

LEAVENWORTH COUNTY PLANNING COMMISSION

Agenda for the Regular Meeting of 6:00 P.M., Wednesday, June 9, 2021
County Courthouse - 300 Walnut Street - Leavenworth, Kansas 66048

www.leavenworthcounty.gov

1. **Call to Order**
2. **Pledge of Allegiance**
3. **Roll Call**
4. **Approval of Minutes**
5. **Secretary's Report**
6. **Approval of Agenda**
7. **Declarations: (if necessary)**
 - A. Declarations of receipt of communications by Planning Commissioners
 - B. Disclosure of ex-parte communications for each hearing item
 - C. Declarations of abstention from specific agenda items by a Commissioner
8. **Consent Agenda**
 - A. **Case DEV-21-056 & 057 Nick's Acres**
Consideration of a Preliminary and Final Plat for Nick's Acres, located on a tract of land in the northwest quarter of the southeast quarter of Section 31, Township 10 South, Range 22, East of the 6th P.M., in Leavenworth County, Kansas.
Also known as 19960 183rd Street (PID 159-31-0-00-00-012.02)
Submitted by Hahn Surveying
 - B. **Case DEV-21-059 & 060 Brockert Hill** – *Continued to the July PC Meeting*
Consideration of a Preliminary and Final Plat for Brockert Hill, on a tract of land located in the Northeast quarter of Section 27, Township 8 South, Range 22 East of the 6th P.M., in Leavenworth County, Kansas.
Also known as 00000 207th Street (PID: 068-27-0-00-00-002.00)
Submitted by Hahn Surveying
9. **Regular Agenda**
 - A. **Case DEV-21-030 & 31 Sunny Side Estates** – *Continued from the March & April PC Meeting*
Consideration of a Preliminary and Final Plat for Sunny Side Estates, located on all of Lot 1A, Heartland Estates, in Leavenworth County, Kansas.
Also known as 00000 Evans Road (PID: 182-09-0-00-00-016.07)
Submitted by Herring Surveying
 - B. **Case DEV-21-022 (TNT Academy)** – *Continued from the May Planning Commission*
Consideration of an application for a Special Use Permit for an Athletic Training Facility, located on a tract of land in the Northwest Quarter of Section 32, Township 10 South, Range 22 East of the 6th P.M., in Leavenworth County, Kansas.
Also known as 19897 178th Street (PID: 159-32-0-00-00-018.01)
*****Public Hearing Required*****
*****Public Comment limited to three minutes per person*****

C. Case DEV-21-055 (Elevated Archery)

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

Also known as 14702 Timber Lane (PID: 186-24-0-00-00-130.00, 114.00, & 014.06)

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

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

D. Case DEV-21-019 (Rezoning Request RR-5 to RR-2.5)

Consideration of a rezoning request from RR-5 Zoning district to the RR-2.5 Zoning district on a tract of land in the Southeast Quarter of the Southeast Quarter of Section 15, Township 11 South, Range 20 East of the 6th P.M, Leavenworth County, Kansas, more fully described as follows: Commencing at the Southeast Comer of said Southeast Quarter; thence North 02 degrees 03'33" West for a distance of 661.83 feet along the East line of said Southeast Quarter to the TRUE POINT OF BEGINNING; thence continuing North 02 degrees 03'33" West for a distance of 661.83 feet along said East line; thence South 89 degrees 03'24" West for a distance of 796.01 feet; thence South 02 degrees 09'47" East for a distance of 663.83 feet; thence North 88 degrees 54'51" East for a distance of 794.77 feet to the point of beginning, less any part thereof taken or used for road purposes.

Also known as 00000 254th Street (PID: 205-15-0-00-00-014.00)

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

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

E. Case DEV-21-051 (Rezoning Request RR-2.5 to B-3)

Consideration of a rezoning request from RR-2.5 Zoning district to the B-3 Zoning district on a tract of land in the Northwest quarter of the Northeast quarter of Section 12, Township 11 South, Range 21 East of the 6th P.M. in Leavenworth County, also known as 19393 State Avenue.

Also known as 19393 State Ave (PID: 191-12-0-00-00-005.00)

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

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

Adjournment of Planning Commission

Next meeting date:

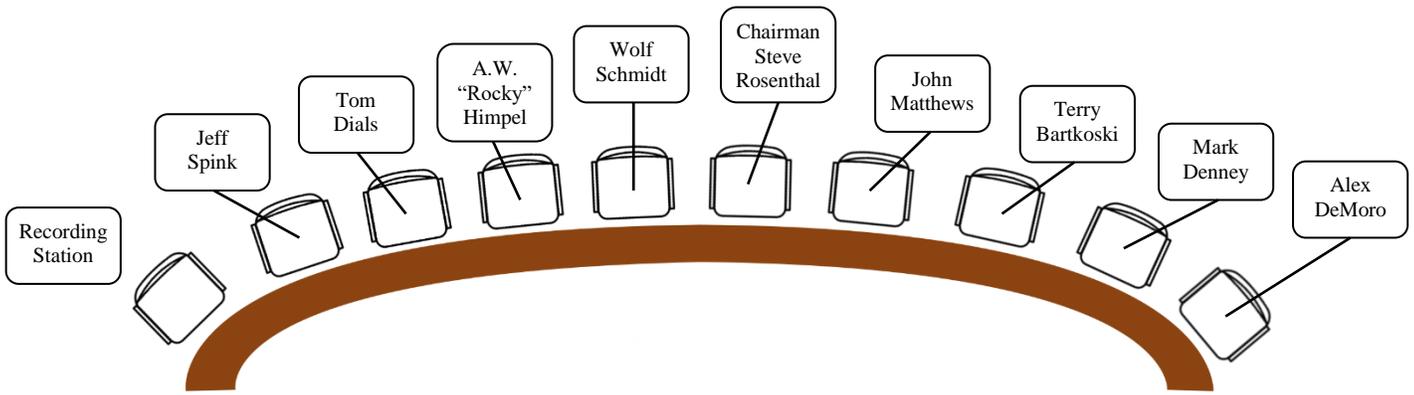
Wednesday, July 14, 2021 6:00 PM – Regularly Scheduled Meeting

For More Information

If you have any questions or need to make special arrangements for a meeting, please call or stop by the Planning and Zoning Department.

Contact Stephanie Sloop – 913-684-0465

Planning Commission Seating Chart 2021



**LEAVENWORTH COUNTY PLANNING COMMISSION
MINUTES OF THE REGULAR MEETING
May 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, John Matthews, Terry Barkoski, and Wolf Schmidt

Members absent: Alex DeMoro & Tom Dials

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

Approval of Minutes:

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

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

Secretary's Report:

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

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

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

Declarations: No further declarations

Case DEV-21-034

Consideration of an application for a Special Use Permit for a commercial athletic field for a baseball training facility, located on Lot 1 of Madeline's Meadows a Subdivision in Leavenworth County, Kansas. Request submitted by Mr. and Mrs. Boden Also known as 25214 163rd Street (108-27-0-00-00-006.04)

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

Chairman Rosenthal opened the public hearing portion of the hearing and asked if the applicant wished to speak. Mr. and Mrs. Boden came up and explained how this use came to fruition. Chairman Rosenthal asked the applicants if they agreed with the conditions. The applicants agree with the conditions, minus paying to have a commercial permit, explaining that they don't feel it really is a commercial use.

Chairman Rosenthal asked the commission if they had any questions for the applicants. Commissioner Bartkoski asked several questions of the applicants. Chairman Rosenthal opened up the public hearing. Chairman Rosenthal asked if there were people wishing to speak in favor. One resident spoke in favor of the request. Chairman Rosenthal then asked if there were people present wishing to speak in opposition. Several residents spoke in opposition to this request. Chairman Rosenthal closed the public hearing.

With no questions or discussion from the rest of the commission, it was opened up to a motion.

Commissioner Bartkoski made a motion to approve Case DEV-21-034 amending the following conditions. Discussions were had about the conditions, the final motion made was to change the following conditions: the facility operates January through March, operations are limited to Monday – Friday 5 PM to 9 PM and Weekends 9 AM – 5 PM, parking limited to 10 vehicles, prior code to the operation of the facility the fire code requirements will be completed. Commissioner Spink seconded the motion.

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

The Board of County Commissioners will consider this item on **June 2, 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-20-140

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

Request submitted by Mr. Ledford

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

Ms. Voth presented the facts and findings for the above request. Ms. Voth reminded the board that this request was heard by them before and that the Planning Commission had voiced concern about the request and had stated that they would be more supportive if it was not a rezone of the entire parcel. Mr. Ledford is before them this evening with his request, having modified it based on feedback from the previous Planning Commission and Board of County Commissioners.

Chairman Rosenthal opened the public hearing portion of the hearing and asked if the applicant wished to speak. Mr. Ledford came forward and explained his request and the modifications that he made from his original 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. Several residents came forward to speak in opposition. Chairman Rosenthal closed the public portion of the hearing and asked if there was further discussion. Commissioners asked clarification questions from staff.

Commissioner Himpel made a motion to deny DEV-20-140, reasons for denying are that once it is zoned B-3 it allows more uses that he does not feel comfortable for in the character of the neighborhood. Commissioner Bartkoski seconded the motion.

ROLL CALL VOTE - Motion to deny passed, 4/3 (2 absent)

(Commissioner Denney voted no to deny based on other B-3 zoning being there, Commissioner Spink and Commissioner Matthews also voted no to deny)

The Board of County Commissioners will consider this item on **June 2, 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-21-039

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

Request submitted by Pine Ridge Partners

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

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

Chairman Rosenthal opened the public hearing portion of the hearing and asked if the applicant wished to speak. Mr. Riley came forward and explained his request and stated he felt this zoning fit the character of the neighborhood.

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. Several residents came forward to speak in opposition. Chairman Rosenthal closed the public portion of the hearing and asked if there was further discussion.

Commissioner Himpel made a motion to approve DEV-21-039. Commissioner Matthews seconded the motion.

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

The Board of County Commissioners will consider this item on **June 2, 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-21-033

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

Article 3 – Definitions

Article 41 – Access Management

Article 43 – Cross Access Easements

Request submitted by Planning and Zoning

Mr. Voth started this portion of the meeting by offering clarification on this request. Ms. Voth explained the nature of wanting to define RVs. Planning and Zoning fields various questions and complaints about RVs and currently there are no regulations specific to RVs. Ms. Voth gave the staff report regarding Article 41 and Article 43 going through the reasoning for these amendments

Chairman Rosenthal opened the public hearing portion of the hearing and asked if the applicant wished to speak in favor or opposition to this matter. Several residents spoke to voice their concern and opposition to Article 3. One resident came forward to speak on Article 41 and Article 43. Chairman Rosenthal closed the public hearing.

Discussion took place between the commissioners and staff.

It was the opinion of staff and the commission that we should table the definition about RVs and then have a separate vote on the other two proposed text amendments.

Commissioner Matthews made a motion to table the Article 3 – Definitions portion of this request. Commissioner Schmidt seconded the motion.

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

Staff moved forward with discussion on Article 41 and Article 43. It was decided to change wording to delete "all efforts" and to read, a letter sealed by the designing engineer shall state that the roadway was built in accordance with the submitted plans.

Commissioner Matthews made a motion to approve Article 41 and Article 43 as modified. Commissioner Schmidt seconded the motion.

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

The Board of County Commissioners will consider this item on **June 2, 2021 at 9:00 A.M** in the Leavenworth County Courthouse.

Meeting was adjourned at 8:45 p.m.

DRAFT

*****Consent Agenda*****
Case No. DEV-21-056 & 057
Nick's Acres
Preliminary and Final Plat

Staff Report – Planning Commission

June 9, 2021

GENERAL INFORMATION:

**Applicant/
Property Owner:** Nick Breitenstein
19960 183rd Street
Tonganoxie, KS 66086

Agent: Larry Hahn

Legal Description: A tract of land in the southeast ¼ of Section 31, Township 10 South, Range 22 East of the 6th P.M, in Leavenworth County, Kansas.

Parcel Size: ± 10 acres

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

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

Parcel ID No.: 159-31-0-00-00-012.02

Planner: Krystal A. Voth

REPORT:

Request

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

Adjacent Land Use

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

Flood Plain

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

Utilities/Services

Sewer: Private septic system

Fire: Stranger

Water: Suburban

Electric: FreeState

Access/Streets

The property is accessed by 183rd Street, a County Local Road with a gravel surface.

Agency Comments

See attached comments – Email – Lauren Anderson – Public Works, June 2, 2021

Findings

1. The proposed subdivision is consistent with the zoning district and meets the minimum requirements for lot size and road frontage.
2. The property is not within a sewer district boundary or is within 660 feet of the incorporated limits of a municipality; therefore, a waiver to the requirement of allowing private septic systems is supported by staff. A private sewage disposal permit may be issued per Leavenworth County Sanitary Code requirements.

3. At time of development, fire hydrants shall be required if necessary infrastructure is available.
4. The proposed subdivision is in accordance with the Comprehensive Plan.

Subdivision Classification

This is classified as a Class “C” Subdivision. According to the Leavenworth County Zoning & Subdivision regulations, a Class “C” Subdivision is any subdivision in which all the lots lie within the Rural Growth Area of Leavenworth County. Staff is supportive of a waiver of the requirement to connect to a sanitary sewer system as sanitary sewers are not located within 660’ of the subdivision. (See condition 4.)

Staff Comments

The proposed two-lot subdivision consists of two parcels each of which is approximately five acres in size with 250’ of road frontage. There is an existing home on the north parcel which meets the required setbacks. The proposed subdivision is in conformance with the Zoning and Subdivision Regulations. Staff recommends approval of the subdivision.

STAFF RECOMMENDATION:

The staff recommends approval of Case No.DEV-21-056 & 057, Preliminary and Final Plat for Nick’s Acres, with the following conditions:

1. Building permits shall be required for any new construction.
2. Erosion control shall be used when designing and constructing driveways. A form of sediment control shall be installed before work begins and maintained throughout the time that the land disturbing activities are taking place. Re-vegetation of all disturbed sites shall be completed within 45 days after completion of final grading weather permitting.
3. The applicant shall adhere to the following memorandums: No outstanding comments.
4. A waiver for the use of private septic systems within this subdivision is granted with this approval.
5. At time of development, fire hydrants shall be required if necessary infrastructure is available.
6. After approval of this subdivision by the Board of County Commission, all conditions listed shall be adhered to and copies shall be provided to the Planning and Zoning Department within 30 days.

ACTION OPTIONS:

1. Recommend approval of Case No DEV-21-056 & 057, Preliminary and Final Plat for Nick’s Acres, to the Board of County Commission, with or without conditions; or
2. Recommend denial of Case No DEV-21-056 & 057, Preliminary and Final Plat for Nick’s Acres, to the Board of County Commission for the following reasons; or
3. Continue the hearing to another date, time, and place because;

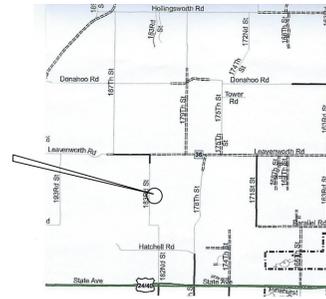
ATTACHMENTS:

Aerial Map
Memorandums
Preliminary and Final Plat

NICK'S ACRES

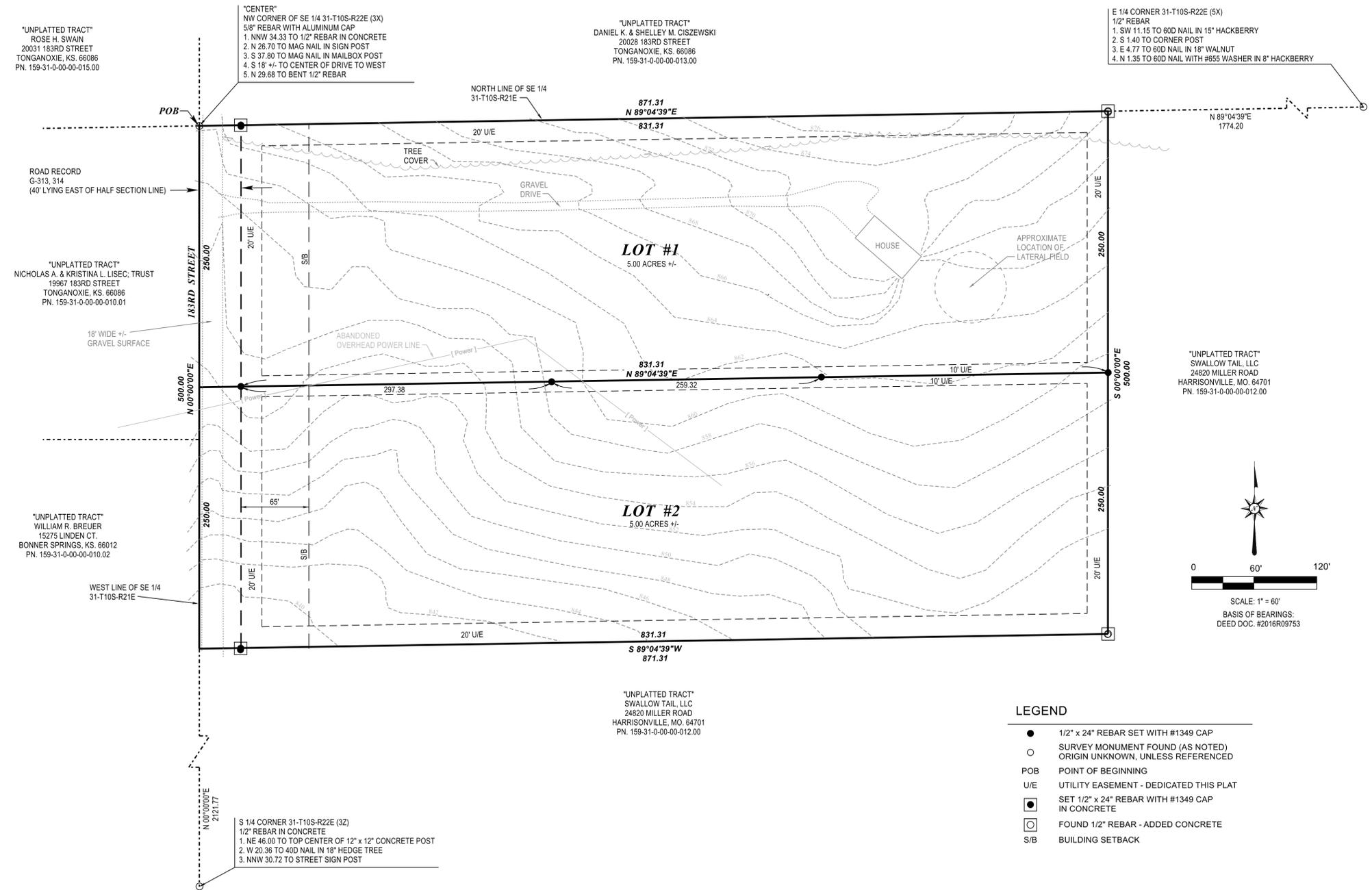
A SUBDIVISION IN THE SOUTHEAST QUARTER OF FRACTIONAL SECTION 31-T10S-R22E OF THE 6TH P.M. LEAVENWORTH COUNTY, KANSAS

PRELIMINARY PLAT



LOCATION MAP
NO SCALE

**06-02-2021
OLSSON REVIEW
No Comments**



OWNER / DEVELOPER

NICK BREITENSTEIN
19960 183RD STREET
TONGANOXIE, KANSAS 66086
(816) 506-3749

DEED DESCRIPTION - DOC. #2016R09753

A TRACT OF LAND IN THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 31-T10S-R22E OF THE 6TH P.M., LEAVENWORTH COUNTY, KANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF SAID SOUTHEAST QUARTER, THE NORTH LINE OF SAID OF SAID NORTHWEST QUARTER OF THE SOUTHEAST QUARTER HAVING AN ASSUMED BEARING OF N 89°04'39\"/>

RESTRICTIONS

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

NOTES

- FENCE LINES DO NOT DENOTE PROPERTY LINES.
- LEAVENWORTH COUNTY, KANSAS, DOES NOT REPRESENT, WARRANT OR GUARANTEE THAT THE DETAILS SHOWN ON THIS DOCUMENT AND PROVIDED BY THE APPLICANT OR ANY AGENT OF APPLICANT, INCLUDING ANY SURVEY INFORMATION SHOULD BE RELIED UPON BY ANY THIRD PARTY AS BEING WHOLLY OR PARTIALLY ACCURATE AND COMPLETE.
- EXISTING USE OF AREA BEING PLATTED - RESIDENTIAL PROPOSE USE - RESIDENTIAL
- THIS PLAT IS NOT WITHIN A SPECIAL FLOOD HAZARD AREA. FEMA MAP #20103C0225G, DATED 07/16/2015
- O & E REPORT BY KANSAS SECURED TITLE - TX0015944

BENCHMARK

5/8\"/>

UTILITIES

ELECTRIC / FREESTATE WATER / SUBURBAN WATER GAS / PRIVATE PROPANE SEWAGE / PRIVATE ON SITE SYSTEM TELEPHONE / AT&T

ROAD INFORMATION

183RD STREET IS A COUNTY COLLECTOR WITH 18 FEET WIDE +/- WITH GRAVEL SURFACE

DRAINAGE CALCULATIONS

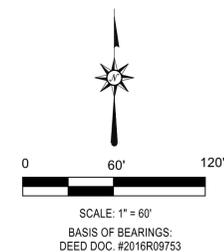
ON SEPARATE DOCUMENT BY DAVID LUTGEN, PE

ZONING

RR - 2.50

PUBLIC IMPROVEMENT

NONE



LEGEND

- 1/2\"/>
- SURVEY MONUMENT FOUND (AS NOTED) ORIGIN UNKNOWN, UNLESS REFERENCED
- POB POINT OF BEGINNING
- U/E UTILITY EASEMENT - DEDICATED THIS PLAT
- SET 1/2\"/>
- FOUND 1/2\"/>
- S/B BUILDING SETBACK



LARRY T. HAHN, LS #1349

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

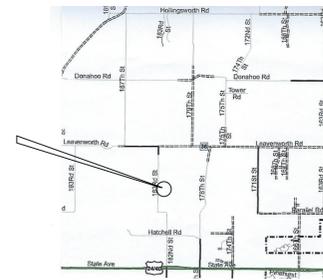


HAHN SURVEYING
PO BOX 41
LANSING, KANSAS 66045
(913) 547-3405
hahnsurvey@gmail.com

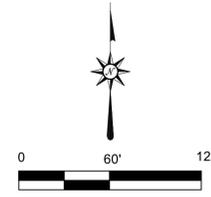
NICK'S ACRES

A SUBDIVISION IN THE SOUTHEAST QUARTER OF FRACTIONAL SECTION 31-T10S-R22E OF THE 6TH P.M. LEAVENWORTH COUNTY, KANSAS

FINAL PLAT



**06-02-2021
OLSSON REVIEW
No Comments**



LOCATION MAP
NO SCALE

DEED DESCRIPTION - DOC. #2016R09753

A TRACT OF LAND IN THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 31-T10S-R22E OF THE 6TH P.M., LEAVENWORTH COUNTY, KANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF SAID SOUTHEAST QUARTER, THE NORTH LINE OF SAID NORTHWEST QUARTER OF THE SOUTHEAST QUARTER HAVING AN ASSUMED BEARING OF N 89°04'39"E; THENCE, N 89°04'39"E ALONG THE NORTH LINE OF SAID NORTHWEST QUARTER OF THE SOUTHEAST QUARTER, 871.31 FEET; THENCE, S 00°00'00"E PARALLEL WITH THE WEST LINE OF SAID SOUTHEAST QUARTER, 500.00 FEET; THENCE, S 89°04'39"W, PARALLEL WITH THE NORTH OF SAID NORTHWEST QUARTER OF THE SOUTHEAST QUARTER, 871.31 FEET TO THE WEST LINE OF SAID SOUTHEAST QUARTER; THENCE, N 00°00'00"E ALONG THE WEST LINE OF SAID SOUTHEAST QUARTER 500.00 FEET TO THE POINT OF BEGINNING OF THE TRACT HEREIN DESCRIBED. SUBJECT TO COUNTY ROAD RIGHT OF WAY ALONG THE WEST LINE OF SAID SOUTHEAST QUARTER, SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD, IN LEAVENWORTH COUNTY, KANSAS.

IN TESTIMONY WHEREOF

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

NICK BREITENSTEIN

STATE OF KANSAS / COUNTY OF LEAVENWORTH

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

NOTARY PUBLIC

MY COMMISSION EXPIRES _____

APPROVAL

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

CHAIRPERSON / STEVE ROSENTHAL

SECRETARY / KRystal A. VOTH, CFM

THE LEAVENWORTH COUNTY ENGINEERS PLAT REVIEW IS ONLY FOR GENERAL CONFORMANCE WITH THE SUBDIVISION REGULATIONS AS ADOPTED BY LEAVENWORTH COUNTY. THE COUNTY IS NOT RESPONSIBLE FOR THE ACCURACY AND ADEQUACY OF THE DESIGN, DIMENSIONS, ELEVATIONS AND QUANTITIES.

COUNTY ENGINEER / MITCH PLEAK, PE

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

CHAIRPERSON / MICHAEL SMITH

COUNTY CLERK / JANET KLASINSKI (ATTEST)

COUNTY REVIEWER CERTIFICATION

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-1655
LEAVENWORTH COUNTY SURVEY REVIEWER

STATE OF KANSAS / COUNTY OF LEAVENWORTH

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

REGISTER OF DEEDS / TERRILOIS G. MASHBURN

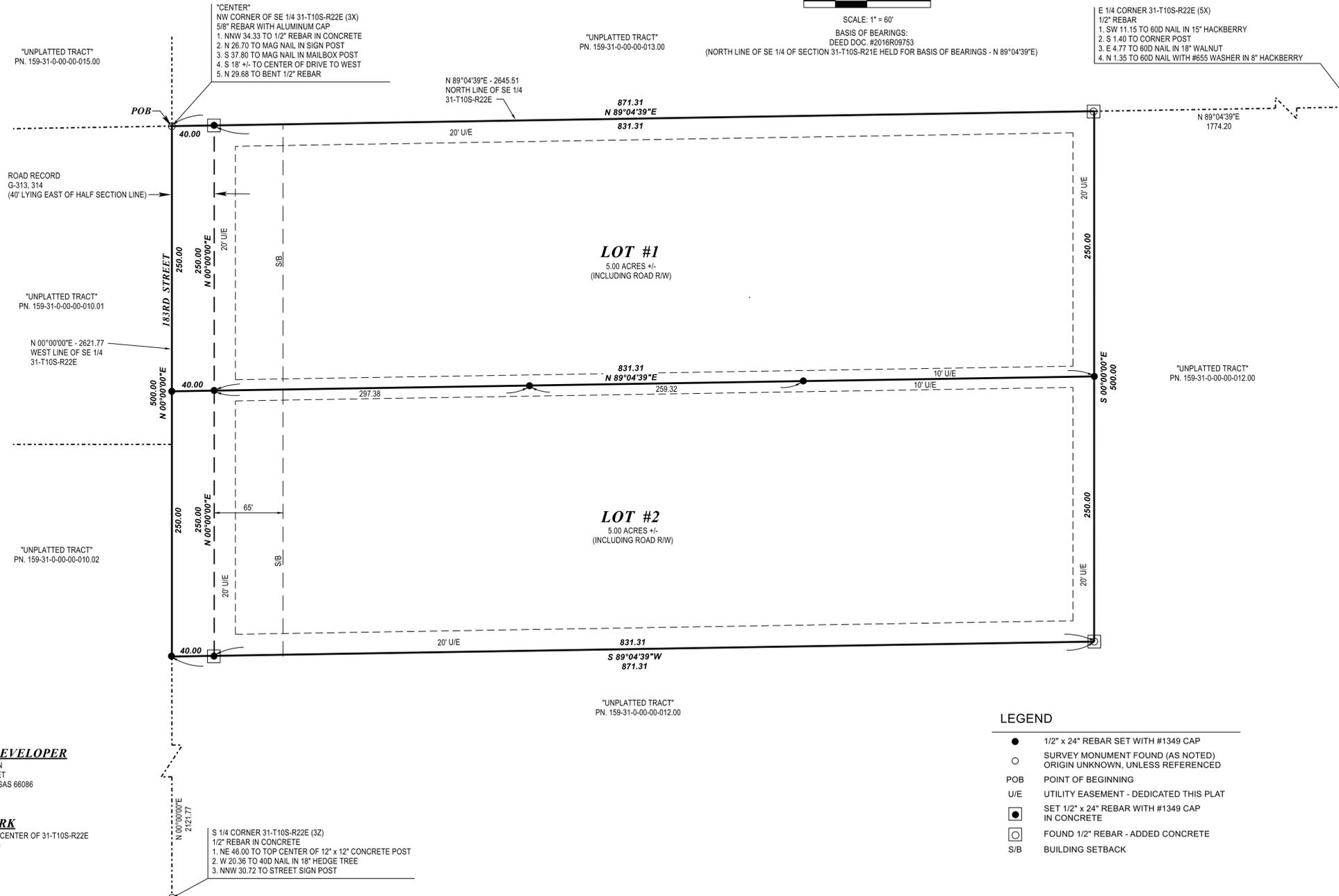


LARRY T. HAHN, LS #1349

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



OWNER / DEVELOPER

NICK BREITENSTEIN
19960 183RD STREET
TONGANOXIE, KANSAS 66086
(816) 506-3749

BENCHMARK

5/8" REBAR AT THE CENTER OF 31-T10S-R22E
EL. 859.76 (NAVD88)

ZONING

RR - 2.50

RESTRICTIONS

- 40' REAR SETBACK FOR RESIDENCES
- 15' REAR SETBACK FOR ACCESSORY BUILDINGS
- 15' SIDE SETBACK
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- EXISTING USE OF AREA BEING PLATTED - RESIDENTIAL PROPOSE USE - RESIDENTIAL
- THIS PLAT IS NOT WITHIN A SPECIAL FLOOD HAZARD AREA. FEMA MAP #20103C0225G, DATED 07/16/2015
- O & E REPORT BY KANSAS SECURED TITLE - TX0015944

STREET DEDICATION

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

EASEMENT DEDICATION

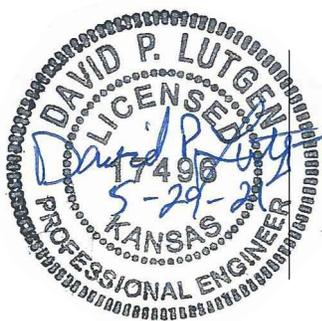
AN EASEMENT OR LICENSE TO ENTER UPON, LOCATE, CONSTRUCT AND MAINTAIN OR AUTHORIZE THE LOCATION, CONSTRUCTION OR MAINTENANCE AND USE OF CONDUITS, WATER, GAS, SEWER PIPE, POLES, WIRES, DRAINAGE FACILITIES, DUCTS, CABLES AND SIMILAR FACILITIES UPON, OVER AND UNDER THESE AREAS OUTLINED AND DESIGNATED ON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

Nick's Acres
Leavenworth County Kansas

Drainage Report

Prepared April 23, 2021

Revised May 29, 2021



Parcel Information - The 10.0-acre (+/-) parcel is located south of Leavenworth Road on the east side 183rd Street in Leavenworth County KS. The parcel is zoned RR 2.5.

Existing Conditions – There is an existing driveway and home on Lot 1. The site can be divided into two drainage areas, see exhibit #1. A composite c value was calculated for each drainage area as shown in the table below. The composite c value is based on the soil type, slopes, and existing land use, see Exhibits #2 and #3.

Existing	c value	Acres in each Drainage Area		
		DA #1		
Pasture	0.36	7.37		
Impervious	0.90	0.23		
Composite c		0.38		

$$\text{composite c} = \frac{(\text{Pasture Acres} * 0.36 + \text{Impervious Acres} * 0.90)}{\text{Total Acres}}$$

Developed Conditions – The proposed development will create 1 residential building lots. The developed storm water runoff calculations include 10,000 sq ft of impervious area for each lot. This impervious area will account for the driveway, house footprint, and outbuilding. It was assumed that one acre around each home would be maintained as a grass lawn while the remainder of the lot will be maintained as pasture. A composite c value for each drainage area was calculated as shown below.

Developed	c value	Acres in each Drainage Area		
		DA #1		
Pasture	0.36	5.14		
Grass	0.30	2.00		
Impervious	0.90	0.46		
Composite c		0.38		

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

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

DA #1

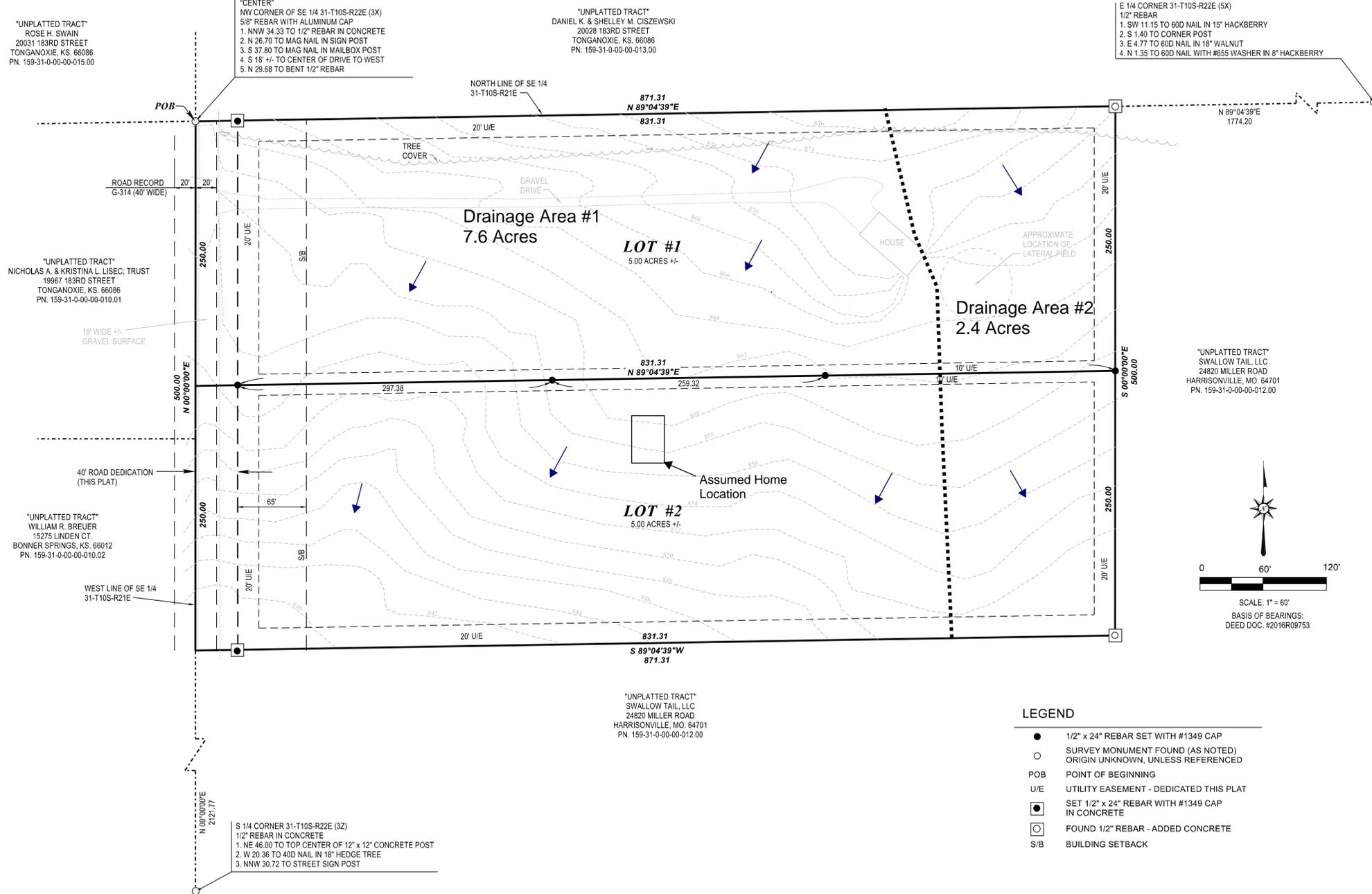
	Q10	Q100
Existing	16.1	28.6
Developed	16.1	28.6
Change	0%	0%

Conclusion – The development of this property along with the change in land use results in no change to the storm water runoff from the site.

NICK'S ACRES

A SUBDIVISION IN THE SOUTHEAST QUARTER OF FRACTIONAL SECTION 31-T10S-R22E OF THE 6TH P.M. LEAVENWORTH COUNTY, KANSAS

PRELIMINARY PLAT



OWNER / DEVELOPER

NICK BREITENSTEIN
19960 183RD STREET
TONGANOXIE, KANSAS 66086
(816) 506-3749

DEED DESCRIPTION - DOC. #2016R09753

A TRACT OF LAND IN THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 31-T10S-R22E OF THE 6TH P.M., LEAVENWORTH COUNTY, KANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF SAID SOUTHEAST QUARTER, THE NORTH LINE OF SAID OF SAID NORTHWEST QUARTER OF THE SOUTHEAST QUARTER HAVING AN ASSUMED BEARING OF N 89°04'39"E; THENCE, N 89°04'39"E ALONG THE NORTH LINE OF SAID NORTHWEST QUARTER OF THE SOUTHEAST QUARTER, 871.31 FEET; THENCE, S 00°00'00"E PARALLEL WITH THE WEST LINE OF SAID SOUTHEAST QUARTER, 500.00 FEET; THENCE, S 89°04'39"W, PARALLEL WITH THE NORTH OF SAID NORTHWEST QUARTER OF THE SOUTHEAST QUARTER 871.31 FEET TO THE WEST LINE OF SAID SOUTHEAST QUARTER; THENCE, N 00°00'00"E ALONG THE WEST LINE OF SAID SOUTHEAST QUARTER 500.00 FEET TO THE POINT OF BEGINNING OF THE TRACT HEREIN DESCRIBED. SUBJECT TO COUNTY ROAD RIGHT OF WAY ALONG THE WEST LINE OF SAID SOUTHEAST QUARTER, SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD, IN LEAVENWORTH COUNTY, KANSAS.

RESTRICTIONS

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

NOTES

1. FENCE LINES DO NOT DENOTE PROPERTY LINES.
2. LEAVENWORTH COUNTY, KANSAS, DOES NOT REPRESENT, WARRANT OR GUARANTEE THAT THE DETAILS SHOWN ON THIS DOCUMENT AND PROVIDED BY THE APPLICANT OR ANY AGENT OF APPLICANT, INCLUDING ANY SURVEY INFORMATION SHOULD BE RELIED UPON BY ANY THIRD PARTY AS BEING WHOLLY OR PARTIALLY ACCURATE AND COMPLETE.
3. EXISTING USE OF AREA BEING PLATTED - RESIDENTIAL PROPOSE USE - RESIDENTIAL
4. THIS PLAT IS NOT WITHIN A SPECIAL FLOOD HAZARD AREA. FEMA MAP #20103C0225G, DATED 07/16/2015
5. O & E REPORT BY KANSAS SECURED TITLE - TX0015944

BENCHMARK

5/8" REBAR AT THE CENTER OF 31-T10S-R22E
EL. 859.76 (NAVD88)

UTILITIES

ELECTRIC / FREESTATE WATER / SUBURBAN WATER GAS / PRIVATE PROPANE SEWAGE / PRIVATE ON SITE SYSTEM TELEPHONE / AT&T

ROAD INFORMATION

183RD STREET IS A COUNTY COLLECTOR WITH 18 FEET WIDE +/- WITH GRAVEL SURFACE

DRAINAGE CALCULATIONS

ON SEPARATE DOCUMENT BY DAVID LUTGEN, PE

ZONING

RR - 2.50

PUBLIC IMPROVEMENT

NONE



LARRY T. HAHN, LS #1349

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

EXHIBIT #1

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

TABLE 1 Values of Runoff Coefficient C

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

AGRICULTURAL AREAS:

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

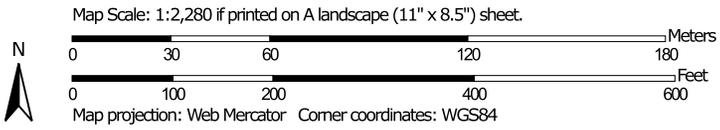
Source - Natural Resources Conservation Service (NRCS) US Department of Agriculture (USDA) Peak Discharge Course
https://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb1083019.pdf

EXHIBIT #2



Soil Map may not be valid at this scale.

Map Unit Symbol	Map Unit Name
7061	Muscotah silty clay loam, occasionally flooded
7219	Basehor-Elmont complex, 5 to 30 percent slopes
7234	Elmont silt loam, 3 to 7 percent slopes, eroded
7303	Martin silty clay loam, 3 to 7 percent slopes, eroded
7906	Armster clay loam, 3 to 8 percent slopes, eroded



Drainage Area #1- 10 year

Existing Conditions

Area = 7.6 acres
C= 0.38
L= 625
S= 8.2
K= 1

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

L max = 300

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

$$T_i = 11.2$$

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

$$T_t = 1.04$$

$$T_c = 12.2$$

$$i_{10} = 5.64$$

$$Q = KCiA$$

$$Q = 16.1 \text{ cfs}$$

Developed Conditions

Area = 7.6 acres
C= 0.38
L= 625
S= 8.2
K= 1

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

L max = 300

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

$$T_i = 11.2$$

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

$$T_t = 1.04$$

$$T_c = 12.2$$

$$i_{10} = 5.64$$

$$Q = KCiA$$

$$Q = 16.1 \text{ cfs}$$

Drainage Area #1 - 100 year

Existing Conditions

Area = 7.6 acres
C= 0.38
L= 625
S= 8.2
K= 1.25

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

L max = 300

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

5 < Tc < 15

C= 0.38

$$T_i = 11.2$$

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

15 < Tc < 60

L= 625

S= 8.2

$$T_t = 1.04$$

$$T_c = 12.2$$

$$i_{100} = 7.99$$

$$Q = KCiA$$

$$Q = 28.6 \text{ cfs}$$

Developed Conditions

Area = 7.6 acres
C= 0.38
L= 625
S= 8.2
K= 1.25

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

L max = 300

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

5 < Tc < 15

C= 0.38

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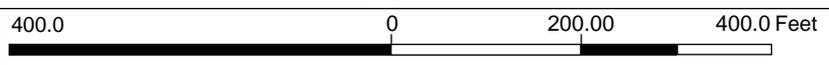
$$Q = 28.6 \text{ cfs}$$

DEV-21-056 & 057 Nick's Acres Plats



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

1 in. = 200ft.



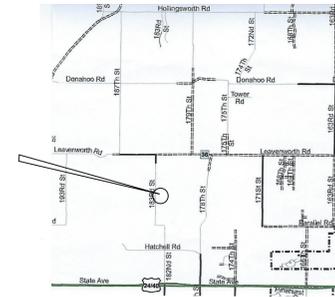
This Cadastral Map is for informational purposes only. It does not purport to represent a property boundary survey of the parcels shown and shall not be used for conveyances or the establishment of property boundaries.
THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes
Preliminary and Final Plats

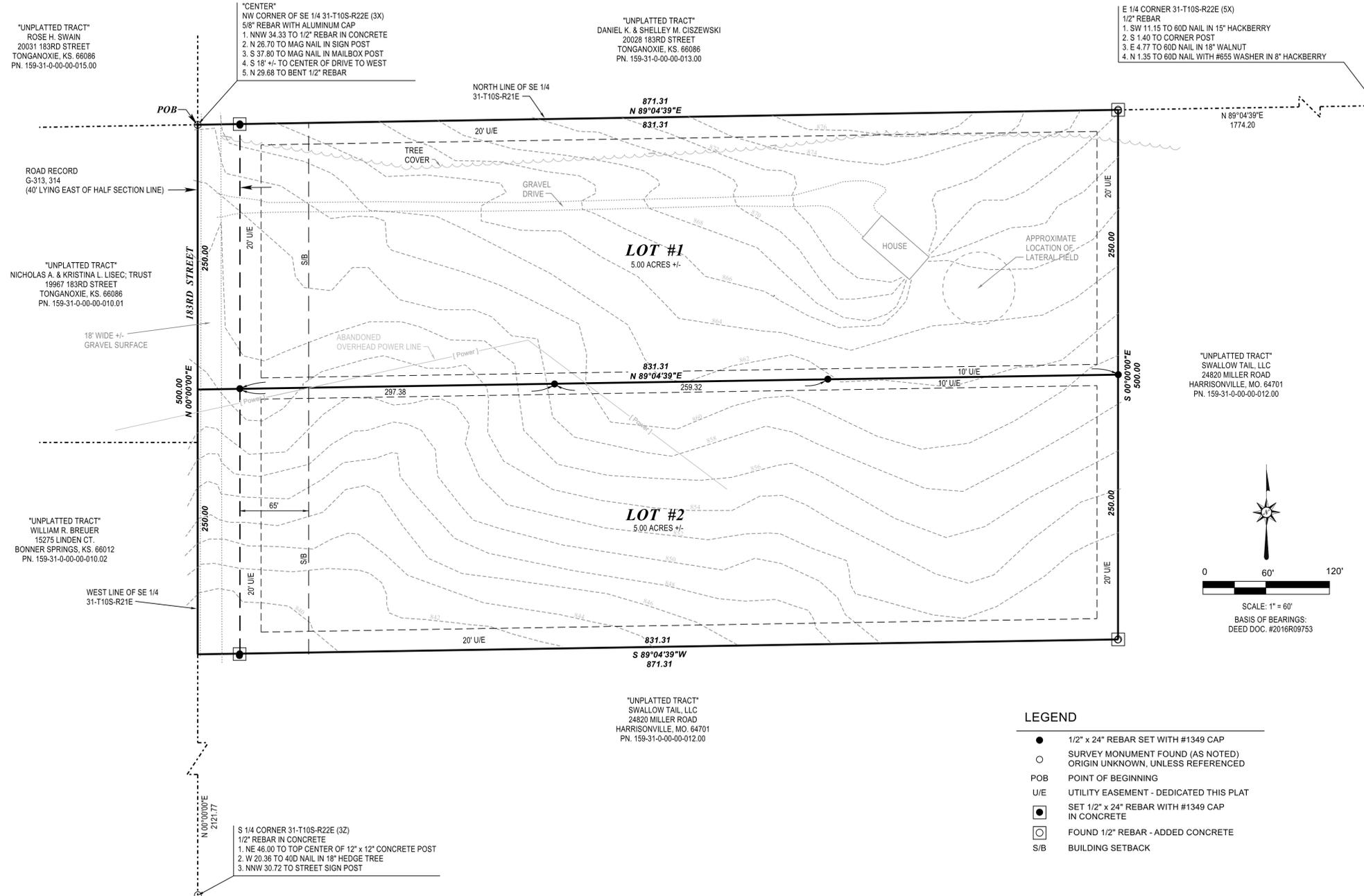
NICK'S ACRES

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PRELIMINARY PLAT



LOCATION MAP
NO SCALE



OWNER / DEVELOPER

NICK BREITENSTEIN
19960 183RD STREET
TONGANOXIE, KANSAS 66086
(816) 506-3749

DEED DESCRIPTION - DOC. #2016R09753

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RESTRICTIONS

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- O & E REPORT BY KANSAS SECURED TITLE - TX0015944

BENCHMARK

5/8\"/>

UTILITIES

ELECTRIC / FREESTATE WATER / SUBURBAN WATER GAS / PRIVATE PROPANE SEWAGE / PRIVATE ON SITE SYSTEM TELEPHONE / AT&T

ROAD INFORMATION

183RD STREET IS A COUNTY COLLECTOR WITH 18 FEET WIDE +/- WITH GRAVEL SURFACE

DRAINAGE CALCULATIONS

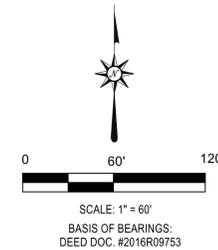
ON SEPARATE DOCUMENT BY DAVID LUTGEN, PE

ZONING

RR - 2.50

PUBLIC IMPROVEMENT

NONE



LEGEND

- 1/2\"/>



LARRY T. HAHN, LS #1349

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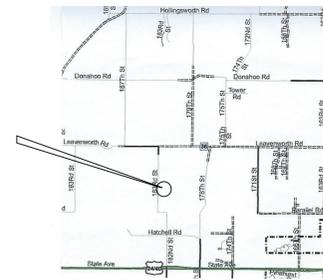


HAHN SURVEYING
PO BOX 41
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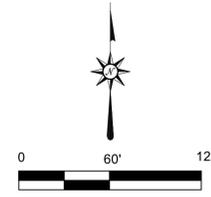
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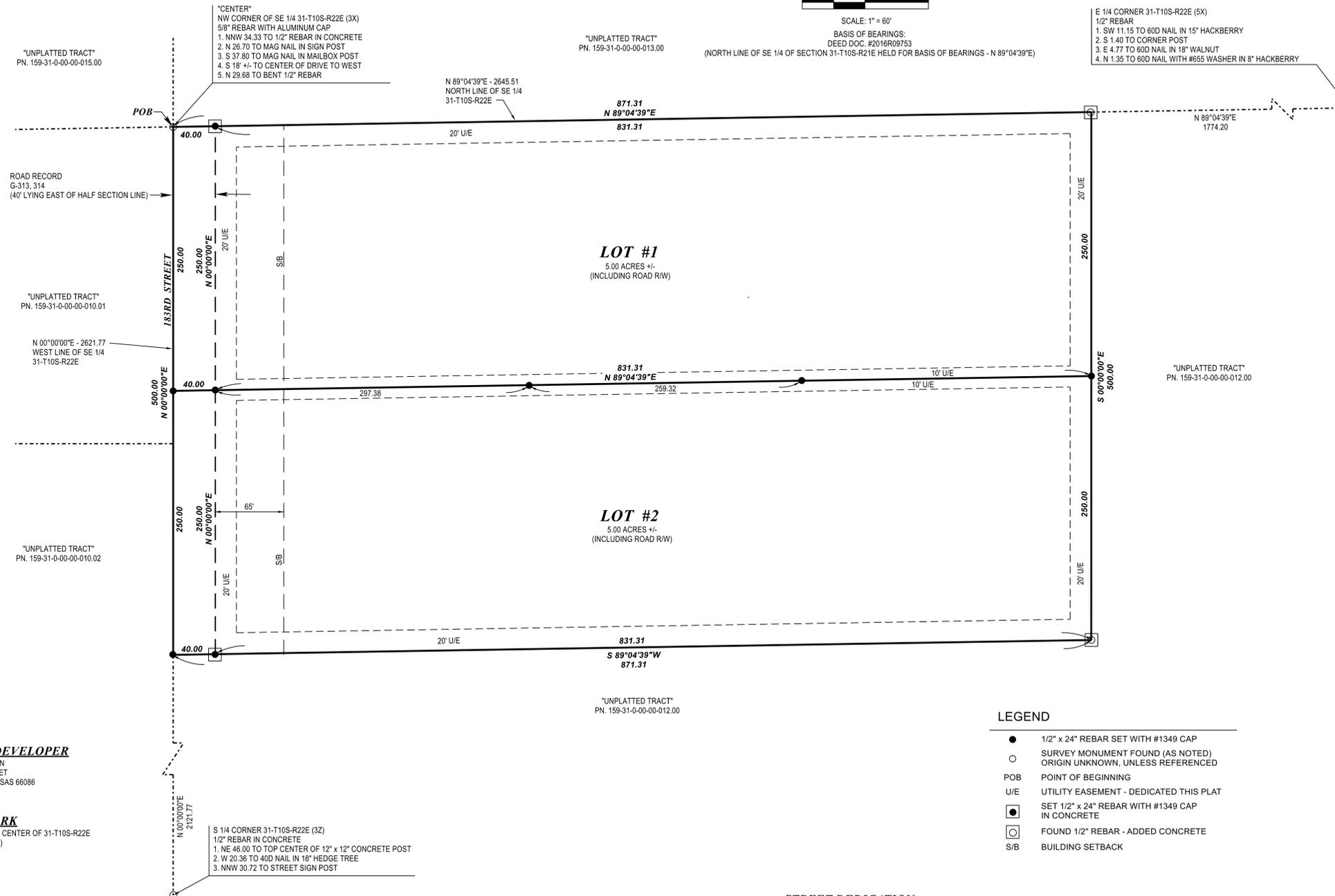
FINAL PLAT



LOCATION MAP
NO SCALE



SCALE: 1" = 60'
BASIS OF BEARINGS:
DEED DOC. #2016R09753
(NORTH LINE OF SE 1/4 OF SECTION 31-T10S-R22E HELD FOR BASIS OF BEARINGS - N 89°04'39"E)



DEED DESCRIPTION - DOC. #2016R09753

A TRACT OF LAND IN THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 31-T10S-R22E OF THE 6TH P.M., LEAVENWORTH COUNTY, KANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF SAID SOUTHEAST QUARTER, THE NORTH LINE OF SAID NORTHWEST QUARTER OF THE SOUTHEAST QUARTER HAVING AN ASSUMED BEARING OF N 89°04'39"E; THENCE, N 89°04'39"E ALONG THE NORTH LINE OF SAID NORTHWEST QUARTER OF THE SOUTHEAST QUARTER, 871.31 FEET; THENCE, S 00°00'00"E PARALLEL WITH THE WEST LINE OF SAID SOUTHEAST QUARTER, 500.00 FEET; THENCE, S 89°04'39"W, PARALLEL WITH THE NORTH OF SAID NORTHWEST QUARTER OF THE SOUTHEAST QUARTER, 871.31 FEET TO THE WEST LINE OF SAID SOUTHEAST QUARTER; THENCE, N 00°00'00"E ALONG THE WEST LINE OF SAID SOUTHEAST QUARTER 500.00 FEET TO THE POINT OF BEGINNING OF THE TRACT HEREIN DESCRIBED. SUBJECT TO COUNTY ROAD RIGHT OF WAY ALONG THE WEST LINE OF SAID SOUTHEAST QUARTER, SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD, IN LEAVENWORTH COUNTY, KANSAS.

IN TESTIMONY WHEREOF

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

NICK BREITENSTEIN

STATE OF KANSAS / COUNTY OF LEAVENWORTH

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

NOTARY PUBLIC

MY COMMISSION EXPIRES _____

APPROVAL

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

CHAIRPERSON / STEVE ROSENTHAL

SECRETARY / KRISTAL A. VOTH, CFM

THE LEAVENWORTH COUNTY ENGINEERS PLAT REVIEW IS ONLY FOR GENERAL CONFORMANCE WITH THE SUBDIVISION REGULATIONS AS ADOPTED BY LEAVENWORTH COUNTY. THE COUNTY IS NOT RESPONSIBLE FOR THE ACCURACY AND ADEQUACY OF THE DESIGN, DIMENSIONS, ELEVATIONS AND QUANTITIES.

COUNTY ENGINEER / MITCH PLEAK, PE

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

CHAIRPERSON / MICHAEL SMITH

COUNTY CLERK / JANET KLASINSKI (ATTEST)

COUNTY REVIEWER CERTIFICATION

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-1655
LEAVENWORTH COUNTY SURVEY REVIEWER

STATE OF KANSAS / COUNTY OF LEAVENWORTH

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

REGISTER OF DEEDS / TERRILOIS G. MASHBURN

OWNER / DEVELOPER

NICK BREITENSTEIN
19960 183RD STREET
TONGANOXIE, KANSAS 66086
(816) 506-3749

BENCHMARK

5/8" REBAR AT THE CENTER OF 31-T10S-R22E
EL. 859.76 (NAVD88)

ZONING

RR - 2.50

RESTRICTIONS

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- O & E REPORT BY KANSAS SECURED TITLE - TX0015944

LEGEND

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

STREET DEDICATION

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

Case No. DEV-21-030 & 031
Sunnyside Estates – Cross Access Easements
Preliminary & Final Plat

Staff Report – Planning Commission

June 9, 2021

GENERAL INFORMATION:

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

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

Legal Description: Lot 1A of Heartland Estates

Parcel Size: ± 10.5 acres

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

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

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

Planner: Krystal A. Voth

REPORT:

Request

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

Adjacent Land Use

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

Flood Plain

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

Utilities/Services

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

Access/Streets

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

Agency Comments

Mike Lingenfelter – Fairmount Township – April 6, 2021
Planning & Zoning/Engineering Review – June 2, 2020

Findings

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

2. The subdivision does not conform to the roadway spacing requirements as set forth in the current access management policy. With the proposed removal of the driveway immediately to the west, the subdivision is in conformance with the proposed access management policy. They policy has been accepted by the Planning Commission but has not yet been adopted by the Board of County Commissioners.
3. At time of development, fire hydrants shall be required if necessary infrastructure is available.
4. The property is not within a sewer district boundary or is within 660 feet of the incorporated limits of a municipality; therefore, a waiver to the requirement of allowing private septic systems is supported by staff. A private sewage disposal permit may be issued per Leavenworth County Sanitary Code requirements.
5. The proposed development does not conform to the comprehensive plan. The proposed development indicates four lots each of which is approximately 2.5 acres in size. The Comprehensive Plan calls for the area to be mixed-use. The proposed development of the property is significantly less dense than what is allowed by the Comprehensive Plan.
6. The Staff recommendation for this development is denial. Staff recommends denial based upon the current, adopted Access Management Policy.

Subdivision Classification

This is classified as a Class “C” Subdivision. According to the Leavenworth County Zoning & Subdivision regulations, a Class “C” Subdivision is any subdivision in which all the lots lie within the Rural Growth Area of Leavenworth County. Staff is supportive of a waiver of the requirement to connect to a sanitary sewer system as sanitary sewers are not located within 660’ of the subdivision. (See condition 4)

Staff Comments

The proposed development is a four-lot subdivision located on a 10-acre tract of land known as Lot 1A of Heartland Estates. The development meets the requirements of the zoning district; however, the proposed roadway does not conform to the current Access Management Policy. The current policy (which is being amended) requires a minimum spacing of 1,330 feet from the intersection and other roadways. The submitted development is approximately 1,200 feet from the intersection of Evans and 166th and is approximately 400’ from the intersection of 168th Street which is located on the south side of Evans Road. The existing driveway to the west is being removed. The owners of the property to the west will now access their property through the Cross Access Easement.

The Board of County Commissioners has recently tasked Staff with updating the Access Management Policy. The updated policy, if approved, will reduce the corner clearance (intersection clearance) from 1,330 to 660’. The proposed development would meet this new requirement. Further, the updated policy also clearly states that spacing requirements are for the affected roadside only, meaning the intersection distance for 168th Street would no longer be a determining factor. The Planning Commission has recommended approval of the amended Access Management Policy, but the policy has yet to be adopted by the Board of County Commissioners.

The development as proposed does not meet the current Access Management Policy. With the removal of the driveway to the west, the development meets the proposed Access Management Policy. Staff is currently working with the applicant to ensure the HOA and access easement (for the property to the west) are sufficiently written to clearly state that access will only be granted off of the CAE. Due to the fact that the proposed development does not meet the current policy, Staff recommends denial of the application.

STAFF RECOMMENDATION:

In the event the Planning Commission recommends approval of Case No. DEV-21-030 & 031, Preliminary and Final Plat for Sunny Side Estates, Staff offers the following conditions:

1. Building permits shall be required for any new construction.

2. The Access Agreement shall be approved by County Staff prior to the recording of the Plat.
3. The driveway to the west shall be removed prior to building permits being issued.
4. 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.
5. The applicant shall adhere to the following memorandums:
 - a. Mitch Pleak – Public Works, Jun 2, 20221
 - b. Mike Lingenfelser – Fairmount Township FD, April 6, 2021
6. A waiver for the use of private septic systems within this subdivision is granted with this approval.
7. At time of development, fire hydrants shall be required if necessary infrastructure is available.
8. 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.

ATTACHMENTS:

Aerial Map
Memorandums
Preliminary Plat
Final Plat

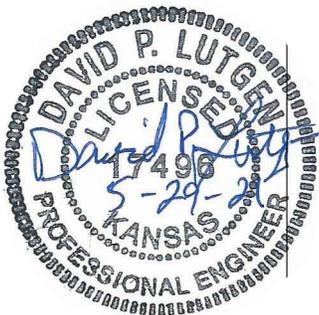
Sunny Side Estates
Leavenworth County Kansas

Drainage Report

Prepared February 14, 2021

Revised March 23, 2021

Revised May 29, 2021



Parcel Information - The 10.9-acre (+/-) parcel is located on the north side of Evans Road west of 166th Street in Leavenworth County KS. The parcel is zoned RR 2.5.

Existing Conditions – The parcel appears to be used as a pasture. The site can be divided into two drainage areas as shown on exhibit #1.

Existing	c value	Acres in each Drainage Area			
		DA #1	DA #2		
Pasture	0.36	8.60	2.3		

Developed Conditions – The proposed development will create 4 new residential building lots. It is assumed that three new structures will be in drainage area #1. A composite c value was calculated for the drainage area as shown in the table below. The composite c value is based on the soil type, slopes, and existing land use, see Exhibits #2, #3, and #4. The developed storm water runoff calculations include 10,000 sq ft of impervious area for each lot. This impervious area will account for the driveway, house footprint, and outbuilding. It is assumed that the remainder of the lot will be maintained as a grass lawn. A composite c value for the drainage area was calculated as shown below.

Developed	c value	Acres in each Drainage Area			
		DA #1	DA #2		
Impervious	0.90	0.69	0.23		
Grass	0.20	7.55	1.97		
Gravel Road	0.50	0.36	0.10		
Composite c		0.27	0.28		

$$\text{composite c} = \frac{(\text{Grass Acres} * 0.20 + \text{Impervious Acres} * 0.90 + \text{Gravel Rd Acres} * 0.50)}{\text{Total Acres}}$$

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

DA #1

	Q10	Q100
Existing	16.5	29.2
Developed	11.6	20.9
Change	-29%	-28%

DA #2

	Q10	Q100
Existing	4.4	7.8
Developed	3.3	5.9
Change	-25%	-24%

Conclusion – The development of this property will result in over a 20% decrease to the storm water runoff from the site.

SUNNY SIDE ESTATES

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

PRELIMINARY PLAT

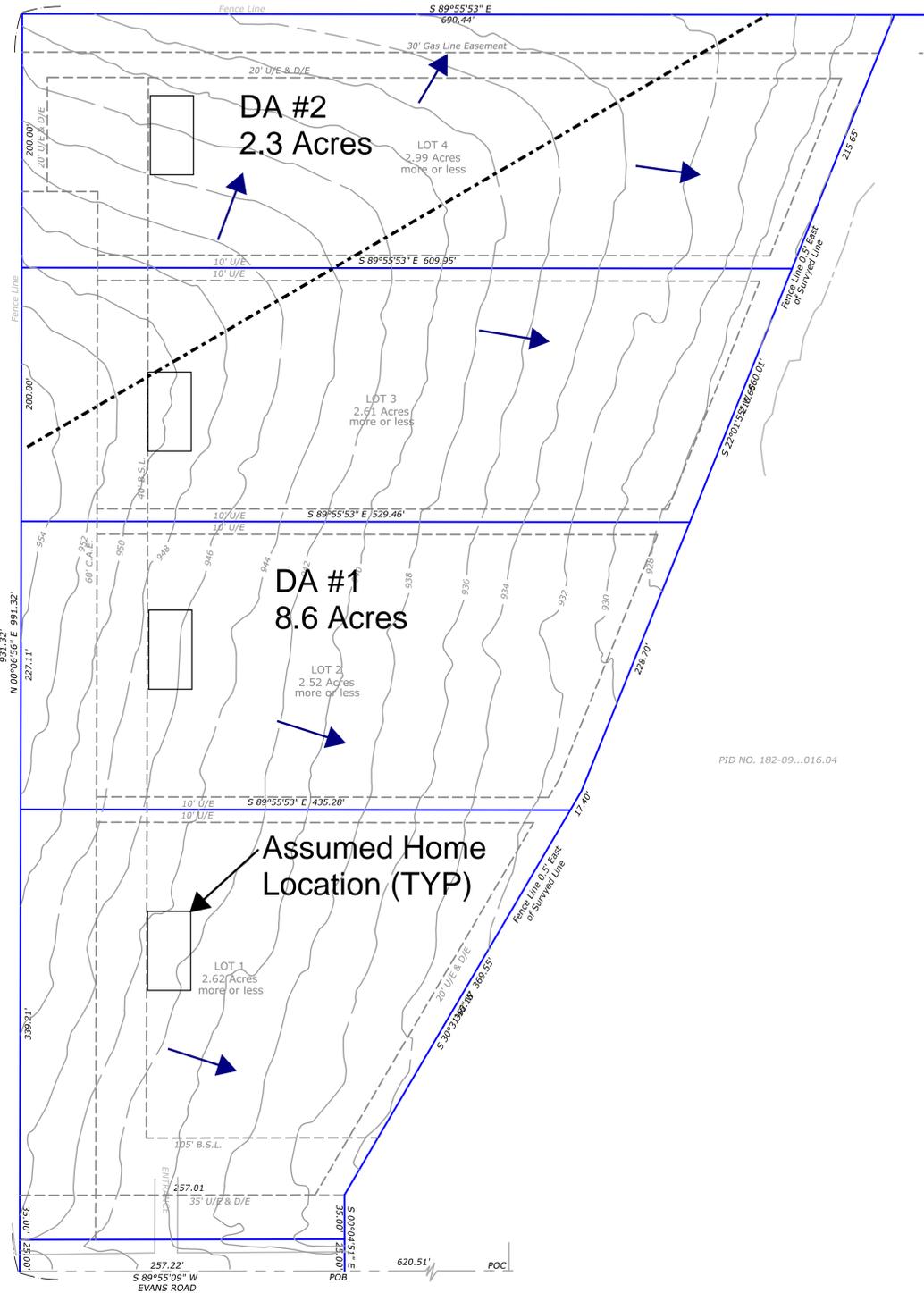
PREPARED FOR:
Allan F. & Marion Sue Stork
16678 Evans Road
Basehor, KS 66007
PID NO. 182-09-00-00-016.07

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

PID NO. 182-09...018

PID NO. 182-09...015

PID NO. 182-09...016.04



RESTRICTIONS:

- 1) All proposed structures within this plat shall comply with the Leavenworth County Zoning and Subdivision Regulations or zoning regulation jurisdiction.
- 2) An Engineered Waste Disposal System may be required due to poor soil conditions.
- 3) Erosion and sediment control measures shall be used when designing and constructing driveways and other structures. Re-vegetation of all disturbed areas shall be completed within 45 days after final grading.
- 4) Lots are subject to the current Access Management Policy.
- 5) Lots are subject to the off-plat Home Owner's Association detailing the maintenance of the Cross Access Easement. General terms - each Lot Owner is responsible for a 25% share of maintenance of said area.

ZONING:

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

NOTES:

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

LEGEND:

- - 1/2" Bar Set with Cap No.1296
- - 1/2" Bar Found, unless otherwise noted.
- - Concrete Base to be Set around Point
- △ - PK Nail Found in Place
- () - Record / Deeded Distance
- U/E - Utility Easement
- D/E - Drainage Easement
- B.S.L. - Building Setback Line
- R/W - Permanent Dedicated Roadway Easement dedicated this plat
- ⊖ - Centerline
- ⊞ - Section Line
- BM - Benchmark
- C.A.E. - Cross Access & Utility Easement
- POB - Point of Beginning



Scale 1" = 60'

Job # K-20-1356
February 12, 2021

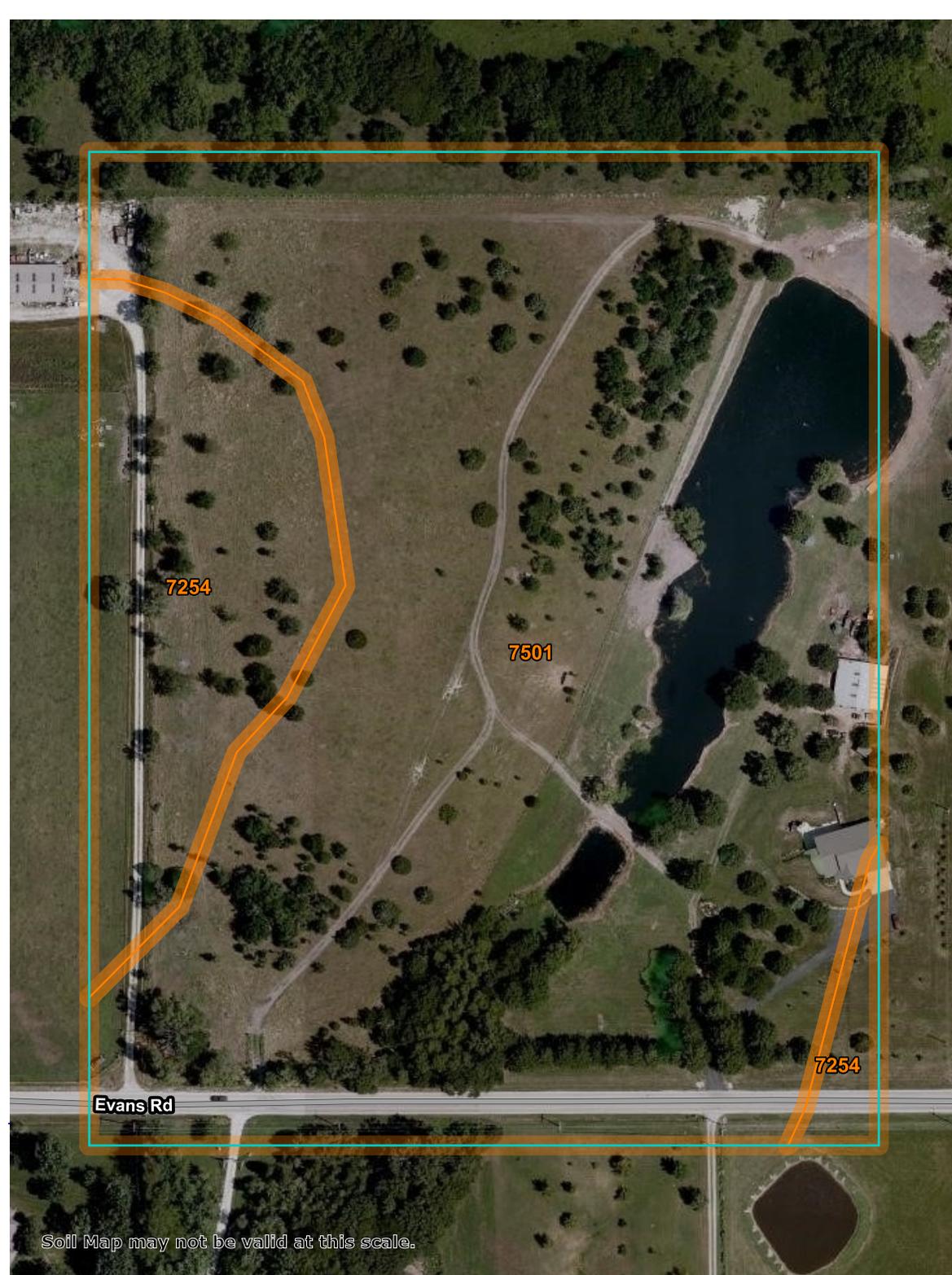


Exhibit #1

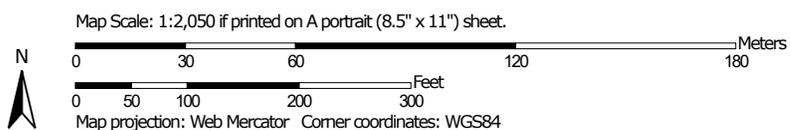


I hereby certify that this survey was made by me, or under my direct supervision, on the ground during the month of January 2021 and this map or plat is correct to the best of my knowledge.

Joseph A. Herring
PS # 1296



Map Unit Symbol	Map Unit Name
7254	Grundy silty clay loam, 3 to 7 percent slopes, eroded
7501	Pawnee clay loam, 4 to 8 percent slopes, eroded



Natural Resources
Conservation Service

Web Soil Survey
National Cooperative Soil Survey

Exhibit #2

TABLE 1 Values of Runoff Coefficient C

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

AGRICULTURAL AREAS:

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

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

Exhibit #3

Table 3-1 Runoff Coefficients for Rational Formula

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

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

From Michigan State Administrative Rules R 280.9.

Referenced from MDOT Drainage Manual, www.michigan.gov

Drainage Area #1- 10 year

Existing Conditions

Area = 8.6 acres
C= 0.36
L= 540
S= 5.3
K= 1

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

L max = 300

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

$$T_i = 13.2$$

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

$$T_t = 0.90$$

$$T_c = 14.1$$

$$i_{10} = 5.31$$

$$Q = KCiA$$

$$Q = 16.5 \text{ cfs}$$

Developed Conditions

Area = 8.6 acres
C= 0.27
L= 540
S= 5.3
K= 1

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

L max = 300

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

$$T_i = 14.9$$

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

$$T_t = 0.90$$

$$T_c = 15.8$$

$$i_{10} = 5.04$$

$$Q = KCiA$$

$$Q = 11.6 \text{ cfs}$$

Drainage Area #1 - 100 year

Existing Conditions

Area = 8.6 acres
C= 0.36
L= 540
S= 5.3
K= 1.25

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

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

$$T_i = 13.2$$

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

$$T_t = 0.90$$

$$T_c = 14.1$$

$$i_{100} = 7.54$$

$$Q = KCiA$$

$$Q = 29.2 \text{ cfs}$$

Developed Conditions

Area = 8.6 acres
C= 0.27
L= 540
S= 5.3
K= 1.25

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

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

$$T_i = 14.9$$

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

$$T_t = 0.90$$

$$T_c = 15.8$$

$$i_{100} = 7.23$$

$$Q = KCiA$$

$$Q = 20.9 \text{ cfs}$$

Drainage Area #2- 10 year

Existing Conditions

Area = 2.3 acres
C= 0.36
L= 540
S= 5.3
K= 1

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

L max = 300

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

$$T_i = 13.2$$

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

$$T_t = 0.90$$

$$T_c = 14.1$$

$$i_{10} = 5.31$$

$$Q = KCiA$$

$$Q = 4.4 \text{ cfs}$$

Developed Conditions

Area = 2.3 acres
C= 0.28
L= 540
S= 5.3
K= 1

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

L max = 300

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

$$T_i = 14.6$$

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

$$T_t = 0.90$$

$$T_c = 15.5$$

$$i_{10} = 5.07$$

$$Q = KCiA$$

$$Q = 3.3 \text{ cfs}$$

Drainage Area #2 - 100 year

Existing Conditions

Area = 2.3 acres
C= 0.36
L= 540
S= 5.3
K= 1.25

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

L max = 300

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

5 < Tc < 15

$$T_i = 13.2$$

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

15 < Tc < 60

$$T_t = 0.90$$

$$T_c = 14.1$$

$$i_{100} = 7.54$$

$$Q = KCiA$$

$$Q = 7.8 \text{ cfs}$$

Developed Conditions

Area = 2.3 acres
C= 0.28
L= 540
S= 5.3
K= 1.25

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

L max = 300

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

5 < Tc < 15

$$T_i = 14.6$$

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

15 < Tc < 60

$$T_t = 0.90$$

$$T_c = 15.5$$

$$i_{100} = 7.27$$

$$Q = KCiA$$

$$Q = 5.9 \text{ cfs}$$

SUNNY SIDE ESTATES

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

FINAL PLAT

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

SURVEYOR'S DESCRIPTION:
A part of Lot 1, HEART LAND ESTATES, a Subdivision in Leavenworth County, Kansas, more fully described as follows: Commencing at the Southeast corner of said Lot 1; thence South 89 degrees 55'09" West for a distance of 620.51 feet along the South line of said Lot 1 to the TRUE POINT OF BEGINNING; thence continuing South 89 degrees 55'09" West for a distance of 257.22 feet along said South line; thence North 00 degrees 06'56" East for a distance of 991.32 feet along the West line of said Lot 1; thence South 89 degrees 55'53" East for a distance of 690.44 feet along the North line of said Lot 1; thence South 22 degrees 01'55" West for a distance of 660.01 feet; thence South 30 degrees 31'46" West for a distance of 369.55 feet to the North right of way of Evans Road, as platted; thence South 00 degrees 04'51" East for a distance of 60.00 feet to point of beginning. Together with and subject to covenants, easements, and restrictions of record. Said property contains 10.89 acres, more or less, including road right of way. Error of Closure: 1 - 457751

CERTIFICATION AND DEDICATION
The undersigned proprietors state that all taxes of the above described tract of land have been paid and that they have caused the same to be subdivided in the manner shown on the accompanying plat, which subdivision shall be known as: SUNNY SIDE ESTATES.

Easements shown on this plat are hereby dedicated for public use, the rights of way which are shown with dashed lines on the accompanying plat, and said easements may be employed to locate and maintain sewers, water lines, gas lines, poles and wires and any other form of public utility now and hereafter used by the public over, under and along the strips marked "Utility Easement" (U/E).

"Drainage Easements" or "D/E" shown on this plat are hereby dedicated for the purpose of constructing, using, replacing and maintaining a culvert, storm sewer, drainage ditch, or other drainage facility or tributary connections, including similar facilities, and appurtenances thereto, including the right to maintain, repair and replace the drainage facility and for any reconstruction and future expansion of such facility, together with the right of access for the same, is hereby dedicated for public use. Drainage Easements shall be kept clear of obstructions that impair the strength or interfere with the use and/or maintenance of storm drainage facilities. The maintenance and upkeep of said Easements shall be the responsibility of the individual owners of the lots whereupon said Easements are dedicated. Leavenworth County shall bear no responsibility for any maintenance and upkeep of said Easements.

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

Building Lines or Setback Lines (B.S.L.) are hereby established as shown on the accompanying plat and no building or portion thereof shall be built or constructed between this line and the street line.

IN TESTIMONY WHEREOF,
We, the undersigned owners of SUNNY SIDE ESTATES, have set our hands this _____ day of _____, 2021.

Allan F. Stork
Marion Sue Stork

NOTARY CERTIFICATE:
Be it remembered that on this _____ day of _____, 2021, before me, a notary public in and for said County and State came Allan F. Stork and Marion Sue Stork, a married couple, to me personally known to be the same persons who executed the foregoing instrument of writing, and duly acknowledged the execution of same. In testimony whereof, I have hereunto set my hand and affixed my notary seal the day and year above written.

NOTARY PUBLIC
My Commission Expires: _____ (seal)

APPROVALS
We, the Leavenworth County Planning Commission, do hereby approve the foregoing plat of SUNNY SIDE ESTATES this _____ day of _____, 2021.

Secretary
Krystal A. Voth
Chairman
Steven Rosenthal

COUNTY ENGINEER'S APPROVAL:
The County Engineer's plat review is only for general conformance with the subdivision regulations as adopted by Leavenworth County. The County is not responsible for the accuracy and adequacy of the design, dimensions, elevations, and quantities.

County Engineer - _____

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

Chairman
Michael Smith
County Clerk
Attest: Janet Klasinski

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

Register of Deeds - TerriLois G. Mashburn

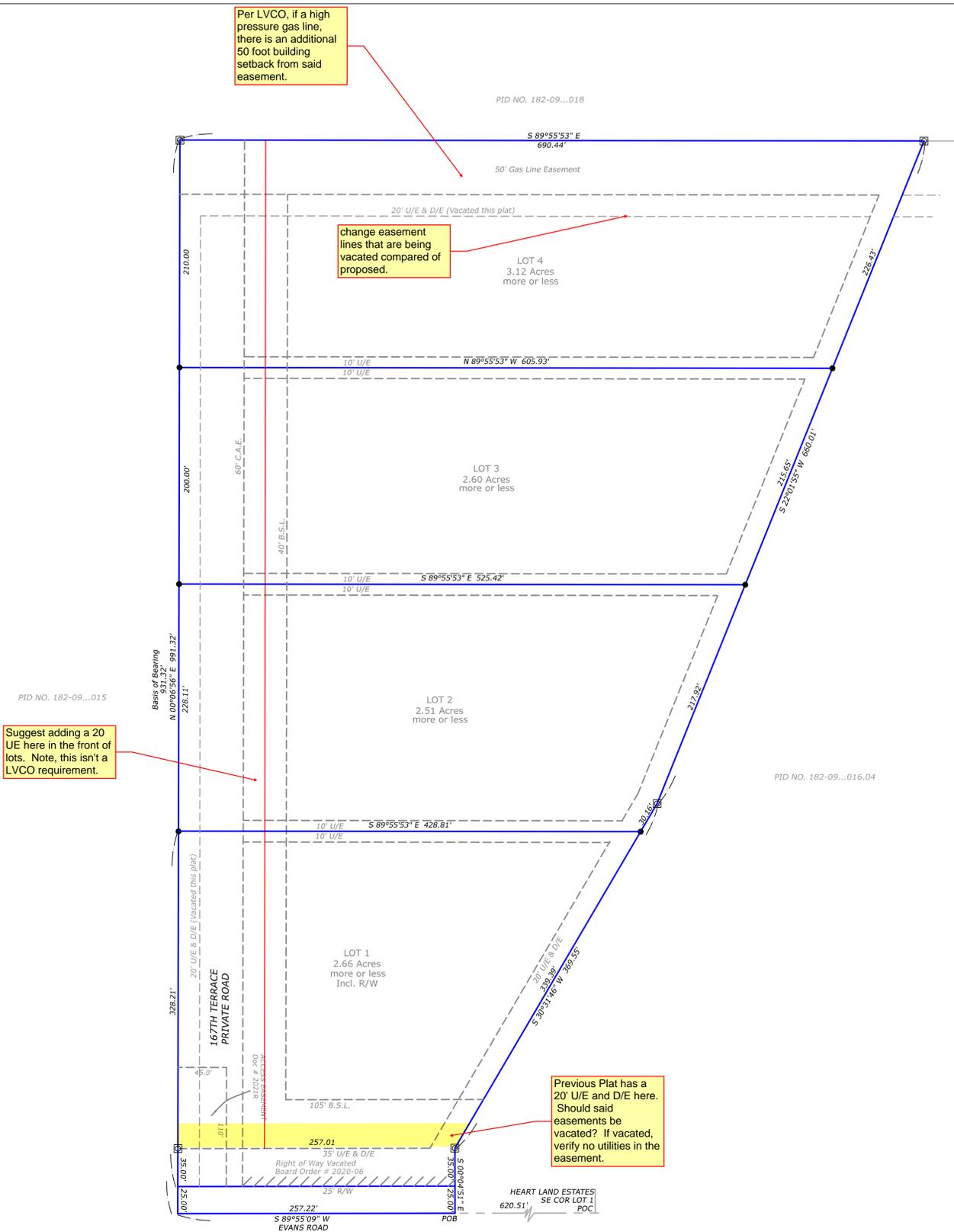
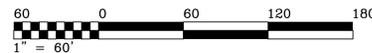
I hereby certify this plat meets the requirements of KSA-58-2005. The face of this plat was reviewed based on Kansas Minimum Standards for Boundary Surveys. No field verification is implied. This review is for surveying information only.

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



Scale 1" = 60'

Job # K-20-1356
February 12, 2021 Rev. May 29, 2021
J. Herring, Inc. (dba)
SURVEYING
& COMPANY
315 North 5th Street, Leav., KS 66048
Ph. 913.651.3858 Fax 913.674.5381
Email - survey@jeanash.com



PID NO. 182-09...015
Suggest adding a 20' U/E here in the front of lots. Note, this isn't a LVCO requirement.

Previous Plat has a 20' U/E and D/E here. Should said easements be vacated? If vacated, verify no utilities in the easement.

Proposed private roadway doesn't meet current policy for roadway spacing and driveway corner clearance.

06-02-2021
OLSSON REVIEW

- RESTRICTIONS:**
- 1) All proposed structures within this plat shall comply with the Leavenworth County Zoning and Subdivision Regulations or zoning regulation jurisdiction.
 - 2) An Engineered Waste Disposal System may be required due to poor soil conditions.
 - 3) Erosion and sediment control measures shall be used when designing and constructing driveways and other structures. Re-vegetation of all disturbed areas shall be completed within 45 days after final grading.
 - 4) All Lots only have access to Evans Road through the Cross Access Easement.
 - 5) Lots are subject to the off-plat Home Owner's Association detailing the maintenance of the Cross Access Easement.
 - 6) Leavenworth County shall bear no responsibility for any maintenance and upkeep of the Cross Access Easement, drive, and drive appurtenances.

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

- NOTES:**
- 1) This survey does not show ownership.
 - 2) All distances are calculated from measurements or measured this survey, unless otherwise noted.
 - 3) All recorded and measured distances are the same, unless otherwise noted.
 - 4) Error of Closure - See Error of Closure Calculations
 - 5) Basis of Bearing - recorded plat HEART LAND ESTATES West Line of Plat
 - 6) Monument Origin Unknown, unless otherwise noted.
 - 7) Proposed Lots for Residential Use.
 - 8) Road Record - See Survey
 - 9) Benchmark - NAVD83 Project Benchmark (BM) - 1/2" Bar Cap 1296 NE Cor Lot 2 - Elev. 890.6'
 - 10) Easements, if any, are created hereon or listed in referenced title commitment.
 - 11) Reference Recorded Deed Document No. 2020R03231
 - 12) Utility Companies -
- Water - Suburban
- Electric - Evergy
- Sewer - Septic / Lagoon
- Gas - Propane / Natural Gas
 - 13) Reference McCaffree Short Title Company Report updated February 1, 2021
 - 14) Property is not in a Special Flood Hazard Area per FEMA FIRN Map 20103C0327G dated July 16, 2015
 - 15) Building Setback Lines as shown hereon or noted below
- All side yard setbacks - 15' (Accessory - 15')
- All rear yard setbacks - 40' (Accessory - 15')
 - 16) Distances to and of structures, if any, are + - 1'.
 - 17) Easements as per referenced Title Commitment are shown hereon
 - 18) Fence Lines do not necessarily denote the boundary line for the property.
 - 19) Reference Surveys:
(DGW) - D.G. White Recorded Plat HEART LAND ESTATES, Doc # 2011P00006
(JAH) - J.A. Herring recorded survey Doc # 2020S026

- LEGEND:**
- - 1/2" Rebar Set with Cap No. 1296
 - - 1/2" Rebar Found, unless otherwise noted.
 - - Concrete Base to be Set around Point
 - U/E - Utility Easement
 - D/E - Drainage Easement
 - B.S.L. - Building Setback Line
 - R/W - Permanent Dedicated Roadway Easement dedicated this plat
 - BM - Benchmark
 - C.A.E. - Cross Access & Utility Easement
 - POB - Point of Beginning
 - POC - Point of Commencing
 - //// - No Vehicle Entrance Access



Vicinity map shift from last submittal. Show Evans and 166th Street.



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

Joseph A. Herring
PS # 1296

Voth, Krystal

From: Mike Lingenfelter <lingenfelserm@fairmountfd.org>
Sent: Tuesday, April 6, 2021 11:05 AM
To: Voth, Krystal
Subject: Re: DEV-21-030/031 Preliminary and Final Plat – Sunny Side 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.

Krystal

I'm assuming the road will run on the west side of the property. It will require a cul de-sac at the end and fire hydrants at the entrance, middle and end.

*Mike Lingenfelter, Fire Chief
Fairmount Township Fire Department
2624 N 155th St
Basehor, Kansas 66007
Work-[913-724-4911](tel:913-724-4911)
Cell [913-306-0258](tel:913-306-0258)*

On Fri, Apr 2, 2021 at 1:34 PM Voth, Krystal <KVoth@leavenworthcounty.gov> wrote:

The Leavenworth County Department of Planning and Zoning has received a request for a Preliminary and Final Plat for Sunny Side Acres. The plat is located within your service territory and your review is greatly appreciated. .

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 April 14, 2021. If you have any questions, please do not hesitate to reach out. Thanks and have a great weekend.

Respectfully,

Krystal A. Voth, CFM

Director

Planning & Zoning

Leavenworth County

913.684.0461

Case No. DEV-21-022

TNT Baseball

Special Use Permit – Athletic Training Facility

Public Hearing Required

Staff Report – Planning Commission

June 9, 2021

GENERAL INFORMATION:

**Applicant/
Property Owner:** Trent West
19897 178th Street
Tonganoxie, KS 66086

Legal Description: A tract of land in the Northwest Quarter of Section 32, Township 10 South, Range 22 East of the 6th P.M, in Leavenworth County, Kansas.

Location: 19897 178th Street, Tonganoxie, KS 66086

Parcel Size: ± 12 acres

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

Comprehensive Plan: This parcel is within the Residential (3 Units / Acre) land use category.

Parcel ID No.: 159-32-0-00-00-018.01

Planner: Joshua Gentzler

REPORT:

Request

The applicant is requesting a Special Use Permit for an Athletic Field for a baseball training facility.

Adjacent Land Use

The surrounding properties are residences and farms on varying sized parcels ranging from 5 acres to over 80 acres in size.

Flood Plain

There are is a Special Flood Hazard Areas on this parcel per FEMA Firm Map 20103C0238G July 16, 2015.

Utilities/Services

Sewer: Private septic system
Fire: Stranger Township
Water: Suburban
Electric: FreeState

Access/Streets

The property is accessed by 178th Street, a County with a gravel surface ± 22' wide.

Agency Comments

See attached comments – Memo – Kyle Anderson – Planning and Zoning, March 3, 2021
See attached comments – Email – Mitch Pleak – Public Works, May 10, 2021
See attached comments – Memo – Chuck Magaha – Emergency Management, March 18, 2021
See attached comments – Email – Janelle Phillips – Kansas Dept. of Water Resources, March 26, 2021
See attached comments – Email – David Van Parys – County Counselor, March 2, 2021
See attached comments – Email – Mark Bilquist – Stranger Township Fire Department, March 17, 2021
See attached comments – Email – Amanda Tarwater – FreeState, March 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 Special Use Permit request:

1. Character of the neighborhood: The character of the neighborhood is rural; primarily rural residences, and agricultural uses.
2. Zoning and uses of nearby property: The surrounding properties are zoned RR-2.5, Rural Residential 2.5-acre minimum size parcels. The uses are rural residences and agricultural.
3. Suitability of the property for the uses to which it has been restricted: The property is within an area suited for rural residences and agricultural use. The use is allowed with approval of a Special Use Permit.
4. Extent to which removal of the restrictions will detrimentally affect nearby property: Nearby property could be affected by the dust created by induced demand on the roadway. The applicant states that the property could see over 30 vehicle trips per practice.
5. Length of time the property has been vacant as zoned: The property is not vacant.
6. Relative gain to economic development, public health, safety and welfare: The proposed use will provide income for the applicant and a service to the community.
7. Conformance to the Comprehensive Plan: The Future Land Use Map indicates this area should be developed as a Residential area with a density of 3 Units per Acre.
8. Staff recommendation is for the denial of the Special Use Permit.

LOCATION	
Adjacent Residences	Adjacent residences are rural-suburban uses. The property adjacent to the north and west is used as an agricultural property. Property to the east is a 73-acre property used as a residential property. The property to the south is an 8-acre property used as a residential property.
Adjacent Zoning/Uses	Zoning in the area is RR-2.5 and are used primarily as rural residences and agricultural uses.
Density	The area is not densely populated.
Nearby City Limits	The city of Basehor is approximately 1.1 miles to the southeast of the property.
Initial Growth Management Area	The property is not located within an Urban Growth Management Area.

IMPACT	
Noise Pollution	This use will not cause prolonged noise pollution. The primary times of elevated noise levels will be on weekday evenings, between 5:00 PM and 8:00 PM, and on weekends between 9 AM and 8 PM, when teams and players arrive at the site to begin practice inside the facility.
Traffic	The use will create additional traffic in the evenings on weekdays and throughout the day on the weekends. Up to 22 vehicles may arrive each evening, during the week, and up to 66 vehicles on Saturday and Sunday. These vehicles will return at the end of practice to pick up players at the facility. The operation does not employ any additional employees.
Lighting	The applicant does not have lighting other than security lighting and is not requesting lighting.
Outdoor Storage	The applicant does not store anything outside.
Parking	The applicant has made 12 parking spaces available for the customers and is in process of adding additional spaces. The vehicles will arrive in stages at the beginning and end of practices. The parking area will not need to serve all 66 vehicles mentioned above at one time.
Visitors/Employees	Typically, the business schedules at least one practice per day during the winter months. This would bring an estimated 9-12 players and coaches per practice, not including parents, Over the course of a week, this would equate to an estimated 63 to 84 customer visits.
Waste	The business generates normal household/commercial waste.

SITE COMPATABILITY	
Size of Parcel	The parcel is twelve (12) acres in size.
Zoning of Parcel	The parcel is zoned Rural Residential-2.5
Buildings (Existing & Proposed)	The applicant has a building on the property that is approximately 80x60. The baseball practices occur within this building.
Setbacks	Existing building meet the required setbacks.
Screening	The property is not fully screened. The property does have an existing tree line on the northeast corner of the property providing screening of the house and accessory building.

History

This is the applicant’s first request for a Special Use Permit. The need for a Special Use Permit was discovered after operations began. The applicant applied for a permit when he was notified of the necessity of the permit by County Staff.

Staff Comments

The applicant is currently operating an indoor baseball training facility out of an 80’ x 60’ accessory structure located behind his home. The building was permitted and built in 2020. During the permitting process Staff was not made aware of the purpose of the building at that time. The applicant has created a secondary access and parking area for access to the building from 178th Street. This access is located approximately 290 feet south of the existing driveway (as seen below).

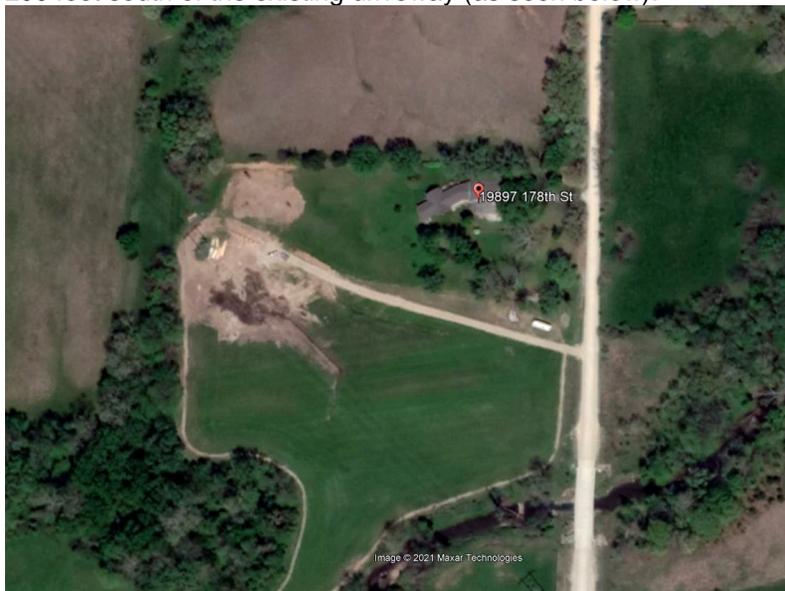


Figure 1 May 2020 Google Earth Aerial

The parking area is located along the north side of the driveway seen in the aerial above and currently has space for 12 vehicles. The applicant has plans to expand the parking space in the future. Parking on-site appears adequate for the needs of the business.

The property is located approximately 840 feet south of the paved section of 178th street and the road narrows to the north of the property before expanding at the bridge at the southeast corner of the property.

The Stranger Fire Department has been in contact with the applicant to work to bring the parking/access to the facility to meet the Fire Department’s requirements. The applicant has agreed to add an additional exit/access door to the facility, extending the drive to the building to allow for emergency vehicles to maneuver, and adding an all-weather path from the parking area to the building.

The applicant utilizes this building as a training facility for local youth baseball teams. The stated goal for the facility is to be the off-season training facility for eight (8) youth baseball teams. The applicant states that the facility had over 30 practices each month from January to March, which is their forecasted busiest time of the season. Each practice includes nine to 11 vehicles travelling to the site for drop-off and pick-up and therefore

induces an estimated 31-39 one-way trips per practice. During the busy season for the applicant, assuming seven to eight practices a week based on the applicant's usage from January through March 2021, this would equate to 217 – 312 vehicle trips per week.

Staff has the following concerns regarding the approval of this Special Use Permit:

1. The potential for growth of the business would place a significant commercial endeavor in the midst of an area that is primarily agricultural. The placement of a commercial enterprise in this area could cause negative interactions with the surrounding neighbors and conflict with development in the future.
2. The amount of traffic induced by this business could interfere with neighboring properties.
3. There could be challenges with traffic along 178th Street for both customers and neighbors during practice change-over times due to the limited space at this location.
4. Usage of the property for this purpose does not fit the character of the neighborhood.

The recommendation of Staff is for denial of the Special Use Permit.

STAFF RECOMMENDATION:

The staff recommends denial of Case No. DEV-21-022, Special Use Permit for TNT Baseball. Should the Planning Commission wish to recommend approval to Case No DEV-21-022, staff recommends approval with the following conditions:

1. The SUP shall be limited to a period of five (5) years.
2. The business shall be limited to the hours of 4 PM to 8 PM, Monday through Friday, and 9 AM to 6 PM on Saturday and Sunday.
3. The SUP shall be limited to no employees other than family.
4. An engineered septic system shall be required for the business.
5. Any modifications to the building and/or parking area shall meet or exceed the Floodplain Regulations. All appropriate permits shall be obtained prior to modifications of the building and parking area.
6. The applicant shall adhere to the following memorandums:
 - a. Chuck Magaha – Emergency Management, March 18, 2021
 - b. Mark Billquist – Stranger Township Fire District, March 17, 2021
7. No signage is allowed in the right-of-way. No signage is requested with the SUP. All signage shall comply with Article 25, Sign Regulations of the Leavenworth County Zoning and Subdivision Regulations.
8. No on-street parking shall be allowed.
9. This SUP shall be limited to the Narrative dated February 25, 2021 submitted with this application.
10. This SUP shall comply with all local, state, and federal rules and regulations that may be applicable. After approval of this SUP by the Board of County Commission all conditions listed shall be adhered to and copies shall be provided to the Planning and Zoning Department within 30 days.

ACTION OPTIONS:

1. Recommend approval of Case No. DEV-21-022, Special Use Permit for TNT Baseball to the Board of County Commission, with Findings of Fact, and with or without conditions; or
2. Recommend denial of Case No. DEV-21-022, Special Use Permit for TNT Baseball, 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

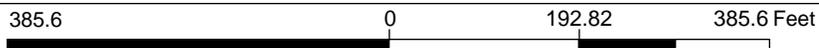
DEV-21-022 TNT Baseball SUP



Legend

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

1 in. = 193ft.



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

TNT BASEBALL ACADEMY – APPLICATION FOR SPECIAL USE PERMIT

PROJECT NARRATIVE

This is a request for Special Use Permit for TNT Baseball Academy to provide indoor baseball practice space and lessons to TNT baseball teams/players as well as other local teams. The facility was initially built for this purpose to create a place for our own teams to practice during the winter months. The method of operation will be to allow teams access to facility for 1 – 3 hours at a time. Teams will schedule stop times and start times at least 15 minutes apart to minimize traffic congestion.

The permit is requested for 10 year with varying utilization throughout year, but volume will be heaviest during winter months.

KEY INFORMATION

Hours of Operation: The hours of operation are 9 AM to 8 PM.

Employees: Staffing consists of myself, Trent West and my wife, Erika West.

Signs: There are no signs for the business. We do not expect to drive business through traffic so do not plan on using signs.

Chemicals Used: None

Lubricants/Oils/Fluids: None

Sewage Disposal: None

Water Supply: There is no water to the facility currently. We may consider adding a restroom at some point.

Noise/Sounds Caused: Limited. Noise will generally be contained to within the facility.

Odors/Fumes: None

Accessory building to be used: We will use the building on our property for the business. The building is a 60 ft x 80 ft wooden pole barn with 14 ft walls. The building has concrete flooring under artificial turf, inside perimeter netting, and two large batting cages.

The reason that makes the pole barn in question appropriate for proposed use is that it is large and contains all necessary baseball equipment to hold practices and lessons for local teams.

The building is believed to be compatible with other parcels near the site as the parking and building are completely on our property.

Outdoor displays/advertising: None

Equipment: All equipment is baseball related will be contained to the building

Alcohol Service: None

Dust Control: N/A

Emergency/Safety: There are 3 exits from the building – 2 large overhead garage doors and an entrance door. Fire extinguishers are present within the building. If needed, shelter can be taken in the basement of our home during severe weather.

Outdoor Storage: None at this time

Security Lighting: We have a security light on the cul de sac used for drop off and pick up

Will this be in the existing home? No, we have a separate building on the property that will be used.

Traffic: Traffic to and from the facility will come from the north and south of the property via 178th Street. Vehicular access to and from the building will be provided by existing access driveway that leads to the building on the West side of 178th Street. Cul-de-sac drop off and off-street parking will be provided on property and will accommodate up to 12 vehicles.

RESPONSES FROM TNT BASEBALL ACADEMY, LLC

Staff Comments

1. Generally speaking, we expect facility usage to be seasonal with the peak of activity expected in the winter months (January through March). While we have the ability to accommodate up to 6 time slots on Saturday and Sunday and 2 slots on weekdays, we have not, and do not expect to, run at maximum capacity even in the peak season. Please refer to question 3 for more information on expected facility usage.
2. The facility is intended to be used by one team at a time with an average of 11 kids and 2-3 coach/parents in the facility at a time.
3. We have provided two scenarios below to estimate the expected range of vehicle trips.

Scenario 1 – Expectation based off of current activity

Below is what we expect usage to be by month based on actual activity to date and projected usage for the remainder of the 2021:

- January – 33 practices
- February – 37 practices
- March – 33 practices
- April – 15 practices
- May – 13 practices
- June – 14 practices
- July – 4 practices
- August – 8 practices
- September – 13 practices
- October - 15 practices
- November – 12 practices
- December – 9 practices

We expect an average of 11 cars per practice and expect that 25% of the cars will drop off and return to pick up (i.e. 4 trips vs 2 trips for those that stay). Based on this activity, we estimate that over the course of a year, there will be **16 vehicle trips per day**.

Total # of practices	206
Avg # of cars per practice	<u>11</u>
Total # of cars	2,266
# of cars per day	6
Total # of trips (assuming 25% leave and return)	5,665
# of trips per day (assuming 25% leave and return)	16

Scenario 2 – Expectation based on long-term growth

Our long-term goal is to bring local teams at varying age levels under the TNT brand. We currently have 3 teams under the TNT brand and other non-TNT teams that rent the facility for practice. Our goal is to have up to 8 teams under the TNT brand which would substantially reduce or eliminate the ad hoc rental of the facility. If and when we are able to achieve this goal, we would estimate that the **maximum vehicle trips per day over the course of a year would be 36.**

Total # of practices	472
Avg # of cars per practice	11
Total # of cars	5,192
# of cars per day	14
Total # of trips (assuming 25% leave and return)	12,980
# of trips per day (assuming 25% leave and return)	36

4. All trips are expected to be passenger vehicles. We do not expect any large trucks, equipment, trailers, loads or deliveries. Vehicle trips are expected to occur between the hours of 9 am to 8 pm on Saturdays and Sundays and 5 pm – 8 pm on weekdays. We do not have staff beyond the owners who reside on the property.
5. We do not expect to expand the number of employees beyond the owners who reside on the property.
6. This was addressed as part of the building permit process. Please refer to Leavenworth County Residential Permit attached.
7. Proof of insurance will be provided as and when requested by the County.

FEMA Comments

1. The building was erected outside of the floodplain which was also addressed for building permit approval. Please refer to Leavenworth County Residential Permit attached.

Stranger Township Fire Department Comments

1. We will add an additional exit on the North side of the building to address this concern.
2. We will add a pathway for emergency vehicles to access the building from the end of the existing cul de sac.
3. Per further discussion with the Tonganoxie fire chief, we believe there is adequate parking for the expected traffic volume.
4. Sanitary facilities are located in the residence. We are always home when the building is used and have allowed for this access without issue. The residence has 3 bathrooms that can be used.



County of Leavenworth
Planning & Zoning Department
300 Walnut, Suite 212
Leavenworth, Kansas 66048
Phone: 913-684-0465

March 12, 2021

To: Trent West
TNT Baseball
19897 178th Street
Tonganoxie, KS 66068

Re: Special Use Permit
DEV-21-021

Mr. West,

Staff has reviewed the application and narrative for TNT Baseball, which was submitted on February 23rd, 2021.

Upon review of your application, Staff has the following comments:

1. The narrative indicates you expect teams to schedule start and stop times. How many time slots are you making available each day, Monday through Friday? How many time slots are you making available on Saturday and Sundays?
2. How many people will be using the facility at a time?
3. Provide vehicle trips generated by the SUP. A trip is defined as a single- or one-directional vehicle movement with either to or from the SUP's site. A vehicle coming to the site is one trip and the same vehicle leaving the site is a second trip.
4. Trips shall include the type anticipated vehicles per day for each type of vehicle (passenger, trucks, types of trucks, large equipment, trailers, and loads). Trips shall include customers, staff, deliveries, or other vehicles needed for the special uses permit. In general, provide time frames per day when the detailed vehicle trips will occur.
5. Do you expect to increase the number of employees over the next 5 years?
6. An existing above ground electrical transmission line is near the proposed building. Electrical lines are placed in easements. Provide documentation the building is outside the easement.
7. Should the Board of County Commissioners approve your application, you will be required to provide the County with proof of insurance.

As much of your property is in a FEMA delineated Floodplain, your plan was sent to the Kansas Department of Agriculture for review by the Division of Water Resources. The following comment was sent by the Division:

1. The proposed location of the building is within a FEMA delineated Floodplain. The building must be elevated so that the finish floor is 1 foot above Base Flood Elevation. A state permit will be required to place fill in the floodplain.

To address this comment, you can provide evidence that demonstrates that the building was built outside the floodplain.

The Stranger Township Fire Department had the following comments:

Stranger Township Fire Department does not recommend the granting of this Special Use Permit due to following concerns:

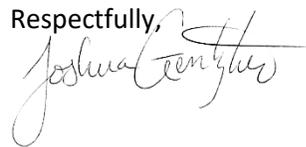
- 1) Lack of adequate exiting
- 2) Fire Department Access Restriction
- 3) Lack of Adequate parking
- 4) No Sanitary Facilities

These comments from the Fire Department will also be considered by the Planning Commission during their review of your application. You can contact the Stranger Township Fire Department with any questions you have for remediation of the concerns listed above.

Please provide the revisions and information indicated above by March 19, 2021. If the revision and information is not received by then, the case will be continued and rescheduled.

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

Respectfully,



Joshua Gentzler
Planner II
Planning and Zoning
Leavenworth County

From: [Gentzler, Joshua](#)
Sent: Monday, April 19, 2021 4:51 PM
To: 'Trent West'
Cc: erika.d.west@pwc.com
Subject: RE: DEV-21-022 Comments

Good afternoon Trent,

We will need Evergy to provide us their results when their survey is complete.

Our questions about your growth is to determine when you hope to reach that maximum of 8 teams. Do you estimate or expect to be able to reach that goal in 2 years, 5 years, or 10 years? We understand that business plans change with new circumstances, but we are trying to gauge the development of your business and how that could affect the area in the future.

Thank you,

Joshua Gentzler
[Planning & Zoning](#)

From: Trent West <trentwest75@yahoo.com>
Sent: Wednesday, April 14, 2021 9:35 AM
To: Gentzler, Joshua <JGentzler@leavenworthcounty.gov>
Cc: erika.d.west@pwc.com
Subject: Re: DEV-21-022 Comments

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I will have evergy do a site survey to show that we are within tolerance of Evergy's easement. As far as "explosive growth" as you stated in the past 3 months and concern about 2 years Doreen the road. Our goal is 8 teams which is explicitly stated in scenario two. In bold letters it states, "maximum vehicle troops per day over the course of a year would be 36" under this scenario. Not sure where you're confused.

Semper Fi
Trent

Sent from my iPhone

On Apr 14, 2021, at 8:54 AM, Gentzler, Joshua wrote:

Good morning Trent and Erika,
Give me a call as quickly as you can this morning. Public Works reviewed the information you sent over and we need to talk about how we can proceed.

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

From: Trent West
Sent: Tuesday, April 13, 2021 11:48 AM
To: Erika West (US - IFS)

Cc: Gentzler, Joshua

Subject: Re: DEV-21-022 Comments

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

Josh, can you fwd the memos from Chuck and Mark, when time permits. Thank you

Sent from my iPhone

On Apr 13, 2021, at 11:37 AM, Erika West (US - IFS) wrote:

Hi Joshua -

Please find below the breakdown of practices by month under Scenario 2. Please let me know if you have any questions.

Thanks!

Erika West

On Tue, Apr 13, 2021 at 8:45 AM Trent West

<trentwest75@yahoo.com> wrote:

Hi Joshua, please see attached. I will try to get a breakdown of practices sent to you today per your request.

Sent from my iPhone

On Apr 8, 2021, at 12:13 PM, Trent West

<trentwest75@yahoo.com> wrote:

Sent from my iPhone

Begin forwarded message:

From: "Gentzler, Joshua"

<JGentzler@leavenworthcounty.gov>

Date: April 8, 2021 at 11:59:40 AM CDT

To: Trent West

<trentwest75@yahoo.com>

Subject: DEV-21-022 Comments

Trent,

As I mentioned yesterday, we did meet with PW and engineering on your project. We've got the following questions/comments:

- Please confirm the following: In scenario 1, February is the busiest month with 37 practices. As stated there is 11 cars per practice or 22 trips (one way directions). 25% of

the 11 cars will leave and come back to pick up there kids. This 25% of the vehicles is 3 vehicles or 6 trips. In a practice there is 28 total trips.

- Please submit a breakdown of practices per month in scenario 2, like you did for scenario 1.

In addition, we have looked through our files for the building permit for the email about the power line easement. We do not have that email. Can you provide a copy of it?

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

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From: [Mitch Pleak](#)
Sent: Monday, May 10, 2021 9:34 AM
To: [Gentzler, Joshua](#)
Cc: [Anderson, Lauren](#); [Noll, Bill](#); [Voth, Krystal](#); [019-2831](#)
Subject: DEV-21-022 - TNT Baseball

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.

All,

Olsson has reviewed the application from the aspect of impacts to 178th Street (gravel roadway) and proposed traffic. The application provided two scenarios of traffic generation. LVCO Staff confirmed the applicant requested Scenario 2 to be used for the SUP. Scenario 2 has more traffic generation than Scenario 1. Below is the break out of practices per month provided by the applicant.

Month	Scenario 2
January	80
February	64
March	48
April	32
May	40
June	32
July	20
August	28
September	32
October	40
November	32
December	24
Total practices	472

From the SUP application narrative, below is planned trips per month:

- 11 cars per practice and expect that 25% of the cars will drop off and return to pick up.
 $11+11+(0.25 \times 11)+(0.25 \times 11) = 28$ trips per practice
- $(472 \text{ practices} \times 28 \text{ trips per practice}) / 365 \text{ days} = 36.2$ trips per day over the year.

	Scenario 2 - Practices per Month	Days per Month	Trips per Practice	Trips per Day per the Month
Jan	80	31	28	72
Feb	64	28	28	64
March	48	31	28	43
April	32	30	28	30
May	40	31	28	36
June	32	30	28	30
July	20	31	28	18
August	28	31	28	25

Sept.	32	30	28	30
October	40	31	28	36
November	32	30	28	30
December	24	31	28	22
Total Practices	472			

Jan and Feb are the only months over 50 trips per day.

Per the requirements of the TIF policy:

- 50 or more passenger trips per day requires a traffic impact study and physical roadway assessment along said proposed gravel road.
- In the general requirements in the policy, the County Engineer is allowed to review the application to determine if studies and/or assessments, based on sound engineering judgement, are required.

Olsson has completed an initial review with findings below:

- Physical Roadway Assessment: Traffic generated is passenger cars only. With the majority of the months seeing less than 50 trips per day, it is Olsson's opinion, a physical roadway assessment is not warranted.
- Structural Storm Culver Assessment: All traffic generation is passenger vehicles. It is Olsson's opinion, a structural storm culver assessment is not warranted.
- Traffic Impact Study: The majority of the months seeing less than 50 trips per day, it is Olsson's opinion, a traffic impact study is not warranted. The applicant should provide adequate parking within their site.
- In the future, if the facility use changes (increased trips due to additional practices, year round use, etc) the County should retain their ability to review the application again.

Please let me know of any questions.

Sincerely,

Mitch Pleak, PE

Project Engineer / Civil

D 913.748.2503

7301 W. 133rd Street, Suite 200

Overland Park, KS 66213

O 913.381.1170



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[View Legal Disclaimer](#)

From: [Van Parys, David](#)
Sent: Tuesday, March 2, 2021 8:07 AM
To: [Gentzler, Joshua](#)
Cc: [Voth, Krystal](#)
Subject: RE: DEV-21-022 Special Use Permit - TNT Baseball Academy

Lighting and traffic would appear to be the primary concerns. Fortunately for me, they are out of my purview.

From: Gentzler, Joshua
Sent: Monday, March 1, 2021 5:35 PM
To: Mark Bilquist (stfdchief1760@gmail.com) ; Amanda Holloway (Amanda.holloway@freestate.coop) ; 'Travis@SuburbanWaterInc.com' ; Janelle Phillips (Janelle.Phillips@ks.gov) ; Anderson, Kyle ; Anderson, Lauren ; Magaha, Chuck ; Miller, Jamie ; Mitch Pleak ; Thorne, Eric ; Van Parys, David
Subject: DEV-21-022 Special Use Permit - TNT Baseball Academy

The Department of Planning and Zoning has received an application for a Special Use Permit for a Commercial Athletic Field. This is a batting cage/practice facility for baseball/softball players, located at 19897 178th Street, Tonganoxie, KS 66086.

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, March 9th.

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

Thank you,

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

Gentzler, Joshua

From: Amanda Tarwater <amanda.holloway@freestate.coop>
Sent: Tuesday, March 2, 2021 8:15 AM
To: Gentzler, Joshua
Subject: Re: DEV-21-022 Special Use Permit - TNT Baseball Academy

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

FreeState Electric has no objection to this request.

Thank you,

Amanda Tarwater
Member Account Coordinator



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

From: "Gentzler, Joshua" <JGentzler@leavenworthcounty.gov>
Date: Monday, March 1, 2021 at 5:35 PM
To: "Mark Bilquist (stfdchief1760@gmail.com)" <stfdchief1760@gmail.com>, Amanda Tarwater <amanda.holloway@freestate.coop>, "Travis@SuburbanWaterInc.com" <Travis@SuburbanWaterInc.com>, "Janelle Phillips (Janelle.Phillips@ks.gov)" <Janelle.Phillips@ks.gov>, "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-21-022 Special Use Permit - TNT Baseball Academy

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 Department of Planning and Zoning has received an application for a Special Use Permit for a Commercial Athletic Field. This is a batting cage/practice facility for baseball/softball players, located at 19897 178th Street, Tonganoxie, KS 66086.

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, March 9th.

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

Thank you,

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



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

To: Krystal Voth
Director

From: Kyle Anderson
Environmental Tech/Code Enforcement

Date: March 3, 2021

RE: Trent West
Case DEV-21-022, Special Use Permit
19897 178th St
Tonganoxie, KS 66086
PID# 159-32-0-00-00-018.01

Our department received a Special Use Permit application for TNT Baseball Academy at the above listed location. This business was found to be operating without a SUP, however, when a letter was sent to Mr. West he immediately contacted me to determine what needed to be done to get the property into compliance. A SUP application was submitted promptly.

Thank you,

Kyle Anderson
kanderson@leavenworthcounty.gov

From: [Mark Billquist](#)
Sent: Wednesday, March 17, 2021 3:31 PM
To: [Gentzler, Joshua](#)
Subject: Re: DEV-21-022 Special Use Permit - TNT Baseball Academy

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.

- 1) Lack of adequate exiting - Construct a second separate walk through exit from the building.

- 2) Fire Department Access Restriction - Construct an all weather path from the parking area to the building

- 3) Lack of Adequate parking - Improve parking area to allow enough space for emergency vehicles to maneuver

- 4) No Sanitary Facilities - install a bathroom in the building or place a portable toilet next to it.

On Wed, Mar 17, 2021 at 3:24 PM Gentzler, Joshua <JGentzler@leavenworthcounty.gov> wrote:

Mr. Billquist,

Great, glad to hear it. So we have record of this, what are the ways the applicant can address your original concerns?

Joshua Gentzler

[Planning & Zoning](#)

From: Mark Billquist <stfdchief1760@gmail.com>
Sent: Tuesday, March 16, 2021 3:26 PM
To: Gentzler, Joshua <JGentzler@leavenworthcounty.gov>
Subject: Re: DEV-21-022 Special Use Permit - TNT Baseball Academy

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,

Yes, I spoke with John Zimbelman who is the friend and also Fire Chief in Tonganoxie. We spoke about my suggestions and John was going to see that each was addressed by the property

owner. In regards to #4, it was suggested that a porta potty be placed near the building. It was also agreed that an all weather side walk be placed between the parking area and the building, that the parking area be improved, and that another walk through doorway be built.

I know Chief Zimbleman and feel that he will be able to communicate these needs to the owner. Call me if you have any questions or concerns. 913-369-0510

Mark Billquist

On Tue, Mar 16, 2021 at 3:11 PM Gentzler, Joshua <JGentzler@leavenworthcounty.gov> wrote:

Hi Mark,

I just got off the phone with the applicant on this case. Have you been approached by a friend of the Mr. West's to discuss how the property could address your concerns? Mr. West said that had occurred. If so could you provide the details on what was relayed to Mr. West or his friend?

In addition, how would you suggest the applicant could address your concerns for the use of the property? In regards to concern 4, the applicant does open his home to the teams when the necessity arises. Would that satisfy your concern?

If you have any questions, please feel free to reach out via email or phone (913-684-0464).

Thank you,

Joshua Gentzler

[Planning & Zoning](#)

From: Mark Billquist <stfdchief1760@gmail.com>

Sent: Tuesday, March 9, 2021 2:40 PM

To: Gentzler, Joshua <JGentzler@leavenworthcounty.gov>

Cc: Amanda Holloway (Amanda.holloway@freestate.coop)

<Amanda.holloway@freestate.coop>; Travis@SuburbanWaterInc.com; Janelle Phillips

(Janelle.Phillips@ks.gov) <Janelle.Phillips@ks.gov>; 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: Re: DEV-21-022 Special Use Permit - TNT Baseball Academy

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Stranger Township Fire Department does not recommend the granting of this Special Use Permit due to following concerns:

- 1) Lack of adequate exiting
- 2) Fire Department Access Restriction
- 3) Lack of Adequate parking
- 4) No Sanitary Facilities

I can provide further details if needed.

Mark Billquist

Stranger Township Fire Chief

On Mon, Mar 1, 2021 at 5:35 PM Gentzler, Joshua <JGentzler@leavenworthcounty.gov> wrote:

The Department of Planning and Zoning has received an application for a Special Use Permit for a Commercial Athletic Field. This is a batting cage/practice facility for baseball/softball players, located at 19897 178th Street, Tonganoxie, KS 66086.

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, March 9th.

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

Thank you,

Joshua Gentzler

Planner II

[Planning & Zoning](#)

Leavenworth County

913.684.0464

--

Mark Billquist

Stranger Township Fire Chief

Midwest Regional Treasurer 10-33 Foundation

[913-369-0510](tel:913-369-0510) mobile

stfdchief1760@gmail.com

"Sometimes your joy is the source of your smile, but sometimes your smile can be the source of your joy." – Thich Nhat Hanh

--

Mark Billquist

Stranger Township Fire Chief

Midwest Regional Treasurer 10-33 Foundation

[913-369-0510](tel:913-369-0510) mobile

stfdchief1760@gmail.com

"Sometimes your joy is the source of your smile, but sometimes your smile can be the source of your joy." – Thich Nhat Hanh

--

Mark Billquist
Stranger Township Fire Chief

Midwest Regional Treasurer 10-33 Foundation
[913-369-0510](tel:913-369-0510) mobile
stfdchief1760@gmail.com

"Sometimes your joy is the source of your smile, but sometimes your smile can be the source of your joy." – Thich Nhat Hanh

MEMO

To: Krystal Voth
From: Chuck Magaha
Subject: Baseball facility
Date: April 8, 2021

Krystal, thank you for the opportunity in review the recent special use permit submitted by Trent West for an additional building to add to their current Parcel. The suggestion I have would be the requirement of a contingent plan for the applicant in all hazard planning pertaining to their facility. The center would be responsible to provide safe shelter in the event of dangerous weather or other emergencies. The applicant needs to consider fire protection, IE. Escape routes posted, notification procedures and emergency contacts to be posted throughout the facilities. The applicant needs to be able to address the public during severe weather, sheltering in the event of tornados or high winds or flood. An all hazard weather radio needs to be placed in the facility and monitored for impending alerts that may affect the area. Smoke detectors placed throughout the gathering points of the center. A sign posted on the outside of the facility of emergency contacts for emergency responders to make contact if the applicant is not present during the emergency. I would caution that this parcel sits on a flood way for the creek that runs adjacent to the location of this facility. They would have to meet the flood criteria as set out through our NFIP. I have no further comments to make at this time.

From: [Phillips, Janelle \[KDA\]](#)
Sent: Friday, March 26, 2021 3:50 PM
To: [Gentzler, Joshua](#)
Subject: RE: DEV-21-022 Special Use Permit - TNT Baseball Academy

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Based on this information it appears that Leavenworth County issued a permit for the building that was not in the floodplain, therefore a state permit is not required.

Janelle Phillips, P.E.*, CFM
Stream Obstruction Team Lead
Water Structures Program
Division of Water Resources
Kansas Department of Agriculture
1320 Research Park Drive
Manhattan, KS 66502
Office: 785-564-6656
Cell: 785-307-8292
Janelle.phillips@ks.gov
*licensed in KS, MO, CO

From: Gentzler, Joshua [mailto:JGentzler@leavenworthcounty.gov]
Sent: Friday, March 26, 2021 2:22 PM
To: Phillips, Janelle [KDA]
Subject: RE: DEV-21-022 Special Use Permit - TNT Baseball Academy

EXTERNAL: This email originated from outside of the organization. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Janelle,

This is an existing building. It was built in 2020.

He submitted a site plan in 2020 that I've attached to this email. Its pretty hard to read, but on the plan, the building was supposed to be built in the back corner as close to the property line as he could (15 feet from the west boundary and north boundary line). He says that he stayed out of the floodplain because he knew about it and Kyle warned him that he needed to stay out of the floodplain. We don't inspect buildings and can't verify that the building was put where he said it would be, but the Applicant was aware of the presence/location of the floodplain and told us he would place it out of the floodplain.

Hope that helps,

Joshua Gentzler
[Planning & Zoning](#)

From: Phillips, Janelle [KDA] <Janelle.Phillips@ks.gov>
Sent: Thursday, March 25, 2021 3:55 PM
To: Gentzler, Joshua <JGentzler@leavenworthcounty.gov>
Subject: RE: DEV-21-022 Special Use Permit - TNT Baseball Academy

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Joshua –

I am very confused. Is the building existing or proposed? It appears that a building permit was already issued for the building by Kyle Anderson. Do you have a site plan to go with that permit?

Janelle Phillips, P.E. *, CFM
Stream Obstruction Team Lead
Water Structures Program
Division of Water Resources
Kansas Department of Agriculture
1320 Research Park Drive
Manhattan, KS 66502
Office: 785-564-6656
Cell: 785-307-8292
Janelle.phillips@ks.gov
*licensed in KS, MO, CO

From: Gentzler, Joshua [<mailto:JGentzler@leavenworthcounty.gov>]
Sent: Thursday, March 25, 2021 3:29 PM
To: Phillips, Janelle [KDA] <Janelle.Phillips@ks.gov>
Subject: RE: DEV-21-022 Special Use Permit - TNT Baseball Academy

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Janelle,

We've heard back from the applicant on this project and attached his response to this email. I've also attached the applicant's building permit application (RES-20-052) which he references. How would you like us to proceed?

Joshua Gentzler
[Planning & Zoning](#)

From: Phillips, Janelle [KDA] <Janelle.Phillips@ks.gov>
Sent: Tuesday, March 2, 2021 11:35 AM
To: Gentzler, Joshua <JGentzler@leavenworthcounty.gov>
Subject: RE: DEV-21-022 Special Use Permit - TNT Baseball Academy

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

I see it. Tell him to redesign it to not be in the floodplain at all including the parking lot and drive or hire a surveyor.

From: Gentzler, Joshua [<mailto:JGentzler@leavenworthcounty.gov>]
Sent: Tuesday, March 2, 2021 11:30 AM
To: Phillips, Janelle [KDA]
Subject: RE: DEV-21-022 Special Use Permit - TNT Baseball Academy

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Janelle,

One last thing before I tell him that he needs to get a surveyor to prove the building is out of the floodplain. Did you see the applicant's markup on page six of the application? He estimates the building there and our code investigator says his drawing is slightly too large and out of scale for the actual size of the building.

Thanks for bearing with my questions.

Joshua Gentzler
[Planning & Zoning](#)

From: Phillips, Janelle [KDA] <Janelle.Phillips@ks.gov>
Sent: Tuesday, March 2, 2021 10:26 AM
To: Gentzler, Joshua <JGentzler@leavenworthcounty.gov>; Mark Bilquist (stfdchief1760@gmail.com) <stfdchief1760@gmail.com>; Amanda Holloway (Amanda.holloway@freestate.coop) <Amanda.holloway@freestate.coop>; 'Travis@SuburbanWaterInc.com' <Travis@SuburbanWaterInc.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: RE: DEV-21-022 Special Use Permit - TNT Baseball Academy

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 proposed location of the building is within a FEMA delineated Floodplain. The building must be elevated so that the finish floor is 1 foot above Base Flood Elevation. A state permit will be required to place fill in the floodplain.

Janelle Phillips, P.E. *, CFM
Stream Obstruction Team Lead
Water Structures Program
Division of Water Resources
Kansas Department of Agriculture
1320 Research Park Drive
Manhattan, KS 66502
Office: 785-564-6656
Cell: 785-307-8292

Janelle.phillips@ks.gov

*licensed in KS, MO, CO

From: Gentzler, Joshua [<mailto:JGentzler@leavenworthcounty.gov>]

Sent: Monday, March 1, 2021 5:35 PM

To: Mark Bilquist (stfdchief1760@gmail.com) ; Amanda Holloway (Amanda.holloway@freestate.coop) ; 'Travis@SuburbanWaterInc.com' ; Phillips, Janelle [KDA] ; Anderson, Kyle ; Anderson, Lauren ; Chuck Magaha ; Miller, Jamie ; Mitch Pleak ; Thorne, Eric ; Van Parys, David

Subject: DEV-21-022 Special Use Permit - TNT Baseball Academy

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The Department of Planning and Zoning has received an application for a Special Use Permit for a Commercial Athletic Field. This is a batting cage/practice facility for baseball/softball players, located at 19897 178th Street, Tonganoxie, KS 66086.

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, March 9th.

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

Thank you,

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

April 6, 2021

Leavenworth Planning and Zoning Department
300 Walnut Street, #30
Leavenworth, Kansas 66048

Attn: Joshua Gentzler

RE: Parcel ID number: 159-32-0--00-00-0018.01
Trent West and TNT Baseball Academy Permit

This letter is to address the permit request by Trent West to establish a baseball academy located at 19897 178th Street in Tonganoxie Kansas. The hearing date is Wednesday April 14th and we would like to address our concerns about this permit request.

We live at 20102 178th Street which is the same street the facility would be located. This is a rural home community which was chosen for it's quiet and peaceful surroundings. We have lived at this location for over 35 years and for most of those years we suffered through dust from the rock road. We personally paid to have the road in front of our home chip and sealed however after several winters the snow plows dug up our investment. Four years ago I initiated a signed petition with 12 homeowners on this road to have chip and seal placed along over half of a mile in front of our homes at a cost of \$2000.00 per household with a guarantee that the county would maintain the pavement. The snow plow damaged the pavement and we were advised that the area we paid for would be black topped. Last summer the county did black top the area we homeowners paid \$24,000.00 for as well as a portion of the street from Highway 24/40 for approximately a mile but did not include the middle section of this street which includes the property in question requesting the permit. This raises a huge dust concern as well as extreme use of the pavement that we personally paid for. Since the county neglected to pave the complete street of 178th, for

what ever reason, and has completely paved every road east, west, north and south of us, it becomes apparent that those households which submitted their \$2000.00 should be reimbursed for the commercial use of this roadway.

It has been noted the property around the standing building was deemed for an outdoor baseball field in what is considered Hog Creek flatland. We strongly oppose this for traffic reasons, noise and field lighting reasons as well. Again, this is a rural home community and not commercial properties.

We are deeply concerned the owners requesting the permit did not designate the building as a business permit originally. How many persons are to be allowed inside the building at a time and has a limit been established? Are they covered by proper insurance and paying the appropriate taxes for a income earning facility?

We ourselves are baseball loving fans and have a son who is a JV high school coach with a grandson playing on the team, a second grandson and granddaughter that plays summer ball so our opposition to this permit is not against our favorite sport. It is the fact of deception, traffic along our normally quiet road, invasive amounts of dust, wear and tear on the pavement we have personally paid for, noise and bright outdoor lighting. We strongly request that the permit to have tournament baseball at the standing facility and any future facilities at this location be denied.

Sincerely,

A handwritten signature in cursive script, appearing to read "Patricia Staples". The signature is written in dark ink and is positioned above the typed name.

Thomas and Patricia Staples
20102 178th Street
Tonganoxie, KS 66086

To whom it may concern:

I am writing about the "proposed" baseball training facility that was built on 178th Street.

There are too many unanswered questions. How many people can use the facility at one time? What is the time limit for those people? Will it be a constant turn over of clients meaning a constant use of our road? What are the hours of business and will they be strict on that?

I'm assuming a lot of the clientele will be teenagers which could mean speeding up and down our quiet roads, not to mention extra dust generated from the traffic.

Please reimburse my payment of my roads if this is approved.

Georgia F. Leible Harold Leible
Georgia F. Leible Harold Leible

20080 178th Street
Tonganoxie, KS
66086

April 7, 2021

TO WHOM IT MAY CONCERN:

We are writing to voice our concern about the baseball training facility that was built down the street from our house. We have several concerns. One of which is the deceitful way the building was constructed. If they decided to go with the “better to ask forgiveness than permission” avenue, what’s to prevent them from adding on—they have plenty of room.

Another concern is how many extra cars will be going up and down our street now—the part of street that I paid to have chip and sealed! I would like to be reimbursed for my part of that payment since a business, of which you will be gaining monetarily from by taxes received from them, will be using our road.

One last concern is that the area in front of their unit is still gravel. The constant use of that road still presents a dust issue for our houses. This will be multiplied with more traffic.

PLEASE do not give them permission to carry on with this business.

Respectfully submitted,



Daniel J. Morgan
20050 178th Street
Tonganoxie, KS 66086



Patricia A. Morgan

*****Renewal with changes*****
Case No. DEV-21-055
Elevated Archery
Special Use Permit – Archery Range & Pro Shop
Public Hearing Required

Staff Report – Planning Commission

June 9, 2021

GENERAL INFORMATION:

**Applicant/
Property Owner:** John and Nicole Silverstein
14702 Timber Lane
Bonner Springs, KS 66012

Legal Description: Tracts of land in the Southwest Quarter of Section 24, Township 11 South, Range 22 East of the 6th P.M, in Leavenworth County, Kansas.

Location: 14702 Timber Lane, Bonner Springs, KS 66012

Parcel Size: ± 9 acres (3 parcels totaling)

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.: 186-24-0-00-00-130.00, 186-24-0-00-00-114.00, & 186-24-0-00-00-114.00

Planner: Joshua Gentzler

REPORT:

Request

The applicant is requesting a Special Use Permit for an Archery Range & Pro Shop.

Adjacent Land Use

The surrounding properties are residences and farms on varying sized parcels ranging from 0.9 acres to over 3 acres in size. This property is located within the Northwoods at Timber Lakes subdivision, which is a fully developed subdivision. Properties across Metro Ave are located with Hickory Hill Timber Lakes and Fox Run Estates subdivisions.

Flood Plain

There are no Special Flood Hazard Areas on this parcel per FEMA Firm Map 20103C0333G July 16, 2015.

Utilities/Services

Sewer: Private septic system
Fire: Fairmount
Water: RWD #7
Electric: Evergy

Access/Streets

The property is accessed by Timber Lane, a County local street with a paved surface ± 28' wide, and Metro Avenue, a County Collector with a paved surface ± 30' wide.

Agency Comments

See attached comments – Email – Kyle Anderson – Planning and Zoning, April 26, 2021
See attached comments – Email – Lauren Anderson – Public Works, June 2, 2021
See attached comments – Email – Mitch Pleak – Olsson, June 2, 2021
See attached comments – Email – Chuck Magaha – Emergency Management, June 1, 2021
See attached comments – Email – Mike Lingenfelter – Fairmount Township Fire Department, May 4, 2021
See attached comments – Email – Jalayne Turner – Rural Water District 7, April 26, 2021
See attached comments – Email – Brittney Reed – Evergy, April 26, 2021

Factors to be considered

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

1. Character of the neighborhood: The character of the neighborhood is a subdivision; primarily the Northwoods at Timber Lakes single-family neighborhoods.
2. Zoning and uses of nearby property: The surrounding properties are zoned RR-2.5, Rural Residential 2.5-acre minimum size parcels. The majority of the land use surrounding the property are residences with some agricultural uses to the north of Metro Ave. The Northwoods at Timber Lakes subdivision is a subdivision with parcels ranging from 0.5 acres to over 2.0 acres.
3. Suitability of the property for the uses to which it has been restricted: The property is within an area suited for typical suburban neighborhood uses. Northwoods at Timber Lakes is a neighborhood built in three phases with over 50 lots. The plat has been almost fully developed, with the lone parcel that is undeveloped being a parcel that was platted with access off of Metro Ave. The use is allowed only with the approval of a Special Use Permit
4. Extent to which removal of the restrictions will detrimentally affect nearby property: The increases in traffic to the house and to the unpermitted parking/entrances off of Metro Ave have had a detrimental affect on nearby property. The usage of the property has been significantly changed as the applicant has started using land which was not permitted with the original SUP and changed the focus of the business. The area will 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 add a small business to the neighborhood and County.
7. Conformance to the Comprehensive Plan: The Future Land Use Map indicates this area as Residential.
8. Staff recommendation is for the denial of the Special Use Permit.

LOCATION	
Adjacent Residences	Adjacent residences are suburban single-family homes. Parcels within the Northwoods at Timber Lakes neighborhood are between half-acre and 3-acre parcels, in size. Properties to the north of the subject in the Fox Run Estates and Hickory Hills Timber Lakes subdivision range in size from 0.25 acres to 6.4 acres in size, with an average size of 1.8 acres.
Adjacent Zoning/Uses	Zoning in the area is RR-2.5 and are used primarily as rural-suburban residences with scattered agricultural uses to the northeast.
Density	This quarter section has 56 dwelling units (homes) located within it.
Nearby City Limits	The city of Bonner Spring is approximately 0.6 miles to the east of the property.
Initial Growth Management Area	The property is not located within an Urban Growth Management Area.

IMPACT	
Noise Pollution	This use will not cause prolonged noise pollution.
Traffic	The use will create additional traffic when customers visit the site. The primary time that customers visit the site are on Tuesday, Wednesday, and Thursday evenings and Saturday mornings. Up to 12 customers visit the site via the parking on Metro Avenue on Tuesday through Thursday and six customers visit the site via Timber Lane each week. The access off of Metro Ave and parking lot were added without permitting the driveway with Public Works. The driveways do not meet the access management policy, are located within an area of limited access on Metro Ave, and Staff has safety concerns with these access points. The applicant will need to apply for an entrance permit to the parcel that fronts to Metro Avenue as it has not been permitted..
Lighting	The applicant does not have lighting other than security lighting and is not requesting lighting.
Outdoor Storage	The applicant equipment in an existing shed on the property.
Parking	The applicant utilizes his garage and driveway for employees/family members. The property has added an unpermitted parking lot and driveways with access to Metro Ave. The parking area has space for 15 vehicles, while the driveway has space for 4-6 vehicles.
Visitors/Employees	The employees live on-site. Customers visit the site on a regular basis. The majority of customers park off of Metro Avenue to the north of the house. The applicant estimates 30+ visitors per week during peak season (March-May and August-October).
Waste	The business generates no waste not typical with a suburban home.

SITE COMPATABILITY	
Size of Parcels	The combined size of the parcels is nine (9) acres in size.
Zoning of Parcel	The parcel is zoned Rural Residential-2.5.
Buildings (Existing & Proposed)	The applicant has a 10'x12' shed on the property and an accessory building that is used as the pro shop. Equipment for the range is stored in the shed, while maintenance and sales of equipment occurs in the accessory building.
Setbacks	Existing building meet the required setbacks.
Screening	The property is screened via natural vegetation.

History

This is the second request (first renewal) for a Special Use Permit for Elevated Archery. The original SUP was granted in July 2016 with Resolution 2016-23. The initial SUP was granted for both archery lessons and bow maintenance and the applicant reported that the business has moved away from archery lesson model to an archery league model. Planning and Zoning has received a phone complaint since the applicant applied for a renewal. The complaints centered around the expansion of the operations and the addition of entrances to the property off of Metro Ave.

Staff Comments

Elevated Archery is asking for a renewal of its archery range and bow maintenance shop, while adding a pro shop and additional parcels of land to be included in the renewal. The applicant is a certified bow technician and instructor. The site plan provided by the applicant property shows seven (7) stands constructed and 17 targets scattered throughout the three (3) parcels which make up the Silverstein's property. The applicant has bought an additional two (2) parcels since the SUP was approved in 2016. According to the applicant, the targets are moved and interchanged on a regular/weekly basis during the fall and spring months when the business is most active. The arrangement of these stands on the property allows customers to fire down onto the targets which are set between 20 and 80 yards from the stands. All stands and targets are arranged in a way to direct projectiles away from the homes surrounding the properties.

The applicant initially applied for a SUP in 2016 for an archery range and maintenance shop. The narrative provided in 2016 requested the SUP for an archery range and maintenance shop where the applicant would teach archery lessons from his home and complete repairs, upgrades, and maintenance of customer's equipment. Since 2016, the applicant expanded both the scope and footprint of the business from the original narrative. The business now consists of a pro shop (see Figure 1), maintenance area, and an

expanded archery range (see Site plan and Narrative included in application). The applicant originally submitted a request for four platforms and targets maintained all on the parcel of land where the applicant's home was built (See Figure 2).



Figure 1 Pro shop

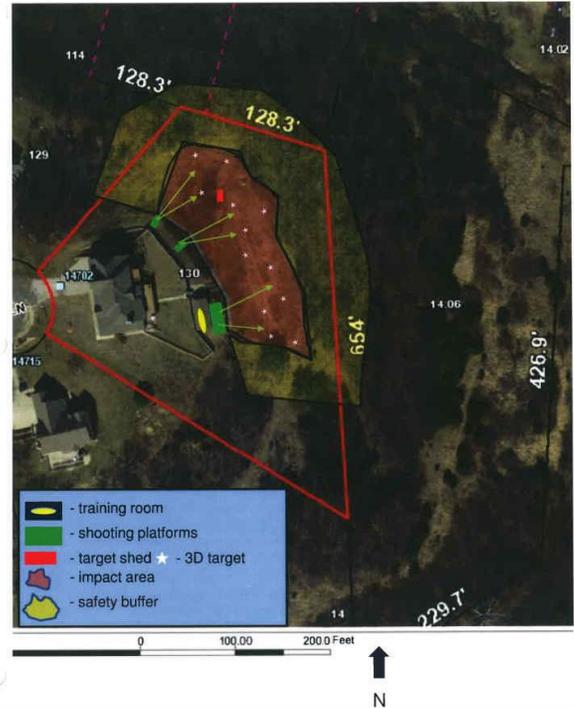


Figure 2 DEV-16-039 Site Plan

The footprint of the business was enlarged to include shooting platforms on parcels of land bought in 2016 and 2018, targets located on the applicant's two adjoining properties, and an unpermitted circle entrance and parking area located off of Metro Avenue (See Figures 3 and 4). The parcel of land labeled 14.06 in Figure 2 above was intended to be utilized as a buffer between the business operations and parcels with a residence. That parcel is not utilized by the business as a target area. In addition, the SUP was granted for one (1) parcel in 2016 and the applicant currently uses three (3) total parcels for the operation. The expansion ignores the scope of the business set by the Narrative submitted by the applicant in 2016 and now utilizes property for which the SUP was not approved.



Figure 3 East Entrance off of Metro Ave



Figure 4 West Entrance off of Metro Ave

Since 2016, the applicant has changed the focus of the business from the scope provided in the 2016 narrative from providing lessons and bow maintenance. The business now focuses on a regular archery league during the spring and fall months with lessons provided during the summer months. During March through May and August through October, the business offers three nights of an archery league, where 10-12 customers come to the site and compete on a weekly basis. The applicant added entrances and the parking area to accommodate the number of customers who participate in league nights (see submitted site plan) on the parcel which fronts on Metro Avenue, which the applicant gained ownership in 2018. These entrances and parking lot were not sanctioned by the County. The applicant continues to provide lessons on

a limited basis over the summer months, scheduling usually 3-5 lessons a week based on customer interest. In addition, the applicant hosts an additional 3-5 yearly events where the business partners with local non-profit organizations to provide experience with archery in a controlled environment. The site is mainly used between 4-8PM, Monday through Friday, and 9AM to 12PM on Saturdays.

Currently there are two buildings on the property that are used for commercial purposes, a 10'x12' storage shed and an accessory building that is used as a pro shop. The applicant indicates that they will not add any buildings to the property. There is a severe weather plan in place where the applicant will shut down the range and provide shelter for customers, if necessary.

Staff has the following concerns regarding the approval of this Special Use Permit:

1. The applicant has expanded the business without regard to the Narrative provided in 2016.
2. The applicant never contacted Planning and Zoning with regards to any expansion to the business.
3. The applicant has added entrances to a County Collector roadway without a permit.
4. Property which was bought to be used as a buffer zone is now being used for business operations.
5. Property which was not permitted for operations are currently being used by the business.

STAFF RECOMMENDATION:

The staff recommends denial of Case No. DEV-21-055, Special Use Permit for Elevated Archery. Should the Planning Commission wish to recommend approval to Case No DEV-21-055, staff recommends approval with the following conditions:

1. The SUP shall be limited to a period of five (5) years.
2. The business shall be limited to the hours of 4PM to 8PM, Monday through Friday, and 9AM to 12PM on Saturdays.
3. The SUP shall be limited to no non-family employees.
4. The applicant shall apply for permit(s) for the entrances on Metro Ave, abide by the Access Management Policy, and move or remove the parking area or entrance(s) as required by Public Works.
5. The applicant shall adhere to the following memorandums:
 - a. Lauren Anderson – Public Works, June 2, 2021
 - b. Chuck Magaha – Emergency Management, June 2, 2021
6. No signage is allowed in the right-of-way. No signage is requested with the SUP. All signage shall comply with Article 25, Sign Regulations of the Leavenworth County Zoning and Subdivision Regulations.
7. No on-street parking shall be allowed.
8. This SUP shall be limited to the Narrative, dated April 22, 2021, submitted with this application, and the Applicant's response to Staff's comments, submitted May 15, 2021.
9. This SUP shall comply with all local, state, and federal rules and regulations that may be applicable. After approval of this SUP by the Board of County Commission all conditions listed shall be adhered to and copies shall be provided to the Planning and Zoning Department within 30 days.

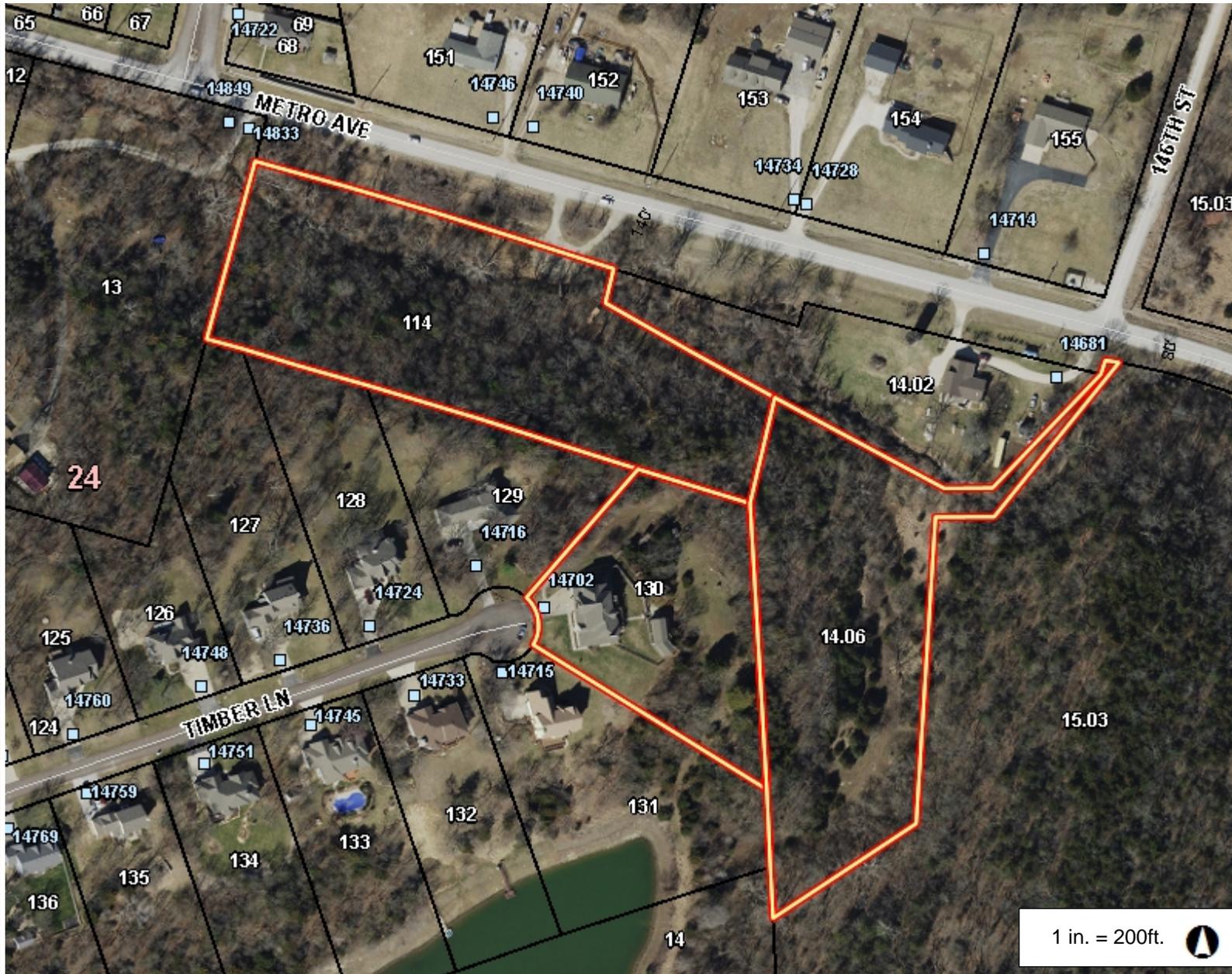
ACTION OPTIONS:

1. Recommend approval of Case No. DEV-21-055, Special Use Permit for Elevated Archery, to the Board of County Commission, with Findings of Fact, and with or without conditions; or
2. Recommend denial of Case No. DEV-21-055, Special Use Permit for Elevated Archery, 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
Letters from the Public

DEV-21-055 Elevated Archery



Legend

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

Notes

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

THIS MAP IS NOT TO BE USED FOR NAVIGATION

Special Use Permit Request
14702 Timber Lane
Bonner Springs, KS 66012

The purpose of this narrative is to request the continuation of our Special Use Permit for our residence at 14702 Timber Lane and our adjoining North and East parcels in Bonner Springs. For the past five years we have been and want to continue operating our bow maintenance shop, archery lessons and 3D target range.

These activities are conducted on the east portion our house property and the adjoining property to the East and North of our home.

Business is conducted by appointment only. Business hours are typically from 10am until sunset, six days a week during peak season. Peak season is March through October. During non-peak season, the shop continues to operate by appointment only, on average three days a week and the range is closed due to weather.

We will continue to do community outreach work with The Fallen Outdoors and donations to Basehor Linwood Assistance Services and Leavenworth County Child Abuse Prevention Council.

JP Silverstein, owner of the residence, will continue to be the sole instructor, bow technician (Tab 5.1) and range safety officer. He has been a staff shooter for High Country Archery and Easton/Beman Arrows, and archery instructor at the Bonner Springs YMCA. He is currently a field tester for Bucks n Does HSE, staff shooter for America's Best Bowstrings, Victory Archery, Black Gold Bow Sights and a certified bow technician. JP is a retired United States Army Colonel with 27-years of service and has countless experience running, overseeing and shooting on a range. He will use all of his training and experience to ensure a safe learning environment.

Two years ago we sought out and purchased a four acre parcel of land to the North of our home's property for the purpose of creating a parking space to reduce customer traffic driving through our neighborhood. Customers that come for lessons or to shoot our range park in the parking space off of Metro Avenue. They will get to that space via Metro Ave either from the West or East. Customers coming for a bow maintenance appointment continue to park in our driveway or directly in front of our house. Traffic coming to our house will come in and out through one of Timberlake's two entrances. We average one customer car a day and one delivery per week to our home.

Our property is tiered on three different levels. This layout has proved to be an ideal location for an archery range. The shooting platforms are located on the

second and third tier (Tab 1.2). The targets are located on the third tier, below the platforms. This angled shooting will allow for missed target shots to stick into the ground around the target (Tab 4). If the arrow misses the target and continues to move through the air there is land to serve as a safety buffer. The Archery Trade Association recommends 25 yards to the sides and beyond the targets (Tab 5.2). There is at least 50 yards of wooded safety buffer surrounding our targets (Tab 1.2).

All shooters receive a safety briefing explaining procedures for shooting and conduct on the range. This includes the process of unhooking the yellow safety chain from the platform, clipping into the stand with their safety harness, signal that the range is clear and signals given when they can go retrieve their arrows from the target area.

Equipment for the range, which includes 3D targets and stands are stored in a locked 10'x12' shed located on our property. There will be no need for further security for the equipment.

Our business will not cause any additional noise or disruption to the neighborhood. We will not conduct night shooting so there is no need for any lighting.

An emergency contact, evacuation map and procedures diagram is displayed inside the shop.

In the event of severe weather, the range will immediately be closed in enough time to allow the customer to return home. In the case of an immediate situation the customer will utilize our personal storm shelter in our house. Weather will be monitored via a NOAA weather radio and television. The weather radio is located in the shop.

Our operation does not pose a fire hazard but we do have two fire extinguishers on site. One in the pro shop and the other located in the storage shed.

In the case of a medical emergency, we will call 911. While waiting for first responders to arrive we will perform necessary first aid and care. A first aid kit is located in the pro shop for minor injuries.

We have the County required one-million-dollar insurance policy. Our Kansas and Leavenworth County sales tax is currently average \$1,000 per quarter.

We submitted a similar request to our Home Owners Association and it was approved (Tab 5.3). We would like to request this Special Use Permit be issued for the maximum time allowed.

Archery Technical Certification School

Certify to all that

JP Silverstein

Has fulfilled the requirements of

The George Chapman Technical Certification School

And is hereby qualified as a Certified Compound Bow Technician

On this date: 2/1/2016----- 2/3/2016

Instructor Steve Van Gile
Steve Van Gile



Professional Tournament Groups and Their Basic Requirements

	MAXIMUM DISTANCE	MINIMUM # OF TARGETS	TARGET TYPE
OUTDOOR			
ASA	known & unknown distances out to 45 yards	20-30*	3D
IBO	unmarked distances out to 50 yards	30	3D
NFAA	80 yards	14 (a 28-target course, but 14 targets can be shot twice)	field & 2D
USA Archery Field	60 meters	24	field
USA Archery FITA	70 & 90 meters	space available	target
INDOOR			
NFAA	20 yards	space available	target
USA Archery	18 meters	space available	target

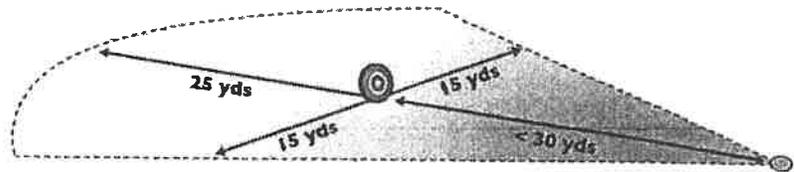
* State Qualifiers are 20 targets and State Championships are 30 (may use 15 twice for a State Championship)

↑ For more information about starting a tournament, visit [ASA](#), [IBO](#), [NFAA](#) and [USA Archery](#).

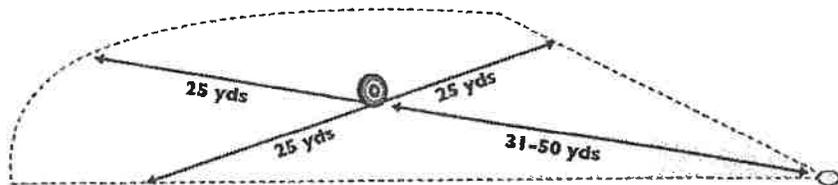
6. What can I do to manage risk/liability?

Using space as a safety buffer

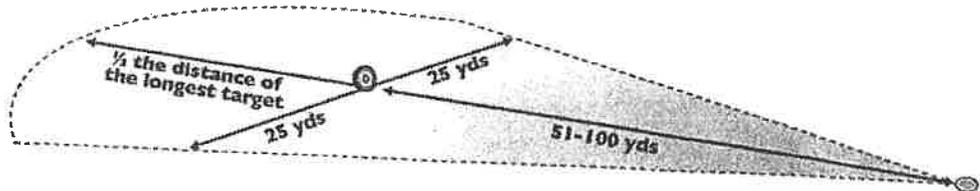
- For targets at distances less than 30 yards: Use a 15-yard safety buffer to the side and 25 yards beyond the targets.



- For shooting from 31 to 50 yards: Use a 25-yard safety buffer to the side and beyond the targets.



- For shooting distances longer than 50 yards: Use a 25-yard safety buffer to the side. Beyond the targets use a buffer that is half the distance of the longest target (for example: if the target is placed at 80 yards, the safety buffer should be 40 yards).



Timberlakes Homes Association

P.O. Box 67

Bonner Springs, KS 66012

March 26, 2016

JP and Nickie Silverstein

14702 Timber Lane

Bonner Springs, KS 66012

The Board of Timberlakes Homes Association is happy to approve your plans for the shed and archery instruction and bow repair on your property. If you have any other questions or concerns or if your insurance company needs any information from us please let us know.

Sincerely,

Timberlakes Homes Association



M. RORY MUNNIS

From: [Anderson, Lauren](#)
Sent: Wednesday, June 2, 2021 12:51 PM
To: [Gentzler, Joshua](#); 'Mitch Pleak'
Cc: [Voth, Krystal](#); [Noll, Bill](#)
Subject: RE: DEV-21-055 Staff Review and Comments

Joshua,

Traffic counts support this being considered a minor collector with a required 200LF spacing between driveways. The applicant must file an entrance permit, like all other entrance request, so our staff can conduct the normal location review. They do have the available acreage to permit a second entrance but **it must also meet the required spacing distances**. If the applicant wishes to continue with two entrances, a second permit must be filed and crews can approve a second location driveway. Currently, their access locations are ~90ft apart.

Mitch will provide any other comments on this application later today/early tomorrow.

Lauren

From: Gentzler, Joshua <JGentzler@leavenworthcounty.gov>
Sent: Thursday, May 27, 2021 1:44 PM
To: 'Mitch Pleak' <MPleak@olsson.com>; Anderson, Lauren <LAnderson@leavenworthcounty.gov>
Subject: RE: DEV-21-055 Staff Review and Comments

In addition,

The applicants cut a circle drive onto Metro Ave (a county collector) without a permit. Aerials don't support an existing access point for that property. Which access (if any) would be allowed for PID 186-24-0-00-00-114.00 (r24698)?

Joshua Gentzler
[Planning & Zoning](#)

From: Gentzler, Joshua
Sent: Thursday, May 27, 2021 8:45 AM
To: Mitch Pleak <MPleak@olsson.com>; Anderson, Lauren <LAnderson@leavenworthcounty.gov>
Subject: FW: DEV-21-055 Staff Review and Comments

Mitch and Lauren,

Here are the answers to our questions about Elevated Archery.

Joshua Gentzler
[Planning & Zoning](#)

From: elevated archery <elevatedarchery@gmail.com>
Sent: Monday, May 24, 2021 7:31 AM
To: Gentzler, Joshua <JGentzler@leavenworthcounty.gov>
Subject: Re: DEV-21-055 Staff Review and Comments

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

Sir,

Here are the answers to your questions.

- yes, the trips are to the Metro Ave parking area.
- currently no plans to build more platforms
- no more leagues will be added

JP

On Wed, May 19, 2021 at 16:16 Gentzler, Joshua <JGentzler@leavenworthcounty.gov> wrote:

Good afternoon Nickie,

As a follow up to your responses:

- Are the 80 and 20 trips you estimate to the parking lot on Metro Ave a per week average or a monthly average?
- Are you planning to add more stands/targets to those already constructed?
- You currently provide 3 nights of league play, will you add additional time for leagues in the next 3-7 years?

Thanks,

Joshua Gentzler

[Planning & Zoning](#)

From: elevated archery <elevatedarchery@gmail.com>

Sent: Sunday, May 16, 2021 10:46 AM

To: Gentzler, Joshua <JGentzler@leavenworthcounty.gov>

Subject: Re: DEV-21-055 Staff Review and Comments

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sender and know the content is safe.

Joshua,

Here are the answers to your questions. Please let me know that you received them.

Thank you,

Nickie Silverstein

On Tue, May 11, 2021 at 3:29 PM Gentzler, Joshua <JGentzler@leavenworthcounty.gov> wrote:



County of Leavenworth
Planning & Zoning Department
300 Walnut, Suite 212
Leavenworth, Kansas 66048
Phone: 913-684-0465

May 11, 2021

To: John and Nicole Silverstein
Elevated Archery
14702 Timber Lane
Bonner Springs, KS 66012

Re: Special Use Permit Renewal – Elevated Archery
DEV-21-055

Mr. & Mrs. Silverstein,

Staff has reviewed the application and narrative for Elevated Archery, which was submitted on April 22nd, 2021.

Upon review of your application, staff has the following comments or questions:

1. How many customers come to your house for bow maintenance, on average, each week during peak season?
2. How many customers come to your house for bow maintenance, on average, each week during non-peak season?
3. How many customers come to the business for lessons or to use the range, on average, each week during peak season?
4. How many group lessons do you lead each week, on average?
5. How many lessons do you lead on an average week, during peak season?
6. How many parking spaces have you created off of Metro Avenue?
7. Do you have plans to add any employees to the business?

In addition, the Public Works department has the following comments on your application:

- Provide generated vehicle trips to the parking lot off of Metro. A trip is defined as a single– or one-directional vehicle movement with either to or from the SUP’s site. A vehicle coming to the site is one trip and the same vehicle leaving the site is a second trip.
- Trips shall include anticipated vehicles per day for each type of vehicle (passenger, trucks, types of trucks, large equipment, trailers, and loads). Trips shall include customers, staff, deliveries, or other vehicles needed for the special uses permit. In general, provide time frames per day when the detailed vehicle trips will occur.

Please provide the revisions and information indicated above by May 18th, 2021. If the revision and information is not received by then, the case will be continued and rescheduled.

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

Respectfully,

A handwritten signature in black ink, appearing to read "Joshua Gentzler", with a stylized flourish extending to the right.

Joshua Gentzler

Planner II

Planning and Zoning

Leavenworth County

From: [Mitch Pleak](#)
Sent: Monday, May 3, 2021 11:31 AM
To: [Gentzler, Joshua](#)
Cc: [Anderson, Lauren](#); [Voth, Krystal](#); [019-2831](#); [Noll, Bill](#)
Subject: RE: DEV-21-055 Special Use Permit - Elevated Archery

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Joshua,

Lauren and I have reviewed the application. The application states a parking area off of Metro Ave will be added. Please request the following below regarding the parking lot off of Metro so Staff can further review the application.

- Provide generated vehicle trips to the parking lot off of Metro. A trip is defined as a single- or one-directional vehicle movement with either to or from the SUP's site. A vehicle coming to the site is one trip and the same vehicle leaving the site is a second trip.
- Trips shall include anticipated vehicles per day for each type of vehicle (passenger, trucks, types of trucks, large equipment, trailers, and loads). Trips shall include customers, staff, deliveries, or other vehicles needed for the special uses permit. In general, provide time frames per day when the detailed vehicle trips will occur.

Thanks,

Mitch Pleak, PE
Project Engineer / Civil

D 913.748.2503

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



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[View Legal Disclaimer](#)

From: Gentzler, Joshua <JGentzler@leavenworthcounty.gov>
Sent: Monday, April 26, 2021 10:11 AM
To: 'lingenfelsem@fairmountfd.org' <lingenfelsem@fairmountfd.org>; 'jalayne@leavenworthrd7.com' <jalayne@leavenworthrd7.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-21-055 Special Use Permit - Elevated Archery

The Department of Planning and Zoning has received an application for the renewal of a Special Use Permit for a Gun Clubs, Skeet Shoot, Target Range, Private Club.

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, May 4th.

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

Thank you,

Joshua Gentzler

Planner II

[Planning & Zoning](#)

Leavenworth County

913.684.0464



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

To: Krystal Voth
Director

From: Kyle Anderson
Environmental Tech/Code Enforcement

Date: April 26, 2021

RE: John & Nicole Silverstein
Case DEV-21-055, Special Use Permit Renewal
147020 Timber Ln
Bonner Springs, KS 66012
PID# 186-24-0-00-00-130.00

Our department received a Special Use Permit renewal application for the archery range located at the above listed location. We have not received any complaints on this property.

Thank you,

Kyle Anderson
kanderson@leavenworthcounty.gov

From: [jalayne leavenworthrd7.com](mailto:jalayne@leavenworthrd7.com)
Sent: Monday, April 26, 2021 10:51 AM
To: [Gentzler, Joshua](mailto:Gentzler,Joshua)
Subject: RE: DEV-21-055 Special Use Permit - Elevated Archery

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LVRWD#7 has no issues with the renewal of the permit.

David Rinaldi – General manager

Jalayne Turner

Office Manager

LVRWD#7

2451 S. 142nd St.

P O Box 257

Bonner Springs, KS 66012

913-441-1205 Office

jalayne@leavenworthrd7.com email

www.lvrwd7.com website

From: Gentzler, Joshua <JGentzler@leavenworthcounty.gov>
Sent: Monday, April 26, 2021 10:11 AM
To: 'lingenfelsem@fairmountfd.org' <lingenfelsem@fairmountfd.org>; jalayne leavenworthrd7.com <jalayne@leavenworthrd7.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-21-055 Special Use Permit - Elevated Archery

The Department of Planning and Zoning has received an application for the renewal of a Special Use Permit for a Gun Clubs, Skeet Shoot, Target Range, Private Club.

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, May 4th.

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

Thank you,

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

Gentzler, Joshua

From: Mike Lingenfelser <lingenfelserm@fairmountfd.org>
Sent: Tuesday, May 4, 2021 9:30 AM
To: Gentzler, Joshua
Subject: Re: DEV-21-055 Special Use Permit - Elevated Archery

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Joshua

Fairmount Township Fire Department is satisfied with the special use permit.

Mike Lingenfelser, Fire Chief

Fairmount Township Fire Department

2624 N 155th St

Basehor, Kansas 66007

Work-[913-724-4911](tel:913-724-4911)

Cell [913-306-0258](tel:913-306-0258)

On Mon, Apr 26, 2021 at 3:32 PM Gentzler, Joshua <JGentzler@leavenworthcounty.gov> wrote:

All,

Please review this updated application with a complete narrative and deed paperwork.

Thank you,

Joshua Gentzler

[Planning & Zoning](#)

From: Gentzler, Joshua
Sent: Monday, April 26, 2021 10:11 AM
To: 'lingenfelserm@fairmountfd.org' <lingenfelserm@fairmountfd.org>; 'jalayne@leavenworthrwd7.com' <jalayne@leavenworthrwd7.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-21-055 Special Use Permit - Elevated Archery

The Department of Planning and Zoning has received an application for the renewal of a Special Use Permit for a Gun Clubs, Skeet Shoot, Target Range, Private Club.

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, May 4th.

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

Thank you,

Joshua Gentzler

Planner II

[Planning & Zoning](#)

Leavenworth County

913.684.0464

Timberlakes Home Association

PO Box 67
Bonner Springs, KS 66012
timberlakeshoa.ks@gmail.com

MAY 28 2021

May 24th, 2021

Leavenworth County Planning and Zoning Department

300 Walnut Street, Suite 212
Leavenworth, KS 66048

Re. Special Use Permit DEV-21-055

The address located at 14702 Timber Lane Bonner Springs, KS 66012 has submitted a Special Use Permit Application seeking approval to continue to operate the archery range and pro shop which resides on the property. Timberlakes HOA approved this business to operate within the subdivision on March 26th, 2016 followed by LVCO approval July 13th, 2016 DEV-16-039.

Since beginning operations in 2016, this business remains in good standing with the HOA. Additionally, this business has enhanced its safety measures by adding a parking lot off of Metropolitan Avenue which allows customers to park on the same property as the business without driving through, and increasing vehicle traffic within the subdivision. The business operates in a manner which respects the subdivision, homes and residents in which it operates in and around.

Timberlakes HOA stands by its original support and approval for this business to operate, dated 3/26/2016.

Please email the HOA, at the email address above, with any questions or concerns regarding this letter.

Sincerely,

Timberlakes HOA

Cody Annis - President



I, Russell Klepees am writing this letter to show my support for JP Silverstein and Elevated Archery (EA). I was going to speak in person on JP's behalf but I will be out of town and unable to attend.

I have worked for the Leavenworth County Sheriff's office for 8 years. In my time as a Deputy I have spent hundreds of hours on a firearms range. That includes ranges ran by the FBI, the Heartland Tactical Officers Association (SWAT) and local Law enforcement agencies.

I have been a member of Elevated Archery spring and fall leagues for the past two years. I have had the time to get to know JP and the way he runs the range. JP goes above and beyond in all safety matters that includes the range, range house, platforms, targets, and everyone's equipment (bows, arrows and releases) that shoots there.

JP is the type of business owner that Leavenworth County should be proud to have. He has customers that come from other states that drive by other archery businesses to conduct business in LVCO. Elevated Archery is a wonderful family oriented business. I have personally taken both of my children with me to EA and felt very comfortable.

I believe that it would be a great lose for Leavenworth County if Elevated Archery wasn't allowed to continue down the path JP has worked so hard to start.

In closing I would like to ask all parties involved to allow Elevated Archery to continue its great business plan for Leavenworth County.

Thanks
Russell Klepees

A handwritten signature in cursive script, appearing to read "Russell Klepees", with a long horizontal flourish extending to the right.

Case No. DEV-21-019
Rezoning from RR-5 to RR-2.5
*****Public Hearing Required*****

Staff Report – Planning Commission

June 9, 2021

GENERAL INFORMATION:

**Applicant/
Property Owner:** Joe Herring on behalf of David & Shannon Lutgen
315 N. 5th Street
Leavenworth, KS 66048

Legal Description: A tract of land in the southeast ¼ of Section 15, Township 11 South, Range 20 East of the 6th P.M, in Leavenworth County, Kansas.

Location: 00000 254th Street, located at the intersection of 254th & Conley Road

Parcel Size: ± 12 acres

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

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

Parcel ID No.: 205-15-0-00-00-014.00

Planner: Krystal A. Voth

REPORT:

Request

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

Adjacent Land Use

Rockin “C” Estates is located directly to the east of the parcel. The properties located within Rockin “C” are used as rural subdivision lots and the majority of the lots have homes built. The rest of the area is mainly rural-residential with farms and homes on large lots. The property is located less than two miles from the Jefferson County line.

Flood Plain

There are no Special Flood Hazard Area X 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 254th Street. This road is a County local road with a paved surface ± 24' wide.

Agency Comments

No Comments Received

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: Rockin’ “C” Estates is zoned as a Planned Unit Development and is used for rural residences. The remaining surrounding area is zoned as Rural Residential – 5.
3. Suitability of the property for the uses to which it has been restricted: The property is within an area

4. Extent to which removal of the restrictions will detrimentally affect nearby property: The area will not likely be detrimentally affected. The proposed rezoning is in conformance with the Comprehensive Plan and is a rural residential zoning district.
5. Length of time the property has been vacant as zoned: The property has not been development and is currently used as agricultural land.
6. Relative gain to economic development, public health, safety and welfare: Rezoning the property will allow up to four 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 west side of 254th Street, directly west of Rockin' "C" Estates. 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 four lots to be established as opposed to two. The Future Land Use Map identifies this area as RR-2.5 and therefore the request is in conformance with the Comprehensive Plan.

STAFF RECOMMENDATION:

The staff recommends approval of Case No.DEV-21-019, Rezoning from Rural Residential-5 (RR-5) to Rural Residential -2.5 (RR-2.5).

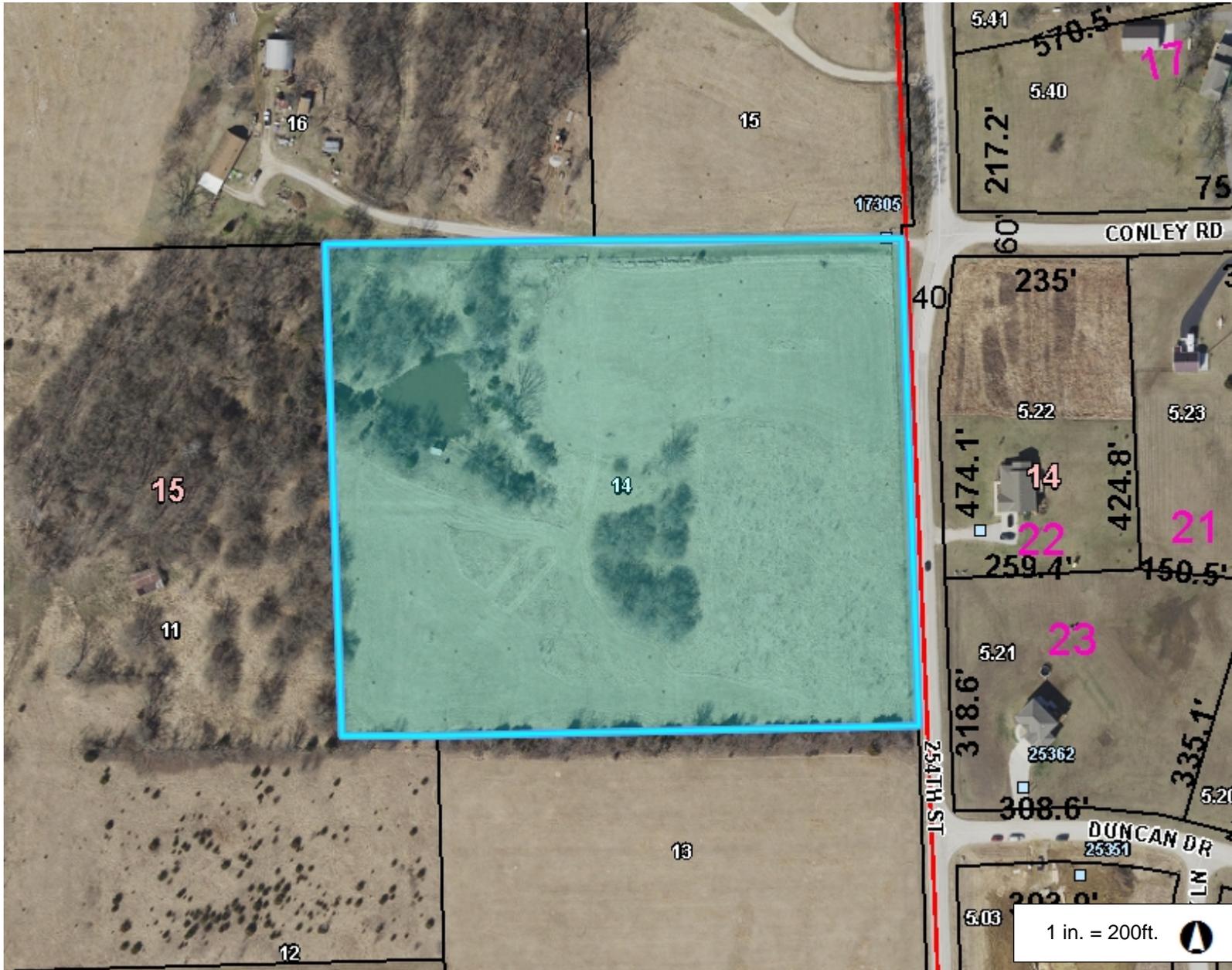
ACTION OPTIONS:

1. Recommend approval of Case No. DEV-21-019, Rezoning from Rural Residential-5 (RR-5) to Rural Residential -2.5 (RR-2.5, to the Board of County Commission, with Findings of Fact, or
2. Recommend denial of Case No. DEV-21-019, Rezoning from Rural Residential-5 (RR-5) to Rural Residential -2.5 (RR-2.5to the Board of County Commission, with Findings of Fact; or
3. Continue the Public hearing to another date, time, and place.

ATTACHMENTS:

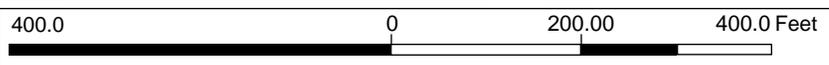
Narrative
Location/Aerial Maps

DEV-21-019 Rezoning Lutgen



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

1 in. = 200ft.



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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	
PID: <u>205-15-0-00-00-014.00</u>	Date Received: <u>2/17/21</u>
Township <u>Tonganoxie</u>	
Planning Commission Date: <u>April 14, 2021</u>	
Case No. <u>DEV-21-019</u>	Date Paid <u>2/17/21</u>
Zoning District <u>RR-5</u>	
Comprehensive Plan land use designation <u>unincorporated</u>	

APPLICANT/AGENT INFORMATION	OWNER INFORMATION (If different)
NAME <u>Herring Surveying Company</u>	NAME <u>David and Shannon Lutgen</u>
ADDRESS <u>315 N 5th Street</u>	ADDRESS <u>15554 Elm Street</u>
CITY/ST/ZIP <u>Leavenworth, KS 66048</u>	CITY/ST/ZIP <u>Basehor, KS 66007</u>
PHONE <u>913-651-3858</u>	PHONE <u>913-683-2864</u>
EMAIL <u>herringsurveying@outlook.com</u>	EMAIL <u>dlutgen72@gmail.com</u>
CONTACT PERSON <u>Joe Herring</u>	CONTACT PERSON <u>David Lutgen</u>

PROPOSED USE INFORMATION
Proposed Land Use <u>RR 2.5</u>
Reason for Requesting Rezoning <u>Plat parcel into (3) four acre lots</u>

PROPERTY INFORMATION
Address of Property <u>00000 254TH ST, Tonganoxie, KS 66086</u> <u>2051500000014000</u>
Parcel Size <u>12 acres</u>
Current use of the property <u>Vacant</u>
Present Improvements or structures <u>None</u>

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

Signature David Lutgen Date 2/17/21

ATTACHMENT A

OWNER AUTHORIZATION

I/WE David Lutgen, hereby referred to as the "Undersigned", being of lawful age, do hereby on this 17 day of February, 2021, make the following statements, to wit:

- 1. I/We the Undersigned, on the date first above written, am the lawful, owner(s) in fee simple absolute of the following described real property

See Attachment "A" attached hereto and incorporated herein by reference.
- 2. I/We the undersigned, have previously authorized and hereby authorize Joe Herring (Hereinafter referred to as "Applicant"), to act on my/our behalf for the purpose of making application with the Planning Office of Leavenworth County, Kansas, 205150000014000 (common address) the subject real property, or portion thereof, and which authorization includes, but is not limited to, all acts or things whatsoever necessarily required of the applicant in the application process.
- 3. I/We the Undersigned, hereby agree to protect, defend, indemnify and hold the Board of County Commissioners of Leavenworth County, Kansas, its officers employees and agents (hereinafter collectively referred to as the "County"), free and harmless from and against any and all claims, losses, penalties, damages, settlements, costs, charges, professional fees or other expenses or liabilities, whether false, fraudulent, meritless or meritorious, of every kind and character arising out of or relating to any and all claims, liens, demands, obligations, actions, proceedings, or causes of action of every kind and character (hereinafter "claims"), in connection with, relating to, or arising directly or indirectly out of this authorization and the actions taken by the Applicant and the County in reliance thereof. I, the Undersigned, hereby further agree to investigate, handle, respond to, provide defense for and defend any such claims at my sole expense and agree to bear all other costs at my sole expense and agree to bear all other costs and expenses related thereto, even if such claims are groundless, false or fraudulent.
- 4. It is understood that in the event the Undersigned is a corporation or partnership then the individual whose signature appears below for and on behalf of the corporation or partnership has in fact the authority to so bind the corporation or partnership to the terms and statements contained within this instrument.

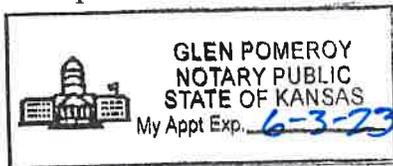
IN WITNESS THEREOF, I, the Undersigned, have set my hand and seal below.

David Lutgen
Owner

Owner

STATE OF KANSAS
COUNTY OF LEAVENWORTH

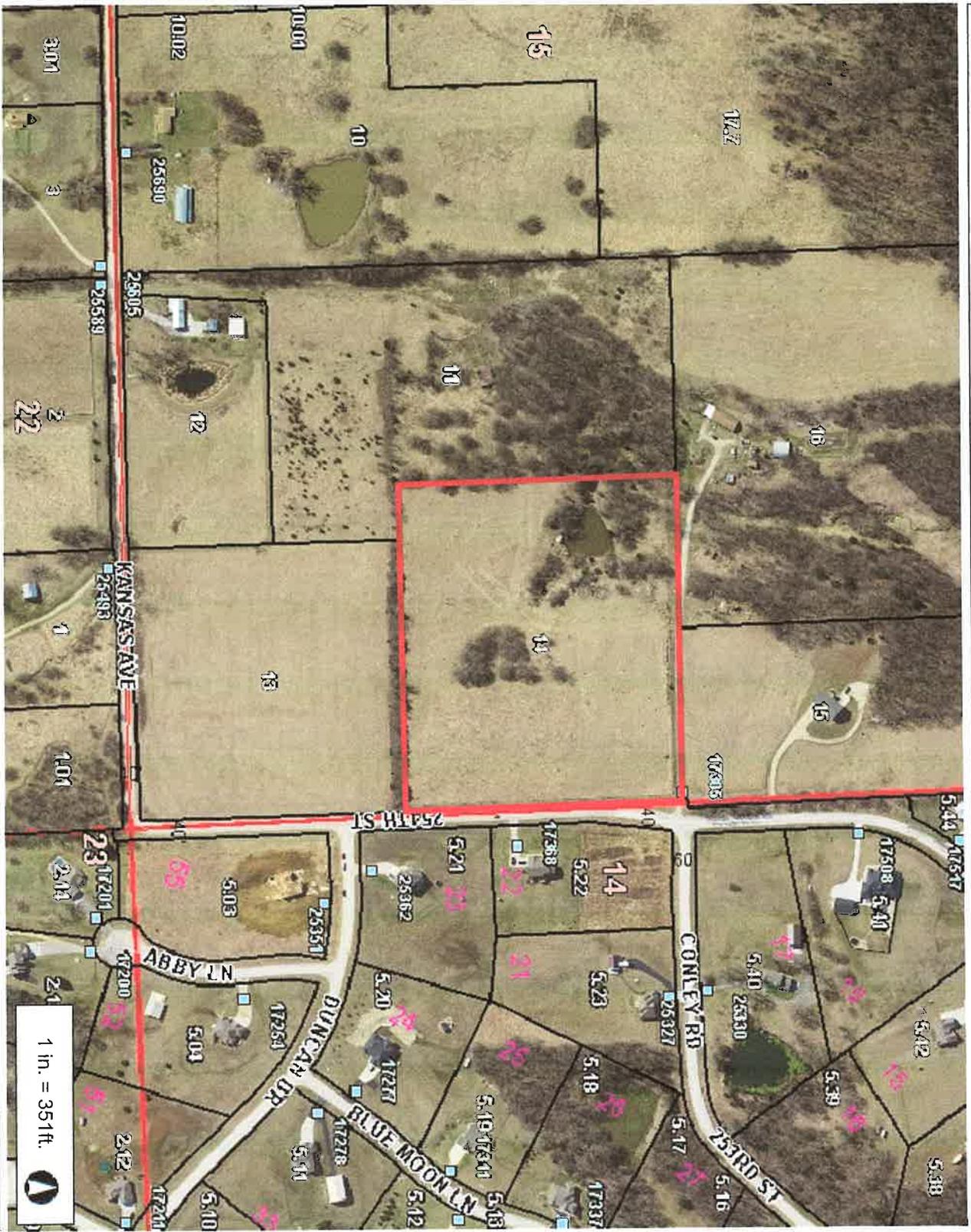
The foregoing instrument was acknowledge before me on this 17th day of Feb, 2021,
by David Lutgen.
My Commission Expires:



Glen Pomeroy
Notary Public

ATTACHMENT B

Leavenworth County, KS



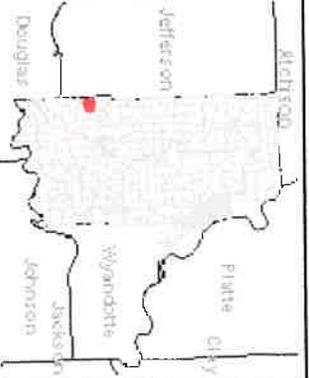
702.8 0 351.39 702.8 Feet

1 in. = 351ft.



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THIS MAP IS NOT TO BE USED FOR NAVIGATION



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

Notes

ENTERED IN TRANSFER RECORD IN
CLERK'S OFFICE THIS DAY 02/19/2021

Janet Klasmirke
COUNTY CLERK

Doc #: 2021R02015
TERRILOIS MASHBURN
REGISTER OF DEEDS
LEAVENWORTH COUNTY, KANSAS
RECORDED ON:
02/19/2021 08:10:42 AM
RECORDING FEE: 55.00
PAGES: 3

STATUTORY WARRANTY DEED

(Joint Tenancy)

Grantor(s): **George A. Elmer and Andrea Z. Elmer, husband and wife**

Conveys and Warrants to **David Lutgen and Shannon Lutgen**, as joint tenants with the right of survivorship, and not as tenants in common.

The following described premises, to-wit:

SEE ATTACHED EXHIBIT A

For the sum of One Dollar and other good and valuable consideration.

Subject to: easements and restrictions of record, if any

E-Recorded by Security 1st Title LLC
By: Glen Pomeroy
Phone #: 913-728-2021
File No.: 2422030

 Security 1st Title

File No. 2422030
Page 1 of 3

File No.: 2422030

EXHIBIT A

The Land is described as follows:

Tract 1:

Beginning at a point on the East line of the East one-half of the Southeast Quarter, Section 15, Township 11 South, Range 20 East of the Sixth Principal Meridian, Leavenworth County, Kansas, 660 feet North of the Southeast corner of said Quarter Section; thence West parallel with the South line of said Quarter Section 660 feet; thence North parallel with the East line of said Quarter Section 660 feet; thence East parallel with the South line of said Quarter Section 660 feet; thence South along the East side of said Quarter Section 660 feet to the point of beginning, subject however, to an easement 20 feet in width across the Northeast corner of said tract.

Tract 2:

Beginning at a point which is 1321.73 feet North and 665.45 feet West of the Southeast corner of the Southeast Quarter of Section Fifteen (15), Township Eleven (11) South, Range Twenty (20) East of the 6th Principal Meridian, Leavenworth County, Kansas, thence West parallel with the South line of said Quarter Section 131.71 feet, thence South parallel with the East line of said Quarter Section 661.43 feet, thence East parallel with the South line of said Quarter Section 131.71 feet, thence North to the point of beginning 681.43 feet, more or less.

The above-described real estate is subject to an Access Easement filed on March 4, 2010, as Document No. 2010R01553, granted to James Elmer and Betty Mae Elmer to allow ingress and egress along the following described tract of land in Leavenworth County, Kansas, more fully described as follows:

The North 12 feet of the East 455 feet of the Northeast Quarter of the Southeast Quarter of the Southeast Quarter of Section 15, Township 11 South, Range 20 East of the 6th P.M., Leavenworth County, Kansas. Together with and subject to covenants, easements and restrictions of record.

From: [Amanda Tarwater](#)
Sent: Friday, March 5, 2021 9:52 AM
To: [Gentzler, Joshua](#)
Subject: Re: DEV-21-019 Rezoning Lutgen

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

FreeState Electric has no objection to this request.

Thank you,

Amanda Tarwater
Member Account Coordinator



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

From: "Gentzler, Joshua"
Date: Friday, March 5, 2021 at 9:24 AM
To: Amanda Tarwater , "RWD 13 (linda@jfrwd13.com)" , "chief1860@ttrfd.com" , "Voth, Krystal" , "Anderson, Kyle" , "Anderson, Lauren" , "Magaha, Chuck" , "Miller, Jamie" , Mitch Pleak , "Thorne, Eric" , "Van Parys, David"
Subject: DEV-21-019 Rezoning Lutgen

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 morning,

I am sending this out on behalf of Krystal Voth, who will be reviewing the case. The Department of Planning and Zoning has received an application for a Rezoning regarding a property at immediately south of 17305 254th Street, Tonganoxie, KS 66086.

The Planning Staff would appreciate your written input in consideration of the above request. Please review the attached information and forward any comments to us by Friday, March 12th.

If you have any questions or need additional information, please contact Krystal at (913) 684-0461 or at KVoth@LeavenworthCounty.Gov.

Thank you,

Joshua Gentzler
Planner II

[Planning & Zoning](#)
Leavenworth County
913.684.0464

Case No. DEV-21-051
Rezoning
*****Public Hearing Required*****

Staff Report – Planning Commission

June 9, 2021

GENERAL INFORMATION:

**Applicant/
Property Owner:** Matt Kessler/Red Fuel Repair
18658 207th Street
Tonganoxie, KS 66086

Legal Description: A tract of land in the Northeast of Section 12, Township 11 South, Range 21 East of the 6th P.M, in Leavenworth County, Kansas.

Location: 19393 State Avenue, Tonganoxie, KS 66086

Parcel Size: ± 9.7 acres

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

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

Parcel ID No.: 191-12-0-00-00-005.00

Planner: Joshua Gentzler

REPORT:

Request

The applicant is requesting to rezone a parcel of land from RR-2.5 to B-3.

Adjacent Land Use

The surrounding properties to the North, East, and South are residences and farms on varying sized parcels ranging from 5 acre to over 28 acres in size. Land use adjacent to the west is commercial and zoned B-3 and is 17 acres in size.

Flood Plain

There are is Special Flood Hazard Areas, Zones AE, on this parcel per FEMA Firm Map 20103C0325G July 16, 2015.

Utilities/Services

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

Access/Streets

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

Agency Comments

See attached comments – Memo – Kyle Anderson – Planning and Zoning, May 3, 2021
See attached comments – Memo – Lauren Anderson – Public Works, May 5, 2021
See attached comments – Memo – Mark Billquist – Stranger Township Fire Department, May 13, 2021
See attached comments – Email – Amanda Tarwater – FreeState, April 30, 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 transitional with a mixture of agricultural, residential, and commercial uses along a state highway.
2. Zoning and uses of nearby property: The surrounding properties to the North (across State Avenue), East, and South are zoned RR-2.5, Rural Residential 2.5-acre minimum size parcels. The uses on these properties are rural residences and agricultural use. The property to the West is zoned B-3 and is used as a contractor’s yard.
3. Suitability of the property for the uses to which it has been restricted: The property is within an area that would support heavy commercial activity due to the property’s location on a state highway.
4. Extent to which removal of the restrictions will detrimentally affect nearby property: The area will not likely be detrimentally affected as the usage will not be changed from its current use.
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 add longevity to a parcel that is already being used as a commercial usage. The current/proposed use will continue to allow a business to add to the economic development of the County. The public health and safety and welfare of the neighborhood is not likely to be negatively affected.
7. Conformance to the Comprehensive Plan: The Future Land Use Map indicates this area as Mixed-Use.
8. Staff recommendation is for the approval of the rezoning request.

History

This property has been used as a heavy vehicle repair facility since 2016, when the applicant applied for and received a Special Use Permit for their business, Red Fuel Repair.

Staff Comments

The proposed rezoning is located on State Avenue, approximately 1.1 miles east of the Tonganoxie city limits. The property is located at 19393 State Avenue and is currently zoned RR-2.5. The applicant is requesting approval of a rezoning from RR-2.5 to B-3. The property is categorized as Mixed Use by the Comprehensive Plan, which would allow for this type of usage. The property is categorized as T-3- Suburban Zone in the US 24-40 Corridor Plan, which allows for “Low density residential, civic and institutional uses, and limited neighborhood serving office and retail uses.” The Staff is supportive of the request as the property is located immediately adjacent to Highway 24-40/State Avenue and is aligned with the Comprehensive Plan growth strategy.

STAFF RECOMMENDATION:

The staff recommends approval of Case No. DEV-21-051, Rezoning from RR-2.5 to B-3.

ACTION OPTIONS:

1. Recommend approval of Case No. DEV-21-051, Rezoning from RR-2.5 to B-3, to the Board of County Commission, with Findings of Fact, or
2. Recommend denial of Case No. DEV-21-051, Rezoning from RR-2.5 to B-3, 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

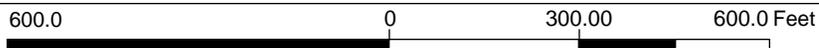
DEV-21-051 Rezone Red Fuel Repair



Legend

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

1 in. = 300ft.



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Notes



Special Use Permit Request For

**19393 State Avenue
Tonganoxie, KS 66086**

To Whom It May Concern,

I am requesting a special use permit renewal for 19393 State Avenue, Tonganoxie, KS 66086. This is the current location of Red Fuel Repair, LLC, which has been operating under a Special Use Permit for the last 5 years.

Work performed at the site is heavy equipment, truck and bus repair. Our business hours are from 7:30 am - 5:00 pm Monday through Friday. Currently, we have 4 full time mechanics, myself, and 2 part time employees. Two of our mechanics are mobile, but frequently work at our location. Over the last 5 years we have seen significant growth. If this trend continues, I may be adding 2 or 3 more full time mechanics in the next few years, in which case, our building may need expansion. Our current shop is 50 ft X 80 ft. If expansion is needed, it would be approximately 30 ft X 50 ft.

We remain committed to protecting the environment and continue to protect against spilling contaminants. Concerning storage of lubricants/oil/fluids, all bulk fluids, new or waste, these items are stored in a containment system. If a leak occurs in a tank, the fluids will be contained and the tank repaired or replaced. Waste oil and waste antifreeze are removed from site by a waste oil and antifreeze recycling professional.

Most work at our location will continue to occur inside the shop.

I understand the importance of maintaining curb appeal. A berm has been constructed along the front of the property for a visual barrier to travelers. I am currently working on finishing a parking area adjacent to the berm for equipment that has been dropped off to be worked on. By doing this, most of the trucks/equipment will be out of the line of sight of travelers on the road.

Safeguards for emergency measures include fire extinguishers being adequately available as well as adequate exits in the event of a fire. Input from the local fire department has been welcomed. In the event of dangerous weather, employees will evacuate to the nearest substantial shelter. A weather radio is in the facility to warn of impending dangerous weather in the area. Fire and medical emergency procedures are posted in the shop.

The expected inflow of traffic each day consists of myself, my 4 full time employees and my 2 part time employees on occasion. In addition, we average about 12 vehicles per day by customers and vendors. Most of the traffic from our clients will be heavy trucks, some of them with trailers with the broken equipment on them.

I would like to add signage in a tasteful manner on the property so that our customers can locate us easily.

Thank you for considering my proposal. Please feel free to contact me with any questions at (913)544-3043 or at redfuelrepair@yahoo.com.

Sincerely,

A handwritten signature in blue ink, appearing to read "Matt Kessler", written over a horizontal line.

Matt Kessler, Owner
Red Fuel Repair, LLC



19393 State Ave, Tonganoxie, Ks 66086 • (913) 544-3043 • redfuelrepair@yahoo.com

Benefits of Special Use Permit Renewal to Leavenworth County:

- We are currently providing steady employment for 5 full time and 2 part time employees in the area. The sum of the gross wages paid to our employees in 2020 exceeded \$320,000. In the next couple of years, we will most likely be adding to our number of full time employees.
- Sales Tax Collected in the last 5 years

	2016	2017	2018	2019	2020	Total
Total Collected	\$33,000.00	\$44,000.00	\$47,000.00	\$60,000.00	\$65,000.00	\$249,000.00
LV County	\$23,600.00	\$23,100.00	\$33,900.00	\$44,500.00	\$51,500.00	\$176,600.00

As indicated in the graph, the sales tax collected in Leavenworth County has more than doubled in the last 5 years. We anticipate this to continue to grow.

- We serve many clients in the greater Kansas City area. Since the opening of our shop location in Leavenworth County, a large number of those clients bring their equipment to us. Their traffic to the area supports other businesses in the area such as gas stations and restaurants.

← US 24-40 →

PRIVACY BERRAS
BLOCKS VIEW FROM
PUBLIC EFFECTIVELY

PROPOSED
SIGNAGE

↑
N
↓

— ENTRANCE —

PARKING
AREA

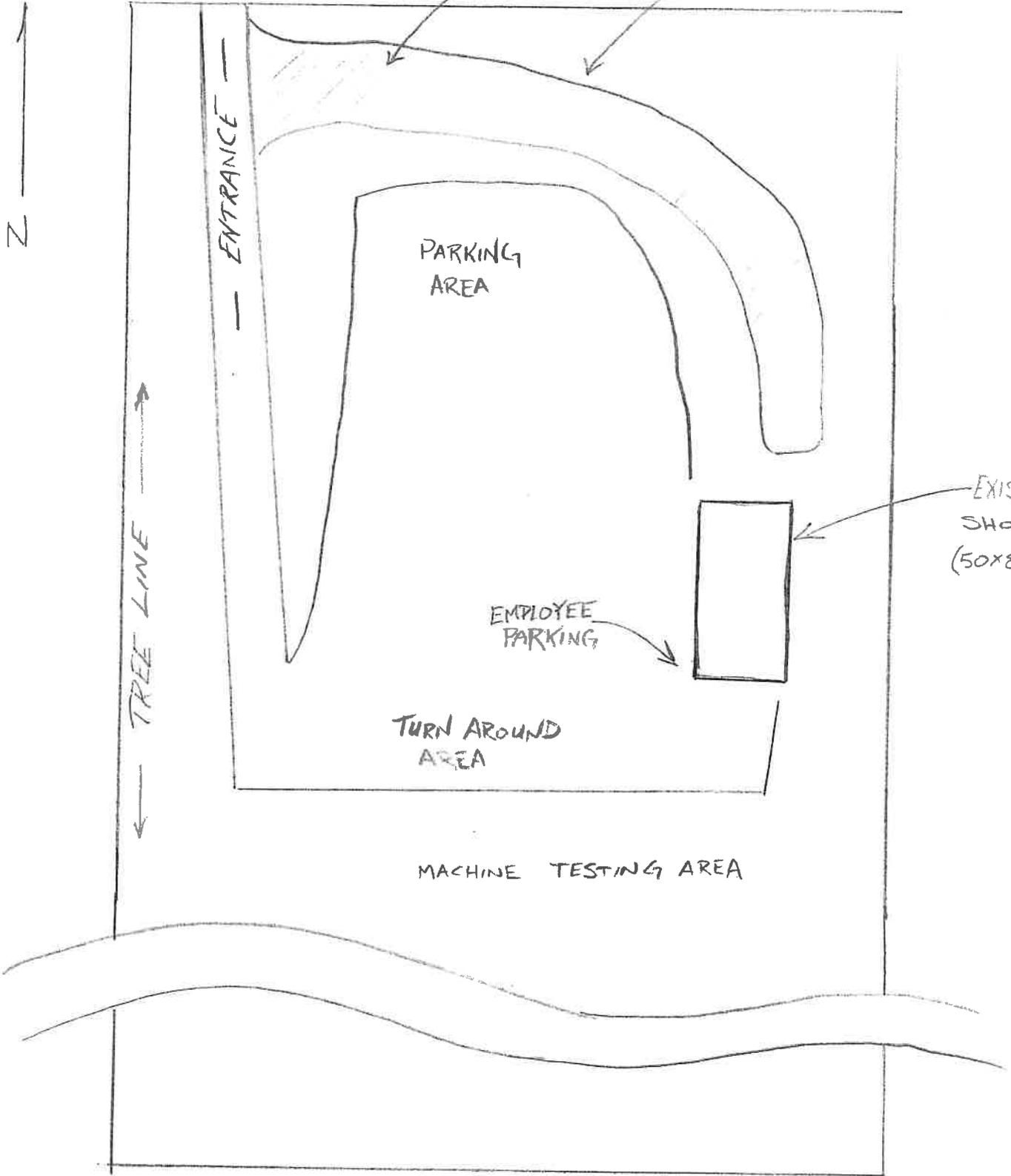
EXISTING
SHOP
(50x80)

EMPLOYEE
PARKING

TURN AROUND
AREA

↑
TREE LINE
↓

MACHINE TESTING AREA





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

To: Krystal Voth
Director

From: Kyle Anderson
Environmental Tech/Code Enforcement

Date: May 3, 2021

RE: Matt Kessler
Red Fuel Repair, LLC
Case DEV-21-051, Rezoning
19393 State Ave
Tonganoxie, KS 66086
PID# 191-12-0-00-00-005.00

Our department received a Rezone application for the property at 19393 State Ave Tonganoxie, KS 66048. We have not received any complaints on this property and all conditions of the previous Special Use Permit were met.

Thank you,

Kyle Anderson
kanderson@leavenworthcounty.gov

From: [Anderson, Lauren](#)
Sent: Wednesday, May 5, 2021 10:17 AM
To: [Gentzler, Joshua](#)
Cc: [Noll, Bill](#)
Subject: RE: DEV-21-051 Rezoning request for 18648 207th Street, Tonganoxie

Joshua,

Public Works does not have any statement on this rezoning request. This property is located on a state maintained roadway, not a county road so we will leave that to the state dot to weigh in, if you've requested that.

Lauren

From: Gentzler, Joshua
Sent: Friday, April 30, 2021 4:06 PM
To: 'Timothy Smith' <chief1860@ttrfd.com>; 'Travis@SuburbanWaterInc.com' <Travis@SuburbanWaterInc.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: RE: DEV-21-051 Rezoning request for 18648 207th Street, Tonganoxie

All,

The proposed rezoning is for the Red Fuel Repair business location located on 19393 State Avenue, not 207th Street. I apologize for the error.

Joshua Gentzler
[Planning & Zoning](#)

From: Gentzler, Joshua
Sent: Thursday, April 29, 2021 4:40 PM
To: 'Timothy Smith' <chief1860@ttrfd.com>; 'Travis@SuburbanWaterInc.com' <Travis@SuburbanWaterInc.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-21-051 Rezoning request for 18648 207th Street, Tonganoxie

Good afternoon,

The Department of Planning and Zoning has received an application for a Rezoning regarding a property at 18648 207th Street, Tonganoxie, KS 66086.

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 Thursday, May 6th.

From: [Mark Billquist](#)
Sent: Thursday, May 13, 2021 6:30 PM
To: [Gentzler, Joshua](#)
Subject: Re: DEV-21-051 Rezoning request for 19393 State Avenue, Tonganoxie

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,

Stranger Township has no issues with the renewal of the Special Use Permit for Red Fuel Repair. Matt has been very upfront and receptive to any safety needs at his work site.

Mark Billquist

Stranger Township Fire Chief

On Wed, May 12, 2021 at 4:57 PM Gentzler, Joshua <JGentzler@leavenworthcounty.gov> wrote:

Good afternoon,

The Department of Planning and Zoning has received an application for a Rezoning regarding a property at 19393 State Avenue, Tonganoxie, KS 66086.

The Planning Staff would appreciate your written input in consideration of the above request. Please review the attached information and forward any comments to us by Monday, May 17th.

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

Thank you,

Joshua Gentzler

Planner II

[Planning & Zoning](#)

Leavenworth County

913.684.0464

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Mark Billquist

Stranger Township Fire Chief

Midwest Regional Treasurer 10-33 Foundation

[913-369-0510](tel:913-369-0510) mobile

stfdchief1760@gmail.com

"Sometimes your joy is the source of your smile, but sometimes your smile can be the source of your joy." – Thich Nhat Hanh