

At this time the Courthouse is open to the public. Anyone wishing to attend will need to call ahead at 913-684-0417 to reserve a seat as the meeting room has limited capacity. We are encouraging everyone to continue to view the meeting live via YouTube.

*Leavenworth County*  
*Board of County Commissioners*

*Regular Meeting Agenda*  
300 Walnut Street, Suite 225  
Leavenworth, KS 66048  
December 1, 2021  
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 November 24, 2021

- b) Approval of the schedule for the week December 6, 2021
- c) Approval of the check register
- d) Approve and sign the OCB's

VII. FORMAL BOARD ACTION:

- a) Consider a motion to approve Resolution 2021-52, a special use permit for a contractor's yard for Forever Fencing.
- b) Consider a motion to approve Resolution 2021-53, a renewal of a special use permit for CW Lawns.
- c) Consider a motion to approve Resolution 2021-54, a rezone request from RR-5 to RR-2.5 located on 246<sup>th</sup> St.
- d) Consider a motion to approve Resolution 2021-55, a rezone request from B-2 to B-3 located at 17800 State Ave.

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

IX. ADDITIONAL PUBLIC COMMENT IF NEEDED

X. ADJOURNMENT

# **LEAVENWORTH COUNTY COMMISSIONERS MEETING SCHEDULE**

**Monday, November 29, 2021**

**Tuesday, November 30, 2021**

**Wednesday, December 1, 2021**

- 9:00 a.m.      Leavenworth County Commission meeting  
                    • Commission Meeting Room, 300 Walnut, Leavenworth KS
- 1:30 p.m.      Ribbon Cutting Ceremony for the Eisenhower Road project  
                    • 20<sup>th</sup> and Eisenhower

**Thursday, December 2, 2021**

**Friday, December 3, 2021**

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

\*\*\*\*\*November 24, 2021\*\*\*\*\*

The Board of County Commissioners met in a regular session on Wednesday, November 24, 2021. Commissioner Culbertson, Commissioner Kaaz, Commissioner Doug Smith and Commissioner Stieben are present; Commissioner Mike Smith is absent; Also present: Mark Loughry, County Administrator; David Van Parys, Senior County Counselor; Amy Allison, Planning and Zoning Deputy Director; Larry Malbrough, Information Systems Director; Bill Noll, Infrastructure and Construction Services; John Richmeier, Leavenworth Times

Residents: John and Karen Fernandez, Joe Herring, AW Himpel, Sidonia Ramos, Tim Porterfield, John Matthews, Dennis Taylor, Ronald Grey

**PUBLIC COMMENT:**

Joe Herring, Karen Fernandez, Sidonia Ramos and Tim Porterfield commented on agenda items.

**ADMINISTRATIVE BUSINESS:**

David Van Parys addressed an error in Resolution 2021-36, a special use permit for a boat and RV storage indicating the physical address in the resolution is incorrect.

***A motion was made by Commissioner Stieben and seconded by Commissioner Culbertson to adopt the amended Resolution 2021-36.***

***Motion passed, 4-0.***

Commissioner Doug Smith disclosed all Commissioners received a letter regarding Flat Lands.

Commissioner Culbertson indicated he would reach out to the individual that sent the letter to work things out.

***A motion was made by Commissioner Culbertson and seconded by Commissioner Doug Smith to accept the consent agenda for Wednesday, November 24, 2021 as presented.***

***Motion passed, 4-0.***

Amy Allison presented Case Number DEV-21-161 & 162, a preliminary and final plat for Grey's Corner.

The applicant, Ronald Grey commented.

***A motion was made by Commissioner Stieben and seconded by Commissioner Doug Smith to table the case until December 8<sup>th</sup>.***

***Motion failed, 2-2 Commissioners Culbertson and Kaaz voting nay.***

***A motion was made by Commissioner Doug Smith and seconded by Commissioner Kaaz to approve Case Number DEV-21-161 & 162, a preliminary and final plat for Grey's Corner.***

***Motion failed, 4-0. All Commissioners voting nay, Case denied.***

Larry Malbrough requested approval of the scope of work and agreement with ConvergeOne for phone upgrades.

***A motion was made by Commissioner Doug Smith and seconded by Commissioner Stieben to approve the project and authorize the chairman to sign the scope of work and documents not to exceed \$86,524.00.***

***Motion passed, 4-0.***

Mr. Malbrough requested the chairperson to sign the professional services task order #2 addendum with Olsson, Inc.

***A motion was made by Commissioner Doug Smith and seconded by Commissioner Stieben to authorize the chairman to sign the attached Professional Services with Olsson not to exceed \$169,600.00.***

***Motion passed, 4-0.***

Bill Noll indicated the Eisenhower Road project is wrapping up with a ribbon cutting ceremony on December 1.

Commissioner Doug Smith inquired how to change a minimal maintenance road to a County maintained road.

Mr. Noll indicated the road would be brought up to County standards then address it case by case if the Board accepts the road into County maintenance.

Commissioner Stieben inquired about the infrastructure bill that was passed and how to apply for those funds.

Mr. Noll indicated the County will need to apply directly to the state or federal government.

Commissioner Doug Smith attended the Basehor Mayor's Christmas Tree lighting and attended the MARC meeting via zoom.

Commissioner Stieben has been answering calls about constituent's tax bills.

Commissioner Kaaz participated in the Workforce Partnership meeting, walk through on the Eisenhower Road project and the Leavenworth City Commission meeting.

Joe Herring commented on a non-agenda item.

***A motion was made by Commissioner Stieben and seconded by Commissioner Doug Smith to adjourn.***

***Motion passed, 4-0.***

The Board adjourned at 10:19 a.m.

# **LEAVENWORTH COUNTY COMMISSIONERS MEETING SCHEDULE**

**Monday, December 6, 2021**

**Tuesday, December 7, 2021**

**Wednesday, December 8, 2021**

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

**Thursday, December 9, 2021**

12:00 p.m.      LCDC meeting

**Friday, December 10, 2021**

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

START DATE: 11/20/2021 END DATE: 11/24/2021

TYPES OF CHECKS SELECTED: \* ALL TYPES

			P.O.NUMBER	CHECK#					
4120	ACE IMAGEWEAR	AAA LAUNDRY & LINEN SUPPLY CO	323862	95402 AP	11/24/2021	1-001-5-53-215	4013-01994 UNIFORM RENTALS NW	77.71	
20588	ADVANTAGE	ADVANTAGE PRINTING	323864	95404 AP	11/24/2021	1-001-5-19-301	288 DIST CT CSO BUSINESS CARDS	130.00	
1061	B & W FIRE LLC	B & W FIRE LLC	323867	95407 AP	11/24/2021	1-001-5-07-208	120034EOC ANNUAL FIRE EXT INSP	152.15	
1061	B & W FIRE LLC	B & W FIRE LLC	323867	95407 AP	11/24/2021	1-001-5-31-290	ANNUAL FIRE EXT INSP ACCT 0012	421.80	
1061	B & W FIRE LLC	B & W FIRE LLC	323867	95407 AP	11/24/2021	1-001-5-31-297	ANNUAL FIRE EXT INSP ACCT 0012	701.60	
							*** VENDOR	1061 TOTAL	1,275.55
2541	BEST PLUMBING SPECIA	BEST PLUMBING SPECIALTIES,INC	323869	95409 AP	11/24/2021	1-001-5-07-357	65483 JAIL PLUMBING SUPPLIES	311.52	
2541	BEST PLUMBING SPECIA	BEST PLUMBING SPECIALTIES,INC	323869	95409 AP	11/24/2021	1-001-5-07-357	65483 JAIL PLUMBING SUPPLIES	263.04	
2541	BEST PLUMBING SPECIA	BEST PLUMBING SPECIALTIES,INC	323869	95409 AP	11/24/2021	1-001-5-07-357	65483 JAIL PLUMBING SUPPLIES	90.63	
							*** VENDOR	2541 TOTAL	665.19
22543	COMPLETE FAMILY CARE	COMPLETE FAMILY CARE	323872	95412 AP	11/24/2021	1-001-5-05-201	EMS MEDICAL DIRECTOR	1,250.00	
1219	DIST CT CLERK LV	CLERK OF DIST COURT-LEAV	323874	95414 AP	11/24/2021	1-001-5-11-501	CO ATTORNEY COURT COSTS	5,431.00	
30100	ELECTION WORKER	DEBRA SNYDER	323840	95399 AP	11/20/2021	1-001-5-49-341	WE APPRECIATE YOU!	111.50	
30100	ELECTION WORKER	JANET BURNETT	323841	95400 AP	11/20/2021	1-001-5-49-341	WE APPRECIATE YOU!	150.00	
30100	ELECTION WORKER	JANET BURNETT	323841	95400 AP	11/20/2021	1-001-5-49-341	WE APPRECIATE YOU!	56.00	
							*** VENDOR	30100 TOTAL	317.50
86	EVERGY	EVERGY KANSAS CENTRAL INC	323875	95415 AP	11/24/2021	1-001-5-53-219	ELEC SVC NOX WEED	197.92	
5824	FRONTIER	FORENSIC MEDICAL HOLDINGS OF K	323878	95418 AP	11/24/2021	1-001-5-13-271	INV 18781 OCTOBER AUTOPSY ETC	1,850.00	
5824	FRONTIER	FORENSIC MEDICAL HOLDINGS OF K	323878	95418 AP	11/24/2021	1-001-5-13-271	INV 18781 OCTOBER AUTOPSY ETC	1,850.00	
5824	FRONTIER	FORENSIC MEDICAL HOLDINGS OF K	323878	95418 AP	11/24/2021	1-001-5-13-271	INV 18781 OCTOBER AUTOPSY ETC	1,850.00	
5824	FRONTIER	FORENSIC MEDICAL HOLDINGS OF K	323878	95418 AP	11/24/2021	1-001-5-13-271	INV 18781 OCTOBER AUTOPSY ETC	1,850.00	
5824	FRONTIER	FORENSIC MEDICAL HOLDINGS OF K	323878	95418 AP	11/24/2021	1-001-5-13-271	INV 18781 OCTOBER AUTOPSY ETC	1,850.00	
5824	FRONTIER	FORENSIC MEDICAL HOLDINGS OF K	323878	95418 AP	11/24/2021	1-001-5-13-271	INV 18781 OCTOBER AUTOPSY ETC	1,850.00	
5824	FRONTIER	FORENSIC MEDICAL HOLDINGS OF K	323878	95418 AP	11/24/2021	1-001-5-13-271	INV 18781 OCTOBER AUTOPSY ETC	1,850.00	
5824	FRONTIER	FORENSIC MEDICAL HOLDINGS OF K	323878	95418 AP	11/24/2021	1-001-5-13-271	INV 18781 OCTOBER AUTOPSY ETC	1,850.00	
5824	FRONTIER	FORENSIC MEDICAL HOLDINGS OF K	323878	95418 AP	11/24/2021	1-001-5-13-271	INV 18781 OCTOBER AUTOPSY ETC	1,850.00	
5824	FRONTIER	FORENSIC MEDICAL HOLDINGS OF K	323878	95418 AP	11/24/2021	1-001-5-13-271	INV 18781 OCTOBER AUTOPSY ETC	50.00	
5824	FRONTIER	FORENSIC MEDICAL HOLDINGS OF K	323878	95418 AP	11/24/2021	1-001-5-13-271	INV 18781 OCTOBER AUTOPSY ETC	50.00	
5824	FRONTIER	FORENSIC MEDICAL HOLDINGS OF K	323878	95418 AP	11/24/2021	1-001-5-13-271	INV 18781 OCTOBER AUTOPSY ETC	50.00	
5824	FRONTIER	FORENSIC MEDICAL HOLDINGS OF K	323878	95418 AP	11/24/2021	1-001-5-13-271	INV 18781 OCTOBER AUTOPSY ETC	50.00	
5824	FRONTIER	FORENSIC MEDICAL HOLDINGS OF K	323878	95418 AP	11/24/2021	1-001-5-13-271	INV 18781 OCTOBER AUTOPSY ETC	50.00	
5824	FRONTIER	FORENSIC MEDICAL HOLDINGS OF K	323878	95418 AP	11/24/2021	1-001-5-13-271	INV 18781 OCTOBER AUTOPSY ETC	50.00	
5824	FRONTIER	FORENSIC MEDICAL HOLDINGS OF K	323878	95418 AP	11/24/2021	1-001-5-13-271	INV 18781 OCTOBER AUTOPSY ETC	50.00	
5824	FRONTIER	FORENSIC MEDICAL HOLDINGS OF K	323878	95418 AP	11/24/2021	1-001-5-13-271	INV 18781 OCTOBER AUTOPSY ETC	15.00	
5824	FRONTIER	FORENSIC MEDICAL HOLDINGS OF K	323878	95418 AP	11/24/2021	1-001-5-13-271	INV 18781 OCTOBER AUTOPSY ETC	25.00	
5824	FRONTIER	FORENSIC MEDICAL HOLDINGS OF K	323878	95418 AP	11/24/2021	1-001-5-13-271	INV 18781 OCTOBER AUTOPSY ETC	25.00	
5824	FRONTIER	FORENSIC MEDICAL HOLDINGS OF K	323878	95418 AP	11/24/2021	1-001-5-13-271	INV 18781 OCTOBER AUTOPSY ETC	25.00	
5824	FRONTIER	FORENSIC MEDICAL HOLDINGS OF K	323878	95418 AP	11/24/2021	1-001-5-13-271	INV 18781 OCTOBER AUTOPSY ETC	25.00	
5824	FRONTIER	FORENSIC MEDICAL HOLDINGS OF K	323878	95418 AP	11/24/2021	1-001-5-13-271	INV 18781 OCTOBER AUTOPSY ETC	25.00	
5824	FRONTIER	FORENSIC MEDICAL HOLDINGS OF K	323878	95418 AP	11/24/2021	1-001-5-13-271	INV 18781 OCTOBER AUTOPSY ETC	52.00	
5824	FRONTIER	FORENSIC MEDICAL HOLDINGS OF K	323878	95418 AP	11/24/2021	1-001-5-13-271	INV 18781 OCTOBER AUTOPSY ETC	203.00	
5824	FRONTIER	FORENSIC MEDICAL HOLDINGS OF K	323878	95418 AP	11/24/2021	1-001-5-13-271	INV 18781 OCTOBER AUTOPSY ETC	35.00	
							*** VENDOR	5824 TOTAL	17,305.00
971	GALLS	GALLS	323879	95419 AP	11/24/2021	1-001-5-07-350	5289255 SHF UNIFORMS	168.00	
971	GALLS	GALLS	323879	95419 AP	11/24/2021	1-001-5-07-350	5289255 SHF UNIFORMS	455.00	
971	GALLS	GALLS	323879	95419 AP	11/24/2021	1-001-5-07-350	5289255 SHF UNIFORMS	196.38	
971	GALLS	GALLS	323879	95419 AP	11/24/2021	1-001-5-07-350	5289255 SHF UNIFORMS	286.00	
971	GALLS	GALLS	323879	95419 AP	11/24/2021	1-001-5-07-350	5289255 SHF UNIFORMS	773.50	
971	GALLS	GALLS	323879	95419 AP	11/24/2021	1-001-5-07-350	5289255 SHF UNIFORMS	136.00	
							*** VENDOR	971 TOTAL	2,014.88
83	GRAFIX SHOPPE	M J DONOVAN ENTERPISES, INC	323881	95421 AP	11/24/2021	1-001-5-07-213	LVSO VEHICLE GRAPHICS	95.09	
16080	GT DISTRIBUTORS	GT DISTRIBUTORS	323882	95422 AP	11/24/2021	1-001-5-07-359	009074 GLOCK PARTS, 13 SLINGS	12.00	
16080	GT DISTRIBUTORS	GT DISTRIBUTORS	323882	95422 AP	11/24/2021	1-001-5-07-359	009074 GLOCK PARTS, 13 SLINGS	415.87	
							*** VENDOR	16080 TOTAL	427.87
99	JUROR								

TYPES OF CHECKS SELECTED: \* ALL TYPES

		P.O.NUMBER	CHECK#							
99	JUROR							*** VENDOR	99 TOTAL	2,944.40
6022	KACSO	KACSO	ATTN: KELLY JOHNSON	323927	95467 AP	11/24/2021	1-001-5-19-203	2022 MEMBERSHIPS	75.00	
6022	KACSO	KACSO	ATTN: KELLY JOHNSON	323927	95467 AP	11/24/2021	1-001-5-19-203	2022 MEMBERSHIPS	75.00	
6022	KACSO	KACSO	ATTN: KELLY JOHNSON	323927	95467 AP	11/24/2021	1-001-5-19-203	2022 MEMBERSHIPS	75.00	
6022	KACSO	KACSO	ATTN: KELLY JOHNSON	323927	95467 AP	11/24/2021	1-001-5-19-203	2022 MEMBERSHIPS	75.00	
6022	KACSO	KACSO	ATTN: KELLY JOHNSON	323927	95467 AP	11/24/2021	1-001-5-19-203	2022 MEMBERSHIPS	75.00	
6022	KACSO	KACSO	ATTN: KELLY JOHNSON	323927	95467 AP	11/24/2021	1-001-5-19-203	2022 MEMBERSHIPS	75.00	
6022	KACSO	KACSO	ATTN: KELLY JOHNSON	323927	95467 AP	11/24/2021	1-001-5-19-203	2022 MEMBERSHIPS	75.00	
6022	KACSO	KACSO	ATTN: KELLY JOHNSON	323927	95467 AP	11/24/2021	1-001-5-19-203	2022 MEMBERSHIPS	75.00	
6022	KACSO	KACSO	ATTN: KELLY JOHNSON	323927	95467 AP	11/24/2021	1-001-5-19-203	2022 MEMBERSHIPS	75.00	
								*** VENDOR	6022 TOTAL	600.00
46	KANSAS COR	KANSAS	KANSAS CORRECTIONAL INDUSTRIES	323928	95468 AP	11/24/2021	1-001-5-07-303	1052001 BUSINESS CARDS (LVSO)	512.50	

warrants by vendor



START DATE: 11/20/2021 END DATE: 11/24/2021

TYPES OF CHECKS SELECTED: \* ALL TYPES

			P.O.NUMBER	CHECK#					
46	KANSAS COR	KANSAS CORRECTIONAL INDUSTRIES	323928	95468 AP	11/24/2021	1-001-5-07-303	1052001 BUSINESS CARDS (LVSO)	216.25	
							*** VENDOR	46 TOTAL	728.75
168	LCHS	LEAVENWORTH CO HUMANE SOCIETY	323931	95471 AP	11/24/2021	1-001-5-07-266	OCTOBER 2021 CONTRACT +	1,250.00	
168	LCHS	LEAVENWORTH CO HUMANE SOCIETY	323931	95471 AP	11/24/2021	1-001-5-07-266	OCTOBER 2021 CONTRACT +	50.00	
							*** VENDOR	168 TOTAL	1,300.00
4755	LEAV PAPER	LEAVENWORTH PAPER AND OFFICE S	323934	95474 AP	11/24/2021	1-001-5-07-301	LVSO OFFICE AND JAIL SUPPLIES	31.18	
4755	LEAV PAPER	LEAVENWORTH PAPER AND OFFICE S	323934	95474 AP	11/24/2021	1-001-5-07-301	LVSO OFFICE AND JAIL SUPPLIES	163.01	
4755	LEAV PAPER	LEAVENWORTH PAPER AND OFFICE S	323934	95474 AP	11/24/2021	1-001-5-07-301	LVSO OFFICE AND JAIL SUPPLIES	25.00	
4755	LEAV PAPER	LEAVENWORTH PAPER AND OFFICE S	323934	95474 AP	11/24/2021	1-001-5-07-301	LVSO OFFICE AND JAIL SUPPLIES	1,500.00	
4755	LEAV PAPER	LEAVENWORTH PAPER AND OFFICE S	323934	95474 AP	11/24/2021	1-001-5-07-359	LVSO OFFICE AND JAIL SUPPLIES	362.77	
4755	LEAV PAPER	LEAVENWORTH PAPER AND OFFICE S	323934	95474 AP	11/24/2021	1-001-5-07-359	LVSO OFFICE AND JAIL SUPPLIES	150.00	
4755	LEAV PAPER	LEAVENWORTH PAPER AND OFFICE S	323934	95474 AP	11/24/2021	1-001-5-07-359	SHF JAIL SUPPLIES	162.36	
4755	LEAV PAPER	LEAVENWORTH PAPER AND OFFICE S	323934	95474 AP	11/24/2021	1-001-5-07-359	SHF JAIL SUPPLIES	3,656.00	
4755	LEAV PAPER	LEAVENWORTH PAPER AND OFFICE S	323934	95474 AP	11/24/2021	1-001-5-09-301	DIST CT CLERK - TONER	604.32	
4755	LEAV PAPER	LEAVENWORTH PAPER AND OFFICE S	323934	95474 AP	11/24/2021	1-001-5-19-301	DIST CT CSO OFFICE SUPPLIES	1,186.88	
4755	LEAV PAPER	LEAVENWORTH PAPER AND OFFICE S	323934	95474 AP	11/24/2021	1-001-5-19-301	DIST CT CREDIT MEMO - TONER	820.80-	
							*** VENDOR	4755 TOTAL	7,020.72
537	LEAV TIMES	LEAVENWORTH TIMES	323935	95475 AP	11/24/2021	1-001-5-06-220	ACCT 267 PLANNING NOTICES, DEV	14.40	
537	LEAV TIMES	LEAVENWORTH TIMES	323935	95475 AP	11/24/2021	1-001-5-06-220	ACCT 267 PLANNING NOTICES, DEV	26.75	
537	LEAV TIMES	LEAVENWORTH TIMES	323935	95475 AP	11/24/2021	1-001-5-06-220	ACCT 267 PLANNING NOTICES, DEV	18.20	
537	LEAV TIMES	LEAVENWORTH TIMES	323935	95475 AP	11/24/2021	1-001-5-06-220	ACCT 267 PLANNING NOTICES, DEV	16.85	
537	LEAV TIMES	LEAVENWORTH TIMES	323935	95475 AP	11/24/2021	1-001-5-06-220	ACCT 267 PLANNING NOTICES, DEV	16.40	
537	LEAV TIMES	LEAVENWORTH TIMES	323935	95475 AP	11/24/2021	1-001-5-06-220	ACCT 267 PLANNING NOTICES, DEV	21.80	
537	LEAV TIMES	LEAVENWORTH TIMES	323935	95475 AP	11/24/2021	1-001-5-19-217	ACCT 172 LDIST CT LEAGAL NOTIC	66.80	
							*** VENDOR	537 TOTAL	181.20
533	MERCHANT MCINTYRE	MERCHANT MCINTYRE & ASSOCIATES	323936	95476 AP	11/24/2021	1-001-5-01-214	328369 GRANT SEEKING SVCS DECE	7,500.00	
2059	MIDWEST OFFICE TECH	MIDWEST OFFICE TECHNOLOGY INC	323938	95478 AP	11/24/2021	1-001-5-01-201	OPK595_K COPIER MAINT BOCC	371.60	
766	NATIONAL S	NATL SHERIFFS' ASSN	323941	95481 AP	11/24/2021	1-001-5-07-203	271454 MEMBERSHIP DUES TO 1.3	135.00	
196	OLSSON	OLSSON, INC	323942	95482 AP	11/24/2021	1-001-5-06-206	PROF SVCS THROUGH 11.6.21	3,804.00	
490	POOR RICH	POOR RICHARDS	323943	95483 AP	11/24/2021	1-001-5-19-301	DIST CT JURY BROCHURES	710.00	
7098	QUILL CORP	QUILL CORP	323944	95484 AP	11/24/2021	1-001-5-07-301	8333027 LVSO OFFICE SUPPLIES	82.64	
7098	QUILL CORP	QUILL CORP	323944	95484 AP	11/24/2021	1-001-5-07-301	8333027 LVSO OFFICE SUPPLIES	105.16	
							*** VENDOR	7098 TOTAL	187.80
14	REFLECTIONS MEMORIAL	REFLECTIONS MEMORIAL SERVICES	323946	95486 AP	11/24/2021	1-001-5-13-215	INDIGENT CREMATION	675.00	
103	RESTITUTIO						*** VENDOR	103 TOTAL	1,423.00
458	ROAD & BRIDGE	LEAV CO PUBLIC WORKS	323952	95492 AP	11/24/2021	1-001-5-07-213	SHERIFF GASOLINE, VEH MAINT, P	4,044.38	
458	ROAD & BRIDGE	LEAV CO PUBLIC WORKS	323952	95492 AP	11/24/2021	1-001-5-07-218	SHERIFF GASOLINE, VEH MAINT, P	190.00	
458	ROAD & BRIDGE	LEAV CO PUBLIC WORKS	323952	95492 AP	11/24/2021	1-001-5-14-332	SHERIFF GASOLINE, VEH MAINT, P	2,953.81	
458	ROAD & BRIDGE	LEAV CO PUBLIC WORKS	323952	95492 AP	11/24/2021	1-001-5-14-332	SHERIFF GASOLINE, VEH MAINT, P	736.60	
458	ROAD & BRIDGE	LEAV CO PUBLIC WORKS	323952	95492 AP	11/24/2021	1-001-5-14-333	BG FUEL	78.02	
458	ROAD & BRIDGE	LEAV CO PUBLIC WORKS	323952	95492 AP	11/24/2021	1-001-5-14-333	BG FUEL	83.87	
458	ROAD & BRIDGE	LEAV CO PUBLIC WORKS	323952	95492 AP	11/24/2021	1-001-5-14-333	BG FUEL	217.30	
458	ROAD & BRIDGE	LEAV CO PUBLIC WORKS	323952	95492 AP	11/24/2021	1-001-5-14-336	NOX WEED	251.14	
458	ROAD & BRIDGE	LEAV CO PUBLIC WORKS	323952	95492 AP	11/24/2021	1-001-5-53-308	NOX WEED	1,114.31	
							*** VENDOR	458 TOTAL	9,669.43
25224	SAFETY REM	SAFETY REMEDY	323953	95493 AP	11/24/2021	1-001-5-53-301	486 LENS WIPES,GLOVES,GLASSES,	679.38	

warrants by vendor

START DATE: 11/20/2021 END DATE: 11/24/2021

TYPES OF CHECKS SELECTED: \* ALL TYPES

		P.O.NUMBER	CHECK#								
6550	SCAVUZZO'S INC	SCAVUZZO'S INC	323954	95494 AP	11/24/2021	1-001-5-07-359	7584019 JAIL SUPPLIES	618.45			
6148	SHERIFF	LEAV CO SHERIFF DEPT	323955	95495 AP	11/24/2021	1-001-5-07-350	FUEL,UNIFORM REIMB	43.80			
6148	SHERIFF	LEAV CO SHERIFF DEPT	323955	95495 AP	11/24/2021	1-001-5-07-350	FUEL,UNIFORM REIMB	69.88			
6148	SHERIFF	LEAV CO SHERIFF DEPT	323955	95495 AP	11/24/2021	1-001-5-14-332	FUEL,UNIFORM REIMB	35.00			
								*** VENDOR	6148 TOTAL	148.68	
26680	SYMBOL ART	SYMBOL ARTS INC	323956	95496 AP	11/24/2021	1-001-5-07-350	00-LEA002 HONOR GUARD UNIFORMS	2,090.50			
22972	TRANSFER STATION	TRANSFER STATION	323958	95498 AP	11/24/2021	1-001-5-05-312	ACCT 158 (B&G) EMS WASTE	5.00			
22972	TRANSFER STATION	TRANSFER STATION	323958	95498 AP	11/24/2021	1-001-5-31-290	CUSHING/JDC/JC/COA WASTE (B&G)	63.00			
22972	TRANSFER STATION	TRANSFER STATION	323958	95498 AP	11/24/2021	1-001-5-32-297	CUSHING/JDC/JC/COA WASTE (B&G)	35.00			
22972	TRANSFER STATION	TRANSFER STATION	323958	95498 AP	11/24/2021	1-001-5-33-297	CUSHING/JDC/JC/COA WASTE (B&G)	13.00			
								*** VENDOR	22972 TOTAL	116.00	
100									*** VENDOR	100 TOTAL	316.75
								TOTAL FUND 001		70,408.37	
-----											
4938	BUILDING & GROUNDS	BUILDING & GROUNDS	323870	95410 AP	11/24/2021	1-108-5-00-219	HEALTH DEPT JANITORIAL,PEST CO	669.85			
4938	BUILDING & GROUNDS	BUILDING & GROUNDS	323870	95410 AP	11/24/2021	1-108-5-00-606	HEALTH DEPT JANITORIAL,PEST CO	223.29			
								*** VENDOR	4938 TOTAL	893.14	
								TOTAL FUND 108		893.14	
-----											
516725	ENTERPRISE (ACH)	ENTERPRISE FM TRUST	323837	15	11/20/2021	1-115-5-00-410	FBN4330272 24 VEHICLE LEASES N	1,424.64			
516725	ENTERPRISE (ACH)	ENTERPRISE FM TRUST	323837	15	11/20/2021	1-115-5-00-411	FBN4330272 24 VEHICLE LEASES N	1,771.33			
516725	ENTERPRISE (ACH)	ENTERPRISE FM TRUST	323837	15	11/20/2021	1-115-5-00-411	FBN4330272 24 VEHICLE LEASES N	413.25			
516725	ENTERPRISE (ACH)	ENTERPRISE FM TRUST	323837	15	11/20/2021	1-115-5-00-415	FBN4330272 24 VEHICLE LEASES N	266.28			
516725	ENTERPRISE (ACH)	ENTERPRISE FM TRUST	323837	15	11/20/2021	1-115-5-00-418	FBN4330272 24 VEHICLE LEASES N	931.98			
516725	ENTERPRISE (ACH)	ENTERPRISE FM TRUST	323837	15	11/20/2021	1-115-5-00-423	FBN4330272 24 VEHICLE LEASES N	375.80			
516725	ENTERPRISE (ACH)	ENTERPRISE FM TRUST	323837	15	11/20/2021	1-115-5-00-434	FBN4330272 24 VEHICLE LEASES N	5,667.43			
								*** VENDOR	516725 TOTAL	10,850.71	
								TOTAL FUND 115		10,850.71	
-----											
6724	AMERICAN M	AMERICAN MICRO CO	323865	95405 AP	11/24/2021	1-119-5-00-252	3098 MS6000MKII SCANNER CONTR	650.00			
975	LEAV LANSI	LEAVENWORTH/LANSING CHAMBER	323933	95473 AP	11/24/2021	1-119-5-00-253	REG OF DEEDS GREU UP, ATHENA A	15.00			
975	LEAV LANSI	LEAVENWORTH/LANSING CHAMBER	323933	95473 AP	11/24/2021	1-119-5-00-253	REG OF DEEDS GREU UP, ATHENA A	40.00			
								*** VENDOR	975 TOTAL	55.00	
								TOTAL FUND 119		705.00	
-----											
4938	BUILDING & GROUNDS	BUILDING & GROUNDS	323870	95410 AP	11/24/2021	1-126-5-00-224	COMM CORR FACILITY FEES	999.82			
516725	ENTERPRISE (ACH)	ENTERPRISE FM TRUST	323837	15	11/20/2021	1-126-5-00-221	FBN4330272 24 VEHICLE LEASES N	14.77			
458	ROAD & BRIDGE	LEAV CO PUBLIC WORKS	323952	95492 AP	11/24/2021	1-126-5-00-221	JUV/ADULT COMM CORR - BATTERY	71.00			
								TOTAL FUND 126		1,085.59	
-----											
2588	FOLEY EQUIPMENT	FOLEY EQUIPMENT	323877	95417 AP	11/24/2021	1-133-5-00-201	11-48 016993 APWA TRAINING, LE	900.00			

warrants by vendor

START DATE: 11/20/2021 END DATE: 11/24/2021

TYPES OF CHECKS SELECTED: \* ALL TYPES

			P.O.NUMBER	CHECK#					
2588	FOLEY EQUIPMENT	FOLEY EQUIPMENT	323877	95417 AP	11/24/2021	1-133-5-00-360	11-48 016993 APWA TRAINING, LE	322.53-	
2588	FOLEY EQUIPMENT	FOLEY EQUIPMENT	323877	95417 AP	11/24/2021	1-133-5-00-360	11-48 016993 APWA TRAINING, LE	3.00-	
2588	FOLEY EQUIPMENT	FOLEY EQUIPMENT	323877	95417 AP	11/24/2021	1-133-5-00-360	11-46 016993 RENT SKID STEER,	6,596.44	
							*** VENDOR	2588 TOTAL	7,170.91
369	HOLLIDAY	HOLLIDAY SAND & GRAVEL CO	323884	95424 AP	11/24/2021	1-133-5-00-361	11-49 218331 ROCK	216.05	
191	HOME DEPOT	HOME DEPOT USA	323885	95425 AP	11/24/2021	1-133-5-00-360	11-51 1111680 PLYWOOD,TAPE,SAW	19.94	
191	HOME DEPOT	HOME DEPOT USA	323885	95425 AP	11/24/2021	1-133-5-00-360	11-51 1111680 PLYWOOD,TAPE,SAW	198.91	
191	HOME DEPOT	HOME DEPOT USA	323885	95425 AP	11/24/2021	1-133-5-00-360	11-51 1111680 PLYWOOD,TAPE,SAW	29.94-	
							*** VENDOR	191 TOTAL	188.91
456	KIRBY-SMITH	KIRBY-SMITH MACHINERY INC	323930	95470 AP	11/24/2021	1-133-5-00-227	11-50 LEAVE002 BROOM RENTAL 10	2,630.00	
506	RENUEL FUEL	RENUEL FUEL LLC	323947	95487 AP	11/24/2021	1-133-5-00-304	11-45 CLEANING OF SHOP DIESEL	4,473.00	
960	TODD'S TIRE LLC	TODD'S TIRE LLC	323957	95497 AP	11/24/2021	1-133-5-00-309	11-52 TIRES	195.00	
960	TODD'S TIRE LLC	TODD'S TIRE LLC	323957	95497 AP	11/24/2021	1-133-5-00-309	11-52 TIRES	2,720.00	
							*** VENDOR	960 TOTAL	2,915.00
22972	TRANSFER STATION	TRANSFER STATION	323958	95498 AP	11/24/2021	1-133-5-00-214	656 PUBLIC WORKS - CONSTRUCTIO	113.00	
1241	VANCE BROS	VANCE BROS INC	323959	95499 AP	11/24/2021	1-133-5-00-326	11-54 437 CRACKFILLER	632.50	
403	WELBORN	WELBORN SALES INC	323961	95501 AP	11/24/2021	1-133-5-00-325	11-55 LEAVCOHW CULVERTS	4,833.00	
403	WELBORN	WELBORN SALES INC	323961	95501 AP	11/24/2021	1-133-5-00-325	11-55 LEAVCOHW CULVERTS	4,026.00	
							*** VENDOR	403 TOTAL	8,859.00
							TOTAL FUND 133		27,198.37
4938	BUILDING & GROUNDS	BUILDING & GROUNDS	323870	95410 AP	11/24/2021	1-136-5-00-203	JUV COMM CORR BUILDING/FACILIT	187.50	
4938	BUILDING & GROUNDS	BUILDING & GROUNDS	323870	95410 AP	11/24/2021	1-136-5-00-223	JUV COMM CORR BUILDING/FACILIT	62.50	
4938	BUILDING & GROUNDS	BUILDING & GROUNDS	323870	95410 AP	11/24/2021	1-136-5-00-235	JUV COMM CORR BUILDING/FACILIT	187.50	
4938	BUILDING & GROUNDS	BUILDING & GROUNDS	323870	95410 AP	11/24/2021	1-136-5-00-3	JUV COMM CORR BUILDING/FACILIT	512.31	
							*** VENDOR	4938 TOTAL	949.81
516725	ENTERPRISE (ACH)	ENTERPRISE FM TRUST	323837	15	11/20/2021	1-136-5-00-221	FBN4330272 24 VEHICLE LEASES N	14.77	
458	ROAD & BRIDGE	LEAV CO PUBLIC WORKS	323952	95492 AP	11/24/2021	1-136-5-00-201	JUV COMM CORR BATTERY 11-01	35.50	
458	ROAD & BRIDGE	LEAV CO PUBLIC WORKS	323952	95492 AP	11/24/2021	1-136-5-00-221	JUV COMM CORR BATTERY 11-01	35.50	
							*** VENDOR	458 TOTAL	71.00
							TOTAL FUND 136		1,035.58
2588	FOLEY EQUIPMENT	FOLEY EQUIPMENT	323877	95417 AP	11/24/2021	1-137-5-00-320	11-13 016993 COWLING ASSY,FILT	1,062.84	
26523	GARY SERVAES ENTERPR	GARY SERVAES ENTERPRISES	323880	95420 AP	11/24/2021	1-137-5-00-312	11-18 OCTOBER SCREENED ROCK	385.43	
434	HAMM QUARR	HAMM QUARRIES	323883	95423 AP	11/24/2021	1-137-5-00-312	11-14 300467 ROCK	162.19	
434	HAMM QUARR	HAMM QUARRIES	323883	95423 AP	11/24/2021	1-137-5-00-312	11-14 300467 ROCK	447.93	
434	HAMM QUARR	HAMM QUARRIES	323883	95423 AP	11/24/2021	1-137-5-00-312	11-14 300467 ROCK	3,154.97	
434	HAMM QUARR	HAMM QUARRIES	323883	95423 AP	11/24/2021	1-137-5-00-312	11-14 300467 ROCK	2,705.21	
							*** VENDOR	434 TOTAL	6,470.30
369	HOLLIDAY	HOLLIDAY SAND & GRAVEL CO	323884	95424 AP	11/24/2021	1-137-5-00-312	11-15 218331 ROCK	209.35	
369	HOLLIDAY	HOLLIDAY SAND & GRAVEL CO	323884	95424 AP	11/24/2021	1-137-5-00-312	11-15 218331 ROCK	195.34	
369	HOLLIDAY	HOLLIDAY SAND & GRAVEL CO	323884	95424 AP	11/24/2021	1-137-5-00-312	11-15 218331 ROCK	203.09	
369	HOLLIDAY	HOLLIDAY SAND & GRAVEL CO	323884	95424 AP	11/24/2021	1-137-5-00-312	11-15 218331 ROCK	137.75	
369	HOLLIDAY	HOLLIDAY SAND & GRAVEL CO	323884	95424 AP	11/24/2021	1-137-5-00-312	11-15 218331 ROCK	400.22	
369	HOLLIDAY	HOLLIDAY SAND & GRAVEL CO	323884	95424 AP	11/24/2021	1-137-5-00-312	11-15 218331 ROCK	415.86	
369	HOLLIDAY	HOLLIDAY SAND & GRAVEL CO	323884	95424 AP	11/24/2021	1-137-5-00-312	11-15 218331 ROCK	133.29	
369	HOLLIDAY	HOLLIDAY SAND & GRAVEL CO	323884	95424 AP	11/24/2021	1-137-5-00-312	11-15 218331 ROCK	191.91	
369	HOLLIDAY	HOLLIDAY SAND & GRAVEL CO	323884	95424 AP	11/24/2021	1-137-5-00-312	11-15 218331 ROCK	535.24	
369	HOLLIDAY	HOLLIDAY SAND & GRAVEL CO	323884	95424 AP	11/24/2021	1-137-5-00-312	11-15 218331 ROCK	272.37	
369	HOLLIDAY	HOLLIDAY SAND & GRAVEL CO	323884	95424 AP	11/24/2021	1-137-5-00-312	11-15 218331 ROCK	260.21	
							*** VENDOR	369 TOTAL	2,954.63
1351	LEAV ASPHALT	LEAVENWORTH ASPHALT MATERIALS	323932	95472 AP	11/24/2021	1-137-5-00-312	11-16 495 ROCK	10,029.35	

START DATE: 11/20/2021 END DATE: 11/24/2021

TYPES OF CHECKS SELECTED: \* ALL TYPES

				P.O.NUMBER	CHECK#					
1351	LEAV ASPHALT	LEAVENWORTH ASPHALT MATERIALS	323932	95472 AP	11/24/2021	1-137-5-00-312	11-16 495 ROCK	9,115.77		
1351	LEAV ASPHALT	LEAVENWORTH ASPHALT MATERIALS	323932	95472 AP	11/24/2021	1-137-5-00-312	11-16 495 ROCK	5,281.58		
								*** VENDOR	1351 TOTAL	24,426.70
8028	MURPHY TRA	MURPHY TRACTOR & EQUIP CO	323940	95480 AP	11/24/2021	1-137-5-00-320	11-17 88002-36463 RIM/WHEEL,RI	2,221.49		
8028	MURPHY TRA	MURPHY TRACTOR & EQUIP CO	323940	95480 AP	11/24/2021	1-137-5-00-320	11-17 88002-36463 RIM/WHEEL,RI	567.90		
								*** VENDOR	8028 TOTAL	2,789.39
960	TODD'S TIRE LLC	TODD'S TIRE LLC	323957	95497 AP	11/24/2021	1-137-5-00-321	11-19 TIRES	1,945.00		
								TOTAL FUND 137		40,034.29
-----										
4938	BUILDING & GROUNDS	BUILDING & GROUNDS	323870	95410 AP	11/24/2021	1-138-5-00-205	JIAS FACILITY/BUILDING FEES	50.00		
								TOTAL FUND 138		50.00
-----										
1061	B & W FIRE LLC	B & W FIRE LLC	323867	95407 AP	11/24/2021	1-145-5-00-208	050016 ANNUAL INSP/SERVICE	114.00		
1061	B & W FIRE LLC	B & W FIRE LLC	323867	95407 AP	11/24/2021	1-145-5-00-208	050016 ANNUAL INSP/SERVICE	305.80		
								*** VENDOR	1061 TOTAL	419.80
86	EVERGY	EVERGY KANSAS CENTRAL INC	323875	95415 AP	11/24/2021	1-145-5-00-246	ELEC SVC COUNCIL ON AGING	781.88		
6636	KANSAS GAS	KANSAS GAS SERVICE	323929	95469 AP	11/24/2021	1-145-5-00-246	510874092 1511346 27 GAS SERVI	302.05		
4755	LEAV PAPER	LEAVENWORTH PAPER AND OFFICE S	323934	95474 AP	11/24/2021	1-145-5-00-201	CO ON AGING COPY PAPER	75.98		
4755	LEAV PAPER	LEAVENWORTH PAPER AND OFFICE S	323934	95474 AP	11/24/2021	1-145-5-00-255	CO ON AGING INK CARTRIDGES/DUS	9.78		
4755	LEAV PAPER	LEAVENWORTH PAPER AND OFFICE S	323934	95474 AP	11/24/2021	1-145-5-00-255	CO ON AGING - JANITORIAL	188.92		
4755	LEAV PAPER	LEAVENWORTH PAPER AND OFFICE S	323934	95474 AP	11/24/2021	1-145-5-00-301	CO ON AGING OFFICE SUPPLIES	287.51		
4755	LEAV PAPER	LEAVENWORTH PAPER AND OFFICE S	323934	95474 AP	11/24/2021	1-145-5-00-303	CO ON AGING INK CARTRIDGES/DUS	292.95		
								*** VENDOR	4755 TOTAL	855.14
2666	MISC REIMBURSEMENTS	DAWN DEAN	323939	95479 AP	11/24/2021	1-145-5-00-254	LIFE SAVER CANDY FOR CARE GIVE	42.67		
22972	TRANSFER STATION	TRANSFER STATION	323958	95498 AP	11/24/2021	1-145-5-00-204	CO ON AGING ACCT 220: DUMPSTER	132.00		
								TOTAL FUND 145		2,533.54
-----										
516725	ENTERPRISE (ACH)	ENTERPRISE FM TRUST	323837	15	11/20/2021	1-153-5-00-401	FBN4330272 24 VEHICLE LEASES N	5,019.83		
								TOTAL FUND 153		5,019.83
-----										
26195	ADVANCE AUTO PARTS	GENERAL PARTS DISTRIBUTION	323863	95403 AP	11/24/2021	1-160-5-00-213	670030 DEF,GREASE,COOLANT, ETC	157.56		
26195	ADVANCE AUTO PARTS	GENERAL PARTS DISTRIBUTION	323863	95403 AP	11/24/2021	1-160-5-00-213	670030 DEF,GREASE,COOLANT, ETC	41.34		
26195	ADVANCE AUTO PARTS	GENERAL PARTS DISTRIBUTION	323863	95403 AP	11/24/2021	1-160-5-00-213	670030 DEF,GREASE,COOLANT, ETC	62.40		
								*** VENDOR	26195 TOTAL	261.30
290	FELDMANS	FELDMANS	323876	95416 AP	11/24/2021	1-160-5-00-305	30336 SAFETY BOOTS - D DUPREE	80.99		
458	ROAD & BRIDGE	LEAV CO PUBLIC WORKS	323952	95492 AP	11/24/2021	1-160-5-00-213	TRANSFER STATION FUEL/MAINT	160.52		
458	ROAD & BRIDGE	LEAV CO PUBLIC WORKS	323952	95492 AP	11/24/2021	1-160-5-00-304	TRANSFER STATION FUEL/MAINT	36.29		
								*** VENDOR	458 TOTAL	196.81
								TOTAL FUND 160		539.10
-----										
1737	AT&T-CAROL STREAM IL	AT&T	323866	95406 AP	11/24/2021	1-174-5-00-210	913A38-068-421-2 SVC TO 4 TOWE	89.93		
1737	AT&T-CAROL STREAM IL	AT&T	323866	95406 AP	11/24/2021	1-174-5-00-210	913A38-068-421-2 SVC TO 4 TOWE	89.93		
1737	AT&T-CAROL STREAM IL	AT&T	323866	95406 AP	11/24/2021	1-174-5-00-210	913A38-068-421-2 SVC TO 4 TOWE	85.92		
1737	AT&T-CAROL STREAM IL	AT&T	323866	95406 AP	11/24/2021	1-174-5-00-210	913A38-068-421-2 SVC TO 4 TOWE	167.82		
								*** VENDOR	1737 TOTAL	433.60
28531	COMMENCO I	COMMENCO INC	323871	95411 AP	11/24/2021	1-174-5-00-210	20507 MAINT FOR HEADSETS JUL-S	324.00		
28531	COMMENCO I	COMMENCO INC	323871	95411 AP	11/24/2021	1-174-5-00-210	20507 MAINT FOR HEADSETS JUL-S	324.00		
								*** VENDOR	28531 TOTAL	648.00
6636	KANSAS GAS	KANSAS GAS SERVICE	323929	95469 AP	11/24/2021	1-174-5-00-210	510614745 2007004 82 GAS TRANS	59.64		
6636	KANSAS GAS	KANSAS GAS SERVICE	323929	95469 AP	11/24/2021	1-174-5-00-210	510614745 2007004 82 GAS TRANS	61.28		
								*** VENDOR	6636 TOTAL	120.92
								TOTAL FUND 174		1,202.52

START DATE: 11/20/2021 END DATE: 11/24/2021

TYPES OF CHECKS SELECTED: \* ALL TYPES

		P.O.NUMBER	CHECK#							
22972	TRANSFER STATION	TRANSFER STATION	323958	95498 AP	11/24/2021	1-195-5-00-4	CUSHING/JDC/JC/COA WASTE (B&G	417.00		
2	WATER DEPT	WATER DEPT	323960	95500 AP	11/24/2021	1-195-5-00-290	WATER SVC JDC	44.02		
								TOTAL FUND 195	461.02	
1867	REDWOOD TOXICOLOGY	REDWOOD TOXICOLOGY LABORATORY	323945	95485 AP	11/24/2021	1-196-5-00-201	ACCT 112368 CONFIRMATION TESTS	159.24		
								TOTAL FUND 196	159.24	
1402	BCBSKS	BLUE CROSS BLUE SHIELD OF KANS	323868	95408 AP	11/24/2021	1-510-2-00-940	09426 COBRA PREMIUMS AUG/SEPT	1,387.90		
1504	DELTA DENTAL OF KS	DELTA DENTAL OF KANSAS	323873	95413 AP	11/24/2021	1-510-2-00-942	1002567 NOVEMBER DENTAL PREMIU	18,107.67		
1504	DELTA DENTAL OF KS	DELTA DENTAL OF KANSAS	323873	95413 AP	11/24/2021	1-510-2-00-942	1002567 NOVEMBER DENTAL PREMIU	207.62		
1504	DELTA DENTAL OF KS	DELTA DENTAL OF KANSAS	323873	95413 AP	11/24/2021	1-510-2-00-942	1002567 NOVEMBER DENTAL PREMIU	1,735.32		
								*** VENDOR 1504 TOTAL	20,050.61	
8500	METLIFE	METLIFE (VISION PLAN)	323937	95477 AP	11/24/2021	1-510-2-00-944	5919453 NOVEMBER VISION PREMIU	4,038.31		
8500	METLIFE	METLIFE (VISION PLAN)	323937	95477 AP	11/24/2021	1-510-2-00-944	5919453 NOVEMBER VISION PREMIU	171.39		
								*** VENDOR 8500 TOTAL	4,209.70	
								TOTAL FUND 510	25,648.21	
								TOTAL ALL CHECKS	187,824.51	

TYPES OF CHECKS SELECTED: \* ALL TYPES

FUND SUMMARY

001	GENERAL	70,408.37
108	COUNTY HEALTH	893.14
115	EQUIPMENT RESERVE	10,850.71
119	ROD TECHNOLOGY	705.00
126	COMM CORR ADULT	1,085.59
133	ROAD & BRIDGE	27,198.37
136	COMM CORR JUVENILE	1,035.58
137	LOCAL SERVICE ROAD & BRIDGE	40,034.29
138	JUV INTAKE & ASSESSMENT	50.00
145	COUNCIL ON AGING	2,533.54
153	PUBLIC WORKS,EQUIP.RESERVE FUND	5,019.83
160	SOLID WASTE MANAGEMENT	539.10
174	911	1,202.52
195	JUVENILE DETENTION	461.02
196	DRUG TEST & SUPERVISION FEES	159.24
510	PAYROLL CLEARING	25,648.21
	TOTAL ALL FUNDS	187,824.51

**Consent Agenda 12/1/2021**  
**Checks dated 11/20 - 11/24**

---

---

**Leavenworth County  
Request for Board Action  
Resolution 2021-52 Special Use Permit - Contractor's Yard  
Forever Fencing**

**Date:** December 1, 2021  
**To:** Board of County Commissioners  
**From:** Planning & Zoning Staff

**Department Head Review:** Amy Allison, Reviewed

**Additional Reviews as needed:**

**Budget Review  Administrator Review  Legal Review**

---

---

**Action Requested:** Approve Resolution 2021-52, a request for a Special Use Permit for a Contractor's Yard for Forever Fencing.

**Analysis:** The applicants are requesting the approval of a Contractor's Yard for their company. The company would use the yard to store fencing materials and trailers used for the business.

In 2018, the applicant was notified the operation of a business without a special use permit was in violation of Leavenworth County's Zoning and Subdivision Regulations. In December 2020, it was discovered that the applicant constructed a building without a permit and was continuing to operate a business on-site. On February 1, 2021, the County filed legal charges with the District Court. This case was closed after a preapplication meeting was filed and held with Planning and Zoning Staff. Applicant did not file an application until after a new case was filed with the District Court in August of 2021. For more information regarding the history of this application, please reference the attached memo from Code Enforcement.

The applicant has indicated that the storage yard will be screened upon approval of the Special Use Permit. The applicants stated in their narrative that approximately 5 pallets of wood are dropped off and stored on-site each month. The business then uses that stock to complete jobs throughout the month.

**Planning Commission Recommendation:** The Planning Commission voted 5-2 (2 absent) to recommend approval of Resolution 2021-52 (Case No. DEV-21-160), Special Use Permit for a Contractor's Yard for Forever Fencing.

**Alternatives:**

1. Approve Resolution 2021-52 (Case No. DEV-21-160), Special Use Permit for a Contractor's Yard for Forever Fencing, with Findings of Fact, and with or without conditions; or
2. Deny Resolution 2021-52 (Case No. DEV-21-160), Special Use Permit for a Contractor's Yard for Forever Fencing, with Findings of Fact; or
3. Revise or Modify the Planning Commission Recommendation to Resolution 2021-52 (Case No. DEV-21-160), Special Use Permit for a Contractor's Yard for Forever Fencing, with Findings of Fact; or
4. Remand the case back to the Planning Commission.

**Budgetary Impact:**

- X 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



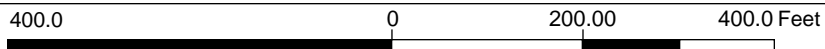
# DEV-21-160 Forever Fencing SUP



## Legend

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

1 in. = 200ft.



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

THIS MAP IS NOT TO BE USED FOR NAVIGATION

## Notes

**Resolution 2021-52**  
**Case No. DEV-21-160**  
**Forever Fencing**  
Special Use Permit – Contractor’s Yard

**Staff Report – Board of County Commissioners**

**December 1, 2021**

**GENERAL INFORMATION:**

**Applicant/  
Property Owner:** Raymond & Lisa Reynolds  
25701 Donahoo Road  
Tonganoxie, KS 66086

**Legal Description:** A tract of land in the Northwest Quarter of Section 27, Township 10 South, Range 20 East of the 6<sup>th</sup> P.M, in Leavenworth County, Kansas.

**Location:** 25701 Donahoo Road, Tonganoxie, KS 66086

**Parcel Size:** ± 5 acres

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

**Comprehensive Plan:** This parcel is within the Residential and Residential Estate land use categories.

**Parcel ID No.:** 138-27-0-00-00-003.00

**Planner:** Joshua Gentzler

---

**REPORT:**

**PLANNING COMMISSION RECOMMENDATION:**

The Planning Commission voted 5-2 (2 absences) to recommend approval of Resolution 2021-52 (Case No. DEV-21-160), Special Use Permit for Forever Fencing with the following recommendations:

1. The Special Use Permit shall be limited to a period of five (5) years.
2. The business shall be limited to the hours of 7:30 am to 4:30 pm, Monday through Friday.
3. The business, as permitted by the Special Use Permit, shall be limited to no more than 5 employees.
4. All equipment and materials shall be screened by a wooden privacy fence, at least 6 foot in height or greater, on all sides of the storage area.
5. No signage is allowed in the right-of-way. No signage is requested with the SUP. Any requested signage shall comply with Article 25, Sign Regulations of the Leavenworth County Zoning and Subdivision Regulations.
6. No on-street parking shall be allowed.
7. This Special Use Permit shall be limited to the Narrative dated September 23, 2021 submitted with this application.
8. This SUP shall comply with all local, state, and federal rules and regulations that may be applicable. After approval of this SUP by the Board of County Commission all conditions listed shall be adhered to and copies shall be provided to the Planning and Zoning Department within 30 days.

**Request**

The applicant is requesting a Special Use Permit for a Contractor's Yard for the Forever Fencing business.

**Adjacent Land Use**

The surrounding properties are residences and farms on varying sized parcels ranging from 5 acres to over 20 acres in size.

**Flood Plain**

There are no Special Flood Hazard Areas on this parcel per FEMA Firm Map 20103C0200G, effective July 16, 2015.

**Utilities/Services**

Sewer: Private septic system  
Fire: Union Township Fire Department  
Water: RWD 9  
Electric: Freestate

**Access/Streets**

The property is accessed by Donahoo Road, a County local road with a gravel surface ± 22' wide.

**Agency Comments**

See attached comments – Memo – Kyle Anderson – Planning and Zoning, October 1, 2021  
See attached comments – Memo – Mitch Pleak – Public Works, October 1, 2021  
See attached comments – Memo – David Van Parys – County Counselor, October 5, 2021  
See attached comments – Email – Amanda Tarwater – FreeState, September 28, 2021  
See attached comments – Email – Chuck Magaha – Emergency Management, September 29, 2021

**Factors to be considered**

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

1. Character of the neighborhood: The character of the neighborhood is rural; primarily rural residences, and agricultural uses.
2. Zoning and uses of nearby property: The surrounding properties are zoned RR-5, Rural Residential 5-acre minimum size parcels. The uses are rural residences and agricultural.
3. Suitability of the property for the uses to which it has been restricted: The property is within an area suited for rural residences and agricultural use. The use is allowed with an approval of a Special Use Permit.
4. Extent to which removal of the restrictions will detrimentally affect nearby property: The area is not likely be detrimentally affected by allowing Forever Fencing to establish a Contractor's Yard on this parcel.
5. Length of time the property has been vacant as zoned: The property is not vacant.
6. Relative gain to economic development, public health, safety and welfare: The proposed use will allow Forever Fencing to legally establish a storage yard on-site at the business owner's home.
7. Conformance to the Comprehensive Plan: The Future Land Use Map indicates this area as Residential and Residential Estate.
8. Staff recommendation is for the denial of the Special Use Permit.

**Staff Analysis**

<b>LOCATION</b>	
<b>Adjacent Residences</b>	Adjacent residences are rural-suburban uses. Most properties surrounding the property are on five (5) acre parcels or larger.
<b>Adjacent Zoning/Uses</b>	Zoning in the area is RR-5 and are used primarily as rural residences and agricultural uses.
<b>Density</b>	The area is not densely populated.
<b>Nearby City Limits</b>	Tonganoxie is located approximately 4.5 miles to the southeast.
<b>Initial Growth Management Area</b>	The property is not located within an Initial Growth Management Area.

<b>IMPACT</b>	
<b>Noise Pollution</b>	This use will not cause prolonged noise pollution. The primary times of elevated noise levels will be in the morning, between 7:00 AM and 8:00 AM when employees arrive at the site to gather equipment. During the evening, between 4:00 PM and 5:00 PM there will be elevated noise levels when employees return with equipment. However, this traffic is similar to other traffic from surrounding properties.
<b>Traffic</b>	The use will create additional traffic in the morning and evening. Up to three employees may arrive during the morning. They will then leave in company vehicles, and typically will not return until the end of the day. Employees will then depart for the day in their personal vehicles. The operation employs three full-time employees.  The business does have a lumber company deliver materials to the property once a month. The delivery is made with a pickup truck and trailer.
<b>Lighting</b>	The applicant has security lighting around the fencing materials and is not requesting lighting.
<b>Outdoor Storage</b>	The applicant stores two (2) pickup trucks and three (3) trailers outside.
<b>Parking</b>	The applicant has ample parking space for employees.
<b>Visitors/Employees</b>	Typically, three (3) employees report to the site each day of the work week. Customers do not come to the site on a regular basis.
<b>Waste</b>	The business generates waste in the form of fencing products. This waste is properly disposed of according to KDHE standards.

<b>SITE COMPATABILITY</b>	
<b>Size of Parcel</b>	The parcel is five (5) acres in size.
<b>Zoning of Parcel</b>	The parcel is zoned Rural Residential-5
<b>Buildings (Existing &amp; Proposed)</b>	The applicant has a shop on the property that is approximately 40' x 60'. Materials are not stored within the business.
<b>Setbacks</b>	Existing building meet the required setbacks.
<b>Screening</b>	Materials are stored on site. The applicant is in process to screen the materials by building a fenced area to store the materials.

### **Staff Comments**

The applicants are requesting the approval of a Contractor's Yard for their company. The company would use the yard to store fencing materials and trailers used for the business.

In 2018, the applicant was notified the operation of a business without a special use permit was in violation of Leavenworth County's Zoning and Subdivision Regulations. In December 2020, it was discovered that the applicant constructed a building without a permit and was continuing to operate a business on-site. On February 1, 2021, the County filed legal charges with the District Court. This case was closed after a preapplication meeting was filed and held with Planning and Zoning Staff. Applicant did not file an application until after a new case was filed with the District Court in August of 2021. For more information regarding the history of this application, please reference the attached memo from Code Enforcement.

The applicant has indicated that the storage yard will be screened upon approval of the Special Use Permit. The applicants stated in their narrative that approximately 5 pallets of wood are dropped off and stored on-site each month. The business then uses that stock to complete jobs throughout the month.

### **ACTION OPTIONS:**

1. Approve Resolution 2021-52 (Case No. DEV-21-160), Special Use Permit for a Contractor's Yard for Forever Fencing, with Findings of Fact, and with or without conditions; or
2. Deny Resolution 2021-52 (Case No. DEV-21-160), Special Use Permit for a Contractor's Yard for Forever Fencing, with Findings of Fact; or

3. Revise or Modify the Planning Commission Recommendation to Resolution 2021-52 (Case No. DEV-21-160), Special Use Permit for a Contractor's Yard for Forever Fencing, with Findings of Fact; or
  4. Remand the case back to the Planning Commission.
- 

**ATTACHMENTS:**

Narrative  
Location/Aerial Maps  
Future Land Use Map Aerial  
Memorandums  
Public Comment





11

Donahoo Rd

3.01

3

2.01

Residential Estate (5-Acre Minimum)

**SPECIAL USE PERMIT APPLICATION**

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

Office Use Only

PID: \_\_\_\_\_ Date Received: \_\_\_\_\_

Township \_\_\_\_\_

Planning Commission Date: \_\_\_\_\_

Case No. \_\_\_\_\_ Date Paid \_\_\_\_\_

Zoning District \_\_\_\_\_

Comprehensive Plan land use designation \_\_\_\_\_

**APPLICANT/AGENT INFORMATION**

NAME Raymond + Lisa Reynolds

ADDRESS 25701 Donahoo Rd

CITY/ST/ZIP Tonganoxie, KS 66086

PHONE 913-486-5841

EMAIL lisa@foreverfencingkc.com

CONTACT PERSON Lisa Reynolds

**OWNER INFORMATION (If different)**

NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

CITY/ST/ZIP \_\_\_\_\_

PHONE \_\_\_\_\_

EMAIL \_\_\_\_\_

CONTACT PERSON \_\_\_\_\_

**PROPOSED USE INFORMATION**

Existing and Proposed structures House, Pole Barn

Reason for requesting a Special Use Permit Fence Contractor

**PROPERTY INFORMATION**

Address of property 25701 Donahoo Rd Tonganoxie, KS 66086 Parcel size 4.77 acres

Current use of the property Single family dwelling

Does the owner live on the property? Yes

Does the applicant own property in states or counties other than Kansas and Leavenworth County? No

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

Signature Lisa Reynolds

Date 4/26/21

**ATTACHMENT A**

## **Narrative Description**

This is a request for a special use permit for Forever Fence, which is in a residential zoned property.

We currently have three employees that will arrive M-F at 7:30 am park their personal vehicles, load material on two of the Forever Fence pick up trucks and leave. They will return at 4:30 pm with the Forever Fence pick up trucks, and leave in their personal vehicles. (A Dodge pickup truck and a Ford Expedition)

We will have a delivery once a month from a lumber company.

We store up to a months worth of sold projects materials on site, that is roughly 5 pallets of wood. Which will be behind a privacy fence. No storing of any stock materials.

There is no business in the accessory building located on sight, that is personal storage.



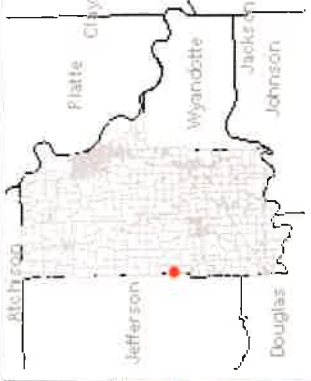
# Leavenworth County, KS



1 in. = 121ft.



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



**Legend**

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

**Notes**

**From:** [Forever Fencing, Inc.](#)  
**Sent:** Tuesday, October 5, 2021 9:40 PM  
**To:** [Gentzler, Joshua](#)  
**Subject:** Re: Questions regarding Special Use Permit DEV-21-160

---

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

Joshua,

Sorry for the delay in getting back with you. Here is the answers to their questions.

- 1: We have three small trailers on the property.
- 2: There is a light on the fence materials
- 3: A pickup truck with a trailer is used to deliver materials.

Let me know should you need anything else.

Thanks,

Lisa

Forever Fence

913-369-0104

On Tuesday, October 5, 2021, 1:54 PM, Gentzler, Joshua <[JGentzler@leavenworthcounty.gov](mailto:JGentzler@leavenworthcounty.gov)> wrote:

Good afternoon Raymond and Lisa,

After reviewing your Special Use Permit application, Leavenworth County does have a number of questions to clarify how the property is being used for your business.

1. How many trailers are stored on the property?
2. Is there any lighting of the fencing materials?

3. What type of vehicle does the lumber company use to deliver the materials?

Please return your answers to the above questions by Tuesday, October 12<sup>th</sup>, 2021.

Regards,

Joshua Gentzler

Planner II

[Planning & Zoning](#)

Leavenworth County

913.684.0464



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

---

**To:** Krystal Voth  
Director

**From:** Kyle Anderson  
Environmental Tech/Code Enforcement

**Date:** October 1, 2021

**RE:** Raymond & Lisa Reynolds  
**Case DEV-21-160, Special Use Permit**  
25701 Donahoo Rd  
Tonganoxie, KS 66086  
PID# 138-27-0-00-00-003.00

In 2018 Raymond and Lisa Reynolds were sent three violation letters stating they needed a Special Use Permit to operate their fencing business. They never submitted an application to our office.

In December 2020 a 30-day violation was sent to them. They never contacted our office.

February 23, 2021 their case went to codes court and they did not show up for court.

In April 2021 they finally contacted our office and sent in a building permit application for an accessory building that they had already built on the property.

On April 30, 2021 they had a preapplication meeting in our office. They were instructed to make a few changes to the application and turn it back in to us with payment.

On July 19, 2021 I sent Raymond and Lisa an email giving them til Friday July 23, 2021 to submit the SUP application with payment or the case would go back to codes court.

On September 22, 2021 the case was heard in court. They gave excuses for why they abandoned the SUP process and told the judge they would be in this week to apply. The case is still open and scheduled for review.

On September 26, 2021 Raymond and Lisa paid for their accessory building permit and turned in their SUP application with payment.

To summarize all of this, Raymond and Lisa Reynolds have known for several years they needed a SUP to operate their business and have ignored and abandoned our process. It took a second trip to codes court to get them to comply and turn in the application.

Thank you,

Kyle Anderson

[kanderson@leavenworthcounty.gov](mailto:kanderson@leavenworthcounty.gov)

# MEMO

**To:** Krystal Voth  
**From:** Chuck Magaha  
**Subject:** Forever Fence  
**Date:** November 2, 2021

Krystal, thank you for the opportunity to review the special use permit submitted by Raymond and Lisa Reynolds with their fencing business located at 25701 Donahoo Road. After reviewing the application I have couple of comments regarding this permit. I would like to suggest that an emergency contact sign be placed in plain view in the event of an emergency. The sign should be placed on the side of the building on a legible material for the responder in the event an emergency should one occur. I would ask that caution be taken in allowing no burning of commercial waste generated from job sites. In reviewing the parcel there is what appears to be fencing scraps in a pile just behind the home. This pile also shows up on the aerial view on GIS. In the event that this business would use hazardous chemicals, stain and others that they file the appropriate State permits as well as notifying the local fire department of the locations of storage of these solvents. If chemicals are to be stored on site they will need to provide a detailed site diagram of where the product is stored to include fuels and oils. If you have any questions please give me a call 684-0455.

**From:** [Amanda Tarwater](#)  
**Sent:** Tuesday, September 28, 2021 10:17 AM  
**To:** [Gentzler, Joshua](#)  
**Subject:** Re: DEV-21-160 Special Use Permit Request - Forever Fencing

---

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

FreeState Electric has no objection to this request.

Thank you,

**Amanda Tarwater**  
Member Accounts Coordinator



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

---

**From:** "Gentzler, Joshua" <JGentzler@leavenworthcounty.gov>  
**Date:** Monday, September 27, 2021 at 4:02 PM  
**To:** 'Timothy Smith' <chief1860@ttrfd.com>, "RWD 9 (Lvrwd9@gmail.com)" <Lvrwd9@gmail.com>, Amanda Tarwater <amanda.holloway@freestate.coop>, "Anderson, Kyle" <KAnderson@leavenworthcounty.gov>, "Anderson, Lauren" <LAnderson@leavenworthcounty.gov>, "Magaha, Chuck" <cmagaha@lvsheriff.org>, "Miller, Jamie" <JMiller@leavenworthcounty.gov>, Mitch Pleak <MPleak@olsson.com>, "Thorne, Eric" <ethorne@lvsheriff.org>, "Van Parys, David" <DVanParys@leavenworthcounty.gov>  
**Subject:** DEV-21-160 Special Use Permit Request - Forever Fencing

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

Good afternoon,

The Department of Planning and Zoning has received an application for a Special Use Permit for a contractor's yard for Forever Fencing, at 25701 Donahoo Road.

The Planning Staff would appreciate your written input in consideration of the above request. Please review the attached information and forward any comments to us by Tuesday, October 5<sup>th</sup>.

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

Thank you,



**From:** [Van Parys, David](#)  
**Sent:** Tuesday, October 5, 2021 10:06 AM  
**To:** [Gentzler, Joshua](#)  
**Subject:** RE: DEV-21-160 Special Use Permit Request - Forever Fencing

---

Aerial appears to show an accumulation of materials or vehicles in between the house and the proposed site. Will screening be required?

---

**From:** Gentzler, Joshua  
**Sent:** Monday, September 27, 2021 4:02 PM  
**To:** 'Timothy Smith' <chief1860@ttrfd.com>; RWD 9 (Lvrwd9@gmail.com) <Lvrwd9@gmail.com>; Amanda Holloway (Amanda.holloway@freestate.coop) <Amanda.holloway@freestate.coop>; Anderson, Kyle <KAnderson@leavenworthcounty.gov>; Anderson, Lauren <LAnderson@leavenworthcounty.gov>; Magaha, Chuck <cmagaha@lvsheriff.org>; Miller, Jamie <JMiller@leavenworthcounty.gov>; Mitch Pleak <MPleak@olsson.com>; Thorne, Eric <ethorne@lvsheriff.org>; Van Parys, David <DVanParys@leavenworthcounty.gov>  
**Subject:** DEV-21-160 Special Use Permit Request - Forever Fencing

Good afternoon,

The Department of Planning and Zoning has received an application for a Special Use Permit for a contractor's yard for Forever Fencing, at 25701 Donahoo Road.

The Planning Staff would appreciate your written input in consideration of the above request. Please review the attached information and forward any comments to us by Tuesday, October 5<sup>th</sup>.

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

Thank you,

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

## RESOLUTION 2021-52

A resolution of the Leavenworth County Kansas Board of County Commission, issuing a Special Use Permit for a Contractor's Yard – Forever Fencing on the following described property:

A tract of land in the Northwest Quarter of Section 27, Township 10 South, Range 20 East of the 6th P.M, in Leavenworth County, Kansas, more commonly known as 25701 Donahoo Road.

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 23<sup>rd</sup> day of September, 2021, 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 10<sup>th</sup> day of November, 2021; 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 1<sup>st</sup> day of December, 2021, 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 1<sup>st</sup> day of December, 2021, and incorporated herein by reference;

That Case No. DEV-21-160, Special Use Permit for a Contractor's Yard approved subject to the following conditions:

1. The Special Use Permit shall be limited to a period of five (5) years.
2. The business shall be limited to the hours of 7:30 am to 4:30 pm, Monday through Friday.
3. The business, as permitted by the Special Use Permit, shall be limited to no more than 5 employees.
4. All equipment and materials shall be screened by a wooden privacy fence, at least 6 foot in height or greater, on all sides of the storage area.
5. No signage is allowed in the right-of-way. No signage is requested with the SUP. Any requested signage shall comply with Article 25, Sign Regulations of the Leavenworth County Zoning and Subdivision Regulations.
6. No on-street parking shall be allowed.
7. This Special Use Permit shall be limited to the Narrative dated September 23, 2021 submitted with this application.



8. This SUP shall comply with all local, state, and federal rules and regulations that may be applicable. After approval of this SUP by the Board of County Commission all conditions listed shall be adhered to and copies shall be provided to the Planning and Zoning Department within 30 days.

located in Section 27, Township 10 South, Range 20 East, also known as 25701 Donahoo Road, parcel no. 138-27-0-00-00-003.00 in Leavenworth County, Kansas.

Adopted this 1<sup>st</sup> day of December, 2021  
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



4. Remand the case back to the Planning Commission.

**Budgetary Impact:**

- X 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



**\*\*\*Regular Agenda\*\*\*  
Resolution No 2021-53  
Case No. DEV-21-165  
CW Lawns, LLC**

Special Use Permit – Landscaping, Lawn Care, Lawn Maintenance, Snow Removal and  
Related Business

**Staff Report – Board of County Commissioners**

**December 1, 2021**

**GENERAL INFORMATION:**

**Applicant/  
Property Owner:** Casey Worrall  
24619 163<sup>rd</sup> Street  
Leavenworth, KS 66048

**Legal Description:** A tract of land in the Southeast corner of the Southeast Quarter of Section 33, Township 9 South, Range 22 East of the 6<sup>th</sup> P.M, in Leavenworth County, Kansas.

**Location:** 24619 163<sup>rd</sup> Street, ±1,300 ft. from the 163<sup>rd</sup> St and McIntyre intersection

**Parcel Size:** ± 5.4 acres

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

**Comprehensive Plan:** This parcel is within the Residential (3 units per acre) land use category.

**Parcel ID No.:** 108-33-0-00-00-025.00

**Planner:** Amy Allison

---

**REPORT:**

**Planning Commission Recommendation**

The Planning Commission voted 6-0 (2 absences, 1 abstention) to recommend approval of DEV-21-165, CW Lawns, with the following conditions:

1. The SUP shall be limited to a period of fifteen (15) years.
2. The business shall be limited to the hours of 7 am to 7 pm, Monday through Friday, with the exception of snow and ice events.
3. There shall be no storage of commercial waste except firewood.
4. The applicant shall not store materials or equipment, other than commercial vehicles and trailers, outside.
5. The SUP shall be limited to six (6) employees.
6. Firewood sales shall be delivery only.
7. The applicant shall maintain the existing landscaping and screening.
8. No lawn waste from outside of Leavenworth County shall be disposed of at the Leavenworth County Transfer Station.
9. The applicant shall abide by the Permanent Emerald Ash Borer Quarantine as established by the Kansas Department of Agriculture.
10. The applicant will comply with the below memorandums:
  - a. Chuck Magaha – Emergency Management, September 30, 2021

11. No signage is allowed in the right-of-way. No signage is requested with the SUP. All signage shall comply with Article 25, Sign Regulations of the Leavenworth County Zoning and Subdivision Regulations.
12. No on-street parking shall be allowed.
13. This SUP shall be limited to the Narrative dated September 16, 2021 and October 21, 2021 submitted with this application.
14. This SUP shall comply with all local, state, and federal rules and regulations that may be applicable. After approval of this SUP by the Board of County Commission all conditions listed shall be adhered to and copies shall be provided to the Planning and Zoning Department within 30 days.

### **Request**

The applicant is requesting a Special Use Permit renewal for a landscaping business at 24619 163<sup>rd</sup> Street.

### **Adjacent Land Use**

The surrounding properties are residences and farms on varying sized parcels ranging from 2.4 acres to over 140 acres in size.

### **Flood Plain**

There are no Special Flood Hazard Areas on this parcel per FEMA Firm Map 20103C0250G July 16, 2015.

### **Utilities/Services**

Sewer: Private septic system  
Fire: Fire District #1  
Water: RWD #8  
Electric: Evergy

### **Access/Streets**

The property is accessed by 163<sup>rd</sup> Street, a County Local Road with a gravel surface ± 30' wide.

### **Agency Comments**

See attached comments – Memo – Kyle Anderson – Planning and Zoning, October 1, 2021  
See attached comments – Memo – Mitch Pleak – Public Works, October 25, 2021  
See attached comments – Memo – Chuck Magaha – Emergency Management, September 30, 2021  
See attached comments – Memo – David Van Parys – County Counselor, October 5, 2021  
See attached comments – Memo – Becky Fousek – Rural Water District 8, September 29, 2021

### **Factors to be considered**

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

1. Character of the neighborhood: The character of the neighborhood is rural; primarily rural residences, and agricultural uses.
2. Zoning and uses of nearby property: The surrounding properties are zoned RR-5, Rural Residential 5-acre minimum size parcels. The uses are rural residences and agricultural.
3. Suitability of the property for the uses to which it has been restricted: The property is within an area suited for rural residences and agricultural use. The use is allowed with approval of a Special Use Permit
4. Extent to which removal of the restrictions will detrimentally affect nearby property: The area will not likely be detrimentally affected.
5. Length of time the property has been vacant as zoned: The property is not vacant.
6. Relative gain to economic development, public health, safety and welfare: The proposed use will allow for a commercial business to continue operation within the County.
7. Conformance to the Comprehensive Plan: The Future Land Use Map indicates this area as Residential (3 units per acre).
8. Staff recommendation is for the denial of Special Use Permit.

### History/Complaints

CW Lawns has been operating from this location since 2011. Since their most recent renewal in 2016, the Planning & Zoning Department has received 4 formal complaints about various activity occurring on the property. The property owner has worked with staff and resolved all complaints that have been filed with the department.

### Staff Comments

The applicant is proposing to continue operation of their existing SUP. Operations are outlined in the narrative provided. The property is designated as Residential (3 units per acre) in the Comprehensive Plan which is not compatible with the proposed business. Staff is generally not in support of Special Use Permits that are not compatible with the Comprehensive Plan Future Land Use Map.

### Staff Analysis

<b>LOCATION</b>	
<b>Adjacent Residences</b>	Adjacent residences are rural-suburban uses. Most properties to the north and south are on five (5) acre parcels, or larger. Parcels to the east are 2.5 acre parcels.
<b>Adjacent Zoning/Uses</b>	Zoning in the area is RR-5 and are used primarily as rural residences and agricultural uses.
<b>Density</b>	The area is not densely populated.
<b>Nearby City Limits</b>	The city of Lansing is approximately ¾ of a mile to the northeast of the property.
<b>Initial Growth Management Area</b>	The property is not located within the City of Lansing's Urban Growth Management Area.

<b>IMPACT</b>	
<b>Noise Pollution</b>	This use will not cause prolonged noise pollution. The applicant stated that he utilizes the property for equipment and truck/trailer storage. Most operations of the business are completed off-site. Employees come to the site on occasion with most traffic being generated by the owner during the morning and evenings.
<b>Traffic</b>	The use may create additional traffic in the morning and evening. The narrative states that the employees typically do not come to the property but may to pick up equipment. However, the level of traffic anticipated does not require a traffic study to be completed.
<b>Lighting</b>	The applicant does not have lighting other than security lighting and is not requesting lighting.
<b>Outdoor Storage</b>	The applicant stated that the equipment currently being stored includes trucks lawn mowing equipment and snow plows.
<b>Parking</b>	The applicant has ample parking space for employees.
<b>Visitors/Employees</b>	The narrative states that currently 4 employees are employed by CW Lawns but that number can fluctuate up to 6 during peak seasons. Visitors are not common, with the applicant meeting clients off-site.
<b>Waste</b>	The business generates yard and lawn waste. This waste is properly disposed of according to KDHE standards.

<b>SITE COMPATABILITY</b>	
<b>Size of Parcel</b>	The parcel is five (5) acres in size.
<b>Zoning of Parcel</b>	The parcel is zoned Rural Residential-5
<b>Buildings (Existing &amp; Proposed)</b>	The applicant has a shop on the property that is approximately 75x100. Tools and equipment for the business are stored in the shop
<b>Setbacks</b>	Existing building meet the required setbacks.
<b>Screening</b>	The property is bordered on the south by a privacy fence. Additionally, there is some landscaping providing additional screening.

---

**ACTION OPTIONS:**

1. Approve Resolution 2021-53, Special Use Permit for a Landscaping, Lawn Care, Lawn Maintenance, Snow Removal and Related Business for CW Lawns, LLC, with Findings of Fact, and with or without conditions; or
  2. Deny Resolution 2021-53, Special Use Permit for a Landscaping, Lawn Care, Lawn Maintenance, Snow Removal and Related Business for CW Lawns, LLC, with Findings of Fact; or
  3. Revise or Modify the Planning Commission Recommendation to Resolution 2021-53, Special Use Permit for a Landscaping, Lawn Care, Lawn Maintenance, Snow Removal and Related Business for CW Lawns, LLC, with Findings of Fact; or
  4. Remand the case back to the Planning Commission.
- 

**ATTACHMENTS:**

Narrative  
Location/Aerial Maps  
Memorandums




**SPECIAL USE PERMIT APPLICATION**

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

APPLICANT/AGENT INFORMATION	OWNER INFORMATION (If different)
NAME <u>Casey Worrall</u>	NAME _____
ADDRESS <u>24619 163rd Street</u>	ADDRESS _____
CITY/ST/ZIP <u>Leavenworth, KS 66048</u>	CITY/ST/ZIP _____
PHONE <u>913-290-0504</u>	PHONE _____
EMAIL <u>cwlawns@yahoo.com</u>	EMAIL _____
CONTACT PERSON <u>Self - Casey Worrall</u>	CONTACT PERSON _____

PROPERTY INFORMATION	
PID: <u>1083300000025000</u>	Zoning District: _____
Address of property <u>24619 163rd Street, Leavenworth KS 66048</u>	Parcel size <u>5.4 acres</u>
Current use of the property <u>Storage for Lawncare and personal</u>	
Does the owner live on the property? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

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

Signature  Date 9/16/21

**ATTACHMENT A**

**PROPOSED SPECIAL USE PERMIT INFORMATION**

Name of Business CW Lawns, LLC

Existing and Proposed Structures One out-building

Number of structures used for Special Use Permit 1

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

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: Renewal of existing SUP

**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 1 Weekly 7 Monthly 30

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 1

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 \_\_\_\_\_ Weeks \_\_\_\_\_ Days \_\_\_\_\_

Commercial: Months \_\_\_\_\_ 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):  
\_\_\_\_\_  
\_\_\_\_\_

What is the anticipated route(s) from the nearest State Highway to the Site? \_\_\_\_\_  
\_\_\_\_\_

**Special Use Permit Renewal**

Describe any change to operations since the SUP was last issued including traffic trips compared to this SUP:  
No changes/Same use  
\_\_\_\_\_  
\_\_\_\_\_

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



**CW Lawns, LLC**  
24619 163<sup>rd</sup> Street  
Leavenworth, KS 66048  
913-547-4436

---

CW Lawns, LLC is a small, one-owner landscape lawn and snow management company providing service to customers in the Leavenworth County and surrounding areas.

**SERVICES PROVIDED:**

We provide landscaping, lawn care, lawn fertilization, core aeration, seeding, dirt work, light tree trimming, snow plowing, ice management, gutter cleaning, occasional window cleaning and holiday lighting installation.

**MATERIAL STORAGE:**

Deliveries are not made to the premise. All lawn, landscape or snow management materials are either picked up at the place of purchase or is delivered directly to the customer.

**TRAFFIC:**

The current practice is only the homeowner leaving in the morning and returning in the evenings and transporting any needed equipment. There is minimal employee traffic at this location. To ensure efficiency, this site is usually only visited during the day if additional equipment is needed due to equipment failure or malfunction.

**EMPLOYEES:**

Currently CW Lawns employees a total of 4 employees, however in recent years the total number has fluctuated from having as few as 2 employees and up to 6 during peak seasons.

**EQUIPMENT:**

Company equipment consists of trucks, lawn mowers, snowplows, and other various small lawn care equipment such as weed eaters, trimmers, saws, and blowers.

**ADVERTISING:**

There are no services offered that result in a customer coming on-site. Customer contact is initiated by referral and local media advertising. A copy of the advertising is included where you can see that our address/location is not listed, only contact information such as a phone number/email. There is no signage on this property that would indicate that a business is operated from the location.

**OPERATING HOURS:**

Typical hours of operation are Monday through Saturday during normal, daylight hours. The exception to these hours would be during times of seasonal fluctuations, to include weather events. Sundays may be required to keep caught up on work if jobs are unable to be completed during normal operating hours/days due to precipitation. For snow and ice management, the need is to respond to customers so that properties can be maintained as snow and ice accumulates which could be anytime day or night.

**PERMIT:**

CW Lawns is requesting permit renewal 31-11 to be extended for a period of 15 years.

CW LAWNS LLC



**INSURED**

Lawn Care • Landscaping  
Fertilizing • Core Aeration

Seeding • Dirt Work • Light Tree Trimming  
Window Cleaning

Gutter Cleaning • Snow & Ice Management  
Junk Removal

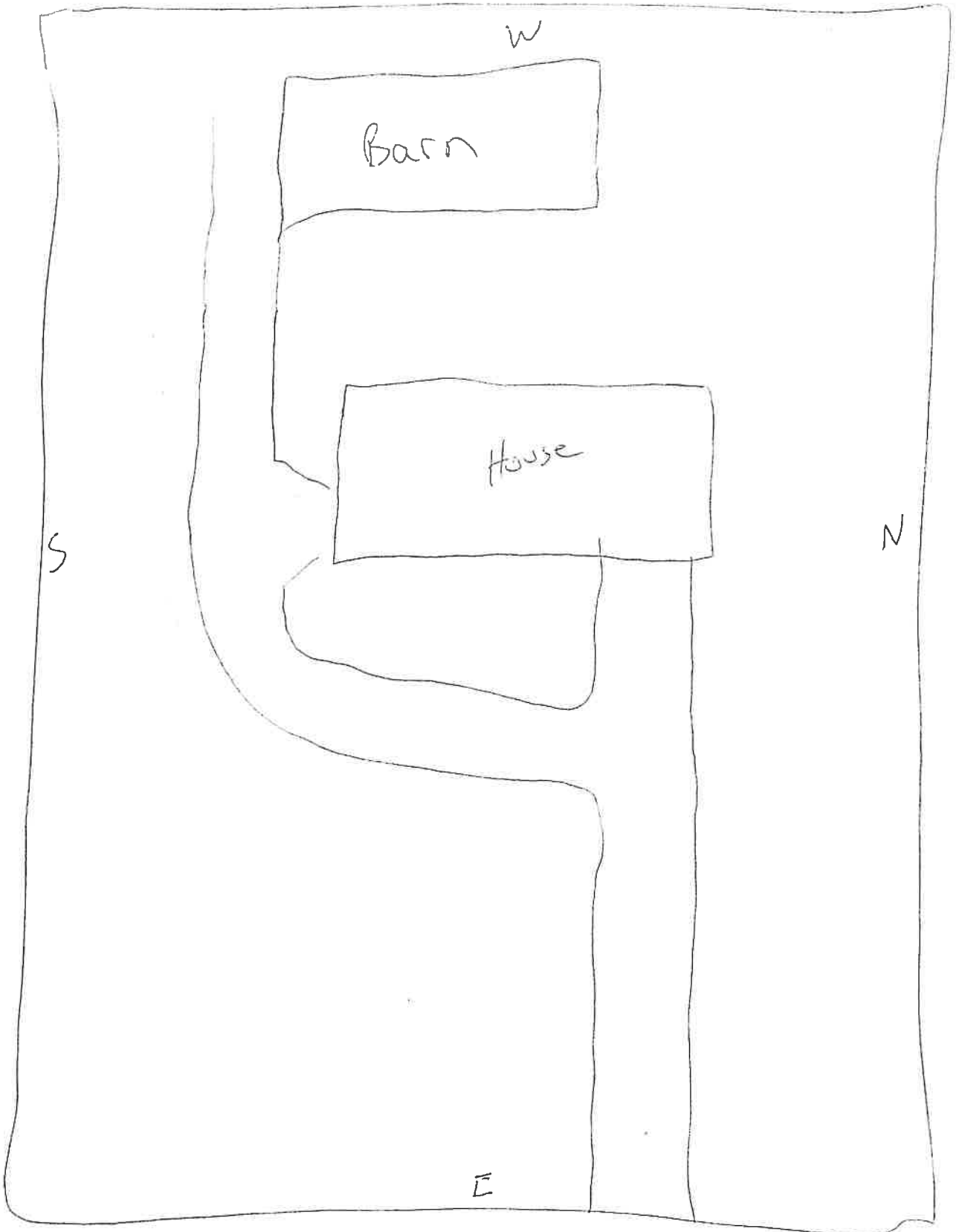
*\*Serving Leav., Lans. & surrounding  
communities for over a decade.\**

[www.cwlawnsleavenworth.com](http://www.cwlawnsleavenworth.com)

**Office: 913-547-4436**

**Mobile: 913-290-0504**

04182LLVN 27-Aug-2020 22:23





## Allison, Amy

---

**From:** Casey Worrall <cwlawns@yahoo.com>  
**Sent:** Thursday, October 21, 2021 4:16 PM  
**To:** Allison, Amy  
**Subject:** Re: DEV-21-165 Meeting Notification

**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.

Thank you for all of the information Amy. The response to the 2 comments are as follows:

1. CW Lawns does currently have displayed an emergency contact sign in plain view - I apologize for having left this detail out.
2. In response to the comments from Mitch Pleak, while we do have more than one employee, we do not anticipate further traffic or growth in this location. We meet onsite and do not accept deliveries at this location, as mentioned. Even with any anticipated business growth, the information/numbers previously provided in our narrative will not change.

Please let me know if this response is sufficient or if I need to provide something further before Monday.

Thank you,

***Casey Worrall***

**Owner | CW Lawns LLC**

**Office: 913.547.4436 | Cell: 913.290.0504**

On Friday, October 15, 2021, 10:54:39 AM CDT, Allison, Amy <aallison@leavenworthcounty.gov> wrote:

Good Morning Mr. Worrall,

Please find the meeting notification for your SUP request attached. I've also attached comments received about the SUP. If you would provide a response by Monday, October 25<sup>th</sup> addressing the comments, I will include that in the agenda.

Sincerely,

Amy Allison, AICP

Deputy Director

Planning & Zoning

Leavenworth County

913.364.5757





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

---

**To:** Krystal Voth  
Director

**From:** Kyle Anderson  
Environmental Tech/Code Enforcement

**Date:** October 1, 2021

**RE:** Casey Worrall  
**Case DEV-21-165, Special Use Permit Renewal**  
24619 163<sup>rd</sup> St  
Leavenworth, KS 66048  
PID# 108-33-0-00-00-025.00

**Timeline of Complaints since DEV-16-090 was approved.**

November 17, 2016, formal complaint received.

November 17, 2016 sat at the property for two and a half hours. I saw no violations.

November 28, 2016, PZ spoke to Mr. Tackett once in the office and he called three times on the phone.

November 28, 2016, spoke to Mr. Worrall about who was on the property getting firewood.  
November 28, 2016, Mr. Worrall emailed his response about neighbor retrieving firewood from his property.

November 30, 2016, received formal complaint.

November 30, 2016, Went to Mr. Worrall's property. He said the signs are now down. Verified, No violations viewed.

April 26, 2017, received formal complaint.

May 1, 2017, Went to Mr. Worrall's property. The property was viewed the property from the front on 163<sup>rd</sup> and McIntyre Rd.

\*Grading of more than one acre or more - it did appear that grading had been done at the property. If the grading encompasses more than one acre, the state of Kansas has a permit called a NOI (Notice of Intent). The county does not monitor that situation.

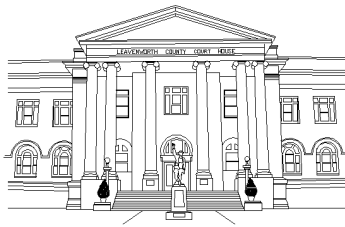
\*The neighbors fence area (gate) being used for egress and ingress –  
That would be an agreement with the neighbor and not a SUP violation. Storing of equipment on the North and West property from the subjects property is not a violation. Did not view equipment on property to the North or West.

\*Firewood and tree debris –  
Condition 3 states there will be no storage of commercial waste except firewood.

\*Signs on fence –  
There were no signs on top of fence visible from the street.

\*Storage of equipment on property North and West of subject property -  
I did not witness storage of business equipment on North or West property. The conditions on the Special Use Permit do not indicate where the parking will be located except not on the public street.

\*Employees working during non-business hours –  
I did not witness a violation on this matter.



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

\*Storage of equipment on subject property –

Condition 4 states the applicant shall not store materials or equipment, other than commercial vehicles and trailers, outside. It was viewed that vehicles were stored outside.

May 3, 2017

1:32 pm, drove by Worrall property at 24619 163<sup>rs</sup> St. to view activity on the property. Pictures were taken of the property and I circled the block three times to see or hear anything. I was at the property until 2:14 pm and also performed a decibel reading at 163<sup>rd</sup> St. to see what level of noise I could get. The reader showed 23-25 decibels with the engine off.

Thank you,

Kyle Anderson

[kanderson@leavenworthcounty.gov](mailto:kanderson@leavenworthcounty.gov)

## Allison, Amy

---

**From:** Mitch Pleak <mpleak@olsson.com>  
**Sent:** Monday, October 25, 2021 3:34 PM  
**To:** Allison, Amy  
**Cc:** Anderson, Lauren; Noll, Bill; 019-2831  
**Subject:** RE: DEV-21-165 Meeting Notification - CW Lawn SUP

**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.

Amy,  
Lauren and I have reviewed the additional information. No further comments.

Thanks,

Mitch Pleak

---

**From:** Allison, Amy <AAllison@leavenworthcounty.gov>  
**Sent:** Thursday, October 21, 2021 4:24 PM  
**To:** Magaha, Chuck <cmagaha@lvsheriff.org>; Anderson, Lauren <LAnderson@leavenworthcounty.gov>; Mitch Pleak <mpleak@olsson.com>  
**Subject:** FW: DEV-21-165 Meeting Notification

Good Afternoon Chuck, Lauren and Mitch,

Please see the responses to your questions for the CW Lawns SUP case. Let me know if you have any further questions or comments.

Sincerely,  
Amy Allison, AICP  
Deputy Director  
Planning & Zoning  
Leavenworth County  
913.364.5757

---

**From:** Casey Worrall <cwlawns@yahoo.com>  
**Sent:** Thursday, October 21, 2021 4:16 PM  
**To:** Allison, Amy <AAllison@leavenworthcounty.gov>  
**Subject:** Re: DEV-21-165 Meeting Notification

**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.

Thank you for all of the information Amy. The response to the 2 comments are as follows:

1. CW Lawns does currently have displayed an emergency contact sign in plain view - I apologize for having left this detail out.

2. In response to the comments from Mitch Pleak, while we do have more than one employee, we do not anticipate further traffic or growth in this location. We meet onsite and do not accept deliveries at this location, as mentioned. Even with any anticipated business growth, the information/numbers previously provided in our narrative will not change.

Please let me know if this response is sufficient or if I need to provide something further before Monday.

Thank you,

***Casey Worrall***

**Owner | CW Lawns LLC**

**Office: 913.547.4436 | Cell: 913.290.0504**

On Friday, October 15, 2021, 10:54:39 AM CDT, Allison, Amy <[aallison@leavenworthcounty.gov](mailto:aallison@leavenworthcounty.gov)> wrote:

Good Morning Mr. Worrall,

Please find the meeting notification for your SUP request attached. I've also attached comments received about the SUP. If you would provide a response by Monday, October 25<sup>th</sup> addressing the comments, I will include that in the agenda.

Sincerely,

Amy Allison, AICP

Deputy Director

Planning & Zoning

Leavenworth County

913.364.5757

# MEMO

**To:** Jeff Joseph  
**From:** Chuck Magaha  
**Subject:** Lawn Care Casey Worrall  
**Date:** October 15, 2021

Renewal:

Jeff, thank you for the opportunity to review the special use permit submitted by Casey Worrall with their lawn care business. After reviewing the application I have couple of comments regarding this permit. I would like to suggest that an emergency contact sign be placed in plain view in the event of an emergency. The sign should be placed on the side of the building on a legible material for the responder in the event an emergency should one occur. I would ask that caution be taken in allowing no burning of commercial yard or shrub waste. In the event that this business would use fertilizers, or other hazardous chemicals, that they file the appropriate State permits as well as notifying the local fire department of the locations of storage of these fertilizers. If chemicals are to be stored on site they will need to provide a detailed site diagram of where the product is stored to include fuels and oils. If you have any questions please give me a call 684-0455.

**Note: No further comments from the original request.**

Thanks

Chuck

## Allison, Amy

---

**From:** Van Parys, David  
**Sent:** Tuesday, October 5, 2021 10:10 AM  
**To:** Allison, Amy  
**Subject:** RE: RE: DEV-20-165 Special Use Permit – CW Lawns

Nothing legally remarkable.

---

**From:** Allison, Amy  
**Sent:** Tuesday, September 28, 2021 10:07 AM  
**To:** Magaha, Chuck <cmagaha@lvsheriff.org>; Anderson, Kyle <KAnderson@leavenworthcounty.gov>; Miller, Jamie <JMiller@leavenworthcounty.gov>; Patzwald, Joshua <jpatzwald@lvsheriff.org>; Van Parys, David <DVanParys@leavenworthcounty.gov>; 'MPleak@olsson.com' <MPleak@olsson.com>; Anderson, Lauren <LAnderson@leavenworthcounty.gov>; 'Firedistrict1@fd1lv.org' <Firedistrict1@fd1lv.org>; 'Tyler.Rebel@westarenergy.com' <Tyler.Rebel@westarenergy.com>; 'RWD8LV@gmail.com' <RWD8LV@gmail.com>  
**Cc:** Sloop, Stephanie <SSloop@leavenworthcounty.gov>; Gentzler, Joshua <JGentzler@leavenworthcounty.gov>  
**Subject:** RE: DEV-20-165 Special Use Permit – CW Lawns

Good Morning,

The Department of Planning and Zoning has received an application for a Special Use Permit Renewal regarding CW Lawns, 24619 163rd Street, for a Lawn Care business.

The Planning Staff would appreciate your written input in consideration of the above request. Please review the attached information and forward any comments to us by Wednesday, October 6, 2021.

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

Amy Allison, AICP  
Deputy Director  
Planning & Zoning  
Leavenworth County  
913.684.5757

## Allison, Amy

---

**From:** Rural Water <rwd8lv@gmail.com>  
**Sent:** Wednesday, September 29, 2021 10:23 AM  
**To:** Allison, Amy  
**Subject:** Re: DEV-20-165 Special Use Permit – CW Lawns

**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.

Amy Allison,

RWD#8 provides water to this property at: 24619 163rd St. There is a 2" waterline across the property that supplies water to the meter.

RWD#8 does not provide water for fireflow.

The account is in good standing with RWD#8. If you have any questions: 913-796-2164.

Becky Fousek

RWD#8 Office Manager for the Board

On Tue, Sep 28, 2021 at 10:07 AM Allison, Amy <[AAllison@leavenworthcounty.gov](mailto:AAllison@leavenworthcounty.gov)> wrote:

Good Morning,

The Department of Planning and Zoning has received an application for a Special Use Permit Renewal regarding CW Lawns, 24619 163rd Street, for a Lawn Care business.

The Planning Staff would appreciate your written input in consideration of the above request. Please review the attached information and forward any comments to us by Wednesday, October 6, 2021.

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

Amy Allison, AICP

Deputy Director

Planning & Zoning

Leavenworth County

913.684.5757

--

*Becky Fousek  
Office Manager  
Rural Water District #8-LV CO*



## RESOLUTION 2021-53

A resolution of the Leavenworth County Kansas Board of County Commission, issuing a Special Use Permit for a Landscaping, Lawn Care, Lawn Maintenance, Snow Removal and Related Business– CW Lawns, LLC on the following described property:

A tract of land in the Southeast corner of the Southeast Quarter of Section 33, Township 9 South, Range 22 East of the 6th P.M, in Leavenworth County, Kansas more commonly known as 24619 163<sup>rd</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 24<sup>th</sup> day of September, 2021, 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 10<sup>th</sup> day of November, 2021; 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 1<sup>st</sup> day of December, 2021, 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 1<sup>st</sup> day of December, 2021, and incorporated herein by reference;

That Case No. DEV-21-165, Special Use Permit for a Landscaping, Lawn Care, Lawn Maintenance, Snow Removal and Related Business– CW Lawns, LLC be approved subject to the following conditions:

1. The SUP shall be limited to a period of fifteen (15) years.
2. The business shall be limited to the hours of 7 am to 7 pm, Monday through Friday, with the exception of snow and ice events.
3. There shall be no storage of commercial waste except firewood.
4. The applicant shall not store materials or equipment, other than commercial vehicles and trailers, outside.
5. The SUP shall be limited to six (6) employees.
6. Firewood sales shall be delivery only.
7. The applicant shall maintain the existing landscaping and screening.

8. No lawn waste from outside of Leavenworth County shall be disposed of at the Leavenworth County Transfer Station.
9. The applicant shall abide by the Permanent Emerald Ash Borer Quarantine as established by the Kansas Department of Agriculture.
10. The applicant will comply with the below memorandums:
  - a. Chuck Magaha – Emergency Management, September 30, 2021
11. No signage is allowed in the right-of-way. No signage is requested with the SUP. All signage shall comply with Article 25, Sign Regulations of the Leavenworth County Zoning and Subdivision Regulations.
12. No on-street parking shall be allowed.
13. This SUP shall be limited to the Narrative dated September 16, 2021 and October 21, 2021 submitted with this application.
14. This SUP shall comply with all local, state, and federal rules and regulations that may be applicable. After approval of this SUP by the Board of County Commission all conditions listed shall be adhered to and copies shall be provided to the Planning and Zoning Department within 30 days.

located in Section 33, Township 9 South, Range 22 East, also known as 24619 163<sup>rd</sup> Street, parcel no. 108-33-0-00-00-025.00 in Leavenworth County, Kansas.

Adopted this 1<sup>st</sup> day of December, 2021  
 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 2021-54  
Rezoning from RR-5 to RR-2.5**

**Date:** December 1, 2021  
**To:** Board of County Commissioners  
**From:** Planning & Zoning Staff

**Department Head Review:** Amy Allison, Reviewed

**Additional Reviews as needed:**

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

---

---

**Action Requested:** Approve Resolution 2021-54, a request to rezone a tract of land located in the Northwest Quarter of the Southwest Quarter of Section 13, Township 12 South, Range 20 East of the 6th P.M, in Leavenworth County, Kansas from RR-5 to RR-2.5.

**Analysis:** The property is located on 246<sup>th</sup> Street approximately 1300 feet south of Interstate 70. The property is currently zoned as Rural Residential-5. The applicants are requesting the zoning be changed to Rural Residential-2.5, which would allow for additional residential development of this lot. The Future Land Use Map identifies this area as Residential (RR-2.5).

**Recommendation:** The Planning Commission voted 7-0 (2 absences) to recommend approval of Resolution 2021-54 (Case No. DEV-21-148), Rezoning from RR-5 to RR-2.5.

**Alternatives:**

1. Approve Resolution 2021-54 (Case No. DEV-21-148), Rezoning from RR-5 to RR-2.5, with Findings of Fact; or
2. Deny Resolution 2021-54 (Case No. DEV-21-148), Rezoning from RR-5 to RR-2.5, with Findings of Fact; or
3. Revise or Modify the Planning Commission Recommendation Resolution 2021-54 (Case No. DEV-21-148), Rezoning from RR-5 to RR-2.5, with Findings of Fact; or
4. Remand the case back to the Planning Commission.

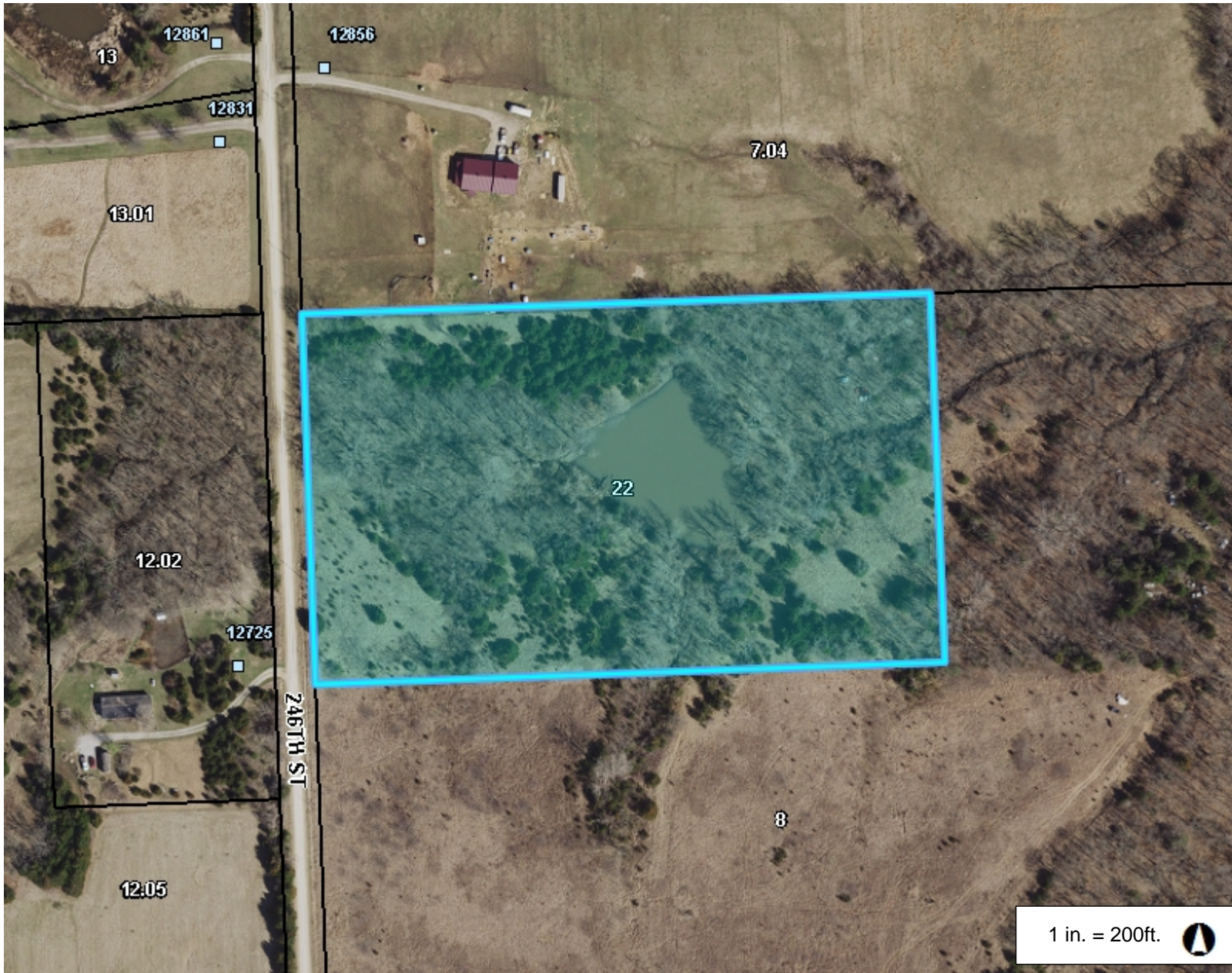
**Budgetary Impact:**

- 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, Plat, Planning Commission Minutes

# DEV-21-148 Groves Rezoning



## Legend

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

1 in. = 200ft.



400.0 0 200.00 400.0 Feet



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

THIS MAP IS NOT TO BE USED FOR NAVIGATION

## Notes

**Resolution 2021-54  
Case No. DEV-21-148  
Rezoning from RR-5 to RR-2.5**

**Staff Report – Board of County Commissioners**

**December 1, 2021**

**GENERAL INFORMATION:**

**Applicant/  
Property Owner:** Matt Groves  
2307 Haversham Drive  
Lawrence, KS 66049

**Legal Description:** A tract of land in the Northwest Quarter of the Southwest Quarter of Section 13, Township 12 South, Range 20 East of the 6th P.M., in Leavenworth County, Kansas.

**Location:** 00000 246<sup>th</sup> Street, Lawrence, KS 66044 and ± 2150' North of Linwood Road/K-32

**Parcel Size:** ± 10 acres

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

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

**Parcel ID No.:** 216-13-0-00-00-022.00

**Planner:** Joshua Gentzler

---

**REPORT:**

**PLANNING COMMISSION RECOMMENDATION:**

The Planning Commission voted 7-0 (2 absences) to recommend approval of Resolution 2021-54 (Case No. DEV-21-148), Rezoning from RR-5 to RR-2.5.

**Request**

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

**Adjacent Land Use**

The surrounding properties are residences and farms on varying sized parcels ranging from 5 acres to 70 acres in size.

**Flood Plain**

There are no Special Flood Hazard Areas on this parcel per FEMA Firm Map 20103C0300G July 16, 2015.

**Utilities/Services**

Sewer: Private septic system  
Fire: Reno Township Fire Department  
Water: Rural Water District 10  
Electric: Evergy

**Access/Streets**

The property is accessed by 246<sup>th</sup> Street. This road is a County local road with a gravel surface ± 22' wide.

**Agency Comments**

See attached comments – Memo – Kyle Anderson – Planning and Zoning, October 1, 2021  
See attached comments – Memo – Lauren Anderson – Public Works, September 28, 2021  
See attached comments – Memo – David Van Parys – County Counselor, October 5, 2021  
See attached comments – Memo – Gary Bennett – Rural Water District 10, September 27, 2021

**Factors to be considered**

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

1. Character of the neighborhood: The character of the neighborhood is rural with agricultural uses and rural residences. 246<sup>th</sup> Street dead ends at the right-of-way for Interstate 70, approximately 1300 feet (¼ of a mile) to the north of the property.
2. Zoning and uses of nearby property: The surrounding properties are zoned RR-5, Rural Residential 5-acre minimum size parcels. The uses are rural residences and agricultural in nature.
3. Suitability of the property for the uses to which it has been restricted: The property is within an area that is suitable for 2.5- acre residential development.
4. Extent to which removal of the restrictions will detrimentally affect nearby property: The area is not likely be detrimentally affected by the rezoning to RR-2.5.
5. Length of time the property has been vacant as zoned: The property has been vacant since the County adopted zoning in 1962. According to County aerial photography, the pond was built on the property between 1954 and 1966.
6. Relative gain to economic development, public health, safety and welfare: The proposed use will increase the opportunity for subdivision and development within the County.
7. Conformance to the Comprehensive Plan: The Future Land Use Map indicates this area as Residential, which would allow the property to be divided into 2.5-acre parcels, should the subdivision meet County's Zoning and Subdivision regulations. The applicant is seeking to divide the land one time.
8. Staff recommendation is for the approval of the rezoning request.

**Staff Comments**

The applicant is seeking to divide the land through a tract split to allow the addition of two homes to be built on the newly created parcel. The parcel is 10 acres in size and the applicant wishes to split off a 2.5-acre parcel in the future. Any such subdivision will require the approval of a 2-lot plat due to the size of the parcel.

Staff is supportive of the request.

---

**ACTION OPTIONS:**

1. Approve Resolution 2021-54 (Case No. DEV-21-148), Rezoning from RR-5 to RR-2.5, with Findings of Fact; or
2. Deny Resolution 2021-54 (Case No. DEV-21-148), Rezoning from RR-5 to RR-2.5, with Findings of Fact; or
3. Revise or Modify the Planning Commission Recommendation Resolution 2021-54 (Case No. DEV-21-148), Rezoning from RR-5 to RR-2.5, with Findings of Fact; or
4. Remand the case back to the Planning Commission.

---

**ATTACHMENTS:**

Location/Aerial Maps  
Application  
Proposed Subdivision  
Memorandums  
Public Comment



ck 11487678

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

RECEIVED  
AUG 31 2021

Office Use Only

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

APPLICANT/AGENT INFORMATION	OWNER INFORMATION (If different)
NAME <u>Matthew Groves</u>	NAME _____
ADDRESS <u>2307 Haversham Dr</u>	ADDRESS _____
CITY/ST/ZIP <u>Lawrence, KS 66049</u>	CITY/ST/ZIP _____
PHONE <u>785-550-3055</u>	PHONE _____
EMAIL <u>mgroves33@gmail.com</u>	EMAIL _____
CONTACT PERSON <u>Math</u>	CONTACT PERSON _____

**PROPOSED USE INFORMATION**

Proposed Land Use single family dwellings  
 Current Zoning RR-5 Requested Zoning RR-2.5  
 Reason for Requesting Rezoning to create two desirable private home sites  
(hoping to build a home for my folks)

**PROPERTY INFORMATION**

Address of Property none (legal description attached)  
 Parcel Size 10 acres  
 Current use of the property no improvements  
 Present Improvements or structures none  
 PID 2161300000022000

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 8-25-21

ATTACHMENT A

## STATUTORY WARRANTY DEED

Grantor(s): **Terry W. Cox and Helen Louise Breese Cox, husband and wife**

Conveys and Warrants to **Matthew A. Groves**

The following described premises, to-wit:

**A tract of land in Section 13, Township 12 South, Range 20 East of the 6th Principal Meridian, Leavenworth County, Kansas, more specifically described as follows:**

**Beginning at the Northwest corner of the Southwest Quarter (SW 1/4) of the Section 13, Township 12 South, Range 20 East of the 6th Principal Meridian, Leavenworth County, Kansas; thence North 88°02'53" East on the North line of the Southwest Quarter (SW 1/4) of said Section 13, a distance of 875.00 feet; thence South 02°17'40" East, a distance of 500.00 feet; thence South 88°02'53" West, a distance of 875.00 to the West line of the Southwest Quarter (SW 1/4) of said Section 13; thence North 02°17'40" West on the West line of the Southwest Quarter (SW 1/4) of said Section 13, a distance of 500.00 feet to the Point of Beginning, all in Leavenworth County, Kansas, subject to Rights-of-Way, Easements and Restrictions of Record.**

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

Subject to: easements and restrictions of record, if any



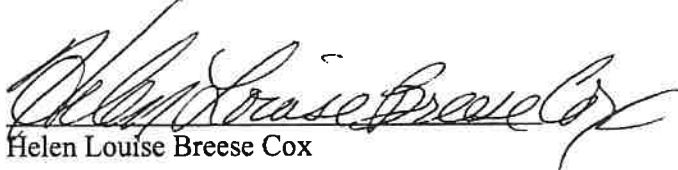
**Security 1<sup>st</sup> Title**

File No. 2438297  
Page 1 of 2



Dated this July 14, 2021

  
Terry W. Cox

  
Helen Louise Breese Cox

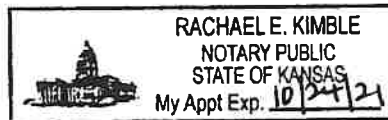
State of Kansas, Douglas County } ss.

This instrument was acknowledged before me on July 14, 2021 by Terry W. Cox and Helen Louise Breese Cox, husband and wife.

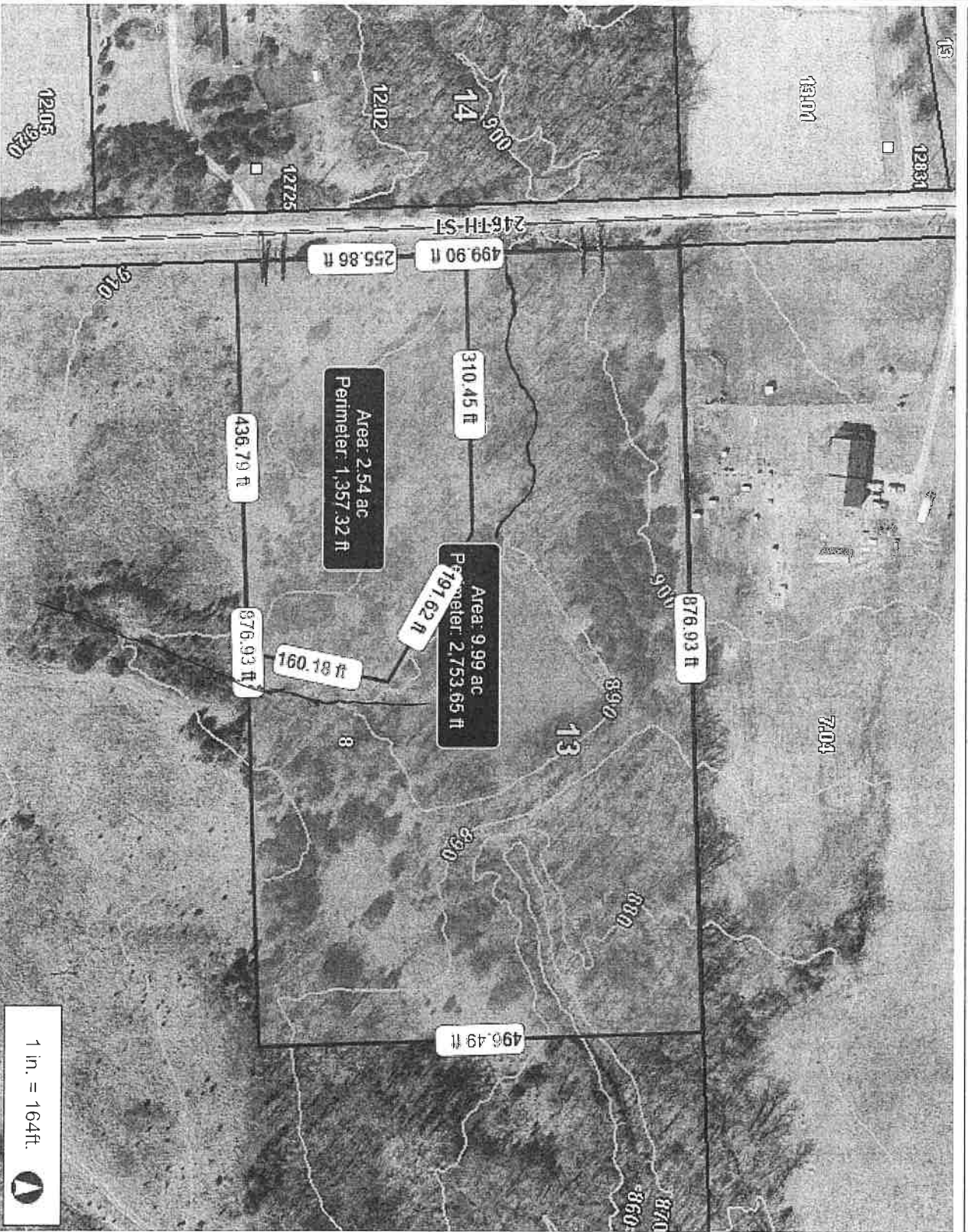


Notary Public


My appointment expires:



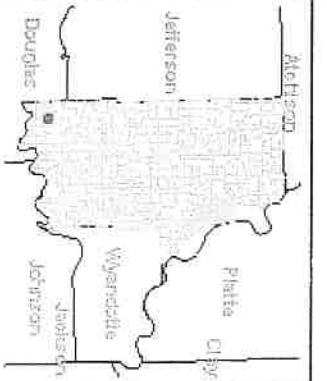
# Leavenworth County, KS



327.4 0 163.69 327.4 Feet

1 in. = 164ft. 

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



- Legend**
-  Address Point
  -  Parcel Number
  -  Lot Line
  -  Parcel
  -  City Limit Line
  -  Major Road
  -  Road
  -  Railroad
  -  Contour
  -  Section
  -  Section Boundaries
  -  County Boundary

**Notes**

**From:** [Gary O bennett](#)  
**Sent:** Monday, September 27, 2021 4:16 PM  
**To:** [Gentzler, Joshua](#); [Bennett9@embarqmail.com](#);  
'[Tyler.rebel@evergy.com](#)'; '[LTorneden@RTSD21.com](#)'; [Anderson, Kyle](#);  
[Anderson, Lauren](#); [Magaha, Chuck](#); [Miller, Jamie](#); [Mitch Pleak](#); [Thorne, Eric](#); [Van Parys, David](#)  
**Subject:** Re: DEV-21-148 Rezoning Request for Groves

---

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

The water district has no objection to this application. The current water line runs north and south on the west side of the property.

Gary Bennett RWD 10

---

**From:** Joshua <[JGentzler@leavenworthcounty.gov](mailto:JGentzler@leavenworthcounty.gov)>  
**To:** Bennett9 <[Bennett9@embarqmail.com](mailto:Bennett9@embarqmail.com)>; Tyler.rebel@evergy.com <[Tyler.rebel@evergy.com](mailto:Tyler.rebel@evergy.com)>; LTorneden@RTSD21.com <[LTorneden@RTSD21.com](mailto:LTorneden@RTSD21.com)>; Kyle <[KAnderson@leavenworthcounty.gov](mailto:KAnderson@leavenworthcounty.gov)>; Lauren <[LAnderson@leavenworthcounty.gov](mailto:LAnderson@leavenworthcounty.gov)>; Chuck <[cmagaha@lvsheriff.org](mailto:cmagaha@lvsheriff.org)>; Jamie <[JMiller@leavenworthcounty.gov](mailto:JMiller@leavenworthcounty.gov)>; Mitch <[MPleak@olsson.com](mailto:MPleak@olsson.com)>; Eric <[ethorne@lvsheriff.org](mailto:ethorne@lvsheriff.org)>; David <[DVanParys@leavenworthcounty.gov](mailto:DVanParys@leavenworthcounty.gov)>  
**Date:** Monday, 27 September 2021 3:49 PM CDT  
**Subject:** DEV-21-148 Rezoning Request for Groves

Good afternoon,

The Department of Planning and Zoning has received an application for a Rezoning change for a property on 246<sup>th</sup> Street, north of Linwood Road (PID: 216-13-0-00-00-022.00).

The Planning Staff would appreciate your written input in consideration of the above request. Please review the attached information and forward any comments to us by Tuesday, October 5<sup>th</sup>.

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

Thank you,

**Joshua Gentzler**

Planner II

[Planning & Zoning](#)

Leavenworth County

913.684.0464

**From:** [Anderson, Lauren](#)  
**Sent:** Tuesday, September 28, 2021 10:11 AM  
**To:** [Gentzler, Joshua](#)  
**Cc:** [Noll, Bill](#)  
**Subject:** RE: DEV-21-148 Rezoning Request for Groves

---

Joshua,

This property appears to have sufficient frontage for a RR-2.5 split and is located on a local road with no specific required driveway spacing. Public Works has no comment on the rezone request.

Lauren

---

**From:** Gentzler, Joshua  
**Sent:** Monday, September 27, 2021 3:49 PM  
**To:** Bennett9@embarqmail.com; 'Tyler.rebel@evergy.com' <Tyler.rebel@evergy.com>; 'LTorneden@RTSD21.com' <LTorneden@RTSD21.com>; Anderson, Kyle <KAnderson@leavenworthcounty.gov>; Anderson, Lauren <LAnderson@leavenworthcounty.gov>; Magaha, Chuck <cmagaha@lvsheriff.org>; Miller, Jamie <JMiller@leavenworthcounty.gov>; Mitch Pleak <MPleak@olsson.com>; Thorne, Eric <ethorne@lvsheriff.org>; Van Parys, David <DVanParys@leavenworthcounty.gov>  
**Subject:** DEV-21-148 Rezoning Request for Groves

Good afternoon,

The Department of Planning and Zoning has received an application for a Rezoning change for a property on 246<sup>th</sup> Street, north of Linwood Road (PID: 216-13-0-00-00-022.00).

The Planning Staff would appreciate your written input in consideration of the above request. Please review the attached information and forward any comments to us by Tuesday, October 5<sup>th</sup>.

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

Thank you,

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

**From:** [Anderson, Kyle](#)  
**Sent:** Friday, October 1, 2021 2:54 PM  
**To:** [Gentzler, Joshua](#)  
**Subject:** RE: DEV-21-148 Rezoning Request for Groves

---

We have not received any complaints on this property.

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

---

**From:** Gentzler, Joshua  
**Sent:** Monday, September 27, 2021 3:49 PM  
**To:** Bennett9@embarqmail.com; 'Tyler.rebel@evergy.com' <Tyler.rebel@evergy.com>; 'LTorneden@RTSD21.com' <LTorneden@RTSD21.com>; Anderson, Kyle <KAnderson@leavenworthcounty.gov>; Anderson, Lauren <LAnderson@leavenworthcounty.gov>; Magaha, Chuck <cmagaha@lvsheriff.org>; Miller, Jamie <JMiller@leavenworthcounty.gov>; Mitch Pleak <MPleak@olsson.com>; Thorne, Eric <ethorne@lvsheriff.org>; Van Parys, David <DVanParys@leavenworthcounty.gov>  
**Subject:** DEV-21-148 Rezoning Request for Groves

Good afternoon,

The Department of Planning and Zoning has received an application for a Rezoning change for a property on 246<sup>th</sup> Street, north of Linwood Road (PID: 216-13-0-00-00-022.00).

The Planning Staff would appreciate your written input in consideration of the above request. Please review the attached information and forward any comments to us by Tuesday, October 5<sup>th</sup>.

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

Thank you,

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

**From:** [Van Parys, David](#)  
**Sent:** Tuesday, October 5, 2021 10:04 AM  
**To:** [Gentzler, Joshua](#)  
**Subject:** RE: DEV-21-148 Rezoning Request for Groves

---

Nothing legally remarkable. Compliance with comprehensive plan recommended.

---

**From:** Gentzler, Joshua  
**Sent:** Monday, September 27, 2021 3:49 PM  
**To:** Bennett9@embarqmail.com; 'Tyler.rebel@evergy.com' <Tyler.rebel@evergy.com>; 'LTorneden@RTSD21.com' <LTorneden@RTSD21.com>; Anderson, Kyle <KAnderson@leavenworthcounty.gov>; Anderson, Lauren <LAnderson@leavenworthcounty.gov>; Magaha, Chuck <cmagaha@lvsheriff.org>; Miller, Jamie <JMiller@leavenworthcounty.gov>; Mitch Pleak <MPleak@olsson.com>; Thorne, Eric <ethorne@lvsheriff.org>; Van Parys, David <DVanParys@leavenworthcounty.gov>  
**Subject:** DEV-21-148 Rezoning Request for Groves

Good afternoon,

The Department of Planning and Zoning has received an application for a Rezoning change for a property on 246<sup>th</sup> Street, north of Linwood Road (PID: 216-13-0-00-00-022.00).

The Planning Staff would appreciate your written input in consideration of the above request. Please review the attached information and forward any comments to us by Tuesday, October 5<sup>th</sup>.

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

Thank you,

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

**From:** [buckeroogal](#)  
**Sent:** Tuesday, November 9, 2021 2:18 PM  
**To:** [Gentzler, Joshua](#)  
**Subject:** Proposed rezoning application DEV-21-148

---

**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.

Dear Mr. Gentzler,

We have been advised by you of a hearing regarding a rezoning request to change certain property from RR-5 zoning district to RR-2.5 zoning district. As we will be directly affected by this proposed change, we would offer the following objections:

1. Traffic - 246th Street is a short gravel road with no outlet. All new traffic will go immediately by our home, and this would likely be as many as 8+ more vehicles, assuming 2 vehicles per household. This would be a 30-40% increase in vehicular traffic.

The properties on 246th nearest K-32 are horse properties. The short length of 246th to the north is often used for riding and training, and the additional traffic would represent a significant safety hazard.

2. Property Values - It is our understanding that Leavenworth County has very few restrictions on the size and style of buildings in the RR category. We, and our neighbors, are concerned about the effect of lower-end housing on our homes' value.

3. Precedent - If this rezoning is allowed to proceed, more subdivisions are likely to be requested in the future. Such a future action would fundamentally change the nature of this entire neighborhood.

4. Water Pressure - We currently experience significant fluctuations in water pressure, mostly during high-use times in the mornings and evenings, such that the pressure appears diminished by almost 1/2. Allowing four additional homes to be added on this short water line cannot help but cause a further decrease in those water flows.

For these reasons, we opposed the proposed rezoning request.



Thank you for your consideration.

Richard L. Warrick

Deborah H. Juhnke

**RESOLUTION 2021-54**

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 Northwest Quarter of the Southwest Quarter of Section 13, Township 12 South, Range 20 East of the 6th P.M., in Leavenworth County, Kansas, more commonly known as 00000 246<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 1st day of September, 2021, 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 10<sup>th</sup> day of November, 2021; 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 1<sup>st</sup> day of December, 2021, 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 1<sup>st</sup> day of December, 2021, and incorporated herein by reference;

That request for rezoning as described above, also known as 00000 246<sup>th</sup> Street, Parcel Identification Number 216-13-0-00-00-022.00, is hereby granted.

Adopted this 1<sup>st</sup> day of December, 2021  
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 2021-55  
Rezoning from B-2 to B-3**

**Date:** December 1, 2021  
**To:** Board of County Commissioners  
**From:** Planning & Zoning Staff

**Department Head Review:** Amy Allison, Reviewed

**Additional Reviews as needed:**

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

---

---

**Action Requested:** Approve Resolution 2021-55, a request to rezone Lot 3, Block 2 of the Hill Estates, in Leavenworth County, Kansas from B-2 to B-3.

**Analysis:** The property is located at the southeast corner of 178<sup>th</sup> Street and State Avenue. The property is currently zoned as Limited Business District (B-2). The applicant is requesting the zoning be changed to B-3, to allow for the development of self-service storage on the property. The Future Land Use Map identifies this area as Mixed Use. The request would be an expansion of an existing zoning district located on adjacent parcels.

**Recommendation:** The Planning Commission voted 7-0 (2 absences) to recommend approval of Resolution 2021-55 (Case No. DEV-21-155), Rezoning from B-2 to B-3.

**Alternatives:**

1. Approve Resolution 2021-55 (Case No. DEV-21-155), Rezoning from B-2 to B-3, with Findings of Fact; or
2. Deny Resolution 2021-55 (Case No. DEV-21-155), Rezoning from B-2 to B-3, with Findings of Fact; or
3. Revise or Modify the Planning Commission Recommendation to Resolution 2021-55 (Case No. DEV-21-155), Rezoning from B-2 to B-3, with Findings of Fact; or
4. Remand the case back to the Planning Commission.

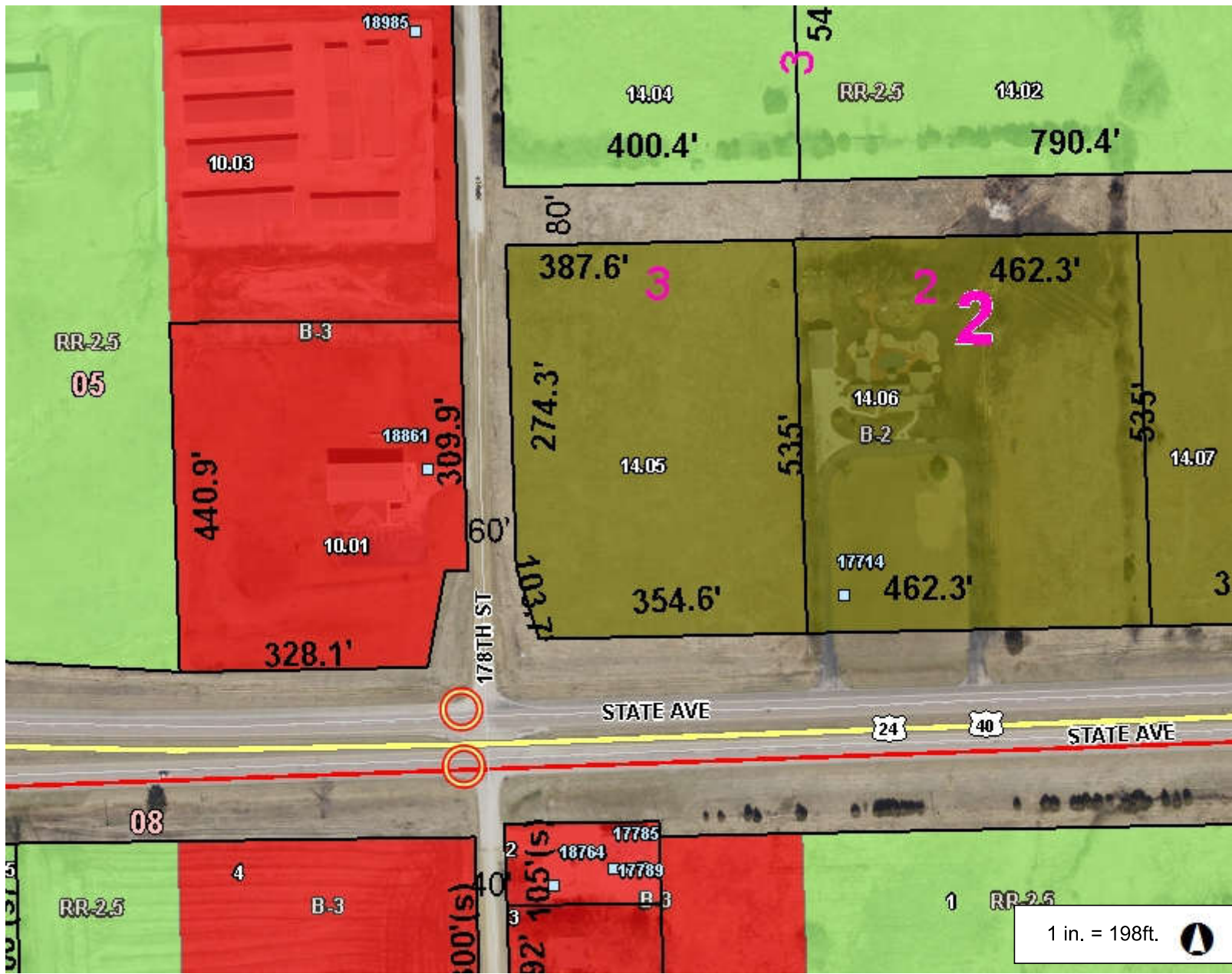
**Budgetary Impact:**

- 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, Plat, Planning Commission Minutes

# DEV-21-155 Mollett Rezone



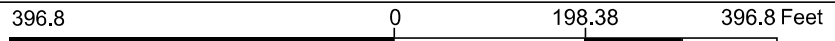
### Legend

- Address Point
- Parcel Number
- Lot Line
- Parcel
- City Limit Line
- Major Road
- <all other values>
- 70
- Road
- 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. = 198ft.



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

**\*\*\*Regular Agenda\*\*\*  
Resolution 2021-55  
Case No. DEV-21-155  
Rezoning from B-2 to B-3**

**Staff Report – Board of County Commissioners**

**December 1, 2021**

**GENERAL INFORMATION:**

**Applicant/  
Property Owner:** John Mollett  
17800 State Avenue  
Tonganoxie, KS 66086

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

**Legal Description:** Lot 3, Block 2, Hill Estates in Leavenworth County, Kansas.

**Location:** 17800 State Avenue ± 3 miles from Tonganoxie, KS.

**Parcel Size:** ± 4.7 acres

**Zoning/Land Use:** B-2, Limited Business District

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

**Parcel ID No.:** 183-05-0-00-00-014.05

**Planner:** Amy Allison

---

**REPORT:**

**Planning Commission Recommendation**

The Planning Commission voted 7-0 (2 absences) to recommend approval of DEV-21-155, Rezone from B-2 to B-3.

**Request**

The applicant is requesting to rezone a parcel of land from B-2, Limited Business District to B-3 General Business District.

**Adjacent Land Use**

The surrounding properties are commercial (office, distribution, storage, etc.) residences and farms on varying sized parcels ranging from 0.50 acre to over 67 acres in size.

**Flood Plain**

There are no Special Flood Hazard Areas on this parcel per FEMA Firm Map 20103C0350G July 16, 2015.

**Utilities/Services**

Sewer: Private septic system  
Fire: Stranger FD  
Water: Suburban Water District  
Electric: Evergy

**Access/Streets**

Due to platting requirements for access, the property must access off of Bayside Drive. Bayside Drive is an undeveloped County Local road. The property does have frontage on 178<sup>th</sup> Street, which is a paved local road, ± 30' wide; and State Avenue, a paved State Maintained Road ± 100' wide.

**Agency Comments**

See attached comments – Memo – Kyle Anderson – Planning and Zoning, October 12, 2021

**Factors to be considered**

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

1. Character of the neighborhood: The character of the neighborhood is primarily commercial with some rural; agricultural uses and rural residences.
2. Zoning and uses of nearby property: The surrounding properties are zoned B-2, Limited Business District; B-3, General Business; and Rural Residential 2.5-acre minimum size parcels. The uses include offices, distribution, storage, veterinarian services, rural residences and agricultural use.
3. Suitability of the property for the uses to which it has been restricted: The property is within an area that is primarily commercial, with the proposed zoning district located to the west of 171<sup>st</sup> Street. The current subdivision requires investment in developing Bayside Drive prior to development of the site. The property owner will either need to develop the remainder of Bayside Drive or replat to develop the property.
4. Extent to which removal of the restrictions will detrimentally affect nearby property: The property currently sits adjacent to a single-family residential use. However, they both are currently zoned B-2 which would allow for some commercial development. The proposed rezone would increase the commercial impact on the neighboring property but will most likely not detrimentally affect nearby properties.
5. Length of time the property has been vacant as zoned: The property has never been developed.
6. Relative gain to economic development, public health, safety and welfare: The proposed zoning will allow for commercial businesses to be located on the property which would increase the tax base and potentially supply more jobs.
7. Conformance to the Comprehensive Plan: The Future Land Use Map indicates this area as Mixed Use.
8. Staff recommendation is for the approval of the rezoning request.

**History**

The property was platted in 2006 as part of the Hill Estates Subdivision. The plat required that Bayside Drive be developed and 178<sup>th</sup> be improved in order to develop the lots of the subdivision. As of this date, those improvements have not been made. In order to be able to build, the property owner will either need to make the required improvements of the plat or replat the subdivision in conformance with the Zoning and Subdivision regulations.

**Staff Comments**

The proposed zoning district does not match the Comprehensive Plan Future Land Use designation; however, it is adjacent to property already zoned B-3. The applicant has indicated that they would like to develop storage units on the site, which is permitted in the B-3 district. Due to the request being an expansion of an existing zoning district, staff is generally in support of the request.

---

**ACTION OPTIONS:**

1. Approve Resolution 2021-55 (Case No. DEV-21-155), Rezoning from B-2 to B-3, with Findings of Fact; or
2. Deny Resolution 2021-55 (Case No. DEV-21-155), Rezoning from B-2 to B-3, with Findings of Fact; or
3. Revise or Modify the Planning Commission Recommendation to Resolution 2021-55 (Case No. DEV-21-155), Rezoning from B-2 to B-3, with Findings of Fact; or
4. Remand the case back to the Planning Commission.

---

**ATTACHMENTS:**

Narrative  
Location/Aerial Maps  
Memorandums  
Table of Land Uses

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

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

APPLICANT/AGENT INFORMATION		OWNER INFORMATION (If different)	
NAME	Joe Herring - Herring Surveying Company	NAME	John Mollett
ADDRESS	315 North 5th Street	ADDRESS	17800 State Avenue
CITY/ST/ZIP	Leavenworth, KS 66048	CITY/ST/ZIP	Tonganoxie, KS 66086
PHONE	913-651-3858	PHONE	N/A
EMAIL	herringsurveying@outlook.com	EMAIL	N/A
CONTACT PERSON	Joe	CONTACT PERSON	N/A

PROPOSED USE INFORMATION	
Proposed Land Use	Self / Mini Storage
Current Zoning	B-2
Requested Zoning	B-3 General Business
Reason for Requesting Rezoning	Match the zoning directly West of and adjacent to this property

PROPERTY INFORMATION	
Address of Property	17800 State Avenue
Parcel Size	4.7 AC
Current use of the property	AG
Present Improvements or structures	Vacant
PID	183-05-0-00-00-014.05

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

Signature \_\_\_\_\_ Date 9-16-21

**ATTACHMENT A**





## Allison, Amy

---

**From:** Anderson, Kyle  
**Sent:** Tuesday, October 12, 2021 2:30 PM  
**To:** Allison, Amy  
**Subject:** RE: RE: DEV-20-155 Rezoning – Mollett

We have not had any complaints on this property.

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

---

**From:** Allison, Amy  
**Sent:** Wednesday, October 6, 2021 3:32 PM  
**To:** Magaha, Chuck <cmagaha@lvsheriff.org>; Anderson, Kyle <KAnderson@leavenworthcounty.gov>; Miller, Jamie <JMiller@leavenworthcounty.gov>; Van Parys, David <DVanParys@leavenworthcounty.gov>; 'MPleak@olsson.com' <MPleak@olsson.com>; Anderson, Lauren <LAnderson@leavenworthcounty.gov>; 'stfdchief1760@gmail.com' <stfdchief1760@gmail.com>; 'Tyler.Rebel@westarenergy.com' <Tyler.Rebel@westarenergy.com>; 'Travis@suburbanwaterinc.com' <Travis@suburbanwaterinc.com>; Patzwald, Joshua <jpatzwald@lvsheriff.org>; 'Steven.Taylor@KS.gov' <Steven.Taylor@KS.gov>  
**Cc:** Sloop, Stephanie <SSloop@leavenworthcounty.gov>; Gentzler, Joshua <JGentzler@leavenworthcounty.gov>  
**Subject:** RE: DEV-20-155 Rezoning – Mollett

Good Afternoon,

The Department of Planning and Zoning has received an application for a Rezone from B-2 to B-3 regarding 17800 State Avenue, Tonganoxie, KS.

The Planning Staff would appreciate your written input in consideration of the above request. Please review the attached information and forward any comments to us by October 13, 2021.

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

Thank you,

Amy Allison, AICP  
Deputy Director  
Planning & Zoning  
Leavenworth County  
913.684.5757

## Allison, Amy

---

**From:** Anderson, Lauren  
**Sent:** Tuesday, October 12, 2021 4:18 PM  
**To:** Allison, Amy  
**Cc:** Sloop, Stephanie; Gentzler, Joshua  
**Subject:** RE: RE: DEV-20-155 Rezoning – Mollett

Amy,

Public Works has reviewed the application for rezoning and have the following comments. The requested rezone does not change the driveway spacing requirements for a commercial property. The current property is platted to include an extension of Bayside Drive to 178<sup>th</sup> Street. The plat restrictions and agreement state that all properties shall enter off Bayside Dr. Public Works has no concern that the property could meet the required driveway spacing requires for a commercial entrance off a local road.

If the property did not contain the plat requirements, I have also verified that the property would have the required frontage to allow for adequate commercial driveway spacing on 178<sup>th</sup> Street.

Thanks,  
Lauren

---

**From:** Allison, Amy <AAllison@leavenworthcounty.gov>  
**Sent:** Wednesday, October 6, 2021 3:32 PM  
**To:** Magaha, Chuck <cmagaha@lvsheriff.org>; Anderson, Kyle <KAnderson@leavenworthcounty.gov>; Miller, Jamie <JMiller@leavenworthcounty.gov>; Van Parys, David <DVanParys@leavenworthcounty.gov>; 'MPleak@olsson.com' <MPleak@olsson.com>; Anderson, Lauren <LAnderson@leavenworthcounty.gov>; 'stfdchief1760@gmail.com' <stfdchief1760@gmail.com>; 'Tyler.Rebel@westarenergy.com' <Tyler.Rebel@westarenergy.com>; 'Travis@suburbanwaterinc.com' <Travis@suburbanwaterinc.com>; Patzwald, Joshua <jpatzwald@lvsheriff.org>; 'Steven.Taylor@KS.gov' <Steven.Taylor@KS.gov>  
**Cc:** Sloop, Stephanie <SSloop@leavenworthcounty.gov>; Gentzler, Joshua <JGentzler@leavenworthcounty.gov>  
**Subject:** RE: DEV-20-155 Rezoning – Mollett

Good Afternoon,

The Department of Planning and Zoning has received an application for a Rezone from B-2 to B-3 regarding 17800 State Avenue, Tonganoxie, KS.

The Planning Staff would appreciate your written input in consideration of the above request. Please review the attached information and forward any comments to us by October 13, 2021.

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

Thank you,

Amy Allison, AICP  
Deputy Director  
Planning & Zoning  
Leavenworth County  
913.684.5757

August 1, 2006 Zoning & Subdivision Regulations for Leavenworth County, Kansas

S = Special Use Permit	RR-2.5/5	R-1/2/3/4	B-1	B-2	B-3	I-1	I-2	I-3	PR-1/2/3	MXD	PC	PI
A = Allowed Use	Rural	1/2 Fam Apt	Neigh Bus	Lim Bus	Gen Bus	Lim Ind	Lite Ind	Hvy Ind	Plnd Res Dis	Mixed	Plnd Comm	Plnd Ind
Animal Hospital, Animal Care Facility, Veterinarian Office or Clinic, enclosed and soundproofed kennels only (outdoor stables and pens for horses and livestock are permitted)	S	S	A	A	A	A	A			A	A	A
Art Studio/Gallery	S	S	A	A	A	A	A			A	A	A
Auction or swap meet	S				A	A	A	A			A	A
Auto service station & repair	S	S	S	A	A	A	A	A		A	A	A
Bank or Financial Services	S	S	A	A	A	A	A			A	A	A
Bed and Breakfast	S	S	S	A	A					A		
Boat sales, storage & Repair	S			A	A	A	A	A		A	A	A
picnic groves and fishing lakes	S	S	S	S	S	A	A	A				
Campgrounds	S	S										
Caretaker/Security Dwelling						A	A	A			A	A
Cemetery, mausoleum or crematory	S	S	S	S	S	S	S	S	S	S	S	S
Chemical, Petroleum, Coal & Allied Products												
-compounding of cosmetics, toiletries, drugs, and pharmaceutical products						A	A	A				A
-cosmetics and toiletries; ice manufacture, incl. dry ice; ink manufacture (mixing only); insecticides, fungicides, disinfectants, related industrial/household chemical compounds (blending only); laboratories; perfumes and perfumed soap (compounding only); Pharmaceutical products; soap, washing or cleaning products, powder or soda (compounding only)							A	A				A

August 1, 2006 Zoning & Subdivision Regulations for Leavenworth County, Kansas

S = Special Use Permit	RR-2.5/5	R-1/2/3/4	B-1	B-2	B-3	I-1	I-2	I-3	PR-1/2/3	MXD	PC	PI
A = Allowed Use	Rural	1/2 Fam Apt	Neigh Bus	Lim Bus	Gen Bus	Lim Ind	Lite Ind	Hvy Ind	Plnd Res Dis	Mixed	Plnd Comm	Plnd Ind
-acids and derivatives; acetylene; ammonia; carbide; caustic soda; cellulose; chlorine; coke oven products; distillation, manufacture or refining of coal, tar, asphalt; explosives; fertilizer (organic); fish oil and meals; glue (organic); hydrogen and oxygen; lamp black and carbon black; nitrating of cotton and other materials; petroleum, gasoline, and lubricating oil refining and wholesale storage; plastic materials and synthetic resins; potash; pyroxylin; rendering and storage of dead animals, offal, garbage or waste products; turpentine and resins								A				
Childcare facility – independent childcare center or preschool when not conducted by or in a private or public school	S	S	A	A	A	A				A	A	A
Churches, synagogues, other places of worship	A	A	A	A	A	A	A	A	A	A	A	A
Clay, Stone, & Glass Products												
-clay stone and other glass products (electric or gas fired); concrete products, except central mixing and proportioning plant; pottery and porcelain products							A	A				A
-brick, firebrick, refractory and clay products (coal fired); cement, lime, gypsum, or plaster of Paris;								A				
Club, Private	S	S	A	A	A					A	A	
Coal, fuel or ice storage, saw mills, and treatment of building materials	S						A	A				A
College or University, educational facilities either public or private	A	A	A	A	A	A	A	A	A	A	A	A
Communication Tower**	A	A	A	A	A	A	A	A	A	A	A	A
Community buildings, recreational and athletic fields	A	A	A	A	A	A			A	A	A	
Conservation or flood control project	A	A	A	A	A	A	A	A	A	A	A	A
Contractor’s yard (as defined in Article 3)	S				S	S	A	A				A

August 1, 2006 Zoning & Subdivision Regulations for Leavenworth County, Kansas

S = Special Use Permit	RR-2.5/5	R-1/2/3/4	B-1	B-2	B-3	I-1	I-2	I-3	PR-1/2/3	MXD	PC	PI
A = Allowed Use	Rural	1/2 Fam Apt	Neigh Bus	Lim Bus	Gen Bus	Lim Ind	Lite Ind	Hvy Ind	Plnd Res Dis	Mixed	Plnd Comm	Plnd Ind
Custom Cabinetry – Structure 7,500 Square Feet or Less (BOCC Resolution 2017-58; Sept 28,2017)	S		S	A	A	A	A	A		A	A	A
Custom Cabinetry – Structure 7,501 Square Feet or Greater (BOCC Resolution 2017-58; Sept 28,2017)	S			A	A	A	A	A			A	A
Dairy farms that process, package and distribute their product	A											
Delivery Service (Not to include freight transfer, i.e. semi-tractor trailers)			A	A	A	A	A	A		A	A	A
Detention facility	S	S	S	S	S							
Disposal or storage of waste materials; landfill, incinerator, transfer station, etc. and recycle centers	S	S	S	S	S	S	S	S				
Distillation of alcohol from grain including mixing, bottling or retail sales	S		S	A	A	A	A	A		A	A	A
Electrical Substations	S	S	S	S	S	A	A	A	S	S	S	S
Extraction of raw materials such as rock, gravel, sand and clay; minerals and earths, quarrying, extracting, grinding, crushing and processing.	S						S	S				
Farm implement sale/repair	S				A	A	A			A	A	A
Farm store/Feed Store	S				A	A	A			A	A	A
Farming, including buildings & structures	A	A	A	A	A	A	A	A	A	A	A	A
Farming, publicly/privately, for the feeding/disposal of garbage, rubbish, or offal for a stipulated period not exceeding three (3) years and under such measures of control as necessary	S	S	S	S	S	S	S	S	S	S	S	S
Food Storage Lockers				A	A	A	A	A		A	A	A
Funeral Home or Mortuary						A	A					A
Gas filling station/sales	S		A	A	A	A	A	A		A	A	A
Golf course including miniature golf or commercial practice driving tees	A	A	A	A	A	A	A	A	A	A	A	A
Gun Clubs, Skeet Shoot, Target Ranges (Indoors)	S			A	A	A	A				A	A
Gun Clubs, Skeet Shoot, Target Ranges (Outdoors)	S		S	S	S	S	S			S	S	S
Health Club			A	A	A	A	A			A	A	A

August 1, 2006 Zoning & Subdivision Regulations for Leavenworth County, Kansas

S = Special Use Permit	RR-2.5/5	R-1/2/3/4	B-1	B-2	B-3	I-1	I-2	I-3	PR-1/2/3	MXD	PC	PI
A = Allowed Use	Rural	1/2 Fam Apt	Neigh Bus	Lim Bus	Gen Bus	Lim Ind	Lite Ind	Hvy Ind	Plnd Res Dis	Mixed	Plnd Comm	Plnd Ind
Home occupations; owner/applicant residing on the property (see Article 3, Definitions)	A	A										
Hospital, clinic and/or institution	S	S	A	A	A	A				A	A	
Hotel, Motel, Lodging House					A	A	A	A		A	A	A
Horse boarding 10 or fewer horses	A											
Horse boarding 11 or more horses	S			A	A							
Ice Manufacturing and Storage	S					A	A	A				A
Kennel – dog	S		S	S	S	S	S					
Laboratory – research, experimental, or testing					A	A	A	A		A	A	A
Landscaping, lawn care, lawn maintenance, snow removal and related business	S				A	A	A	A				A
Manufacture or assembly of medical or dental equipment, drafting, optical, and musical instruments, watches, clocks, toys, games, and electrical or electronic equipment						A	A	A				A
Manufacturing of Case goods – Boxes, Crates, Furniture, Baskets, veneer & other similar wood products						A	A	A				A
Manufacturing of Food and Beverage												
-manufacture of food products, including beverage blending, or bottling, bakery products, candy manufacture, dairy products, ice cream, fruit and vegetable processing and canning, packaging and processing of meat and poultry products, but not to include the following: distilling beverages, slaughtering of poultry or animals, or processing or bulk storage of grain or feeds for animal or poultry						A	A	A				A

August 1, 2006 Zoning & Subdivision Regulations for Leavenworth County, Kansas

S = Special Use Permit	RR-2.5/5	R-1/2/3/4	B-1	B-2	B-3	I-1	I-2	I-3	PR-1/2/3	MXD	PC	PI
A = Allowed Use	Rural	1/2 Fam Apt	Neigh Bus	Lim Bus	Gen Bus	Lim Ind	Lite Ind	Hvy Ind	Plnd Res Dis	Mixed	Plnd Comm	Plnd Ind
-bakery products, wholesale; beverages, blending and bottling; candy, chewing gum, chocolate, cocoa and cocoa products; coffee, tea, and spices, processing and packaging; condensed and evaporated milk processing and canning; creamery and dairy operations; flour, feed and grain (packaging, blending and storage); fruit and vegetable processing; gelatin products; glucose and dextrin; grain blending and packaging but not milling; wholesale ice cream; malt products, manufacturing except breweries; meat products, packaging and processing but no slaughtering; poultry packing and slaughtering; yeast							A	A				A
-fat rendering; fish curing, packing and storage; slaughtering of animals; starch manufacture								A				
Manufacturing of Textiles – Rugs, Quilts, mattresses, pillows, millinery, Hosiery, Clothing, Fabrics, Printing & finishing of textiles						A	A	A				A
Material storage yard w/retail sales					A	A	A	A				A
Medical Outpatient Care Facility and/or Medical/Dental Lab and/or Services			A	A	A	A	A	A		A	A	A
<b>Metal &amp; Metal Products</b>												
-manufacture or assembly of boats, bolts, nuts screws rivets, ornamental products, firearms, tools and dies, machinery, hardware products, sheet metal products, and vitreous enameled products						A	A	A			A	A

August 1, 2006 Zoning & Subdivision Regulations for Leavenworth County, Kansas

S = Special Use Permit	RR-2.5/5	R-1/2/3/4	B-1	B-2	B-3	I-1	I-2	I-3	PR-1/2/3	MXD	PC	PI
A = Allowed Use	Rural	1/2 Fam Apt	Neigh Bus	Lim Bus	Gen Bus	Lim Ind	Lite Ind	Hvy Ind	Plnd Res Dis	Mixed	Plnd Comm	Plnd Ind
-agricultural or farm implements; aircraft and parts; aluminum extrusion, rolling, fabrication, and forming; automobile, truck, trailer, mobile home, motorcycles and bicycle assembly; blacksmith or welding shop; boat manufacture (vessels less than 5 tons); bolts, nuts, screws, washers, rivets, containers; culverts; foundry products manufacture (electrical only); heating, ventilation, cooking and refrigeration supplies and appliances; iron (ornamental) fabrication; machinery, manufacture; nails, brads, tacks, spikes, and staples; plating, electrolytic process; plumbing supplies; scale and vault; sheet metal products; silverware and plated ware; stove and range manufacture; structural iron and steel fabrication; tool, die, gauge, and machine shops; tools and hardware products; vitreous enameled products							A	A				A
-aluminum powder and paint manufacturing; blast furnaces and cupolas; blooming mill; metal and metal ores, reduction, refining, smelting, and alloying; scrap metal reduction; steel works and rolling mill; vehicle, junk, debris salvage yard								A				
Milk Distribution - including bottling				S	S	A	A	A			A	A
Mobile home and tourist courts	S	S										
Micro Distillery (as defined in Article 3)	S		A	A	A	A	A	A		A	A	A
Motion Picture Production	S			A	A	A	A	A		A	A	A
Natural Gas Pumping Stations	S					S	A	A				A
Office/office buildings with more than 2 employees			A	A	A	A	A	A		A	A	A
Office, Professional (no employees other than family members)	A	A	A	A	A	A	A	A	A	A	A	A
Off-Street Parking Lots			A	A	A	A	A	A		A	A	A



August 1, 2006 Zoning & Subdivision Regulations for Leavenworth County, Kansas

S = Special Use Permit	RR-2.5/5	R-1/2/3/4	B-1	B-2	B-3	I-1	I-2	I-3	PR-1/2/3	MXD	PC	PI
A = Allowed Use	Rural	1/2 Fam Apt	Neigh Bus	Lim Bus	Gen Bus	Lim Ind	Lite Ind	Hvy Ind	Plnd Res Dis	Mixed	Plnd Comm	Plnd Ind
Outdoor advertising structure			A	A	A	A	A	A		A	A	A
Parking Structures					A	A	A	A		A	A	A
Personal Service uses – Barbershop, Bank, Beauty parlor, Photographic/Artist studio, Messenger/Taxi service, Newspaper			A	A	A	A	A	A		A	A	A
Photographic processing, services			A	A	A	A	A	A		A	A	A
Printing – Publishing – Engraving				A	A	A	A	A		A	A	A
Processing & Canning of fruits, vegetables, meats, poultry						A	A	A				A
Propane Storage – Bulk					S	A	A	A				A
Public Utilities: drinking water towers and standpipes, drinking water treatment facilities, drinking water treatment monofills, drinking water well houses, wastewater lift stations, wastewater treatment facilities	A						A	A				A
Public Utilities: Electric Substation	S						A	A				
Public/Private utility substation including, but not limited to: cable, electric, fiber optics, natural gas, oil or petroleum products, telephone, and water tower	S	S	S	S	S	S	A	A	S	S	S	A
Public Uses/Government Uses	A	A	A	A	A	A	A	A	A	A	A	A
Radio/Television Station Studio & Offices				A	A	A	A			A	A	A
Railroad ROW & Facilities, Inc. Tracks & operations Excluding all other Railroad uses	A	A	A	A	A	A	A	A	A	A	A	A
Recreation and Entertainment Indoor and Outdoor			A	A	A	A				A	A	
Recreational Vehicle Park	S	S	S	S	A	A	A	A			A	A
Retail Sales and Service	S		A	A	A	A	A			A	A	A
-Big Box Retail				A	A	A	A	A		A	A	A
-Boat Sales/Service				A	A	A	A	A		A	A	A
-Home Remodeling and Light construction Supply/Sales (BOCC 2018'-7; March 6,2018)	S		A	A	A	A	A	A		A	A	A
Riding stables and tracks	S											
Roadside Seasonal Produce Stand	A	A	A	A	A	A	A	A	A	A	A	A
Rock crushers, asphalt and concrete plant	S						A	A				A

August 1, 2006 Zoning & Subdivision Regulations for Leavenworth County, Kansas

S = Special Use Permit	RR-2.5/5	R-1/2/3/4	B-1	B-2	B-3	I-1	I-2	I-3	PR-1/2/3	MXD	PC	PI
A = Allowed Use	Rural	1/2 Fam Apt	Neigh Bus	Lim Bus	Gen Bus	Lim Ind	Lite Ind	Hvy Ind	Plnd Res Dis	Mixed	Plnd Comm	Plnd Ind
Salvage yard	S			S	S	S	A	A				
Self-storage warehouse, Mini'-warehouse					A	A	A	A			A	A
Signs in accordance with Article 25	A	A	A	A	A	A	A	A	A	A	A	A
Sign Shop (BOCC Resolution 2019-06; March 6, 2019)	S				A	A	A	A				
Signs'-Temporary in accordance with Article 25	A	A	A	A	A	A	A	A	A	A	A	A
Small limited businesses (as defined in Article 3 Definitions)	S	S	A	A	A	A	A	A	S	A	A	A
Storage, packaging and distribution of smokeless Class 1.3c and Black Class 1.1d powder							S	S				
Storage of liquid/solid fertilizer					A	A	A	A			A	A
Swimming pool or natatorium	S	S	A	A	A	A	A		A	A	A	A
Television and amateur radio antennae exceeding district height limitations	S	S	S	S	S	S	S	S	S	S	S	S
Temporary construction site buildings or sale of lots during development being conducted on the same/adjoining tract or subdivision, or upon the expiration of a two-year period from the time of erection of such building, whichever is sooner	A	A	A	A	A	A	A	A	A	A	A	A
Theater (enclosed)			A	A	A	A	A	A		A	A	A
Theater, outside or drive'-in	S			A	A	A	A	A		A	A	A
Truck Hauling Business	S		S	S	A	A	A	A			A	A
Truck Terminal					A	A	A	A				A
Unclassified Uses												

August 1, 2006 Zoning & Subdivision Regulations for Leavenworth County, Kansas

S = Special Use Permit	RR-2.5/5	R-1/2/3/4	B-1	B-2	B-3	I-1	I-2	I-3	PR-1/2/3	MXD	PC	PI
A = Allowed Use	Rural	1/2 Fam Apt	Neigh Bus	Lim Bus	Gen Bus	Lim Ind	Lite Ind	Hvy Ind	Plnd Res Dis	Mixed	Plnd Comm	Plnd Ind
-building materials (cement, lime in bags or containers, sand, gravel, shell, lumber, and the like), storage and sales; bus garage and repair shop; button manufacture; carbon paper and inked ribbon manufacturing; cleaning and dyeing of garments, hats, rugs; coal and coke storage and sales; exposition building; fur finishing; gas fired electricity generating stations (subject to Article 20, section 4, height requirements); industrial vocation training schools; leather goods manufacturing; livery stable and riding academy; railroad switching yards; sign painting and fabrication; tire retreading plant; accessory uses and buildings							A	A				A
-hair, hides, and raw fur curing, tanning, dressing, dyeing and storage; accessory buildings and uses								A				
Warehouse						A	A	A				A
Wastewater treatment plant	S						A	A				
Wholesale merchandise/establishment					A	A	A	A			A	A
Wood & Paper Products												
-baskets and hampers; boxes and crates; cooperage works; furniture; lumber yard; pencils; planing and millwork; pulp goods; shipping containers (corrugated board, fiber or wire bound); trailer, carriage, and wagon; veneer; wood products							A	A				A
-match manufacture; wood pulp and fiber, reduction and processing								A				

\*\* Towers, radio antennas, commercial satellite earth stations and similar appurtenances, subject to the following conditions: Failure to abide by the conditions of approval by the applicant shall be cause for an action to rescind approval of the Special Use Permit.

**RESOLUTION 2021-55**

A resolution of the Leavenworth County Kansas Board of Commissioners, authorizing a rezoning from B-2 Limited Business to B-3 General Business on the following described property:

Lot 3, Block 2, Hill Estates in Leavenworth County, Kansas more commonly known as 17800 State Avenue.

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 17<sup>th</sup> day of September, 2021, 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 10<sup>th</sup> day of November, 2021; 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 1<sup>st</sup> day of December, 2021, 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 1<sup>st</sup> day of December, 2021, and incorporated herein by reference;

That request for rezoning as described above, also known as 17800 State Avenue, Parcel Identification Number 183-05-0-00-00-014.05, is hereby granted.

Adopted this 1<sup>st</sup> day of December, 2021  
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 PLANNING COMMISSION  
MINUTES OF THE REGULAR MEETING  
November 10, 2021**

*The full recorded meeting can be found on the County's YouTube channel.*

**Meeting called to order at 5:30 pm**

**Pledge of Allegiance**

**Oath of Office New Members**

**Members present:** Steve Rosenthal, Mark Denney, Jeff Spink, Amy Baker, Tom Dials, Alan Stork, Rocky Himpel, and Jaden Bailey

**Members absent:** Robert Owens and Wolf Schmidt

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

**Minutes:**

*Commissioner Denney made a motion to approve the October Minutes. Commissioner Dials seconded that motion.*

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

**Secretary's Report:**

Amy Allison gave the secretary's report, going over the consent agenda and regular agenda.

*Commissioner Himpel stated he would abstain from the Harman Farms Plat. Commissioner Dials stated that he would abstain from the CW Lawns request. Commissioner Himpel made a motion to approve the agenda. Commissioner Dials seconded the motion.*

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

**Case DEV-21-130 Vacation of Pierce Division Lot 7**

Consideration of an application for a Vacation of a Public Drainage Easement. The Vacation request is for the following described property: Lot 7 of Pierce Division in Leavenworth County, Kansas.

**Also known as 00000 Stillwell Road**

Josh Gentzler went over the nature of this request.

The public hearing was open and closed without public comment.

**Commissioner Himpel made a motion to approve the request. Commissioner Baker seconded the motion.**

**ROLL CALL VOTE Motion passed, 7/0 (1 absent)**

**Case DEV-21-161 & 162 Preliminary and Final Plat Grey's Corner**

Consideration of a Preliminary and Final Plat – Grey's Corner on the following described property: A tract of land in the south ½ of the southwest ¼ of Section 33, Township 9 South, Range 22 East, more fully described as follows: Beginning at the southwest corner of said southwest ¼, thence north 00 degrees 00'00" east for a distance of 330.74 feet along the west line of said southwest ¼, thence north 89 degrees 14' 43" east for a distance of 662.76, then south 00 degree 00' 57" west for a distance of 331.02 feet to the south line of said southwest ¼, thence south 89 degrees 16' 10" west for a distance of 662.67 feet along said south line to the point of beginning, in Leavenworth County, Kansas.

**Also known as 24450 171<sup>st</sup> Street**

Amy Allison presented the facts and findings for the above request, a two-lot subdivision.

Chairman Rosenthal asked the applicant if they wished to speak. Mr. Herring, Herring Surveying came forward to answer any questions or concerns.

With no further questions or discussion, Chairman Rosenthal asked for a motion.

**Commissioner Stork made a motion to approve DEV-21-161 & 162. Commissioner Himpel seconded the motion.**

**ROLL CALL VOTE - Motion to approve passed, 5/2 (2 absent)**

*(Commissioner Denney and Dials recommended denial due to the man-made nature of the exceptions.)*

The Board of County Commissioners will consider this item no earlier than **November 24, 2021 at 9:00 A.M** in the Leavenworth County Courthouse.

*Commissioner Himpel abstained from this portion of the meeting.*

**Case DEV-21-163 Harman Farms Replat**

Consideration of a replat of lots within the Harman Farms Subdivision. The Replat request is for the following described property: Lots 6, 7, & 8 of Harman farms in Leavenworth County, Kansas.

**Also known as 22398 Honey Creek Road**

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

Chairman Rosenthal asked the applicant if they wished to speak. Mr. Herring, Herring Survey came forward to answer questions about the request and to explain the nature of this request. Rosenthal asked staff about the timing of annexation and requiring the property to hook up to City Water and Sewer. Mr. Gentzler replied that those actions would take place during the development of the properties.

With no further questions or discussion, Chairman Rosenthal asked for a motion.

**Commissioner Stork made a motion to approve DEV-21-163, Commissioner Dials seconded the motion.**

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

The Board of County Commissioners will consider this item no earlier than **November 24, 2021 at 9:00 A.M** in the Leavenworth County Courthouse.

**Case DEV-21-160 Forever Fencing**

Consideration of an application for a Special Use Permit for a Contractor's Yard on the following described property: A tract of land in the Northwest Quarter of Section 27, Township 10 South, Range 20 East of the 6th P.M, in Leavenworth County, Kansas.

**Also known as 25701 Donahoo Road**

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

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

Josh Gentzler presented the facts and findings for the above request. Mr. Gentzler let the Commission know that staff's recommendation of this request was for denial.

Chairman Rosenthal opened the public portion of the hearing and asked the applicant if they wished to speak. The applicant, along with their attorney came forward to address the Commission. A letter of support was read into record. It was stated that the applicant agreed to the conditions of this Special Use Permit in the event the request is approved.

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

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

**Commissioner Stork made a motion to approve DEV-21-160. Commissioner Bailey seconded the motion.**

**ROLL CALL VOTE - Motion to approve passed, 5/2 (2 absent)**

*(Commissioner Baker voted no because it does not match the Future Land Use Plan and Comprehensive Plan. Commissioner Himpel voted no because of the timeline of them complying)*

The Board of County Commissioners will consider this item no earlier than **December 1, 2021 at 9:00 A.M** in the Leavenworth County Courthouse.

**Any person wishing to file a protest petition must contact the Planning & Zoning Office. Protest petitions must be filed with Leavenworth County within two weeks of this meeting.**

*Commissioner Dials abstained from this portion of the meeting.*

**Case DEV-21-165 CW Lawns**

Consideration of an application for a Special Use Permit for a Landscaping, Lawn Care, Lawn Maintenance, Snow Removal, and Related Business on the following described property: A tract of land in the Southeast corner of the Southeast Quarter of Section 33, Township 9 South, Range 22 East of the 6th P.M, in Leavenworth County, Kansas.

**Also known as 24619 163<sup>rd</sup> Street**

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

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

Amy Allison presented the facts and findings for the above request. Mrs. Allison let the Commission know that staff's recommendation of this request was for denial based on the Future Land Use Map.

County Counselor addressed the Commission letting them know they might see a change in the renewal process in the near future.

Chairman Rosenthal opened the public portion of the hearing and asked the applicant if they wished to speak. The applicant came forward to address the Commission.

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

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

**Commissioner Himpel made a motion to approve DEV-21-165. Commissioner Baker seconded the motion.**

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

The Board of County Commissioners will consider this item no earlier than **December 1, 2021 at 9:00 A.M** in the Leavenworth County Courthouse.

**Any person wishing to file a protest petition must contact the Planning & Zoning Office. Protest petitions must be filed with Leavenworth County within two weeks of this meeting.**



**Case DEV-21-148 Rezoning Request from RR-5 to RR-2.5**

Consideration of a rezone request from RR-5 Zoning District to the RR-2.5 Zoning District on a tract of land in the Northwest Quarter of the Southwest Quarter of Section 13, Township 12 South, Range 20 East of the 6th P.M., in Leavenworth County, Kansas.

**Also known as 00000 246<sup>th</sup> Street**

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

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

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

Chairman Rosenthal opened the public portion of the hearing and asked the applicant if they wished to speak. The applicant came forward to address the Commission, explaining the nature of his request.

Chairman Rosenthal asked if there was anyone that wished to speak in support of the request. Chairman Rosenthal asked if there was anyone wishing to speak in opposition. A neighboring property owner came forward to ask clarifying questions. Chairman Rosenthal closed the public portion of the hearing.

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

***Commissioner Himpel made a motion to approve DEV-21-148. Commissioner Dials seconded the motion.***

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

The Board of County Commissioners will consider this item no earlier than **December 1, 2021 at 9:00 A.M** in the Leavenworth County Courthouse.

**Any person wishing to file a protest petition must contact the Planning & Zoning Office. Protest petitions must be filed with Leavenworth County within two weeks of this meeting.**

**Case DEV-21-155 Rezoning Request from B-2 to B-3**

Consideration of a rezone request from B-2 Zoning District to the B-3 Zoning District of Lot 3, Block 2, Hill Estates, in Leavenworth County, Kansas.

**Also known as 17800 State Avenue**

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

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

Amy Allison presented the facts and findings for the above request.

County Counselor addressed the Planning Commission letting them know the history of past development on this parcel.

Chairman Rosenthal opened the public portion of the hearing and asked the applicant if they wished to speak. Mr. Herring came forward to address the Commission, explaining the nature of his request.

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

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

***Commissioner Himpel made a motion to approve DEV-21-155. Commissioner Baker seconded the motion.***

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

The Board of County Commissioners will consider this item no earlier than **December 1, 2021 at 9:00 A.M** in the Leavenworth County Courthouse.

**Any person wishing to file a protest petition must contact the Planning & Zoning Office. Protest petitions must be filed with Leavenworth County within two weeks of this meeting.**

**Planning Commission adjourned at 7:06 PM**