

RESOLUTION 2022-18

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF LEAVENWORTH COUNTY, KANSAS, AUTHORIZING A REZONING OF A CERTAIN TRACT OF REAL PROPERTY; SETTING FORTH THE CONDITIONS TO BE APPLIED TO THE SUBJECT TRACT; REPEALING THE TWO RESOLUTION DESIGNATED AS RESOLUTION 2019-25; RELATING THIS RESOLUTION BACK TO THE DATE OF THE 2ND DAY OF OCTOBER, 2019.

WHEREAS the owners of a tract of real property in the Southwest Quarter (SW ¼) of the Southeast Quarter (SE1/4) of Section 16, Township 12 South, Range 22 East of the Sixth P.M. Leavenworth County, Kansas more commonly known as 12400 170th Street desire to have the tract rezoned from Rural Residential 2.5 to Planned Unit Development; and

WHEREAS, it is hereby found and determined that a request for a Rezoning as described above was filed with the Secretary of the Leavenworth County Planning Commission, on the 26th day of July, 2019, and

WHEREAS, it is hereby found that the Leavenworth County Planning Commission, after notice as required by law, did conduct a public hearing upon the granting of such request for a Rezoning on the 11th day of September, 2019; and

WHEREAS, it is hereby found that the Leavenworth County Planning Commission, based upon its consideration, entered specific findings of fact, considered herein, and did recommend that the Rezoning be denied; and

WHEREAS, the Board of County Commissioners considered, in session on the 2nd day of October, 2019, the recommendation of the Leavenworth County Planning Commission.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Leavenworth County, Kansas, that based upon the findings of fact adopted by the Board of County Commissioners in regular session on the 2nd day of October, 2019 and incorporated herein by reference that request for rezoning a certain tract of real property, as described above, and more commonly known as 12400 170th Street, Parcel Identification Number 235-16-0-00-00-025.01, is hereby granted subject to the following conditions:

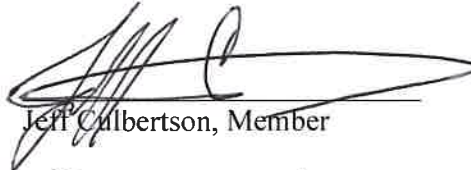
1. The property shall be platted prior to the building of additional homes.
2. The proposed public amenities shall be provided.
3. The applicants shall work with Staff on further developing the submitted site plan to accommodate for a conservation-style subdivision.
4. The applicant shall abide by the site plan approved by the Planning & Zoning Department. Failure to abide by the approved site plan may initiate the process to rescind approval of the Planned Unit Development, such procedure to be the same procedure that was followed in approving the original rezoning request.
5. A maintenance agreement shall be filed with the Register of Deeds Office for the maintenance of the private road.
6. Private roadway signs with street designations shall be provided by the developer at the intersection or the private road and the public road.

7. The road shall meet the minimum requirements listed in the Public Works engineering standards for private road, provided also that the private interior road be constructed and maintained as hard surface (asphalt or chip and seal) as per County standards.
8. The subdivision will be governed by a mandatory Homeowner's Association that will also own and manage all areas designated as Tracts and Open Space for the benefit of the residents thereof.
9. All applicable codes, covenants and restrictions shall be filed with the Leavenworth County Register of Deed's Office.
10. The development shall comply with the Leavenworth County Sanitary Code.
11. The applicant shall work with the water district, emergency management, and the fire district regarding the requirements for fire hydrants.
12. The community center shall be used for private events only.
13. That the intersections of the private road with 166th Street and 170th Street be constructed to County standards.
14. That the County be granted easements sufficient to allow the improvement of the private road to County standards.
15. That the park and community center be private and owned and maintained by the home owners association.
16. That the number of dwelling units within the PUD be approved as follows:
 - a) An initial approval of not more than four (4) dwelling units, to include the existing dwelling unit.
 - b) Future approval of not more than three (3) additional dwelling units conditioned upon a review, after a five (5) year period, of the impact of the PUD upon the character of the neighborhood and traffic and safety issues.
 - c) That the dwelling units within the PUD shall comply with the design and number of residents as detailed in the submitted PUD plan.

NOW BE IT FURTHER RESOLVED that the two county resolutions previously adopted, and designated as Resolution 2019-25, are hereby repealed and that the effective date of this resolution shall relate back to October 2, 2019.

ADOPTED THIS 3RD DAY OF AUGUST, 2022.

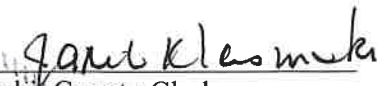

 Mike Smith, Chair


 Jeff Culbertson, Member


 Vicky Kaaz, Member


 Doug Smith, Member


 Mike Stieben, Member

ATTEST: 
 Janet Klasinski, County Clerk

