

We encourage everyone to view the meeting live via YouTube.

*Leavenworth County*  
*Board of County Commissioners*

*Regular Meeting Agenda*  
300 Walnut Street, Suite 225  
Leavenworth, KS 66048  
October 12, 2022  
9:00 a.m.

- I. CALL TO ORDER
- II. PLEDGE OF ALLEGIANCE/MOMENT OF SILENCE
- III. ROLL CALL
- IV. PUBLIC COMMENT: Public Comment shall be limited to 15 minutes at the beginning of each meeting for agenda items **only** and limited to three minutes per person. Comments at the end of the meeting shall be open to any topic of general interest to the Board of County Commissioners and limited to five minutes per person. There should be no expectation of interaction by the Commission during this time.  
  
Anyone wishing to make comments either on items on the agenda or not are encouraged to provide their comments in writing no later than 8:00 AM the Monday immediately preceding the meeting. These comments will be included in the agenda packet for everyone to access and review. This allows the Commission to have time to fully consider input and request follow up if needed prior to the meeting.
- V. ADMINISTRATIVE BUSINESS:
- VI. CONSENT AGENDA: The items on the Consent Agenda are considered by staff to be routine business items. Approval of the items may be made by a single motion, seconded, and a majority vote with no separate discussion of any item listed. Should a member of the Governing Body desire to discuss any item, it will be removed from the Consent Agenda and considered separately.
  - a) Approval of the minutes of October 5, 2022
  - b) Approval of the minutes of the work sessions of October 5, 2022

- c) Approval of the schedule for the week of October 17, 2022
- d) Approval of the check register
- e) Approve and sign the OCB's

VII. FORMAL BOARD ACTION:

- a) Consider a motion to approve funding to the American Legion Post 23 in the amount of \$8,000.00.
- b) Consider a motion to approve Resolution 2022-22, issuing a special use permit for a contractor's yard for Leintz/Consolidated RWD #1 located at 21845 147<sup>th</sup> St.
- c) Consider a motion to approve Resolution 2022-23, authorizing a rezoning from RR-5 to RR-2.5 located at 20090 & 20130 Douglas Road.
- d) Consider a motion to approve Resolution 2022-24, authorizing a rezoning from RR-5 to RR-2.5 located at 20682 & 00000 195<sup>th</sup> St.
- e) Consider a motion to approve Resolution 2022-25, authorizing a rezoning from RR-5 to RR-2.5 located at 21242 & 21278 Dempsey Rd.

VIII. PRESENTATIONS AND DISCUSSION ITEMS: presentations are materials of general concern where no action or vote is requested or anticipated.

- a) Quarterly Reports
  - Planning and Zoning
  - Solid Waste
  - Appraiser

IX. ADDITIONAL PUBLIC COMMENT IF NEEDED

X. ADJOURNMENT

\*\*\*\*\*October 5, 2022 \*\*\*\*\*

The Board of County Commissioners met in a regular session on Wednesday, October 5, 2022. Commissioner Mike Smith, Commissioner Kaaz, Commissioner Culbertson, Commissioner Doug Smith and Commissioner Stieben are present; Also present: Mark Loughry, County Administrator; David Van Parys, Senior County Counselor; Connie Harmon, Council on Aging Director; Bill Noll, Infrastructure and Construction Services; John Richmeier, Leavenworth Times

Residents: Joe Herring, Nancy Carpenter, Mike McDonald, Amy Springer, Lynn Knudson, Stuart Sweeney

PUBLIC COMMENT:

There were no public comments.

ADMINISTRATIVE BUSINESS:

Commissioner Stieben brought forward a request from Peruvian Connection for a letter of support for KDOT funding for George Rd for dust control or paving due to K16 rerouting. Consensus was to have staff prepare a letter or support for KDOT funding as long as it doesn't take away from other Leavenworth County projects.

Commissioner Kaaz recognized Daysia Reneau, a Leavenworth High School student for her performance and progression on The Voice. Commissioner Culbertson pointed out that she performs locally on Thursday nights.

*A motion was made by Commissioner Culbertson and seconded by Commissioner Kaaz to accept the consent agenda for Wednesday, October 5, 2022 as presented.*

*Motion passed, 5-0.*

The Board recognized a vacancy in the Sherman Township Trustee position.

*A motion was made by Commissioner Stieben and seconded by Commissioner Culbertson to appoint Angela Christopher to be the township trustee for the remainder of the term.*

*Motion passed, 5-0.*

Bill Noll requested approval of the amendments to the Leavenworth County Design Standards.

*A motion was made by Commissioner Kaaz and seconded by Commissioner Mike Smith to accept the amendments to the Leavenworth County Design Standards as presented.*

*Motion passed, 5-0.*

Connie Harmon presented the quarterly report for Council on Aging.

PUBLIC COMMENT:

Nancy Carpenter, Mike McDonald and Ben Morgan commented.

Commissioner Stieben inquired if Kaw Valley has filed any appeal in the lawsuit. Mr. Van Parys reported no official word has been received. The Board will discuss the matter in Executive session on October 26 when all commissioners and the administrator will be present.

Commissioner Kaaz attended the KCATA board meeting.

Commissioner Mike Smith reminded that the intersection at 4<sup>th</sup> and Eisenhower will be closed for a week, most likely starting next week.

Commissioner Doug Smith attended the Basehor City Council meeting.

Commissioner Mike Stieben attended the 5<sup>th</sup> District Property Tax Task Force meeting, spoke to Boy Scout Troup 357 and met with the Economic Development Director in Desoto. There will be a rally today at the courthouse supporting the Randy Leach cold case review.

Commissioner Culbertson attended the 5<sup>th</sup> District Property Tax Force meeting and the Leavenworth City Commission meeting.

***A motion was made by Commissioner Kaaz and seconded by Commissioner Mike Smith to adjourn.  
Motion passed, 5-0.***

The Board adjourned at 9:30 a.m.

\*\*\*\*\*October 5, 2022 \*\*\*\*\*

The Board of County Commissioners met in a work session on Wednesday, October 5, 2022. Commissioner Mike Smith, Commissioner Doug Smith, Commissioner Kaaz, Commissioner Culbertson and Commissioner Stieben are present; Also present: Mark Loughry, County Administrator; John Richmeier, Leavenworth Times

Work sessions were held to discuss the formation of a property tax task force and the formation of a policy committee for historical marker placement.

The work session ended at 9:35 a.m.

Draft

# LEAVENWORTH COUNTY COMMISSIONERS MEETING SCHEDULE

## Monday, October 17, 2022

- 47<sup>th</sup> Annual Kansas Association of Counties Conference
- Sheraton Overland Park

## Tuesday, October 18, 2022

- 47<sup>th</sup> Annual Kansas Association of Counties Conference
- Sheraton Overland Park

12:00 p.m. LCPA meeting

## Wednesday, October 19, 2022

- 47<sup>th</sup> Annual Kansas Association of Counties Conference
- Sheraton Overland Park

9:00 a.m. Leavenworth County Commission meeting  
• Commission Meeting Room, 300 Walnut, Leavenworth KS

## Thursday, October 20, 2022

## Friday, October 21, 2022

ALL SUCH OTHER BUSINESS THAT MAY COME BEFORE THE COMMISSION

ALL MEETINGS ARE OPEN TO THE PUBLIC

COMMENTS SHOULD BE OF GENERAL INTEREST OF THE PUBLIC AND SUBJECT TO THE RULES OF DECORUM

**Leavenworth County**  
**Request for Board Action**  
**Resolution 2022-22**  
**Special Use Permit Consolidated RWD #1 Contractors Yard**  
*\*Regular Agenda\**

**Date:** October 12, 2022  
**To:** Board of County Commissioners  
**From:** Planning & Zoning Staff

**Department Head Review:** Krystal Voth, Reviewed

**Additional Reviews as needed:**

**Budget Review**  **Administrator Review**  **Legal Review**

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**Action Requested:** Approve Resolution 2022-22, a request for a new Special Use Permit for Leintz/ Consolidated RWD 1 Contractors Yard. This is the first Special Use Permit for this use.

**Analysis:** The applicant is requesting a Special Use Permit for a contractor's yard for the water district. The site currently contains a water tower. The water district is proposing a building that will house the majority of materials and provide limited office space. There is a proposal to store some materials, such as pipes and aggregate onsite and not within the building. The water district is proposing screening via trees and fencing.

The general hours of operation are proposed to be Monday-Friday from 7:00AM until 5:00PM. Staff will visit the site typically twice a day. Once in the morning to load equipment and once in the afternoon to unload. Typically, the site will be visited by four employees. Customers to the site are not proposed. The proposed use is allowed with a special use permit.

**Planning Commission Recommendation:** The Planning Commission voted 6-0 to recommend approval of Resolution 2022-22 (Case No. DEV-22-097) for a Special Use Permit for Leintz RWD 1 Contractors Yard.

**Alternatives:**

1. Approve Resolution 2022-22 (Case No. DEV-22-097) for a Special Use Permit for Leintz/ Consolidated RWD 1 Contractors Yard, with Findings of Fact, and with or without conditions; or
2. Deny Resolution 2022-22 (Case No. DEV-22-097) for a Special Use Permit for Leintz/ Consolidated RWD 1 Contractors Yard, with Findings of Fact; or
3. Revise or Modify the Planning Commission Recommendation to Resolution 2022-22 (Case No. DEV-22-097) for a Special Use Permit for Leintz/ Consolidated RWD 1 Contractors Yard, with Findings of Fact; or
4. Remand the case back to the Planning Commission.

**Budgetary Impact:**

- Not Applicable
- Budgeted item with available funds
- Non-Budgeted item with available funds through prioritization
- Non-Budgeted item with additional funds requested

**Total Amount Requested:**  
\$0.00

**Additional Attachments:** Staff Report, Planning Commission Minutes

START DATE: 10/01/2022 END DATE: 10/07/2022

TYPES OF CHECKS SELECTED: \* ALL TYPES

			P.O.NUMBER	CHECK#						
1513	ADVANCED AUTOMOTIVE	ADVANCED AUTOMOTIVE	330475	100339 AP	10/07/2022	2-001-5-05-213	EMS VEH MAINT,VEH MAINT SUPPLI	893.39		
1513	ADVANCED AUTOMOTIVE	ADVANCED AUTOMOTIVE	330475	100339 AP	10/07/2022	2-001-5-05-213	EMS VEH MAINT,VEH MAINT SUPPLI	1,947.89		
1513	ADVANCED AUTOMOTIVE	ADVANCED AUTOMOTIVE	330475	100339 AP	10/07/2022	2-001-5-05-213	EMS VEH MAINT,VEH MAINT SUPPLI	388.78		
1513	ADVANCED AUTOMOTIVE	ADVANCED AUTOMOTIVE	330475	100339 AP	10/07/2022	2-001-5-05-213	EMS VEH MAINT,VEH MAINT SUPPLI	339.65		
1513	ADVANCED AUTOMOTIVE	ADVANCED AUTOMOTIVE	330475	100339 AP	10/07/2022	2-001-5-05-213	EMS VEH MAINT,VEH MAINT SUPPLI	1,292.39		
1513	ADVANCED AUTOMOTIVE	ADVANCED AUTOMOTIVE	330475	100339 AP	10/07/2022	2-001-5-05-306	EMS VEH MAINT,VEH MAINT SUPPLI	1,002.28		
1513	ADVANCED AUTOMOTIVE	ADVANCED AUTOMOTIVE	330475	100339 AP	10/07/2022	2-001-5-05-306	EMS VEH MAINT,VEH MAINT SUPPLI	2,593.01		
1513	ADVANCED AUTOMOTIVE	ADVANCED AUTOMOTIVE	330475	100339 AP	10/07/2022	2-001-5-05-306	EMS VEH MAINT,VEH MAINT SUPPLI	535.61		
1513	ADVANCED AUTOMOTIVE	ADVANCED AUTOMOTIVE	330475	100339 AP	10/07/2022	2-001-5-05-306	EMS VEH MAINT,VEH MAINT SUPPLI	418.63		
1513	ADVANCED AUTOMOTIVE	ADVANCED AUTOMOTIVE	330475	100339 AP	10/07/2022	2-001-5-05-306	EMS VEH MAINT,VEH MAINT SUPPLI	1,223.05		
							*** VENDOR 1513 TOTAL			10,634.68
1537	ARV - PARTS	AMERICAN RESPONSE VEHICLE INC	330476	100340 AP	10/07/2022	2-001-5-05-306	PARTS - HANDLES & BEZEL	848.90		
22369	BAMFORD FI	BAMFORD FIRE SPRINKLER	330478	100342 AP	10/07/2022	2-001-5-31-290	520 S 2ND COMM CORR QRTLY INSP	184.00		
22369	BAMFORD FI	BAMFORD FIRE SPRINKLER	330478	100342 AP	10/07/2022	2-001-5-31-290	520 S 2ND COMM CORR QRTLY INSP	426.68		
							*** VENDOR 22369 TOTAL			610.68
550	BECK, JUDITH	JUDITH BECK	330479	100343 AP	10/07/2022	2-001-5-07-219	MONTHLY MEDICAL SERVICES - JAI	6,041.67		
2489	BEDNAR, ROBERT	HONORABLE ROBERT BEDNAR	330480	100344 AP	10/07/2022	2-001-5-19-252	DOMESTIC COURT PRO TEM	3,000.00		
1523	BOB BARKER	BOB BARKER CO INC	330481	100345 AP	10/07/2022	2-001-5-07-359	CUST LEAKS4:JAIL SUPPLIES	2,065.80		
23537	BOUND TREE	BOUND TREE MEDICAL LLC	330482	100346 AP	10/07/2022	2-001-5-05-381	EMS ACCT 113712 FIELD SUPPLIES	1,119.60		
23537	BOUND TREE	BOUND TREE MEDICAL LLC	330482	100346 AP	10/07/2022	2-001-5-05-381	EMS ACCT 113712 FIELD SUPPLIES	255.56		
23537	BOUND TREE	BOUND TREE MEDICAL LLC	330482	100346 AP	10/07/2022	2-001-5-05-381	EMS ACCT 113712 FIELD SUPPLIES	279.90		
23537	BOUND TREE	BOUND TREE MEDICAL LLC	330482	100346 AP	10/07/2022	2-001-5-05-381	EMS ACCT 113712 FIELD SUPPLIES	980.30		
23537	BOUND TREE	BOUND TREE MEDICAL LLC	330482	100346 AP	10/07/2022	2-001-5-05-381	EMS ACCT 113712 FIELD SUPPLIES	1,225.60		
23537	BOUND TREE	BOUND TREE MEDICAL LLC	330482	100346 AP	10/07/2022	2-001-5-05-381	EMS ACCT 113712 FIELD SUPPLIES	547.15		
							*** VENDOR 23537 TOTAL			4,408.11
283	BUSETTI ROBERT	ROBERT BUSETTI	330484	100348 AP	10/07/2022	2-001-5-07-219	MONTHLY FEE FOR DENTIST - INMA	350.00		
23989	CASA	CASA	330486	100350 AP	10/07/2022	2-001-5-29-203	PER LEAV CO 2022 BUDGET	17,500.00		
2450	CASEY ASSOCIATES	CASEY ASSOCIATES	330487	100351 AP	10/07/2022	2-001-5-19-257	PAPERVISION SOFTWARE-ANNUAL FE	378.00		
5447	CITY WIDE MAINTENANC	CITY WIDE MAINTENANCE	330488	100352 AP	10/07/2022	2-001-5-32-296	01001100496 JANITORIAL SVC JC	5,582.00		
546	CURTIS	CURTIS, STALEY, AND ASSOCIATES	330489	100353 AP	10/07/2022	2-001-5-07-219	MENTAL HEALTH SERVICES -JAIL I	3,000.00		
21300	DIST CT EMPL REIMB	TOM WEISHAAR	330490	100354 AP	10/07/2022	2-001-5-19-213	REIM MILEAGE/CSO TRAINING	66.25		
21300	DIST CT EMPL REIMB	TOM WEISHAAR	330490	100354 AP	10/07/2022	2-001-5-19-213	REIM MILEAGE/CSO TRAINING	120.00		
							*** VENDOR 21300 TOTAL			186.25
86	EVERGY	EVERGY KANSAS CENTRAL INC	330491	100355 AP	10/07/2022	2-001-5-05-215	ELEC SVC EMS 9103	629.33		
86	EVERGY	EVERGY KANSAS CENTRAL INC	330491	100355 AP	10/07/2022	2-001-5-33-392	ELEC SVC 711 MARSHALL	8,941.60		
							*** VENDOR 86 TOTAL			9,570.93
8726	FAGAN COMPANY	FAGAN COMPANY	330492	100356 AP	10/07/2022	2-001-5-33-209	24520 CUSHING LEAK SEARCH/CHAN	2,826.66		
8726	FAGAN COMPANY	FAGAN COMPANY	330492	100356 AP	10/07/2022	2-001-5-33-209	24520 CUSHING LEAK SEARCH/CHAN	8,850.23		
8726	FAGAN COMPANY	FAGAN COMPANY	330492	100356 AP	10/07/2022	2-001-5-33-209	24520 CUSHING LEAK SEARCH/CHAN	2,486.74		
							*** VENDOR 8726 TOTAL			14,163.63
1011	FEDEX	FEDEX	330493	100357 AP	10/07/2022	2-001-5-19-302	2389-5871-7 TRANSPORTATION CHA	44.57		
243	GEOTAB	GEOTAB USA INC	330496	100360 AP	10/07/2022	2-001-5-11-253	10-2 LEAV01:INV318661 SEPTEMBE	16.33		
243	GEOTAB	GEOTAB USA INC	330496	100360 AP	10/07/2022	2-001-5-53-220	10-2 LEAV01:INV318661 SEPTEMBE	97.98		
							*** VENDOR 243 TOTAL			114.31
236	INTERPRETERS	INTERPRETERS INC	330498	100362 AP	10/07/2022	2-001-5-19-221	INTERPRETER DIST CT 9/30/22 20	158.61		
7655	J F DENNEY P	J F DENNEY PLUMBING & HEATING	330499	100363 AP	10/07/2022	2-001-5-31-288	LEAV03 EMS3 SERVICE CALL - WAT	2,800.00		
7655	J F DENNEY P	J F DENNEY PLUMBING & HEATING	330499	100363 AP	10/07/2022	2-001-5-31-298	LEAV03 SVC CALL 500 EISEN -ROO	217.12		
							*** VENDOR 7655 TOTAL			3,017.12
394	KANSAS CITY EMERGENC	KANSAS CITY EMERGENCY PHYSICIA	330500	100364 AP	10/07/2022	2-001-5-07-219	INMATE MEDICAL BILL	37.14		
6636	KANSAS GAS	KANSAS GAS SERVICE	330501	100365 AP	10/07/2022	2-001-5-05-215	512142220 2006970 09 GAS SERVI	57.30		
6636	KANSAS GAS	KANSAS GAS SERVICE	330501	100365 AP	10/07/2022	2-001-5-05-215	510263944 1556921 09 GAS SVC	46.20		
							*** VENDOR 6636 TOTAL			103.50

warrants by vendor



START DATE: 10/01/2022 END DATE: 10/07/2022

TYPES OF CHECKS SELECTED: \* ALL TYPES

			P.O.NUMBER	CHECK#					
26400	KANSAS GAS	KANSAS GAS SERVICE	330502	100366 AP	10/07/2022	2-001-5-14-220	510614745 1631910 36 GAS SERVI	50.81	
1851	KANSAS ONE-CALL SYST	KANSAS ONE-CALL SYSTEM INC	330503	100367 AP	10/07/2022	2-001-5-31-290	08-LVPWD01 LOCATES SD1,SD2,BG	7.20	
1629	KU PHYSICIANS	KANSAS UNIVERSITY PHYSICIANS I	330504	100368 AP	10/07/2022	2-001-5-07-219	INMATE MEDICAL BILLS	214.91	
1629	KU PHYSICIANS	KANSAS UNIVERSITY PHYSICIANS I	330504	100368 AP	10/07/2022	2-001-5-07-219	INMATE MEDICAL BILLS	859.65	
							*** VENDOR		1629 TOTAL
									1,074.56
19903	LANGUAGE L	LANGUAGE LINE SERVICES INC	330505	100369 AP	10/07/2022	2-001-5-19-221	9020533027 INTERPRETER (PHONE)	4.75	
1821	LEAV CITY	CITY OF LEAVENWORTH	330506	100370 AP	10/07/2022	2-001-5-82-301	RIVERFRONT FACILITY RENTAL - S	250.00	
138	LEAV CO BAR	LEAVENWORTH COUNTY BAR	330507	100371 AP	10/07/2022	2-001-5-19-203	2022-23 DUES DIST CT	125.00	
138	LEAV CO BAR	LEAVENWORTH COUNTY BAR	330507	100371 AP	10/07/2022	2-001-5-19-203	2022-23 DUES DIST CT	125.00	
138	LEAV CO BAR	LEAVENWORTH COUNTY BAR	330507	100371 AP	10/07/2022	2-001-5-19-203	2022-23 DUES DIST CT	125.00	
138	LEAV CO BAR	LEAVENWORTH COUNTY BAR	330507	100371 AP	10/07/2022	2-001-5-19-203	2022-23 DUES DIST CT	125.00	
							*** VENDOR		138 TOTAL
									500.00
4579	LEAV CO FA	LEAV CO FAIR ASSN LEAVENWORTH	330508	100372 AP	10/07/2022	2-001-5-25-201	PER LEAVCO 2022 BUDGET	17,000.00	
975	LEAV LANSI	LEAVENWORTH/LANSING CHAMBER	330509	100373 AP	10/07/2022	2-001-5-04-212	LUNCH&LEARN E2220.14395.2919 T	15.00	
537	LEAV TIMES	CHERRYROAD MEDIA INC	330511	100375 AP	10/07/2022	2-001-5-06-220	21250 ADMIN COMP PLAN NOTICE	22.19	
533	MERCHANT MCINTYRE	MERCHANT MCINTYRE & ASSOCIATES	330512	100376 AP	10/07/2022	2-001-5-14-232	328369 OCTOBER GRANT SEEKING S	7,500.00	
2059	MIDWEST OFFICE TECH	MIDWEST OFFICE TECHNOLOGY INC	330513	100377 AP	10/07/2022	2-001-5-11-303	OPL305_K COPIER COSTS	19.71	
2666	MISC REIMBURSEMENTS	DEPUTY	330514	100378 AP	10/07/2022	2-001-5-07-211	PER DIEM (ADVANCE- BREACHING S	39.00	
2666	MISC REIMBURSEMENTS	DEPUTY	330514	100378 AP	10/07/2022	2-001-5-07-211	PER DIEM (ADVANCE- BREACHING S	45.00	
2666	MISC REIMBURSEMENTS	DEPUTY	330514	100378 AP	10/07/2022	2-001-5-07-211	PER DIEM (ADVANCE- BREACHING S	104.00	
							*** VENDOR		2666 TOTAL
									188.00
196	OLSSON	OLSSON, INC	330515	100379 AP	10/07/2022	2-001-5-06-206	019-28310 PROF SVC THROUGH 9.1	2,409.50	
3	OTHER COUNTY OFFICE	BASEHOR CHAMBER OF COMMERCE	330516	100380 AP	10/07/2022	2-001-5-04-212	LUNCH	12.00	
427	PEMBLE	JORDAN PEMBLE	330517	100381 AP	10/07/2022	2-001-5-09-231	VARIOUS CINC CASES-CONFLICT AT	1,785.00	
102	PROFESSIONAL SERVICE	UNIVERSITY OF KANSAS HOSP AUTH	330518	100382 AP	10/07/2022	2-001-5-07-219	INMATE MEDICAL BILL	778.31	
2612	QUALITY REPORTING	QUALITY REPORTING	330519	100383 AP	10/07/2022	2-001-5-19-251	OCR FEES JURY TRIAL 9/12-9/13	665.52	
4752	SKC COMMUN	SKC COMMUNICATIONS PRODUCTS	330522	100386 AP	10/07/2022	2-001-5-19-301	PODIUM MICROPHONE (CR2)	238.58	
6575	STERICYCLE	STERICYCLE, INC	330524	100388 AP	10/07/2022	2-001-5-07-359	2237623 SHERIFF-MEDICAL WASTE	347.79	
6575	STERICYCLE	STERICYCLE, INC	330524	100388 AP	10/07/2022	2-001-5-07-359	2237623 SHERIFF-MEDICAL WASTE	192.72	
							*** VENDOR		6575 TOTAL
									540.51
4445	T MOBILE	T-MOBILE USA, INC	330525	100389 AP	10/07/2022	2-001-5-05-210	WIRELESS SERVICE EMS	446.57	
261	TELEFLEX	TELEFLEX FUNDING LLC	330526	100390 AP	10/07/2022	2-001-5-05-381	EMS ACCT 1239536 IO NEEDLES	562.50	
2	WATER DEPT	WATER DEPT	330528	100392 AP	10/07/2022	2-001-5-05-215	WATER SVC EMS 9101	60.98	
2	WATER DEPT	WATER DEPT	330528	100392 AP	10/07/2022	2-001-5-05-215	WATER SVC HEALTH DEPT/WIC/EMS	49.25	
2	WATER DEPT	WATER DEPT	330528	100392 AP	10/07/2022	2-001-5-14-220	WATER SVC COURHTOUSE	1,527.78	
2	WATER DEPT	WATER DEPT	330528	100392 AP	10/07/2022	2-001-5-32-392	WATER SVC JUSTICE CENTER	3,932.74	
2	WATER DEPT	WATER DEPT	330528	100392 AP	10/07/2022	2-001-5-33-392	WATER SVC CUSHING (2 METERS)	27.60	
2	WATER DEPT	WATER DEPT	330528	100392 AP	10/07/2022	2-001-5-33-392	WATER SVC CUSHING (2 METERS)	831.08	
							*** VENDOR		2 TOTAL
									6,429.43
276	WEX	WEX BANK	330532	39	10/07/2022	2-001-5-11-253	CO ATTY - INVESTIGATIVE EXPENS	104.67	
276	WEX	WEX BANK	330532	39	10/07/2022	2-001-5-14-331	EMS FUEL TO 9.23	11,623.70	
276	WEX	WEX BANK	330532	39	10/07/2022	2-001-5-14-332	SHERIFF/EOC FUEL TO 9.23	7,424.48	
276	WEX	WEX BANK	330532	39	10/07/2022	2-001-5-14-332	SHERIFF/EOC FUEL TO 9.23	75.99	
276	WEX	WEX BANK	330532	39	10/07/2022	2-001-5-14-334	APPRAISER FUEL TO 9.23.22	595.44	
276	WEX	WEX BANK	330532	39	10/07/2022	2-001-5-14-335	PLANNING FUEL TO 9.23.22	131.86	
276	WEX	WEX BANK	330532	39	10/07/2022	2-001-5-14-901	0496-00-668063-1 WEX REBATE TO	119.02-	
							*** VENDOR		276 TOTAL
									19,837.12
2007	WIRENUTS	WIRENUTS	330529	100393 AP	10/07/2022	2-001-5-32-209	SVC CALL JC - ACCESS CONTROL	77.50	
									TOTAL FUND 001
									142,230.66

1629	KU PHYSICIANS	KANSAS UNIVERSITY PHYSICIANS I	330504	100368 AP	10/07/2022	2-108-5-00-280	C-10180 SEPT PRENATAL CLINICAL	3,600.00	
2	WATER DEPT	WATER DEPT	330528	100392 AP	10/07/2022	2-108-5-00-219	WATER SVC HEALTH DEPT/WIC/EMS	36.94	

warrants by vendor

TYPES OF CHECKS SELECTED: \* ALL TYPES

			P.O.NUMBER	CHECK#						
2	WATER DEPT	WATER DEPT	330528	100392 AP	10/07/2022	2-108-5-00-606	WATER SVC HEALTH DEPT/WIC/EMS	12.31		
							*** VENDOR	2 TOTAL	49.25	
276	WEX	WEX BANK	330532	39	10/07/2022	2-108-5-00-304	HEALTH DEPT CCL/TPT FUEL TO 9.	120.60		
276	WEX	WEX BANK	330532	39	10/07/2022	2-108-5-00-610	HEALTH DEPT CCL/TPT FUEL TO 9.	48.90		
							*** VENDOR	276 TOTAL	169.50	
							TOTAL FUND 108		3,818.75	
243	GEOTAB	GEOTAB USA INC	330496	100360 AP	10/07/2022	2-115-5-00-410	10-2 LEAV01:INV318661 SEPTEMBE	48.99		
243	GEOTAB	GEOTAB USA INC	330496	100360 AP	10/07/2022	2-115-5-00-411	10-2 LEAV01:INV318661 SEPTEMBE	114.31		
243	GEOTAB	GEOTAB USA INC	330496	100360 AP	10/07/2022	2-115-5-00-415	10-2 LEAV01:INV318661 SEPTEMBE	32.66		
243	GEOTAB	GEOTAB USA INC	330496	100360 AP	10/07/2022	2-115-5-00-434	10-2 LEAV01:INV318661 SEPTEMBE	538.89		
							*** VENDOR	243 TOTAL	734.85	
							TOTAL FUND 115		734.85	
843	FIDLAR	FIDLAR	330494	100358 AP	10/07/2022	2-119-5-00-252	2010343 BASTION AVID HOSTING T	3,050.00		
							TOTAL FUND 119		3,050.00	
276	WEX	WEX BANK	330532	39	10/07/2022	2-123-5-00-301	JCPG FUEL TO 9.23	54.81		
							TOTAL FUND 123		54.81	
243	GEOTAB	GEOTAB USA INC	330496	100360 AP	10/07/2022	2-126-5-00-221	10-2 LEAV01:INV318661 SEPTEMBE	16.33		
276	WEX	WEX BANK	330532	39	10/07/2022	2-126-5-00-221	ADULT COMM CORR FUEL TO 9.23.2	46.30		
							TOTAL FUND 126		62.63	
86	EVERGY	EVERGY KANSAS CENTRAL INC	330491	100355 AP	10/07/2022	2-133-5-00-251	10-5 ELECTRIC SVC NORTH END SA	27.76		
243	GEOTAB	GEOTAB USA INC	330496	100360 AP	10/07/2022	2-133-5-00-229	10-2 LEAV01:INV318661 SEPTEMBE	726.57		
196	OLSSON	OLSSON, INC	330515	100379 AP	10/07/2022	2-133-5-00-213	10-4 PROJ 109-28310 SVC THROUG	7,800.76		
							TOTAL FUND 133		8,555.09	
243	GEOTAB	GEOTAB USA INC	330496	100360 AP	10/07/2022	2-136-5-00-221	10-2 LEAV01:INV318661 SEPTEMBE	16.33		
							TOTAL FUND 136		16.33	
626	ADA AUCTION	ADA AUCTION MERCHANDISE SOURCE	330474	100338 AP	10/07/2022	2-145-5-00-746	2 ITEMS FOR FALL FUNDRAISER	225.00		
626	ADA AUCTION	ADA AUCTION MERCHANDISE SOURCE	330474	100338 AP	10/07/2022	2-145-5-00-746	2 ITEMS FOR FALL FUNDRAISER	175.00		
							*** VENDOR	626 TOTAL	400.00	
2621	CAFE	TERRY BOOKER	330485	100349 AP	10/07/2022	2-145-5-00-256	CO ON AGING MEALS RESERVED 9/1	10,342.50		
2621	CAFE	TERRY BOOKER	330485	100349 AP	10/07/2022	2-145-5-00-256	CO ON AGING MEALS RESERVED 9/1	10,395.00		
							*** VENDOR	2621 TOTAL	20,737.50	
184	FLORENCE R	FLORENCE RIFORD SENIOR CTR	330495	100359 AP	10/07/2022	2-145-5-00-246	OCTOBER UTILITY STIPEND	124.00		
184	FLORENCE R	FLORENCE RIFORD SENIOR CTR	330495	100359 AP	10/07/2022	2-145-5-05-202	OCTOBER UTILITY STIPEND	66.00		
184	FLORENCE R	FLORENCE RIFORD SENIOR CTR	330495	100359 AP	10/07/2022	2-145-5-07-202	OCTOBER UTILITY STIPEND	10.00		
							*** VENDOR	184 TOTAL	200.00	
89	HICKORY VILAS	HICKORY VILLAS, LLC	330497	100361 AP	10/07/2022	2-145-5-00-246	UTILITY STIPEND	124.00		
89	HICKORY VILAS	HICKORY VILLAS, LLC	330497	100361 AP	10/07/2022	2-145-5-05-202	UTILITY STIPEND	66.00		
89	HICKORY VILAS	HICKORY VILLAS, LLC	330497	100361 AP	10/07/2022	2-145-5-07-202	UTILITY STIPEND	10.00		
							*** VENDOR	89 TOTAL	200.00	
4755	LEAV PAPER	LEAVENWORTH PAPER AND OFFICE S	330510	100374 AP	10/07/2022	2-145-5-00-255	CO ON AGING INK,TOWELS,SILVERW	72.60		
4755	LEAV PAPER	LEAVENWORTH PAPER AND OFFICE S	330510	100374 AP	10/07/2022	2-145-5-00-303	CO ON AGING INK,TOWELS,SILVERW	195.64		
4755	LEAV PAPER	LEAVENWORTH PAPER AND OFFICE S	330510	100374 AP	10/07/2022	2-145-5-00-345	CO ON AGING C1&C2 CONSUMABLES	156.11		
4755	LEAV PAPER	LEAVENWORTH PAPER AND OFFICE S	330510	100374 AP	10/07/2022	2-145-5-00-345	CO ON AGING C1&C2 CONSUMABLES	471.71		
4755	LEAV PAPER	LEAVENWORTH PAPER AND OFFICE S	330510	100374 AP	10/07/2022	2-145-5-00-746	CO ON AGING INK,TOWELS,SILVERW	492.70		
4755	LEAV PAPER	LEAVENWORTH PAPER AND OFFICE S	330510	100374 AP	10/07/2022	2-145-5-05-301	CO ON AGING C1&C2 CONSUMABLES	64.28		

warrants by vendor

TYPES OF CHECKS SELECTED: \* ALL TYPES

				P.O.NUMBER	CHECK#					
4755	LEAV PAPER	LEAVENWORTH PAPER AND OFFICE S	330510	100374 AP	10/07/2022	2-145-5-06-301	CO ON AGING C1&C2 CONSUMABLES	43.45		
4755	LEAV PAPER	LEAVENWORTH PAPER AND OFFICE S	330510	100374 AP	10/07/2022	2-145-5-06-321	CO ON AGING C1&C2 CONSUMABLES	62.07		
4755	LEAV PAPER	LEAVENWORTH PAPER AND OFFICE S	330510	100374 AP	10/07/2022	2-145-5-07-302	CO ON AGING C1&C2 CONSUMABLES	9.18		
4755	LEAV PAPER	LEAVENWORTH PAPER AND OFFICE S	330510	100374 AP	10/07/2022	2-145-5-07-321	CO ON AGING C1&C2 CONSUMABLES	43.45		
								*** VENDOR	4755 TOTAL	1,611.19
350	TREASURER	LEAVENWORTH COUNTY	330527	100391 AP	10/07/2022	2-145-5-00-746	CO ON AGING FALL MOW BENEFIT C	200.00		
350	TREASURER	LEAVENWORTH COUNTY	330527	100391 AP	10/07/2022	2-145-5-00-746	CO ON AGING FALL MOW BENEFIT C	210.00		
350	TREASURER	LEAVENWORTH COUNTY	330527	100391 AP	10/07/2022	2-145-5-00-746	CO ON AGING FALL MOW BENEFIT C	100.00		
350	TREASURER	LEAVENWORTH COUNTY	330527	100391 AP	10/07/2022	2-145-5-00-746	CO ON AGING FALL MOW BENEFIT C	200.00		
350	TREASURER	LEAVENWORTH COUNTY	330527	100391 AP	10/07/2022	2-145-5-00-746	CO ON AGING FALL MOW BENEFIT C	200.00		
350	TREASURER	LEAVENWORTH COUNTY	330527	100391 AP	10/07/2022	2-145-5-00-746	CO ON AGING FALL MOW BENEFIT C	250.00		
350	TREASURER	LEAVENWORTH COUNTY	330527	100391 AP	10/07/2022	2-145-5-00-746	CO ON AGING FALL MOW BENEFIT C	610.00		
350	TREASURER	LEAVENWORTH COUNTY	330527	100391 AP	10/07/2022	2-145-5-00-746	CO ON AGING FALL MOW BENEFIT C	750.00		
350	TREASURER	LEAVENWORTH COUNTY	330527	100391 AP	10/07/2022	2-145-5-00-746	CO ON AGING FALL MOW BENEFIT C	210.00		
350	TREASURER	LEAVENWORTH COUNTY	330527	100391 AP	10/07/2022	2-145-5-00-746	CO ON AGING FALL MOW BENEFIT C	210.00		
350	TREASURER	LEAVENWORTH COUNTY	330527	100391 AP	10/07/2022	2-145-5-00-746	CO ON AGING FALL MOW BENEFIT C	210.00		
								*** VENDOR	350 TOTAL	3,150.00
276	WEX	WEX BANK	330532	39	10/07/2022	2-145-5-00-304	CO ON AGING FUEL TO 9.23.22	5,283.81		
1830	1830 BROADWAY	1830 BROADWAY LLC	330530	100394 AP	10/07/2022	2-145-5-00-215	CO ON AGING RENT - 1830 S BROA	5,491.84		
627	88 KEYS INC	88 KEYS INC	330531	100395 AP	10/07/2022	2-145-5-00-746	DUELING PIANO MUSICIANS(2) MOW	600.00		
								TOTAL FUND 145	37,674.34	
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243	GEOTAB	GEOTAB USA INC	330496	100360 AP	10/07/2022	2-155-5-00-401	10-2 LEAV01:INV318661 SEPTEMBE	169.83		
								TOTAL FUND 155	169.83	
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243	GEOTAB	GEOTAB USA INC	330496	100360 AP	10/07/2022	2-160-5-00-215	10-2 LEAV01:INV318661 SEPTEMBE	48.99		
17209	REDDI SERV	REDDI SERVICES	330520	100384 AP	10/07/2022	2-160-5-00-263	TRANSFER STATION MONTHLY SEPTI	325.00		
6917	RWD 1	RURAL WATER DIST #1	330521	100385 AP	10/07/2022	2-160-5-00-210	WATER METER - TRANSFER STATION	33.09		
								TOTAL FUND 160	407.08	
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615	KIMLEY-HORN	KIMLEY-HORN & ASSOCIATES, INC	330472	1662 AP	10/06/2022	2-171-5-07-201	10-2 268228000.1 REGIONAL TRAN	27,530.00		
196	OLSSON	OLSSON, INC	330473	1663 AP	10/06/2022	2-171-5-05-201	10-1 019-28310 PROF SVC TO 9.1	6,216.00		
								TOTAL FUND 171	33,746.00	
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396	ACI BOLAND INC	ACI BOLAND INC	330464	10160 AP	10/06/2022	2-172-5-00-107	ARPA115 2.3 CRISIS ST 3-211113	931.25		
396	ACI BOLAND INC	ACI BOLAND INC	330464	10160 AP	10/06/2022	2-172-5-00-107	ARPA111 2.4 EXTENSION 3-21113.	998.55		
								*** VENDOR	396 TOTAL	1,929.80
380	DONDLINGER & SONS	DONDLINGER & SONS CONSTRUCTION	330533	10162 AP	10/07/2022	2-172-5-00-506	ARPA109 3.3 BR E-18 PROJ 2022.	62,898.92		
380	DONDLINGER & SONS	DONDLINGER & SONS CONSTRUCTION	330533	10162 AP	10/07/2022	2-172-5-00-506	ARPA110 3.4 BR F-46 PROJ 2022.	115,185.48		
								*** VENDOR	380 TOTAL	178,084.40
534	SANDS CONSTRUCTION	SANDS CONSTRUCTION LLC	330465	10161 AP	10/06/2022	2-172-5-00-107	AROA112 2.2 COA 3-21113.00	84,301.00		
534	SANDS CONSTRUCTION	SANDS CONSTRUCTION LLC	330465	10161 AP	10/06/2022	2-172-5-00-107	ARPA113 2.3 CRISIS ST. 3-2111	85,244.00		
534	SANDS CONSTRUCTION	SANDS CONSTRUCTION LLC	330465	10161 AP	10/06/2022	2-172-5-00-107	ARPA114 2.4 3-21113.02 EXTENSI	111,031.00		
								*** VENDOR	534 TOTAL	280,576.00
								TOTAL FUND 172	460,590.20	
-----										
1737	AT&T-CAROL STREAM IL	AT&T	330477	100341 AP	10/07/2022	2-174-5-00-210	KDOT SITE - BONNER	417.10		
86	EVERGY	EVERGY KANSAS CENTRAL INC	330491	100355 AP	10/07/2022	2-174-5-00-210	ELEC SVC 3 TOWERS	765.38		
86	EVERGY	EVERGY KANSAS CENTRAL INC	330491	100355 AP	10/07/2022	2-174-5-00-210	ELEC SVC 3 TOWERS	452.89		
86	EVERGY	EVERGY KANSAS CENTRAL INC	330491	100355 AP	10/07/2022	2-174-5-00-210	ELEC SVC 3 TOWERS	330.37		
								*** VENDOR	86 TOTAL	1,548.64
								TOTAL FUND 174	1,965.74	

TYPES OF CHECKS SELECTED: \* ALL TYPES

		P.O.NUMBER	CHECK#								
1851	KANSAS ONE-CALL SYST	KANSAS ONE-CALL SYSTEM INC	330503	100367 AP	10/07/2022	2-210-5-00-2	08-LVPWD01	LOCATES SD1,SD2,BG	4.80		
									TOTAL FUND 210		4.80
1851	KANSAS ONE-CALL SYST	KANSAS ONE-CALL SYSTEM INC	330503	100367 AP	10/07/2022	2-212-5-00-2	08-LVPWD01	LOCATES SD1,SD2,BG	9.60		
18963	SMITH & LO	SMITH & LOVELESS INC	330523	100387 AP	10/07/2022	2-212-5-00-2	10*10831	SD2 PUMP VAC VALVE OU	595.42		
									TOTAL FUND 212		605.02
26521	BRUNSON BU	BRUNSON BUILDERS INC	330483	100347 AP	10/07/2022	2-215-5-03-213	COURTHOUSE - HR OFFICE REMODEL		4,782.00		
									TOTAL FUND 215		4,782.00
									TOTAL ALL CHECKS		698,468.13

TYPES OF CHECKS SELECTED: \* ALL TYPES

FUND SUMMARY

001	GENERAL	142,230.66
108	COUNTY HEALTH	3,818.75
115	EQUIPMENT RESERVE	734.85
119	ROD TECHNOLOGY	3,050.00
123	JUVENILE CRIME PREVENTION	54.81
126	COMM CORR ADULT	62.63
133	ROAD & BRIDGE	8,555.09
136	COMM CORR JUVENILE	16.33
145	COUNCIL ON AGING	37,674.34
155	LSR CAPITAL EQUIP RESERVE	169.83
160	SOLID WASTE MANAGEMENT	407.08
171	S TAX CAP RD PROJ: BONDS	33,746.00
172	AMERICAN RECOVERY PLAN	460,590.20
174	911	1,965.74
210	SEWER DISTRICT 1: HIGH CREST	4.80
212	SEWER DISTRICT 2: TIMBERLAKES	605.02
215	CAPITAL IMPROVEMENTS	4,782.00
	TOTAL ALL FUNDS	698,468.13

CONSENT AGENDA 10-12-2022  
CHECKS DATED 10/1 - 10/7

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American Legion  
Byron H. Mehl, Post 23  
P.O. Box 298  
Leavenworth, KS 66048

October 3, 2022

**Leavenworth County  
Special Parks & Recreation  
300 Walnut, Suite 225  
Leavenworth, KS 66048**

Sir/Ma'am,


American Post 23 is requesting the County Commission renew support of our local youth programs, to include Baseball, Boys State, Oratorical, and Cadet Law to just name a few. We are requesting a donation of \$8,000 to cover these youth programs. Post leadership and baseball representatives again plan on visiting all the Athletic Directors at all Leavenworth County High Schools to promote our programs. Last years team included kids from Leavenworth, Lansing, Basehor, and Tonganoxie.

Additionally, our Post sponsored 10 students to Boy's State last year, our goal this year is to sponsor 15 young people. Our Boy's State chairman does a good job of finding sponsors for most of the participants. However, some students will go unsponsored. In those cases, the Post picks up the cost of the sponsorship which is \$350. Parents pay \$50 and the sponsor picks up the remaining \$300. We also plan on sending 2 students to Cadet Law at the Kansas State Patrol Academy in Salina. This costs \$375, and we will pursue sponsorship from the local law enforcement agencies.

Without the financial support we receive from the Leavenworth County Board we will be limited on the youth programs we can support. In the past, these programs have had a huge positive impact on our young people. As we all know, they are our future, and this is a great investment in our future.

Sincerely,

Michael D. Cole  
  
Adjutant Post 23

Dave Thomas  
  
Children & Youth Chair

Enclosure:  
CY22 Expenditures



American Legion  
Byron H. Mehl, Post 23  
P.O. Box 298  
Leavenworth, KS 66048

### Post 23 Children & Youth Expenditures

#### **Baseball:**

CY2022 Starting Balance: \$1305.73 + \$5285 (FY22 Donations) = \$6590.73  
American Legion Baseball Insurance \$323.00  
American Legion Baseball Registration \$360.00  
Baseball Supplies (Baseballs, uniforms, Umpire Fees, Field fees, Tournament fees) \$5306.39  
End of year balance: \$601.34  
Estimated Funding: \$3500.00

#### **Boys State:** Starting Balance: \$0.00

Number of Boys Sponsored: 10 @ \$350.00 = \$3500.00  
Parents Fee: \$50.00 x 10 = \$500  
Community Sponsors: 4 x \$300 = \$1200  
Post Sponsored reminder: 6 x \$300 = \$1800  
Estimated Funding: Based on Goal of 15 students \$3300.00 (based on getting the 4 sponsors this year)

#### **Cadet Law:** Starting Balance: \$0.00

Number of Youth Sponsored: 0  
We had no sponsors for this program. Our Goal this year is 2 from the county high schools.  
Estimated funding: \$750.00

#### **Oratorical Contest:** Starting Balance: 0.00

Number of Youth Sponsored: 0  
We had no contestants for the program last year, but we are anticipating 3-5 from Leavenworth High School this year. There are no sponsorship fees, but we do offer \$500 scholarship for 1<sup>st</sup> Place \$300 for 2<sup>nd</sup> Place and \$200 for 3<sup>rd</sup> Place.  
Estimated funding: \$1000.00

#### **Misc Children and Welfare Funding** – Starting Balance \$575.00 (General Fund)

Direct financial support to veteran's families to support underage children in need. \$350.00  
Support of the State Prison Bicycle refurbishing program. \$500.00

**Total Budget Estimate for Jan 2023 – Dec 2023: \$9400.00 Children and Youth Programs**

**LEAVENWORTH COUNTY  
BOARD OF COUNTY COMMISSIONERS  
STAFF REPORT**

CASE NO: DEV-22-097 Leintz RWD 1 Contractors Yard

October 12, 2022

**REQUEST: Regular Agenda**

- Zoning Amendment                       Special Use Permit  
 Temporary Special Use Permit

**STAFF REPRESENTATIVE:**

KRYSTAL VOTH  
DIRECTOR

**SUBJECT PROPERTY:** 21825 147<sup>th</sup> Street

**APPLICANT/APPLICANT AGENT:**

JOE HERRING  
GLENN LEINTZ Cons. RWD#1  
21911 147<sup>th</sup> STREET  
BASEHOR, KS 66007

**PROPERTY OWNER:**

Cons. RWD1/GLENN LEINTZ

**CONCURRENT APPLICATIONS:**

N/A

**LAND USE**

ZONING: RR-2.5 & RR-5

FUTURE LAND USE DESIGNATION:  
RESIDENTIAL 3-UNITS PER ACRE

**LEGAL DESCRIPTION:**

A tract of land in the northeast quarter of Section 23, Township 10 South, Range 22 East of the 6th P.M., Leavenworth County, KS

SUBDIVISION: N/A

FLOODPLAIN: N/A

**PLANNING COMMISSION RECOMMENDATION: APPROVAL**

**PROPERTY INFORMATION**

**ACTION OPTIONS:**

1. Approve Resolution 2022-22 (Case No. DEV-22-097) for a Special Use Permit for Leintz RWD 1 Contractors Yard, with Findings of Fact, and with or without conditions; or
2. Deny Resolution 2022-22 (Case No. DEV-22-097) for a Special Use Permit for Leintz RWD 1 Contractors Yard, with Findings of Fact; or
3. Revise or Modify the Planning Commission Recommendation to Resolution 2022-22 (Case No. DEV-22-097) for a Special Use Permit for Leintz RWD 1 Contractors Yard, with Findings of Fact; or
4. Remand the case back to the Planning Commission.

PARCEL SIZE: 2.89 ACRES

PARCEL ID NO:  
156-23-0-00-00-001.01

BUILDINGS:  
Water Tower

**PROJECT SUMMARY:**

Request for Special Use Permit to operate a Contractor's Yard for Consolidated Rural Water District #1 (PID 156-23-0-00-00-001.01).

ACCESS/STREET:  
147<sup>th</sup> street  
COUNTY COLLECTOR

**Location Map:**



**UTILITIES**

SEWER: SEPTIC  
FIRE: FAIRMOUNT  
WATER: Cons. RWD#1  
ELECTRIC: EVERGY

**NOTICE & REVIEW:**

STAFF REVIEW: N/A  
NEWSPAPER NOTIFICATION:  
8/31/2022  
NOTICE TO SURROUNDING  
PROPERTY OWNERS:  
8/31/2022



<b>FACTORS TO BE CONSIDERED:</b>		
<i>The following factors are to be considered by the Planning Commission and the Board of County Commissioners when approving or disapproving this Special Use Permit request:</i>	<b>Met</b>	<b>Not Met</b>
<p><b>1. Character of the Neighborhood:</b></p> <p><i>Density:</i> Properties located within the unincorporated areas of the County are primarily rural in nature and are on existing large lots. Falcon Lakes Subdivision is directly to the east of the subject property and lots are generally ¼ acre in size.</p> <p><i>Nearby City Limits:</i> The City of Basehor is directly across 147<sup>th</sup> Street.</p> <p><i>Initial Growth Management Area:</i> This parcel is located within the Urban Growth Area.</p>	✓	
<p><b>2. Zoning and uses of nearby property:</b></p> <p><i>Adjacent Uses:</i> Most of the adjacent parcels are residential and agricultural in nature.</p> <p><i>Adjacent Zoning:</i> All adjacent properties are zoned RR-2.5 and Residential</p>	✓	
<p><b>3. Suitability of the Property for the uses to which is has been restricted:</b></p> <p>The property is approximately 3.5 acres and has had a water tower located upon it for more than a decade. The property is suitable as a rural residence, for agricultural uses and the proposed use is allowed with a Special Use Permit.</p>	✓	
<p><b>4. Extent to which removal of the restrictions will detrimentally affect nearby property:</b></p> <p><i>The use is unlikely to detrimentally impact neighboring parcels. There may be a slight increase in noise when employees load or unload materials. However, there will be little work taking place on the site and therefore any elevated noise levels should be short-lived and relatively infrequent.</i></p> <p><i>Traffic:</i> Traffic to the site will be limited. Approximately four employees will visit the site once in the morning and once in the afternoon. Customers will not visit the site.</p> <p><i>Lighting:</i> The applicant indicated no use of exterior lighting. Staff recommends placing a condition that all lighting shall be 0.00 foot-candles, as measured from the property line.</p> <p><i>Outdoor Storage:</i> Outdoor storage will be limited as the intention is to house all equipment indoors. Outdoor storage will occur in open-faced sheds and occasionally behind the building. Screening is proposed.</p> <p><i>Parking:</i> Parking is provided and is adequate for the proposed use.</p> <p><i>Visitors/Employees:</i> Typically four staff will visit the site each day. Customers will not frequent the site.</p> <p><i>Waste:</i> The applicant does not store chemicals, lubricants, oils or other chemicals on the property. Any waste generated from the property must be disposed of in compliance with all applicable local, state and federal laws.</p>	✓  ✓  ✓ (Condition 7)  ✓  ✓  ✓  ✓ (Condition 8)	
<p><b>5. Length of time the property has been vacant as zoned:</b></p>	✓	

<input checked="" type="checkbox"/> <i>Vacant: To our knowledge, the property has never been developed. There is an existing water tower.</i> <input type="checkbox"/> <i>Not Vacant:</i>		
<b>6. Relative gain to economic development, public health, safety and welfare:</b> The proposed application would allow for another business to be located within Leavenworth County. There does not appear to be any detrimental effects to the public health, safety or welfare.	✓	
<b>7. Conformance to the Comprehensive Plan:</b> <i>Future Land Use Map: Residential 3 Units Per Acre</i> <i>Section 4 Land Use and Development Plan Strategies: The proposed use is not compatible with the future land use designation.</i>		✓

**STAFF COMMENTS:**

The applicant is requesting a Special Use Permit for a contractor’s yard for the water district. The site currently contains a water tower. The water district is proposing a building that will house the majority of materials and provide limited office space. There is a proposal to store some materials, such as pipes and aggregate onsite and not within the building. The water district is proposing screening via trees and fencing.

The general hours of operation are proposed to be Monday-Friday from 7:00AM until 5:00PM. Staff will visit the site typically twice a day. Once in the morning to load equipment and once in the afternoon to unload. Typically, the site will be visited by four employees. Customers to the site are not proposed. The proposed use is allowed with a special use permit.

**STAFF RECOMMENDED CONDITIONS:**

1. The business shall operate from 7:00AM until 5:00PM, Monday through Friday
2. The applicant shall provide a certificate of general liability insurance in the amount of \$1,000,000 and shall indicate Leavenworth County as the certificate holder prior to commencement of activities on the site.
3. No signage shall be allowed in the right-of-way. Sign permits shall be required for any on-site or off-site signage. The applicant shall provide an owner authorization form for any off-site signs. All signage shall comply with Article 25, Sign Regulations of the Leavenworth County Zoning and Subdivision Regulations.
4. No on-street parking shall be allowed.
5. Outdoor storage of materials shall be screened from view.
6. The fencing and landscaping shall remain in working and appropriate order.
7. Any light generated from the proposed business shall be limited to 0 foot-candles, as measured from the property line.
8. All waste generated from the proposed business shall be disposed of in a manner that meets all local, state and federal requirements.
9. The applicant shall not store or burn commercial waste on the property.
10. This SUP shall comply with all local, state, and federal rules and regulations that may be applicable.
11. The Special Use Permit shall be subject to the written narrative and site plan provided on July 8, 2022 and as amended on August 2, 2022.
12. After approval of this SUP by the Board of County Commissioners all conditions listed shall be adhered to and copies shall be provided to the Planning and Zoning Office before the Special Use Permit shall take effect.

**ATTACHMENTS:**

A: Application & Narrative

B: Zoning Map  
C: Memorandums

**SPECIAL USE PERMIT APPLICATION**

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

Payment made  
on 07.08.2022

JUL 08 2022

SCANNED

APPLICANT/AGENT INFORMATION	OWNER INFORMATION (If different)
NAME <u>Joe Herring</u>	NAME <u>Glenn Leintz - Consolidated #1</u>
ADDRESS <u>315 North 5th Street</u>	ADDRESS <u>21911 147th 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>N/A</u>
EMAIL <u>herringsurveying@outlook.com</u>	EMAIL <u>N/A</u>
CONTACT PERSON <u>Joe</u>	CONTACT PERSON <u>N/A</u>

**PROPERTY INFORMATION**

PID: 156-23-0-00-00-001.01 Zoning District: RR-2.5

Address of property 21825 14th Street-147th St. Parcel size 4 Acres

Current use of the property AG and Commercial

Does the owner live on the property?  Yes  No

Proposed Special Use Water Tower, Shop, Laydown yard for Consolidated Water District #1

**TAX ASSESSEMENT STATEMENT**

**Upon the granting of a Special Use Permit by the Leavenworth County Board of County Commissioners, the assessable nature of the above referenced property and structures on the property may result in a change of the Appraised Class and Value and in the next year's Tax Assessment.**

I, the applicant, have read and understand that there may be a change in the appraised value of my property due to the presence of a Special Use Permit for my property. (Check one)  Yes  No

I, the undersigned am the (circle one) *owner, duly authorized agent*, of the aforementioned property situated in the unincorporated portion of Leavenworth County, Kansas. By execution of my signature, I do hereby officially apply for a Special Use Permit and acknowledge the potential of a change in the Appraised Value of my property as indicated above. I hereby agree to "cease and desist" the operation of the activity upon denial of the permit by the Board of County Commissioners.

Signature Joe Herring - digitally signed 7-7-2022 Date 7/7/22

**ATTACHMENT A**

**PROPOSED SPECIAL USE PERMIT INFORMATION**

Name of Business Consolidate Water District No. 1

Existing and Proposed Structures Existing Water Tower - Proposed Shop and Contractor Laydown Yard

Number of structures used for Special Use Permit 2

Will the use require parking?  Yes  No How many parking spaces are proposed/available? 3.33

Is the proposed use seasonal?  Yes  No  
If yes, what months will the use be active? \_\_\_\_\_ through \_\_\_\_\_  
Month Month

Reason for requesting a Special Use Permit: Expansion of property and use for the existing water tower

**Estimated Traffic**

*In this section, you are determining the impact your proposed use will have on the county roadways. A vehicle visiting your site is to be considered two trips because the visitor/employee/user will use the roadways twice. If you are planning to expand the use that may generate additional traffic during the duration of the permit, provide the traffic generation for the full expansion.*

How many total Passenger vehicle trips (both entering and exiting) will be generated by the Special Use Permit?

Daily 16 Weekly \_\_\_\_\_ Monthly \_\_\_\_\_

If applicable, how many total Commercial (delivery, heavy trucks, equipment, etc.) vehicle trips (both entering and exiting) will be generated by the Special Use Permit?

Daily \_\_\_\_\_ Weekly \_\_\_\_\_ Monthly 6

If applicable, describe Seasonal trips not accounted for above: What type (Passenger and Commercial) vehicle trips, how many trips per vehicle type in the seasonal timeframe, and describe the seasonal time frame (months, weeks, or days) in a calendar year.

Passenger: Months N/A Weeks \_\_\_\_\_ Days \_\_\_\_\_

Commercial: Months N/A Weeks \_\_\_\_\_ Days \_\_\_\_\_

When are trips to the site expected to occur (i.e. throughout the day, limited certain hours, etc.)? If applicable, separate occurrences by vehicle type (Passenger, Commercial, Seasonal Passenger, and Seasonal Commercial):

Expected trips to occur Monday through Friday - 7AM to 5PM. With some emergency trip due to water main breaks. Average 5 emergencies per year that occur outside of normal hours of 7AM to 5PM

What is the anticipated route(s) from the nearest State Highway to the Site? Kansas Highway 7 west on Leavenworth Road and North on 147th Street to site.

**Special Use Permit Renewal**

Describe any change to operations since the SUP was last issued including traffic trips compared to this SUP:

N/A

Have you added any buildings since the SUP was last issued?  Yes  No Any parking?  Yes  No

**ATTACHMENT B**

## Consolidated Water District #1 Special Use Permit Narrative (per Application Guidelines)

As Leavenworth County continues to grow, so does the water district and the expectations of services we provide to the citizens in the surrounding area. The water district has out grown our current storage capabilities and is in need of a centrally located site to contain the equipment and supplies needed to continue to maintain pace with growth in Leavenworth County.

This site was chosen for its central location within our service area and the already present commercial use with the existence of our elevated water storage tank. The facility will contain a building to house most equipment and supplies inside, and a storage yard to occasionally store material for upcoming projects. The facility would blend in well with the predominantly agricultural use buildings in the area and the Falcon Lakes Golf Course and development to the east. The facility would contain a small office space for Operations staff, but would not be utilized for our administrative offices at this time. Staff (currently four members) would meet at the facility in the morning to receive their field related tasks for the day. Operations would be generally between 7:00 AM to 5:00 PM with the occasional after-hours response to water emergencies (5 times a year on average).

Signage for the facility is initially thought to be a fence mounted static sign only at this time, with no electronic message or display. The potential of additional signage if/when the facility were ever to expand may be warranted.

Minimal chemical storage would be maintained at the site. These chemicals would be limited to fuel for equipment, spray paint for marking water lines and painting fire hydrants, minimal quantities of grease for fire hydrant maintenance etc... There will not be any water treatment chemicals stored at this facility as we do not treat water. Disposal of any used containers will be limited, and properly conducted as necessary.

The site will initially provide sewage disposal via septic tank and lateral field. With typically no one on site, sewage disposal will be limited.

Water supply will be provided from an existing 12-inch water main on the property. The site already contains two fire hydrants on the property for fire protection.

Minimal additional noise will be generated on site as most operations will be conducted off-site.

There will be no odors or fumes generated at this site.

There are open faced / lean-to sheds proposed for the rear portion of the facility to house material under cover.

There will be no outdoor displays or advertising conducted at this site.

The goal for this facility is to house all equipment inside the building with the occasional piece of equipment stored behind the building. Maintenance of vehicles is conducted by a third-party certified mechanic at an off-site facility.

No alcohol will be allowed on-site.

No dust control is planned at this site.

The site already contains a sign with emergency contact information, and that will be relocated/expanded as needed for the facility. The facility is proposed with a storm shelter located within the office space. A weather radio, evacuation plan and fire extinguishers will be provided in the facility once established. The water district will work closely with the Fairmount Township Fire Department and other emergency officials to ensure proper emergency access in and around the facility as they deem necessary.

Outdoor storage is proposed within open faced sheds and occasionally behind the building when material for a project is not able to be delivered directly to the project location. The water district has already discussed and agreed to screening material (fence/trees/shrubs) with the current property owner (see conceptual site plan). Additional screening will be provided as the area develops in a similar manner. The existing six-foot chain link fence will be expanded to include the "yard" portion of the site.

Security lighting will be limited to around the building and minimal in nature.

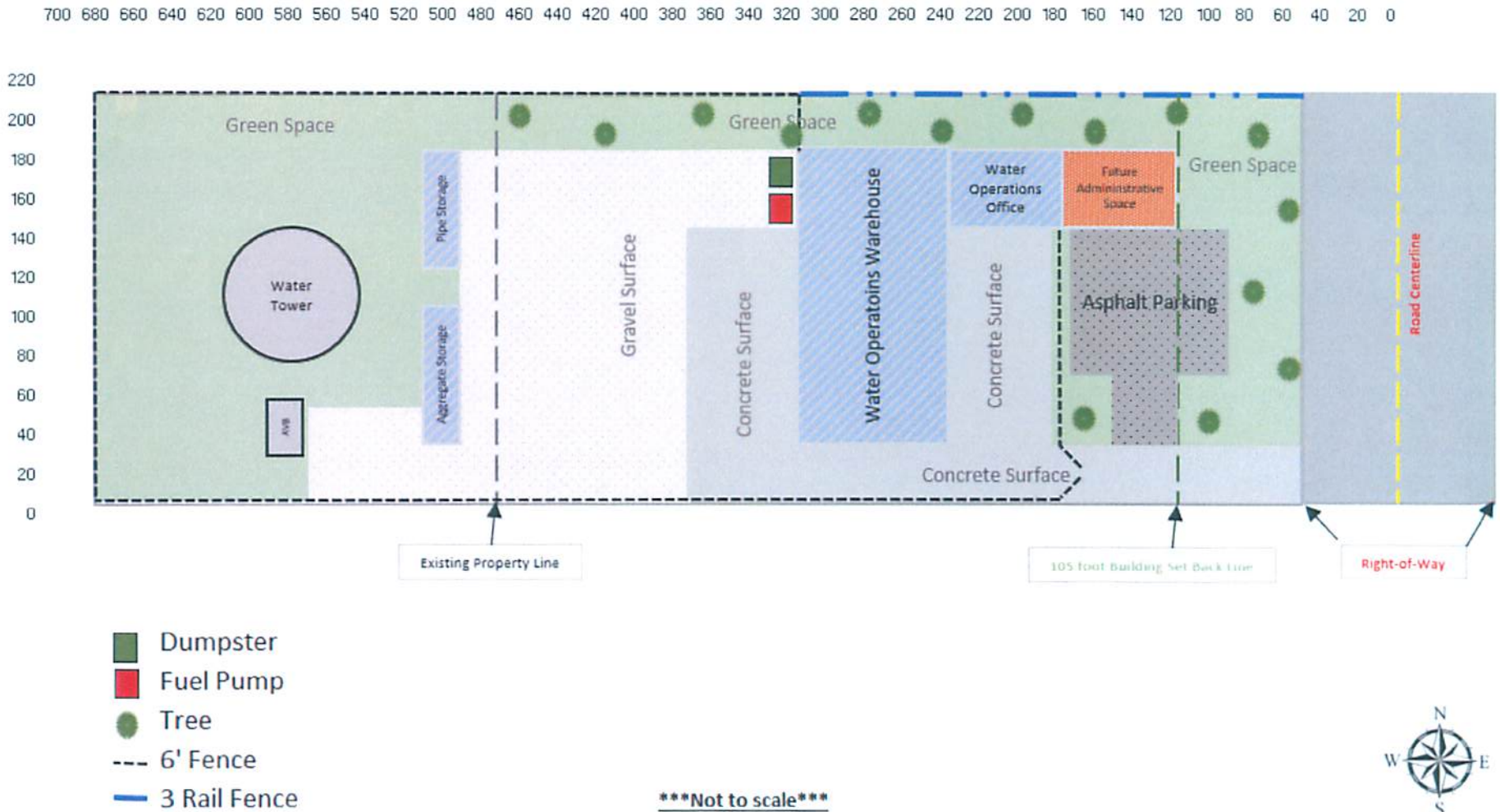
Parking will be provided as depicted in the conceptual site plan.

There will be no residential home on this site.

Traffic generated by the facility will be limited. The facility is currently visited daily by staff for maintenance and security purposes. Visits to the site by our four staff members will generally be in the morning and afternoon. Deliveries to the site will be limited, with the potential of 1-2 visits per month by others.

# Water Operations Facility

## Conceptual Site Plan





# CERTIFICATE OF SURVEY

Tracts of land in the Northeast Quarter of Section 23, Township 10 South, Range 22 East of the 6th P.M., Leavenworth County, Kansas.

## BOUNDARY LINE ADJUSTMENT

**PREPARED FOR:**

LEINTZ, GLENN A & MARGARET  
21911 147TH ST  
BASEHOR, KS 66007  
PID NO. 156-23-0-00-00-001

CONSOLIDATED RURAL WATER DISTRICT #1  
PO BOX 419  
BASEHOR, KS 66007  
PID NO. 156-23-0-00-00-001.01

**SURVEYOR'S DESCRIPTION:**

**TRACT 1:**

Tract of land in the Northeast Quarter of Section 23, Township 10 South, Range 22 East of the 6th P.M., Leavenworth County, Kansas, as written by Joseph A. Herring PS-1296 on May 4, 2022, more fully described as follows: Commencing at the Northeast corner of said Northeast Quarter; thence South 01 degrees 20'18" East for a distance of 624.50 feet along the East line of said Northeast Quarter to the TRUE POINT OF BEGINNING; thence continuing South 01 degrees 20'18" East for a distance of 492.09 feet along said East line; thence South 87 degrees 56'46" West for a distance of 697.51 feet; thence North 01 degrees 20'18" West for a distance of 491.39 feet; thence North 87 degrees 53'19" East for a distance of 697.52 feet to the point of beginning.

Together with and subject to covenants, easements, and restrictions of record. Said property contains 7.87 acres, more or less, including road right of way. Error of Closure: 1 - 2617075

**TRACT 2:**

Tract of land in the Northeast Quarter of Section 23, Township 10 South, Range 22 East of the 6th P.M., Leavenworth County, Kansas, as written by Joseph A. Herring PS-1296 on May 4, 2022, more fully described as follows: Commencing at the Northeast corner of said Northeast Quarter; thence South 01 degrees 20'18" East for a distance of 1116.59 feet along the East line of said Northeast Quarter to the TRUE POINT OF BEGINNING; thence continuing South 01 degrees 20'18" East for a distance of 208.00 feet along said East line; thence South 87 degrees 56'46" West for a distance of 697.51 feet; thence North 01 degrees 20'18" West for a distance of 208.00 feet; thence North 87 degrees 56'46" East for a distance of 697.51 feet to the point of beginning.

Together with and subject to covenants, easements, and restrictions of record. Said property contains 3.33 acres, more or less, including road right of way. Error of Closure: 1 - 999999

PID NO. 156-23...021.01

**RATIFICATION BY COUNTY STAFF**

This Boundary Line Adjustment, as described and shown above, has been submitted to and approved by the following County Staff persons this 14th day of May, 2022.

Planning Director: *Krystal A. Voth*  
Krystal A. Voth

I hereby certify that 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. Popina* 2022.06.13  
Michael J. Popina, KS PS-1655  
Leavenworth County Survey Reviewer

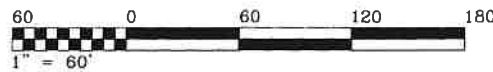


Scale 1" = 60'

Job # K-22-1555  
May 4, 2022 REV 6-5-22

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

315 North 6th Street, Leav., KS 66048  
Ph. 913.661.9956 Fax 913.674.6381  
Email - jurvey@teamcash.com



PID NO. 156-23...001

N 87°53'19"E 697.52'

TRACT 1  
7.87 Acres  
more or less  
Incl. R/W

TRACT 2  
3.33 Acres  
more or less  
Incl. R/W

PID NO. 156-23...021

21N  
NE COR NE 1/4  
Sec. 23-10-22  
2" Alum. Cap in Mon. Box

POC TR1  
POC TR2

POB TR1  
NS

50' R/W

147TH STREET  
Doc. # 2016R0658  
2645.78' FGR  
S 01°20'18" E 2645.52'  
1324.59'  
700.09'

1116.59' South  
of NE COR  
POB TR2  
NS

208.00'

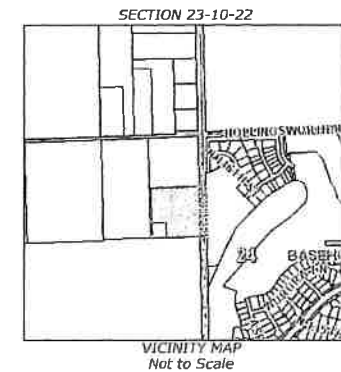
NS

21P  
SE Cor. NE 1/4  
Sec. 23-10-22  
2" Alum. Cap in Mon. Box



- NOTES:**
- 1) This survey does not show ownership or easements, per agreement with client
  - 2) All distances are calculated from measurements or measured this survey, unless otherwise noted.
  - 3) All record and measured distances are the same, unless otherwise noted.
  - 4) Error of Closure - See Surveyor's Description
  - 5) Basis of Bearing - KS SPC North Zone 1501 held East Line Northeast 1/4
  - 6) Monument Origin Unknown, unless otherwise noted.
  - 7) Referenced Surveys - FGR - Survey Bk.S13 #91 1984 Thad Fowler Survey dated 1995
  - 8) Road Records - See Survey
  - 9) Referenced Deed Bk.704 Pg.1983, Bk.726 Pg. 824
  - 10) Survey prepared without the benefit of a title commitment.
  - 11) Fence Lines do not necessarily denote property lines.
  - 12) Structures are shown in approximate location.
  - 13) Property is not in a Special Flood Hazard Area Zone A per FEMA FIRM Map 20103C0241G dated July 16, 2015
  - 14) Utilities, if shown, are visible and above ground, except as noted. Easements may or may not exist.

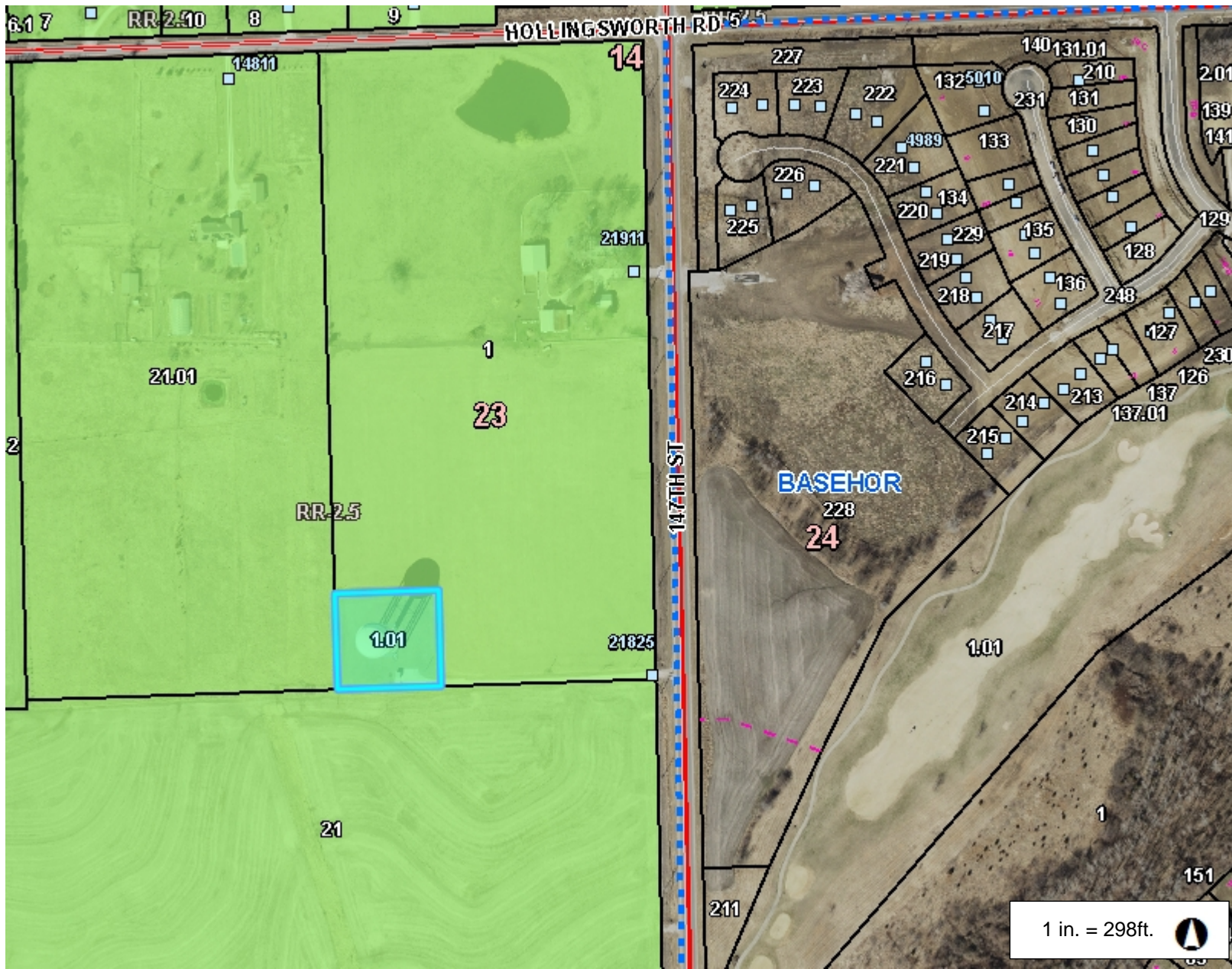
- LEGEND:**
- - 1/2" Rebar Set with Cap No.1296
  - - 1/2" Rebar Found, unless otherwise noted.
  - POB - Point of Beginning
  - POC - Point of Commencing
  - ~ - Tree/Brush Line
  - NS - Not Set this Survey per agreement with client



I hereby certify that this survey was made by me, or under my direct supervision, on the ground during the dates of April through May, 2022 and this map or plat is correct to the best of my knowledge.

Joseph A. Herring  
PS # 1296

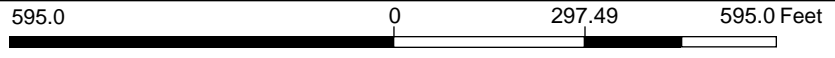
# DEV-22-097 Leintz/RWD 1 SUP Zoning Map



**Legend**

- Address Point
- Parcel Number
- Lot Line
- Parcel
- ⋮ City Limit Line
- Major Road
  - <all other values>
  - 70
- Road
  - <all other values>
  - PRIVATE
- + Railroad
- Section
- Section Boundaries
- County Boundary
- Zoning
  - B-1
  - B-2
  - B-3
  - I-1
  - I-2
  - I-3
  - MXD
  - PC
  - PI
  - PR-1

1 in. = 298ft.



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**

## Voth, Krystal

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**From:** Voth, Krystal  
**Sent:** Wednesday, August 17, 2022 11:07 AM  
**To:** Voth, Krystal  
**Subject:** FW: DEV-22-097 SUP for Water District

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**From:** Mitch Pleak <mpleak@olsson.com>  
**Sent:** Tuesday, August 16, 2022 4:04 PM  
**To:** Voth, Krystal <KVoth@leavenworthcounty.gov>  
**Cc:** Noll, Bill <BNoll@leavenworthcounty.gov>; 019-2831 <019-2831@olsson.com>  
**Subject:** RE: DEV-22-097 SUP for Water District

*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,  
SUP application and concept have been reviewed. No further comment.

Thanks,

Mitch Pleak

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**From:** Voth, Krystal <[KVoth@leavenworthcounty.gov](mailto:KVoth@leavenworthcounty.gov)>  
**Sent:** Wednesday, August 10, 2022 10:53 AM  
**To:** Mitch Pleak <[mpleak@olsson.com](mailto:mpleak@olsson.com)>  
**Subject:** DEV-22-097 SUP for Water District

Mitch,

Here is an updated site plan along with an email responding to the questions asked by Olsson.

I misunderstood Joe's original email and thought an email was forthcoming from the district, but then realized it's at the bottom of Joe's email.

Respectfully,

**Krystal A. Voth, CFM**  
Director  
Planning & Zoning  
Leavenworth County  
913.684.0461



# The City of Basehor

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July 22, 2022

Krystal Voth  
Leavenworth County Planning and Zoning

Ms. Voth,

The City of Basehor has reviewed the site plan, application and narrative provided by Leavenworth County for the planned improvements associated with the Rural District water site located at 21825 147<sup>th</sup> Street. The only comment we would provide is to consider adding landscaping along the southern and western property lines to provide additional screening at these locations. It is likely that the adjacent properties to the south and west will develop at some point in the future as single-family homes and having established vegetation around the water district facilities will provide greater separation between the two land uses. In the meantime, additional vegetation will also act as a wind break and help protect the water district's facilities.

We appreciate you reaching out to the City of Basehor and allowing us the chance to provide comments regarding this project.

Regards,

Marshall Allen  
Acting Planning and Zoning Administrator  
City of Basehor, KS 66007  
913.724.1370

## RESOLUTION 2022-22

A resolution of the Leavenworth County Kansas Board of County Commission, issuing a Special Use Permit for a Contractors Yard – Leintz/Consolidated RWD 1 on the following described property:

A tract in the Northeast Quarter of Section 23, Township 10 South, Range 22 East of the 6th P.M., Leavenworth County, Kansas, more commonly known as 21825 147<sup>th</sup> Street.

WHEREAS, it is hereby found and determined that a request for a Special Use Permit as described above was filed with the Secretary of the Leavenworth County Planning Commission, on the 8<sup>th</sup> day of July, 2022, 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 Special Use Permit on the 21<sup>st</sup> day of September, 2022; and

WHEREAS, it is hereby found that the Leavenworth County Planning Commission, based upon specific findings of fact incorporated by reference herein, did recommend that the Special Use Permit be approved, subject to special conditions as set forth; and

WHEREAS, the Board of County Commission considered, in session on the 12<sup>th</sup> day of October, 2022, the recommendation of the Leavenworth County Planning Commission.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commission of Leavenworth County, Kansas, that:

1. Based upon the recommendation and findings of fact of the Leavenworth County Planning Commission; and,
2. Based upon the findings of fact adopted by the Board of County Commission in regular session on the 12<sup>th</sup> day of October, 2022, and incorporated herein by reference;

That Case No. DEV-22-097, Special Use Permit for a Contractors Yard – Leintz/Consolidated RWD 1 approved subject to the following conditions:

1. The business shall operate from 7:00AM until 5:00PM, Monday through Friday
2. The applicant shall provide a certificate of general liability insurance in the amount of \$1,000,000 and shall indicate Leavenworth County as the certificate holder prior to commencement of activities on the site.
3. No signage shall be allowed in the right-of-way. Sign permits shall be required for any on-site or off-site signage. The applicant shall provide an owner authorization form for any off-site signs. All signage shall comply with Article 25, Sign Regulations of the Leavenworth County Zoning and Subdivision Regulations.
4. No on-street parking shall be allowed.
5. Outdoor storage of materials shall be screened from view.
6. The fencing and landscaping shall remain in working and appropriate order.
7. Any light generated from the proposed business shall be limited to 0 foot-candles, as measured

from the property line.

8. All waste generated from the proposed business shall be disposed of in a manner that meets all local, state and federal requirements.
9. The applicant shall not store or burn commercial waste on the property.
10. This SUP shall comply with all local, state, and federal rules and regulations that may be applicable.
11. The Special Use Permit shall be subject to the written narrative and site plan provided on July 8, 2022 and as amended on August 2, 2022.
12. After approval of this SUP by the Board of County Commissioners all conditions listed shall be adhered to and copies shall be provided to the Planning and Zoning Office before the Special Use Permit shall take effect.

located in Section 23, Township 10 South, Range 22, also known as 21825 147<sup>th</sup> Street, parcel no. 156-23-0-00-00-001.01 in Leavenworth County, Kansas.

Adopted this 12<sup>th</sup> day of October, 2022  
Board of County Commission  
Leavenworth, County, Kansas

\_\_\_\_\_  
Mike Smith, Chairman

ATTEST

\_\_\_\_\_  
Jeff Culbertson, Member

\_\_\_\_\_  
Janet Klasinski

\_\_\_\_\_  
Vicky Kaaz, Member

\_\_\_\_\_  
Doug Smith, Member

\_\_\_\_\_  
Mike Stieben, Member

**Leavenworth County  
Request for Board Action  
Resolution 2022-23  
Rezoning from RR-5 to RR-2.5**

**Date:** October 12, 2022  
**To:** Board of County Commissioners  
**From:** Planning & Zoning Staff

**Department Head Review:** Krystal Voth, Reviewed

**Additional Reviews as needed:**

**Budget Review**  **Administrator Review**  **Legal Review**

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**Action Requested:** Approve Resolution 2022-23, a request to rezone 20090 & 20130 Douglas Road from RR-5 to RR-2.5.

**Analysis:** The applicants are requesting a rezoning from Rural-Residential 5 to Rural-Residential 2.5. The Comprehensive Plan identifies the future land use of this area as Residential 3 units per acre. While Staff would typically recommend denial of a request that does not conform to the future land use, Staff recommends approval for the following reasons:

1. The requested use is less dense than the future land use designation.
2. The nearest city is located more than two miles to the northwest, therefore making extension of sanitary sewer (necessary for 3 units/acre) unlikely.

**Planning Commission Recommendation:** The Planning Commission voted 6-0 to recommend approval of Case No. DEV-22-111 (Resolution 2022-23) Rezoning Request from RR-5 to RR-2.5.

**Alternatives:**

1. Approve Resolution 2022-23, Rezoning Request from RR-5 to RR-2.5, with Findings of Fact, and with or without conditions; or
2. Deny Resolution 2022-23, Rezoning Request from RR-5 to RR-2.5, with Findings of Fact; or
3. Revise or Modify the Planning Commission Recommendation to Resolution 2022-23, Rezoning Request from RR-5 to RR-2.5, with Findings of Fact; or
4. Remand the case back to the Planning Commission.

**Budgetary Impact:**

- Not Applicable
- Budgeted item with available funds
- Non-Budgeted item with available funds through prioritization
- Non-Budgeted item with additional funds requested

**Total Amount Requested:**

\$0.00

**Additional Attachments:** Staff Report, Planning Commission Minutes

**LEAVENWORTH COUNTY  
BOARD OF COUNTY COMMISSIONERS  
STAFF REPORT**

CASE NO: DEV-22-111 Wilburn Rezone

October 12, 2022

<b>REQUEST: <i>Regular Agenda</i></b> <input checked="" type="checkbox"/> ZONING AMENDMENT <input type="checkbox"/> SPECIAL USE PERMIT <input type="checkbox"/> TEMPORARY SPECIAL USE PERMIT	<b>STAFF REPRESENTATIVE:</b> KRYSTAL VOTH DIRECTOR
--	--

<b>SUBJECT PROPERTY:</b> 20090 & 20130 DOUGLAS ROAD	<b>APPLICANT/APPLICANT AGENT:</b> JOE HERRING HERRING SURVEYING COMPANY 315 N. 5 <sup>TH</sup> STREET LEAVENWORTH, KS 66048  <b>PROPERTY OWNER:</b> JERRY & TERRY WILLBURN  <b>CONCURRENT APPLICATIONS:</b> N/A
<b>LAND USE</b>	
ZONING: RR-5	
FUTURE LAND USE DESIGNATION: RESIDENTIAL 3-UNITS PER ACRE	

<b>LEGAL DESCRIPTION:</b> An undivided eighteen (18) acres in the following described tract of land, to-wit: The West ½ of the Northeast ¼ of Section 26, Township 11 South, Range 21 East of the 6th P.M., less that used for public road AND ALSO The East 84 acres of the Northwest ¼ of Section 26, Township 11 South, Range 21 East of the 6th P.M., AND A tract of land in the West ½ of the Northeast Quarter of Section 26, Township 11, South, Range 21 East of the 6th P.M. in Leavenworth County, Kansas.	SUBDIVISION: N/A FLOODPLAIN: N/A
--	-------------------------------------

<b>PLANNING COMMISSION RECOMMENDATION: APPROVAL</b>	<b>PROPERTY INFORMATION</b>
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<b>ACTION OPTIONS:</b> <ol style="list-style-type: none"> <li>1. Approve Resolution 2022-23, Rezoning Request from RR-5 to RR-2.5, with Findings of Fact, and with or without conditions; or</li> <li>2. Deny Resolution 2022-23, Rezoning Request from RR-5 to RR-2.5, with Findings of Fact; or</li> <li>3. Revise or Modify the Planning Commission Recommendation to Resolution 2022-23, Rezoning Request from RR-5 to RR-2.5, with Findings of Fact; or</li> <li>4. Remand the case back to the Planning Commission.</li> </ol>	PARCEL SIZE: 156.9 ACRES  PARCEL ID NO: 197-26-0-00-00-003.00 & 197-26-0-00-00-003.01  BUILDINGS: 2 SINGLE-FAMILY HOMES & 2 ACCESSORY BUILDING
---	--

<b>PROJECT SUMMARY:</b> Request to Rezone two parcels at 20090 & 20130 Douglas Road (PID: 197-26-0-00-00-003.00 & 197-26-0-00-00-003.01).	ACCESS/STREET: DOUGLAS ROAD LOCAL, GRAVEL, ±18' WIDE
--	--

<b>Location Map:</b> 	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: center; background-color: #e0e0e0;"><b>UTILITIES</b></td> </tr> <tr> <td>SEWER: SEPTIC</td> </tr> <tr> <td>FIRE: STRANGER</td> </tr> <tr> <td>WATER: SUBURBAN WATER</td> </tr> <tr> <td>ELECTRIC: EVERGY</td> </tr> <tr> <td style="text-align: center; background-color: #e0e0e0;"><b>NOTICE &amp; REVIEW:</b></td> </tr> <tr> <td>STAFF REVIEW: N/A</td> </tr> <tr> <td>NEWSPAPER NOTIFICATION: 8/31/2022</td> </tr> <tr> <td>NOTICE TO SURROUNDING PROPERTY OWNERS: 8/30/2022</td> </tr> </table>	<b>UTILITIES</b>	SEWER: SEPTIC	FIRE: STRANGER	WATER: SUBURBAN WATER	ELECTRIC: EVERGY	<b>NOTICE &amp; REVIEW:</b>	STAFF REVIEW: N/A	NEWSPAPER NOTIFICATION: 8/31/2022	NOTICE TO SURROUNDING PROPERTY OWNERS: 8/30/2022
<b>UTILITIES</b>										
SEWER: SEPTIC										
FIRE: STRANGER										
WATER: SUBURBAN WATER										
ELECTRIC: EVERGY										
<b>NOTICE &amp; REVIEW:</b>										
STAFF REVIEW: N/A										
NEWSPAPER NOTIFICATION: 8/31/2022										
NOTICE TO SURROUNDING PROPERTY OWNERS: 8/30/2022										



<b>FACTORS TO BE CONSIDERED:</b>		
<i>The following factors are to be considered by the Planning Commission and the Board of County Commissioners when approving or disapproving this Special Use Permit request:</i>	<b>Met</b>	<b>Not Met</b>
<b>1. Character of the Neighborhood:</b> <i>Density: Surrounding parcels range in size from five acres to more than 80 acres. The area is not densely populated.</i>  <i>Nearby City Limits: Tonganoxie is more than two miles to the northwest. .</i>  <i>Initial Growth Management Area: This parcel is located within the Rural Growth Area.</i>		✓
<b>2. Zoning and uses of nearby property:</b> <i>Adjacent Uses: Most of the adjacent parcels are residential and agricultural in nature.</i>  <i>Adjacent Zoning: All adjacent properties are zoned RR-5.</i>		✓
<b>3. Suitability of the Property for the uses to which is has been restricted:</b> The property is suitable for rural residences and agricultural uses.	✓	
<b>4. Extent to which removal of the restrictions will detrimentally affect nearby property:</b> <i>Nearby properties are unlikely to be negatively impacted as the proposed rezoning remains rural residential.</i>	✓	
<b>5. Length of time the property has been vacant as zoned:</b> <i>Vacant:</i> <input checked="" type="checkbox"/> <i>Not Vacant:</i>	✓	
<b>6. Relative gain to economic development, public health, safety and welfare:</b> The rezoning does not impact economic development, public health, safety or welfare. In the event the parcel were to be developed as a rural subdivision, twice as many homes could potentially be constructed which may have a positive impact on economic development.	✓	
<b>7. Conformance to the Comprehensive Plan:</b> <i>Future Land Use Map: Residential 3 Units Per Acre</i> <i>Section 4 Land Use and Development Plan Strategies: The proposed use is not compatible with the future land use designation.</i>		✓

**STAFF COMMENTS:**

The applicants are requesting a rezoning from Rural-Residential 5 to Rural-Residential 2.5 The Comprehensive Plan identifies the future land use of this area as *Residential 3 units per acre*. While Staff would typically recommend denial of a request that does not conform to the future land use, Staff recommends approval for the following reasons:

1. The requested use is less dense than the future land use designation.
2. The nearest city is located more than two miles to the northwest, therefore making extension of sanitary sewer (necessary for 3 units/acre) unlikely.

**ATTACHMENTS:**

- A: Application & Narrative
- B: Zoning Map
- C: Memorandums

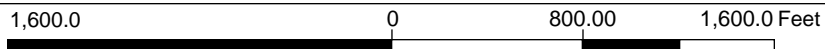
# DEV-22-111 Willburn Rezone



### Legend

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

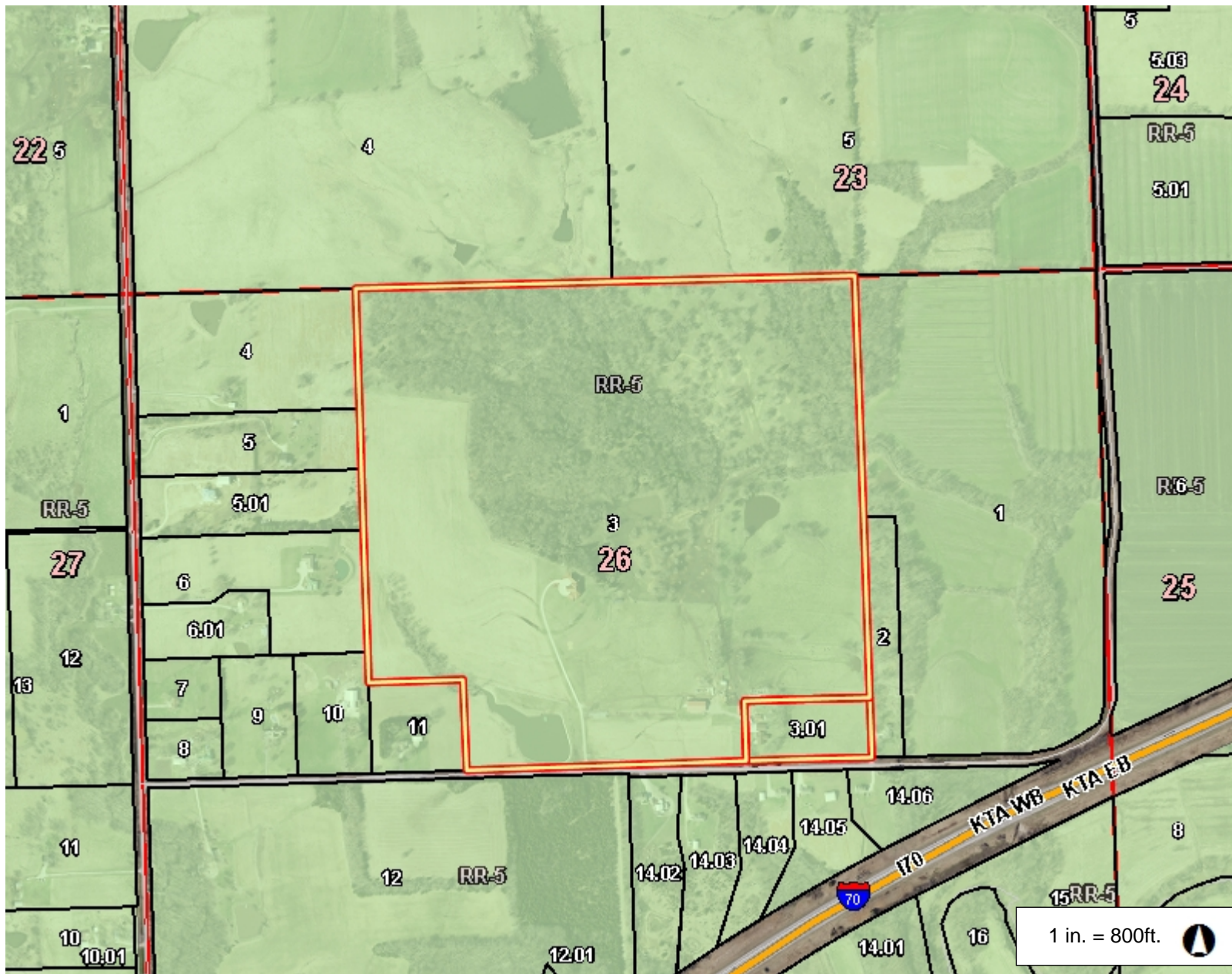
Notes



1 in. = 800ft.

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

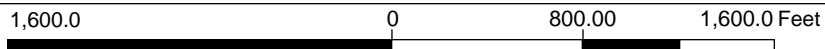
# DEV-22-111 Willburn Rezone - Current Zoning



### Legend

- Parcel Number
- Parcel
- City Limit Line
- Major Road
  - <all other values>
  - 70
- Road
  - <all other values>
  - PRIVATE
- Railroad
- Section
- Section Boundaries
- County Boundary
- Zoning
  - B-1
  - B-2
  - B-3
  - I-1
  - I-2
  - I-3
  - MXD
  - PC
  - PI
  - PR-1
  - PR-2
  - PR-3

1 in. = 800ft.



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

THIS MAP IS NOT TO BE USED FOR NAVIGATION

### Notes

**REZONING APPLICATION**

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

Office Use Only

Township: \_\_\_\_\_ Date Received: 7/22/22 - accepted  
Planning Commission Date \_\_\_\_\_  
Case No. \_\_\_\_\_ Date Paid \_\_\_\_\_  
Zoning District \_\_\_\_\_ Comprehensive Plan Land Use Designation \_\_\_\_\_

APPLICANT/AGENT INFORMATION	OWNER INFORMATION (If different)
NAME <u>JOE HERRINS</u>	NAME <u>JERRY WILBURN &amp; TERRY WILBURN</u>
ADDRESS <u>315 N. 5TH ST.</u>	ADDRESS <u>20130 DOUGLAS + 20090 DOUGLAS</u>
CITY/ST/ZIP <u>LV KS 66048</u>	CITY/ST/ZIP <u>TONGUE, KS 66086</u>
PHONE <u>913-651-3858</u>	PHONE <u>/</u>
EMAIL <u>herrinsurveying@outlook.com</u>	EMAIL <u>/</u>
CONTACT PERSON <u>Joe</u>	CONTACT PERSON <u>JOE</u>

**PROPOSED USE INFORMATION**

Proposed Land Use AG & RURAL RESIDENTIAL  
Current Zoning RR-5 Requested Zoning RR-2.5  
Reason for Requesting Rezoning ESTATE PLANNING

**PROPERTY INFORMATION**

Address of Property 20130 & 20090 DOUGLAS RD  
Parcel Size 157 AC  
Current use of the property AG & RURAL RESIDENTIAL  
Present Improvements or structures HOUSE & BARN  
PID 197-26 003.00 + 003.01

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

Signature [Signature] Date 7-18-22

ATTACHMENT A

OWNER AUTHORIZATION

I/WE Jerry Z Willburn, hereby referred to as the "Undersigned", being of lawful age, do hereby on this 16 day of June, 2022, 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 Exhibit 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, 20130 Douglas Rd (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 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.

Jerry Z Willburn  
Owner

\_\_\_\_\_  
Owner

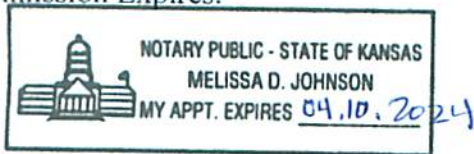
STATE OF KANSAS  
COUNTY OF LEAVENWORTH

The foregoing instrument was acknowledge before me on this 16<sup>th</sup> day of June, 2022.

by Jerry Z. Willburn

My Commission Expires:

Melissa D. Johnson  
Notary Public Melissa D. Johnson



**RESOLUTION 2022-23**

A resolution of the Leavenworth County Kansas Board of Commissioners, authorizing a rezoning from Rural Residential-5 to Rural Residential-2.5 on the following described property:

An undivided eighteen (18) acres in the following described tract of land, to-wit: The West ½ of the Northeast ¼ of Section 26, Township 11 South, Range 21 East of the 6th P.M., less that used for public road AND ALSO The East 84 acres of the Northwest ¼ of Section 26, Township 11 South, Range 21 East of the 6th P.M., AND

A tract of land in the West ½ of the Northeast Quarter of Section 26, Township 11, South, Range 21 East of the 6th P.M. in Leavenworth County, Kansas more commonly known as 20090 & 20130 Douglas Road

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 27<sup>th</sup> day of July, 2022, 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 21<sup>st</sup> day of September, 2022; and

WHEREAS, it is hereby found that the Leavenworth County Planning Commission, based upon specific findings of fact incorporated by reference herein, did recommend that the Rezoning be approved; and

WHEREAS, the Board of County Commissioners considered, in session on the 12<sup>th</sup> day of October, 2022, the recommendation of the Leavenworth County Planning Commission.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Leavenworth County, Kansas, that:

1. Based upon the recommendation and findings of fact of the Leavenworth County Planning Commission; and,
2. Based upon the findings of fact adopted by the Board of County Commissioners in regular session on the 12<sup>th</sup> day of October, 2022, and incorporated herein by reference;

That request for rezoning as described above, also known as 20090 & 20130 Douglas Road, Parcel Identification Number 197-26-0-00-00-003.00 & 197-26-0-00-00-003.01, is hereby granted.

Adopted this 12<sup>th</sup> day of October, 2022  
Board of County Commission  
Leavenworth, County, Kansas

/s/ \_\_\_\_\_  
Michael Smith, Chairman

ATTEST

/s/ \_\_\_\_\_  
Jeff Culbertson, Member

/s/ \_\_\_\_\_  
Janet Klasinski

/s/ \_\_\_\_\_  
Vicky Kaaz, Member

/s/ \_\_\_\_\_  
Doug Smith, Member

/s/ \_\_\_\_\_  
Mike Stieben, Member

**Leavenworth County  
Request for Board Action  
Resolution 2022-24  
Rezoning from RR-5 to RR-2.5**

**Date:** October 12, 2022  
**To:** Board of County Commissioners  
**From:** Planning & Zoning Staff

**Department Head Review:** Krystal Voth, Reviewed

**Additional Reviews as needed:**

**Budget Review**  **Administrator Review**  **Legal Review**

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**Action Requested:** Approve Resolution 2022-24, a request to rezone 20682 & 00000 195<sup>th</sup> Street from RR-5 to RR-2.5.

**Analysis:** The submitted request is to rezone two existing parcels of land from Rural Residential 5 to Rural Residential 2.5. While the request is not in conformance with the Comprehensive Plan, Staff recommends approval of the request for the following reasons:

- Sanitary sewer is not available at the location and is unlikely to be available in the near future.
- The proximity to floodplain and floodway. Dense development near a floodway would not be in the best interest of the County.

While the proposed use does not meet all Golden Factors, the requested rezoning is appropriate as the rezoning will not change the uses of the property. The property will continue to be restricted to residential and agricultural uses.

**Planning Commission Recommendation:** The Planning Commission voted 6-0 to recommend approval of Case No. DEV-22-115 (Resolution 2022-24) Rezoning Request from RR-5 to RR-2.5.

**Alternatives:**

1. Approve Resolution 2022-24, Rezoning Request from RR-5 to RR-2.5, with Findings of Fact, and with or without conditions; or
2. Deny Resolution 2022-24, Rezoning Request from RR-5 to RR-2.5, with Findings of Fact; or
3. Revise or Modify the Planning Commission Recommendation to Resolution 2022-24, Rezoning Request from RR-5 to RR-2.5, with Findings of Fact; or
4. Remand the case back to the Planning Commission.

**Budgetary Impact:**

- Not Applicable
- Budgeted item with available funds
- Non-Budgeted item with available funds through prioritization
- Non-Budgeted item with additional funds requested



**Total Amount Requested:**  
\$0.00

**Additional Attachments:** Staff Report, Planning Commission Minutes

**LEAVENWORTH COUNTY  
BOARD OF COUNTY COMMISSIONERS  
STAFF REPORT**

CASE NO: DEV-22-115 Calovich Rezone

October 12, 2022

**REQUEST: *Regular Agenda***

- ZONING AMENDMENT                       SPECIAL USE PERMIT  
 TEMPORARY SPECIAL USE PERMIT

**STAFF REPRESENTATIVE:**

KRYSTAL VOTH  
DIRECTOR

**SUBJECT PROPERTY:** 20682 & 00000 195<sup>th</sup> STREET

**APPLICANT/APPLICANT AGENT:**

JOE HERRING  
HERRING SURVEYING COMPANY  
315 N. 5<sup>TH</sup> STREET  
LEAVENWORTH, KS 66048

**PROPERTY OWNER:**

MARSHA & NICHOLAS CALOVICH

**CONCURRENT APPLICATIONS:**

N/A

**LAND USE**

ZONING: RR-5

FUTURE LAND USE DESIGNATION:  
RESIDENTIAL 3-UNITS PER ACRE

**LEGAL DESCRIPTION:**

A tract of land in the North ½ of the Southwest Quarter of Section 25, Township 10, South, Range 21 East of the 6th P.M. in Leavenworth County, Kansas.

SUBDIVISION: N/A

FLOODPLAIN: N/A

**PLANNING COMMISSION RECOMMENDATION: APPROVAL**

**PROPERTY INFORMATION**

**ACTION OPTIONS:**

1. Approve Resolution 2022-24, Rezoning Request from RR-5 to RR-2.5, with Findings of Fact, and with or without conditions; or
2. Deny Resolution 2022-24, Rezoning Request from RR-5 to RR-2.5, with Findings of Fact; or
3. Revise or Modify the Planning Commission Recommendation to Resolution 2022-24, Rezoning Request from RR-5 to RR-2.5, with Findings of Fact; or
4. Remand the case back to the Planning Commission.

PARCEL SIZE: 71.2 ACRES

PARCEL ID NO:

147-25-0-00-008.00 & 147-25-0-00-00-007.00

BUILDINGS:

1 SINGLE-FAMILY HOME & 1 ACCESSORY BUILDING

**PROJECT SUMMARY:**

Request to Rezone a parcel at 20682 & 00000 195<sup>th</sup> Street (PID: 147-25-0-00-00-007.00 & 147-25-0-00-00-008.00).

ACCESS/STREET:

195<sup>th</sup> STREET  
LOCAL, GRAVEL, ±24' WIDE

**LOCATION MAP:**



**UTILITIES**

SEWER: SEPTIC

FIRE: STRANGER

WATER: RWD 9

ELECTRIC: FREESTATE

**NOTICE & REVIEW:**

STAFF REVIEW: N/A

NEWSPAPER NOTIFICATION:  
8/31/2022

NOTICE TO SURROUNDING  
PROPERTY OWNERS:  
8/30/2022

<b>FACTORS TO BE CONSIDERED:</b>		
<i>The following factors are to be considered by the Planning Commission and the Board of County Commissioners when approving or disapproving this Special Use Permit request:</i>	<b>Met</b>	<b>Not Met</b>
<p><b>1. Character of the Neighborhood:</b>  <i>Density:</i> The Surrounding properties range in size from 2.5 acres (existing subdivision) and more than 25 acres in size. There are only two lots in the immediate vicinity that are 2.5 acres. The majority of parcels in the area are larger than five-acres.</p> <p><i>Nearby City Limits:</i> The property is not located near an incorporate city.</p> <p><i>Initial Growth Management Area:</i> This parcel is located within the Rural Growth Area.</p>		✓
<p><b>2. Zoning and uses of nearby property:</b>  <i>Adjacent Uses:</i> Most of the adjacent parcels are residential and agricultural in nature.</p> <p><i>Adjacent Zoning:</i> All adjacent properties are zoned RR-2.5 and RR-5 The overwhelming majority of parcels are zoned as RR-5.</p>		✓
<p><b>3. Suitability of the Property for the uses to which is has been restricted:</b>  The property is currently restricted to single-family residential and agricultural uses. These designations are suitable for the property as sanitary sewer is unavailable and the uses match surrounding parcels.</p>	✓	
<p><b>4. Extent to which removal of the restrictions will detrimentally affect nearby property:</b>  <i>Removal of the restrictions is unlikely to negatively impact surrounding properties. The requested rezoning remains rural-residential and the allowed uses do not differ from the existing residential and agricultural uses.</i></p>	✓	
<p><b>5. Length of time the property has been vacant as zoned:</b>  <i>Vacant:</i> There are currently homes located on the two parcels.  <input checked="" type="checkbox"/> <i>Not Vacant:</i></p>	✓	
<p><b>6. Relative gain to economic development, public health, safety and welfare:</b>  The proposed rezoning does not appear to affect economic development, public health, safety or welfare.</p>	✓	
<p><b>7. Conformance to the Comprehensive Plan:</b>  <i>Future Land Use Map: Residential 3 Units Per Acre</i>  <i>Section 4 Land Use and Development Plan Strategies: The proposed use is not compatible with the future land use designation.</i></p>		✓

**STAFF COMMENTS:**

The submitted request is to rezone two existing parcels of land from Rural Residential 5 to Rural Residential 2.5 While the request is not in conformance with the Comprehensive Plan, Staff recommends approval of the request for the following reasons:

- Sanitary sewer is not available at the location and is unlikely to be available in the near future.
- The proximity to floodplain and floodway. Dense development near a floodway would not be in the best interest of the County.

While the proposed use does not meet all Golden Factors, the requested rezoning is appropriate as the rezoning will not change the uses of the property. The property will continue to be restricted to residential and agricultural uses.

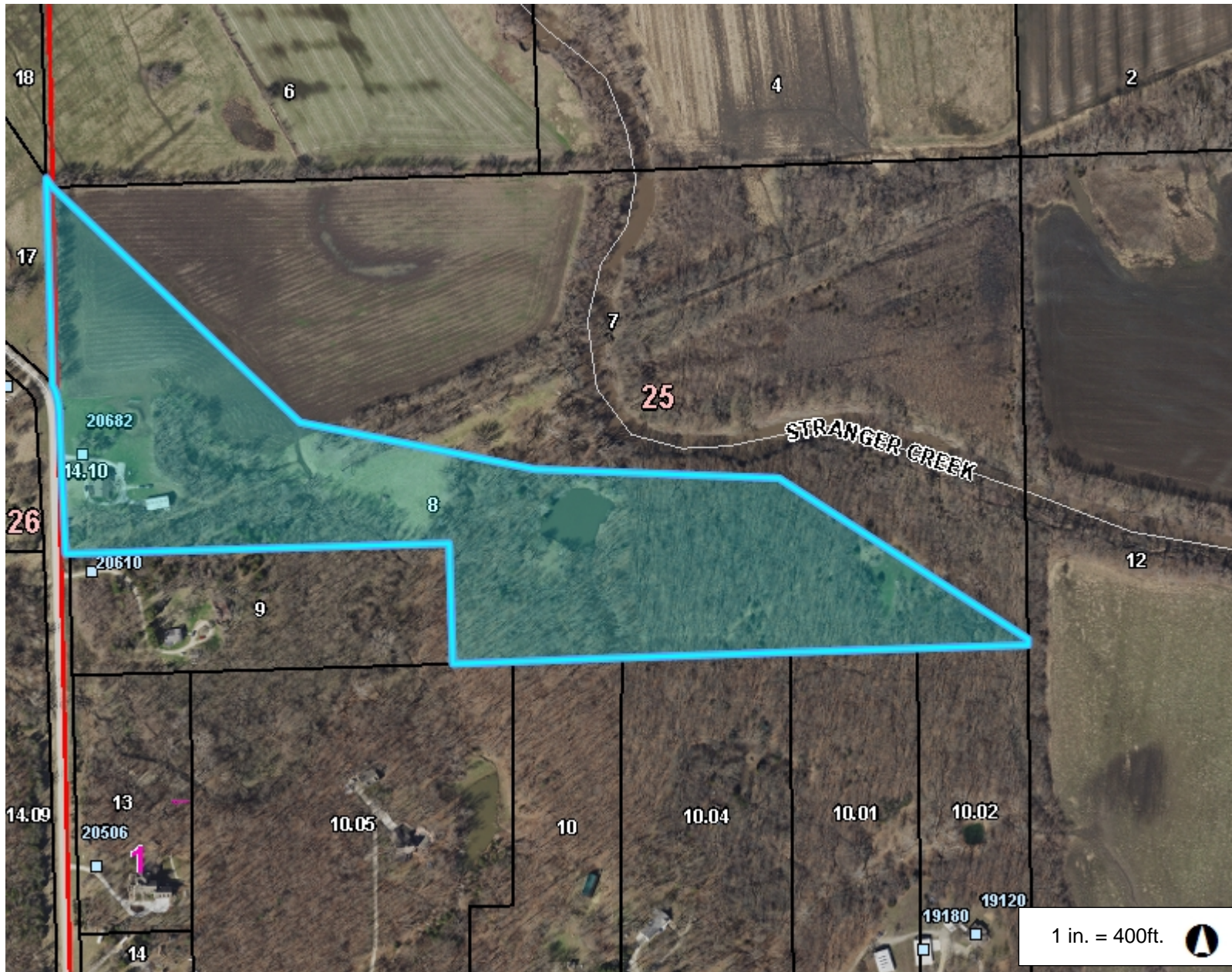
**ATTACHMENTS:**

A: Application & Narrative

B: Zoning Map

C: Memorandums

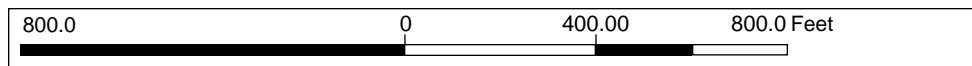
# DEV-22-115 - Willburn Calovich



### Legend

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

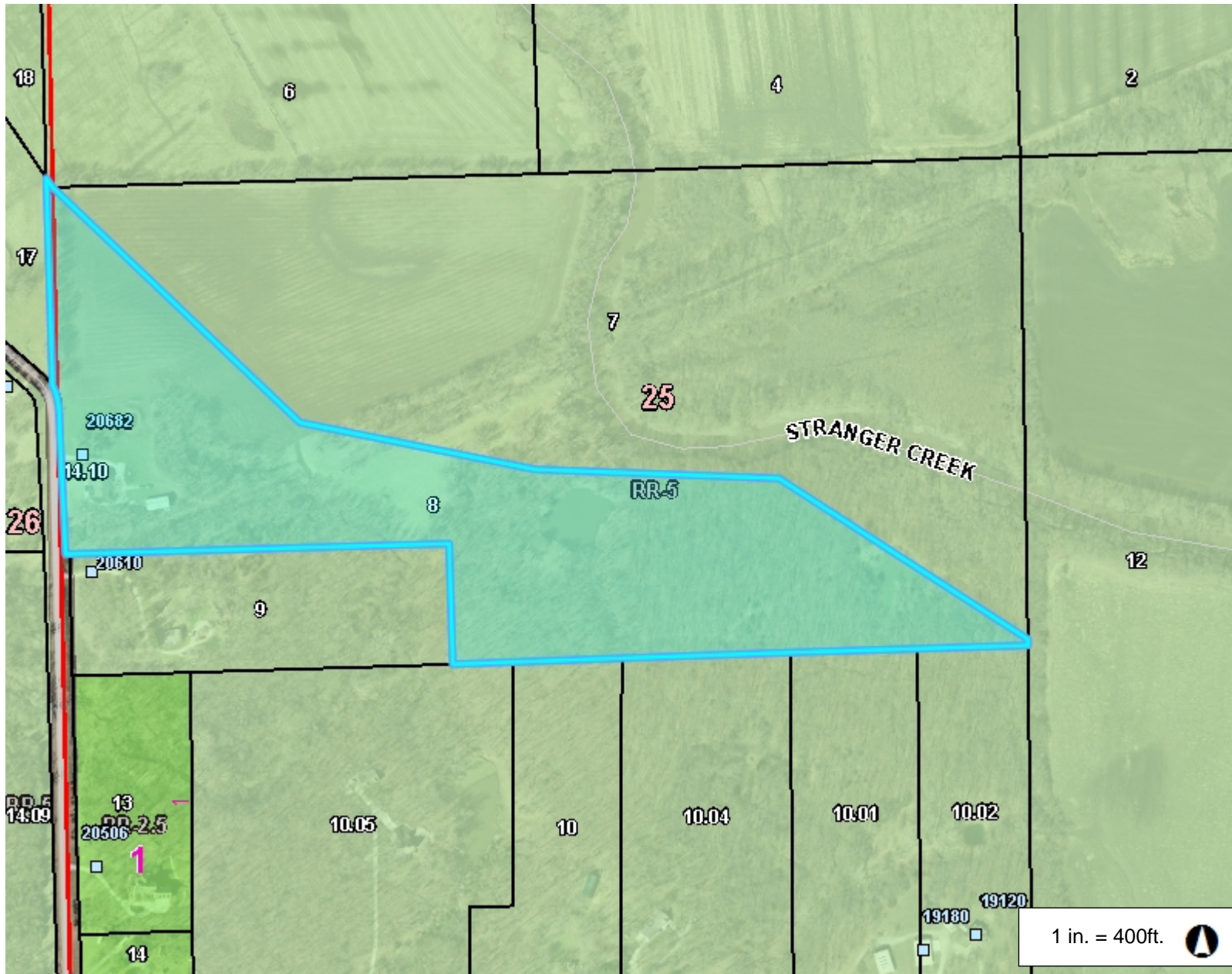
1 in. = 400ft.



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THIS MAP IS NOT TO BE USED FOR NAVIGATION

### Notes

# DEV-22-115 - Calovich- Current Zoning



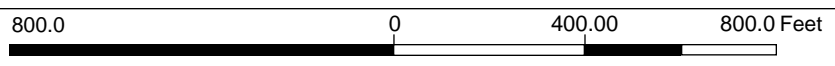
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- PRIVATE
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- Section
- ▭ Section Boundaries
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- Zoning
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- B-2
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- I-1
- I-2
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- MXD
- PC
- PI
- PR-1

### Notes

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1 in. = 400ft.

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

**JUL 28 2022**

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

APPLICANT/AGENT INFORMATION	OWNER INFORMATION (If different)
NAME <u>Joe Herring</u>	NAME <u>Marsha and Nicholas Calovich</u>
ADDRESS <u>315 North 5th Street</u>	ADDRESS <u>20682 195th Street</u>
CITY/ST/ZIP <u>Leavenworth, KS 66048</u>	CITY/ST/ZIP <u>Tonganoxie, KS 66086</u>
PHONE <u>913-651-3858</u>	PHONE <u>N/A</u>
EMAIL <u>herringsurveying@outlook.com</u>	EMAIL <u>N/A</u>
CONTACT PERSON <u>Joe</u>	CONTACT PERSON <u>Joe Herring</u>

PROPOSED USE INFORMATION	
Proposed Land Use <u>AG &amp; Rural Residential</u>	
Current Zoning <u>RR-5</u>	Requested Zoning <u>RR-2.5</u>
Reason for Requesting Rezoning <u>Family Estate Planning</u>	

PROPERTY INFORMATION
Address of Property <u>20682 195th Street</u>
Parcel Size <u>72 acres</u>
Current use of the property <u>AG &amp; Rural Residential</u>
Present Improvements or structures <u>House and Barn</u>
PID <u>147-25-0-00-00-007 &amp; 008</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 Joe Herring - digitally signed 7-28-2022 Date 7/28/22

**ATTACHMENT A**

**RESOLUTION 2022-24**

A resolution of the Leavenworth County Kansas Board of Commissioners, authorizing a rezoning from Rural Residential-5 to Rural Residential-2.5 on the following described property:

A tract of land in the North ½ of the Southwest Quarter of Section 25, Township 10, South, Range 21 East of the 6th P.M. in Leavenworth County, Kansas more commonly known as 20682 & 00000 195<sup>th</sup> Street.

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 3<sup>rd</sup> day of August, 2022, 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 21<sup>st</sup> day of September, 2022; and

WHEREAS, it is hereby found that the Leavenworth County Planning Commission, based upon specific findings of fact incorporated by reference herein, did recommend that the Rezoning be approved; and

WHEREAS, the Board of County Commissioners considered, in session on the 12<sup>th</sup> day of October, 2022, the recommendation of the Leavenworth County Planning Commission.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Leavenworth County, Kansas, that:

1. Based upon the recommendation and findings of fact of the Leavenworth County Planning Commission; and,
2. Based upon the findings of fact adopted by the Board of County Commissioners in regular session on the 12<sup>th</sup> day of October, 2022, and incorporated herein by reference;

That request for rezoning as described above, also known as 20682 & 00000 195<sup>th</sup> Street, Parcel Identification Number 147-25-0-00-00-007.00 & 147-25-0-00-00-008.00, is hereby granted.

Adopted this 12<sup>th</sup> day of October, 2022  
Board of County Commission  
Leavenworth, County, Kansas

\_\_\_\_\_  
Michael Smith, Chairman

ATTEST

\_\_\_\_\_  
Jeff Culbertson, Member

\_\_\_\_\_  
Janet Klasinski

\_\_\_\_\_  
Vicky Kaaz, Member

\_\_\_\_\_  
Doug Smith, Member



---

Mike Stieben, Member

**Leavenworth County  
Request for Board Action  
Resolution 2022-25  
Rezoning from RR-5 to RR-2.5**

**Date:** October 12, 2022  
**To:** Board of County Commissioners  
**From:** Planning & Zoning Staff

**Department Head Review:** Krystal Voth, Reviewed

**Additional Reviews as needed:**

**Budget Review  Administrator Review  Legal Review**

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**Action Requested:** Approve Resolution 2022-25, a request to rezone 21242 & 21278 Dempsey Road from RR-5 to RR-2.5.

**Analysis:** The proposed request is supported by Staff as it meets the Comprehensive Plan. Additionally, allowing the rezoning will allow the two parcels to be replatted to remedy an issue regarding the septic system and an existing building.

**Planning Commission Recommendation:** The Planning Commission voted 6-0 to recommend approval of Case No. DEV-22-116 (Resolution 2022-25) Rezoning Request from RR-5 to RR-2.5.

**Alternatives:**

1. Approve Resolution 2022-25, Rezoning Request from RR-5 to RR-2.5, with Findings of Fact, and with or without conditions; or
2. Deny Resolution 2022-25, Rezoning Request from RR-5 to RR-2.5, with Findings of Fact; or
3. Revise or Modify the Planning Commission Recommendation to Resolution 2022-25, Rezoning Request from RR-5 to RR-2.5, with Findings of Fact; or
4. Remand the case back to the Planning Commission.

**Budgetary Impact:**

- Not Applicable
- Budgeted item with available funds
- Non-Budgeted item with available funds through prioritization
- Non-Budgeted item with additional funds requested

**Total Amount Requested:**  
\$0.00

**Additional Attachments:** Staff Report, Planning Commission Minutes

**LEAVENWORTH COUNTY  
BOARD OF COUNTY COMMISSIONERS  
STAFF REPORT**

CASE NO: DEV-22-116 Browning Harnett Rezone

October 12, 2022

<b>REQUEST: <i>Regular Agenda</i></b> <input checked="" type="checkbox"/> ZONING AMENDMENT <input type="checkbox"/> SPECIAL USE PERMIT <input type="checkbox"/> TEMPORARY SPECIAL USE PERMIT	<b>STAFF REPRESENTATIVE:</b> KRYSTAL VOTH DIRECTOR
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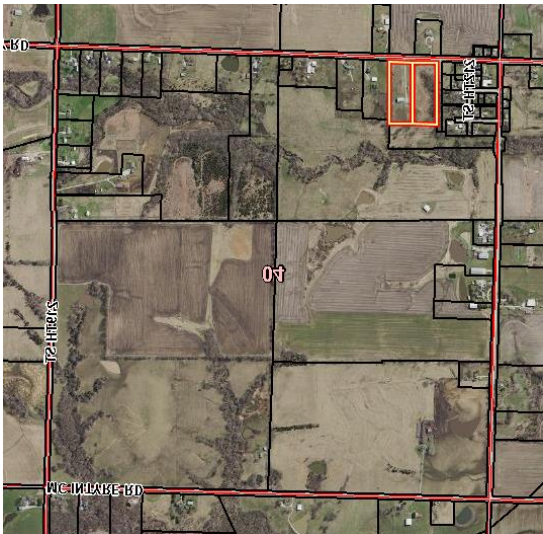
<b>SUBJECT PROPERTY:</b> 21242 & 21278 DEMPSEY ROAD	<b>APPLICANT/APPLICANT AGENT:</b> JOE HERRING HERRING SURVEYING COMPANY 315 N. 5 <sup>TH</sup> STREET LEAVENWORTH, KS 66048
	<b>PROPERTY OWNER:</b> STERLING & VICKI BROWNING & CHARLES & CANDACE HARNETT
	<b>CONCURRENT APPLICATIONS:</b> N/A
	<b>LAND USE</b>
	ZONING: RR-5
	FUTURE LAND USE DESIGNATION: RESIDENTIAL 2.5 ACRE MINIMUM

<b>LEGAL DESCRIPTION:</b> Lots 1 & 2, J & A Farms in Leavenworth County, Kansas.	SUBDIVISION: J&A FARMS FLOODPLAIN: N/A
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<b>PLANNING COMMISSION RECOMMENDATION: APPROVAL</b>	<b>PROPERTY INFORMATION</b>
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<b>ACTION OPTIONS:</b> 1. Approve Resolution 2022-25, Rezoning Request from RR-5 to RR-2.5, with Findings of Fact, and with or without conditions; or 2. Deny Resolution 2022-25, Rezoning Request from RR-5 to RR-2.5, with Findings of Fact; or 3. Revise or Modify the Planning Commission Recommendation to Resolution 2022-25, Rezoning Request from RR-5 to RR-2.5, with Findings of Fact; or 4. Remand the case back to the Planning Commission.	PARCEL SIZE: 10.25 ACRES <hr/> PARCEL ID NO: 142-04-0-00-01-007.01 & 142-04-0-00-01-007.02 <hr/> BUILDINGS: 2 EXISTING STRUCTURES
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<b>PROJECT SUMMARY:</b> Request to rezone parcels at 21242 & 21278 Dempsey Road (PID: 147-25-0-00-00-008.00).	ACCESS/STREET: DEMPSEY ROAD ARTERIAL, PAVED, ±24' WIDE
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<b>LOCATION MAP:</b> 	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr style="background-color: #e0e0e0;"> <th style="text-align: center; padding: 5px;">UTILITIES</th> </tr> <tr> <td style="padding: 5px;">SEWER: SEPTIC</td> </tr> <tr> <td style="padding: 5px;">FIRE: ALEXANDRIA</td> </tr> <tr> <td style="padding: 5px;">WATER: RWD 8</td> </tr> <tr> <td style="padding: 5px;">ELECTRIC: EVERGY</td> </tr> <tr style="background-color: #e0e0e0;"> <th style="text-align: center; padding: 5px;">NOTICE &amp; REVIEW:</th> </tr> <tr> <td style="padding: 5px;">STAFF REVIEW: N/A</td> </tr> <tr> <td style="padding: 5px;">NEWSPAPER NOTIFICATION: 8/31/2022</td> </tr> <tr> <td style="padding: 5px;">NOTICE TO SURROUNDING PROPERTY OWNERS: 8/30/2022</td> </tr> </table>	UTILITIES	SEWER: SEPTIC	FIRE: ALEXANDRIA	WATER: RWD 8	ELECTRIC: EVERGY	NOTICE & REVIEW:	STAFF REVIEW: N/A	NEWSPAPER NOTIFICATION: 8/31/2022	NOTICE TO SURROUNDING PROPERTY OWNERS: 8/30/2022
UTILITIES										
SEWER: SEPTIC										
FIRE: ALEXANDRIA										
WATER: RWD 8										
ELECTRIC: EVERGY										
NOTICE & REVIEW:										
STAFF REVIEW: N/A										
NEWSPAPER NOTIFICATION: 8/31/2022										
NOTICE TO SURROUNDING PROPERTY OWNERS: 8/30/2022										

<b>FACTORS TO BE CONSIDERED:</b>		
<i>The following factors are to be considered by the Planning Commission and the Board of County Commissioners when approving or disapproving this Special Use Permit request:</i>	<b>Met</b>	<b>Not Met</b>
<b>1. Character of the Neighborhood:</b> <i>Density: The surrounding properties range in size from .5 acres to over 40 acres.</i>  <i>Nearby City Limits: The properties are not near an incorporated city.</i>  <i>Initial Growth Management Area: This parcel is located within the Rural Growth Area.</i>	✓	
<b>2. Zoning and uses of nearby property:</b> <i>Adjacent Uses: Most of the adjacent parcels are residential and agricultural in nature.</i>  <i>Adjacent Zoning: All adjacent properties are zoned RR-2.5 and RR-5.</i>	✓	
<b>3. Suitability of the Property for the uses to which is has been restricted:</b> <i>The property is suitable for rural residences.</i>	✓	
<b>4. Extent to which removal of the restrictions will detrimentally affect nearby property:</b> <i>Nearby properties are not likely to be detrimentally impacted.</i>		
<b>5. Length of time the property has been vacant as zoned:</b> <i>Vacant:</i> <input checked="" type="checkbox"/> <i>Not Vacant:</i>	✓	
<b>6. Relative gain to economic development, public health, safety and welfare:</b> <i>The proposed rezoning is not likely to impact economic development, public health, safety or welfare.</i>	✓	
<b>7. Conformance to the Comprehensive Plan:</b> <i>Future Land Use Map: Rural Residential 2.5</i>	✓	

**STAFF COMMENTS:**

The proposed request is supported by Staff as it meets the Comprehensive Plan. Additionally, allowing the rezoning will allow the two parcels to be replatted to remedy an issue regarding the septic system and an existing building.

**ATTACHMENTS:**

- A: Application & Narrative
- B: Zoning Map

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

AUG 01 2022

Office Use Only	
Township: <u>Alexandria</u>	Date Received: <u>08.01.2022</u>
Planning Commission Date _____	
Case No. <u>DEV-22-116</u>	Date Paid <u>08.01.2022</u>
Zoning District <u>RR 5</u>	Comprehensive Plan Land Use Designation <u>      </u>

APPLICANT/AGENT INFORMATION	OWNER INFORMATION (If different)
NAME <u>Joe Herring</u>	NAME <u>Sterling &amp; Vicki Browning / Charles &amp; Candace Harnett</u>
ADDRESS <u>315 North 5th Street</u>	ADDRESS <u>21278 &amp; 21242 Dempsey Road</u>
CITY/ST/ZIP <u>Leavenworth, KS 66048</u>	CITY/ST/ZIP <u>Leavenworth, KS 66048</u>
PHONE <u>913-651-3858</u>	PHONE <u>N/A</u>
EMAIL <u>herringsurveying@outlook.com</u>	EMAIL <u>N/A</u>
CONTACT PERSON <u>Joe</u>	CONTACT PERSON <u>Joe Herring</u>

PROPOSED USE INFORMATION
Proposed Land Use <u>AG &amp; Rural Residential</u>
Current Zoning <u>RR-5</u> Requested Zoning <u>RR-2.5</u>
Reason for Requesting Rezoning <u>To match comprehensive plan and allow for less road frontage to adjust lots</u>

PROPERTY INFORMATION
Address of Property <u>21242 &amp; 21278 Dempsey Road</u>
Parcel Size <u>Both Lots are 5 Acres</u>
Current use of the property <u>AG and Rural Residential</u>
Present Improvements or structures <u>House and Barn</u>
PID <u>142-04-0-00-01-007.01 &amp; 007.02</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 Joe Herring - Digitally signed 7-28-2022 Date 7/28/22

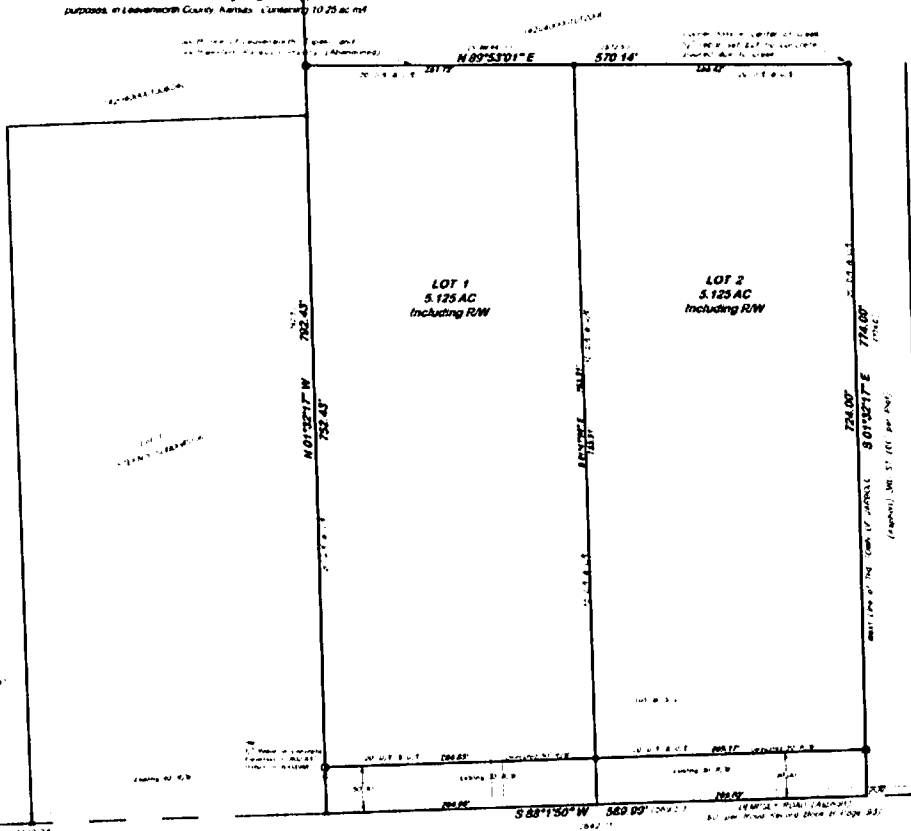
ATTACHMENT A

# J & A Farms

A Minor Subdivision in the Southeast Quarter of Section 4, Township 10 South, Range 21 East of the 6th P.M., Leavenworth County, Kansas  
**FINAL PLAT**

PREPARED FOR  
J & A Farms, Inc.  
1425 N. 23rd St.  
Leavenworth, Kansas  
66042

**LEGAL DESCRIPTION** lot per recorded document # 891487554, dated 10/02/04 beginning at a point on the South line of Section 4, Township 10 South, Range 21 East 750 feet West of the Southeast Corner of said Section 4. Running North West along the section line 529.5 feet to the West line of the East  $\frac{1}{2}$  of the Southwest  $\frac{1}{4}$  of said Section 4, thence North along the West line of the East  $\frac{1}{2}$  of the Southwest  $\frac{1}{4}$  of said Section 4 a distance of 782.5 feet to the South line of the right-of-way of the Leavenworth, Topeka and Southwestern Railway Company, (now abraded road), thence S 80°44' E along the right-of-way line 572.5 feet to the West line of the Town of Jarboe, thence South along the Harison boundary of the town site of Jarboe and also parallel to the East line of Section 4 a distance of 774 feet to the Point of Beginning; area and part thereof taken or used for road purposes in Leavenworth County, Kansas, containing 10.25 ac. net.



**LEGEND**  
1. Containing 5.125 AC net  
2. Containing 5.125 AC net  
3. Containing 5.125 AC net  
4. Containing 5.125 AC net

**FILE**  
Book and Page  
Number of 10/21/2011  
County of Leavenworth, Kansas  
1. 10/21/2011  
2. 10/21/2011  
3. 10/21/2011  
4. 10/21/2011

**NOTES**

- 1) Bound of 2011/10/21/2011
- 2) All distances are measured the survey unless otherwise noted
- 3) All distances are measured the survey unless otherwise noted
- 4) This survey shows what was surveyed
- 5) Point of Beginning unless otherwise noted
- 6) Required data for subdivision
- 7) All distances are measured the survey unless otherwise noted
- 8) Distance measured used to calculate
- 9) 8/21/2011/2011 - recorded 8/21/2011
- 10) All distances are measured the survey unless otherwise noted
- 11) All distances are measured the survey unless otherwise noted
- 12) All distances are measured the survey unless otherwise noted
- 13) All distances are measured the survey unless otherwise noted
- 14) All distances are measured the survey unless otherwise noted
- 15) All distances are measured the survey unless otherwise noted
- 16) All distances are measured the survey unless otherwise noted
- 17) All distances are measured the survey unless otherwise noted
- 18) All distances are measured the survey unless otherwise noted
- 19) All distances are measured the survey unless otherwise noted
- 20) All distances are measured the survey unless otherwise noted
- 21) All distances are measured the survey unless otherwise noted
- 22) All distances are measured the survey unless otherwise noted
- 23) All distances are measured the survey unless otherwise noted
- 24) All distances are measured the survey unless otherwise noted
- 25) All distances are measured the survey unless otherwise noted



**CERTIFICATION AND DECLARATION**  
The undersigned preparer certifies that all data on the above described tract of land have been taken and that they have caused the same to be published in the newspaper shown on the accompanying plat, which publication shall be taken as 28 days.

**JOINING**  
This plat is being filed to show the addition of land to the existing plat of J & A Farms, Inc. recorded on 10/21/2011.

**RESTRICTIONS**

- 1) All land is subject to the restrictions of the Leavenworth County Zoning Ordinance.
- 2) All easements are subject to the restrictions of the Leavenworth County Zoning Ordinance.
- 3) All easements are subject to the restrictions of the Leavenworth County Zoning Ordinance.

**TESTIMONY**  
I, the undersigned preparer, do hereby certify that all data on the above described tract of land have been taken and that they have caused the same to be published in the newspaper shown on the accompanying plat, which publication shall be taken as 28 days.

**NOTARY CERTIFICATE**  
I, the undersigned notary public, do hereby certify that I am duly qualified to perform notary duties in the State of Kansas.

**APPROVALS**

\_\_\_\_\_  
J & A Farms, Inc.  
Preparer

\_\_\_\_\_  
Leavenworth County, Kansas  
County Clerk

**COUNTY COMMISSIONER'S APPROVAL**  
I, the undersigned County Commissioner, do hereby approve the foregoing plat of J & A Farms, Inc. recorded on 10/21/2011.

\_\_\_\_\_  
County Commissioner

**REGISTER OF DEEDS CERTIFICATE**  
Filed for Record on October 21, 2011 at 10:00 AM in the office of the Register of Deeds of Leavenworth County, Kansas.

**COUNTY SURVEYOR**  
I, the undersigned County Surveyor, do hereby certify that the above described tract of land has been surveyed and that the same are correctly shown on the above described plat.

\_\_\_\_\_  
County Surveyor



ENTERED IN TRANSFER RECORD IN  
MY OFFICE THIS DAY 02/08/2021

*Janet Klasmirke*  
COUNTY CLERK

Doc #: 2021R01604  
TERRILOIS MASHBURN  
REGISTER OF DEEDS  
LEAVENWORTH COUNTY, KANSAS  
RECORDED ON:  
02/08/2021 03:13:49 PM  
RECORDING FEE: 38.00  
PAGES: 2

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Continental Title Company: 20398913

**Warranty Deed**  
(Joint Tenants)

This indenture, Made this 20 day of January, 2021 between, Jonathan Orndorff and Ashlee Orndorff, husband and wife of Leavenworth County, in the State of Kansas, party(ies) of the first part, and Vicki L Browning and Sterling E Browning III, a married couple, As Joint Tenants with right of Survivorship and not as Tenants in Common, of Leavenworth County, in the State of KS, party(ies) of the second part:

WITNESSETH, that the said party of the first part, in Consideration of the sum of TEN Dollars and other valuable considerations, the receipt whereof is hereby acknowledged, does by these presents, grant, bargain, sell and convey unto said parties of the second part, the survivor's heirs and assigns, all of the following described real estate, situated in the County of Leavenworth and State of Kansas to wit:

**Legal Description: Lot 1, J & A FARMS, a subdivision in Leavenworth County, Kansas.**

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

To have and to hold the same, together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in any wise appertaining forever.

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

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

[Signature]  
Jonathan Orndorff

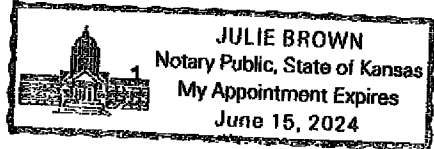
[Signature]  
Ashlee Orndorff

State of **Kansas** )  
County of Leavenworth ) ss.

**BE IT REMEMBERED**, That on 20 day of January 2021 before me, a notary public, in and for said county and state aforesaid, came **Jonathan Orndorff and Ashlee Orndorff, husband and wife** personally known to me to be the same **PERSON(S)** who executed the within instrument of writing and such person(s) duly acknowledged the execution of the same. **IN WITNESS WHEREOF**, I have hereunto set my hand and affixed my seal the day and year last above written.

[Signature]  
**Julie Brown - Notary Public**

My Term Expires: **June 15, 2024**





*Jane Klasmaker*  
COUNTY CLERK

Doc #: 2021R07297  
TERRILOIS MASHBURN  
REGISTER OF DEEDS  
LEAVENWORTH COUNTY, KANSAS  
RECORDED ON:  
06/15/2021 01:09:19 PM  
RECORDING FEE: 38.00  
PAGES: 2

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Continental Title Company: 21410818

**Warranty Deed**  
(Joint Tenants)

This indenture, Made this 14<sup>th</sup> day of June, 2021 between, Tyler D. Petitt a single person and Charles Craig Lohman and Carol J. Lohman a married couple, of Leavenworth County, in the State of KS, party(ies) of the first part, and Charles Harnett Sr. and Candace Harnett, husband and wife, As Joint Tenants with right of Survivorship and not as Tenants in Common, of Leavenworth County, in the State of KS, party(ies) of the second part:

WITNESSETH, that the said party of the first part, in Consideration of the sum of TEN Dollars and other valuable considerations, the receipt whereof is hereby acknowledged, does by these presents, grant, bargain, sell and convey unto said parties of the second part, the survivor's heirs and assigns, all of the following described real estate, situated in the County of Leavenworth and State of Kansas to wit:

**Legal Description: Lot 2, J & A FARMS, a subdivision in Leavenworth County, Kansas.**

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

To have and to hold the same, together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in any wise appertaining forever.

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

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

Tyler D. Petitt  
Tyler D Petitt

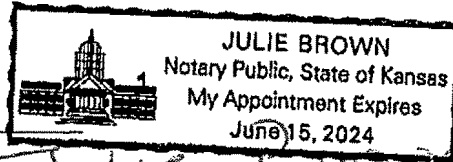
Charles Craig Lohman  
Charles Craig Lohman

Carol J. Lohman  
Carol J Lohman

State of **Kansas** )  
County of **Leavenworth** ) ss.

BE IT REMEMBERED, That on 14 day of June 2021 before me, a notary public, in and for said county and state aforesaid, came **Tyler D. Petitt a single person and Charles Craig Lohman and Carol J. Lohman a married couple** personally known to me to be the same **PERSON(S)** who executed the within instrument of writing and such person(s) duly acknowledged the execution of the same. IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year last above written.

Julie Brown  
Cord Joseph Allen Cannon - Notary Public



My Term Expires: ~~6-29-2022~~

6-15-24

# Leavenworth County, KS



### Legend

	Address Point
	Parcel Number
	Lot Line
	Parcel
	City Limit Line
	Major Road
	<all other values>
	70
	Road
	<all other values>
	PRIVATE
	Railroad
	Section
	Section Boundaries
	County Boundary
	LOMRs
	River Mile Markers
	Cross-Sections
	Base Flood Elevations
	Levees
	Flood Hazard Zones
	1% Annual Chance Flood Hazard
	Regulatory Floodway
	Special Floodway
	Area of Undetermined Flood Hazard
	0.2% Annual Chance Flood Hazard

### 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

1 in. = 158ft.

316.9 0 158.45 316.9 Feet

**RESOLUTION 2022-25**

A resolution of the Leavenworth County Kansas Board of Commissioners, authorizing a rezoning from RR-5 to RR-2.5 on the following described property:

Lots 1 & 2, J & A Farms in Leavenworth County, Kansas more commonly known as 21242 & 21278 Dempsey Road

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 1<sup>st</sup> day of August, 2022, 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 21<sup>st</sup> day of September, 2022; and

WHEREAS, it is hereby found that the Leavenworth County Planning Commission, based upon specific findings of fact incorporated by reference herein, did recommend that the Rezoning be approved; and

WHEREAS, the Board of County Commissioners considered, in session on the 12<sup>th</sup> day of October, 2022, the recommendation of the Leavenworth County Planning Commission.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Leavenworth County, Kansas, that:

1. Based upon the recommendation and findings of fact of the Leavenworth County Planning Commission; and,
2. Based upon the findings of fact adopted by the Board of County Commissioners in regular session on the 12<sup>th</sup> day of October, 2022, and incorporated herein by reference;

That request for rezoning as described above, also known as Lots 1 & 2, J & A Farms or 21242 & 21278 Dempsey Road, Parcel Identification Number 142-04-0-00-01-007.01 & 142-04-0-00-01-007.02, is hereby granted.

Adopted this 12<sup>th</sup> day of October, 2022  
Board of County Commission  
Leavenworth, County, Kansas

\_\_\_\_\_  
Mike Smith, Chairman

ATTEST

\_\_\_\_\_  
Jeff Culbertson, Member

\_\_\_\_\_  
Janet Klasinski

\_\_\_\_\_  
Vicky Kaaz, Member

\_\_\_\_\_  
Doug Smith, Member

\_\_\_\_\_  
Mike Stieben, Member