

# LEAVENWORTH COUNTY PLANNING COMMISSION

Agenda for the Regular Meeting of 5:30 P.M., Wednesday, September 8<sup>th</sup>, 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**
3. **Roll Call**
4. **Approval of Minutes**
5. **Secretary’s Report**
6. **Administrative Business**
  - A. **Case DEV-21-112 Amendment to the Bylaws** *Continued to the October 13<sup>th</sup> Meeting*
7. **Declarations: (if necessary)**
  - A. Declarations of receipt of communications by Planning Commissioners
  - B. Disclosure of ex-parte communications for each hearing item
  - C. Declarations of abstention from specific agenda items by a Commissioner
8. **Approval of Agenda**
9. **Consent Agenda**
  - A. **Case DEV-21-0129 Emerald Estates**  
Consideration of a Final Plat – Emerald Estates on the following described property: 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 (PID 109-32-0-00-00-004.02)**
10. **Regular Agenda**
  - A. **Case DEV-21-107 Rezoning from RR-5 to RR-2.5**  
Consideration of an application for a rezoning request from the RR-5 zoning district to the RR-2.5 zoning district of the following described property: A tract of land in the Fractional Southwest Quarter of Section 7 and the Fractional Northwest Quarter of Section 18, Township 11 South, Range 21 East of the 6<sup>th</sup> P.M. in Leavenworth County, Kansas.  
**Also known as 00000 Sandusky Road (PID: 193-07-0-00-00-006.00& 194-18-0-00-00-007.00)**  
**\*\*\*Public Hearing Required\*\*\***  
**\*\*\*Public Comment limited to three minutes per person\*\*\***

**B. Case DEV-21-118 Rezoning from RR-5 to RR-2.5**

Consideration of an application for a rezoning request from the RR-5 zoning district to the RR-2.5 zoning district of the following described property: A tract of land in the Fractional Southeast Quarter of Section 6, Township 10 South, Range 21 East of the 6<sup>th</sup> P.M., Leavenworth County.

**Also known as 22852 Dempsey Road (PID: 143-06-0-00-00-007.00, 143-06-0-00-00-007.01 & 143-06-0-00-00-007.02)**

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

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

**C. Case DEV-21-119 Rezoning from RR-5 to RR-2.5**

Consideration of an application for a rezoning request from the RR-5 zoning district to the RR-2.5 zoning district of the following described property: A tract of land in the Southeast Quarter of Section 13, Township 11 South, Range 20 East of the 6th PM, Leavenworth County.

**Also known as 17326 242<sup>nd</sup> Street (PID: 206-13-0-00-00-013.00)**

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

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

**D. Case DEV-21-121 Rezoning from RR-5 to RR-2.5**

Consideration of an application for a rezoning request from the RR-5 zoning district to the RR-2.5 zoning district of the following described property: A tract of land in the South Half of the Northwest Quarter of Section 17, Township 12 South, Range 21 East of the 6th PM, Leavenworth County.

**Also known as 00000 230<sup>th</sup> Street (PID: 224-17-0-00-00-006.00)**

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

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

**E. Case DEV-21-127 Text Amendments**

Consideration of an application for amendments to the 2006 Leavenworth County Zoning and Subdivision Regulations:

Article 32 – Recreational Vehicles

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

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

**Adjournment of Planning Commission**

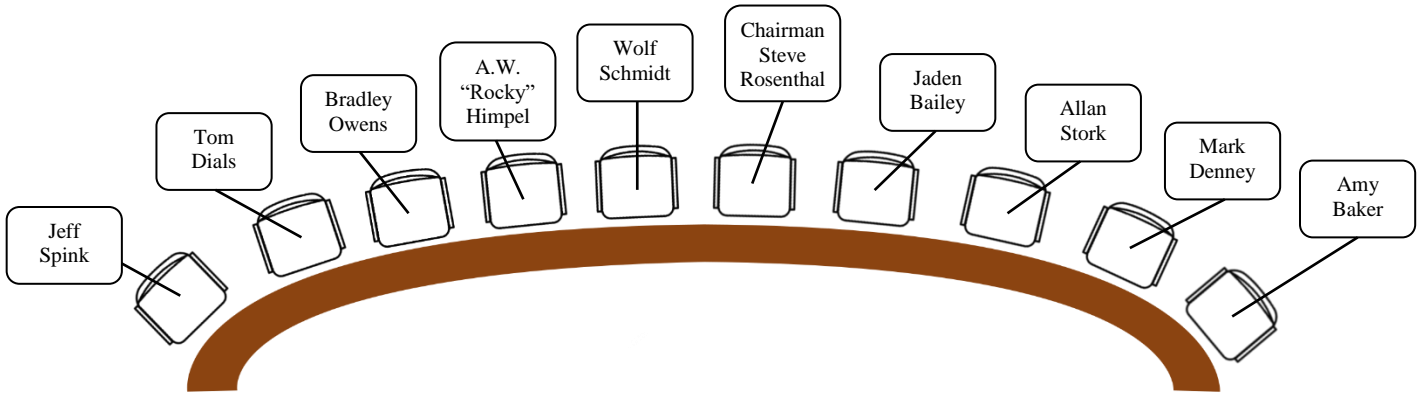
**Next meeting date:**

**Wednesday, October 13, 2021 5:30 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

September 8<sup>th</sup>, 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-21-129**  
Final Plat  
Emerald Estates

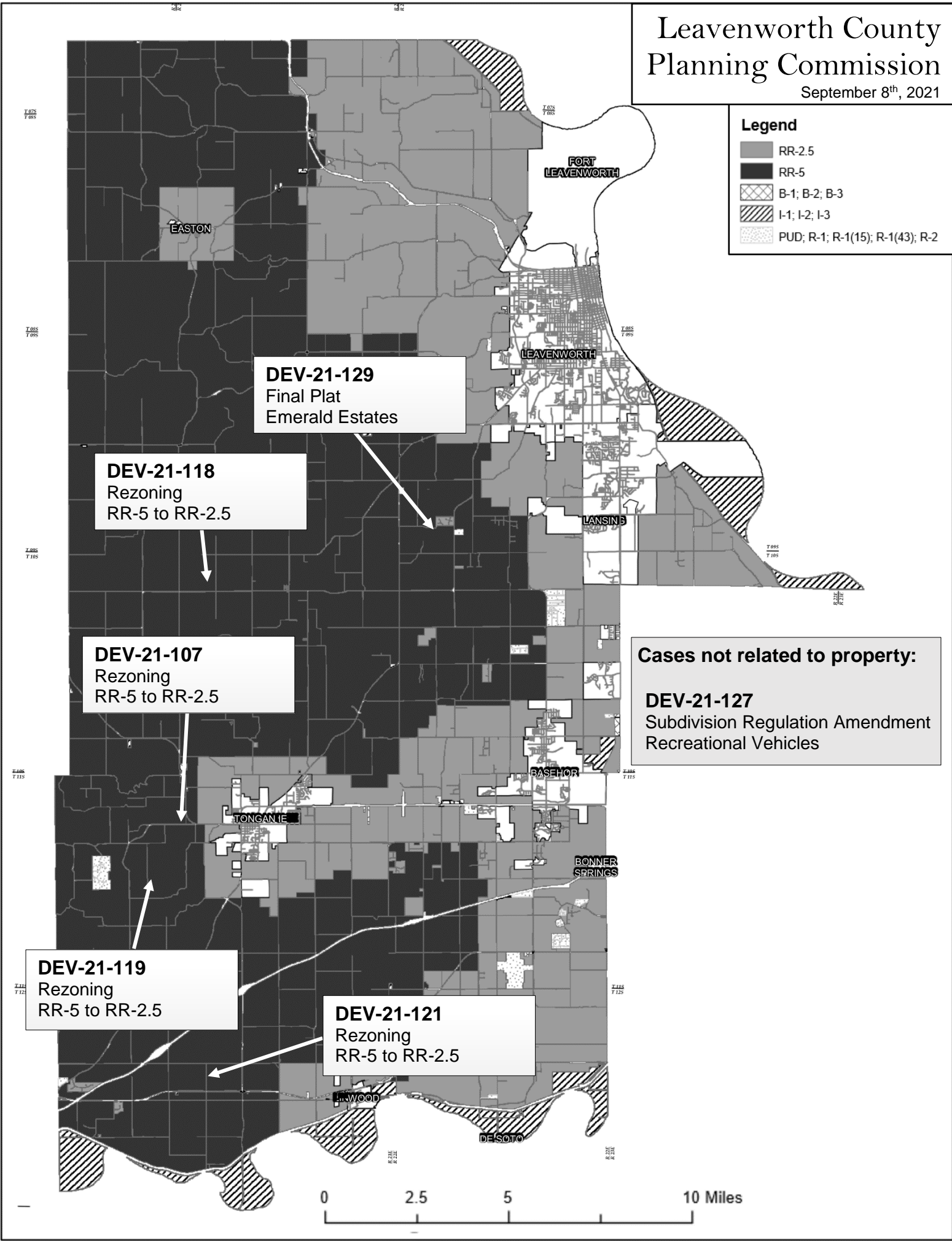
**DEV-21-118**  
Rezoning  
RR-5 to RR-2.5

**DEV-21-107**  
Rezoning  
RR-5 to RR-2.5

**DEV-21-119**  
Rezoning  
RR-5 to RR-2.5

**DEV-21-121**  
Rezoning  
RR-5 to RR-2.5

**Cases not related to property:**  
**DEV-21-127**  
Subdivision Regulation Amendment  
Recreational Vehicles



**LEAVENWORTH COUNTY PLANNING COMMISSION  
MINUTES OF THE REGULAR MEETING  
August 12, 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, Amy Baker, Allan Stork, and Wolf Schmidt

**Members absent:** Tom Dials

**Staff present:** Amy Allison-Deputy Director, Stephanie Sloop-Planning Coordinator, Joshua Gentzler-Planner, David Van Parys-Senior County Counselor

**Minutes:**

*Commissioner Schmidt made a motion to approve the August 5<sup>th</sup> Minutes. Commissioner Baker seconded that motion.*

**ROLL CALL VOTE - Motion to approve passed, 6/0 (1 absent, 2 vacancies)**

**Secretary's Report:**

Amy Allison gave the secretary's report, letting the commission know that there were three cases on the consent agenda, approval of the agenda would approve those cases. Ms. Allison also asked the Commission to make an official note that meetings would start at 5:30 beginning in September.

*A motion was made by Commissioner Schmidt to move future meeting start times to 5:30 pm. Commissioner Himpel seconded the motion.*

**ROLL CALL VOTE - Motion to approve passed, 6/0 (1 absent, 2 vacancies)**

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

**ROLL CALL VOTE - Motion to approve passed, 6/0 (1 absent, 2 vacancies)**

**Case DEV-21-108 & 109 Ward's Ridge**

**Consideration of an application for a Preliminary and Final Plat – Ward's Ridge on the following described property: A tract of land in the northeast fractional quarter of Section 5, Township 11 South, Range 21 East of the 6<sup>th</sup> P.M., in Leavenworth County, Kansas.**

**Also known as 00000 Hatchell Road**

Amy Allison presented the facts and findings for the above request bringing it to the Planning Commission attention that because this plat was not on the consent agenda because it did need to be heard by the Tonganoxie Planning Commission for approval before it could be sent to the Board of County Commissioners.

Chairman Rosenthal asked if the applicant if they wanted to come forward. Joe Herring, Herring Surveying, came forward to answer questions about this request.

Chairman Rosenthal said if there was no further discussion he would accept a motion.

**Commissioner Himpel made a motion to approve Case DEV-21-108 & 109, the motion was seconded by Commissioner Stork.**

**ROLL CALL VOTE Motion to approve passed, 6/0 (1 absent, 2 vacancies)**

The Board of County Commissioners will consider this item on **August 25, 2021 at 9:00 A.M** in the Leavenworth County Courthouse.

**Case DEV-21-102**

**Consideration of an application for sign permits for Basehor-Linwood USD 458 for the following described property: Lot 1 of the South Elementary Plat, in Leavenworth County, Kansas.**

**Also known as 14440 178<sup>th</sup> Street**

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

Chairman Rosenthal asked Chairman Rosenthal asked the applicants if they wished to speak. Representatives of School District 458 came forward to explain the nature of their requests.

Chairman Rosenthal said if there was no further discussion he would accept a motion.

***Commissioner Himpel made a motion to approve DEV-21-102 a request for signs, Commissioner Schmidt seconded the motion.***

**ROLL CALL VOTE - Motion to approve passed, 6/0 (1 absent, 2 vacancies)**

**Case DEV-21-093**

**Consideration of an application for a Special Use Permit for a Boat Storage Facility. The Special Use Permit request is for the following described property: A tract of land in the Southwest Quarter of Section 29, Township 11 South, Range 22 East of the 6<sup>th</sup> P.M. in Leavenworth County, Kansas.**

**Also known as 15829 174<sup>th</sup> Street**

Joshua Gentzler presented the facts and findings for the above request, stating that staff recommended denial of this request due to the fact that it is not in line with the Comprehensive Plan.

Chairman Rosenthal opened the public hearing portion of the hearing and asked if the applicant wished to speak. The applicant, Jeff Dusselier 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 deny DEV-21-093, due to the fact that it does not meet the Comprehensive Plan. Commissioner Schmidt seconded the motion.***

**ROLL CALL VOTE - Motion to deny passed, 6/0 (1 absent, 2 vacancies)**

The Board of County Commissioners will consider this item on **September 1, 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-21-106**

**Consideration of an application for a rezoning request from the RR-5 zoning district to the RR-2.5 zoning district of the following described property: A tract of land in the Southeast Quarter of Section 15, Township 12 South, Range 20 East of the 6<sup>th</sup> P.M.in Leavenworth County, Kansas.**

**Also known as 25800 Linwood Road**

Joshua Gentzler presented the facts and findings for the above request, stating that staff was supportive of this request as it was in conformance with the Comprehensive Plan.

Chairman Rosenthal opened the public hearing portion of the hearing and asked if the applicant wished to speak. Joseph Herring, Herring Surveying came forward and explained the nature of his 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. One resident came forward to speak, to in opposition but bringing a concern about access to his property. The Commission let him know that it wasn't part of this rezoning request. Other residents came forward to voice their opposition and concerns. The applicant came forward to address the concerns. Chairman Rosenthal closed the public portion of the hearing and asked if there was further discussion.

***Commissioner Himpel made a motion to approve DEV-21-106, going through the golden factors and stating that it met the Comprehensive Plan. Commissioner Schmidt seconded the motion.***

**ROLL CALL VOTE - Motion to approve passed, 6/0 (1 absent, 2 vacancies)**

The Board of County Commissioners will consider this item on **September 1, 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-21-116**

**Consideration of an application for amendments to the 2006 Leavenworth County Zoning and**

**Subdivision Regulations:**

**Article 3 – Definitions**

**Article 19 – Table of Uses**

**Article 57 – Renewable Energy Conversion Systems**

Joshua Gentzler presented the facts and findings for the above changes to the Zoning Regulations.

Chairman Rosenthal opened the public hearing portion of the hearing and 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-21-116, Commissioner Schmidt seconded the motion.***

**ROLL CALL VOTE - Motion to approve passed, 6/0 (1 absent, 2 vacancies)**

The Board of County Commissioners will consider this item on **September 1, 2021 at 9:00 A.M** in the Leavenworth County Courthouse.

*Planning Commission was adjourned and the Board of Zoning Appeals reconvened.*

**Members present:** Steve Rosenthal, Mark Denney, A.W. Himpel, Jeff Spink, Amy Baker, Allan Stork, and Wolf Schmidt

**Staff present:** Amy Allison-Deputy Director, Stephanie Sloop-Planning Coordinator, Joshua Gentzler-Planner, David Van Parys-Senior County Counselor

**Case DEV-21-101**

**Consideration of a request of a Variance from the Leavenworth County Zoning and Subdivision Regulations under Article 41, Section 6 which requires a minimum parcel size of 3 acres for a second driveway.**

**Also known as 16963 Auburn Court**

Joshua 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. The applicant came forward and explained the reason for his request. Chairman Rosenthal then asked if there was anyone that wished to speak in support of the request, then asked if there was anyone wishing to speak in opposition. The public portion of the hearing was closed. The Chairman reminded the commission that they were the final decision board and this was not forwarded to the Board of County Commissioners. He then asked if there was further discussion.

***Commissioner Himpel made a motion to deny DEV-21-101, Commissioner Schmidt seconded the motion.***

**ROLL CALL VOTE - Motion to deny passed, 5/1 (1 absent, 2 vacancies)**

**Board of Zoning Appeals adjourned at 7:11 PM**



**\*\*\*Consent Agenda\*\*\***  
**Case No. DEV-21-129**  
**Emerald Estates**  
**Preliminary and Final Plat**

**Staff Report – Planning Commission**

**September 8, 2021**

**GENERAL INFORMATION:**

**Property Owner:** Pine Ridge Partners, LLC  
P.O. Box 9  
Leavenworth, KS 66048

**Agent:** Mike Reilly  
P.O. Box 9  
Leavenworth, KS 66048

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

**Parcel Size:** ± 37 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.:** 109-32-0-00-00-004.02

**Planner:** Joshua Gentzler

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**REPORT:**

**Request**

The applicant is requesting a Final Plat for a 13-lot subdivision.

**Adjacent Land Use**

The surrounding properties are residences and farms on varying sized parcels ranging from 2.2 acres to 78.6 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 Seymour Road. This road is a County Local Road with a paved surface ± 24' wide.

**Agency Comments**

See attached comments – Email – Mitch Pleak – Public Works, August 30, 2021  
See attached comments – Email – Mitch Pleak – Public Works, August 31, 2021  
See attached comments – Email – David Van Parys – County Counselor, August 10, 2021  
See attached comments – Email – Mike Stackhouse – Fire District 1 Fire Department, August 19, 2021  
See attached comments – Email – Becky Fousek – Rural Water District 8, August 16, 2021  
See attached comments – Email – Amanda Tarwater – FreeState Electric, August 10, 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.
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. Any further subdividing of any lot within this subdivision shall require the installation of public sanitary sewer or connection to an existing public sanitary sewer.
4. At time of development, fire hydrants shall be required if necessary infrastructure is available.
5. 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 approval of a 13-lot rural subdivision located south of the intersection of 177<sup>th</sup> Terrace and Seymour Road. The applicant is proposing two interior roads; one of which will extend 177<sup>th</sup> Terrace as a cul-de-sac to the south of Seymour Road and an additional road with a cul-de-sac, Clearview Drive, which will extend off of 177<sup>th</sup> Terrace to the west. There will be no additional access permitted off of Seymour Road.

Lots 6, 7, 10, and 11 have varying front building lines of 80 to 123 feet in order to meet the road frontage requirements of 200 feet. This variation is permitted by regulation when lots front onto a cul-de-sac.

The applicant has been in communication with the RWD 8 to determine the metering and supply needs of the subdivision. RWD 8 has indicated there is an 8' water supply line on the north side of Seymour Road but the RWD is not able to provide 1,000 gallons per minute at the fire hydrants. The developer, fire district, and RWD 8 will need to collaborate on designs for the hydrant system.

The Preliminary Plat has been revised and is being submitted with the Final Plat in order to revise the drainage easement in the southwest corner of the property.

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## **STAFF RECOMMENDATION:**

The staff recommends approval of Case No. DEV-21-127, Final Plat for Emerald Estates, with the following conditions:

1. Building permits shall be required for any new construction.
2. Erosion control shall be used when designing and constructing driveways. A form of sediment control shall be installed before work begins and maintained throughout the time that the land disturbing activities are taking place. Re-vegetation of all disturbed sites shall be completed within 45 days after completion of final grading weather permitting.
3. The applicant shall adhere to the following memorandums:
  - a. Michael Stackhouse - Fire District No. 1, August 19, 2021
  - b. Becky Fousek – Rural Water District 8, August 16, 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. Any further subdividing of any lot within this subdivision shall require the installation of public sanitary sewer or connection to an existing public sanitary sewer.

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.

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**ACTION OPTIONS:**

1. Recommend approval of Case No. DEV-21-127, Final Plat for Emerald Estates, to the Board of County Commission, with or without conditions; or
2. Recommend denial of Case No. DEV-21-127, Final Plat for Emerald Estates, 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

**From:** [Mitch Pleak](#)  
**Sent:** Tuesday, August 31, 2021 2:36 PM  
**To:** [Gentzler, Joshua](#)  
**Cc:** [Anderson, Lauren](#); [Noll, Bill](#); [019-2831](#)  
**Subject:** RE: Emerald Estates  
**Attachments:** Attachments.html

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**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,

Good afternoon. Lauren and I have completed the public improvement plan review with no further comments. The link below includes the accepted public improvement plans and acceptance letter.

The letter notes the need for a letter of acknowledgement from the Owner on a few items. Also the cost estimate is under review and should be accepted prior to plat recording.

Citrix Attachments Expires February 27, 2022

2021.08.31 DEV-21-129 Street & Storm_rev3.pdf	7.2 MB
21-08-31_Emerald Estates Acceptance Letter.pdf	188.5 KB

[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:** Tuesday, August 31, 2021 8:33 AM  
**To:** Mitch Pleak <[mpleak@olsson.com](mailto:mpleak@olsson.com)>  
**Cc:** Anderson, Lauren <[LAAnderson@leavenworthcounty.gov](mailto:LAAnderson@leavenworthcounty.gov)>  
**Subject:** RE: Emerald Estates

Here's the revised Street & Storm plans.

Joshua Gentzler  
[Planning & Zoning](#)

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**From:** Mitch Pleak <[mpleak@olsson.com](mailto:mpleak@olsson.com)>  
**Sent:** Monday, August 30, 2021 2:06 PM  
**To:** Gentzler, Joshua <[JGentzler@leavenworthcounty.gov](mailto:JGentzler@leavenworthcounty.gov)>  
**Cc:** Noll, Bill <[BNoll@leavenworthcounty.gov](mailto:BNoll@leavenworthcounty.gov)>; Anderson, Lauren <[LAAnderson@leavenworthcounty.gov](mailto:LAAnderson@leavenworthcounty.gov)>; 019-2831 <[019-2831@olsson.com](mailto:019-2831@olsson.com)>  
**Subject:** RE: Emerald 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 plat and the PIP. No further comments on the plat. There is a couple comments on the PIP. Please forward on.  
Thanks,

Mitch

Citrix Attachments Expires February 26, 2022

2021.08.27 DEV-21-129 Final Plat.pdf	609.8 KB
Emerald Estates - Street & Storm_rev2.pdf	7.3 MB

[Download Attachments](#)

Mitchell Pleak uses Citrix Files to share documents securely.

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**From:** Gentzler, Joshua <[JGentzler@leavenworthcounty.gov](mailto:JGentzler@leavenworthcounty.gov)>  
**Sent:** Friday, August 27, 2021 8:46 AM  
**To:** Anderson, Lauren <[LAnderson@leavenworthcounty.gov](mailto:LAnderson@leavenworthcounty.gov)>; Mitch Pleak <[mpleak@olsson.com](mailto:mpleak@olsson.com)>  
**Subject:** RE: Emerald Estates

Lauren and Mitch,

Here is the Final Plat revision to go along with the street & storm plan.

I'm also sending this out to the Fire District. Chief Stackhouse is saying that the fire hydrants are required to be on the Final Plat as per the 2006 International Fire Code. I don't see that they've updated the plat with that information, so we will probably have another revision coming through.

Joshua Gentzler  
[Planning & Zoning](#)

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**From:** Anderson, Lauren  
**Sent:** Wednesday, August 25, 2021 12:25 PM  
**To:** Gentzler, Joshua <[JGentzler@leavenworthcounty.gov](mailto:JGentzler@leavenworthcounty.gov)>  
**Cc:** Sloop, Stephanie <[SSloop@leavenworthcounty.gov](mailto:SSloop@leavenworthcounty.gov)>  
**Subject:** FW: Emerald Estates

Joshua,

For your records.

Lauren

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**From:** brett napiereng.com <[brett@napiereng.com](mailto:brett@napiereng.com)>  
**Sent:** Wednesday, August 25, 2021 11:46 AM  
**To:** Mitch Pleak <[mpleak@olsson.com](mailto:mpleak@olsson.com)>; Anderson, Lauren <[LAnderson@leavenworthcounty.gov](mailto:LAnderson@leavenworthcounty.gov)>  
**Cc:** Andrea Weishaubt <[andrea.weishaubt@atlassurveyors.com](mailto:andrea.weishaubt@atlassurveyors.com)>  
**Subject:** Emerald 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.

Here are the revised Street & Storm Sewer Plans. I believe Andrea will submitting the Revised Final Plat shortly.

I'll get the NOI, SWPPP and Cost Estimate put together as well.

BN

## **Napier Engineering, LLC**

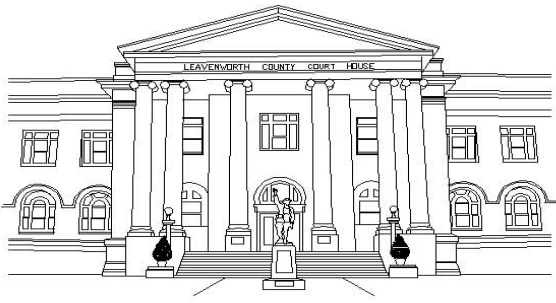
*Brett Napier, PE*

*207 S. 5th St.*

*Leavenworth, KS 66048*

*913-375-0482*

*[brett@napiereng.com](mailto:brett@napiereng.com)*



# COUNTY OF LEAVENWORTH

## Department of Public Works

300 Walnut, Suite 007

Leavenworth, Kansas 66048-2815

Phone (913) 684-0470

Fax (913) 684-0473

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August 31, 2021

### **Emerald Estates Subdivision – Public Roadway Plans, Storm Drainage Report, and Preliminary Plat**

The Public Works Department has reviewed the below listed documents for general conformance according to County requirements and/or engineer standards. No exceptions were noted.

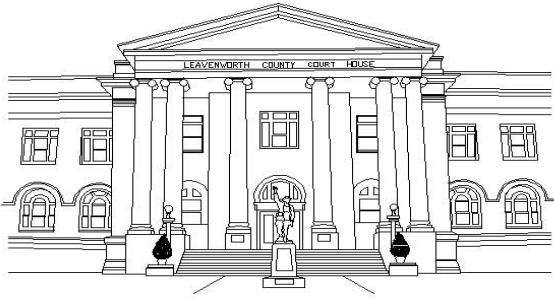
- Street and Storm Sewer Improvement Plans signed 08.30.21.
- Storm Drainage Report signed 07.27.21.
- Preliminary Plat received 07.28.21.
- Final Plat received 08.27.21

Note: The determination of general conformance does not warranty public roadway plans and does not relieve the engineer of record of its obligations and requirements to meet the industry required standard of care. Engineer of record is solely responsible for all contents of the Roadway Plans regardless of the review provided.

After the recording of the plat, the applicant is responsible for setting up a preconstruction conference with the Leavenworth County Public Works Department prior to any construction activities. The Contractor, Owner, Design Engineer, and Surveyor are required to attend this conference. Please contact Lauren Anderson, PE at [landerson@leavenworthcounty.gov](mailto:landerson@leavenworthcounty.gov) to set up preconstruction conference.

Owner shall provide a letter acknowledging the following requirements for the project:

1. Owner/Developer/Contractor shall provide the County with a Stormwater Pollution Prevention Plan (SWPPP) and NOI before construction.
2. Construction record drawings shall be submitted to the County Engineer upon completion of the project and prior to final acceptance of the project by the County Engineer. The engineer shall provide the County one complete set of prints showing the project as-built.
3. Upon completion of the project and prior to final acceptance of the project, the design engineer and contractor shall certify in writing: (1) that the project was constructed to the lines, grades, and dimensions shown on the approved plans, (2) that sufficient AB-3, asphalt, rock, oil concrete and hot mix were incorporated into the work to construct the project as designed. Before final acceptance of the project the owner/developer, or his/her contractor shall furnish a Maintenance Bond in the form that approved in the amount equal to 100 percent of the amount estimated for the improvements and agreeable to the County Engineer. (Owner to provide a letter with acknowledgement of the requirement.)



# COUNTY OF LEAVENWORTH

## Department of Public Works

300 Walnut, Suite 007

Leavenworth, Kansas 66048-2815

Phone (913) 684-0470

Fax (913) 684-0473

- 
- 
4. The contractor is responsible for obtaining a qualified independent testing agency to provide all necessary testing per KDOT Specifications and testing frequencies (current edition). Prior to construction, the contractor shall furnish an inspection schedule with descriptions and frequencies to the County Engineer for review and approval. Such testing agency shall provide a sealed report with all testing documentation certifying the project was constructed to County and KDOT specifications. Such report shall be accepted by the County Engineer prior to project acceptance.
  5. To pursue individual building permits before the acceptance of the vegetation and stabilization within the right-of-way, Owner/Developer may submit a 150% cash bond in the value of the vegetation and stabilization improvements. The Owner/Developer shall contact the County once the project is completely vegetated and stabilized for inspection. Once accepted by the County, the County will issue the cash bond back to the Owner/Developer. (Owner to provide a letter with acknowledgement of the requirement.)

Public Improvement Cost Estimate was received on 08.31.21 and is under review. In the event of comments, all comments shall be addressed for acceptance before the recording of the plat.



**From:** [Mike Stackhouse](#)  
**Sent:** Thursday, August 19, 2021 10:31 AM  
**To:** [Gentzler, Joshua](#)  
**Subject:** RE: DEV-21-129 Final Plat for Emerald Estates

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

Mr. Gentzler,

Good morning. I apologize for the length of time to get back to you. The final plat does not indicate hydrant placing or water flow requirements as required by the 2006 International Fire Code and as previously requested for this project. Are there further intentions regarding water supply to be forwarded to us? The cul-de-sac's and apparatus roadways appear to be in compliance but proper water supply and hydrant spacing will need to be addressed.

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:** Gentzler, Joshua <JGentzler@leavenworthcounty.gov>  
**Sent:** Tuesday, August 10, 2021 8:26 AM  
**To:** Mike Stackhouse <firedistrict1@fd1lv.org>; RWD 8 (RWD8LV@gmail.com) <RWD8LV@gmail.com>; Amanda Holloway (Amanda.holloway@freestate.coop) <Amanda.holloway@freestate.coop>; cmagaha@leavenworthcounty.gov; jmiller@leavenworthcounty.gov; Patzwald, Joshua <jpatzwald@leavenworthcounty.gov>; Van Parys, David <DVanParys@leavenworthcounty.gov>  
**Subject:** DEV-21-129 Final Plat for Emerald Estates

The Leavenworth County Department of Planning and Zoning has received a request for a Final Plat for Emerald 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 Monday, August 16<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).

**General Notes**

- All Construction shall be in conformance with Leavenworth County Code.
- Kansas Department of Transportation, latest edition, and special provisions are incorporated for state and bridge construction except as otherwise noted.
- The Contractor shall thoroughly review and become familiar with the Specifications and Special Conditions of the Contract Documents prior to beginning construction on this project.
- All workmanship and materials shall be subject to inspection and approval by the County.
- The Contractor shall be responsible for the protection of all property pins and any survey monuments, whether shown on the plans or not. Any property pins and/or monuments that may be disturbed by construction activity shall be recorded prior to any disturbance and verified after construction is complete. Any pins or monuments found to be disturbed shall be reset by a Kansas licensed land surveyor to the location and condition prior to construction. This work shall not require nor constitute a property or boundary survey. Payment for this work shall be subsidiary to other bid items.
- All trees, shrubs, bushes, and brush within the grading limits shall be removed by the Contractor unless specifically indicated to be saved on the plans. The Contractor shall spare all trees, shrubs, and/or bushes marked D.N.D. (Do Not Disturb) and shall make all reasonable efforts to spare other large trees (greater than 6" diameter) and landscape trees by adjusting back-slopes during construction, as approved by the Engineer. All trees within the construction limits to be spared shall be physically protected prior to construction by methods approved by the Engineer.
- All concrete used in the work shall meet the requirements of APWA. The Contractor shall, at Contractor's expense, submit and receive approval, by the County Engineer, of a concrete mix design prior to placement of any concrete. The mix design shall include certified test results by an independent laboratory for the aggregate tests required. KCMMB 4K concrete shall be used throughout unless noted otherwise and all concrete delivered to the project shall be so certified.
- Police, Fire Departments, Med-Act and school bus companies shall be notified prior to closing any street. Street closures require the approval of the County Engineer.
- The information shown on these plans concerning type and location of underground utilities are not guaranteed to be accurate or complete. The Contractor shall be responsible for contacting all utility companies for field location of all underground utility lines prior to any excavation and for making his own verification as to the type and location of underground utilities as may be necessary to avoid damage thereto.
- The Contractor shall at no time leave equipment, materials, or debris in locations that could obstruct intersection sight distance, obstruct any existing capacity of the storm sewer system, or cause flooding or sediment runoff to residences.
- All excavation shall be unclassified. No separate or additional payment will be made for any rock excavation required for these improvements. Trench excavation shall be Subsidiary to other items of work and is not included in any earthwork calculations.
- Saw cuts shall be full depth and shall be Subsidiary to other items of work. The contractor shall coordinate with County inspection and County approval of the saw cut line along Public Roadways prior to new roadway construction operations.
- The Contractor shall be responsible for maintaining, and if necessary, removing and restoring, all existing mailboxes, driveway markers, yard lights, etc. This work shall be Subsidiary to other items of work. Placement of temporary mailboxes shall be in coordination with United States post office.
- Existing permanent structures shown within the Right-of-Way or easements shall be preserved and protected by the Contractor throughout the construction period unless shown to be removed on the plans.
- The Contractor shall be responsible for maintaining an approved Storm Water Pollution Prevention Plan (SWPPP) for this project. Subsidiary to other bid items.
- This project includes special Erosion and Sediment Control requirements that must be followed. Please reference the specific requirements outlined in the erosion and sediment control plans.
- Any poles to be braced for construction shall be coordinated with Evergy Energy or the owner of that pole. Contractor shall notify Evergy 72 hours prior to excavation adjacent to their poles. Any and all costs associated with braces shall be the responsibility of the Contractor.
- Contractor is responsible for protecting and adjusting or rebuilding all existing manholes, catch basins, utility valves, and meter pits within construction limits to the final grade as required. This work shall be Subsidiary to other bid items unless noted otherwise.
- Any connections of existing storm sewer pipe to proposed inlets, manholes, or junction boxes shall be considered Subsidiary to other items of work.
- Grading limits shown are Approximate and shall be adjusted as needed to properly match the existing conditions. However, the Contractor shall take all reasonable care to minimize impacts to adjacent properties.
- The project signs shall be placed by the Contractor at a location approved by the Engineer prior to commencement of construction operations.
- Contractor may not use private parking lots without written approval of owner. Approval shall include terms of use and restitution. Should the parking lot be damaged the Contractor shall be required to repair and/or replace to the satisfaction of the owner.
- Engineer shall be notified of any plan discrepancies prior to construction.
- The traffic control requirements shown in these plans are minimum requirements only and do not attempt to address in depth the variety of situations that may occur once construction begins. In no way do the requirements shown herein relieve the Contractor of his responsibility for selecting the proper traffic control devices and implementation procedures that will ensure the safety of motorists, pedestrians, and workers at all times. All traffic control devices shall be in conformance with the current edition of the Manual of Uniform Traffic Control Devices (MUTCD) and shall be subsidiary to traffic control.
- The Contractor shall be responsible for supporting and protecting all exposed utilities in open trenches and utility poles needing bracing.
- When Contractor has less than 1' of distance between utilities (both mains and services) and subgrade stabilization for the roadway, he shall surround the utility with 12" of CA-5, or similar material, instead of shot rock, to protect the utility. This shall be Subsidiary to other bid items.
- The Contractor shall pothole and survey all utility crossings prior to construction of any portion of storm sewer, underdrains, conduit and any other subsurface elements of the project. This survey information shall be forwarded to the Engineer for review. The Contractor shall not begin construction of any subsurface element on the project without the approval of the Engineer. This item shall be subsidiary to other bid items. The Contractor is responsible for any damages to both private and public utilities.
- The Contractor shall not change or deviate from the plans without first obtaining written approval from the County and Engineer.
- It is the responsibility of the Owner/Developer to schedule the installation of the street signs with the County to prevent delays. All costs incurred for the signs and installation will be reimbursed by the Owner/Developer before project acceptance.
- Contractor shall obtain all necessary permits from all agencies with jurisdiction over the project.
- Owner/Developer/Contractor shall provide the County with a Stormwater Pollution Prevention Plan (SWPPP) and NOI before construction. The site shall comply with all requirements of the Kansas Water Pollution Control and NPDES Stormwater Runoff from Construction sites general permit.
- Construction record drawings shall be submitted to the County Engineer upon completion of the project and prior to final acceptance of the project by the County Engineer. The engineer shall provide the County one complete set of prints showing the project as-built.
- All areas disturbed by the construction of said improvements shall be fertilized, seeded, and mulched in accordance with Leavenworth County Requirements. If seeding doesn't take, Contractor/Developer is responsible for reseeding until there is mowable good stand of grass. Vegetation acceptance shall meet the minimum NOT requirements and approval from the County Public Works Department. Vegetation requires a uniform perennial vegetative cover with a density of 70% over 100% of all disturbed areas.
- All swales shall be staked prior to construction.

# EMERALD ESTATES STREET & STORMWATER PLANS LEAVENWORTH COUNTY, KANSAS

**INDEX OF SHEETS**

C1	TITLE SHEET
C2	STANDARD DETAILS
C3-C4	PLAN & PROFILE SHEETS
C5-C6	CROSS-SECTION SHEETS
C7	STORM LINE DRAINAGE AREAS & CALCS
C8	STORM SEWER PLAN & PROFILE
C9-C10	GRADING PLAN
C11	EROSION CONTROL PLANS
C12	INTERSECTION & CUL-DE-SAC DETAILS

Sheet - C1

Title Sheet

2021-24  
Emerald Estates  
Leavenworth County  
Street & Storm Plans

Prepared For:  
PINE RIDGE PARTNERS LLC  
C/O MIKE REILLY  
P.O. BOX 9  
LEAVENWORTH, KS 66048  
PHONE: 913.682.1234

**NAPIER  
ENGINEERING, LLC**

207 S. 5th Street  
Leavenworth, KS 66048  
913.375.0482  
brett@napiereng.com

Date of Preparation :

August 9, 2019

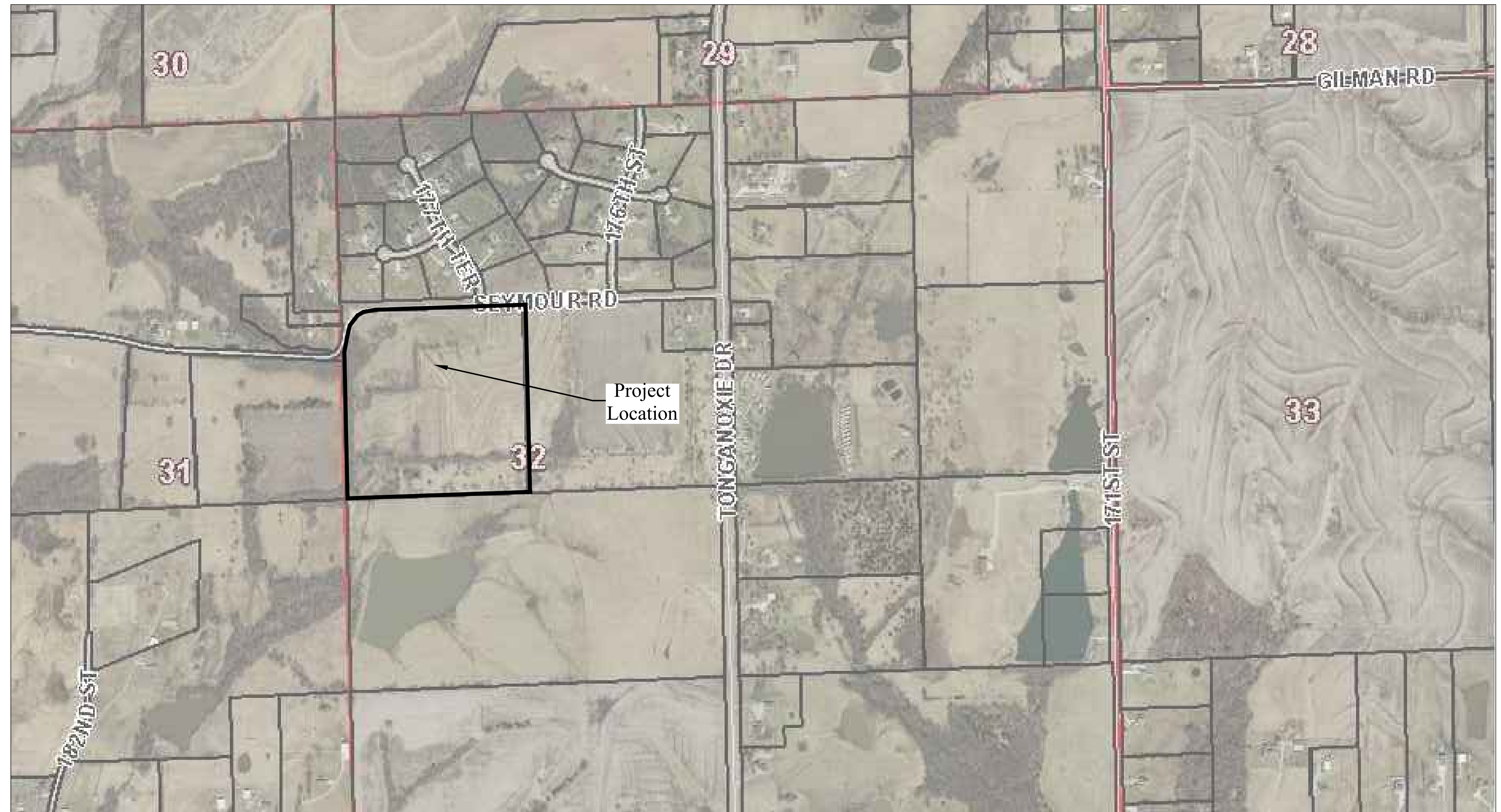
Revised Date:

August 18, 2021

August 24, 2021

August 30, 2021

4th  
Submittal



**VICINITY MAP**

SECTION 32-09-22  
NOT TO SCALE

**SUMMARY OF QUANTITIES**

1. MOBILIZATION	LUMP SUM
2. CLEARING & GRUBBING	LUMP SUM
3. DEMOLITION	LUMP SUM
4. GRADING	LUMP SUM
5. CONSTRUCTION STAKING	LUMP SUM
6. TRAFFIC CONTROL	LUMP SUM
7. TESTING	LUMP SUM
8. SEEDING	7.0 AC.
9. NA SC-250 TURF REINFORCEMENT MAT	800 S.F.
10. CONSTRUCTION ENTRANCE	1 EA.
11. MULCH (5 BALES/ACRE)	35 BALES
12. SILT FENCE	900 L.F.
13. 12" DIA. STRAW WATTLE LOGS	700 L.F.
14. 6" ASPHALT PAVEMENT	6,310 S.Y.
15. 4" AB-3 GRANULAR SUBBASE	6,310 S.Y.
16. 6" SUB-GRADE TREATMENT	6,745 S.Y.
17. 18" DIA. RCP CLASS III	70 L.F.
18. 18" RC END SECTION	2 EA.
19. 150# RIP-RAP	27 S.Y.

**PROJECT BENCHMARKS**

<b>BM#1</b>	USGS Datum (N - 340996.16, E - 2169034.42) Aluminum Leavenworth County Surveyor Cap Stamped "LV CO BM 1010.59 FT NAVD88 L2-28 2003" Elev.= 1010.59
<b>BM#2</b>	1/2" Iron Bar Located 40' North of the NW Corner of the S 1/2 of the NW 1/4 Section 32-9-22 (N - 339557.94, E - 2163765.30) Elev.= 972.22

**REFERENCES**

1. ALL SURVEY DATA AND INFORMATION ILLUSTRATED OR REFERENCED ON THESE PLANS, AND ALL THE PERMANENT ROAD EASEMENT DESCRIPTIONS AND EXHIBITS PREPARED FOR THIS PROJECT AND FILED WITH THE REGISTER OF DEEDS, WERE PREPARED BY ROGER B. DILL, LS-1408, RIC, INC.

**DESIGN DESIGNATIONS**

1. STREET	RURAL - LOW VOLUME
2. CLASSIFICATION	LOCAL
3. DESIGN SPEED	30 MPH
4. ROW WIDTH	60 FT
5. ROADWAY WIDTH	24 FT
6. CLEARZONE WIDTH	7 FT
7. AADT	169
8. POSTED SPEED LIMIT	25 MPH

**UTILITY OWNERS**

FREE STATE ELECTRICAL COOP  
MCLOUTH, KS  
1.800.794.1989  
  
RURAL WATER DISTRICT NO. 8  
ATTN: ROBERT KLINCKENBERGER  
913.683.0153  
  
AT&T  
9444 NALL AVE. - 1ST FLOOR  
OVERLAND PARK, KS 66207  
ATTN: RANDAL GASKIN  
913.383.6948

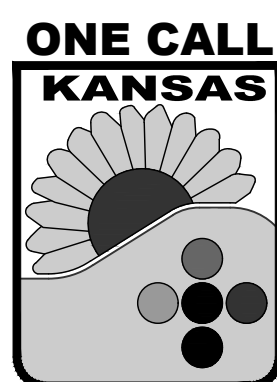
**LEGEND**

	EXISTING TREE		EXISTING GAS METER
	EXISTING WATER VALVE		EXISTING GAS VALVE
	EXISTING FIRE HYDRANT		EXISTING SANITARY SEWER MANHOLE
	EXISTING LIGHT		EXISTING ELECTRICAL METER
	EXISTING TELEPHONE MANHOLE		EXISTING UNDERGROUND ELECTRIC LINE
	EXISTING SIGN		EXISTING OVERHEAD ELECTRIC LINE
	EXISTING POWER POLE		EXISTING UNDERGROUND GAS LINE
	EXISTING GUY ANCHOR		EXISTING 4" WATER MAIN
	EXISTING WATER METER		EXISTING FENCE LINE
	EXISTING GAS REGULATOR		EXISTING UNDERGROUND TELEPHONE LINE
	EXISTING GUARD POST		PROPERTY LINE
	EXISTING TELEPHONE PEDESTAL		PROPOSED LIMITS OF CONSTRUCTION

KANSAS ONE-CALL:  
**1-800-DIG-SAFE**  
(1-800-344-7233)

Protect yourselves and your property against underground utility damage and liability.

Find out where the underground utility lines might be buried before you dig.



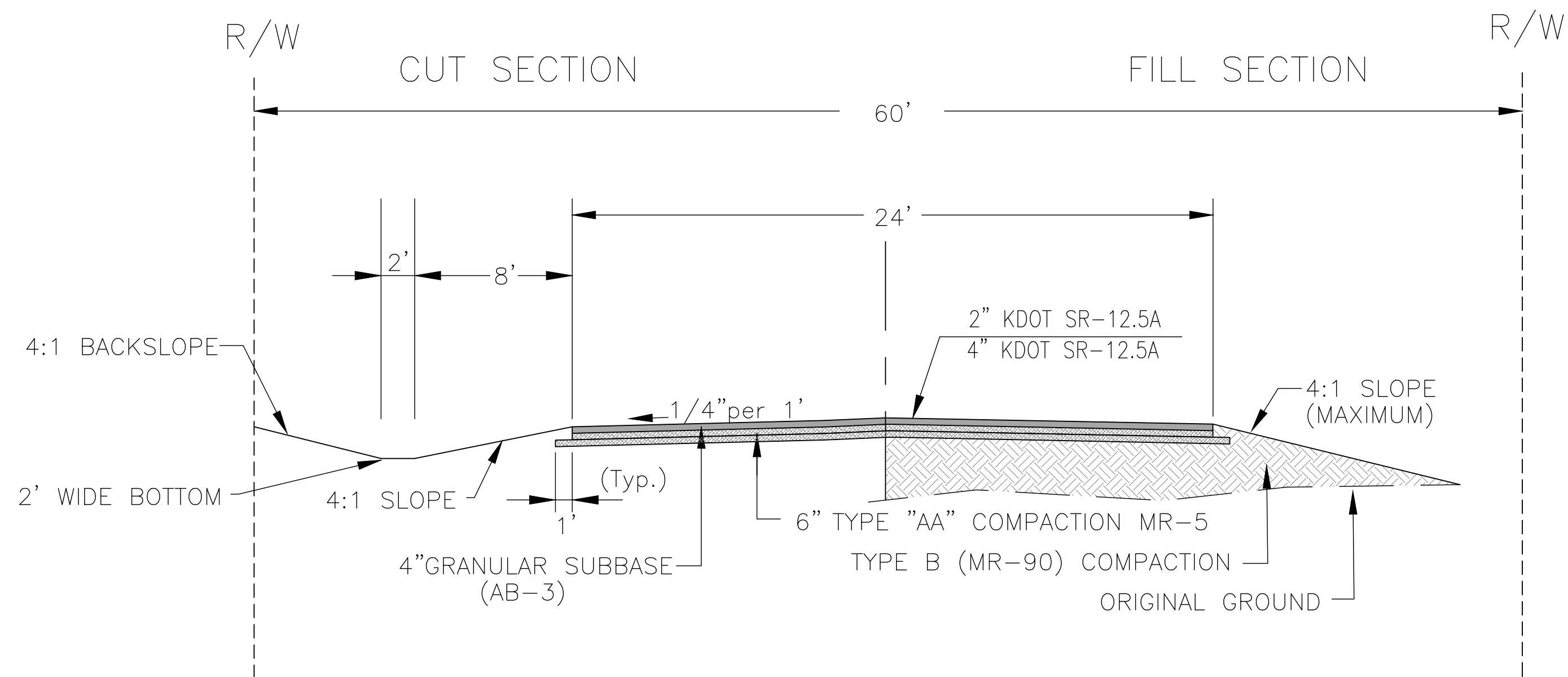
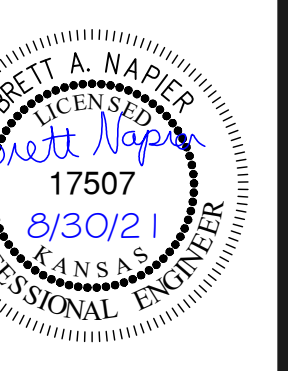
Anyone digging in Kansas must call before digging. The person who is doing the work is responsible for calling KOC. If the owner contracts with a professional excavator to do the excavation then the professional excavator is responsible for calling KOC.

You (the digger) will need to provide information about the work site when you call. This is a FREE service.

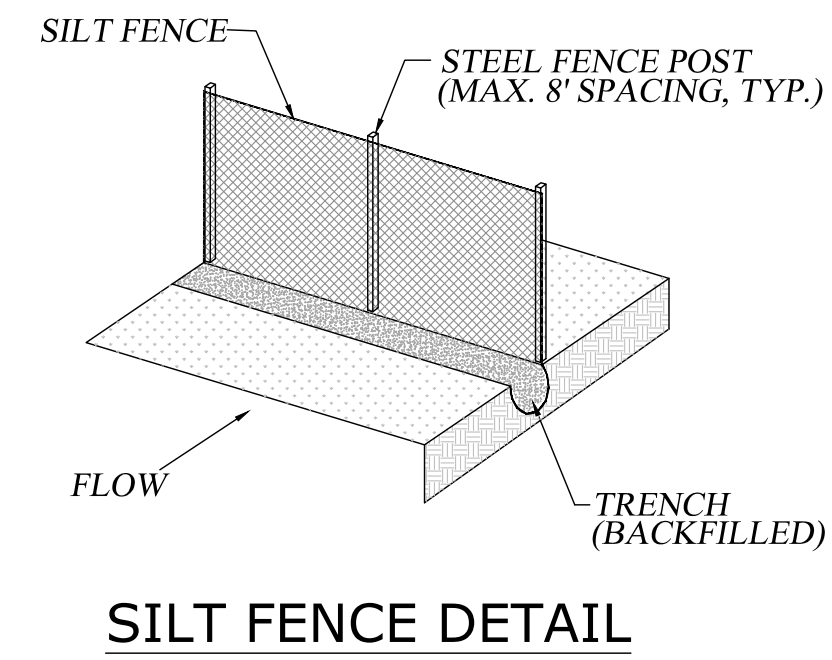
CALL BEFORE YOU DIG  
IT'S THE LAW.  
[Chapter 66.--PUBLIC UTILITIES  
Article 18.--UTILITY DAMAGE PREVENTION]

These plans are approved for one year, after which they automatically become void. The County Engineer's plan review is only for general conformance with road and storm water drainage standards adopted by Leavenworth County. The county did not check and is not responsible for the accuracy and adequacy of the design, dimensions, elevations, and quantities.

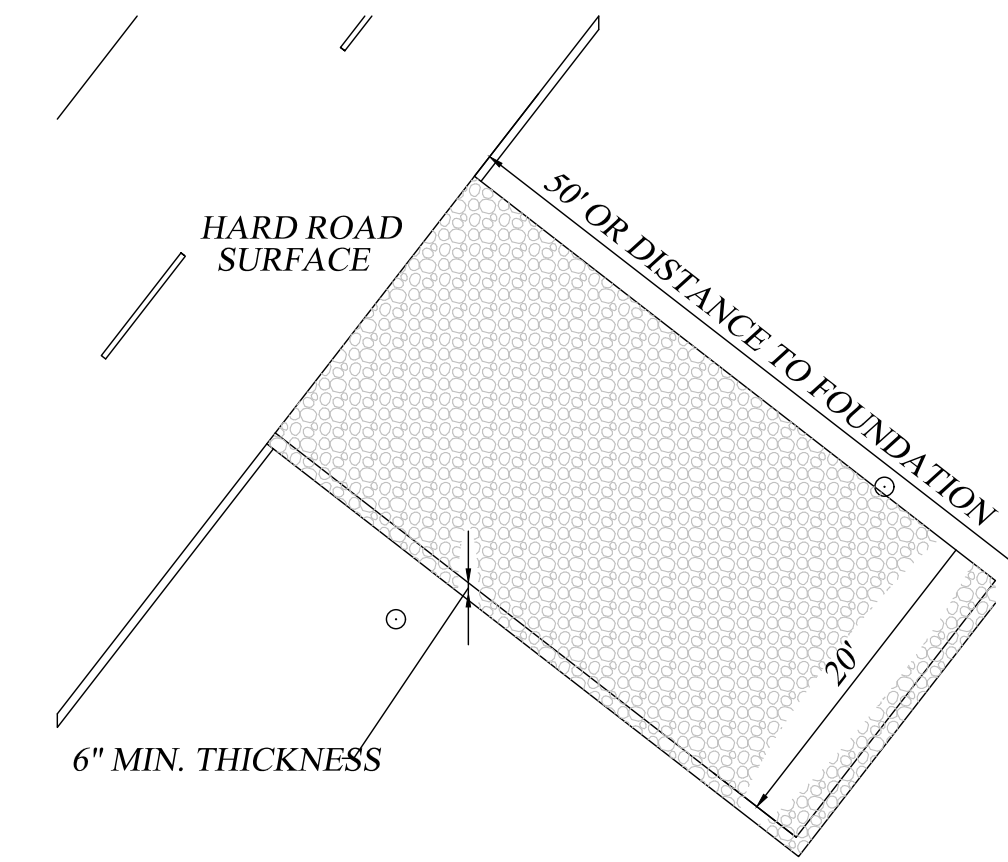
NO.	DATE	DESCRIPTION	BY
1	8/18/21	Rev. Typical Street Section	BAN
2	8/24/21	Lev. County Review Comments	BAN



**RURAL STREET DETAIL  
TYPE R-A**  
NTS



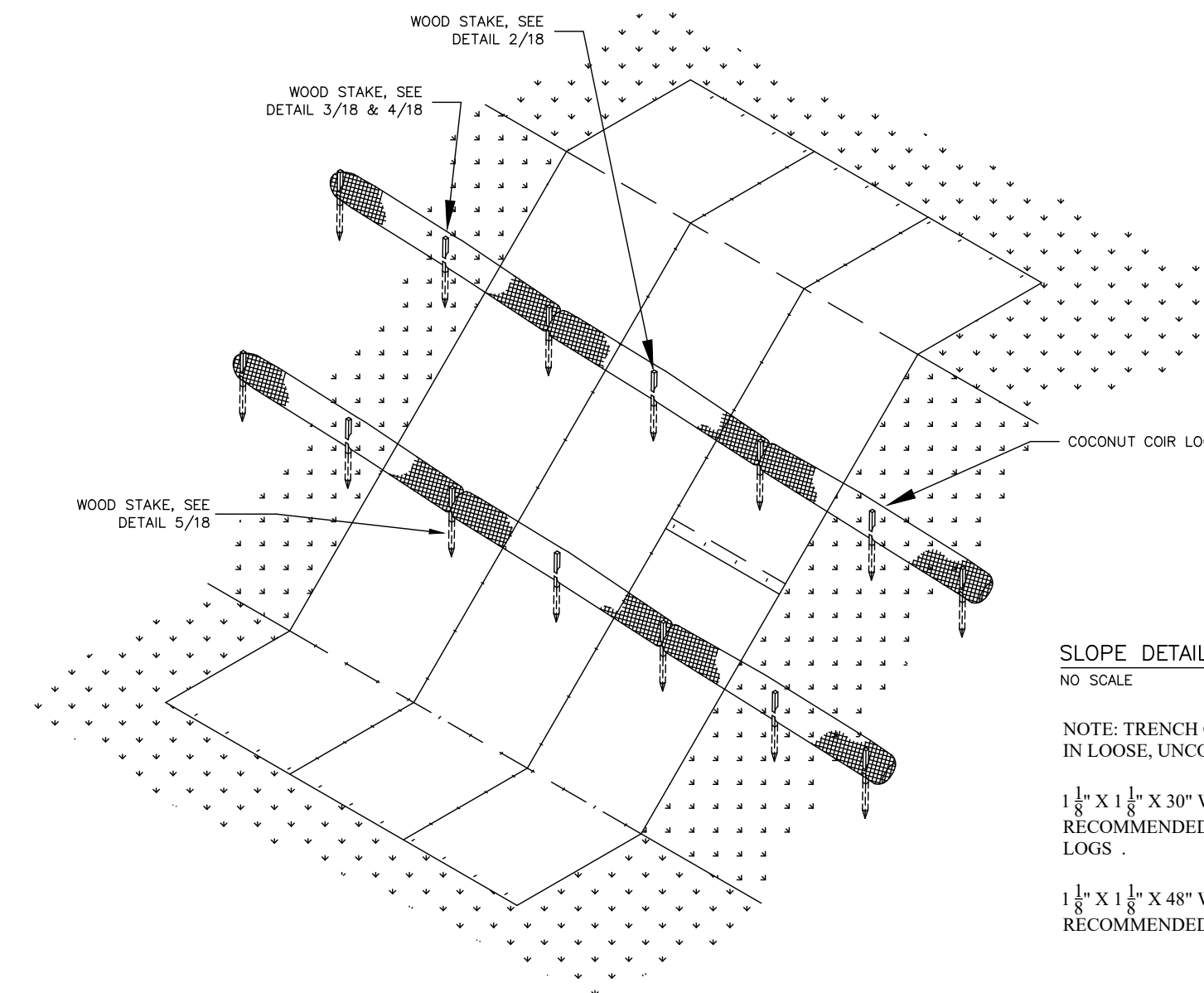
**SILT FENCE DETAIL**



- NOTES:  
1. INSTALL AS SOON AS POSSIBLE AFTER START OF GRADING.  
2. USE 2 TO 3 INCH AGGREGATE STONE.  
3. DRIVE MUST BE AT LEAST 20 FEET WIDE AND 50 FEET LONG OR THE DISTANCE TO THE FOUNDATION, WHICHEVER IS LESS.  
4. REPLACE AS NEEDED TO MAINTAIN 6 INCH DEPTH.

**GRAVEL CONSTRUCTION  
ENTRANCE DETAIL**

**STRAW WATTLE DETAIL**

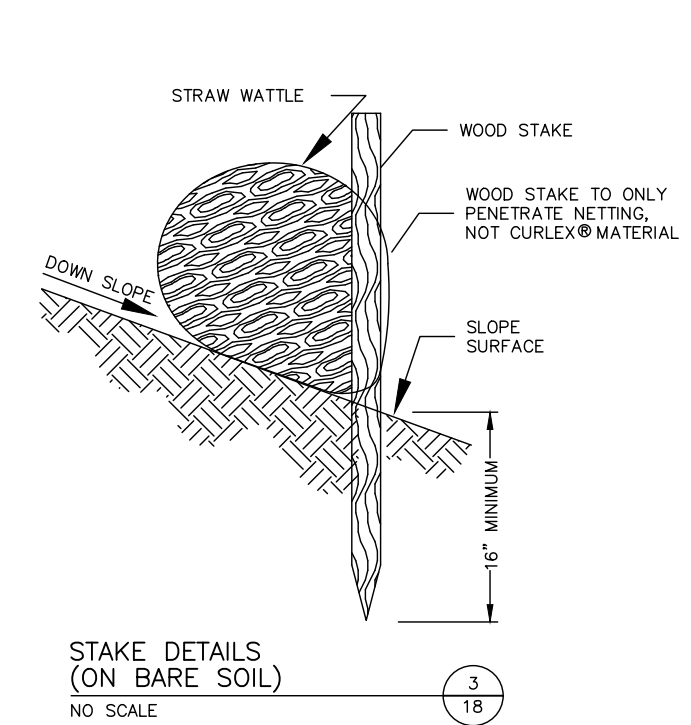


**SLOPE DETAIL**  
NO SCALE

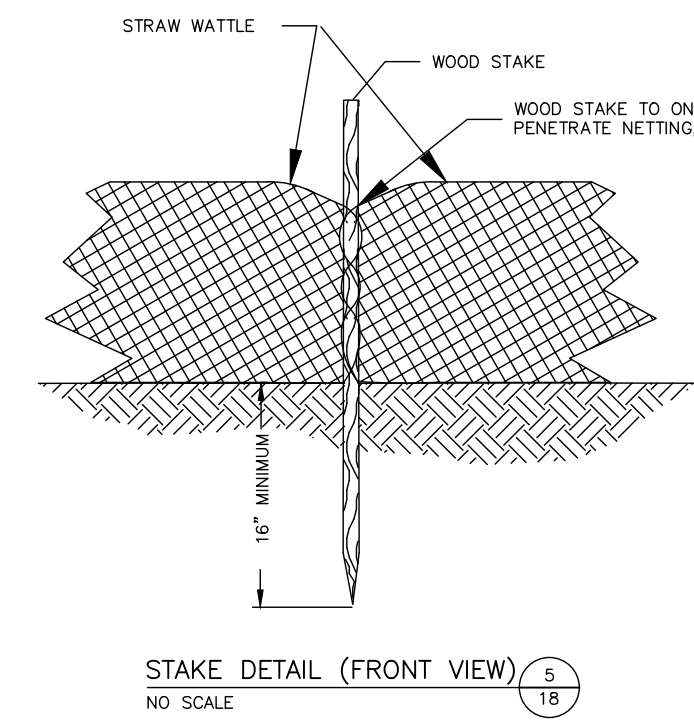
NOTE: TRENCH OPTION IS MOST APPLICABLE IN LOOSE, UNCONSOLIDATED SOILS.

1 1/2" X 1 1/2" X 30" WOODEN STAKES ARE RECOMMENDED FOR 6", 9", AND 12" SEDIMENT LOGS.

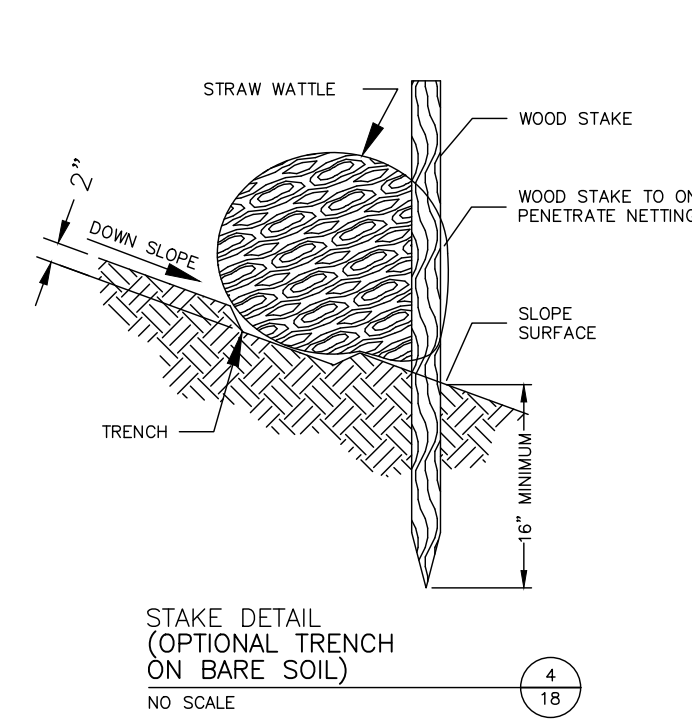
1 1/2" X 1 1/2" X 48" WOODEN STAKES ARE RECOMMENDED FOR 20" SEDIMENT LOGS.



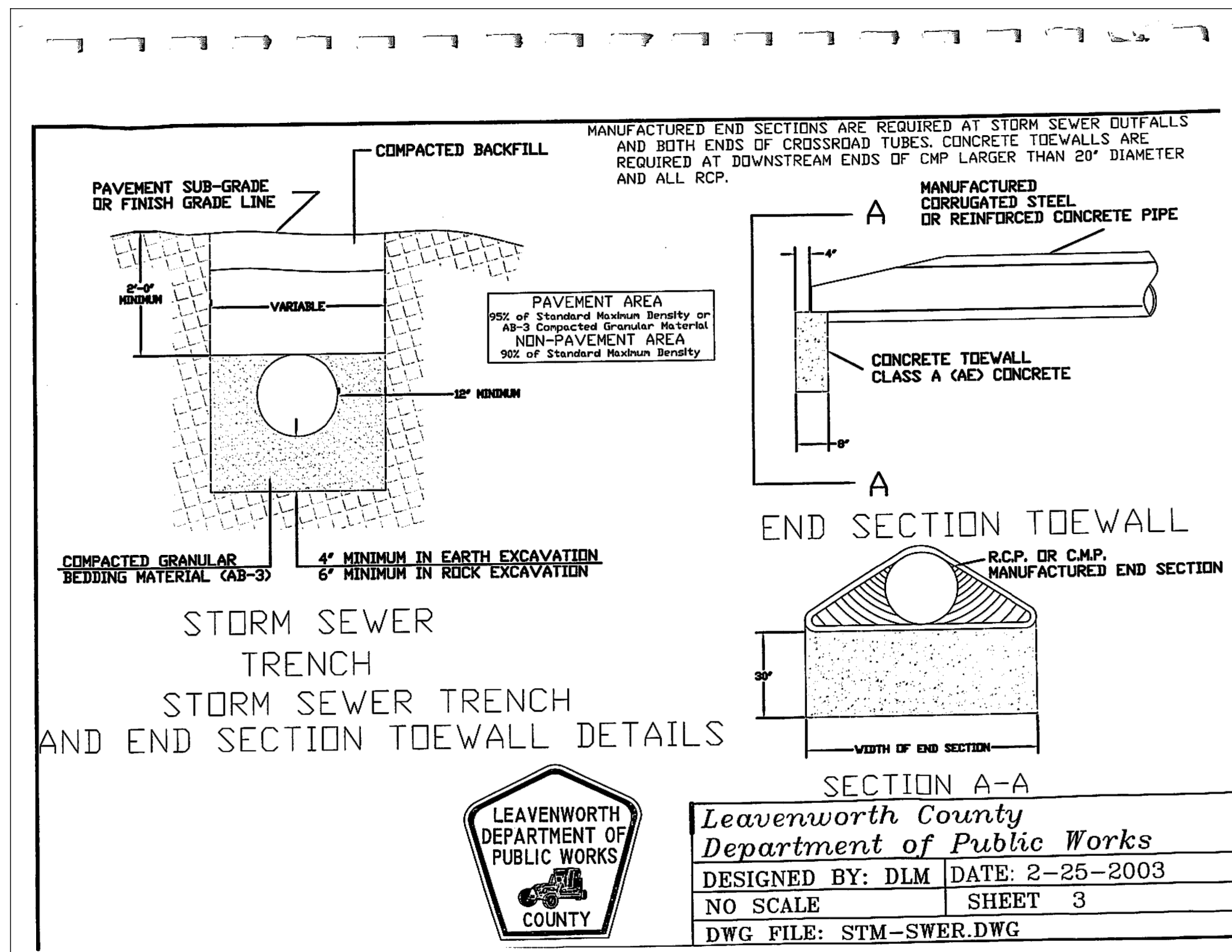
**STAKE DETAILS (ON BARE SOIL)**  
NO SCALE



**STAKE DETAIL (FRONT VIEW)**  
NO SCALE

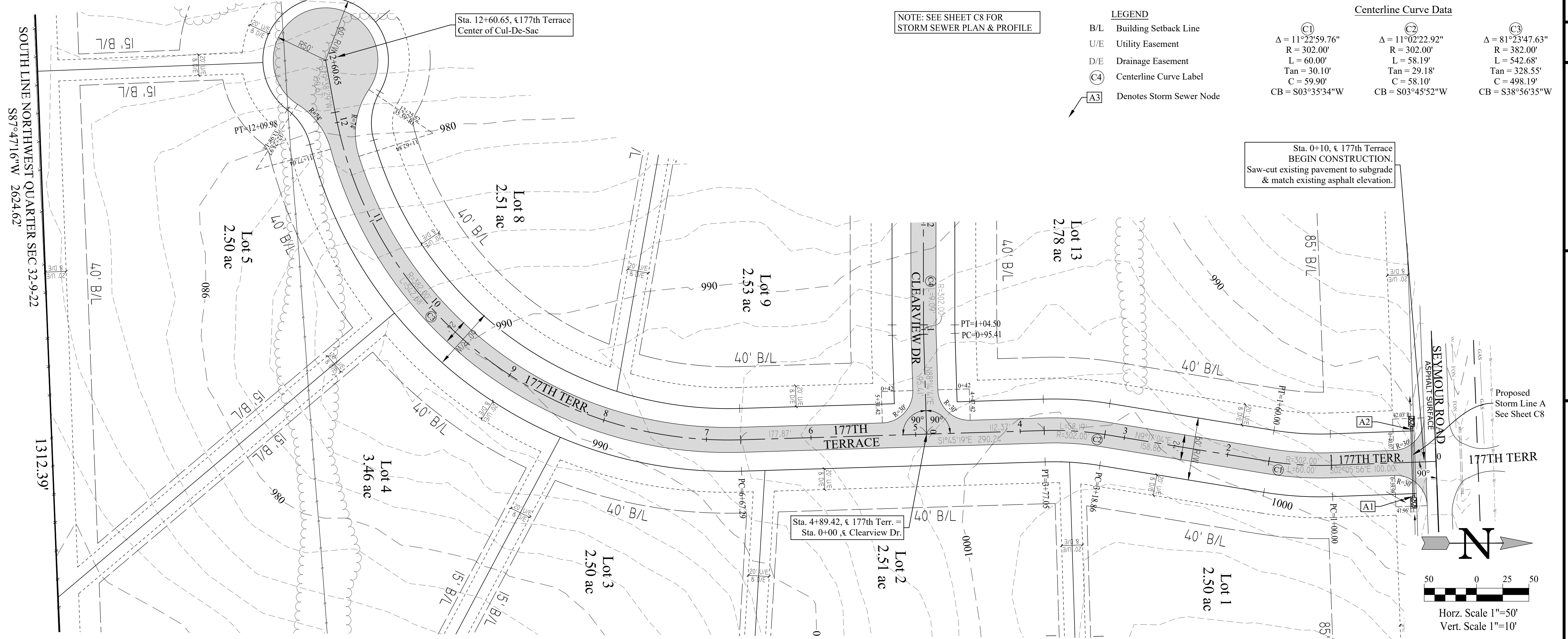
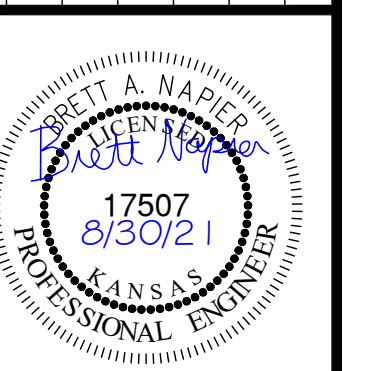


**STAKE DETAIL (OPTIONAL TRENCH ON BARE SOIL)**  
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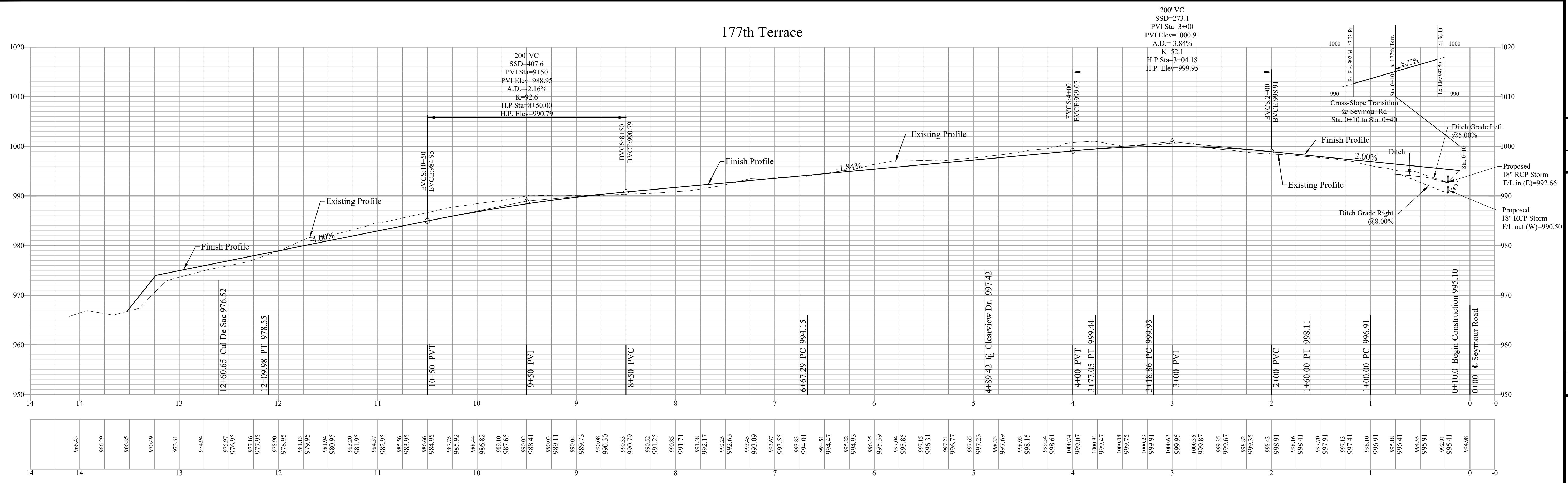


Leavenworth County  
Department of Public Works  
DESIGNED BY: DLM DATE: 2-25-2003  
NO SCALE SHEET 3  
DWG FILE: STM-SWER.DWG

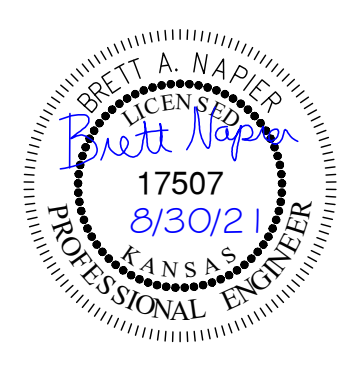
NO.	DATE	DESCRIPTION	BY
1	8/18/21	Rev. Storm Crossing	BAN
2	8/24/21	Lev. County Review Comments	BAN
3	8/30/21	Lev. County Review Comments	BAN



177th Terrace



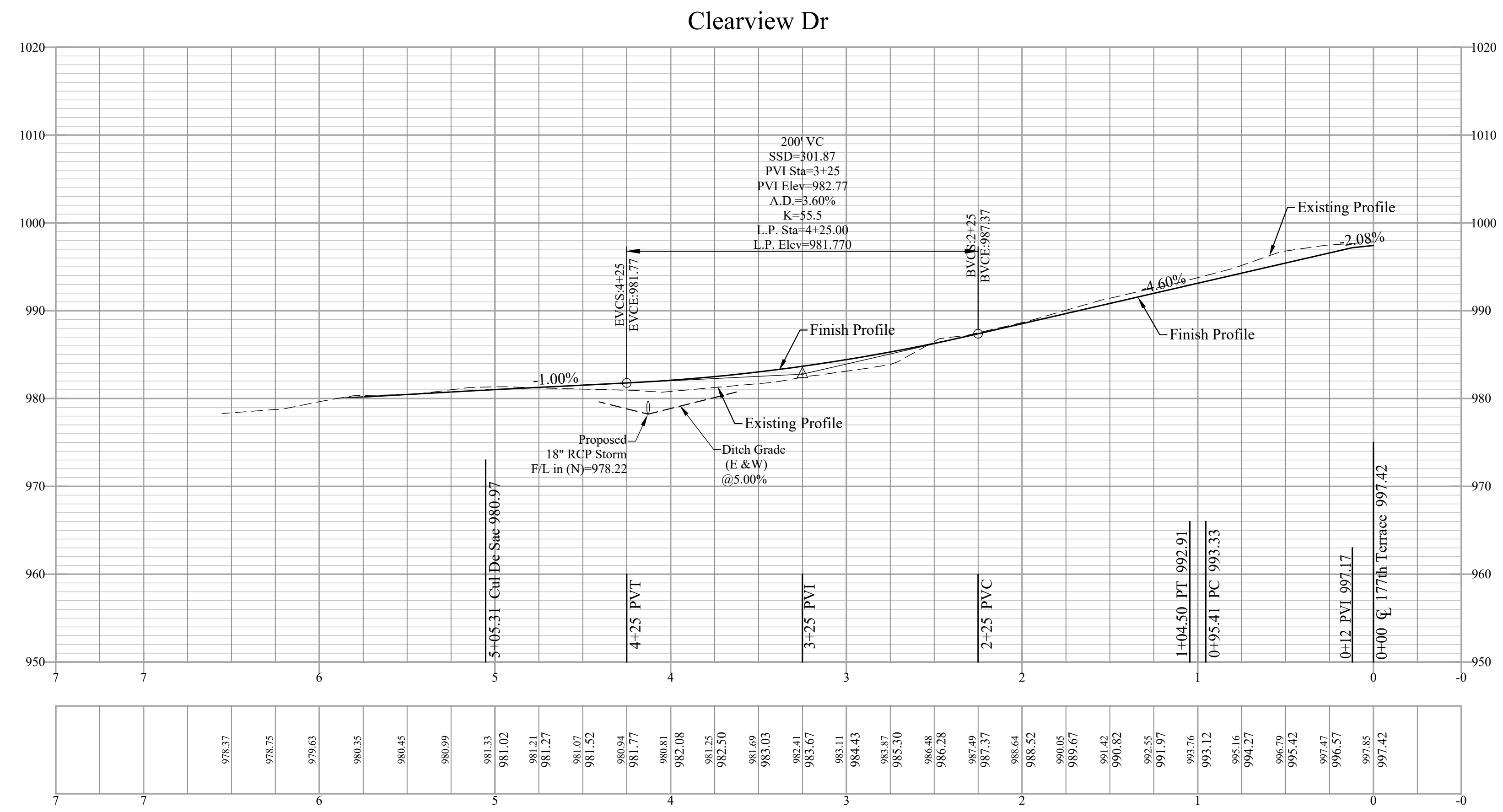
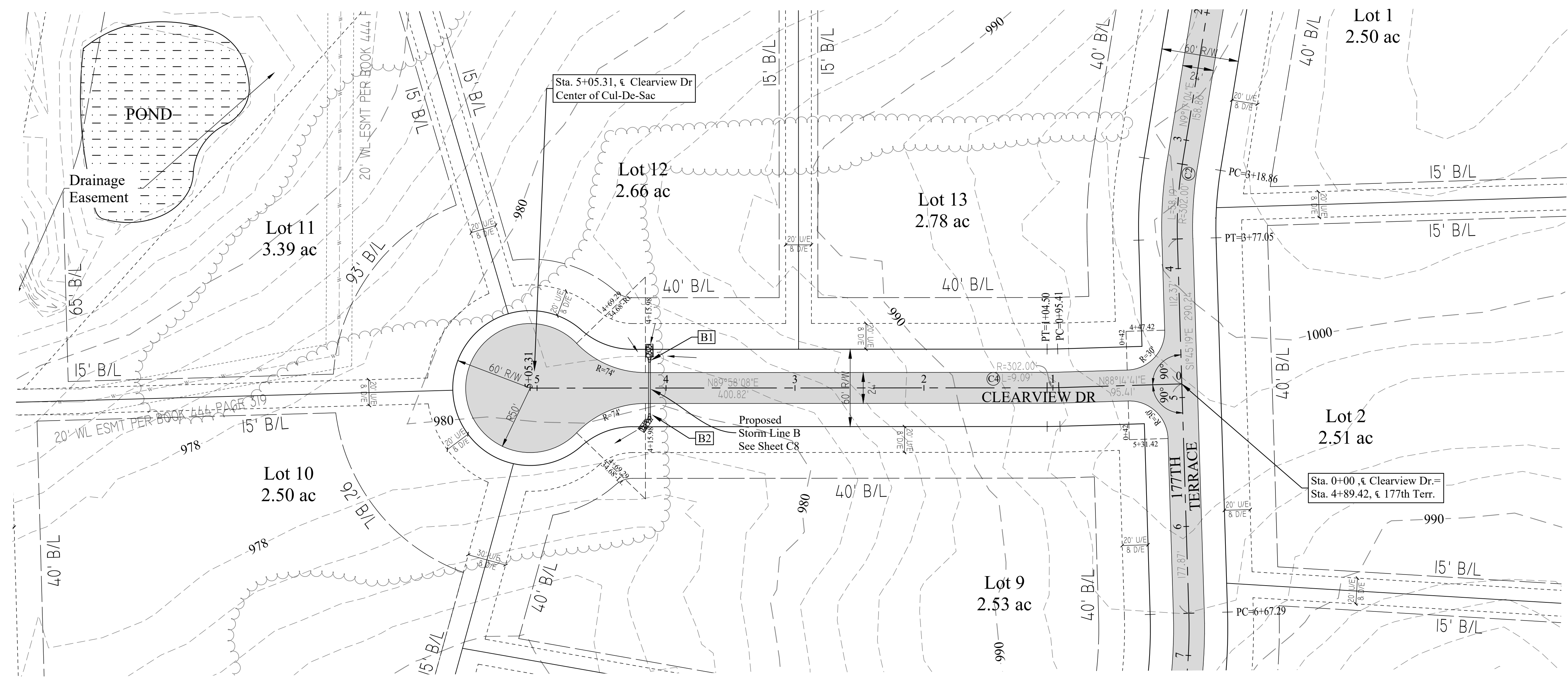
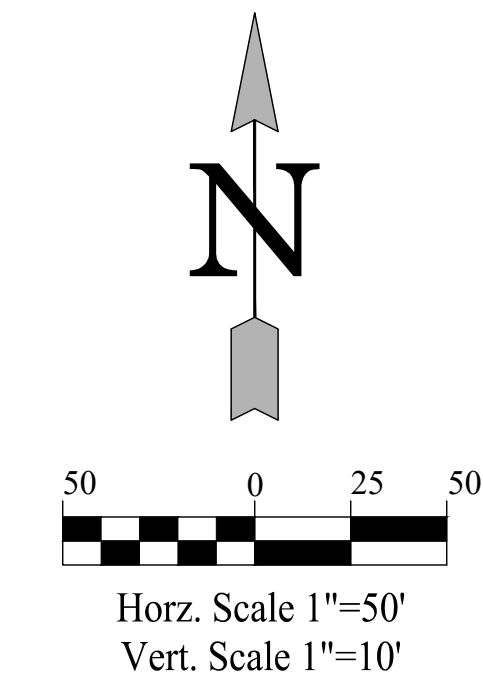
NO.	DATE	DESCRIPTION	BY
1	8/18/21	Rev. Storm Crossing	BAN
2	8/24/21	Lev. County Review Comments	BAN
3	8/30/21	Lev. County Review Comments	BAN



Centerline Curve Data  
 $\Delta = 1^\circ 43' 26.56''$   
 $R = 302.00'$   
 $L = 9.09'$   
 $\text{Tan} = 4.54'$   
 $C = 9.09'$   
 $CB = S89^\circ 06' 24'' W$

**LEGEND**  
 B/L Building Setback Line  
 U/E Utility Easement  
 D/E Drainage Easement  
 (C4) Centerline Curve Label  
 (A3) Denotes Storm Sewer Node

NOTE: SEE SHEET C8 FOR  
STORM SEWER PLAN & PROFILE



2021-24  
Emerald Estates  
Leavenworth County

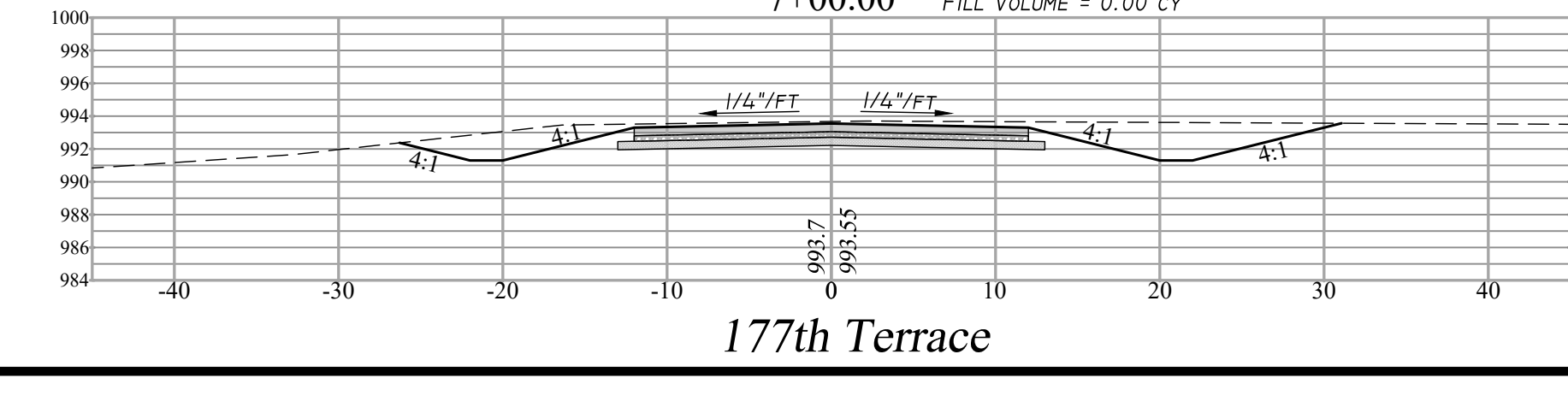
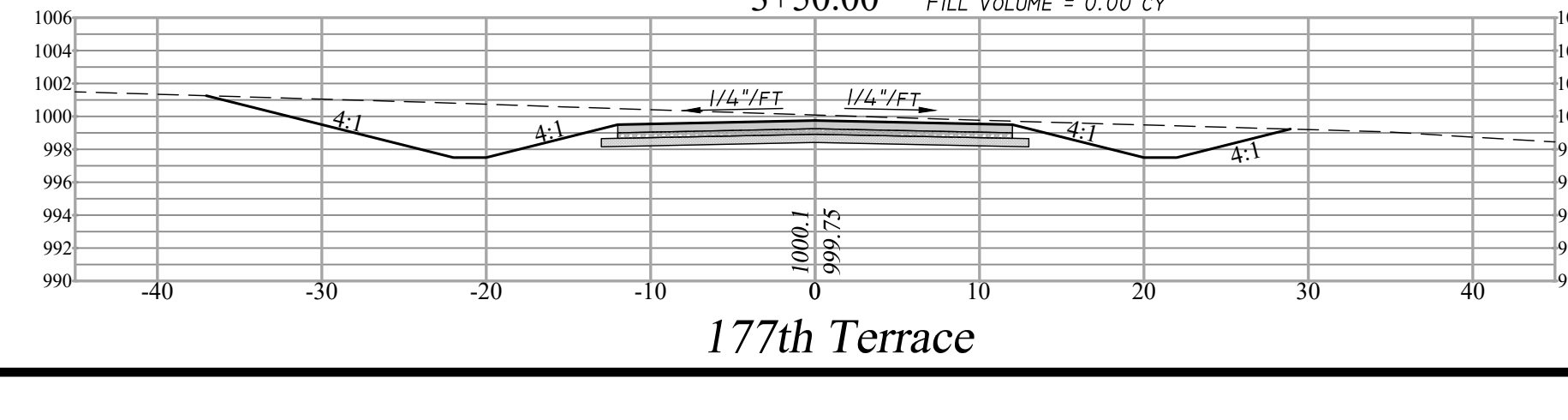
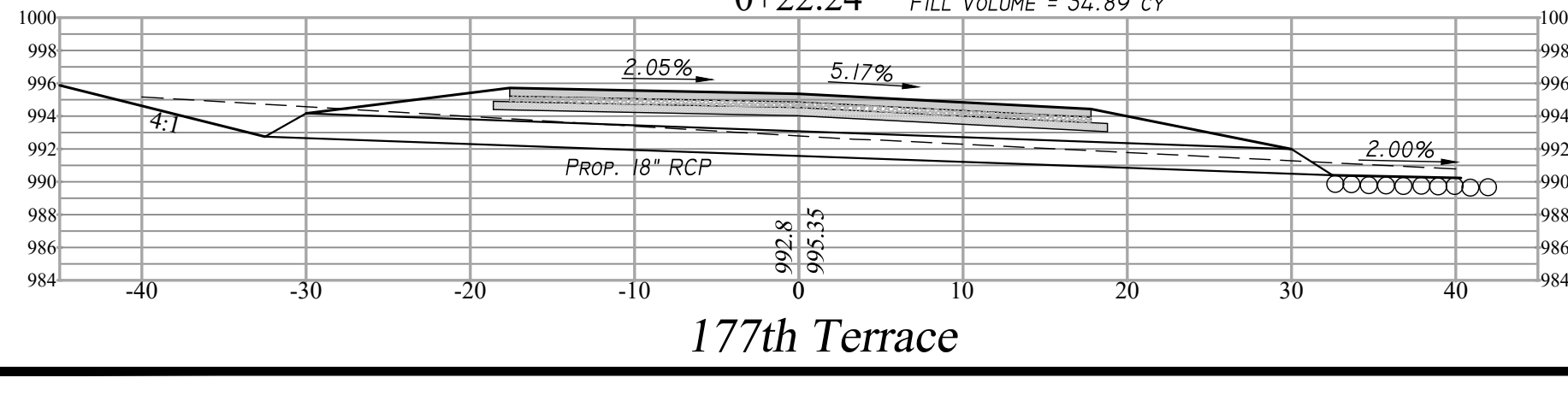
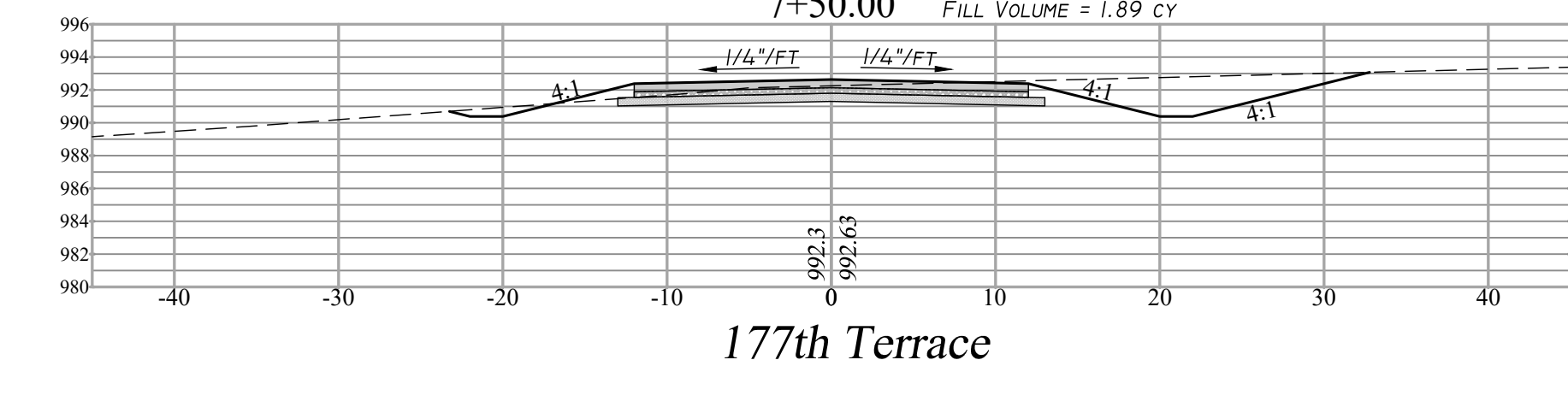
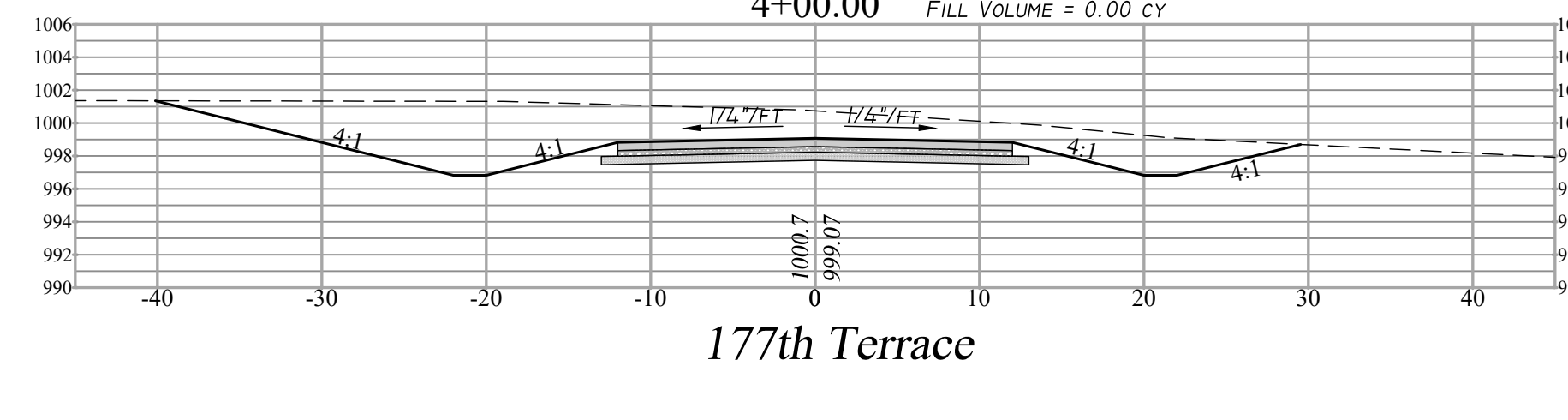
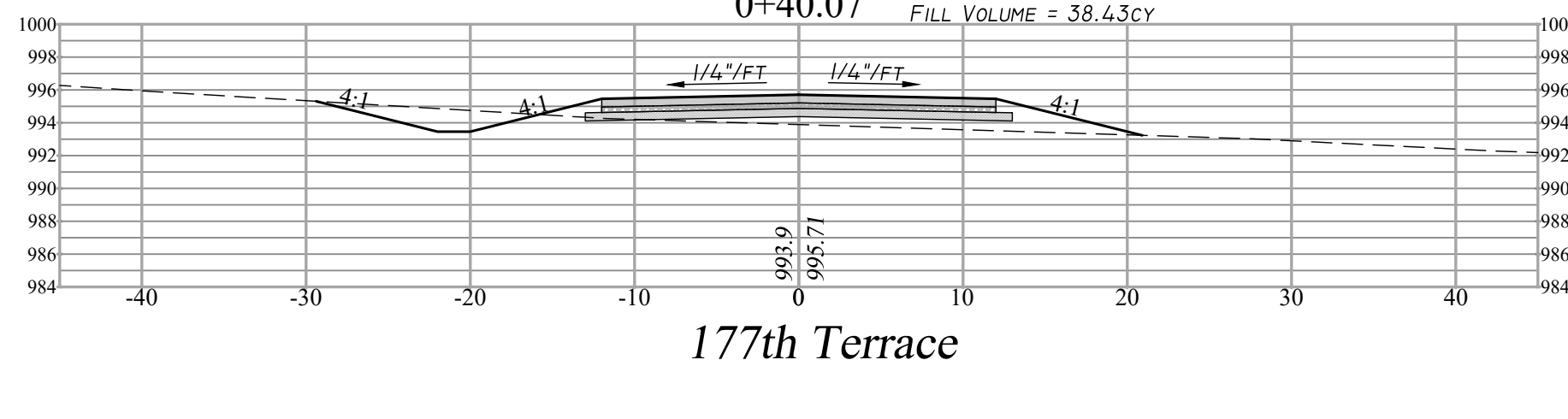
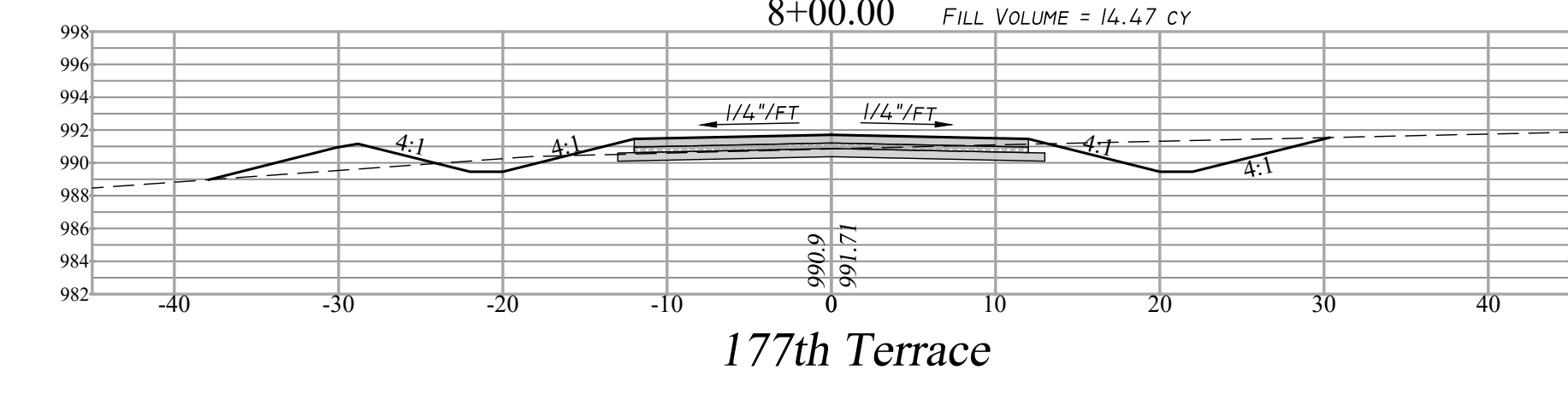
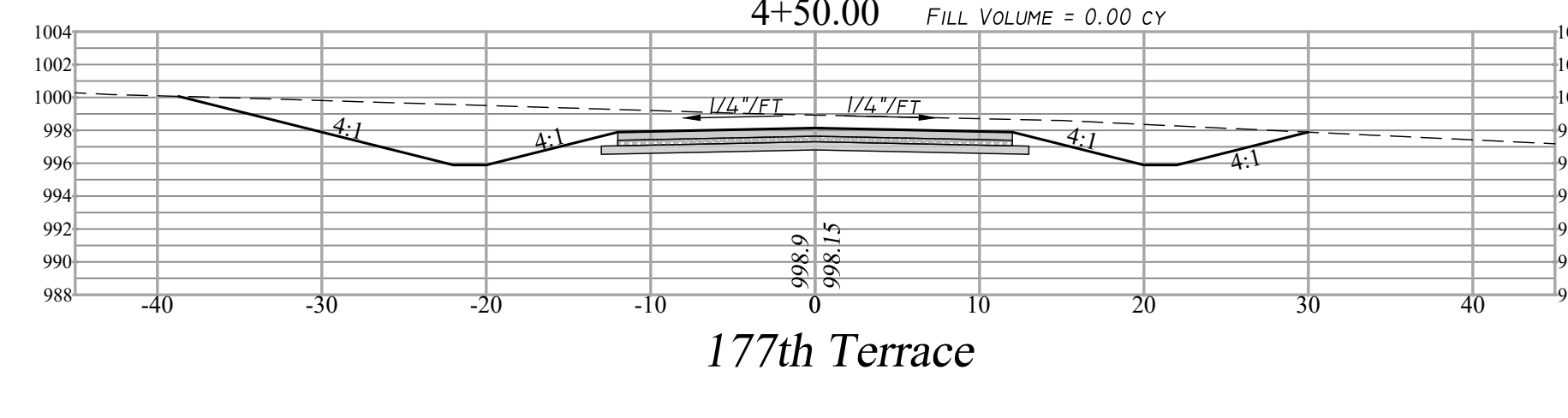
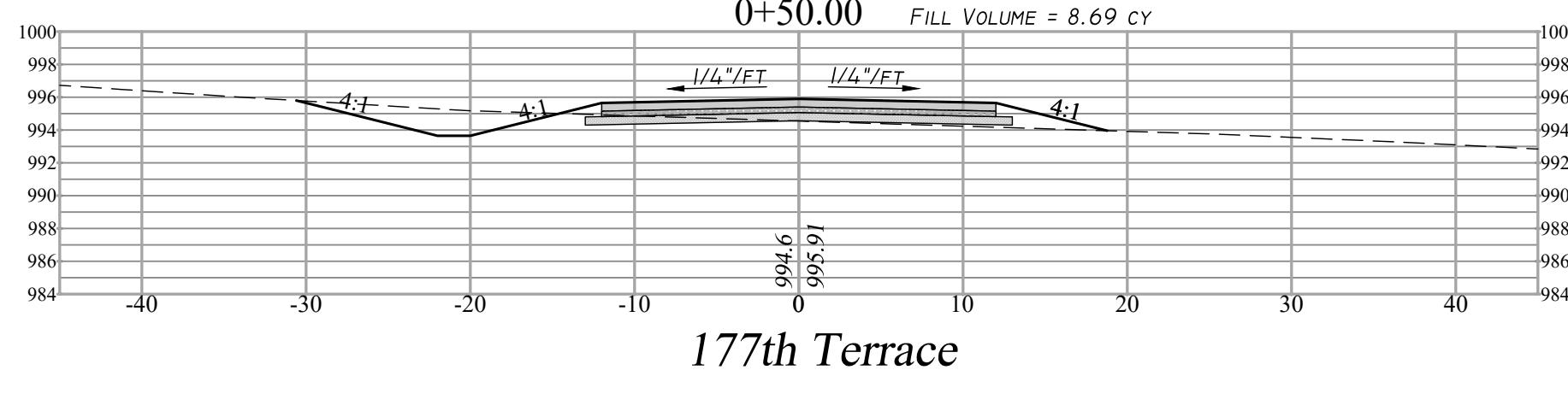
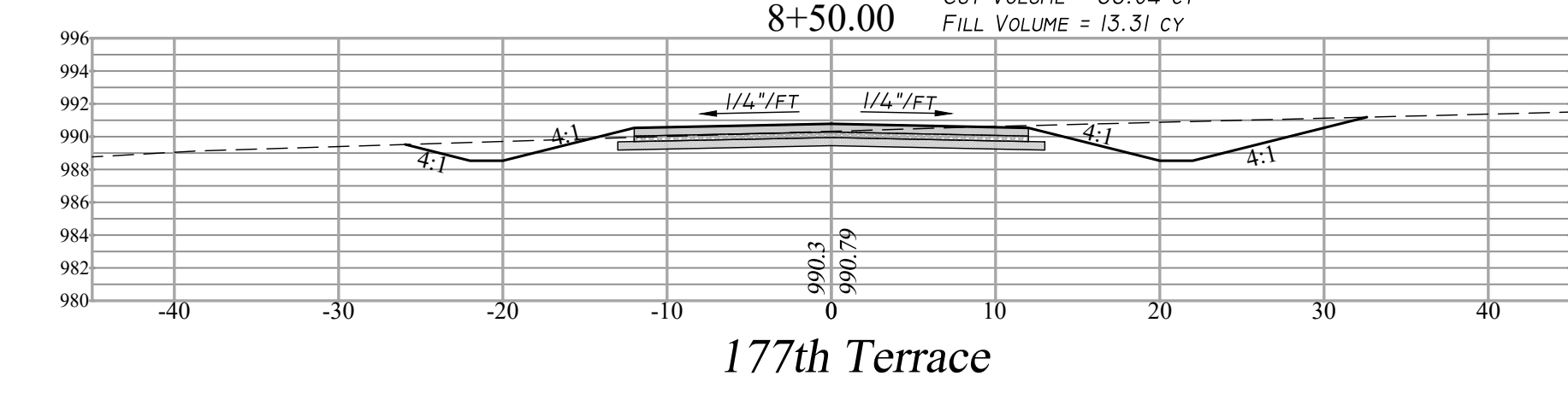
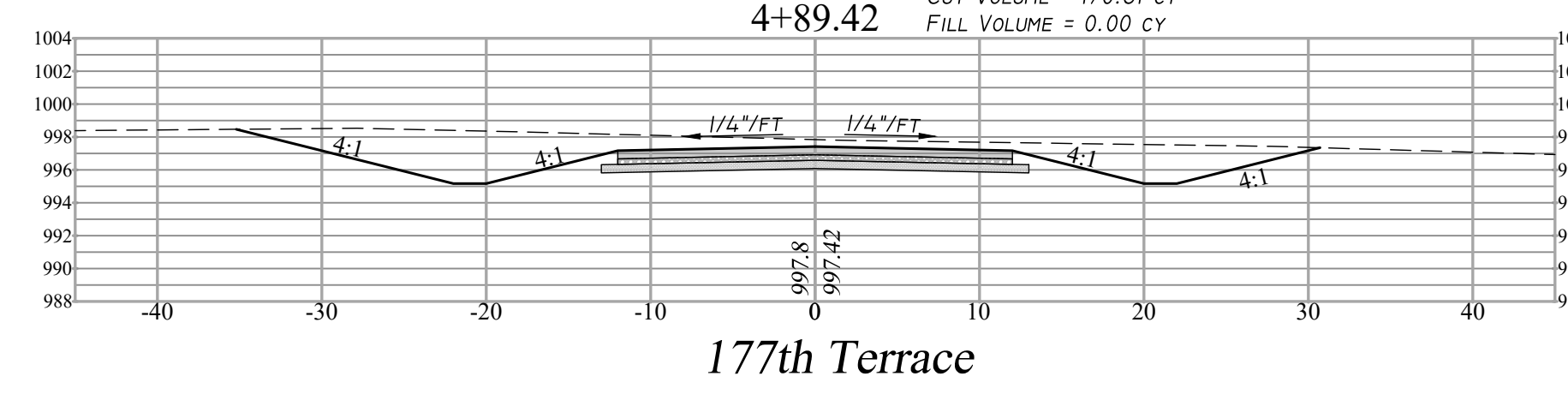
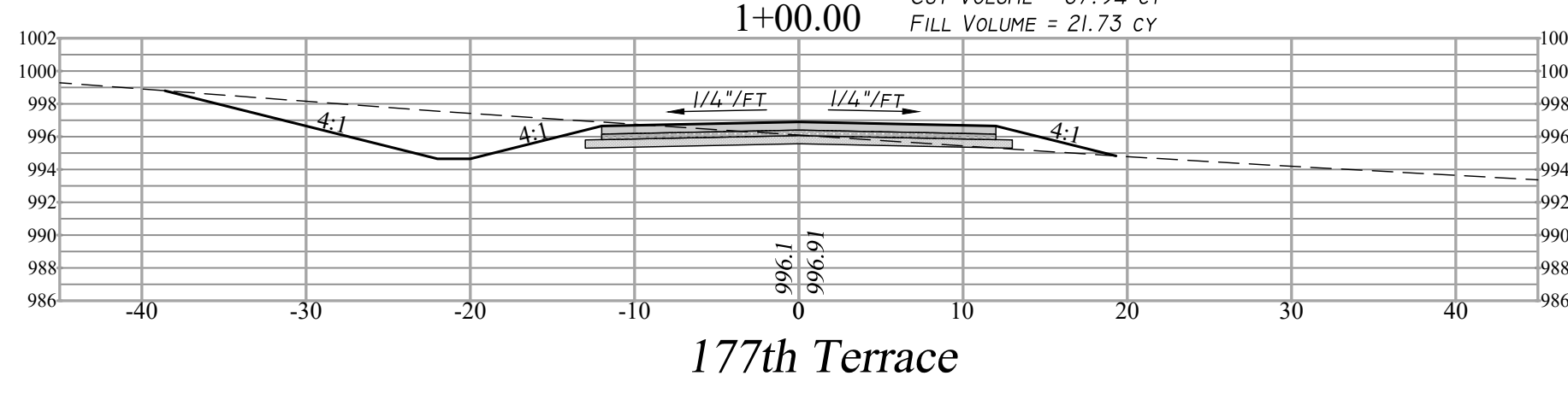
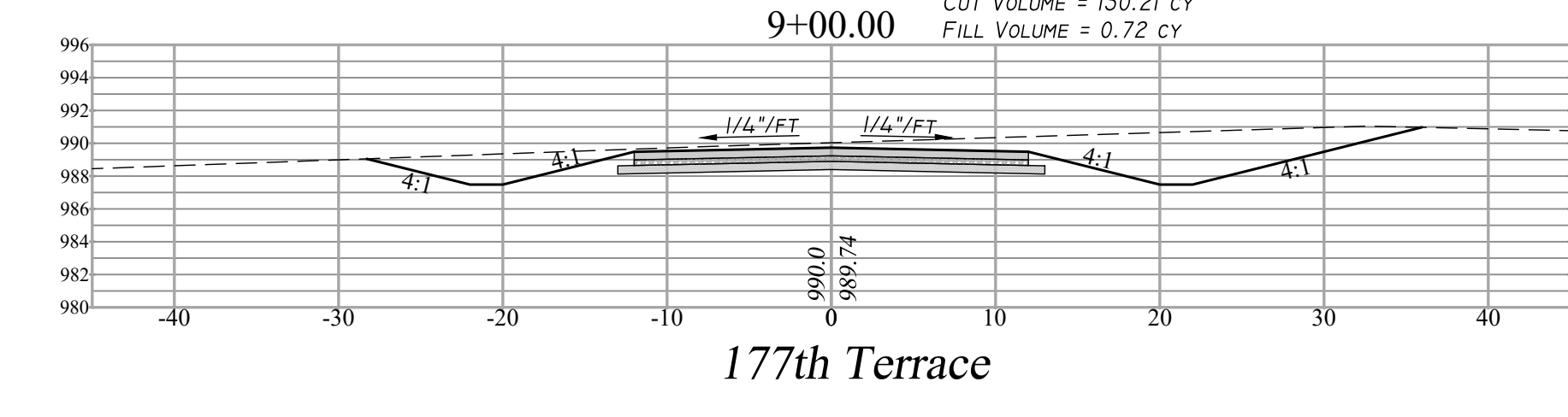
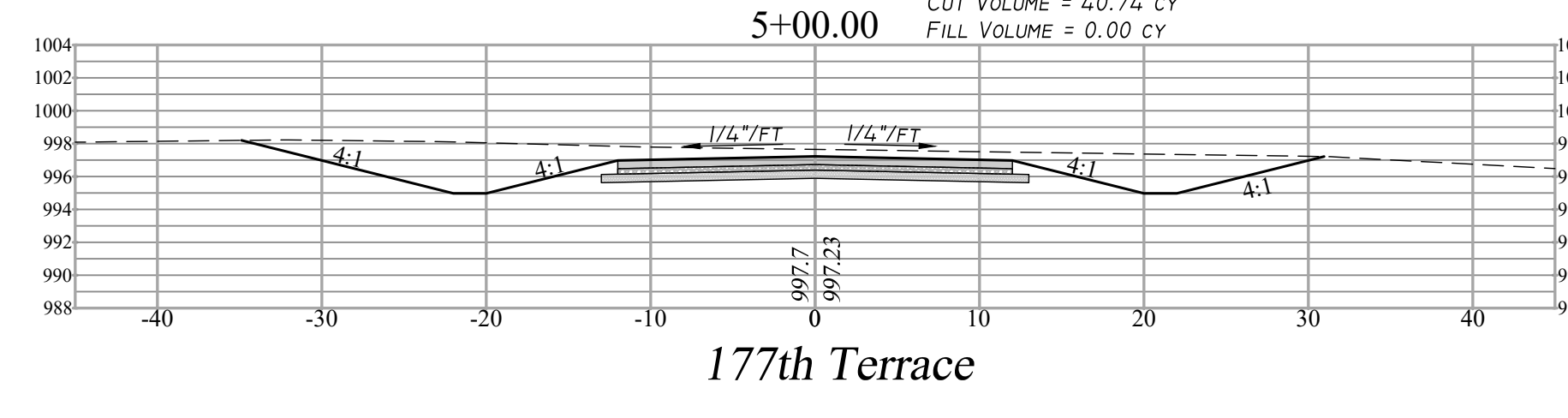
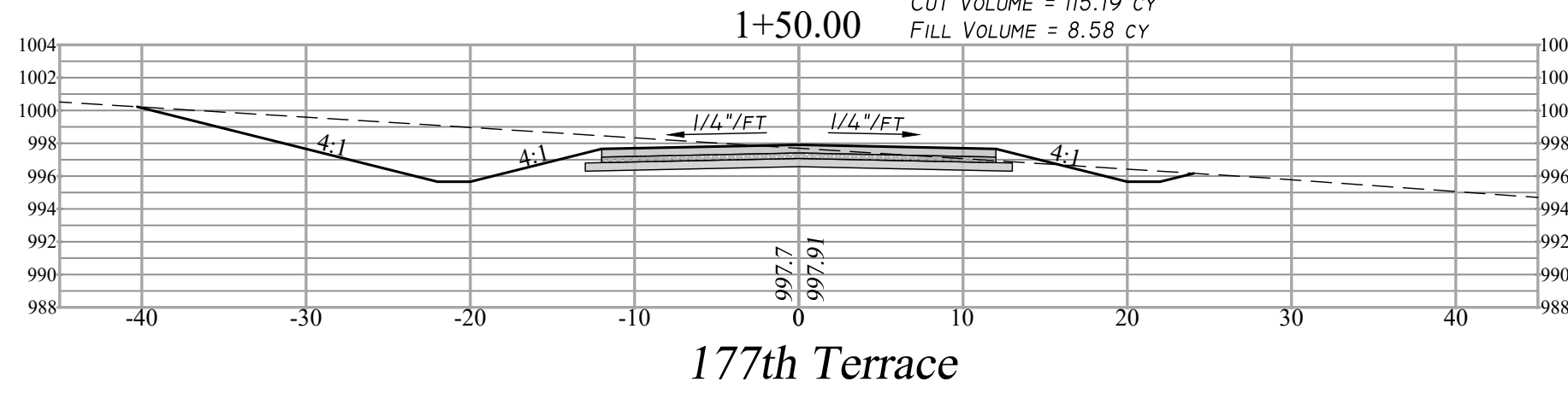
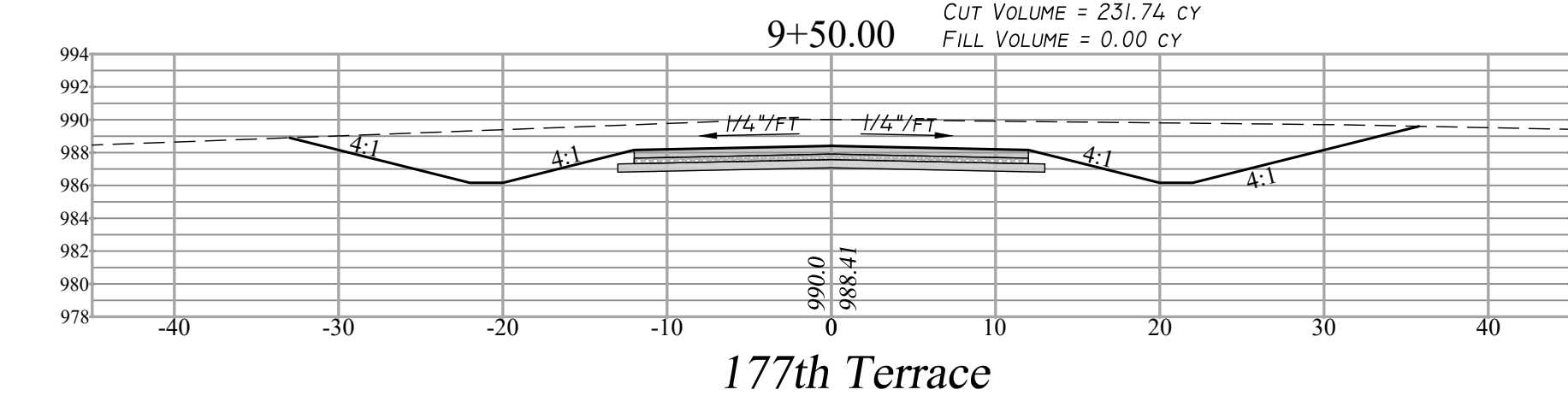
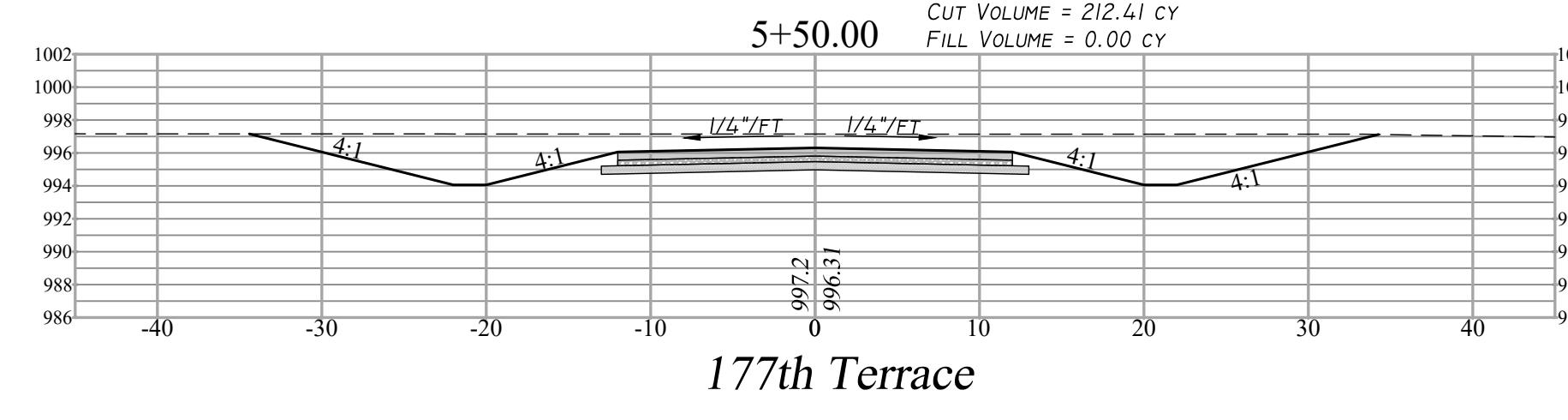
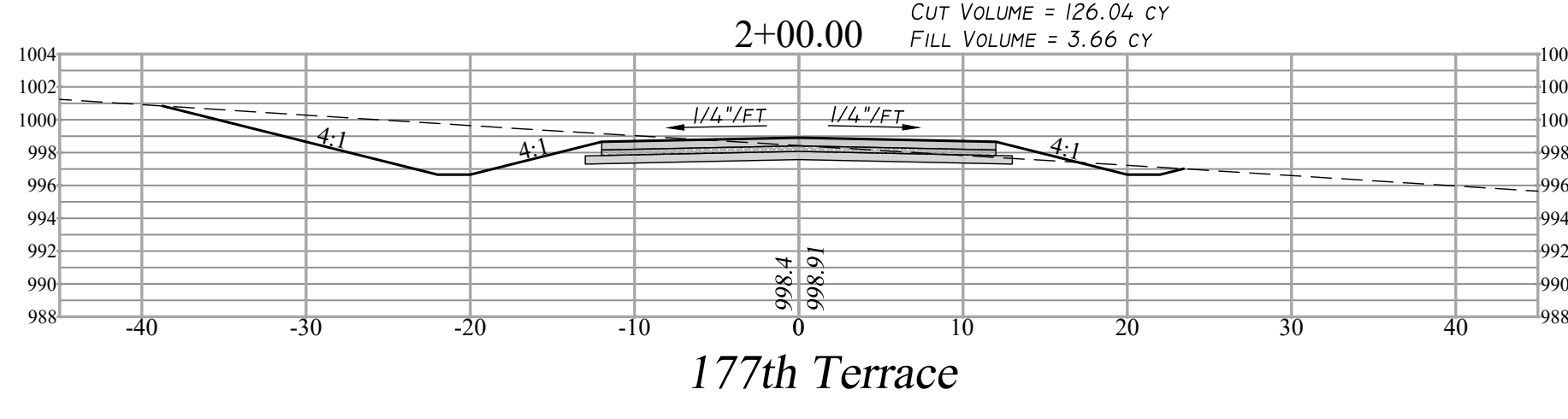
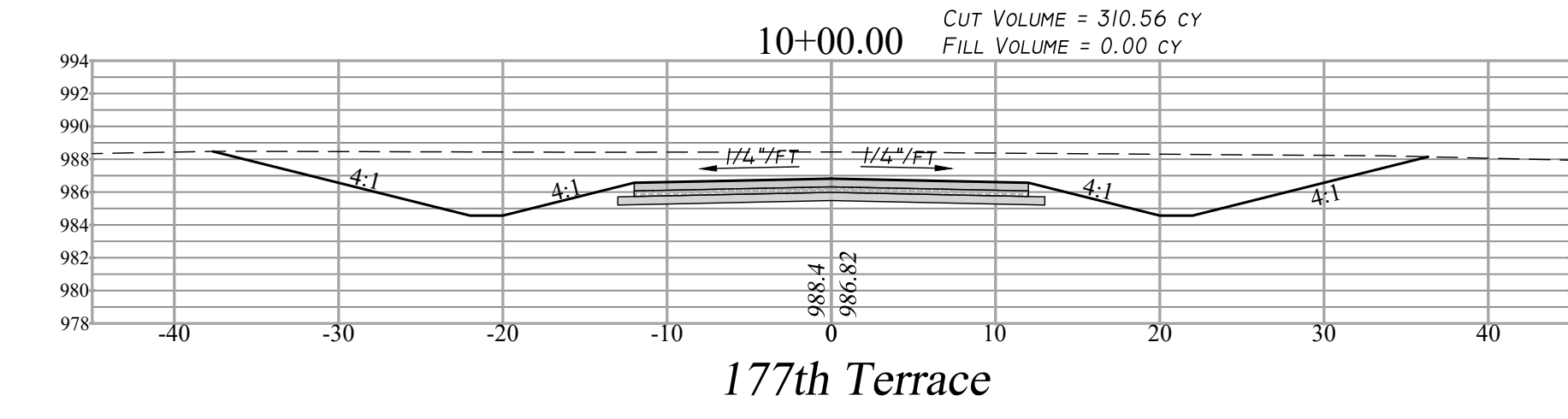
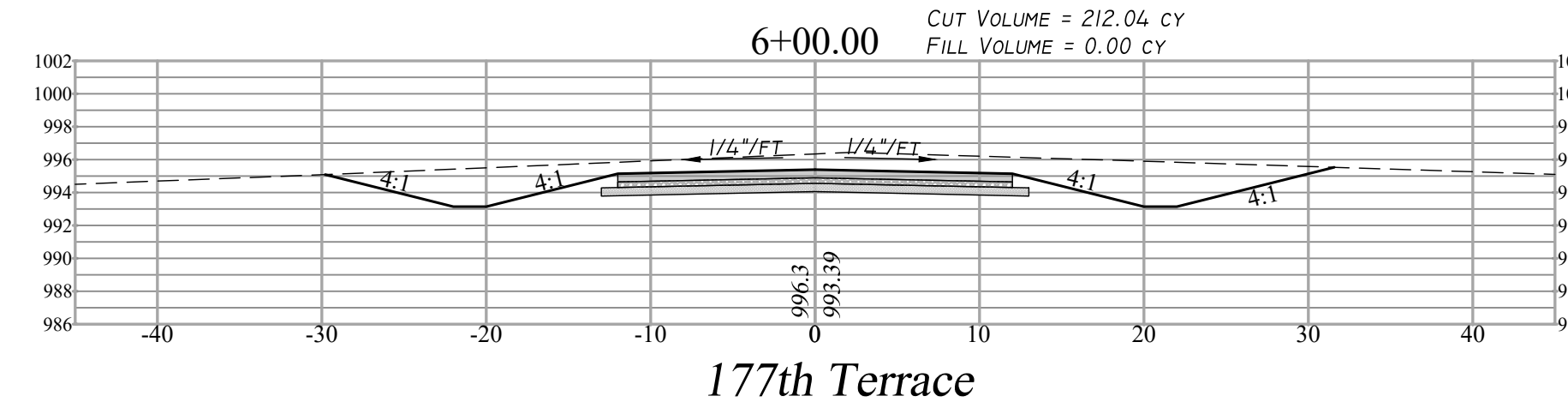
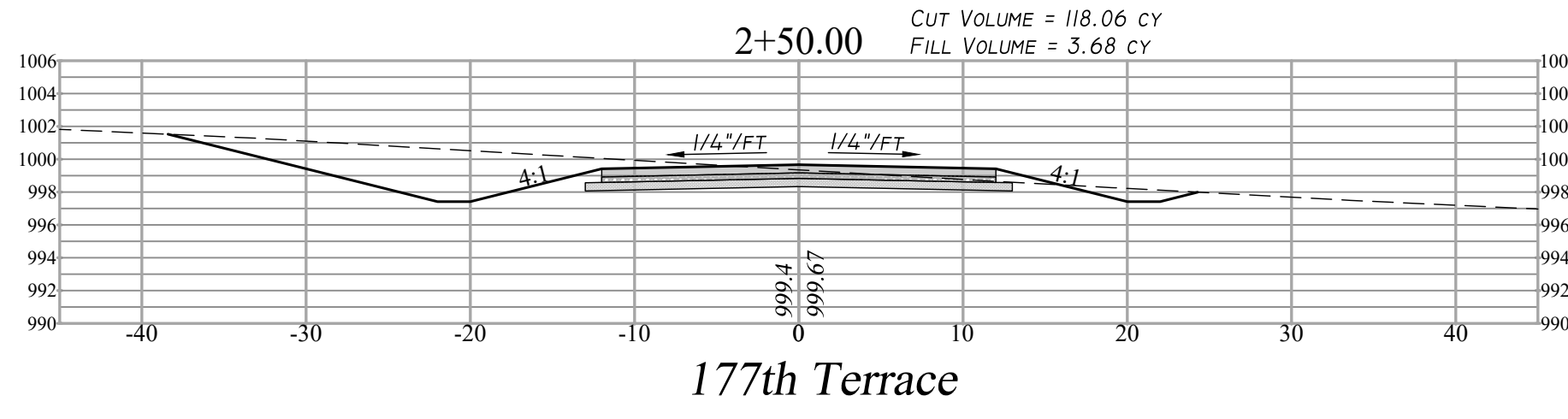
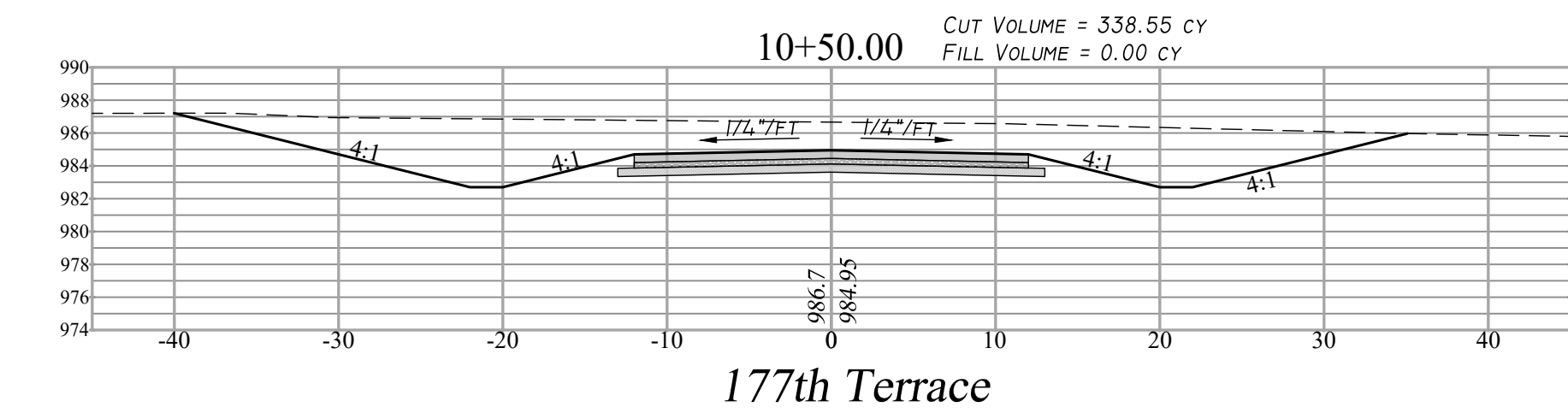
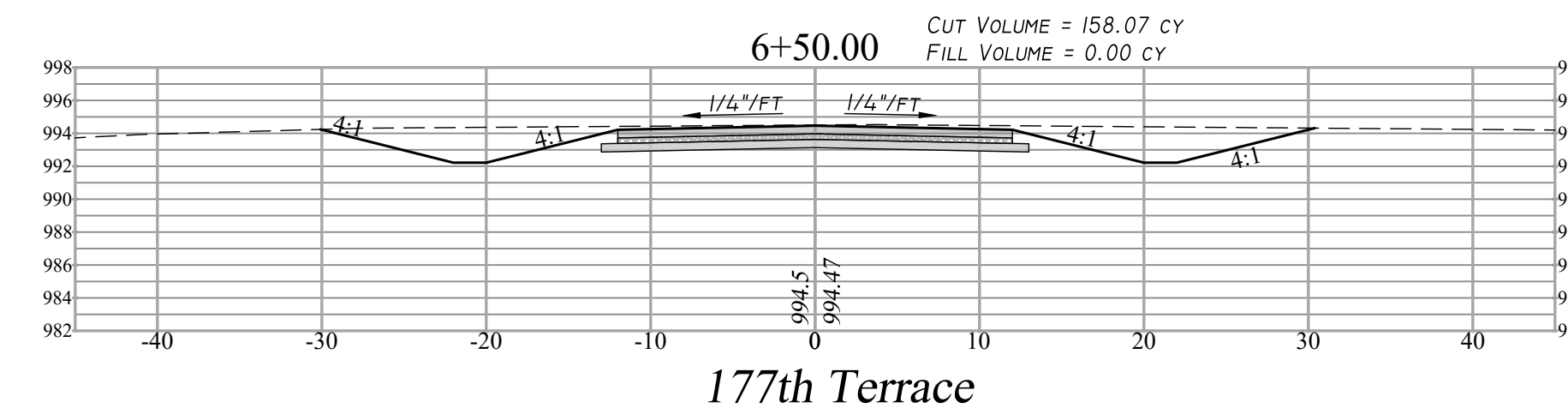
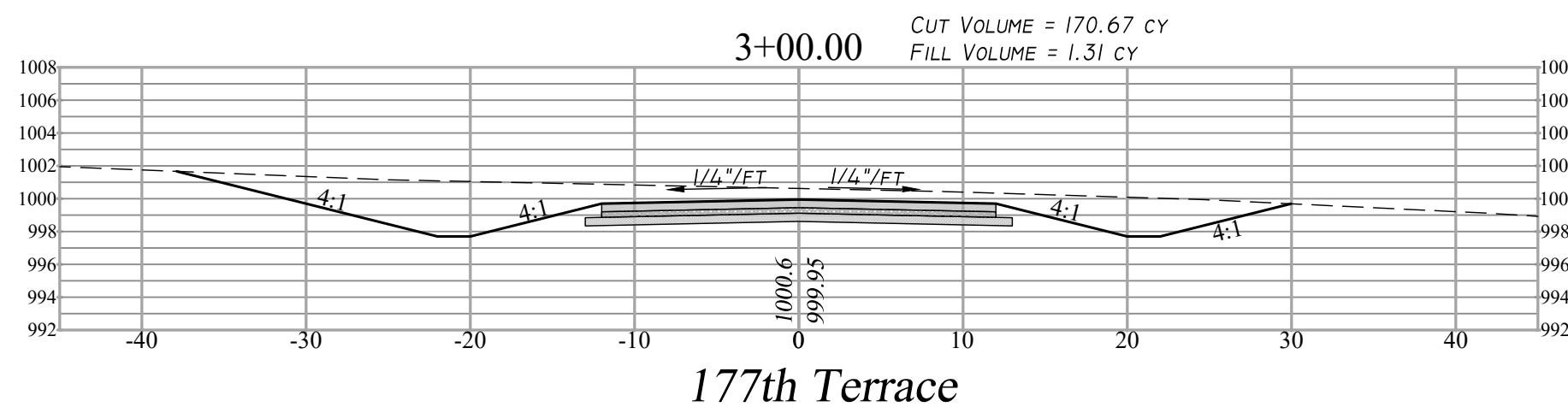
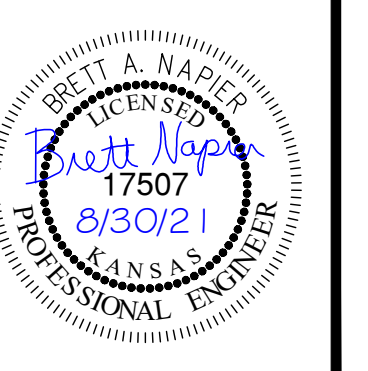
Prepared For:  
PINE RIDGE PARTNERS LLC  
C/O MIKE REILLY  
P.O. BOX 9  
LEAVENWORTH, KS 66048  
PHONE: 913.682.1234

**NAPIER**  
ENGINEERING, LLC

207 S. 5th Street  
Leavenworth, KS 66048  
913.375.0482  
brett@napiereng.com

Date of Preparation /  
Revision:  
January 10, 2018

NO.	DATE	DESCRIPTION	BY
1	8/18/21	Revised X-Section	BAN
2	8/25/21	Lev. County Review Comments	BAN



Horz. Scale 1"=10'  
Vert. Scale 1"=10'

2021-24  
 Emerald Estates  
 Leavenworth County  
 Street & Storm Sewer Plans

Prepared For:  
 PINE RIDGE PARTNERS LLC  
 C/O MIKE REILLY  
 P.O. BOX 9  
 LEAVENWORTH, KS 66048  
 PHONE: 913.682.1234

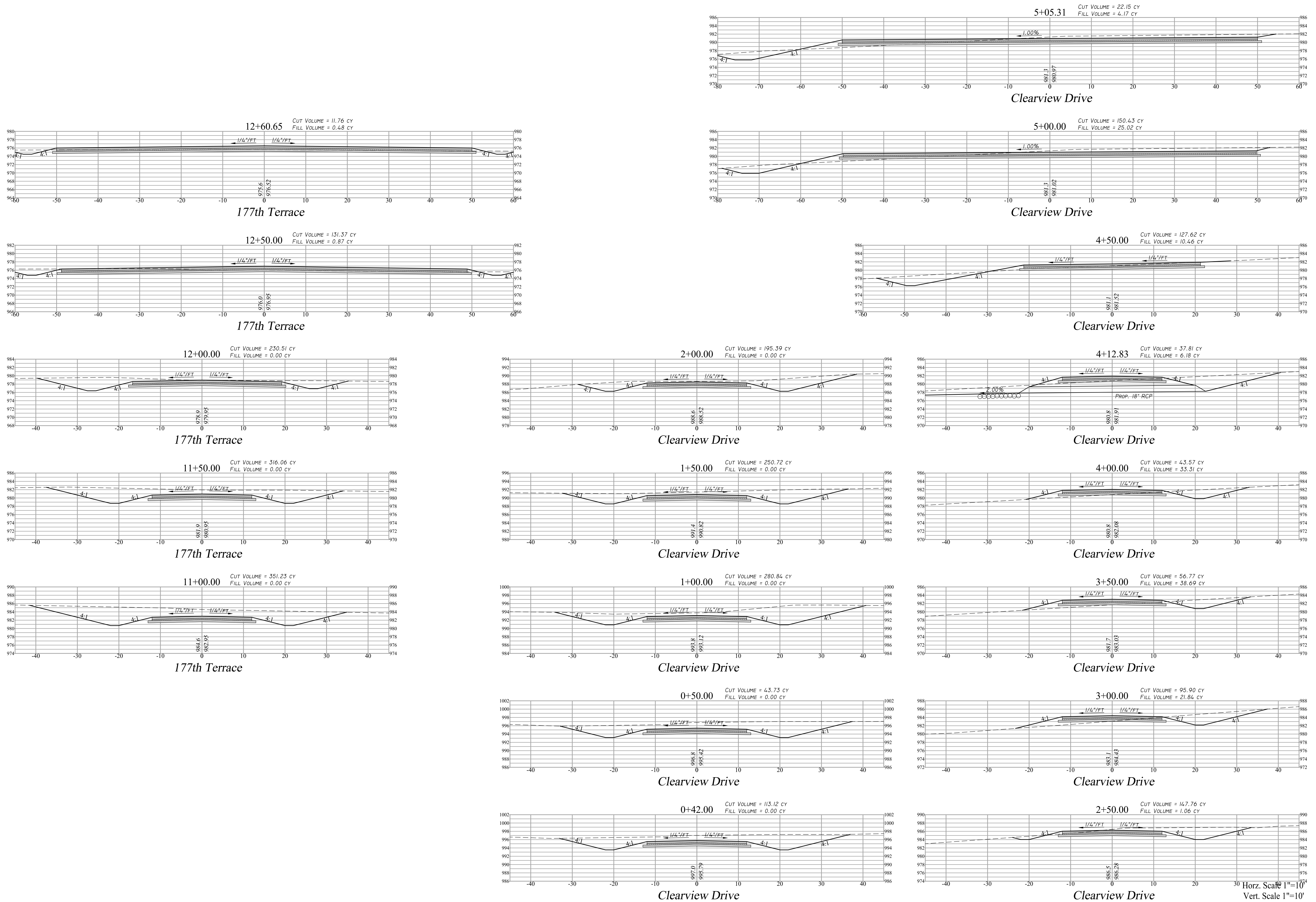
**NAPIER**  
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207 S. 5th Street  
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Date of Preparation /  
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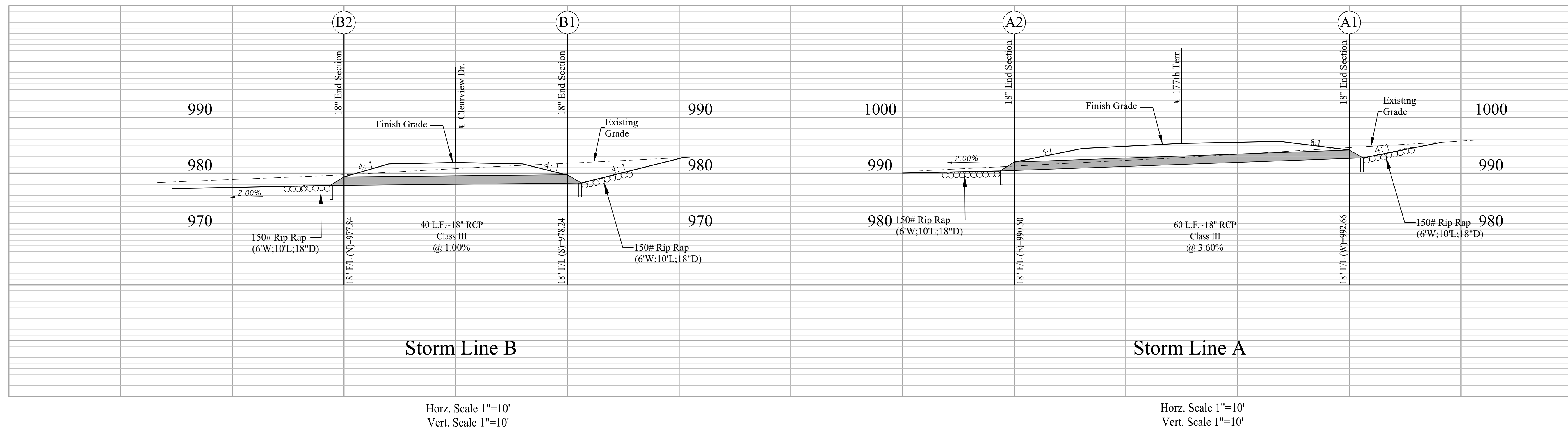
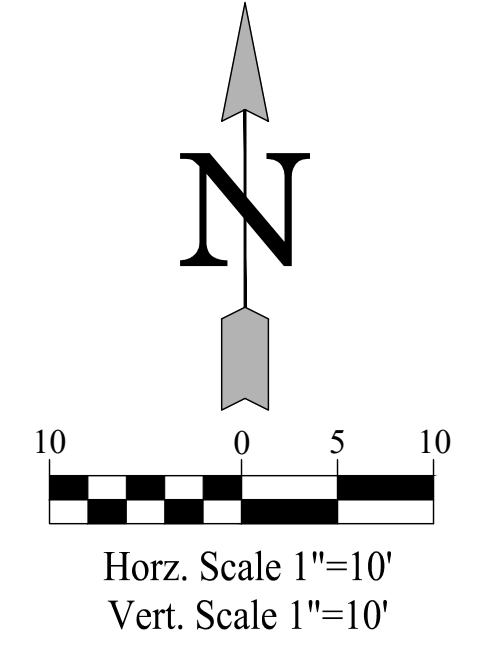
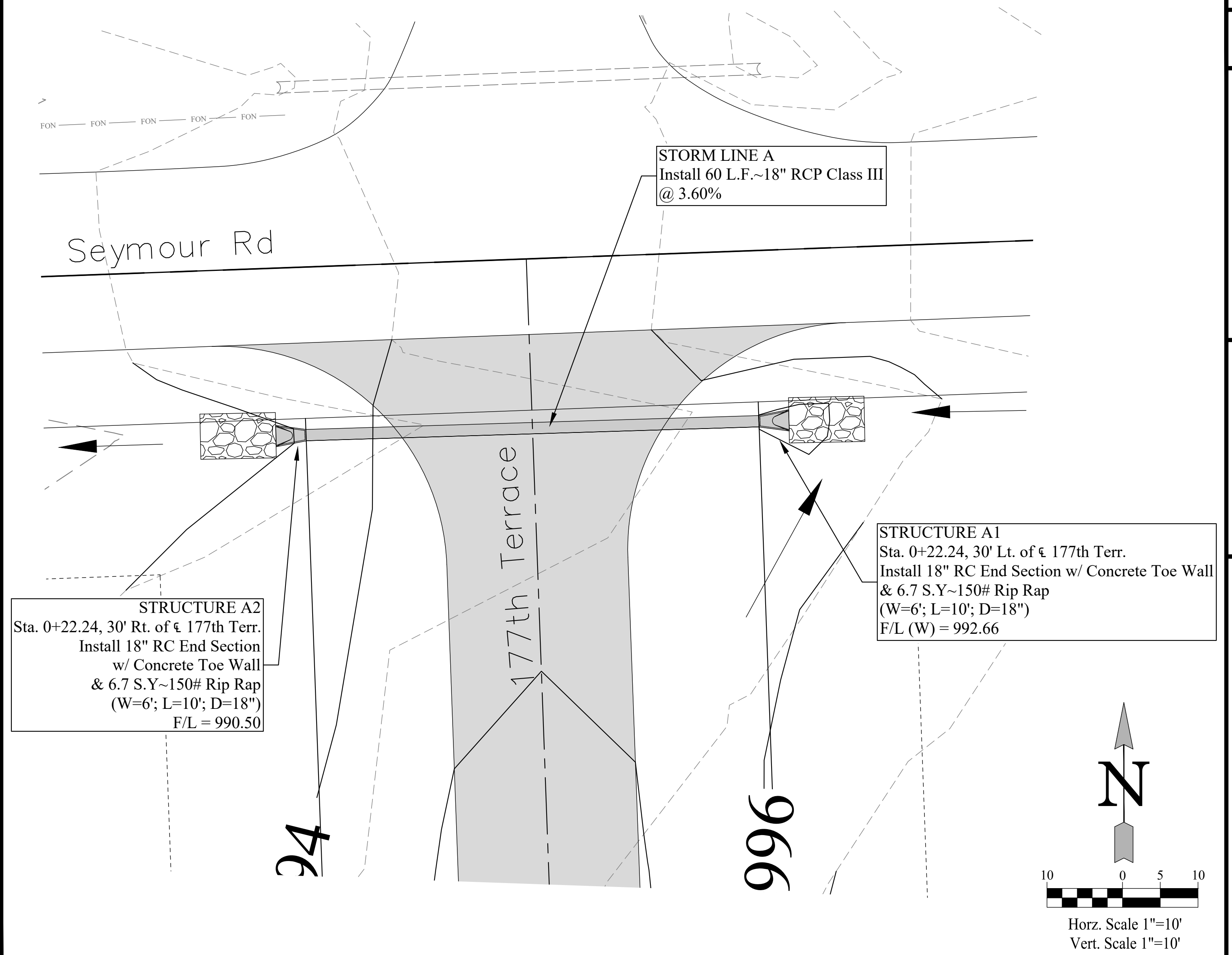
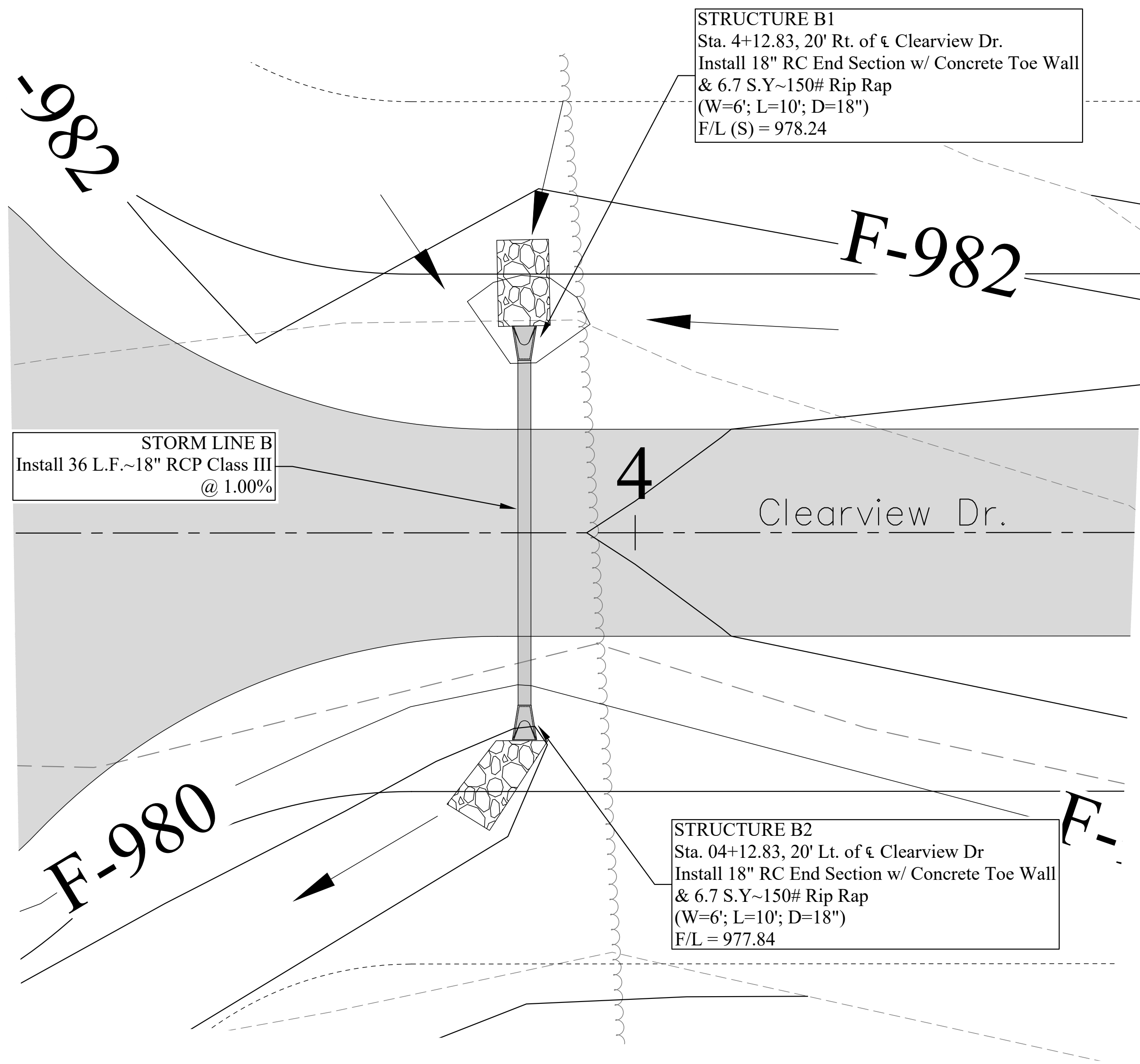
NO.	DATE	DESCRIPTION
1	8/18/21	Revised X-Section
2	8/25/21	Lev. County Review Comments
3	8/30/21	Lev. County Review Comments



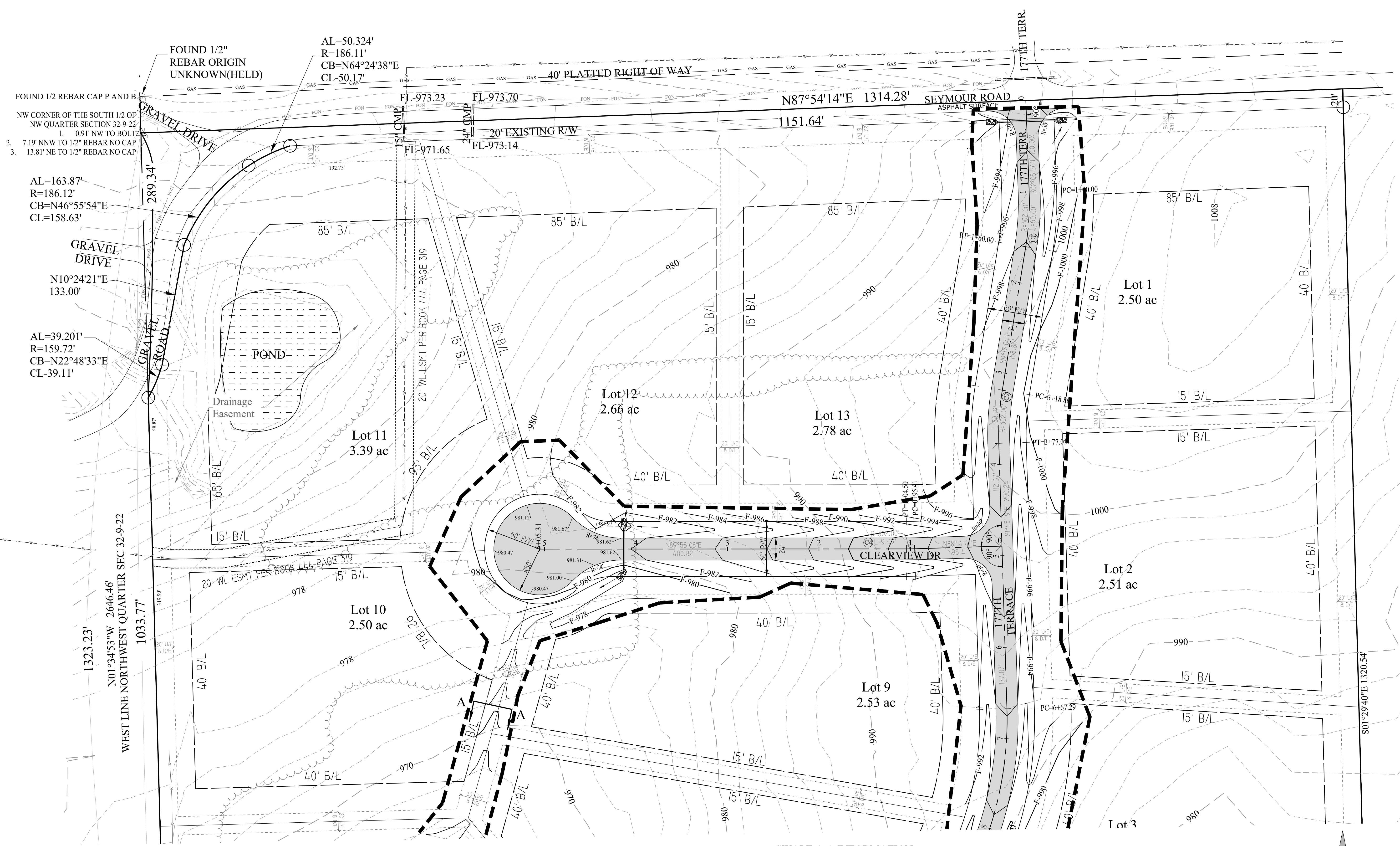
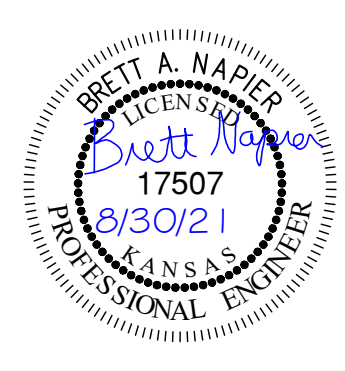




NO.	DATE	DESCRIPTION	BY
1	8/18/21	Rev. Storm Depth for 2' Coverage	BAN
2	8/24/21	Lev. County Review Comments	BAN
3	8/30/21	Lev. County Review Comments	BAN



NO.	DATE	DESCRIPTION	BY
1	8/18/21	Rev. Grades w/ Type P-A Section	BAN
2	8/24/21	Lev. County Review Comments	BAN
3	8/30/21	Lev. County Review Comments	BAN



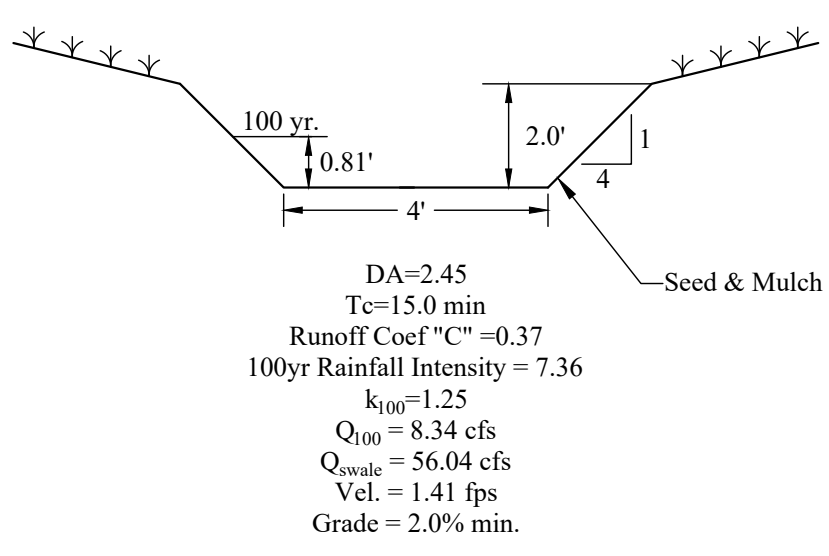
FOUND 1/2" REBAR ORIGIN UNKNOWN(HELD)  
FOUND 1/2 REBAR CAP P AND B  
NW CORNER OF THE SOUTH 1/2 OF NW QUARTER SECTION 32-9-22  
1. 0.91' NW TO BOLT  
2. 7.19' NNW TO 1/2" REBAR NO CAP  
3. 13.81' NE TO 1/2" REBAR NO CAP

AL=163.87'  
R=186.12'  
CB=N46°55'54"E  
CL=158.63'

AL=39.201'  
R=159.72'  
CB=N22°48'33"E  
CL=39.11'

1323.23'  
N01°34'53"W 2646.46'  
WEST LINE NORTHWEST QUARTER SEC 32-9-22  
1033.77'

SWALE A-A INFORMATION



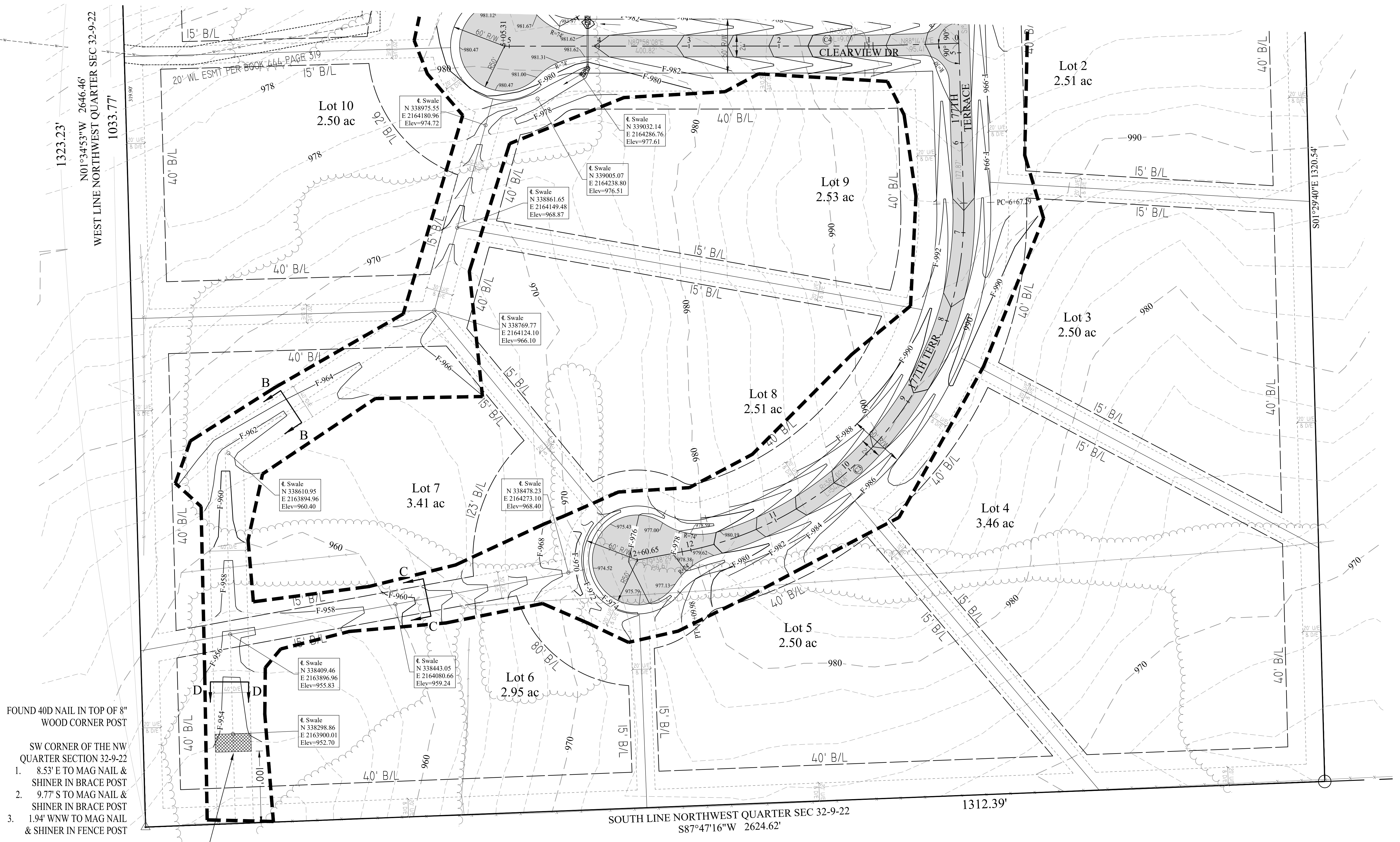
NOTE: Swales must be constructed as shown, as part of this public infrastructure project

LEGEND

--- DENOTES GRADING LIMITS

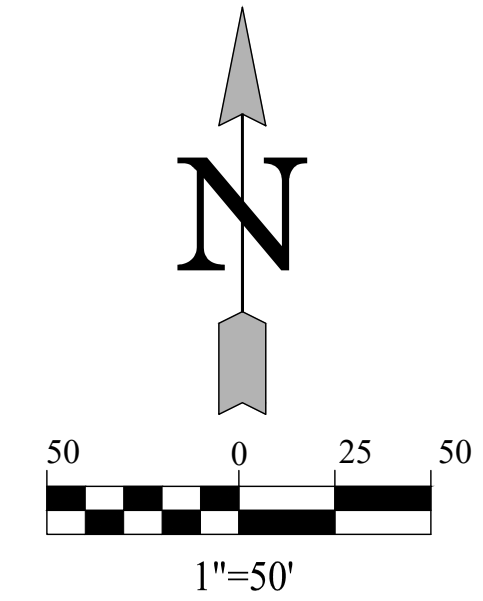
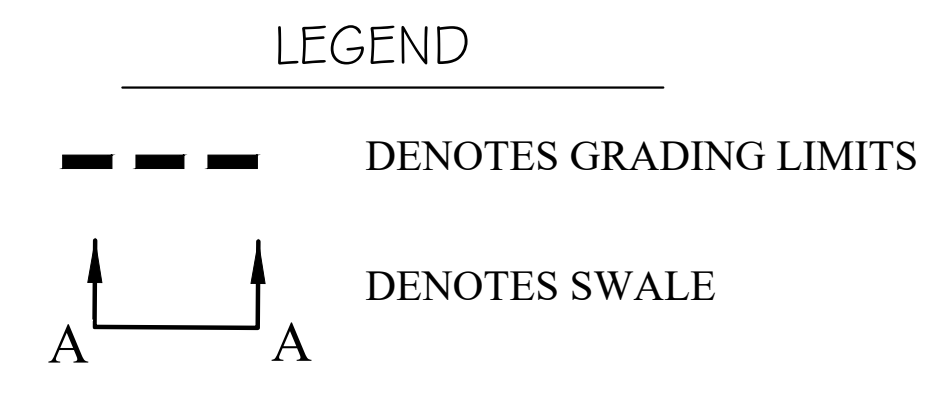
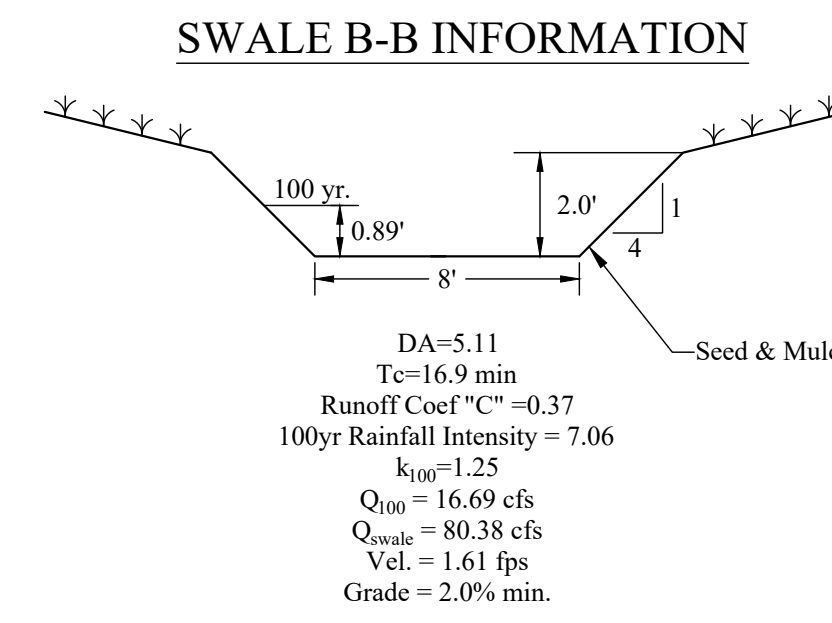
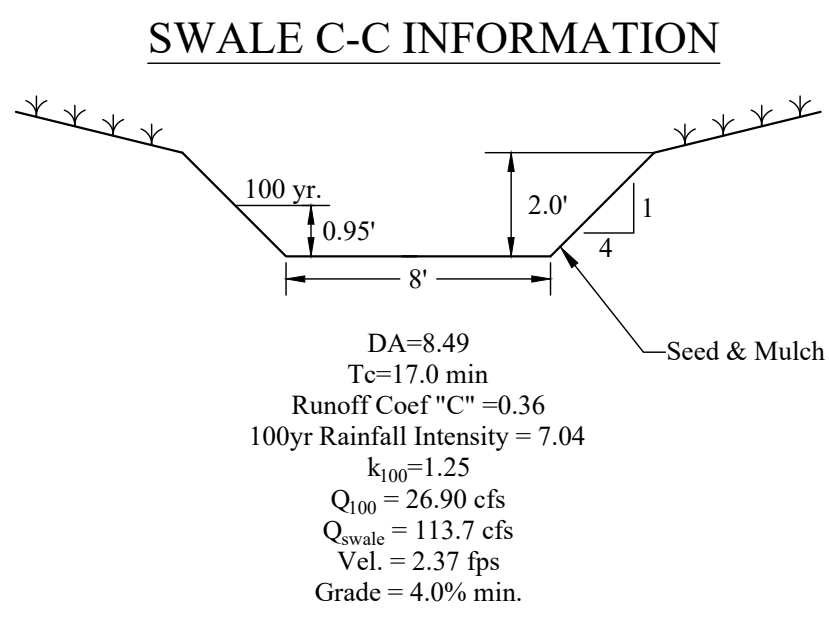
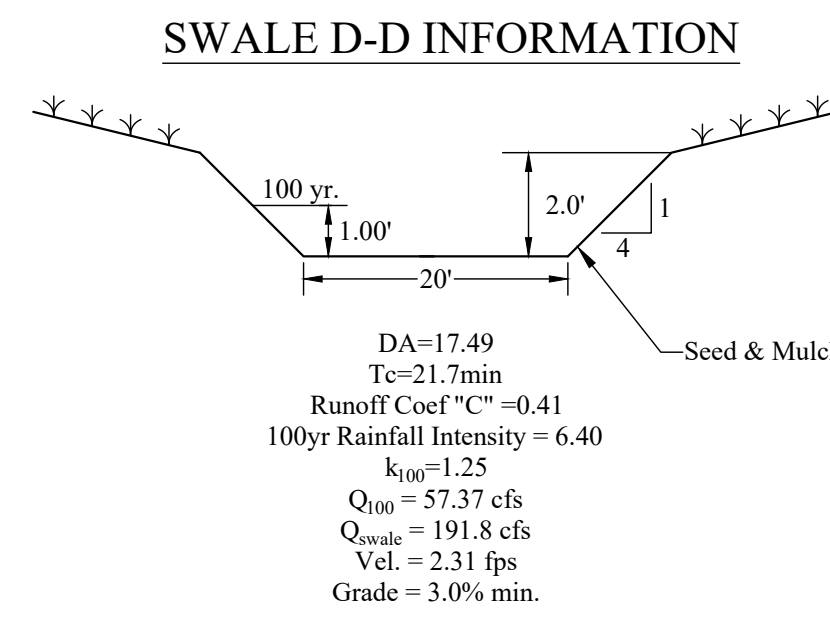
--- DENOTES SWALE

NO.	DATE	DESCRIPTION	BY
1	8/18/21	Rev. Grades w/ Type P-A Section	BAN
2	8/24/21	Lev. County Review Comments	BAN



- FOUND 40D NAIL IN TOP OF 8" WOOD CORNER POST
- SW CORNER OF THE NW QUARTER SECTION 32-9-22
- 8.53' E TO MAG NAIL & SHINER IN BRACE POST
  - 9.77' S TO MAG NAIL & SHINER IN BRACE POST
  - 1.94' WNW TO MAG NAIL & SHINER IN FENCE POST

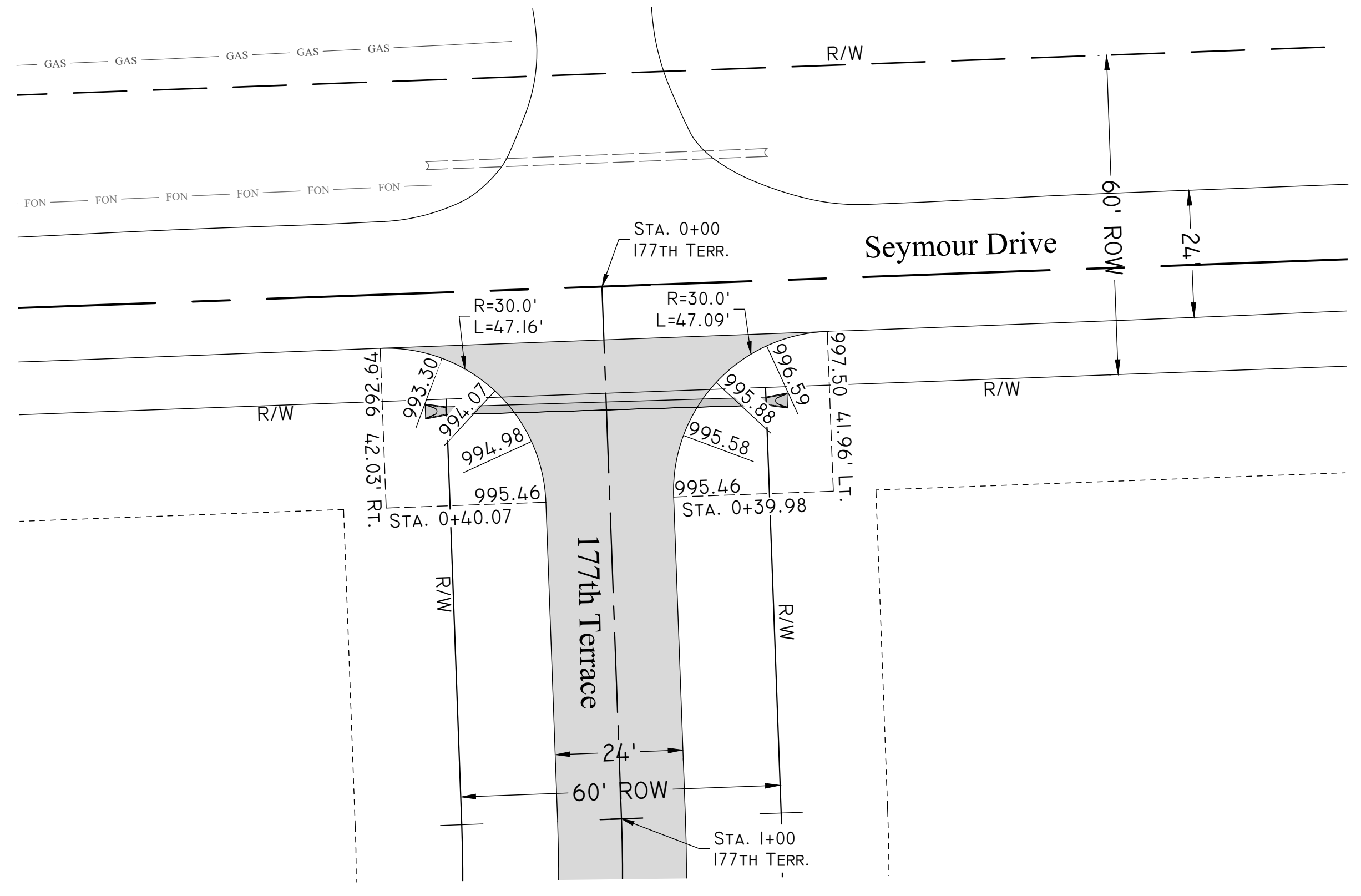
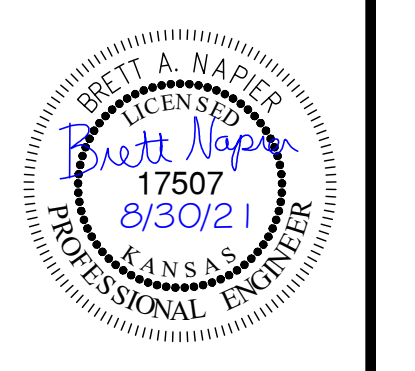
Install 800 S.F.-NA Green SC 250 TRM or approved equivalent Turf Reinforcement Matting (L=20'; W=40') to dissipate flow and reduce erosion. (Swale Velocity = 2.31 fps)



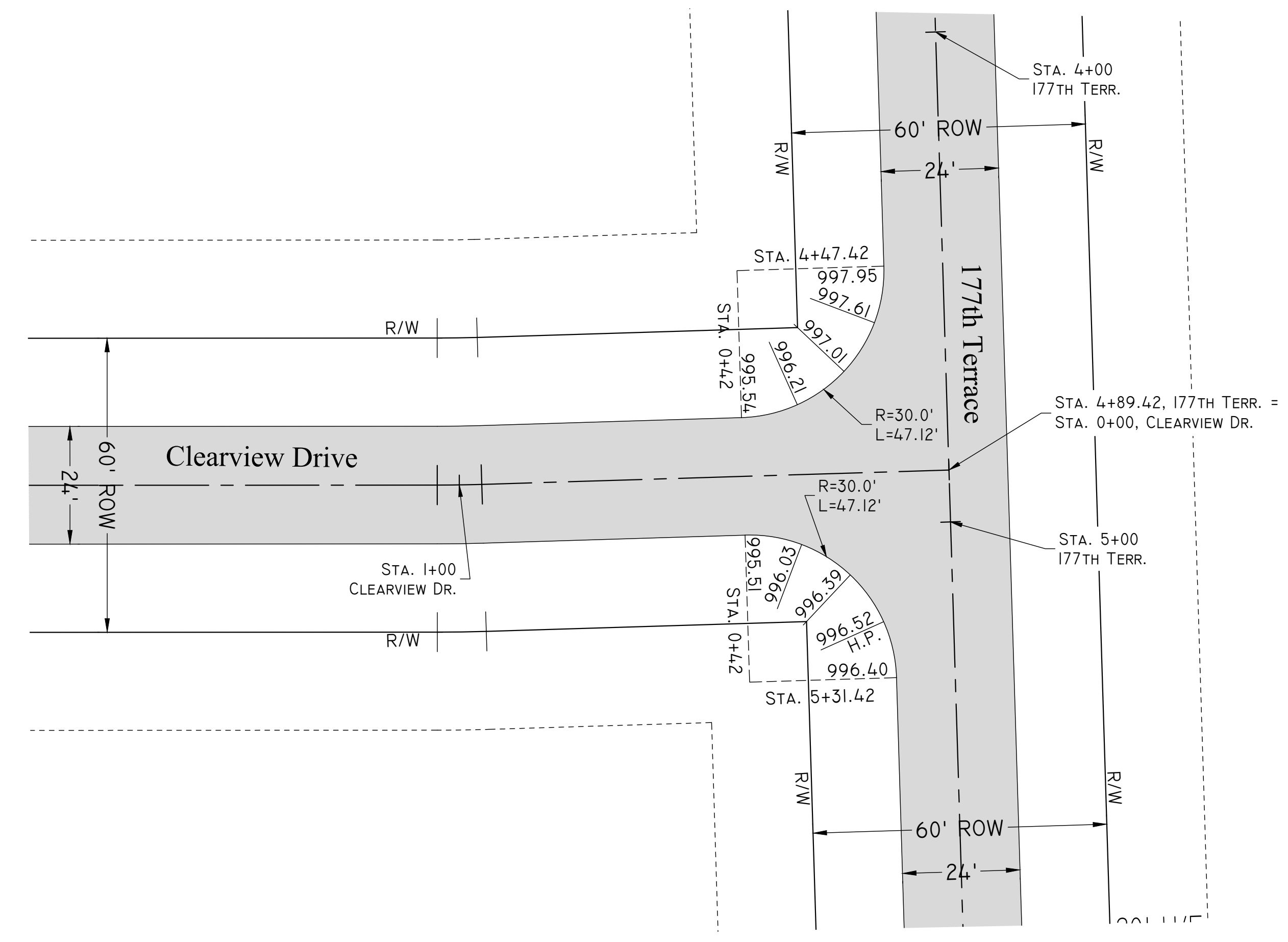
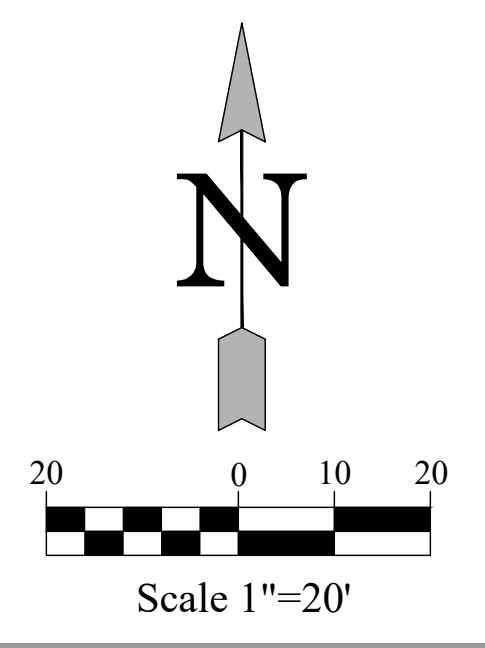
**NOTE:** Swales must be constructed as shown, as part of this public infrastructure project



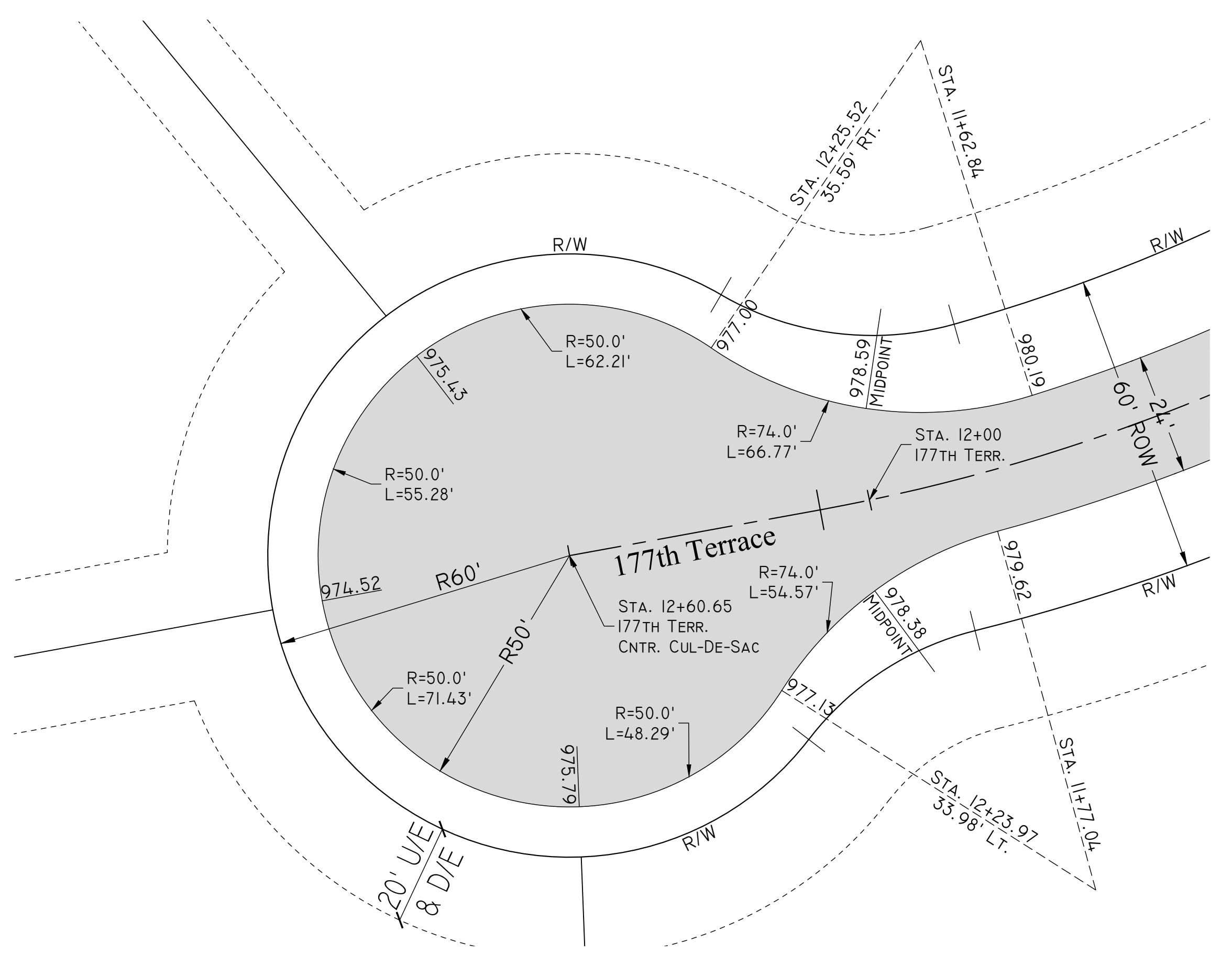
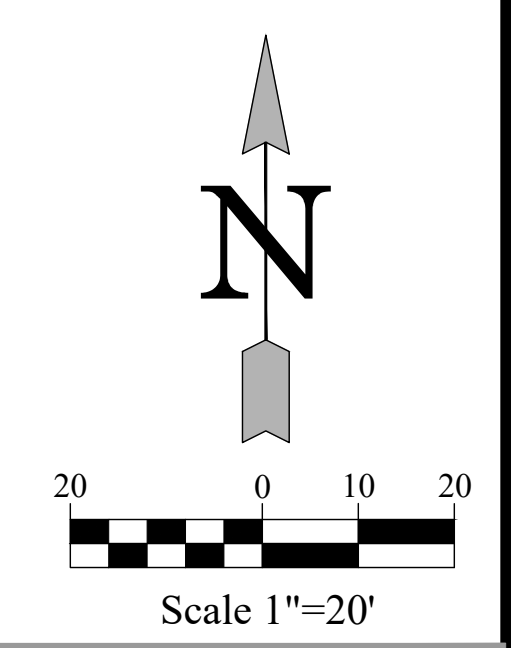
NO.	DATE	DESCRIPTION	BY
2	8/24/21	Lev. County Review Comments	BAN



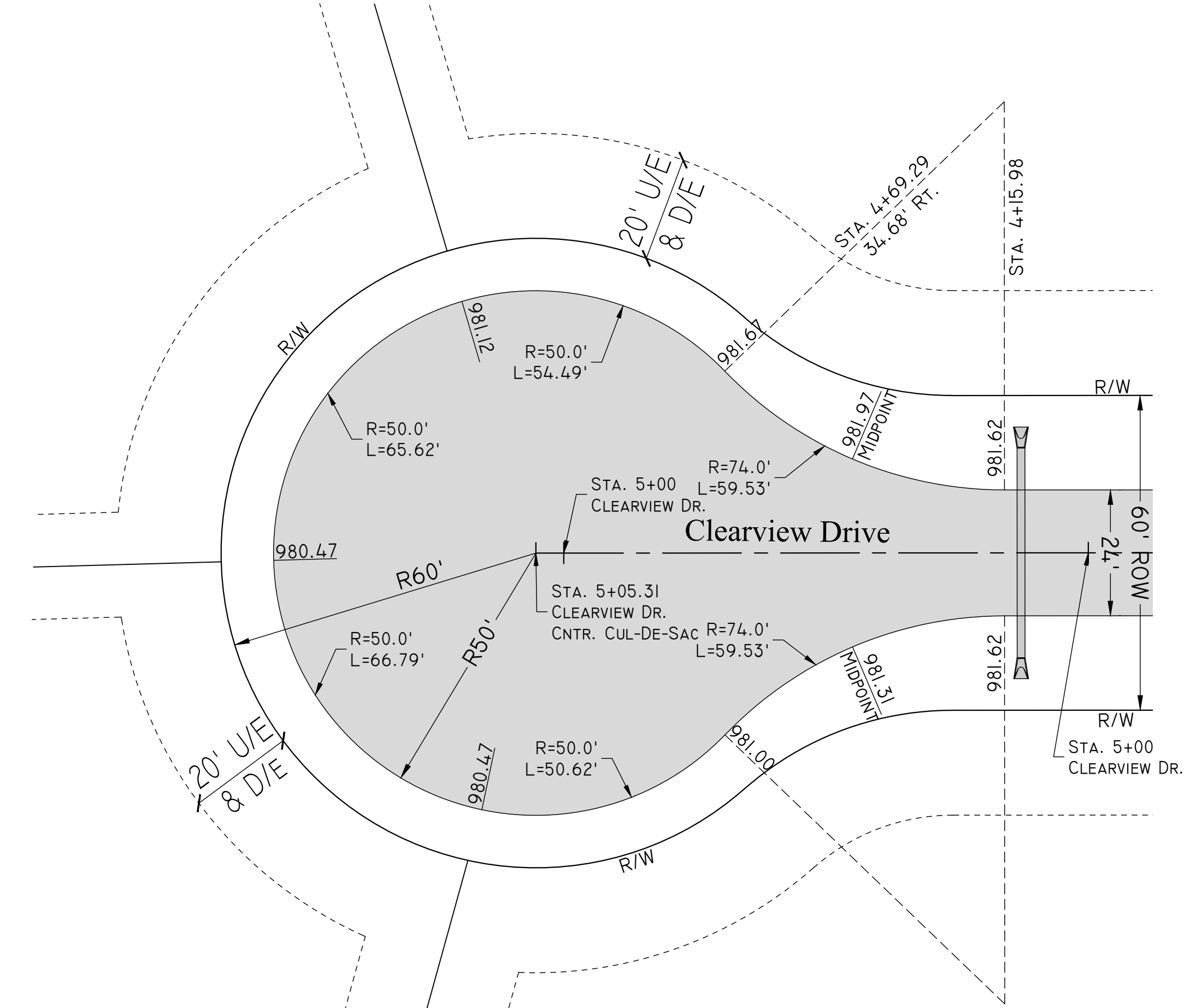
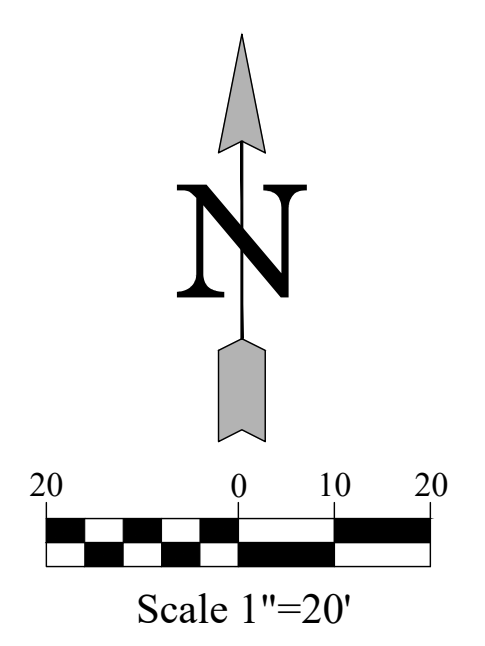
SEYMOUR ROAD & 177TH TERRACE



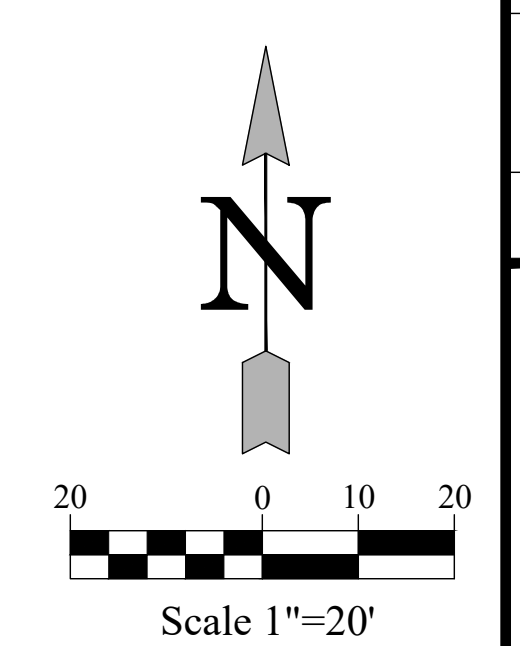
CLEARVIEW DR & 177TH TERRACE



177TH TERRACE CUL-DE-SAC



CLEARVIEW DR CUL-DE-SAC



**From:** [Amanda Tarwater](#)  
**Sent:** Tuesday, August 10, 2021 1:50 PM  
**To:** [Gentzler, Joshua](#)  
**Subject:** Re: DEV-21-129 Final Plat for Emerald 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.

Thank you,

**Amanda Tarwater**  
Member Accounts Coordinator



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

---

**From:** "Gentzler, Joshua" <[JGentzler@leavenworthcounty.gov](mailto:JGentzler@leavenworthcounty.gov)>  
**Date:** Tuesday, August 10, 2021 at 8:26 AM  
**To:** 'Mike Stackhouse' <[firedistrict1@fd1lv.org](mailto:firedistrict1@fd1lv.org)>, "RWD 8 (RWD8LV@gmail.com)" <[RWD8LV@gmail.com](mailto:RWD8LV@gmail.com)>, Amanda Tarwater <[amanda.holloway@freestate.coop](mailto:amanda.holloway@freestate.coop)>, "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)>  
**Subject:** DEV-21-129 Final Plat for Emerald 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 Final Plat for Emerald 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 Monday, August 16<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,

Joshua Gentzler

**From:** [Van Parys, David](#)  
**Sent:** Tuesday, August 10, 2021 8:53 AM  
**To:** [Gentzler, Joshua](#)  
**Subject:** RE: DEV-21-129 Final Plat for Emerald Estates

---

Joshua, No legal issues identified.

---

**From:** Gentzler, Joshua  
**Sent:** Tuesday, August 10, 2021 8:26 AM  
**To:** 'Mike Stackhouse' <firedistrict1@fd1lv.org>; RWD 8 (RWD8LV@gmail.com) <RWD8LV@gmail.com>; Amanda Holloway (Amanda.holloway@freestate.coop) <Amanda.holloway@freestate.coop>; Magaha, Chuck <CMagaha@leavenworthcounty.gov>; Miller, Jamie <JMiller@leavenworthcounty.gov>; Patzwald, Joshua <jpatzwald@leavenworthcounty.gov>; Van Parys, David <DVanParys@leavenworthcounty.gov>  
**Subject:** DEV-21-129 Final Plat for Emerald Estates

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

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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:** [Rural Water](#)  
**Sent:** Monday, August 16, 2021 3:40 PM  
**To:** [Gentzler, Joshua](#)  
**Subject:** Re: DEV-21-129 Final Plat for Emerald 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 Gentzler,

RE: Emerald Estates Final Plat

RWD#8 has an 8" line on the North side of Seymour Rd., therefore, with a road bore water service can be made available to the area of Emerald Estates (not limited to conditions listed below).

Proper application for water service will need to be made to the Board of RWD#8. Board meeting is September 2, 2021.

There has been a request for 13 meters for the subdivision. The developer will be responsible for payment of engineered water service plan, line tap, road bore,

the line extension, to include hydrants, valves, pipe, appurtenances associated with this project and all costs associated with obtaining the water service to this subdivision.

Each meter: \$5,000.00.

Becky Fousek

Office Manager for the Board of RWD#8

Phone: 913-796-2164

.

On Tue, Aug 10, 2021 at 8:26 AM Gentzler, Joshua <[JGentzler@leavenworthcounty.gov](mailto:JGentzler@leavenworthcounty.gov)> wrote:

The Leavenworth County Department of Planning and Zoning has received a request for a Final Plat for Emerald 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 Monday, August 16<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,

Joshua Gentzler

Planner II

[Planning & Zoning](#)

Leavenworth County

913.684.0464

--

*Becky Fousek*

*Office Manager*

*Rural Water District #8-LV CO*

**From:** [Mitch Pleak](#)  
**Sent:** Monday, August 30, 2021 2:06 PM  
**To:** [Gentzler, Joshua](#)  
**Cc:** [Noll, Bill](#); [Anderson, Lauren](#); [019-2831](#)  
**Subject:** RE: Emerald Estates  
**Attachments:** Attachments.html

---

**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 plat and the PIP. No further comments on the plat. There is a couple comments on the PIP. Please forward on.  
Thanks,

Mitch

Citrix Attachments Expires February 26, 2022

2021.08.27 DEV-21-129 Final Plat.pdf	609.8 KB
Emerald Estates - Street & Storm_rev2.pdf	7.3 MB

[Download Attachments](#)

Mitchell Pleak uses Citrix Files to share documents securely.

---

**From:** Gentzler, Joshua <[JGentzler@leavenworthcounty.gov](mailto:JGentzler@leavenworthcounty.gov)>  
**Sent:** Friday, August 27, 2021 8:46 AM  
**To:** Anderson, Lauren <[LAnderson@leavenworthcounty.gov](mailto:LAnderson@leavenworthcounty.gov)>; Mitch Pleak <[mpleak@olsson.com](mailto:mpleak@olsson.com)>  
**Subject:** RE: Emerald Estates

Lauren and Mitch,

Here is the Final Plat revision to go along with the street & storm plan.

I'm also sending this out to the Fire District. Chief Stackhouse is saying that the fire hydrants are required to be on the Final Plat as per the 2006 International Fire Code. I don't see that they've updated the plat with that information, so we will probably have another revision coming through.

Joshua Gentzler  
[Planning & Zoning](#)

---

**From:** Anderson, Lauren  
**Sent:** Wednesday, August 25, 2021 12:25 PM

**To:** Gentzler, Joshua <[JGentzler@leavenworthcounty.gov](mailto:JGentzler@leavenworthcounty.gov)>  
**Cc:** Sloop, Stephanie <[SSloop@leavenworthcounty.gov](mailto:SSloop@leavenworthcounty.gov)>  
**Subject:** FW: Emerald Estates

Joshua,

For your records.

Lauren

---

**From:** brett napiereng.com <[brett@napiereng.com](mailto:brett@napiereng.com)>  
**Sent:** Wednesday, August 25, 2021 11:46 AM  
**To:** Mitch Pleak <[mpleak@olsson.com](mailto:mpleak@olsson.com)>; Anderson, Lauren <[LAnderson@leavenworthcounty.gov](mailto:LAnderson@leavenworthcounty.gov)>  
**Cc:** Andrea Weishaubt <[andrea.weishaubt@atlassurveyors.com](mailto:andrea.weishaubt@atlassurveyors.com)>  
**Subject:** Emerald 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.

Here are the revised Street & Storm Sewer Plans. I believe Andrea will submitting the Revised Final Plat shortly.

I'll get the NOI, SWPPP and Cost Estimate put together as well.

BN

## **Napier Engineering, LLC**

*Brett Napier, PE*

*207 S. 5th St.*

*Leavenworth, KS 66048*

*913-375-0482*

*[brett@napiereng.com](mailto:brett@napiereng.com)*

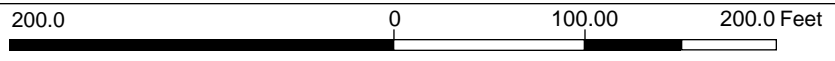
# DEV-21-119 Willis Rezoning



## Legend

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

1 in. = 100ft.



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

DESCRIPTION PER DEED DOCUMENT # 2021R06199

THE SOUTH HALF OF THE NORTHWEST QUARTER LESS THE EAST HALF THEREOF, IN SECTION 32, TOWNSHIP 9 SOUTH, RANGE 22 EAST OF THE 6TH P.M., IN LEAVENWORTH COUNTY, KANSAS, LESS RAILROAD RIGHT OF WAY.

TOTAL SITE ACREAGE: 38.95 ACRES

PROJECT BENCHMARK

BENCHMARK -1  
N - 339557.94  
E - 2163765.30  
EL - 972.22  
1/2" IRON BAR LOCATED 40' NORTH OF THE NW CORNER OF THE S 1/2 OF THE NW 1/4 SECTION 32-9-22

TYPICAL BUILDING SETBACK REQUIREMENTS:

FRONT YARD: 40'  
REAR YARD: 40'  
SIDE YARD: 15'  
REAR YARD ALONG SEYMOUR RD: 85'  
SIDE YARD ALONG SEYMOUR RD: 85'

CLOSURE CALCULATIONS:  
5,134.27' (PLAT BOUNDARY) / 0.0010 (CLOSING DISTANCE) = UNADJUSTED ERROR OF CLOSURE 1 IN 5,128,929.000

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. (County Zoning and Subdivision Regulations do not give actual setbacks in feet)

\*FRONT YARD SETBACK VARIES ON LOTS WHERE TYPICAL SETBACK DOES NOT MEET FRONTAGE REQUIREMENTS.

N88°01'10"E 2632.53'  
NORTH LINE NORTHWEST QUARTER SEC 32-9-22

FOUND 1/2 REBAR

NORTHEAST CORNER OF THE NORTHWEST QUARTER SECTION 32-9-22  
1. 50.66' W TO PK NAIL IN CORNER POST  
2. 37.16' NE TO PK NAIL IN POWER POLE  
3. 49.15' E TO PK NAIL TOP FENCE CORNER POST

N87°54'04"E 2628.57'  
NORTH LINE OF THE SOUTH 1/2 OF THE NORTHWEST QUARTER SEC 32-9-22

CALCULATED NORTHEAST CORNER OF THE SOUTH 1/2 OF NORTHWEST QUARTER SECTION 32-9-22  
1314.28'

S87°47'17"W 2624.62'  
SOUTH LINE NORTHWEST QUARTER SEC 32-9-22

1312.31'

OWNER:  
PATRICIA L WINKLER TRUST  
PARCEL: R17562

PROPERTY LINE (TYP.)

# EMERALD ESTATES

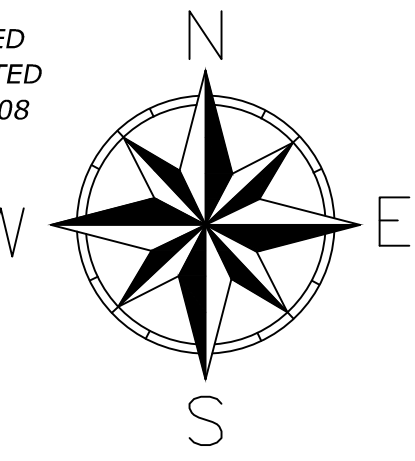
## THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 32, TOWNSHIP 9 SOUTH, RANGE 22 EAST IN LEAVENWORTH COUNTY, KANSAS

PRELIMINARY PLAT



### LEGEND

- ▲ FOUND SECTION CORNER AS NOTED
- FOUND PROPERTY CORNER AS NOTED
- SET PROPERTY CORNER CAP LS 1408 IN CONCRETE
- U/E UTILITY EASEMENT
- D/E DRAINAGE EASEMENT
- B/L BUILDING LINE



### GENERAL NOTES

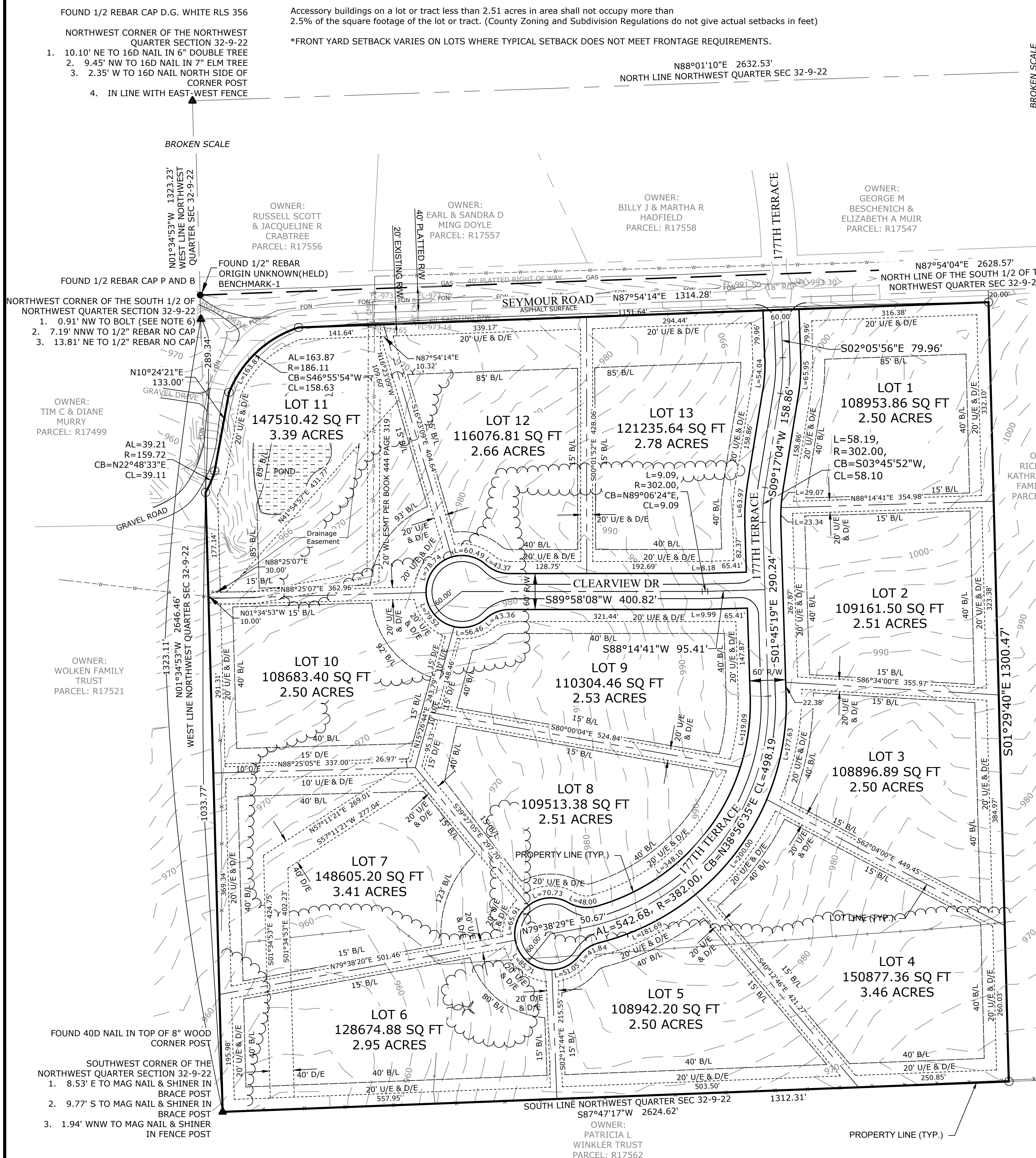
1. The basis for the bearing system for this survey is the Kansas North Zone U.S. State Plane 1983.
2. All distances shown hereon are ground distances in feet.
3. Water line shown via utility maps provided by Rural Water District No. 8.
4. Precision, 1 part in: 2909530.636
5. Right of Way along Seymour Road shown per prescriptive easement and road record Book C, Page 163.
6. Held 1/2" P and B Cap Per Plat in order to not disrupt the area. P and B set bar on split between current monuments at NW Corner of the NW Quarter and the NW Corner of the South 1/2 of the NW Quarter. We believe the bolt to be true set by the County Surveyor detailed in Volume B Page 62 of Survey records at Leavenworth County Register of Deeds. This was set on a split between the original Stone monuments at NW Corner of the NW Quarter and the NW Corner of the South 1/2 of the NW Quarter.
7. Current Zoning RR-5/Proposed Zoning - RR-2.5  
-Current Use - Agricultural  
-Proposed Use - Residential
8. Access will be limited to Clearview Drive and 177th Terrace for all lots.
9. Erosion and sediment control measures shall be used when designing and constructing driveway and other structures. Re-vegetation of all disturbed areas shall be completed according to the NOI post grading activities.
10. Utility services  
-Electric - FreeState Electrical Cooperative  
-Water - Rural Water District #8  
-Gas - Propane  
-Sewer - Septic
11. All proposed structures within this plat shall comply with the Leavenworth County Zoning and Subdivision Regulations or Zoning Regulations Jurisdiction.
12. Onsite individual Sanitary Sewer systems will be used for this development.
13. Lot access is subject to current County access management policy.
14. According to "FIRM" map community panel numbers 20103C0250G, effective July 16th, 20215, this plat is located in Zone "X", area determined to be minimal flood hazard.

### VICINITY MAP



VICINITY MAP NOT TO SCALE

SCALE	PREPARED FOR
1"=100'	
SEC-TWN-RNG	MICHAEL REILLY
32-9-22	600 DELAWARE ST LEAVENWORTH, KS 66048
DATE	
August 6, 2021	



DESCRIPTION PER DEED DOCUMENT # 2021R06199

THE SOUTH HALF OF THE NORTHWEST QUARTER LESS THE EAST HALF THEREOF, IN SECTION 32, TOWNSHIP 9 SOUTH, RANGE 22 EAST OF THE 6TH P.M., IN LEAVENWORTH COUNTY, KANSAS, LESS RAILROAD RIGHT OF WAY.

TOTAL SITE ACREAGE: 38.95 ACRES

SURVEYORS SUGGESTED DESCRIPTION:

A TRACT OF LAND IN THE SOUTH HALF OF THE NORTHWEST QUARTER OF SECTION 32, TOWNSHIP 9 SOUTH, RANGE 22 EAST OF THE 6TH P.M., AS DESCRIBED BY ROGER B. DILL LS 1408, IN LEAVENWORTH COUNTY, KANSAS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE SOUTH 1/2 OF SAID NORTHWEST QUARTER; THENCE N87°54'14"E, ALONG THE NORTH LINE OF THE SOUTH 1/2 OF SAID NORTHWEST QUARTER, A DISTANCE OF 1314.28 FEET; THENCE S01°29'40"E, A DISTANCE OF 20.00 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF SEYMOUR ROAD AS IT NOW EXISTS, ALSO KNOWN TO BE THE POINT OF BEGINNING OF HEREIN DESCRIBED TRACT; THENCE S01°29'40"E, ALONG THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID NORTHWEST QUARTER, A DISTANCE OF 1300.47 FEET TO A POINT ON THE SOUTH LINE OF SAID NORTHWEST QUARTER; THENCE S87°47'17"W, ALONG SAID SOUTH LINE, A DISTANCE OF 1312.31 FEET TO THE SOUTHWEST CORNER OF SAID NORTHWEST QUARTER; THENCE N01°34'53"W, ALONG THE WEST LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 1033.77 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF SAID SEYMOUR ROAD; THENCE NORTHEASTERLY, ON A CURVE TO THE LEFT, HAVING A RADIUS OF 159.72 FEET, AN ARC LENGTH OF 39.21 FEET, A CHORD BEARING OF N22°48'33"E, AND A CHORD LENGTH 39.11 FEET; THENCE N10°24'21"E, CONTINUING ALONG SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 133.00 FEET; THENCE NORTHEASTERLY, ON A CURVE TO THE RIGHT, HAVING A RADIUS OF 186.11 FEET, AN ARC LENGTH OF 163.87 FEET, A CHORD BEARING OF N46°55'54"E, AND A CHORD LENGTH OF 158.63 FEET; THENCE N87°54'14"E, CONTINUING ALONG SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 1151.63 FEET TO THE POINT OF BEGINNING. CONTAINS 38.95 ACRES MORE OR LESS

# EMERALD ESTATES

## THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 32, TOWNSHIP 9 SOUTH, RANGE 22 EAST IN LEAVENWORTH COUNTY, KANSAS

CLOSURE CALCULATIONS:  
5,134.27' (PLAT BOUNDARY) / 0.0010 (CLOSING DISTANCE) = UNADJUSTED ERROR OF CLOSURE 1 IN 5,128,929.000

### TYPICAL BUILDING SETBACK REQUIREMENTS:

FRONT YARD: 40'  
SIDE YARD: 40'  
REAR YARD: 15'  
REAR YARD ALONG SEYMOUR RD: 85'  
SIDE YARD ALONG SEYMOUR RD: 85'  
REAR ACCESSORY SETBACK 15'

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.

\*FRONT YARD SETBACK VARIES ON LOTS WHERE TYPICAL SETBACK DOES NOT MEET FRONTAGE REQUIREMENTS.

### PROJECT BENCHMARK

BENCHMARK -1  
N - 339557.94  
E - 2163765.30  
EL - 972.22  
1" IRON BAR LOCATED 40' NORTH OF THE NW CORNER OF THE S 1/2 OF THE NW 1/4 SECTION 32-9-22

FOUND 1/2 REBAR

NORTHEAST CORNER OF THE NORTHWEST QUARTER SECTION 32-9-22

- 50.66' W TO PK NAIL IN CORNER POST
- 37.16' NE TO PK NAIL IN POWER POLE
- 49.15' E TO PK NAIL TOP FENCE CORNER POST

This plat of EMERALD ESTATES has been submitted and approved by Leavenworth County Planning Commission, this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

CHAIRMAN - STEVEN ROSENTHAL

SECRETARY - KRISTAL VOTH

This plat approved by the Governing Body of Leavenworth County, Kansas, this \_\_\_\_\_ day of \_\_\_\_\_, 2021. (SEAL)

CHAIRMAN - MIKE SMITH ATTEST - COUNTY CLERK - JANET KLASINSKI

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 or adequacy of the design, dimensions, elevations, and quantities.

COUNTY ENGINEER

This is to certify that this instrument was filed for record in the Register of Deeds office on this \_\_\_\_\_ day of \_\_\_\_\_, 2021, in Book \_\_\_\_\_, Page \_\_\_\_\_.

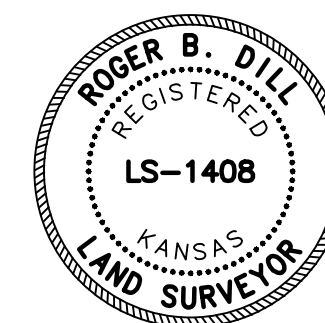
REGISTER OF DEEDS - TERRILOIS G. MASHBURN

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.

Michael J Bogina, KS PS NO. 1655  
LEAVENWORTH COUNTY REVIEWER

This is to certify on this \_\_\_\_\_ day of \_\_\_\_\_, 2021, this field survey was completed on the ground by me or 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.

ROGER B. DILL L.S. 1408



### DEDICATION

The undersigned proprietor of the above described tract of land has caused the same to be subdivided in the manner as shown on the accompanying plat, which subdivision and plat shall hereafter be known as "EMERALD ESTATES".

The streets and roads shown on this plat and not heretofore dedicated to public use, are hereby so dedicated.

The undersigned proprietor of the above described tract of land does hereby certify that all prior existing easement rights on land to be dedicated for the public use running to any person, utility, or corporation have been absolved except that same person, utility or corporation shall retain whatever rights they would have as if located in a public street.

An easement or license to enter upon, locate, construct and maintain or authorize the location, construction, or maintenance and use of conduits, water, gas, electrical, sewer pipes, poles, wires, drainage facilities, ducts and cables, and similar utility 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, and other governmental entities as may be authorized by state law to use such easement for said purposes.

"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 further 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.

The use of all lots in this subdivision shall hereafter be subject to the restrictions which will be executed as a separate instrument of writing and will be recorded in the Office of the Register of Deeds of Leavenworth County, Kansas, said restrictions will thereby be made a part of the dedication of this plat as though fully set forth herein.

The use of all lots in this subdivision shall hereafter be subject to the restrictions which will be executed as a separate instrument of writing and will be recorded in the Office of the Register of Deeds of Leavenworth County, Kansas, said restrictions will thereby be made a part of the dedication of this plat as though fully set forth herein.

IN TESTIMONY WHEREOF, the undersigned proprietor has caused this instrument to be executed this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

PINE RIDGE PARTNERS, LLC

MICHAEL C. REILLY, Managing Partner

STATE OF KANSAS )  
  ) SS  
COUNTY OF LEAVENWORTH)

BE IT REMEMBERED, that on this \_\_\_\_\_ day of \_\_\_\_\_, 2021, before me, a Notary Public in and for said County and State, came MICHAEL C. REILLY, Managing Partner of REILLY DEVELOPMENT, LLC to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of the same.

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

Notary Public

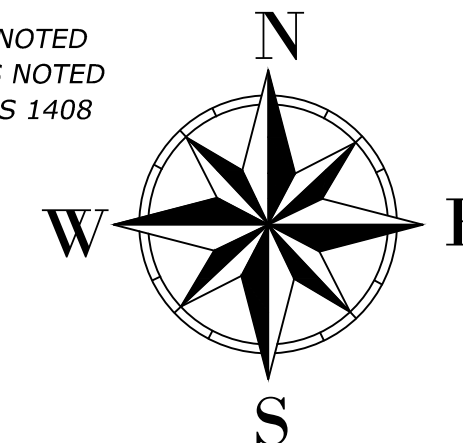
My Commission Expires: \_\_\_\_\_

FINAL PLAT



## LEGEND

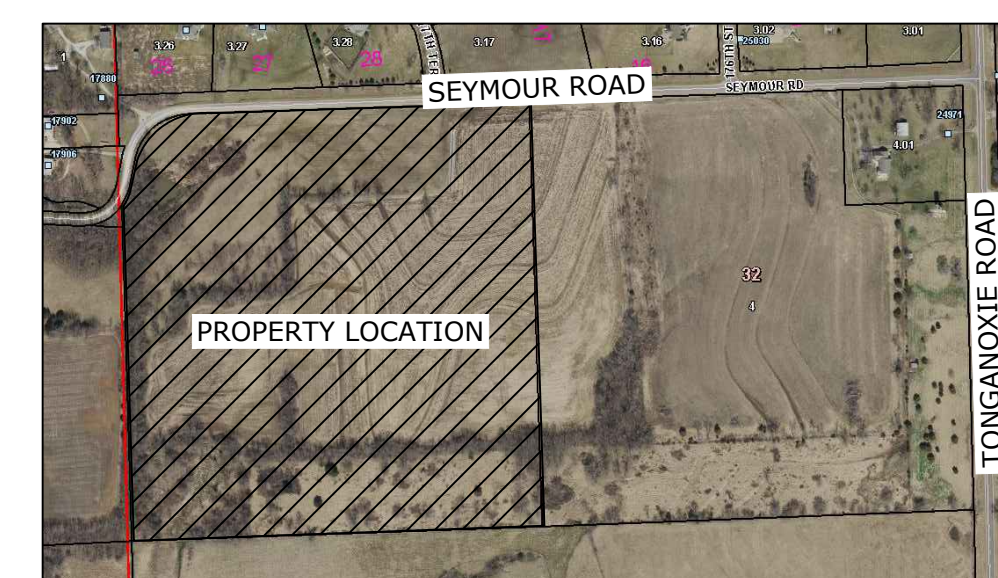
- FOUND SECTION CORNER AS NOTED
- FOUND PROPERTY CORNER AS NOTED
- SET PROPERTY CORNER CAP LS 1408 IN CONCRETE
- U/E UTILITY EASEMENT
- D/E DRAINAGE EASEMENT
- B/L BUILDING LINE



## GENERAL NOTES

- The basis for the bearing system for this survey is the Kansas North Zone U.S. State Plane 1983. West line of the Northwest Quarter of Sec 32-9-22 being N01°34'53"W.
- All distances shown hereon are ground distances in feet.
- Water line shown via utility maps provided by Rural Water District No. 8.
- Precision, 1 part in: 2909530.636
- Right of Way along Seymour Road shown per prescriptive easement and road record Book C, Page 163.
- Hold 1/2" P and B Cap Per Plat in order to not disrupt the area. P and B set bar on split between current monuments at NW Corner of the NW Quarter and the NW Corner of the South 1/2 of the NW Quarter. We believe the bolt to be true set by the County Surveyor detailed in Volume B Page 62 of Survey records at Leavenworth County Register of Deeds. This was set on a split between the original Stone monuments at NW Corner of the NW Quarter and the NW Corner of the South 1/2 of the NW Quarter.
- Current Zoning RR-5/Proposed Zoning - RR-2.5  
-Current Use - Agricultural  
-Proposed Use - Residential
- Access will be limited to Clearview Drive and 177th Terrace for all lots.
- Erosion and sediment control measures shall be used when designing and constructing driveway and other structures. Re-vegetation of all disturbed areas shall be completed according to the NOI post grading activities.
- Utility services  
-Electric - FreeState Electrical Cooperative  
-Water - Rural Water District #8  
-Gas - Prepane  
-Sewer - Septic
- All proposed structures within this plat shall comply with the Leavenworth County Zoning and Subdivision Regulations or Zoning Regulations/Jurisdiction.
- Onsite individual Sanitary Sewer systems will be used for this development.
- Lot access is subject to current County access management policy.
- According to "FIRM" map community panel numbers 20103C0250G, effective July 16th, 2015, this plat is located in Zone "X", area determined to be minimal flood hazard.

## VICINITY MAP



VICINITY MAP NOT TO SCALE

SCALE

1"=100'

SEC-TWN-RNG

32-9-22

PREPARED FOR

MICHAEL REILLY

600 DELAWARE ST  
LEAVENWORTH, KS 66048

DATE

August 6, 2021

**Case No. DEV-21-107**  
**Rezoning from RR-5 to RR-2.5**  
**\*\*\*Public Hearing Required\*\*\***

**Staff Report – Planning Commission**

**September 8, 2021**

**GENERAL INFORMATION:**

**Applicant/  
Property Owner:** Joe Herring on behalf of Orison, LLC  
1204 State Ave #Ste A  
Tonganoxie, KS 66086

**Legal Description:** A tract of land in the fractional Southwest Quarter of Section 7 and the fractional Northwest Quarter of Section 18, Township 11 South, Range 21 East of the 6<sup>th</sup> P.M, in Leavenworth County, Kansas.

**Location:** 00000 Sandusky, located southwest of the intersection of Sandusky Rd and 234<sup>th</sup> Street

**Parcel Size:** ± 96.26 acres

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

**Comprehensive Plan:** The two parcels are within the Rural Residential 2.5-acre land use category.

**Parcel ID No.:** 194-07-0-00-00-006.00 & 194-18-0-00-00-007.000

**Planner:** Amy Allison

---

**REPORT:**

**Request**

The applicant is requesting to rezone two parcels of land from Rural Residential-5 to Rural Residential-2.5.

**Adjacent Land Use**

The surrounding properties include residences, farms and a quarry on varying sized parcels ranging from 1 acre to over 140 acres in size. The property is located 1 mile from the City of Tonganoxie.

**Flood Plain**

There are no Special Flood Hazard Area X on this parcel per FEMA Firm Map 20103C0301G July 16, 2015.

**Utilities/Services**

Sewer: Private septic system  
Fire: Tonganoxie Township FD  
Water: RWD #6  
Electric: Evergy

**Access/Streets**

The property is accessed by Sandusky Road. This road is a County Collector with a paved surface ± 30' wide.

**Agency Comments**

See attached comments – Memo – Kyle Anderson – Planning and Zoning, June 29, 2021  
See attached comments – Memo – Bill Nolte – Public Works, July 8, 2021  
See attached comments – Memo – Name –Township Fire Department, July 6, 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 mix of rural, residential and heavy industrial. The Leavenworth County Quarry sits directly north of the property.
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, agricultural uses and a live gravel quarry.
3. Suitability of the property for the uses to which it has been restricted: The property is zoned for residential use but at a lower density. The proposal would allow for a higher density residential development. The property is also located within two miles of the City of Tonganoxie.
4. Extent to which removal of the restrictions will detrimentally affect nearby property: The area will not likely be detrimentally affected. There is concern about potential traffic generated to K-16 due to a development of this density.
5. Length of time the property has been vacant as zoned: The property has not been developed but has been used for agricultural purposes.
6. Relative gain to economic development, public health, safety and welfare: Rezoning the property will allow for up to 38 rural residential lots.
7. Conformance to the Comprehensive Plan: The Future Land Use Map indicates this area as Rural Residential - 2.5.
8. Staff recommendation is for the approval of the rezoning request.

**Staff Comments**

The two parcels are located on the south side of Sandusky Road, west of the K-16 intersection. It sits immediately south of the Leavenworth County Quarry. The quarry has been in operation since the 1940s. It's operation is grandfathered for this site, effectively operating without additional Special Use Permit requirements. Based on comments received from County Staff, there is no intention to stop the quarry operation in the near future. The quarry does occasionally blast and concerns were raised that this would be disruptive for potential buyers. Staff would like to ensure that all prospective buyers know that they will be purchasing a home within close proximity to a live quarry and all negative impacts that accompany that type of use (noise, dust, truck traffic, etc.). In addition, the Leavenworth County Sherriff's firing range is operated out of this property. Additional noise could include gun fire. That approval is for the lifetime of the use and is still in operation at this time.

KDOT has also indicated concern about the potential impact a housing development of this size may have on K-16 and the immediate intersections. They have already indicated they will request a traffic study during the platting process.

The request is in compliance with the Comprehensive Plan, staff recommends approval.

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**STAFF RECOMMENDATION:**

The staff recommends approval of Case No.DEV-21-107, Rezoning from RR-5 to RR-2.5:

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**ACTION OPTIONS:**

1. Recommend approval of Case No. DEV-21-107, 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-21-107, 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



**REZONING APPLICATION**

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

Office Use Only

Township: \_\_\_\_\_ Date Received: \_\_\_\_\_  
Planning Commission Date \_\_\_\_\_  
Case No. \_\_\_\_\_ Date Paid \_\_\_\_\_  
Zoning District \_\_\_\_\_ Comprehensive Plan Land Use Designation \_\_\_\_\_

APPLICANT/AGENT INFORMATION	OWNER INFORMATION (If different)
NAME <u>Joe Herring</u>	NAME <u>Orison LLC</u>
ADDRESS <u>315 North 5th Street</u>	ADDRESS <u>1204 STATE AVE #STE A</u>
CITY/ST/ZIP <u>Leavenworth, KS 66048</u>	CITY/ST/ZIP <u>Tonganoxie, KS 66086</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 <u>N/A</u>

**PROPOSED USE INFORMATION**

Proposed Land Use AG

Current Zoning RR-5 Requested Zoning RR 2.5

Reason for Requesting Rezoning Rezzone to align more with current comp plan.

**PROPERTY INFORMATION**

Address of Property 00000 Sandusky Road

Parcel Size 96.26 Acres

Current use of the property AG

Present Improvements or structures None

PID 193-07-0-00-00-006 & 194-18-0-00-00-002.01

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 6/25/21

**ATTACHMENT A**

AFFIDAVIT

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

We/I ORISON LLC / GEORGE DANIEL LYNCH and \_\_\_\_\_

Being dully sworn, dispose and say that we/I are the owner(s) of said property located at -  
00000 SANURSKY TONGANOXIS KS 66086, and that we authorize the following people or firms to act in our interest with the Leavenworth County Planning and Zoning Department for a period of one calendar year. Additionally, all statements herein contained in the information herewith submitted are in all respects true and correct to the best of our knowledge and belief.

Authorized Agents (full name, address & telephone number)

1) Joseph A. Herring – Herring Surveying Company 315 N. 5<sup>th</sup> Street, Leavenworth, KS 66048, 913-651-3858

2) Signed and entered this 25<sup>th</sup> day of June, 2021.

GEORGE DANIEL LYNCH  
Print Name, Address, Telephone

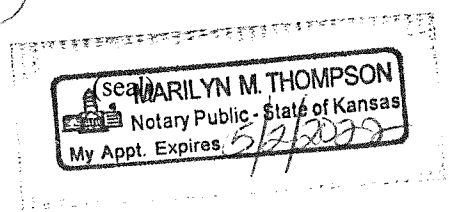
[Signature]  
Signature

STATE OF KANSAS )  
) SS  
COUNTY OF LEAVENWORTH )

Be it remember that on this 25<sup>th</sup> day of June 2021, before me, a notary public in and for said County and State came George Daniel Lynch 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 Marilyn M. Thompson

My Commission Expires: May 2, 2022.



ENTERED IN TRANSFER RECORD IN  
MY OFFICE THIS DAY 06/25/2021

*Janet Klasmaker*  
COUNTY CLERK

Doc #: 2021R07794  
TERRILOIS MASHBURN  
REGISTER OF DEEDS  
LEAVENWORTH COUNTY, KANSAS  
RECORDED ON:  
06/25/2021 01:27:31 PM  
RECORDING FEE: 38.00  
PAGES: 2

Continental Title Company: 21406820

Warranty Deed  
(Individuals)

This indenture, Made this 25 day of June, 2021, between, Lisa Patterson, <sup>AKA</sup> Robert L. Patterson aka Robert L. Patterson, Jr., Michael F. Graveman and Jennifer A. Graveman, a married couple, of Leavenworth County, in the State of Kansas, party(ies) of the first part, and Orison LLC, of Leavenworth County, in the State of KS, party(ies) of the second part.

WITNESSETH, that the said party(ies) of the first part, in Consideration of the sum of TEN Dollars and other valuable considerations, the receipt whereof is hereby acknowledged, does by these presents, grant, bargain, sell and convey unto said party(ies) of the second part, his/her/their successors and/or assigns, all of the following described real estate, situated in the County of Leavenworth and State of Kansas to wit:

*\* Lisa K. Patterson*  
Legal Description: Tract of land in the fractional Southwest Quarter of Section 7 and the fractional Northwest Quarter of Section 18, Township 11 South, Range 21 East of the 6th P.M., Leavenworth County, Kansas, more fully described as follows: Beginning at the Northeast corner of said fractional Southwest Quarter of Section 7; thence South 01°43'39" East for a distance of 2633.70 feet along the East line of said fractional Southwest Quarter to the Northeast corner of said fractional Northwest Quarter of Section 18; thence South 01°30'47" East for a distance of 488.82 feet along the East line of said fractional Northwest Quarter; thence North 89°45'18" West for a distance of 133.60 feet; thence South 67°21'13" West for a distance of 103.84 feet; thence South 31°02'27" West for a distance of 642.13 feet; thence South 85°12'20" West for a distance of 455.88 feet; thence South 38°12'31" West for a distance of 377.48 feet; thence North 81°54'48" West for a distance of 239.20 feet to the West line of the East Half of said fractional Northwest Quarter of Section 18; thence North 01°58'01" West for a distance of 1325.18 feet along said West line; thence North 87°55'41" East for a distance of 493.51 feet along the South line of said Southwest Quarter of Section 7; thence North 01°43'39" West for a distance of 2635.32 feet to the North line of said fractional Southwest Quarter of Section 7; thence North 88°01'07" East for a distance of 1025.22 feet along said North line to the point of beginning. Also known as Tract A on Certificate of Survey recorded June 3, 2021 as Document No. 2021S047.

Note: Subject to easements, reservations, restrictions, if any of record.

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.

And said party(ies) of the first part, for itself, and its successors and assigns, does hereby covenant, promise and agree, to and with said party(ies) of the second part, that at the delivery of these presents, it is lawfully seized in its own right of an absolute and indefeasible estate of inheritance, in fee simple, of and

in all and singular the able granted and described premises, with the appurtenances; that the same are free, clear, discharged and unencumbered of and from all former and other grants, titles, charges, states, judgments, taxes, assessments and encumbrances, of what nature and kind so ever, and that it will Warrant and Forever Defend the same unto said party(ies) of the second part, his/her/their heirs and assigns, and all and every person or persons whomsoever, lawfully claiming or to claim the same. In Witness whereof, said party(ies) of the first part have hereunto set their hand the day and year last above written.

Robert L. Patterson  
Robert L. Patterson aka Robert L. Patterson, Jr.

Lisa Patterson  
Lisa Patterson

Michael F Graveman  
Michael F Graveman

Jennifer A. Graveman  
Jennifer A. Graveman

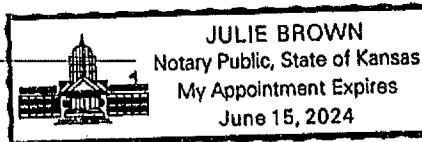
ACKNOWLEDGEMENT

State of KS )  
County Of Leavenworth )SS.

On this 25 day of June, 2021, before me the undersigned notary, personally appeared Robert L. Patterson/aka Robert L Patterson Jr. and Lisa Patterson, husband and wife and Michael F Graveman and Jennifer A. Graveman, husband and wife, who proved to me through identification documents which was a Passport / Driver's License/ State ID or DL, to me personally known to me to be the person(s) described in and who executed the foregoing instrument, and acknowledged that he/she/they executed the same as his/her/their free act and deed. \* Lisa K. Patterson

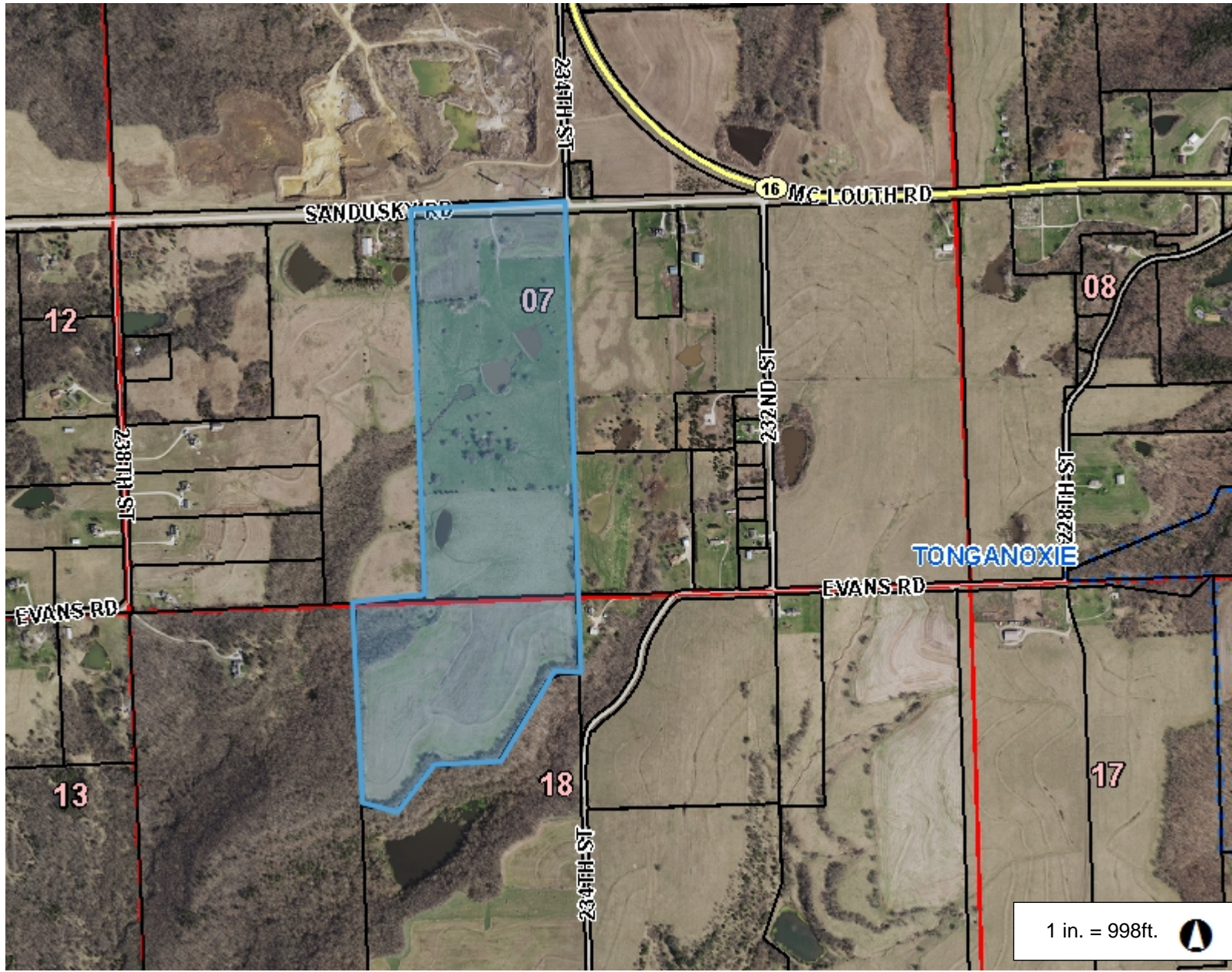
IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal in the County and State aforesaid, the day and year first above written.

Julie Brown  
Julie Brown - Notary Public



My Commission Expires: June 15, 2024

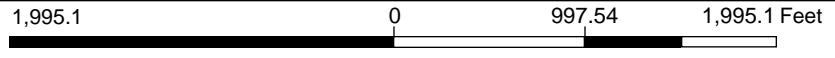
# DEV-21-107 Rezone



**Legend**

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

1 in. = 998ft.



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:** Anderson, Kyle  
**Sent:** Tuesday, June 29, 2021 2:38 PM  
**To:** Sloop, Stephanie  
**Subject:** RE: DEV-21-107 Rezoning Application - Orison, LLC

We have not received any complaints on either of these properties.

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:** Tuesday, June 29, 2021 1:27 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>; 'tonganoxietownshiprfd@yahoo.com' <tonganoxietownshiprfd@yahoo.com>; 'Tyler.Rebel@evergy.com' <Tyler.Rebel@evergy.com>  
**Cc:** Voth, Krystal <KVoth@leavenworthcounty.gov>; Gentzler, Joshua <JGentzler@leavenworthcounty.gov>  
**Subject:** DEV-21-107 Rezoning Application - Orison, LLC

Good Afternoon,

The Leavenworth County Department of Planning and Zoning has received a request for rezoning a parcel from RR-5 to RR-2.5.

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 July 7, 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:** Noll, Bill  
**Sent:** Thursday, July 8, 2021 11:36 AM  
**To:** Anderson, Lauren; Voth, Krystal; Sloop, Stephanie; Gentzler, Joshua  
**Subject:** RE: DEV-21-107 Rezoning Application - Orison, LLC

Leavenworth County Public Works would like noted that the rezoning request, to rezone properties PID 193-07-0-00-00-006 & PID 194-18-0-00-00-002 from RR-5 to RR2.5. PID 193-07-0-00-00-006 is located directly across Sandusky Road from the Leavenworth County Quarry (Tonganoxie Rock Quarry). Public Works plans on continuing the use of this adjacent property as a rock quarry with blasting operations in the future. As the referenced property is developed into a subdivision, regardless of approved lot size of 5 or 2.5 acres, measures should be put in place that protect the county from residential property owners claims regarding structural damage to residences or their foundations from the existing neighboring use.

Bill

---

**From:** Sloop, Stephanie  
**Sent:** Tuesday, June 29, 2021 1:27 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)>; 'tonganoxietownshiprfd@yahoo.com' <[tonganoxietownshiprfd@yahoo.com](mailto:tonganoxietownshiprfd@yahoo.com)>; 'Tyler.Rebel@evergy.com' <[Tyler.Rebel@evergy.com](mailto:Tyler.Rebel@evergy.com)>  
**Cc:** Voth, Krystal <[KVoth@leavenworthcounty.gov](mailto:KVoth@leavenworthcounty.gov)>; Gentzler, Joshua <[JGentzler@leavenworthcounty.gov](mailto:JGentzler@leavenworthcounty.gov)>  
**Subject:** DEV-21-107 Rezoning Application - Orison, LLC

Good Afternoon,

The Leavenworth County Department of Planning and Zoning has received a request for rezoning a parcel from RR-5 to RR-2.5.

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 July 7, 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

## Voth, Krystal

---

**From:** Timothy Smith <chief1860@ttrfd.com>  
**Sent:** Tuesday, July 6, 2021 8:37 AM  
**To:** Sloop, Stephanie  
**Cc:** Magaha, Chuck; Anderson, Kyle; Miller, Jamie; Patzwald, Joshua; Van Parys, David; Mitch Pleak; Anderson, Lauren; Tyler.Rebel@evergy.com; Voth, Krystal; Gentzler, Joshua  
**Subject:** Re: DEV-21-107 Rezoning Application - Orison, LLC

**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,

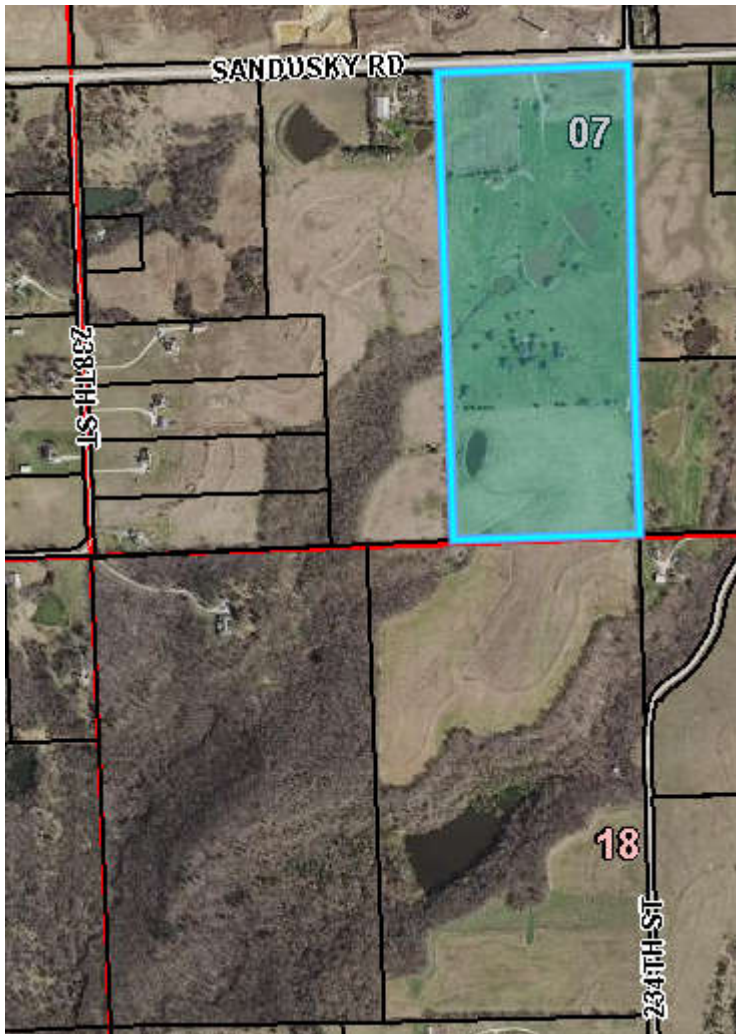
The Tonganoxie Township Fire Department does not have any issues with this rezoning request. We will however have some very specific requirements for the development if work moves forward on it.

On Tue, Jun 29, 2021 at 2:41 PM Sloop, Stephanie <[SSloop@leavenworthcounty.gov](mailto:SSloop@leavenworthcounty.gov)> wrote:

The parcels have not been assigned an address, here is a screen shot of the parcels. It is the blue parcel and the parcel directly south of it.

PID: 193-07-0-00-00-006.00 & 194-18-0-00-00-002.01 Quick Ref: R27246 & R27413





---

**From:** Timothy Smith <[chief1860@ttrfd.com](mailto:chief1860@ttrfd.com)>

**Sent:** Tuesday, June 29, 2021 2:23 PM

**To:** Sloop, Stephanie <[SSloop@leavenworthcounty.gov](mailto:SSloop@leavenworthcounty.gov)>

**Cc:** 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)>; Tyler.Rebel@evergy.com; Voth, Krystal <[KVoth@leavenworthcounty.gov](mailto:KVoth@leavenworthcounty.gov)>; Gentzler, Joshua <[JGentzler@leavenworthcounty.gov](mailto:JGentzler@leavenworthcounty.gov)>

**Subject:** Re: DEV-21-107 Rezoning Application - Orison, LLC

**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,

I would like to have a little more information on this rezoning request before providing input on it. On the application in the property information box the address is given as 00000 Sandusky ROAD. Can you provide a more accurate location please so that I may look at the surrounding areas as well?

Thank you,

On Tue, Jun 29, 2021 at 2:18 PM [tonganoxietownshiprfd@yahoo.com](mailto:tonganoxietownshiprfd@yahoo.com) <[tonganoxietownshiprfd@yahoo.com](mailto:tonganoxietownshiprfd@yahoo.com)> wrote:

**Tim Smith**

Chief

*Tonganoxie Township Rural Fire Department*

*18993 Mclouth RD*

*Tonganoxie, KS 66086*

*Station: 913-845-3801*

*Fax: 913-845-3801*

*Chief's cell: 816-392-2468*

*Failure to Prepare is Preparing to Fail*

On Tuesday, June 29, 2021, 01:26:44 PM CDT, 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 rezoning a parcel from RR-5 to RR-2.5.

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 July 7, 2021.

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

Thank you,

Stephanie Sloop

Public Relations and Planning Coordinator

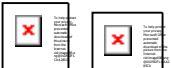
Planning and Zoning

Leavenworth County Courthouse

300 Walnut St. Ste. 212

Leavenworth. KS 66048

(913) 364-5750 ph



--

Tim Smith, Chief

*Tonganoxie Township Rural Fire Department*

*President Kansas State Association Fire Chiefs*

18993 McLouth Rd

Tonganoxie KS 66086

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

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

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

*Failure to Prepare*

*Is*

*Preparing to Fail*

--

Tim Smith, Chief

*Tonganoxie Township Rural Fire Department*

*President Kansas State Association Fire Chiefs*

18993 McLouth Rd

Tonganoxie KS 66086

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

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

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

*Failure to Prepare*

*Is*

*Preparing to Fail*

**Case No. DEV-21-118**  
**Rezoning from RR-5 to RR-2.5**  
**\*\*\*Public Hearing Required\*\*\***

**Staff Report – Planning Commission**

**September 8, 2021**

**GENERAL INFORMATION:**

**Applicant/  
Property Owner:** Cale and Jessica Wiehe  
22852 Dempsey Road  
Leavenworth, KS 66048

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

**Legal Description:** Tracts of land in the Fractional Southeast Quarter of Section 6, Township 10 South, Range 21 East of the 6<sup>th</sup> P.M, in Leavenworth County, Kansas.

**Location:** 22852 Dempsey Road

**Parcel Size:** ± 160 acres

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

**Comprehensive Plan:** These parcels are within both the Residential and Residential Estate land use categories.

**Parcel ID No.:** 143-06-0-00-00-007.00, 143-06-0-00-00-007.01, & 143-06-0-00-00-007.02

**Planner:** Joshua Gentzler

---

**REPORT:**

**Request**

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

**Adjacent Land Use**

The surrounding properties are residences and farms on varying sized parcels ranging from 5 acres to 162 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: Alexandria  
Water: RWD 9  
Electric: Freestate

**Access/Streets**

The property is accessed by Dempsey Road and 227<sup>th</sup> Street. Dempsey Road is a County Arterial with a paved surface ± 28' wide. 227<sup>th</sup> Street is a local County road with a gravel surface, ± 22' wide

**Agency Comments**

See attached comments – Memo – Kyle Anderson – Planning and Zoning, July 29, 2021  
See attached comments – Memo – Rural Water District 9, July 27, 2021  
See attached comments – Email – Amanda Tarwater – FreeState, August 2, 2021

### **Factors to be considered**

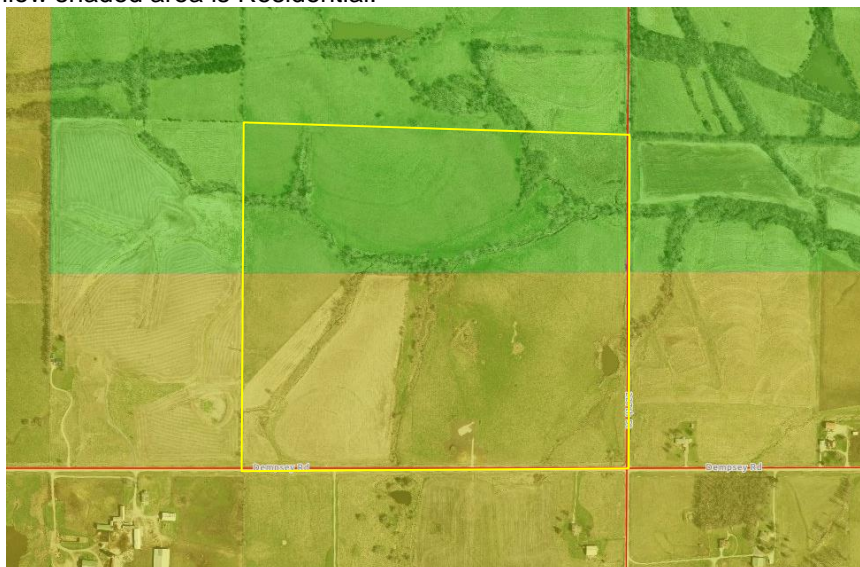
The following factors are to be considered by the Planning Commission and the Board of County Commission when approving or disapproving this Rezoning request:

1. Character of the neighborhood: The character of the neighborhood is rural; primarily agricultural uses with some 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 suitable for rural residences.
4. Extent to which removal of the restrictions will detrimentally affect nearby property: The area is not likely to be detrimentally affected by the rezoning.
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 rezoning will not affect public health, safety, and welfare. The rezoning could provide additional homes and opportunity for economic development through home building.
7. Conformance to the Comprehensive Plan: The Future Land Use Map indicates this area as Residential and Residential Estate.
8. Staff recommendation is for the approval of the rezoning request.

### **Staff Comments**

The applicant is asking to rezone a Quarter in the northwest corner of Dempsey Road and 227<sup>th</sup> Street. The property is currently zoned as RR-5. The applicant is requesting approval of a rezoning from RR-5 to RR-2.5.

The parcel is within an area marked as both Residential and Residential Estate on the Future Land Use map (See figure 1). The parcel is outlined in yellow, while the green shaded area is area forecasted as Residential Estate and the yellow shaded area is Residential.



**Figure 1 Future Land Use**

The applicant's request matches the Future Land Use map along Dempsey Road and the rezoning farther north along 227<sup>th</sup> Street would continue the RR-2.5 zoning northward. Staff is supportive of the request.

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### **STAFF RECOMMENDATION:**

The staff recommends approval of Case No. DEV-21-118, Rezoning from RR-5 to RR-2.5.

---

**ACTION OPTIONS:**

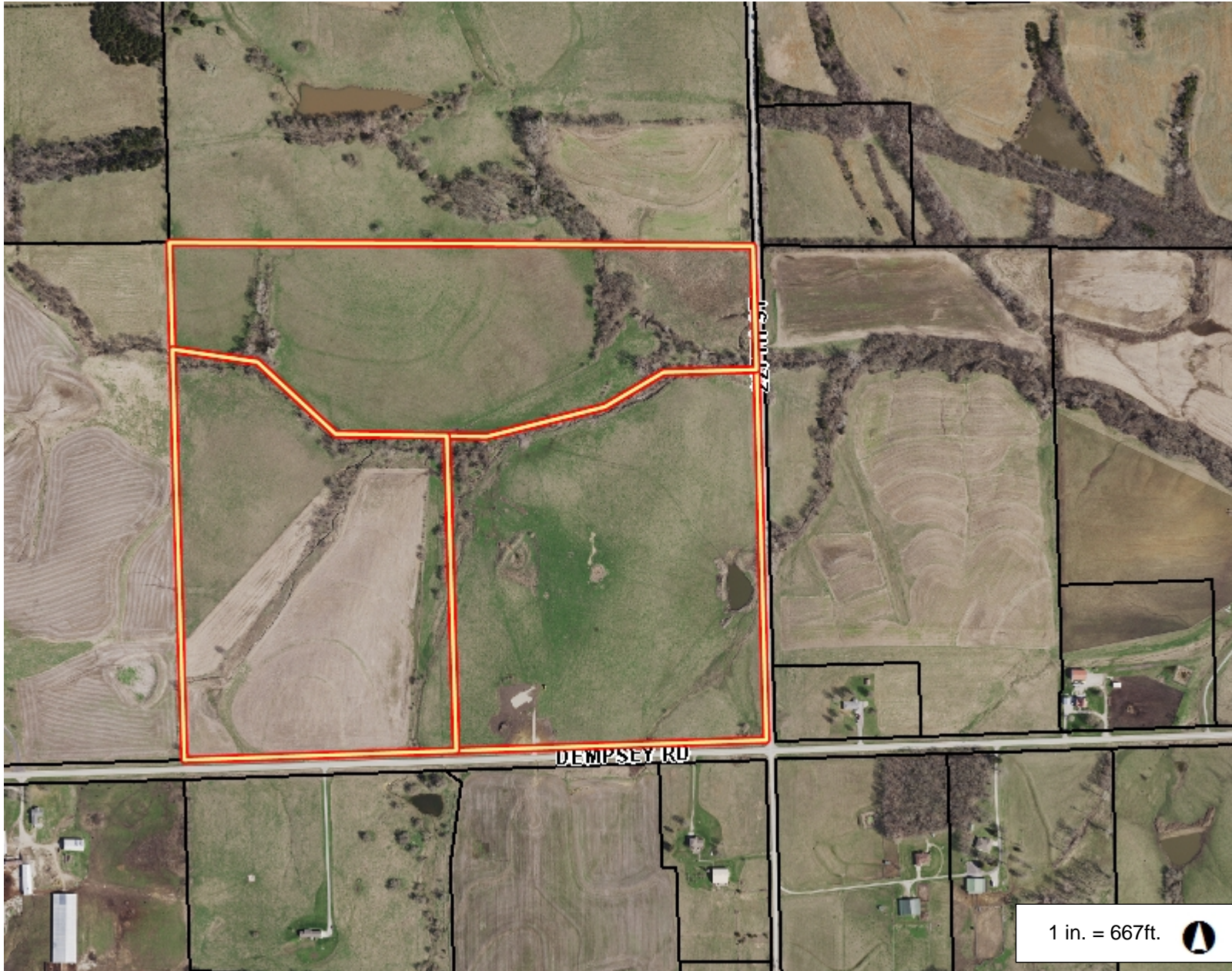
1. Recommend approval of Case No. DEV-21-118, Rezoning from RR-5 to RR-2.5, to the Board of County Commission, with Findings of Fact, or
2. Recommend denial of Case No. DEV-21-118, Rezoning from RR-5 to RR-2.5, to the Board of County Commission, with Findings of Fact; or
3. Continue the Public hearing to another date, time, and place.

---

**ATTACHMENTS:**

Narrative  
Location/Aerial Maps  
Memorandums

# DEV-21-118 Wiehe Rezoning



## Legend

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

1 in. = 667ft.

1,333.3      0      666.67      1,333.3 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



**From:** [Rural Water District 9 lvrwd9](#)  
**Sent:** Tuesday, July 27, 2021 3:44 PM  
**To:** [Gentzler, Joshua](#)  
**Subject:** Re: DEV-21-118 Rezoning Wiehe - 22852 Dempsey

---

**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.

Rural Water District 9 has no issues at this time with the application for Rezoning.

On Tue, Jul 27, 2021 at 2:16 PM Gentzler, Joshua <[JGentzler@leavenworthcounty.gov](mailto:JGentzler@leavenworthcounty.gov)> wrote:

Good afternoon,

The Department of Planning and Zoning has received an application for a Rezoning for multiple parcels located at 22852 Dempsey Road (Parcels 143-06-0-00-00-007.00, 143-06-0-00-00-007.01, & 143-06-0-00-00-007.02).

The Planning Staff would appreciate your written input in consideration of the above request. Please review the attached information and forward any comments to us by Tuesday, August 3<sup>rd</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,

Joshua Gentzler

Planner II

[Planning & Zoning](#)

Leavenworth County

913.684.0464

--

Thanks,



**RURAL WATER DISTRICT 9**

**Karen Armstrong**

District Manager

913-845-3571

**From:** [Anderson, Kyle](#)  
**Sent:** Thursday, July 29, 2021 1:02 PM  
**To:** [Gentzler, Joshua](#)  
**Subject:** RE: DEV-21-118 Rezoning Wiehe - 22852 Dempsey

---

We have not received any complaints on this property since the Wiehe's bought the 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:** Tuesday, July 27, 2021 2:16 PM  
**To:** 'tonyburr@ymail.com' <tonyburr@ymail.com>; RWD 9 (Lvrwd9@gmail.com) <Lvrwd9@gmail.com>; Amanda Holloway (Amanda.holloway@freestate.coop) <Amanda.holloway@freestate.coop>; 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-21-118 Rezoning Wiehe - 22852 Dempsey

Good afternoon,

The Department of Planning and Zoning has received an application for a Rezoning for multiple parcels located at 22852 Dempsey Road (Parcels 143-06-0-00-00-007.00, 143-06-0-00-00-007.01, & 143-06-0-00-00-007.02).

The Planning Staff would appreciate your written input in consideration of the above request. Please review the attached information and forward any comments to us by Tuesday, August 3<sup>rd</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,

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

**From:** [Amanda Tarwater](#)  
**Sent:** Wednesday, July 28, 2021 10:23 AM  
**To:** [Gentzler, Joshua](#)  
**Subject:** Re: DEV-21-118 Rezoning Wiehe - 22852 Dempsey

**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 Accounts Coordinator



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

---

**From:** "Gentzler, Joshua" <JGentzler@leavenworthcounty.gov>  
**Date:** Tuesday, July 27, 2021 at 2:16 PM  
**To:** "'tonyburr@ymail.com'" <tonyburr@ymail.com>, "RWD 9 (Lvrwd9@gmail.com)" <Lvrwd9@gmail.com>, Amanda Tarwater <amanda.holloway@freestate.coop>, "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-21-118 Rezoning Wiehe - 22852 Dempsey

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

Good afternoon,

The Department of Planning and Zoning has received an application for a Rezoning for multiple parcels located at 22852 Dempsey Road (Parcels 143-06-0-00-00-007.00, 143-06-0-00-00-007.01, & 143-06-0-00-00-007.02).

The Planning Staff would appreciate your written input in consideration of the above request. Please review the attached information and forward any comments to us by Tuesday, August 3<sup>rd</sup>.

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

Thank you,

**Case No. DEV-21-119**  
**Rezoning from RR-5 to RR-2.5**  
**\*\*\*Public Hearing Required\*\*\***

**Staff Report – Planning Commission**

**September 8, 2021**

**GENERAL INFORMATION:**

**Applicant/  
Property Owner:** Brad Willis  
17326 242<sup>nd</sup> 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 13, Township 11 South, Range 20 East of the 6<sup>th</sup> P.M, in Leavenworth County, Kansas.

**Location:** 17326 242<sup>nd</sup> Street, Tonganoxie, KS 66086

**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.:** 206-13-0-00-00-013.00

**Planner:** Joshua Gentzler

---

**REPORT:**

**Request**

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

**Adjacent Land Use**

The surrounding properties are residences and farms on varying sized parcels ranging from 5 acres to over 153 acres in size.

**Flood Plain**

There is Special Flood Hazard Area, Zone A, on this parcel per FEMA Firm Map 20103C0300G July 16, 2015.

**Utilities/Services**

Sewer: Private septic system  
Fire: Tonganoxie  
Water: RWD 13  
Electric: FreeState

**Access/Streets**

The property is accessed by 242<sup>nd</sup> Street. This road is a County local with a gravel surface ± 24' wide.

**Agency Comments**

See attached comments – Memo – Kyle Anderson – Planning and Zoning, July 29, 2021  
See attached comments – Memo – Lauren Anderson – Public Works, August 12, 2021  
See attached comments – Memo – Joe Osborn – Rural Water District 13, July 29, 2021  
See attached comments – Email – Amanda Tarwater – FreeState Electric, July 28, 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 suitable for rural residences and agricultural uses.
4. Extent to which removal of the restrictions will detrimentally affect nearby property: The area is not likely to 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 allow for a subsequent subdivision of the property into 2 separate parcels which would create the opportunity for the development of another home.
7. Conformance to the Comprehensive Plan: The Future Land Use Map indicates this area as Residential.
8. Staff recommendation is for the approval of the rezoning request.

### **Staff Comments**

The property is located on the east side of 242<sup>nd</sup> Street. The property is currently zoned as Rural Residential-5. The applicants are requesting the zoning be changed to RR-2.5, which would allow up to two lots to be established as opposed to one. The Future Land Use Map identifies this area as Residential (RR-2.5) and therefore the request is in conformance with the Comprehensive Plan.

---

### **STAFF RECOMMENDATION:**

The staff recommends approval of Case No. DEV-21-119, Rezoning from RR-5 to RR-2.5.

---

### **ACTION OPTIONS:**

1. Recommend approval of Case No. DEV-21-119, 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-21-119, Rezoning from RR-5 to RR-2.5, to the Board of County Commission, with Findings of Fact; or
3. Continue the Public hearing to another date, time, and place.

---

### **ATTACHMENTS:**

Narrative  
Location/Aerial Maps  
Memorandums

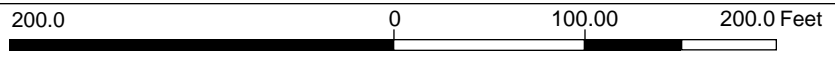
# DEV-21-119 Willis Rezoning



## Legend

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

1 in. = 100ft.



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: \_\_\_\_\_  
Planning Commission Date \_\_\_\_\_  
Case No. \_\_\_\_\_ Date Paid \_\_\_\_\_  
Zoning District \_\_\_\_\_ Comprehensive Plan Land Use Designation \_\_\_\_\_

## APPLICANT/AGENT INFORMATION

NAME Joe Herring - Herring Surveying Company  
ADDRESS 315 North 5th Street  
CITY/ST/ZIP Leavenworth, KS 66048  
PHONE 913-651-3858  
EMAIL herringsurveying@outlook.com  
CONTACT PERSON Joe

## OWNER INFORMATION (If different)

NAME Brad Willis  
ADDRESS 17326 242nd Street  
CITY/ST/ZIP Tonganoxie KS 66086  
PHONE N/A  
EMAIL N/A  
CONTACT PERSON N/A

## PROPOSED USE INFORMATION

Proposed Land Use RR and AG  
Current Zoning RR-5 Requested Zoning RR 2.5  
Reason for Requesting Rezoning Match comp plan and split property into 2 Tracts

## PROPERTY INFORMATION

Address of Property 17326 242nd Street  
Parcel Size 5 acres  
Current use of the property Rural Residential and AG  
Present Improvements or structures House and Barn  
PID 206-13-0-00-00-013

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 July 22, 2021

ATTACHMENT A



ENTERED IN TRANSFER RECORD IN  
MY OFFICE THIS DAY 07/21/2021

*Janet Klasmaker*  
COUNTY CLERK

Doc #: 2021R08912  
TERRILOIS MASHBURN  
REGISTER OF DEEDS  
LEAVENWORTH COUNTY, KANSAS  
RECORDED ON:  
07/21/2021 03:09:27 PM  
RECORDING FEE: 38.00  
PAGES: 2

Continental Title Company: 21412942

Warranty Deed  
(Individuals)

This indenture, Made this 20<sup>th</sup> day of July, 2021, between, Joseph Dean Zuber and Melody Ann Zuber, a married couple of Leavenworth County, in the State of Kansas, party(ies) of the first part, and Bradley Willis, a single person, of Leavenworth County, in the State of KS, party(ies) of the second part.

WITNESSETH, that the said party(ies) of the first part, in Consideration of the sum of TEN Dollars and other valuable considerations, the receipt whereof is hereby acknowledged, does by these presents, grant, bargain, sell and convey unto said party(ies) of the second part, his/her/their successors and/or assigns, all of the following described real estate, situated in the County of Leavenworth and State of Kansas to wit:

Legal Description: Tract of land in the Southeast Quarter of Section 13, Township 11 South, Range 20 East of the 6th PM, Leavenworth County, Kansas, more fully described as follows: Commencing at the Southwest corner of said Southeast Quarter; thence North 02°29'06" West for a distance of 490.62 feet along the West line of said Southeast Quarter to the TRUE POINT OF BEGINNING; thence continuing North 02°29'06" West for a distance of 467.02 feet along said West line; thence North 88°04'07" East for a distance of 467.02 feet; thence South 02°29'06" East for a distance of 467.02 feet; thence South 88°04'07" West for a distance of 467.02 feet to the point of beginning. Also known as Tract 1 as shown on Certificate of Survey recorded May 20, 2021 as Document No. 2021S043.

Note: Subject to easements, reservations, restrictions, if any of record.

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.

And said party(ies) of the first part, for itself, and its successors and assigns, does hereby covenant, promise and agree, to and with said party(ies) of the second part, that at the delivery of these presents, it is lawfully seized in its own right of an absolute and indefeasible estate of inheritance, in fee simple, of and in all and singular the able granted and described premises, with the appurtenances; that the same are free, clear, discharged and unencumbered of and from all former and other grants, titles, charges, states, judgments, taxes, assessments and encumbrances, of what nature and kind so ever, and that it will Warrant and Forever Defend the same unto said party(ies) of the second part, his/her/their heirs and assigns, and all and every person or persons whomsoever, lawfully claiming or to claim the same.

In Witness whereof, said party(ies) of the first part have hereunto set their hand the day and year last above written.

*Joseph Dean Zuber*  
Joseph Dean Zuber  
*Melody Ann Zuber*  
Melody Ann Zuber

ACKNOWLEDGEMENT

State of Kansas )  
County Of Leavenworth )SS.

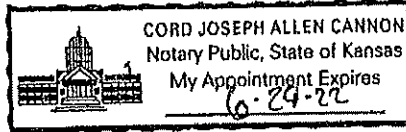
On this 20<sup>th</sup> day of July, 2021, before me the undersigned notary, personally appeared Joseph Dean Zuber and Melody Ann Zuber, husband and wife, who proved to me through identification documents which was a Passport / Driver's License/ State ID or \_\_\_\_\_, to me personally known to me to be the person(s) described in and who executed the foregoing instrument, and acknowledged that he/she/they executed the same as his/her/their free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal in the County and State aforesaid, the day and year first above written.

*Cord Joseph Allen Cannon*

Cord Joseph Allen Cannon - Notary Public

My Commission Expires: June 29, 2022



AFFIDAVIT

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

We/I Bradley Willis and \_\_\_\_\_

Being dully sworn, dispose and say that we/I are the owner(s) of said property located at - 17326 242nd St Tonganoxie KS 66366, and that we authorize the following people or firms to act in our interest with the Leavenworth County Planning and Zoning Department for a period of one calendar year. Additionally, all statements herein contained in the information herewith submitted are in all respects true and correct to the best of our knowledge and belief.

Authorized Agents (full name, address & telephone number)

1) Joseph A. Herring – Herring Surveying Company 315 N. 5<sup>th</sup> Street, Leavenworth, KS 66048, 913-651-3858

2)

Signed and entered this 7 day of 22, 2021

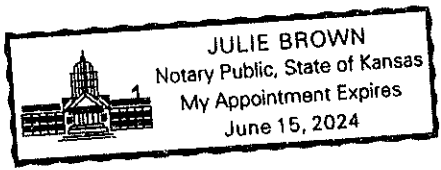
Bradley Willis 913-636-9910  
Print Name, Address, Telephone

Bradley Willis  
Signature

STATE OF KANSAS             )  
  ) SS  
COUNTY OF LEAVENWORTH )

Be it remember that on this 22 day of July 2021, before me, a notary public in and for said County and State came Bradley Willis 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 Kansas Julie Brown  
My Commission Expires: 6-15-24 Julie Brown (seal)



**From:** [Amanda Tarwater](#)  
**Sent:** Wednesday, July 28, 2021 10:24 AM  
**To:** [Gentzler, Joshua](#)  
**Subject:** Re: DEV-21-119 Rezoning Willis Request - 17326 242nd Street

**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 Accounts Coordinator



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

---

**From:** "Gentzler, Joshua" <JGentzler@leavenworthcounty.gov>  
**Date:** Tuesday, July 27, 2021 at 2:30 PM  
**To:** 'Timothy Smith' <chief1860@ttrfd.com>, "RWD 13 (linda@jfrwd13.com)" <linda@jfrwd13.com>, Amanda Tarwater <amanda.holloway@freestate.coop>, "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-21-119 Rezoning Willis Request - 17326 242nd Street

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

Good afternoon,

The Department of Planning and Zoning has received an application for a Rezoning regarding a property at 17326 242nd Street, Tonganoxie, KS 66086. This is a request to rezone a 5-acre portion of parcel 206-13-0-00-00-013.00.

The Planning Staff would appreciate your written input in consideration of the above request. Please review the attached information and forward any comments to us by Tuesday, August 3<sup>rd</sup>.

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

**From:** [Anderson, Kyle](#)  
**Sent:** Thursday, July 29, 2021 1:04 PM  
**To:** [Gentzler, Joshua](#)  
**Subject:** RE: DEV-21-119 Rezoning Willis Request - 17326 242nd Street

---

We have not received 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:** Tuesday, July 27, 2021 2:30 PM  
**To:** 'Timothy Smith' <chief1860@ttrfd.com>; RWD 13 (linda@jfrwd13.com) <linda@jfrwd13.com>; Amanda Holloway (Amanda.holloway@freestate.coop) <Amanda.holloway@freestate.coop>; 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-21-119 Rezoning Willis Request - 17326 242nd Street

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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:** [Joe Osborn](#)  
**Sent:** Thursday, July 29, 2021 5:34 PM  
**To:** [Gentzler, Joshua](#)  
**Cc:** [Jefferson County RWD #13](#)  
**Subject:** DEV-21-119 Rezoning Willis Request - 17326 242nd Street

---

**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 talked with Mr. Willis and he said the property has a well on it and will not need a meter from the water district. If you need anything else please let me know.

Thank you,

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

**From:** [Anderson, Lauren](#)  
**Sent:** Thursday, August 12, 2021 11:54 AM  
**To:** [Gentzler, Joshua](#); 'Timothy Smith'; [RWD 13 \(linda@jfrwd13.com\)](#); [Amanda Holloway \(Amanda.holloway@freestate.coop\)](#); [Anderson, Kyle](#); [Magaha, Chuck](#); [Miller, Jamie](#); [Mitch Pleak](#); [Thorne, Eric](#); [Van Parys, David](#)  
**Subject:** RE: DEV-21-119 Rezoning Willis Request - 17326 242nd Street

---

This request meets the comprehensive plan. Public Works has no comment on the rezoning request.

Lauren

---

**From:** Gentzler, Joshua <JGentzler@leavenworthcounty.gov>  
**Sent:** Tuesday, July 27, 2021 2:30 PM  
**To:** 'Timothy Smith' <chief1860@ttrfd.com>; RWD 13 (linda@jfrwd13.com) <linda@jfrwd13.com>; Amanda Holloway (Amanda.holloway@freestate.coop) <Amanda.holloway@freestate.coop>; 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>  
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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 Tuesday, August 3<sup>rd</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,

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

**Case No. DEV-21-121**  
**Rezoning from RR-5 to RR-2.5**  
**\*\*\*Public Hearing Required\*\*\***

**Staff Report – Planning Commission**

**September 8, 2021**

**GENERAL INFORMATION:**

**Applicant/  
Property Owner:** Joe Herring on behalf of Don Willming – Dawn Real Estate Holdings  
15506 Metro Avenue  
Bonner Springs, KS 66012

**Legal Description:** A tract of land in the South Half of the Northwest Quarter of Section 17,  
Township 12 South, Range 21 East of the 6<sup>th</sup> P.M, in Leavenworth County,  
Kansas.

**Location:** 00000 230<sup>th</sup> Street, approximately 1.5 miles South of I-70

**Parcel Size:** ± 80 acres

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

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

**Parcel ID No.:** 224-17-0-00-00-006.00

**Planner:** Amy Allison

---

**REPORT:**

**Request**

The applicant is requesting to rezone a parcel of land from Rural Residential 5-acre to Rural Residential 2.5-acre.

**Adjacent Land Use**

The surrounding properties are residences and farms on varying sized parcels ranging from 4.5 acres to over 140 acres in size.

**Flood Plain**

There are no Special Flood Hazard Area X on this parcel per FEMA Firm Map 20103C0325G, effective July 16, 2015.

**Utilities/Services**

Sewer: Private septic system  
Fire: Reno Township FD  
Water: RWD #10  
Electric: Evergy

**Access/Streets**

The property is accessed by 230<sup>th</sup> Street. This road is a County Local Road with a gravel surface ± 20' wide.

**Agency Comments**

See attached comments – Memo – Kyle Anderson – Planning and Zoning, July 29, 2021  
See attached comments – Memo – Lauren Anderson – Public Works, August 12, 2021  
See attached comments – Memo – Name – Gary Bennett - Rural Water District #10, July 27, 2021  
See attached comments – Email – Name – Ross Harris – Evergy, July 29, 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 zoned for residential use.
4. Extent to which removal of the restrictions will detrimentally affect nearby property: The area will not likely be detrimentally affected by the request.
5. Length of time the property has been vacant as zoned: The property has not been developed but has been used for agricultural purposes.
6. Relative gain to economic development, public health, safety and welfare: Rezoning of the property would allow for up to 32 rural residential lots.
7. Conformance to the Comprehensive Plan: The Future Land Use Map indicates this area as Rural Residential – 2.5.
8. Staff recommendation is for the approval of the rezoning request.

**Staff Comments**

The property is located on the east side of 230<sup>th</sup> Street, approximately ¼ mile north of the 230<sup>th</sup> street and Linwood Rd intersection. The property is currently zoned RR-5. The applicant is requesting the property be rezoned to RR-2.5. The applicant indicated a barn currently resides on the property. While staff could not find a record of the barn in question, should the property be developed into rural residential lots, the barn will need to be brought into conformance with the current zoning and subdivision regulations.

---

**STAFF RECOMMENDATION:**

The staff recommends approval of Case No.DEV-21-121, Rezoning from Rural Residential – 5 to Rural Residential – 2.5:

---

**ACTION OPTIONS:**

1. Recommend approval of Case No. DEV-21-121, Rezoning from Rural Residential – 5 to Rural Residential – 2.5, to the Board of County Commission, with Findings of Fact, or
2. Recommend denial of Case No. DEV-21-121, Rezoning from Rural Residential – 5 to Rural Residential – 2.5, to the Board of County Commission, with Findings of Fact; or
3. Continue the Public hearing to another date, time, and place.

---

**ATTACHMENTS:**

Narrative  
Location/Aerial Maps  
Memorandums

**REZONING APPLICATION**

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

Office Use Only

Township: \_\_\_\_\_ Date Received: \_\_\_\_\_  
Planning Commission Date \_\_\_\_\_  
Case No. \_\_\_\_\_ Date Paid \_\_\_\_\_  
Zoning District \_\_\_\_\_ Comprehensive Plan Land Use Designation \_\_\_\_\_

**APPLICANT/AGENT INFORMATION**

**OWNER INFORMATION (If different)**

NAME Joe Herring - Herring Surveying Company NAME Don Willming - Dawn Real Estate Holdings  
ADDRESS 315 North 5th Street ADDRESS 15506 Metro Avenue  
CITY/ST/ZIP Leavenworth, KS 66048 CITY/ST/ZIP Bonner Springs, KS 66012  
PHONE 913-651-3858 PHONE N/A  
EMAIL herringsurveying@outlook.com EMAIL N/A  
CONTACT PERSON Joe CONTACT PERSON N/A

**PROPOSED USE INFORMATION**

Proposed Land Use Rural Residential and AG  
Current Zoning RR-5 Requested Zoning RR 2.5  
Reason for Requesting Rezoning Match Comp Plan

**PROPERTY INFORMATION**

Address of Property 00000 230th Street  
Parcel Size 80 Acres  
Current use of the property AG  
Present Improvements or structures Barn  
PID 224-17-0-00-00-006

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 July 22, 2021

**ATTACHMENT A**





**First American Title™**

# ALTA Commitment for Title Insurance

ISSUED BY

**First American Title Insurance Company**

## Schedule A

**Transaction Identification Data for reference only:**

Issuing Agent: **Security 1<sup>st</sup> Title**  
Issuing Office: **15510 State Ave #10A**  
**Basehor, KS 66007**  
ALTA Universal ID: **1179591**  
Commitment Number: **2412308**  
Property Address: **230th St.**  
**Linwood, KS 66052**

Buyer: **Dawn Real Estate Holdings No. 1, LLC, a Kansas limited liability company**  
Title Officer: **Lexi Smith**  
Phone: **785-856-2900**  
Email: **lsmith@security1st.com**  
Escrow Officer: **Betsy Radell**  
Phone: **913-325-2472**  
Email: **bradell@security1st.com**

### SCHEDULE A

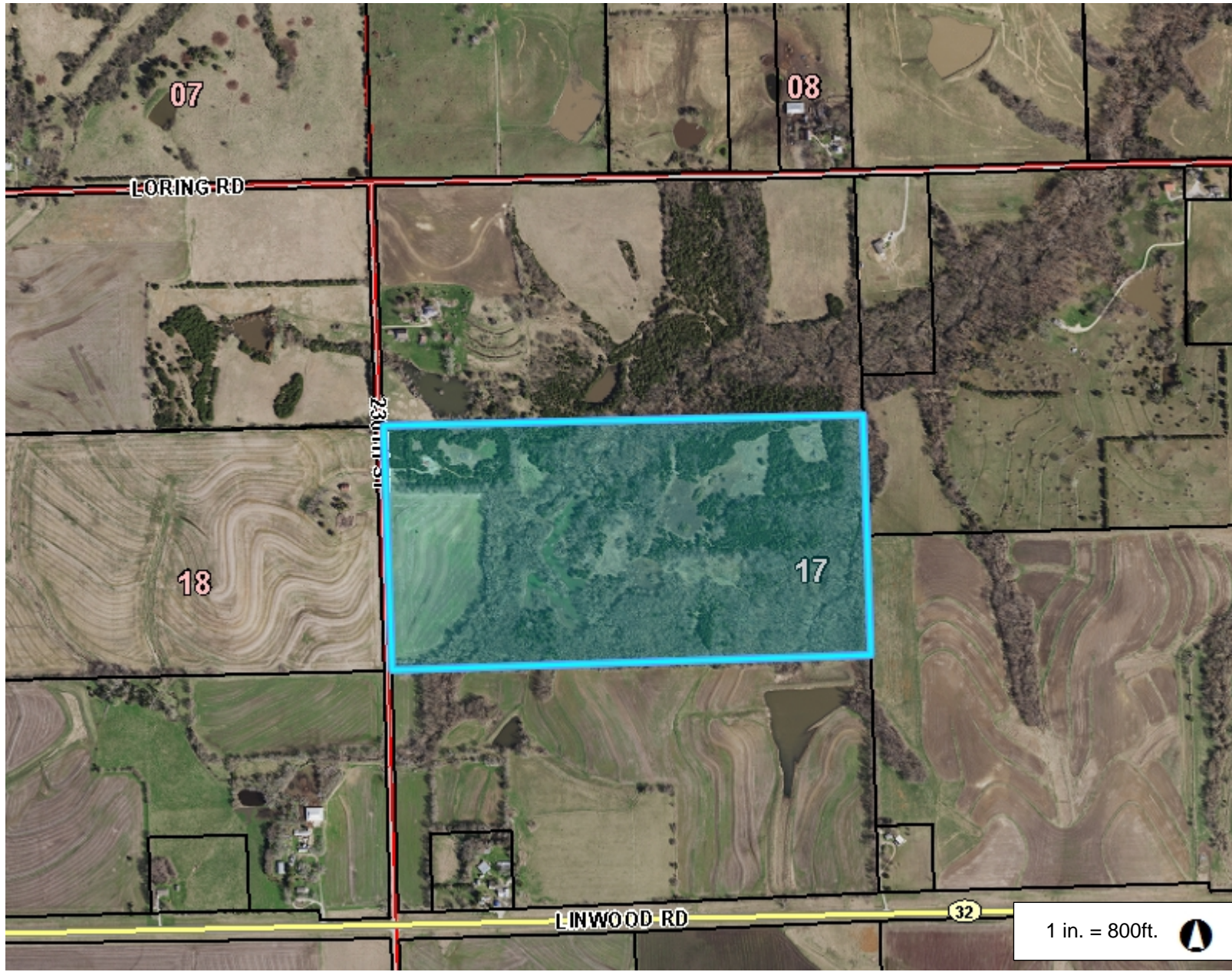
1. Commitment Date: **November 24, 2020, at 7:00 a.m**
2. Policy to be Issued: Owner's
  - (a)  ALTA® Owner's Policy  
Proposed Insured: **Dawn Real Estate Holdings No. 1, LLC, a Kansas limited liability company**  
Proposed Policy Amount: **\$560,000.00**
3. The estate or interest in the Land described or referred to in this Commitment is **Fee Simple**
4. The Title is, at the Commitment Date, vested in:  
**Scott David Krehbiel and Kelly Renee Krehbiel, Trustees under the Scott and Kelly Krehbiel Revocable Joint Living Trust dated June 1, 2012**
5. The Land is described as follows:  
**The South Half of the Northwest Quarter of Section 17, Township 12, Range 21 East, in Leavenworth County, Kansas.**

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

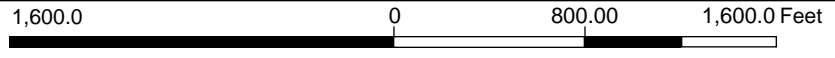
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# DEV-21-121 Rezone



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



1 in. = 800ft.

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**

## Allison, Amy

---

**From:** Anderson, Kyle  
**Sent:** Thursday, July 29, 2021 1:09 PM  
**To:** Gentzler, Joshua  
**Subject:** RE: DEV-21-121 Willming Rezoning - 230th Street

We have not received 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:** Tuesday, July 27, 2021 2:37 PM  
**To:** 'LTorneden@RTSD21.com' <LTorneden@RTSD21.com>; Bennett9@embarqmail.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-21-121 Willming Rezoning - 230th Street

Good afternoon,

The Department of Planning and Zoning has received an application for a Rezoning regarding a property on the east side of 230<sup>th</sup> Street, approximately 1400 feet north of Linwood Road, in Linwood, KS 66052.

The Planning Staff would appreciate your written input in consideration of the above request. Please review the attached information and forward any comments to us by Tuesday, August 3<sup>rd</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,

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

## Allison, Amy

---

**From:** Anderson, Lauren  
**Sent:** Thursday, August 12, 2021 11:51 AM  
**To:** Gentzler, Joshua; Allison, Amy  
**Subject:** RE: DEV-21-121 Willming Rezoning - 230th Street

This request meets the comprehensive plan. Public Works has no comment on the rezoning request.

Thanks,  
Lauren

---

**From:** Gentzler, Joshua <JGentzler@leavenworthcounty.gov>  
**Sent:** Tuesday, July 27, 2021 2:37 PM  
**To:** 'LTorneden@RTSD21.com' <LTorneden@RTSD21.com>; Bennett9@embarqmail.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>  
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Thank you,

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

## Allison, Amy

---

**From:** Gary Bennett <bennett9@embarqmail.com>  
**Sent:** Tuesday, July 27, 2021 4:07 PM  
**To:** Gentzler, Joshua; 'LTorneden@RTSD21.com'; 'Tyler.rebel@evergy.com'; Anderson, Kyle; Anderson, Lauren; Magaha, Chuck; Miller, Jamie; Mitch Pleak; Thorne, Eric; Van Parys, David  
**Subject:** Re: DEV-21-121 Willming Rezoning - 230th Street

**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.

The water district does not have any problems with this application but before a final decision is made we would like to know how lots and the size of the lots. There was no maps attached in my email.

On 7/27/2021 2:37 PM, Gentzler, Joshua wrote:

Good afternoon,

The Department of Planning and Zoning has received an application for a Rezoning regarding a property on the east side of 230<sup>th</sup> Street, approximately 1400 feet north of Linwood Road, in Linwood, KS 66052.

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Thank you,

Joshua Gentzler

Planner II

[Planning & Zoning](#)

Leavenworth County

913.684.0464



## Allison, Amy

---

**From:** Ross Harris <Ross.Harris@evergy.com>  
**Sent:** Thursday, July 29, 2021 7:47 AM  
**To:** Gentzler, Joshua  
**Subject:** FW: DEV-21-121 Willming Rezoning - 230th Street  
**Attachments:** 2021.07.23 DEV-21-121 DESCRIPTION.pdf; 2021.07.23 DEV-21-121 Application.pdf;  
2021.07.23 DEV-21-121 Application.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.

Internal Use Only

Joshua,

I am with evergy, and I have no issues with this. Thanks

Ross Harris  
Evergy  
785-865-4857

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**From:** Tyler Rebel <Tyler.Rebel@evergy.com>  
**Sent:** Wednesday, July 28, 2021 8:56 AM  
**To:** Design Group Lawrence Service Center <DesignGroupLawrenceServiceCenter@evergy.com>  
**Subject:** FW: DEV-21-121 Willming Rezoning - 230th Street

Internal Use Only

Group,

I think this is in your territory – let me know if it's not. Thanks

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

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**From:** Gentzler, Joshua <[JGentzler@leavenworthcounty.gov](mailto:JGentzler@leavenworthcounty.gov)>  
**Sent:** Tuesday, July 27, 2021 2:37 PM  
**To:** 'LTorneden@RTSD21.com' <[LTorneden@RTSD21.com](mailto:LTorneden@RTSD21.com)>; [Bennett9@embargmail.com](mailto:Bennett9@embargmail.com); Tyler Rebel <[Tyler.Rebel@evergy.com](mailto:Tyler.Rebel@evergy.com)>; Anderson, Kyle <[KAnderson@leavenworthcounty.gov](mailto:KAnderson@leavenworthcounty.gov)>; Anderson, Lauren <[LAAnderson@leavenworthcounty.gov](mailto:LAAnderson@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-21-121 Willming Rezoning - 230th Street

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Good afternoon,

The Department of Planning and Zoning has received an application for a Rezoning regarding a property on the east side of 230<sup>th</sup> Street, approximately 1400 feet north of Linwood Road, in Linwood, KS 66052.

The Planning Staff would appreciate your written input in consideration of the above request. Please review the attached information and forward any comments to us by Tuesday, August 3<sup>rd</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,

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

**Case No. DEV-21-127**  
**Proposed Amendment to the 2006 Leavenworth County Zoning and  
Subdivision Regulations**  
**\*\*\*Public Hearing Required\*\*\***

**Staff Report – Planning Commission**

**September 8, 2021**

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**GENERAL INFORMATION:**

**Applicant:** Leavenworth County Planning and Zoning Department

**Planner:** Joshua Gentzler

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**REQUEST:**

This is a request to consider a proposed amendment to the 2006 Leavenworth County Zoning and Subdivision Regulations. Proposed amendment is for the introduction of the following Article:

**ARTICLE 32 – RECREATIONAL VEHICLE** *(New article)*

Section 1. GENERAL PROVISIONS

Recreational vehicles shall not be considered dwelling units unless provided for within this Article.

Section 2. TEMPORARY LIVING ACCOMMODATIONS.

1. Recreational vehicles are permitted for use as a temporary living accommodation on any parcel with a constructed, permitted single-family dwelling unit provided:
  - a. The recreational vehicle is used as a dwelling for no more than 90 days in a calendar year;
  - b. Wastewater or sewage from the recreational vehicle shall be disposed of:
    - i. By a licensed Septic Hauler, or
    - ii. At a licensed facility; and
  - c. There is no more than one (1) recreational vehicle used as a temporary dwelling unit on a parcel at any one point in time.

Section 3. TEMPORARY DWELLING UNIT DURING CONSTRUCTION.

1. Requirements. Recreational vehicles can be permitted as a temporary dwelling unit during the building of a residence on any parcel if:
  - i. The parcel is currently vacant;
  - ii. A single-family building permit has been issued;
  - iii. The property owner has received a Recreational Vehicle Temporary Residence Permit;
  - iv. The recreational vehicle has no canvas, soft-sided, or similar exterior surface(s);
  - v. The recreational vehicle is connected to a permitted and installed septic waste system prior to use as a residence on the property; and
  - vi. The owner shall connect the recreational vehicle to a ground anchor system.
2. Time Frame Permitted. A recreational vehicle is permitted for use as a temporary dwelling unit during the period of the first single-family building permit issued for the parcel and one (1) renewal of that permit.
3. Exception. The property owner may be issued an additional Recreational Vehicle Temporary Residence Permit in the case of a fire, natural disaster, or Act of God that destroyed or rendered uninhabitable the primary single-family home on the property. This permit shall be issued at the discretion of the Director of Planning and Zoning.

Section 4. DWELLING UNITS IN A MOBILE HOME COURT.

1. Recreational vehicles may be used as dwelling units in a mobile home court.
2. Every recreational vehicle located in a mobile home court is required to be connected to a ground anchor system.

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**STAFF RECOMMENDATION:**

The staff recommends approval of Case No. DEV-21-127, proposed amendment to the 2006 Leavenworth County Zoning and Subdivision Regulations.

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**ACTION OPTIONS:**

1. Recommend approval of Case No. DEV-21-127, 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-21-127, 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.

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**ATTACHMENTS:**

None