following questions/comments about the Brockert Hill plat:

The property being split has a driveway that not only extends to the barn on the property but extends further south to the adjacent property for access to a barn on 30578 207th. They have granted a private access easement through lot 1 to lot 2 for maintained access to the existing barn.

- Is the intention to remove the rest of the existing drive that extends further south? Or will they be maintaining this drive to extend through all 3 properties? If the drive is to continue to service the southern unplatted property (30578 207th) then it now services 3 properties which a private drive cannot do.

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Planning and Zoning has no additional comments.

Please revise and send an updated plat and response to these comments by, **Monday, May 24<sup>th</sup>**.

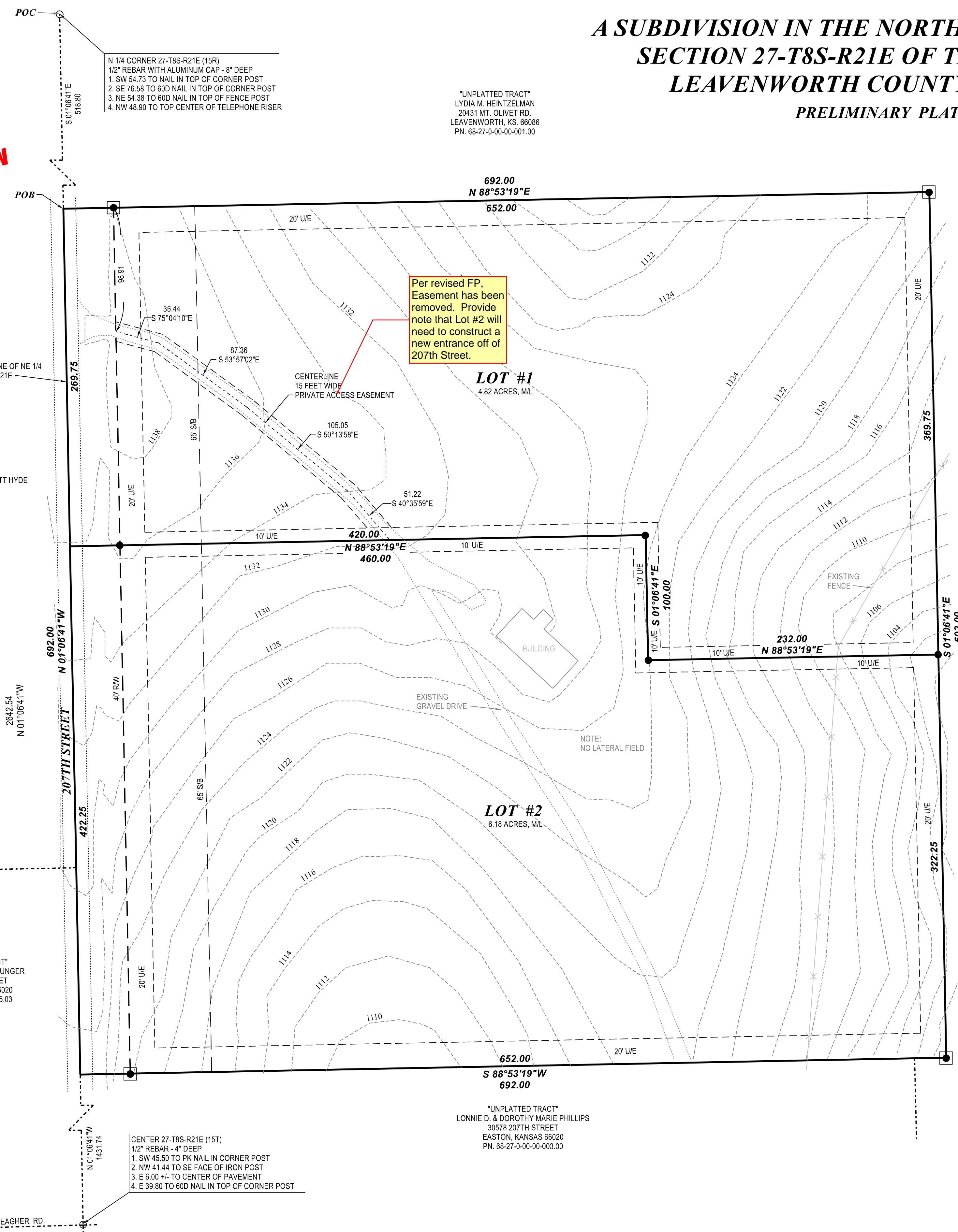
Thank you,  
Joshua Gentzler  
Planner II  
[Planning & Zoning](#)  
Leavenworth County  
913.684.0464

# BROCKERT HILL

A SUBDIVISION IN THE NORTHEAST QUARTER  
SECTION 27-T8S-R21E OF THE 6TH P.M.,  
LEAVENWORTH COUNTY, KANSAS

PRELIMINARY PLAT

06-08-2021  
OLSSON REVIEW



Per revised FP, Easement has been removed. Provide note that Lot #2 will need to construct a new entrance off of 207th Street.

Revise Property #.

**OWNER / DEVELOPER**  
LONNIE D. & DOROTHY MARIE PHILLIPS  
30578 207TH STREET  
EASTON, KANSAS 66020  
(913) 240-6621

**DEED DESCRIPTION - BOOK 692, PAGE 1661**

A PORTION OF THE NORTHWEST 1/4 NORTHEAST 1/4 OF SECTION 27, TOWNSHIP 8 SOUTH, RANGE 21 EAST OF THE 6TH P.M., LEAVENWORTH COUNTY, KANSAS, DESCRIBED AND BOUNDED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF THE NORTHEAST 1/4 OF SAID SECTION 27; THENCE, SOUTH 00°39'53" WEST FOR 518.80 FEET ALONG THE WEST LINE OF SAID NORTHEAST 1/4 TO A POINT, SAID POINT BEING THE TRUE POINT OF BEGINNING; THENCE SOUTH 89°20'07" EAST 692 FEET TO A POINT (SAID POINT BEING MARKED BY A 2 INCH BRASS CAP IN A CONCRETE MARKER); THENCE SOUTH 00°39'53" WEST 692 FEET TO A POINT (SAID POINT BEING MARKED BY A 2 INCH BRASS CAP IN CONCRETE MARKER); THENCE NORTH 89°20'07" WEST 692 FEET TO A POINT ON THE WEST LINE OF SAID NORTHEAST 1/4; THENCE NORTH 00°39'53" EAST 692 FEET ALONG SAID WEST LINE TO THE TRUE POINT OF BEGINNING; AFORESAID NORTHWEST AND SOUTHWEST POINT LOCATED IN THE SAID EXISTING ROAD BEING MARKED RESPECTIVELY BY A 2 INCH BRASS IN A CONCRETE MONUMENT LOCATED 36 FEET EAST THEREOF ON THE RESPECTIVE NORTH AND SOUTH BOUNDARY LINES AS ABOVE DESCRIBED.

**SURVEYS DESCRIPTION**

A TRACT OF LAND IN THE NORTHEAST QUARTER OF SECTION 27-T8S-R21E OF THE 6TH P.M., LEAVENWORTH COUNTY, KANSAS, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 27; THENCE, S 01°06'41"E, 518.80 FEET ALONG THE WEST LINE OF SAID NORTHEAST QUARTER TO THE POINT OF BEGINNING OF THIS TRACT;  
THENCE, N 88°53'19"E, 692.00 FEET;  
THENCE, S 01°06'41"E, 692.00 FEET;  
THENCE, S 88°53'19"W, 692.00 FEET TO THE WEST LINE OF THE NORTHEAST QUARTER OF SECTION 27;  
THENCE, N 01°06'41"W, 692.00 FEET ALONG SAID WEST LINE TO THE POINT OF BEGINNING.  
CONTAINS 11.00 ACRES, MORE OR LESS, INCLUDING ROAD R/W.

**RESTRICTIONS**

- 40' REAR SETBACK FOR RESIDENCES
- 15' REAR SETBACK FOR ACCESSORY BUILDINGS
- 15' SIDE SETBACK
- AN ENGINEERED WASTEWATER DISPOSAL MAY BE REQUIRED DUE TO POOR SOIL CONDITIONS.
- EROSION CONTROL SHALL BE USED WHEN DESIGNING AND CONSTRUCTION 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.

**NOTES**

- FENCE LINES DO NOT DENOTE PROPERTY LINES.
- LEAVENWORTH COUNTY, KANSAS, DOES NOT REPRESENT, WARRANT OR GUARANTEE THAT THE DETAILS SHOWN ON THIS DOCUMENT AND PROVIDED BY THE APPLICANT OR AGENT OF APPLICANT, INCLUDING ANY SURVEY INFORMATION SHOULD BE RELIED UPON BY ANY THIRD PARTY AS BEING WHOLLY OR PARTIALLY ACCURATE AND COMPLETE.
- EXISTING USE OR AREA BEING PLATTED - AGRICULTURAL PROPOSED USE - RESIDENTIAL / AGRICULTURAL
- THIS PLAT IS NOT WITHIN A SPECIAL FLOOD HAZARD AREA. FEMA MAP #20103C0125G, DATED 07/16/2015
- O & E REPORT BY ALLIANCE TITLE AGENCY, LLC - 4/9/2021

**BENCHMARK**

1/2" REBAR WITH ALUMINUM CAP AT THE NORTH QUARTER CORNER 27-T8S-R21E. EL = 1129.80 (NAVD 88)

**ROAD INFORMATION**

207TH STREET IS A 20' WIDE COUNTY ARTERIAL WITH PAVED SURFACE

**PUBLIC IMPROVEMENT**

NONE

**DRAINAGE CALCULATIONS**

ON SEPARATE DOCUMENT BY DAVID LUTGEN, PE

**UTILITIES**  
ELECTRIC / FREESTATE  
WATER / R.W.D. #5  
GAS / PRIVATE PROPANE  
SEWAGE / PRIVATE ON SITE SYSTEM  
TELEPHONE / AT&T

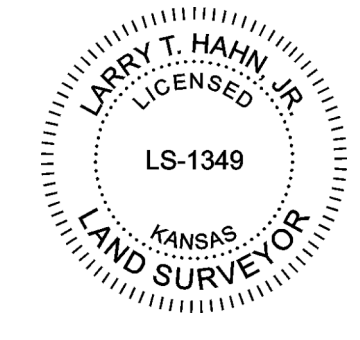
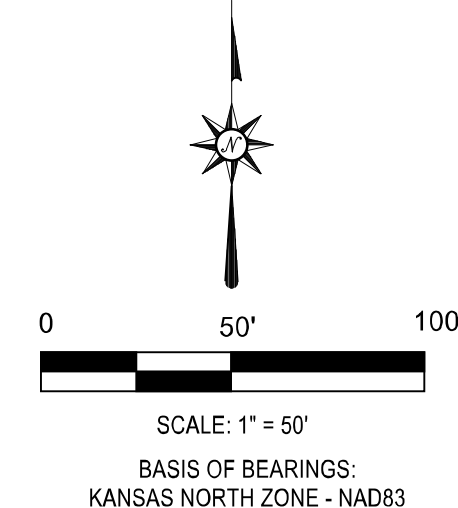
**ZONING**

RR - 2.50

Per Subdivision Regulations, provide the zoning classification and existing use and the proposed use of the area being platted. Revise statement to "RR-2.5 - Current and Proposed" or like on future PPs.

**LEGEND**

- 1/2" x 24" REBAR SET WITH #1349 CAP
- SURVEY MONUMENT FOUND (AS NOTED) ORIGIN UNKNOWN, UNLESS REFERENCED
- ◼ 1/2" x 24" REBAR SET WITH #1349 CAP IN CONCRETE
- POB POINT OF BEGINNING
- POC POINT OF COMMENCING
- U/E UTILITY EASEMENT - DEDICATED THIS PLAT
- SB BUILDING SETBACK



LARRY T. HAHN, LS #1349

THIS IS TO CERTIFY THAT IN THE MONTH OF APRIL, 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.

Provide Location Map

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

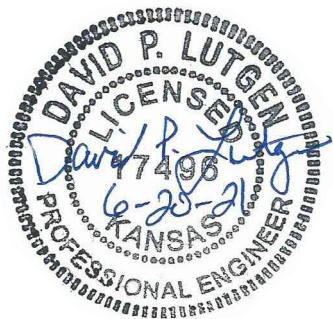


Brockert Hill  
Leavenworth County Kansas

Drainage Report

Prepared April 23, 2021

Revised June 20, 2021



**Parcel Information** - The 11-acre (+/-) parcel is located north of K-92 on the east side 207<sup>th</sup> Street in Leavenworth County KS. The parcel is zoned RR 2.5. There is a barn on the property. The ground appears to be used as pasture.

**Existing Conditions** – The site 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 c value is based on the soil type, slopes, and existing land use, see Exhibits #2, #2A, and #3.

Existing	c value	Acres in each Drainage Area		
		DA #1	DA #2	DA #3
Pasture	0.36/0.42	2.1	4.1	4.57
Grass	0.30	0.00	0.00	0.00
Impervious	0.90	0.00	0.00	0.05
Gravel Road	0.50	0.00	0.00	0.18
Composite c		0.36	0.42	0.37

$$\text{composite c} = \frac{(\text{Pasture Acres} * \text{c value} + \text{Grass Acres} * \text{c value} + \text{Impervious} * \text{c value} + \text{Gravel Acres} * \text{c values})}{\text{Total Acres}}$$

**Developed Conditions** – The proposed development will create 2 residential building lots. The developed storm water runoff calculations include 10,000 sq ft of impervious area for each lot. This impervious area will account for the driveway, house footprint, and outbuilding. It was assumed that one acre around each home would be maintained as a grass lawn while the remainder of the lot will be maintained as 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 #2	DA #3
Pasture	0.36/0.42	0.87	2.97	4.67
Grass	0.30	1.00	1.00	0.00
Impervious	0.90	0.23	0.13	0.05
Gravel Road	0.50	0.00	0.00	0.10
Composite c		0.39	0.41	0.37

Notes – Assume that the existing driveway crossing lots 1 and 2 will be removed.

Impervious area for DA #2 was decreased from the standard 10,000 sq ft due to the majority of Driveway being in DA #3.

$$\text{composite } c = \frac{(\text{Pasture Acres} * c \text{ value} + \text{Grass Acres} * c \text{ value} + \text{Impervious} * c \text{ value} + \text{Gravel Acres} * C \text{ value})}{\text{Total Acres}}$$

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**

	<b>Q10 (cfs)</b>	<b>Q100 (cfs)</b>
<b>Existing</b>	4.2	7.5
<b>Developed</b>	4.7	8.2
<b>Change</b>	10%	10%

**DA #2**

	<b>Q10 (cfs)</b>	<b>Q100 (cfs)</b>
<b>Existing</b>	10.3	18.2
<b>Developed</b>	9.9	17.5
<b>Change</b>	-4%	-4%

**DA #3**

	<b>Q10 (cfs)</b>	<b>Q100 (cfs)</b>
<b>Existing</b>	9.9	17.6
<b>Developed</b>	9.9	17.6
<b>Change</b>	0%	0%

The increase in storm water runoff in DA #1 results in a 0.02-ft rise at the property line in a 10-yr storm and a 0.01-ft rise in a 100-yr storm, see exhibits #4 – #7. This assumes a 4-ft flat bottom ditch with 4:1 side slopes.

**Conclusion** – The development of this property results in a minimal increase in runoff from drainage area #1 and no change in drainage area #2 or drainage area #3.

# BROCKERT HILL

A SUBDIVISION IN THE NORTHEAST QUARTER  
SECTION 27-T8S-R21E OF THE 6TH P.M.,  
LEAVENWORTH COUNTY, KANSAS

PRELIMINARY PLAT



LOCATION MAP  
NO SCALE

**DEED DESCRIPTION - BOOK 692, PAGE 1661**

A PORTION OF THE NORTHWEST 1/4 NORTHEAST 1/4 OF SECTION 27, TOWNSHIP 8 SOUTH, RANGE 21 EAST OF THE 6TH P.M., LEAVENWORTH COUNTY, KANSAS, DESCRIBED AND BOUNDED AS FOLLOWS; BEGINNING AT THE NORTHWEST CORNER OF THE NORTHEAST 1/4 OF SAID SECTION 27; THENCE, SOUTH 00°39'53" WEST FOR 518.80 FEET ALONG THE WEST LINE OF SAID NORTHEAST 1/4 TO A POINT, SAID POINT BEING THE TRUE POINT OF BEGINNING; THENCE SOUTH 88°20'07" EAST 692 FEET TO A POINT (SAID POINT BEING MARKED BY A 2 INCH BRASS CAP IN A CONCRETE MARKER); THENCE SOUTH 00°39'53" WEST 692 FEET TO A POINT (SAID POINT BEING MARKED BY A 2 INCH BRASS CAP IN CONCRETE MARKER); THENCE NORTH 89°20'07" WEST 692 FEET TO A POINT ON THE WEST LINE OF SAID NORTHEAST 1/4; THENCE NORTH 00°39'53" EAST 692 FEET ALONG SAID WEST LINE TO THE TRUE POINT OF BEGINNING, AFORESAID NORTHWEST AND SOUTHWEST POINT LOCATED IN THE SAID EXISTING ROAD BEING MARKED RESPECTIVELY BY A 2 INCH BRASS IN A CONCRETE MONUMENT LOCATED 36 FEET EAST THEREOF ON THE RESPECTIVE NORTH AND SOUTH BOUNDARY LINES AS ABOVE DESCRIBED.

**SURVEYS DESCRIPTION**

A TRACT OF LAND IN THE NORTHEAST QUARTER OF SECTION 27-T8S-R21E OF THE 6TH P.M., LEAVENWORTH COUNTY, KANSAS, DESCRIBED AS FOLLOWS; COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 27; THENCE, S 01°06'41"E, 518.80 FEET ALONG THE WEST LINE OF SAID NORTHEAST QUARTER TO THE POINT OF BEGINNING OF THIS TRACT;  
THENCE, N 88°53'19"E, 692.00 FEET;  
THENCE, S 01°06'41"E, 692.00 FEET;  
THENCE, S 88°53'19"W, 692.00 FEET TO THE WEST LINE OF THE NORTHEAST QUARTER OF SECTION 27;  
THENCE, N 01°06'41"W, 692.00 FEET ALONG SAID WEST LINE TO THE POINT OF BEGINNING.  
CONTAINS 11.00 ACRES, MORE OR LESS, INCLUDING ROAD R/W.

**RESTRICTIONS**

- 40' REAR SETBACK FOR RESIDENCES
- 15' REAR SETBACK FOR ACCESSORY BUILDINGS
- 15' SIDE SETBACK
- AN ENGINEERED WASTEWATER DISPOSAL MAY BE REQUIRED DUE TO POOR SOIL CONDITIONS.
- EROSION CONTROL SHALL BE USED WHEN DESIGNING AND CONSTRUCTION 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.

**NOTES**

- FENCE LINES DO NOT DENOTE PROPERTY LINES.
- LEAVENWORTH COUNTY, KANSAS, DOES NOT REPRESENT, WARRANT OR GUARANTEE THAT THE DETAILS SHOWN ON THIS DOCUMENT AND PROVIDED BY THE APPLICANT OR AGENT OF APPLICANT, INCLUDING ANY SURVEY INFORMATION SHOULD BE RELIED UPON BY ANY THIRD PARTY AS BEING WHOLLY OR PARTIALLY ACCURATE AND COMPLETE.
- EXISTING USE OR AREA BEING PLATTED - AGRICULTURAL PROPOSED USE - RESIDENTIAL / AGRICULTURAL
- THIS PLAT IS NOT WITHIN A SPECIAL FLOOD HAZARD AREA.  
FEMA MAP #20103C0125G, DATED 07/16/2015
- O & E REPORT BY ALLIANCE TITLE AGENCY, LLC - 4/9/2021

**BENCHMARK**

1/2" REBAR WITH ALUMINUM CAP AT THE NORTH QUARTER CORNER  
27-T8S-R21E. EL = 1129.80 (NAVD 88)

**ROAD INFORMATION**

207TH STREET IS A 20' WIDE COUNTY ARTERIAL WITH PAVED SURFACE

**PUBLIC IMPROVEMENT**

NONE

**DRAINAGE CALCULATIONS**

ON SEPARATE DOCUMENT BY DAVID LUTGEN, PE

**UTILITIES**

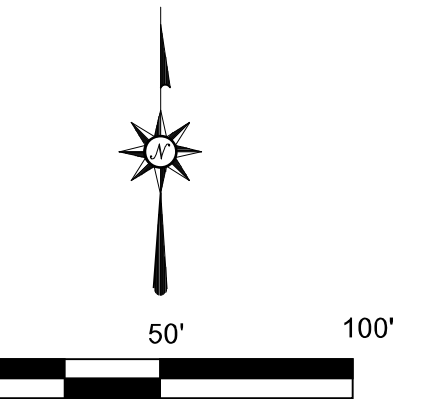
ELECTRIC / FREESTATE  
WATER / R.W.D. #5  
GAS / PRIVATE PROPANE  
SEWAGE / PRIVATE ON SITE SYSTEM  
TELEPHONE / AT&T

**ZONING**

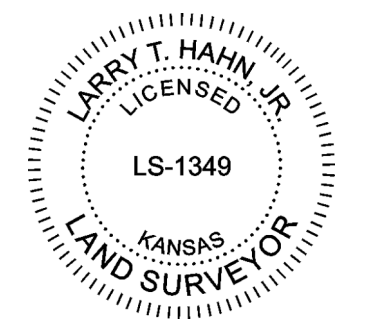
RR - 2.50

**LEGEND**

- 1/2" x 24" REBAR SET WITH #1349 CAP
- SURVEY MONUMENT FOUND (AS NOTED) ORIGIN UNKNOWN, UNLESS REFERENCED
- 1/2" x 24" REBAR SET WITH #1349 CAP IN CONCRETE
- POB POINT OF BEGINNING
- POC POINT OF COMMENCING
- U/E UTILITY EASEMENT - DEDICATED THIS PLAT
- S/B BUILDING SETBACK



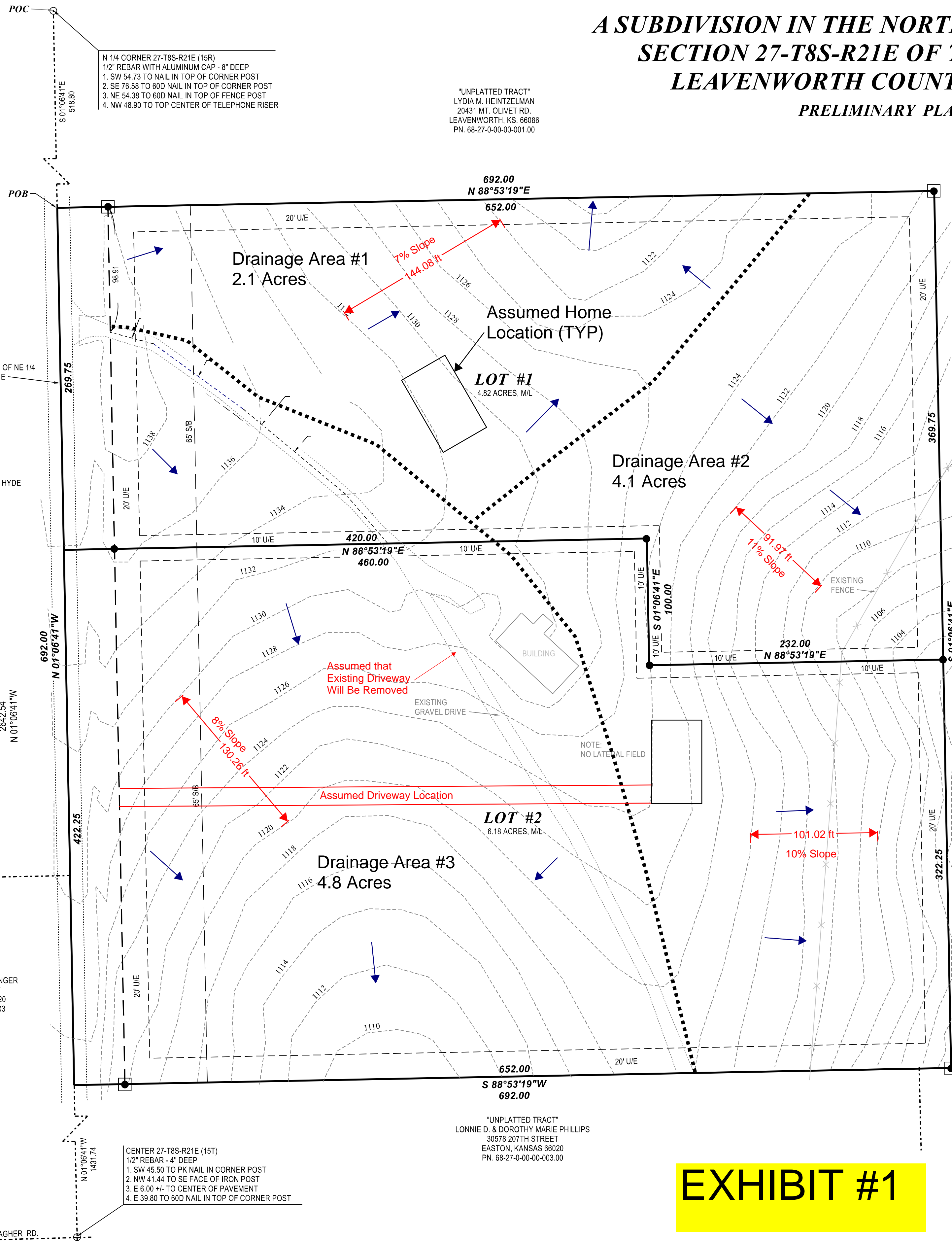
SCALE: 1" = 50'  
BASIS OF BEARINGS:  
KANSAS NORTH ZONE - NAD83



LARRY T. HAHN, LS #1349

THIS IS TO CERTIFY THAT IN THE MONTH OF APRIL, 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.

**EXHIBIT #1**



N 1/4 CORNER 27-T8S-R21E (15R)  
1/2" REBAR WITH ALUMINUM CAP - 8" DEEP  
1. SW 54.73 TO NAIL IN TOP OF CORNER POST  
2. SE 76.58 TO 60D NAIL IN TOP OF CORNER POST  
3. NE 54.38 TO 60D NAIL IN TOP OF FENCE POST  
4. NW 48.90 TO TOP CENTER OF TELEPHONE RISER

"UNPLATTED TRACT"  
LYDIA M. HEINTZELMAN  
20431 MT. OLIVET RD.  
LEAVENWORTH, KS. 66086  
PN. 68-27-0-00-00-001.00

"UNPLATTED TRACT"  
THOMAS S. HYDE & ANTHONY SCOTT HYDE  
108 N. 17TH STREET  
LEAVENWORTH, KS. 66048  
PN. 68-27-00-00-004.00

"UNPLATTED TRACT"  
LYDIA M. HEINTZELMAN  
20431 MT. OLIVET RD.  
LEAVENWORTH, KS. 66086  
PN. 68-27-0-00-00-001.00

"UNPLATTED TRACT"  
GUY C. SHANNON E. YOUNGER  
30619 207TH STREET  
EASTON, KANSAS 66020  
PN. 68-27-0-00-00-005.03

CENTER 27-T8S-R21E (15T)  
1/2" REBAR - 4" DEEP  
1. SW 45.50 TO PK NAIL IN CORNER POST  
2. NW 41.44 TO SE FACE OF IRON POST  
3. E 6.00 +/- TO CENTER OF PAVEMENT  
4. E 39.80 TO 60D NAIL IN TOP OF CORNER POST

"UNPLATTED TRACT"  
LONNIE D. & DOROTHY MARIE PHILLIPS  
30578 207TH STREET  
EASTON, KANSAS 66020  
PN. 68-27-0-00-00-003.00

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](https://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb1083019.pdf)

# EXHIBIT #2

**Table 3-1 Runoff Coefficients for Rational Formula**

<b>Type of Drainage Area</b>	<b>Runoff Coefficient, C*</b>
Concrete or Asphalt Pavement	0.8 – 0.9
Commercial and Industrial	0.7 – 0.9
<b>Gravel Roadways and Shoulders</b>	<b>0.5 – 0.7</b>
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.

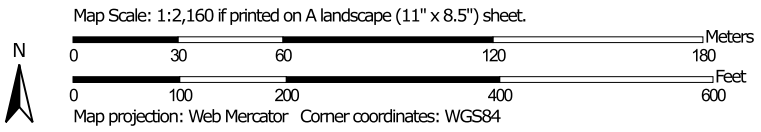
From Michigan State Administrative Rules R 280.9.

Referenced from MDOT Drainage Manual, [www.michigan.gov](http://www.michigan.gov)



Soil Map may not be valid at this scale.

Map Unit Symbol	Map Unit Name
7501	Pawnee clay loam, 4 to 8 percent slopes, eroded
7542	Sharpsburg silty clay loam, 4 to 8 percent slopes, eroded
7907	Armster clay loam, 8 to 12 percent slopes, eroded



# Channel Report

## Exist 10-yr DA #1

## Channel 1

### TRAPEZOIDAL

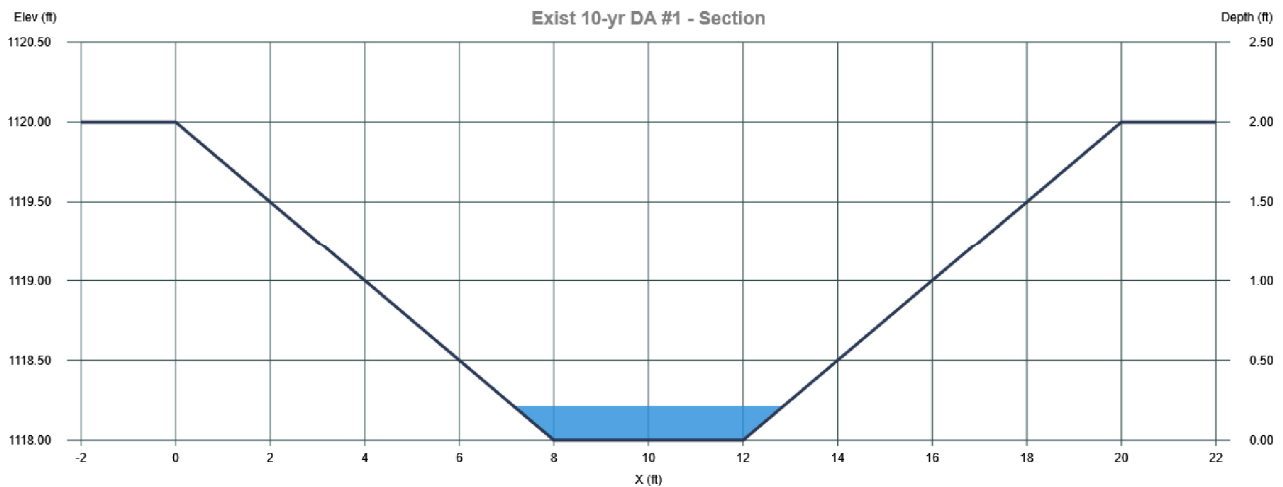
Bottom Width = 4.00 ft  
 Side Slope Left, z:1 = 4.00  
 Side Slope Right, z:1 = 4.00  
 Total Depth = 2.00 ft  
 Invert Elevation = 1118.00 ft  
 Channel Slope = 7.000 %  
 Manning's n = 0.030

### DISCHARGE

Method = Known Q  
 Known Q = 4.20 cfs

### CALCULATION SAMPLE

Flow	Depth	Area	Velocity	WP	n-value	Crit Depth	HGL	EGL	Max Shear	Top Width
(cfs)	(ft)	(sqft)	(ft/s)	(ft)		(ft)	(ft)	(ft)	(lb/sqft)	(ft)
4.20	0.21	1.02	4.13	5.73	0.030	0.30	1118.21	1118.48	0.92	5.68



**EXHIBIT #4**

# Channel Report

Project Name: New Project

Studio Express by Hydrology Studio v 1.0.0.9

06-20-2021

## Dev 10-yr DA #1

## Channel 2

### TRAPEZOIDAL

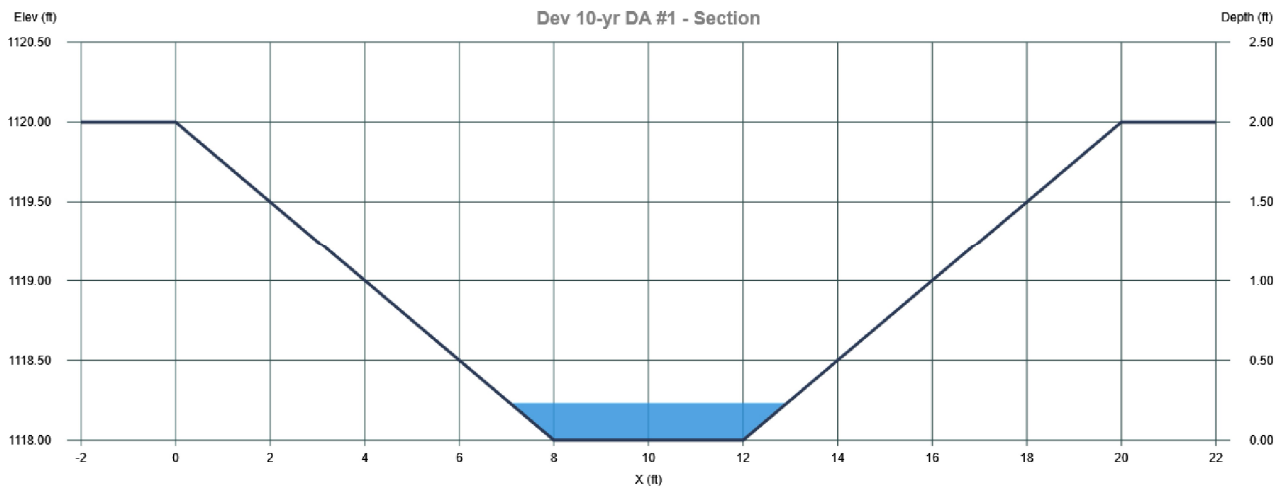
Bottom Width = 4.00 ft  
 Side Slope Left, z:1 = 4.00  
 Side Slope Right, z:1 = 4.00  
 Total Depth = 2.00 ft  
 Invert Elevation = 1118.00 ft  
 Channel Slope = 7.000 %  
 Manning's n = 0.030

### DISCHARGE

Method = Known Q  
 Known Q = 4.70 cfs

### CALCULATION SAMPLE

Flow	Depth	Area	Velocity	WP	n-value	Crit Depth	HGL	EGL	Max Shear	Top Width
(cfs)	(ft)	(sqft)	(ft/s)	(ft)		(ft)	(ft)	(ft)	(lb/sqft)	(ft)
4.70	0.23	1.13	4.15	5.90	0.030	0.32	1118.23	1118.50	1.00	5.84



**EXHIBIT #5**

# Channel Report

Project Name: New Project

Studio Express by Hydrology Studio v 1.0.0.9

06-20-2021

## Exist 100-yr DA #1

## Channel 3

### TRAPEZOIDAL

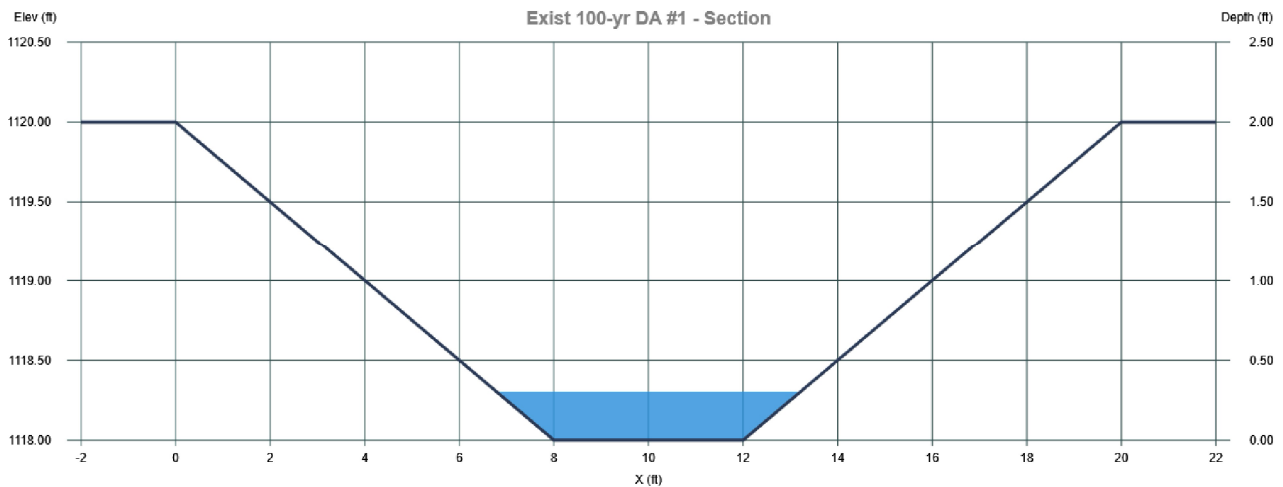
Bottom Width = 4.00 ft  
 Side Slope Left, z:1 = 4.00  
 Side Slope Right, z:1 = 4.00  
 Total Depth = 2.00 ft  
 Invert Elevation = 1118.00 ft  
 Channel Slope = 7.000 %  
 Manning's n = 0.030

### DISCHARGE

Method = Known Q  
 Known Q = 7.50 cfs

### CALCULATION SAMPLE

Flow	Depth	Area	Velocity	WP	n-value	Crit Depth	HGL	EGL	Max Shear	Top Width
(cfs)	(ft)	(sqft)	(ft/s)	(ft)		(ft)	(ft)	(ft)	(lb/sqft)	(ft)
7.50	0.30	1.56	4.81	6.47	0.030	0.42	1118.30	1118.66	1.31	6.40



**EXHIBIT #6**

# Channel Report

Project Name: New Project

Studio Express by Hydrology Studio v 1.0.0.9

06-20-2021

## Dev 100-yr DA #1

## Channel 4

### TRAPEZOIDAL

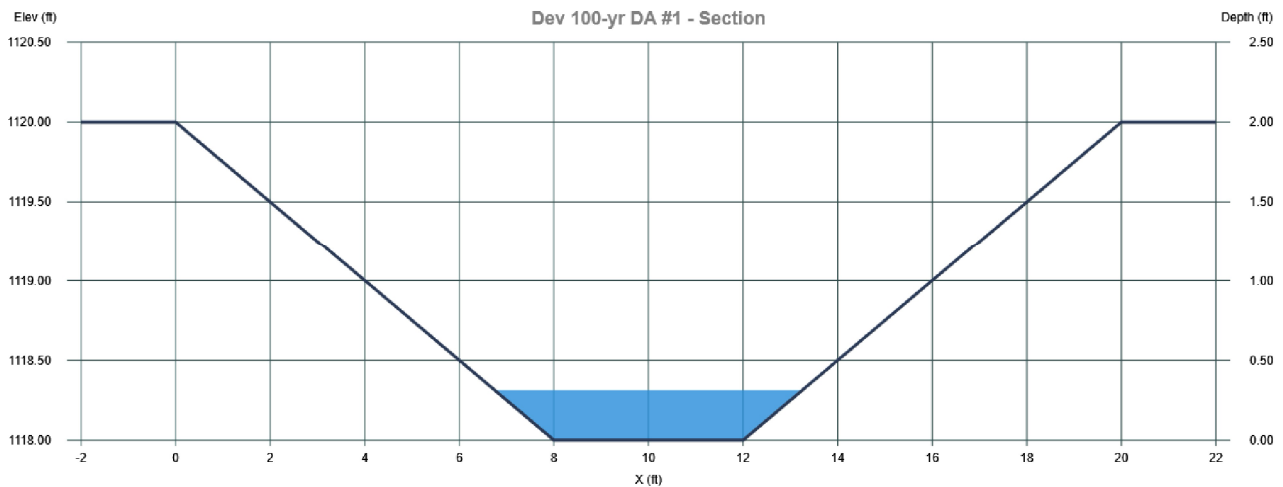
Bottom Width = 4.00 ft  
 Side Slope Left, z:1 = 4.00  
 Side Slope Right, z:1 = 4.00  
 Total Depth = 2.00 ft  
 Invert Elevation = 1118.00 ft  
 Channel Slope = 7.000 %  
 Manning's n = 0.030

### DISCHARGE

Method = Known Q  
 Known Q = 8.20 cfs

### CALCULATION SAMPLE

Flow	Depth	Area	Velocity	WP	n-value	Crit Depth	HGL	EGL	Max Shear	Top Width
(cfs)	(ft)	(sqft)	(ft/s)	(ft)		(ft)	(ft)	(ft)	(lb/sqft)	(ft)
8.20	0.31	1.62	5.05	6.56	0.030	0.44	1118.31	1118.71	1.35	6.48



**EXHIBIT #7**

### Drainage Area #1- 10 year

Existing Conditions

Area = 2.1 acres  
C= 0.36  
L= 300  
S= 7.0  
K= 1

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

L max = 300

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

$$T_i = 12.1$$

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

$$T_t = 0.50$$

$$T_c = 12.6$$

$$i_{10} = 5.58$$

$$Q = KCiA$$

$$Q = 4.2 \text{ cfs}$$

Developed Conditions

Area = 2.1 acres  
C= 0.39  
L= 300  
S= 7.0  
K= 1

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

L max = 300

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

$$T_i = 11.6$$

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

$$T_t = 0.50$$

$$T_c = 12.1$$

$$i_{10} = 5.67$$

$$Q = KCiA$$

$$Q = 4.7 \text{ cfs}$$



### Drainage Area #1 - 100 year

Existing Conditions

Area = 2.1 acres  
C= 0.36  
L= 300  
S= 7.0  
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 < T<sub>c</sub> < 15

$$T_i = 12.1$$

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

15 < T<sub>c</sub> < 60

$$T_t = 0.50$$

$$T_c = 12.6$$

$$i_{100} = 7.91$$

$$Q = KCiA$$

$$Q = 7.5 \text{ cfs}$$

Developed Conditions

Area = 2.1 acres  
C= 0.39  
L= 300  
S= 7.0  
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 < T<sub>c</sub> < 15

$$T_i = 11.6$$

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

15 < T<sub>c</sub> < 60

$$T_t = 0.50$$

$$T_c = 12.1$$

$$i_{100} = 8.03$$

$$Q = KCiA$$

$$Q = 8.2 \text{ cfs}$$

## Drainage Area #2- 10 year

Existing Conditions

Area = 4.1 acres  
C= 0.42  
L= 400  
S= 10.0  
K= 1

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

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

$$T_i = 9.8$$

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

$$T_t = 0.67$$

$$T_c = 10.5$$

$$i_{10} = 5.97$$

$$Q = KCiA$$

$$Q = 10.3 \text{ cfs}$$

Developed Conditions

Area = 4.1 acres  
C= 0.41  
L= 400  
S= 10.0  
K= 1

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

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

$$T_i = 10.0$$

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

$$T_t = 0.67$$

$$T_c = 10.7$$

$$i_{10} = 5.93$$

$$Q = KCiA$$

$$Q = 9.9 \text{ cfs}$$

### Drainage Area #2 - 100 year

Existing Conditions

Area = 4.1 acres  
C= 0.42  
L= 400  
S= 10.0  
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 < T<sub>c</sub> < 15

$$C = 0.42$$

$$T_i = 9.8$$

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

15 < T<sub>c</sub> < 60

$$L = 400$$

$$S = 10.0$$

$$T_t = 0.67$$

$$T_c = 10.5$$

$$i_{100} = 8.45$$

$$Q = KCiA$$

$$Q = 18.2 \text{ cfs}$$

Developed Conditions

Area = 4.1 acres  
C= 0.41  
L= 400  
S= 10.0  
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 < T<sub>c</sub> < 15

$$C = 0.41$$

$$T_i = 10.0$$

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

15 < T<sub>c</sub> < 60

$$L = 400$$

$$S = 10.0$$

$$T_t = 0.67$$

$$T_c = 10.7$$

$$i_{100} = 8.39$$

$$Q = KCiA$$

$$Q = 17.5 \text{ cfs}$$

### Drainage Area #3- 10 year

Existing Conditions

Area = 4.8 acres  
C= 0.37  
L= 400  
S= 8.0  
K= 1

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

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

$$T_i = 11.4$$

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

$$T_t = 0.67$$

$$T_c = 12.1$$

$$i_{10} = 5.66$$

$$Q = KCiA$$

$$Q = 9.9 \text{ cfs}$$

Developed Conditions

Area = 4.8 acres  
C= 0.37  
L= 400  
S= 8.0  
K= 1

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

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

$$T_i = 11.4$$

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

$$T_t = 0.67$$

$$T_c = 12.1$$

$$i_{10} = 5.66$$

$$Q = KCiA$$

$$Q = 9.9 \text{ cfs}$$

**Drainage Area #3 - 100 year**

Existing Conditions

Area = 4.8 acres  
C= 0.37  
L= 400  
S= 8.0  
K= 1.25

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

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

$$T_i = 11.4$$

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

$$T_t = 0.67$$

$$T_c = 12.1$$

$$i_{100} = 8.02$$

$$Q = KCiA$$

$$Q = 17.6 \text{ cfs}$$

Developed Conditions

Area = 4.8 acres  
C= 0.37  
L= 400  
S= 8.0  
K= 1.25

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

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

$$T_i = 11.4$$

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

$$T_t = 0.67$$

$$T_c = 12.1$$

$$i_{100} = 8.02$$

$$Q = KCiA$$

$$Q = 17.6 \text{ cfs}$$

**From:** [Amanda Tarwater](#)  
**Sent:** Tuesday, April 27, 2021 8:14 AM  
**To:** [Gentzler, Joshua](#)  
**Subject:** Re: Review Requested - Case DEV-21-059/060 - Preliminary/Final Plat for Brockert Hill

---

**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](http://www.freestate.coop)

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**From:** "Gentzler, Joshua" <[JGentzler@leavenworthcounty.gov](mailto:JGentzler@leavenworthcounty.gov)>  
**Date:** Monday, April 26, 2021 at 10:02 AM  
**To:** "Magaha, Chuck" <[CMagaha@leavenworthcounty.gov](mailto:CMagaha@leavenworthcounty.gov)>, "Miller, Jamie" <[JMiller@leavenworthcounty.gov](mailto:JMiller@leavenworthcounty.gov)>, "Patzwald, Joshua" <[jpatzwald@leavenworthcounty.gov](mailto:jpatzwald@leavenworthcounty.gov)>, "Van Parys, David" <[DVanParys@leavenworthcounty.gov](mailto:DVanParys@leavenworthcounty.gov)>, ""butchbollin@yahoo.com"" <[butchbollin@yahoo.com](mailto:butchbollin@yahoo.com)>, ""tmgoetz@stjoewireless.com"" <[tmgoetz@stjoewireless.com](mailto:tmgoetz@stjoewireless.com)>, Amanda Tarwater <[amanda.holloway@freestate.coop](mailto:amanda.holloway@freestate.coop)>  
**Subject:** Review Requested - Case DEV-21-059/060 - Preliminary/Final Plat for Brockert Hill

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 Brockert Hill.

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 Tuesday, May 4<sup>th</sup>.

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

Thank you,

**From:** [Tim Goetz](#)  
**Sent:** Wednesday, April 28, 2021 8:54 AM  
**To:** [Gentzler, Joshua](#)  
**Subject:** Re: Review Requested - Case DEV-21-059/060 - Preliminary/Final Plat for Brockert Hill

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Leavenworth Water District #5 has no issues.

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**From:** [Mitch Pleak](#)  
**Sent:** Friday, June 25, 2021 11:49 AM  
**To:** [Gentzler, Joshua](#)  
**Cc:** [Anderson, Lauren](#); [Noll, Bill](#); [019-2831](#)  
**Subject:** RE: DEV-21-059/060 Brockert Hill Revision

---

**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,  
There is no further comments on the PP, FP, and Drainage Report.

Thanks,

Mitch Pleak

---

**From:** Gentzler, Joshua <[JGentzler@leavenworthcounty.gov](mailto:JGentzler@leavenworthcounty.gov)>  
**Sent:** Monday, June 21, 2021 11:18 AM  
**To:** Mitch Pleak <[mpleak@olsson.com](mailto:mpleak@olsson.com)>  
**Cc:** Anderson, Lauren <[LAAnderson@leavenworthcounty.gov](mailto:LAAnderson@leavenworthcounty.gov)>  
**Subject:** RE: DEV-21-059/060 Brockert Hill Revision

Mitch,

Here are the revisions to the Drainage Report and the Plats.

Joshua Gentzler  
[Planning & Zoning](#)

---

**From:** Mitch Pleak <[mpleak@olsson.com](mailto:mpleak@olsson.com)>  
**Sent:** Tuesday, June 8, 2021 4:58 PM  
**To:** Gentzler, Joshua <[JGentzler@leavenworthcounty.gov](mailto:JGentzler@leavenworthcounty.gov)>  
**Cc:** Anderson, Lauren <[LAAnderson@leavenworthcounty.gov](mailto:LAAnderson@leavenworthcounty.gov)>; Voth, Krystal <[KVoth@leavenworthcounty.gov](mailto:KVoth@leavenworthcounty.gov)>; Noll, Bill <[BNoll@leavenworthcounty.gov](mailto:BNoll@leavenworthcounty.gov)>; 019-2831 <[019-2831@olsson.com](mailto:019-2831@olsson.com)>  
**Subject:** RE: DEV-21-059/060 Brockert Hill Revision

**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, FP, and drainage report. PP and FP comments are in the link below.

Drainage Report Comments:

- In general, revise per the recent Final Plat change to remove the shared access easement including exhibit #1.
- Page 2, the existing condition narrative and table doesn't include the existing driveway or building. Provide a table a table of c values, drainage areas, and composite c results with formula.
- Page 2, in the developed condition table further split up the pasture c values in the table. Note, 0.42 c value is associated with 10-30% slopes. Identify the different sloped areas in Exhibit #1.



- Page 2, a portion of the proposed impervious area should be included in Lot # 2 in drainage area #3.
- Page 2, add language defining the Q units in the table.
- Page 3, provide a narrative and assumptions in how the depth was calculated for the increase in storm runoff.

Citrix Attachments Expires December 5, 2021

2021.04.23 DEV-21-059 Prelim.pdf	914.7 KB
rev1-brockert.pdf	1.2 MB

[Download Attachments](#)

Mitchell Pleak uses Citrix Files to share documents securely.

Thanks,

Mitch Pleak

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**From:** Gentzler, Joshua <[JGentzler@leavenworthcounty.gov](mailto:JGentzler@leavenworthcounty.gov)>  
**Sent:** Thursday, June 3, 2021 3:30 PM  
**To:** Anderson, Lauren <[LAnderson@leavenworthcounty.gov](mailto:LAnderson@leavenworthcounty.gov)>; Mitch Pleak <[mpleak@olsson.com](mailto:mpleak@olsson.com)>  
**Subject:** DEV-21-059/060 Brockert Hill Revision

Here's the revision to the Brockert Hill Final Plat.

Joshua Gentzler  
[Planning & Zoning](#)

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**From:** larry hahn <[hahnsurvey@gmail.com](mailto:hahnsurvey@gmail.com)>  
**Sent:** Friday, May 28, 2021 12:20 PM  
**To:** Gentzler, Joshua <[JGentzler@leavenworthcounty.gov](mailto:JGentzler@leavenworthcounty.gov)>  
**Subject:** Re: DEV-21-059/060 Brockert Hill Comments

**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 -  
Attached is the revised Brockert Hill.

Larry Hahn, LS  
Hahn Surveying  
PO Box 41  
Lansing, Ks. 66043  
(913) 547-3405

On Fri, May 28, 2021 at 8:18 AM Gentzler, Joshua <[JGentzler@leavenworthcounty.gov](mailto:JGentzler@leavenworthcounty.gov)> wrote:

Larry, I've not seen a revised plat for Brockert Hill. Have you sent over an updated plat to Bill?

Thanks,

Joshua Gentzler

[Planning & Zoning](#)

---

**From:** Gentzler, Joshua

**Sent:** Monday, May 17, 2021 4:42 PM

**To:** Larry Hahn ([hahnsurvey@gmail.com](mailto:hahnsurvey@gmail.com)) <[hahnsurvey@gmail.com](mailto:hahnsurvey@gmail.com)>

**Subject:** DEV-21-059/060 Brockert Hill Comments

Larry,

Public Works has the following questions/comments about the Brockert Hill plat:

The property being split has a driveway that not only extends to the barn on the property but extends further south to the adjacent property for access to a barn on 30578 207th. They have granted a private access easement through lot 1 to lot 2 for maintained access to the existing barn.

- Is the intention to remove the rest of the existing drive that extends further south? Or will they be maintaining this drive to extend through all 3 properties? If the drive is to continue to service the southern unplatted property (30578 207th) then it now services 3 properties which a private drive cannot do.

- If they intend to remove the existing access, I want to make sure that it is understood that they do not have the required spacing along 207th (arterial) to acquire a second entrance to the barn behind 30578 and will have to access off their existing driveway.

Planning and Zoning has no additional comments.

Please revise and send an updated plat and response to these comments by, **Monday, May**

**24<sup>th</sup>**.

Thank you,

Joshua Gentzler

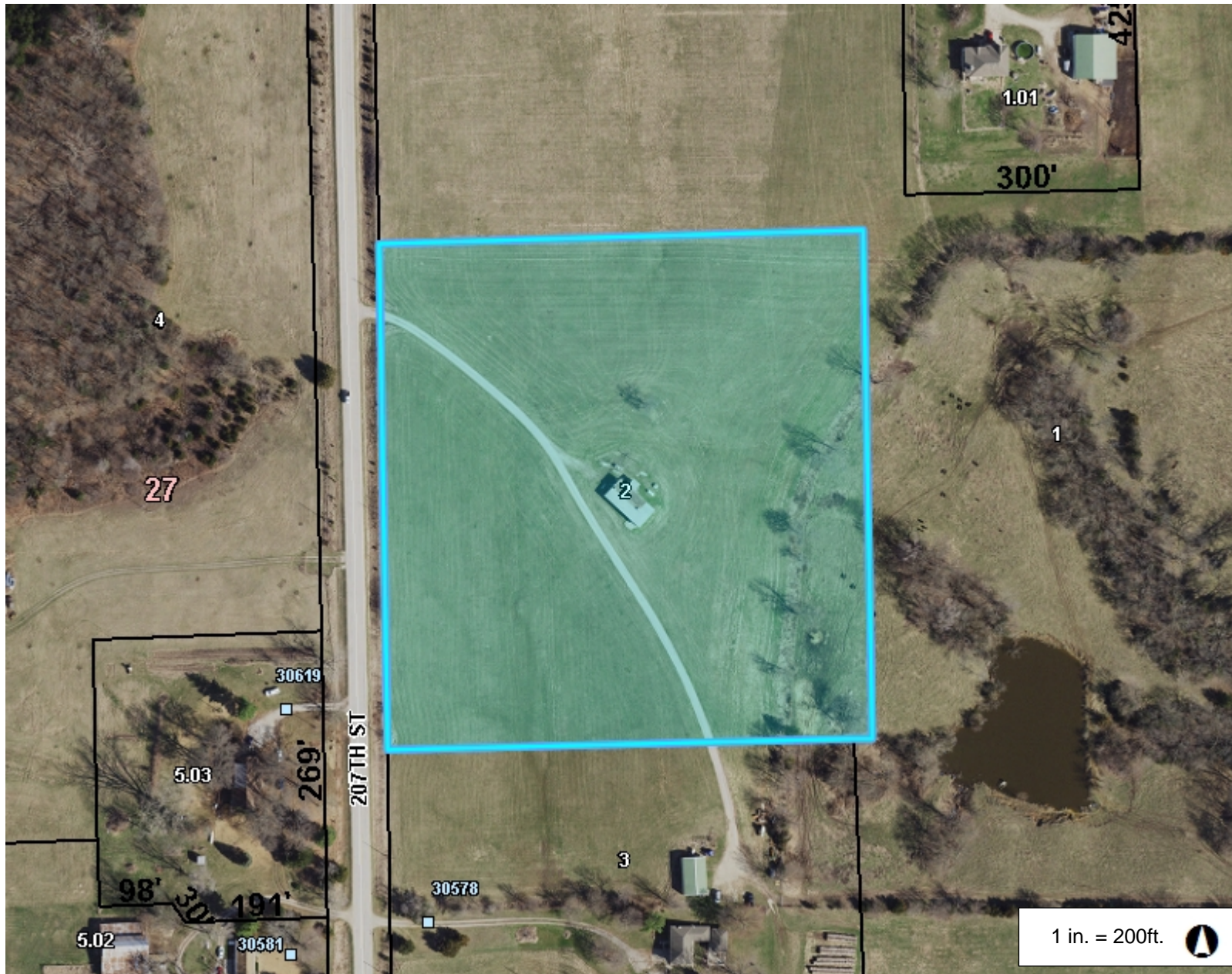
Planner II

[Planning & Zoning](#)

Leavenworth County

913.684.0464

# DEV-21-059 & 060 Brockert Hill



## 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

400.0 0 200.00 400.0 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

# BROCKERT HILL

A SUBDIVISION IN THE NORTHEAST QUARTER  
SECTION 27-T8S-R21E OF THE 6TH P.M.,  
LEAVENWORTH COUNTY, KANSAS

PRELIMINARY PLAT



LOCATION MAP  
NO SCALE

**OWNER / DEVELOPER**

LONNIE D. & DOROTHY MARIE PHILLIPS  
30578 207TH STREET  
EASTON, KANSAS 66020  
(913) 240-8621

**DEED DESCRIPTION - BOOK 692, PAGE 1661**

A PORTION OF THE NORTHWEST 1/4 NORTHEAST 1/4 OF SECTION 27, TOWNSHIP 8 SOUTH, RANGE 21 EAST OF THE 6TH P.M., LEAVENWORTH COUNTY, KANSAS, DESCRIBED AND BOUNDED AS FOLLOWS; BEGINNING AT THE NORTHWEST CORNER OF THE NORTHEAST 1/4 OF SAID SECTION 27; THENCE, SOUTH 00°39'53" WEST FOR 518.80 FEET ALONG THE WEST LINE OF SAID NORTHEAST 1/4 TO A POINT, SAID POINT BEING THE TRUE POINT OF BEGINNING; THENCE SOUTH 89°20'07" EAST 692 FEET TO A POINT (SAID POINT BEING MARKED BY A 2 INCH BRASS CAP IN A CONCRETE MARKER); THENCE SOUTH 00°39'53" WEST 692 FEET TO A POINT (SAID POINT BEING MARKED BY A 2 INCH BRASS CAP IN CONCRETE MARKER); THENCE NORTH 89°20'07" WEST 692 FEET TO A POINT ON THE WEST LINE OF SAID NORTHEAST 1/4; THENCE NORTH 00°39'53" EAST 692 ALONG SAID WEST LINE TO THE TRUE POINT OF BEGINNING, AFORESAID NORTHWEST AND SOUTHWEST POINT LOCATED IN THE SAID EXISTING ROAD BEING MARKED RESPECTIVELY BY A 2 INCH BRASS IN A CONCRETE MONUMENT LOCATED 36 FEET EAST THEREOF ON THE RESPECTIVE NORTH AND SOUTH BOUNDARY LINES AS ABOVE DESCRIBED.

**SURVEYORS DESCRIPTION**

A TRACT OF LAND IN THE NORTHEAST QUARTER OF SECTION 27-T8S-R21E OF THE 6TH P.M., LEAVENWORTH COUNTY, KANSAS, DESCRIBED AS FOLLOWS; COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 27; THENCE, S 01°06'41"E, 518.80 FEET ALONG THE WEST LINE OF SAID NORTHEAST QUARTER TO THE POINT OF BEGINNING OF THIS TRACT; THENCE, N 88°53'19"E, 692.00 FEET; THENCE, S 01°06'41"E, 692.00 FEET; THENCE, S 88°53'19"W, 692.00 FEET TO THE WEST LINE OF THE NORTHEAST QUARTER OF SECTION 27; THENCE, N 01°06'41"W, 692.00 FEET ALONG SAID WEST LINE TO THE POINT OF BEGINNING. CONTAINS 11.00 ACRES, MORE OR LESS, INCLUDING ROAD R/W.

**RESTRICTIONS**

- 40' REAR SETBACK FOR RESIDENCES
- 15' REAR SETBACK FOR ACCESSORY BUILDINGS
- 15' SIDE SETBACK
- AN ENGINEERED WASTEWATER DISPOSAL MAY BE REQUIRED DUE TO POOR SOIL CONDITIONS.
- EROSION CONTROL SHALL BE USED WHEN DESIGNING AND CONSTRUCTION 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.

**NOTES**

- FENCE LINES DO NOT DENOTE PROPERTY LINES.
- LEAVENWORTH COUNTY, KANSAS, DOES NOT REPRESENT, WARRANT OR GUARANTEE THAT THE DETAILS SHOWN ON THIS DOCUMENT AND PROVIDED BY THE APPLICANT OR AGENT OF APPLICANT, INCLUDING ANY SURVEY INFORMATION SHOULD BE RELIED UPON BY ANY THIRD PARTY AS BEING WHOLLY OR PARTIALLY ACCURATE AND COMPLETE.
- EXISTING USE OR AREA BEING PLATTED - AGRICULTURAL  
PROPOSED USE - RESIDENTIAL / AGRICULTURAL
- THIS PLAT IS NOT WITHIN A SPECIAL FLOOD HAZARD AREA.  
FEMA MAP #20103C0125G, DATED 07/16/2015  
O & E REPORT BY ALLIANCE TITLE AGENCY, LLC - 4/9/2021
- LOT 2 WILL NEED TO CONSTRUCT A NEW ENTRANCE ON 207TH STREET.

**BENCHMARK**

1/2" REBAR WITH ALUMINUM CAP AT THE NORTH QUARTER CORNER  
27-T8S-R21E. EL = 1129.80 (NAVD 88)

**ROAD INFORMATION**

207TH STREET IS A 20' WIDE COUNTY ARTERIAL WITH PAVED SURFACE

**PUBLIC IMPROVEMENT**

NONE

**DRAINAGE CALCULATIONS**

ON SEPARATE DOCUMENT BY DAVID LUTGEN, PE

**UTILITIES**

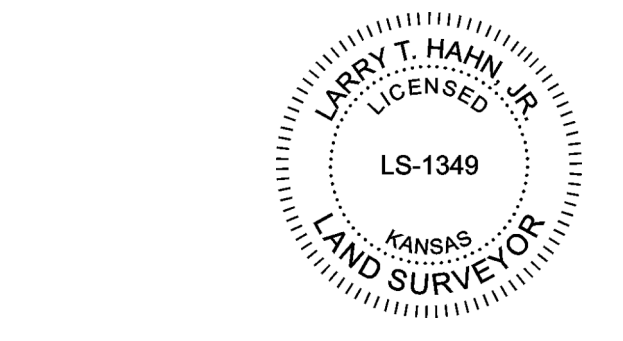
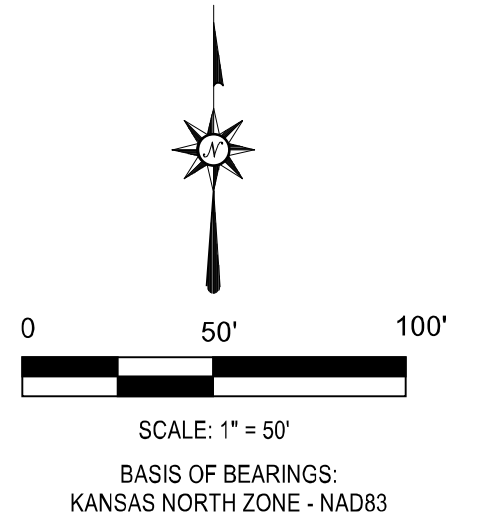
ELECTRIC / FREESTATE  
WATER / R.W.D. #5  
GAS / PRIVATE PROPANE  
SEWAGE / PRIVATE ON SITE SYSTEM  
TELEPHONE / AT&T

**ZONING**

RR - 2.50  
EXISTING USE OF AREA BEING PLATTED - AGRICULTURAL  
PROPOSED USE - AGRICULTURAL / RESIDENTIAL

**LEGEND**

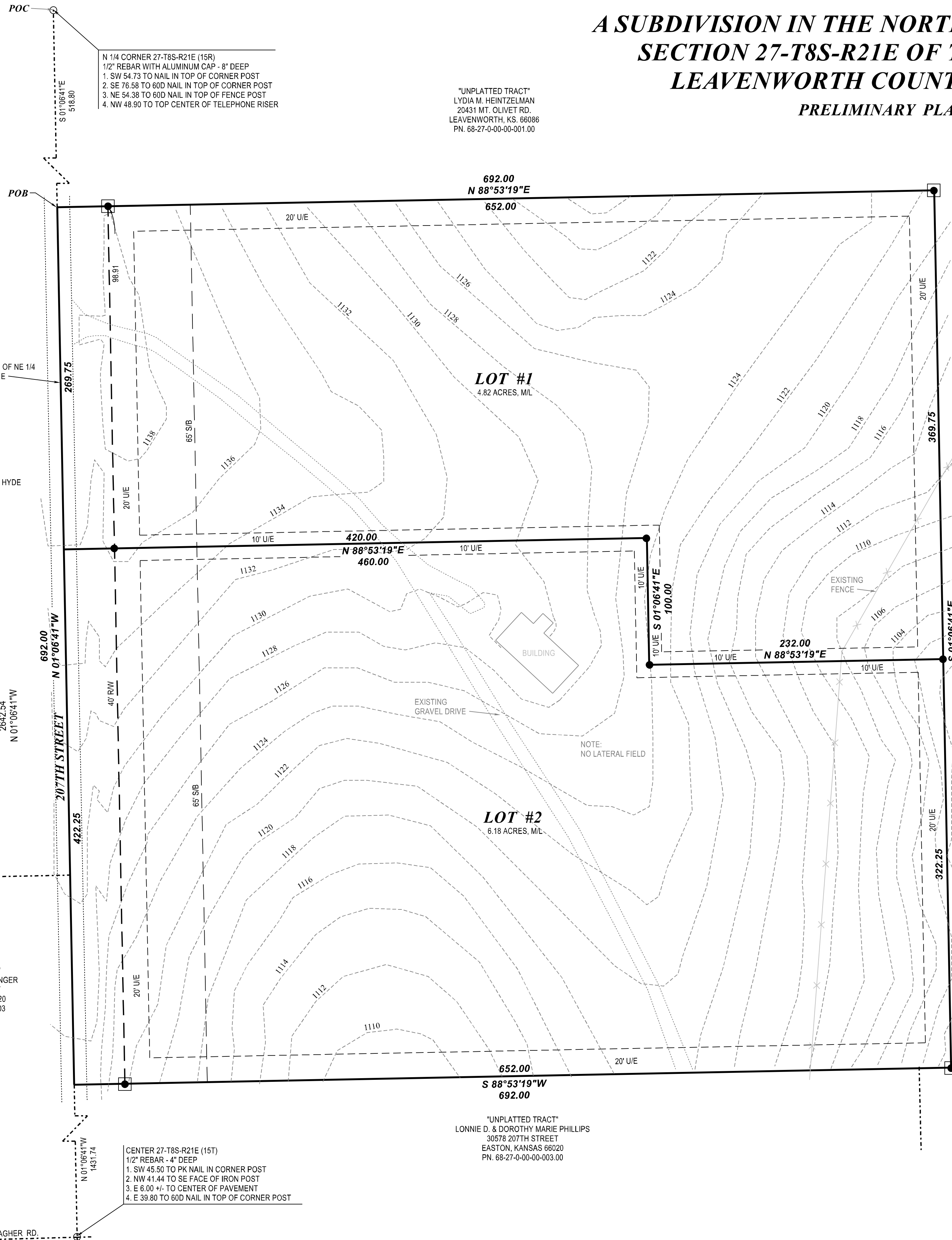
- 1/2" x 24" REBAR SET WITH #1349 CAP
- SURVEY MONUMENT FOUND (AS NOTED)  
ORIGIN UNKNOWN, UNLESS REFERENCED
- ◼ 1/2" x 24" REBAR SET WITH #1349 CAP  
IN CONCRETE
- POB POINT OF BEGINNING
- POC POINT OF COMMENCING
- U/E UTILITY EASEMENT - DEDICATED THIS PLAT
- S/B BUILDING SETBACK



LARRY T. HAHN, LS #1349

THIS IS TO CERTIFY THAT IN THE MONTH OF APRIL, 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



N 1/4 CORNER 27-T8S-R21E (15R)  
1/2" REBAR WITH ALUMINUM CAP - 8" DEEP  
1. SW 54.73 TO NAIL IN TOP OF CORNER POST  
2. SE 76.58 TO 60D NAIL IN TOP OF CORNER POST  
3. NE 54.38 TO 60D NAIL IN TOP OF FENCE POST  
4. NW 48.90 TO TOP CENTER OF TELEPHONE RISER

"UNPLATTED TRACT"  
LYDIA M. HEINTZELMAN  
20431 MT. OLIVET RD.  
LEAVENWORTH, KS. 66086  
PN. 68-27-0-00-00-001.00

"UNPLATTED TRACT"  
THOMAS S. HYDE & ANTHONY SCOTT HYDE  
108 N. 17TH STREET  
LEAVENWORTH, KS. 66048  
PN. 68-27-0-00-00-004.00

"UNPLATTED TRACT"  
LYDIA M. HEINTZELMAN  
20431 MT. OLIVET RD.  
LEAVENWORTH, KS. 66086  
PN. 68-27-0-00-00-001.00

"UNPLATTED TRACT"  
GUY C. SHANNON E. YOUNGER  
30619 207TH STREET  
EASTON, KANSAS 66020  
PN. 68-27-0-00-00-005.03

CENTER 27-T8S-R21E (15T)  
1/2" REBAR - 4" DEEP  
1. SW 45.50 TO PK NAIL IN CORNER POST  
2. NW 41.44 TO SE FACE OF IRON POST  
3. E 6.00 +/- TO CENTER OF PAVEMENT  
4. E 39.80 TO 60D NAIL IN TOP OF CORNER POST

"UNPLATTED TRACT"  
LONNIE D. & DOROTHY MARIE PHILLIPS  
30578 207TH STREET  
EASTON, KANSAS 66020  
PN. 68-27-0-00-00-003.00

NOTE:  
NO LATERAL FIELD

**LOT #2**  
6.18 ACRES, M/L

**LOT #1**  
4.82 ACRES, M/L



**\*\*\*Consent Agenda\*\*\***  
**Case No. DEV-21-079/080**  
**Bretz Farm**  
**Preliminary and Final Plat**

**Staff Report – Planning Commission**

**August 11, 2021**

---

**GENERAL INFORMATION:**

**Applicant/  
Property Owner:** Kenneth & David Shoemaker  
22565 207<sup>th</sup> Street  
Tonganoxie, KS 66086

**Agent:** Joe Herring

**Legal Description:** A tract of land in the southeast ¼ of Section 20, Township 9 South, Range 22 East of the 6<sup>th</sup> P.M, in Leavenworth County, Kansas.

**Parcel Size:** ± 45 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.:** 104-20-0-00-00-009.00

**Planner:** Krystal A. Voth

---

**REPORT:**

**Request**

The applicant is requesting a Preliminary and Final Plat for a four-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: Fire District 1  
Water: RWD 8  
Electric: FreeState

**Access/Streets**

Lot 1 and Lot 2 are accessed by Stranger Road, a County Local Road with a gravel surface. Lot 3 and Lot 4 area accessed by Tonganoxie Drive, a County Arterial with a paved surface.

**Agency Comments**

See attached comments – Email – Lauren Anderson – Public Works, June 8, 2021  
See attached comments – Email – Mike Bogina – County Survey Reviewer, June 8, 2021  
See attached comments – Email – Michael Stackhouse –Township Fire Department, June 9, 2021  
See attached comments – Email –Becky Fousek – Rural Water District 8, June 2, 2021  
See attached comments – Email – Amanda Tarwater – Electric utility, June 3, 2021

## **Findings**

1. The proposed subdivision is consistent with the RR-5 Zoning District. Each lot meets the minimum requirement for road frontage and lot area.
2. The proposer is not within a sewer district not is within 660' feet of the incorporated limits of a municipality. Therefore, an onsite wastewater system is permitted per the Leavenworth County Sanitary Code.
3. At time of development, fire hydrants shall be required if water facilities are available.
4. The proposed subdivision is in alignment 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 4.)

## **Staff Comments**

The applicants are proposing a four-lot subdivision. Each of the lots exceeds the minimum requirements for the Zoning District. Lot 1 and Lot 2 front on Stranger Road and are each approximately 15 acres in size. Lot 3 and Lot 4 Tonganoxie Drive. Lot 3 is approximately seven acres while lot 4 is approximately eight acres. In order to run rural water to the lots road bores are required. According to regulation, lots greater than five acres are permitted a well. Therefore, there are multiple water sources available to this development. The subdivision meets the zoning regulations and Staff supports the request.

---

## **STAFF RECOMMENDATION:**

Staff recommends approval of Case No.DEV-21-079/080, Preliminary and Final Plat for Bretz Farm, 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. The applicant shall adhere to the following memorandums:
  - a. See attached comments – Email – Lauren Anderson – Public Works, June 8, 2021
  - b. See attached comments – Email – Mike Bogina – County Survey Reviewer, June 8, 2021
4. A waiver for the use of private septic systems within this subdivision is granted with this approval.
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-21-079/080, Preliminary and Final Plat for Bretz Farm, to the Board of County Commission, with or without conditions; or
2. Recommend denial of Case No.DEV-21-079/080, Preliminary and Final Plat for Bretz Farm, to the Board of County Commission for the following reasons; or
3. Continue the hearing to another date, time, and place.

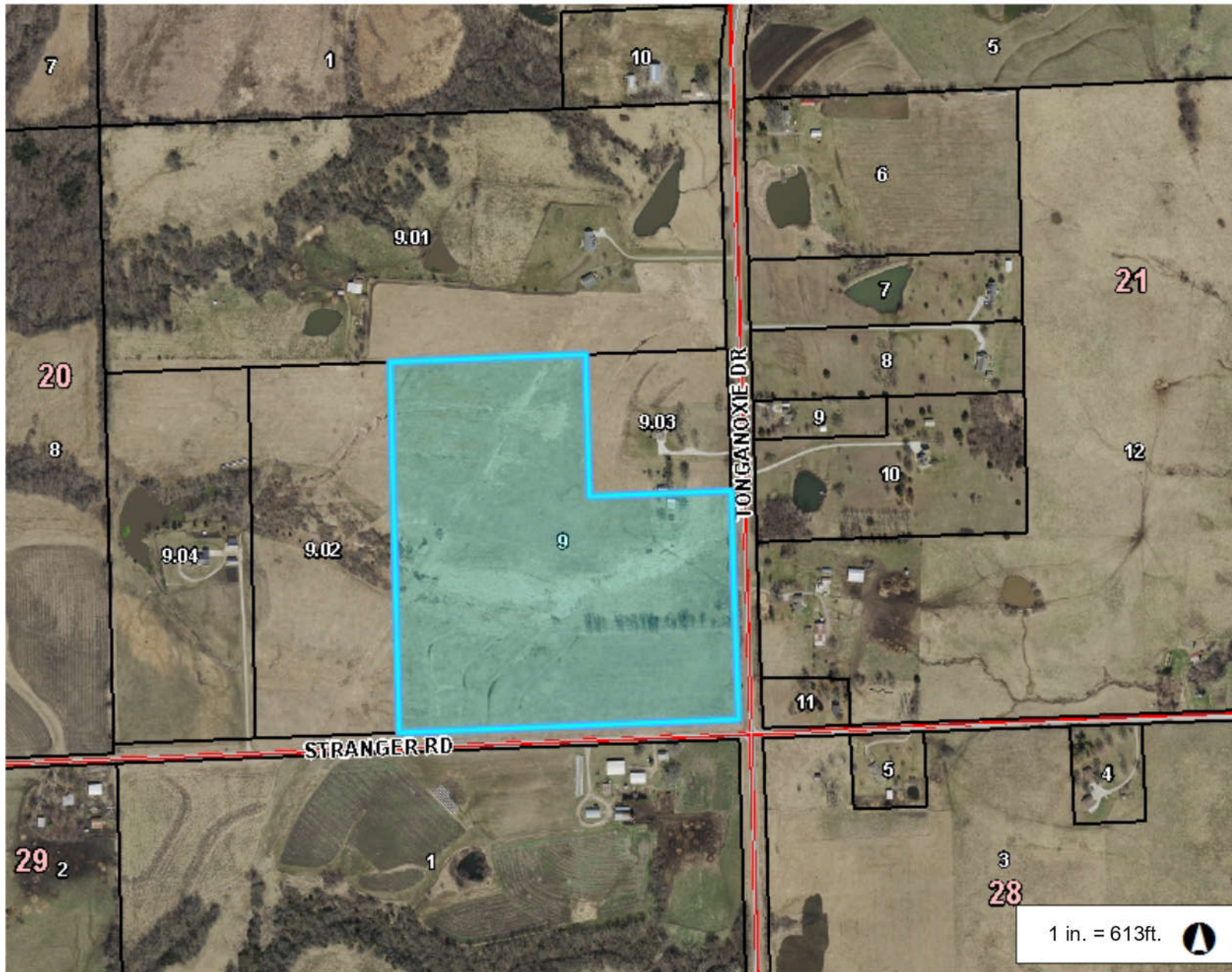
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**ATTACHMENTS:**

Aerial Map  
Memorandums  
Preliminary and Final Plat



# DEV-21-079/080 Bretz Farm



## Legend

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

## Notes

1,226.6      0      613.28      1,226.6 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

## Sloop, Stephanie

---

**From:** Mike Stackhouse <firedistrict1@fd1lv.org>  
**Sent:** Wednesday, June 9, 2021 11:41 AM  
**To:** Sloop, Stephanie  
**Subject:** RE: DEV-21-079 & 080 Preliminary and Final Plat for Bretz Farms  
**Attachments:** Appendix C and D for subdivisions.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.

Stephanie,

Since this is being sold as a subdivision it will need to utilize the attached Appendix C and D for hydrant spacing and access road requirements taken from the 2006 International Fire Code. If all access will be from the two primary roads for each lot, then appendix D would not be utilized. The prints show one area marked as an entrance which suggests internal roads. This scenario will need to utilize Appendix D. I realize these are preliminary plans and at some point, more in depth plans providing hydrant spacing and fire department access roads will be required. Thank you.

B/R,

Michael L. Stackhouse  
Fire Chief  
Fire District #1 of Leavenworth County  
111 E. Kansas Avenue  
Lansing, KS. 66043  
Office: 913-727-5844  
Cell: 913-683-3223



---

**From:** Sloop, Stephanie <SSloop@leavenworthcounty.gov>  
**Sent:** Wednesday, June 2, 2021 4:23 PM  
**To:** cmagaha@leavenworthcounty.gov; jmiller@leavenworthcounty.gov; Patzwald, Joshua <jpatzwald@leavenworthcounty.gov>; Van Parys, David <DVanParys@leavenworthcounty.gov>; Mike Stackhouse <firedistrict1@fd1lv.org>; 'amanda.holloway@freestate.coop' <amanda.holloway@freestate.coop>; 'rwd8lv@gmail.com' <rwd8lv@gmail.com>  
**Cc:** Voth, Krystal <KVoth@leavenworthcounty.gov>  
**Subject:** DEV-21-079 & 080 Preliminary and Final Plat for Bretz Farms

The Leavenworth County Department of Planning and Zoning has received a request for a Preliminary and Final Plat for Bretz Farms.

## APPENDIX C

## FIRE HYDRANT LOCATIONS AND DISTRIBUTION

The provisions contained in this appendix are not mandatory unless specifically referenced in the adopting ordinance.

SECTION C101  
GENERAL

**C101.1 Scope.** Fire hydrants shall be provided in accordance with this appendix for the protection of buildings, or portions of buildings, hereafter constructed.

SECTION C102  
LOCATION

**C102.1 Fire hydrant locations.** Fire hydrants shall be provided along required fire apparatus access roads and adjacent public streets.

SECTION C103  
NUMBER OF FIRE HYDRANTS

**C103.1 Fire hydrants available.** The minimum number of fire hydrants available to a building shall not be less than that listed in Table C105.1. The number of fire hydrants available to a complex or subdivision shall not be less than that determined by spacing requirements listed in Table C105.1 when applied to fire apparatus access roads and perimeter public streets from which fire operations could be conducted.

## SECTION C104

## CONSIDERATION OF EXISTING FIRE HYDRANTS

**C104.1 Existing fire hydrants.** Existing fire hydrants on public streets are allowed to be considered as available. Existing fire hydrants on adjacent properties shall not be considered available unless fire apparatus access roads extend between properties and easements are established to prevent obstruction of such roads.

SECTION C105  
DISTRIBUTION OF FIRE HYDRANTS

**C105.1 Hydrant spacing.** The average spacing between fire hydrants shall not exceed that listed in Table C105.1.

**Exception:** The fire chief is authorized to accept a deficiency of up to 10 percent where existing fire hydrants provide all or a portion of the required fire hydrant service.

Regardless of the average spacing, fire hydrants shall be located such that all points on streets and access roads adjacent to a building are within the distances listed in Table C105.1.

TABLE C105.1  
NUMBER AND DISTRIBUTION OF FIRE HYDRANTS

FIRE-FLOW REQUIREMENT (gpm)	MINIMUM NUMBER OF HYDRANTS	AVERAGE SPACING BETWEEN HYDRANTS <sup>a, b, c</sup> (feet)	MAXIMUM DISTANCE FROM ANY POINT ON STREET OR ROAD FRONTAGE TO A HYDRANT <sup>d</sup>
1,750 or less	1	500	250
2,000-2,250	2	450	225
2,500	3	450	225
3,000	3	400	225
3,500-4,000	4	350	210
4,500-5,000	5	300	180
5,500	6	300	180
6,000	6	250	150
6,500-7,000	7	250	150
7,500 or more	8 or more <sup>e</sup>	200	120

For SI: 1 foot = 304.8 mm, 1 gallon per minute = 3.785 L/m.

- Reduce by 100 feet for dead-end streets or roads.
- Where streets are provided with median dividers which can be crossed by fire fighters pulling hose lines, or where arterial streets are provided with four or more traffic lanes and have a traffic count of more than 30,000 vehicles per day, hydrant spacing shall average 500 feet on each side of the street and be arranged on an alternating basis up to a fire-flow requirement of 7,000 gallons per minute and 400 feet for higher fire-flow requirements.
- Where new water mains are extended along streets where hydrants are not needed for protection of structures or similar fire problems, fire hydrants shall be provided at spacing not to exceed 1,000 feet to provide for transportation hazards.
- Reduce by 50 feet for dead-end streets or roads.
- One hydrant for each 1,000 gallons per minute or fraction thereof.

## APPENDIX D

# FIRE APPARATUS ACCESS ROADS

*The provisions contained in this appendix are not mandatory unless specifically referenced in the adopting ordinance.*

### SECTION D101 GENERAL

**D101.1 Scope.** Fire apparatus access roads shall be in accordance with this appendix and all other applicable requirements of the *International Fire Code*.

### SECTION D102 REQUIRED ACCESS

**D102.1 Access and loading.** Facilities, buildings or portions of buildings hereafter constructed shall be accessible to fire department apparatus by way of an approved fire apparatus access road with an asphalt, concrete or other approved driving surface capable of supporting the imposed load of fire apparatus weighing at least 75,000 pounds (34 050 kg).

### SECTION D103 MINIMUM SPECIFICATIONS

**D103.1 Access road width with a hydrant.** Where a fire hydrant is located on a fire apparatus access road, the minimum road width shall be 26 feet (7925 mm). See Figure D103.1.

**D103.2 Grade.** Fire apparatus access roads shall not exceed 10 percent in grade.

**Exception:** Grades steeper than 10 percent as approved by the fire chief.

**D103.3 Turning radius.** The minimum turning radius shall be determined by the fire code official.

**D103.4 Dead ends.** Dead-end fire apparatus access roads in excess of 150 feet (45 720 mm) shall be provided with width and turnaround provisions in accordance with Table D103.4.

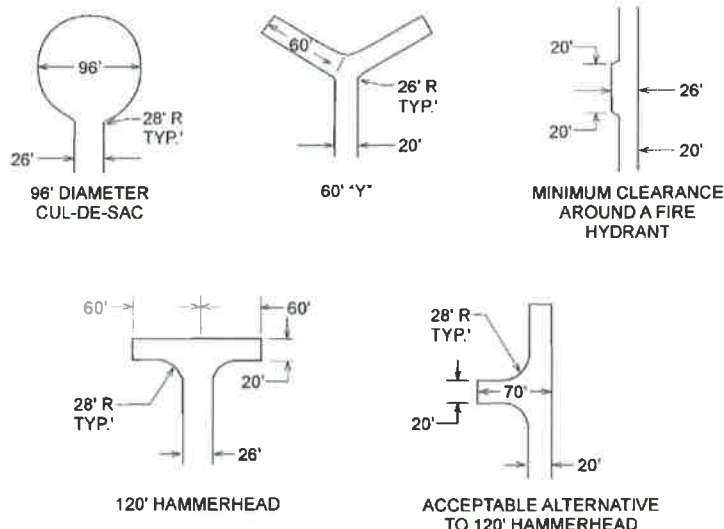
**TABLE D103.4  
REQUIREMENTS FOR DEAD-END FIRE  
APPARATUS ACCESS ROADS**

LENGTH (feet)	WIDTH (feet)	TURNAROUNDS REQUIRED
0-150	20	None required
151-500	20	120-foot Hammerhead, 60-foot "Y" or 96-foot-diameter cul-de-sac in accordance with Figure D103.1
501-750	26	120-foot Hammerhead, 60-foot "Y" or 96-foot-diameter cul-de-sac in accordance with Figure D103.1
Over 750	Special approval required	

For SI: 1 foot = 304.8 mm.

**D103.5 Fire apparatus access road gates.** Gates securing the fire apparatus access roads shall comply with all of the following criteria:

1. The minimum gate width shall be 20 feet (6096 mm).



For SI: 1 foot = 304.8 mm.

**FIGURE D103.1  
DEAD-END FIRE APPARATUS ACCESS ROAD TURNAROUND**

## APPENDIX D

2. Gates shall be of the swinging or sliding type.
3. Construction of gates shall be of materials that allow manual operation by one person.
4. Gate components shall be maintained in an operative condition at all times and replaced or repaired when defective.
5. Electric gates shall be equipped with a means of opening the gate by fire department personnel for emergency access. Emergency opening devices shall be approved by the fire code official.
6. Manual opening gates shall not be locked with a padlock or chain and padlock unless they are capable of being opened by means of forcible entry tools or when a key box containing the key(s) to the lock is installed at the gate location.
7. Locking device specifications shall be submitted for approval by the fire code official.

**D103.6 Signs.** Where required by the fire code official, fire apparatus access roads shall be marked with permanent NO PARKING—FIRE LANE signs complying with Figure D103.6. Signs shall have a minimum dimension of 12 inches (305 mm) wide by 18 inches (457 mm) high and have red letters on a white reflective background. Signs shall be posted on one or both sides of the fire apparatus road as required by Section D103.6.1 or D103.6.2.

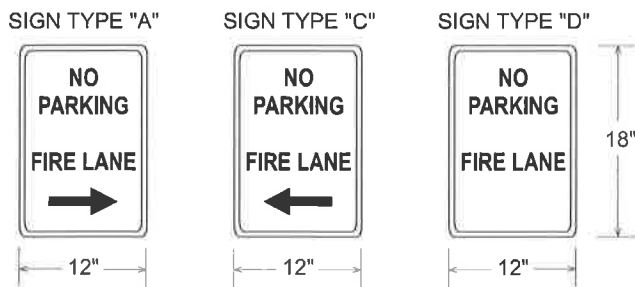


FIGURE D103.6  
FIRE LANE SIGNS

**D103.6.1 Roads 20 to 26 feet in width.** Fire apparatus access roads 20 to 26 feet wide (6096 to 7925 mm) shall be posted on both sides as a fire lane.

**D103.6.2 Roads more than 26 feet in width.** Fire apparatus access roads more than 26 feet wide (7925 mm) to 32 feet wide (9754 mm) shall be posted on one side of the road as a fire lane.

## SECTION D104 COMMERCIAL AND INDUSTRIAL DEVELOPMENTS

**D104.1 Buildings exceeding three stories or 30 feet in height.** Buildings or facilities exceeding 30 feet (9144 mm) or three stories in height shall have at least two means of fire apparatus access for each structure.

**D104.2 Buildings exceeding 62,000 square feet in area.** Buildings or facilities having a gross building area of more than 62,000 square feet (5760 m<sup>2</sup>) shall be provided with two separate and approved fire apparatus access roads.

**Exception:** Projects having a gross building area of up to 124,000 square feet (11 520 m<sup>2</sup>) that have a single approved fire apparatus access road when all buildings are equipped throughout with approved automatic sprinkler systems.

**D104.3 Remoteness.** Where two access roads are required, they shall be placed a distance apart equal to not less than one half of the length of the maximum overall diagonal dimension of the property or area to be served, measured in a straight line between accesses.

## SECTION D105 AERIAL FIRE APPARATUS ACCESS ROADS

**D105.1 Where required.** Buildings or portions of buildings or facilities exceeding 30 feet (9144 mm) in height above the lowest level of fire department vehicle access shall be provided with approved fire apparatus access roads capable of accommodating fire department aerial apparatus. Overhead utility and power lines shall not be located within the aerial fire apparatus access roadway.

**D105.2 Width.** Fire apparatus access roads shall have a minimum unobstructed width of 26 feet (7925 mm) in the immediate vicinity of any building or portion of building more than 30 feet (9144 mm) in height.

**D105.3 Proximity to building.** At least one of the required access routes meeting this condition shall be located within a minimum of 15 feet (4572 mm) and a maximum of 30 feet (9144 mm) from the building, and shall be positioned parallel to one entire side of the building.

## SECTION D106 MULTIPLE-FAMILY RESIDENTIAL DEVELOPMENTS

**D106.1 Projects having more than 100 dwelling units.** Multiple-family residential projects having more than 100 dwelling units shall be equipped throughout with two separate and approved fire apparatus access roads.

**Exception:** Projects having up to 200 dwelling units may have a single approved fire apparatus access road when all buildings, including nonresidential occupancies, are equipped throughout with approved automatic sprinkler systems installed in accordance with Section 903.3.1.1 or 903.3.1.2.

**D106.2 Projects having more than 200 dwelling units.** Multiple-family residential projects having more than 200 dwelling units shall be provided with two separate and approved fire apparatus access roads regardless of whether they are equipped with an approved automatic sprinkler system.

**SECTION D107  
ONE- OR TWO-FAMILY RESIDENTIAL  
DEVELOPMENTS**

**D107.1 One- or two-family dwelling residential developments.** Developments of one- or two-family dwellings where the number of dwelling units exceeds 30 shall be provided with separate and approved fire apparatus access roads and shall meet the requirements of Section D104.3.

**Exceptions:**

1. Where there are more than 30 dwelling units on a single public or private fire apparatus access road and all dwelling units are equipped throughout with an approved automatic sprinkler system in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3, access from two directions shall not be required.
2. The number of dwelling units on a single fire apparatus access road shall not be increased unless fire apparatus access roads will connect with future development, as determined by the fire code official.

## Sloop, Stephanie

---

**From:** Rural Water <rwd8lv@gmail.com>  
**Sent:** Wednesday, June 2, 2021 4:59 PM  
**To:** Sloop, Stephanie  
**Subject:** Re: DEV-21-079 & 080 Preliminary and Final Plat for Bretz Farms

**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.

Stephanie Sloop,

RWD#8 will be able to provide water service to the Bretz Farm Subdivision, when proper application is made to RWD#8 Board of Directors.

RWD#8 has a 4" water line on the South side of Stranger Road, therefore a road bore is necessary to get service to the North side of the road.

The plat has Lot 3 along Tonganoxie Drive therefore a road bore is necessary to get service to this Lot, RWD#8 has a 4" line and a 6" line on the East side of Tonganoxie Dr.

Meters purchased on or after July 1, 2021 will be \$5,000.00.

If you have any questions please call me: 913-796-2164.

Becky-RWD#8

On Wed, Jun 2, 2021 at 4:23 PM Sloop, Stephanie <[SSloop@leavenworthcounty.gov](mailto:SSloop@leavenworthcounty.gov)> wrote:

The Leavenworth County Department of Planning and Zoning has received a request for a Preliminary and Final Plat for Bretz Farms.

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 June 9, 2021.

If you have any questions or need additional information, please contact our office.

Thank you,

Stephanie Sloop

# BRETZ FARM

A Minor Subdivision in the Southeast Quarter of Section 20, Township 9 South, Range 22 East, Leavenworth County, Kansas.

## PRELIMINARY PLAT

PREPARED FOR:  
Kenneth W. & David L. Shoemaker  
22565 207th Street  
Tonganoxie, Kansas  
PID # 104-20-0-00-00-009

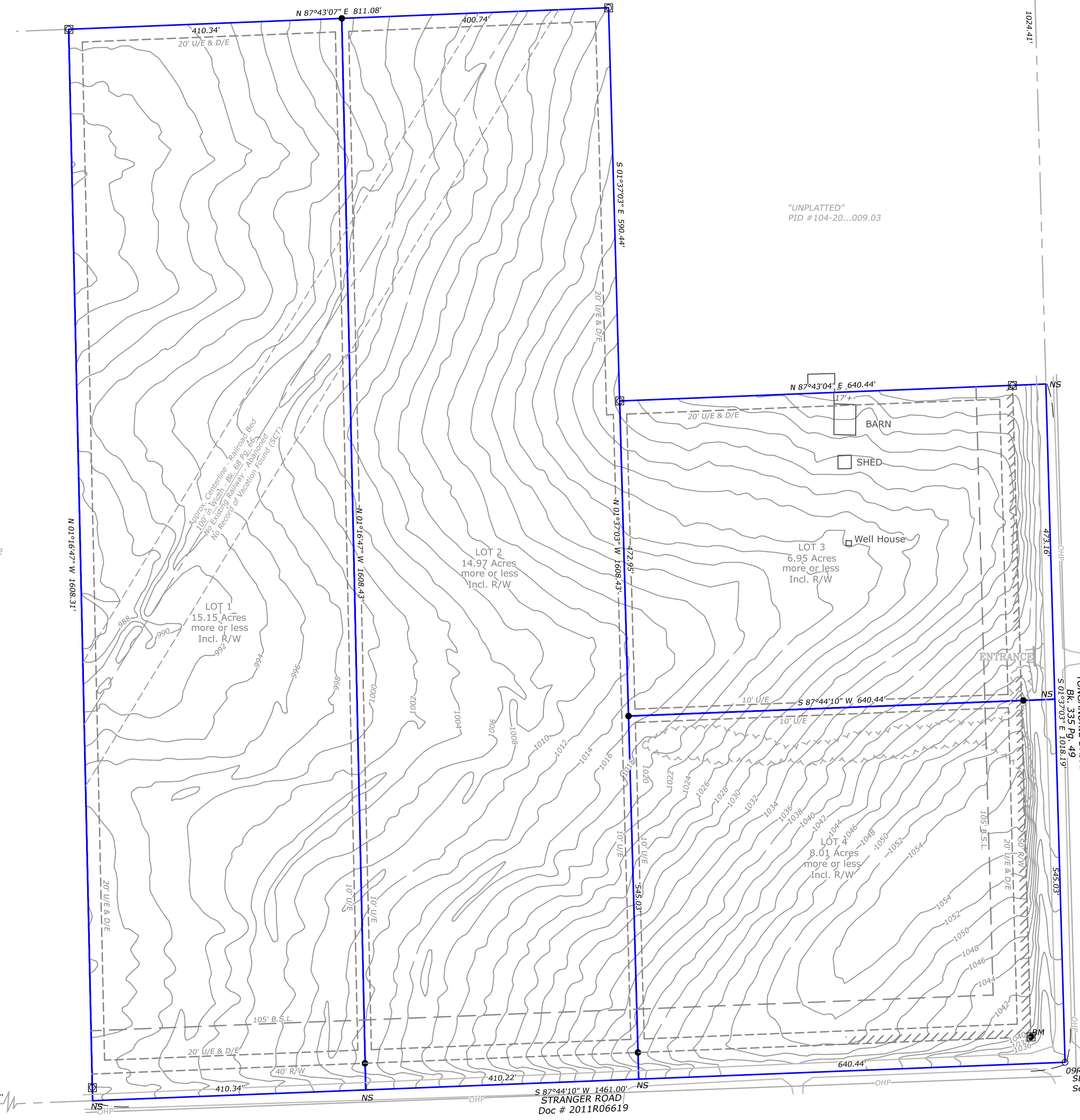
**SURVEYOR'S DESCRIPTION:**  
This description is prepared by Joseph A. Herring PS-1296, being a tract of land in the Southeast Quarter of Section 20, Township 9 South, Range 22 East of the 6th P.M., Leavenworth County, Kansas, more fully described as follows: Beginning at the Southeast corner of said Southeast Quarter; thence South 87 degrees 44'10" West for a distance of 1461.00 feet along the South line of said Southeast Quarter; thence North 01 degrees 16'47" West for a distance of 1608.31 feet; thence North 87 degrees 43'07" East for a distance of 811.08 feet; thence South 01 degrees 37'03" East for a distance of 590.44 feet; thence North 87 degrees 43'04" East for a distance of 640.44 feet to the East line of said Southeast Quarter; thence South 01 degrees 37'03" East for a distance of 1018.19 feet along said East line to the point of beginning. Together with and subject to covenants, easement and restriction of record. Said property contain 45.09 acres, more or less, including road right of way. Error of closure - 1 : 1594313

"UNPLATTED"  
PID #104-20...009.01

"UNPLATTED"  
PID #104-20...009.03

"UNPLATTED"  
PID #104-20...009.02

09P  
East Quarter Corner  
Section 20-9-22  
2" Alum Cap at Surface



- 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 North Line of the Southwest Quarter - N 88°10'40" E
  - 6) Monument Origin Unknown, unless otherwise noted.
  - 7) Proposed Lots for Residential Use.
  - 8) Road Record - See Survey
  - 9) Benchmark - NAVD83  
Project Benchmark (BM) - Northwest Corner - 999.5'
  - 10) Easements, if any, are created hereon or listed in referenced title commitment.
  - 11) Reference Recorded Deed Document Number 2020R11726
  - 12) Utility Companies -  
- Water - RWD 8  
- Electric - Freestate  
- Sewer - Septic / Lagoon  
- Gas - Propane / Natural Gas
  - 13) Reference Continental Title Insurance Company Case Number 21403176 updated February 11, 2021
  - 14) Property is not in a Special Flood Hazard Area per FEMA FIR Map 20103C0225G 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  
- Oil and Gas Lease Bk 367 Pg 736, Bk 375 Pg 404, blanket in nature, not shown.  
- Terms and provisions of Agreement recorded in Book 775 Page 406, not shown hereon.  
- Terms and provisions of the Gas Storage Lease recorded in Book 375 at Page 404 not shown hereon.
  - 18) Fence Lines do not necessarily denote the boundary line for the property.
  - 19) Reference Surveys:  
(SCT) - Stephan C. Tuft Survey Doc. #2011S009, #2011S011, #2011S014  
(AMA) - Aaron M. Aley Survey "TWILIGHT MEADOWS"  
(JAH) - J.A.Herring Survey Doc #2015S017

- LEGEND:**
- - 1/2" Rebar Set with Cap No. 1296
  - - 1/2" Rebar Found, unless otherwise noted.
  - - Concrete Base to be Set around Point
  - U/E - Utility Easement
  - D/E - Drainage Easement
  - B.S.L. - Building Setback Line
  - R/W - Permanent Dedicated Roadway Easement dedicated this plat
  - BM - Benchmark
  - POB - Point of Beginning
  - //// - No Vehicle Entrance Access
  - NS - Not Set this survey per agreement with client
  - ⊙ - 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

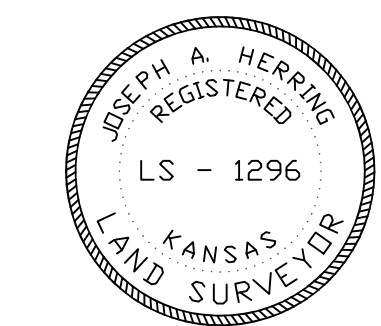
07R  
SW COR SE 1/4  
Section 20-9-22  
1/2" Bar 0.5' Deep

09R  
SE COR SE 1/4  
Section 20-9-22  
1/2" Bar 6" Deep



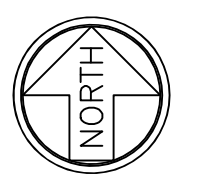
I hereby certify this plat meets the requirements of KSA-58-2005. The face of this plat was reviewed based on Kansas Minimum Standards for Boundary Surveys. No field verification is implied. This review is for surveying information only.

COUNTY REVIEWER -  
Michael J. Bogina, KS PS-1655  
Leavenworth County Survey Reviewer



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

Joseph A. Herring  
PS # 1296

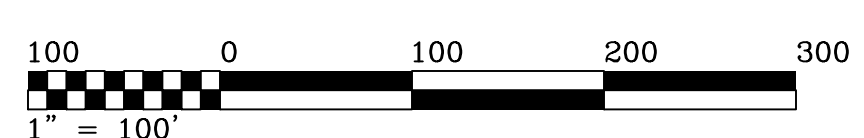


Scale 1" = 100'

Job # K-21-1461  
May 22, 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@eastcass.com





# BRETZ FARM

A Minor Subdivision in the Southeast Quarter of Section 20, Township 9 South, Range 22 East, Leavenworth County, Kansas.

## FINAL PLAT

PREPARED FOR:  
Kenneth W. & David L. Shoemaker  
22565 207th Street  
Tonganoxie, Kansas  
PID # 104-20-0-00-009

**SURVEYOR'S DESCRIPTION:**  
This description is prepared by Joseph A. Herring PS-1296, being a tract of land in the Southeast Quarter of Section 20, Township 9 South, Range 22 East of the 6th P.M., Leavenworth County, Kansas, more fully described as follows: Beginning at the Southeast corner of said Southeast Quarter; thence South 87 degrees 44'10" West for a distance of 1461.00 feet along the South line of said Southeast Quarter; thence North 01 degrees 16'47" West for a distance of 1608.31 feet; thence North 87 degrees 43'07" East for a distance of 811.08 feet; thence South 01 degrees 37'03" East for a distance of 590.44 feet; thence North 87 degrees 43'04" East for a distance of 640.44 feet to the East line of said Southeast Quarter; thence South 01 degrees 37'03" East for a distance of 1018.19 feet along said East line to the point of beginning. Together with and subject to covenants, easement and restriction of record. Said property contain 45.09 acres, more or less, including road right of way. Error of closure - 1 : 1594313

**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: BRETZ FARMS.

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 BRETZ FARMS, have set our hands this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

Ben Robbins  
Robbins Acquisitions, 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 Ben Robbins, Robbins Acquisitions, 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 BRETZ FARMS 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 -

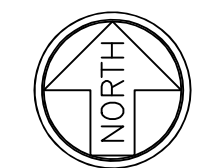
**COUNTY COMMISSION APPROVAL:**  
We, the Board of County Commissioners of Leavenworth County, Kansas, do hereby approve the foregoing plat of BRETZ FARMS, this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

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

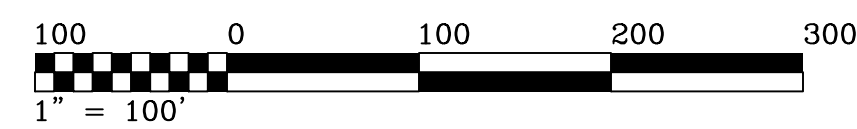
07R SW COR SE 1/4 Section 20-9-22 1/2" Bar 0.5' Deep



Scale 1" = 100'

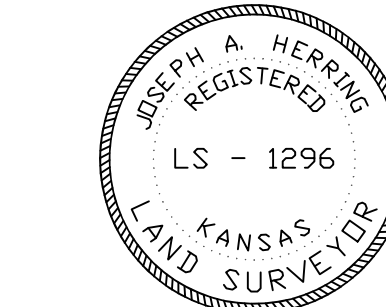
Job # K-21-1461  
May 22, 2021

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



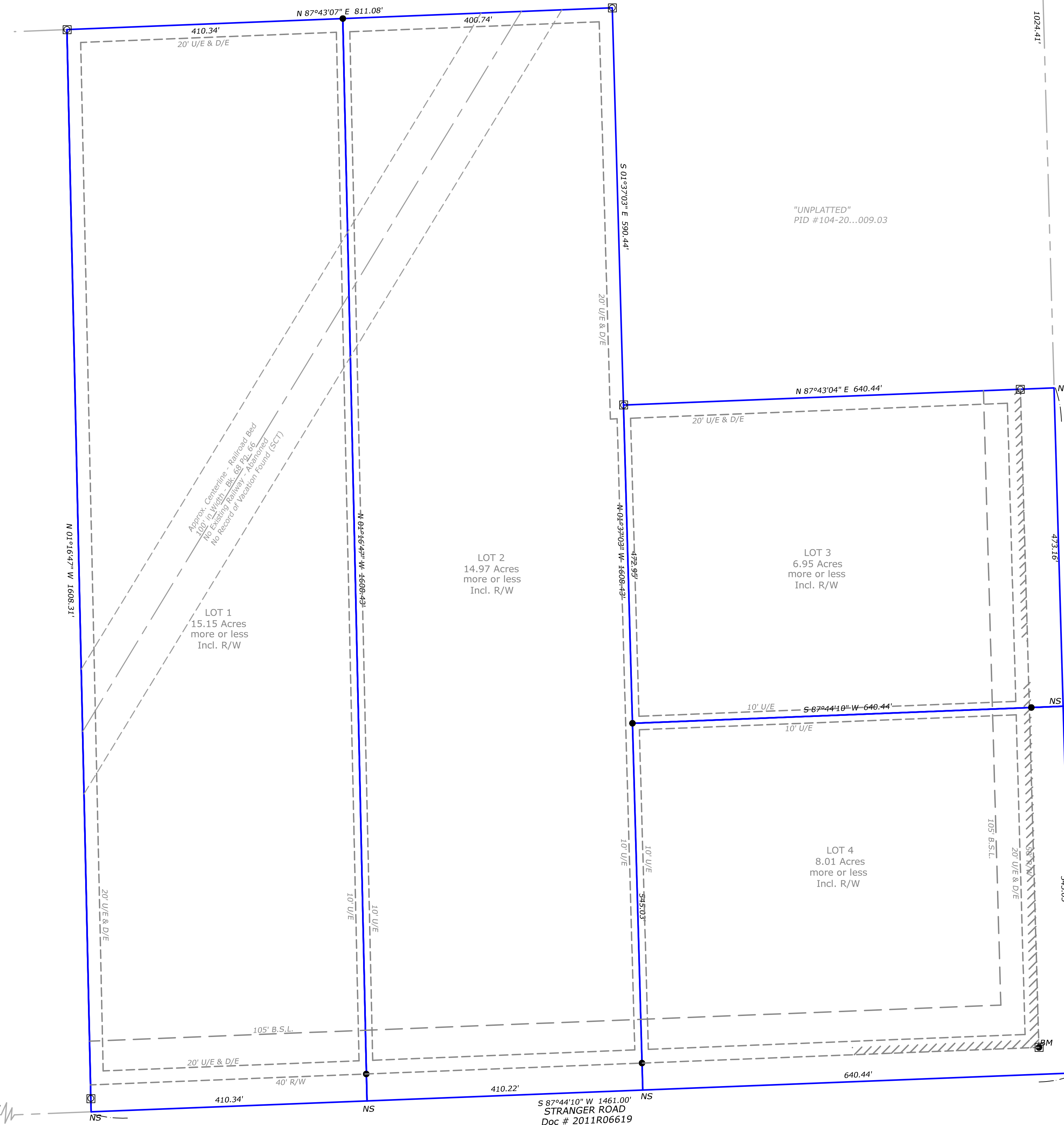
I hereby certify this plat meets the requirements of KSA-58-2005. The face of this plat was reviewed based on Kansas Minimum Standards for Boundary Surveys. No field verification is implied. This review is for surveying information only.

COUNTY REVIEWER -  
Michael J. Bogina, KS PS-1655  
Leavenworth County Survey Reviewer



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

Joseph A. Herring  
PS # 1296



**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 the Southwest Quarter - N 88°10'40" E
  - Monument Origin Unknown, unless otherwise noted.
  - Proposed Lots for Residential Use.
  - Road Record - See Survey
  - Benchmark - NAVD83  
Project Benchmark (BM) - Northwest Corner - 999.5'
  - Easements, if any, are created hereon or listed in referenced title commitment.
  - Reference Recorded Deed Document Number 2020R11726
  - Utility Companies -
    - Water - RWD 8
    - Electric - Freestate
    - Sewer - Septic / Lagoon
    - Gas - Propane / Natural Gas
  - Reference Continental Title Insurance Company Case Number 21403176 updated February 11, 2021
  - Property is not in a Special Flood Hazard Area per FEMA FIR Map 20103C0225G 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
    - Oil and Gas Lease Bk 367 Pg 736, Bk 375 Pg 404, blanket in nature, not shown.
    - Terms and provisions of Agreement recorded in Book 775 Page 406, not shown hereon.
    - Terms and provisions of the Gas Storage Lease recorded in Book 375 at Page 404 not shown hereon.
  - Fence Lines do not necessarily denote the boundary line for the property.
  - Reference Surveys:
    - (SCT) - Stephan C. Tufte Survey Doc. #20115009, #20115011, #20115014 (AMA) - Aaron M. Aley Survey "TWILIGHT MEADOWS" (JAH) - J.A.Herring Survey Doc #20153017

- LEGEND:**
- - 1/2" Rebar Set with Cap No. 1296
  - - 1/2" Rebar Found, unless otherwise noted.
  - - Concrete Base to be Set around Point
  - U/E - Utility Easement
  - D/E - Drainage Easement
  - B.S.L. - Building Setback Line
  - BM - Benchmark
  - POB - Point of Beginning
  - //// - No Vehicle Entrance Access
  - NS - Not Set this survey per agreement with client

**\*\*\*Consent Agenda\*\*\***  
**Case No. DEV-21-081/082**  
**Carbaugh Estates**  
**Preliminary and Final Plat**

**Staff Report – Planning Commission**

**August 5, 2021**

**GENERAL INFORMATION:**

**Applicant/  
Property Owner:** David & Shannon Lutgen  
15554 Elm Street  
Tonganoxie, KS 66086

**Agent:** Herring Surveying Company  
315 N. 5<sup>th</sup> Street  
Leavenworth, KS 66048

**Legal Description:** A tract of land in the Southeast Quarter of Section 15, Township 11 South, Range 20 East of the 6<sup>th</sup> P.M, in Leavenworth County, Kansas.

**Parcel Size:** ± 11.9 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.:** 205-15-0-00-00-014.00

**Planner:** Joshua Gentzler

---

**REPORT:**

**Request**

The applicant is requesting a Preliminary and Final Plat for a three (3) lot subdivision.

**Adjacent Land Use**

The surrounding properties are residences and farms on varying sized parcels ranging from 2.5 acres to 27 acres in size.

**Flood Plain**

There are no Special Flood Hazard Areas on this parcel per FEMA Firm Map 20103C300G July 16, 2015.

**Utilities/Services**

Sewer: Private septic system  
Fire: Tonganoxie Fire Department  
Water: RWD 13  
Electric: Freestate

**Access/Streets**

The property is accessed by 254<sup>th</sup> Street. This road is a local County road with a paved surface ± 25' wide.

**Agency Comments**

See attached comments – Email – Kyle Anderson – Planning and Zoning, Month day, 2021  
See attached comments – Email – Mitch Pleak – Public Works, June 25, 2021  
See attached comments – Email – Mitch Pleak – Public Works, July 6, 2021  
See attached comments – Email – Lauren Anderson – County Surveyor, June 24, 2021  
See attached comments – Email – Joe Osborn – Rural Water District 13, June 14, 2021  
See attached comments – Email – Amanda Tarwater – FreeState, June 3, 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 minimum lot size of 2.5 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 4.)

## **Staff Comments**

The applicant is requesting the approval of a three (3) lot subdivision located immediately south of 17305 254<sup>th</sup> Street. Zoning of the property and the neighborhood across 254<sup>th</sup> Street is RR-2.5. All three lots are 4 acres in size and meet the requirements for the zoning district.

The applicant has filed a deed restriction with the Register of Deeds office that will not allow any future subdividing of this parcel.

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

---

## **STAFF RECOMMENDATION:**

The staff recommends approval of Case No. DEV-21-081 & 082, Preliminary and Final Plat for Carbaugh Estates, with the following conditions:

1. Building permits shall be required for any new construction.
2. The lots created by this plat shall not be further divided, as per the Deed Restriction filed with the Register of Deeds.
3. 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.
4. The applicant shall adhere to the following memorandums:
  - a. Joe Osborn – Rural Water District 13, June 14, 2021
5. A waiver for the use of private septic systems within this subdivision is granted with this approval.
6. At time of development, fire hydrants shall be required if necessary infrastructure is available.
7. 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-21-081 & 082, Preliminary and Final Plat for Carbaugh Estates, to the Board of County Commission, with or without conditions; or
2. Recommend denial of No. DEV-21-081 & 082, Preliminary and Final Plat for Carbaugh Estates, 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

**From:** [Anderson, Lauren](#)  
**Sent:** Thursday, June 24, 2021 3:16 PM  
**To:** '[Joe Herring](#)'; [Gentzler, Joshua](#)  
**Subject:** RE: Carbaugh Estates Submittal DEV-21-081 & 082  
**Attachments:** 2021.06.24 Carbaugh Rev 1 Comments.pdf

---

Joe,

Please see the attached survey comments.

Lauren

---

**From:** Joe Herring <[herringsurveying@outlook.com](mailto:herringsurveying@outlook.com)>  
**Sent:** Monday, June 21, 2021 9:55 PM  
**To:** Gentzler, Joshua <[JGentzler@leavenworthcounty.gov](mailto:JGentzler@leavenworthcounty.gov)>; Anderson, Lauren <[LAnderson@leavenworthcounty.gov](mailto:LAnderson@leavenworthcounty.gov)>  
**Subject:** Re: Carbaugh Estates Submittal DEV-21-081 & 082

*Notice:* This email originated from outside this organization. Do not click on links or open attachments unless you trust the sender and know the content is safe.

See attached revised plats and closure calcs.

Thank you - Joe Herring

---

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

---

**From:** Gentzler, Joshua <[JGentzler@leavenworthcounty.gov](mailto:JGentzler@leavenworthcounty.gov)>  
**Sent:** Monday, June 14, 2021 2:42 PM  
**To:** 'Joe Herring' <[herringsurveying@outlook.com](mailto:herringsurveying@outlook.com)>  
**Subject:** RE: Carbaugh Estates Submittal DEV-21-081 & 082

Joe,

See attached PW's review of the plats and comments on the drainage report. Planning has no comments to add to the Surveyor & PW comments.

Drainage Report Comments:

- Page 2, the existing condition narrative and table should include the pond surface.
- Page 2, the developed condition narrative and table should include the pond surface.
- Page 2, the developed condition narrative should include a statement of maintained lawn shown in the developed condition table.
- Page 3, add language defining the Q units in the table.
- Page 3, with a developed C value less there should not be a change of 0% in the Q.
- In general revise the report with the above comments.

**Joshua Gentzler**  
[Planning & Zoning](#)

---

**From:** Joe Herring <[herringsurveying@outlook.com](mailto:herringsurveying@outlook.com)>  
**Sent:** Thursday, May 27, 2021 12:40 PM  
**To:** PZ <[PZ@leavenworthcounty.gov](mailto:PZ@leavenworthcounty.gov)>  
**Subject:** Carbaugh Estates Submittal

**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.

Please see the attached application and documentation.  
Will drop off payment this afternoon.  
Dave filled out the authorization and should be in his file at your office.

Thank you - Joe Herring

---

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



# Summary of Comments on Carbaugh Estates FINAL 24x36LS

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Page: 1

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☰ Number: 1 Author: mjbogina Subject: Typewritten Text Date: 6/24/2021 1:49:12 PM  
[Provide LSRRs](#)



**From:** [Mitch Pleak](#)  
**Sent:** Tuesday, July 6, 2021 10:24 AM  
**To:** [Gentzler, Joshua](#); [Anderson, Lauren](#)  
**Cc:** [Voth, Krystal](#); [Noll, Bill](#); [019-2831](#)  
**Subject:** RE: Fw: Carbaugh Estates Submittal DEV-21-081 & 082

---

**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,  
The drainage report was reviewed with no further comments.

Thanks,

Mitch Pleak

---

**From:** Gentzler, Joshua <[JGentzler@leavenworthcounty.gov](mailto:JGentzler@leavenworthcounty.gov)>  
**Sent:** Monday, June 28, 2021 10:56 AM  
**To:** Anderson, Lauren <[LAAnderson@leavenworthcounty.gov](mailto:LAAnderson@leavenworthcounty.gov)>; Mitch Pleak <[mpleak@olsson.com](mailto:mpleak@olsson.com)>  
**Subject:** FW: Fw: Carbaugh Estates Submittal DEV-21-081 & 082

Here is the revised Drainage Report.

Joshua Gentzler  
[Planning & Zoning](#)

---

**From:** David Lutgen <[dlutgen72@gmail.com](mailto:dlutgen72@gmail.com)>  
**Sent:** Monday, June 28, 2021 6:41 AM  
**To:** Gentzler, Joshua <[JGentzler@leavenworthcounty.gov](mailto:JGentzler@leavenworthcounty.gov)>  
**Cc:** Joe Herring <[herringsurveying@outlook.com](mailto:herringsurveying@outlook.com)>  
**Subject:** Re: Fw: Carbaugh Estates Submittal DEV-21-081 & 082

**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,

An updated drainage report is attached. Let me know if any additional information is needed.

Thanks

David Lutgen

On Fri, Jun 25, 2021 at 1:51 PM Gentzler, Joshua <[JGentzler@leavenworthcounty.gov](mailto:JGentzler@leavenworthcounty.gov)> wrote:

David,

Here is the response from Public Works:

- You do not need to add the existing pond into the existing or developed composite "C" calculation. The existing pond is mentioned in the existing condition paragraph. Page 2,

provide a statement in the developed condition paragraph to include “Existing pond to remain unchanged as part of the developed condition”.

- Page 2, the developed condition narrative should include a statement of maintained lawn shown in the developed condition table.
- Page 3, add language defining the Q units in the table.
- Page 3, with a developed C value less, there would not be a change of 0% in the Q.
- In general revise the report with the above comments.

Thank you,

Joshua Gentzler  
[Planning & Zoning](#)

---

**From:** David Lutgen <[dlutgen72@gmail.com](mailto:dlutgen72@gmail.com)>  
**Sent:** Tuesday, June 22, 2021 6:43 AM  
**To:** Gentzler, Joshua <[JGentzler@leavenworthcounty.gov](mailto:JGentzler@leavenworthcounty.gov)>  
**Cc:** Joe Herring <[herringsurveying@outlook.com](mailto:herringsurveying@outlook.com)>  
**Subject:** Re: Fw: Carbaugh Estates Submittal DEV-21-081 & 082

**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,

In general, when doing a storm water report if a pond is not being used for detention then I include it in the acreage of the surrounding land. I am assuming this is a new reviewer at Olsson since these comments have not come up previously. I have done a lot of reports in LV County with ponds on the project sites and I have never been asked to include the pond in the report. I have attached one report as an example.

If the reviewer is going to insist on the pond being included, what c value do they want used?

Thanks

David Lutgen, P.E.

On Mon, Jun 21, 2021 at 9:21 PM Joe Herring <[herringsurveying@outlook.com](mailto:herringsurveying@outlook.com)> wrote:

Did you see these yet?

Thank you - Joe Herring

---

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

---

**From:** Gentzler, Joshua <[JGentzler@leavenworthcounty.gov](mailto:JGentzler@leavenworthcounty.gov)>  
**Sent:** Monday, June 14, 2021 2:42 PM  
**To:** 'Joe Herring' <[herringsurveying@outlook.com](mailto:herringsurveying@outlook.com)>  
**Subject:** RE: Carbaugh Estates Submittal DEV-21-081 & 082  
Joe,

See attached PW's review of the plats and comments on the drainage report. Planning has no comments to add to the Surveyor & PW comments.

Drainage Report Comments:

- Page 2, the existing condition narrative and table should include the pond surface.
- Page 2, the developed condition narrative and table should include the pond surface.
- Page 2, the developed condition narrative should include a statement of maintained lawn shown in the developed condition table.
- Page 3, add language defining the Q units in the table.
- Page 3, with a developed C value less there should not be a change of 0% in the Q.
- In general revise the report with the above comments.

Joshua Gentzler

[Planning & Zoning](#)

---

**From:** Joe Herring <[herringsurveying@outlook.com](mailto:herringsurveying@outlook.com)>

**Sent:** Thursday, May 27, 2021 12:40 PM

**To:** PZ <[PZ@leavenworthcounty.gov](mailto:PZ@leavenworthcounty.gov)>

**Subject:** Carbaugh Estates Submittal

**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.

Please see the attached application and documentation.

Will drop off payment this afternoon.

Dave filled out the authorization and should be in his file at your office.

Thank you - Joe Herring

---

J.Herring Inc., dba,Herring Surveying Company

315 N. 5th Street, Leavenworth, KS 66048

913-651-3858 - ROCK CHALK!

**From:** [Mitch Pleak](#)  
**Sent:** Friday, June 25, 2021 11:45 AM  
**To:** [Gentzler, Joshua](#)  
**Cc:** [Anderson, Lauren](#); [Noll, Bill](#); [019-2831](#)  
**Subject:** RE: DEV-21-081 & 082 Review of Preliminary & Final Plat for Carbaugh Estates

---

**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,  
There is no further comments for the PP and FP.

Drainage Report Comments:

- Mr. Lutgen does not need to add the existing pond into the existing or developed composite "C" calculation. The existing pond is mentioned in the existing condition paragraph. Page 2, provide a statement in the developed condition paragraph to include "Existing pond to remain unchanged as part of the developed condition".
- Page 2, the developed condition narrative should include a statement of maintained lawn shown in the developed condition table.
- Page 3, add language defining the Q units in the table.
- Page 3, with a developed C value less, there would not be a change of 0% in the Q.
- In general revise the report with the above comments.

Sincerely,

Mitch Pleak

---

**From:** Gentzler, Joshua <JGentzler@leavenworthcounty.gov>  
**Sent:** Tuesday, June 22, 2021 8:17 AM  
**To:** Mitch Pleak <mpleak@olsson.com>; Anderson, Lauren <LAnderson@leavenworthcounty.gov>  
**Subject:** RE: DEV-21-081 & 082 Review of Preliminary & Final Plat for Carbaugh Estates

Mitch and Lauren,

I've attached the revisions to the Carbaugh Estates documents.

Got this response from David Lutgen in regards to the Drainage report:

*In general, when doing a storm water report if a pond is not being used for detention then I include it in the acreage of the surrounding land. I am assuming this is a new reviewer at Olsson since these comments have not come up previously. I have done a lot of reports in LV County with ponds on the project sites and I have never been asked to include the pond in the report. I have attached one report as an example.*

*If the reviewer is going to insist on the pond being included, what c value do they want used?*

Thanks,

Joshua Gentzler  
[Planning & Zoning](#)

---

**From:** Mitch Pleak <[mpleak@olsson.com](mailto:mpleak@olsson.com)>  
**Sent:** Tuesday, June 8, 2021 4:30 PM  
**To:** Gentzler, Joshua <[JGentzler@leavenworthcounty.gov](mailto:JGentzler@leavenworthcounty.gov)>  
**Cc:** Anderson, Lauren <[LAnderson@leavenworthcounty.gov](mailto:LAnderson@leavenworthcounty.gov)>; Noll, Bill <[BNoll@leavenworthcounty.gov](mailto:BNoll@leavenworthcounty.gov)>; Voth, Krystal <[KVoth@leavenworthcounty.gov](mailto:KVoth@leavenworthcounty.gov)>; 019-2831 <[019-2831@olsson.com](mailto:019-2831@olsson.com)>  
**Subject:** RE: DEV-21-081 & 082 Review of Preliminary & Final Plat for Carbaugh Estates

**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, FP, and drainage report. PP and FP comments are in the link below.

Drainage Report Comments:

- Page 2, the existing condition narrative and table should include the pond surface.
- Page 2, the developed condition narrative and table should include the pond surface.
- Page 2, the developed condition narrative should include a statement of maintained lawn shown in the developed condition table.
- Page 3, add language defining the Q units in the table.
- Page 3, with a developed C value less there should not be a change of 0% in the Q.
- In general revise the report with the above comments.

Citrix Attachments Expires December 5, 2021

2021.05.27 DEV-21-081 PRELIM.pdf	1.5 MB
2021.05.27 DEV-21-082 FINAL.pdf	1.9 MB

[Download Attachments](#)

Mitchell Pleak uses Citrix Files to share documents securely.

Thanks,

Mitch Pleak

---

**From:** Gentzler, Joshua <[JGentzler@leavenworthcounty.gov](mailto:JGentzler@leavenworthcounty.gov)>  
**Sent:** Wednesday, June 2, 2021 2:17 PM  
**To:** Anderson, Lauren <[LAnderson@leavenworthcounty.gov](mailto:LAnderson@leavenworthcounty.gov)>; Mitch Pleak <[mpleak@olsson.com](mailto:mpleak@olsson.com)>; Noll, Bill <[BNoll@leavenworthcounty.gov](mailto:BNoll@leavenworthcounty.gov)>  
**Subject:** DEV-21-081 & 082 Review of Preliminary & Final Plat for Carbaugh Estates

The Leavenworth County Department of Planning and Zoning has received a request for a Preliminary and Final Plat for Carbaugh Estates.

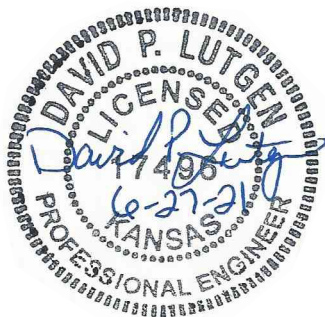
The Planning Staff would appreciate your written input in consideration of the above request. Please review the attached information and forward any comments to us by End of Business on Wednesday, June 9<sup>th</sup>, 2021.

Carbaugh Estates  
Leavenworth County Kansas

Drainage Report

May 17, 2021

Revised June 27, 2021



**Parcel Information** - The 12.1-acre (+/-) parcel is located at the south west corner of 254<sup>th</sup> Street and Conley Road in Leavenworth County KS. An application has been submitted to rezone the property from RR 5.0 to RR 2.5.

**Existing Conditions** - The majority of the parcel is hay ground. There are wooded areas and a small pond on the property. The entire property drains to the north west corner of the parcel, see 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 existing land use, see Exhibits #2 and #3.

Existing		Acres in each Drainage Area			
	c value	DA #1			
Wooded	0.35	2.40			
Pasture	0.36	9.70			
Composite c		0.36			

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

**Developed Conditions** – The proposed development will create three new residential building lots. The new homes are assumed to be located 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 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. A composite c value for the drainage area was calculated as shown below. It was assumed that the existing pond and wooded areas will remain. In the developed condition the open areas will be maintained as a grass lawn.

Developed		Acres in each Drainage Area			
	c value	DA #1			
Wooded	0.35	2.40			
Impervious	0.90	0.69			
Grass	0.30	9.01			
Composite c		0.34			

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

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

**DA #1**

	<b>Q10 (cfs)</b>	<b>Q100 (cfs)</b>
<b>Existing</b>	23.4	41.5
<b>Developed</b>	22.3	39.6
<b>Change</b>	-5%	-5%

**Conclusion** – The change in land use for this parcel of ground results in a decrease in storm water runoff from the site.



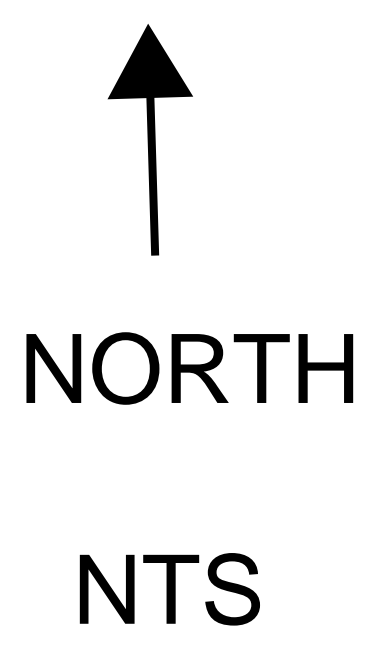
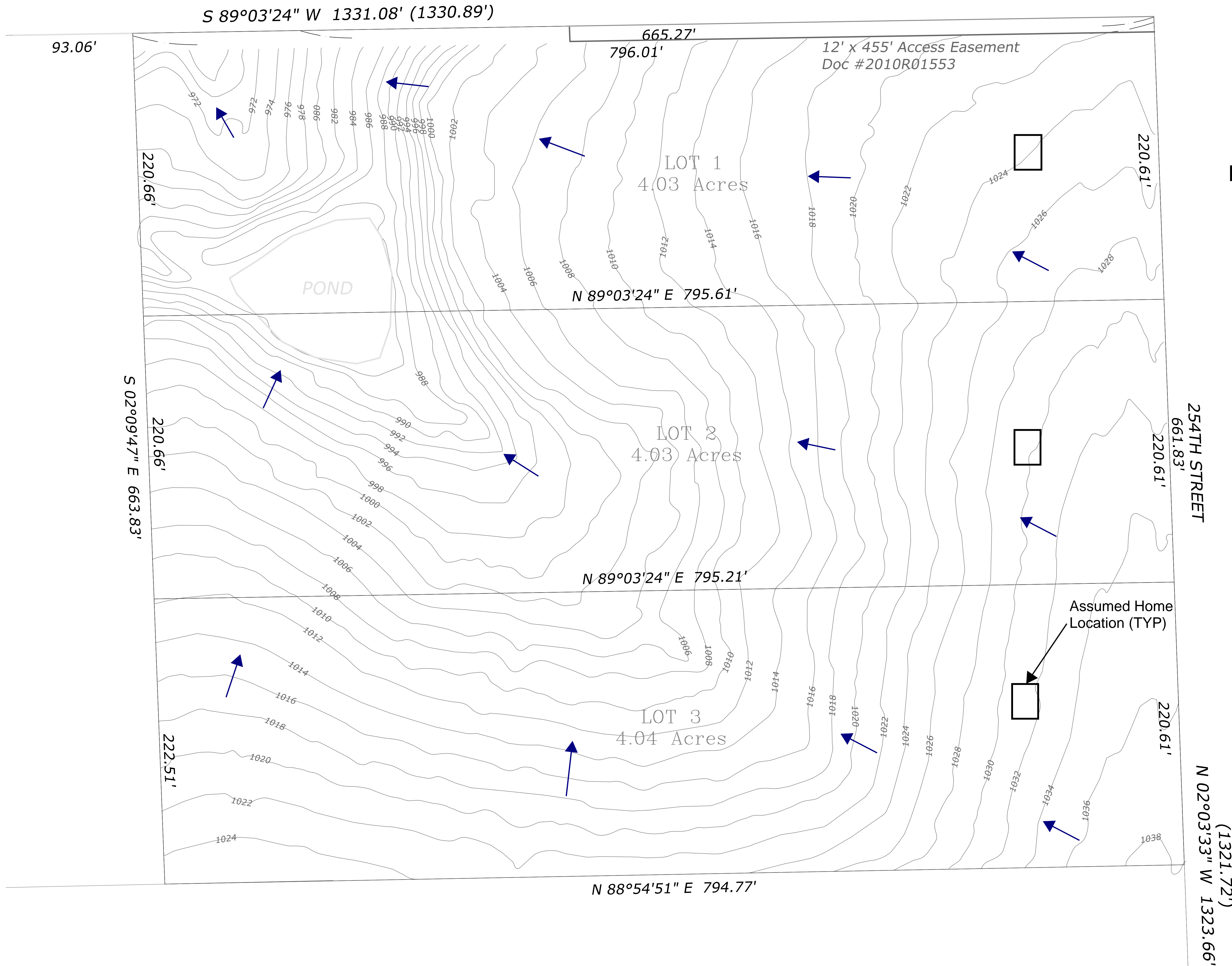


TABLE 1 Values of Runoff Coefficient C

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

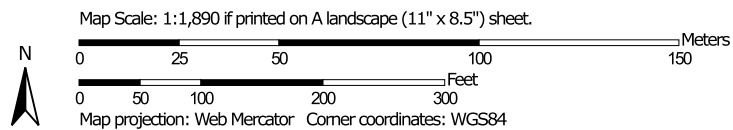
AGRICULTURAL AREAS:

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](https://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb1083019.pdf)



Soil Map may not be valid at this scale.



Map Unit Symbol	Map Unit Name
7252	Grundy silty clay loam, 1 to 3 percent slopes
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

### Drainage Area #1- 10 year

Existing Conditions

Area = 12.1 acres  
C= 0.36  
L= 1045  
S= 7.4  
K= 1

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

L max = 300

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

$$T_i = 11.9$$

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

$$T_t = 1.74$$

$$T_c = 13.6$$

$$i_{10} = 5.40$$

$$Q = KCiA$$

$$Q = 23.4 \text{ cfs}$$

Developed Conditions

Area = 12.1 acres  
C= 0.34  
L= 1045  
S= 7.4  
K= 1

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

L max = 300

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

$$T_i = 12.1$$

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

$$T_t = 1.74$$

$$T_c = 13.8$$

$$i_{10} = 5.36$$

$$Q = KCiA$$

$$Q = 22.3 \text{ cfs}$$

### Drainage Area #1 - 100 year

Existing Conditions

Area = 12.1 acres  
C= 0.36  
L= 1045  
S= 7.4  
K= 1.25

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

L max = 300

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

$$T_i = 11.9$$

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

$$T_t = 1.74$$

$$T_c = 13.6$$

$$i_{100} = 7.66$$

$$Q = KCiA$$

$$Q = 41.5 \text{ cfs}$$

Developed Conditions

Area = 12.1 acres  
C= 0.34  
L= 1045  
S= 7.4  
K= 1.25

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

L max = 300

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

$$T_i = 12.1$$

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

$$T_t = 1.74$$

$$T_c = 13.8$$

$$i_{100} = 7.61$$

$$Q = KCiA$$

$$Q = 39.6 \text{ cfs}$$

**From:** [Amanda Tarwater](#)  
**Sent:** Thursday, June 3, 2021 12:07 PM  
**To:** [Gentzler, Joshua](#)  
**Subject:** Re: DEV-21-081/082 Review of Preliminary/Final Plat - Carbaugh Estates

**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.

**Amanda Tarwater**  
Member Account Coordinator



1-800-794-1989 | [www.freestate.coop](http://www.freestate.coop)

---

**From:** "Gentzler, Joshua" <JGentzler@leavenworthcounty.gov>  
**Date:** Wednesday, June 2, 2021 at 2:34 PM  
**To:** "RWD 13 (linda@jfrwd13.com)" <linda@jfrwd13.com>, Amanda Tarwater <amanda.holloway@freestate.coop>, 'Timothy Smith' <chief1860@ttrfd.com>, "Magaha, Chuck" <CMagaha@leavenworthcounty.gov>, "Miller, Jamie" <JMiller@leavenworthcounty.gov>, "Patzwald, Joshua" <jpatzwald@leavenworthcounty.gov>, "Van Parys, David" <DVanParys@leavenworthcounty.gov>  
**Subject:** DEV-21-081/082 Review of Preliminary/Final Plat - Carbaugh Estates

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 Carbaugh Estates

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 Wednesday, June 9<sup>th</sup>, 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

**From:** [Joe Osborn](#)  
**Sent:** Monday, June 14, 2021 4:40 PM  
**To:** [Gentzler, Joshua](#)  
**Cc:** [Jefferson County RWD #13](#)  
**Subject:** RE: DEV-21-081/082 Review of Preliminary/Final Plat - Carbaugh Estates

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I believe so. The problem is that we can't say for sure until the customer pays to have a feasibility study done, and they have not done that yet. But I think we're good there.

Thank you,

**Joe Osborn**  
**District Manager**  
[joe@jfrwd13.com](mailto:joe@jfrwd13.com)  
1951 Wellman Rd.  
Lawrence Ks, 66044  
785-813-3589

---

**From:** Gentzler, Joshua <[JGentzler@leavenworthcounty.gov](mailto:JGentzler@leavenworthcounty.gov)>  
**Sent:** Monday, June 14, 2021 4:36 PM  
**To:** Joe Osborn <[joe@jfrwd13.com](mailto:joe@jfrwd13.com)>  
**Subject:** RE: DEV-21-081/082 Review of Preliminary/Final Plat - Carbaugh Estates

Good afternoon Joe,

The county is essentially looking for the answer to these questions:

- Will you be able to provide services to these lots with the current network?
- If not, will the developer need to pay for extension of water lines to provide service?

Let me know if you have any other questions,

Joshua Gentzler  
[Planning & Zoning](#)

---

**From:** Joe Osborn <[joe@jfrwd13.com](mailto:joe@jfrwd13.com)>  
**Sent:** Monday, June 14, 2021 3:03 PM  
**To:** Gentzler, Joshua <[JGentzler@leavenworthcounty.gov](mailto:JGentzler@leavenworthcounty.gov)>; Jefferson County RWD #13 <[linda@jfrwd13.com](mailto:linda@jfrwd13.com)>  
**Subject:** RE: DEV-21-081/082 Review of Preliminary/Final Plat - Carbaugh Estates

**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,

I'm sorry I didn't get back you by the 9<sup>th</sup>. Honestly, I'm not sure what the county is asking for when they ask for a comment? Can you enlighten me?

Thank you,

**Joe Osborn**  
**District Manager**  
[joe@jfrwd13.com](mailto:joe@jfrwd13.com)  
1951 Wellman Rd.  
Lawrence Ks, 66044  
785-813-3589

---

**From:** Gentzler, Joshua <[JGentzler@leavenworthcounty.gov](mailto:JGentzler@leavenworthcounty.gov)>  
**Sent:** Monday, June 14, 2021 2:38 PM  
**To:** Jefferson County RWD #13 <[linda@jfrwd13.com](mailto:linda@jfrwd13.com)>  
**Cc:** Joe Osborn <[joe@jfrwd13.com](mailto:joe@jfrwd13.com)>  
**Subject:** RE: DEV-21-081/082 Review of Preliminary/Final Plat - Carbaugh Estates

Good afternoon Joe & Linda,

Do you have any comments on this application for a plat across from Rocking C Estates?

Thank you,

Joshua Gentzler  
[Planning & Zoning](#)

---

**From:** Jefferson County RWD #13 <[linda@jfrwd13.com](mailto:linda@jfrwd13.com)>  
**Sent:** Wednesday, June 2, 2021 5:06 PM  
**To:** Gentzler, Joshua <[JGentzler@leavenworthcounty.gov](mailto:JGentzler@leavenworthcounty.gov)>  
**Cc:** Joe Osborn <[joe@jfrwd13.com](mailto:joe@jfrwd13.com)>  
**Subject:** FW: DEV-21-081/082 Review of Preliminary/Final Plat - Carbaugh Estates

**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,

I am forwarding your request to Joe Osborn for review.

Thank you,  
**Linda L. Lips**  
[linda@jfrwd13.com](mailto:linda@jfrwd13.com)  
Jefferson County R.W.D. #13  
1951 Wellman Rd.  
Lawrence, KS 66044  
785-842-1502  
[www.jfrwd13.com](http://www.jfrwd13.com)

---

**From:** Gentzler, Joshua <[JGentzler@leavenworthcounty.gov](mailto:JGentzler@leavenworthcounty.gov)>  
**Sent:** Wednesday, June 2, 2021 2:18 PM  
**To:** Jefferson County RWD #13 <[linda@jfrwd13.com](mailto:linda@jfrwd13.com)>; Amanda Holloway (<[Amanda.holloway@freestate.coop](mailto:Amanda.holloway@freestate.coop)> <[Amanda.holloway@freestate.coop](mailto:Amanda.holloway@freestate.coop)>; 'Timothy Smith' <[chief1860@ttrfd.com](mailto:chief1860@ttrfd.com)>; Magaha, Chuck <[CMagaha@leavenworthcounty.gov](mailto:CMagaha@leavenworthcounty.gov)>; Miller, Jamie



**From:** [Amanda Tarwater](#)  
**Sent:** Thursday, June 3, 2021 12:07 PM  
**To:** [Gentzler, Joshua](#)  
**Subject:** Re: DEV-21-081/082 Review of Preliminary/Final Plat - Carbaugh Estates

---

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FreeState Electric has no objection to this request.

**Amanda Tarwater**  
Member Account Coordinator



1-800-794-1989 | [www.freestate.coop](http://www.freestate.coop)

---

**From:** "Gentzler, Joshua" <JGentzler@leavenworthcounty.gov>  
**Date:** Wednesday, June 2, 2021 at 2:34 PM  
**To:** "RWD 13 (linda@jfrwd13.com)" <linda@jfrwd13.com>, Amanda Tarwater <amanda.holloway@freestate.coop>, 'Timothy Smith' <chief1860@ttrfd.com>, "Magaha, Chuck" <CMagaha@leavenworthcounty.gov>, "Miller, Jamie" <JMiller@leavenworthcounty.gov>, "Patzwald, Joshua" <jpatzwald@leavenworthcounty.gov>, "Van Parys, David" <DVanParys@leavenworthcounty.gov>  
**Subject:** DEV-21-081/082 Review of Preliminary/Final Plat - Carbaugh Estates

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The Leavenworth County Department of Planning and Zoning has received a request for a Preliminary and Final Plat for Carbaugh Estates

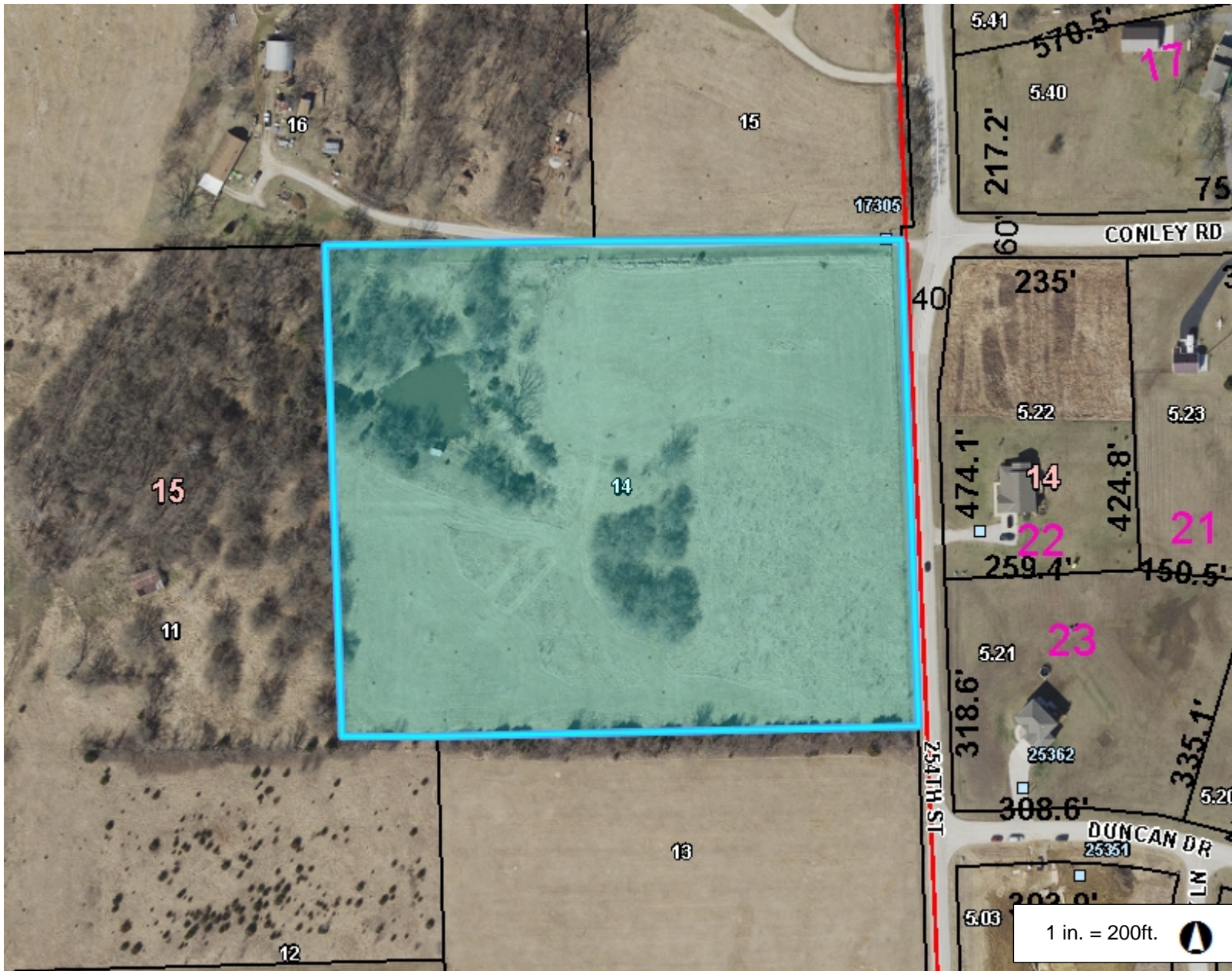
The Planning Staff would appreciate your written input in consideration of the above request. Please review the attached information and forward any comments to us by End of Business on Wednesday, June 9<sup>th</sup>, 2021.

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

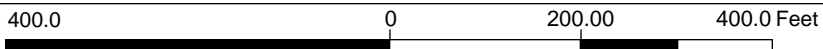
Thank you,

Joshua Gentzler  
Planner II

# DEV-21-081 & 082 Carbaugh Estates Plats



- 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. = 200ft.

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**

# CARBAUGH ESTATES

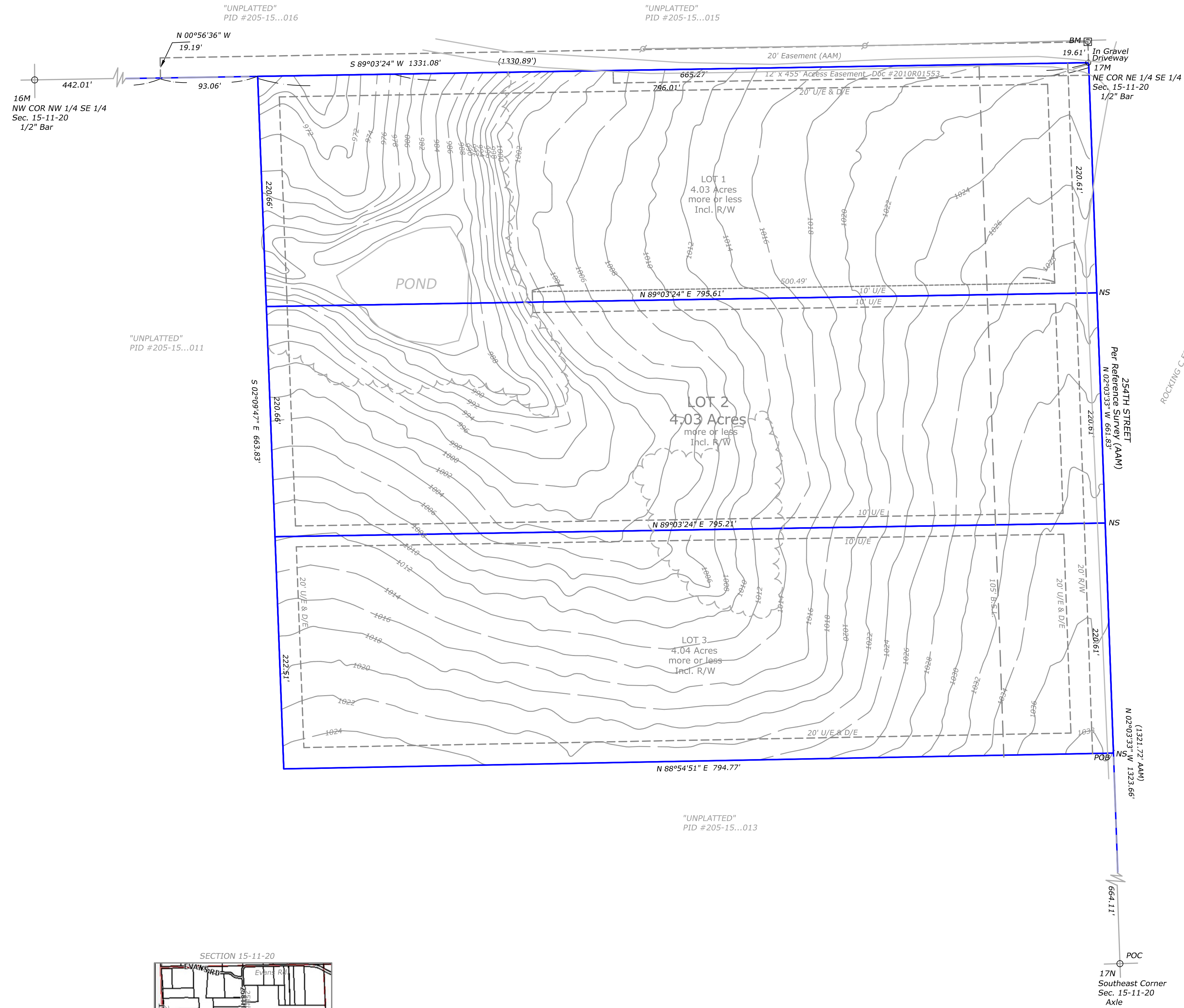
A Minor Subdivision in the Southeast Quarter of Section 15, Township 11 South, Range 20 East, Leavenworth County, Kansas.

## PRELIMINARY PLAT

PREPARED FOR:  
David P. & Shannon Lutgen  
15554 Elm Street  
Basehor, KS 66007  
PID # 205-15-0-00-00-014

**SURVEYOR'S DESCRIPTION:**  
Tract of land in the Southeast Quarter of the Southeast Quarter of Section 15, Township 11 South, Range 20 East of the 6th P.M., Leavenworth County, Kansas, more fully described as follows: Commencing at the Southeast Corner of said Southeast Quarter; thence North 02 degrees 03'33" West for a distance of 661.83 feet along the East line of said Southeast Quarter to the TRUE POINT OF BEGINNING; thence continuing North 02 degrees 03'33" West for a distance of 661.83 feet along said East line; thence South 89 degrees 03'24" West for a distance of 796.01 feet; thence South 02 degrees 09'47" East for a distance of 663.83 feet; thence North 88 degrees 54'51" East for a distance of 794.77 feet to the point of beginning.  
Together with and subject to covenants, easements, and restrictions of record.  
Said property contains 12.1 Acres, more or less, including road right of ways.  
Error of closure - 1 : 1846865

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

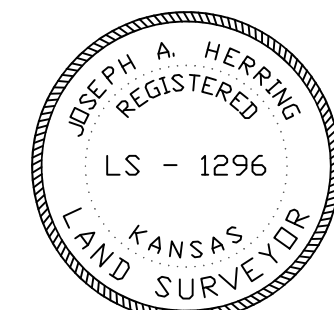
- NOTES:**
- 1) This survey does not show ownership.
  - 2) All distances are calculated from measurements or measured this survey, unless otherwise noted.
  - 3) All recorded and measured distances are the same, unless otherwise noted.
  - 4) Error of Closure - See Error of Closure Calculations
  - 5) Basis of Bearing - KS State Plane NAD 83, North Zone 1501 East Line Southeast Quarter
  - 6) Monument 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 in Conc. 19.61' N of NE Cor Plat - 1021.85'
  - 10) Easements, if any, are created hereon or listed in referenced title commitment.
  - 11) Reference Recorded Deed Document Number 2020R11726
  - 12) Utility Companies -  
- Water - RWD 13  
- Electric - Freestate  
- Sewer - Septic / Lagoon  
- Gas - Propane / Natural Gas
  - 13) Reference Continental Title Insurance Company Case Number 21403176 updated February 11, 2021
  - 14) Property is not in a Special Flood Hazard Area per FEMA FIR Map 20103C300G 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  
- Oil and Gas Lease Bk 367 Pg 736, Bk 375 Pg 404, blanket in nature, not shown.  
- Terms and provisions of Agreement recorded in Book 775 Page 406, not shown hereon.  
- Terms and provisions of the Gas Storage Lease recorded in Book 375 at Page 404 not shown hereon.
  - 18) Fence Lines do not necessarily denote the boundary line for the property.
  - 19) Reference Surveys:  
- Recorded plat of ROCKING "C" ESTATES - Document # 2009P00021 (AAM) - A.A.Matzedar Survey dated 1979 - not recorded (JAH) - J.A.Herring Survey Doc #20185009

- LEGEND:**
- - 1/2" Rebar Set with Cap No.1296
  - - 1/2" Rebar Found, unless otherwise noted.
  - - Concrete Base to be Set around Point
  - U/E - Utility Easement
  - D/E - Drainage Easement
  - B.S.L. - Building Setback Line
  - R/W - Permanent Dedicated Roadway Easement dedicated this plat
  - BM - Benchmark
  - POB - Point of Beginning
  - NS - Not Set this survey per agreement with client
  - - 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



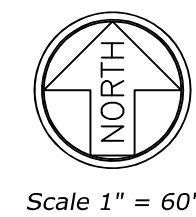
I hereby certify this plat meets the requirements of KSA-58-2005. The face of this plat was reviewed based on Kansas Minimum Standards for Boundary Surveys. No field verification is implied. This review is for surveying information only.

COUNTY REVIEWER -  
Michael J. Bogina, KS PS-1655



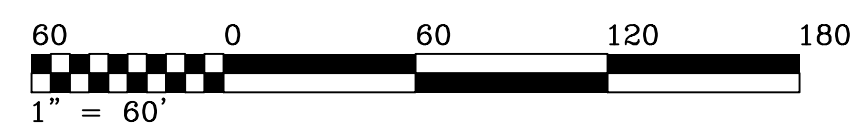
I hereby certify that this survey was made by me, or under my direct supervision, on the ground during the dates of February thru May 2021 and this map or plat is correct to the best of my knowledge.

Joseph A. Herring  
PS # 1296



Scale 1" = 60'

Job # K-21-1447  
May 22, 2021 Rev. June 21, 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@leamcsh.com



# CARBAUGH ESTATES

A Minor Subdivision in the Southeast Quarter of Section 15, Township 11 South, Range 20 East, Leavenworth County, Kansas.

## FINAL PLAT

### PREPARED FOR:

David P. & Shannon Lutgen  
15554 Elm Street  
Basehor, KS 66007  
PID # 205-15-0-00-014

### SURVEYOR'S DESCRIPTION:

Tract of land in the Southeast Quarter of the Southeast Quarter of Section 15, Township 11 South, Range 20 East of the 6th P.M., Leavenworth County, Kansas, more fully described as follows: Commencing at the Southeast Corner of said Southeast Quarter; thence North 02 degrees 03'33" West for a distance of 661.83 feet along the East line of said Southeast Quarter to the TRUE POINT OF BEGINNING; thence continuing North 02 degrees 03'33" West for a distance of 661.83 feet along said East line; thence South 89 degrees 03'24" West for a distance of 796.01 feet; thence South 02 degrees 09'47" East for a distance of 663.83 feet; thence North 88 degrees 54'51" East for a distance of 794.77 feet to the point of beginning.  
Together with and subject to covenants, easements, and restrictions of record.  
Said property contains 12.1 Acres, more or less, including road right of ways.  
Error of closure - 1 : 1846865

### 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: CARBAUGH 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 CARBAUGH ESTATES, have set our hands this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

David P. Lutgen

Shannon Lutgen

### NOTARY CERTIFICATE:

Be it remembered that on this \_\_\_\_\_ day of \_\_\_\_\_, 2021, before me, a notary public in and for said County and State came David P. Lutgen and Shannon Lutgen, husband and wife, 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 CARBAUGH 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 CARBAUGH ESTATES, this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

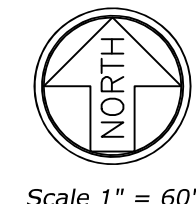
Chairman  
Michael W. Smith

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,

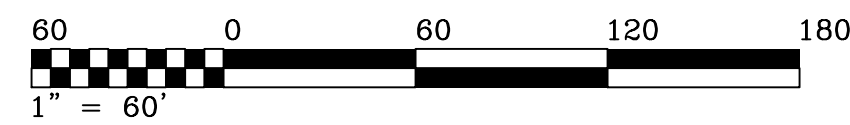
Register of Deeds - TerriLois G. Mashburn



Scale 1" = 60'

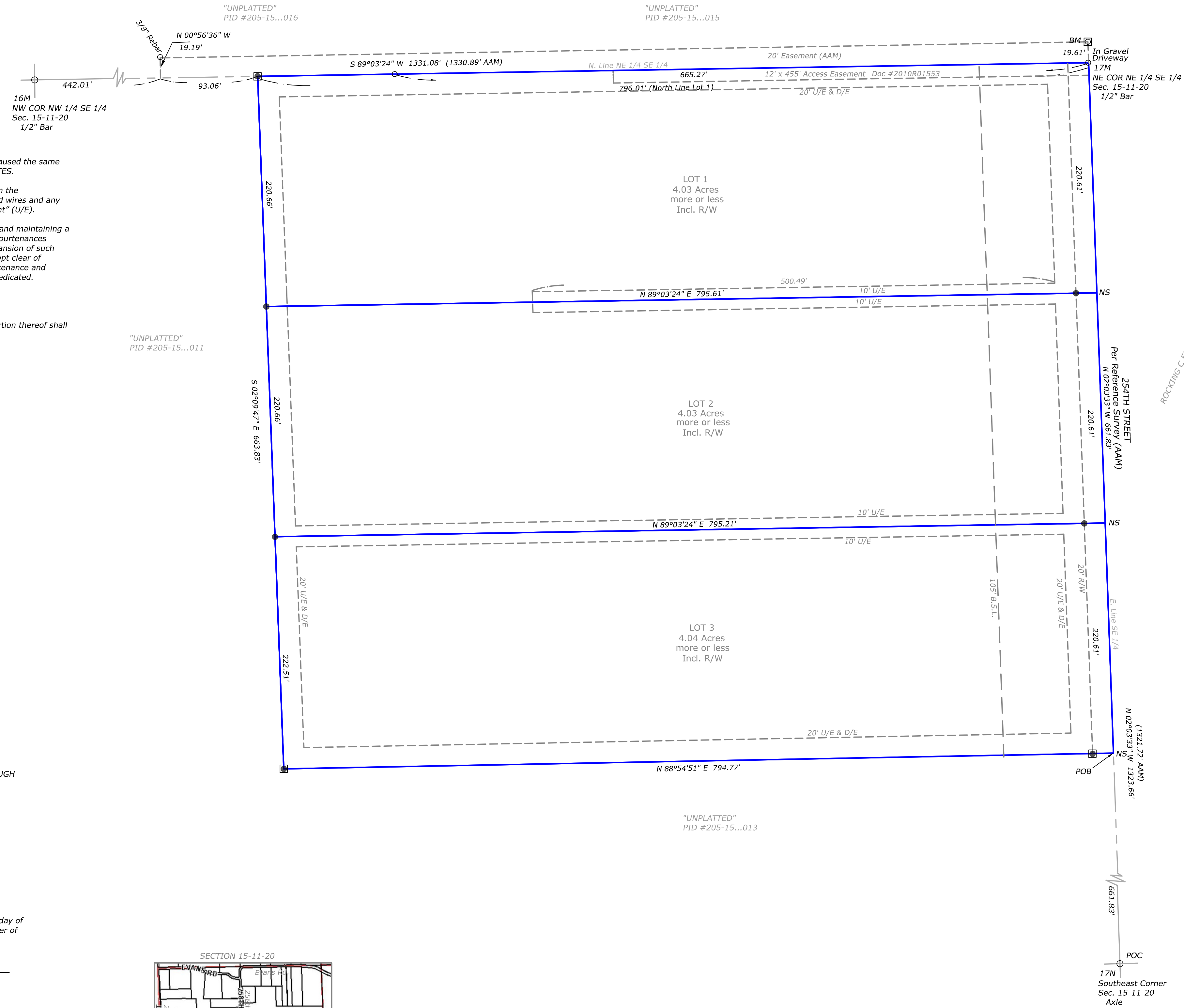


315 North 5th Street, Leav., KS 66048  
Ph. 913.651.3858 Fax 913.674.5361  
Email - survey@herringcs.com



### 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 current Access Management Policy
- 5) No off-plat restrictions.



### ZONING:

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

### NOTES:

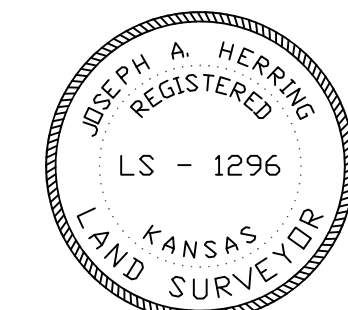
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- 7) Proposed Lots for Residential Use.
- 8) Road Record - See Survey
- 9) Benchmark - NAVD83  
Project Benchmark (BM) - 1/2" Rebar in Conc. 19.61' N of NE Cor Plat - 1021.85'
- 10) Easements, if any, are created hereon or listed in referenced title commitment.
- 11) Reference Recorded Deed Document Number 2020R11726
- 12) Utility Companies -
  - Water - RWD 13
  - Electric - Freestate
  - Sewer - Septic / Lagoon
  - Gas - Propane / Natural Gas
- 13) Reference Continental Title Insurance Company Case Number 21403176 updated February 11, 2021
- 14) Property is not in a Special Flood Hazard Area per FEMA FIR Map 20103C300G 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
  - Oil and Gas Lease Bk 367 Pg 736, Bk 375 Pg 404, blanket in nature, not shown.
  - Terms and provisions of Agreement recorded in Book 775 Page 406, not shown hereon.
  - Terms and provisions of the Gas Storage Lease recorded in Book 375 at Page 404 not shown hereon.
- 18) Fence Lines do not necessarily denote the boundary line for the property.
- 19) Reference Surveys:
  - Recorded plat of ROCKING "C" ESTATES - Document # 2009P00021 (AAM) - A.A.Matzdar Survey dated 1979 - not recorded (JAH) - J.A.Herring Survey Doc #2018S009

### LEGEND:

- - 1/2" Rebar Set with Cap No. 1296
- - 1/2" Rebar Found, unless otherwise noted.
- - Concrete Base to be Set around Point
- U/E - Utility Easement
- D/E - Drainage Easement
- B.S.L. - Building Setback Line
- R/W - Permanent Dedicated Roadway Easement dedicated this plat
- BM - Benchmark
- POB - Point of Beginning
- NS - Not Set this survey per agreement with client

I hereby certify this plat meets the requirements of KSA-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 SURVEY REVIEWER  
Michael J. Bogina, KS PS-1655



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

Joseph A. Herring  
PS # 1296

**\*\*\*Renewal without changes\*\*\***  
**Case No. DEV-21-062**  
**Westland Construction**  
Special Use Permit – Contractor’s Yard  
\*\*\*Public Hearing Required\*\*\*

**Staff Report – Planning Commission**

**August 5, 2021**

**GENERAL INFORMATION:**

**Applicant/  
Property Owner:** Charles L. Breuer  
20510 163<sup>rd</sup> Street  
Basehor, KS 66007

**Legal Description:** A tract of land in the Southwest 1/4 of Section 27, Township 10 South, Range 22 East of the 6th P.M., in Leavenworth County, Kansas.

**Location:** 20510 163<sup>rd</sup> Street, located north of the intersection of 163<sup>rd</sup> & Leavenworth Road.

**Parcel Size:** ± 5 acres

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

**Comprehensive Plan:** This parcel is within the Residential – 3 units/acre land use category.

**Parcel ID No.:** 158-27-0-00-00-006.03

**Planner:** Krystal A. Voth

---

**REPORT:**

**Request**

The applicant is requesting the fourth renewal of a Special Use Permit for a contractor’s yard.

**Adjacent Land Use**

The surrounding properties are residences and farms on varying sized parcels ranging from 1 acre to over 160 acres in size. The City of Basehor is located less than ½ mile to the east of the property.

**Flood Plain**

There is a portion of the southeast portion of the property located within the Special Flood Hazard Area on this parcel per FEMA Firm Map 20103C0239G July 16, 2015.

**Utilities/Services**

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

**Access/Streets**

The property is accessed by 163<sup>rd</sup> a County Collector with a hard surface ± 24’ wide.

**Agency Comments**

See attached comments – Email – Kyle Anderson – Planning and Zoning, June 3, 2021  
See attached comments – Email – Lauren Anderson – Public Works, June 10, 2021  
See attached comments – Email – Chuck Magaha – Emergency Management, June 28, 2021  
See attached comments – Email – Mike Lingenfelsler –Township Fire Department, June 7, 2021  
See attached comments – Email – Mike Fulkerson – Rural Water District 1, June 4, 2021  
See attached comments – Email – Tyler Rebel – Electric utility, June 3, 2021  
See attached comments – Email – Name – City of Basehor, June 8, 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 rural; primarily rural residences, and agricultural uses. A contractor’s yard does not fit the character of the area. The applicant has stated several times in the past that he intends to move the business into the city.
2. Zoning and uses of nearby property: The unincorporated areas of the County surrounding the property are zoned as RR-2.5. The City of Basehor is directly to the east, approximately one-half mile from the property.
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. While the use is allowed with a Special Use Permit this area of the County is expected to develop residentially and has been identified in the Comprehensive Plan as Residential 3 units/acre. As development occurs, the contractor’s yard will be out of character.
4. Extent to which removal of the restrictions will detrimentally affect nearby property: The business has operated at this location for more than 10 years. To date, there has not been a known-detrimental impact to the area. The business does create additional truck traffic along 163<sup>rd</sup> and Leavenworth Road.
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 provide income to the applicant and provides 15 jobs.
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 denial of Special Use Permit.

<b><u>LOCATION</u></b>	
<b>Adjacent Residences</b>	Adjacent residences are rural in nature. The majority of residences in the immediate vicinity are located on parcels greater than five acres.
<b>Adjacent Zoning/Uses</b>	Zoning in the area is RR-2.5 and are used primarily as rural residences and agricultural uses.
<b>Density</b>	The immediate area is not densely populated. The City of Basehor is to the east.
<b>Nearby City Limits</b>	The city of Basehor is approximately ½ mile to the east.
<b>Initial Growth Management Area</b>	The property is not located within an initial growth management area.

<b>IMPACT</b>	
<b>Noise Pollution</b>	The use does not cause significant noise pollution. Primarily, the site is used for storage of materials, vehicles and an office. The site does house heavy equipment which creates noise when the machines are loaded for transport or area leaving/returning to the site.
<b>Traffic</b>	The use will create additional traffic in the morning and evening. Up to 15 employees may arrive during the morning. They will then leave in company vehicles. Company vehicles consist of service trucks, dump trucks and a semi-truck. According to the applicant, it is typical for each vehicle to make two trips per day to and from the site. Employees will then depart after the work day in their personal vehicles.
<b>Lighting</b>	The applicant does not have lighting other than security lighting and is not requesting lighting.
<b>Outdoor Storage</b>	The applicant has seven service trucks, two dump trucks and a semi that are stored outside. Additionally, there are some materials such as pipe that are stored outside.
<b>Parking</b>	The applicant has ample parking space for employees.
<b>Visitors/Employees</b>	There are 15 employees who report to the site each day, load equipment and leave for the job site.
<b>Waste</b>	Waste is properly disposed of.

<b>SITE COMPATABILITY</b>	
<b>Size of Parcel</b>	The parcel is five (5) acres in size.
<b>Zoning of Parcel</b>	The parcel is zoned Rural Residential-2.5
<b>Buildings (Existing &amp; Proposed)</b>	There are currently two buildings on the property. One is used as a shop/storage area and the other is used as an office.
<b>Setbacks</b>	Existing building meet the required setbacks. However, it appears that there may be some vehicles/supplies stored over the property line. Without a professional survey this is difficult to determine for sure.
<b>Screening</b>	The applicant has planted several evergreen trees around the property to provide screening.

### **History**

This is the fourth request for the operation of this business at this site. In 2014 the applicants requested a two-year approval as they stated they intended to move to a more appropriate location. In 2016 the applicants requested a renewal and were granted a five-year renewal. At that time, the applicants stated they would not need five years because they were planning to move. The Board allowed the applicant to make yearly installments of the TIF. There have been no payments since the first payment in 2016.

### **Staff Comments**

The applicants are requesting renewal of a Special Use Permit for a contractor's yard located near the intersection of 163<sup>rd</sup> and Leavenworth Road. The business has been in operation for over a decade at this location. During each renewal, the applicant has stated they plan to move operations to a more appropriate location within a city.

The business consists of 15 full-time employees and seven service trucks, two dump trucks and a semi. There are two buildings on site. One is used for storage and the other is office space. There are materials stored at the property which are commonly found for the installation of waterlines, sewer lines and water mains. Due to the nature of the work, all activity takes place off-site and the business location is used for storage and administration. Typical hours of operation are Monday-Friday, 8:00 until 5:00.

The business is located within an area suitable for rural and agricultural uses. The business does not fit the character of the area. Additionally, the Future Land Use Map has identified this area as Residential three-units/acre. The City of Basehor is ½ mile to the east. Staff recommends denial of the request for the following reasons:

1. The use does not fit the character of the area;
2. The use is not in conformance with the Comprehensive Plan or Future Land Use Map

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### **STAFF RECOMMENDATION:**

Staff recommends of Case No.DEV-21-062, Special Use Permit for Westland Construction but offers the following conditions for approval:

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 5:00 PM, Monday – Friday.
3. The SUP shall be limited to 15 employees.
4. 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.
5. No on-street parking shall be allowed.
6. This SUP shall be limited to the Narrative dated April 22, 2021 submitted with this application.
7. 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.

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**ACTION OPTIONS:**

1. Recommend approval of Case No DEV-21-062, Special Use Permit for Westland Construction, to the Board of County Commission, with Findings of Fact, and with or without conditions; or
2. Recommend denial of Case No. DEV-21-062, Special Use Permit for Westland Construction, to the Board of County Commission, with Findings of Fact; or
3. Continue the Public hearing to another date, time, and place.

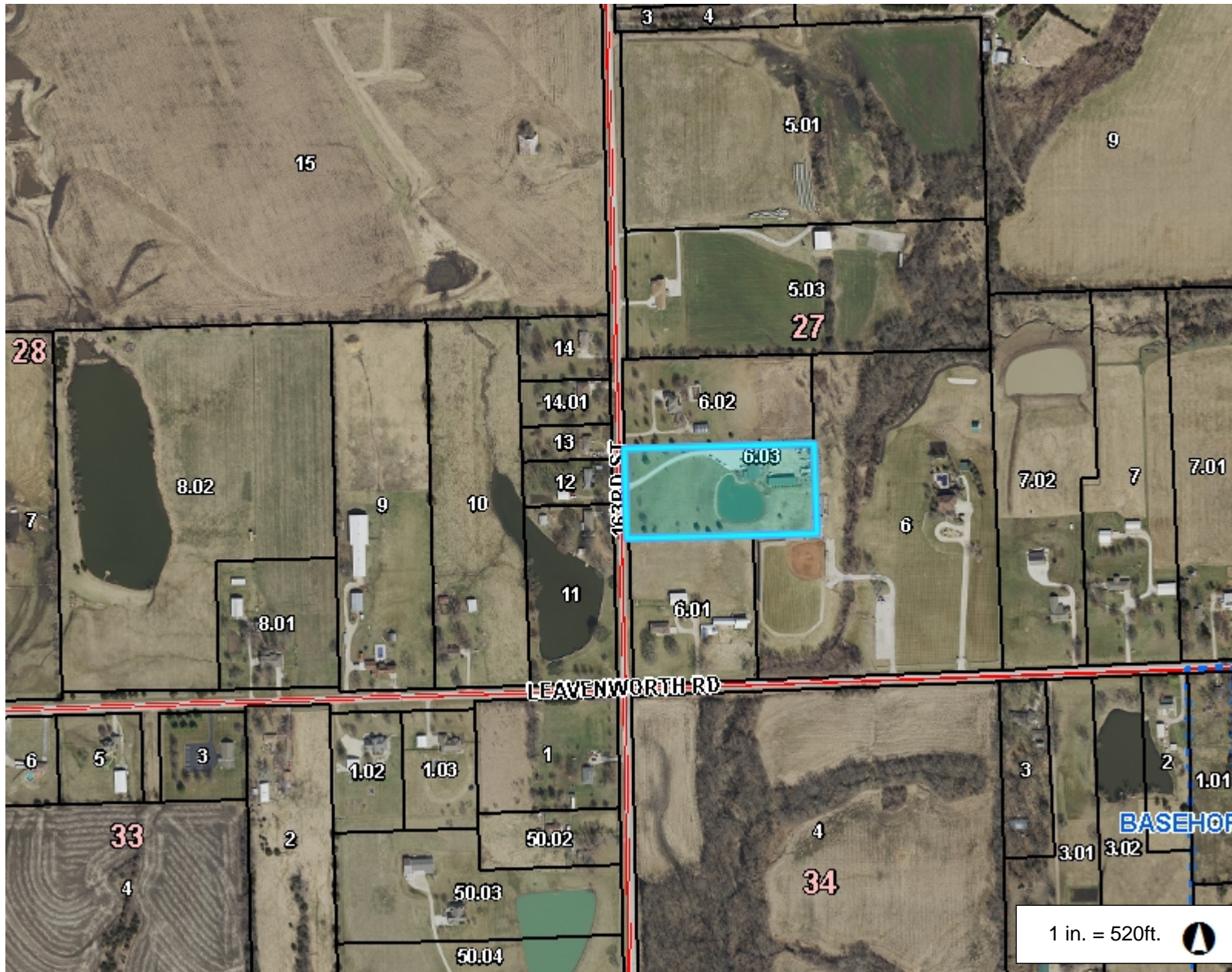
---

**ATTACHMENTS:**

Narrative  
Location/Aerial Maps  
Memorandums




# DEV-21-062 Westland Contractor's Yard



## Legend

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

1 in. = 520ft. 

1,039.9      0      519.97      1,039.9 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

## Notes

## Sloop, Stephanie

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**From:** Tyler Rebel <Tyler.Rebel@evergy.com>  
**Sent:** Thursday, June 3, 2021 3:58 PM  
**To:** Sloop, Stephanie  
**Subject:** RE: DEV-21-062 SUP Westland Construction

**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.

Internal Use Only

No comment from Evergy, thank you -

**Tyler Rebel**  
Distribution Designer  
Evergy  
[tyler.rebel@evergy.com](mailto:tyler.rebel@evergy.com)  
O: 913.758.2727  
[evergy.com](http://evergy.com)

---

**From:** Sloop, Stephanie <SSloop@leavenworthcounty.gov>  
**Sent:** Thursday, June 3, 2021 3:01 PM  
**To:** Magaha, Chuck <CMagaha@leavenworthcounty.gov>; Anderson, Kyle <KAnderson@leavenworthcounty.gov>; Miller, Jamie <JMiller@leavenworthcounty.gov>; Patzwald, Joshua <jpatzwald@leavenworthcounty.gov>; Van Parys, David <DVanParys@leavenworthcounty.gov>; 'Mitch Pleak' <mpleak@olsson.com>; Anderson, Lauren <LAnderson@leavenworthcounty.gov>; 'lingenfelsem@fairmountfd.org' <lingenfelsem@fairmountfd.org>; Tyler Rebel <Tyler.Rebel@evergy.com>; 'mfulkerson@crwd1.com' <mfulkerson@crwd1.com>; 'djacobson@cityofbasehor.org' <djacobson@cityofbasehor.org>  
**Cc:** Voth, Krystal <KVoth@leavenworthcounty.gov>  
**Subject:** RE: DEV-21-062 SUP Westland Construction

**\*\*CAUTION: This email originated from outside of the Evergy network. Do not click links or open attachments unless you recognize the sender and know the content is safe\*\***

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Here is the correct application.

Thank you,

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**From:** Sloop, Stephanie  
**Sent:** Wednesday, June 2, 2021 4:32 PM  
**To:** Magaha, Chuck <[CMagaha@leavenworthcounty.gov](mailto:CMagaha@leavenworthcounty.gov)>; Anderson, Kyle <[KAnderson@leavenworthcounty.gov](mailto:KAnderson@leavenworthcounty.gov)>; Miller, Jamie <[JMiller@leavenworthcounty.gov](mailto:JMiller@leavenworthcounty.gov)>; Patzwald, Joshua <[jpatzwald@leavenworthcounty.gov](mailto:jpatzwald@leavenworthcounty.gov)>; Van Parys, David <[DVanParys@leavenworthcounty.gov](mailto:DVanParys@leavenworthcounty.gov)>; 'Mitch Pleak' <[mpleak@olsson.com](mailto:mpleak@olsson.com)>; Anderson, Lauren <[LAnderson@leavenworthcounty.gov](mailto:LAnderson@leavenworthcounty.gov)>; 'lingenfelsem@fairmountfd.org' <[lingenfelsem@fairmountfd.org](mailto:lingenfelsem@fairmountfd.org)>; 'Tyler.Rebel@evergy.com' <[Tyler.Rebel@evergy.com](mailto:Tyler.Rebel@evergy.com)>; 'mfulkerson@crwd1.com' <[mfulkerson@crwd1.com](mailto:mfulkerson@crwd1.com)>; 'djacobson@cityofbasehor.org' <[djacobson@cityofbasehor.org](mailto:djacobson@cityofbasehor.org)>  
**Cc:** Voth, Krystal <[KVoth@leavenworthcounty.gov](mailto:KVoth@leavenworthcounty.gov)>  
**Subject:** DEV-21-062 SUP Westland Construction



P.O. Box 419  
15520 Crestwood Dr.  
Basehor, KS 66007  
913-724-7000 - O  
913-724-1310 - F  
[www.crwdl.com](http://www.crwdl.com)

June 4, 2021

Stephanie Sloop  
Public Relations and Planning Coordinator  
Planning and Zoning  
Leavenworth County Courthouse  
300 Walnut St. Ste. 212  
Leavenworth, KS 66048

Re: Westland Construction Special Use Permit

Dear Ms. Sloop,

Thank you for providing the opportunity for the Water District to provide the following comments on the proposed Special Use Permit Application.

1. The above-mentioned SUP renewal is within our service area.
2. The Water District does NOT maintain a water main on 163<sup>rd</sup> St. in front of this property. Therefore, we do not currently serve water to this property.
3. The closest fire hydrant to this property is located at 163<sup>rd</sup> St. and Leavenworth Rd. (580 +/- feet south).
4. Fire hydrants can be added to the area IF a water main extension is constructed, which may be the financial responsibility of the property owner.

If you have any additional questions/comments, please contact me at your convenience.

Respectfully,

Mike Fulkerson  
Operations Manager

Cc; file

## Sloop, Stephanie

---

**From:** Mike Lingenfelter <lingenfelserm@fairmountfd.org>  
**Sent:** Monday, June 7, 2021 1:52 PM  
**To:** Sloop, Stephanie  
**Subject:** Re: DEV-21-062 SUP Westland Construction

**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.

Stephanie  
Fairmount Township Fire has no issues with the permit.  
Mike

On Wed, Jun 2, 2021 at 4:32 PM Sloop, Stephanie <[SSloop@leavenworthcounty.gov](mailto:SSloop@leavenworthcounty.gov)> wrote:

Good Afternoon,

The Leavenworth County Department of Planning and Zoning has received a request for a the renewal of a Special Use Permit for Westland Construction.

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 June 9, 2021.

If you have any questions or need additional information, please contact our office.

Thank you,

Stephanie Sloop

Public Relations and Planning Coordinator

Planning and Zoning

Leavenworth County Courthouse



# The City of Basehor

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June 8, 2021

Stephanie Sloop  
Public Relations and Planning Coordinator  
Planning and Zoning  
Leavenworth County Courthouse  
300 Walnut St. Ste. 212  
Leavenworth, KS 66048

Re: DEV-21-062 SUP Westland Construction

Dear Ms. Sloop:

Thank you for reaching out to the City of Basehor for comments related to the Special Use Permit application for Westland Construction. The City has no objections or concerns related to the request.

Sincerely,

City of Basehor

## Voth, Krystal

---

**From:** Mitch Pleak <mpleak@olsson.com>  
**Sent:** Thursday, June 10, 2021 2:57 PM  
**To:** Voth, Krystal; Sloop, Stephanie  
**Cc:** Anderson, Lauren; Noll, Bill; 019-2831  
**Subject:** RE: DEV-21-062 SUP Westland Construction

**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 and Stephanie,  
Lauren and I have reviewed the application. It is understood this is a renewal, no new traffic is being proposed, and the County has no records of traffic complaints from the current SUP. Per the TIF Policy, initially, the application will be reviewed by the County Engineer for applicability to County Standards to determine if studies and/or assessments, based on sound engineer judgement, are required. It is Olsson's opinion a TIS and Physical Road Assessment are not warranted.

Please let Lauren or I know of any questions.

Sincerely,

Mitch Pleak

---

**From:** Sloop, Stephanie <SSloop@leavenworthcounty.gov>  
**Sent:** Wednesday, June 2, 2021 4:32 PM  
**To:** Magaha, Chuck <CMagaha@leavenworthcounty.gov>; Anderson, Kyle <KAnderson@leavenworthcounty.gov>; Miller, Jamie <JMiller@leavenworthcounty.gov>; Patzwald, Joshua <jpatzwald@leavenworthcounty.gov>; Van Parys, David <DVanParys@leavenworthcounty.gov>; Mitch Pleak <mpleak@olsson.com>; Anderson, Lauren <LAnderson@leavenworthcounty.gov>; 'lingenfelsem@fairmountfd.org' <lingenfelsem@fairmountfd.org>; 'Tyler.Rebel@evergy.com' <Tyler.Rebel@evergy.com>; 'mfulkerson@crwd1.com' <mfulkerson@crwd1.com>; 'djacobson@cityofbasehor.org' <djacobson@cityofbasehor.org>  
**Cc:** Voth, Krystal <KVoth@leavenworthcounty.gov>  
**Subject:** DEV-21-062 SUP Westland Construction

Good Afternoon,

The Leavenworth County Department of Planning and Zoning has received a request for a the renewal of a Special Use Permit for Westland Construction.

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 June 9, 2021.

If you have any questions or need additional information, please contact our office.

Thank you,

Stephanie Sloop

Public Relations and Planning Coordinator  
Planning and Zoning

## Sloop, Stephanie

---

**From:** Anderson, Kyle  
**Sent:** Thursday, June 3, 2021 1:07 PM  
**To:** Sloop, Stephanie  
**Subject:** RE: DEV-21-062 SUP Westland Construction

To date Leavenworth County has not received any complaints on this parcel.

Kyle Anderson  
Environmental Technician/Code Enforcement  
Leavenworth County Planning & Zoning  
300 Walnut St. Ste. 212  
Leavenworth, KS 66048  
913-684-1084

---

**From:** Sloop, Stephanie  
**Sent:** Wednesday, June 2, 2021 4:32 PM  
**To:** Magaha, Chuck <CMagaha@leavenworthcounty.gov>; Anderson, Kyle <KAnderson@leavenworthcounty.gov>; Miller, Jamie <JMiller@leavenworthcounty.gov>; Patzwald, Joshua <jpatzwald@leavenworthcounty.gov>; Van Parys, David <DVanParys@leavenworthcounty.gov>; 'Mitch Pleak' <mpleak@olsson.com>; Anderson, Lauren <LAnderson@leavenworthcounty.gov>; 'lingenfelserm@fairmountfd.org' <lingenfelserm@fairmountfd.org>; 'Tyler.Rebel@evergy.com' <Tyler.Rebel@evergy.com>; 'mfulkerson@crwd1.com' <mfulkerson@crwd1.com>; 'djacobson@cityofbasehor.org' <djacobson@cityofbasehor.org>  
**Cc:** Voth, Krystal <KVoth@leavenworthcounty.gov>  
**Subject:** DEV-21-062 SUP Westland Construction

Good Afternoon,

The Leavenworth County Department of Planning and Zoning has received a request for a the renewal of a Special Use Permit for Westland Construction.

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 June 9, 2021.

If you have any questions or need additional information, please contact our office.

Thank you,

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

**SPECIAL USE PERMIT 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 Westland Construction, Inc.  
ADDRESS 20510 163rd St.  
CITY/ST/ZIP Basehor, KS 66007  
PHONE (913) 724-3191  
EMAIL chuck@westlandks.com  
CONTACT PERSON Chuck Brewer

NAME Charles L Brewer  
ADDRESS 19828 Jarbalo Rd  
CITY/ST/ZIP Leavenworth, KS 66048  
PHONE (913) 915-4365  
EMAIL chuck@westlandks.com  
CONTACT PERSON Chuck Brewer

**PROPOSED USE INFORMATION**

Existing and Proposed structures Existing 72x40 office/shop  
Reason for requesting a Special Use Permit Renewal

**PROPERTY INFORMATION**

Address of property 20510 163rd St, Basehor, KS 66007 Parcel size 4.6 acres  
Current use of the property Business  
Does the owner live on the property? No  
Does the applicant own property in states or counties other than Kansas and Leavenworth County? ~~yes~~ No

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  Date 4/20/21

**ATTACHMENT A**



# WESTLAND CONSTRUCTION, INC.

April 22, 2021

Leavenworth County Planning Department  
300 Walnut St., Ste 212  
Leavenworth, KS 66048

Re: Special Use Permit Application Narrative

Dear Leavenworth County Planning Department,

Below is our written narrative regarding our Special Use Permit Application for the following address:  
20510 163<sup>rd</sup> Street, Basehor, KS 66007.

Currently we have two buildings at this property, one being used as an office and another for storage. Our hours of operation are 8am to 5pm Monday through Friday and in use all year round.

Our Company installs waterlines, watermain, sewerlines, storm waterlines etc., so 100% of our jobs are off site. The property at 20510 163<sup>rd</sup> Street is primarily used for storage and administration.

Currently we have 15 full time employees, operate 7 service trucks, 2 dump trucks and a semi-truck used to haul heavy equipment to job sites. The number of trips for each vehicle to and from the Office/Shop located at 20510 163<sup>rd</sup> St is an average of 2 times per day. Number of deliveries made to the site is 2-3 per week.

We do not store any chemicals, make excessive noise, display loud advertising, emit odors or fumes. In the years that we have operated out of this address, we have not had a single complaint levied against us.

We have ample parking at the front of the property as well as the back. We also have emergency and safety procedures in place should the need arise.

We are requesting that our permit be renewed for 4 (four) years.

Thank you for your consideration.

Sincerely,



Charles L Breuer  
President/ Owner



Laura Kelly, Governor  
Mark A. Burghart, Secretary  
[www.ksrevenue.org](http://www.ksrevenue.org)

# CERTIFICATE OF TAX CLEARANCE

Westland Construction Inc

**ISSUE DATE**  
04/21/2021

**TRANSACTION ID**  
T46G-BDR8-KTB4

**CONFIRMATION NUMBER**  
C3PE-R548-MJYN

**TAX CLEARANCE VALID THROUGH 07/20/2021**

*Verification of this certificate can be obtained on our website, [www.ksrevenue.org](http://www.ksrevenue.org),  
or by calling the Kansas Department of Revenue at 785-296-3199*

Westland Construction, Inc.



North ↑

Westland Construction, Inc.,



North ↑

**\*\*\*Renewal without changes\*\*\***  
**Case No. DEV-21-063**  
**Schuetz Construction**  
Special Use Permit – Contractor’s Yard  
\*\*\*Public Hearing Required\*\*\*

**Staff Report – Planning Commission**

**August 5, 2021**

**GENERAL INFORMATION:**

**Applicant/  
Property Owner:** Tony Schuetz/Schuetz Construction  
14833 142<sup>nd</sup> Street  
Bonner Springs, KS 66012

**Legal Description:** A tract of land in the Southeast Quarter of Section 36, Township 11 South, Range 22 East of the 6<sup>th</sup> P.M, in Leavenworth County, Kansas.

**Location:** 14833 142<sup>nd</sup> Street, Bonner Springs, KS 66012

**Parcel Size:** ± 10 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.:** 187-36-0-00-00-021.01

**Planner:** Joshua Gentzler

---

**REPORT:**

**Request**

The applicant is requesting a renewal of a Special Use Permit for a Contractor’s Yard.

**Adjacent Land Use**

The surrounding properties are residences and farms on varying sized parcels ranging from 3 acres to over 76 acres in size.

**Flood Plain**

There are no Special Flood Hazard Areas on this parcel per FEMA Firm Map 20103C0345G July 16, 2015.

**Utilities/Services**

Sewer: Private septic system  
Fire: Sherman  
Water: RWD 7  
Electric: Evergy

**Access/Streets**

The property is accessed by 142<sup>nd</sup> Street, a local road maintained by the City of Bonner Springs with a paved surface ± 20’ wide.

**Agency Comments**

See attached comments – Email – Kyle Anderson – Planning and Zoning, June 9, 2021  
See attached comments – Email – Mitch Pleak – Public Works, June 9, 2021  
See attached comments – Email – Jalayne Turner – Rural Water District 7, June 3, 2021  
See attached comments – Email – Matt Roecker – Evergy, June 4, 2021  
See attached comments – Email – Mark Lee – City of Bonner Springs, June 21, 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 rural; primarily rural residences, and agricultural uses.
2. Zoning and uses of nearby property: The surrounding properties are zoned RR-2.5, Rural Residential 2.5-acre minimum size parcels. The properties to the east of 142<sup>nd</sup> Street are located in Bonner Springs. These parcels are zoned Agricultural and are generally used for residential purposes. The uses in both Leavenworth County and Bonner Springs 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: The area will be detrimentally affected by the removal of restrictions as the traffic to the property will not match the types of traffic generated by the residential uses that characterize the neighborhood, traffic will increase, the property will be used as a storage area for heavy construction equipment which does not fit the neighborhood uses, and heavy construction equipment will be used on the property.
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 generate tax revenue for the County and will add to the economic development in the county as the business will continue to be located in Leavenworth County.
7. Conformance to the Comprehensive Plan: The Future Land Use Map indicates this area as Residential.
8. Staff recommendation is for the denial of Special Use Permit.

<b>LOCATION</b>	
<b>Adjacent Residences</b>	Adjacent residences are rural-suburban uses. The property to the north is 10 acres in size, to the west is 20 acres, and properties to the south are 77 and 3 acres in size.
<b>Adjacent Zoning/Uses</b>	Zoning in the area is RR-2.5 and are used primarily as rural residences and agricultural uses.
<b>Density</b>	The area is not densely populated.
<b>Nearby City Limits</b>	The property is located immediately adjacent to Bonner Springs.
<b>Initial Growth Management Area</b>	The property is not located within an Urban Growth Management Area.

<b>IMPACT</b>	
<b>Noise Pollution</b>	This use will cause noise pollution as the vehicle travel to and from the property.
<b>Traffic</b>	The use will create additional traffic in the morning (7:00 - 7:30 AM) and afternoon (3:00 – 4:00 PM). The company owns four (4) commercial vehicles and use three (3) that may make a round trip to the property, for a maximum of 3 one-way trips. The company employs six (6) people who will travel to the property each day, for a total of 12 one-way trips. 142 <sup>nd</sup> Street is maintained by Bonner Springs.
<b>Lighting</b>	The applicant does not have lighting other than security lighting and is not requesting lighting.
<b>Outdoor Storage</b>	The applicant stores a number of trucks and equipment outside near an existing shop.
<b>Parking</b>	The applicant has ample parking space for employees.
<b>Visitors/Employees</b>	Typically, six (6) employees report to the site each day of the work week.
<b>Waste</b>	The business generates waste consistent with a contractor's yard.

<b>SITE COMPATABILITY</b>	
<b>Size of Parcel</b>	The parcel is ten (10) acres in size.
<b>Zoning of Parcel</b>	The parcel is zoned Rural Residential-2.5
<b>Buildings (Existing &amp; Proposed)</b>	The applicant has a shop on the property that is approximately 5,000 sq. ft. in size. The building is used as an office space and storage for the business.
<b>Setbacks</b>	Existing building meet the required setbacks.
<b>Screening</b>	The storage is bordered on all sides by a privacy fence. Additionally, there is landscaping providing additional screening.

**History**

The applicant is asking for the third renewal of a Special Use Permit originally approved in 1991.

**Staff Comments**

Schuetz Construction is seeking the 3<sup>rd</sup> renewal of the company's Special Use Permit. The company is petitioning for a 20-year extension of their permit. The last permit was approved for 15 years.

The company utilizes the property as their headquarters and storage yard for equipment and supplies (see Figure 1).



Figure 1 Aerial of Property

The company's footprint has evolved as the business has expanded and developed (see Figures 2-6 for aerials 1991-2016).



Figure 2 1991 Aerial



Figure 3 1999 Aerial



Figure 4 2009 Aerial



Figure 5 2016 Aerial

The business has expanded the storage yard by an estimated 45 percent and the building footprint by an estimated 10 percent since 1991. The property is used as a storage facility for the company's numerous heavy construction vehicles, commercial trucks, and materials. The property is located in a rural residential area, with no commercial or industrial development within 1/2 a mile in Leavenworth County. The commercial/light industrial usage of the contractor's yard does not meet with the current zoning or the Future

Land Use Map which indicates that the property should be developed as Residential (2.5-acre minimum). Since the usage does not fit the character of the neighborhood or the Comprehensive Plan, the Planning Staff recommends denial of Case No. DEV-21-063.

---

**STAFF RECOMMENDATION:**

The Planning staff recommends denial of Case No. DEV-21-063, Special Use Permit for Schuetz Construction. Should the Planning Commission vote to recommend approval of Case No. DEV-21-063 to Board of County Commissioners, staff recommends the following conditions:

1. The SUP shall be limited to a period of ten (10) years.
2. The business shall be limited to the hours of 6 am to 6 pm, Monday through Friday.
3. The SUP shall be limited to eight (8) total employees.
4. Submit a plan for the proper disposal of oils, antifreeze, and other similar materials to the Planning and Zoning Department.
5. An emergency notification sign be places on the building at the entrance of the business in the event an emergency should occur.
6. All equipment shall be stored inside a building or behind a fenced area.
7. 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.
8. No on-street parking shall be allowed.
9. This SUP shall be limited to the Narrative dated May 4, 2021 submitted with this application.
10. 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-21-063, Special Use Permit for Schuetz Construction, to the Board of County Commission, with Findings of Fact, and with or without conditions; or
2. Recommend denial of Case No. DEV-21-063, Special Use Permit for Schuetz Construction, to the Board of County Commission, with Findings of Fact; or
3. Continue the Public hearing to another date, time, and place.

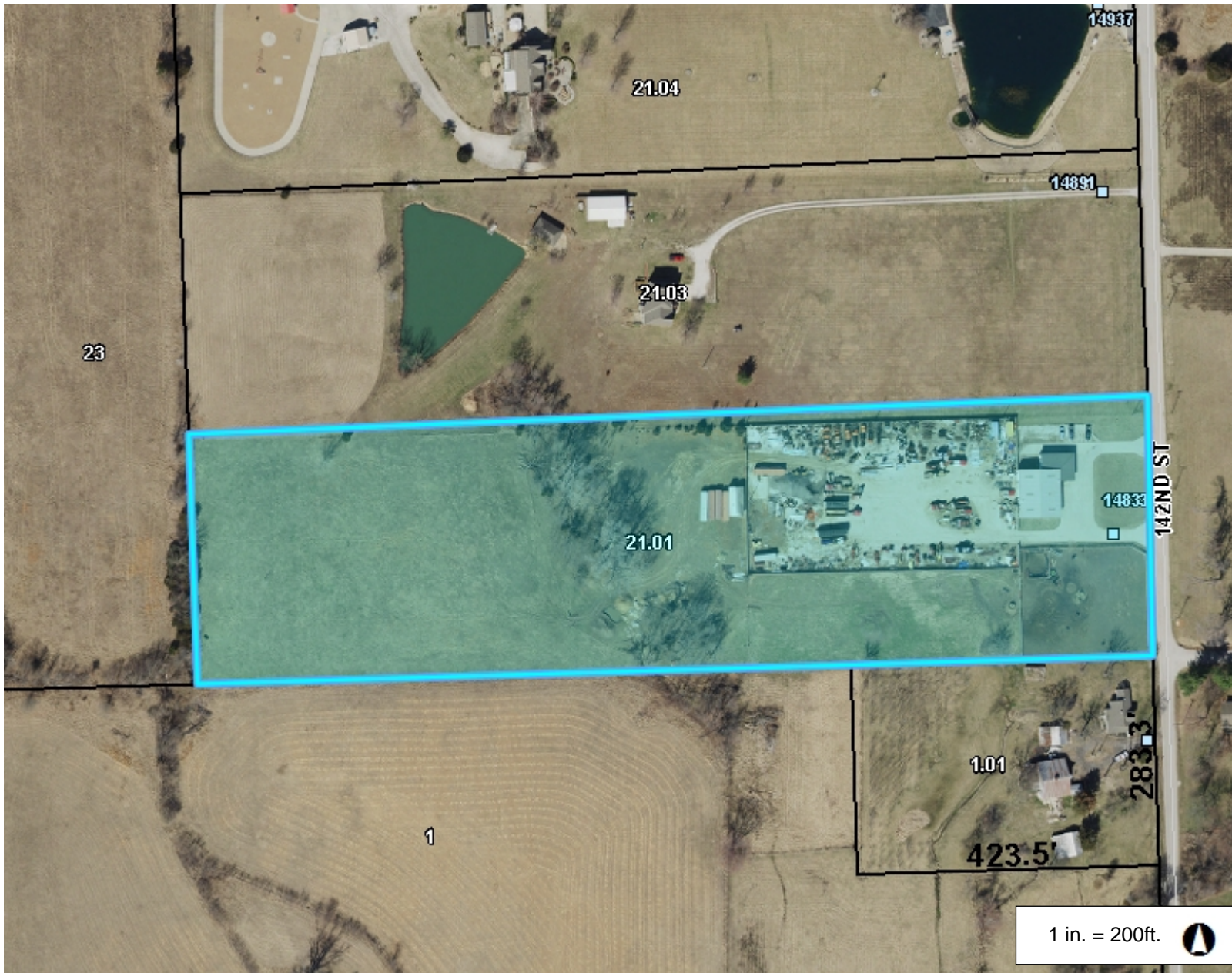
---

**ATTACHMENTS:**

Narrative  
Location/Aerial Maps  
Memorandums  
Public Comment



# DEV-21-063 SUP Schuetz's Construction



## Legend

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

## Notes

400.0                      0                      200.00                      400.0 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

**SPECIAL USE PERMIT 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**

NAME Tony and Julie Schuetz  
Schuetz Const, LLC  
ADDRESS 14833 142nd St.  
CITY/ST/ZIP Bonner Springs, KS 66012  
PHONE 913-422-7419 (office) 913-915-7085 (Tony cell)  
913-948-2313 (Julie cell)  
EMAIL tony@schuetzconst.com  
CONTACT PERSON Tony or Julie Schuetz

**OWNER INFORMATION (If different)**

NAME Same  
ADDRESS \_\_\_\_\_  
CITY/ST/ZIP \_\_\_\_\_  
PHONE \_\_\_\_\_  
EMAIL \_\_\_\_\_  
CONTACT PERSON \_\_\_\_\_

**PROPOSED USE INFORMATION**

Existing and Proposed structures Contractor's office, shop and storage yard  
Reason for requesting a Special Use Permit Renewal of existing Special Use Permit  
that has been effect for 30 years.

**PROPERTY INFORMATION**

Address of property 14833 142nd St., Bonner Springs, KS 66012 Parcel size 10.26 acres  
Current use of the property Contractor's office, shop and storage yard  
Does the owner live on the property? No  
Does the applicant own property in states or counties other than Kansas and Leavenworth County? No

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 Tony Schuetz Julie Schuetz Date 5/4/2021

**ATTACHMENT A**

SPECIAL USE PERIT APPLICATION  
RENEWAL NARRATIVE

Applicant: Tony and Julie Schuetz, Schuetz Const, LLC, 14833 142<sup>nd</sup> St., Bonner Springs, KS 66012

We are requesting renewal of our Special Use Permit (SUP06-013) for Schuetz Const, LLC at 14833 142<sup>nd</sup> St., Bonner Springs, KS 66012 Parcel #187-36-0-00-00-021.01 which has been in effect since 1991. We have maintained the same business operation for the past 30 years. Keeping in line with past renewals, we are requesting the special use permit be renewed for a period of 20 years. The first permit was renewed after 5 years, the second for 10 years and the third for fifteen years.

We have followed all the conditions set forth in the current SUP and have no issues continuing the same conditions going forward.

Traffic Impact Policy: We have 3 employees who are not family members who drive to this location daily for work. Besides ourselves (Tony and Julie Schuetz) we have one additional family member who works for the company. We have 2-4 commercial vehicles that make a round trip on workdays. Our daily traffic flow falls below the limits that fees are assessed according to your policy. During our previous renewals, since 142<sup>nd</sup> Street is not maintained by Leavenworth County, but by the City of Bonner Springs, any TIP fees have been waived by the Board of County Commissioners.

12/18/2020  
8:19:31

LEAVENWORTH COUNTY TAX RECEIPT # 24679

User-TOWENS  
62489/598482

CLASS VALUATION  
C 50,865  
A 49,935

LEVY 2020 Real Estate 1-22533  
GENERAL TAX 5,876.24  
SPECIALS .00

Page 1 OF 2  
TOTAL TAX 5,876.24

Tax Unit 112 Twp-SHERMAN TOWNSHIP  
Prop Addr: 14833 142ND ST 66012  
Acres-6.71  
S36, T11, R22E, ACRES 10.26, S330.12' OF  
E1/2 SE1/4 LESS ROW

SCHUETZ, TONY D & JULIE L  
16096 158TH ST  
BONNER SPRINGS KS 66012-7238

18269- Stmt#

-----  
12/18/2020 DATE PAID  
24679 RECEIPT #  
5,876.24 TAX/SPEC PD  
.00 INTEREST PD  
.00 FEES PD  
5,876.24 TOTAL PD  
-----

2020 taxes paid in full.



Laura Kelly, Governor  
Mark A. Burghart, Secretary

[www.ksrevenue.org](http://www.ksrevenue.org)

# CERTIFICATE OF TAX CLEARANCE

Schuetz Const LLC

## ISSUE DATE

04/28/2021

## TRANSACTION ID

TSKT-K7HM-6M34

## CONFIRMATION NUMBER

C8JD-6TH8-62B8

**TAX CLEARANCE VALID THROUGH 07/27/2021**

*Verification of this certificate can be obtained on our website, [www.ksrevenue.org](http://www.ksrevenue.org),  
or by calling the Kansas Department of Revenue at 785-296-3199*



21.03

21.01

14833

142ND ST

01

1

1.01

283.3

40'

Wyandotte

Lat: 39.04307° N

acres



36

21.01

14833

142ND ST

**From:** [Mark Lee](#)  
**Sent:** Monday, June 21, 2021 9:52 AM  
**To:** [Gentzler, Joshua](#)  
**Subject:** RE: Schuetz Construction Rezoning DEV-21-063

---

**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,

Sorry for the late response.

After reaching out to the Public Works Department to see if they had any concerns and researching any information Community Development had, we have come to the conclusion that the City of Bonner Springs has no issue with either renewing the special use permit or rezoning.

I did not see any information regarding the proposed zoning though, unless I missed it. Regardless, we have no issues with either.

Respectfully,



**Mark Lee**  
City Planner  
City of Bonner Springs  
p 913-667-1708 | f 913-273-9557  
e [mlee@bonnersprings.org](mailto:mlee@bonnersprings.org) | w [bonnersprings.org](http://bonnersprings.org)  
a 200 E. 3rd Street, P.O. Box 38, Bonner Springs, KS 66012



---

**From:** Gentzler, Joshua [mailto:[JGentzler@leavenworthcounty.gov](mailto:JGentzler@leavenworthcounty.gov)]  
**Sent:** Monday, June 14, 2021 2:08 PM  
**To:** Mark Lee  
**Subject:** Schuetz Construction Rezoning DEV-21-063

Good afternoon Mark,

Leavenworth County Planning and Zoning received an application for the renewal of a Special Use Permit for Scheutz Construction, a Contractor's Yard, located at 14833 143rd Street. We are actually taking this through as a Rezoning. Scheutz has been operating at this location for over 20 years. It is my understanding that Bonner Springs maintains this section of 142<sup>nd</sup> Street.

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 Monday, June 21<sup>th</sup>, 2021. If you have any questions or need additional information, please contact me at (913) 684-0464 or at [jgentzler@LeavenworthCounty.gov](mailto:jgentzler@LeavenworthCounty.gov).

Thanks,



## Gentzler, Joshua

---

**From:** tony schuetzconst.com <tony@schuetzconst.com>  
**Sent:** Wednesday, May 12, 2021 9:07 AM  
**To:** Gentzler, Joshua  
**Subject:** Re: Traffic Details on SUP Application DEV-21-063

**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,

Please find the answers below to your questions regarding traffic for our SUP application.

How many one-way trips does your business generate on a daily basis (taking into consideration both customer and employee trips)?

Passenger Vehicles: 12 one way trips (6 trips) (3 family members, 3 non family member employees Monday thru Friday)

Commercial Vehicles: 6 one way trips (3 trips - leaving and returning daily (Monday thru Friday)

How many one-way trips do you generate on a weekly basis?

Passenger - 60 average one-way trips per week

Commerical - 30 average one-way trips per week

When are your customers (if any) and employees travelling to your business each day?

Our business is not one where customers come to our location. Our employees arrive to work at 7AM and get off at 3:30. Our commercial vehicles leave around 7:30AM and return around 3:30.

What type of vehicles travel to the business or are used as a part of your business? (passenger vs commercial)

Passenger vehicles for employees coming and going to/from work. Commercial vehicles when they leave to go to job sites.

- If the business causes commercial vehicles to travel to your location, how much do those weigh on average? Average weight per vehicle is 40,000

What route do customers/employees typically use to reach your business?

No customers. Our employees live in the Greater Kansas City area so they travel I-70 to K-32 to and from work. Our business is located on 142nd Street which is maintained by the City of Bonner Springs. The vast majority of our work is in Johnson County, Ks and for the City of Bonner Springs so we are rarely traveling on Leavenworth County maintained roads.

Is your business a seasonal business or do you work consistently throughout the year?

- If seasonal, which months are your peak months?

We work consistently throughout the year.

Let us know if you need anything else.

Thanks.

**Tony Schuetz**  
**Schuetz Const, LLC**  
**14833 142nd Street**  
**Bonner Springs, KS 66012**  
**913-422-7419 - office**  
**913-422-1267 - fax**  
**913-915-7085 - cell**  
[tony@schuetzconst.com](mailto:tony@schuetzconst.com)

---

**From:** Gentzler, Joshua <JGentzler@leavenworthcounty.gov>  
**Sent:** Friday, May 7, 2021 2:53 PM  
**To:** tony schuetzconst.com <tony@schuetzconst.com>  
**Subject:** Traffic Details on SUP Application DEV-21-063

Tony,

As we begin our first review of your SUP application, we do need some additional information about the traffic generated by your business.

- How many one-way trips does your business generate on a daily basis (taking into consideration both customer and employee trips)?
- How many one-way trips do you generate on a weekly basis?
- When are your customers (if any) and employees travelling to your business each day?
- What type of vehicles travel to the business or are used as a part of your business? (passenger vs commercial)
  - If the business causes commercial vehicles to travel to your location, how much do those weigh on average?
- What route do customers/employees typically use to reach your business?
- Is your business a seasonal business or do you work consistently throughout the year?
  - If seasonal, which months are your peak months?

Thanks for your time, let me know if you have any questions on anything I've asked for here. Please respond with your answers by **Friday, May 14<sup>th</sup>** so we can pass this information on to our Public Works department.

Thank you,

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

## Sloop, Stephanie

---

**From:** Anderson, Lauren  
**Sent:** Wednesday, May 26, 2021 11:27 AM  
**To:** Sloop, Stephanie  
**Cc:** Voth, Krystal; Gentzler, Joshua  
**Subject:** RE: DEV-21-063 Special Use Permit Request - Schuetz Construction

Yes, as far as we are concerned that is a local road but it is maintained by the City (142<sup>nd</sup> South of K-32 is all city maintained).

---

**From:** Sloop, Stephanie <SSloop@leavenworthcounty.gov>  
**Sent:** Wednesday, May 26, 2021 11:19 AM  
**To:** Anderson, Lauren <LAnderson@leavenworthcounty.gov>  
**Cc:** Voth, Krystal <KVoth@leavenworthcounty.gov>; Gentzler, Joshua <JGentzler@leavenworthcounty.gov>  
**Subject:** DEV-21-063 Special Use Permit Request - Schuetz Construction

Lauren,

Before we send over the official request for review, can you tell me the road classification? The road classification map lists this is gravel. The applicants have stated that this section of road is maintained by Bonner Springs.

14833 142<sup>nd</sup> Street, Bonner Springs, KS 66012

Thank you,

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



**From:** [Matt Roecker](#)  
**Sent:** Friday, June 4, 2021 8:22 AM  
**To:** [Gentzler, Joshua](#)  
**Subject:** Permits

---

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Internal Use Only

Joshua,

Regarding addresses 14833 142<sup>nd</sup> Bonner Springs, and 18429 166<sup>th</sup> Basehor, per Evergy, we have not conflicts.

Thanks

**Matt Roecker**

Evergy

TD Designer III

[matt.roecker@evergy.com](mailto:matt.roecker@evergy.com)

913-667-5116

**From:** [Anderson, Kyle](#)  
**Sent:** Thursday, June 3, 2021 1:08 PM  
**To:** [Gentzler, Joshua](#)  
**Subject:** RE: DEV-21-063 Special Use Permit Application - Schuetz Construction

---

To date Leavenworth County has not received any complaints on this parcel.

Kyle Anderson  
Environmental Technician/Code Enforcement  
Leavenworth County Planning & Zoning  
300 Walnut St. Ste. 212  
Leavenworth, KS 66048  
913-684-1084

---

**From:** Gentzler, Joshua  
**Sent:** Wednesday, June 2, 2021 3:53 PM  
**To:** 'jalayne@leavenworthrd7.com' <jalayne@leavenworthrd7.com>; 'stfrchief@yahoo.com' <stfrchief@yahoo.com>; 'Tyler.rebel@evergy.com' <Tyler.rebel@evergy.com>; Anderson, Kyle <KAnderson@leavenworthcounty.gov>; Anderson, Lauren <LAnderson@leavenworthcounty.gov>; Magaha, Chuck <CMagaha@leavenworthcounty.gov>; Miller, Jamie <JMiller@leavenworthcounty.gov>; Mitch Pleak <MPleak@olsson.com>; Thorne, Eric <ethorne@leavenworthcounty.gov>; Van Parys, David <DVanParys@leavenworthcounty.gov>  
**Subject:** DEV-21-063 Special Use Permit Application - Schuetz Construction

Good afternoon,

The Department of Planning and Zoning has received an application for the renewal of a Special Use Permit for Scheutz Construction, a Contractor's Yard, located at 14833 143rd Street.

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 Wednesday, June 9<sup>th</sup>, 2021.

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

Thank you,

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

**From:** [Mitch Pleak](#)  
**Sent:** Wednesday, June 9, 2021 1:15 PM  
**To:** [Gentzler, Joshua](#)  
**Cc:** [Anderson, Lauren](#); [Noll, Bill](#); [019-2831](#); [Voth, Krystal](#)  
**Subject:** RE: DEV-21-063 Special Use Permit Application - Schuetz Construction

---

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Joshua,

Lauren and I have reviewed said application. The application is located off 142<sup>nd</sup> Street which is maintained by the City of Bonner Springs. Due to the SUP having direct access to a City maintained roadway, the PW has no comments. It is recommend this application be forwarded to the City for their input.

Thanks,  
Mitch Pleak

---

**From:** Gentzler, Joshua <JGentzler@leavenworthcounty.gov>  
**Sent:** Wednesday, June 2, 2021 3:53 PM  
**To:** 'jalayne@leavenworthrd7.com' <jalayne@leavenworthrd7.com>; 'stfrchief@yahoo.com' <stfrchief@yahoo.com>; 'Tyler.rebel@evergy.com' <Tyler.rebel@evergy.com>; Anderson, Kyle <KAnderson@leavenworthcounty.gov>; Anderson, Lauren <LAnderson@leavenworthcounty.gov>; Magaha, Chuck <CMagaha@leavenworthcounty.gov>; Miller, Jamie <JMiller@leavenworthcounty.gov>; Mitch Pleak <mpleak@olsson.com>; Thorne, Eric <ethorne@leavenworthcounty.gov>; Van Parys, David <DVanParys@leavenworthcounty.gov>  
**Subject:** DEV-21-063 Special Use Permit Application - Schuetz Construction

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

Thank you,

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

**From:** [jalayne leavenworthrd7.com](mailto:jalayne.leavenworthrd7.com)  
**Sent:** Thursday, June 3, 2021 10:39 AM  
**To:** [Gentzler, Joshua](mailto:Gentzler,Joshua); ['stfrchief@yahoo.com'](mailto:'stfrchief@yahoo.com'); ['Tyler.rebel@evergy.com'](mailto:'Tyler.rebel@evergy.com'); [Anderson, Kyle](mailto:Anderson,Kyle); [Anderson, Lauren](mailto:Anderson,Lauren); [Magaha, Chuck](mailto:Magaha,Chuck); [Miller, Jamie](mailto:Miller,Jamie); [Mitch Pleak](mailto:MitchPleak); [Thorne, Eric](mailto:Thorne,Eric); [Van Parys, David](mailto:VanParys,David)  
**Subject:** RE: DEV-21-063 Special Use Permit Application - Schuetz Construction

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Leavenworth Rural Water District No. 7 is fine with the renewal of the Special use Permit.

## Jalayne Turner

Office Manager  
LVRWD#7  
2451 S. 142nd St.  
P O Box 257  
Bonner Springs, KS 66012  
913-441-1205 Office  
[jalayne@leavenworthrd7.com](mailto:jalayne@leavenworthrd7.com) email  
[www.lvrwd7.com](http://www.lvrwd7.com) website

---

**From:** Gentzler, Joshua <[JGentzler@leavenworthcounty.gov](mailto:JGentzler@leavenworthcounty.gov)>  
**Sent:** Wednesday, June 2, 2021 3:53 PM  
**To:** jalayne leavenworthrd7.com <[jalayne@leavenworthrd7.com](mailto:jalayne@leavenworthrd7.com)>; ['stfrchief@yahoo.com'](mailto:'stfrchief@yahoo.com') <['stfrchief@yahoo.com'](mailto:'stfrchief@yahoo.com')>; ['Tyler.rebel@evergy.com'](mailto:'Tyler.rebel@evergy.com') <['Tyler.rebel@evergy.com'](mailto:'Tyler.rebel@evergy.com')>; Anderson, Kyle <[KAnderson@leavenworthcounty.gov](mailto:KAnderson@leavenworthcounty.gov)>; Anderson, Lauren <[LAnderson@leavenworthcounty.gov](mailto:LAnderson@leavenworthcounty.gov)>; Magaha, Chuck <[CMagaha@leavenworthcounty.gov](mailto:CMagaha@leavenworthcounty.gov)>; Miller, Jamie <[JMiller@leavenworthcounty.gov](mailto:JMiller@leavenworthcounty.gov)>; Mitch Pleak <[MPLeak@olsson.com](mailto:MPLeak@olsson.com)>; Thorne, Eric <[ethorne@leavenworthcounty.gov](mailto:ethorne@leavenworthcounty.gov)>; Van Parys, David <[DVanParys@leavenworthcounty.gov](mailto:DVanParys@leavenworthcounty.gov)>  
**Subject:** DEV-21-063 Special Use Permit Application - Schuetz Construction

Good afternoon,

The Department of Planning and Zoning has received an application for the renewal of a Special Use Permit for Scheutz Construction, a Contractor's Yard, located at 14833 143rd Street.

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 Wednesday, June 9<sup>th</sup>, 2021.

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

Thank you,

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

**Voth, Krystal**

---

**From:** The Meyers <keymidwest@hotmail.com>  
**Sent:** Thursday, June 24, 2021 7:19 PM  
**To:** PZ  
**Subject:** Special Use permit (Dev-21-063)

**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.

## Leavenworth County Planning Department

Special use permit (Dev-21-063)

14833 142nd St.

we are homeowners at 14891 142nd St Bonner Springs Kansas  
Robert&Carolyn Meyer.

We are the residential property directly to the north of Schuetz  
Construction.

We purchased 10 acres 24 years ago to build our retirement home.

At that time the commercial property was fairly well maintained and a  
much smaller scaled business.

Since then- many more cargo boxes- for storage have been added to the  
property, along with many more pieces of large equipment and vehicles;  
some broken down. The lot stores large reels of cable throughout the  
property.

The area just directly south of our home has become a dumping sight for  
dirt, rocks, old concrete and other debris, along with water and sludge from  
their boring machines- dumped there multiple times a week. The sludge  
and mud is tracked out on the street on 142nd st. The city of Bonner  
Springs codes has warned them about it but as the codes guy said, you  
know Tony Schuetz....very arrogant. So he continues to track mud and  
sludge onto 142nd .

The diesel trucks are started up early each morning which is a disturbance  
to all neighbors around.



Their entire lot is overgrown and unsightly. Other neighbors have planted trees trying to hide the site. There has also been several cases of theft and vandalism after hours at this location.

We feel the presence and condition of this lot is decreasing the value of our property.

We are strongly opposed to the approval of this special use permit for this property.

Thank you for your time and consideration. Pictures attached

Robert and Carolyn Meyer

14891 142nd St

Bonner Springs, Kansas 66012

913-441-4526-H

913-617-2655-C









**\*\*\*Renewal without changes\*\*\***  
**Case No. DEV-21-071**  
**Dave's Construction**  
Special Use Permit – Contractor's Yard  
\*\*\*Public Hearing Required\*\*\*

**Staff Report – Planning Commission**

**August 5, 2021**

**GENERAL INFORMATION:**

**Applicant/  
Property Owner:** Curtis Witt & Shannon Witt  
18429 166<sup>th</sup> Street  
Basehor, KS 66007

**Legal Description:** A tract of land in the East Half of Section 9, Township 11 South, Range 22  
East of the 6<sup>th</sup> P.M., Leavenworth County, Kansas.

**Location:** 18429 166<sup>th</sup> Street, Located approximately ¼ mile south of State Avenue directly  
adjacent to the City of Basehor.

**Parcel Size:** ± 56 acres

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

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

**Parcel ID No.:** 182-09-0-00-00-00-018.01

**Planner:** Krystal A. Voth

---

**REPORT:**

**Request**

The applicant is requesting renewal of a Special Use Permit for Dave's Construction, a Contractor's Yard for an asphalt having company that has been established since 1976.

**Adjacent Land Use**

The surrounding properties are residences and farms on varying sized parcels ranging from 1 acre to over 140 acres in size. The City of Basehor is directly to the north and east of the property.

**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 Township  
Water: Suburban  
Electric: Evergy

**Access/Streets**

The property is accessed by 166<sup>th</sup> a County Collector with a paved surface ± 26' wide.

**Agency Comments**

See attached comments – Email – Kyle Anderson – Planning and Zoning, June 3, 2021  
See attached comments – Email – Lauren Anderson – Public Works, June 15, 2021  
See attached comments – Email – Mike Lingenfelter –Township Fire Department, June 7, 2021  
See attached comments – Email – City of Basehor, June 8, 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 surrounding area is primarily rural in nature with large parcels and agricultural uses. The City of Basehor is directly north and east of the property. Less than ¼ mile to the north is a city subdivision that is fully developed.
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. The City of Basehor is zoned primarily as R-1, Single-Family Residential with a maximum density of 3.5 units/acre.
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. The business is not currently a nuisance as the area has not been fully-developed. As development occurs the use will become out of character with the neighborhood.
4. Extent to which removal of the restrictions will detrimentally affect nearby property: The area will not likely be detrimentally affected. The business has been in operation at this location since 1976 and has had no complaints.
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 provides approximately five full-time jobs to the area.
7. Conformance to the Comprehensive Plan: The Future Land Use Map indicates this area as Mixed-Residential. The area directly to the west is indicated as mixed-use.
8. Staff recommendation is for the denial of Special Use Permit due to the business not conforming to the Future Land Use Plan.

<b><u>LOCATION</u></b>	
<b>Adjacent Residences</b>	Adjacent residences in the County are primarily on large parcels, many of which are more than 20-acres in size. To the north is a subdivision located in the City of Basehor consisting of 10,000sf lots.
<b>Adjacent Zoning/Uses</b>	County zoning is RR-2.5 with most lots being significantly larger. The subdivision in Basehor is zoned as R-1.
<b>Density</b>	The immediate area is not densely populated.
<b>Nearby City Limits</b>	The city of Basehor directly abuts the property.
<b>Initial Growth Management Area</b>	The property is located within the City of Basehor’s Initial Growth Management Area.

<b><u>IMPACT</u></b>	
<b>Noise Pollution</b>	The use does not create significant noise pollution. There is noise generated in the morning when crews are loading equipment and, in the evening, when unloading. This noise is not prolonged nor is it excessive.
<b>Traffic</b>	The use creates minimum additional traffic. The additional traffic generated is likely not noticed as the business has been in operation for more than 40 years and the business is located on a county collector roadway.
<b>Lighting</b>	The applicant does not have lighting other than security lighting and is not requesting lighting.
<b>Outdoor Storage</b>	The applicant stores a number of trucks, trailers, and equipment stored on the property.
<b>Parking</b>	The applicant has ample parking space for employees.
<b>Visitors/Employees</b>	UP to three employees report to the site on a daily basis. There is no public business.
<b>Waste</b>	The business generates yard and lawn waste. This waste is properly disposed of according to KDHE standards.

<b>SITE COMPATABILITY</b>	
<b>Size of Parcel</b>	The parcel is 56 acres in size.
<b>Zoning of Parcel</b>	The parcel is zoned Rural Residential-2.5
<b>Buildings (Existing &amp; Proposed)</b>	The applicant has a shop on the property that is approximately 75x100. Tools and equipment for the business are stored in the shop
<b>Setbacks</b>	Existing building meet the required setbacks.
<b>Screening</b>	There is natural screening along the property and the business is set back 660' from the road.

**History**

The business has been in operation since 1976 and has had several SUP renewals in that time.

**Staff Comments**

Dave’s Construction is an asphalt-paving business that has been in operation since 1976 at this location. The business currently consists of three employees who are not family. The site is used to store commercial equipment for asphalt paving. Additionally, there is rock and dirt stored on the property. The hours of operation are primarily 7:00AM until 6:00PM Monday-Friday with occasional Saturdays. The business does not typically operate in the winter as it is too cold to lay asphalt. In the past there has been issues with the storage of junk and junk materials. This issue seems to have been remedied and Staff has not received complaints in the last several years.

The business does not match the comprehensive plan or the future land use map. Therefore, the Staff recommendation is for denial of the application.

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**STAFF RECOMMENDATION:**

Staff recommends denial of Case No. DEV-21-071, Special Use Permit for Dave’s Construction, but offers the following conditions in the event the Planning Commission recommends approval:

1. The SUP shall be limited to a period of five (5) years.
2. The business shall be limited to the hours of 6 am to 7 pm, Monday through Friday and 7:00AM until 1:00PM on Saturday.
3. The SUP shall be limited to five employees, not including family members.
4. The applicant shall adhere to the emergency plan on file.
5. In the event that any explosives are stored on the property they must alert the Fire District and Emergency Management to update the emergency plan.
6. 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.
7. No on-street parking shall be allowed.
8. This SUP shall be limited to the Narrative dated April 22, 2021 submitted with this application.
9. 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.

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**ACTION OPTIONS:**

1. Recommend approval of Case No. DEV-21-071, Special Use Permit for Dave’s Construction, to the Board of County Commission, with Findings of Fact, and with or without conditions; or
2. Recommend denial of Case No. DEV-21-071, Special Use Permit for Dave’s Construction, to the Board of County Commission, with Findings of Fact; or



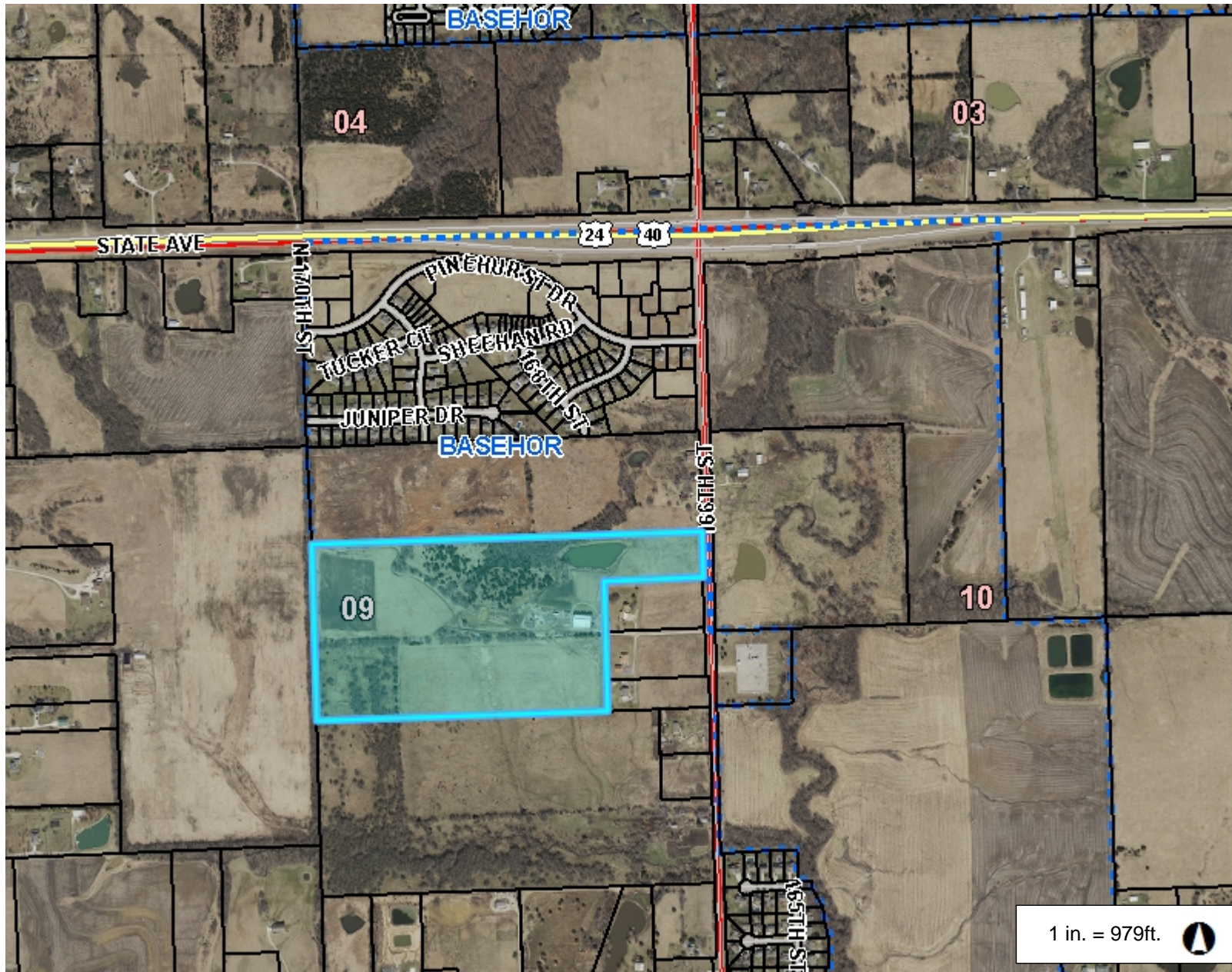
3. Continue the Public hearing to another date, time, and place.

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**ATTACHMENTS:**

Narrative  
Location/Aerial Maps  
Memorandums

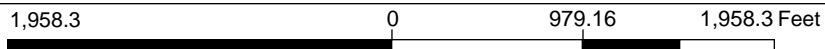
# DEV-21-071 Dave's Construction



## Legend

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

1 in. = 979ft.



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



# The City of Basehor

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June 8, 2021

Stephanie Sloop  
Public Relations and Planning Coordinator  
Planning and Zoning  
Leavenworth County Courthouse  
300 Walnut St. Ste. 212  
Leavenworth, KS 66048

Re: DEV-21-071 Special Use Permit Request Dave's Construction

Dear Ms. Sloop:

Thank you for reaching out to the City of Basehor for comments related to the Special Use Permit application for Dave's Construction. The City has no objections or concerns related to the request.

Sincerely,

City of Basehor

## Sloop, Stephanie

---

**From:** Mitch Pleak <mpleak@olsson.com>  
**Sent:** Tuesday, June 15, 2021 2:38 PM  
**To:** Sloop, Stephanie; Voth, Krystal  
**Cc:** Noll, Bill; Anderson, Lauren; 019-2831  
**Subject:** RE: DEV-21-071 Special Use Permit Request Dave's Construction

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Krystal and Stephanie,  
Lauren and I have reviewed the application. It is understood this is a renewal, no new traffic is being proposed, and routes will remain the same as-is. The trips are below the TIF Policy's requirements for further study. No comments.

Please let Lauren or I know of any questions.

Sincerely,

Mitch Pleak

---

**From:** Sloop, Stephanie <SSloop@leavenworthcounty.gov>  
**Sent:** Wednesday, June 2, 2021 4:38 PM  
**To:** Magaha, Chuck <CMagaha@leavenworthcounty.gov>; Anderson, Kyle <KAnderson@leavenworthcounty.gov>; Miller, Jamie <JMiller@leavenworthcounty.gov>; Patzwald, Joshua <jpatzwald@leavenworthcounty.gov>; Mitch Pleak <mpleak@olsson.com>; Anderson, Lauren <LAnderson@leavenworthcounty.gov>; 'lingenfelserm@fairmountfd.org' <lingenfelserm@fairmountfd.org>; 'Tyler.Rebel@evergy.com' <Tyler.Rebel@evergy.com>; 'djacobson@cityofbasehor.org' <djacobson@cityofbasehor.org>; 'travis@suburbanwaterinc.com' <travis@suburbanwaterinc.com>; Van Parys, David <DVanParys@leavenworthcounty.gov>  
**Cc:** Voth, Krystal <KVoth@leavenworthcounty.gov>  
**Subject:** DEV-21-071 Special Use Permit Request Dave's Construction

Good Afternoon,

The Leavenworth County Department of Planning and Zoning has received a request for a the renewal of a Special Use Permit for Dave's Construction.

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 June 9, 2021.

If you have any questions or need additional information, please contact our office.

Thank you,

Stephanie Sloop

Public Relations and Planning Coordinator  
Planning and Zoning  
Leavenworth County Courthouse  
300 Walnut St. Ste. 212

## Sloop, Stephanie

---

**From:** Van Parys, David  
**Sent:** Thursday, June 3, 2021 8:43 AM  
**To:** Sloop, Stephanie  
**Subject:** RE: DEV-21-071 Special Use Permit Request Dave's Construction

Stephanie, The proper storage and disposal of various materials at this site will be of concern, but should be able to be addressed through compliance with EPA, KDHE and local FD regulations.

---

**From:** Sloop, Stephanie  
**Sent:** Wednesday, June 2, 2021 4:38 PM  
**To:** Magaha, Chuck <CMagaha@leavenworthcounty.gov>; Anderson, Kyle <KAnderson@leavenworthcounty.gov>; Miller, Jamie <JMiller@leavenworthcounty.gov>; Patzwald, Joshua <jpatzwald@leavenworthcounty.gov>; 'Mitch Pleak' <mpleak@olsson.com>; Anderson, Lauren <LAnderson@leavenworthcounty.gov>; 'lingenfelsem@fairmountfd.org' <lingenfelsem@fairmountfd.org>; 'Tyler.Rebel@evergy.com' <Tyler.Rebel@evergy.com>; 'djacobson@cityofbasehor.org' <djacobson@cityofbasehor.org>; 'travis@suburbanwaterinc.com' <travis@suburbanwaterinc.com>; Van Parys, David <DVanParys@leavenworthcounty.gov>  
**Cc:** Voth, Krystal <KVoth@leavenworthcounty.gov>  
**Subject:** DEV-21-071 Special Use Permit Request Dave's Construction

Good Afternoon,

The Leavenworth County Department of Planning and Zoning has received a request for a the renewal of a Special Use Permit for Dave's Construction.

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 June 9, 2021.

If you have any questions or need additional information, please contact our office.

Thank you,

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



## Sloop, Stephanie

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**From:** Anderson, Kyle  
**Sent:** Thursday, June 3, 2021 1:06 PM  
**To:** Sloop, Stephanie  
**Subject:** RE: DEV-21-071 Special Use Permit Request Dave's Construction

To date Leavenworth County has not received any complaints on this parcel.

Kyle Anderson  
Environmental Technician/Code Enforcement  
Leavenworth County Planning & Zoning  
300 Walnut St. Ste. 212  
Leavenworth, KS 66048  
913-684-1084

---

**From:** Sloop, Stephanie  
**Sent:** Wednesday, June 2, 2021 4:38 PM  
**To:** Magaha, Chuck <CMagaha@leavenworthcounty.gov>; Anderson, Kyle <KAnderson@leavenworthcounty.gov>; Miller, Jamie <JMiller@leavenworthcounty.gov>; Patzwald, Joshua <jpatzwald@leavenworthcounty.gov>; 'Mitch Pleak' <mpleak@olsson.com>; Anderson, Lauren <LAnderson@leavenworthcounty.gov>; 'lingenfelsem@fairmountfd.org' <lingenfelsem@fairmountfd.org>; 'Tyler.Rebel@evergy.com' <Tyler.Rebel@evergy.com>; 'djacobson@cityofbasehor.org' <djacobson@cityofbasehor.org>; 'travis@suburbanwaterinc.com' <travis@suburbanwaterinc.com>; Van Parys, David <DVanParys@leavenworthcounty.gov>  
**Cc:** Voth, Krystal <KVoth@leavenworthcounty.gov>  
**Subject:** DEV-21-071 Special Use Permit Request Dave's Construction

Good Afternoon,

The Leavenworth County Department of Planning and Zoning has received a request for a the renewal of a Special Use Permit for Dave's Construction.

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 June 9, 2021.

If you have any questions or need additional information, please contact our office.

Thank you,

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

## Sloop, Stephanie

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**From:** Mike Lingenfelter <lingenfelserm@fairmountfd.org>  
**Sent:** Monday, June 7, 2021 1:50 PM  
**To:** Sloop, Stephanie  
**Subject:** Re: DEV-21-071 Special Use Permit Request Dave's Construction

**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.

Stephanie  
Fairmount Township Fire has no issues with the permit.  
Mike

On Wed, Jun 2, 2021 at 4:38 PM Sloop, Stephanie <[SSloop@leavenworthcounty.gov](mailto:SSloop@leavenworthcounty.gov)> wrote:

Good Afternoon,

The Leavenworth County Department of Planning and Zoning has received a request for a the renewal of a Special Use Permit for Dave's Construction.

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 June 9, 2021.

If you have any questions or need additional information, please contact our office.

Thank you,

Stephanie Sloop

Public Relations and Planning Coordinator

Planning and Zoning

Leavenworth County Courthouse

**SPECIAL USE PERMIT 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 Dave's Construction  
ADDRESS 18429 166<sup>th</sup> street  
CITY/ST/ZIP Basehor Ks. 66007  
PHONE 913-634-7681 cell 913-724-1515  
EMAIL cwittdavesco@yahoo.com  
CONTACT PERSON Curtis Witt

NAME Curtis Witt / Shannon Witt  
ADDRESS 18421 166<sup>st</sup> 18355 166<sup>st</sup>  
CITY/ST/ZIP Basehor Ks 66007  
PHONE 913-634-7681  
EMAIL cwittdavesco@yahoo.com  
CONTACT PERSON Curtis Witt

**PROPOSED USE INFORMATION**

Existing and Proposed structures 80 x 108 Barn built in 94  
Reason for requesting a Special Use Permit running of family buisness

**PROPERTY INFORMATION**

Address of property 18429 166<sup>st</sup> Basehor Ks. 66007 Parcel size 56 acres  
Current use of the property 90% agricultural 10% commercial (not open to public)  
Does the owner live on the property? Yes  
Does the applicant own property in states or counties other than Kansas and Leavenworth County? no

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 Curtis D. Witt Date 4-22-2021

**ATTACHMENT A**



Dave's Construction

18429 166<sup>th</sup> street

Basehor Kansas 66007

On a portion of the land we about 4 acres we have a 80' by 108' building in which we run Dave's Construction. This is a small asphalt paving company that my family started in 1976. We are a seasonal business in the spring, summer, and fall. We do not have a sign out front because we are not open to the public. Our hours of operation are 7:00AM to 6:00PM Monday though Friday and an occasional Saturday. Traffic is limited to 2 or 3 employees coming in in the morning and leaving in the evening. As far as the company goes there are 3 to 4 trucks going out in the morning and returning late in the day. There would be an occasional truck coming back to dump during the day but not on a daily basis. Most equipment and trailers are parked to the rear and south of the building or in the building. Surplus rock and dirt is stored to the rear south of the lot. There is storage of used parts along the berm in the rear north of the shop. Loader attachments are stored along the wall just south of the shop. Employee parking is in front of the shop.

All emergency contact numbers are posted in the front window by main entrance. Also posted are the location of all explosive and flammable materials in the building. Fuel tanks for Diesel and Gasoline are to the south east front corner of the shop along with waste oil containment.

\_\_\_\_\_ Emergency Contacts Information \_\_\_\_\_

Dave's Plus Construction LLC

18429 166<sup>th</sup> street Basehor Ks 66007

Business # 913-724-1515

Curtis Witt # 913-634-7681

Shannon Witt # 913-634-7679

The following flammables and combustibles Diesel, oil, oxygen, paint, gasoline, acetylene, argon, and propane. They are located as follows.

Paint and thinners are in north east corner of shop in storage room next to office.

Gasoline and diesel storage containers and oil drums are along south east wall just inside south garage door.

Oxygen, acetylene, argon, propane are secured under storage cover in the south east room along north wall.

Bulk storage tanks for gasoline and diesel fuel are located south of building front outside.

Bulk used oil tank are located south of building front outside



Laura Kelly, Governor  
Mark A. Burghart, Secretary  
[www.ksrevenue.org](http://www.ksrevenue.org)

# CERTIFICATE OF TAX CLEARANCE

Dave's Plus Construction LLC.  
DBA as Dave's Construction

**ISSUE DATE**  
05/13/2021

**TRANSACTION ID**  
TNFK-Y22P-53JY

**CONFIRMATION NUMBER**  
C52K-5E3P-EC65

**TAX CLEARANCE VALID THROUGH 08/11/2021**

*Verification of this certificate can be obtained on our website, [www.ksrevenue.org](http://www.ksrevenue.org),  
or by calling the Kansas Department of Revenue at 785-296-3199*



Entered in the transfer record in my office this  
27 day of Nov, 2018  
Janel Klavinski  
by S. Jones County Clerk

Doc #: 2018R09536  
STACY R. DRISCOLL  
REGISTER OF DEEDS  
LEAVENWORTH COUNTY, KANSAS  
RECORDED ON:  
11/27/2018 11:44:45 AM  
RECORDING FEE: 38.00  
PAGES: 2

### QUIT CLAIM DEED

**Curtis David Witt, successor trustee, under the Barbara K. Witt Living Trust dated September 8, 2006**

Hereby Quit Claims To:

**Curtis D. Witt, a married name and Shannon D. Witt, a single Person, as tenants in common**

all the following described REAL ESTATE in the County of Leavenworth and the State of Kansas, to-wit:

**Tract of land in the East Half of Section 9, Township 11 South, Range 22 East of the 6th P.M., Leavenworth County, Kansas, more fully described as follows: Commencing at the East Quarter Corner of said Section 9; thence North 01 degrees 47'23" West for a distance of 359.00 feet along the East line of said Northeast Quarter to the TRUE POINT OF BEGINNING; thence South 87 degrees 36'27" West for a distance of 700.00 feet; thence South 01 degrees 47'23" East for a distance of 359.09 feet; thence South 01 degrees 42'58" East for a distance of 494.59 feet; thence South 87 degrees 36'27" West for a distance of 1940.91 feet to the West line of the Southwest Quarter of said Section 9; thence North 01 degrees 50'44" West for a distance of 494.29 feet along the West line of said Section 9 to the Center of said Section 9; thence North 01 degrees 34'50" East for a distance of 661.12 feet along the West line of the Northeast Quarter of said Section 9; thence North 87 degrees 35'54" East for a distance of 2639.62 feet to the East line of said Northeast Quarter; thence South.01 degrees 47'23" East for a distance of 302.14 feet along said East line to the point of beginning.**

Exemption # 3

for the sum of one dollar and other good and valuable considerations.

Dated this 21<sup>st</sup> day of November, 2018.

Curtis David Witt, successor trustee  
Curtis David Witt, successor trustee

*Curtis Witt / Shannon Witt  
Taxes - 18429 166<sup>th</sup> St.  
Baselor Ks 66007  
✓ \$ 38.00*

5/13/2021  
13:50:50

LEAVENWORTH COUNTY TAX RECEIPT # 502

User-JSCHERMBC  
62067/588139

CLASS VALUATION  
A 6,317  
C 1,434  
4,883

2020 Real Estate 2020 1-29149  
LEVY GENERAL TAX 121.480 767.40  
SPECIALS .00  
TOTAL TAX 767.40

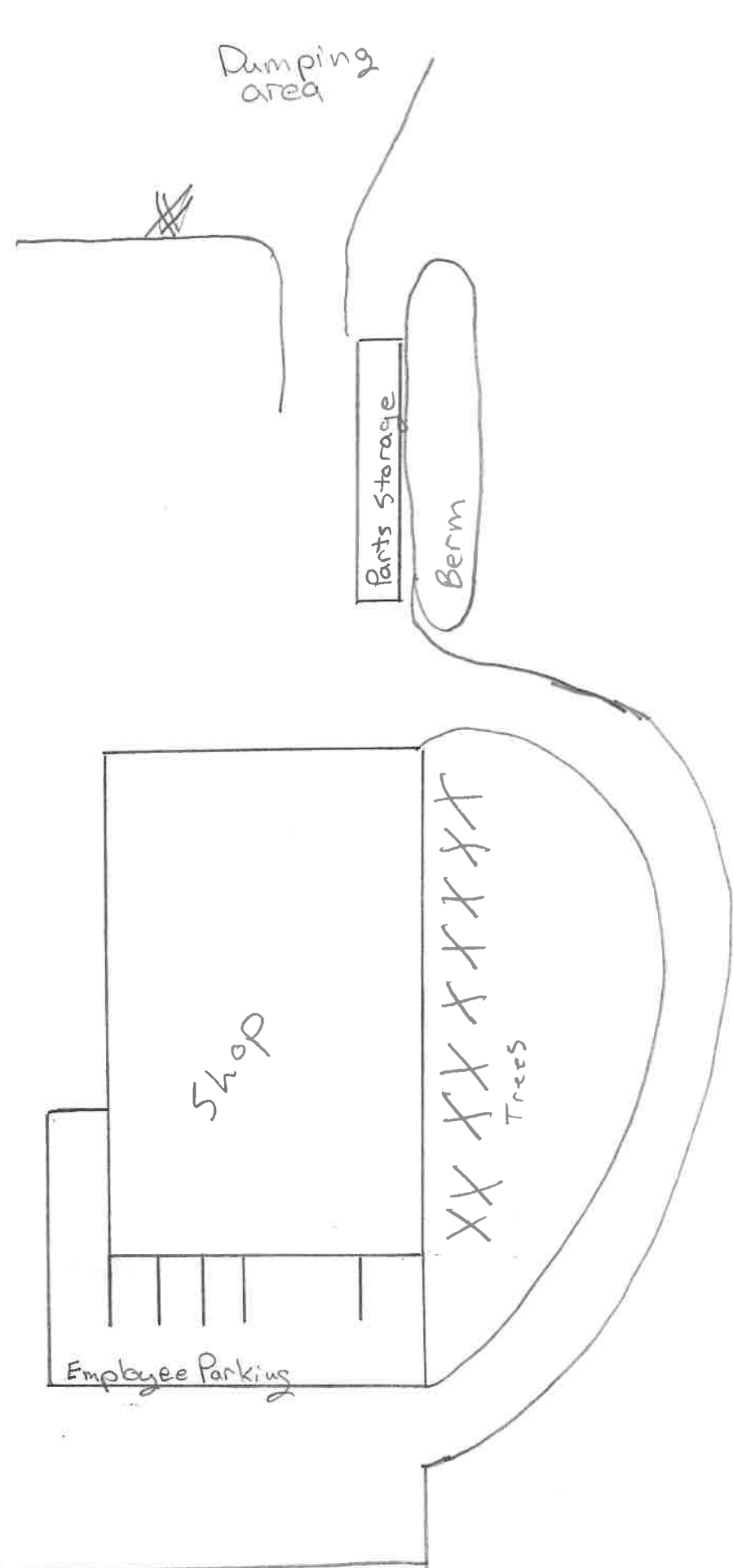
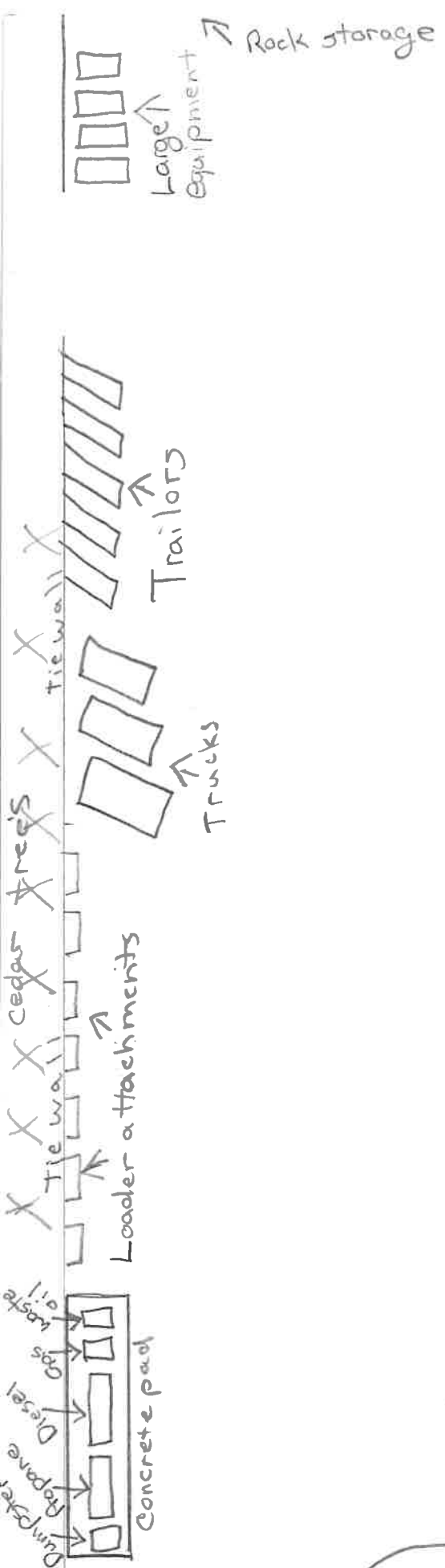
Tax Unit 070 Twp-Fairmount Township  
Prop Addr: 18429 166TH ST 66007  
Acres-55.00  
S09, T11, R22E, ACRES 56.4, TRACT 3 : COM  
E1/4 COR S9; THENCE SW700', SE359',

WITT, CURTIS D & WITT, SHANNON D  
18429 166TH ST  
BASEHOR KS 66007-7284

22974-Stmt#

11/12/2020 DATE PAID  
502 RECEIPT #  
767.40 TAX/SPEC PD  
.00 INTEREST PD  
.00 FEES PD  
767.40 TOTAL PD

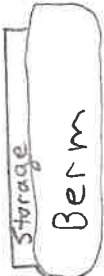
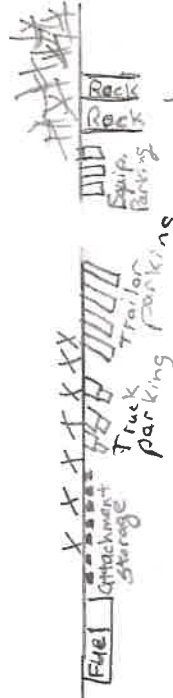
2020 taxes paid in full.



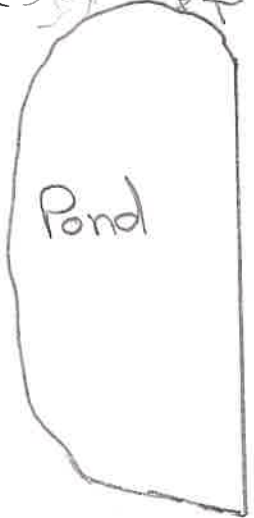
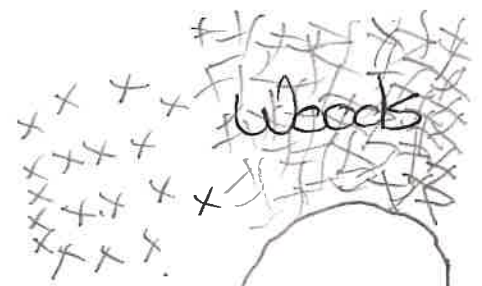
Existing Lot Configuration

Brome

Pump



Brome



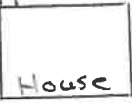
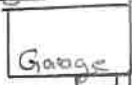
Brome

property lines



House

House



Brome

Brome

Brome

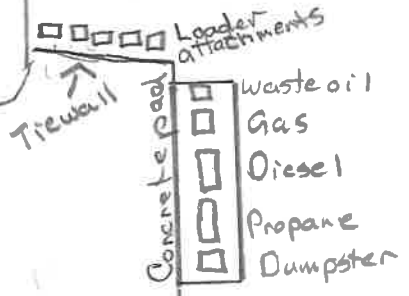
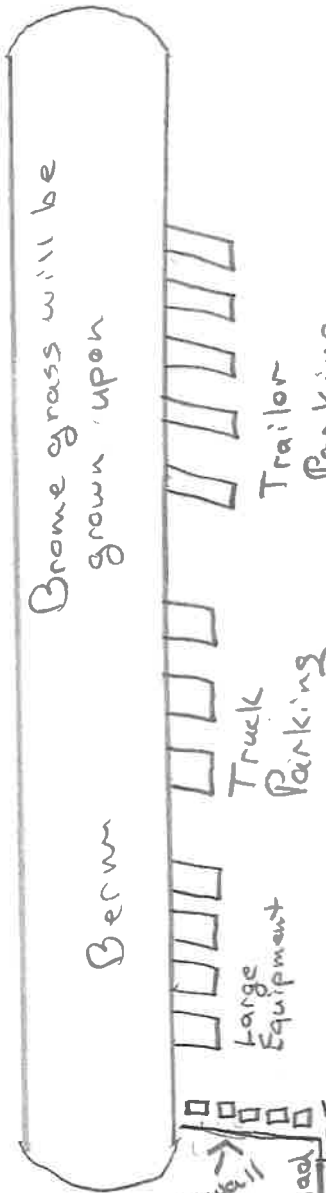
Existing Property boundaries and Company lot configuration

166th Street

Proposed Lot Changes

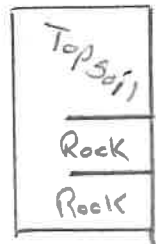
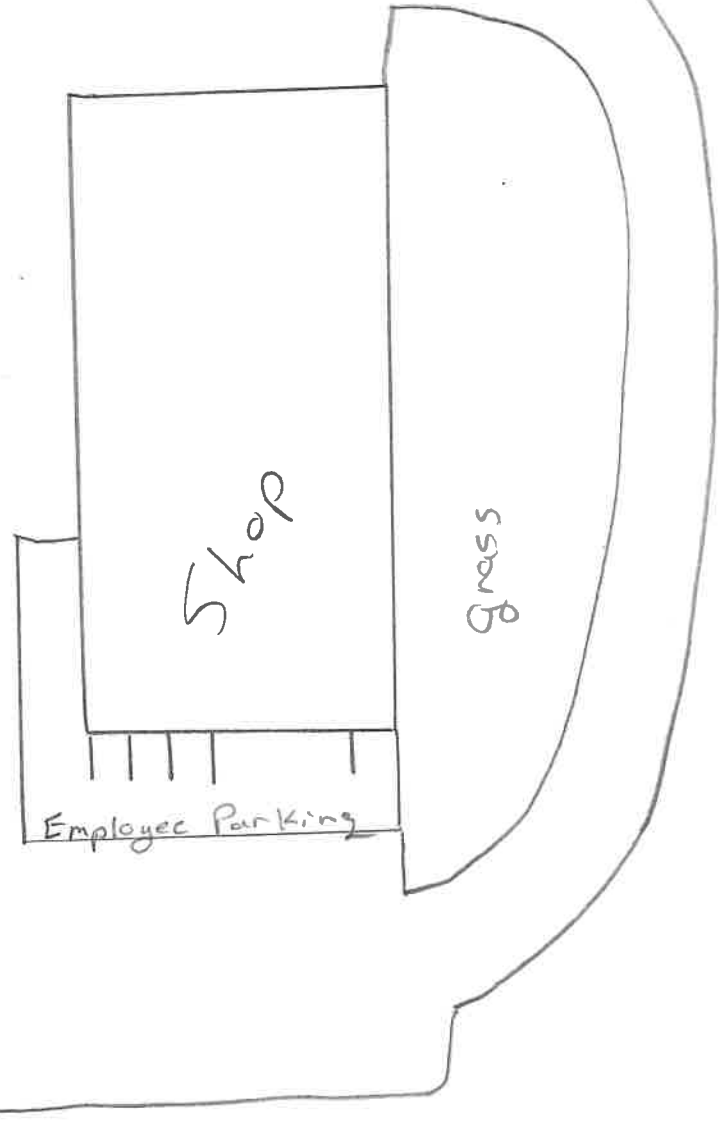
Brome

Brome



Topsoil Prep area

Dumping area



Parts Storage

Brome grass is growing on

Brome



**Case No. DEV-21-086**  
**Ledford Boat & RV Storage**  
Special Use Permit – Boat & RV Storage  
\*\*\*Public Hearing Required\*\*\*

**Staff Report – Planning Commission**

**August 5, 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 6<sup>th</sup> P.M, in Leavenworth County, Kansas.

**Location:** 28910 207<sup>th</sup> Street, Located at the northeast intersection of 20<sup>th</sup> & 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:**

**Request**

The applicant is requesting a Special Use Permit for Boat and RV Storage. Originally, the applicant requested rezoning of the property which would allow for the use without a Special Use Permit. The request was denied and the Board of County Commissioners waived the one-year waiting period to apply for a Special Use Permit.

**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 207<sup>th</sup> 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 – Email – Kyle Anderson – Planning and Zoning, June 3, 2021  
See attached comments – Email – Lauren Anderson – Public Works, June 9, 2021  
See attached comments – Email – Chuck Magaha – Emergency Management, Month day, 2021  
See attached comments – Email – David Van Parys – County Counselor, June 3, 2021

See attached comments – Email – Michael Stackhouse –Township Fire Department, July 1, 2021

See attached comments – Email – Steve Taylor – KDOT, June 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 Special Use Permit 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. Additionally, a portion of the property is currently zoned as B-3.
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. Due to the location on a State highway the additional traffic that will be created is minimal in comparison to daily traffic counts. The proposed use will not generate significant noise, pollution or traffic.
5. Length of time the property has been vacant as zoned: The property has not been developed since at least 1962.
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. However, there is existing B-3 zoning existing on the property which directly abuts the RR-2.5 zoning.
8. Staff recommendation is for the approval of the Special Use Permit due to the proximity to existing B-3 Zoning.

<b><u>LOCATION</u></b>	
<b>Adjacent Residences</b>	Adjacent parcels are primarily rural and agricultural in nature. The majority of homes are located on large parcels, most significantly over the minimum zoning district requirements.
<b>Adjacent Zoning/Uses</b>	Zoning in the area is RR-5 and are used primarily as rural residences and agricultural uses.
<b>Density</b>	The area is not densely populated.
<b>Nearby City Limits</b>	The property is not located near a city.
<b>Initial Growth Management Area</b>	The property is not located within an IGMA.

<b>IMPACT</b>	
<b>Noise Pollution</b>	The use will not cause elevated or extended noise pollution. The business will consist of the storage of RV's and boats.
<b>Traffic</b>	The use will create additional traffic, however given the location on a state-maintained highway it is unlikely the small increase will be noticeable. The applicant anticipates one or two vehicles per day.
<b>Lighting</b>	The applicant does not have lighting other than security lighting and is not requesting lighting.
<b>Outdoor Storage</b>	The use will consist of outdoor storage of RV's and Boats on approximately two acres of the property for a total of 78 spaces.
<b>Parking</b>	The applicant will have ample parking for the use.
<b>Visitors/Employees</b>	There will be parking for 78 RV's boats. However, it is unlikely that all 78 spaces. Typically, there will be one or two customers to the site daily to pick up or drop off their boat or RV. These numbers may be slightly higher in the summer months.
<b>Waste</b>	There will be no waste generated by the business.

<b>SITE COMPATABILITY</b>	
<b>Size of Parcel</b>	The parcel is 13 acres in size.
<b>Zoning of Parcel</b>	The parcel is zoned Rural Residential-5 and B-3.
<b>Buildings (Existing &amp; Proposed)</b>	The applicant is not proposing any buildings at this time. All storage will be outdoor.
<b>Setbacks</b>	No buildings.
<b>Screening</b>	The property is bordered on the south by a privacy fence. Additionally, there is landscaping providing additional screening.

**History**

The Applicant applied for a rezoning in 2020. The rezoning was denied by the Board of County Commissioners and the applicant was encouraged to submit a Special Use Permit request.

**Staff Comments**

The proposed use is outdoor boat and RV storage on a parcel located at 207<sup>th</sup> & Springdale (k-92). A portion of the property is currently zoned as B-3 and commercial storage of boats and RV's is an allowed use in that zoning district. The applicant plans to provide enough parking for a total of 78 boats and RV's combined. The hours of operation are variable, though this should not cause a nuisance since the majority of activity on the site will not cause noise, pollution, or other nuisances. There will be no employees other than the applicant. Staff recommends approval of the application.

---

**STAFF RECOMMENDATION:**

The staff recommends approval of Case No.DEV-21-086, Special Use Permit for Boat & RV Storage, with the following conditions:

1. The SUP shall be limited to a period of 10 years.
2. No additional exterior lighting other than security lighting.
3. Any additional buildings shall require a site plan prepared in accordance with the Zoning and Subdivision Regulations.
4. The SUP shall be limited to one employee other than the applicant.
5. 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.
6. No on-street parking shall be allowed.
7. This SUP shall be limited to the Narrative dated May 27, 2021 submitted with this application.

8. 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-21-086, Special Use Permit for Boat & RV Storage, to the Board of County Commission, with Findings of Fact, and with or without conditions; or
2. Recommend denial of Case No DEV-21-086, Special Use Permit for Boat & RV Storage, to the Board of County Commission, with Findings of Fact; or
3. Continue the Public hearing to another date, time, and place.

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**ATTACHMENTS:**

Narrative  
Location/Aerial Maps  
Memorandums

## Voth, Krystal

---

**From:** Mitch Pleak <mpleak@olsson.com>  
**Sent:** Wednesday, June 9, 2021 1:47 PM  
**To:** Sloop, Stephanie; Voth, Krystal  
**Cc:** Anderson, Lauren; Noll, Bill; 019-2831  
**Subject:** RE: DEV-21-086 Special Use Permit Request RV & Boat Storage 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.

Stephanie and Krystal,  
Lauren and I have reviewed the application. Application states no buildings will be construction with said permit. Estimate traffic doesn't require a traffic impact or road assessment studies per the TIF policy. Available frontage only allows 1 entrance off of 207<sup>th</sup> St. Applicant to directly coordinate with KDOT regarding any possible improvements within KDOT right of way.

Thanks,  
Mitch Pleak

---

**From:** Sloop, Stephanie <SSloop@leavenworthcounty.gov>  
**Sent:** Wednesday, June 2, 2021 4:44 PM  
**To:** Magaha, Chuck <CMagaha@leavenworthcounty.gov>; Anderson, Kyle <KAnderson@leavenworthcounty.gov>; Miller, Jamie <JMiller@leavenworthcounty.gov>; Patzwald, Joshua <jpatzwald@leavenworthcounty.gov>; Van Parys, David <DVanParys@leavenworthcounty.gov>; Mitch Pleak <mpleak@olsson.com>; Anderson, Lauren <LAnderson@leavenworthcounty.gov>; 'Firedistrict1@fd1lv.org' <Firedistrict1@fd1lv.org>; 'tmgoetz@stjoewireless.com' <tmgoetz@stjoewireless.com>; 'steven.taylor@ks.gov' <steven.taylor@ks.gov>  
**Cc:** Voth, Krystal <KVoth@leavenworthcounty.gov>  
**Subject:** DEV-21-086 Special Use Permit Request RV & Boat Storage Facility

Good Afternoon,

The Leavenworth County Department of Planning and Zoning has received a request for a Special Use Permit for an RV & Boat Storage Facility.

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 June 9, 2021.

If you have any questions or need additional information, please contact our office.

Thank you,

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

## Sloop, Stephanie

---

**From:** Greg Ledford <greg2020llc@gmail.com>  
**Sent:** Friday, June 11, 2021 11:03 AM  
**To:** firedistrict1@fd1lv.org  
**Cc:** Sloop, Stephanie  
**Subject:** DEV-21-086 Special Use Permit Request RV & Boat Storage Facility  
**Attachments:** SUP permit layout drawing.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.

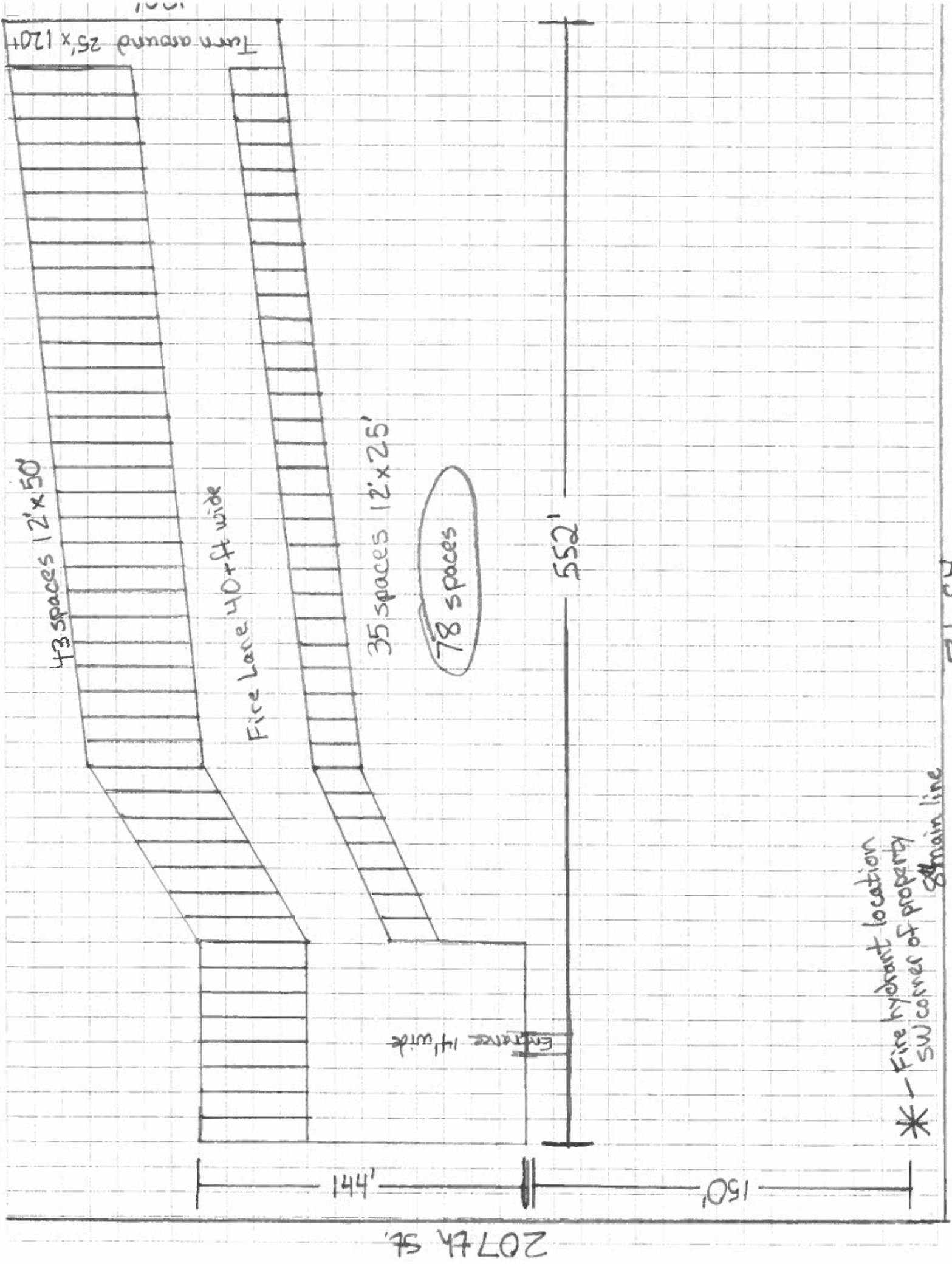
Mike,

I've reviewed the list of information requested for my SUP application and have provided answers below and an attachment for layout of facility.

- Dimensions 144' x 552'
- Base-compacted subbase with 4-6 inches of 1" rock with road fabric below
- Type of surface-rock
- # of spaces=78 shown on drawing with dimensions
- Fire hydrant location-is on SW corner of my property approx. 150' from entrance to storage area. Hydrant is on my property and is on an 8" line per Water District #5.
- Fire department access rd-approx 40' down center of storage area. Access is double the requested MIN of 20'.

Exact driveway location TBD by county, it will come in off of 207th st and will be as wide as allowed by county.

Thanks,  
Greg



Turn around 25' x 120'

43 spaces 12' x 50'

Fire Lane 40' ft wide

35 spaces 12' x 25'

78 spaces

552'

Entrance 14' wide

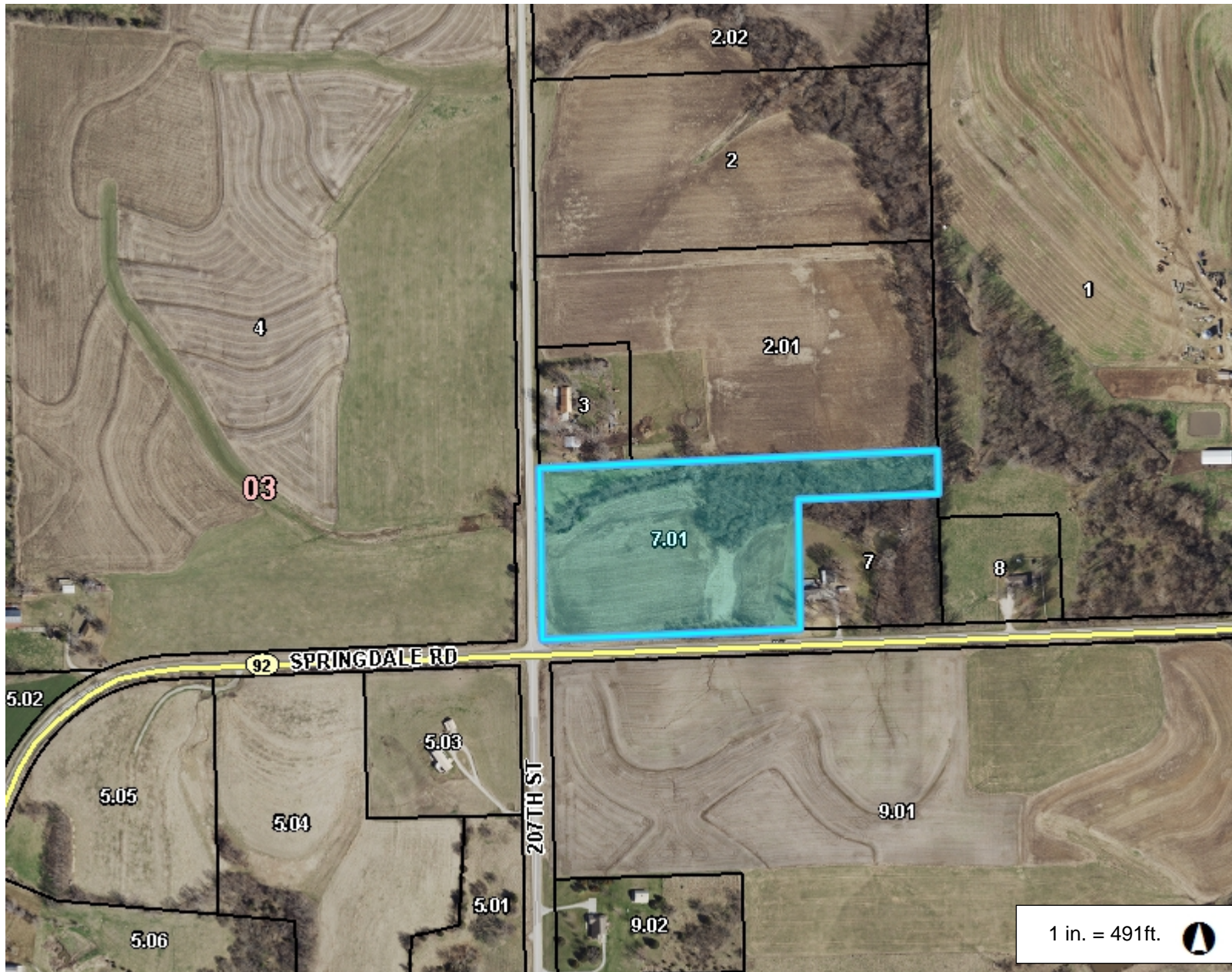
144' 150'

207th St.

\* - Fire hydrant location  
 \* - SW corner of property  
 \* - main line

→ 5-1-24

# DEV-21-086 SUP RV & Boat Storage



## Legend

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

1 in. = 491ft.

982.5 0 491.23 982.5 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

## Notes



## Sloop, Stephanie

---

**From:** Mike Stackhouse <firedistrict1@fd1lv.org>  
**Sent:** Thursday, July 1, 2021 7:35 AM  
**To:** Greg Ledford  
**Cc:** Sloop, Stephanie; David Asmus  
**Subject:** RE: DEV-21-086 Special Use Permit Request RV & Boat Storage Facility

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Sounds good. Thank you.

Michael L. Stackhouse  
Fire Chief  
Fire District #1 of Leavenworth County  
111 E. Kansas Avenue  
Lansing, KS. 66043  
Office: 913-727-5844  
Cell: 913-683-3223



---

**From:** Greg Ledford <greg2020llc@gmail.com>  
**Sent:** Thursday, July 1, 2021 7:33 AM  
**To:** Mike Stackhouse <firedistrict1@fd1lv.org>  
**Cc:** Sloop, Stephanie <SSloop@leavenworthcounty.gov>; David Asmus <dasmus@fd1lvco.org>  
**Subject:** Re: DEV-21-086 Special Use Permit Request RV & Boat Storage Facility

Mike,

I can easily put up signage And I will be assigning spaces so it will remain open. The center road all throughout the facility and to the end turn around area will maintain approx twice your 20 ft requirement. People need plenty of room to back into their spaces. I envision maintaining at least 40' down the center. Thanks for following up with me I appreciate it.

On Thu, Jul 1, 2021, 7:20 AM Mike Stackhouse <[firedistrict1@fd1lv.org](mailto:firedistrict1@fd1lv.org)> wrote:

Mr. Ledford,

I apologize for the length of time to review this. Things have been very busy lately. I think the footprint and answers given will satisfy the IFC requirements. The one main issue that will have to be addressed continually is parking. The end turnaround will have to always remain free of any kind of obstructions. It would be prudent to install signage as

such. The center dead-end access road will have to maintain the minimum 20' clearance at all times as well. If you have any further issues or questions, please let me know.

B/R,

Michael L. Stackhouse

Fire Chief

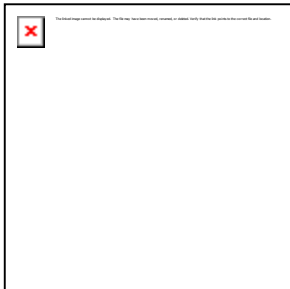
Fire District #1 of Leavenworth County

111 E. Kansas Avenue

Lansing, KS. 66043

Office: 913-727-5844

Cell: 913-683-3223



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**Sent:** Friday, June 11, 2021 11:03 AM  
**To:** Mike Stackhouse <[firedistrict1@fd1lv.org](mailto:firedistrict1@fd1lv.org)>  
**Cc:** [SSloop@leavenworthcounty.gov](mailto:ssloop@leavenworthcounty.gov)  
**Subject:** DEV-21-086 Special Use Permit Request RV & Boat Storage Facility

Mike,

I've reviewed the list of information requested for my SUP application and have provided answers below and an attachment for layout of facility.

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Exact driveway location TBD by county, it will come in off of 207th st and will be as wide as allowed by county.

Thanks,  
Greg

## Sloop, Stephanie

---

**From:** Van Parys, David  
**Sent:** Thursday, June 3, 2021 8:29 AM  
**To:** Sloop, Stephanie  
**Cc:** Patzwald, Joshua; Anderson, Kyle; Voth, Krystal  
**Subject:** RE: DEV-21-086 Special Use Permit Request RV & Boat Storage Facility

Stephanie, The proposed SUP would be in conformity with the B-3 zoning currently in place in the SW corner of the property, with the use restricted by the terms and conditions of any SUP approved. No other legal comment at this time.

---

**From:** Sloop, Stephanie  
**Sent:** Wednesday, June 2, 2021 4:44 PM  
**To:** Magaha, Chuck <CMagaha@leavenworthcounty.gov>; Anderson, Kyle <KAnderson@leavenworthcounty.gov>; Miller, Jamie <JMiller@leavenworthcounty.gov>; Patzwald, Joshua <jpatzwald@leavenworthcounty.gov>; Van Parys, David <DVanParys@leavenworthcounty.gov>; 'Mitch Pleak' <mpleak@olsson.com>; Anderson, Lauren <LAnderson@leavenworthcounty.gov>; 'Firedistrict1@fd1lv.org' <Firedistrict1@fd1lv.org>; 'tmgoetz@stjoewireless.com' <tmgoetz@stjoewireless.com>; 'steven.taylor@ks.gov' <steven.taylor@ks.gov>  
**Cc:** Voth, Krystal <KVoth@leavenworthcounty.gov>  
**Subject:** DEV-21-086 Special Use Permit Request RV & Boat Storage Facility

Good Afternoon,

The Leavenworth County Department of Planning and Zoning has received a request for a Special Use Permit for an RV & Boat Storage Facility.

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 June 9, 2021.

If you have any questions or need additional information, please contact our office.

Thank you,

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



## Sloop, Stephanie

---

**From:** Anderson, Kyle  
**Sent:** Thursday, June 3, 2021 1:05 PM  
**To:** Sloop, Stephanie  
**Subject:** RE: DEV-21-086 Special Use Permit Request RV & Boat Storage Facility

To date Leavenworth County has not received any complaints on this parcel.

Kyle Anderson  
Environmental Technician/Code Enforcement  
Leavenworth County Planning & Zoning  
300 Walnut St. Ste. 212  
Leavenworth, KS 66048  
913-684-1084

---

**From:** Sloop, Stephanie  
**Sent:** Wednesday, June 2, 2021 4:44 PM  
**To:** Magaha, Chuck <CMagaha@leavenworthcounty.gov>; Anderson, Kyle <KAnderson@leavenworthcounty.gov>; Miller, Jamie <JMiller@leavenworthcounty.gov>; Patzwald, Joshua <jpatzwald@leavenworthcounty.gov>; Van Parys, David <DVanParys@leavenworthcounty.gov>; 'Mitch Pleak' <mpleak@olsson.com>; Anderson, Lauren <LAnderson@leavenworthcounty.gov>; 'Firedistrict1@fd1lv.org' <Firedistrict1@fd1lv.org>; 'tmgoetz@stjoewireless.com' <tmgoetz@stjoewireless.com>; 'steven.taylor@ks.gov' <steven.taylor@ks.gov>  
**Cc:** Voth, Krystal <KVoth@leavenworthcounty.gov>  
**Subject:** DEV-21-086 Special Use Permit Request RV & Boat Storage Facility

Good Afternoon,

The Leavenworth County Department of Planning and Zoning has received a request for a Special Use Permit for an RV & Boat Storage Facility.

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Thank you,

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

## Sloop, Stephanie

---

**From:** Steven Taylor [KDOT] <Steven.Taylor@ks.gov>  
**Sent:** Thursday, June 3, 2021 8:37 AM  
**To:** Sloop, Stephanie  
**Subject:** RE: DEV-21-086 Special Use Permit Request RV & Boat Storage Facility

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We have no comments.

Thanks,

Steve Taylor  
Kansas Department of Transportation  
Utility Coordinator  
District 1 Area 3  
650 north K-7 Highway  
Bonner Springs, Ks.  
913-942-3049

---

**From:** Sloop, Stephanie <SSloop@leavenworthcounty.gov>  
**Sent:** Thursday, June 3, 2021 8:21 AM  
**To:** Steven Taylor [KDOT] <Steven.Taylor@ks.gov>  
**Subject:** RE: DEV-21-086 Special Use Permit Request RV & Boat Storage Facility

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Yes, that is what the applicant is proposing.

---

**From:** Steven Taylor [KDOT] <[Steven.Taylor@ks.gov](mailto:Steven.Taylor@ks.gov)>  
**Sent:** Thursday, June 3, 2021 8:14 AM  
**To:** Sloop, Stephanie <[SSloop@leavenworthcounty.gov](mailto:SSloop@leavenworthcounty.gov)>  
**Subject:** RE: DEV-21-086 Special Use Permit Request RV & Boat Storage Facility

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Access to storage and future home to be from 207<sup>th</sup>?

Steve Taylor  
Kansas Department of Transportation  
Utility Coordinator

District 1 Area 3  
650 north K-7 Highway  
Bonner Springs, Ks.  
913-942-3049

---

**From:** Sloop, Stephanie <[SSloop@leavenworthcounty.gov](mailto:SSloop@leavenworthcounty.gov)>  
**Sent:** Wednesday, June 2, 2021 4:44 PM  
**To:** Magaha, Chuck <[CMagaha@leavenworthcounty.gov](mailto:CMagaha@leavenworthcounty.gov)>; Anderson, Kyle <[KAnderson@leavenworthcounty.gov](mailto:KAnderson@leavenworthcounty.gov)>; Miller, Jamie <[JMiller@leavenworthcounty.gov](mailto:JMiller@leavenworthcounty.gov)>; Patzwald, Joshua <[jpatzwald@leavenworthcounty.gov](mailto:jpatzwald@leavenworthcounty.gov)>; Van Parys, David <[DVanParys@leavenworthcounty.gov](mailto:DVanParys@leavenworthcounty.gov)>; 'Mitch Pleak' <[mpleak@olsson.com](mailto:mpleak@olsson.com)>; Anderson, Lauren <[LAnderson@leavenworthcounty.gov](mailto:LAnderson@leavenworthcounty.gov)>; 'Firedistrict1@fd1lv.org' <[Firedistrict1@fd1lv.org](mailto:Firedistrict1@fd1lv.org)>; 'tmgoetz@stjoewireless.com' <[tmgoetz@stjoewireless.com](mailto:tmgoetz@stjoewireless.com)>; Steven Taylor [KDOT] <[Steven.Taylor@ks.gov](mailto:Steven.Taylor@ks.gov)>  
**Cc:** Voth, Krystal <[KVoth@leavenworthcounty.gov](mailto:KVoth@leavenworthcounty.gov)>  
**Subject:** DEV-21-086 Special Use Permit Request RV & Boat Storage Facility

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If you have any questions or need additional information, please contact our office.

Thank you,

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



**SPECIAL USE PERMIT 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 _____
ADDRESS <u>12139 Leavenworth Rd</u>	ADDRESS _____
CITY/ST/ZIP <u>Kansas City KS 66109</u>	CITY/ST/ZIP _____
PHONE <u>913-620-8969</u>	PHONE _____
EMAIL <u>greg2020LLC@gmail.com</u>	EMAIL _____
CONTACT PERSON <u>Myself</u>	CONTACT PERSON _____

PROPOSED USE INFORMATION
Existing and Proposed structures <u>No existing structures</u>
Reason for requesting a Special Use Permit <u>RV/Boat Storage unit</u>

PROPERTY INFORMATION
Address of property <u>KS-92 and 207th St intersection - NE corner</u> Parcel size <u>13 Acres</u>
Current use of the property <u>Ag/Res/B-3</u>
Does the owner live on the property? <u>No</u>
Does the applicant own property in states or counties other than Kansas and Leavenworth County? <u>Yes Wyandotte county</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 Greg Ledford Date 5-27-21

**ATTACHMENT A**



Click or tap to immediately and permanently delete a drawing. This cannot be undone. X

I want to...



70'

85'

207TH ST

Exposure to be  
by county

Proposed Site Area

500'



2020



WKC0\_4326 Lat/Long

Lat: 39.29655° N  
Long: 95.05851° W

100ft

1mi

RINGDALE RD

87

434'

465.28

460'



## Special Use Permit Application Narrative

I am requesting a special use permit for the purpose of establishing an RV/Boat storage unit on my property located at the NE corner of 207<sup>th</sup> and KS-92. I have 13 acres and am proposing to use a small portion for storage. We are in the process of building a home on the property and will be planning to occupy the property in 2022. Below are details of the request.

- Current use-Ag/residential
- Proposed use-Rv/boat storage on small portion of property
- Hours-24/7 access
- Employees-myself only
- Signs-48x80-possibly electric, western portion of proposed area by driveway near 207<sup>th</sup>
- Chemicals-none
- Lubricants-none
- Sewage-no sewage created, there will be NO bathroom located in storage areas
- Water-no water needed
- Noise-no noise created other than vehicles bringing in or leaving with campers, boats.
- Odors/fumes-none created
- Accessory building-possible future buildings for housing campers or boats, none currently planned
- Outdoor display/advertising-none
- Equipment-None
- Alcohol service-not applicable
- Dust control-minimal traffic will not create issues with dust
- Emergency/safety-facility number for me is posted on sign, no other considerations needed due to being outside storage, no enclosed buildings to be a part of plan
- Outdoor storage-fenced and screened. Existing natural screening on 3 sides-natural tree buffer to north and east, hillside to the south. East side open and will be lined with trees as well.
- Security lighting-yes
- Parking-only parking needed is for units being stored
- No existing home on property but one is in planning stages to be built on south side of property
- Traffic-minimal, no daily employees, no product delivery, average of 1-2 or less vehicles per day at most to drop off or pick up camper/boats

July 10, 2021

Leavenworth County Kansas Planning Commission  
Steve Rosenthal, Chairman  
Jeff Spink  
Tom Dials  
A. W. Himpel  
Wolf Schmidt  
John Matthews  
Terry Bartkoski  
Mark Denney  
Alex DeMoro

Pavlich Farms is the owner of property Quick Ref ID R17657, Parcel Number 052-112-03-0-00-004.00-0. The property is located on the northwest corner of KS-92 and 207<sup>th</sup> St. across the street from the property Greg Ledford's application for a Special Use Permit for a RV and Boat Storage Unit.

Attached are copies of the comments we submitted to the Planning Commission and Leavenworth County Commissioners at previous hearings on this matter. The area and property in question are agricultural and rural, and the proposed RV and Boat Storage facility is commercial. This is the reason we oppose a Special Use Permit.

Again, we wish Mr. Ledford success in starting his business, but it should be in the city not the country. Therefore, we again request that the Leavenworth County Planning Commission deny Mr. Ledford's Special Use Permit request.



Pavlich Farms (Joseph M. Pavlich, Phyllis Fierst, Donald A. Pavlich, Joan M. Pavlich  
Richard Pavlich and Jim Pavlich)

Attachments

May 23, 2021

Leavenworth County Planning Commission  
Leavenworth County Commissioners

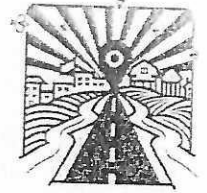
The front page of the Leavenworth County Comprehensive Plan states, "Sustainably managing growth and maintaining rural lifestyles." The property and area in question are agricultural and rural and Greg Ledford's proposed RV and boat storage facility are not. Pavlich Farms is adjacent to Ledford's property and we oppose his rezoning request and urge the Leavenworth County Planning Commission and the Leavenworth County Commissioners to deny it.

Pavlich Farms

(Joseph M Pavlich, Jim Pavlich, Joan M Pavlich, Phyllis Fierst,  
Richard Pavlich and Donald A Pavlich)

801 North 5<sup>th</sup> St

Kansas City KS 66101



# Leavenworth County

## Comprehensive Plan

*Sustainably managing growth and maintaining rural lifestyles*



ADOPTED OCTOBER 2020

PROTEST PETITION

We, the undersigned, in accordance with KSA 12-757, being the owners of record of the property enumerated below, protest the proposed SPECIAL USE PERMIT FOR on the property described as PARCEL ID # 112-03-0-00-010-007.01 RV AND BOAT STORAGE UNIT

In Leavenworth County, commonly known as \_\_\_\_\_

For the following reasons:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

SIGNATURE	ADDRESS	DATE
<i>Joseph M. Pavlich</i>	5718 42 <sup>ND</sup> COURT, SHAWNEE, KS 66216	5/19/21
<i>Jim Paul</i>	14508 Bower	O.P. KS 66201 5/19/21
<i>John M. Pavlich</i>	801 N. 5 <sup>TH</sup> ST., Kansas City, KS, 66101	5/19/21
<i>Theresa Ferret</i>	5619 Revere, Kansas, KS 66202	5/19/21
<i>Michael Pavlich</i>	14920 W 58 <sup>TH</sup> ST Shawnee KS 66016	5/21/21
<i>Lionel M. Pavlich</i>	3030 S. 48 <sup>TH</sup> ST K.C. KS. 66106	5/23/2021

STATE OF KANSAS )  
COUNTY OF LEAVENWORTH )

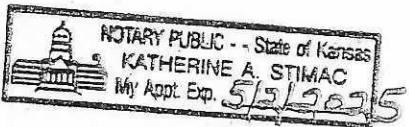
JOSEPH M. PAVLICH, of lawful age, being first duly sworn, upon his/her oath states that she/he was the bearer of the above and forgoing protest, and that she/he witnessed the above signatures.

*Joseph M. Pavlich*

Subscribed and sworn before me the 19<sup>TH</sup> day of May, 2021

*Katherine A. Stimac*  
Notary Public

My Commission Expires May 2, 2025.



STATE OF KANSAS )

COUNTY OF LEAVENWORTH )

Jim Parlich, 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 19th day of May, 2021

Katherine A. Stimac  
Notary Public

My Commission Expires May 2, 2025



STATE OF KANSAS )

COUNTY OF LEAVENWORTH )

Jean M. Parlich, 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 19th day of May, 2021

Jean M. Parlich  
Katherine A. Stimac  
Notary Public

My Commission Expires May 2, 2025



STATE OF KANSAS )

COUNTY OF LEAVENWORTH )

Phyllis Feast, 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 19th day of May, 2021

Phyllis Feast  
Katherine A. Stimac  
Notary Public

My Commission Expires May 2, 2025



STATE OF KANSAS )

COUNTY OF LEAVENWORTH )

Richard 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 May, 2021

Richard Pavlich  
Katherine A. Stimac  
Notary Public

My Commission Expires May 2, 2025





STATE OF KANSAS )

COUNTY OF LEAVENWORTH )  
ANDREW P. PIRELLA

ANDREW P. PIRELLA, 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 23rd day of May, 2021

*Donald H. Pirella*

*Katherine A. Stamac*  
Notary Public

My Commission Expires May 2, 2025



STATE OF KANSAS )

COUNTY OF LEAVENWORTH )

\_\_\_\_\_, 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 \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
Notary Public

My Commission Expires \_\_\_\_\_

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 on the property described as Tr. in NE 1/4 3-9-21 to B-3

Parcel ID #: 112-03-D-00-00-007.01  
In Leavenworth County, commonly known as 0000 Springdale Road

For the following reasons:

PLEASE SEE AND READ THE ATTACHED.

SIGNATURE	ADDRESS	DATE
<u>[Signature]</u>	<u>801 N 5TH ST KANSAS CITY KS 66101</u>	<u>1-21-2021</u>
<u>[Signature]</u>	<u>801 N 5TH ST KANSAS CITY KS 66101</u>	<u>1-21-2021</u>
<u>[Signature]</u>	<u>801 N 5TH ST KANSAS CITY KS 66101</u>	<u>1-21-2021</u>
<u>[Signature]</u>	<u>801 N 5TH ST KANSAS CITY KS 66101</u>	<u>1-21-2021</u>
<u>[Signature]</u>	<u>801 N 5TH ST KANSAS CITY KS 66101</u>	<u>1-21-2021</u>

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 21<sup>st</sup> 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 6<sup>th</sup> 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. 5<sup>th</sup> St.  
Kansas City, KS 66101

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 6<sup>th</sup> 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 5<sup>th</sup> St  
Kansas City KS 66101

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 207<sup>th</sup> 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

2020 Real Estate Tax Statement # 37580  
 Tax ID 2020 1-28932

BANK 89

Leavenworth County Treasurer  
 Janice L. Van Parys  
 300 Walnut St Ste 105  
 Leavenworth, Ks. 66048-2725

ASSESSMENT CLASS	LAND IMPROVEMENT	LEVY 111.324	TAX
A	306		34.08
Total Val		Tax	34.08

M  
A  
I  
L  
T  
O

WATKINS, FRANK H & RITA M  
 28910 207TH ST  
 EASTON KS 66020-7203

**PAYMENT INSTRUCTIONS**  
 TREASURER'S PHONE: 913-684-0434  
 Make checks payable to Leavenworth County Treasurer. Interest will be charged after due date, if personal tax becomes delinquent the full tax becomes due. TREASURER IS NOT RESPONSIBLE FOR OMISSIONS, PLEASE MAKE SURE THAT ALL YOUR PROPERTY IS LISTED.

**PROPERTY INFORMATION**  
 TAX UNIT 050 Twp-HIGH PRAIRIE TOWNSHIP  
 USD 449 CAMA # 112-03-0-00-00-007.01-0  
 Prop Addr: SPRINGDALE RD 66020  
 Sec-03 Twp-09 Rng-21E Acres-12.82  
 S03, T09, R21E, ACRES 12.83, PT  
 SW1/4NE1/4; BEG SW COR, N600', E1300'(S)  
 , S126', W460' S474', W TO POB LESS ROW

DISTRIBUTION OF TAX	TAX AMT
USD 449 - GENERAL	6.12
USD 449 - OTHER	7.29
USD 449 - BOND/INT NO.1	2.92
STATE	.46
LEAVENWORTH COUNTY	11.32
HIGH PRAIRIE TWP.	.25
N.E. KANSAS LIBRARY	.41
FIRE DISTRICT #1	2.73
LOCAL SERVICE/COUNTY	2.58
Pay at <a href="http://www.kansastreasurers.org">www.kansastreasurers.org</a>	
<b>TOTAL TAX DUE</b>	<b>34.08</b>
Paid as of 12/16/2020	34.08
Paid in Full	

Please remit appropriate payment stub with payment

LEAVENWORTH COUNTY  
 FULL PAYMENT  
 DUE 12/21/2020

STATEMENT # 37580

Full Amt .00

Tax ID # 2020 1-28932

WATKINS, FRANK H & RITA M



20200003758012

NO STATEMENT FOR SECOND HALF WILL BE MAILED.

3414 Hughes Rd  
Leavenworth, Kans  
July 13, 2021

Leavenworth Planning and Zoning  
300 Walnut Street  
Leavenworth, Kansas 66048

We do not want a boat and  
RV storage business built in our  
neighborhood at Springdale Road  
207<sup>th</sup> Street. (28910 207<sup>th</sup> Street)  
We have a beautiful, quiet far  
area and we want it to stay that way.  
Loan Oak Enterprises needs to  
and build on Leavenworth Road  
Wyandotte County where he lives.  
Don't ruin our neighborhood.

Sincerely,  
Edward B.

My property is located at  
20203 Springdale Road and  
on 203<sup>rd</sup> Street.

**Case No. DEV-21-046**  
**Rezoning from RR-5 to RR-2.5**  
**\*\*\*Public Hearing Required\*\*\***

**Staff Report – Planning Commission**

**August 5, 2021**

**GENERAL INFORMATION:**

**Applicant/  
Property Owner:** Ronald A Grey Jr.  
24450 171<sup>st</sup> Street  
Leavenworth, KS 66048

**Legal Description:** A tract of land in the Southwest Quarter of Section 33, Township 09 South, Range 22 East of the 6<sup>th</sup> P.M, in Leavenworth County, Kansas.

**Location:** 24450 171<sup>st</sup> Street

**Parcel Size:** ± 5 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.:** 108-33-0-00-00-016.09

**Planner:** Krystal A. Voth

---

**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 5 acres to 236 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: RWD 8  
Electric: FreeState

**Access/Streets**

The property is accessed by both 171<sup>st</sup> Street and McIntyre Road. 171<sup>st</sup> Street is a local County road with a paved surface, ± 22' wide. McIntyre Road is a local County road with a paved surface ± 22' wide.

**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 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 supportive of a 5-acre minimum parcel size.
4. Extent to which removal of the restrictions will detrimentally affect nearby property: The area will not likely be detrimentally affected.
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 not experience economic gain, nor will public health or safety and welfare of Leavenworth County Residents be affected by this rezone.
7. Conformance to the Comprehensive Plan: The Future Land Use Map indicates this area as Residential – 3 units per acre.
8. Staff recommendation is for the approval of the rezoning request.

**Staff Comments**

The applicants are requesting approval of a rezoning request for the property located at 24450 171<sup>st</sup> Street. The applicants have indicated a desire to divide the existing five-acre parcel (five acres, including right-of-way) into two equal 2.5 acre parcels. They intend to build a smaller home on the “vacant” lot. While the request does conform to the Comprehensive Plan, Staff wishes to elaborate on the potential issues that are likely if the property is divided.

1. The existing barn on the southern portion of the property is located where the land division will be required to meet frontage/lot area requirements.
2. Due to the location of the barn it is likely the division will create two oddly-shaped parcels.
3. While it appears that with ROW there is exactly five-acres of land, this cannot be confirmed without a survey.
4. The split will result in two accessory structures being located on a parcel without a single family residence which is a violation of the Leavenworth County Zoning and Subdivision Regulations (unless the structures existed prior to 1971.)

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**STAFF RECOMMENDATION:**

The staff recommends approval of Case No. DEV-21-046, Rezoning from RR-5 to RR-2.5.

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**ACTION OPTIONS:**

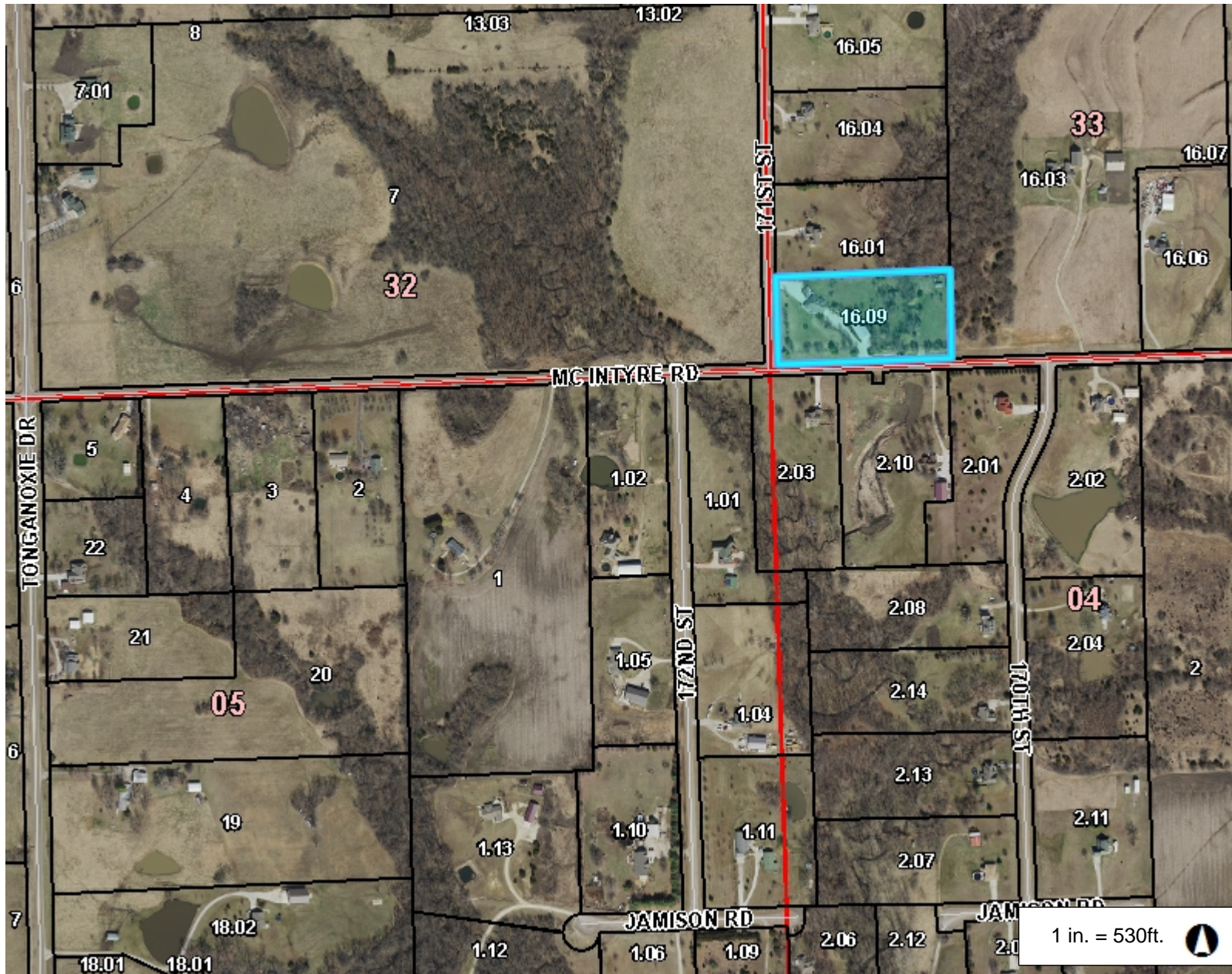
1. Recommend approval of Case No. DEV-21-046, Rezoning from RR-5 to RR-2.5, to the Board of County Commission, with Findings of Fact, or
2. Recommend denial of Case DEV-21-046, Rezoning from RR-5 to RR-2.5, to the Board of County Commission, with Findings of Fact; or
3. Continue the Public hearing to another date, time, and place.

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**ATTACHMENTS:**


Narrative  
Location/Aerial Maps  
Memorandums  
Public Comment

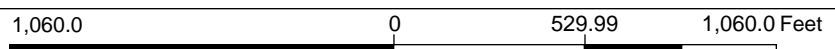
# Grey Rezoning



### Legend

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

1 in. = 530ft. 



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

Office Use Only

Township: \_\_\_\_\_ Date Received: 4/2/2021  
 Planning Commission Date June 9, 2021  
 Case No. \_\_\_\_\_ Date Paid 4/2/2021  
 Zoning District \_\_\_\_\_ Comprehensive Plan Land Use Designation \_\_\_\_\_

APPLICANT/AGENT INFORMATION	OWNER INFORMATION (if different)
NAME <u>Ronald A. Grey Jr.</u>	NAME _____
ADDRESS <u>24450 171<sup>st</sup> ST.</u>	ADDRESS _____
CITY/ST/ZIP <u>Leavenworth, Ks 66048</u>	CITY/ST/ZIP _____
PHONE <u>913-634-1529</u>	PHONE _____
EMAIL <u>rgrey171@gmail.com</u>	EMAIL _____
CONTACT PERSON <u>Ron Grey</u>	CONTACT PERSON _____

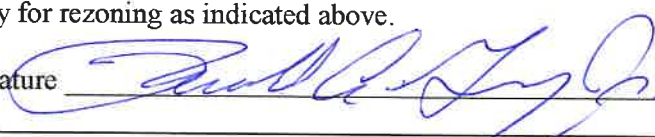
**PROPOSED USE INFORMATION**

Proposed Land Use Residential  
 Current Zoning RR 5 Requested Zoning RR 2.5  
 Reason for Requesting Rezoning To be able to build a new residence in the neighborhood that we love

**PROPERTY INFORMATION**

Address of Property 24450 171<sup>st</sup> St. Leavenworth, Ks 66048  
 Parcel Size 5 acres  
 Current use of the property Residential  
 Present Improvements or structures 1- House & 1- Barn  
 PID \_\_\_\_\_

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 April, 2021

**OWNER AUTHORIZATION**

I/WE Ronald A. Grey Jr. / Barbel B. Grey, hereby referred to as the "Undersigned", being of lawful age, do hereby on this 2 day of April, 2021, make the following statements, to wit:

- 1. I/We the Undersigned, on the date first above written, am the lawful, owner(s) in fee simple absolute of the following described real property  
  
See Attachment "A" attached hereto and incorporated herein by reference.
- 2. I/We the undersigned, have previously authorized and hereby authorize Joe Herring Surveyor (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.
- 3. I/We the Undersigned, hereby agree to protect, defend, indemnify and hold the Board of County Commissioners of Leavenworth County, Kansas, its officers employees and agents (hereinafter collectively referred to as the "County"), free and harmless from and against any and all claims, losses, penalties, damages, settlements, costs, charges, professional fees or other expenses or liabilities, whether false, fraudulent, meritless or meritorious, of every kind and character arising out of or relating to any and all claims, liens, demands, obligations, actions, proceedings, or causes of action of every kind and character (hereinafter "claims"), in connection with, relating to, or arising directly or indirectly out of this authorization and the actions taken by the Applicant and the County in reliance thereof. I, the Undersigned, hereby further agree to investigate, handle, respond to, provide defense for and defend any such claims at my sole expense and agree to bear all other costs at my sole expense and agree to bear all other costs and expenses related thereto, even if such claims are groundless, false or fraudulent.
- 4. It is understood that in the event the Undersigned is a corporation or partnership then the individual whose signature appears below for and on behalf of the corporation or partnership has in fact the authority to so bind the corporation or partnership to the terms and statements contained within this instrument.

IN WITNESS THEREOF, I, the Undersigned, have set my hand and seal below.

[Signature]  
Owner

[Signature]  
Owner

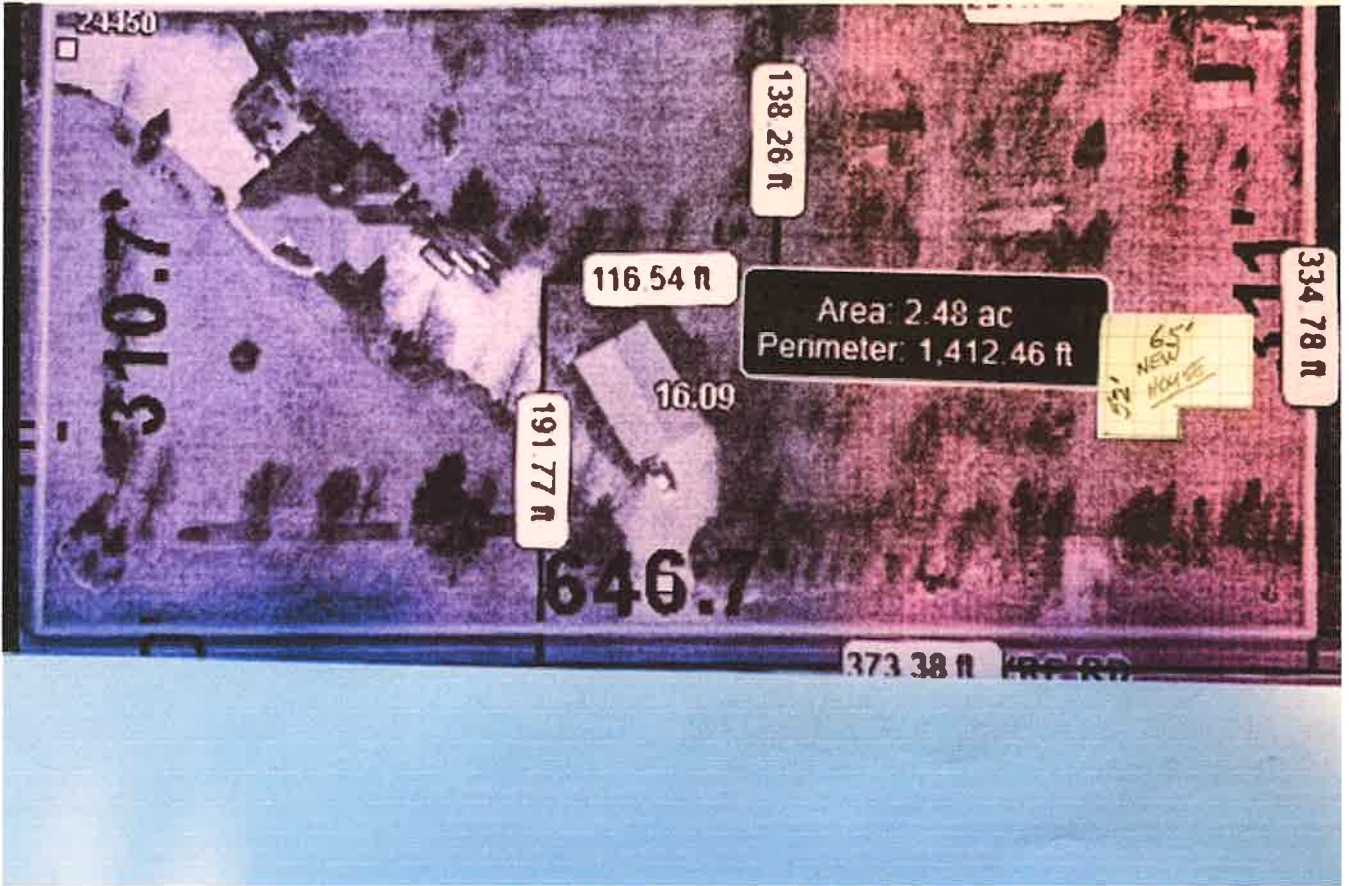
STATE OF KANSAS  
COUNTY OF LEAVENWORTH

The foregoing instrument was acknowledge before me on this 2 day of April, 2021  
by Paul B. Wood  
My Commission Expires: 7-31-2022

[Signature]  
Notary Public



**ATTACHMENT B**



## **Voth, Krystal**

---

**From:** Anette Mitchell <anette.mitchell@yahoo.com>  
**Sent:** Tuesday, July 27, 2021 2:47 PM  
**To:** PZ  
**Subject:** Rezoning Dev -21-046

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, Anette Mitchell, a home owner at 24129 172nd street. Leavenworth, Kansas 66048, who lives pretty close to the Grey's that have applied for rezoning from RR-5 to RR-2.5 case number DEV-21-046 , I think that they should certainly be allowed to divid their property if they so wish to.

Thank you,  
Anette Mitchell

Respectfully,  
Anette

**From:** [Diane Mosbacher](#)  
**Sent:** Wednesday, June 30, 2021 10:45 AM  
**To:** [PZ](#)  
**Cc:** [Voth, Krystal](#); [Gentzler, Joshua](#); [Sloop, Stephanie](#); [Johnson, Melissa](#); [Anderson, Kyle](#)  
**Subject:** Against rezoning

---

**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.

Attention Planning & Zoning Commission,

Larry & Diane Mosbacher are opposed to the rezoning request from and RR-5 to RR-2.5 (DEV-21-046) submitted by Ronald & Barbel Grey. We are tired of seeing the county minimized more and more every year. We understand the need for growth but when will this infringement stop? Taxes do NOT go down because of this, our farms are shrinking, and the list goes on. Where is all the business growth to help offset rising taxes? And why do we have "contracts" that support only one developer? Competition is a good thing!

Please reconsider this rezoning. This isn't the first time we've had to deal with the Grey's as well as their daughter from several years ago that wanted to rezone to multi family living so they could have apartments in their home to rent to senior citizens. I believe their name is Mitchell. All neighbors fought this and guess what? The Mitchell's have apartments in their home. Maybe this family needs to reconsider moving to town and stop infringing on the county.

Thank you,

Larry & Diane Mosbacher

17004 Jamison Road

Leavenworth, KS 66048

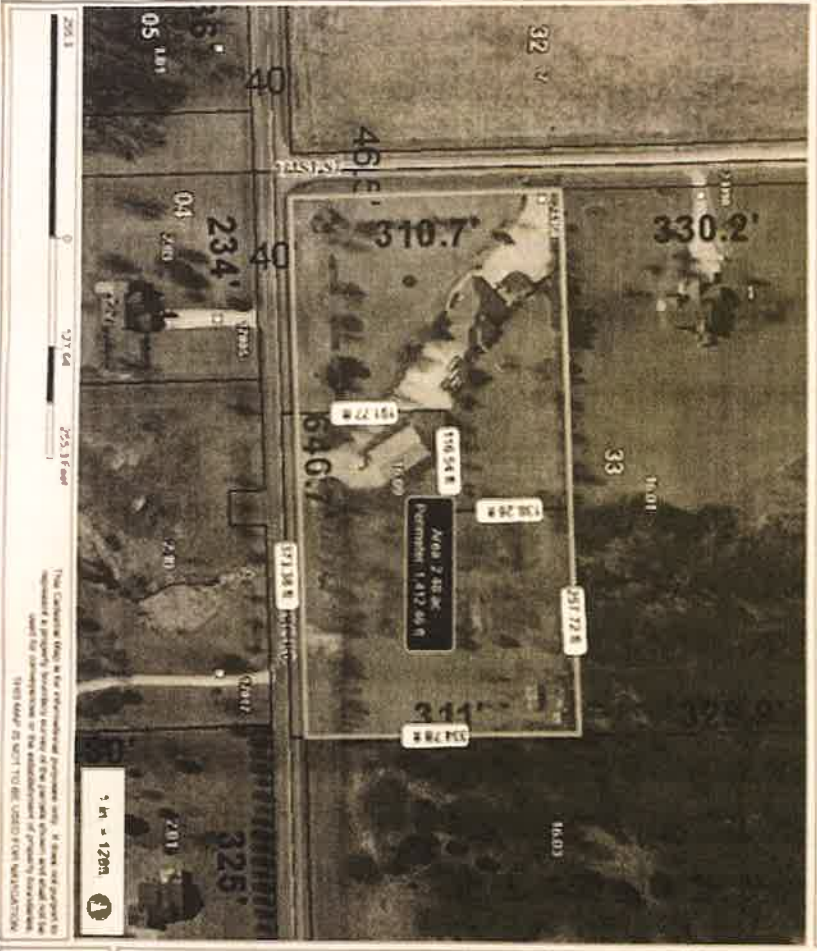
913-727-2518

Reference Application: DEV-21-046

A2

330.74

# Leavenworth County, KS



This Certificate 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 construction or the establishment of property boundaries. (K.S.A. 12-1202)

1 in = 120ft

North



## Legend

- Address Point
- Parcel
- ▭ Parcel Number
- Lot Line
- - - Dry (no) Line
- - - - - Deep (no) Line
- - - - - of new construction
- - - - - Road
- + Railroad
- Section Boundary
- County Boundary

North



## Voth, Krystal

---

**From:** Loughry, Mark  
**Sent:** Tuesday, July 6, 2021 8:29 AM  
**To:** Voth, Krystal  
**Subject:** FW:

---

**From:** B k <kelloggcattlecompany@gmail.com>  
**Sent:** Monday, July 5, 2021 8:24 AM  
**To:** bocc <bocc@leavenworthcounty.gov>  
**Subject:**

*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.

Renate and Brian Kellogg formally submit our denial request regarding this 2.5 acre split and all others that come before this board. There is a slide show that has been created by others near the Grey's and is accurate in its content. This split will not meet the 2.5 acre minimum and will stress an already large watershed affecting other residents South of the proposed split. As you know, the roads McIntyre and 171st are already being overused, and were not built to sustain this type of development and the traffic that comes with it. There are no shoulders, and the ditches were not designed to take on the amount of water now being pushed through them causing additional erosion to nearby residents. The inability for the services in this area to keep up with the growth this board is wanting, is only creating issues such as water pollution into tributaries from runoff, significant littering, improper road construction, speeding on an agriculturally used road (soon resulting in tragedy), noise pollution, and crime. As we have argued multiple times to this board, we want proper growth and not model after other counties. 5 acre minimums are the answer to this issue as it will allow growth at a rate the county can sustain proper services while maintaining a rural community that a majority of the residents in Leavenworth want. Don't cower to developers, and work with the municipalities to bring in tax base through businesses and not roof tops. Tonganoxie appears to understand this, so should the others. Isn't this why we built the extravagant Industrial Park expansion in Leavenworth, or was this just a way for local businesses to work together to pay for a subdivisions infrastructure?

Thank you,

Brian Kellogg 24532 Tonganoxie Rd, Leavenworth, KS 66048

Renate Kellogg 24488 Tonganoxie Rd, Leavenworth,  
KS 66048

Please add our names to those supporting the denial of this request and formally add us to the minutes.

## Voth, Krystal

---

**From:** dkraft@sunflower.com  
**Sent:** Tuesday, July 27, 2021 2:25 PM  
**To:** PZ  
**Subject:** rezoning case for Aug 5 # DEV-21-046

*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 Diana Kraft a home owner at 14770 Dempsey Rd, Leavenworth Kansas lives fairly close to the Grey's that have applied for rezoning from RR-5 to RR-2.5 case number DEV-21-046. I think they should be allowed to divide their property if they so choose.

Thank you  
Diana Kraft

**From:** [Diane Mosbacher](#)  
**Sent:** Wednesday, June 30, 2021 10:45 AM  
**To:** [PZ](#)  
**Cc:** [Voth, Krystal](#); [Gentzler, Joshua](#); [Sloop, Stephanie](#); [Johnson, Melissa](#); [Anderson, Kyle](#)  
**Subject:** Against rezoning

---

**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.

Attention Planning & Zoning Commission,

Larry & Diane Mosbacher are opposed to the rezoning request from and RR-5 to RR-2.5 (DEV-21-046) submitted by Ronald & Barbel Grey. We are tired of seeing the county minimized more and more every year. We understand the need for growth but when will this infringement stop? Taxes do NOT go down because of this, our farms are shrinking, and the list goes on. Where is all the business growth to help offset rising taxes? And why do we have "contracts" that support only one developer? Competition is a good thing!

Please reconsider this rezoning. This isn't the first time we've had to deal with the Grey's as well as their daughter from several years ago that wanted to rezone to multi family living so they could have apartments in their home to rent to senior citizens. I believe their name is Mitchell. All neighbors fought this and guess what? The Mitchell's have apartments in their home. Maybe this family needs to reconsider moving to town and stop infringing on the county.

Thank you,

Larry & Diane Mosbacher

17004 Jamison Road

Leavenworth, KS 66048

913-727-2518

Reference Application: DEV-21-046

## Voth, Krystal

---

**From:** Loughry, Mark  
**Sent:** Tuesday, July 6, 2021 8:29 AM  
**To:** Voth, Krystal  
**Subject:** FW:

---

**From:** B k <kelloggcattlecompany@gmail.com>  
**Sent:** Monday, July 5, 2021 8:24 AM  
**To:** bocc <bocc@leavenworthcounty.gov>  
**Subject:**

*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.

Renate and Brian Kellogg formally submit our denial request regarding this 2.5 acre split and all others that come before this board. There is a slide show that has been created by others near the Grey's and is accurate in its content. This split will not meet the 2.5 acre minimum and will stress an already large watershed affecting other residents South of the proposed split. As you know, the roads McIntyre and 171st are already being overused, and were not built to sustain this type of development and the traffic that comes with it. There are no shoulders, and the ditches were not designed to take on the amount of water now being pushed through them causing additional erosion to nearby residents. The inability for the services in this area to keep up with the growth this board is wanting, is only creating issues such as water pollution into tributaries from runoff, significant littering, improper road construction, speeding on an agriculturally used road (soon resulting in tragedy), noise pollution, and crime. As we have argued multiple times to this board, we want proper growth and not model after other counties. 5 acre minimums are the answer to this issue as it will allow growth at a rate the county can sustain proper services while maintaining a rural community that a majority of the residents in Leavenworth want. Don't cower to developers, and work with the municipalities to bring in tax base through businesses and not roof tops. Tonganoxie appears to understand this, so should the others. Isn't this why we built the extravagant Industrial Park expansion in Leavenworth, or was this just a way for local businesses to work together to pay for a subdivisions infrastructure?

Thank you,

Brian Kellogg 24532 Tonganoxie Rd, Leavenworth, KS 66048

Renate Kellogg 24488 Tonganoxie Rd, Leavenworth,  
KS 66048

Please add our names to those supporting the denial of this request and formally add us to the minutes.

## Voth, Krystal

---

**From:** tlp0922.tp@gmail.com  
**Sent:** Tuesday, July 6, 2021 3:56 PM  
**To:** PZ  
**Subject:** Letter against zone change request #DEV-21-046

**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.

This letter outlines Timothy and Tamara Porterfield objection to this zoning change proposed by the Greys.

This area that the Greys are requesting the RR 2.5 zone change for is a very well established area of over 130 acres and 35 plus homes all built under the RR 5 zoning regulations. This area of homes is well spaced, separated from each other. Allowing lot splits under newer RR 2.5 rules will lead to an imbalance in this established area and have a negative effect on our property values.

We live directly across from the Greys proposed new home, our address 17017 McIntyre Road. We are very concerned that the proposed house and driveway will add approximately 5000 square feet of hard surface adding excess runoff to the creek that flows onto our property. This creek is a constant problem and floods regularly. In addition to the runoff, a far greater concern is the possibility of SEWAGE getting into this creek, the area of the proposed new house is damp due to springs that flow from the east, the ground in this area does not PERK well. This creek during periods of normal rain has flowed over the culvert and topped McIntyre road. It has been as high as the outbuilding and barn that are currently on the property. Please reference ITEM # 7 page 150 in P&Z Regulations regarding STORM DRAINAGE. Pictures of this water flow problem will be sent in separate email.

Also in the P&Z Regulations Article #4 Growth Management Communities, Section #2 RGA rural growth area defined, “ that portion of the unincorporated area of the County intended and designated for development at rural intensity. Includes all portions of the unincorporated area not included within the IUGA or the SUGA. Development within the RGA is intended for very low density, with the preservation of agriculture a primary function.”

Thank you for your consideration, please consider carefully our letter with our objections and references to the established regulations.

Respectively,  
Timothy Porterfield  
Tamara Porterfield

Sent from [Mail](#) for Windows 10

## Voth, Krystal

---

**From:** BrennLil <antyb39@aol.com>  
**Sent:** Wednesday, July 7, 2021 9:49 AM  
**To:** PZ  
**Subject:** Rezoning request DEV-21-046

**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.

Reference application DEV-21-046

To whom it may concern:

This letter is to inform the planning and zoning commission that we, Richard M and Brenda Little are opposed to allowing rezoning from R5 to R2.5.

We have lived in this well established neighborhood for over 26 years. We want to keep the 5 acre minimum as we feel it would lead to an improper balance in our existing community and affect our taxes and property values. We think the property in which they wish to split and build on does not meet R2.5 regulations. And with all of the out buildings there, they do not have room to put in a 3000sf home. Allowing this will have a ripple effect and we will soon have houses on top of each other which is why we built here in the first place. We do not want "lot splits" here. Leave it at the original R 5 please.

Thank you

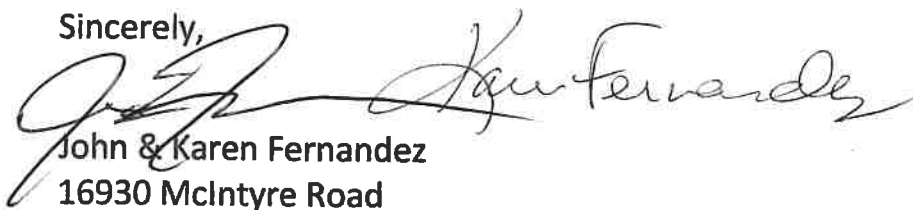
Richard and Brenda Little  
16925 McIntyre Rd  
Leavenworth, Ks 66048  
913-683-5180

Dear County Planning & Zoning Commissioner:

Attached are our comments for denial of application and exhibits. These exhibits and comments directly reinforce existing Leavenworth County regulations that support valid reasons for denial.

Thank you for your time in this matter.

Sincerely,

A handwritten signature in cursive script that reads "John & Karen Fernandez". The signature is written in black ink and is positioned above the printed name and address.

John & Karen Fernandez  
16930 McIntyre Road  
Leavenworth Kansas  
913 927 6715

**John and Karen Fernandez of 16930 McIntyre Road  
(Homeowners Who Live Directly Next Door to The Grey's)**

**Agenda: Denial of Pro-Dev 21-046**

- **PRECEDENCE**
- **REGULATION EXTRACT/ FACT SLIDES**
- **EXHIBITS as EVIDENCE**
- **CONCLUSION SLIDE**



# PRECEDENCE for “DENIAL” of Pro-Dev 21-046

## HISTORICAL BACKGROUND

- **Precedence** was recently set on being in compliance with Leavenworth County regulations i.e. meeting the minimum requirements of land to rezone to be at a minimum of 2.51, and outbuildings of 2.5% or less etc. The McCall's Dev 20-149, on 16421 McIntyre Road, Leavenworth, Kansas, 66048 were held to these standards and as such had to give up more of their land to meet said regulations set in order to get their application passed. The Grey's cannot be allowed to “NOT” meet the set and required regulations and be given any exceptions as this would be unethical and unjust to the McCall's.

## FACTS :

You cannot be approved to a RR-2.5, when you “Do Not” have enough land to split as indicated in his application of only 2.48. Furthermore; the 2003 Leavenworth New home permit shows they actually have only 4.5 acres. In the recent case of the McCall's; precedence was set and they were allowed to create a 2.5 re-zone as such, since they had “MORE” adjoining land to split. In the Case of Pro-Dev-21-046; there is no land left to carve up, and as a matter of fact is below the start threshold to split---period. (See Master Exhibit, Slide #8).



## **FACTS to Deny Application of Pro-Dev 21-046**

- Evidentiary Findings In support of “DENIAL” of Pro-Dev Application as per existing Leavenworth County Regulations.
- Reference. “ZONING AND SUBDIVISION REGULATIONS FOR LEAVENWORTH COUNTY, KANSAS.” AUGUST 1, 2006 (Updated May 13, 2020)

### **FACTS:**

- Page #124; Section 4. NON-COMPLIANT TRACTS. A non-compliant tract is an unplatted tract that does not meet the standards of these regulations. A non-compliant tract may either be deficient by one or more physical conditions such as, but not limited to, land area, road frontage, and depth-to-width ratio or by the establishment of the tract by means which are inconsistent with the subdivision provisions of these regulations. A non-compliant tract shall not be entitled to a building permit for a new residential dwelling.
- Page #33; The minimum lot size for RR-2.5 is 2.5 acres, As per County Regulations(posted on County website). The actual “Proposed” split is a 2.48 acre at the start. Per Leavenworth County regulation: Accessory buildings on a lot or tract less than 2.51 acres in area shall not occupy more than 2.5% of the square footage of the lot or tract. On the application only a barn was disclosed and there are two additional outbuildings “Not Disclosed”(See Exhibit #1 ,#4 and #5).



# FACTS to Deny Application of Pro-Dev. 21-046

Evidentiary Findings In support of “DENIAL” of Pro-Dev Application as per existing Leavenworth County Regulations.

## FACTS:

- The existing barn on the submitted application does not meet the minimum setback requirement for all buildings or structures of any nature built, erected, constructed, rebuilt, re-erected or reconstructed shall be at least 105 feet from the centerline of all State or County roads, and at least forty (40) feet from the front property line. (See Exhibit #1 and #2).
- Pg. 73 Section 6. Accessory buildings that are not part of or attached to the main building may be built in a rear yard not closer than 15 feet to the rear lot line. The application submitted does not disclose his plan to keep this existing barn, as it does not meet regulation, as it now sets in the front and his newly proposed house will set in the rear behind the barn. (See Exhibit #1).  
FAILURE TO DISCLOSE
- Pg. 75 Section 7: When the extent of a nonconforming use is on land zoned for, and used solely as a single-family residential use, and the sole extent of the nonconforming use is non-compliance by structures within a required road or yard setback, and the County Engineer and the Director of Planning & Zoning, or their representatives, concur that allowing the nonconforming use to expand in a direction parallel or away from the setback line is not adverse to the public interest, then an exception to Article 21 may be granted for the expansion of buildings or structures on a case by case basis. This exception shall not apply to buildings built without permits. Both outbuildings exceed the 100 square feet. Therefore; the two outbuildings undisclosed and not on the application built without permits cannot be granted “ANY” exception.
- The 105 ft. required setback line to the County road centerline, “Does Not” meet regulation for the “New” house proposed on the application. (See Exhibit #1, #3 and #7).



## FACTS to Deny Application for 21-046

### FACTS:

Reference. "ZONING AND SUBDIVISION REGULATIONS FOR LEAVENWORTH COUNTY, KANSAS." AUGUST 1, 2006 (Updated May 13, 2020);

- Pg. 138; as per regulation for Local Roads, the application submitted "does not" meet the required driveway requirements of spacing; as it "Does Not" meet the minimum of 125 feet. (Exhibit #2 &3)
- "***The Regulations further states,***" When building a new Single-Family home on a vacant lot, an entrance review is a part of receiving a Single-Family home building permit. A separate entrance permit application does not need to be submitted. During the building permit review, County Staff will review the proposed entrance location indicated on the site plan and work with the developer and/or property owner to ensure the entrance is located on the property according to County standards.
- Under this application of dividing into a 2.48, the existing house and garage at the time built, was given a second entrance permit for his driveway to go with his garage under his house from the entrance on McIntyre Road. Now, he is taking that driveway for his barn and leaving no access and or entry to that side of the house and garage on McIntyre Road(See Exhibit #1, #2, and 3). See proposed application and original permit drawn in 2003(See Master Exhibit, detailing the garage under the house and driveway allocated to this garage).



## **FACTS to Deny Application for 21-046**

### **FACTS:**

Reference: "Leavenworth County Sanitary Code; Page 29."

The Pro-Dev 21-046, "Does Not" Meet the regulations of 2.5 for a general septic system requirement. Not disclosed on the proposed 2.48 application →. This would create an exception, which now "Requires" a Engineered Waste Disposal System and are required on parcels that are less than 2.5 acres (from County Waste and Septic regulations).

The Greys failed to disclose the natural spring fed creek that runs through the 2.48 and floods out when we get the heavy rains and excessive rain therefore any installed septic or lateral system would be subject to leaking and or seeping into the creek. (See Exhibit #6).



# Petition to Deny Pro-Dev Application

**Exhibit #1 (slide #8)**, is the submitted public application diagram and a proposed 2.48 surveyed split. At the “**ONSET**,” it Clearly, “**IS NOT**” in compliance for a said re-zone, since it falls well short of the regulated standard a 2.5 acre requirement as per published Leavenworth County regulation. (pulled from the website).

**LEGEND:**

**Proposed “NEW” Property Line Split Line**



**Proposed “NEW” Driveway**



**Legend:**

**Black Solid lines: McIntyre Road Centerline and crosses 171<sup>st</sup> Street**

**White boarder line: is outlined existing property line**

**Inner Black line is proposed new property line(2.48 acres)**

# ACTUAL 2003 Home Permit

**MASTER EXHIBIT**

**ACTUAL ACRAGE is 4.5 in the 2003 Home Permit and survey**

**This application is from Leavenworth County Records and is open-source Public Record**

S33, T09, R22E, ACRES 4.5, S31.0, 74' OF W646' OF SW1/4 LEES ROW DEED BOOK/PAGE 0813/2380

**Building Permit Information**

Permit Number	83437	Issue Date	11/14/2003	Description	
---------------	-------	------------	------------	-------------	--

**Dead Information**

Book 1	Page 1	Book 2	Page 2	Book 3	Page 3	Book 4	Page 4
0813	2380						

**Market Land Information**

Parcel	Type	ACR	Depth	Front	Back	Left	Right	Class	Value \$K
001	Private	4.5	125	125	125	125	125		84,000

**Dwelling Information**

Arch Style	Single Family Residence	Height	
Roof Type	Asph/Flt	Foot-C	
Foundation	Full-Basement	Area	
Year Built	1997	Year	
MS Style	2 1/2 Story	Year	
LBCSStruct	Substantial (SF) Unit	Year	
No. of Units	1	Year	
Total Living Area	2,016	Year	
Calculated Area	2,016	Year	
Main Floor Living Area	2,016	Year	
Upper Floor Living Area Pct.		Year	
CDU	100	Year	
Phys/Func/Econ	RW /	Year	
Remodel		Year	
Percent Complete		Year	
Assessment Class		Year	
MU Cls/Pct		Year	

**Comp Sales Information**

Parcel	Type	ACR	Depth	Front	Back	Left	Right	Class	Value \$K
001	Private	4.5	125	125	125	125	125		84,000

**Dwelling Components**

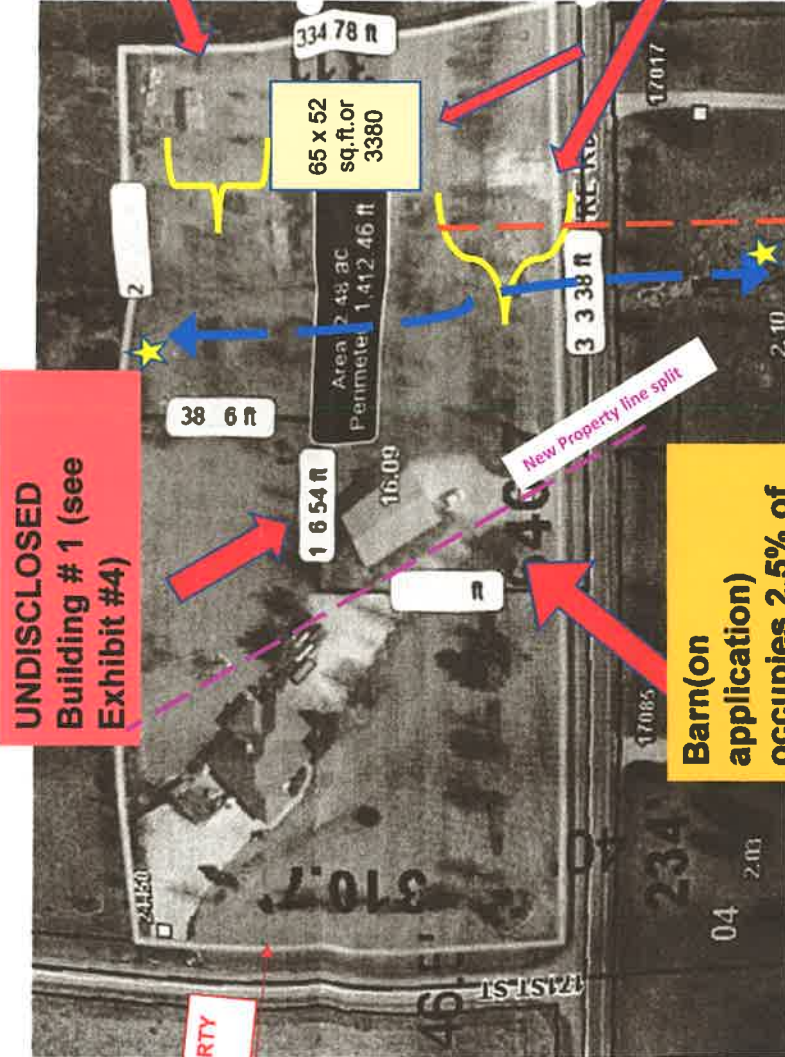
Code	Area	Quality	Year
Attached Garage (SF)			
Veneer, Brick			
Basement Garage, Single (#)	1		
Double 1-Story Fireplace (#)	1		
Raised Slab Porch (SF) with Roof	115		
Total Basement Area (SF)	2,016		
Plumbing Fixtures (#)	8		
Wood Deck (SF)	754		
Enclosed Wood Deck (SF), Solid Wall	210		
Raised Subfloor (1% or SF)	2,016		
Plumbing Rough-ins (#)	1		
Open Slab Porch (SF)	140		
Garage Finish, Attached (SF)	315		
Composition Shingle	100		
Warmed & Cooled Air	100		
Automatic Floor Cover Allowance			

**Building Improvements**

Parcel	Type	ACR	Depth	Front	Back	Left	Right	Class	Value \$K
001	Private	4.5	125	125	125	125	125		84,000

**EXHIBIT # 1**

**(Application Diagram Submitted to County)**



**UNDISCLOSED Building # 1 (see Exhibit #4)**

**UNDISCLOSED Building #2: on application Rear Yard. Per reg. states: "There shall be a minimum rear yard of forty feet." (40'), (See Exhibit #5).**

**Proposed New House "Does Not" Meet the 105 ft. Required setback line to County road centerline . See(Exhibit 1,2 and 3).**

**New Proposed Driveway is less than 125 feet from the existing house/barn Driveway(see Exhibit #3)**

**FRONT PROPERTY LINE on 171st**

**The minimum setback requirement for all buildings or structures of any nature built, erected, constructed, rebuilt, re-erected or reconstructed shall be at least 105 feet from the centerline of all State or County roads, and at least forty (40) feet from the front property line.**

**Barn(on application) occupies 2.5% of the new lot split and violates code**

**Existing Drive- way once split is on the existing property line(See Exhibit #2).**

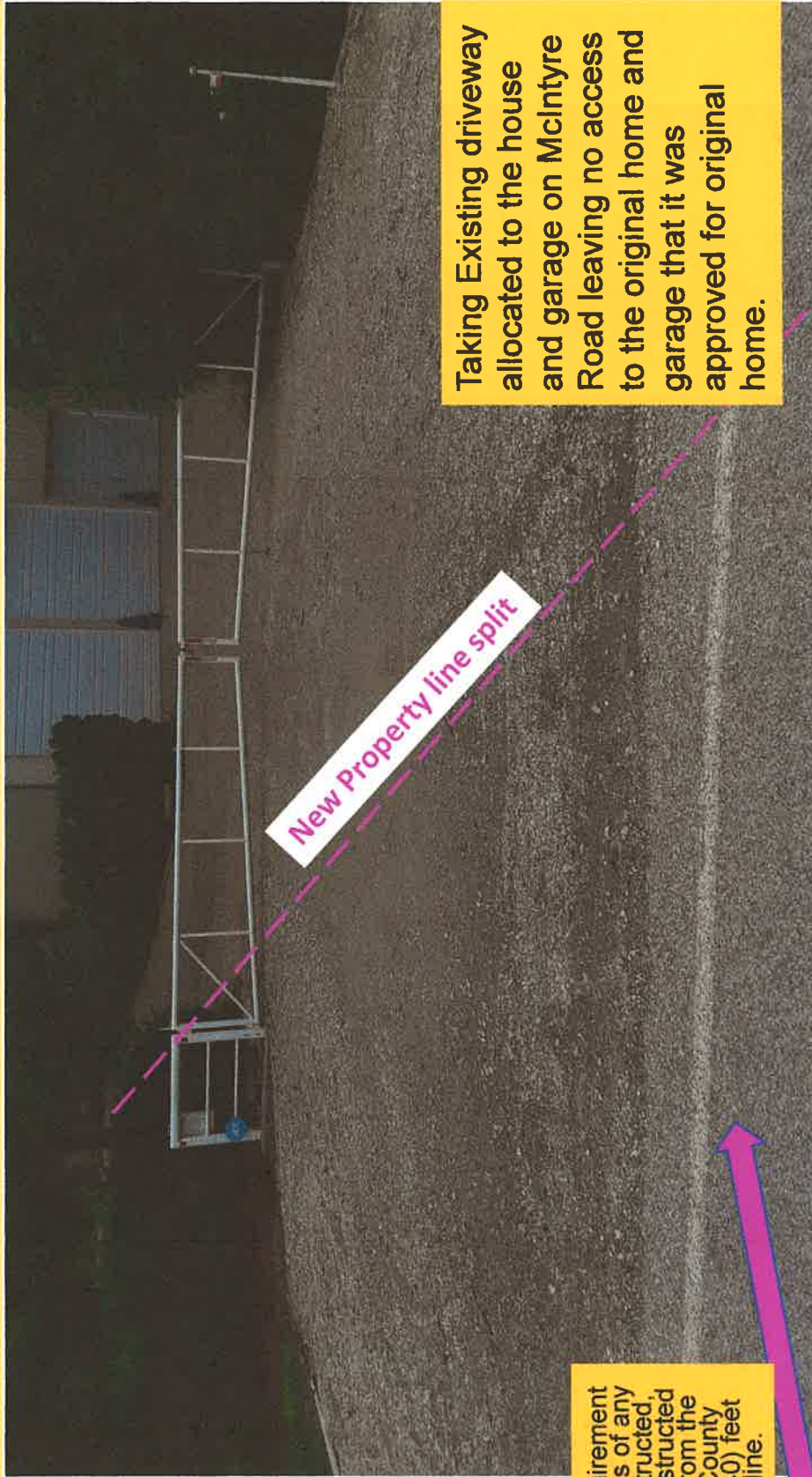
**★ UNDISCLOSED NATURAL CREEK Starts here from North to SOUTH (see Exhibit #6)**



**EXHIBIT # 2**

# Existing Barn

**“Regulation.”  
States that is  
must be 105 feet  
from the  
centerline of the  
road.” “DOES  
NOT” MEET  
REQUIRED  
DISTANCE**



Taking Existing driveway allocated to the house and garage on McIntyre Road leaving no access to the original home and garage that it was approved for original home.

The minimum setback requirement for all buildings or structures of any nature built, erected, constructed, rebuilt, re-erected or reconstructed shall be at least 105 feet from the centerline of all State or County roads, and at least forty (40) feet from the front property line.

# **Proposed New Driveway – Splitting the 2.48 along the driveway line**

**Current Driveway – Proposed split is along this barn driveway line**



**Existing Driveway once split is on the existing property line and does not allow the new driveway to meet any codes requirements**

**Proposed new Driveway(UNAPPROVED), but obviously exists(see picture below)is less than 125 feet away from current driveway**



**> Less than 125FT**

**EXHIBIT # 4**

# Undisclosed Outbuilding #1

**UNDISCLOSED  
Outbuilding #1**



EXHIBIT # 5

# Undisclosed Outbuilding #2



**UNDISCLOSED Building #2:**  
on application)  
Rear Yard. Per reg. states;"  
*"There shall be a minimum  
rear yard of forty feet." (40'),  
(See Exhibit #5).*



**EXHIBIT # 6**

# Undisclosed Spring Fed Creek



The "Natural Spring" fed creek that runs through the 2.48 floods out when we get the heavy rains and excessive rain any installed septic or lateral system would be subject to leaking and or seeping into the creek.

**EXHIBIT # 7**

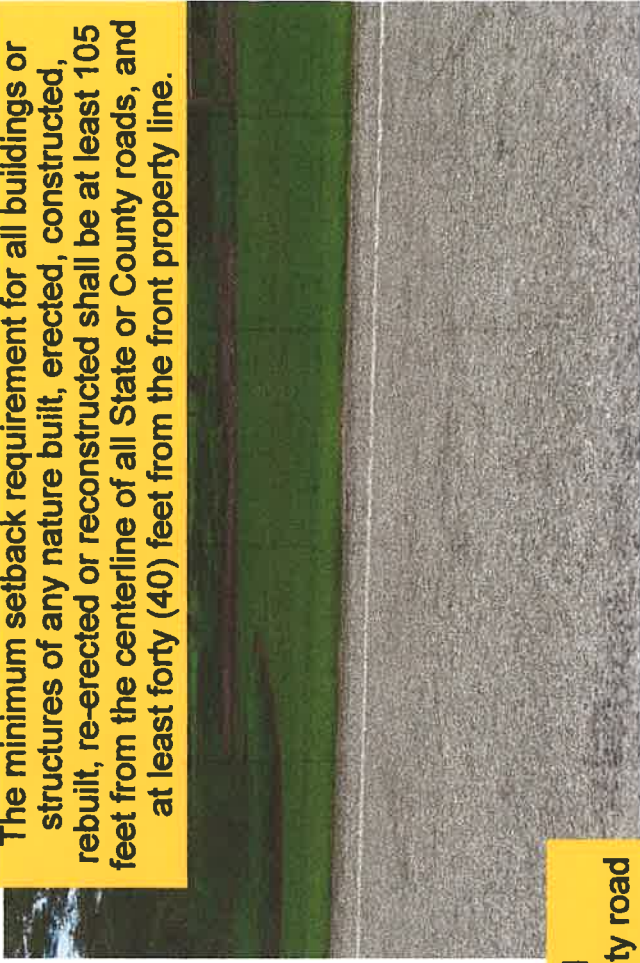
# The 105 ft. required setback line to the County road centerline

Proposed new house  
65 x 52 sq.ft.  
or 3380 SQ. FT



The 105 ft. Required setback line to County road centerline **DOES** not exist

The minimum setback requirement for all buildings or structures of any nature built, erected, constructed, rebuilt, re-erected or reconstructed shall be at least 105 feet from the centerline of all State or County roads, and at least forty (40) feet from the front property line.





## Conclusion Slide

- Bottom line up front: This application “Does Not” meet existing regulations as set forth by the County. This application “Must” be denied on this basis as precedence has been set in the County proper(See, McCall DEV. 20-149) if this is approved; it is unethical and creates an unfair advantage for the few at the expense of the many.

**PLANNING & ZONING -REGULATIONS & ZONING SNAPSHOT FROM THE LEAVEWORTH COUNTY WEBSITE**

**TYPES OF ZONING IN THE COUNTY**

<b><u>Abrv.</u></b>	<b><u>Zoning</u></b>	<b><u>Min. Lot Size</u></b>	<b><u>Min. Road Frontage</u></b>	<b><u>Front Setback*</u></b>	<b><u>Side Setback</u></b>	<b><u>Rear Setback**</u></b>
<b>RR</b>	Rural Residential	2.5 acres	200 ft.	40 ft.	15 ft.	40 ft.

**\* All structures shall be at least 105 feet from the center-line of all State or County roads; internal road systems within subdivisions are not subject to this setback requirement.**

**\*\* Accessory buildings that are not part of or attached to the main building may be built in a rear yard not closer than 15 ft. to the rear lot line.**

**An Engineered Waste Disposal System will be required on parcels that are less than 2.5 acres**

**REFERENCE: SNAPSHOT IS FROM THE "ACTUAL" LEAVEWORTH COUNTY WEBSITE**



## Voth, Krystal

---

**From:** Sid <sid3253@yahoo.com>  
**Sent:** Friday, July 9, 2021 1:26 PM  
**To:** PZ  
**Cc:** Voth, Krystal; igentzler@leavenworthcounty.gov; Sloop, Stephanie; Johnson, Melissa; kanderson@leavenwrothcounty.gov  
**Subject:** Reference Application DEV-21-046 for Ronald and Barbel Grey

**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.

My Name:  
Sidonio P. Ramos  
24369 170th ST.  
Leavenworth, Ks 66048  
913-727-2633

In reference to DEV-21-046 to rezone from 5 acres to 2.5 acres. We are opposed to this change. This would open a can of worms and anyone with the frontage and requirements? Will be able to do the same. We say NO to this change. We were opposed to it and made it known by email just as now for the previous meeting that was cancelled and now rescheduled for Wednesday July 14th at 6:00pm. Our opinion has not changed.

## Voth, Krystal

---

**From:** Greg Beck <beckgt@gmail.com>  
**Sent:** Sunday, July 11, 2021 1:31 PM  
**To:** PZ  
**Cc:** Gentzler, Joshua; Voth, Krystal  
**Subject:** Against Rezoning Application 21-046 (Ron and Barbel Grey)

**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.

Our names are Gregory and Judith Beck and we are responding to rezoning Application Dev-21-046 which we oppose.

Our property and home is at 24250 172nd Street, Leavenworth, KS 66048 which is across McIntyre road from the Grey's property. My phone number is 913-710-3966 (cell).

The Grey's re-zoning request is to rezone their property from 5 acres to 2.5 acres. Before buying property in this area all residents in this area agreed to and bought their property/plots with the understanding that plots would be 5 acres or more and would remain so. The Grey's originally owned 20 acres and sold off three 5-acre plots that all now have houses on them.

Granting the Grey's re-zoning request to 2.5 acres will establish a precedent allowing all other owners to also divide their properties and change the entire nature of this rural community and why we all bought into this rural area in the first place.

This is the second time in as many years that the Grey's have asked for this re-zoning and I was under the impression that the matter was settled 2 years ago (before COVID) that RR-5 would remain the zoning.

We oppose/(are against) this idea and their repeated re-zoning request. This has nothing to do with the Grey's personally as they have been good neighbors and do a good job of maintaining their property, their home and the numerous buildings already on their property; but we do not want additional houses crowding or changing the nature of this rural community.

We oppose (are against) the re-zoning request to reduce property sizes below the current RR-5 zoning.  
thank-you,

Gregory Beck  
Judith Beck

## Voth, Krystal

---

**From:** Leslie Craig <craigsconfirmations@gmail.com>  
**Sent:** Monday, July 19, 2021 12:41 PM  
**To:** PZ  
**Cc:** Voth, Krystal; Gentzler, Joshua; Sloop, Stephanie; Johnson, Melissa; Anderson, Kyle  
**Subject:** Against Re-Zoning of RR-5 to RR 2.5

**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.

Scott and Leslie Craig  
24623 171st St, Leavenworth, KS 66048  
Leslie Cell - 913-634-3043  
DEV-21-046

**LEAVENWORTH COUNTY PLANNING and ZONING COMMISSION**

**PETITION AGAINST (DEV-21-046)**

**REZONING REQUEST (RR- 5 TO RR 2.5) SUBMITTED BY**

**Ronald and Barbel Grey a.k.a BARON CONSTRUCTION We the undersigned are  
AGAINST the zoning change listed (DEV-21-046)**

- 1. This is a well-established neighborhood including McIntyre Estates, totaling over 30 homes all built RR-5 rules. We feel that allowing Lot Splits using RR 2.5 rules will lead to an imbalance in the existing neighborhood and have an extremely negative effect on our property values.**
- 2. The community's understanding after conversations with Planning and zoning staff is that the RR 2.5 classification was implemented to aid and encourage real estate developers in designing totally new subdivisions not as an individual lot split tool.**
- 3. The said property does not meet the RR 2.5 Regulation. The Grey's application, on record is documented at 2.48 acres. However, his original 2003 new home application and permit is legally documented at 4.5 acres, which makes the property 2.25 not 2.48.**
- 4. The Grey's application exceeds the 2.5 Percent of outbuildings allowed and failed to disclose two additional outbuildings on their application and built without permits. Both exceed the 100 square feet.**
- 5. The Grey's also failed to disclose a "natural" fed spring creek that runs through his 2.25 acres. Any installed septic and lateral system would seep into this creek and would contaminate the creek. This undisclosed "natural" spring fed creek serves as a tributary that feeds into Stranger Creek which then feeds into other Kansas rivers.**

6. The recent McCall's Dev 20-149 application, on 16421 McIntyre Road, Leavenworth, Kansas, 66048 were held to these standards and as such had to give up more of their land to meet said regulations set in order to get their application passed. The Grey's cannot be allowed to "NOT" meet the set and required regulations and be given any exceptions as this would be unethical and unjust to the McCall's.

Signature:	Full Name	Phone Number	Address	Email
	Karen Sue Fernandez	913 927-6715	16930 McIntyre Rd	osogir/69@gmail.com
	John M. Fernandez	913 927-6715	16930 McIntyre Rd.	osogir/69@gmail.com
	Branda L. Little	913 683-5180	16925 McIntyre Rd	Antyb39@aol.com
	Richard M. Little	913 547-1977	16925 McIntyre Rd	Race11@aol.com
	Selonia P. Ramos	913 727-2633	24369 170th St.	sid3253@yahoo.com
	TIMOTHY PORTERFIELD	913 240 7214	17017 McIntyre	hp0922tp@gmail.com
	TAMARA PORTERFIELD	913-547-4623	17017 McIntyre	
	JoEllen Mullins	9-683-9817	16870 McIntyre	j.mullins@hcahealthcare.com
	Jesse Mullins	9-683-2854	16870 McIntyre	
	RICHARD LINK	9-547-1977	16925 McIntyre Rd	Race11@aol.com
	John Schewers	913 240 8576	24510 171st	John @ Schewers.com
	Sharon Schewers	913-215 5716	24510 171st	Sharon @ Schewers.com
	GREGORY T. Beck	913-710-3966	24250 172nd St	beckgt@gmail.com
	Brian Kellogg	913-683-9610 or 3587	<del>24532</del> Tongoxie Dr. Leawards KS	Kellogg cattle company@gmail.com
	Robyn Kellogg	913 360 9440	24532 Tongoxie Dr	Robynrbyant@gmail.com

## Voth, Krystal

---

**From:** tlp0922.tp@gmail.com  
**Sent:** Tuesday, July 6, 2021 3:56 PM  
**To:** PZ  
**Subject:** Letter against zone change request #DEV-21-046

**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.

This letter outlines Timothy and Tamara Porterfield objection to this zoning change proposed by the Greys.

This area that the Greys are requesting the RR 2.5 zone change for is a very well established area of over 130 acres and 35 plus homes all built under the RR 5 zoning regulations. This area of homes is well spaced, separated from each other. Allowing lot splits under newer RR 2.5 rules will lead to an imbalance in this established area and have a negative effect on our property values.

We live directly across from the Greys proposed new home, our address 17017 McIntyre Road. We are very concerned that the proposed house and driveway will add approximately 5000 square feet of hard surface adding excess runoff to the creek that flows onto our property. This creek is a constant problem and floods regularly. In addition to the runoff, a far greater concern is the possibility of SEWAGE getting into this creek, the area of the proposed new house is damp due to springs that flow from the east, the ground in this area does not PERK well. This creek during periods of normal rain has flowed over the culvert and topped McIntyre road. It has been as high as the outbuilding and barn that are currently on the property. Please reference ITEM # 7 page 150 in P&Z Regulations regarding STORM DRAINAGE. Pictures of this water flow problem will be sent in separate email.

Also in the P&Z Regulations Article #4 Growth Management Communities, Section #2 RGA rural growth area defined, “ that portion of the unincorporated area of the County intended and designated for development at rural intensity. Includes all portions of the unincorporated area not included within the IUGA or the SUGA. Development within the RGA is intended for very low density, with the preservation of agriculture a primary function.”

Thank you for your consideration, please consider carefully our letter with our objections and references to the established regulations.

Respectively,  
Timothy Porterfield  
Tamara Porterfield

Sent from [Mail](#) for Windows 10

## Voth, Krystal

---

**From:** ERIKA ARWINE <eaima@aol.com>  
**Sent:** Thursday, June 24, 2021 3:38 PM  
**To:** PZ  
**Cc:** Voth, Krystal; Gentzler, Joshua; Sloop, Stephanie; Johnson, Melissa; Anderson, Kyle  
**Subject:** "AGAINST" the re-zoning rr-5 to rr-2.5

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.

Erika Arwine  
24236 170th st  
Leavenworth Ks 66048  
913-669-7062

I am AGAINST the rezoning of RR-5 to RR-2.5 Reference (DEV-21-046)

Sent from my iPhone





Recipient: Leavenworth County Commissioners

Letter: Greetings,

Stop the rezoning of 5 acre parcels to 2.5. Stop adding property use regulations.

# Signatures

Name	Location	Date
Brian Kellogg	Leavenworth, KS	2021-05-13
Robyn Kellogg	Leavenworth, KS	2021-05-13
Andrea Strick	Tonganoxie, KS	2021-05-13
Garry Eberth	Leavenworth, KS	2021-05-13
Dakota Jennings	Leavenworth, KS	2021-05-13
Chris Shatto	Tonganoxie, KS	2021-05-13
Kevin McPherson	Leavenworth, KS	2021-05-13
Missy Simpson	Leavenworth, KS	2021-05-13
Christopher Baldrige	Tonganoxie, KS	2021-05-13
Tricia Panick	Tonganoxie, KS	2021-05-13
Emily Harford	Leavenworth, KS	2021-05-13
Michael Kreutzer	Leavenworth, KS	2021-05-13
Faith kipper Kipper	Leavenworth, KS	2021-05-13
Adam Fearing	Leavenworth, KS	2021-05-13
Robert Hacker	Leavenworth, KS	2021-05-13
Amy Hoffsett	Chicago, IL	2021-05-13
Heather Marshall	Tonganoxie, KS	2021-05-13
Christina Martinez	Leavenworth, KS	2021-05-13
Mary Thompson	Leavenworth, KS	2021-05-13
Susan Harding	Basehor, KS	2021-05-13

<b>Name</b>	<b>Location</b>	<b>Date</b>
Joe Bailey	Leavenworth, KS	2021-05-13
Bill Honey	Kansas City, MO	2021-05-13
Janet Hofmeister	Tonganoxie, KS	2021-05-13
Tracy Lawler-White	Leavenworth, KS	2021-05-13
Caryl Billings	Basehor, US	2021-05-13
Bill Kendrick	Tonganoxie, KS	2021-05-13
Katy Sandow	Leavenworth, US	2021-05-13
B Deaver	Bonner Springs, KS	2021-05-13
James Thompson	Leavenworth, KS	2021-05-13
Tammy Truax	Lenexa, KS	2021-05-13
Rhonda J Chambers	Tonganoxie, KS	2021-05-13
Chasity Wheeler	Leavenworth, KS	2021-05-13
adam jones	Kansas City, MO	2021-05-13
Mark Lybrand	Leavenworth, KS	2021-05-13
Chad Sargent	Leavenworth, KS	2021-05-13
Sean Hannah	Kansas City, MO	2021-05-13
Erin Olson	McLouth, KS	2021-05-13
Kathleen Powers-LaMoe	Leavenworth, KS	2021-05-13
Isabel Egesdal	Sherrard, US	2021-05-13
Sarah Farmer	Leavenworth, KS	2021-05-13
Adam Johnson	Tonganoxie, KS	2021-05-13
Kim Franke	Basehor, KS	2021-05-13

<b>Name</b>	<b>Location</b>	<b>Date</b>
stacy Brown	Leavenworth, KS	2021-05-13
Zachary Leach	Kansas City, MO	2021-05-13
Michael Spottswood	Tonganoxie, KS	2021-05-13
Andie Leach	Kansas City, KS	2021-05-13
Jodi Johnson	Tonganoxie, KS	2021-05-13
Amber Wilson	Bonner Springs, KS	2021-05-13
Kim Bragdon	Tonganoxie, KS	2021-05-13
Heather Bray	Tonganoxie, KS	2021-05-13
Tara Kuntz	Basehor, KS	2021-05-13
Roberta Ready	leavenworth, KS	2021-05-13
Katherine Kessel	Tonganoxie, KS	2021-05-13
Teresa Porterfield	Leavenworth, KS	2021-05-13
Elisha Rhoades	Leavenworth, KS	2021-05-13
Pat Dimond	Lafayette, CO	2021-05-13
Zaienah Dyson	Richmond, US	2021-05-13
Amanda Cigich	Leavenworth, KS	2021-05-13
Madison Moreau	Kansas City, MO	2021-05-13
Brock Mick	Manhattan, KS	2021-05-13
Chamlie Lingenfelser	Basehor, KS	2021-05-13
Sidney Brown	Leavenworth, KS	2021-05-13
Melissa Harriss	Leavenworth, KS	2021-05-13
April Summers	Lansing, KS	2021-05-13

<b>Name</b>	<b>Location</b>	<b>Date</b>
Alberta Meredith	Easton, KS	2021-05-13
William Lutz	Tonganoxie, KS	2021-05-13
Rhonda Vossmer	Linwood, KS	2021-05-13
AJ Hutchison	Kingsport, US	2021-05-13
Jeffery Armenta	Leavenworth, KS	2021-05-13
Gavan Martin	Eufaula, US	2021-05-13
Jordan Yonts-skaggs	Leavenworth, KS	2021-05-13
Heath LaRue	Leavenworth, KS	2021-05-13
Holly Saunders	Kansas City, MO	2021-05-13
Macei Meyer	Leavenworth, KS	2021-05-13
Kelly Meyer	Albuquerque, NM	2021-05-13
Janet Martin	Leavenworth, KS	2021-05-13
Baylee McBroom	Leavenworth, KS	2021-05-14
Deb Bietka	Leavenworth, KS	2021-05-14
Shannon English	Leavenworth, KS	2021-05-14
Chad English	Leavenworth, KS	2021-05-14
Katie Norman	Basehor, KS	2021-05-14
Trish Finch	Tonganoxie, KS	2021-05-14
Lucas Walta	Bonner springs, KS	2021-05-14
Jamie Heim	Leavenworth, KS	2021-05-14
sean hancock	Tonganoxie, KS	2021-05-14
Margery Thompson	Tonganoxie, KS	2021-05-14

<b>Name</b>	<b>Location</b>	<b>Date</b>
John Schlag	Linwood, KS	2021-05-14
Malinda Tuter	Prairie Village, KS	2021-05-14
Robert Jeselnik	Leavenworth, KS	2021-05-14
Cathi Burrows	Louisville, KY	2021-05-14
Matt Tadlock	Bonner Springs, KS	2021-05-14
henry hofmeister	tonganoxie, KS	2021-05-14
Candace Walkup	Tonganoxie, KS	2021-05-14
DIANE Larson	Leavenworth, KS	2021-05-14
Pamela Smith	Tonganoxie, KS	2021-05-14
Brandon Magaha	Leavenworth, KS	2021-05-14
Christine Grimes	Tonganoxie, KS	2021-05-14
Dee Goffman	Leavenworth, KS	2021-05-14
Cheyenne Sample	Leavenworth, KS	2021-05-14
Eric Quisenberry	Leavenworth, KS	2021-05-14
Sabrina Sloan	Leavenworth, KS	2021-05-14
Helen Oelschlaeger	Basehor, KS	2021-05-14
Angela Gregory	Springdale, KS	2021-05-14
Loren Barnett	Leavenworth, KS	2021-05-14
Karen Priest	Springfield, MO	2021-05-14
Jim Dyson	Leavenworth, KS	2021-05-14
Jason McGuire	Tonganoxie, KS	2021-05-14
Shannon Brandau	Tonganoxie, KS	2021-05-14

<b>Name</b>	<b>Location</b>	<b>Date</b>
Anthony Ridder	Basehor, KS	2021-05-14
James Thompson	Leavenworth, KS	2021-05-14
Leah Miller	Tonganoxie, KS	2021-05-14
Danielle Jackson	Tonganoxie, KS	2021-05-14
Scott Rusk	Tonganoxie, KS	2021-05-14
Kristine Warhurst	Tonganoxie, KS	2021-05-14
Mitch Rusk	Tonganoxie, KS	2021-05-14
Carol Manis	Basehor, KS	2021-05-14
Jeremy Martin	Kansas City, KS	2021-05-14
David burrows	Leavenworth, KS	2021-05-14
Anne Brockhoff	Saint Marys, US	2021-05-14
Brett Johnston	Leavenworth, KS	2021-05-14
William Milhon	Basehor, KS	2021-05-14
Melissa Milhon	Basehor, KS	2021-05-14
maddie melander	Pittsburgh, PA	2021-05-14
John Waun	Lansing, KS	2021-05-14
Carol Rusk	Tonganoxie, KS	2021-05-14
Sandra Saheb	Tonganoxie, KS	2021-05-14
Joseph Clark	Tonganoxie, KS	2021-05-14
Joshua Standiford	Lake Zurich, US	2021-05-14
Stacey Lewallen	Tonganoxie, KS	2021-05-14
Roy Foster	Berryton, KS	2021-05-14

<b>Name</b>	<b>Location</b>	<b>Date</b>
Sherrie Rogers	Leavenworth, KS	2021-05-14
Shannon Agee	Leavenworth, KS	2021-05-14
Andrea Sams	Manchester, US	2021-05-14
Sherri L Hall	Leavenworth, KS	2021-05-14
Rena Condray	Basehor, KS	2021-05-14
Randal Phillips	Basehor, KS	2021-05-14
Stephanie Ventura	Tonganoxie, KS	2021-05-14
Nicholas Moran	Tonganoxie, KS	2021-05-14
Logan Luckert	Leavenworth, KS	2021-05-14
Leslie Borden	Leavenworth, KS	2021-05-14
Kevin Finley	Bonner Springs, KS	2021-05-14
Mia Gardner	Tonganoxie, KS	2021-05-14
Susan Burleson	Basehor, KS	2021-05-14
Michael Frye	Tonganoxie, KS	2021-05-14
Brenda Miller	Kansas City, MO	2021-05-14
Angela Santiago	Tonganoxie, KS	2021-05-14
Jammi Gallagher	Tonganoxie, KS	2021-05-14
Teresa Truman	Tonganoxie, KS	2021-05-14
John Evans	Leavenworth, KS	2021-05-14
Chelsey Creed	Eden, US	2021-05-14
Jessica Rush	Tonganoxie, KS	2021-05-14
Erin Ellsworth	Tonganoxie, KS	2021-05-14



<b>Name</b>	<b>Location</b>	<b>Date</b>
Peggy Beatty	Bonner Springs, KS	2021-05-14
Justin Garner	Tonganoxie, KS	2021-05-14
William Meyer	Lawrence, KS	2021-05-14
Joyce Osborn	Tonganoxie, KS	2021-05-14
Mary Stanhope	Tonganoxie, KS	2021-05-14
Janna Fackrell	Mc Louth, KS	2021-05-14
Jessica Crupper	Tonganoxie, KS	2021-05-14
Bret Yates	Bonner springs, KS	2021-05-14
Richard Condray	Basehor, KS	2021-05-14
Nicole Kreutzer	US	2021-05-14
Gary Billings	Basehor, KS	2021-05-14
Kellie Davis	Lawrence, KS	2021-05-14
Mary Scheurich	Tonganoxie, KS	2021-05-14
Mandy Brune	US	2021-05-14
Desiree Waxmonski	Linwood, KS	2021-05-14
Jerry Duxbury	Basehor, KS	2021-05-14
Kathleen Honey	Leavenworth, KS	2021-05-14
michael cecena	Lawrence, KS	2021-05-15
Brenda Little	Leavenworth, KS	2021-05-15
Sarah Smith	Tonganoxie, KS	2021-05-15
Donald Craig	Basehor, KS	2021-05-15
Elisa Knight	Bonner springs, KS	2021-05-15

<b>Name</b>	<b>Location</b>	<b>Date</b>
Jerry pruit	Tonganoxie, KS, KS	2021-05-15
Phillip Cullison	Tonganoxie, KS	2021-05-15
Wendee Trieb	Albuquerque, NM	2021-05-15
cynthia conklin	Tonganoxie, KS	2021-05-15
marius radulescu	Tonganoxie, KS	2021-05-15
Ken Bennett	Basehor, KS	2021-05-15
Kristi Stockman	Tonganoxie, KS	2021-05-15
Dana Splichal	Tonganoxie, KS	2021-05-15
Marilyn Millison	Tonganoxie, KS	2021-05-15
Daniel Eyerly	Tonganoxie, KS	2021-05-15
Amber Lentz	Tonganoxie, KS	2021-05-15
Alecia Millsap	McLouth, KS	2021-05-15
Kyle Boling	Leavenworth, KS	2021-05-15
Pamela Plake	Tonganoxie, KS	2021-05-15
Jane Roethler	Bonner Springs, KS	2021-05-15
Julee Fox	Linwood, KS	2021-05-15
Ashley Clark	Tonganoxie, KS	2021-05-15
Michelle Elston	Tonganoxie, KS	2021-05-15
Joyce Steeby	Basehor, KS	2021-05-15
Kevin Reetz	Reno Township, KS	2021-05-15
Cindi Wood	Tonganoxie, KS	2021-05-15
Emmaly Farr	Leavenworth, KS	2021-05-15

<b>Name</b>	<b>Location</b>	<b>Date</b>
Josh Whittaker	Bonner Springs, KS	2021-05-15
Jason Schultheiss	Leavenworth, KS	2021-05-15
Patricia Johnson	Basehor, KS	2021-05-15
Ryan Theno	Basehor, KS	2021-05-15
Tina Keith	Tonganoxie, KS	2021-05-15
Charles Maples	Tonganoxie, KS	2021-05-15
Kala Knowles	Leavenworth, KS	2021-05-15
Jason Moore	Berryton, KS	2021-05-15
Michael Lamb	Basehor, KS	2021-05-15
Carrie Duffett	Tonganoxie, KS	2021-05-15
Rachel Cullison	Tonganoxie, KS	2021-05-15
Vera King	Linwood, KS	2021-05-15
Rebecca Gober	Tonganoxie, KS	2021-05-15
Megan Livingston	Tonganoxie, KS	2021-05-15
John Murphy	Leavenworth, KS	2021-05-15
Krystal Hunter	Tonganoxie, KS	2021-05-15
Dylan Haufler	Tonganoxie, KS	2021-05-15
Paula Engetschwiler	Bonner springs, KS	2021-05-15
Michael Fagan	Basehor, KS	2021-05-15
Jill Barnaby	Leavenworth, KS	2021-05-15
Anita Haufler	Tonganoxie, KS	2021-05-15
Thomas Low	Leavenworth, KS	2021-05-15

<b>Name</b>	<b>Location</b>	<b>Date</b>
Kelly Coulson	Leavenworth, KS	2021-05-15
Trisha Zinda	Harvard, US	2021-05-15
Beck Fortenberry	kokomo, US	2021-05-15
Tiffany Andrews	Easton, KS	2021-05-15
Michelle Smith	Leavenworth, KS	2021-05-15
Jennifer Tayrien	Leavenworth, KS	2021-05-15
Tamra Mortsolf	Mc Louth, KS	2021-05-15
Rebecca Sutton	Chicago, IL	2021-05-15
Yolanda Thomas	Tomganoxie, KS	2021-05-15
Tina HUnter	Leavenworth, KS	2021-05-15
Daniel Foley	Linwood, KS	2021-05-15
Elizabeth Johnson	Brookfield, IL	2021-05-15
Brooke Rosner	Leavenworth, KS	2021-05-15
Mary Whistler	Tonganoxie, KS	2021-05-15
Jim Mueller	Linwood, KS	2021-05-15
Daniel Griffin	Basehor, KS	2021-05-15
Lora Palmer	Kansas	2021-05-15
Bill Corbet	Leavenworth, KS	2021-05-15
Donna Bradley	Tonganoxie, KS	2021-05-15
Valerie Leonard	monroe, NJ	2021-05-15
Janyah Rosario	Reading, US	2021-05-15
Kenny Prince	Tonganoxie, KS	2021-05-15

<b>Name</b>	<b>Location</b>	<b>Date</b>
Edward Clauson	Tulsa, KS	2021-05-15
Melissa Comba	Tonganoxie, KS	2021-05-15
Rosalie goodwin	Linwood, KS	2021-05-16
Donna Ogden	Utica, KY	2021-05-16
Mike Small	Basehor, KS	2021-05-16
Rick Caya	Easton, KS	2021-05-16
Amy Miller	Tonganoxie, KS	2021-05-16
David Givens	Lansing, KS	2021-05-16
Robin Bales	Tonganoxie, KS	2021-05-16
Dale & Sherry Huffman	Tonganoxie, KS	2021-05-16
Bonnie Sivyer	Tonganoxie, KS	2021-05-16
Karen Lindsay	W, KS	2021-05-16
Mary Harsh	McLouth, KS	2021-05-16
Jeff Marshall	Leavenworth, KS	2021-05-16
Laura Stanfield	Tonganoxie, KS	2021-05-16
Paul Hudson	Tonganoxie, KS	2021-05-16
Nicole McGinnis	Linwood, KS	2021-05-16
Dominic Rosner	Leavenworth, KS	2021-05-16
Teresa Gregory	Mclouth, KS	2021-05-16
Angela Bolia	Leavenworth, KS	2021-05-16
Sam TODD	Tonganoxie, KS	2021-05-16
Ann Lewis	Granbury, US	2021-05-16

<b>Name</b>	<b>Location</b>	<b>Date</b>
Kirk Sours	Linwood, KS	2021-05-16
Dorothy Shuler	Linwood, KS	2021-05-16
Kara Fabin	Lawrence, KS	2021-05-16
Andrew Fabin	Berryton, KS	2021-05-16
Kenneth Scillieri	Leavenworth, KS	2021-05-16
John Pettengill	Linwood, KS	2021-05-16
Karen Zachariasen	Bonner spring, KS	2021-05-16
Megan Rauh	Linwood, KS	2021-05-16
Joseph Armendariz	Shawnee, KS	2021-05-16
Milissa Radke	TONGANOXIE, KS	2021-05-16
Katherine Gallagher	McLouth, KS	2021-05-17
Teresa Reichart-Vernon, LSCSW	Kansas City, KS	2021-05-17
Holly Cooper	Leavenworth, IL	2021-05-17
Dane Roberts	Basehor, KS	2021-05-17
Rachèll Rowand	Tonganoxie, KS	2021-05-17
Megan Walkup	Chicago, IL	2021-05-17
tanner Jones	Shawnee, KS	2021-05-17
Scott Almsberger	Tonganoxie, KS	2021-05-17
Sherry Terrell	Spring Hill, KS	2021-05-17
Daniel Terrell	Spring Hill, KS	2021-05-17
Adam Kaluba	Burleson, TX	2021-05-17
Heather Ferris	Leavenworth, KS	2021-05-17

<b>Name</b>	<b>Location</b>	<b>Date</b>
Renee Chaput-Lemons	Leavenworth, KS	2021-05-17
Ann Hulseley	Lawrence, KS	2021-05-17
Donna Ramsey	Leavenworth, KS	2021-05-17
Ayvre Vanschuyver	Hays, US	2021-05-17
Ron Asher	Leavenworth, KS	2021-05-17
Ashley Carpenter	Easton, KS	2021-05-17
John Stalec	Leavenworth, KS	2021-05-17
Janie Elson	Leavenworth, KS	2021-05-17
Matthew Debauge	Lansing, KS	2021-05-17
Dixie Spurlin	Berryton, KS	2021-05-17
Christopher head	Chicago, US	2021-05-17
Shay Partin	Mansfield, US	2021-05-17
Erin Mahoney	Tonganoxie, KS	2021-05-17
Allison Guz	Holyoke, US	2021-05-17
Shawn Wagner	Leavenworth, KS	2021-05-17
Jamie S. Arwine	Leavenworth, KS	2021-05-17
Sara Smith	Leavenworth, KS	2021-05-18
Mercedes Patterson-Swanagan	Leavenworth, KS	2021-05-18
Megan Singer	Springfield, US	2021-05-18
Tara Myers	Berryton, KS	2021-05-18
Cheryl Blackburn	Tonganoxie, KS	2021-05-18
Barbara Vaughn Vaughn	Basehor, KS	2021-05-18

<b>Name</b>	<b>Location</b>	<b>Date</b>
Michael Logan	Leavenworth, KS	2021-05-18
Corey Jones	Basehor, KS	2021-05-18
Robert Robinson	Tonganoxie, KS	2021-05-18
Cheryl Bleam	Leavenworth, KS	2021-05-18
Stephanie Avey	Tonganoxie, KS	2021-05-18
Marsha Kern	Louisburg, KS	2021-05-18
Jeff Hayes	Bonner springs, KS	2021-05-18
Chad Hagan	Leavenworth, KS	2021-05-18
Suzanne Phillips	Leavenworth, KS	2021-05-18
Zach Lee	Las Vegas, US	2021-05-18
Donald Starcher	Lenexa, KS	2021-05-18
Karen Maenza	Tonganoxie, KS	2021-05-18
Brenda Oxley	Berryton, KS	2021-05-18
Alan Phillips	Leavenworth, KS	2021-05-18
Lyndy Farr	Bonner Springs, KS	2021-05-18
William Corbet	Leavenworth, KS	2021-05-18
Danny Pickett	Tonganoxie, KS	2021-05-18
Monica Keller	Tonganoxie, KS	2021-05-18
James Pantle	Leavenworth, KS	2021-05-18
Bob Heckman	Leavenworth, KS	2021-05-18
Joseph Waxmonski, Jr	Linwood, KS	2021-05-18
Lawrence Laven	Leavenworth, KS	2021-05-18



<b>Name</b>	<b>Location</b>	<b>Date</b>
Jessica Frock	Lawrence, KS	2021-05-18
John Payne	Leavenworth, KS	2021-05-18
Teresa LeClerc	Mc Louth, KS	2021-05-18
Robert Trieb	Oskieloosa, KS	2021-05-18
Patrick Dermann	Tonganoxie, KS	2021-05-18
Melony Lutz	Topeka, KS	2021-05-18
Trisha Robinson	Tonganoxie, KS	2021-05-18
Reelee Barker	Lawrence, KS	2021-05-18
Michael Holton	tonganoxie, KS	2021-05-18
Theresa List	Chicago, IL	2021-05-18
Diane Behne	Easton, KS	2021-05-18
Wes Cackler	Lansing, KS	2021-05-18
Nathan Schempp	Linwood, KS	2021-05-18
Denise Jacobson	Leavenworth, KS	2021-05-18
Joe Wilson	Saint Louis, MO	2021-05-18
Willum Spree	Shell Rock, US	2021-05-18
Joshua Mohan	Leavenworth, KS	2021-05-18
Steven Fandrich	Leavenworth, KS	2021-05-18
Rachel Weston	Tonganoxie, KS	2021-05-18
Wilma Plake	Tonganoxie, KS	2021-05-18
Rebecca Schlagel	Kansas City, KS	2021-05-18
Diane Mosbacher	Leavenworth, Bosnia	2021-05-18

<b>Name</b>	<b>Location</b>	<b>Date</b>
Joshua keopke	Basehor, KS	2021-05-18
Retsae Miller	Kansas City, KS	2021-05-18
Dee Veltum Veltum	Leavenworth, KS	2021-05-18
COLLEEN KELLER	Chicago, IL	2021-05-18
Susan Ulloa	Crestline, US	2021-05-18
Autumn Flory	Troutville, US	2021-05-18
Marcia Bever	Palo Alto, US	2021-05-18
Hilary Scanlon	Leavenworth, KS	2021-05-18
Chris Scanlon	Leavenworth, KS	2021-05-18
James D Wilson Wilson	Albuquerque, NM	2021-05-18
Pam Klaus	Leavenworth, KS	2021-05-18
Bart Walkup	Tonganoxie, KS	2021-05-18
Christian Kenney	Berryton, KS	2021-05-18
Angela Fain	Leavenworth, KS	2021-05-18
Dante Maccarone	Mount Royal, US	2021-05-18
Dominic Cooper	Fallbrook, US	2021-05-19
Jennifer Roselli	Overland Park, KS	2021-05-19
Ryan Papps	Wichita, US	2021-05-19
Cheyenne Eyerly	Tonganoxie, KY	2021-05-19
Ranae Sample	Wichita, KS	2021-05-19
Diann Gansky	New Caney, US	2021-05-19
James Fain	Leavenworth, KS	2021-05-19

<b>Name</b>	<b>Location</b>	<b>Date</b>
April Ortega	Asbury, MO	2021-05-19
Devin Gonzales	Tonganoxie, KS	2021-05-19
Kelsey Tallman	Bonner Springs, KS	2021-05-19
Paul Roehl	Janesville, US	2021-05-19
Isabella Carenen	Milwaukee, US	2021-05-19
Tom Flack	Easton, KS	2021-05-19
Gavin Roberge	Colchester, US	2021-05-19
Casey Resor	Norwalk, US	2021-05-19
Laura Fisher	Bonner springs, KS	2021-05-19
David German	Sun City, US	2021-05-19
Russell Scott Crabtree	Leavenworth County, KS	2021-05-19
Larry Mosbacher	Leavenworth, KS	2021-05-19
Debbie Anderson	Berryton, KS	2021-05-19
jennifer valentine	Massapequa, US	2021-05-19
Luanne Funk	Pine Ridge, US	2021-05-19
So Cool	Los Angeles, US	2021-05-19
Christy Pendlay	Cummings, KS	2021-05-19
Yasmine Horton	Bessemer, US	2021-05-19
Jose Ramirez	Detroit, US	2021-05-20
Eeic Delich	Basehor, KS	2021-05-20
Cheyne McGuire	Tonganoxie, KS	2021-05-20
Amanda Coffman	Basehor, KS	2021-05-20

<b>Name</b>	<b>Location</b>	<b>Date</b>
Christopher Williams	Sanford, US	2021-05-20
Delores Lewis	Leavenworth, KS	2021-05-20
Jamie Miller	Basehor, KS	2021-05-20
Ashley Farr	Linwood, KS	2021-05-20
Nicole Tollett	Basehor, KS	2021-05-20
Jeanette Cole	Easton, KS	2021-05-20
Andy Hess	Basehor, KS	2021-05-20
Dale Spurlin	Leavenworth, KS	2021-05-20
Terri Blackard	Leavenworth, KS	2021-05-20
Suzanne May	Tonganoxie, KS	2021-05-20
Amanda Freeman	Tonganoxie, KS	2021-05-20
Jessica Shockey	Berryton, KS	2021-05-20
Christian LaPorte	Warwick, US	2021-05-20
Deborah Robinson	Tonganoxie, KS	2021-05-20
Sharon Garner	Tonganoxie, KS	2021-05-20
Alex Heim	Leavenworth, KS	2021-05-20
Carla Crawford	Topeka, KS	2021-05-20
karissa doon	West Palm Beach, US	2021-05-20
Cari Spencer	Kansas City, MO	2021-05-20
Ethan Henry	Mount Pleasant, US	2021-05-20
Bradley Noll	Easton, KS	2021-05-20
Elijah Cote	Tonganoxie, KS	2021-05-20

<b>Name</b>	<b>Location</b>	<b>Date</b>
John Coffman	Basehor, KS	2021-05-20
Susan Aaron	Leavenworth, KS	2021-05-20
Traci Carnoali	Easton, KS	2021-05-20
Lois Kurowski	US	2021-05-20
Maria Miranda	Brooklyn, US	2021-05-20
Deborah Pockrandt	Tonganoxie, KS	2021-05-20
Melissa Findley	Basehor, KS	2021-05-20
Tony Spudic	tonganoxie, KS	2021-05-20
ALbert BLEichert	Albany, US	2021-05-20
june bullied	Toronto, US	2021-05-20
Braulio Torres	Mayagüez, US	2021-05-20
Shawn Brezgiel	Tonganoxie, KS	2021-05-20
Deborah Couch	Berryton, KS	2021-05-20
Avrie Kirsch	omaha, US	2021-05-20
Carolina Sandoval	San Antonio, US	2021-05-20
Timmu Griffith	Chesterfield, MO	2021-05-21
Kristy Stanton	Troy, NY	2021-05-21
Carla Mullins	Leavenworth, KS	2021-05-21
Keith Jennings	Kansas City, MO	2021-05-21
Theresa Megee	Tonganoxie, KS	2021-05-21
Melissa Martin	Basehor, KS	2021-05-21
Ryan Bartlett	Basehor, KS	2021-05-21

<b>Name</b>	<b>Location</b>	<b>Date</b>
Kyle Matthees	Tonganoxie, KS	2021-05-21
Drew Overmiller	Chicago, IL	2021-05-21
Debra Adam	Tonganoxie, KS	2021-05-21
Tonda Hrab	Chicago, US	2021-05-21
Steven Morris	Sharps Chapel, US	2021-05-21
Gary Olson	Leavenworth, KS	2021-05-21
Taylor Williams	Antioch, TN	2021-05-21
Ghada Sharabatee	Chicago, US	2021-05-21
Laura Felty	Tonganoxie, KS	2021-05-21
Halie Baldwin	Kansas City, KS	2021-05-21
Alicia Brown	Leavenworth, KS	2021-05-21
kaylynn johnson	Leavenworth, KS	2021-05-21
Jeff Field	Tonganoxie, KS	2021-05-21
Sabrina Porter	Easton, KS	2021-05-21
Brandon Marshall	Leavenworth, KS	2021-05-21
Barbara Coble	Basehor, KS	2021-05-21
Judy Koch	Leavenworth, KS	2021-05-21
Mike Schroder	Basehor, KS	2021-05-21
Thomas Wyrick	Tonganoxie, KS	2021-05-21
Ryan Eberth	Basehor, KS	2021-05-21
Tessa Collins	Tonganoxie, KS	2021-05-21
Vicki McCarty	Collinsville, IL	2021-05-21

<b>Name</b>	<b>Location</b>	<b>Date</b>
Kerry Putthoff	Topeka, KS	2021-05-21
Richard Little	Leavenworth, KS	2021-05-21
John Reischman	Tonganoxie, KS	2021-05-21
Sommer Jennings	Olathe, KS	2021-05-21
Zonna Hoffman	Bonner Springs, KS	2021-05-21
Brian Jackson	Leavenworth, KS	2021-05-21
James Mahoney	Tonganoxie, KS	2021-05-21
Samantha Lee	Tonganoxie, KS	2021-05-21
Jacob Hicklin	Tonganoxie, KS	2021-05-21
Scott Hoffman	Bonner Springs, KS	2021-05-21
Henry Garrison	Tonganoxie, KS	2021-05-21
Jim Forge	Tonganoxie, KS	2021-05-21
Jill Guenther	Leavenworth, KS	2021-05-21
Shirley Stevens	Tonganoxie, KS	2021-05-21
Sarah Wescott	Spring Hill, KS	2021-05-21
Pete Barrett	Leavenworth, KS	2021-05-21
Joyce Gregg	Leavenworth, KS	2021-05-22
Julie Downes	Linwood, KS	2021-05-22
Stacy Myers	Tonganoxie, KS	2021-05-22
Jennifer Hiltunen	Olathe, KS	2021-05-22
Patti Leach	Linwood, KS	2021-05-22
Racheal Haas	Linwood, KS	2021-05-22

<b>Name</b>	<b>Location</b>	<b>Date</b>
Rick Rosterman	Basehor, KS	2021-05-22
Kerry Eisenring	Leavenworth, KS	2021-05-22
Mary Phillips	Tonganoxie, US	2021-05-22
Linda Risley	Bonner Springs, KS	2021-05-22
Dillon M	Olathe, KS	2021-05-22
Anna Sipp	Kansas City, MO	2021-05-22
Andrea Lemon	Linwood,ks, MO	2021-05-22
Scott Turner	Mclouth, KS	2021-05-22
Patty Kermashek	Leavenworth, KS	2021-05-22
Jeanine Wallace	Basehor, KS	2021-05-22
Katherine De la cruz	Leavenworth, KS	2021-05-22
Buddy Rodgers	Leavenworth, KS	2021-05-22
Tabitha Nelson	Leavenworth, KS	2021-05-22
Barbara Nelson	Lansing, KS	2021-05-22
Lexi Hargis	Chicago, IL	2021-05-22
Daniel Yates	Basehor, KS	2021-05-22
Jennifer Basgall	Basehor, KS	2021-05-22
Kevin Seber	Leavenworth, KS	2021-05-22
Russell Bontrager	Kansas City, MO	2021-05-22
Kerry Mueller	Linwood, KS	2021-05-22
Ruth Vega	Leavenworth, KS	2021-05-22
Kim Dye	Basehor, KS	2021-05-22



<b>Name</b>	<b>Location</b>	<b>Date</b>
Bob Walker	Basehor, KS	2021-05-22
Stephen Pratt	Leavenworth, KS	2021-05-22
Melinda Coleman	Leavenworth, KS	2021-05-22
Teresa Pauley	Linwwod, KS	2021-05-22
Travis Mance	Leavenworth, KS	2021-05-22
Lynda Schimke	Leavenworth, KS	2021-05-22
Ashley Roberts	Basehor, KS	2021-05-22
Kenzie Frentrop	Tonganoxie, KS	2021-05-22
Kyle Holloway	Tonganoxie, KS	2021-05-22
Kelli Fayard	Tonganoxie, KS	2021-05-22
Vanessa Cowie	Basehor, KS	2021-05-23
Tonya Garrett	Leavenworth, KS	2021-05-23
Billy A & Dborah K Skeet	Tonganoxie, KS	2021-05-23
James Hann	Basehor, KS	2021-05-23
Michelle Gray	Leavenworth, KS	2021-05-23
Kelly Boettcher 2176 Birch st	Leavenworth, KS	2021-05-23
Kenneth Shannon	Basehor, KS	2021-05-23
Alan we Webster	Lawrence, KS	2021-05-23
Susan Jennaway	Leavenworth, KS	2021-05-23
Kelly Manning	Leavenworth, KS	2021-05-23
Jamie Istas	Bonner Springs, KS	2021-05-23
George Brune	Leavenworth, KS	2021-05-24

<b>Name</b>	<b>Location</b>	<b>Date</b>
joco brat	US	2021-05-24
Jennifer Regn	Linwood, KS	2021-05-25
Ernie and Joyce Shaw	Reno Area, KS	2021-05-25
Tiffany McIntosh	Tonganoxie, KS	2021-05-25
Anthony Taves	Leavenworth, KS	2021-05-25
Aileen Bailey	Hartford, KY	2021-05-25
Gennifer Hadley	Tonganoxie, KS	2021-05-25
Darci Cantrell	Tonganoxie, KS	2021-05-25
Wendy Griffith	Bonner Springs, KS	2021-05-25
Gretchen Manus	Tonganoxie, KS	2021-05-25
Paula Jaskinia	Bonner Springs, KS	2021-05-25







**Case No. DEV-21-067**  
**Rezoning**  
**\*\*\*Public Hearing Required\*\*\***

**Staff Report – Planning Commission**

**August 5, 2021**

**GENERAL INFORMATION:**

**Applicant/  
Property Owner:** Larry and Nancy Theis  
18986 LeCompton Road  
Leavenworth, KS 66048

**Applicant Agent:** Herring Surveying Company  
315 N. 5<sup>th</sup> Street  
Leavenworth, KS 66048

**Legal Description:** A tract of land in the Fractional Southwest Quarter of Section 1, Township 8 South, Range 20 East of the 6th P.M., Leavenworth County, Kansas, as written by Joseph A. Herring PS-1296 on June 16, 2021, and more fully described as follows: Commencing at the Northwest corner of said Southwest Quarter; thence North 88 degrees 15'50" East for a distance of 293.15 feet along the North line of said Southwest Quarter to the TRUE POINT OF BEGINNING; thence North 88 degrees 15'50" East for a distance of 253.37 feet along the North line of said Southwest Quarter; thence South 00 degrees 48'57" East for a distance of 502.62 feet; thence South 88 degrees 15'50" West for a distance of 253.37 feet; thence North 00 degrees 48'57" West for a distance of 502.62 feet to the point of beginning.

**Location:** 24257 Millwood Road, Leavenworth, KS 66048

**Parcel Size:** ± 154 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.:** 051-01-0-00-00-006.04

**Planner:** Joshua Gentzler

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**REPORT:**

**Request**

The applicant is requesting to rezone a 2.9-acre portion of a 154-acre 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 1 acre to 238 acres in size.

**Flood Plain**

There are no Special Flood Hazard Areas on this parcel per FEMA Firm Map 20103C0100G July 16, 2015.

**Utilities/Services**

Sewer: Private septic system  
Fire: Easton Township  
Water: RWD 12  
Electric: Evergy

**Access/Streets**

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

**Agency Comments**

See attached comments – Memo – Kyle Anderson – Planning and Zoning, June 16, 2021

See attached comments – Memo – Lauren Anderson – Public Works, June 21, 2021

See attached comments – Memo – Chuck Magaha – Emergency Management, June 16, 2021

See attached comments – Memo – Denise Eggers – Rural Water District 12, June 21, 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 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 supports the rezoning to RR-2.5.
4. Extent to which removal of the restrictions will detrimentally affect nearby property: The area will not likely be detrimentally affected.
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 maintain the agricultural usage of 150+ acres of the property
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.

**History**

According to the Leavenworth County Appraiser’s office, the home on the property dates to 1920.

**Staff Comments**

The proposed rezoning is located at the southeast corner of the 243<sup>rd</sup> Street and Millwood Road intersection. The applicants are requesting approval of a rezoning from RR-5 to RR-2.5 for less than 3 acres of the parcel that is over 150 acres in size. Staff is generally supportive of the request as the property is designated to become RR-2.5 in the Comprehensive Plan.

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**STAFF RECOMMENDATION:**

The staff recommends approval of Case No. DEV-21-067, Rezoning from RR-5 to RR-2.5.

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**ACTION OPTIONS:**

1. Recommend approval of Case No. DEV-21-067, 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-21-067, 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.

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**ATTACHMENTS:**


- Narrative
- Location/Aerial Maps
- Memorandums

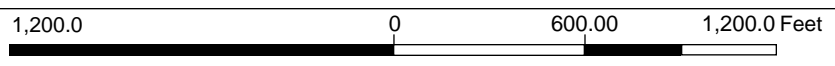
# DEV-21-067 Theis Rezoning



## Legend

- Parcel Number
- Parcel
- City Limit Line
- Major Road
  - <all other values>
  - 70
- Road
- Railroad

1 in. = 600ft. 



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

CK 13582

Office Use Only		MAY 11 2021
Township: _____	Date Received: _____	
Planning Commission Date <u>July 14, 2021</u>	Date Paid <u>05.11.2021</u>	
Case No. _____	Comprehensive Plan Land Use Designation _____	
Zoning District _____		

APPLICANT/AGENT INFORMATION	OWNER INFORMATION (If different)
NAME <u>Joe Herring</u>	NAME <u>Larry &amp; Nancy Theis</u>
ADDRESS <u>315 N. 5th Street</u>	ADDRESS <u>18986 LeCompton Road</u>
CITY/ST/ZIP <u>Leavenworth, KS 66048</u>	CITY/ST/ZIP <u>Leavenworth, KS 66048</u>
PHONE <u>913-651-3858</u>	PHONE <u>N/A</u>
EMAIL <u>herringsurveying@outlook.com</u>	EMAIL <u>N/A</u>
CONTACT PERSON <u>Joe Herring</u>	CONTACT PERSON _____

PROPOSED USE INFORMATION	
Proposed Land Use <u>Rural Residential</u>	
Current Zoning <u>RR-5</u>	Requested Zoning <u>RR-2.5</u>
Reason for Requesting Rezoning <u>The ability to match the comp plan and divide off 2.5+ acres around the existing farm house.</u>	

PROPERTY INFORMATION	
Address of Property <u>24257 Millwood Road</u>	
Parcel Size <u>154 Acres</u>	
Current use of the property <u>AG &amp; Rural Residential</u>	
Present Improvements or structures <u>House and Barns</u>	
PID <u>051-01-0-00-00-006.04</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 x Larry Theis Date 5-11-2021

ATTACHMENT A

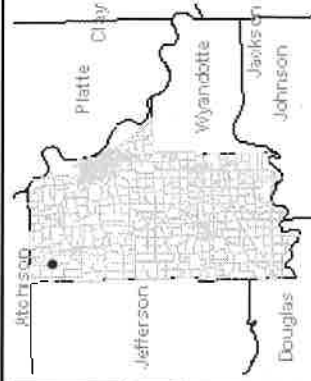


# Leavenworth County, KS



Area: 2.75 ac  
Perimeter: 1,471.70 ft

1 in. = 103ft.



**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



Doc #: 2011R10474  
 STACY R. DRISCOLL/REGISTER OF DEEDS  
 LEAVENWORTH COUNTY  
 RECORDED ON  
 12/30/2011 12:26PM  
 RECORDING FEE: 8.00  
 INDEBTEDNESS: 0.00  
 PAGES: 1

### QUIT CLAIM DEED

THIS DEED, Made this 27<sup>th</sup> day of December, 2011 between Grantor, Teri J. Alexander, successor Trustee under the JANET J. ALEXANDER LIVING TRUST dated November 10, 2010, as first party, and Lawrence E. Theis and Nancy M. Theis, husband and wife, as second party,

WITNESSETH, That first party, by these presents QUIT CLAIMS 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, in the State of Kansas, to wit:

All that part of the Fractional Southwest 1/4 of Section 1, Township 8 South, Range 20 East of the 6<sup>th</sup> P.M., lying South of the Centerline of Millwood Road, Leavenworth County, Kansas EXCEPT a tract in said Southwest 1/4 described as: Commencing 17 rods (280.5 feet) South of the Northwest corner of said Southwest 1/4; thence East 13 rods (214.5 feet); thence South 13 rods (214.5 feet); thence West 13 rods (214.5 feet); thence North to the place of beginning as described in Deed Book 536 Page 460. ALSO EXCEPT a tract in said Southwest 1/4 described as: Beginning at the West Quarter corner of said Section 1; thence N. 90° 00' 00" E (assumed) 293.15 feet along the Half Section line; thence S 00° 55' 26" W 502.53 feet; thence N 89° 17' 39" W 68.19 feet; thence S 00° 36' 18" W, 308.12 feet; thence S 89° 55' 36" W, 212.58 feet to the West line of Section 1; thence N 00° 04' 24" W, 315.00 feet along said West line; thence N 89° 55' 36" E, 214.50 feet; thence N 00° 04' 24" W 214.50 feet; thence S 89° 55' 36" W, 214.50 feet to the West line of said Section 1; thence N 00° 04' 24" W, 280.50 feet along said West line to the point of beginning.

This deed is being recorded to clear any title defects created by the scrivener error in the deed recorded at 2010R10761 on 12/14/2010

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.

*Teri J. Alexander*, Trustee

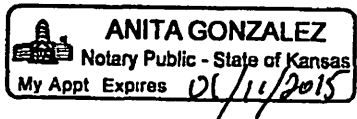
STATE OF KANSAS )  
 )  
COUNTY OF LEAVENWORTH )

Entered in the transfer record in my office this  
30th day of December, 2011  
*Janet Klaumohr*  
County Clerk

GRB

BE IT REMEMBERED, That on this 27<sup>th</sup> day of December, 2011, before me, the undersigned, a notary public in and for the County and State aforesaid, came Teri J. Alexander personally known to me to be the same person(s) 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.



*Anita Gonzalez*  
Notary Public  
My Commission expires: 01/11/2015

**From:** [Anderson, Kyle](#)  
**Sent:** Wednesday, June 16, 2021 3:24 PM  
**To:** [Gentzler, Joshua](#)  
**Subject:** RE: DEV-21-XXX Rezoning

---

We have not had any complaints on this property.

Kyle Anderson  
Environmental Technician/Code Enforcement  
Leavenworth County Planning & Zoning  
300 Walnut St. Ste. 212  
Leavenworth, KS 66048  
913-684-1084

---

**From:** Gentzler, Joshua  
**Sent:** Wednesday, June 16, 2021 2:25 PM  
**To:** RWD 12 (water12@embarqmail.com) <water12@embarqmail.com>; 'Tyler.rebel@evergy.com' <Tyler.rebel@evergy.com>; James Herken (james.herken@yahoo.com) <james.herken@yahoo.com>; Anderson, Kyle <KAnderson@leavenworthcounty.gov>; Anderson, Lauren <LAnderson@leavenworthcounty.gov>; Magaha, Chuck <CMagaha@leavenworthcounty.gov>; Miller, Jamie <JMiller@leavenworthcounty.gov>; Mitch Pleak <MPleak@olsson.com>; Thorne, Eric <ethorne@leavenworthcounty.gov>; Van Parys, David <DVanParys@leavenworthcounty.gov>  
**Subject:** DEV-21-XXX Rezoning

Good afternoon,

The Department of Planning and Zoning has received an application for a Rezoning regarding a portion of a property located at of 24257 Millwood Road in Easton. The Rezoning will rezone 2.9 acres surrounding the farmhouse to RR-2.5, while leaving the farm land RR-5.

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 Wednesday, June 23th.

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

Thank you,

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

**From:** [Magaha, Chuck](#)  
**Sent:** Wednesday, June 16, 2021 4:22 PM  
**To:** [Gentzler, Joshua](#)  
**Subject:** RE: DEV-21-XXX Rezoning

---

I have no comment to lend Joshua on this request

*Charles (Chuck) Magaha*  
*Leavenworth County Emergency Management*  
*Director*  
*300 Walnut*  
*Suite 50*  
*Leavenworth, Kansas 66048-2765*  
*Work-913-684-0455 (Main)*  
*Direct- 913-680-2677*  
[cmagaha@leavenworthcounty.gov](mailto:cmagaha@leavenworthcounty.gov)  
**Like us on Facebook at :** [www.facebook.com/lvcokansaseoc](https://www.facebook.com/lvcokansaseoc)  
**Follow us on Twitter at:** [www.twitter.com/lvcountyeoc](https://www.twitter.com/lvcountyeoc)

---

**From:** Gentzler, Joshua  
**Sent:** Wednesday, June 16, 2021 2:25 PM  
**To:** RWD 12 (water12@embarqmail.com) <water12@embarqmail.com>; 'Tyler.rebel@evergy.com' <Tyler.rebel@evergy.com>; James Herken (james.herken@yahoo.com) <james.herken@yahoo.com>; Anderson, Kyle <KAnderson@leavenworthcounty.gov>; Anderson, Lauren <LAnderson@leavenworthcounty.gov>; Magaha, Chuck <CMagaha@leavenworthcounty.gov>; Miller, Jamie <JMiller@leavenworthcounty.gov>; Mitch Pleak <MPleak@olsson.com>; Thorne, Eric <ethorne@leavenworthcounty.gov>; Van Parys, David <DVanParys@leavenworthcounty.gov>  
**Subject:** DEV-21-XXX Rezoning

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

Thank you,

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

**From:** [Anderson, Lauren](#)  
**Sent:** Monday, June 21, 2021 9:34 AM  
**To:** [Gentzler, Joshua](#)  
**Subject:** RE: DEV-21-XXX Rezoning

---

This meets the Comprehensive Plan future use map, the Public Works Department has no comment.

Lauren

---

**From:** Gentzler, Joshua <JGentzler@leavenworthcounty.gov>  
**Sent:** Wednesday, June 16, 2021 2:25 PM  
**To:** RWD 12 (water12@embarqmail.com) <water12@embarqmail.com>; 'Tyler.rebel@evergy.com' <Tyler.rebel@evergy.com>; James Herken (james.herken@yahoo.com) <james.herken@yahoo.com>; Anderson, Kyle <KAnderson@leavenworthcounty.gov>; Anderson, Lauren <LAnderson@leavenworthcounty.gov>; Magaha, Chuck <CMagaha@leavenworthcounty.gov>; Miller, Jamie <JMiller@leavenworthcounty.gov>; Mitch Pleak <MPleak@olsson.com>; Thorne, Eric <ethorne@leavenworthcounty.gov>; Van Parys, David <DVanParys@leavenworthcounty.gov>  
**Subject:** DEV-21-XXX Rezoning

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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 Wednesday, June 23th.

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

Thank you,

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

**From:** [RURAL WATER DIST](#)  
**Sent:** Monday, June 21, 2021 12:16 PM  
**To:** [Gentzler, Joshua](#)  
**Subject:** Re: DEV-21-XXX Rezoning

---

**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,  
Jefferson County Rural Water District has no problem or comments on this rezoning.  
Thank you,  
Denise Eggers

---

**From:** "Gentzler, Joshua" <JGentzler@leavenworthcounty.gov>  
**To:** "RWD 12 (water12@embarqmail.com)" <water12@embarqmail.com>, "Tyler.rebel@evergy.com" <Tyler.rebel@evergy.com>, "james" <james.herken@yahoo.com>, "kanderson" <KAnderson@leavenworthcounty.gov>, "Lauren Anderson" <LAnderson@leavenworthcounty.gov>, "Magaha, Chuck" <CMagaha@leavenworthcounty.gov>, "Miller, Jamie" <JMiller@leavenworthcounty.gov>, "Mitch Pleak" <MPleak@olsson.com>, "Thorne, Eric" <ethorne@leavenworthcounty.gov>, "Van Parys, David" <DVanParys@leavenworthcounty.gov>  
**Sent:** Wednesday, June 16, 2021 2:25:17 PM  
**Subject:** DEV-21-XXX Rezoning

Good afternoon,

The Department of Planning and Zoning has received an application for a Rezoning regarding a portion of a property located at of 24257 Millwood Road in Easton. The Rezoning will rezone 2.9 acres surrounding the farmhouse to RR-2.5, while leaving the farm land RR-5.

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 Wednesday, June 23th.

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

--

Denise Eggers, Bookkeeper/Office Mgr.  
Jefferson County RWD #12  
216 Winchester St.  
Winchester, KS 66097  
(913)774-2872 phone  
(913)774-2875 fax  
Email water12@embarqmail.com



**Case No. DEV-21-100**  
**Proposed Amendment to the 2006 Leavenworth County Zoning and**  
**Subdivision Regulations**  
**\*\*\*Public Hearing Required\*\*\***

**Staff Report – Planning Commission**

**August 5, 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 – 19 Table of Uses**

Current Table of Uses includes:

S = Special Use Permit	R-2.5/5	R-1/ R-2/ R-3/ R-4 (One Fam/ Two Fam/ Apt)	B-1 Neighborhood Business	B-2 Limited Business	B-3 General Business	I-1 Limited Industry	I-2 Light Industry	I-3 Heavy Industry	PR-1/PR-2/PR-3 Planned Residential District	MXD Mixed Land Use	PC Planned Commercial	PI Planned Industrial
Contractor's yard (as defined in Article 3)	S				S	S	A	A				A
Distillation of alcohol from grain including mixing, bottling or retail sales	S		S	A	A	A	A	A		A	A	A
Event Center/Meeting Space or any enclosed building used for receptions, gatherings, meetings, or other social or business functions	S	S	S	S	A	A	A	A		A	A	A

**Proposed amendment:**

S = Special Use Permit	R-2.5/5	R-1/ R-2/ R-3/ R-4 (One Fam/ Two Fam/ Apt)	B-1 Neighborhood Business	B-2 Limited Business	B-3 General Business	I-1 Limited Industry	I-2 Light Industry	I-3 Heavy Industry	PR-1/PR-2/PR-3 Planned Residential District	MXD Mixed Land Use	PC Planned Commercial	PI Planned Industrial
Contractor's yard (as defined in Article 3)	S				A	A	A	A				A
Distillation of alcohol from grain including mixing, bottling if conducting retail sales on premises	S		S	A	A	A	A	A		A	A	A
Event Center/Meeting Space or any enclosed building used for receptions, gatherings, meetings, or other social or business functions	S	S	S	A	A	A	A	A		A	A	A

The proposed changes would allow contractor's yards in B-3 and I-1 zoning, while remaining a Special Use Permit for Rural Residential zoning. The proposed change clarifies that a Special Use Permit is only needed for the distillation of alcohol if conducting sales and services on site. Finally, the proposed change would allow Event Centers in B-2 zoning, while continuing to require a Special Use Permit in the Rural Residential zoning district.

**STAFF RECOMMENDATION:**

Staff recommends approval of Case No. DEV-21-100, proposed amendment to the 2006 Leavenworth County Zoning and Subdivision Regulations.

**ACTION OPTIONS:**

1. Recommend approval of Case No. DEV-21-100, 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-21-100, 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:**

Memorandums

**Case No. DEV-21-070**  
**Variance from Minimum Required Road Frontage**

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

**Staff Report – Board of Zoning Appeals**

**August 5, 2021**

**GENERAL INFORMATION:**

**Applicant/ Owner:** Kimberly & Robert Kolman  
21187 Evans Road  
Tonganoxie, KS 66086

**Legal Description:** The Northwest Quarter of Section 15, Township 11 South, Range 21 East in Leavenworth County, Kansas

**Location:** 21187 Evans Road, Tonganoxie, KS 66086.

**Parcel Size:** ± 6.5 acres

**PID No.:** 195-15-0-00-00-005.01

**Zoning:** RR 2.5, Rural Residential, 2.5-acre minimum lot area.

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

**Floodplain:** There are no Special Flood Hazard Areas on this parcel.

**Planner:** Joshua Gentzler

---

**REPORT:**

**Request**

The applicant is requesting a variance for the required 200' of road frontage.

**Utilities/Services**

Sewer: None  
Fire: Stranger Township Fire Department  
Water: Suburban Water  
Electric: Evergy

**Access/Streets**

Access to Evans Road is provided via a shared driveway from the adjoining property to the north.

**Factors to be considered**

A request for a variance may be granted in such individual case, upon a finding that all of the following conditions have been met (KS Statutes 12-759):

(A) *The variance requested arises from such condition which is unique and which is not ordinarily found in the same zoning classification, and is created by the zoning regulations and not by an action or actions of the property owner or the applicant;*

The parcel was created, by deed, either immediately before a building permit for a single-family home was obtained, or soon after the permit was issued.

(B) *The granting of the variance will not adversely affect the rights of adjacent property owners or residents;*

The property has been a landlocked single-family parcel for over 20 years. The property has shared a driveway with the adjoining parcel owner since the home to north was built over 30 years ago. Granting the variance will not change the use of the property.

*(C) The strict application of the provisions of the zoning regulations of which variance is requested will constitute unnecessary hardship upon the property owner represented in the application;*

The strict application of the zoning regulations would result in the applicant not being able to rebuild the home in the event the home were destroyed by fire, flood, or any other means.

*(D) The variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare; and*

The requested variance would not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare of the community.

*(E) Granting the variance desired will not be opposed to the general spirit and intent of the zoning regulations.*

The parcel was established over 30 years ago and has functioned as a residential home for over 40 years. Granting the variance will allow the parcel to continue functioning as a single-family residence.

### **Variance Background**

The property has been occupied with a single-family home for more than 40 years. The parcel has been in the current configuration for more than 30 years and the current owner was not responsible for any of the previous land divisions. The multiple land divisions ultimately stripped the road frontage from the parcel resulting in less than the required 200' of frontage. The applicants state that they wish to sell the property and want to be able to assure the buyers that they will be able to rebuild the home on the property in case of a catastrophe.

---

### **ACTION OPTIONS:**

1. Approve Case No. DEV-21-070, variance from the required road frontage.
2. Deny Case No. DEV-21-070, variance from the required road frontage.
3. Continue the public hearing on the variance at another date, time, and place.

---

### **ATTACHMENTS**

Aerial Picture  
Narrative

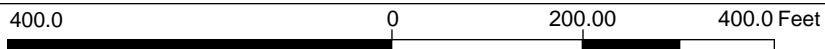
# DEV-21-070 BZA Kolman



## Legend

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

1 in. = 200ft. 



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

**BOARD OF ZONING APPEALS APPLICATION**

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

Office Use Only

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

**APPLICANT/AGENT INFORMATION**

NAME KIMBERLY D. & ROBERT L. KOLMAN  
ADDRESS 2187 EVANS RD.  
CITY/ST/ZIP TONGANOXIE, KS. 66086  
PHONE 913-669-2290  
Email Address kimmykay61@yahoo.com

**OWNER INFORMATION (If different)**

NAME \_\_\_\_\_  
ADDRESS \_\_\_\_\_  
CITY/ST/ZIP \_\_\_\_\_  
PHONE \_\_\_\_\_  
Email Address \_\_\_\_\_

**GENERAL INFORMATION**

Description of Appeal or Variance – Attach narrative addressing the Factor to be Considered (last page of application packet) to this application.

**PROPERTY INFORMATION**

Address of Property 2187 EVANS RD. TONGANOXIE KS. 66086  
Parcel size 6.46 A m/l  
Present improvements or structures \_\_\_\_\_  
Current use of the property? Residential

I, the undersigned am the (circle one) owner / authorized agent, of the aforementioned property situated in the unincorporated portion of Leavenworth County, Kansas. By execution of my signature, I do hereby officially apply for an appeal/variance as indicated above.

Signature Kimberly D. Kolman Date 5-5-21

**ATTACHMENT A**

OWNER AUTHORIZATION

I/WE KIMBERLY D. & ROBERT L. KOLMAN, hereinafter referred to as the "Undersigned", being of lawful age, do hereby on this 1<sup>st</sup> day of MAY, 20 21, make the following statements, to wit:

- 1. I/We the Undersigned, on the date first above written, am the lawful owner(s) in fee simple absolute of the following described real property (insert or attach):
- 2. I/We, the Undersigned, have previously authorized and hereby authorize John Barnes, Sr. (hereinafter referred to as "Applicant"), to act on my/our behalf for the purpose of making application with the Planning and Zoning Department of Leavenworth County, Kansas, for:

\_\_\_\_\_ application number and proposed use/purpose [not available until submittal]

at:

21187 Evans Rd. Tonganoxie, Ks. 66086

\_\_\_\_\_ common address (situs)

upon the subject real property, or portions thereof, and which authorization includes, but is not limited to, all acts or things whatsoever necessarily required of Applicant in the pertinent application process.

- 3. I/We the Undersigned, hereby agree to protect, defend, indemnify and hold the Board of County Commissioners of Leavenworth County, Kansas, its officers employees and agents (hereinafter collectively referred to as the "County"), free and harmless from and against any and all claims, losses, penalties, damages, settlements, costs, charges, professional fees or other expenses or liabilities, whether false, fraudulent, meritless or meritorious, of every kind and character arising out of or relating to any and all claims, liens, demands, obligations, actions, proceedings, or causes of action of every kind and character (hereinafter "claims"), in connection with, relating to, or arising directly or indirectly out of this authorization and the actions taken by the Applicant and the County in reliance thereof. I/We the Undersigned, hereby further agree to investigate, handle, respond to, provide defense for and defend any such claims at my sole expense and agree to bear all other costs at my sole expense and agree to bear all other costs and expenses related thereto, even if such claims are groundless, false or fraudulent.
- 4. It is understood that in the event the Undersigned is a corporation or partnership then the individual whose signature appears below for and on behalf of the corporation or partnership has in fact the authority to so bind the corporation or partnership to the terms and statements contained within this instrument.

IN WITNESS THEREOF, I/WE the Undersigned, have set my hand below.

[Signature]  
Owner

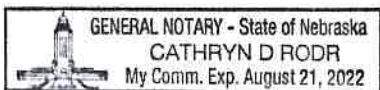
\_\_\_\_\_  
Owner

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

The foregoing instrument was acknowledged before me on May 1, 2021, by

8-31-2022  
My Commission Expires:

[Signature]  
Notary Public



ATTACHMENT B

DEED—GENERAL WARRANTY, JOINT TENANCY—PHO TOSTATIC

18464  
NOTICE LEAD TYPE OF LEAD  
P.O. BOX 36 - 4001 LEAVENWORTH, KANSAS 66048

CEC  
01  
21

FROM

TO

---

Entered in Transfer Record in my office, this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_

County Clerk.

---

STATE OF KANSAS }  
County, } ss.

This instrument was filed for record on the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_ at \_\_\_\_\_ o'clock \_\_\_\_\_ M., and duly recorded in Book \_\_\_\_\_ of Deeds, at page \_\_\_\_\_

Register of Deeds.

By \_\_\_\_\_ Deputy.

---

FEES,  
Register of Deeds, for recording, \$ \_\_\_\_\_  
County Clerk, for transfer, \$ \_\_\_\_\_  
Total, \$ \_\_\_\_\_

THIS DEED, Made this 23rd day of March 19 84, between

Edward W. Maness and Edna M. Maness, husband and wife

of Leavenworth County, in the State of Kansas as first parties, and

Robert L. Kolman and Kimberly D. Kolman, husband and wife

of Leavenworth County, in the State of Kansas as joint tenants with the right of survivorship and not as tenants in common, as second parties,

WITNESSETH: In consideration of the sum of

Ten \_\_\_\_\_ and NO 100 Dollars

and other valuable considerations, the receipt of which is hereby acknowledged, first parties hereby convey and warrant unto second parties, as joint tenants with the right of survivorship and not as tenants in common, all the following described real estate situated in the County of Leavenworth State of Kansas, to wit:

A tract of land in the E/2 of the NW/4 of Sec. 15, Twp. 11S, Range 21E of the 6th P.M., Beginning at a point 644.90 feet S00°04'10"E from the N.W. Corner of the East 1/2 of said NW¼. Thence S00°04'10"E 433.33 feet along the west line of the E½ of said NW¼; thence S89°35'42"E 650.0 feet; thence N00°04'10"W 433.33 feet; thence N89°35'42"W 650.0 feet to the point of beginning.

Contains 6.46 acres more or less

STATE OF KANSAS }  
COUNTY OF LEAVENWORTH }  
FILED FOR RECORD }  
1995 DEC 29 A 11: 58 AM  
DORA L. PARMER  
REGISTER OF DEEDS

Entered in the Transfer Record in my office this 29 day of December 1995  
Linda A. Johnson  
County Clerk

TO HAVE AND TO HOLD THE SAME, Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, forever, as joint tenants, the survivor to take the whole estate.

First parties, for themselves, their heirs, executors and administrators do hereby covenant, promise and agree to and with second parties that at the delivery of these presents they are lawfully seized in their own right of an absolute and indefeasible estate of inheritance, in fee simple, of and in all and singular the above described premises together with the appurtenances; that the same are free, clear, discharged and unincumbered of and from all former and other grants, estates, taxes, assessments and incumbrances of what nature or kind soever, except;

and that they will WARRANT AND FOREVER DEFEND the same unto second parties, as joint tenants with the right of survivorship and not as tenants in common, and the heirs and assigns of the survivor of them, against first parties their heirs, and all and every person or persons whomsoever lawfully claiming or to claim the same.

IN WITNESS WHEREOF, first parties, have hereunto set their hands, the day and year first above written.

Edward W. Maness  
*Edward W. Maness*  
Edna M. Maness  
*Edna M. Maness*

STATE OF Kansas, Leavenworth COUNTY, ss.  
BE IT REMEMBERED, That on this 23rd day of March, 19 84, before me, the undersigned, a notary public in and for the County and State aforesaid, came Edward W. Maness and Edna M. Maness, husband and wife

who are personally known to me to be the same persons who executed the foregoing deed, and duly acknowledged the execution of the same.

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

My appointment expires (Seal)

W. J. STEPHENSON, JR.  
My Appt. Exp. Dec. 29, 1986

*W. J. Stephenson, Jr.*  
Notary Public  
BOOK 0714 PAGE 1131



# Kolman Variance 21187 Evans Raod



## Legend

- Address Point
- Parcel Number
- Lot Line
- Parcel
- City Limit Line
- Major Road
- <all other values>
- 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 BOARD OF ZONING APPEALS – REQUEST FOR VARIANCE FOR PROPERTY AT  
21187 EVANS ROAD, TONGANOXIE, KS.

Robert L. and Kimberly D. Kolman, property owners

A variance is requested for this property, purchased in 1984 without road frontage, to address conditions in place at the time of sale/deed which have bearing on the future use of this property.

It is a 'non-compliant' parcel as it has no road frontage, therefore no building permits for new building (ie: in case of loss) may be issued on it in its current status.

Access to the property is through a shared driveway, with a driveway easement recorded with Leavenworth County and does not/will not impact adjacent property owners.