

## LEAVENWORTH COUNTY PLANNING COMMISSION

Agenda for a Regular Meeting of 5:30 P.M., Wednesday, June 14, 2023  
County Courthouse - 300 Walnut Street - Leavenworth, Kansas 66048  
[www.leavenworthcounty.gov](http://www.leavenworthcounty.gov)

1. **Call to Order**
2. **Pledge of Allegiance**
3. **Roll Call**
4. **Approval of Minutes**
5. **Secretary's Report**
6. **Declarations: (if necessary)**
  - A. Declarations of receipt of communications by Planning Commissioners
  - B. Disclosure of ex-parte communications for each hearing item
  - C. Declarations of abstention from specific agenda items by a Commissioner
7. **Approval of Agenda**
8. **Consent Agenda** – No Items
9. **Regular Agenda**
  - A. **Case DEV-22-100 Preliminary Plat - Highland Meadows**

Consideration of a Preliminary Plat for Highland Meadows on the following described property: A tract of land in the fractional Southwest Quarter of Section 7 and the Fractional Northwest Quarter of Section 18, Township 11 South, Range 21 East of the 6<sup>th</sup> P.M., Leavenworth County, Kansas.  
**Also known as 00000 Sandusky Road & 00000 234<sup>th</sup> Street**  
**PID: 193-07-0-00-00-006.00 & 194-18-0-00-00-007.00**
  - B. **Case DEV-23-058 Rezone - Forge**

Consideration of a Rezone from RR-5 to RR-2.5 on the following described property: The East half of the South Half of the Northwest Quarter (NW ¼) of Section 32, Township 9 South, Range 22 East of the 6<sup>th</sup> P.M., Leavenworth County, Kansas.  
**Also known as 24971 & 00000 Tonganoxie Drive (PID: 109-32-0-00-00-004.00 & 109-32-0-00-00-004.01)**  
**\*\*\*Public Hearing Required\*\*\***  
**\*\*\*Public Comment limited to three minutes per person\*\*\***
  - C. **Case DEV-23-065 Rezone – Neu Field Airpark PUD**

Consideration of a Rezone from RR-5 to Planned Unit Development on the following described property: Two tracts of land in the West half of the East half of the Northeast Quarter of Section 20, Township 10 South, Range 22 East of the 6<sup>th</sup> P.M., in Leavenworth County, Kansas  
**Also known as 17271 & 17251 Hollingsworth Rd (PID: 154-20-0-00-00-002.00 & 154-20-0-00-00-002.01)**  
**\*\*\*Public Hearing Required\*\*\***  
**\*\*\*Public Comment limited to three minutes per person\*\*\***

**D. Case DEV-23-066 Preliminary Plat – Neu Field Airpark PUD**

Consideration of a Preliminary Plat for Neu Field Airpark PUD on the following described property: Two tracts of land in the West half of the East half of the Northeast Quarter of Section 20, Township 10 South, Range 22 East of the 6th P.M., in Leavenworth County, Kansas

**Also known as 17271 & 17251 Hollingsworth Rd (PID: 154-20-0-00-00-002.00 & 154-20-0-00-00-002.01)**

**E. Case DEV-23-046 Special Use Permit – Faster Dynamics**

Consideration of an application for a Special Use Permit for an Auto Service Station & Repair on the following described property: A tract of land in the Northwest corner of the Southwest Quarter of Section 34, Township 10 South, Range 21 East of the 6th P.M., in Leavenworth County, Kansas.

**Also known as 00000 George Road (PID: 148-34-0-00-00-009.02)**

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

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

**Adjournment of Planning Commission**

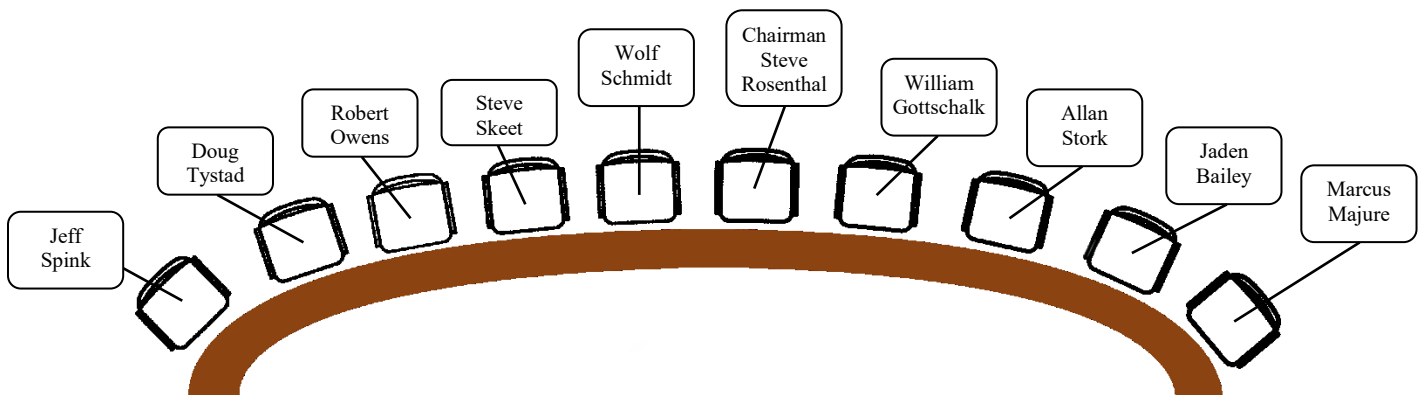
**Upcoming meeting dates:**

- **Wednesday, July 12, 2023, 5:30 PM**  
**Regular Planning Commission Meeting**

**For More Information**

If you have any questions or need to make special arrangements for a meeting, please call or stop by the Planning and Zoning Department.  
Contact Stephanie Sloop – 913-684-0465

**Planning Commission Seating Chart 2023**



**LEAVENWORTH COUNTY PLANNING COMMISSION  
MINUTES OF THE REGULAR MEETING  
May 10, 2023**

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

**The Planning Commission meeting was called to order at 5:30 p.m.**

**Pledge of Allegiance**

**Members present:** Jaden Bailey, Robert Owens, William Gottschalk, Wolf Schmidt, Jeff Spink, Marcus Majure, Steve Rosenthal

**Members absent:** Allan Stork, Doug Tystad, and Steve Skeet

**Staff present:** John Jacobson-Director, Amy Allison-Deputy Director, Stephanie Sloop-Planning Coordinator, Misty Brown - County Counselor

**Minutes:**

**Commissioner Schmidt made a motion to approve the minutes. Commissioner Majure seconded the motion.**

**ROLL CALL VOTE - Motion to approve the minutes passed, 5/0 (2 Abstain, 2 Absent)**

**Secretary's Report:**

Amy Allison gave the secretary's report going over the agenda.

**Commissioner Schmidt made a motion to approve the agenda. Commissioner Majure seconded the motion.**

**ROLL CALL VOTE - Motion to approve the agenda passed, 6/0 (2 Absent)**

**Case DEV-22-156 Special Use Permit Lexeco Landfill and Fill Site  
Consideration of Special Use Permit for an Extraction of Raw Materials Site and Landfill for a Soil Fill/Borrow Site and Clean Rubble Landfill on the following described property: A tract of land in the Northeast Quarter of Section 33, Township 8 South, Range 22 East of the Leavenworth County, Kansas.**

Amy Allison gave the staff report for the above-listed case, reminding the Commission that Public Comment was opened and closed for this case at a previous meeting.

Chairman Rosenthal asked if there were any questions or discussions from the board. Hearing none the public hearing was opened and the applicant/agent was invited to come forward. The applicant came forward to describe the request and answer any questions from the board. The applicant also passed out a copy of his approved permit from KDOT for the Type 5 Access Permit. Discussion was had between the Planning Commission and staff.

Chairman Rosenthal stated that he would accept a motion if there were no further discussion.

Commissioner Owens asked Legal Counsel about addressing violations and the enforcement of the conditions of the Special Use Permit.

Chairman Rosenthal asked if there were any further questions or discussions from the board, if not he would accept a motion.

**Commissioner Schmidt motioned to table Case DEV-22-156 a Special Use Permit for Lexeco Construction be granted. Commissioner Gottschalk seconded the motion.**

## **ROLL CALL VOTE**

*Commissioner Majure voted no, reasoning that he doesn't believe there should be another landfill in that location in proximity to the City of Leavenworth.*

*Commissioner Bailey voted no due to the character of the neighborhood.*

*Commissioner Gottschalk voted yes, despite the character of the neighborhood, he believes the applicant has proven that they can operate in a way that fits the neighborhood.*

*Commissioner Spink voted yes.*

*Commissioner Owens voted no.*

*Commissioner Schmidt voted yes.*

*Chairman Rosenthal voted yes.*

**Motion to approve passed 4/3, (2 absent)**

**Case DEV-23-025 – Special Use Permit – Horses and Heroes**

**Consideration of an application for a Special Use Permit for Riding Stables and Clinic for Horses and Heroes on the following described property: A tract of land in the South 1/2 of the Southwest 1/4 of Section 33, Township 9 South, Range 22 East of the 6<sup>th</sup> P.M., in Leavenworth County, Kansas.**

Amy Allison gave the staff report for the above-listed case.

Chairman Rosenthal asked if there were any questions or discussions from the board. Hearing none the public hearing was opened and the applicant/agent was invited to come forward. The applicant came forward to describe the request and answer any questions from the board.

Chairman Rosenthal asked if there was anyone present wishing to speak in favor or opposition. The public comment portion of the hearing was closed.

Chairman Rosenthal stated that he would accept a motion if there were no further discussion.

**Commissioner Bailey made a motion to approve Case DEV-23-025 – Special Use Permit Horses for Heroes. Commissioner Majure seconded the motion.**

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

**The meeting was adjourned at 6:18 p.m.**

**A WORK SESSION ON PLANNED UNIT DEVELOPMENTS FOLLOWED THE MEETING**

**LEAVENWORTH COUNTY  
PLANNING COMMISSION  
STAFF REPORT**

CASE NO: DEV-22-100 Highland Meadows

June 14, 2023

REQUEST: **Regular Agenda**  
 Preliminary Plat       Final Plat

**STAFF REPRESENTATIVE:**  
 AMY ALLISON  
 DEPUTY DIRECTOR

**SUBJECT PROPERTY:** 00000 Sandusky Road

**APPLICANT/APPLICANT AGENT:**  
 JOE HERRING  
 HERRING SURVEYING

**PROPERTY OWNER:**  
 Orison, LLC  
 1204 State Ave, Ste A  
 Tonganoxie, KS 66086

**CONCURRENT APPLICATIONS:**  
 NONE

**LAND USE**

ZONING: RR-2.5

FUTURE LAND USE DESIGNATION:  
 RESIDENTIAL (2.5-ACRE MIN)

**LEGAL DESCRIPTION:**

Tracts of land in the fractional Southwest Quarter of Section 7 and the fractional Northwest Quarter of Section 18, Township 11 South, Range 21 East of the 6th P.M., in Leavenworth County Kansas.

SUBDIVISION: N/A

FLOODPLAIN: N/A

**STAFF RECOMMENDATION:** APPROVAL WITH CONDITIONS

**PROPERTY INFORMATION**

**ACTION OPTIONS:**

1. Recommend approval of Case No. DEV-22-100, Preliminary Plat for Highland Meadows, with or without conditions; or
2. Recommend denial of Case No. DEV-22-100, Preliminary Plat for Highland Meadows, for the following reasons; or
3. Continue the hearing to another date, time, and place.

PARCEL SIZE:  
 96.25 ACRES

PARCEL ID NO:  
 193-07-0-00-00-006.00 & 194-18-0-00-00-007.00

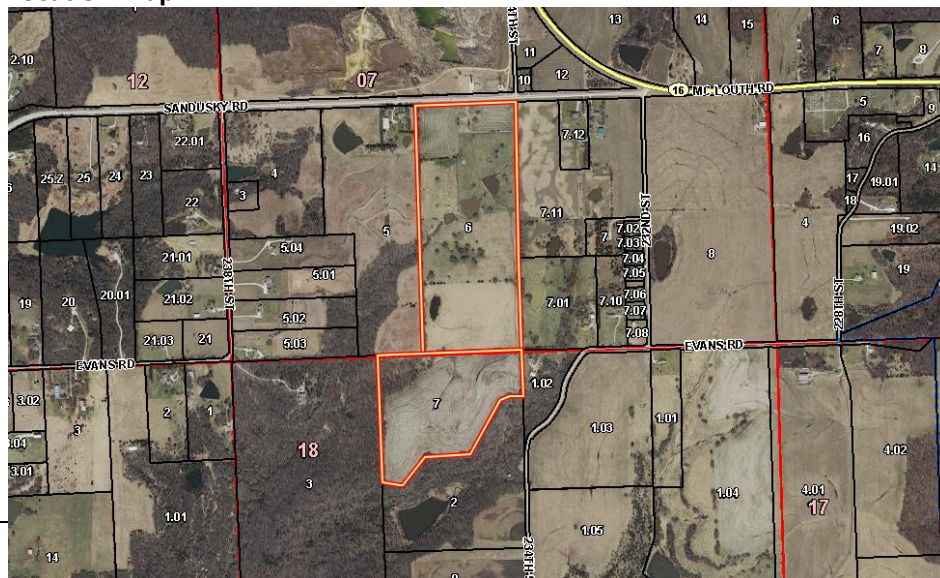
BUILDINGS:  
 N/A

**PROJECT SUMMARY:**

Request for preliminary plat approval to subdivide property located at 00000 Sandusky Road (PID 193-07-0-00-00-006.00 & 194-18-0-00-00-007.00) as Lots 1 through 36 of Highland Meadows.

ACCESS/STREET:  
 SANDUSKY ROAD - COUNTY COLLECTOR, PAVED ± 24’;

**Location Map:**



**UTILITIES**

SEWER: PRIVATE SEPTIC SYSTEM

FIRE: TONGANOXIE TWSP FD

WATER: RWD 6

ELECTRIC: EVERGY

**NOTICE & REVIEW:**

STAFF REVIEW:  
 6/8/2023

NEWSPAPER NOTIFICATION:  
 4/4/2023

NOTICE TO SURROUNDING  
 PROPERTY OWNERS:  
 N/A

<b>STANDARDS TO BE CONSIDERED:</b>			
<i>Leavenworth County Zoning and Subdivision Standards: Preliminary Review</i>		<b>Met</b>	<b>Not Met</b>
35-40	<b>Preliminary Plat Content</b>	X	
40-20	<b>Final Plat Content</b>	N/A	
41-6	<b>Access Management</b>	X	
41-6.B.a-c.	<b>Entrance Spacing</b>	X	
41-6.C.	<b>Public Road Access Management Standards</b>	X	
43	<b>Cross Access Easements</b>	N/A	
50-20	<b>Utility Requirements</b>	X	
50-30	<b>Other Requirements</b>	X	
50-40	<b>Minimum Design Standards</b>		X
The applicant is requesting an exception from the Block Length requirement in excess of 1200 ft.			
50-50	<b>Sensitive Land Development</b>	N/A	
50-60.	<b>Dedication of Reservation of Public Sites and Open Spaces</b>	N/A	

**STAFF COMMENTS:**

The applicant is proposing a 35-lot subdivision to access off of Sandusky Road. The applicant is proposing to phase this subdivision into 3 phases. The Subdivision is classified as a Class C subdivision with all lots lying within the Rural Growth Boundary of Leavenworth County. Staff is supportive of a waiver of the requirement to connect to a sanitary sewer system (see condition 3). The proposed subdivision will be comprised of lots ranging in size from 2.5 to 3.5 acres. The applicant is proposing a Tract A which will be non-compliant parcel and not entitled to a single-family building permit. The intention is to sell the tract with an adjacent parcel. The applicant is proposing to develop 235<sup>th</sup> Street to the south and will culminate in a cul-de-sac towards the southern portion of the property. They have also included a connection road that will eventually hook into Evans Road once land to the east is developed. The property in question has a series of ponds that will be filled in and stormwater drainage will be re-routed using a series of engineered drainage channel. Due to the proposed pond filling, staff has recommended that a note be placed on the plat that would require engineered construction documents for Lots 5, 6, 29, 31 & 32 when a building permit application is submitted. These construction documents must show the location of the structures in connection to the former pond location and that no structure will infringe on the designed stormwater system in a manner that would create issues. Additionally, Lots 6, 7, 12 and 13 will require low water crossings for any driveway that is placed over the drainage channels. Staff has also required that a note be placed on the face of the plat that states that this subdivision is being located adjacent to an active quarry. Staff recommends placing conditions that updated road and stormwater plans be provided with the final plat submittal addressing all outstanding comments and any proposed changes that have been made. Every has indicated that they will provide service to this subdivision with the appropriate extensions. This property is located within RWD 6 but they did not respond to our inquiry about service. A letter from RWD 6 will be required for submittal with the Final Plat application.

**EXCEPTIONS:**

The applicant has requested an exception from Article 50, Section 40 – Block Length (1200 ft maximum). The criteria for the acceptance of an exception is as follows:

1. That there are special circumstances or conditions affecting the property.
2. That the variance or exception is necessary for the reasonable and acceptable development of the property in question.
3. That the granting of the variance or exception will not be detrimental to the public welfare or injurious to the adjacent property.

*Motion: The Planning Commission hereby (approves/denies) an exception from Article 50, Section 40 – Block Length for the Highland Meadows subdivision, as submitted by the application, based on a finding that all three criteria for an exception has been met.*

**PROPOSED CONDITIONS:**

1. Building permits shall be required for any new construction.
2. Erosion control shall be used when designing and constructing driveways. A form of sediment control shall be installed before work begins and maintained throughout the time that the land disturbing activities are taking place. Re-vegetation of all disturbed sites shall be completed within 45 days after completion of final grading weather permitting.
3. A waiver for the use of private septic systems within this subdivision is granted with this approval.
4. At time of development, fire hydrants shall be required, if necessary infrastructure is available.
5. The applicant shall provide a utility purveyance letter from RWD #6 with the final plat application.
6. Restrictions 6-11 shall be included on the final plat.
7. Label Lot 35 on the final plat.
8. An exception from Article 50, Section 40 from the Block Length maximum is hereby granted. A notation shall be included on the face of the final plat.
9. The applicant shall provide updated road and stormwater plans for the proposed layout with the final plat application.
10. An updated Title Report shall be submitted with the Final Plat Application.
11. All public improvements shall be installed at the time of development. No future roadways will be supported
12. The developer must comply with the following memorandums:
  - a. Memos – Mitch Pleak, Olsson, May 2, 2023
  - b. Email – Timothy Smith, Tonganoxie TWSP FD, July 18, 2023

**ATTACHMENTS:**

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

2430.00

PRELIMINARY PLAT APPLICATION

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

Tonganoxie
464 33.80 61.40

Office Use Only
PID: 193-07 006.00 194-18 007.00
Township:
Planning Commission Meeting Date:
Case No. DEV-22-100 Date Received/Paid: 07.11.2022
Zoning District RR 2.5
Comprehensive Plan land use designation

APPLICANT/AGENT INFORMATION OWNER INFORMATION
NAME: Joe Herring NAME: Orison LLC
MAILING ADDRESS: 315 North 5th Street MAILING ADDRESS 1204 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

GENERAL INFORMATION

Proposed Subdivision Name: HIGHLAND MEADOWS
Address of Property: 00000 Sandusky Road
Urban Growth Management Area: N/A

SUBDIVISION INFORMATION
Gross Acreage: 96 AC Number of Lots: 36 Minimum Lot Size: 2.51 AC
Maximum Lot Size: 3.2 AC Proposed Zoning: RR 2.5 Density: N/A
Open Space Acreage: N/A Water District: RWD 6 Proposed Sewage: Septic
Fire District: Tonganoxie Electric Provider: Evergy & Freestate Natural Gas Provider: Atmos/Propane
Covenants: [x] Yes [ ] No Road Classification: Local Collector Arterial - State - Federal
Is any part of the site designated as Floodplain? [ ] Yes [x] No if yes, what is the panel number:
I, the undersigned, am the 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 preliminary plat approval as indicated above.
Signature: Joe Herring - digitally signed 7-9-2022 Date: 7/9/22

ATTACHMENT A



**BEFORE THE STATE CORPORATION COMMISSION  
OF THE STATE OF KANSAS**

IN THE MATTER OF THE APPLICATION OF )  
EVERGY KANSAS CENTRAL, INC. FOR )  
AUTHORITY TO TRANSACT THE BUSINESS )  
OF AN ELECTRIC PUBLIC UTILITY )  
SPECIFICALLY, IN A PORTION OF SECTION )  
18, TOWNSHIP 11 SOUTH, RANGE 21 EAST )  
IN LEAVENWORTH COUNTY, KANSAS )

Docket No. \_\_\_\_\_

**APPLICATION FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND  
AUTHORITY TO TRANSACT THE BUSINESS OF AN ELECTRIC PUBLIC UTILITY**

COMES NOW Evergy Kansas Central Inc. d/b/a Evergy Kansas Central (“Evergy Kansas Central”), and in support of its Application for a Certificate of Public Convenience and Authority, states:

1. Evergy Kansas Central is a Kansas corporation authorized by the Commission to conduct the business of a public utility under the provisions of K.S.A. 66-104, and as such holds a Certificate of Convenience and Authority from this Commission to engage in the business of an electric public utility in the State of Kansas, thereby promoting the public convenience. Evergy Kansas Central seeks to serve, subject to the Commission’s approval, in FreeState Electric Cooperative, Inc (“FreeState Electric”) certified territory described below:

**LEAVENWORTH COUNTY, KANSAS**

The tract of land is in the NE ¼ of NW ¼ Sec 18 T11S R21E, Lots 13-24 Highland Meadows Subdivision, located in Leavenworth County, Kansas. See Map Exhibit A.

2. Evergy Kansas Central’s certified territory is adjacent to the territory described in paragraph 1. Evergy Kansas Central has easy access to provide power from its territorial side of the tract of land. Evergy and FreeState Electric have agreed on a swap of territory.

3. Evergy Kansas Central and FreeState Electric have mutually agreed, subject to the Commission's approval, that Evergy Kansas Central should serve as an electric public utility in the territory described in paragraph 1.

4. A copy of this application is being served on FreeState Electric by delivery of United States Mail, postage prepaid, addressed as follows:

Gary Willits  
East District Staking Engineer  
FreeState Electric Cooperative Inc.  
507 N. Union  
McLouth, KS 66054

There is no other person or entity, corporate, municipal, or otherwise that requires notice of this Application.

THEREFORE, Evergy Kansas Central requests that an Order be issued, granting Evergy Kansas Central the authority to serve as an electric public utility in the territory described in paragraph 1 above.

EVERGY KANSAS CENTRAL, INC.

BY: 

Cathryn J. Dinges, S.Ct. #20848

Senior Director and Regulatory Affairs Counsel

818 S. Kansas Avenue

P.O. Box 889

Topeka, Kansas 66601-0889

PHONE: (785) 575-8344

FAX: (785) 575-8136

ITS ATTORNEY

STATE OF KANSAS        )  
                                  )  
COUNTY OF SHAWNEE    )        ss

Cathryn J. Dinges, of lawful age, being first duly sworn upon oath, deposes and states:

That she is the attorney for the within named applicant, that she has read the above and foregoing Application and that the statements therein contained are true according to her knowledge and belief.

*Cathryn Dinges*  
Cathryn J. Dinges

Subscribed and sworn to before me this 15 day of March 2023.



*Leslie R. Wines*  
Notary Public

My Appointment Expires: May 30, 2026





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		Title <b>Proposed Application to Serve, Leavenworth County, KS</b>		
		By <b>RLC</b>	WR # <b>xxxx</b>	Crew HQ <b>xxxx</b>
<b>Think Safety!</b>		Date <b>1/31/2023</b>	Scale <b>1 inch = 1200 feet</b>	Sheet <b>Page 1</b>

# HIGHLAND MEADOWS

Tracts of land in the Fractional Southwest Quarter of Section 7 and the Fraction Northwest Quarter of Section 18, Township 11 South, Range 21 East of the 6th R.M., Leavenworth County, Kansas.

## PRELIMINARY PLAT

PREPARED FOR:  
ORISON LLC  
1204 STATE AVE #STE A  
Tonganoxie, KS 66886  
PID NO. 193-01-0-00-006  
PID NO. 194-18-0-00-007

### SURVEYOR'S DESCRIPTION:

TRACT 1:  
Tract of land in the Fractional Southwest Quarter of Section 7 and the Fraction Northwest Quarter of Section 18, Township 11 South, Range 21 East of the 6th R.M., Leavenworth County, Kansas, more fully described as follows: Beginning at the Northwest corner of said Fractional Southwest Quarter of Section 7, thence South 01 degrees 43'39" East for a distance of 2633.70 feet along the East line of said Fractional Southwest Quarter to the Northeast corner of said Fractional Northwest Quarter of Section 18; thence South 01 degrees 30'47" East for a distance of 488.82 feet along the East line of said Fractional Northwest Quarter; thence North 89 degrees 45'18" West for a distance of 133.60 feet; thence South 67 degrees 21'13" West for a distance of 103.84 feet; thence South 31 degrees 02'17" West for a distance of 642.13 feet; thence South 85 degrees 12'20" West for a distance of 455.88 feet; thence South 38 degrees 12'31" West for a distance of 372.48 feet; thence North 81 degrees 54'48" West for a distance of 239.20 feet to the West line of the East Half of said Fractional Northwest Quarter of Section 7; thence North 01 degrees 58'01" West for a distance of 1325.18 feet along said West line; thence North 87 degrees 55'41" East for a distance of 493.51 feet along the South line of said Southwest Quarter of Section 7; thence North 01 degrees 43'39" West for a distance of 2635.32 feet to the North line of said Fractional Southwest Quarter of Section 7; thence North 88 degrees 01'07" East for a distance of 1025.22 feet along said North line to the point of beginning.  
Said property contains 96.26 acres, more or less, including road right of way.  
Error of Closure: 1 - 300496

- LEGEND:**
- 1/2" Rebar Set with Cap No. 1206
  - 1/2" Rebar Found, unless otherwise noted.
  - ( ) Record / Deeded Distance
  - ( ) Point of Beginning
  - POC - Point of Commencing
  - ( ) Record / Deeded Distance
  - U/E - Utility Easement
  - D/E - Drainage Easement
  - B.S.L. - Building Setback Line
  - R/W - Permanent Dedicated Roadway Easement dedicated this plat
  - ⊕ - Centerline
  - ⊕ - Section Line
  - BM - Benchmark
  - ||||| - No Vehicle Entrance Access
  - ||||| - Not Set this survey per agreement with client
  - DIRECTION OF WATER FLOW
  - ⊕ - Power Pole
  - X - Fence Line
  - OHF - Overhead Power Lines
  - T - Underground Telephone/Fiber Optic Line
  - ⊕ - Gas Valve
  - ⊕ - Water Meter/Valve
  - ⊕ - Telephone Pedestal
  - W - 6" Water Line - location as per district
  - D/W - Driveway



- RESTRICTIONS:**
- All proposed structures within this plat shall comply with the Leavenworth County Zoning and Subdivision Regulations or zoning regulation jurisdiction.
  - An Engineered Waste Disposal System may be required due to poor soil conditions.
  - Erosion and sediment control measures shall be used when designing and constructing driveways and other structures. Re-vegetation of all disturbed areas shall be completed within 45 days after final grading.
  - Lots are subject to current Access Management Policy and only have access to 235th Street.
  - Off-plot restrictions per Document #
  - Low Water Driveways crossing engineered channel within platted lots for the purposes of accessing accessory structures shall be designed by a licensed engineer to not restrict storm water conveyance per the intent of the engineered channel(s). Design to be submitted to the County at the time of building permit application.
  - Tract "A" is not entitled to a principal structure permit, maintenance of tract and drainage area by owner.
  - Engineered Construction documents will be required for lots 5, 6, 29, 31 & 32 prior to building permit issuance.
  - Development is to be adjacent to an Active Quarry with additional uses as outlined in the approved Special Use Permit for that property.
  - All structures built within the subdivision shall comply with Resolution 2020-39 or as amended.
  - 11) Lot 6, 7, 12, and 13 needs a restriction that an Accessory Building can only be built on the west side of D/E with a low-water crossing of swale area. Lot 2 needs a restriction that an Accessory Building can only be built on the east side of D/E with a low-water crossing of swale area. Lot 31 will be required to utilize driveway planned with public road/storm improvements.

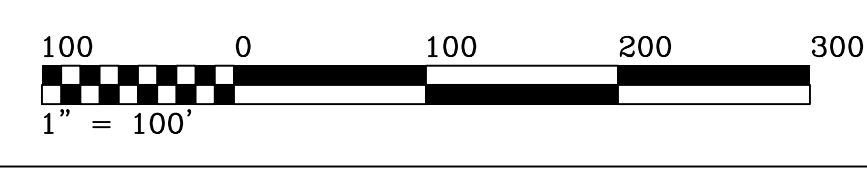
- ZONING:**  
RR-2.5, Rural Residential, 2.5-Acre minimum size parcels - Current and proposed
- NOTES:**
- This survey does not show ownership.
  - All distances are calculated from measurements or measured this survey, unless otherwise noted.
  - All recorded and measured distances are the same.
  - Error of Closure - See Error of Closure Calculations
  - 5) Basis of Bearing - KS State Plane NAD 83, North Zone 1501
  - East Line - Southwest Quarter Section 7
  - Monument Origin Unknown, unless otherwise noted.
  - Proposed Lots for Residential Use
  - Road Record - See Survey
  - Benchmark - 1420288
  - Project Benchmark (BM) - East Quarter Corner Section 32 - 1/2" Bar - 839.87'
  - 10) Easements, if any, are created hereon or listed in referenced title commitment.
  - 11) Reference Recorded Deed Doc # 2021R07794
  - 12) Utility Companies -
    - Water - Water District 6
    - Electric - Evergy
    - Sewer - Septic / Lagoon
    - Gas - Propane / Natural Gas
  - 13) Reference Continental Title Insurance Company Commitment Number 21406820 updated June 1, 2021
  - 14) Property is not in a Special Flood Hazard Area per FEMA Flood Map 201030000C & 2010 dated July 16, 2015
  - 15) Building Setback Lines as shown hereon or noted below
    - All side yard setbacks - 15' (Accessory - 15')
    - All rear yard setbacks - 40' (Accessory - 15')
  - 16) Distances to and of structures, if any, are +- 1'
  - 17) Easements as per referenced Title Commitment are shown hereon
  - 18) Fence Lines do not necessarily denote the boundary line for the property.
  - 19) Reference Surveys:
    - (A91) - Recorded Plat of GRAVEMAN FARMS Doc # 2013A00007
    - Recorded Survey Doc # 2013S027, Doc # 2021S047
    - (D6W) - D.C. White Survey dated 1997



Scale 1" = 100'

Job # K-22-1457  
June 1, 2022 Rev. 6/6/23

**HERRING SURVEYING COMPANY**  
310 North 5th Street, Leaw, KS 66048  
Ph: 913.853.1850 Fax: 913.874.038  
Email: survey@herringks.com



I hereby certify that this survey was made by me, or under my direct supervision, on the ground during the dates of April through August 2022 and this map or plat is correct to the best of my knowledge.  
Joseph A. Herring  
PS # 1296

## Voth, Krystal

---

**From:** Timothy Smith <chief1860@ttrfd.com>  
**Sent:** Monday, July 18, 2022 9:53 AM  
**To:** Voth, Krystal; Magaha, Chuck  
**Subject:** Re: DEV-22-100 Highland Meadows Plat

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

Krystal,

I have reviewed this subdivision application for the Tonganoxie Township Fire Department. The fire department will require the following for approval of this request.

1. The current water line serving this area is a 6" main located on the north side of Sandusky RD. This 6" size shall be maintained as the main line for the subdivision.
2. Depending upon which side of the new street this main line is placed we will require fire hydrants at the following locations,
  - i. At the intersection of Sandusky RD and the new street to be built.
  - ii. Between lots 5 & 6 or lots 31 & 32
  - iii. Between lots 10 & 11 or lots 26 & 27
  - iv. Between lots 15 & 16 or lots 20 & 21
3. These hydrants shall have two 2.5" outlets and one 4.5" outlet.

Please keep me informed of when any hearings are scheduled for this application and results of said hearings when completed.

\*\*It is our understanding that there is some confusion on the part of Water District 6 as to whether or not the line on the north side of Sandusky is a 6" or an 8" line. If it is determined to be an 8" line then that is the size we will require to be used for the main line in this addition.

Thank you,

On Mon, Jul 11, 2022 at 4:33 PM Voth, Krystal <[KVoth@leavenworthcounty.gov](mailto:KVoth@leavenworthcounty.gov)> wrote:

Good afternoon. Leavenworth County has received an application for a 36-lot subdivision in your territory. I have attached the preliminary plat for your review and consideration. Your written input is greatly appreciated by Wednesday, July 20. If you have any questions, or need additional info, please let me know! Thanks and have a great afternoon.

Respectfully,

**Krystal A. Voth, CFM**

Director

**06-01-2023**  
**OLSSON and COUNTY REVIEW**  
**No Further Comment**

# Orison LLC Highland Meadows Subdivision

## June 2022 Culvert Calculations (Revised May 2023)

I CERTIFY this analysis was prepared by me or under my direct personal supervision and that I am a duly Registered Professional Engineer under the laws of the State of Kansas.



**Owner:**

*Orison LLC, Dan Lynch  
1204 St. Ave., #STE A  
Tonganoxie, KS 66086  
(913) 481-6847*

**Engineer:**

*Schulte Engineering & Consulting, LLC  
Doug Schulte, PE  
21 Gates Dr.  
Platte City, MO 64079  
(816) 260-3328*



## Allison, Amy

---

**From:** Mitch Pleak <mpleak@olsson.com>  
**Sent:** Friday, June 2, 2023 9:07 AM  
**To:** Allison, Amy; McAfee, Joe  
**Cc:** Jacobson, John; Noll, Bill; 019-2831  
**Subject:** RE: Highland Meadows

**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,  
The PP, culvert calc report, and roadway plans have been reviewed. Please download from the link: <https://oaconsulting.sharefile.com/d-sf5288de2cf4a4e86915595399f6838da>  
Public Works also has the following comments to the Planning and Zoning Department only:

1. No build area between Lot 22 and 23. Confirm road being required to be built in the future? Viewing the project location map Evans Road exists a quarter mile to the east. Evans is a collector. Should the collector be built at this time? Right-of-way required for a collector is 80' vs. 60' Collector. This needs to be considered now at platting. Future road will also require 20' U/E at R/W. 70' No Build each lot is not adequate.
2. Between Lot 12 and 13. Evans Road (Collector) has no option of future extension west with this layout. Consider with plat.

Thanks,

Mitch Pleak

---

**From:** Allison, Amy <AAllison@leavenworthcounty.gov>  
**Sent:** Monday, May 22, 2023 11:07 AM  
**To:** Mitch Pleak <mpleak@olsson.com>; McAfee, Joe <JMcafee@leavenworthcounty.gov>  
**Cc:** Jacobson, John <JJacobson@leavenworthcounty.gov>  
**Subject:** FW: Highland Meadows

### This Message Is From an External Sender

This message came from outside your organization. Please take care when clicking links or opening attachments. When in doubt, use the Report Phish button or contact IT to have the message analyzed.

---

**From:** Joe Herring <[herringsurveying@outlook.com](mailto:herringsurveying@outlook.com)>  
**Sent:** Monday, May 22, 2023 11:01 AM  
**To:** PZ <[PZ@leavenworthcounty.gov](mailto:PZ@leavenworthcounty.gov)>; Noll, Bill <[BNoll@leavenworthcounty.gov](mailto:BNoll@leavenworthcounty.gov)>  
**Subject:** Highland Meadows

**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.

Revised prelim plat with easement expansion on Lots 6 and 7 to match the submitted Preliminary Road Plans.

Thank you - Joe Herring

---

J.Herring Inc., dba,Herring Surveying Company  
315 N. 5th Street, Leavenworth, KS 66048  
913-651-3858 - ROCK CHALK!

# HIGHLAND MEADOWS

Tracts of land in the fractional Southwest Quarter of Section 7 and the fractional Northwest Quarter of Section 18, Township 11 South, Range 21 East of the 6th R.M., Leavenworth County, Kansas.

## PRELIMINARY PLAT

PREPARED FOR:  
ORISON LLC  
1204 STATE AVE #STE A  
Tonganoxie, KS 66686  
PID NO. 193-01-0-00-00-005  
PID NO. 194-18-0-00-00-007

### SURVEYOR'S DESCRIPTION:

**TRACT A:**  
Tract of land in the fractional Southwest Quarter of Section 7 and the fractional Northwest Quarter of Section 18, Township 11 South, Range 21 East of the 6th R.M., Leavenworth County, Kansas, more fully described as follows: Beginning at the Northeast corner of said fractional Southwest Quarter of Section 7, thence South 01 degrees 43'39" East for a distance of 2633.70 feet along the East line of said fractional Southwest Quarter to the Northeast corner of said fractional Northwest Quarter of Section 18; thence South 01 degrees 30'47" East for a distance of 488.82 feet along the East line of said fractional Northwest Quarter; thence North 89 degrees 45'18" West for a distance of 133.60 feet; thence South 67 degrees 21'13" West for a distance of 103.84 feet; thence South 31 degrees 02'17" West for a distance of 642.13 feet; thence South 85 degrees 12'20" West for a distance of 455.88 feet; thence South 38 degrees 12'31" West for a distance of 372.48 feet; thence North 81 degrees 54'48" West for a distance of 239.20 feet to the West line of the East Half of said fractional Northwest Quarter of Section 7; thence North 01 degrees 58'01" West for a distance of 1325.18 feet along said West line; thence North 87 degrees 55'41" East for a distance of 493.51 feet along the South line of said Southwest Quarter of Section 7; thence North 01 degrees 43'39" West for a distance of 2633.32 feet to the North line of said fractional Southwest Quarter of Section 7; thence North 88 degrees 01'07" East for a distance of 1025.22 feet along said North line to the point of beginning.  
Said property contains 96.26 acres, more or less, including road right of way.  
Error of Closure: 1 - 300496

- LEGEND:**
- 1/2" Rebar Set with Cap No. 1206
  - 1/2" Rebar Found, unless otherwise noted.
  - ( ) Record / Deeded Distance
  - POB Point of Beginning
  - POC Point of Commencing
  - ( ) Record / Deeded Distance
  - U/E Utility Easement
  - D/E Drainage Easement
  - B.S.L. Building Setback Line
  - R/W Permanent Dedicated Roadway Easement dedicated this plat
  - Centerline
  - Section Line
  - BM Benchmark
  - No Vehicle Entrance Access
  - Not Set this survey per agreement with client
  - DIRECTION OF WATER FLOW
  - Power Pole
  - Fence Line
  - Overhead Power Lines
  - Underground Telephone/Fiber Optic Line
  - Gas Valve
  - Water Meter/Valve
  - Telephone Pedestal
  - 6" Water Line - location as per district
  - Tree/Brush Line

Lots 6, 7, 12, 30, and 31 provide a scaled exhibit showing a home, secondary building, and a typical septic system foot print. Concern that lot would need measurable earthwork prior to building. Necessary grading to be completed as part of the 235th Roadway & Storm Improvement Plans. Coordinate with 235th Roadway & Storm Engineer of Record.

If Tract A is owned by all the lots in an HOA, how will it be accessed for any future mowing/maintenance?

Trim to R/W line (typ)

Revise Center R/W line to be consistent with the rest of the plan.

Revise

Need Bearings on all distances for lot lines.

Revise

Revise

Revise

Revise

Revise

Revise

Revise

Revise

Revise

06-01-2023  
OLSSON REVIEW

- RESTRICTIONS:**
- All proposed structures within this plat shall comply with the Leavenworth County Zoning and Subdivision Regulations or zoning regulation jurisdiction.
  - An Engineered Waste Disposal System may be required due to poor soil conditions.
  - Erosion and sediment control measures shall be used when designing and constructing driveways and other structures. Re-vegetation of all disturbed areas shall be completed within 45 days after final grading.
  - Lots are subject to current Access Manage Policy and only have access to 235th Street.
  - Off-plat restrictions per Document # 4.
  - Driveways crossing engineered channel within platted lots for the purposes of accessing a dwelling shall be designed by a licensed engineer to not restrict storm water conveyance per the intent of the engineered channel(s). Design to be submitted to the County at the time of building permit application.
  - Tract "A" is not entitled to a principal structure permit.
  - Engineered construction documents will be required for lots 5, 6, 28, 30 & 31 prior to building permit issuance.
  - Development is adjacent to an Active Quarry with additional uses as outlined in the approved Special Use Permit for that property.

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

- NOTES:**
- This survey does not show easements.
  - All distances are calculated from measurements or measured this survey, unless otherwise noted.
  - All recorded and measured distances are the same, unless otherwise noted.
  - Error of Closure - See Error of Closure Calculations
  - Base of Bearing - KS State Plane NAD 83, North Zone
  - East Line - Southeast Quarter Section 7
  - Monument Origin Unknown, unless otherwise noted.
  - Proposed Lots for Residential Use
  - Road Record - See Survey
  - Benchmark - M42088
  - Project Benchmark (BM) - East Quarter Corner Section 02 - 1/2" Bar - 839.87'
  - Easements, if any, are created hereon or listed in referenced Use Commitment.
  - Reference Recorded Deed Doc # 2021R07994
  - Utility Companies -
    - Water - Water District 6
    - Electric - Evergy
    - Sewer - Septic / Lagoon
    - Gas - Propane / Natural Gas
  - Reference Continental Title Insurance Company Commitment Number 21406820 updated June 1, 2021
  - Property is not in a Special Flood Hazard Area per FEMA Flood Map 2012030300C & 2016 dated July 16, 2015
  - Building Setback Lines as shown hereon or noted below
    - All side yard setbacks - 15' (Accessory - 15')
    - All rear yard setbacks - 40' (Accessory - 15')
  - Distances to and of structures, if any, are as + 1'
  - Easements as per referenced Title Commitment are shown hereon
  - Fence Lines do not necessarily denote the boundary line for the property.
  - Reference Surveys:
    - (UW) - Recorded Plat of GRAVEMAN FARMS Doc # 2013R0007
    - Recorded Survey Doc # 2013S027, Doc # 2021S047
    - (DOW) - D.W. White Survey dated 1997

Lot 6, 7, 12, and 13 needs a restriction that an Accessory Building can only be built on the west side of D/E with a low-water crossing of swale area. Lot 31 needs a restriction that an Accessory Building can only be built on the east side of D/E with a low-water crossing of swale area. Lot 30 will be required to utilize driveway planned with public road/storm improvements.

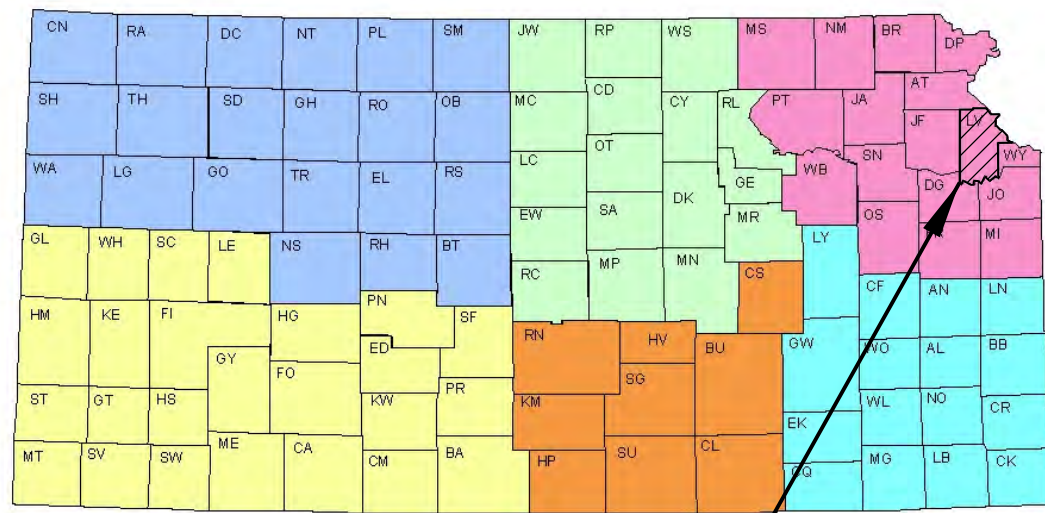
Scale 1" = 100'

Job # K-22-1457  
June 1, 2022 Rev. 5/22/23

**LEAVENWORTH COUNTY SURVEYING COMPANY**  
315 North 5th Street, Leaw, KS 66048  
Ph: 913.883.2659 Fax: 913.874.9308  
Email - survey@leawcs.com



I hereby certify that this survey was made by me, or under my direct supervision, on the ground during the dates of April through August 2022 and the map or plat is correct to the best of my knowledge.  
Joseph A. Herwig  
PS # 1296



**LEAVENWORTH COUNTY**

**UTILITY COMPANIES**  
 RURAL WATER DISTRICT #6  
 18606 M'CLOUTH RD.  
 TONGANOXIE, KS 66086  
 (913) 683-5050

EVERGY  
 (816) 471-5275

SOUTHWESTERN BELL (AT&T)  
 800-288-2020 (TECH SUPPORT)

LEAVENWORTH COUNTY  
 PUBLIC WORKS DEPARTMENT  
 300 WALNUT, SUITE 007  
 LEAVENWORTH, KC 66048  
 (913) 684-0470



**UTILITY WARNING**  
 THE LOCATIONS OF UNDERGROUND UTILITIES AS SHOWN HEREON ARE BASED ON THE ABOVE GROUND STRUCTURES AND RECORD DRAWINGS PROVIDED TO THE ENGINEER/SURVEYOR. LOCATIONS OF UNDERGROUND UTILITIES/STRUCTURES MAY VARY FROM LOCATIONS SHOWN HEREON. ADDITIONAL BURIED UTILITIES/STRUCTURES MAY BE ENCOUNTERED. BEFORE EXCAVATIONS ARE BEGUN, CONTACT UTILITY COMPANIES FOR VERIFICATION OF UTILITY TYPE AND FIELD LOCATIONS.



KANSAS 811  
 8100 E 22ND ST. N, BLDG 2300  
 WICHITA, KS 67226  
 CALL 811 OR 1-800-DIG-SAFE

**DESIGN CRITERIA**

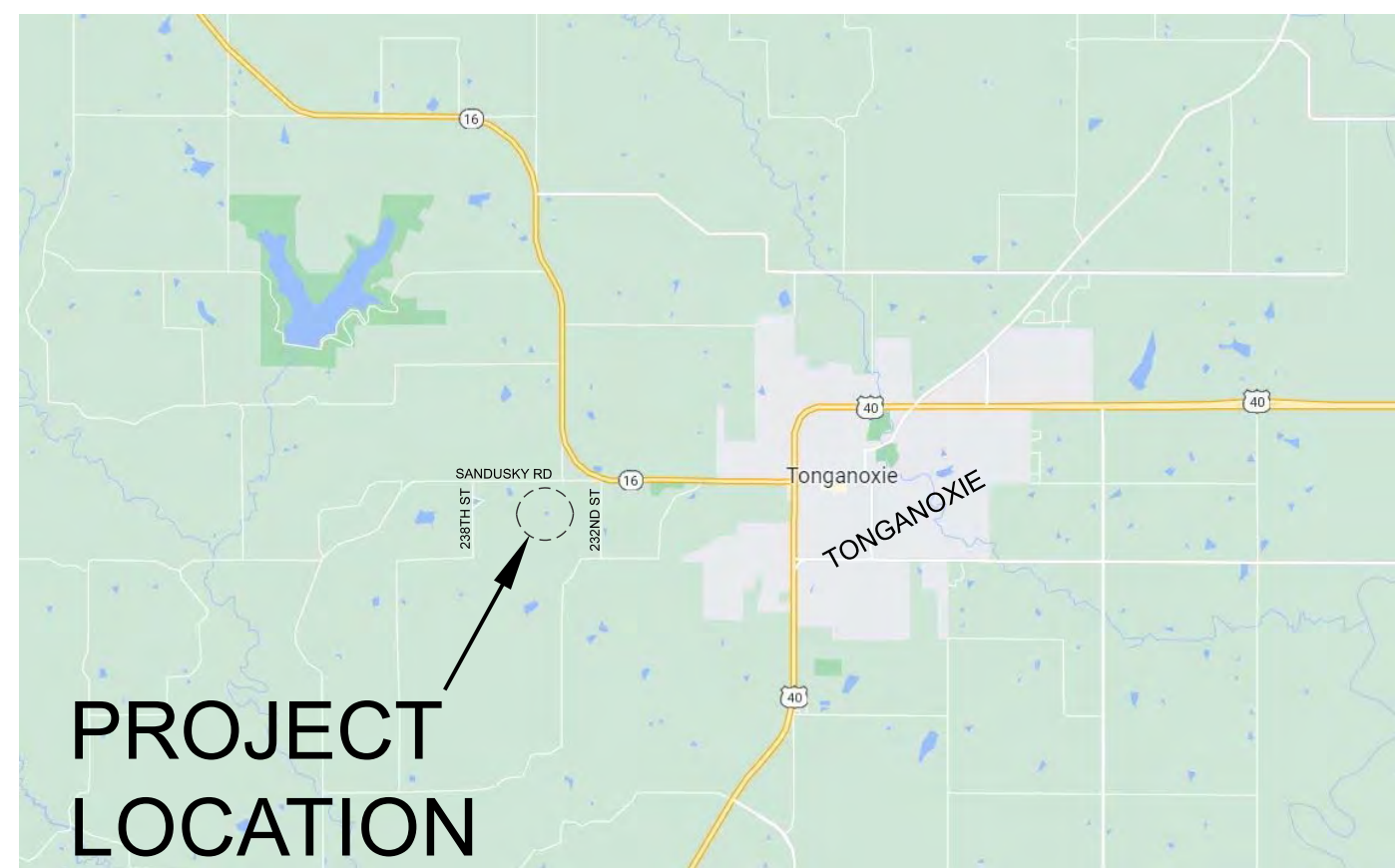
CLASSIFICATION - LOCAL RURAL STREET  
 DESIGN SPEED - 30 MPH  
 ROADWAY WIDTH - 24'  
 CUL-DE-SAC RADIUS - 50' (MIN)  
 ROAD ROW WIDTH - 60'  
 CUL-DE-SAC ROW WIDTH - 60'

\* NO SHRINK OR SWELL FACTORS ARE INCLUDED IN EARTHWORK QUANTITIES  
 \*\* AREA OF GRADING LIMITS. DOES NOT INCLUDE BORROW OR LAY DOWN AREAS

**PRELIMINARY ROAD & STORM CONSTRUCTION DRAWINGS FOR HIGHLAND MEADOWS 235th ST.**

**LEAVENWORTH COUNTY KANSAS MIDLAND & TONGANOXIE TOPOQUAD SEC 7 & 18, T11S, R21E**

**06-01-2023**  
**Olsson and County Review for Preliminary Plat - Only. Review of the final plat and final roadway plans may require changes impacting the preliminary roadway plans to date.**



**LOCATION MAP**

NOT TO SCALE

**PROJECT QUANTITIES**

ITEM	UNIT	QUANTITY	AS-BUILT
*EARTHWORK C-11,360, F-6,089	CY	----	
4" TYPE AB-3 GRANULAR BASE	SY	10,500	
KDOT SR-12.5A ASPHALT			
4" ASPHALT BASE	SY	10,500	
2" SURFACE COURSE	SY	10,500	
18" CMP	LF	60	
18" CMP FES WITH TOE WALL	EA	2	
48" RCP (DOUBLE @ 48' EA)	LF	96	
48" RCP (DOUBLE @ 40' EA)	LF	80	
48" RCP FES WITH TOE WALL	EA	8	
24" RCP (DOUBLE @ 48' EA)	LF	96	
24" RCP FES WITH TOE WALL	EA	4	
18" RCP	LF	48	
18" RCP FES WITH TOE WALL	EA	2	
CULVERT RIP-RAP	SY	290	
EROSION CONTROL	LS	----	
**SEEDING (PERMANENT)	AC	8.00	

11X17 PRINTS ARE 1/2 SCALE

**ENGINEER:**  
 Douglas J Schulte, P.E.  
 Schulte Engineering & Consulting, LLC  
 21 Gates Dr  
 Platte City, MO 64079  
 (816) 260-3328

**OWNER:**  
 Orison LLC, Dan Lynch  
 1204 St. Ave., STE A  
 Tonganoxie, KS 66086  
 (913) 481-6847

**SURVEYOR:**  
 Herring Survey  
 Joe Herring, PLS  
 Leavenworth, KS 66048  
 (913) 651-3858

Provide revised intersection sight distance evaluation based on 2/13/23 comments.

**SHEET INDEX**

1. TITLE SHEET
2. SITE LAYOUT
- 3-5. 235TH ST PLAN & PROFILE
- 6-13. 235TH ST X-SECTIONS
- 14-15. CULVERT PLAN & PROFILE
- 16-20. DRAINAGE DITCH PLAN & PROFILE
21. TYPICAL DETAILS

- 1) Provide an overall grading plan that includes all site swale and roadway grading mass grading.
- 2) Provide the project control benchmark as to location and elevation; USGS datum.

**LEGEND**

- △ = FIBER OPTIC MARKER
- ⊕ = WATER METER (WM)
- ⊕ = WATER VALVE
- ⊕ = SIGN
- ⊕ = TELEPHONE PEDESTAL (TP)
- ⊕ = POWER POLE
- ↓ = GUY WIRE
- ⊕ = MAIL BOX (MB)
- ☼ = TREE
- ~~~~~ = TREE LINE
- UE— = UNDERGROUND ELECTRIC LINE
- FO— = FIBER OPTIC LINE
- G— = GAS LINE
- UT— = UNDERGROUND TELEPHONE OR CABLE LINE
- = EXISTING FENCE
- X— = REPLACEMENT FENCE
- = EXISTING INDEX CONTOUR
- - - - = EXISTING CONTOUR
- = NEW INDEX CONTOUR
- = NEW CONTOUR
- = LIMITS OF CONSTRUCTION/GRADING
- = ASPHALT SURFACE
- ▨ = GRAVEL SURFACE
- W— = WATERLINE
- OE— = OVERHEAD ELECTRIC LINE
- CMP = CORRUGATED METAL PIPE
- F.E.S. = FLARED END SECTION
- HDPE = HIGH DENSITY POLYETHYLENE
- C/L = CENTER LINE
- F/L = FLOW LINE

THESE PLANS HAVE BEEN PREPARED IN ACCORDANCE WITH LEAVENWORTH COUNTY'S ROAD CONSTRUCTION AND STORM WATER DRAINAGE STANDARDS, 2003 EDITION. I HEREBY HOLD HARMLESS LEAVENWORTH COUNTY FOR ERRORS OR OMISSIONS IN THESE PLANS.

ENGINEER OF RECORD \_\_\_\_\_ DATE \_\_\_\_\_

THESE PLANS ARE APPROVED FOR ONE YEAR, AFTER WHICH THEY AUTOMATICALLY BECOME VOID. THE COUNTY ENGINEER'S PLAN REVIEW IS ONLY FOR GENERAL CONFORMANCE WITH ROAD AND STORM WATER DRAINAGE STANDARDS ADOPTED BY LEAVENWORTH COUNTY. THE COUNTY DID NOT CHECK, AND IS NOT RESPONSIBLE FOR THE ACCURACY AND ADEQUACY OF THE DESIGN, DIMENSIONS, ELEVATIONS, AND QUANTITIES.

COUNTY ENGINEER \_\_\_\_\_ DATE \_\_\_\_\_

6	05-19-2023	DJS	REVISED PER PRELIMINARY REVIEW COMMENTS
5	03-16-2023	DJS	REVISED PER PRELIMINARY REVIEW COMMENTS
2-4	-----	DJS	REV 08-19-2022, 11-06-2022 & 01-20-2023 PER COMMENTS
1	06-01-2022	DJS	SUBMIT PRELIMINARY PLANS FOR REVIEW AND COMMENT
REV.	DATE	BY	DESCRIPTION

CLIENT: ORISON, LLC TONGANOXIE, KS  
 DRAWN BY: DJS  
 PROJECT NUMBER: 2022.10  
 SCALE: NONE  
 SHEET: 1 OF 21

PRELIMINARY ROAD & STORM PLANS  
 HIGHLAND MEADOWS  
 235th ST.

SCHULTE ENGINEERING & CONSULTING, LLC  
 21 GATES DR.  
 PLATTE CITY, MO 64079  
 www.schulteengineering.com  
 admin@schulteengineering.com  
 PHONE: (816) 260-3328

PRELIMINARY PLANS FOR REVIEW ONLY

**GENERAL NOTES:**

- IT IS THE RESPONSIBILITY OF THE DEVELOPER TO SCHEDULE A PRECONSTRUCTION CONFERENCE WITH THE LEAVENWORTH COUNTY PUBLIC WORKS DEPARTMENT PRIOR TO ANY CONSTRUCTION ACTIVITIES. THE CONTRACTOR, OWNER, DESIGN ENGINEER, AND SURVEYOR ARE REQUIRED TO ATTEND THIS CONFERENCE.
- DEVELOPER/CONTRACTOR SHALL PROVIDE THE COUNTY WITH A STORMWATER POLLUTION PREVENTION PLAN (SWPPP) AND NOI BEFORE CONSTRUCTION. THE SITE SHALL COMPLY WITH ALL REQUIREMENTS OF THE NPDES GENERAL PERMIT.
- CONTRACTOR SHALL DEVELOP A DETAILED ESTIMATE OF THE TOTAL COST OF THE IMPROVEMENTS INCLUDING ITEMIZED QUANTITIES AND UNIT COSTS. COST ESTIMATE SHALL BE SUBMITTED TO LEAVENWORTH COUNTY PUBLIC WORKS DEPARTMENT.
- CONTRACTOR IS RESPONSIBLE FOR OBTAINING A QUALIFIED INDEPENDENT TESTING AGENCY TO PROVIDE ALL NECESSARY TESTING PER KDOT SPECIFICATIONS AND TESTING FREQUENCIES. PRIOR TO CONSTRUCTION, THE CONTRACTOR SHALL FURNISH AN INSPECTION SCHEDULE WITH DESCRIPTIONS AND FREQUENCIES TO THE COUNTY ENGINEER FOR REVIEW AND APPROVAL. SUCH TESTING AGENCY SHALL PROVIDED A SEALED REPORT WITH ALL TESTING DOCUMENTATION CERTIFYING THE PROJECT WAS CONSTRUCTED TO COUNTY AND KDOT SPECIFICATIONS. SUCH REPORT SHALL BE ACCEPTED BY THE COUNTY ENGINEER PRIOR TO PROJECT ACCEPTANCE.
- ALL CONSTRUCTION METHODS AND MATERIALS SHALL CONFORM TO THE LEAVENWORTH COUNTY DEPARTMENT OF PUBLIC WORKS ROAD CONSTRUCTION AND STORM WATER DRAINAGE STANDARDS 2003 EDITION. REFERENCES MADE TO KDOT STANDARDS AND SPECIFICATIONS SHALL BE CURRENT EDITION. MATERIAL MANUFACTURERS SHALL SUBMIT THE APPROPRIATE TESTING DATA FOR REVIEW.
- UTILITIES SHOWN ARE BASED UPON INFORMATION AVAILABLE TO THE ENGINEER. CONTRACTOR SHALL VERIFY ALL UTILITY LOCATIONS PRIOR TO DIGGING.
- CONTRACTOR SHALL PROVIDE ADEQUATE TRAFFIC CONTROL SIGNAGE PER THE LATEST EDITION OF THE MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES (MUTCD).
- ~~PRIOR TO PLACING SUBBASE, CONTRACTOR SHALL PROOF ROLL SUBGRADE AND OBTAIN THE APPROVAL OF THE COUNTY ENGINEER TO PROCEED.~~
- CONTRACTOR TO OBTAIN ALL NECESSARY PERMITS PRIOR TO CONSTRUCTION.
- ALL EXCAVATION IS UNCLASSIFIED.
- CONTRACTOR IS RESPONSIBLE FOR COMPLIANCE WITH NPDES REGULATIONS.
- CONTRACTOR SHALL OBTAIN ALL NECESSARY PERMITS FROM ALL AGENCIES WITH JURISDICTION OVER THE PROJECT.
- ALL WORKMANSHIP AND MATERIALS SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE COUNTY.
- ALL PAVEMENT SAW CUTS SHALL BE FULL DEPTH. SAW CUTS SHALL BE INSPECTED BY THE COUNTY PRIOR TO PLACING AB-3 SUBBASE. CONTRACTOR SHALL COORDINATE AN INSPECTION WITH THE COUNTY.
- CONTRACTOR SHALL NOT CHANGE OR DEVIATE FROM THE PLANS WITHOUT FIRST OBTAINING WRITTEN APPROVAL FROM THE COUNTY ENGINEER AND THE ENGINEER OR RECORD FOR THE DESIGN.
- ACCESS TO EXISTING HOMES AND PROPERTY SHALL BE MAINTAINED AT ALL TIMES.
- ALL AREAS DISTURBED BY THE CONSTRUCTION OF SAID IMPROVEMENTS SHALL BE FERTILIZED, SEEDED, AND MULCHED IN ACCORDANCE WITH LEAVENWORTH COUNTY REQUIREMENTS. IF SEEDING DOES NOT TAKE, CONTRACTOR/DEVELOPER IS RESPONSIBLE FOR RESEEDING UNTIL A SUITABLE STAND OF GRASS IS ESTABLISHED. VEGETATION ACCEPTANCE SHALL MEET THE MINIMUM NOI REQUIREMENTS AND APPROVAL FROM THE COUNTY PUBLIC WORKS DEPARTMENT. VEGETATION REQUIRES A UNIFORM PERENNIAL VEGETATIVE COVER WITH A DENSITY OF 70% ~~OVER 100% OF ALL DISTURBED AREAS.~~
- CONTRACTOR WILL POST A ONE YEAR MAINTENANCE BOND WITH LEAVENWORTH COUNTY UPON ACCEPTANCE OF NEW ROAD.
- ~~DEVELOPER WILL PAY LEAVENWORTH COUNTY FOR THE FUTURE THIRD CHIP & SEAT COAT.~~

**OWNER TO PROVIDE A LETTER ACKNOWLEDGING THE FOLLOWING REQUIREMENTS:**

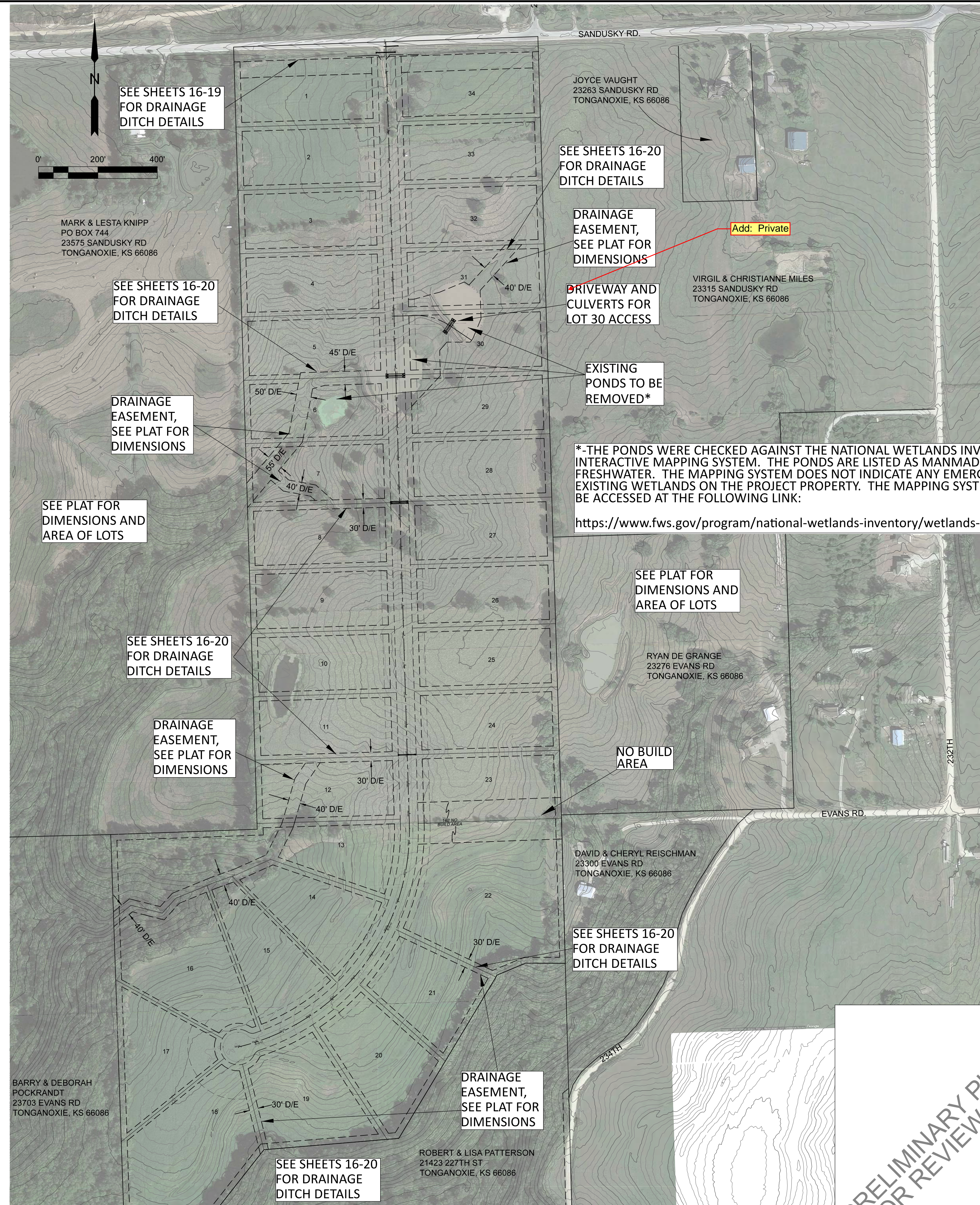
- OWNER/DEVELOPER/CONTRACTOR SHALL PROVIDE THE COUNTY WITH A STORMWATER POLLUTION PREVENTION PLAN (SWPPP) AND NOI BEFORE CONSTRUCTION.
- OWNER/DEVELOPER/CONTRACTOR SHALL ACKNOWLEDGE AND COMPLY WITH THE ROADWAY INSPECTION POLICY, ADOPTED JANUARY 18, 2023.

**ADDITIONAL ITEMS TO PROVIDE:**

- SUBMIT A DETAILED ESTIMATE OF THE TOTAL COST OF THE IMPROVEMENTS, WHICH INCLUDES ALL QUANTITIES AND INDIVIDUAL COSTS.

Note 1: Add the Construction Engineering Consultant to required attendees.  
 Note 4: Inspection and testing to follow the County's Roadway Inspection Policy, adopted January 18th, 2023. Construction Engineering Consultant shall follow published Leavenworth County Material Testing Frequency Chart.  
 Note 8: Remove in entirety. Project to follow the County's Roadway Inspection Policy, adopted January 18th, 2023.  
 Note 17: Replace line text with "Turf Covering for all disturbed areas as compared to adjacent turf areas not disturbed during construction."  
 Note 19: Remove in entirety. Project is not a Chip/Seal roadway.

Channel cross-sections shall be shown for all drainage channel improvements at 100' intervals. Also provide any additional cross-sections required to clearly describe the extent of the grading operations.



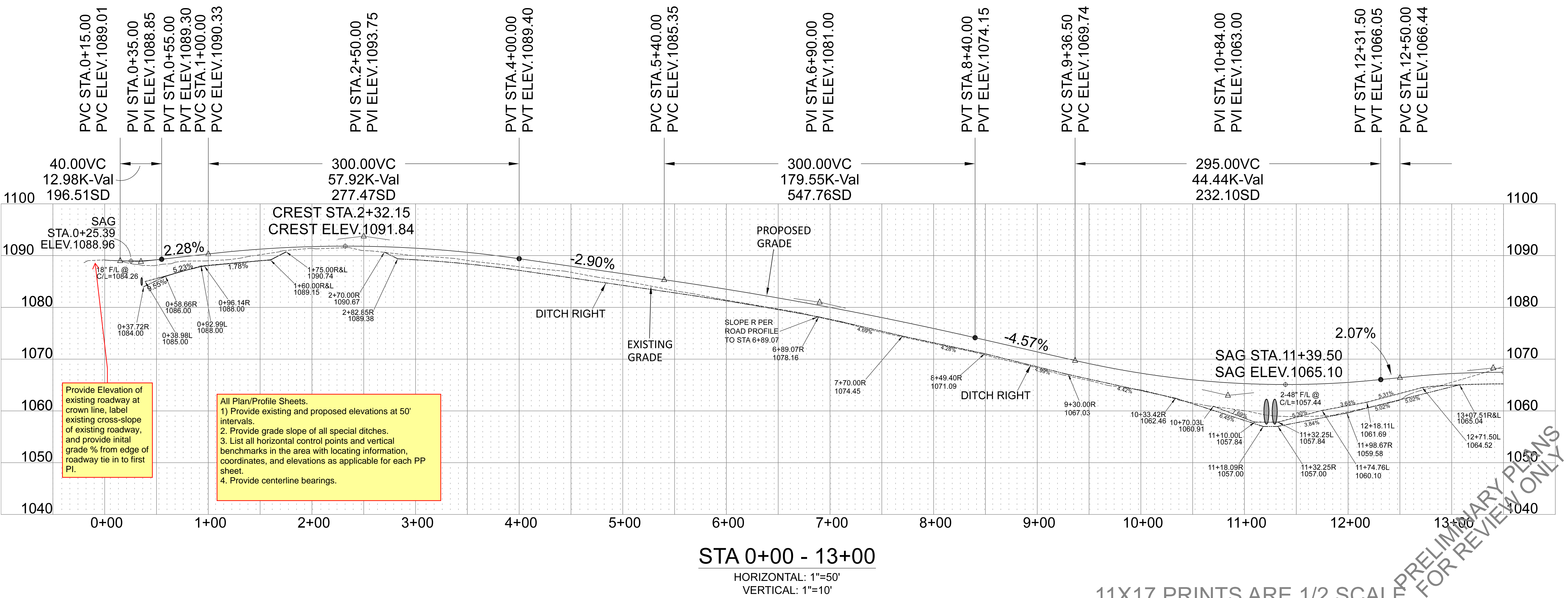
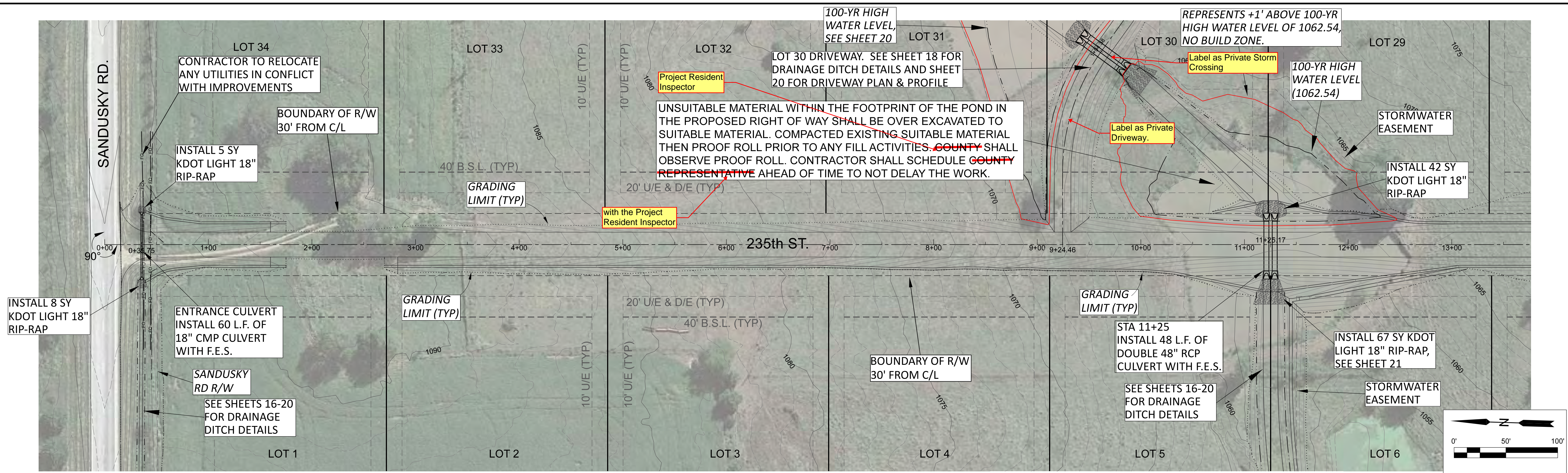
\*-THE PONDS WERE CHECKED AGAINST THE NATIONAL WETLANDS INVENTORY INTERACTIVE MAPPING SYSTEM. THE PONDS ARE LISTED AS MANMADE FRESHWATER. THE MAPPING SYSTEM DOES NOT INDICATE ANY EMERGING OR EXISTING WETLANDS ON THE PROJECT PROPERTY. THE MAPPING SYSTEM CAN BE ACCESSED AT THE FOLLOWING LINK:  
<https://www.fws.gov/program/national-wetlands-inventory/wetlands-mapper>

PRELIMINARY PLANS FOR REVIEW ONLY

**SITE LAYOUT**

11X17 PRINTS ARE 1/2 SCALE

PRELIMINARY ROAD & STORM PLANS HIGHLAND MEADOWS 235th St. SHEET 2 OF 21 SITE LAYOUT	CLIENT: ORISON, LLC TONGANOXIE, KS	DRAWN BY: DJS PROJECT NUMBER: 2022.10	DATE: 06-01-2022 SCALE: NONE	
	REVISED PER PRELIMINARY REVIEW COMMENTS DJS 05-19-2023	REVISED PER PRELIMINARY REVIEW COMMENTS DJS 03-16-2023	REV 08-19-2022, 11-08-2022, & 01-20-2023 PER COMMENTS DJS 06-01-2022	SUBMIT PRELIMINARY PLANS FOR REVIEW AND COMMENT DJS 06-01-2022
	REV. DATE 05-19-2023	REV. DATE 03-16-2023	REV. DATE 06-01-2022	REV. DATE 06-01-2022
	DESCRIPTION REVISED PER PRELIMINARY REVIEW COMMENTS	DESCRIPTION REVISED PER PRELIMINARY REVIEW COMMENTS	DESCRIPTION SUBMIT PRELIMINARY PLANS FOR REVIEW AND COMMENT	DESCRIPTION SUBMIT PRELIMINARY PLANS FOR REVIEW AND COMMENT
	Schulte Engineering & Consulting, LLC 21 Galea Dr. P.O. Box 100 Tonganoxie, MO 64585 www.schulteengineering.com admin@schulteengineering.com PHONE: (816) 260-3328	Schulte Engineering & Consulting, LLC 21 Galea Dr. P.O. Box 100 Tonganoxie, MO 64585 www.schulteengineering.com admin@schulteengineering.com PHONE: (816) 260-3328	Schulte Engineering & Consulting, LLC 21 Galea Dr. P.O. Box 100 Tonganoxie, MO 64585 www.schulteengineering.com admin@schulteengineering.com PHONE: (816) 260-3328	Schulte Engineering & Consulting, LLC 21 Galea Dr. P.O. Box 100 Tonganoxie, MO 64585 www.schulteengineering.com admin@schulteengineering.com PHONE: (816) 260-3328
	REVISED PER PRELIMINARY REVIEW COMMENTS DJS 05-19-2023	REVISED PER PRELIMINARY REVIEW COMMENTS DJS 03-16-2023	REV 08-19-2022, 11-08-2022, & 01-20-2023 PER COMMENTS DJS 06-01-2022	SUBMIT PRELIMINARY PLANS FOR REVIEW AND COMMENT DJS 06-01-2022



6	05-19-2023	DJS	REVISED PER PRELIMINARY REVIEW COMMENTS
5	03-16-2023	DJS	REVISED PER PRELIMINARY REVIEW COMMENTS
2-4		DJS	REV 08-19-2022, 11-06-2022, & 01-20-2023 PER COMMENTS
1	06-01-2022	DJS	SUBMIT PRELIMINARY PLANS FOR REVIEW AND COMMENT
REV.	DATE	BY	DESCRIPTION

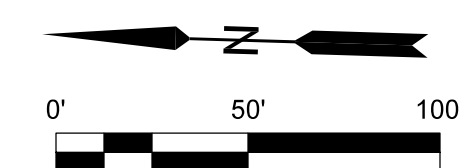
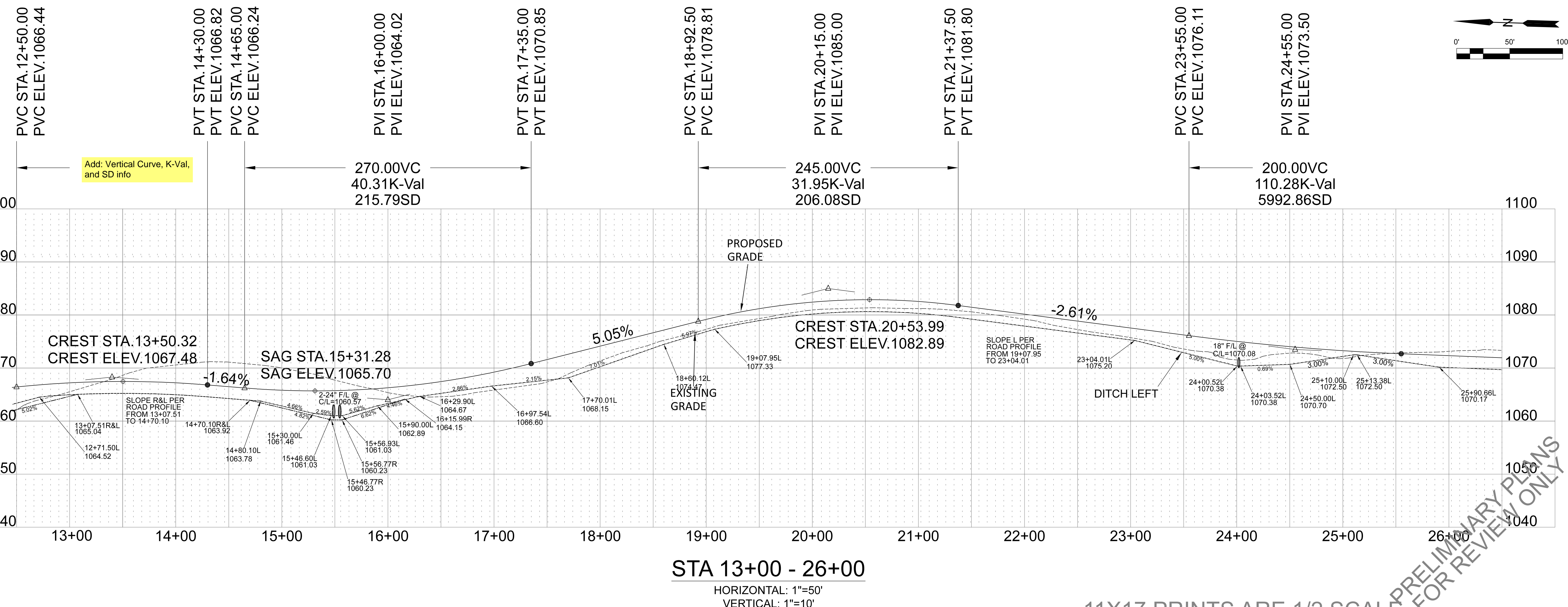
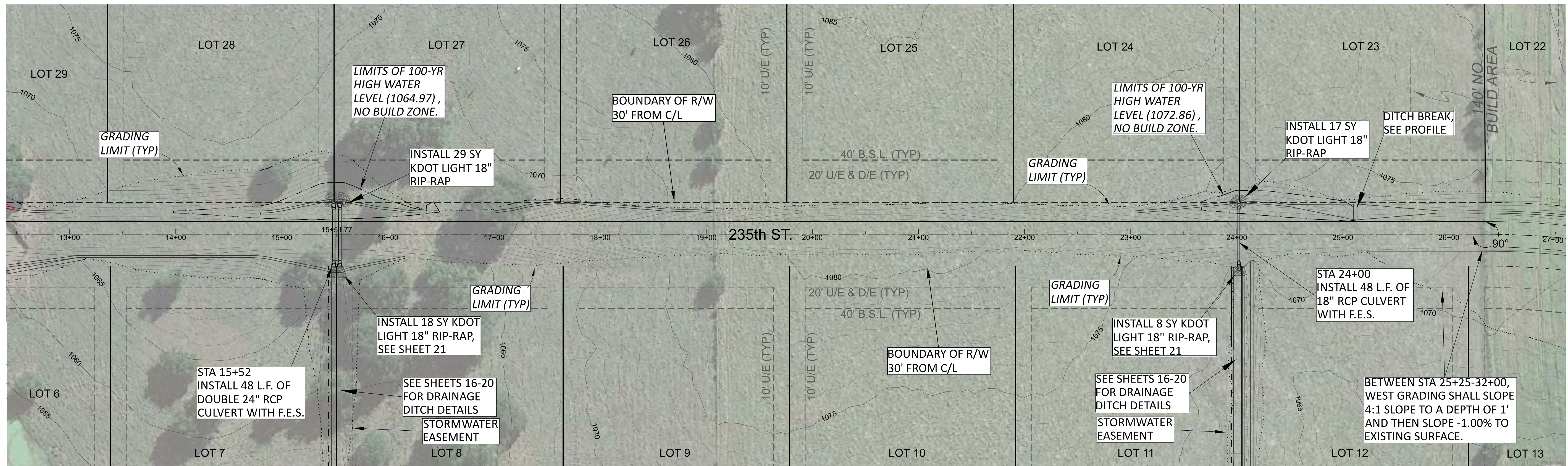
CLIENT:	ORISON, LLC TONGANOXIE, KS
DRAWN BY:	DJS
DATE:	06-01-2022
PROJECT NUMBER:	2022.10
SCALE:	NONE
SHEET NUMBER:	SHT. 3 OF 21

PRELIMINARY ROAD & STORM PLANS
HIGHLAND MEADOWS
235th ST.
ROAD PLAN & PROFILE

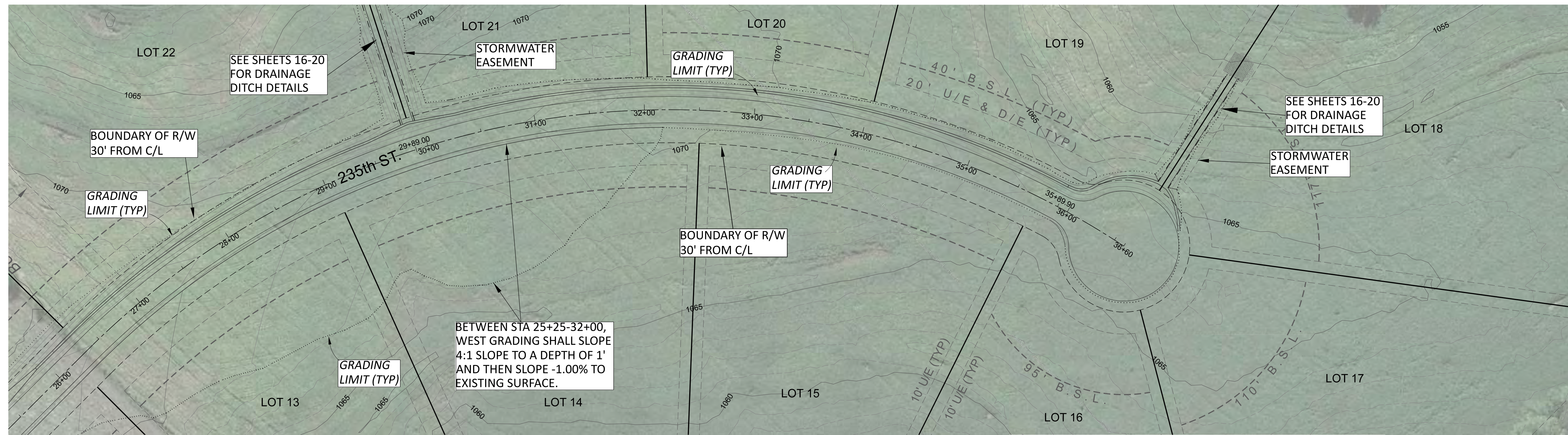
  

11X17 PRINTS ARE 1/2 SCALE



PRELIMINARY ROAD & STORM PLANS HIGHLAND MEADOWS 235th ST. ROAD PLAN & PROFILE	CLIENT: <b>ORISON, LLC</b> <b>TONGANOXIE, KS</b>	DRAWN BY: DJS	DATE: 06-01-2022	SCALE: NONE	PROJECT NUMBER: 2022.10	SHEET: 4 OF 21	
	REVISED PER PRELIMINARY REVIEW COMMENTS DJS 05-19-2023	REVISED PER PRELIMINARY REVIEW COMMENTS DJS 03-16-2023	REVISED PER PRELIMINARY REVIEW COMMENTS DJS 08-19-2022	REVISED PER PRELIMINARY REVIEW COMMENTS DJS 11-06-2022	REVISED PER PRELIMINARY REVIEW COMMENTS DJS 01-20-2023	REVISED PER PRELIMINARY REVIEW COMMENTS DJS 06-01-2022	REVISED PER PRELIMINARY REVIEW COMMENTS DJS 06-01-2022
	21 Gates Dr. Pitts, Ct Tonganoxie, MO 64603 www.schulteengineering.com admin@schulteengineering.com PHONE: (816) 260-3328						
	Schulte Engineering & Consulting, LLC						
	PRELIMINARY PLANS FOR REVIEW AND COMMENT						
	11X17 PRINTS ARE 1/2 SCALE						

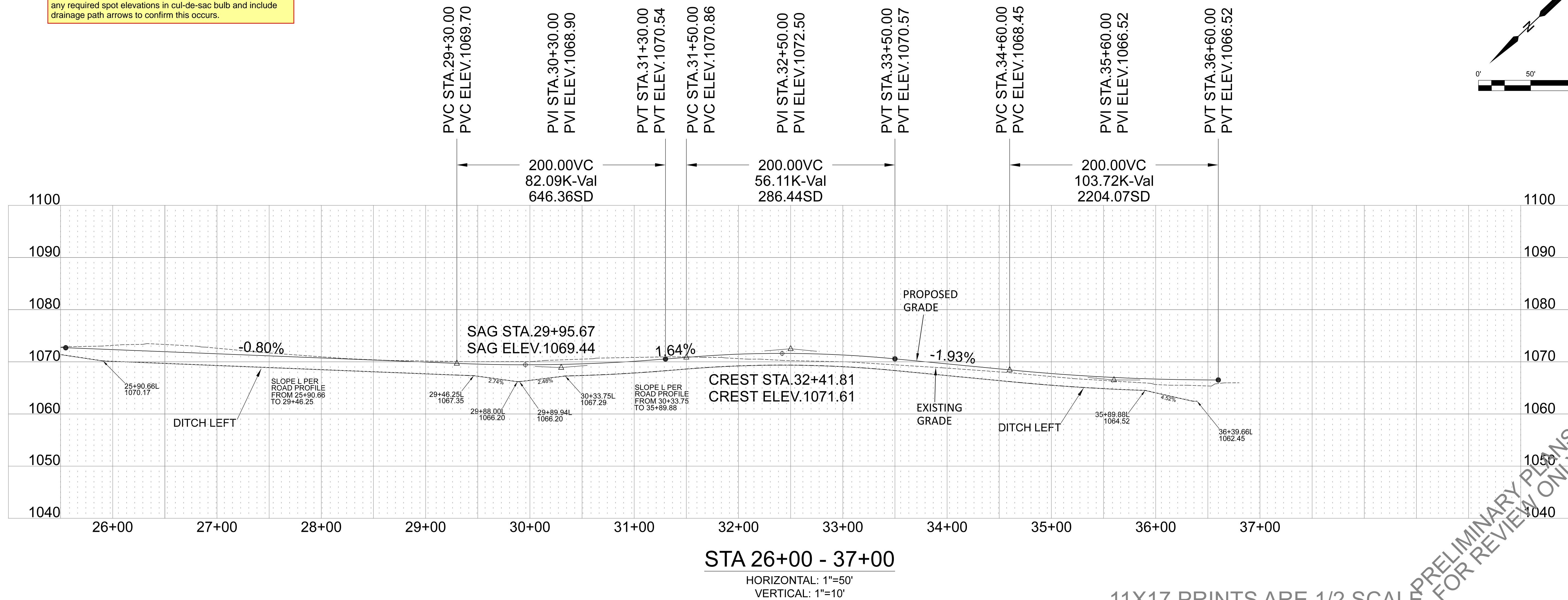
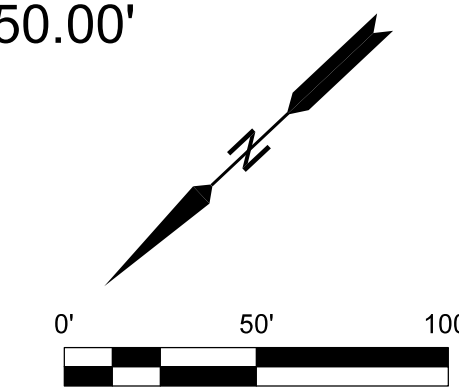
PRELIMINARY PLANS FOR REVIEW ONLY



Provide intersection detail sheet for cul-de-sac with roadway surface radii and elevations at 1/5 points. Also, since all drainage is anticipated to utilize the drainage swale provide any required spot elevations in cul-de-sac bulb and include drainage path arrows to confirm this occurs.

### CURVE DATA

PI STATION	DELTA ANGLE	TANGENT	ARC LENGTH	RADIUS
32+45.51	78°21'54.47"	611.31'	1025.80'	750.00'



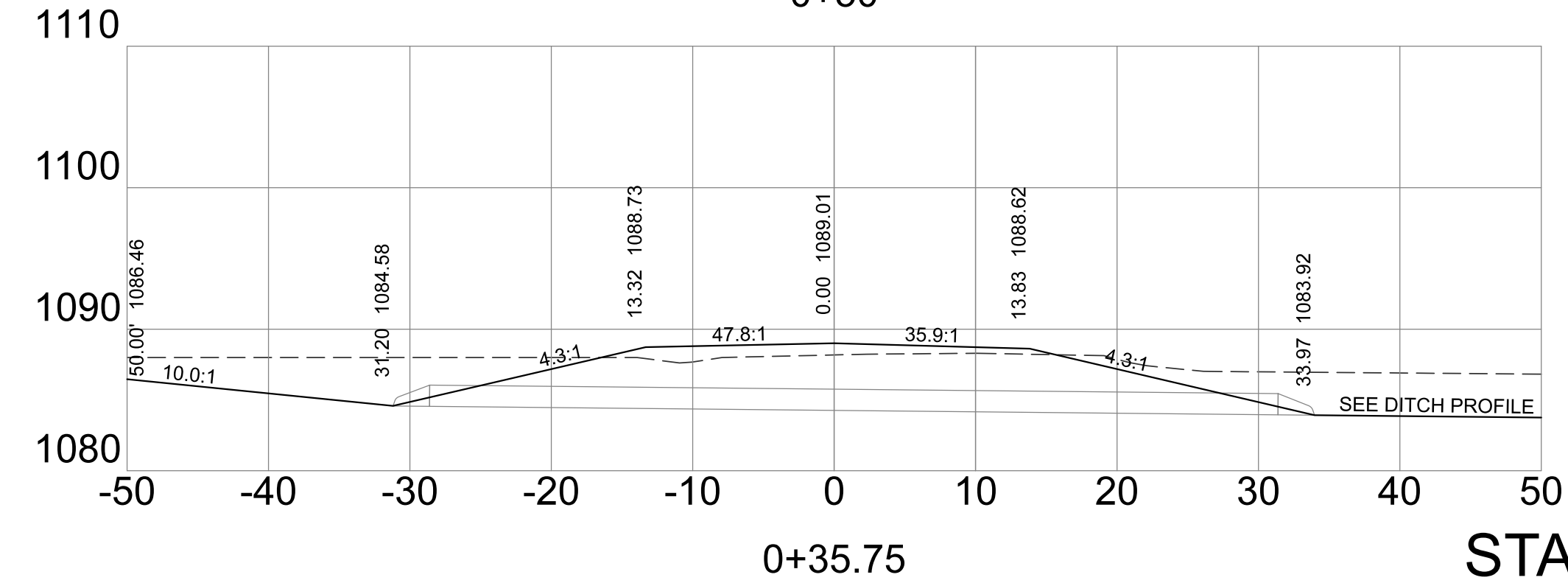
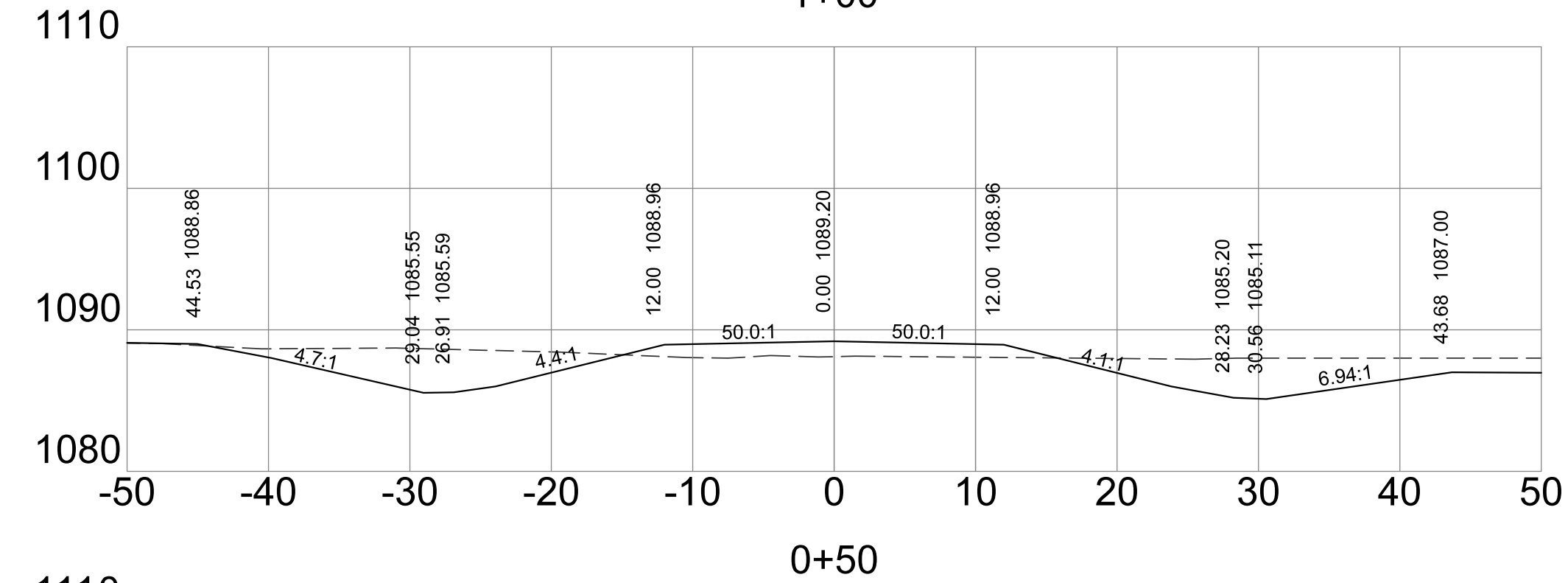
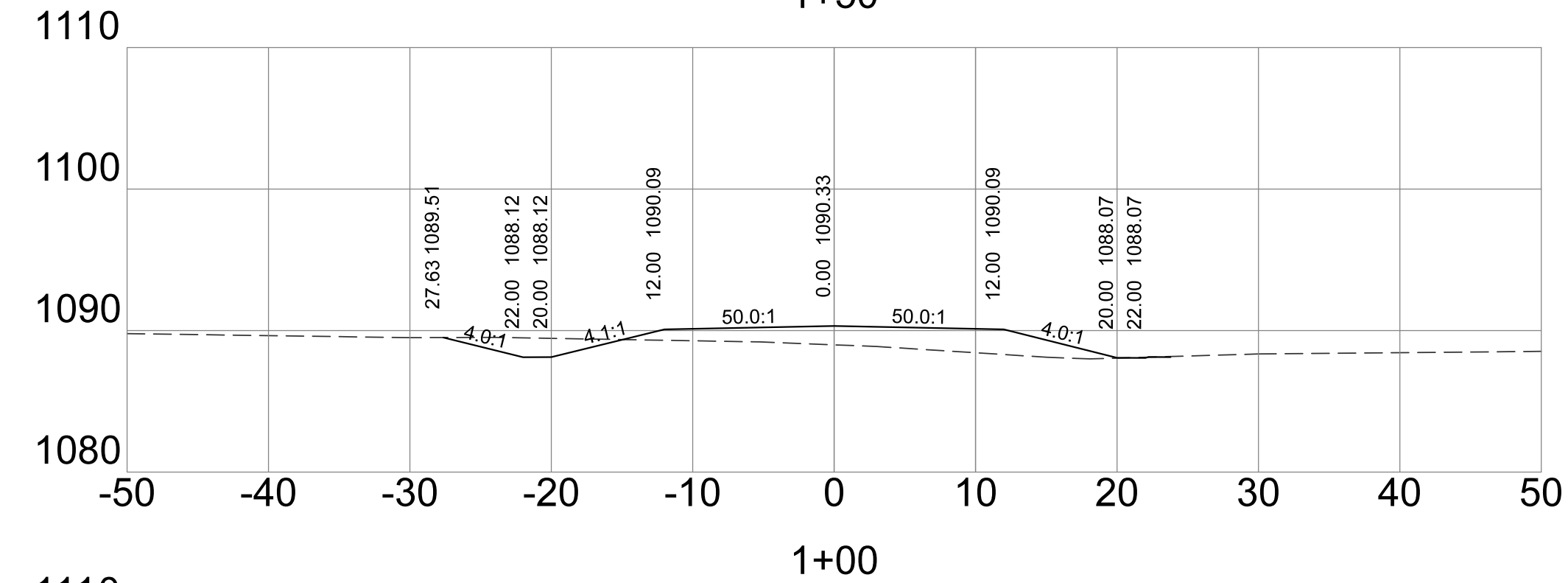
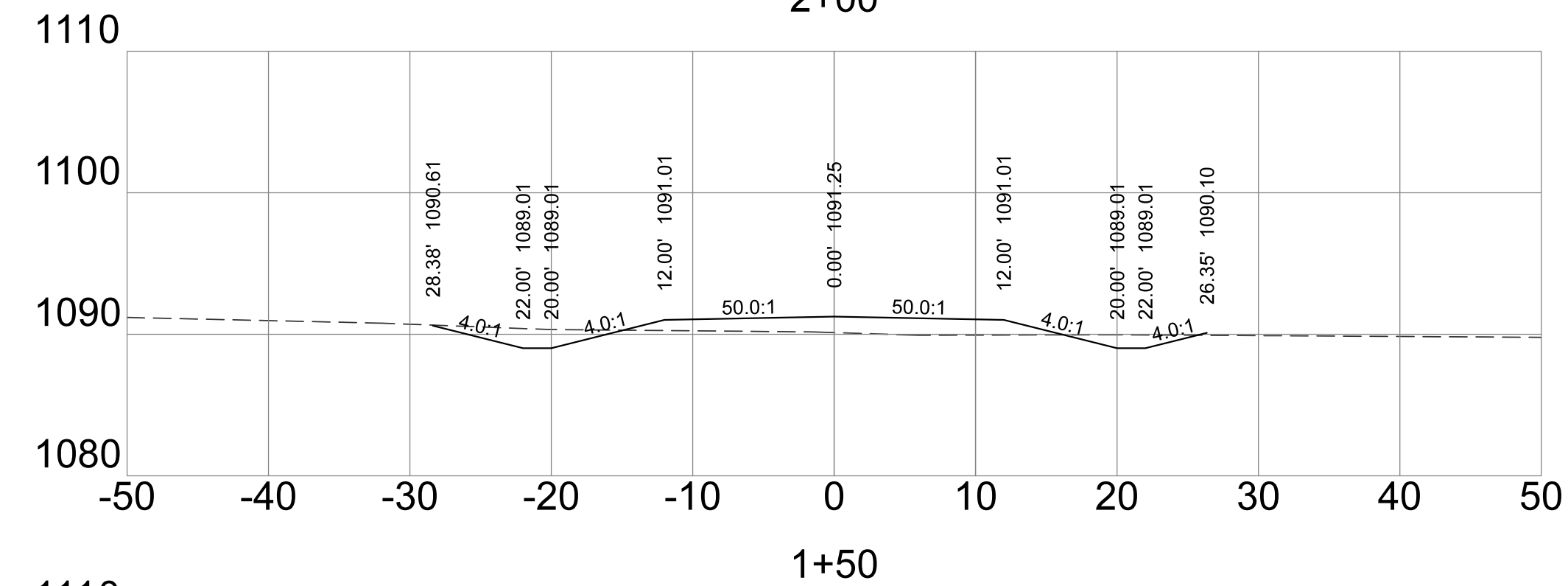
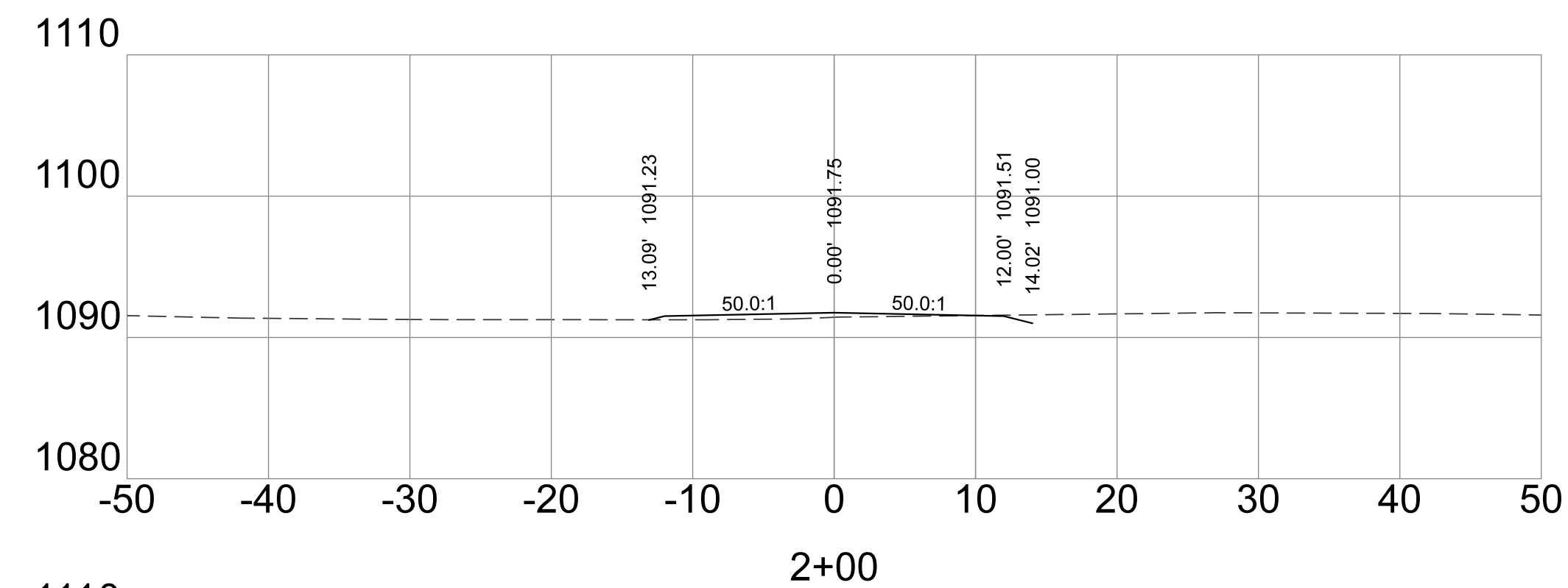
STA 26+00 - 37+00  
 HORIZONTAL: 1"=50'  
 VERTICAL: 1"=10'

11X17 PRINTS ARE 1/2 SCALE

PRELIMINARY PLANS  
 FOR REVIEW ONLY

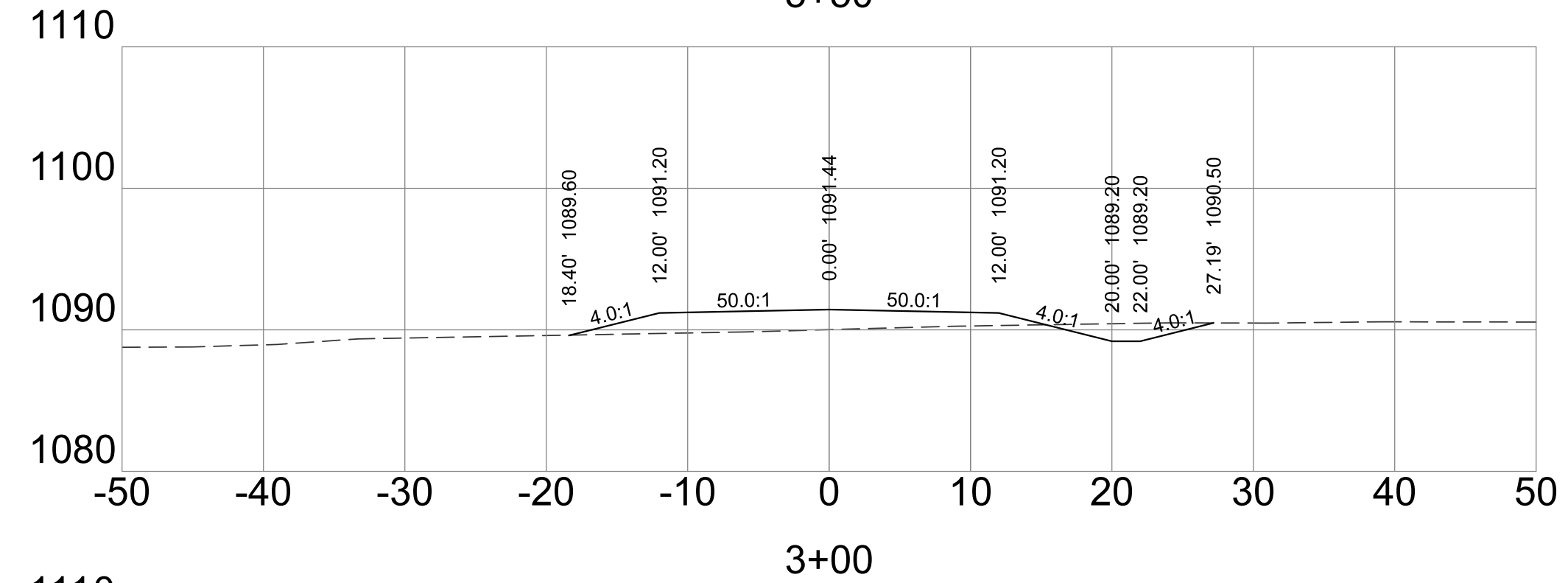
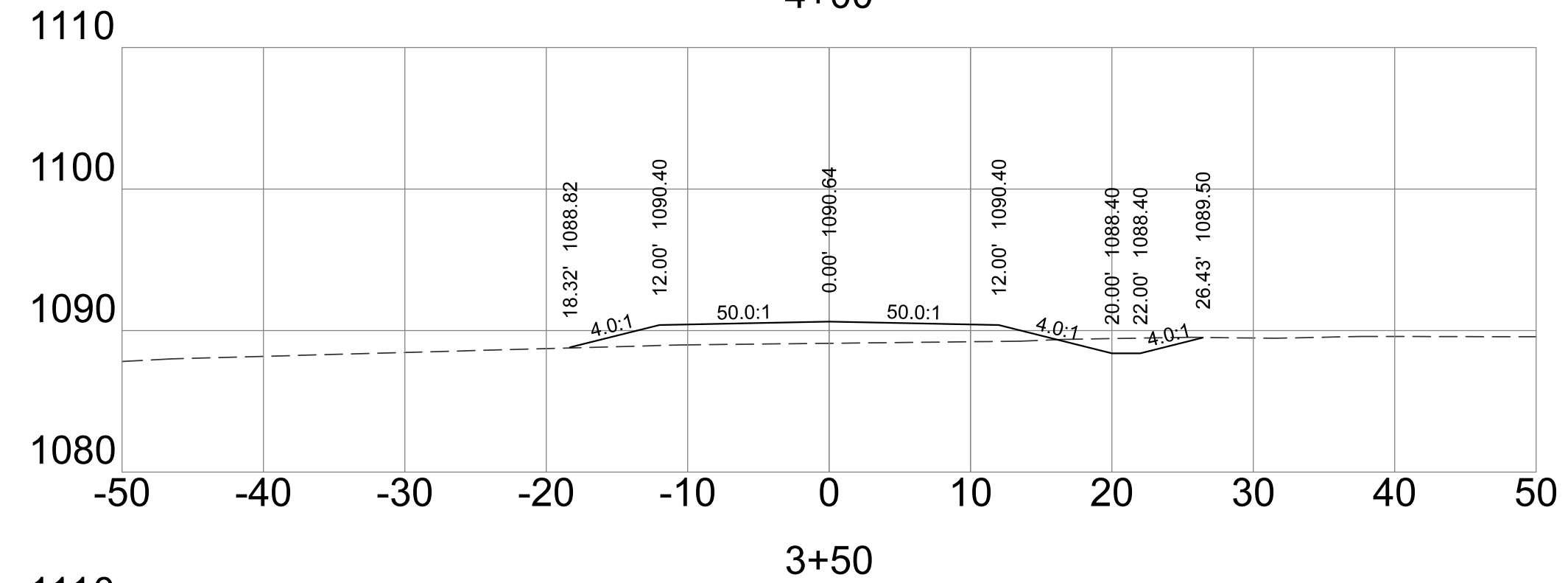
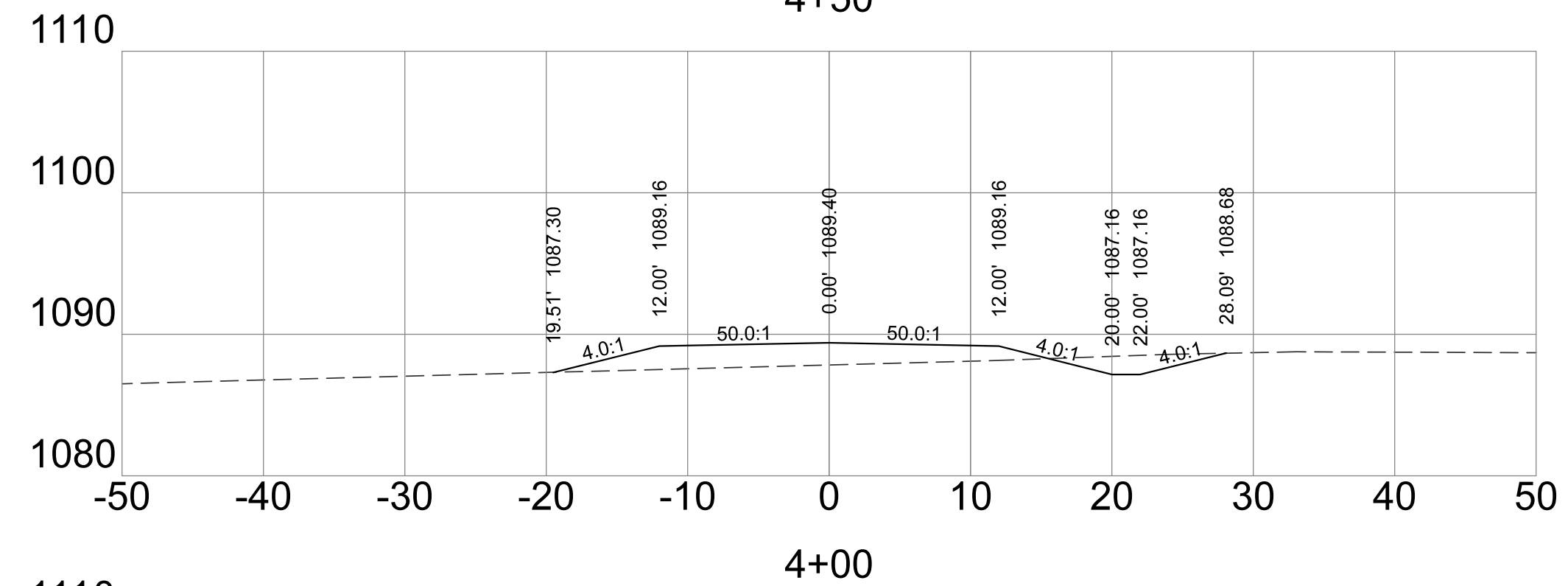
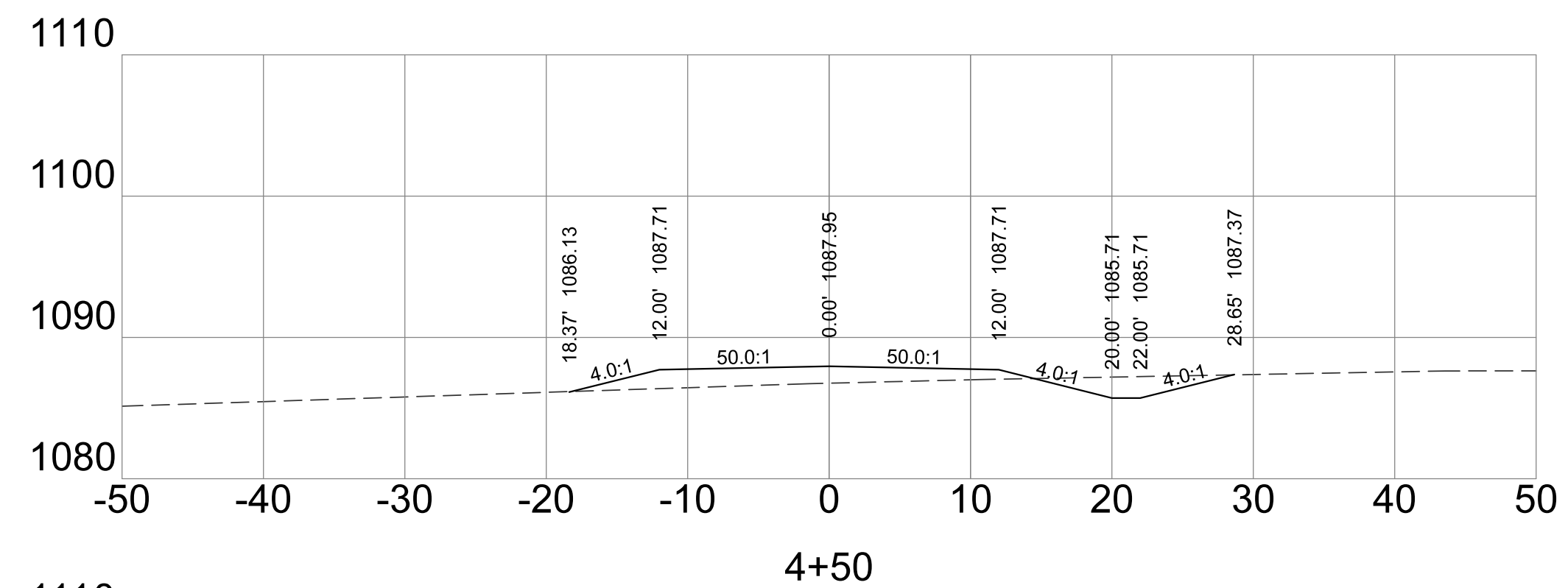
6 05-19-2023 5 03-16-2023 2-4 1 06-01-2022	REVISED PER PRELIMINARY REVIEW COMMENTS	DJS	BY
	REVISED PER PRELIMINARY REVIEW COMMENTS	DJS	
	REV 08-19-2022, 11-06-2022 & 01-20-2023 PER COMMENTS		
	SUBMIT PRELIMINARY PLANS FOR REVIEW AND COMMENT		
REV.	DATE	BY	DESCRIPTION
CLIENT: ORISON, LLC TONGANOXIE, KS PROJECT NUMBER: 2022.10 DATE: 06-01-2022 SCALE: NONE SHEET 5 OF 21 ROAD PLAN & PROFILE			
Schulte Engineering & Consulting, LLC 21 Galois Dr. Potosi, MO 64484 www.schulteengineering.com admin@schulteengineering.com PHONE: (816) 260-3328			





STA 0+35.75 - 4+50

HORIZONTAL: 1"=10'  
VERTICAL: 1"=10'



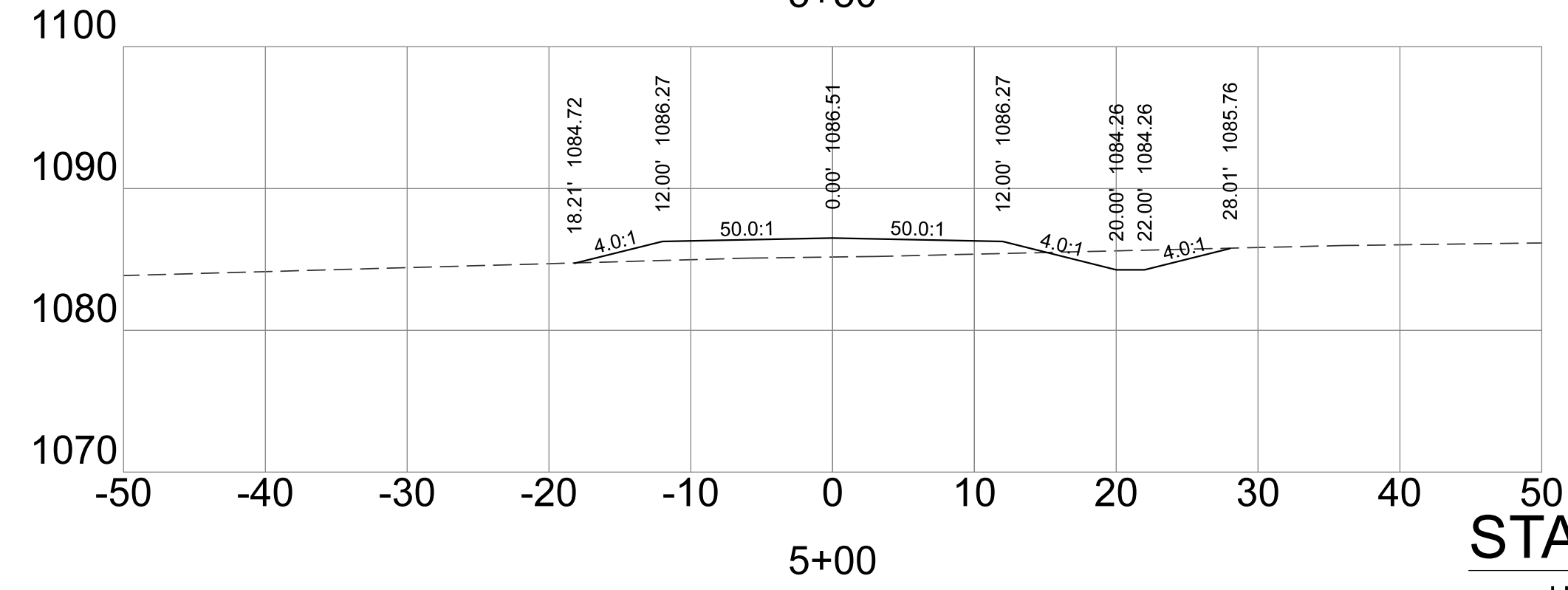
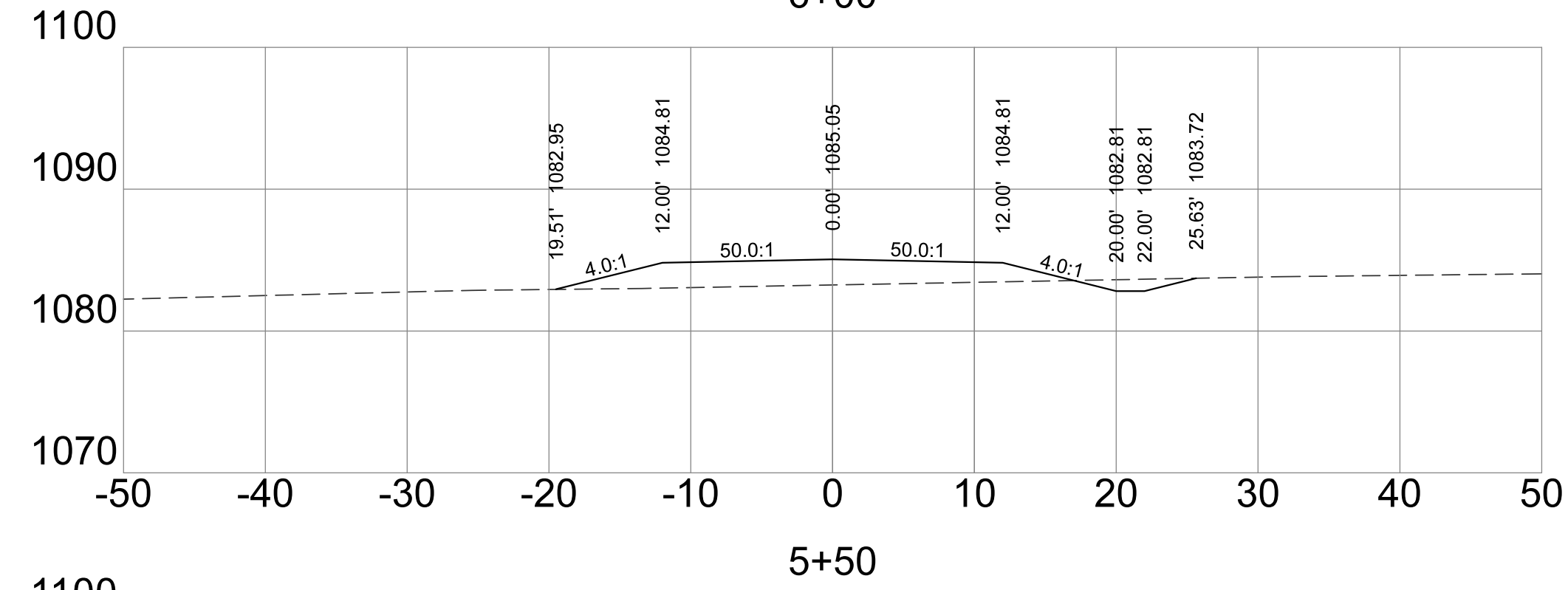
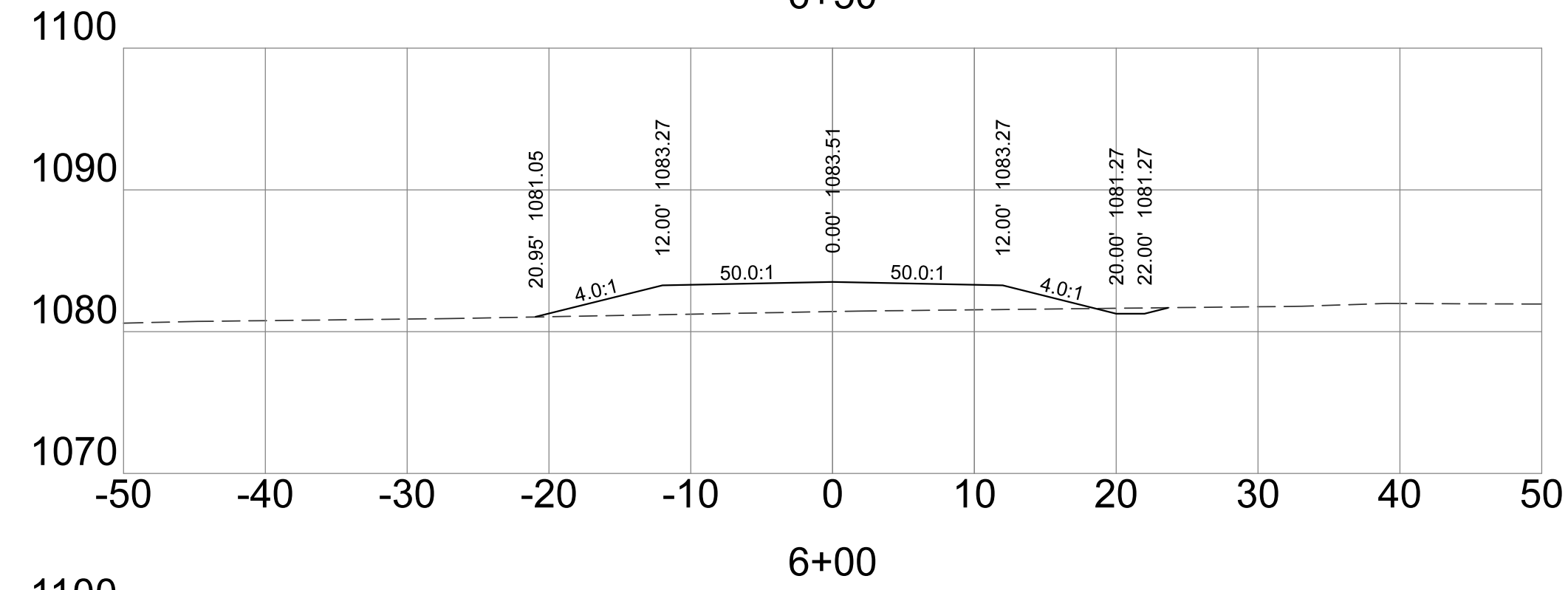
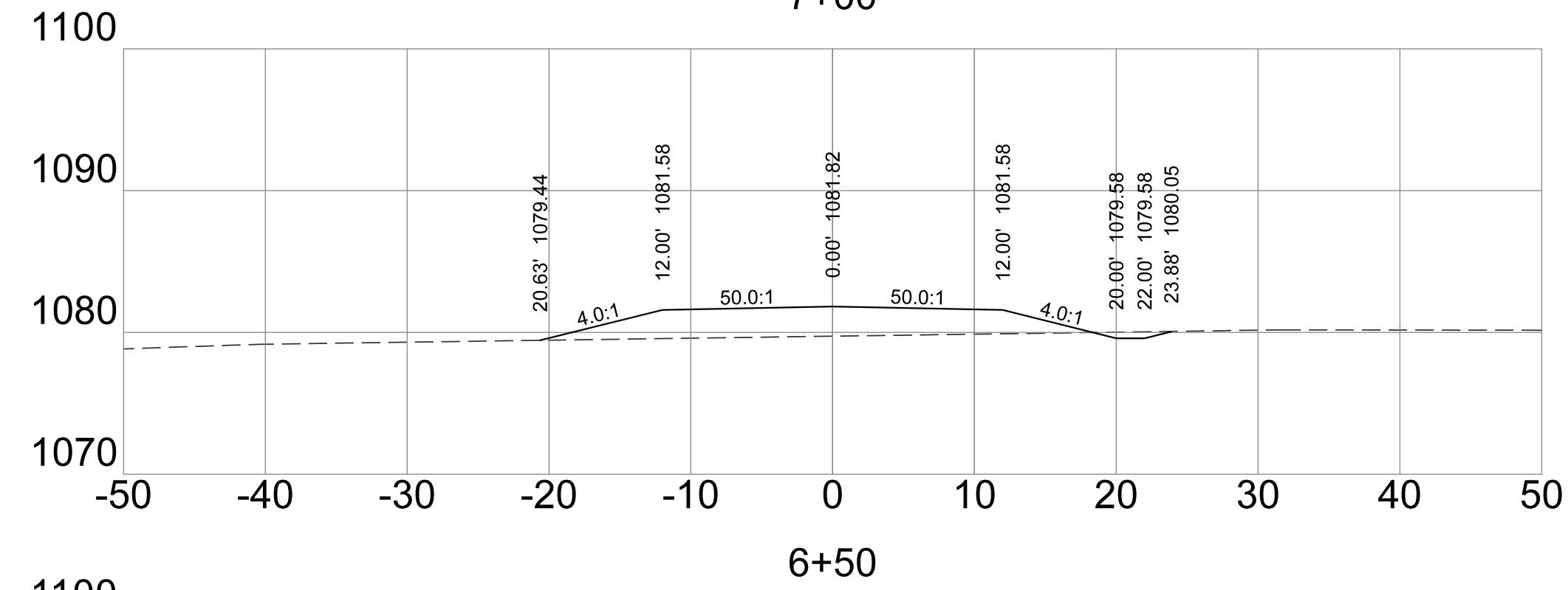
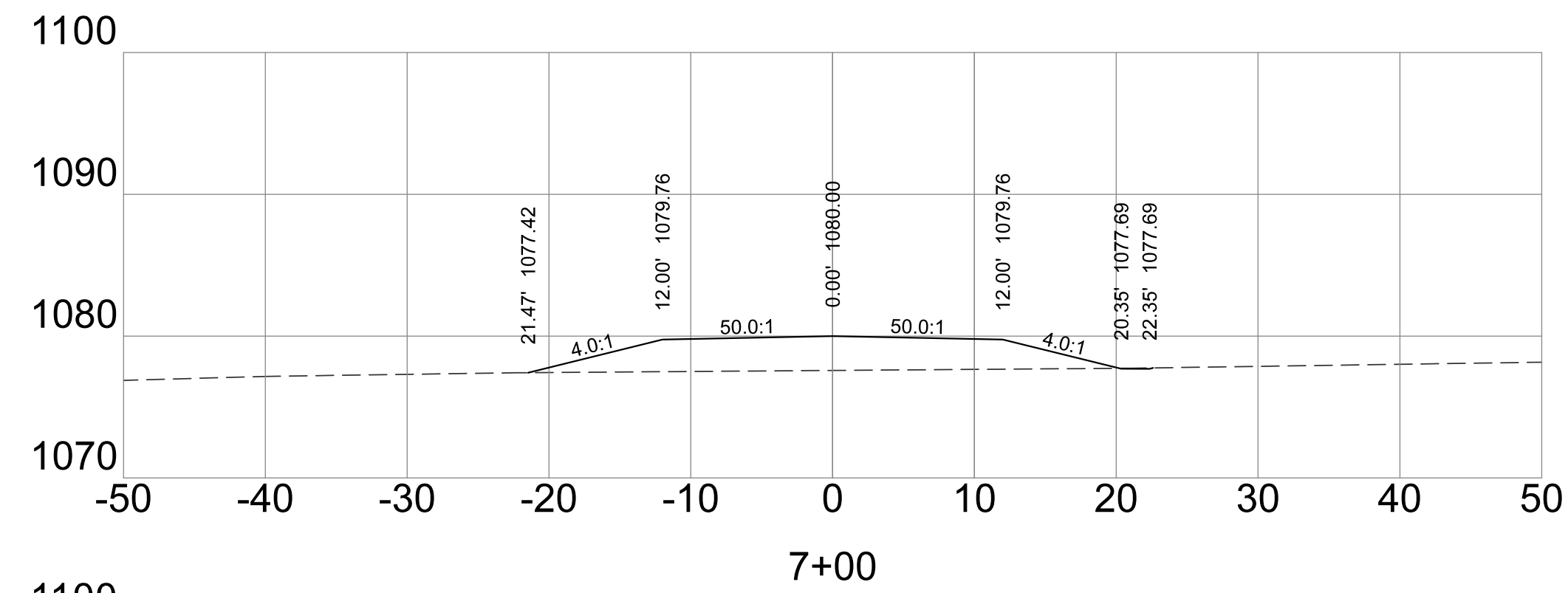
2+50

PRELIMINARY PLANS  
FOR REVIEW ONLY

11X17 PRINTS ARE 1/2 SCALE

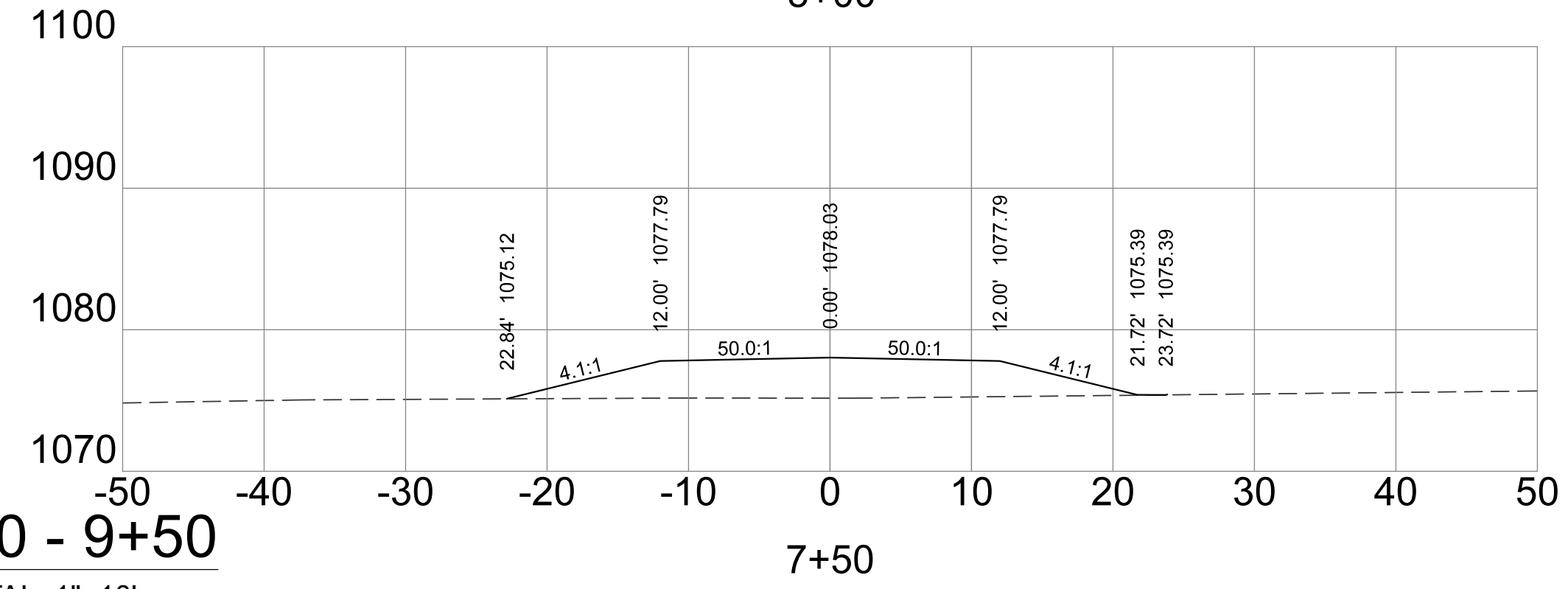
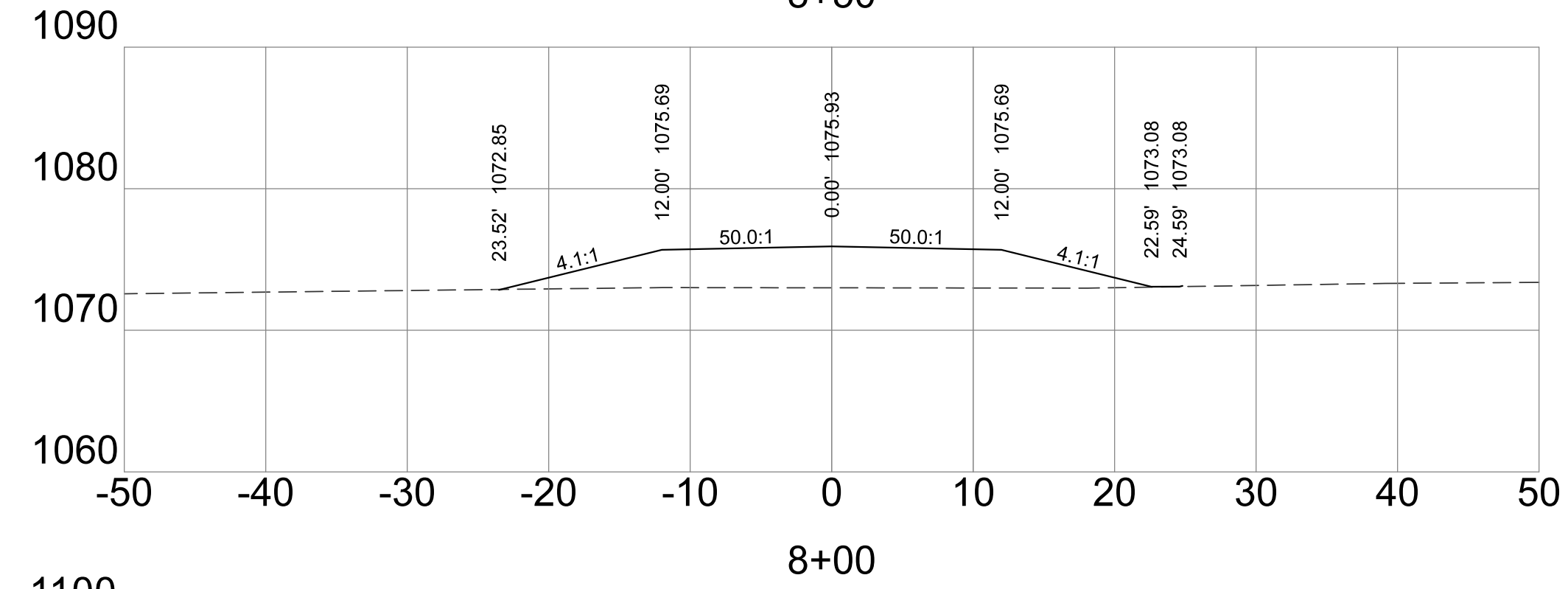
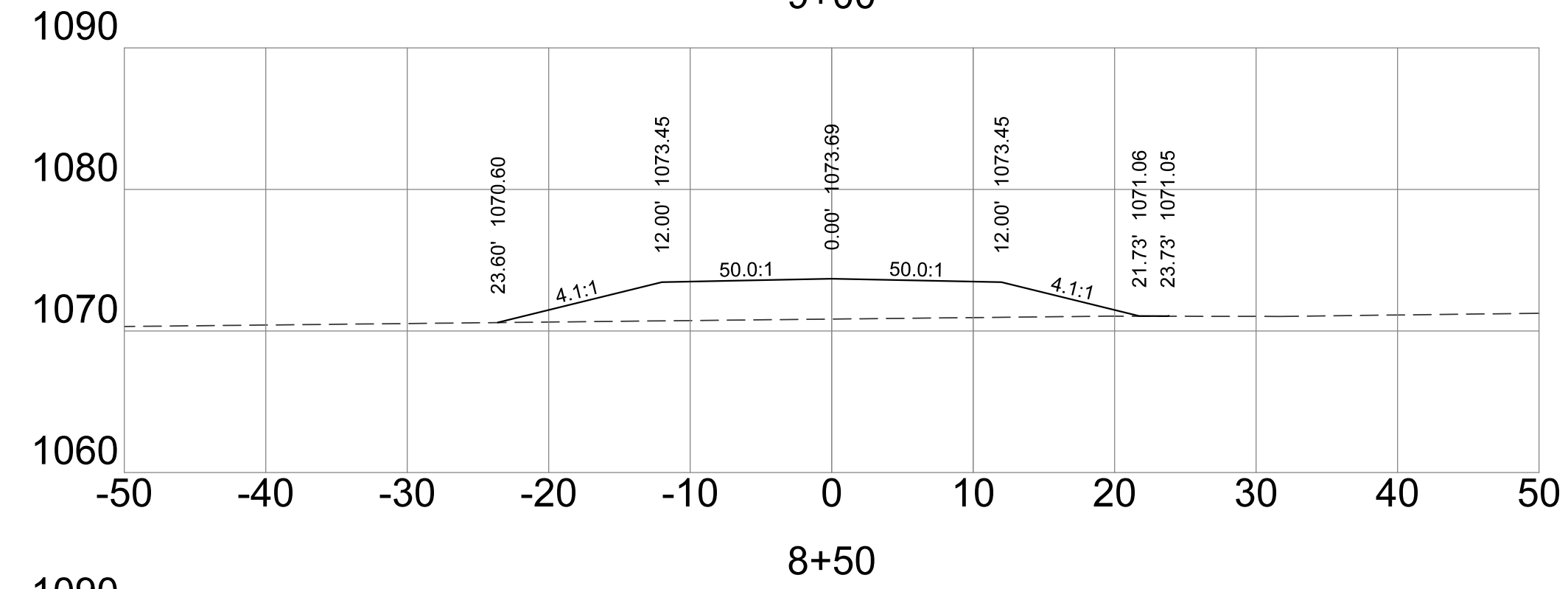
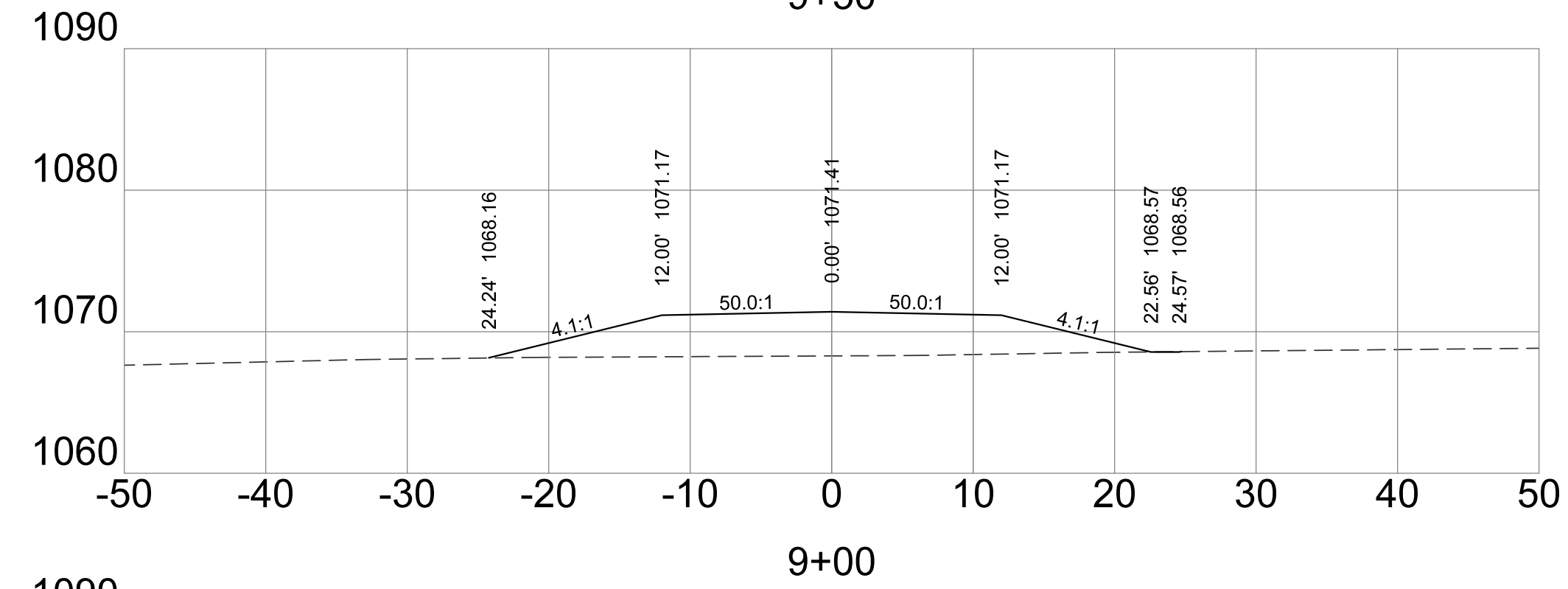
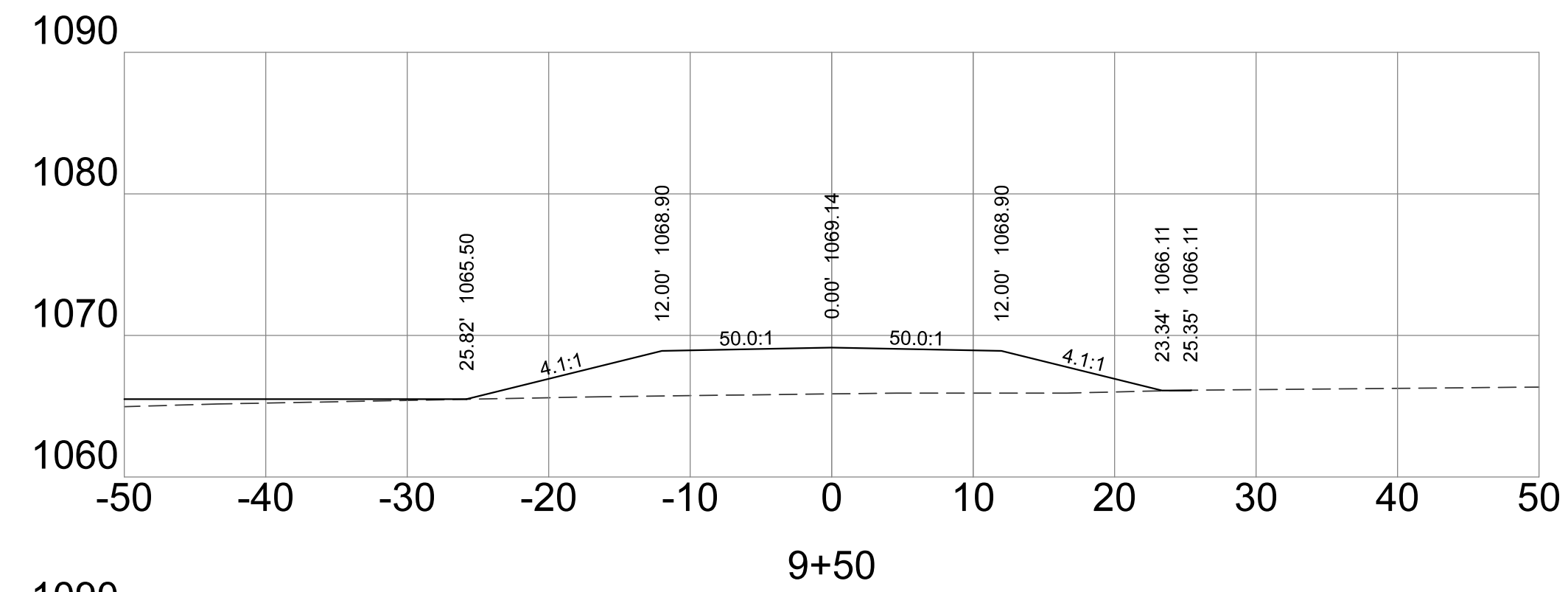
PRELIMINARY ROAD & STORM PLANS		ORISON, LLC		DATE: 06-01-2022	
HIGHLAND MEADOWS		TONGANOXIE, KS		SCALE: NONE	
235th ST.		DRAWN BY: DJS		PROJECT NUMBER: 2022.10	
ROAD CROSS SECTIONS		SHEET DESCRIPTION: SH. 6 OF 21		SHEET NUMBER: 6	
REV. DATE BY DESCRIPTION		6 05-19-2023 DJS REVISED PER PRELIMINARY REVIEW COMMENTS		REVISED PER PRELIMINARY REVIEW COMMENTS	
		5 03-16-2023 DJS REV 08-19-2022, 11-06-2022 & 01-20-2023 PER COMMENTS		REVISED PER PRELIMINARY REVIEW COMMENTS	
		2-4 ----- DJS		2-4	
		1 06-01-2022 DJS SUBMIT PRELIMINARY PLANS FOR REVIEW AND COMMENT		1 06-01-2022 DJS SUBMIT PRELIMINARY PLANS FOR REVIEW AND COMMENT	

Schulte Engineering & Consulting, LLC  
 21 Gates Dr.  
 Pitts, CT 06460  
 www.schulteengineering.com  
 admin@schulteengineering.com  
 PHONE: (816) 260-3328



STA 5+00 - 9+50

HORIZONTAL: 1"=10'  
VERTICAL: 1"=10'

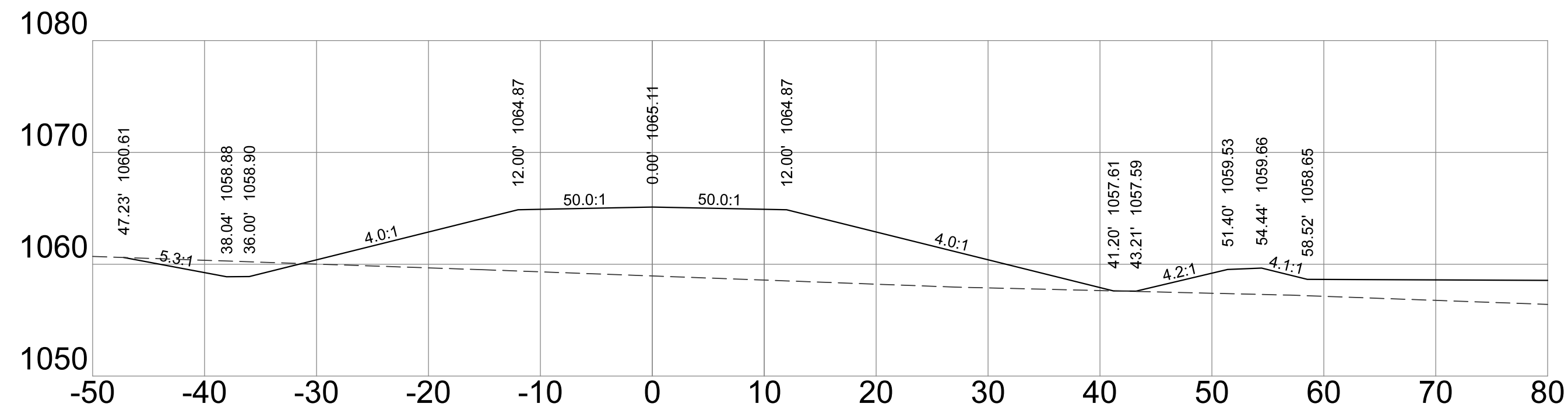


11X17 PRINTS ARE 1/2 SCALE

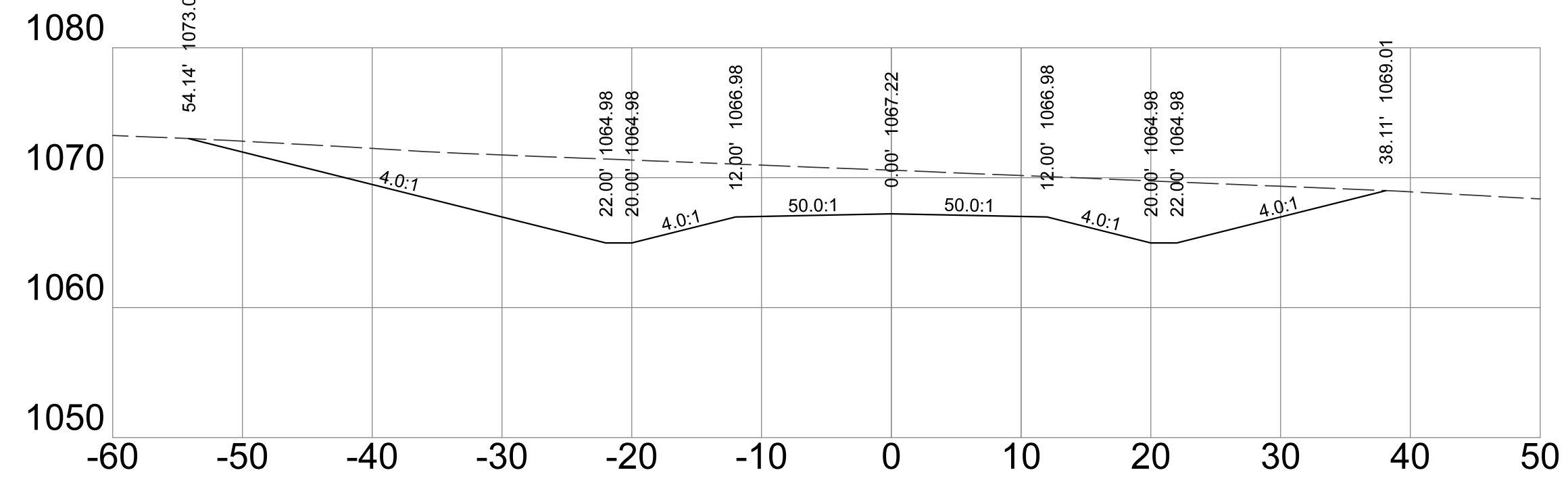
PRELIMINARY PLANS  
FOR REVIEW ONLY

PRELIMINARY ROAD & STORM PLANS		ORISON, LLC		CLIENT:	
HIGHLAND MEADOWS		TONGANOXIE, KS		DATE: 06-01-2022	
235th ST.				SCALE: NONE	
ROAD CROSS SECTIONS		DRAWN BY: DJS		PROJECT NUMBER: 2022.10	
		SHT. 7 OF 21			
		REV. DATE BY		DESCRIPTION	
		6 05-19-2023 DJS		REVISED PER PRELIMINARY REVIEW COMMENTS	
		5 03-16-2023 DJS		REVISED PER PRELIMINARY REVIEW COMMENTS	
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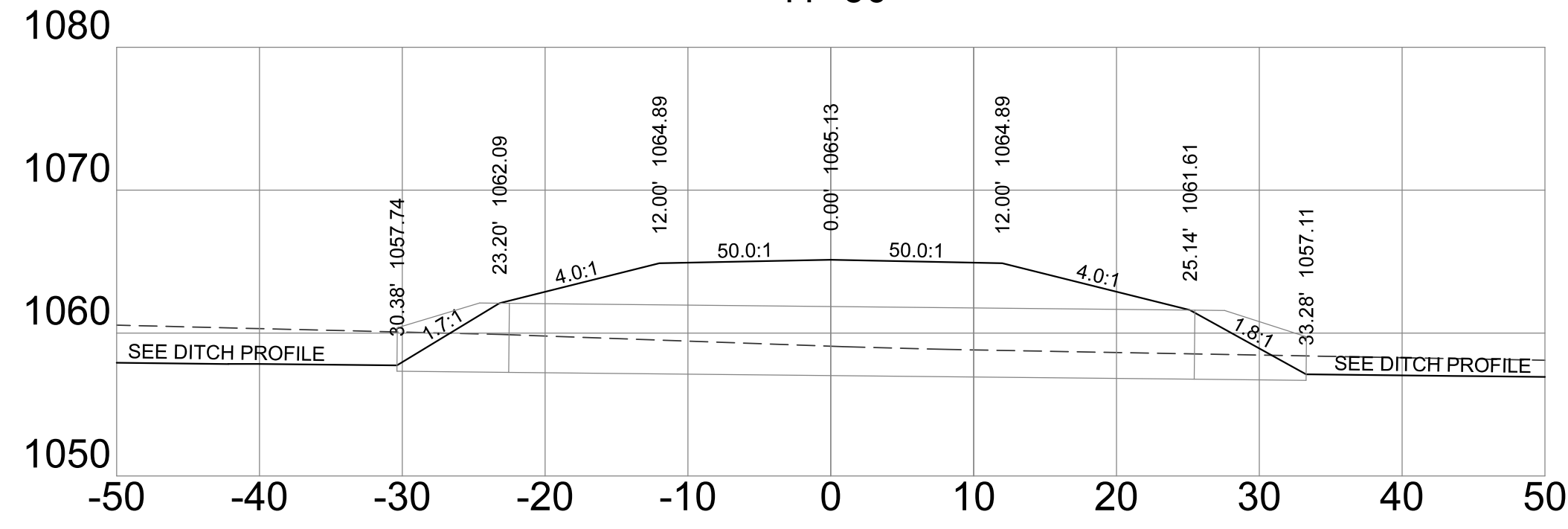
Schulte Engineering & Consulting, LLC  
 21 Gates Dr.  
 P.O. Box 111  
 www.schulteengineering.com  
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 PHONE: (816) 260-3328



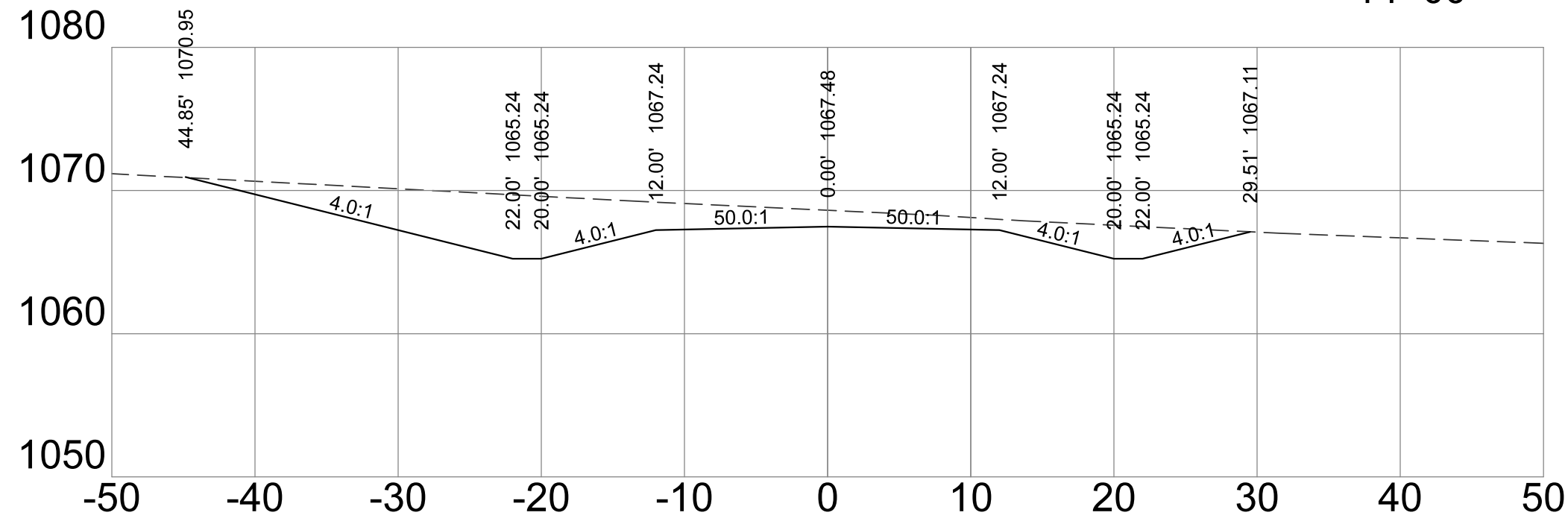
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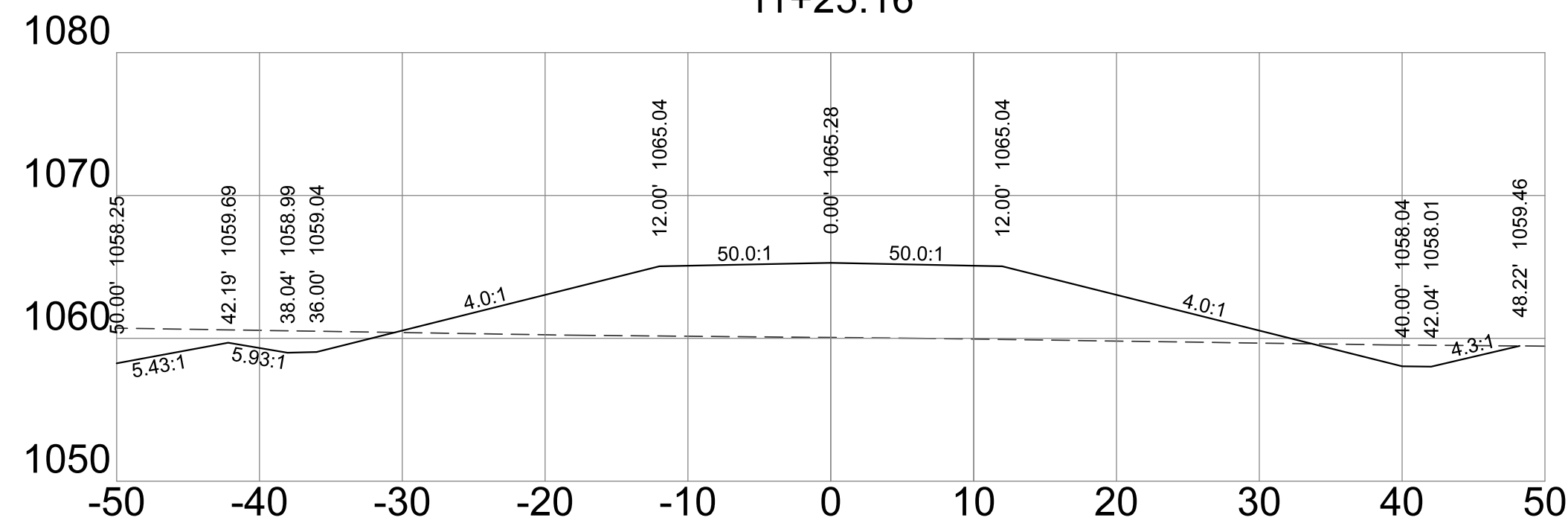
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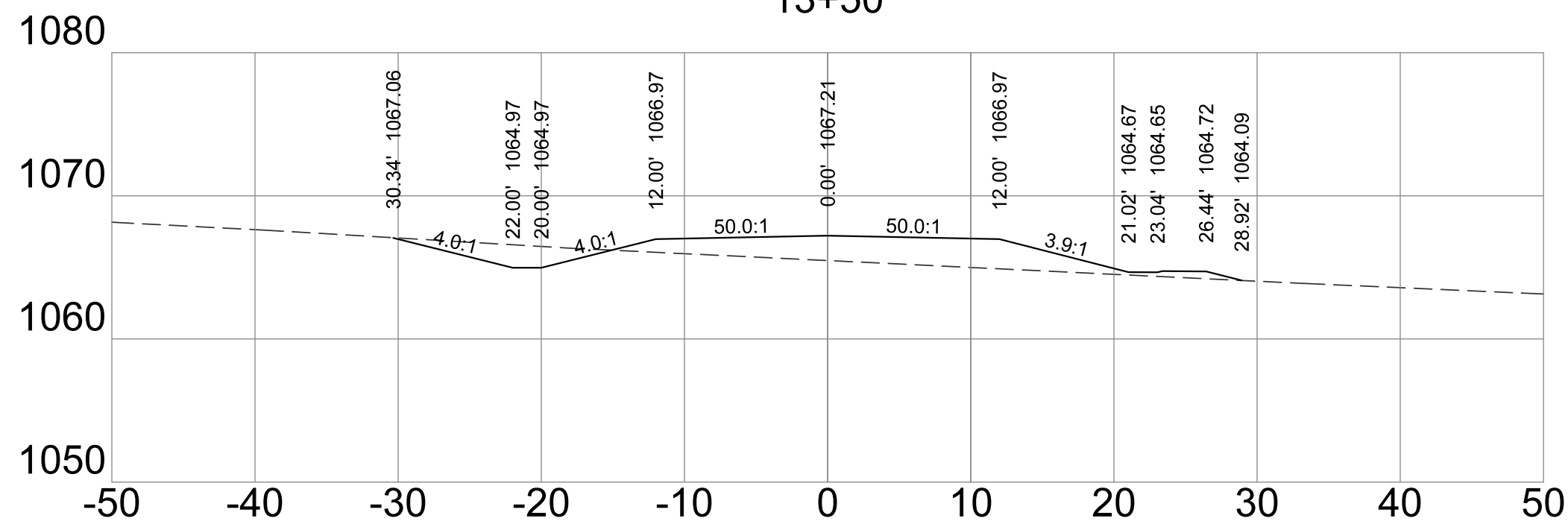
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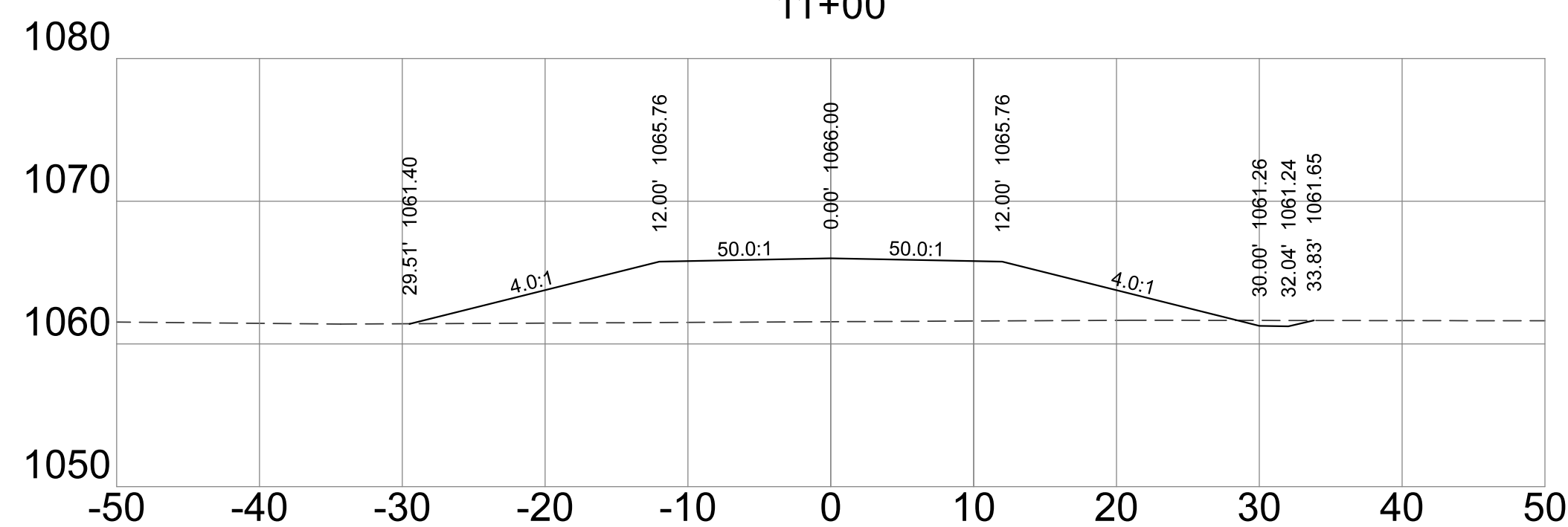
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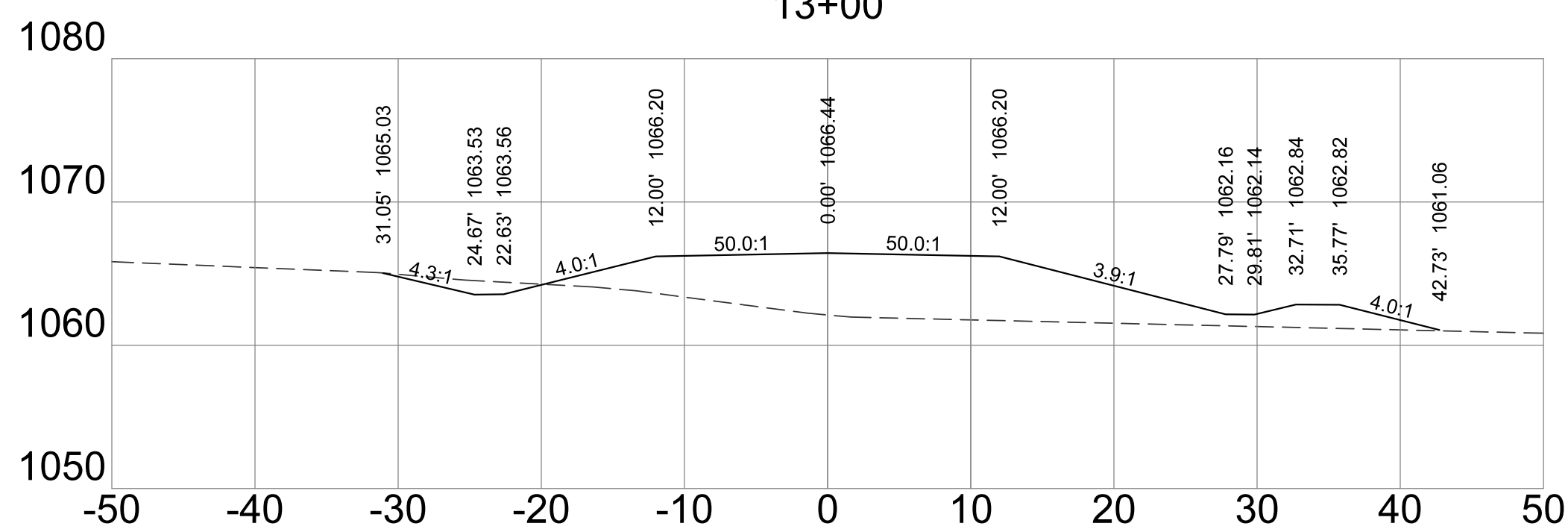
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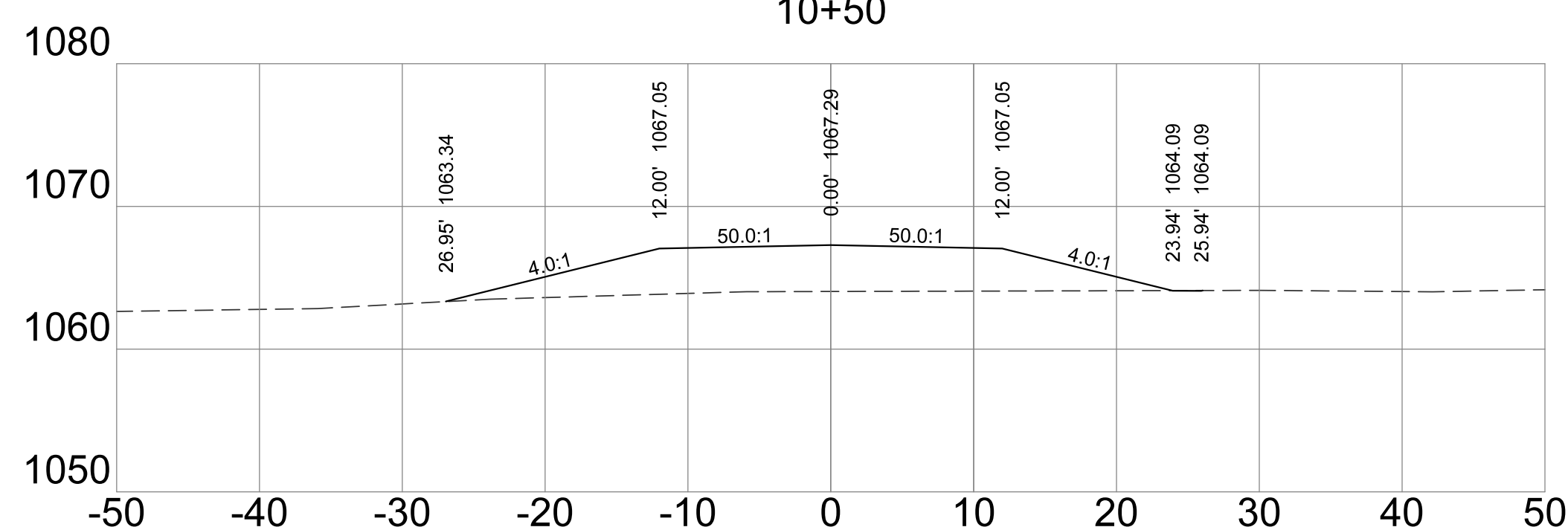
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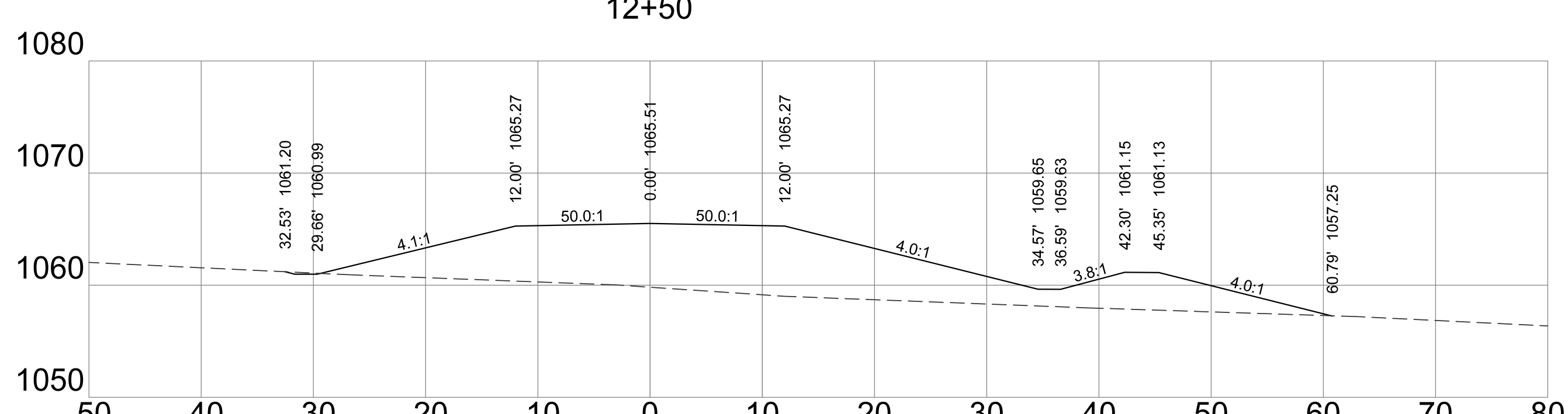
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12+50



10+00



12+00

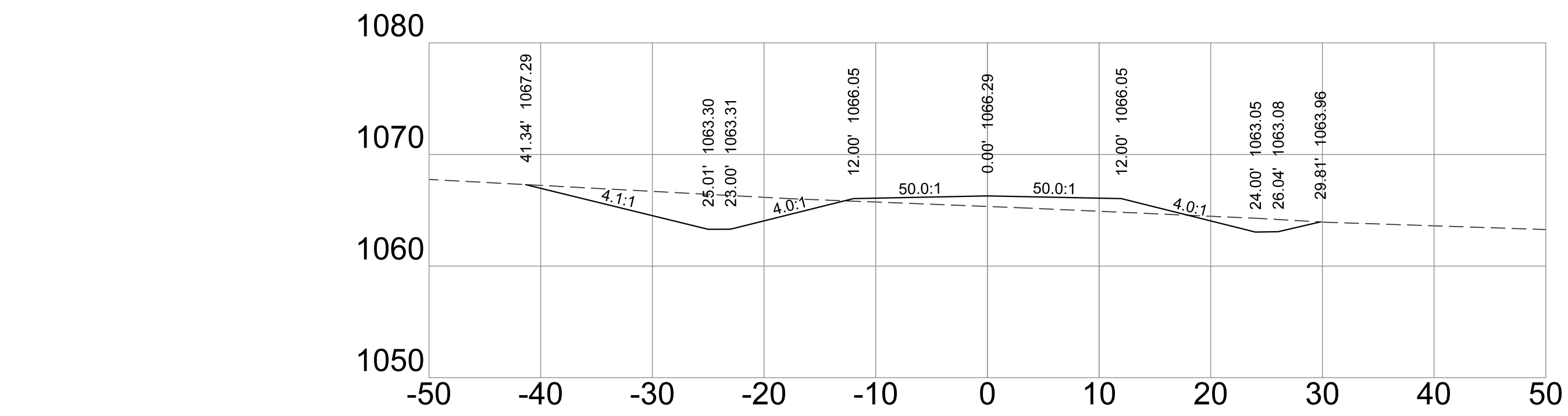
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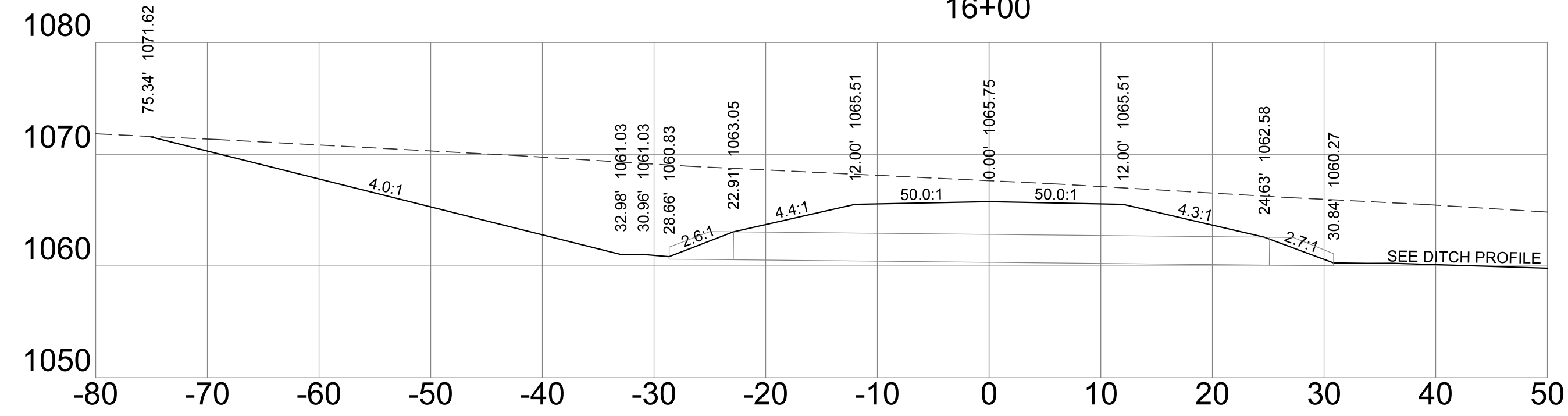
11X17 PRINTS ARE 1/2 SCALE

PRELIMINARY PLANS  
FOR REVIEW ONLY

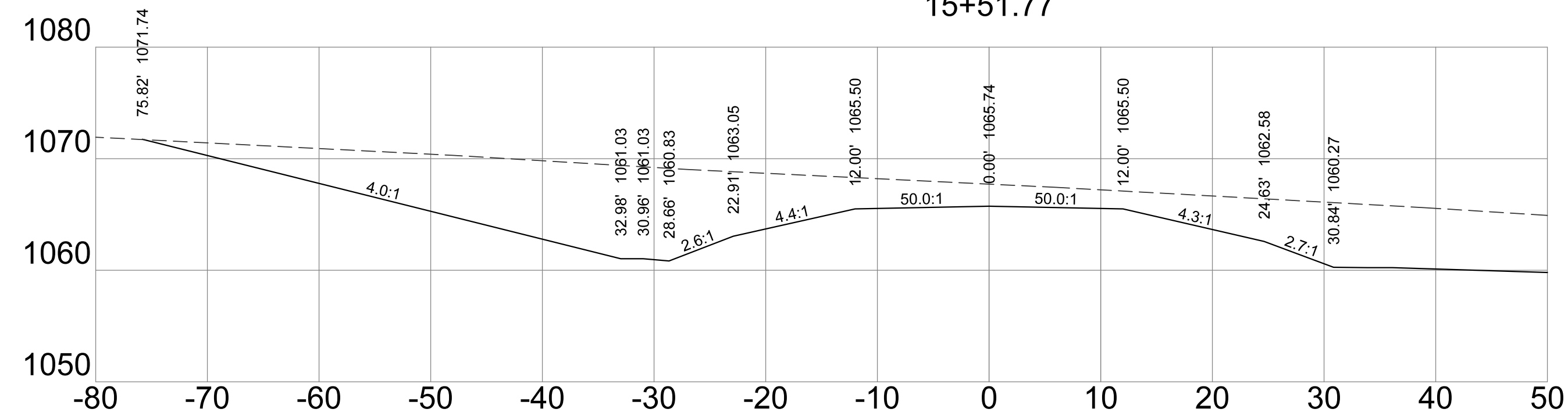
PRELIMINARY ROAD & STORM PLANS		ORISON, LLC		DATE: 06-01-2022	
HIGHLAND MEADOWS		TONGANOXIE, KS		SCALE: NONE	
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ROAD CROSS SECTIONS		SHEET DESCRIPTION:		SHT. 8 OF 21	
		CLIENT:		SHEET NUMBER:	
		REV. DATE BY		DESCRIPTION	
		6 05-19-2023 DJS		REVISED PER PRELIMINARY REVIEW COMMENTS	
		5 03-16-2023 DJS		REVISED PER PRELIMINARY REVIEW COMMENTS	
		2-4		REV 08-19-2022, 11-06-2022 & 01-20-2023 PER COMMENTS	
		1 06-01-2022 DJS		SUBMIT PRELIMINARY PLANS FOR REVIEW AND COMMENT	
		Schulte Engineering & Consulting, LLC		21 Gates Dr. Pitts, Ct 06460 www.schulteengineering.com admin@schulteengineering.com PHONE: (816) 260-3328	



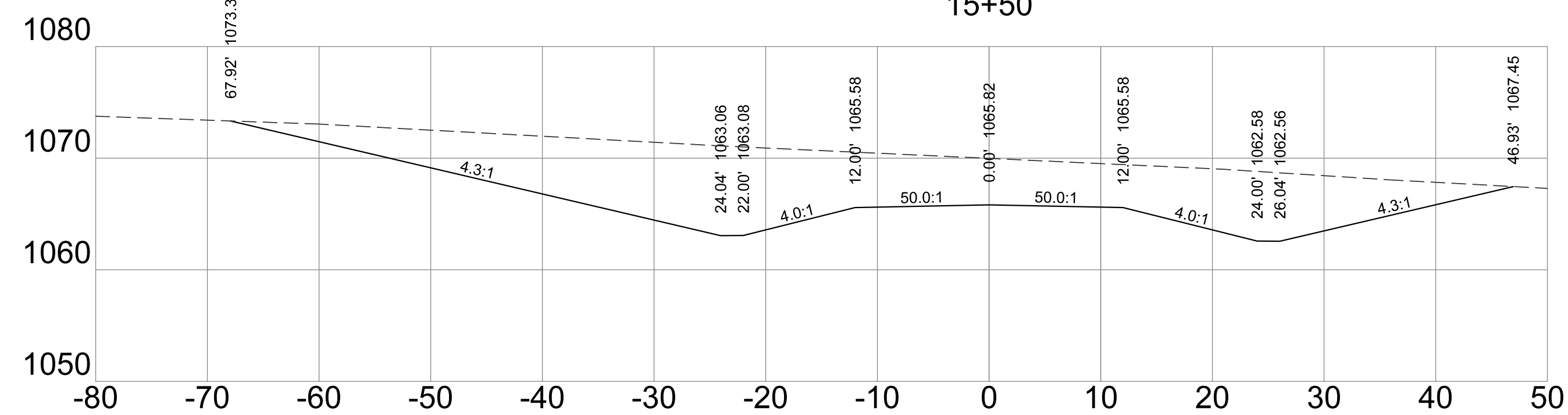
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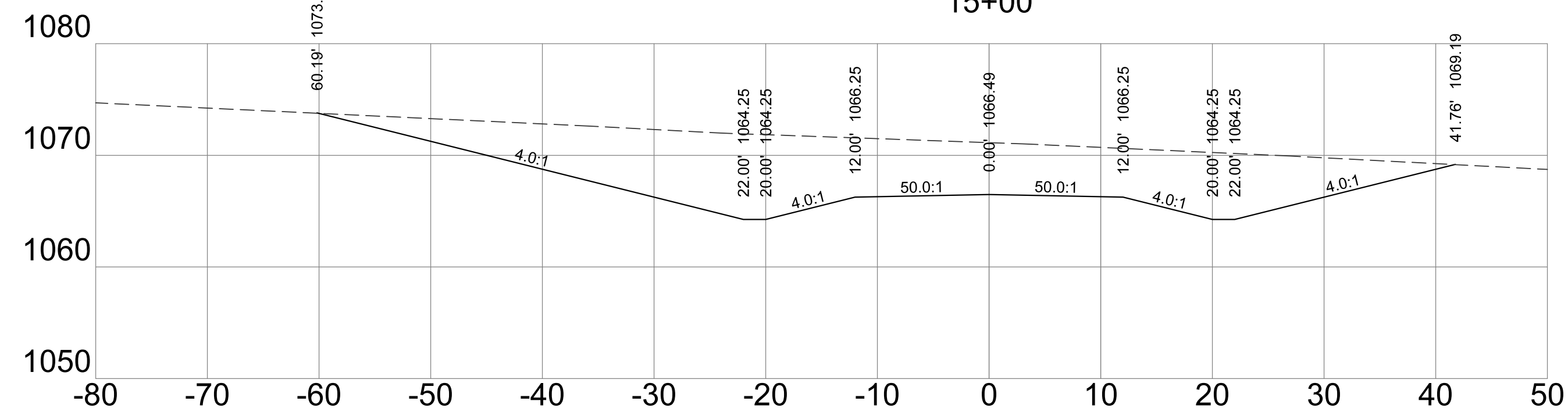
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15+50



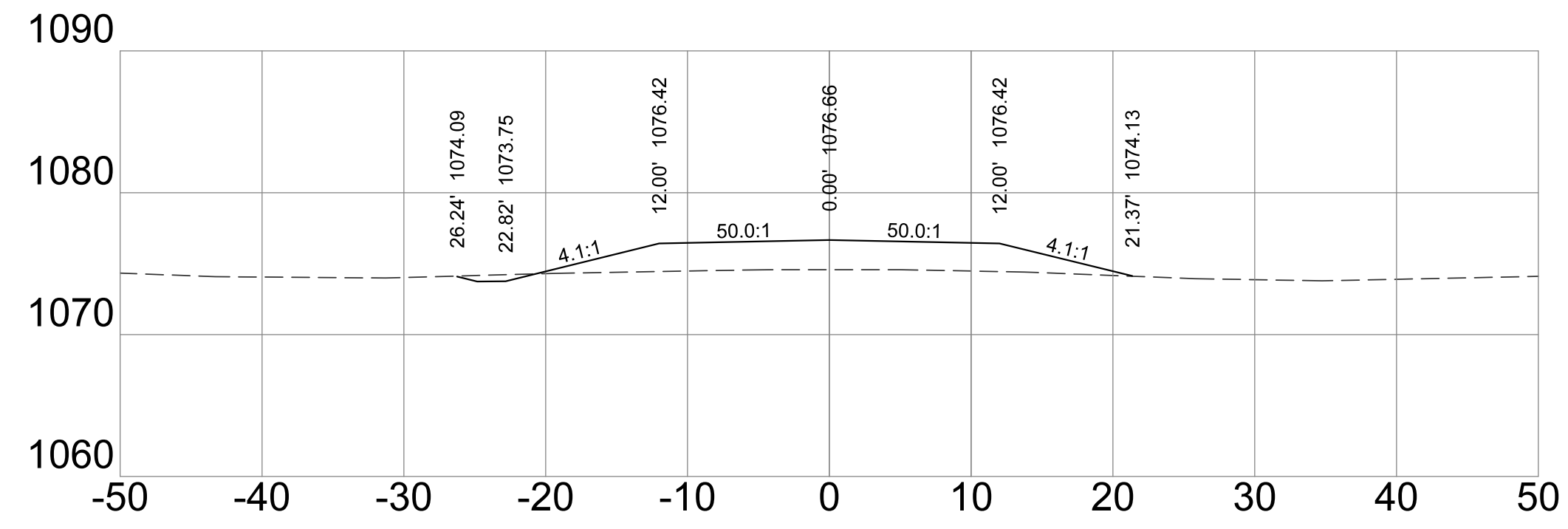
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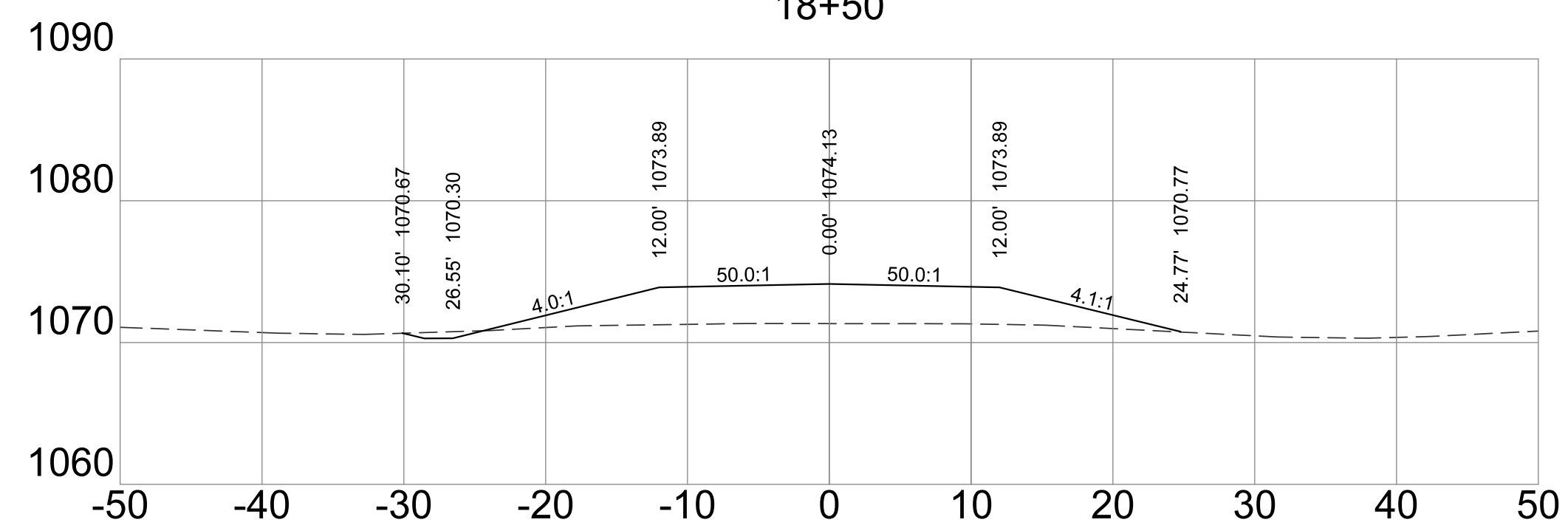
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STA 14+50 - 18+50

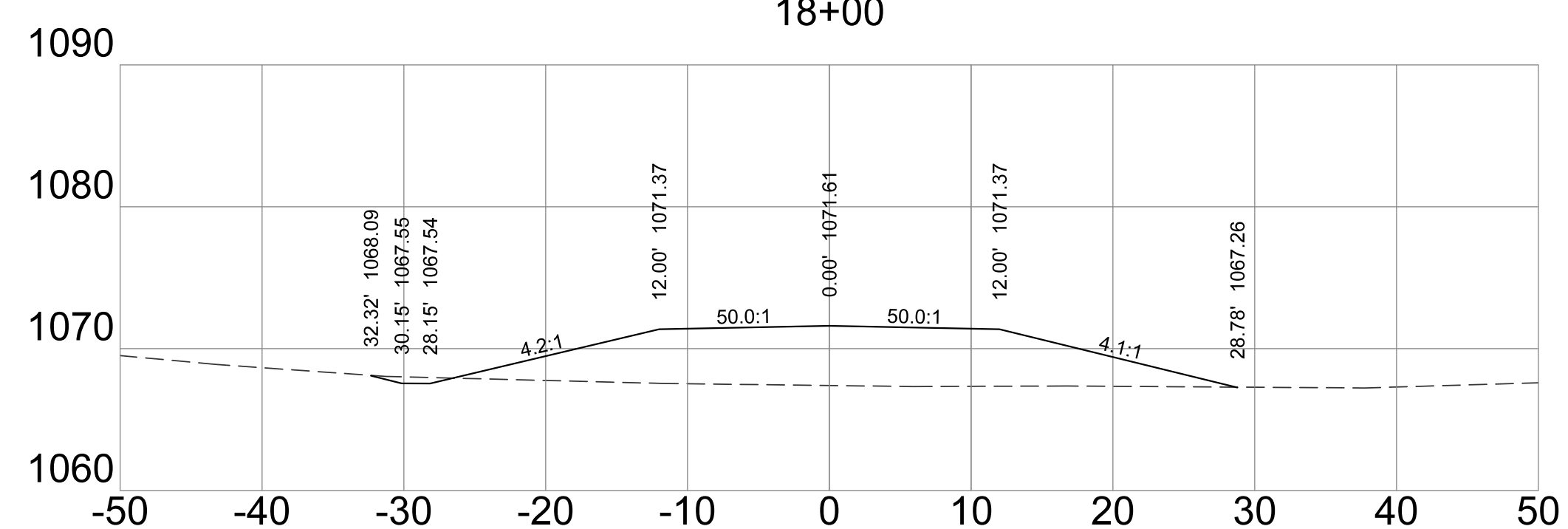
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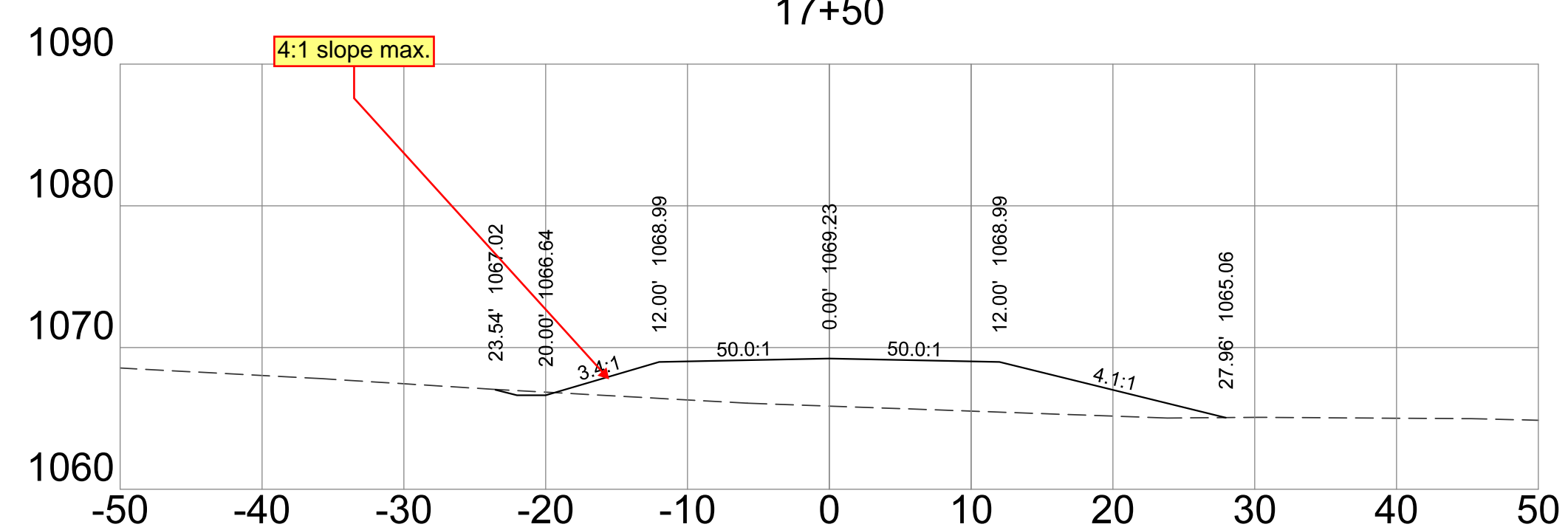
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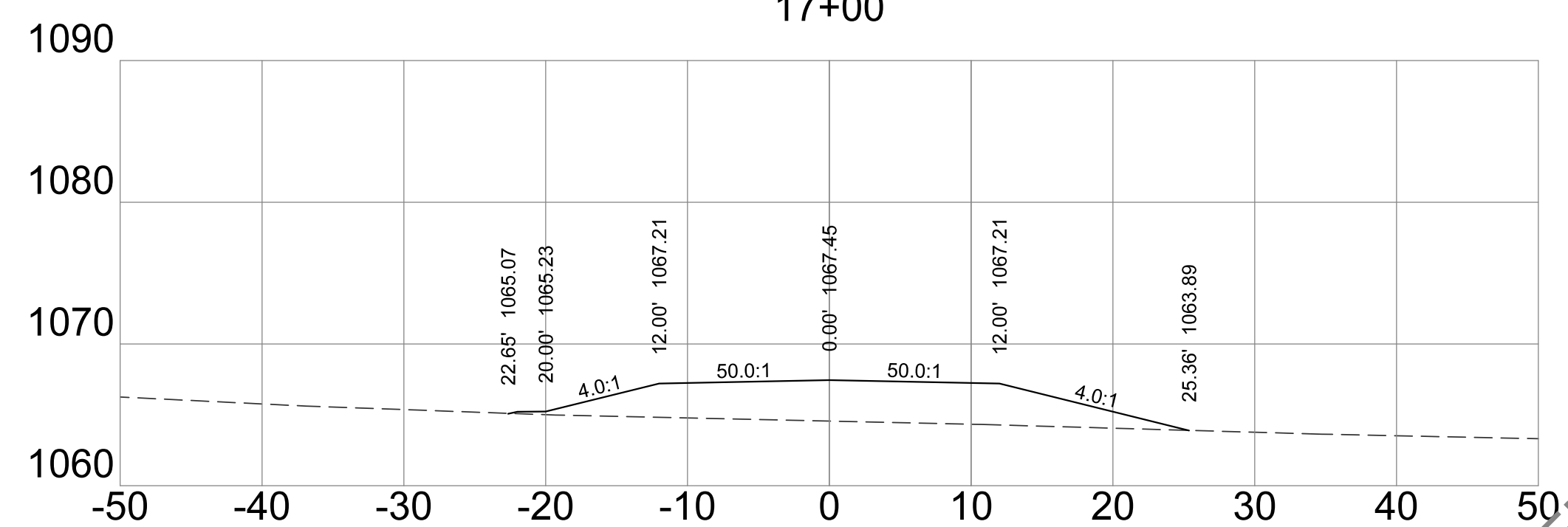
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17+00



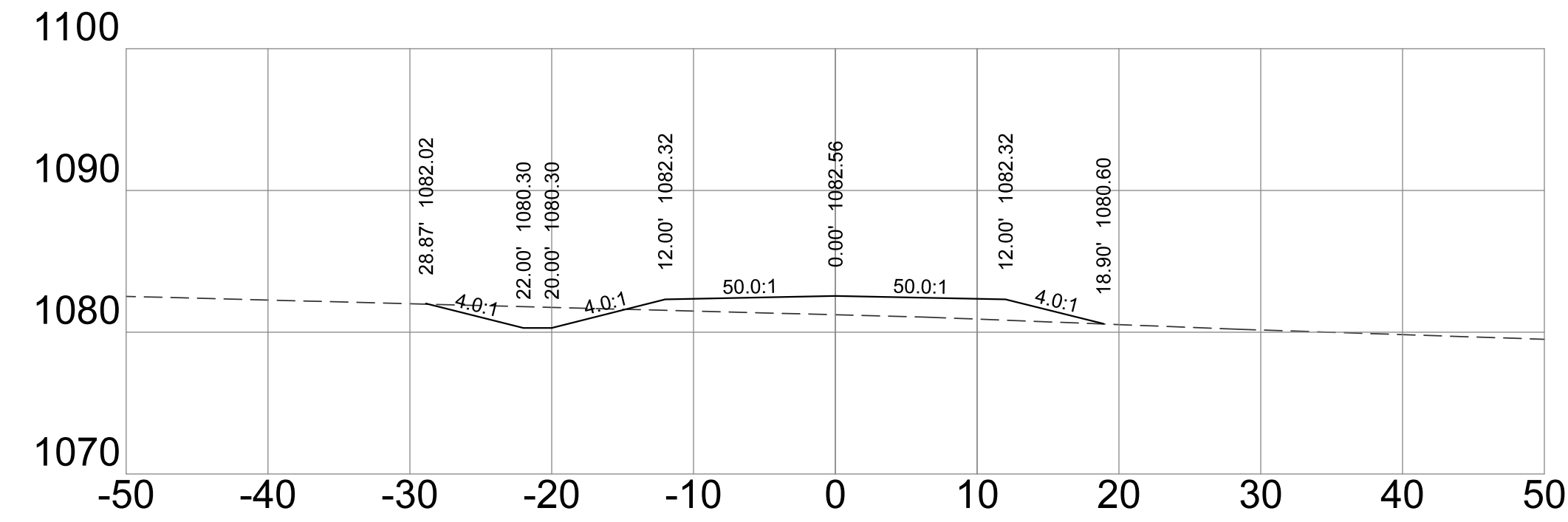
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11X17 PRINTS ARE 1/2 SCALE

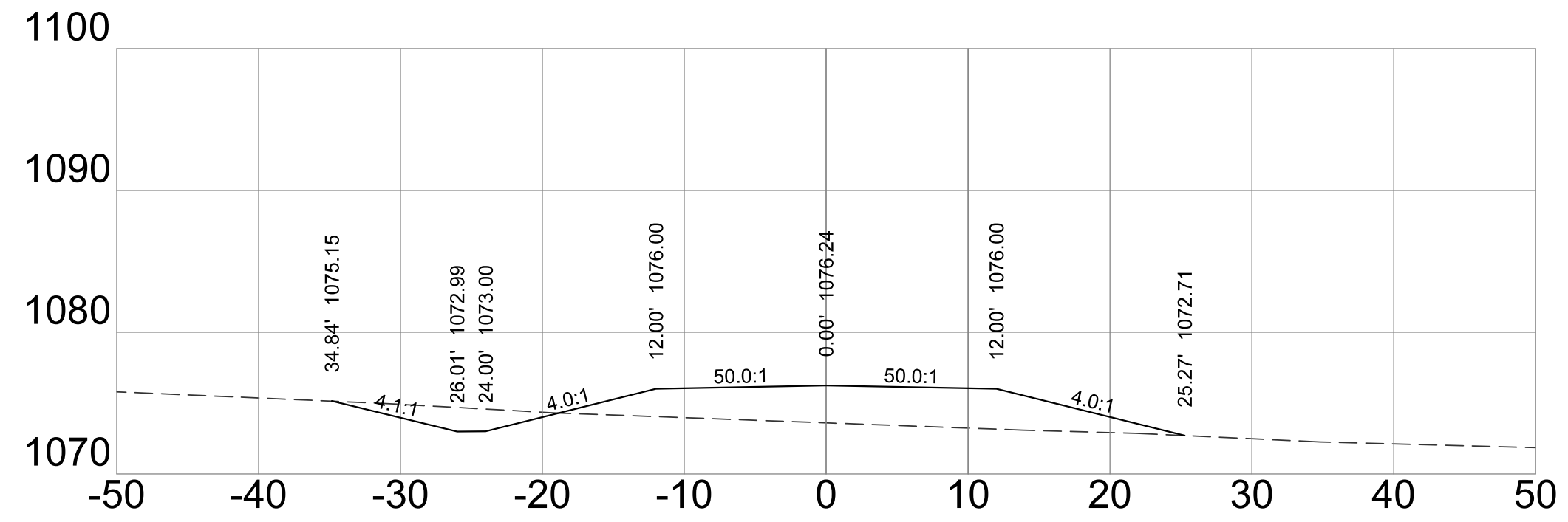
PRELIMINARY PLANS  
FOR REVIEW ONLY

PRELIMINARY ROAD & STORM PLANS		ORISON, LLC		DATE: 06-01-2022	
HIGHLAND MEADOWS		TONGANOXIE, KS		SCALE: NONE	
235th ST.		DRAWN BY: DJS		PROJECT NUMBER: 2022.10	
ROAD CROSS SECTIONS		SHEET DESCRIPTION:		SHT. 9 OF 21	
		CLIENT:		SCHEDULE PER PRELIMINARY REVIEW COMMENTS	
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		PROJECT NUMBER:		REVISED PER PRELIMINARY REVIEW COMMENTS	
		DATE:		REV 08-19-2022, 11-06-2022 & 01-20-2023 PER COMMENTS	
		SCALE:		SUBMIT PRELIMINARY PLANS FOR REVIEW AND COMMENT	
		NONE		REV. DATE BY DESCRIPTION	
				6 05-19-2023 DJS	
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				2-4	
				1 06-01-2022 DJS	

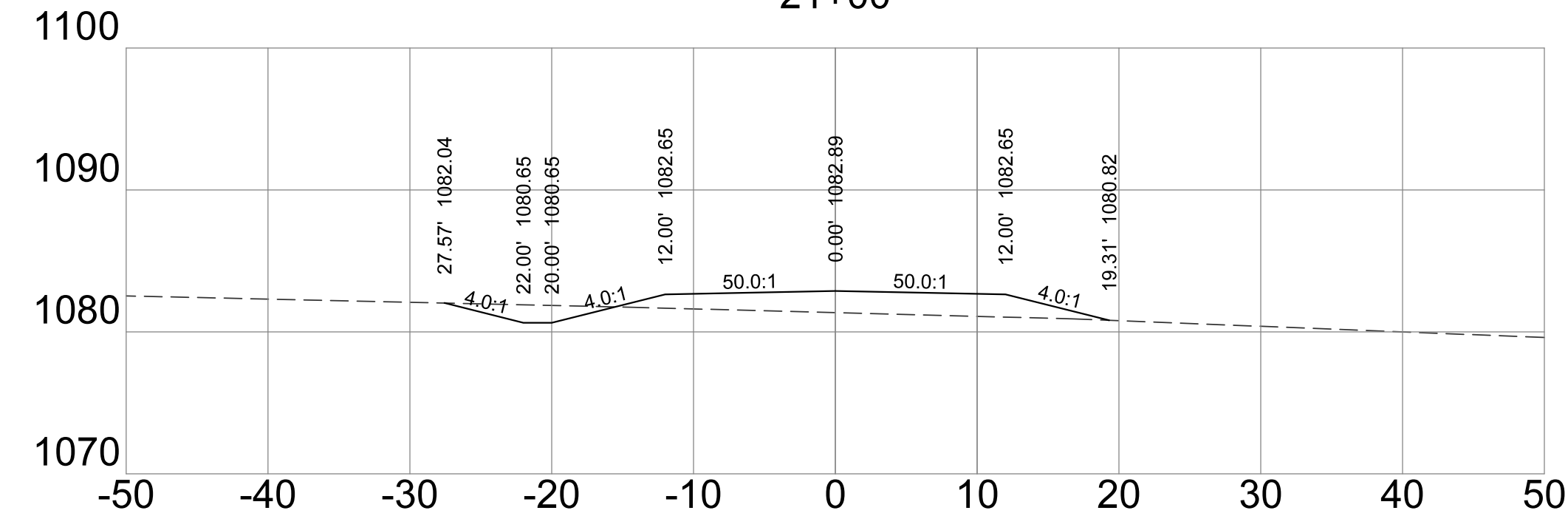
Schulte Engineering & Consulting, LLC  
 21 Gates Dr.  
 Plattsburgh, NY 12156  
 www.schulteengineering.com  
 admin@schulteengineering.com  
 PHONE: (816) 260-3328



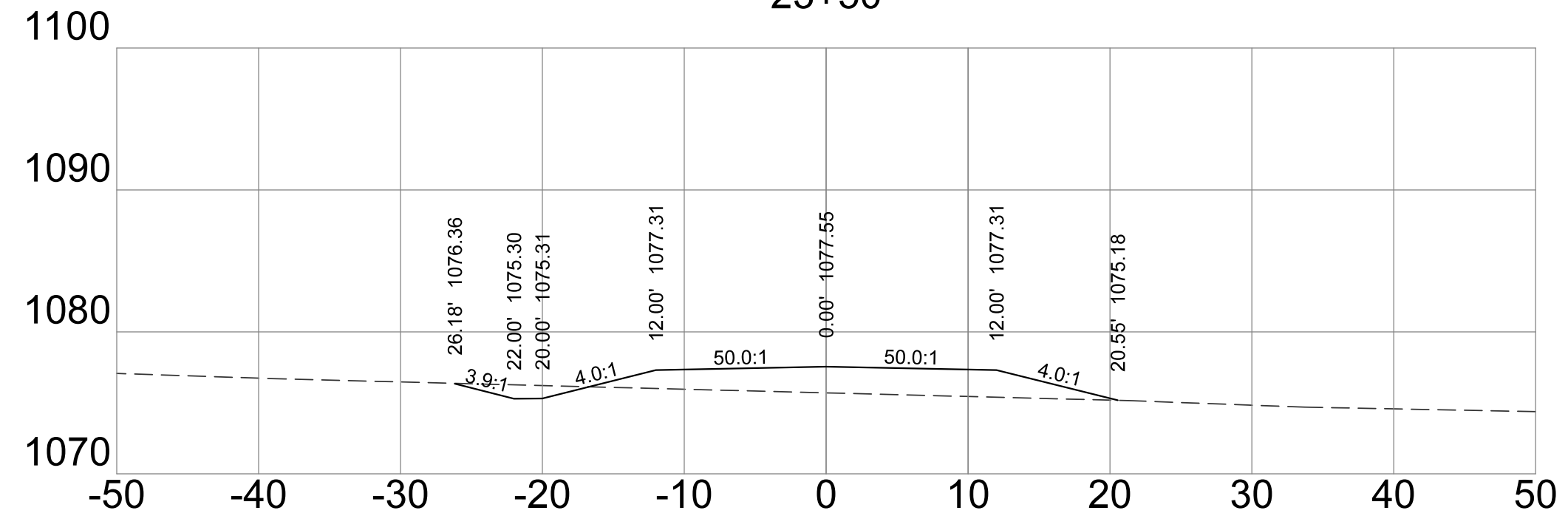
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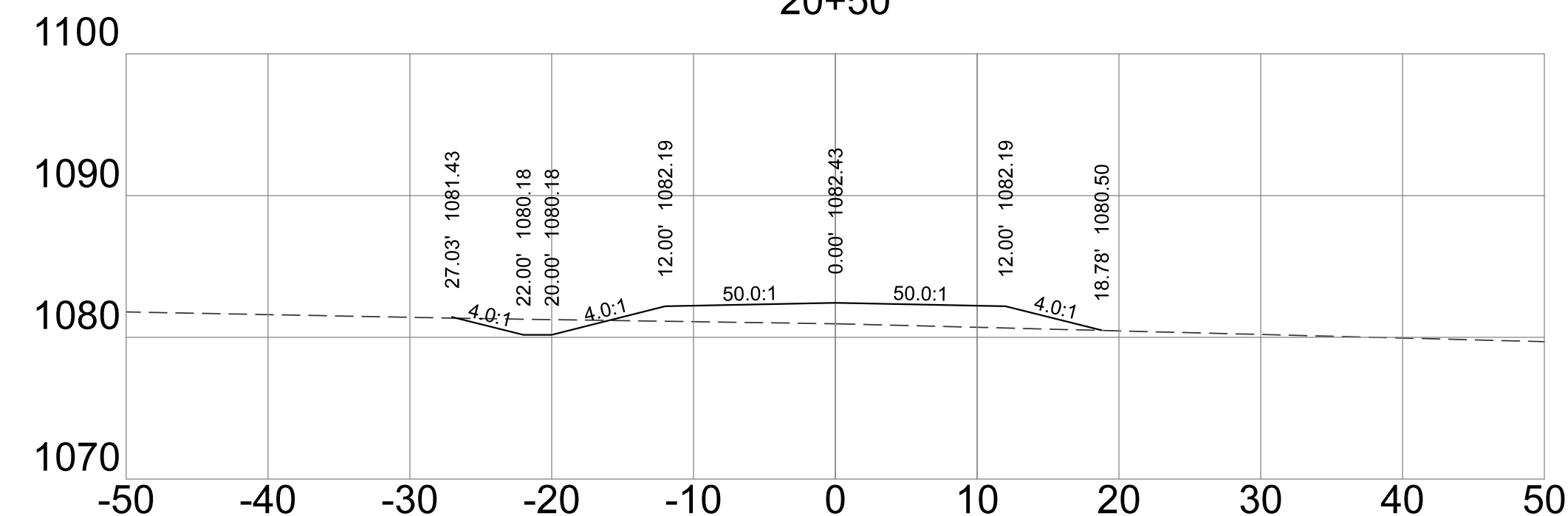
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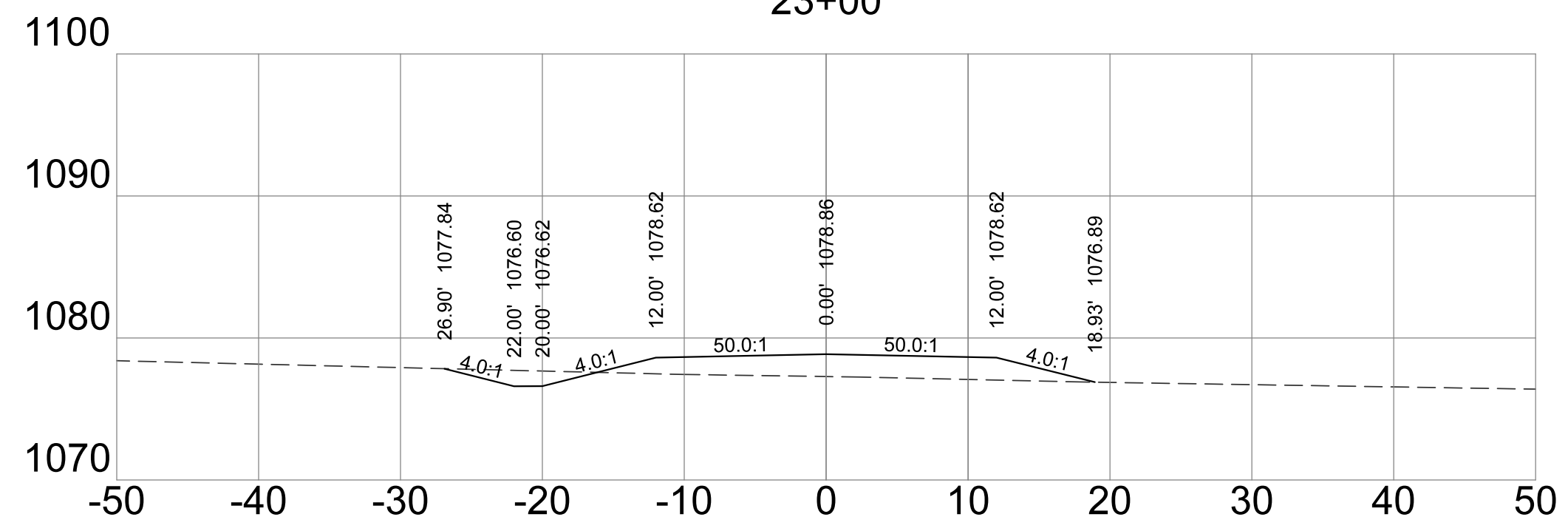
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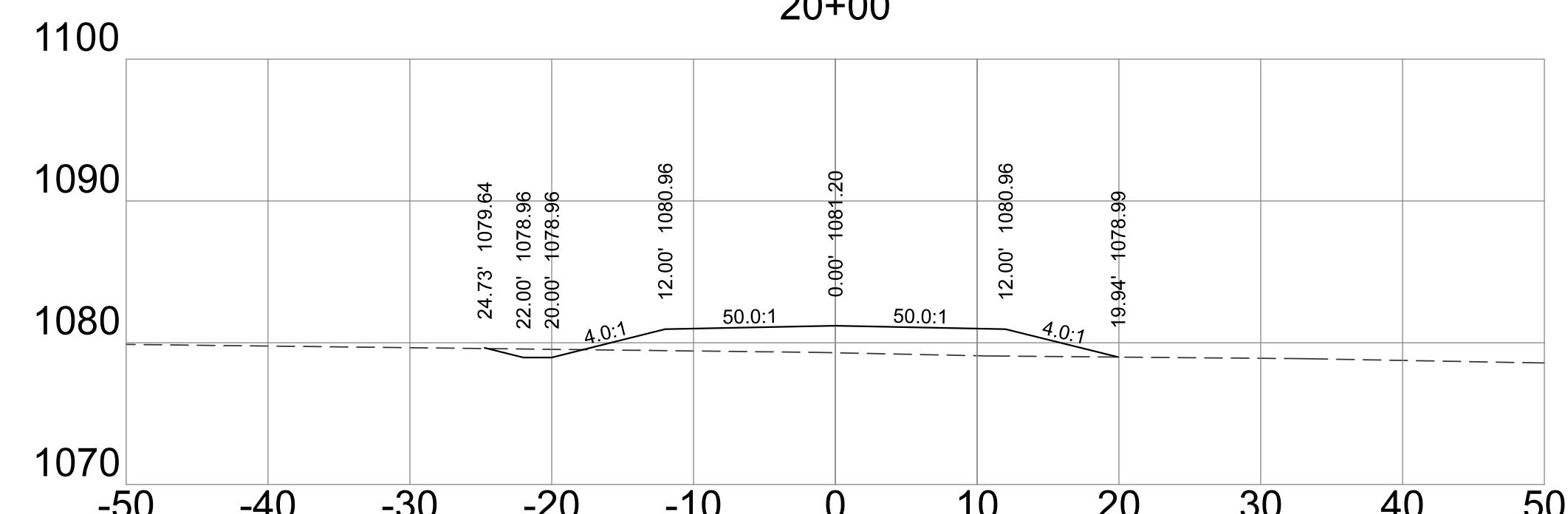
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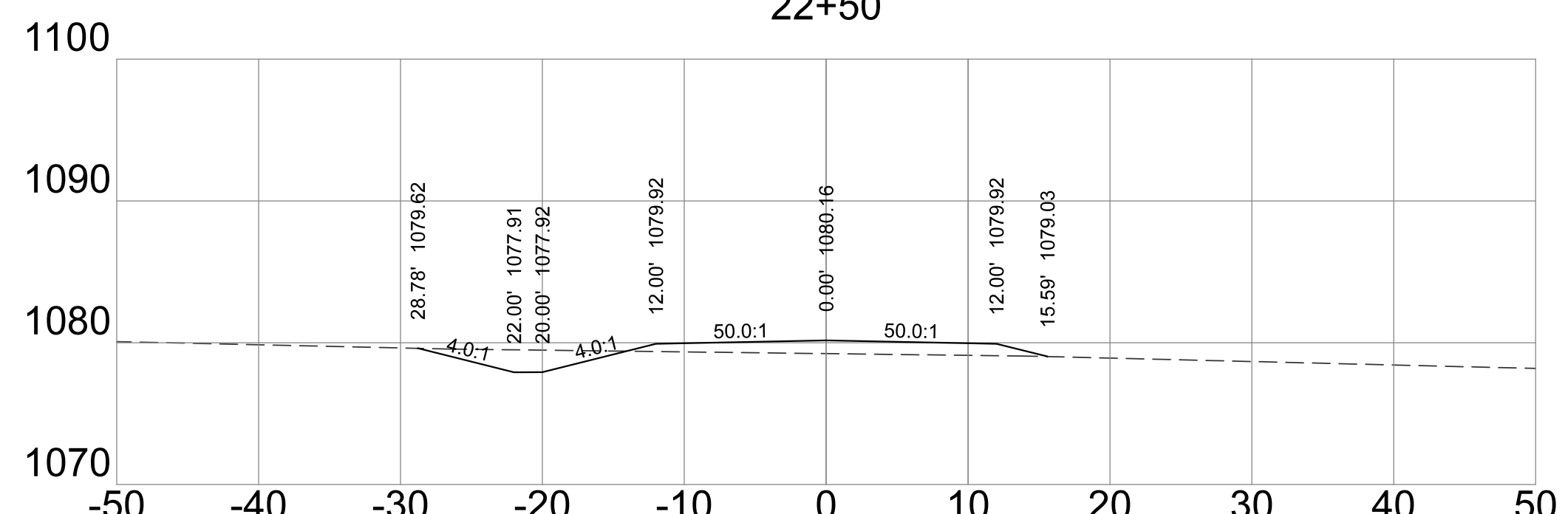
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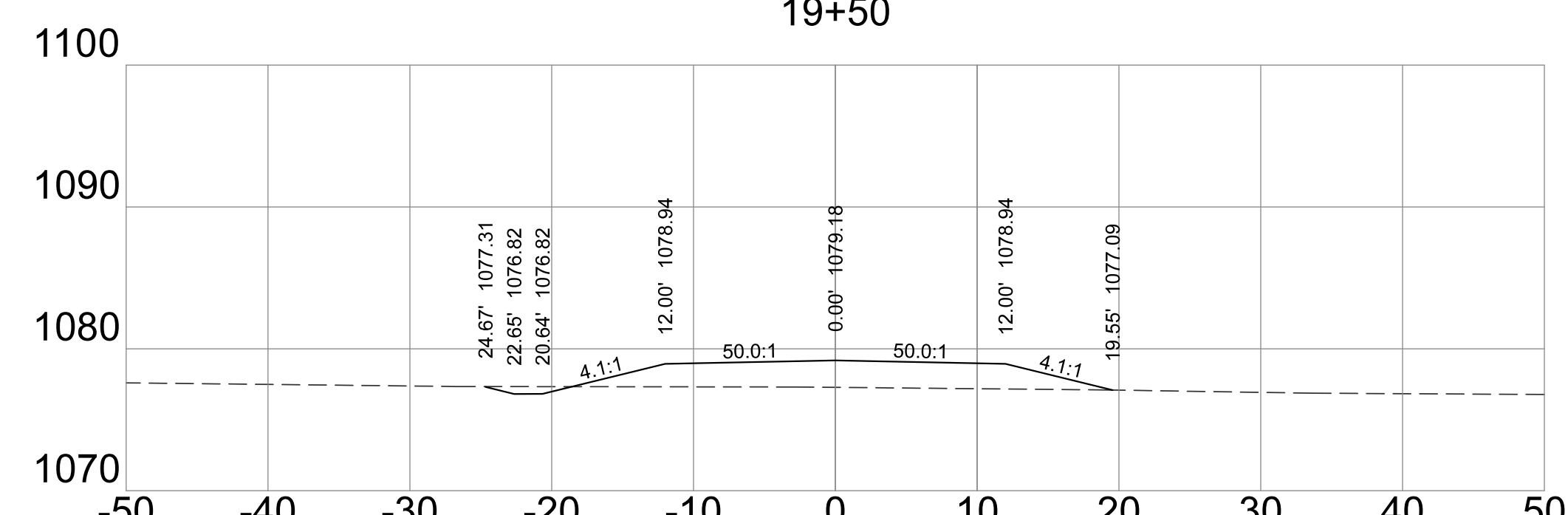
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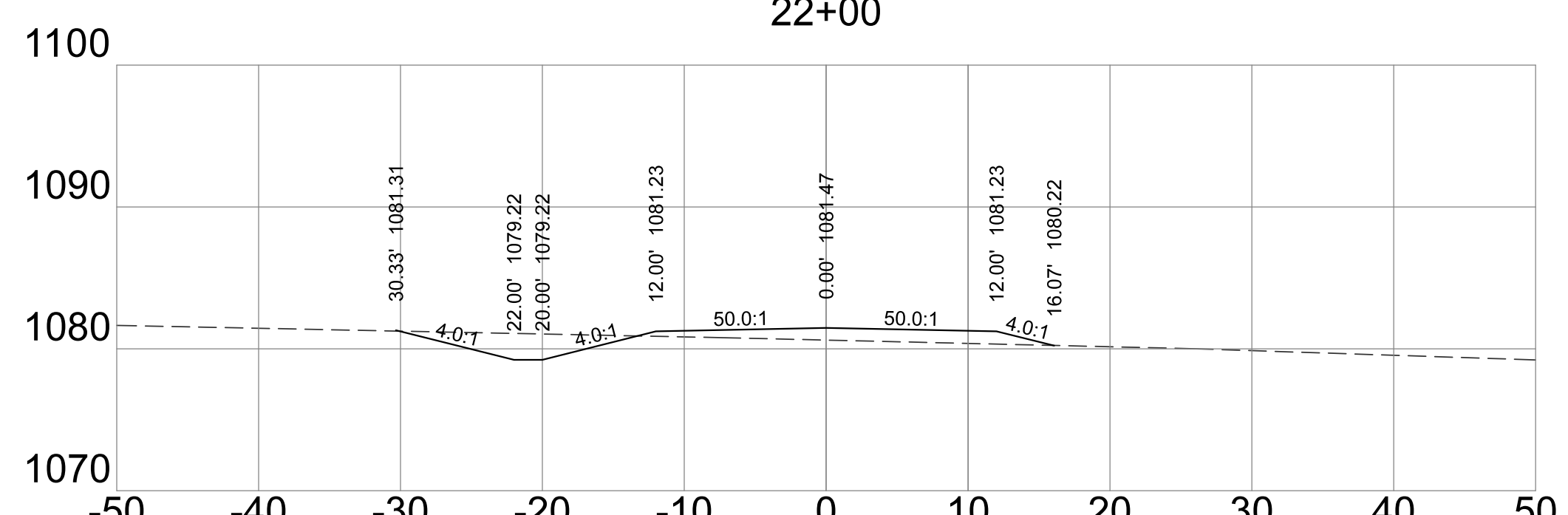
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22+00



19+00



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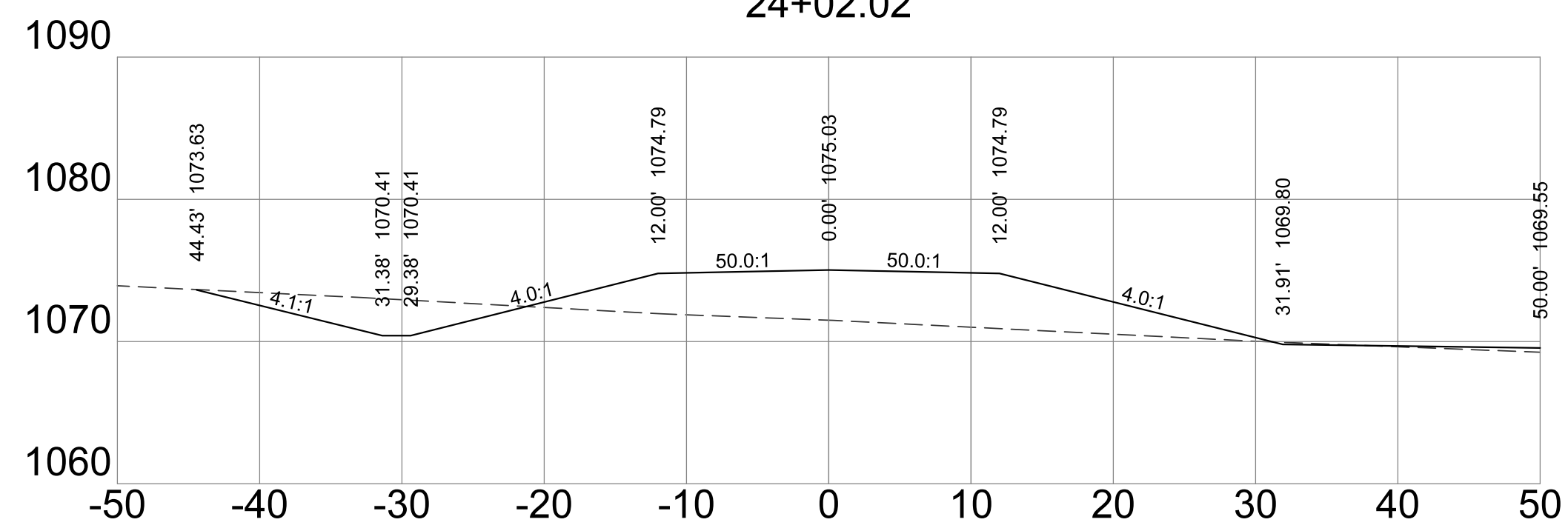
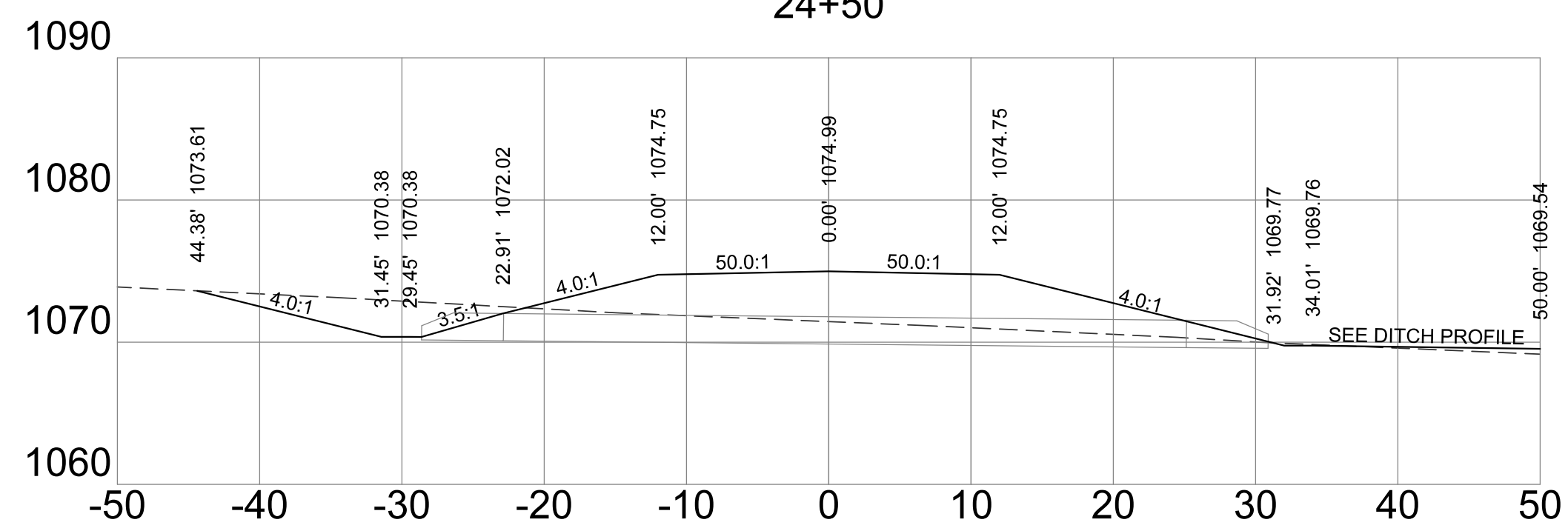
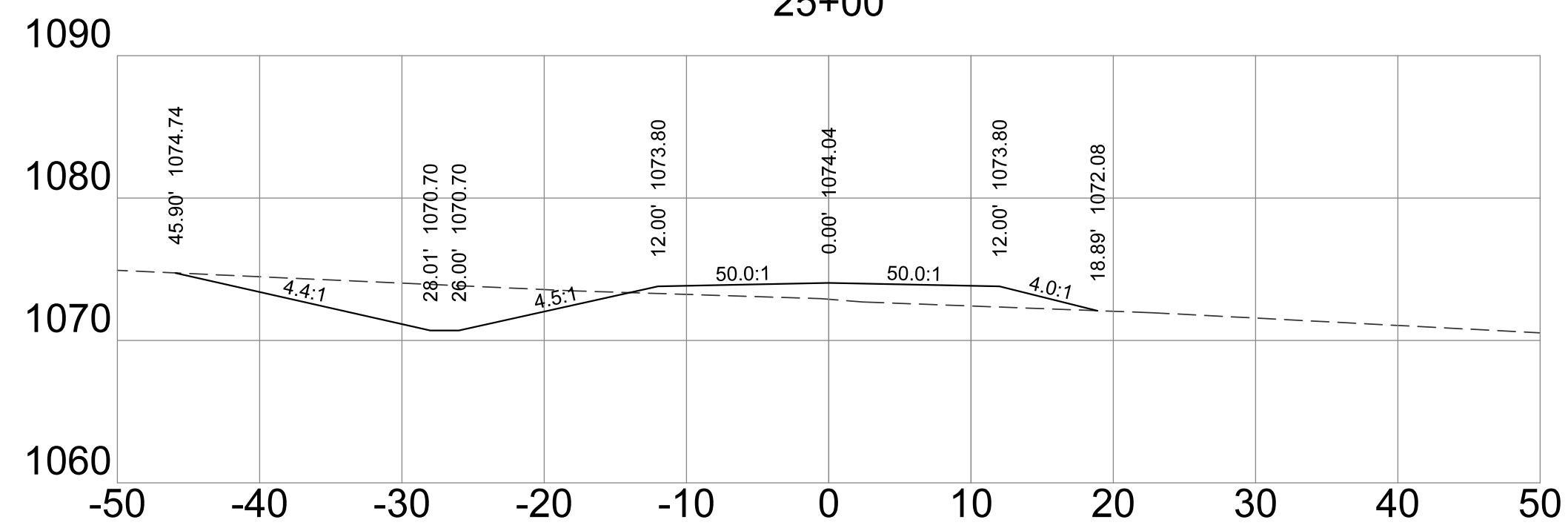
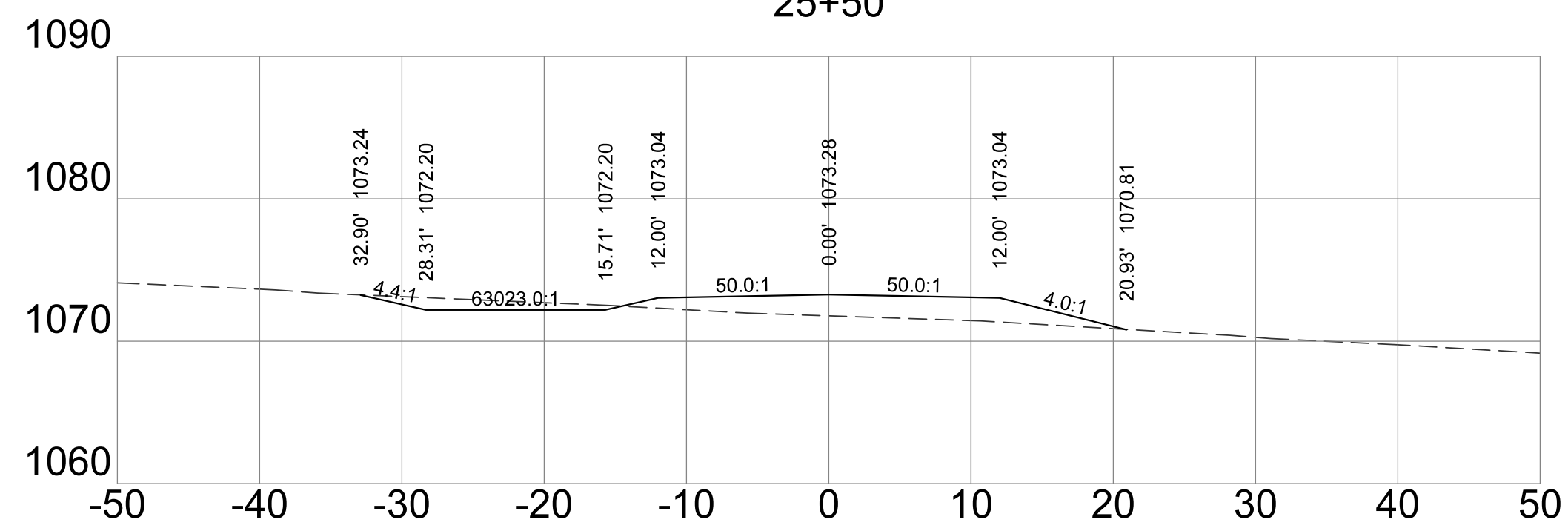
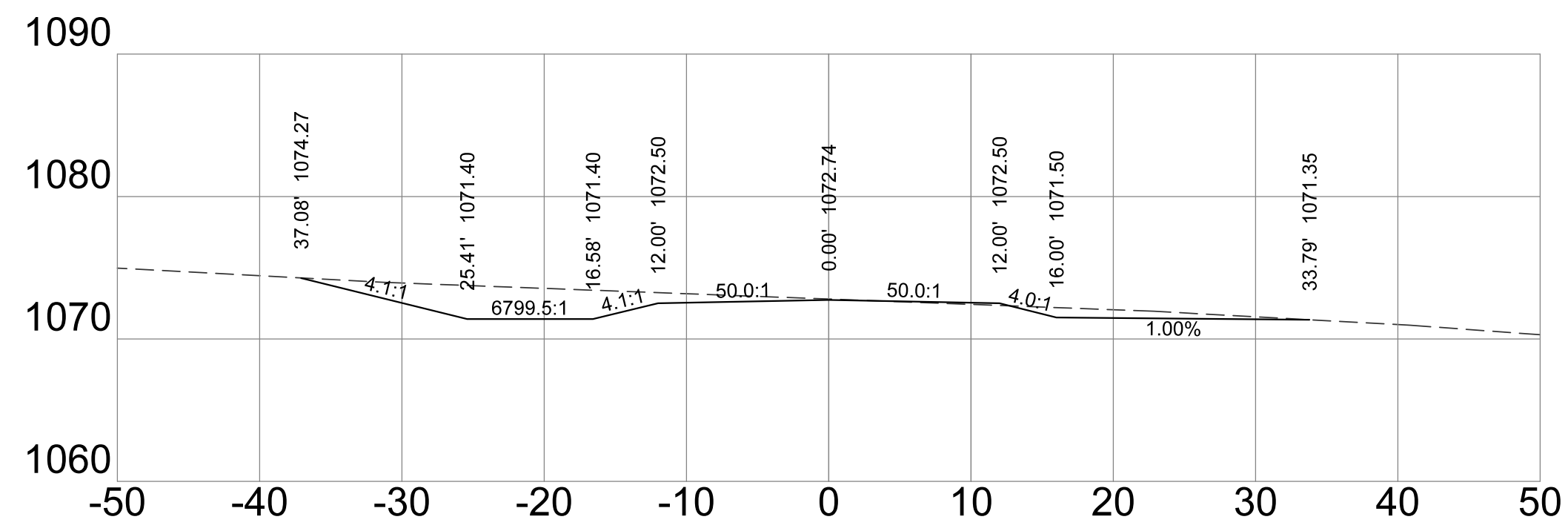
STA 19+00 - 23+50

HORIZONTAL: 1"=10'  
VERTICAL: 1"=10'

11X17 PRINTS ARE 1/2 SCALE

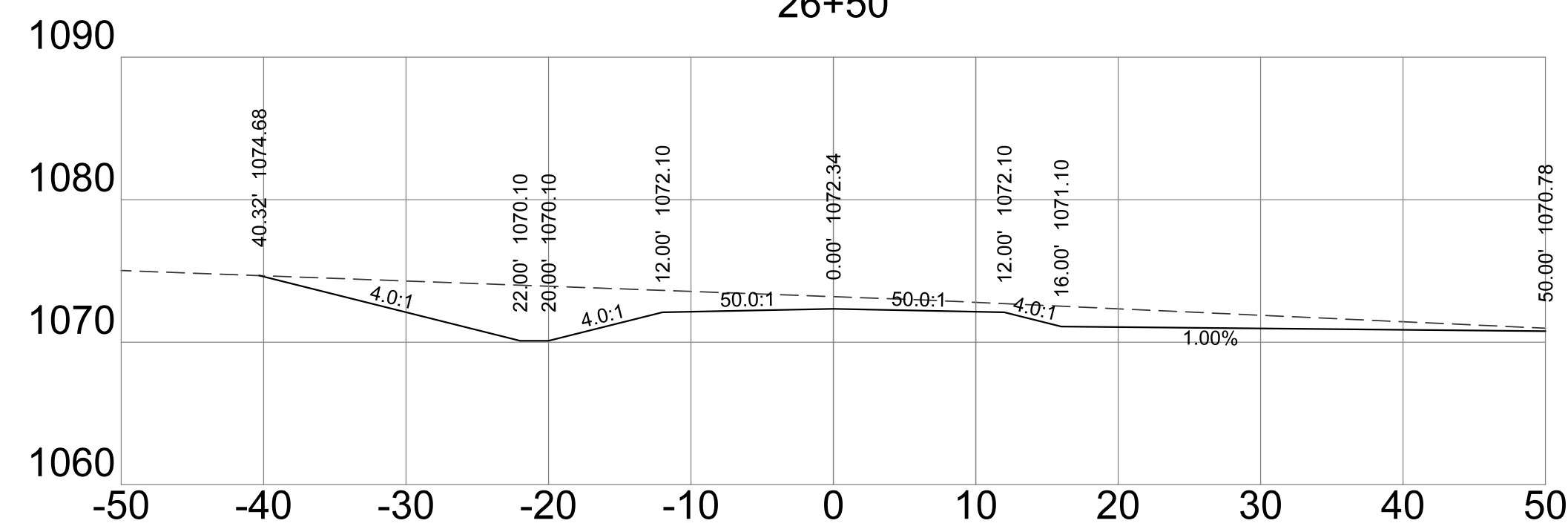
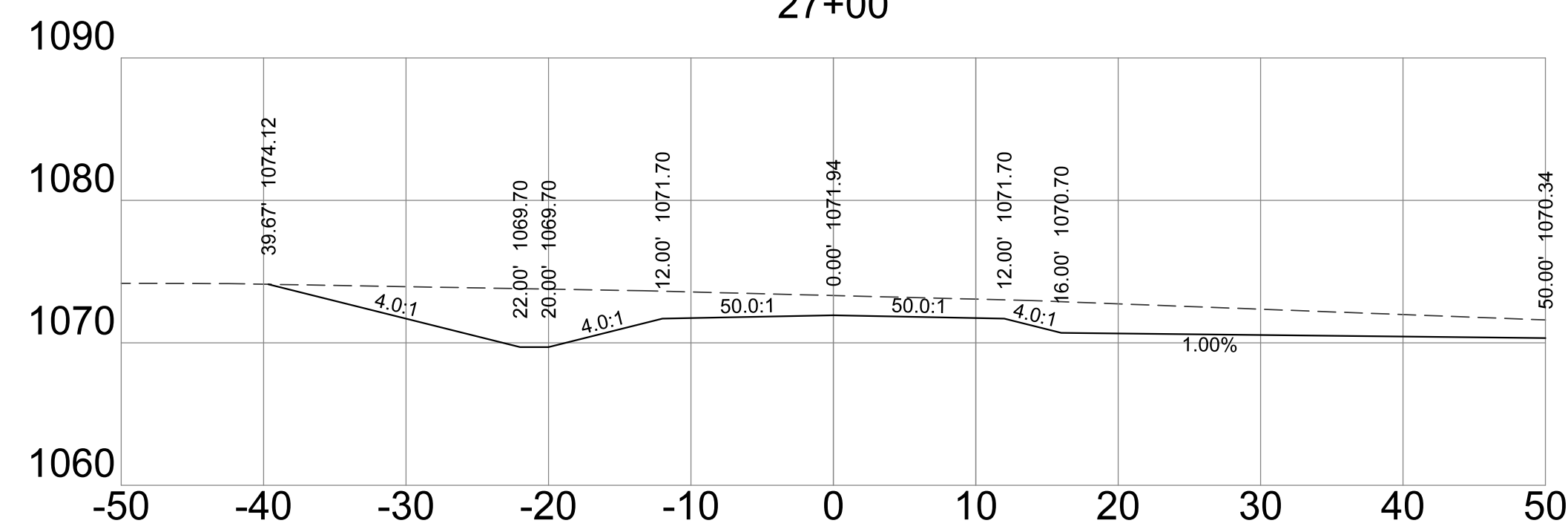
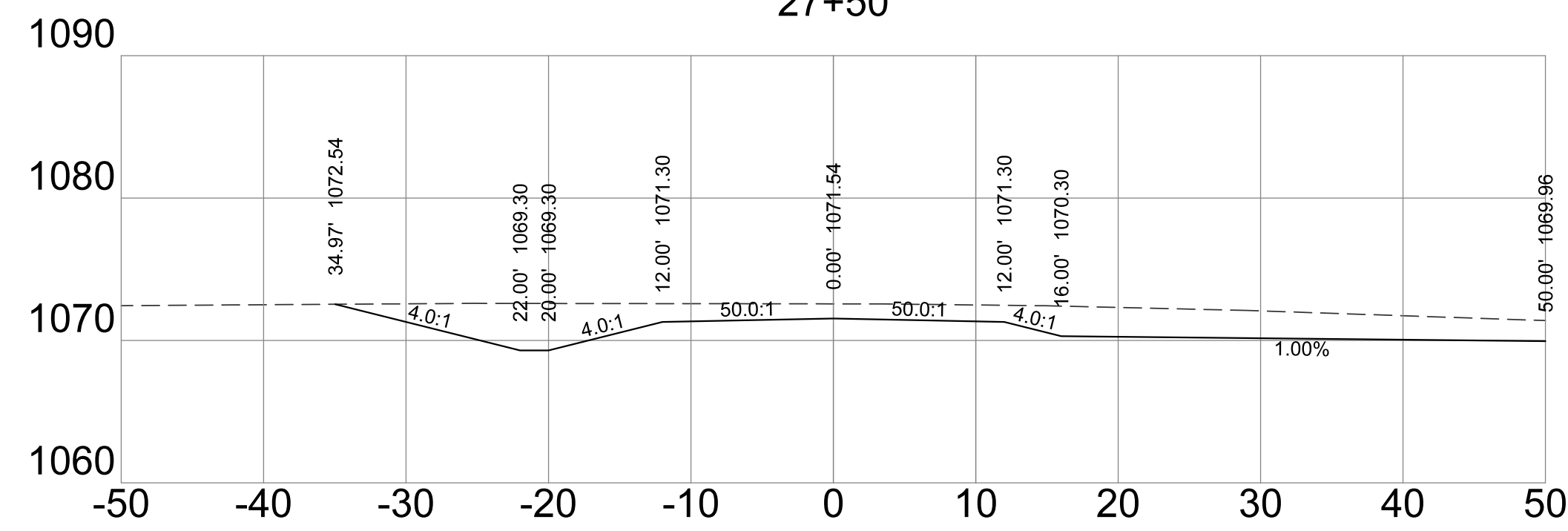
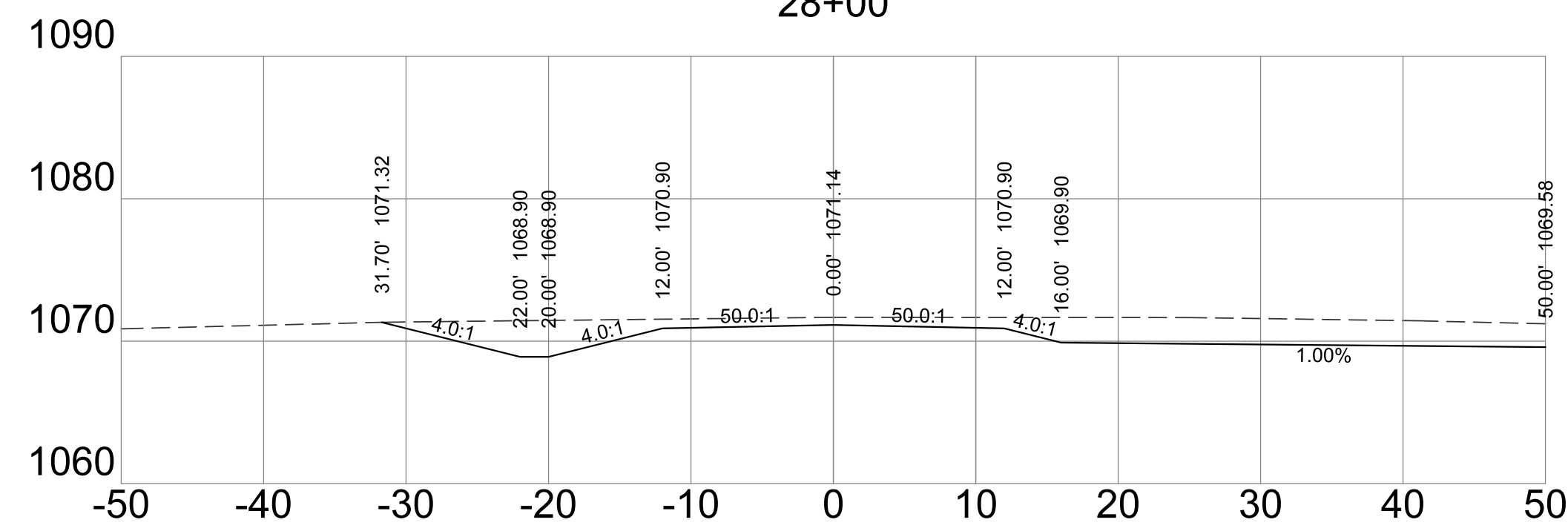
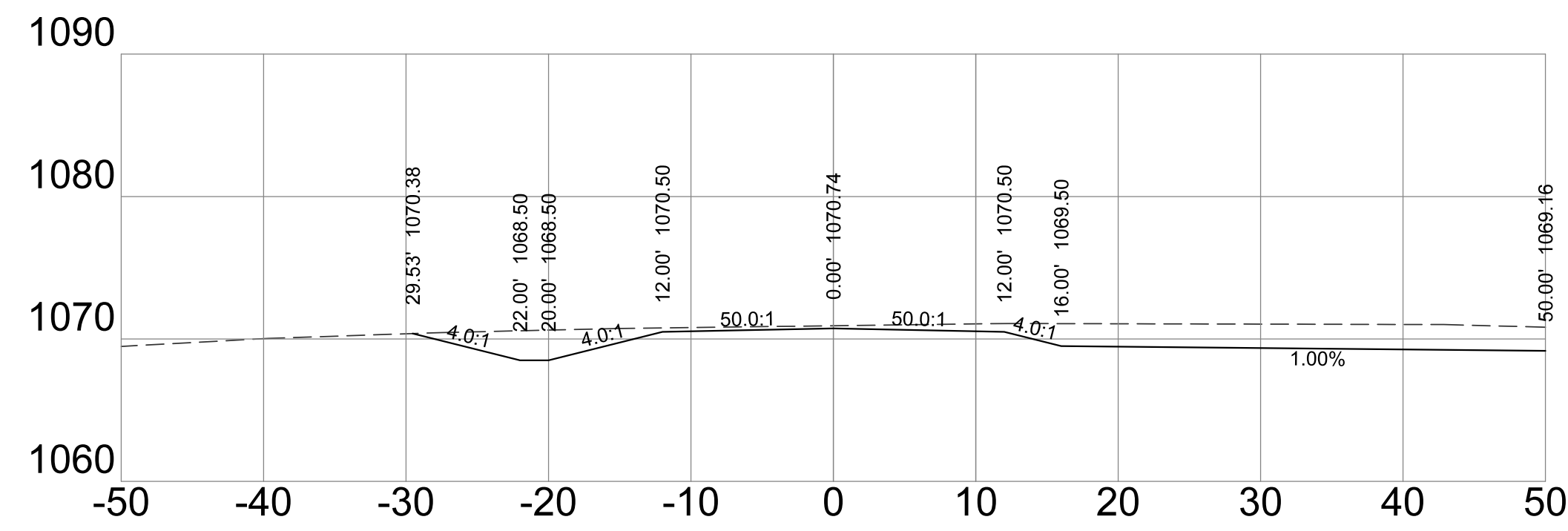
PRELIMINARY PLANS  
FOR REVIEW ONLY

PRELIMINARY ROAD & STORM PLANS HIGHLAND MEADOWS 235th ST. ROAD CROSS SECTIONS	CLIENT: ORISON, LLC TONGANOXIE, KS	DRAWN BY: DJS PROJECT NUMBER: 2022.10	DATE: 06-01-2022 SCALE: NONE	
	REVISED PER PRELIMINARY REVIEW COMMENTS REVISED PER PRELIMINARY REVIEW COMMENTS REV 08-19-2022, 11-06-2022 & 01-20-2023 PER COMMENTS SUBMIT PRELIMINARY PLANS FOR REVIEW AND COMMENT	REV. DATE BY 6 05-19-2023 DJS 5 03-16-2023 DJS 2-4 1 06-01-2022 DJS	DESCRIPTION	
	Schulte Engineering & Consulting, LLC 21 Gates Dr. Pitts, Ct www.schulteengineering.com admin@schulteengineering.com PHONE: (816) 260-3328			



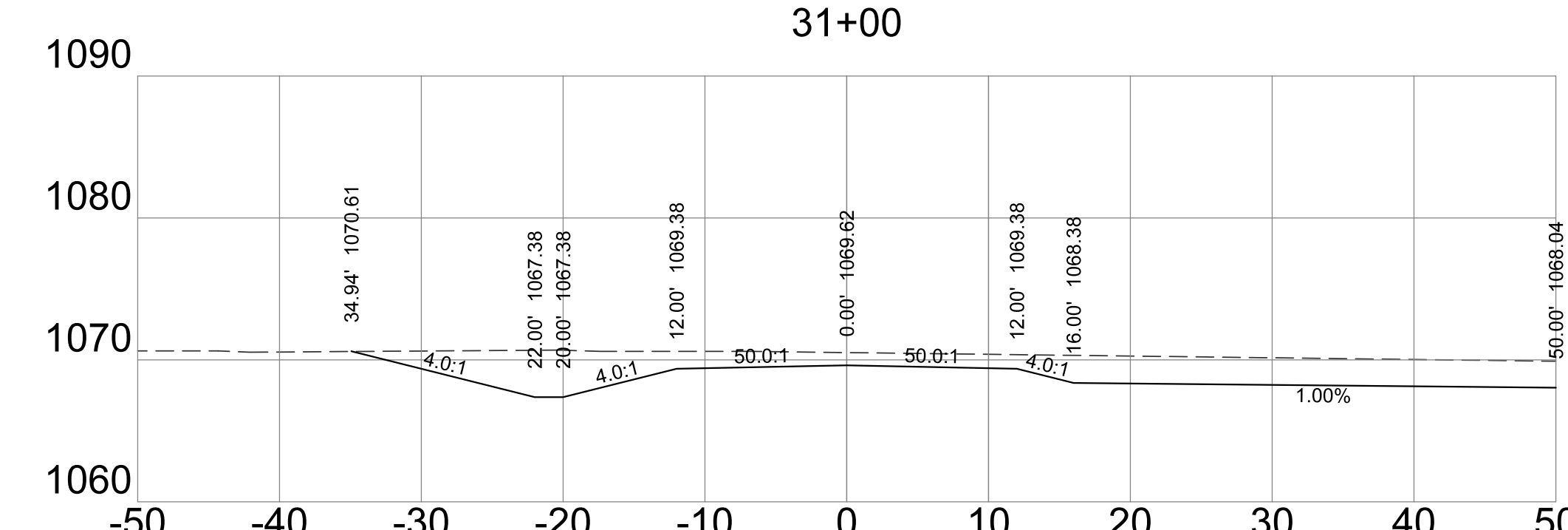
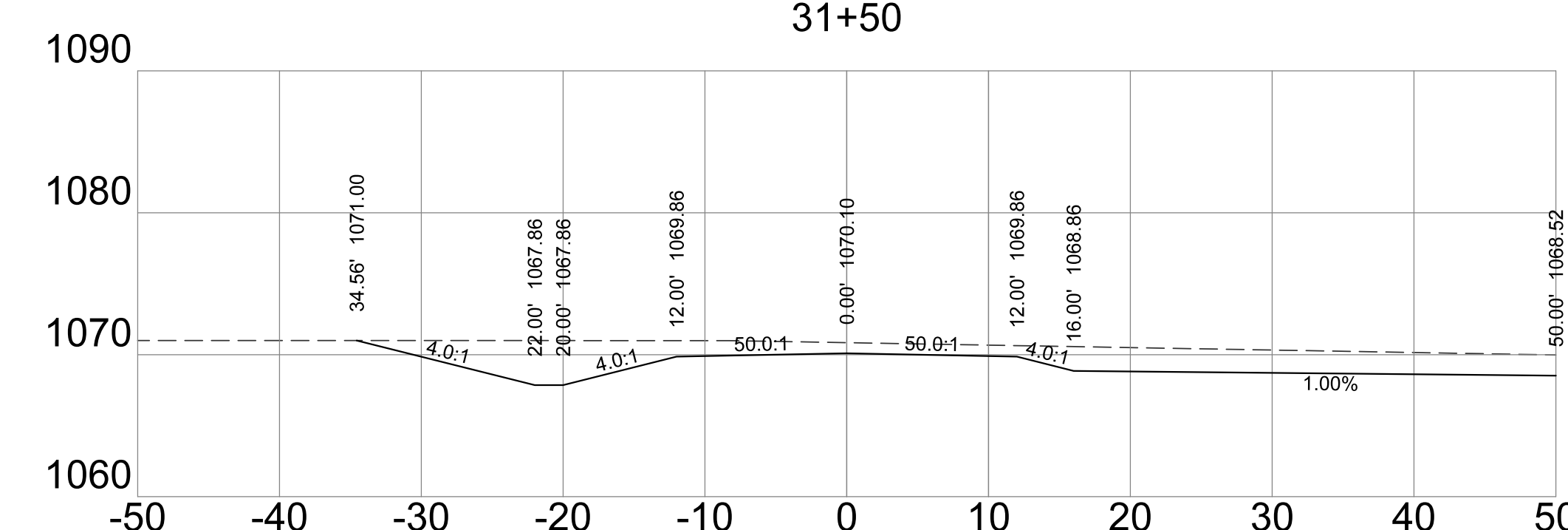
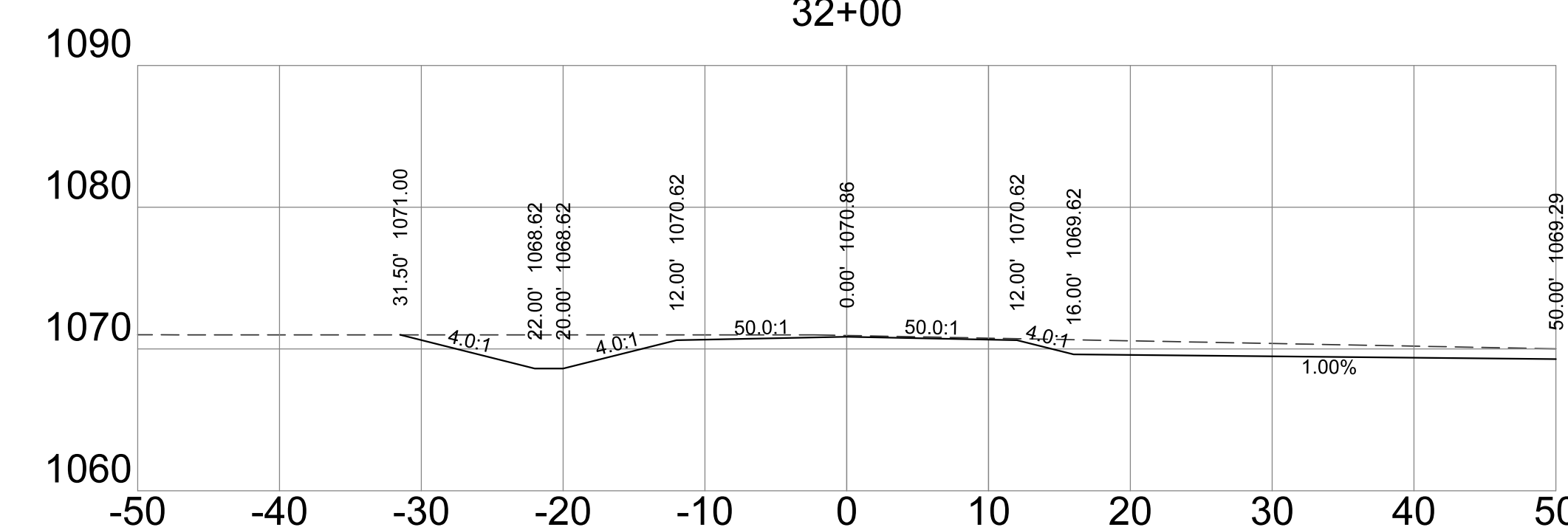
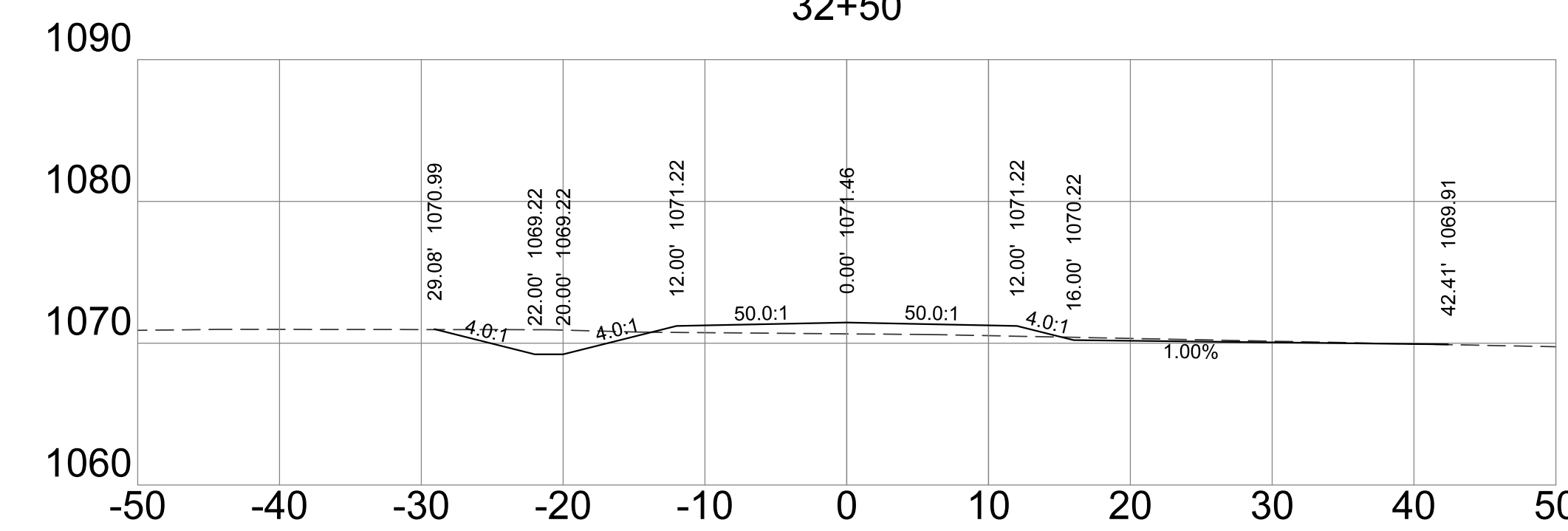
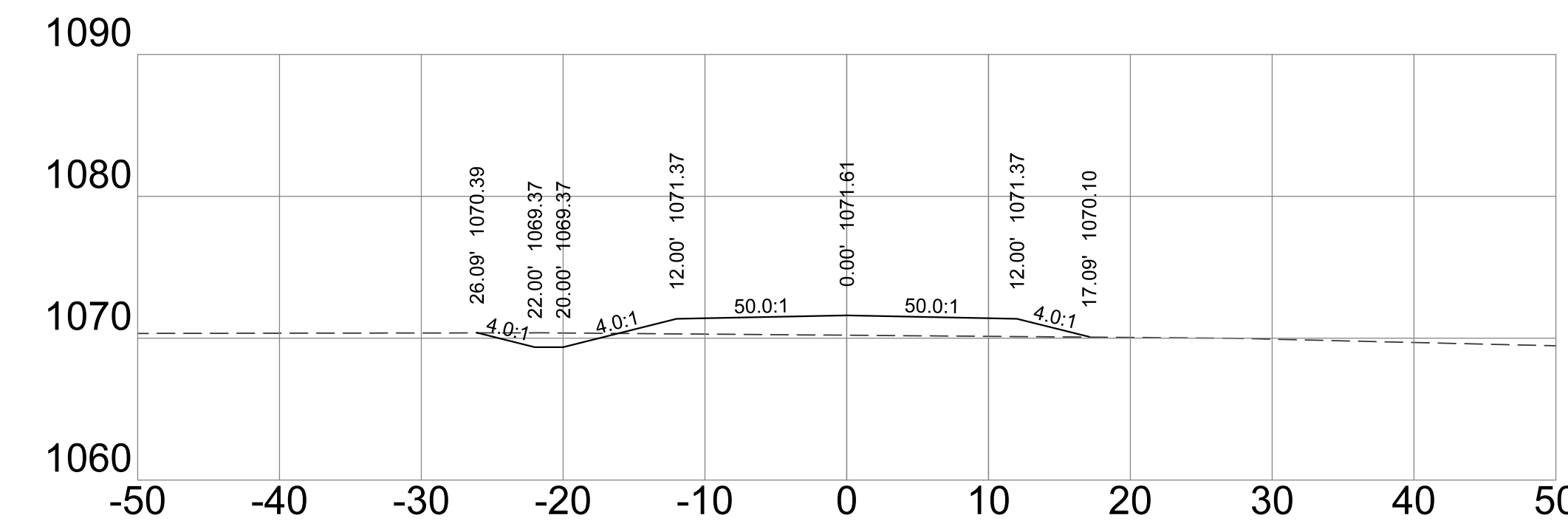
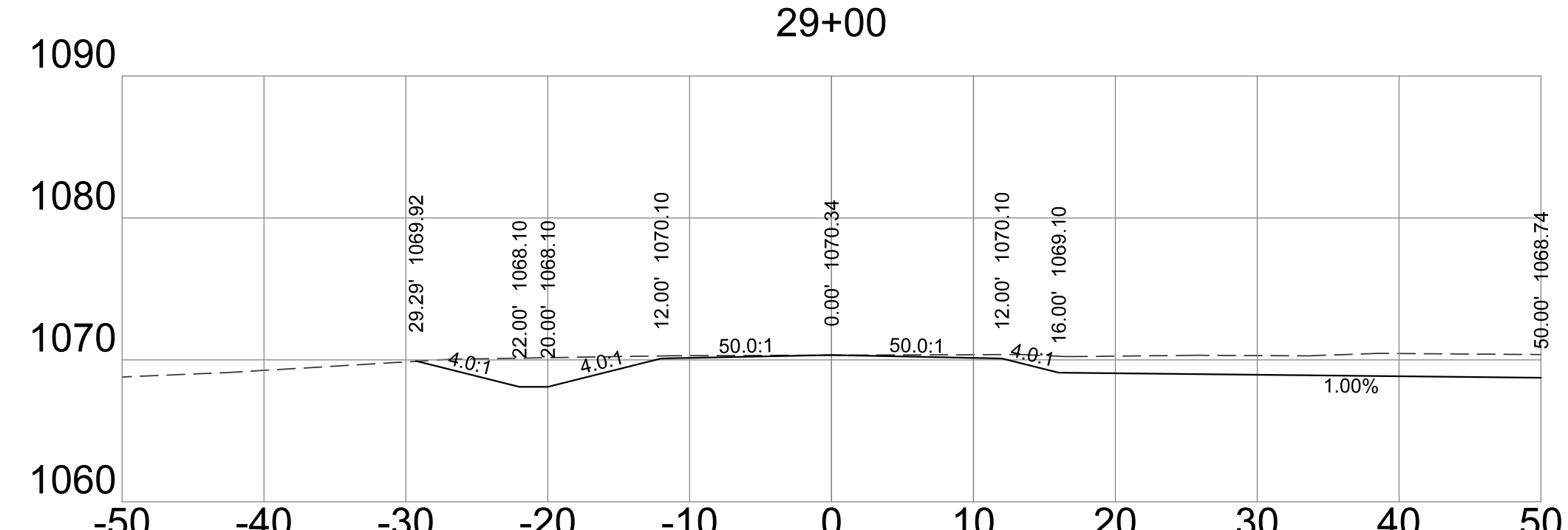
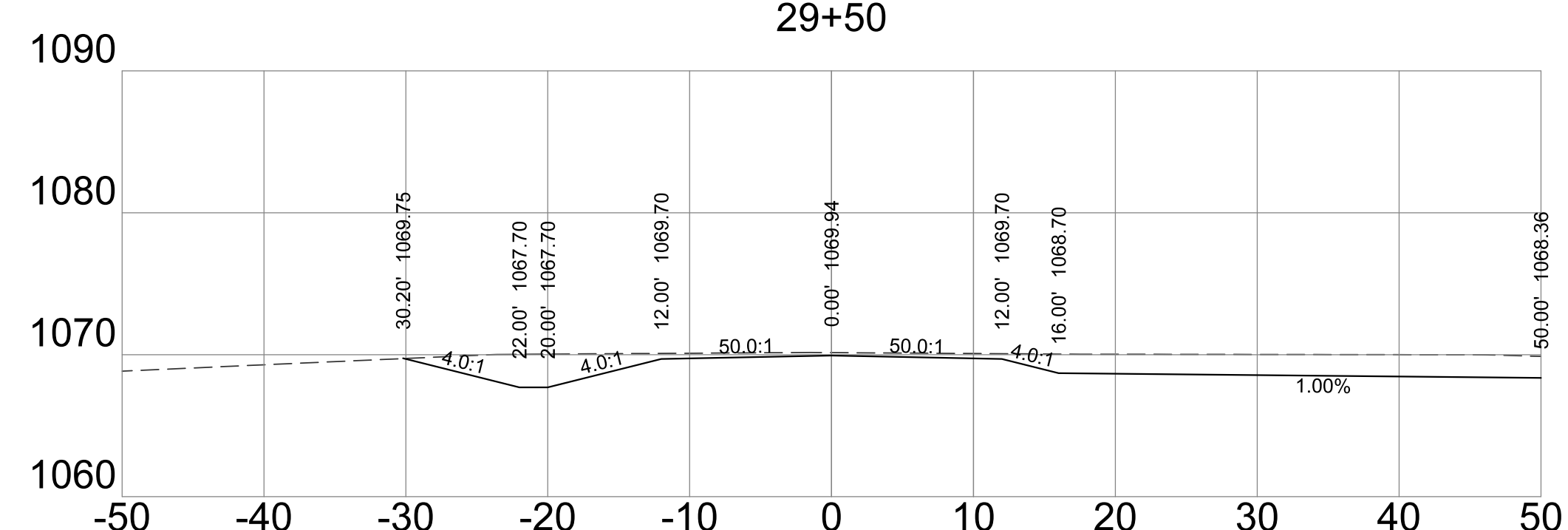
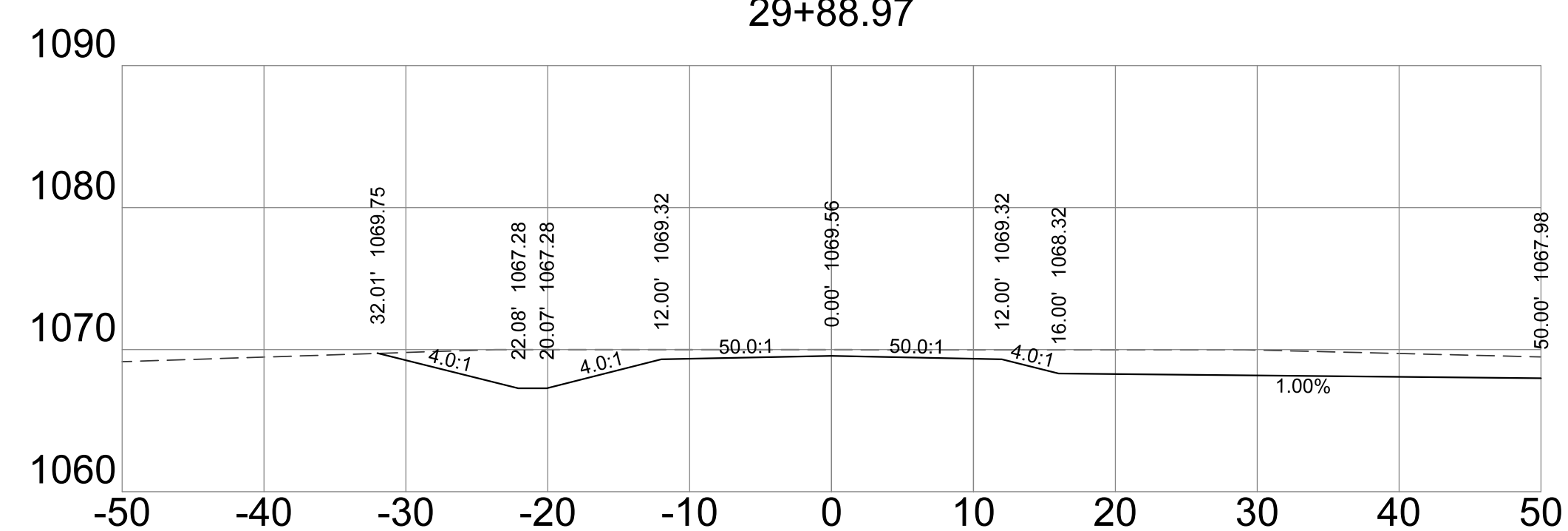
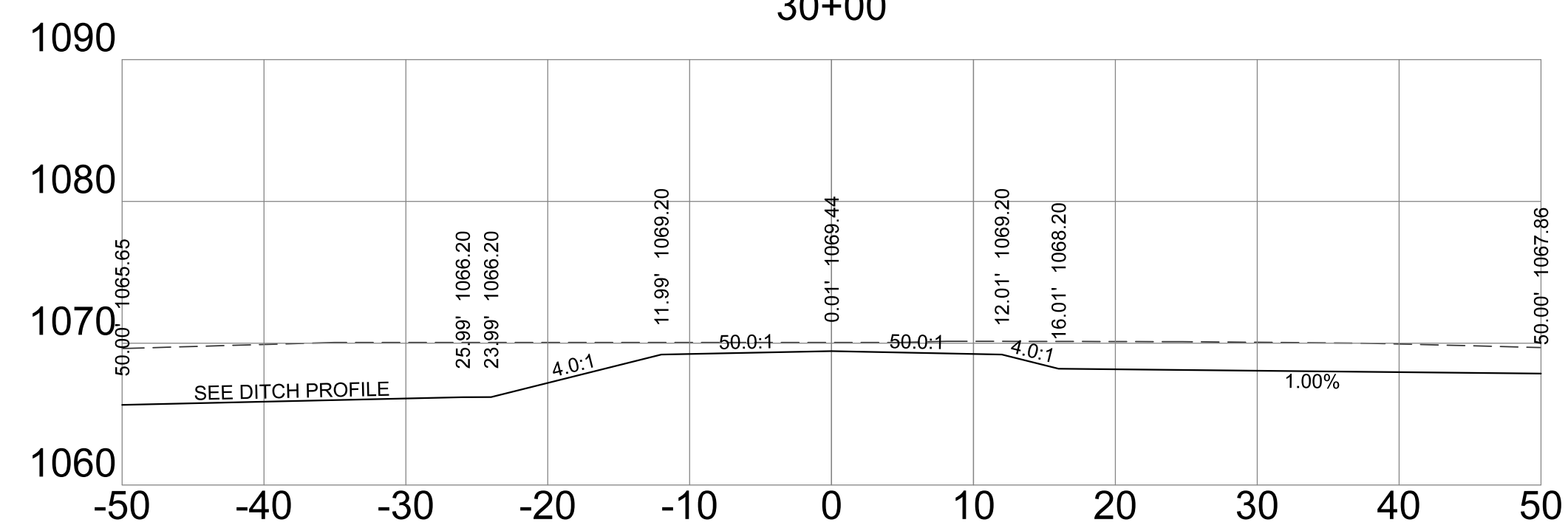
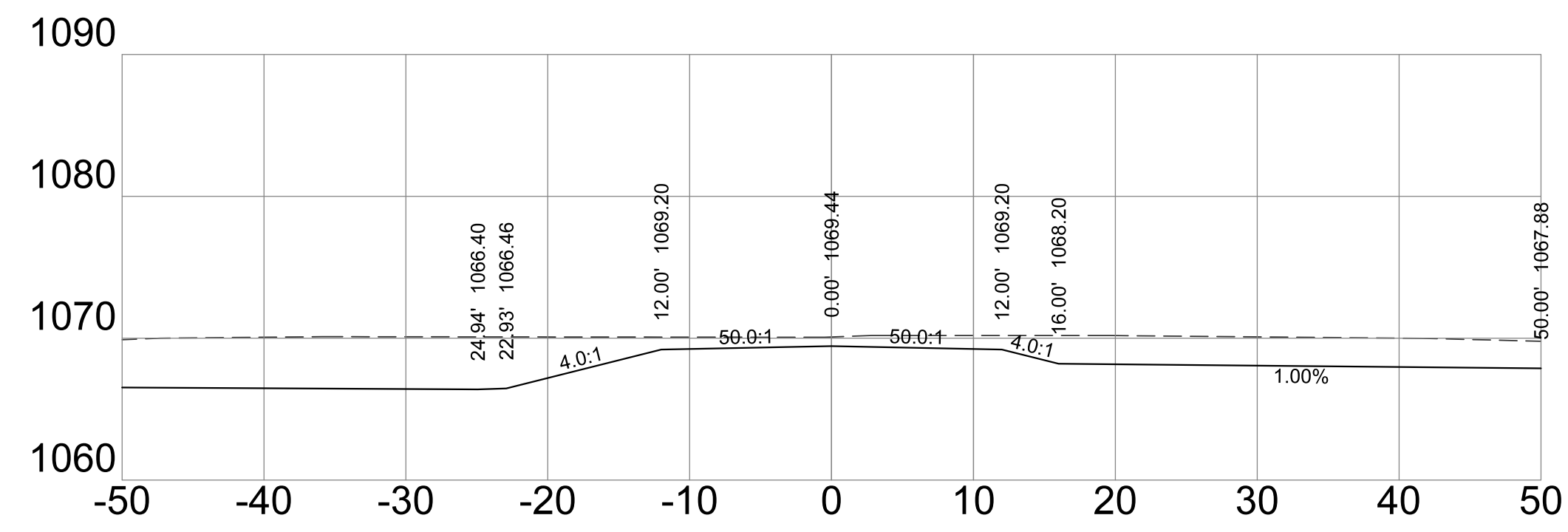
STA 24+00 - 28+00

HORIZONTAL: 1"=10'  
VERTICAL: 1"=10'



PRELIMINARY PLANS  
FOR REVIEW ONLY

CLIENT: ORISON, LLC TONGANOXIE, KS		DRAWN BY: DJS PROJECT NUMBER: 2022.10	DATE: 06-01-2022 SCALE: NONE
PRELIMINARY ROAD & STORM PLANS HIGHLAND MEADOWS 235th ST.		SHEET DESCRIPTION: ROAD CROSS SECTIONS	
REV. DATE BY DESCRIPTION		6 05-19-2023 DJS REVISED PER PRELIMINARY REVIEW COMMENTS 5 03-16-2023 DJS REVISED PER PRELIMINARY REVIEW COMMENTS 2-4 06-01-2022 DJS REV 08-19-2022, 11-06-2022 & 01-20-2023 PER COMMENTS 1 06-01-2022 DJS SUBMIT PRELIMINARY PLANS FOR REVIEW AND COMMENT	
Schulte Engineering & Consulting, LLC 21 Gates Dr. Platts, CT 06460 www.schulteengineering.com admin@schulteengineering.com PHONE: (816) 260-3328		SHT. 11 OF 21	

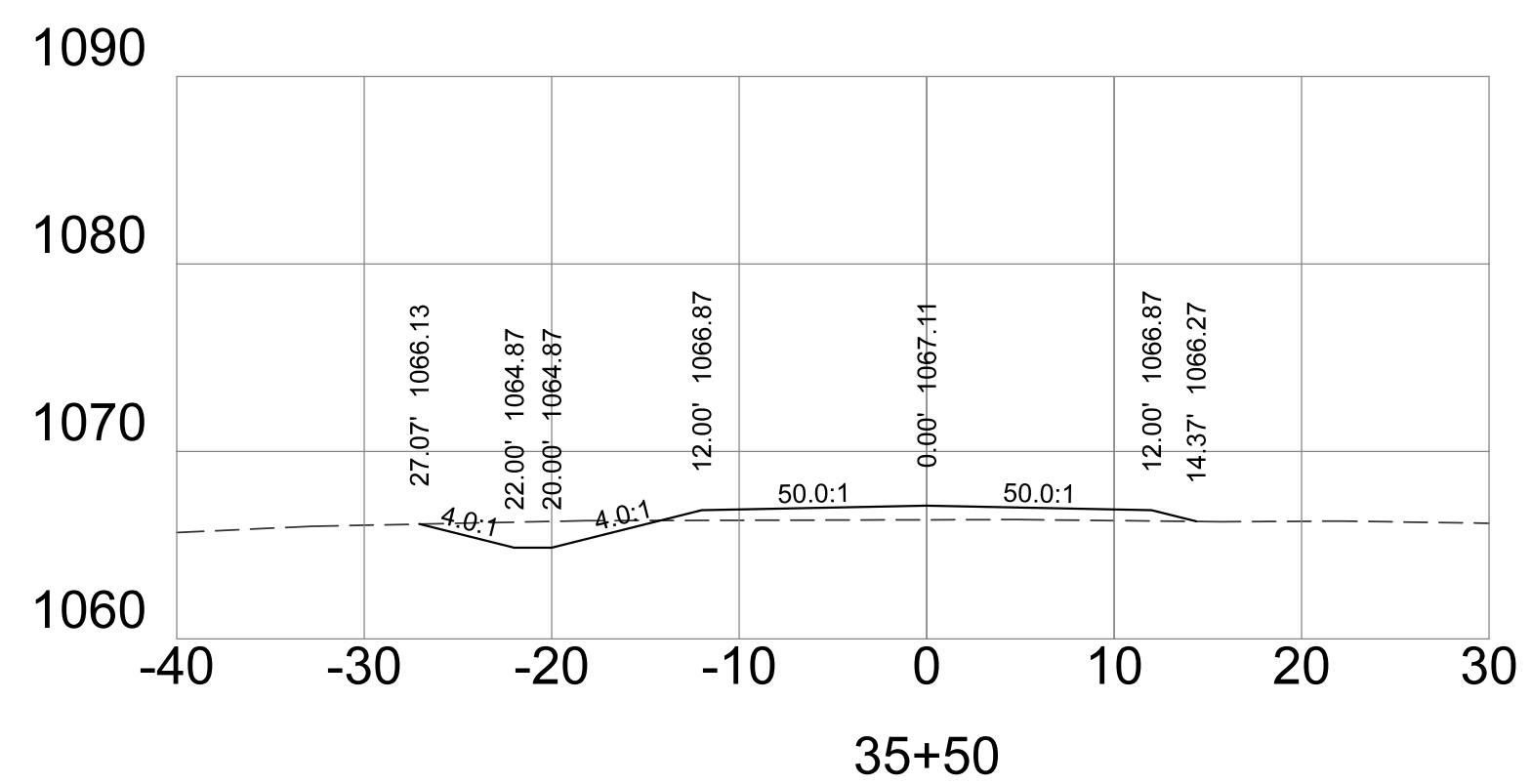
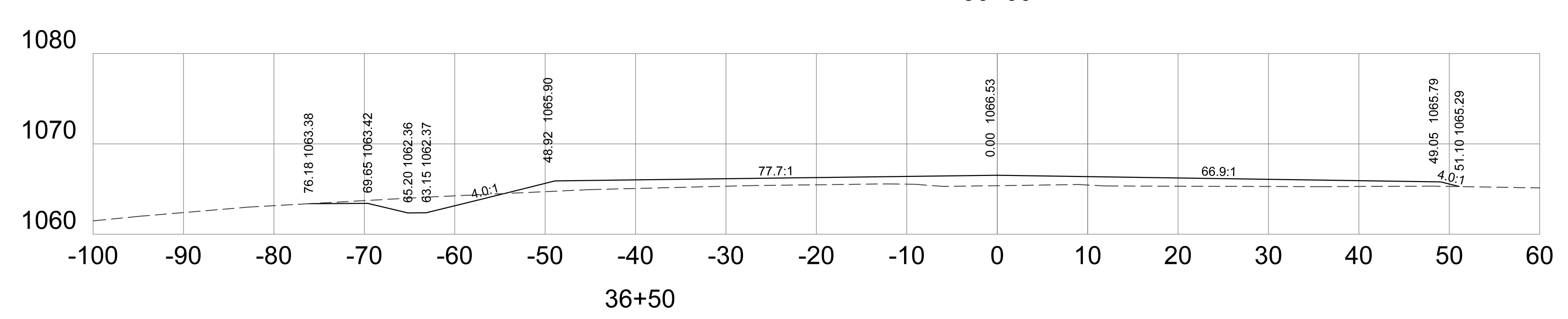
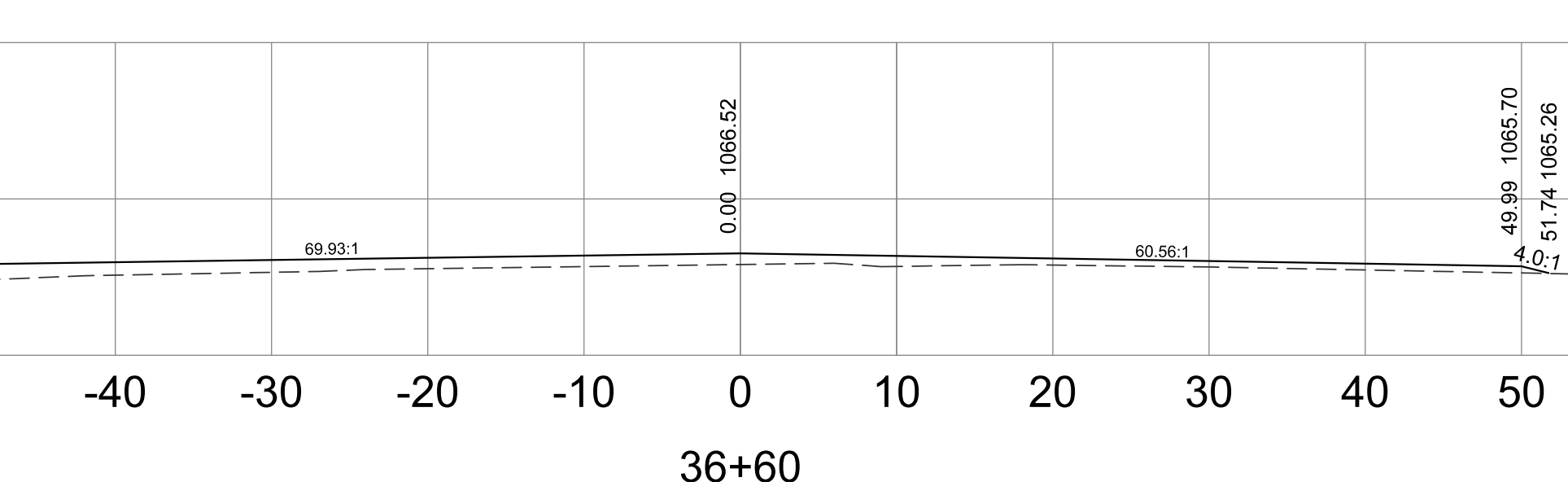
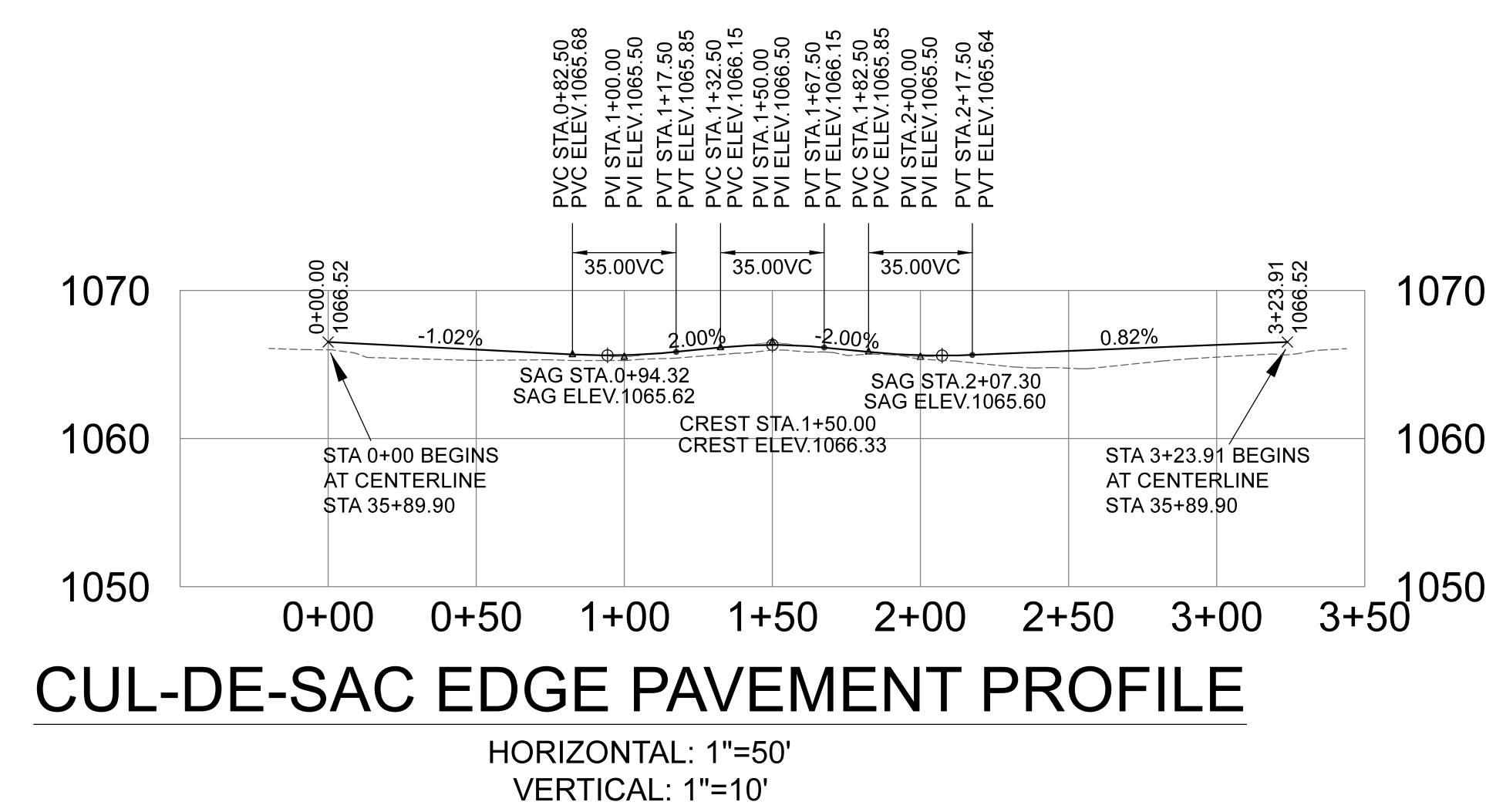
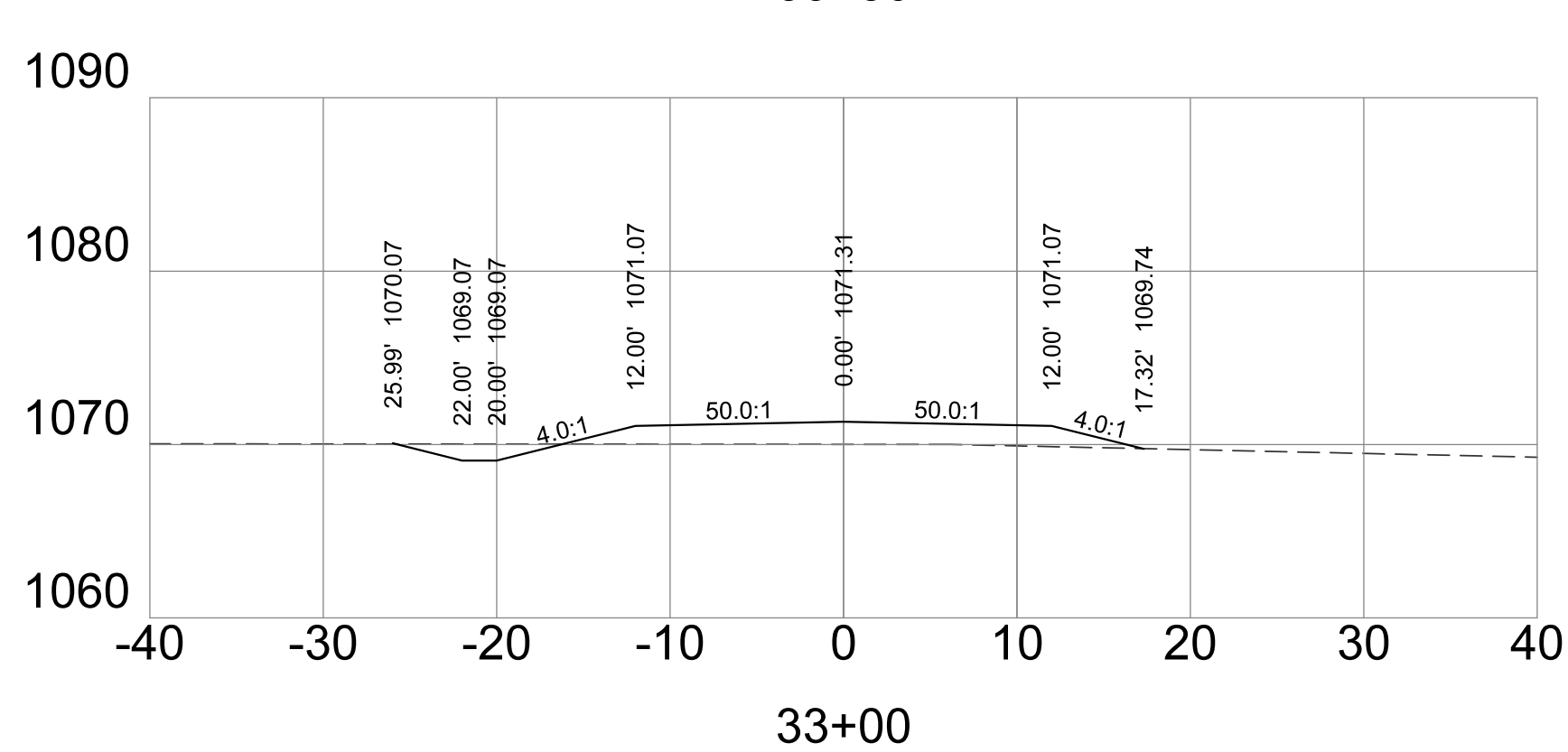
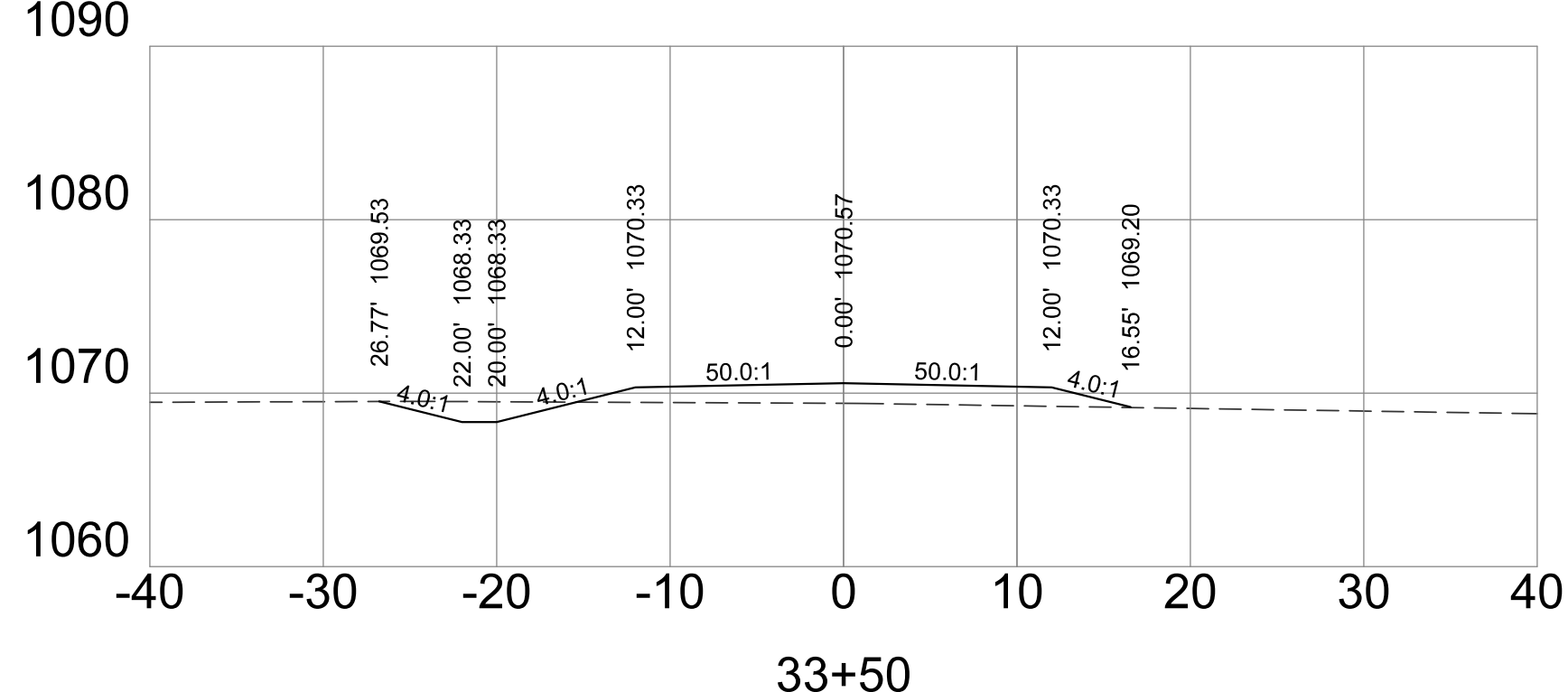
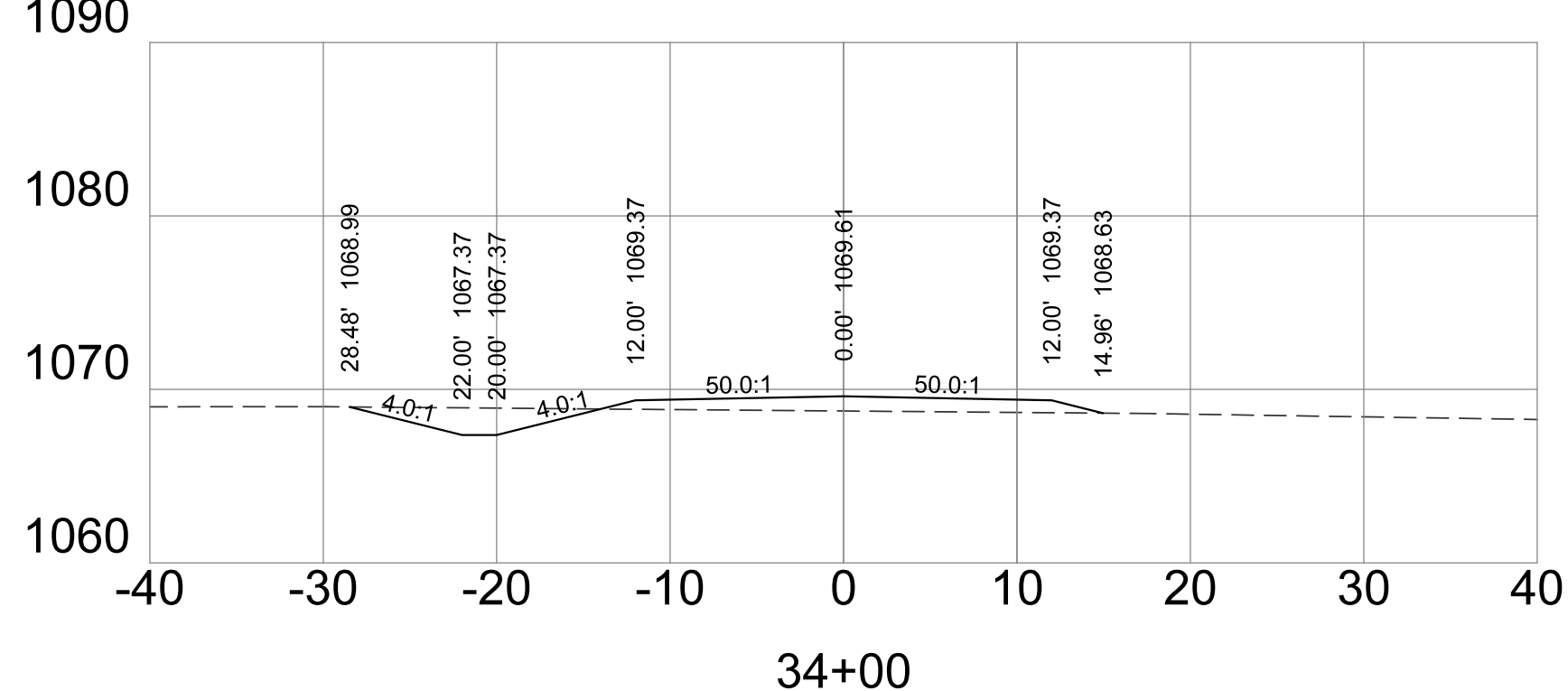
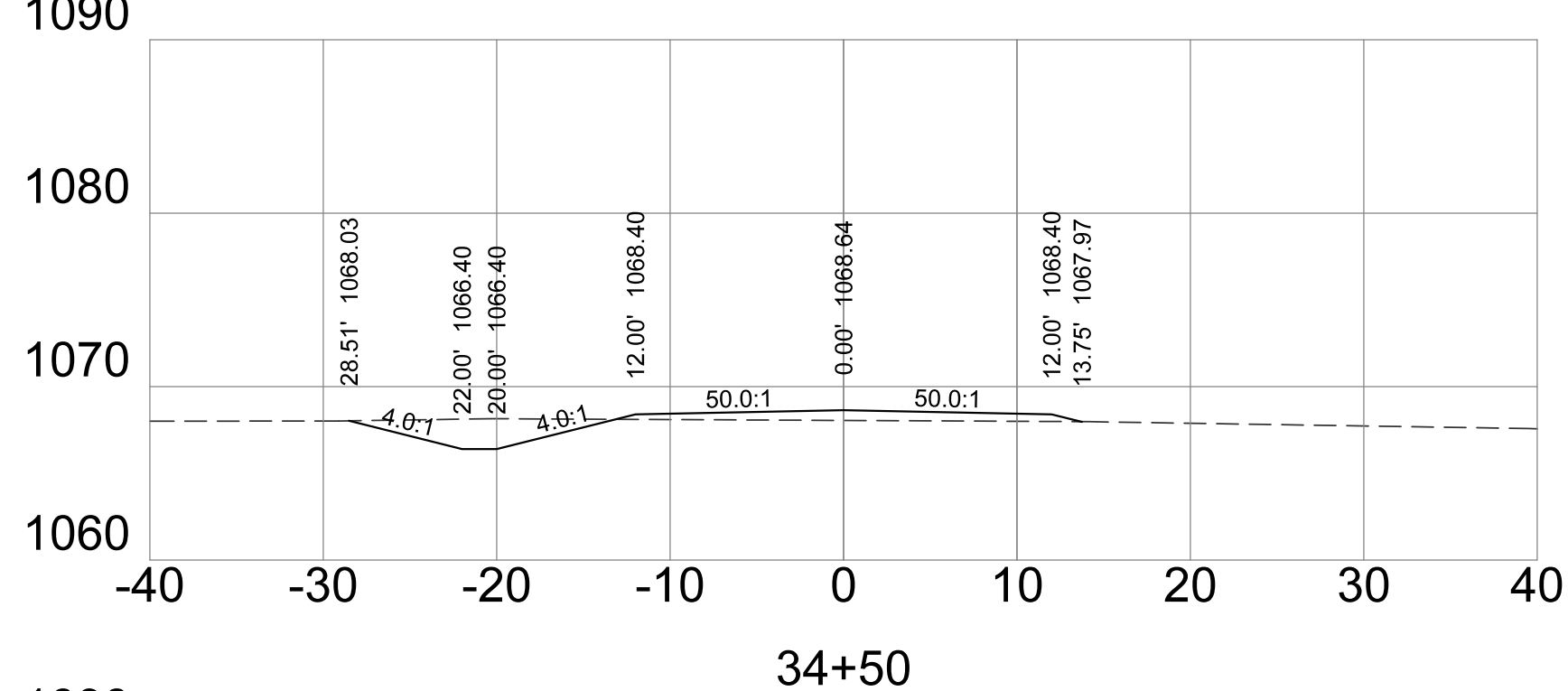
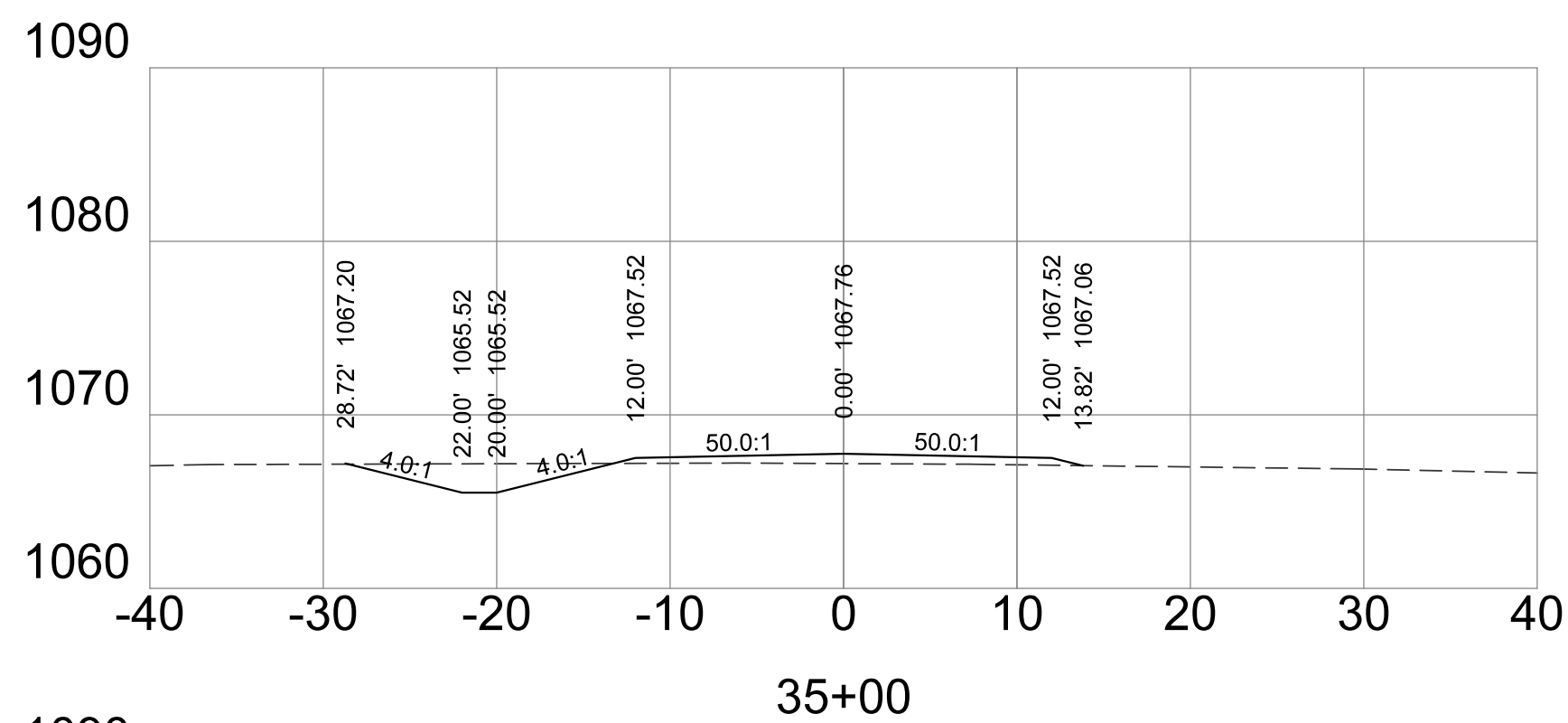


STA 28+50 - 32+50

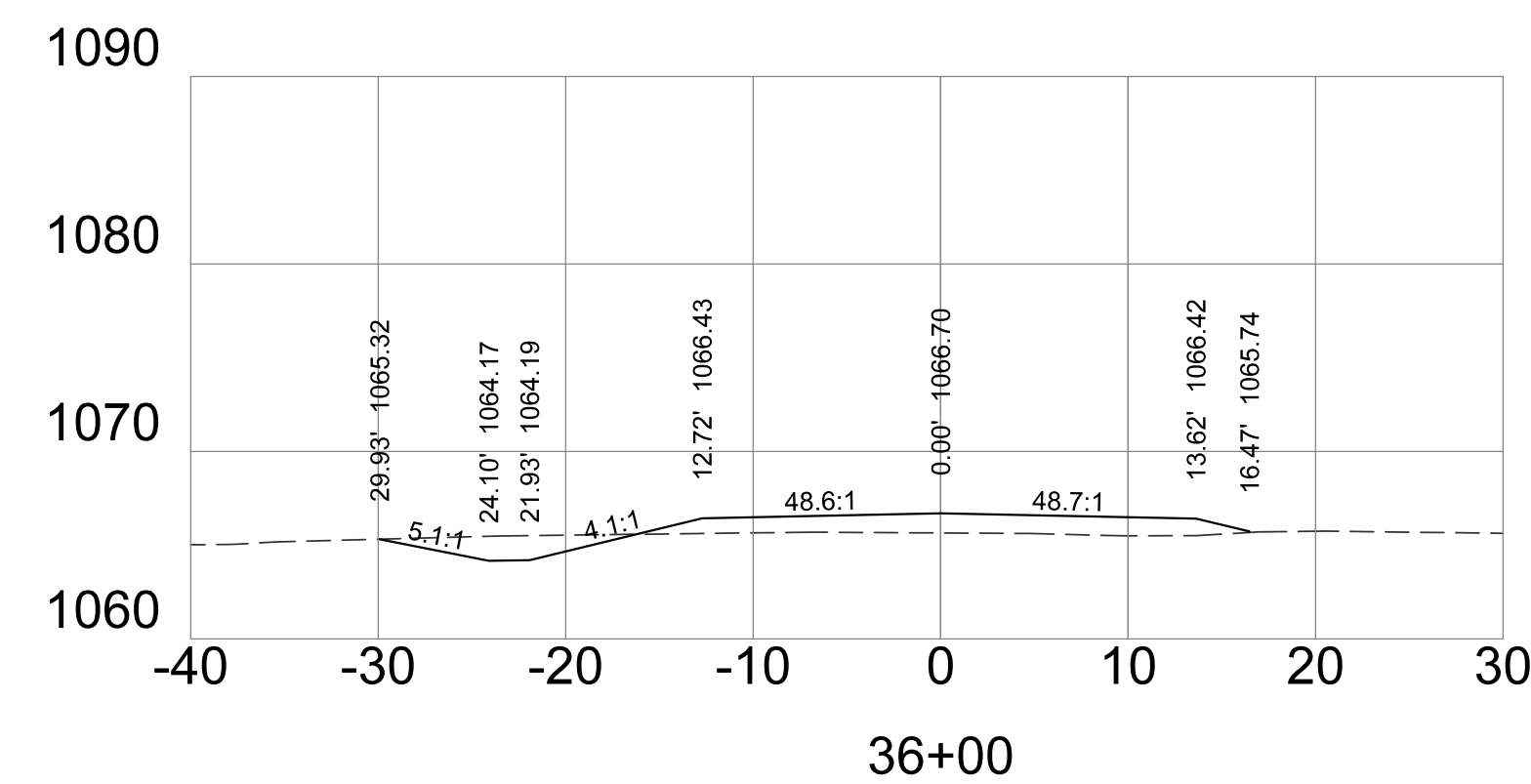
HORIZONTAL: 1"=10'  
VERTICAL: 1"=10'

PRELIMINARY PLANS  
FOR REVIEW ONLY

PRELIMINARY ROAD & STORM PLANS		ORISON, LLC		DATE: 06-01-2022	
HIGHLAND MEADOWS		TONGANOXIE, KS		SCALE: NONE	
235th ST.		DRAWN BY: DJS		PROJECT NUMBER: 2022.10	
ROAD CROSS SECTIONS		SHEET DESCRIPTION: ROAD CROSS SECTIONS		SHT. 12 OF 21	
REV. DATE BY DESCRIPTION		6 05-19-2023 DJS REVISED PER PRELIMINARY REVIEW COMMENTS		REVISED PER PRELIMINARY REVIEW COMMENTS	
		5 03-16-2023 DJS REVISED PER PRELIMINARY REVIEW COMMENTS		REVISED PER PRELIMINARY REVIEW COMMENTS	
		2-4 ----- DJS REV 08-19-2022, 11-06-2022 & 01-20-2023 PER COMMENTS		REV 08-19-2022, 11-06-2022 & 01-20-2023 PER COMMENTS	
		1 06-01-2022 DJS SUBMIT PRELIMINARY PLANS FOR REVIEW AND COMMENT		SUBMIT PRELIMINARY PLANS FOR REVIEW AND COMMENT	
		Schulte Engineering & Consulting, LLC		21 Gates Dr. Pitts, Ct 06460 www.schulteengineering.com admin@schulteengineering.com PHONE: (816) 260-3328	



**STA 33+00 - 36+60**  
HORIZONTAL: 1"=50'  
VERTICAL: 1"=10'



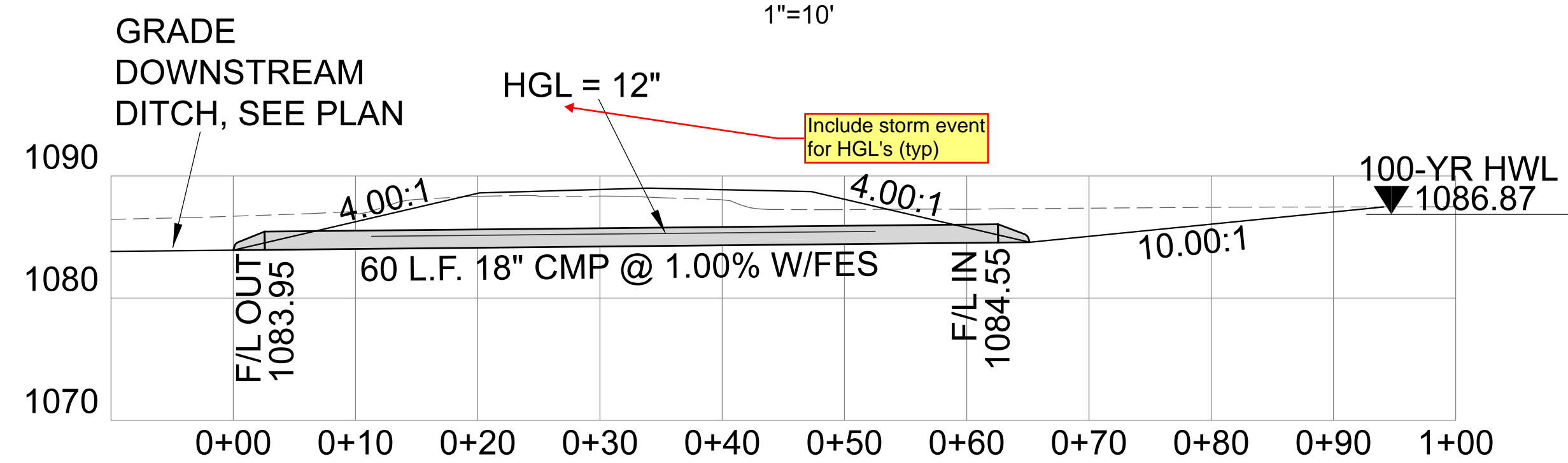
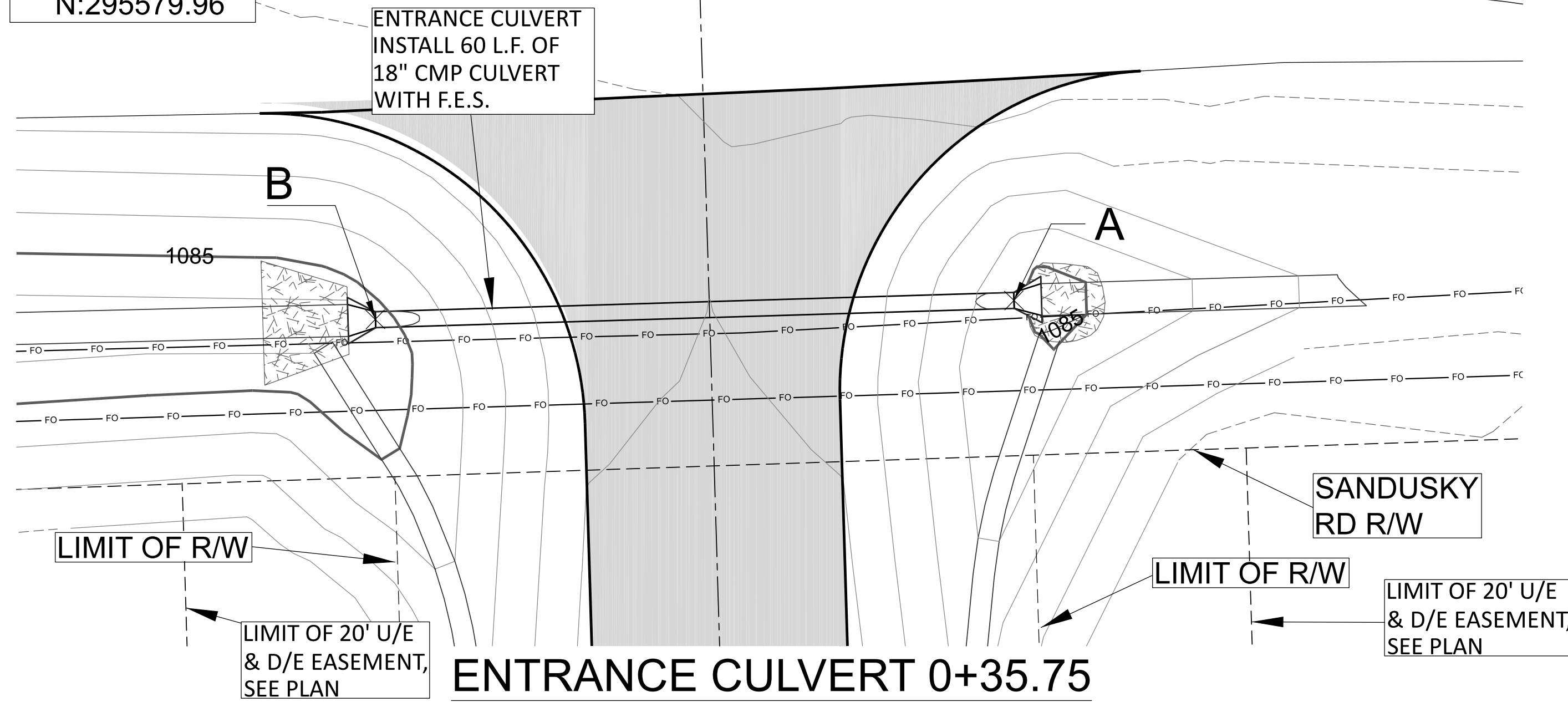
PRELIMINARY PLANS  
FOR REVIEW ONLY

CLIENT: ORISON, LLC TONGANOXIE, KS		SHEET DESCRIPTION: ROAD CROSS SECTIONS	
DRAWN BY: DJS		DATE: 06-01-2022	
PROJECT NUMBER: 2022.10		SCALE: NONE	
SHEET: 13 OF 21		REV. DATE BY DESCRIPTION	
6	05-19-2023	DJS	REVISED PER PRELIMINARY REVIEW COMMENTS
5	03-16-2023	DJS	REVISED PER PRELIMINARY REVIEW COMMENTS
2-4	-----	DJS	REV 08-2022, 11-08-2022 & 01-20-2023 PER COMMENTS
1	06-01-2022	DJS	SUBMIT PRELIMINARY PLANS FOR REVIEW AND COMMENT

Schulte Engineering & Consulting, LLC  
21 Gates Dr.  
Platts, CT 06460  
www.schulteengineering.com  
admin@schulteengineering.com  
PHONE: (816) 260-3328



**STAKING COORDINATES**  
 A E:2128531.05  
 N:295581.77  
 B E:2128471.08  
 N:295579.96

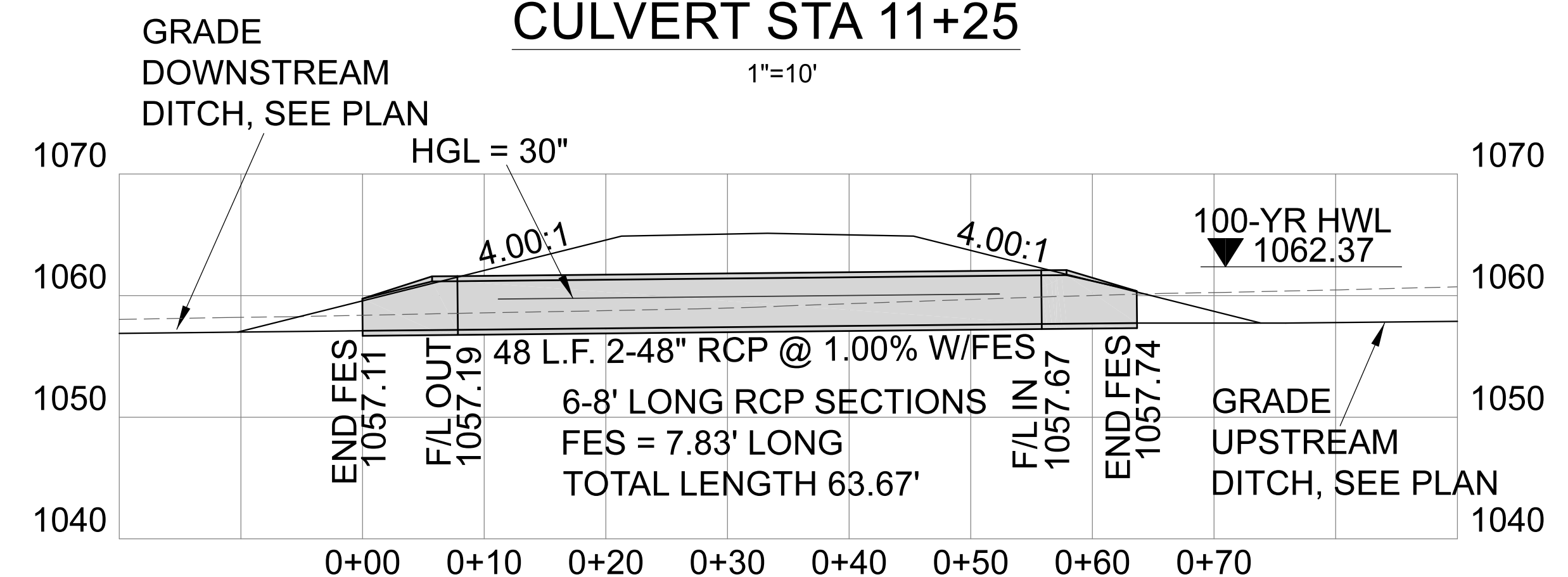
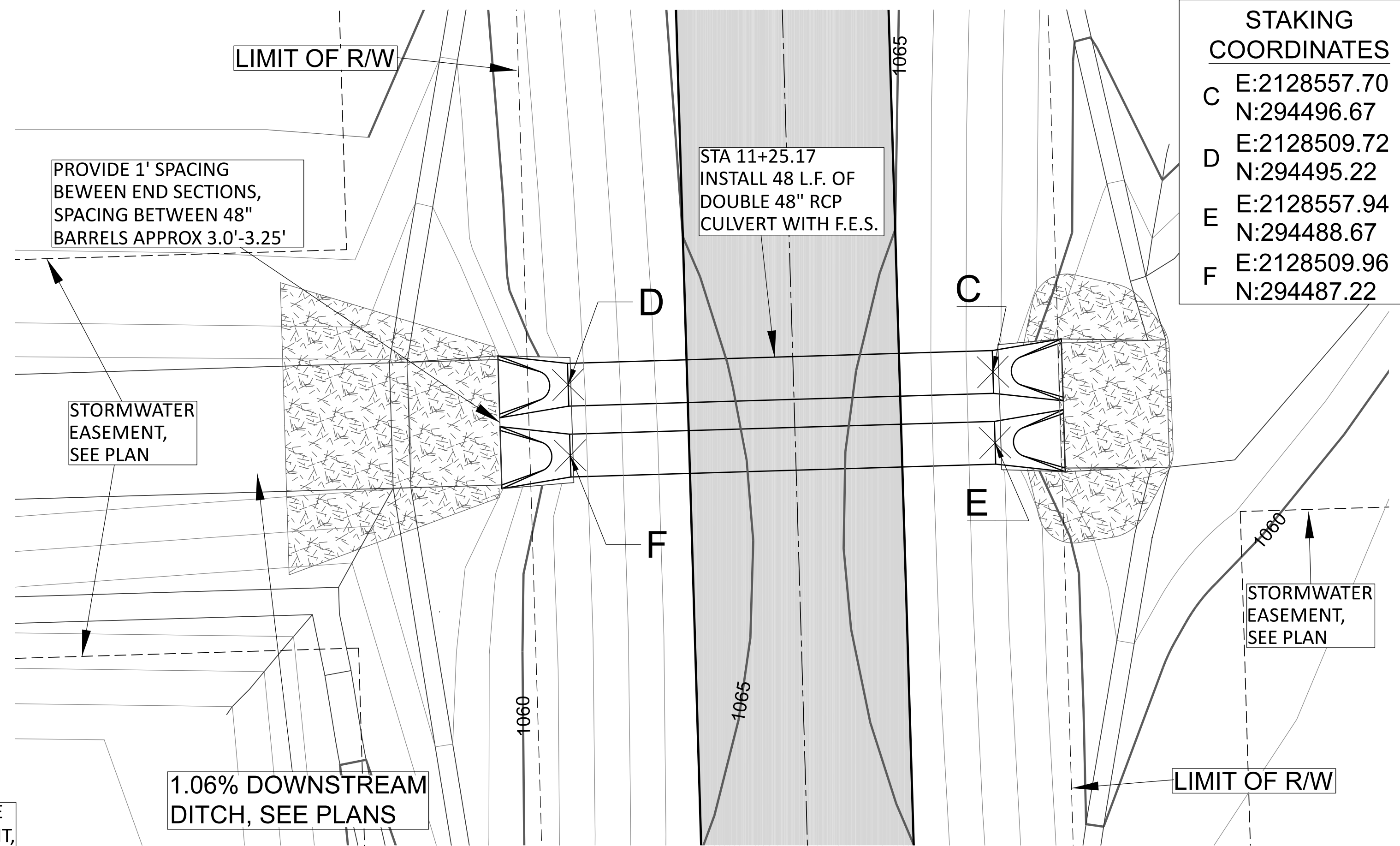


Verify Q values with Culvert Calcs Report.

Culvert Location	Drainage Area (AC)	Culvert Information					Incoming Flow Rate (cfs)			100-Yr HWL*
		Length (ft)	Slope (%)	Size (in)	Capacity (cfs)	Velocity 25-yr (fps)	10-year	25-year	100-year	
Entrance 0+35.75	1.317	60	1.00	1-18	5.48	3.55	3.44	4.47	6.99	1,086.87
STA 11+25	38.946	48	1.00	2-48	312.06	7.53	103.38	133.58	195.01	1,062.37
STA 15+51	6.004	48	1.00	2-24	49.14	6.13	30.99	39.93	60.88	1,064.97
STA 24+00	1.497	48	1.00	1-18	12.1	5.32	9.43	12.00	17.57	1,072.86
Lot 30 Driveway	34.273	40	2.45	2-48	488.46	5.98	96.41	125.16	195.81	1,067.93

\* - 100-Yr High Water Levels do not overtop road. Limits of HWL are indicated in plans and on culvert profiles

**CULVERT SUMMARY**



Provide culvert notes.

**STAKING COORDINATES**  
 C E:2128557.70  
 N:294496.67  
 D E:2128509.72  
 N:294495.22  
 E E:2128557.94  
 N:294488.67  
 F E:2128509.96  
 N:294487.22

6	05-19-2023	DJS	REVISED PER PRELIMINARY REVIEW COMMENTS
5	03-16-2023	DJS	REVISED PER PRELIMINARY REVIEW COMMENTS
2-4	-----	DJS	REV 08-19-2022, 11-06-2022 & 01-20-2023 PER COMMENTS
1	06-01-2022	DJS	SUBMIT PRELIMINARY PLANS FOR REVIEW AND COMMENT
REV.	DATE	BY	DESCRIPTION

CLIENT: ORISON, LLC  
 TONGANOXIE, KS

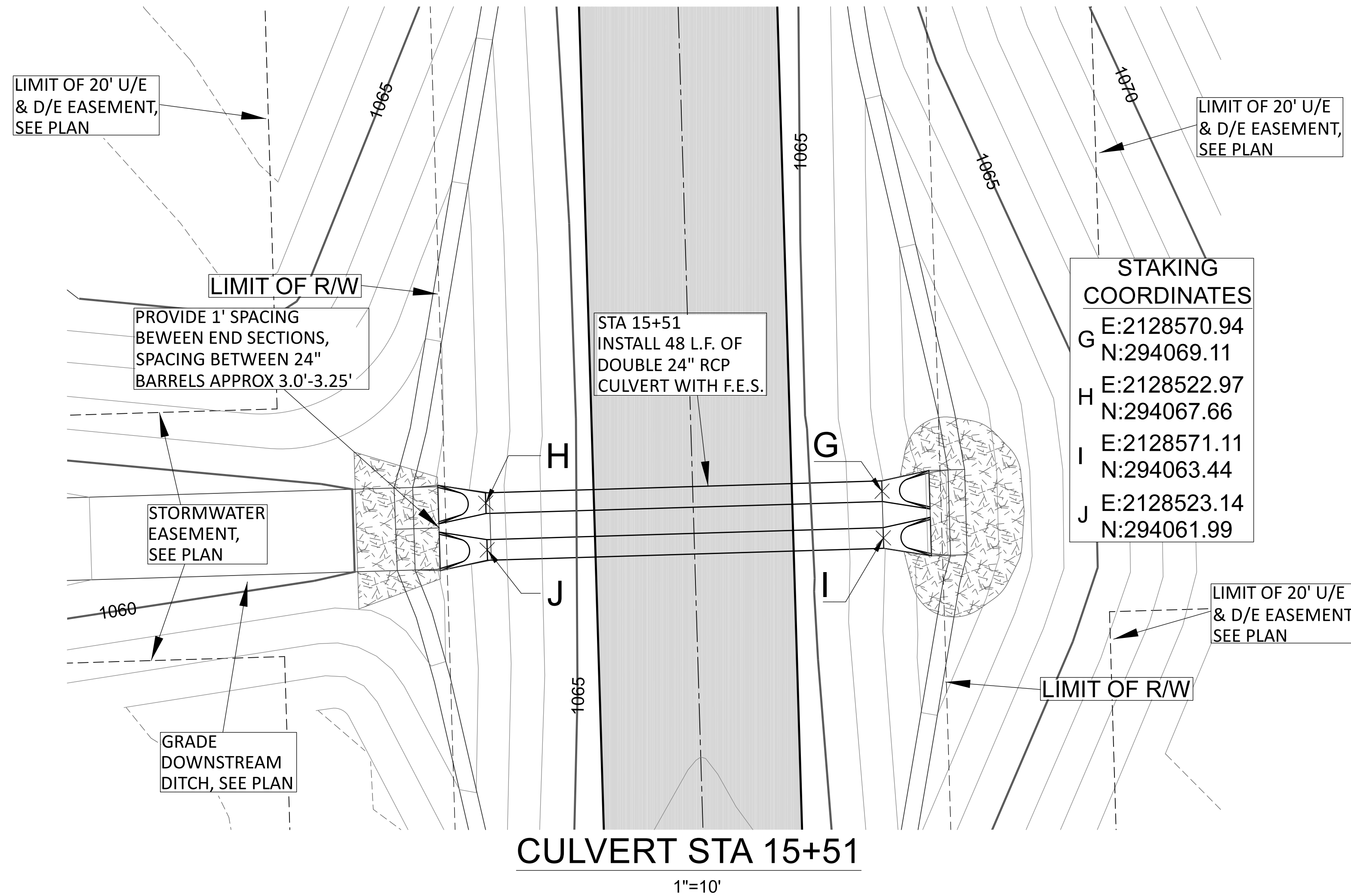
DATE: 06-01-2022  
 SCALE: NONE

PROJECT NUMBER: 2022.10

SHEET DESCRIPTION: PRELIMINARY ROAD & STORM PLANS  
 HIGHLAND MEADOWS  
 235th ST.  
 CULVERT PLAN & PROFILE

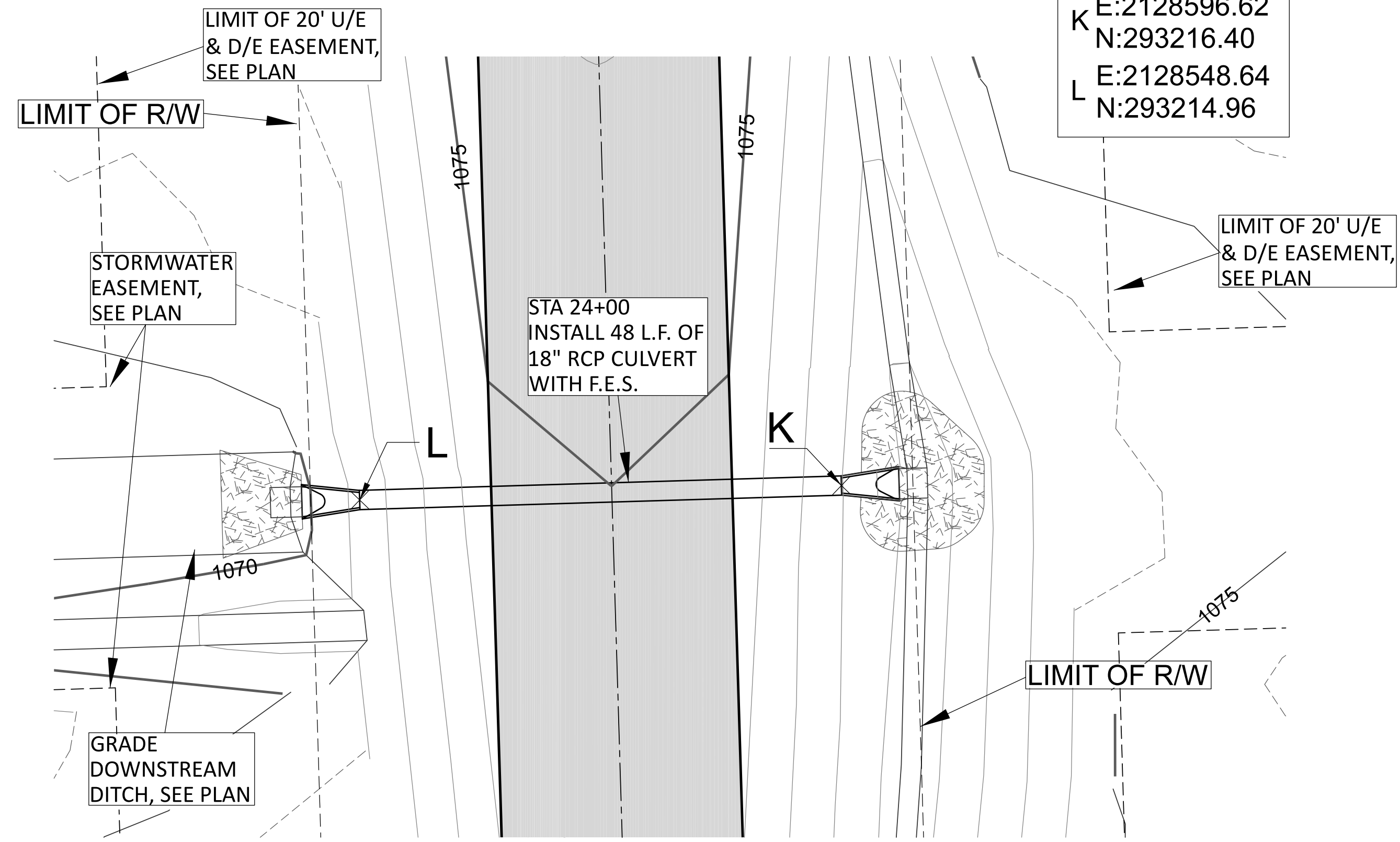
SHT. 14 OF 21

PRELIMINARY PLANS FOR REVIEW ONLY



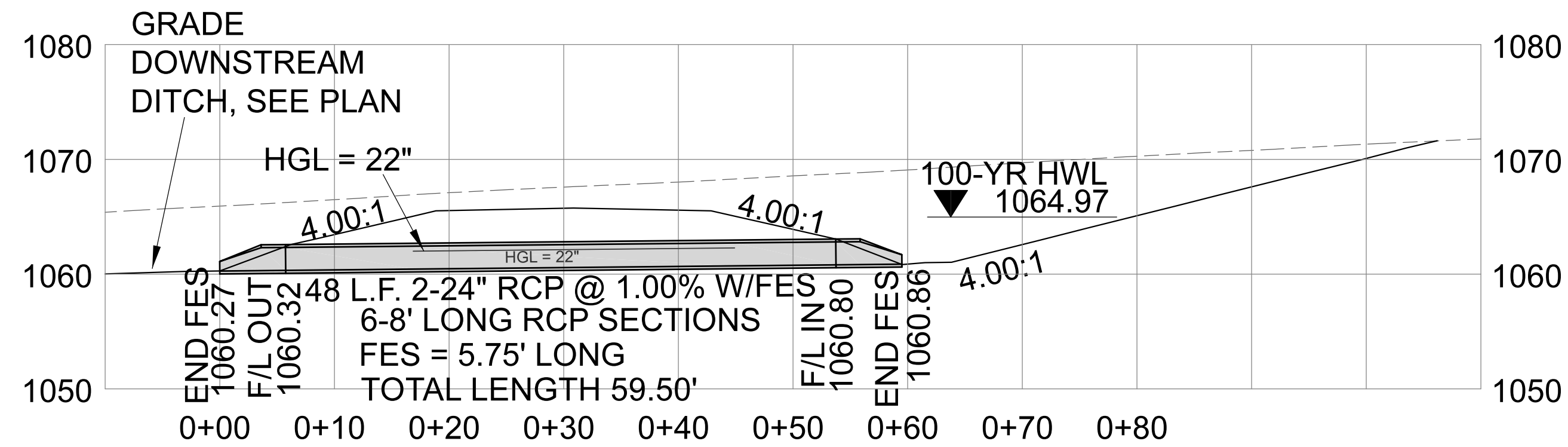
**CULVERT STA 15+51**

1"=10'



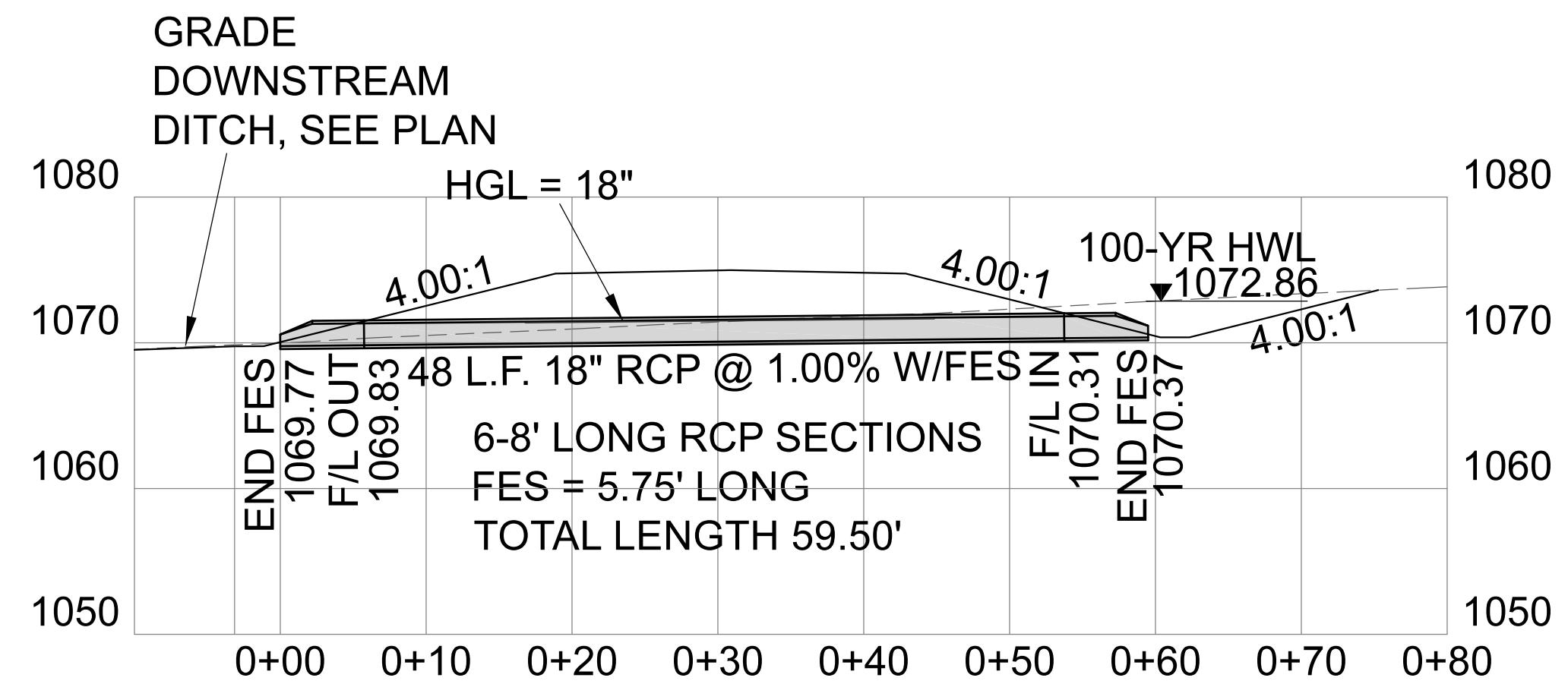
**CULVERT STA 24+00**

1"=10'



**CULVERT STA 15+51 PROFILE**

1"=10'



**CULVERT STA 24+00 PROFILE**

1"=10'

**CULVERT NOTES:**

- 1) TOE WALLS ARE REQUIRED BENEATH END SECTIONS.
- 2) 2' (MIN) COVER IS REQUIRED FROM PIPE TO SUBGRADE ELEVATION.
- 3) MATERIAL OF FLARED END SECTION SHALL MATCH THE CULVERT MATERIAL.

PRELIMINARY PLANS  
FOR REVIEW ONLY

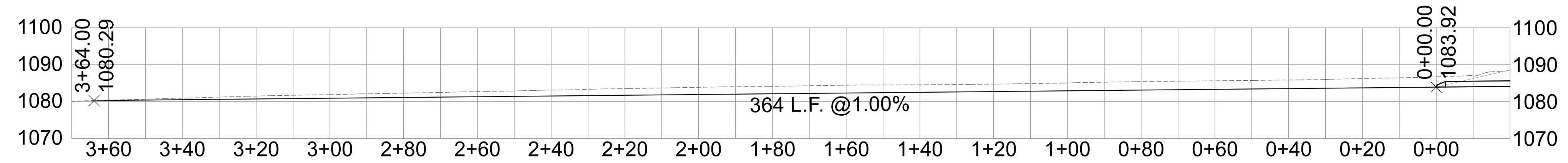
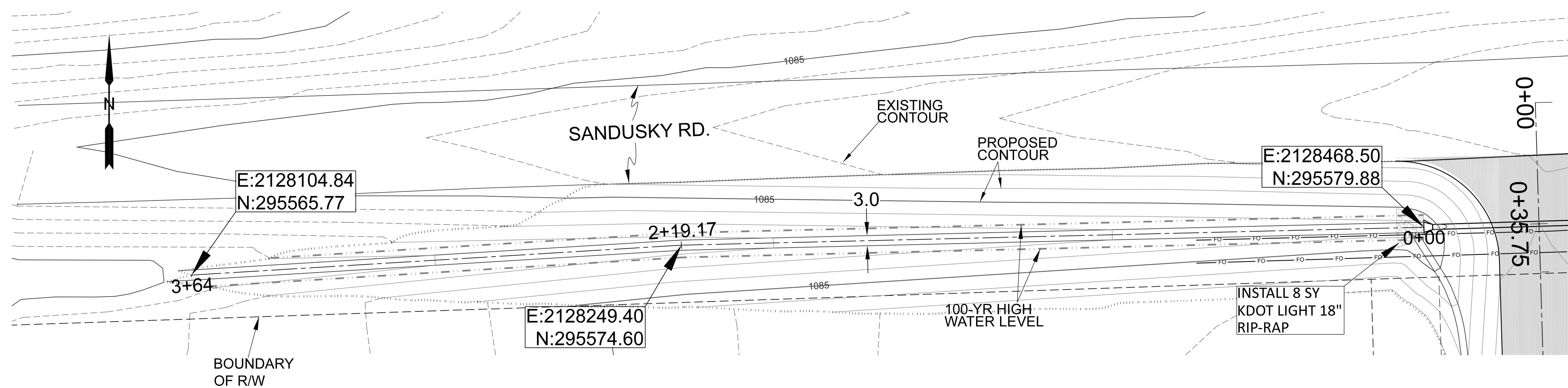
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L	E:2128548.64	N:293214.96

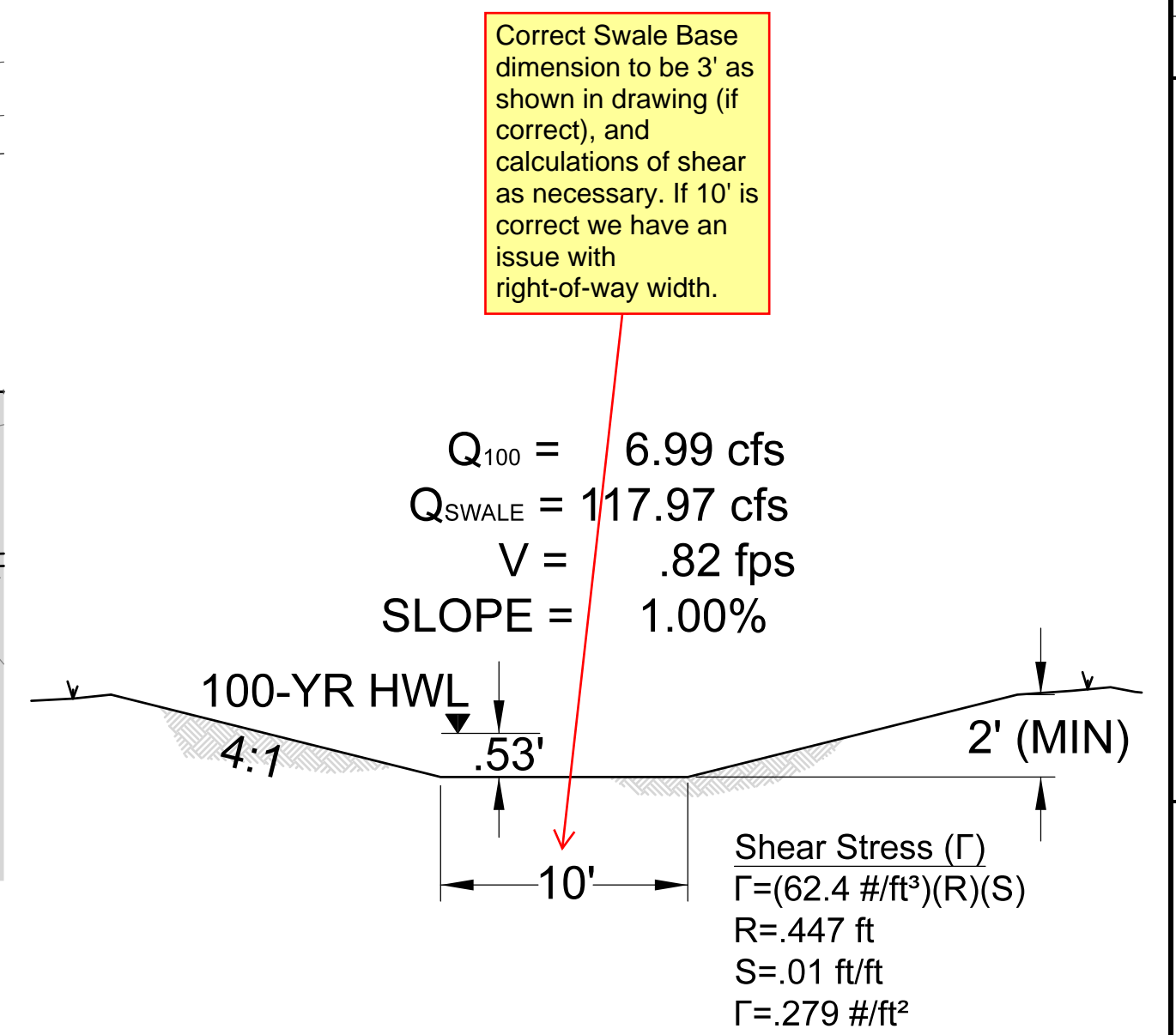
**STAKING COORDINATES**

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H	E:2128522.97	N:294067.66
I	E:2128571.11	N:294063.44
J	E:2128523.14	N:294061.99

<p>CLIENT: ORISON, LLC TONGANOXIE, KS</p>	<p>DATE: 06-01-2022 SCALE: NONE</p>	<p>REVISIONS:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>NO.</th> <th>DATE</th> <th>DESCRIPTION</th> </tr> </thead> <tbody> <tr> <td>6</td> <td>05-19-2023</td> <td>DJS REVISED PER PRELIMINARY REVIEW COMMENTS</td> </tr> <tr> <td>5</td> <td>03-16-2023</td> <td>DJS REVISED PER PRELIMINARY REVIEW COMMENTS</td> </tr> <tr> <td>2-4</td> <td>-----</td> <td>DJS REV 08-19-2022, 11-06-2022 &amp; 01-20-2023 PER COMMENTS</td> </tr> <tr> <td>1</td> <td>06-01-2022</td> <td>DJS SUBMIT PRELIMINARY PLANS FOR REVIEW AND COMMENT</td> </tr> </tbody> </table>	NO.	DATE	DESCRIPTION	6	05-19-2023	DJS REVISED PER PRELIMINARY REVIEW COMMENTS	5	03-16-2023	DJS REVISED PER PRELIMINARY REVIEW COMMENTS	2-4	-----	DJS REV 08-19-2022, 11-06-2022 & 01-20-2023 PER COMMENTS	1	06-01-2022	DJS SUBMIT PRELIMINARY PLANS FOR REVIEW AND COMMENT
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6	05-19-2023	DJS REVISED PER PRELIMINARY REVIEW COMMENTS															
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2-4	-----	DJS REV 08-19-2022, 11-06-2022 & 01-20-2023 PER COMMENTS															
1	06-01-2022	DJS SUBMIT PRELIMINARY PLANS FOR REVIEW AND COMMENT															
<p>21 Gates Dr. Pitts, Ct www.schulteengineering.com admin@schulteengineering.com</p>																	
<p>Schulte Engineering &amp; Consulting, LLC</p>																	
<p>PRELIMINARY ROAD &amp; STORM PLANS HIGHLAND MEADOWS 235th ST.</p>																	
<p>CULVERT PLAN &amp; PROFILE</p>																	
<p>SHEET 15 OF 21</p>																	



**ENTRANCE CULVERT DRAINAGE DITCH  
PLAN & PROFILE**  
1"=20'



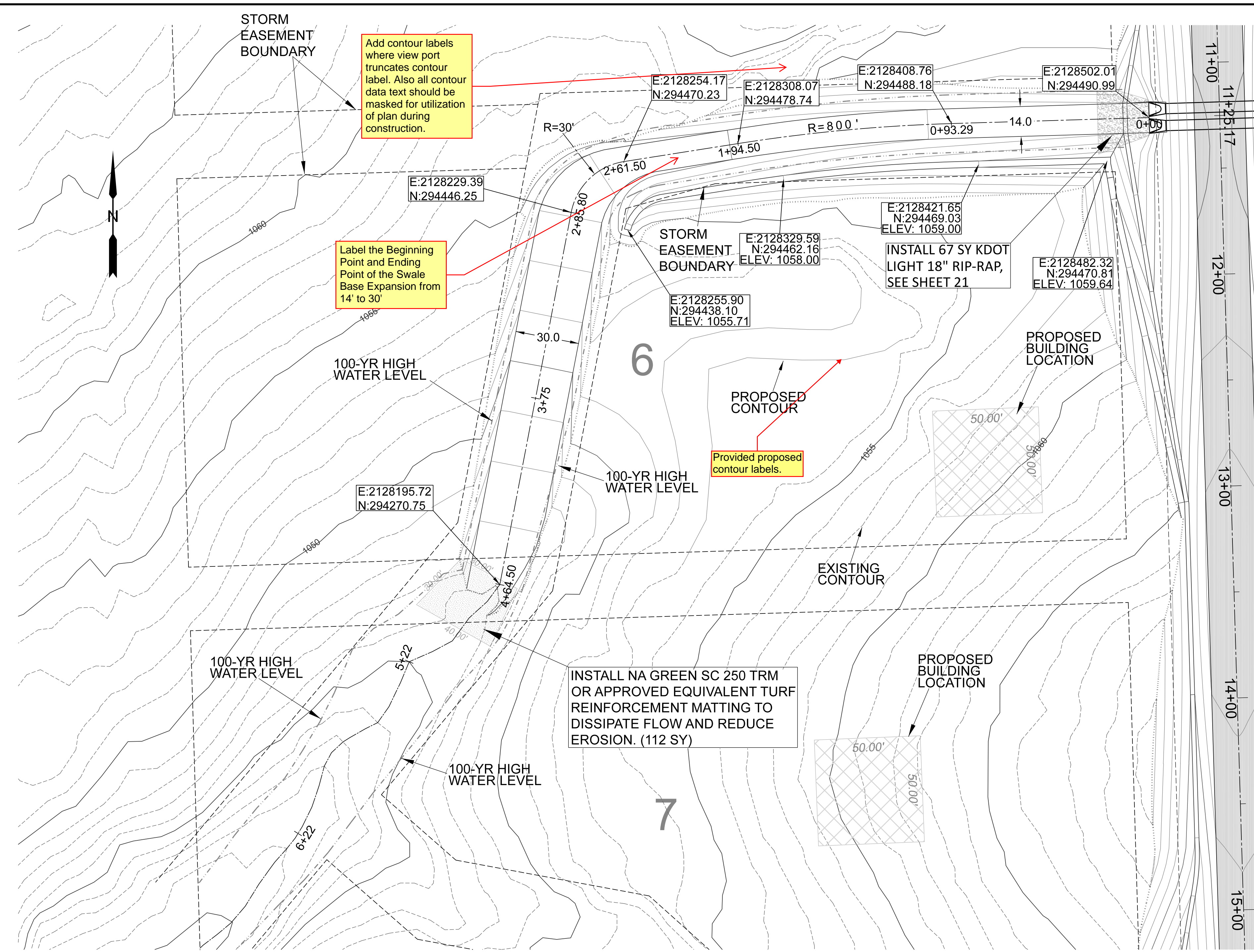
**ENTRANCE CULVERT DITCH  
FLOW SUMMARY**

ENTRANCE DITCH  
SEED, MULCH, AND STABILIZE GROUND SURFACE  
IMMEDIATELY FOLLOWING CONSTRUCTION.

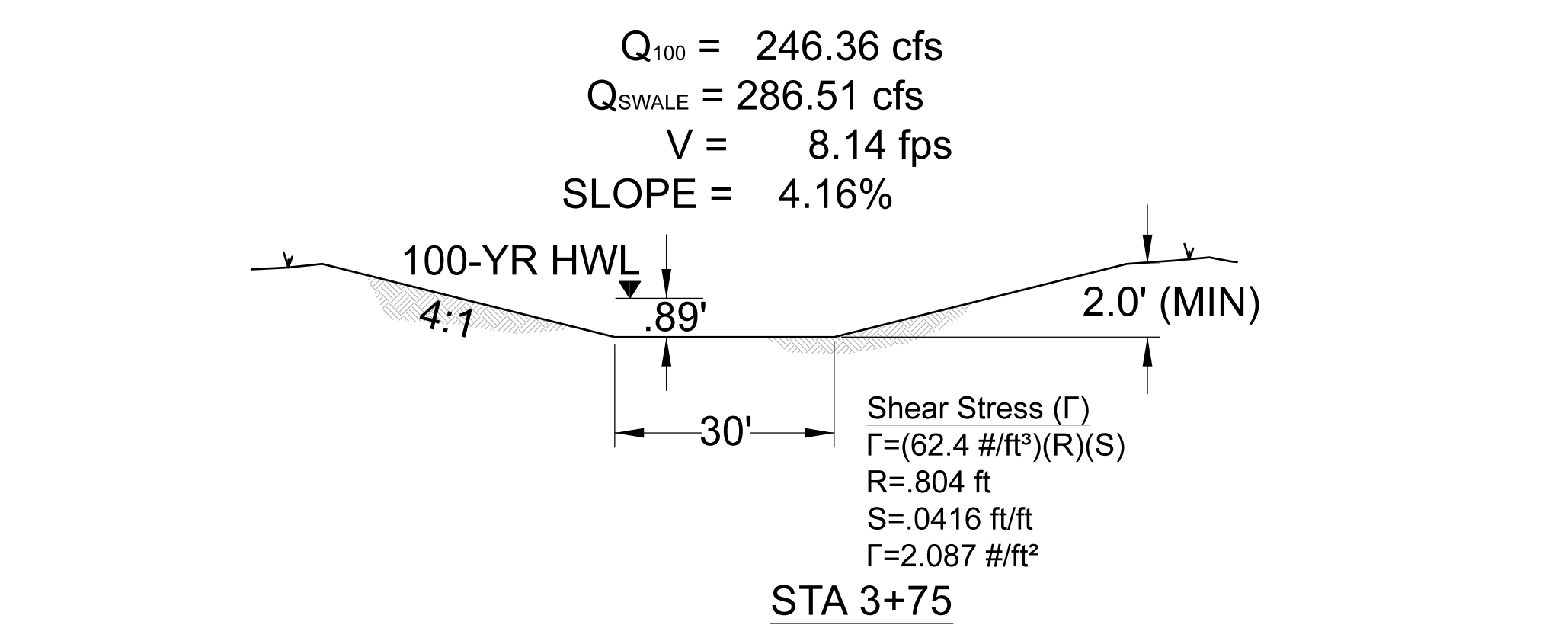
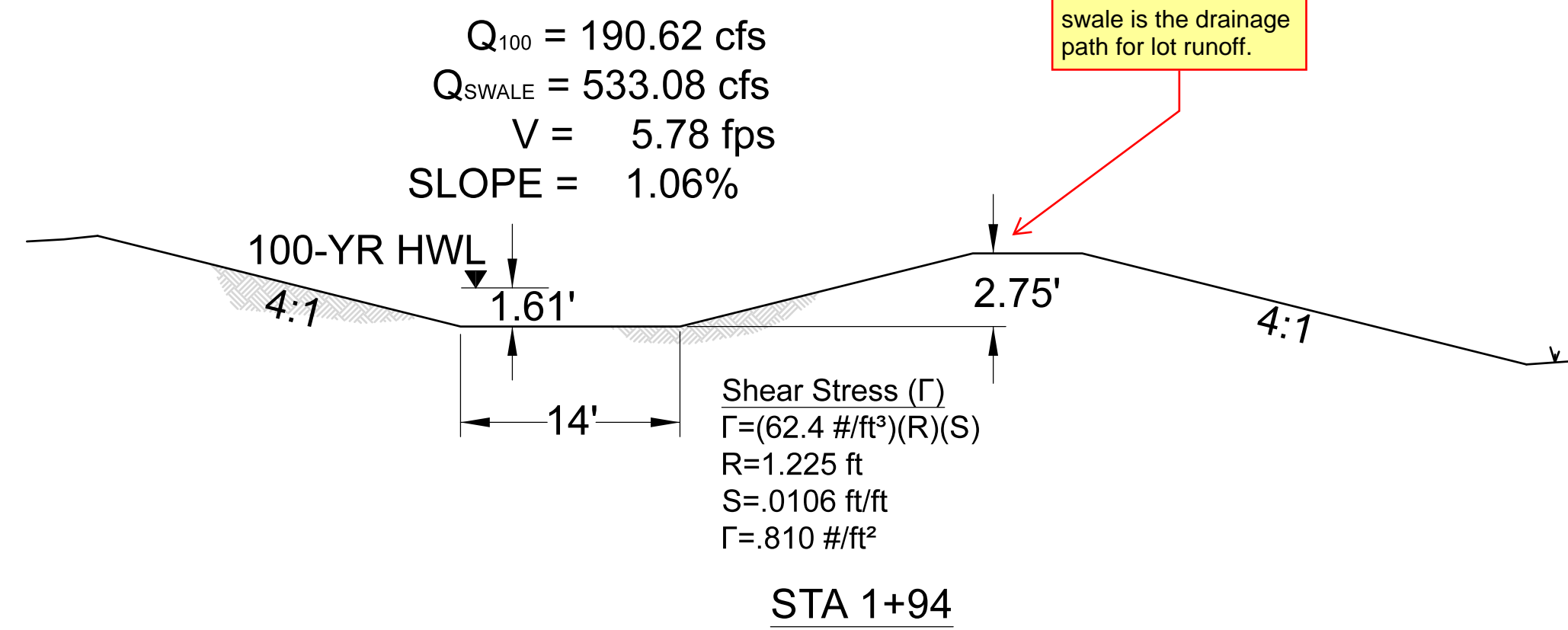
Correct Swale Base dimension to be 3' as shown in drawing (if correct), and calculations of shear as necessary. If 10' is correct we have an issue with right-of-way width.

**PRELIMINARY PLANS  
FOR REVIEW ONLY**

PRELIMINARY ROAD & STORM PLANS HIGHLAND MEADOWS 235th ST. DRAINAGE DITCH PLAN & PROFILE	CLIENT: ORISON, LLC TONGANOXIE, KS	DRAWN BY: DJJ PROJECT NUMBER: 2022.10	DATE: 06-01-2022 SCALE: NONE	
	REV. 6 05-19-2023 DJJ REVISED PER PRELIMINARY REVIEW COMMENTS	REV. 5 03-16-2023 DJJ REVISED PER PRELIMINARY REVIEW COMMENTS	REV. 2-4 ----- DJJ REV 08-19-2022, 11-08-2022, & 01-20-2023 PER COMMENTS	REV. 1 06-01-2022 DJJ SUBMIT PRELIMINARY PLANS FOR REVIEW AND COMMENT
	REV. BY:	DATE:	DESCRIPTION:	DESCRIPTION:
	Schulte Engineering & Consulting, LLC 21 Galois Dr. Potosi, MO 64424 www.schulteengineering.com admin@schulteengineering.com PHONE: (816) 260-3328			
	SHEET DESCRIPTION: DRAINAGE DITCH PLAN & PROFILE			
	SHEET NUMBER: 16 OF 21			

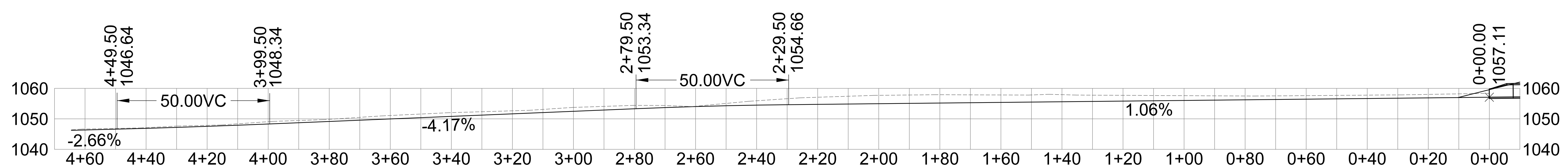


**CULVERT STA 11+25 DOWNSTREAM DRAINAGE DITCH PLAN**  
1"=30'



DOWNSTREAM DITCH STA 11+25  
INSTALL ROLLED EROSION CONTROL PRODUCT (RECP) FOR THE LENGTH OF DITCH. RECP SHALL BE PLACED TO A HEIGHT OF 4" ABOVE THE 100-YR HWL. RECP SHALL BE RATED FOR THE VELOCITY AND SHEAR STRESSES INDICATED.

**CULVERT STA 11+25 DOWNSTREAM DITCH FLOW SUMMARY**



**CULVERT STA 11+25 DOWNSTREAM DRAINAGE DITCH PROFILE**  
1"=20'

Add contour labels where view port truncates contour label. Also all contour data text should be masked for utilization of plan during construction.

Label the Beginning Point and Ending Point of the Swale Base Expansion from 14' to 30'

Provided proposed contour labels.

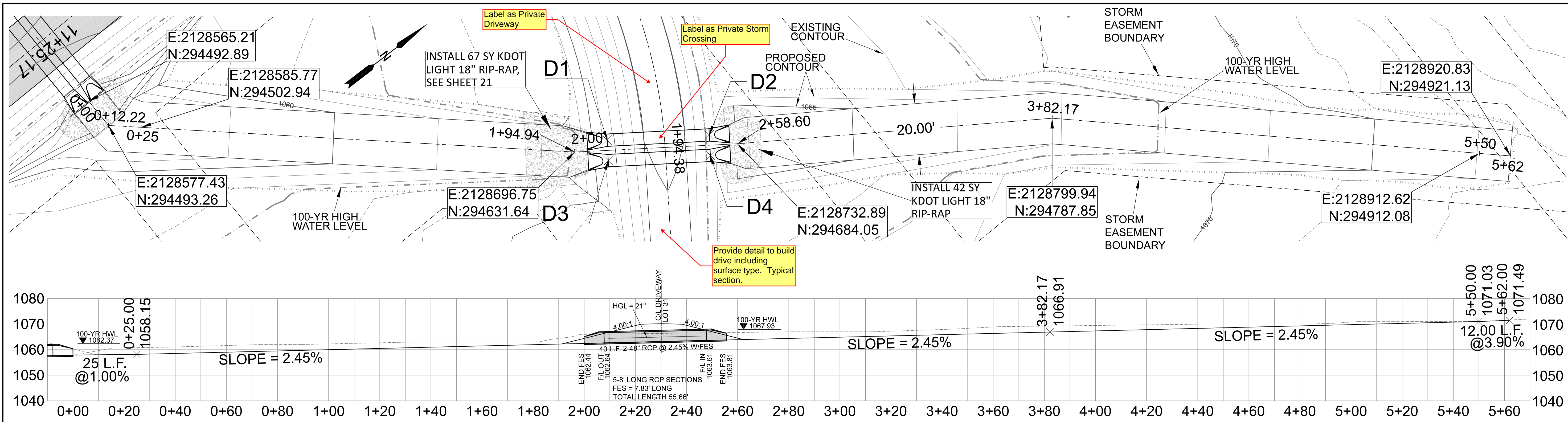
Berm can not impeded lot runoff from being conveyed to swale or a double ditch will occur. Revise/expand grading as necessary to make certain the swale is the drainage path for lot runoff.

6	05-19-2023	DJS	REVISED PER PRELIMINARY REVIEW COMMENTS
5	03-16-2023	DJS	REVISED PER PRELIMINARY REVIEW COMMENTS
2-4	01-10-2023	DJS	REV 08-19-2022, 11-06-2022, & 01-20-2023 PER COMMENTS
1	06-01-2022	DJS	SUBMIT PRELIMINARY PLANS FOR REVIEW AND COMMENT
REV.	DATE	BY	DESCRIPTION

CLIENT:	ORISON, LLC TONGANOXIE, KS
DRAWN BY:	DJS
PROJECT NUMBER:	06-01-2022
SCALE:	NONE
SHEET DESCRIPTION:	PRELIMINARY ROAD & STORM PLANS HIGHLAND MEADOWS 235th ST. DRAINAGE DITCH PLAN & PROFILE
SHEET NUMBER:	SHT. 17 OF 21

PRELIMINARY PLANS FOR REVIEW ONLY



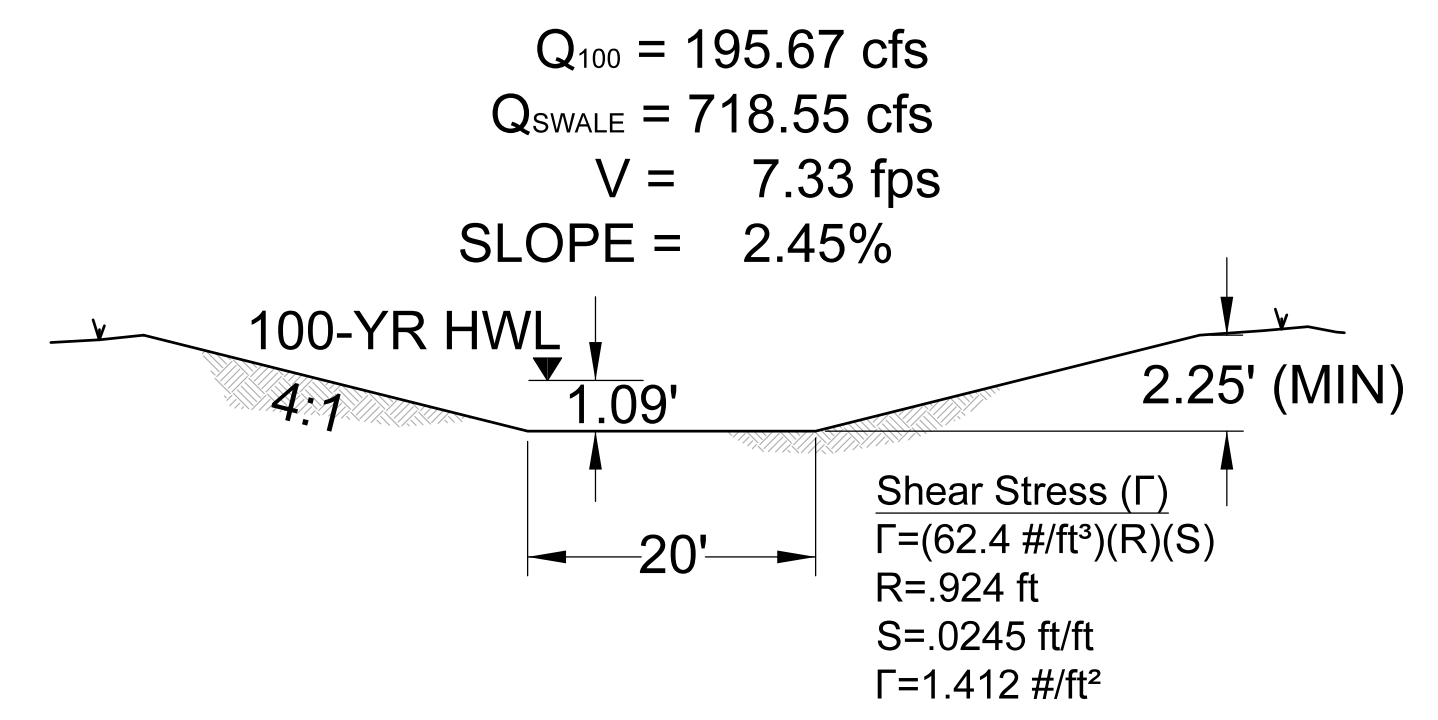
**Provide Note:**  
 Lot 30 driveway and 1+94.38 Storm crossing is private. Driveway and storm crossing to be constructed with the Highland Meadows 235th Road & Storm Construction Project. Future maintenance and replacement are the responsibility of Lot 30. Leavenworth County bears no responsibility for any maintenance and upkeep of said driveway and storm crossing.

**STAKING COORDINATES**

D1	E:2128700.77
	N:294644.52
D2	E:2128723.48
	N:294677.45
D3	E:2128707.36
	N:294639.98
D4	E:2128730.07
	N:294672.91

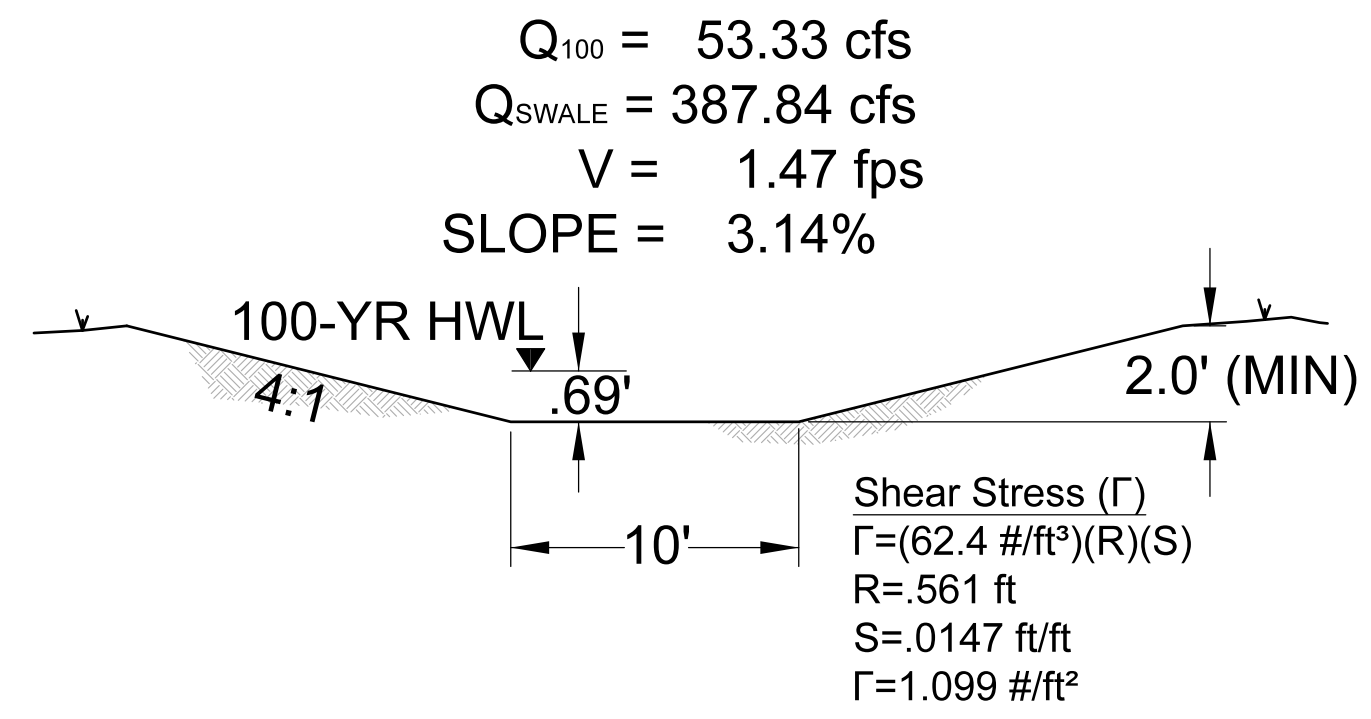
**STA 11+25 UPSTREAM DRAINAGE DITCH PLAN & PROFILE**

- CULVERT NOTES:** 1"=20'
- 1) TOE WALLS ARE REQUIRED BENEATH END SECTIONS.
  - 2) 2' (MIN) COVER IS REQUIRED FROM PIPE TO SUBGRADE ELEVATION.
  - 3) MATERIAL OF FLARED END SECTION SHALL MATCH THE CULVERT MATERIAL.



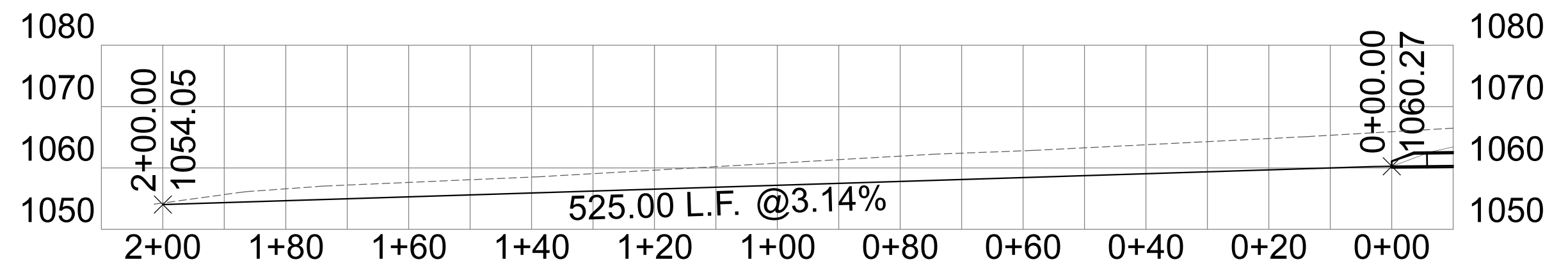
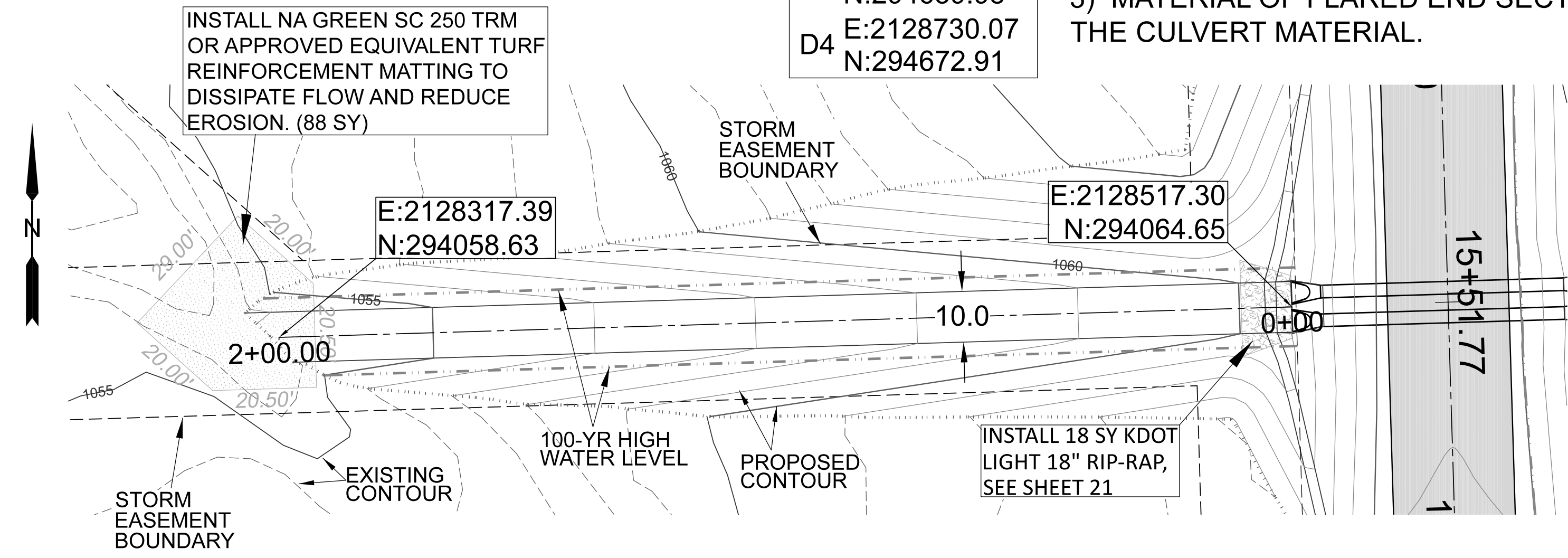
**STA 11+25 UPSTREAM DITCH FLOW SUMMARY**

UPSTREAM DITCH STA 11+25  
 SEED, MULCH, AND STABILIZE GROUND SURFACE IMMEDIATELY FOLLOWING CONSTRUCTION.



**STA 15+51 DITCH FLOW SUMMARY**

DITCH STA 15+51  
 INSTALL ROLLED EROSION CONTROL PRODUCT (RECP) FOR THE LENGTH OF DITCH. RECP SHALL BE PLACED TO A HEIGHT OF 4" ABOVE THE 100-YR HWL. RECP SHALL BE RATED FOR THE VELOCITY AND SHEAR STRESSES INDICATED.



**STA 15+51 DRAINAGE DITCH PLAN & PROFILE**

1"=20'

REV.	DATE	BY	DESCRIPTION
6	05-19-2023	DJS	REVISED PER PRELIMINARY REVIEW COMMENTS
5	03-16-2023	DJS	REVISED PER PRELIMINARY REVIEW COMMENTS
2-4	-----	DJS	REV 08-19-2022, 11-06-2022 & 01-20-2023 PER COMMENTS
1	06-01-2022	DJS	SUBMIT PRELIMINARY PLANS FOR REVIEW AND COMMENT

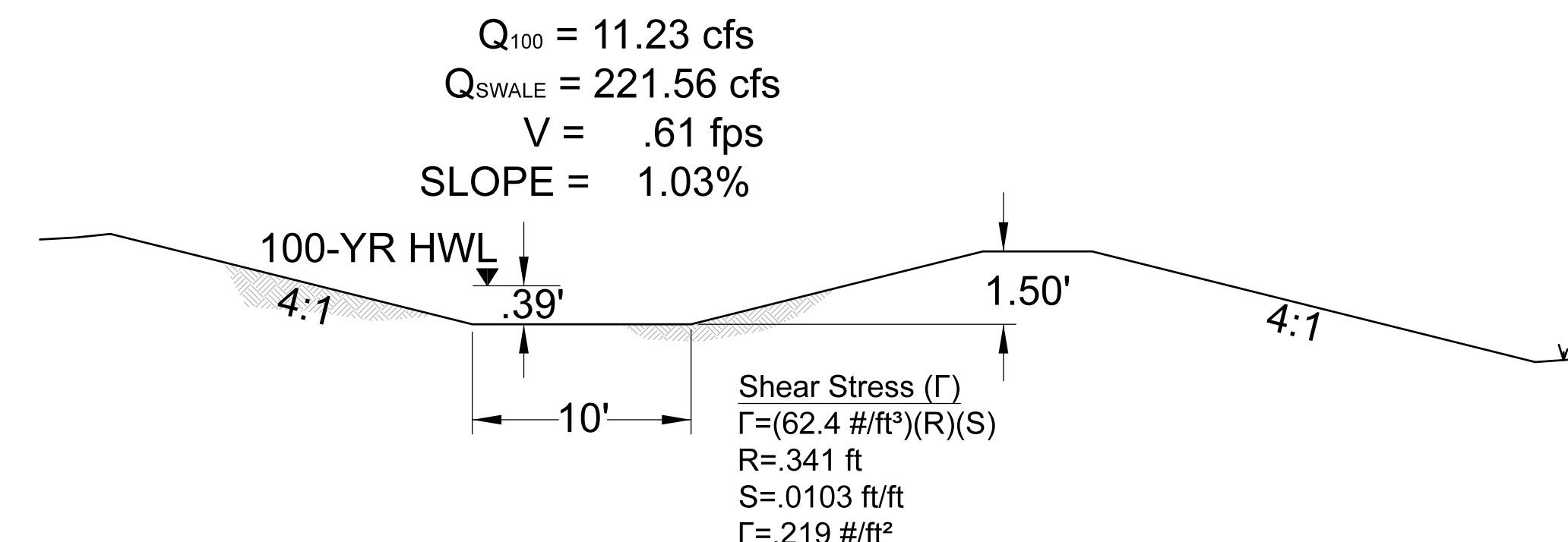
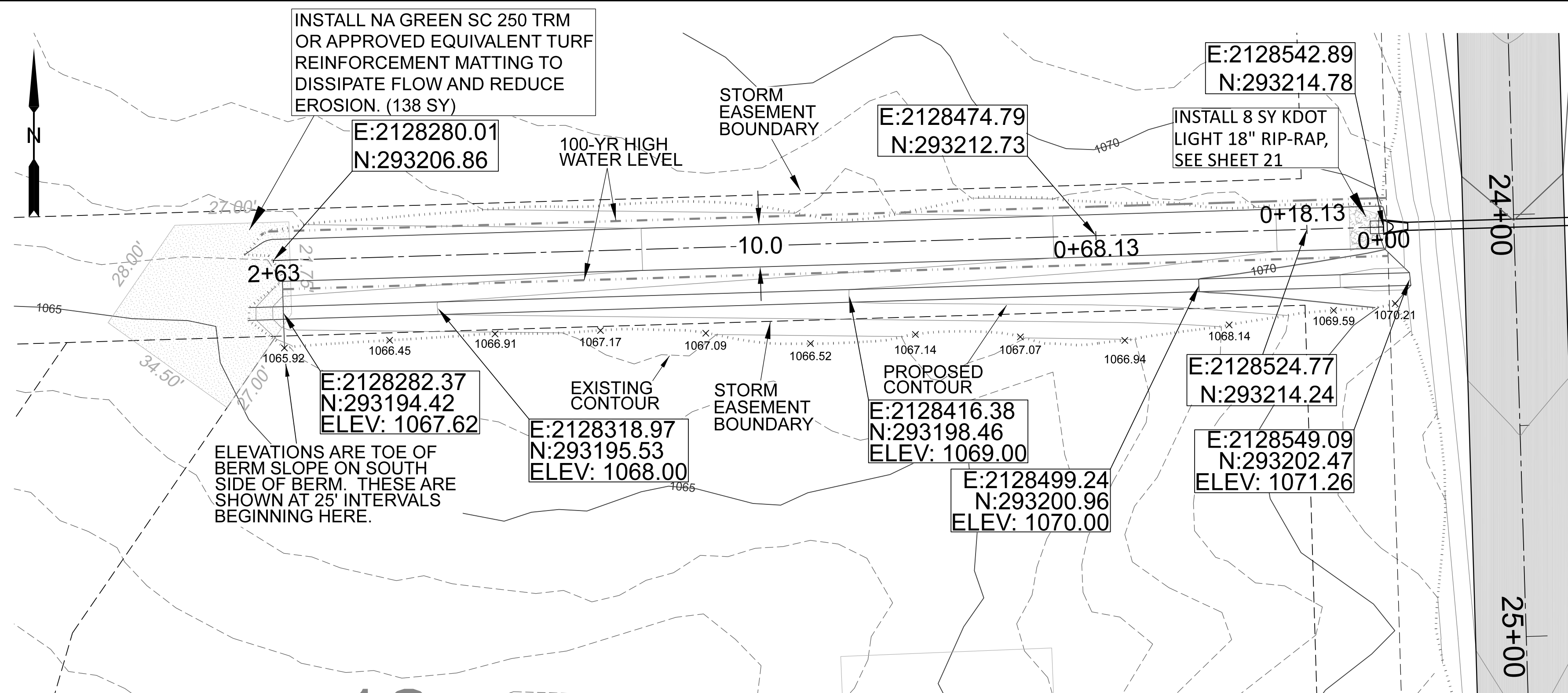
  

CLIENT:	ORISON, LLC TONGANOXIE, KS
DRAWN BY:	DJS
PROJECT NUMBER:	2022.10
DATE:	06-01-2022
SCALE:	NONE
SHEET:	18 OF 21

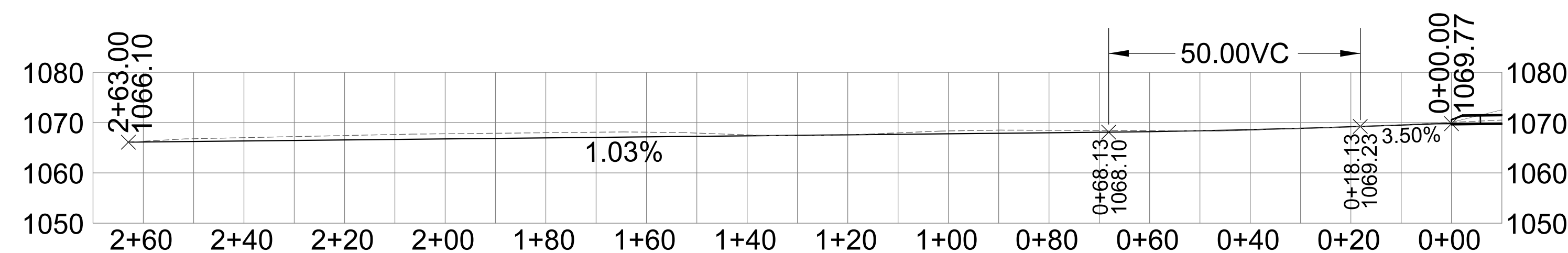
PRELIMINARY ROAD & STORM PLANS  
 HIGHLAND MEADOWS  
 235th ST.  
 DRAINAGE DITCH PLAN & PROFILE

PRELIMINARY PLANS FOR REVIEW ONLY



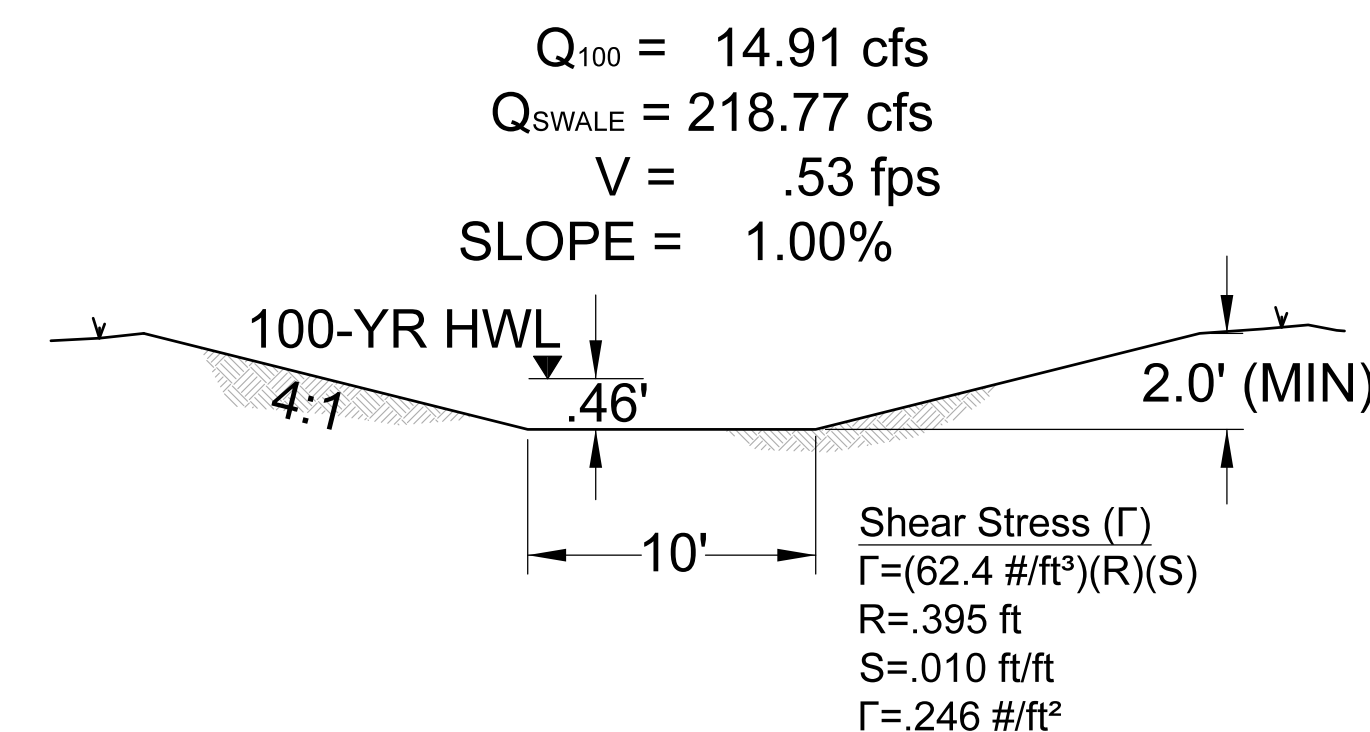
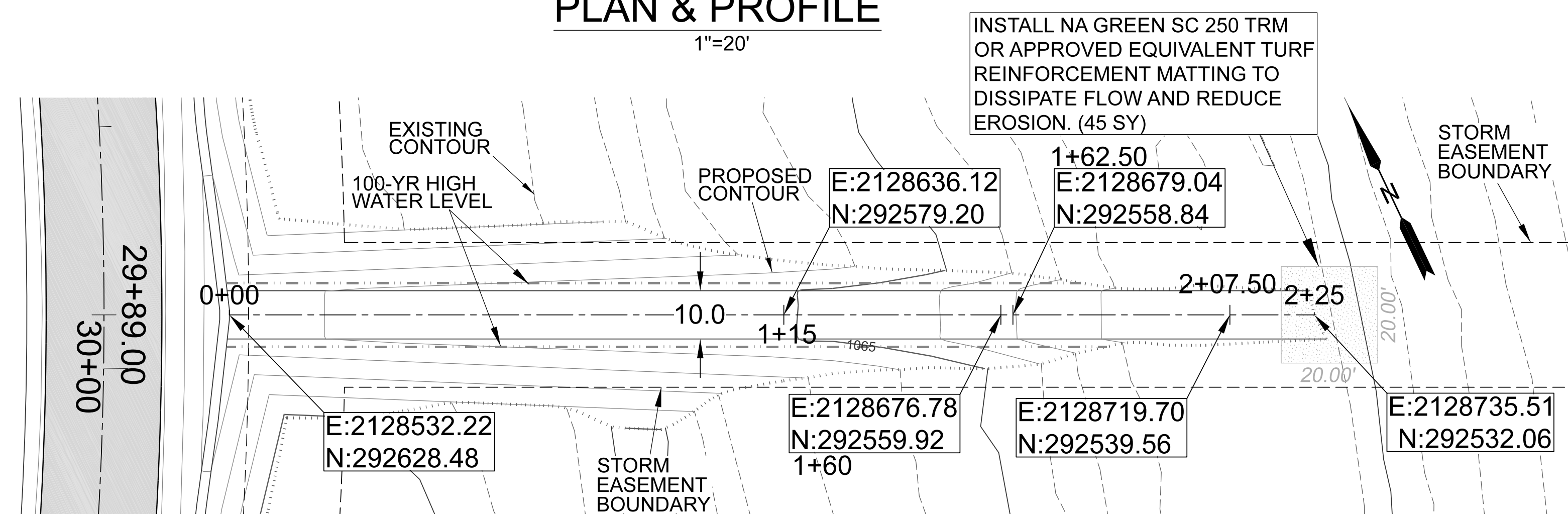
### STA 24+00 DOWNSTREAM DITCH FLOW SUMMARY

DITCH STA 24+00  
 SEED, MULCH, AND STABILIZE GROUND SURFACE IMMEDIATELY FOLLOWING CONSTRUCTION.



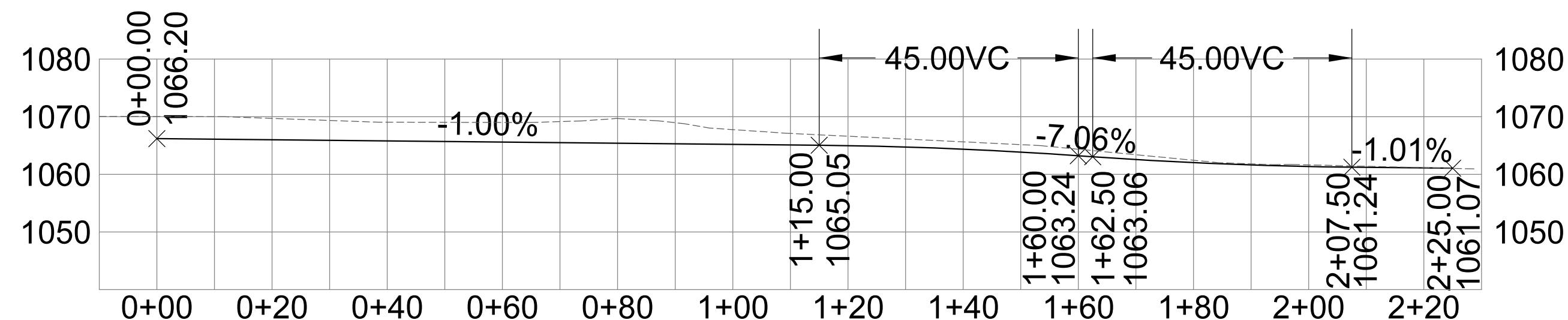
### STA 24+00 DRAINAGE DITCH PLAN & PROFILE

1"=20'



### STA 29+89 DITCH FLOW SUMMARY

DITCH STA 29+89  
 SEED, MULCH, AND STABILIZE GROUND SURFACE IMMEDIATELY FOLLOWING CONSTRUCTION.

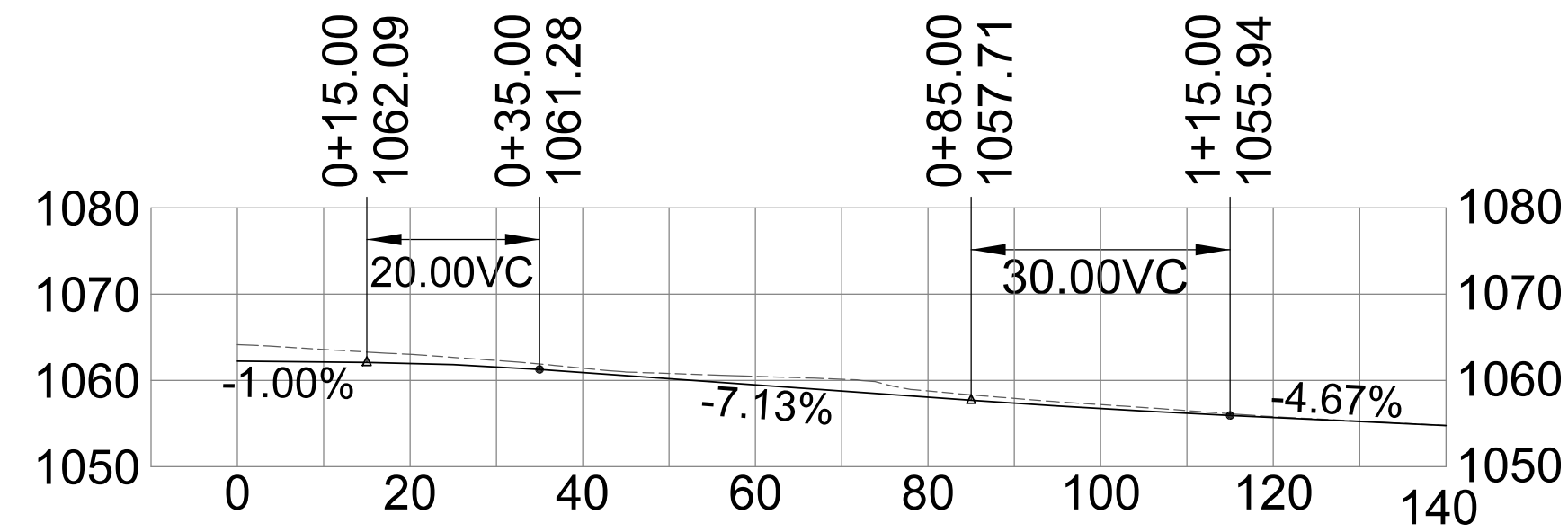
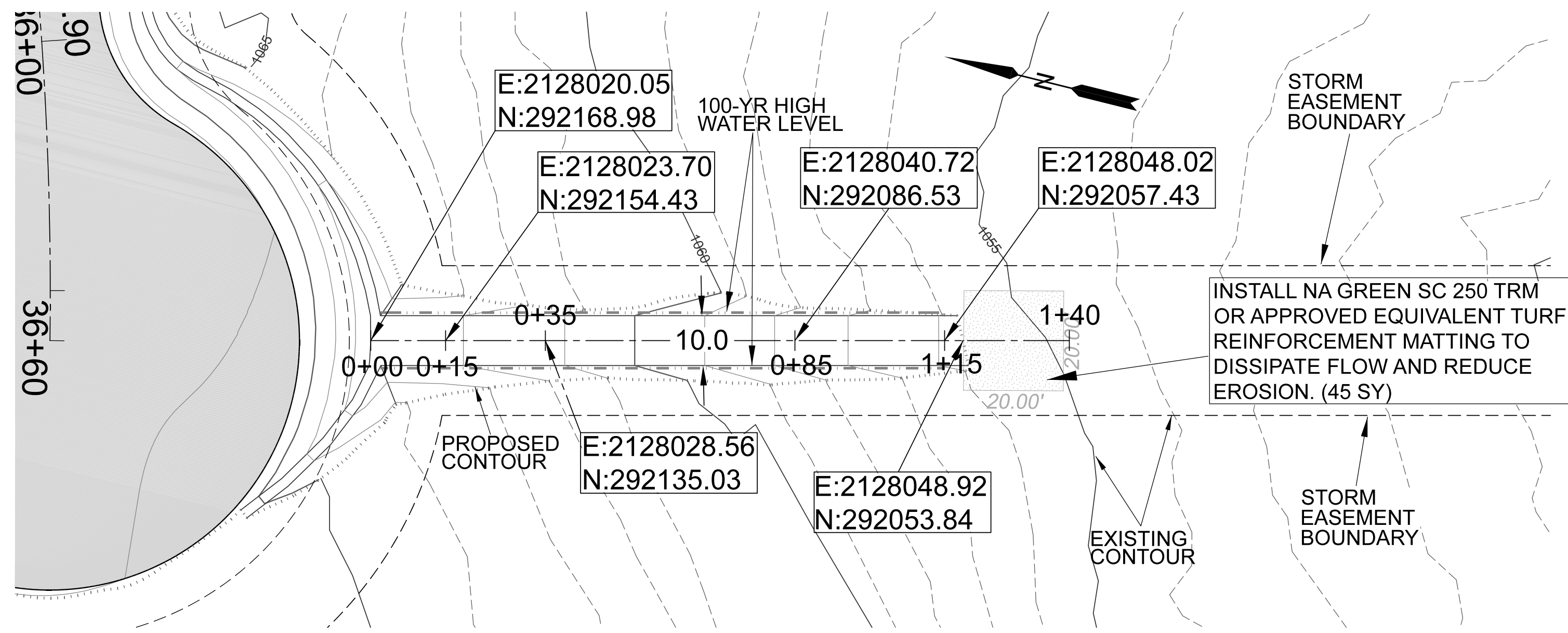


### STA 29+89 DRAINAGE DITCH PLAN & PROFILE

1"=20'

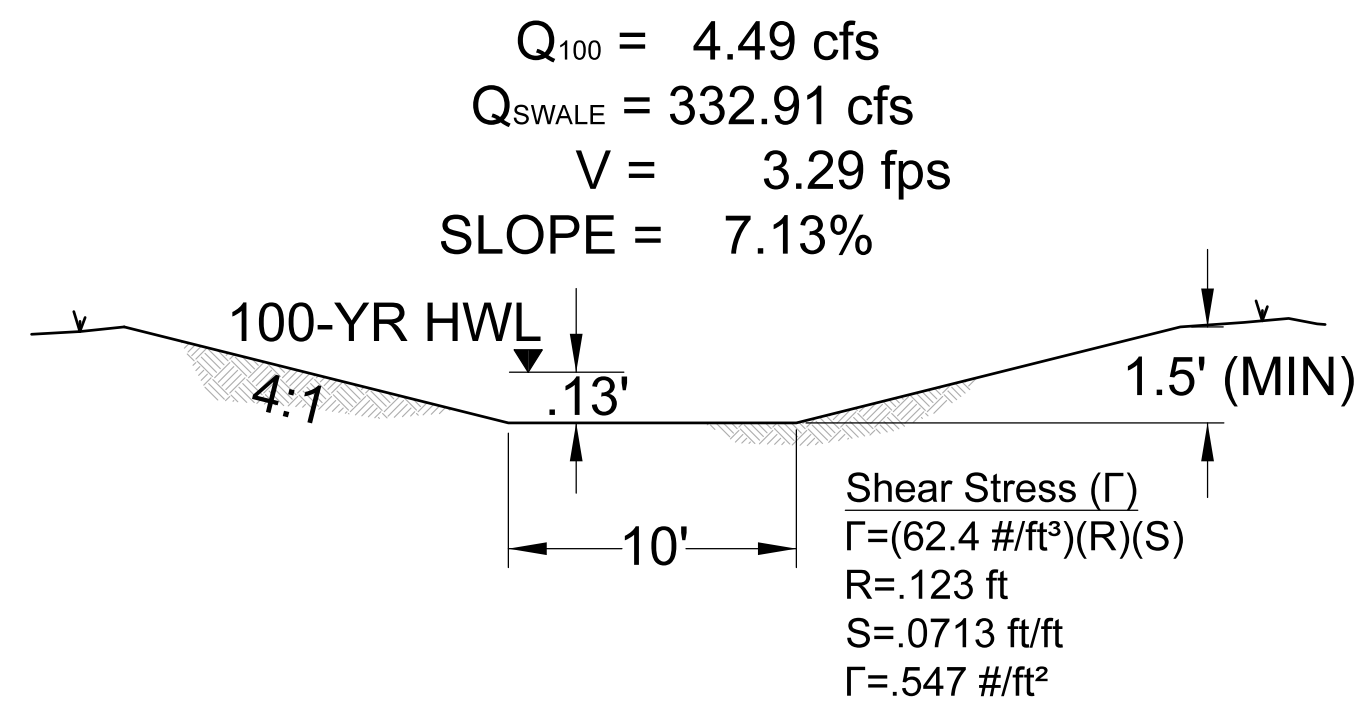
PRELIMINARY PLANS FOR REVIEW ONLY

6	05-19-2023	DJS	REVISED PER PRELIMINARY REVIEW COMMENTS
5	03-16-2023	DJS	REVISED PER PRELIMINARY REVIEW COMMENTS
2-4			REV 08-19-2022, 11-06-2022 & 01-20-2023 PER COMMENTS
1	06-01-2022	DJS	SUBMIT PRELIMINARY PLANS FOR REVIEW AND COMMENT
REV.	DATE	BY	DESCRIPTION
CLIENT: ORISON, LLC TONGANOXIE, KS PROJECT NUMBER: 2022.10 DATE: 06-01-2022 SCALE: NONE SHEET: 19 OF 21 DRAINAGE DITCH PLAN & PROFILE HIGHLAND MEADOWS 235th ST. PRELIMINARY ROAD & STORM PLANS			



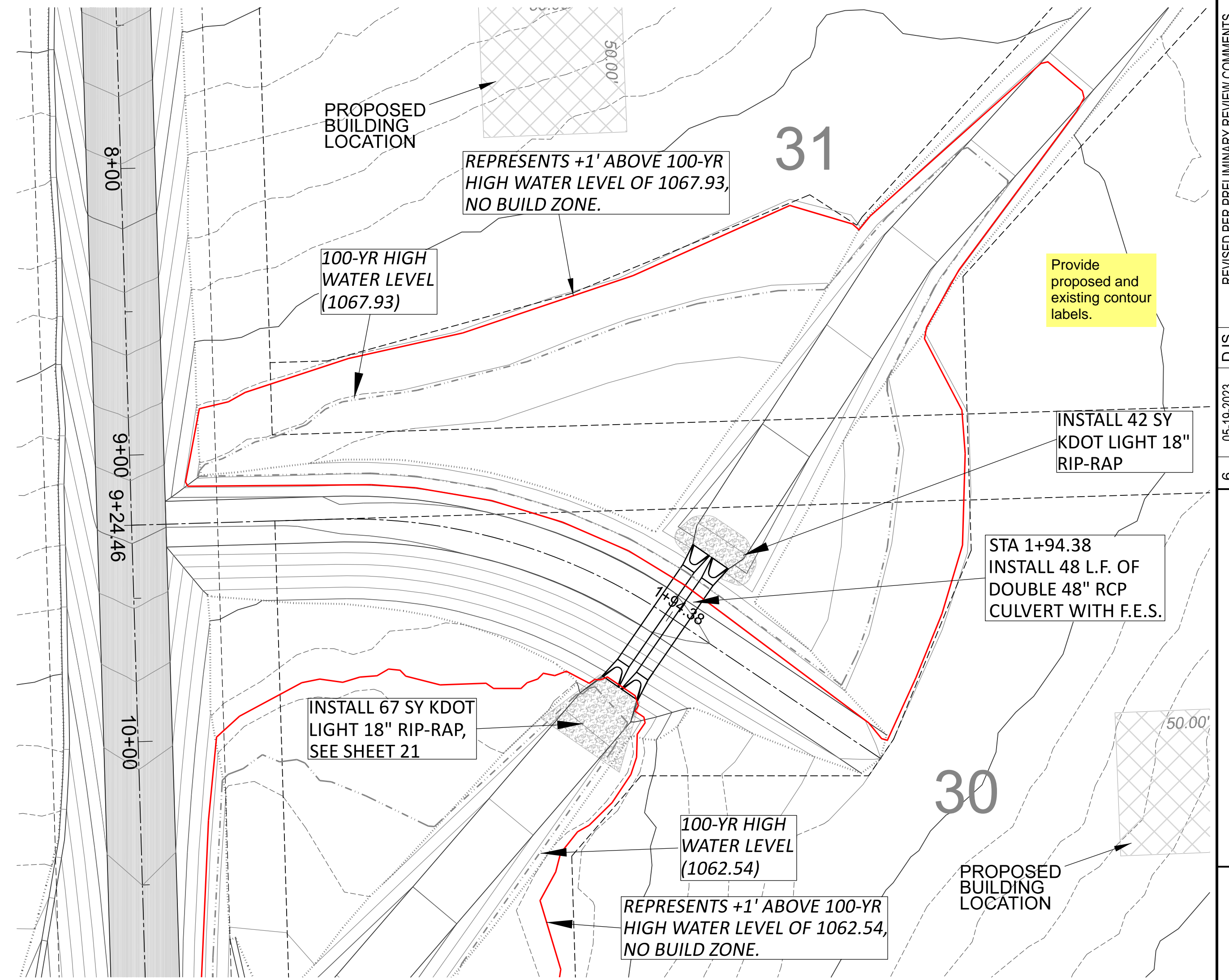
**STA 36+60 DRAINAGE DITCH PLAN & PROFILE**

1"=20'

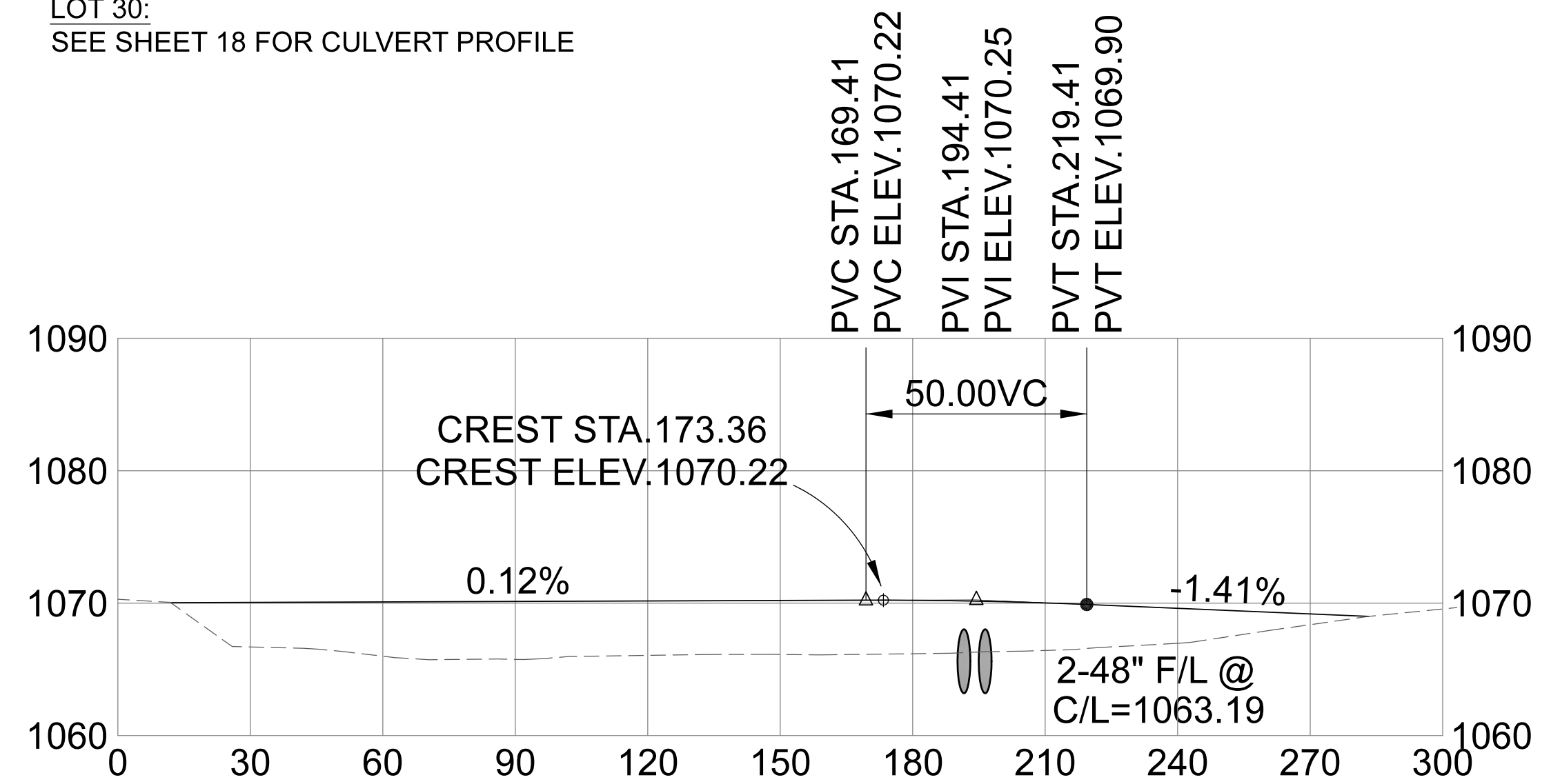


**STA 36+60 DITCH FLOW SUMMARY**

DITCH STA 36+60  
SEED, MULCH, AND STABILIZE GROUND SURFACE IMMEDIATELY FOLLOWING CONSTRUCTION.



LOT 30:  
SEE SHEET 18 FOR CULVERT PROFILE

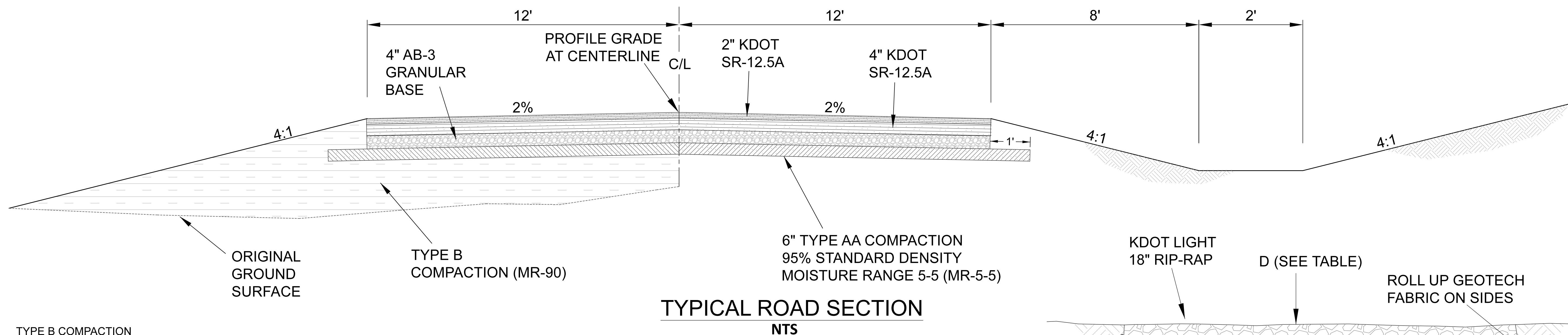


**LOT 30 DRIVEWAY PLAN & PROFILE**

1"=30'

PRELIMINARY PLANS  
FOR REVIEW ONLY

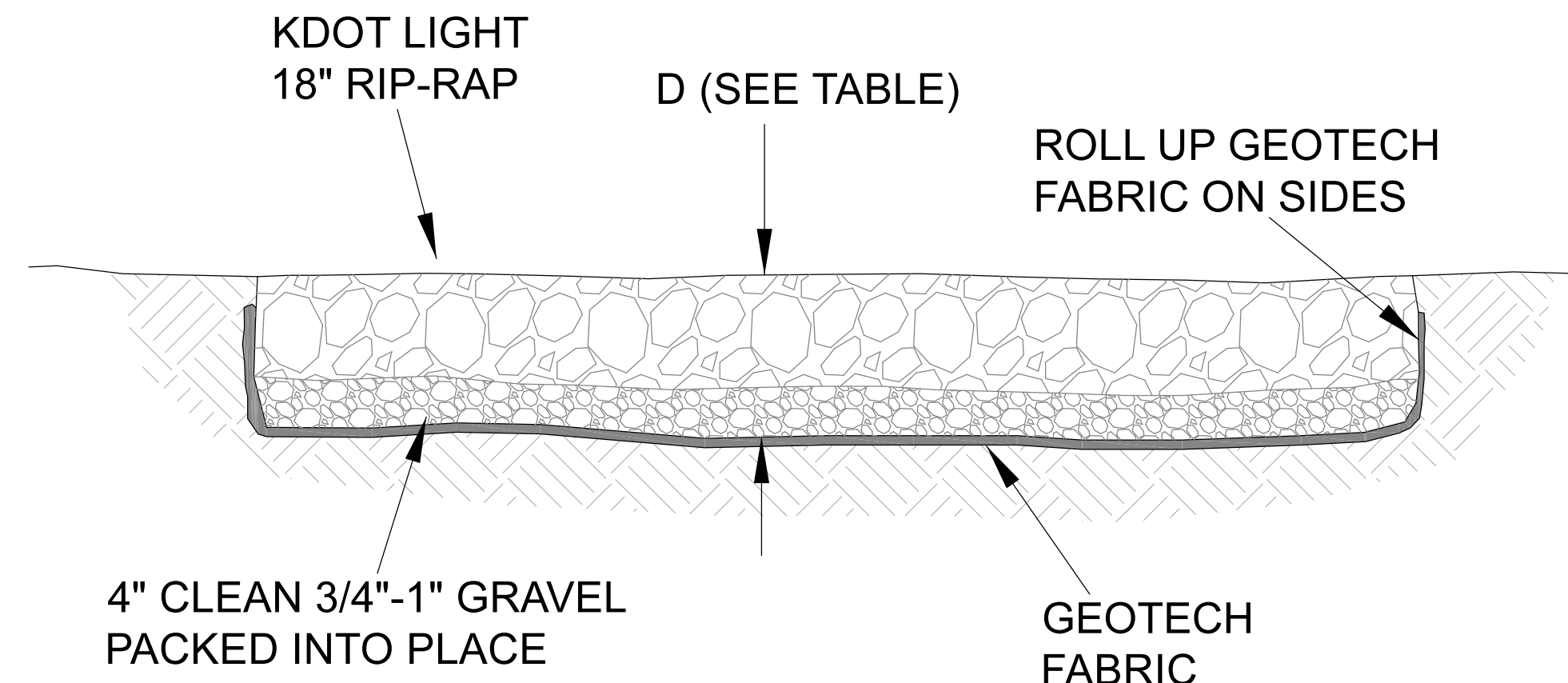
CLIENT: <b>ORISON, LLC</b> <b>TONGANOXIE, KS</b>	REVISED PER PRELIMINARY REVIEW COMMENTS	DJS	05-19-2023	6
	REVISED PER PRELIMINARY REVIEW COMMENTS	DJS	03-16-2023	5
	REV 08-19-2022, 11-06-2022, & 01-20-2023 PER COMMENTS	DJS	08-19-2022	2-4
	SUBMIT PRELIMINARY PLANS FOR REVIEW AND COMMENT	DJS	06-01-2022	1
	DATE	BY		
	DESCRIPTION			
PROJECT NUMBER: <b>2022.10</b>	DRAWN BY: DJS	DATE: 06-01-2022	SCALE: NONE	SHEET DESCRIPTION: <b>DRAINAGE DITCH PLAN &amp; PROFILE</b>
PRELIMINARY ROAD & STORM PLANS <b>HIGHLAND MEADOWS</b> <b>235th ST.</b>				SHT. 20 OF 21



**TYPE B COMPACTION**  
 SUCH THAT NO FURTHER CONSOLIDATION IS GAINED BY ADDITIONAL ROLLING. THE ENGINEER WILL VISUALLY DETERMINE ACCEPTABLE TYPE B COMPACTION BASED ON THE FOLLOWING:

- ACCEPTABLE TYPE B COMPACTION IS DEMONSTRATED IF THE TAMPING FEET OF A TAMPING (SHEEPSFOOT) ROLLER "WALKS OUT" OF THE SOIL AND RIDES ON TOP OF THE LIFT BEING COMPACTED.
- IN SOIL WITH LOW PLASTICITY OR NONPLASTIC FINE-GRAINED MATERIALS, THE TAMPING FEET MAY NOT "WALK OUT" OF THE MATERIAL BEING COMPACTED. WITH THESE MATERIALS, ACCEPTABLE TYPE B COMPACTION IS DEMONSTRATED IF THE TAMPING FEET SUPPORT THE WEIGHT OF THE ROLLER (WITHOUT THE DRUM OF THE ROLLER CONTACTING THE LIFT BEING COMPACTED).
- IN SAND AND GRAVEL, WHERE THE USE OF A TAMPING ROLLER PRODUCES UNACCEPTABLE RESULTS, USE OTHER TYPES OF ROLLERS (SUCH AS A PNEUMATIC TIRED) TO COMPACT THIS TYPE OF MATERIAL. WITH THESE MATERIALS, ACCEPTABLE TYPE B COMPACTION IS DEMONSTRATED IF NO FURTHER CONSOLIDATION IS EVIDENT AFTER ADDITIONAL PASSES OF THE ROLLER.
- IN SMALL IRREGULAR AREAS WHERE THE USE OF CONVENTIONAL COMPACTION EQUIPMENT IS IMPRACTICABLE, USE OTHER EQUIPMENT AND METHODS TO OBTAIN COMPACTION. THE ENGINEER WILL DETERMINE BY VISUAL INSPECTION IF TYPE B COMPACTION IS OBTAINED.
- IF THE ENGINEER IS UNABLE TO VISUALLY DETERMINE THAT TYPE B COMPACTION IS OBTAINED, THE ENGINEER MAY CONDUCT DENSITY TESTS ON THE COMPACTED SOIL. IF TESTED, THE COMPACTED SOIL DENSITY SHALL BE AT LEAST 90% OF THE STANDARD DENSITY.

**TYPICAL ROAD SECTION**  
NTS



TUBE SIZE (IN)	L (FT)	D (FT)
18	8	1.5-1.75
24	10	1.75-2.0
48	24	1.75-2.0

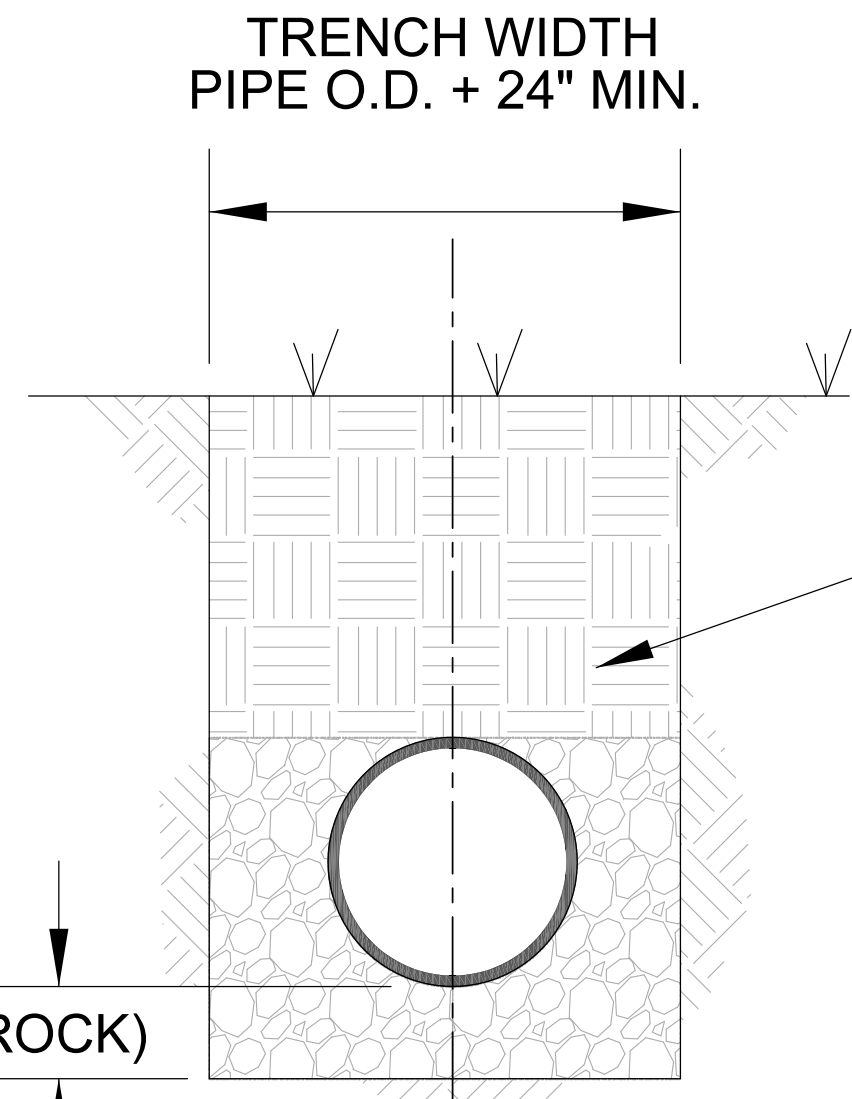
RIP-RAP SHALL COMPLY WITH KDOT SPECIFICATION 1114 FOR LIGHT 18" SIZE STONE.

**TABLE 1114-1: STONE FOR RIPRAP\***

Class	Percent Heavier Than										
	8 ton	4 ton	2 ton	1 ton	1/2 ton	1/4 ton	250 lbs	200 lbs	100 lbs	75 lbs	5 lbs
<b>Heavy Series</b>											
8 Ton	50+	95+									
4 Ton	0	50+	95+								
2 Ton		0	50+	95+							
1 Ton			0	50+	95+						
1/2 Ton				0	50+	95+					
1/4 Ton					0	50+				90+	
<b>Light Series</b>											
Facing								0		50+	90+
Light 24"				0				50+			90+
Light 18"					0				50+		90+

\*Percent of total sample weight composed of pieces heavier than the indicated weight

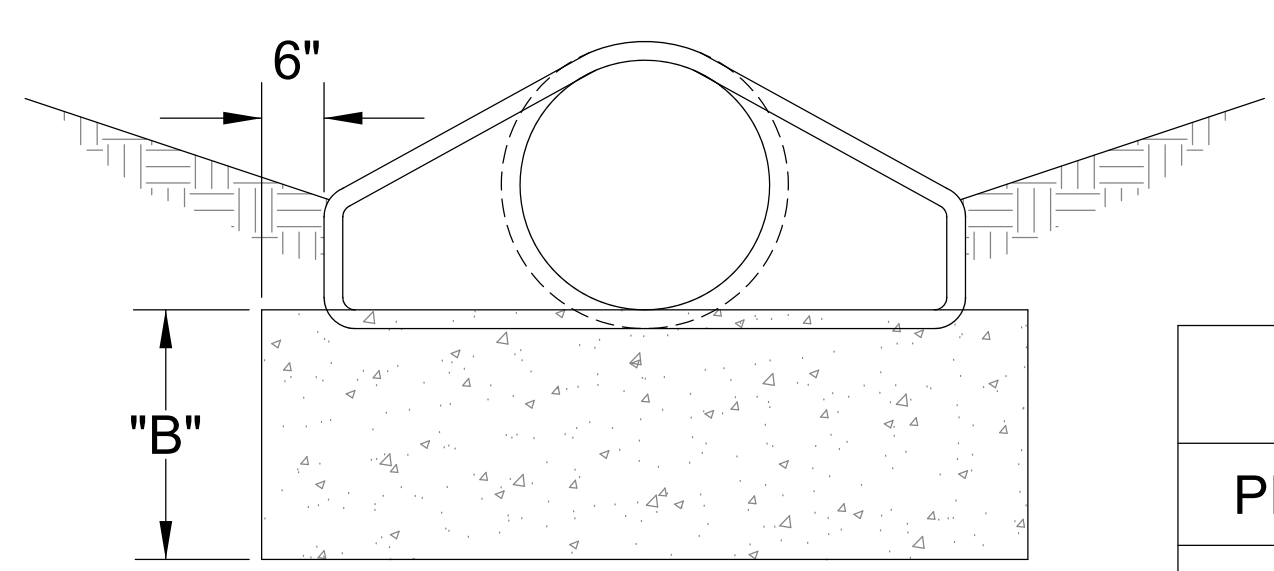
**RIP-RAP BLANKET**



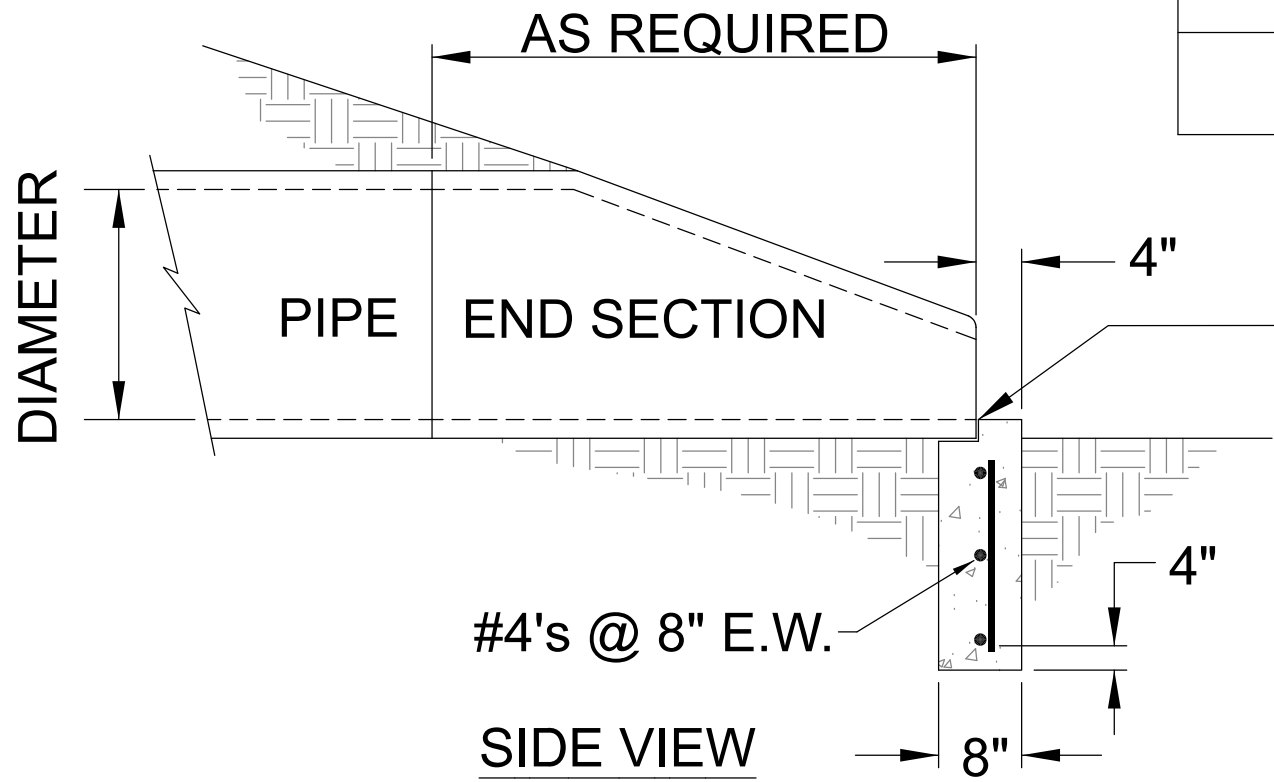
FOR BACKFILL BENEATH PAVEMENT USE TYPE AB-3 GRANULAR BACKFILL MATERIAL.

- COMPACTED GRANULAR BEDDING (AB-3)
- EARTHEN BACKFILL COMPACTED TO 95% OF MAXIMUM DENSITY BENEATH PAVEMENT OR USE COMPACTED GRANULAR AB-3. OUTSIDE OF PAVEMENT LIMITS COMPACT BACKFILL TO 90% MAXIMUM DENSITY. BACKFILL TO BE FREE OF ROCKS AND DEBRIS.
- UNDISTURBED EARTH

**CULVERT BACKFILL DETAIL**  
NOT TO SCALE



TOE WALL DEPTH	
PIPE DIAMETER	"B"
12" - 21"	18"
24" - 48"	24"
54" - 66"	36"



**FLARED END SECTION**  
NOT TO SCALE

ANY MATERIALS AND CONSTRUCTION METHODS NOT SPECIFIED HEREIN SHALL BE IN ACCORDANCE WITH THE LATEST VERSION OF KDOT STANDARD SPECIFICATIONS & DESIGN CRITERIA

PRELIMINARY PLANS FOR REVIEW ONLY

6	05-19-2023	DJS	REVISED PER PRELIMINARY REVIEW COMMENTS
5	03-16-2023	DJS	REVISED PER PRELIMINARY REVIEW COMMENTS
2-4	-----	DJS	REV 08-19-2022, 11-06-2022, & 01-20-2023 PER COMMENTS
1	06-01-2022	DJS	SUBMIT PRELIMINARY PLANS FOR REVIEW AND COMMENT
REV.	DATE	BY	DESCRIPTION

Schulte Engineering & Consulting, LLC  
 21 Gates Dr.  
 P.O. Box 100  
 Tonganoxie, MO 64585  
 www.schulteengineering.com  
 admin@schulteengineering.com  
 PHONE: (816) 260-3328

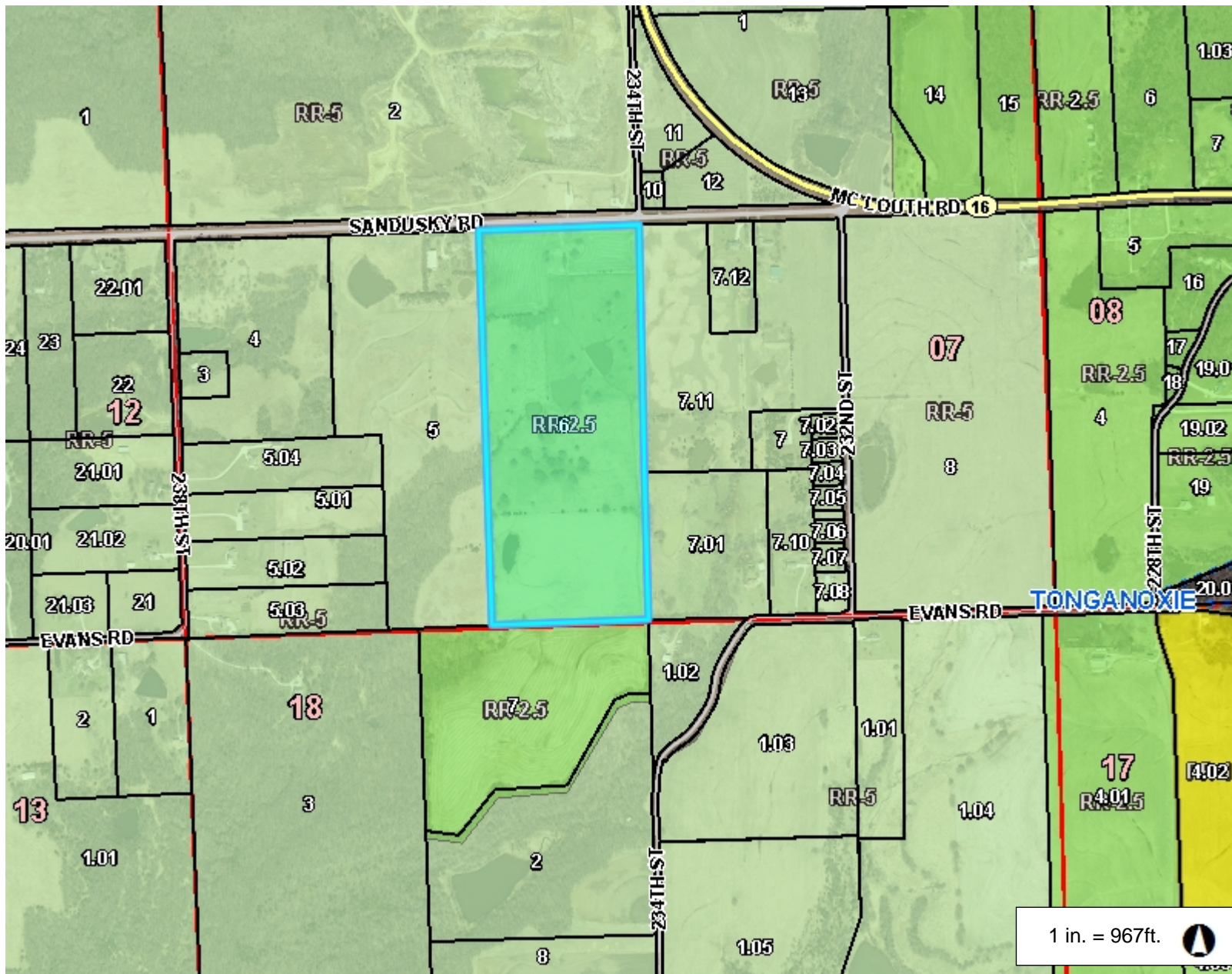
ORISON, LLC  
 TONGANOXIE, KS

PRELIMINARY ROAD & STORM PLANS  
 HIGHLAND MEADOWS  
 235th ST.

CLIENT: ORISON, LLC  
 DRAWN BY: DJS  
 PROJECT NUMBER: 2022.10  
 DATE: 06-01-2022  
 SCALE: NONE  
 SHEET: 21 OF 21  
 TYPICAL DETAILS



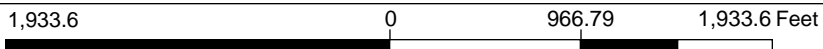
# DEV-22-100 Highland Meadows



### Legend

- Parcel Number
- 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
  - PUD
  - R-1

1 in. = 967ft.



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

**LEAVENWORTH COUNTY  
PLANNING COMMISSION  
STAFF REPORT**

CASE NO: DEV-23-058 Forge Rezone

June 14, 2023

**REQUEST: *Public Hearing Required***

- ZONING AMENDMENT       SPECIAL USE PERMIT  
 TEMPORARY SPECIAL USE PERMIT

**STAFF REPRESENTATIVE:**

AMY ALLISON, AICP  
DEPUTY DIRECTOR

**SUBJECT PROPERTY:** 24971 Tonganoxie Drive & 00000 Tonganoxie Drive



**APPLICANT/APPLICANT AGENT:**

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

**PROPERTY OWNER:**

RICHARD J & KATHRYN A FORGE  
FAMILY TRUST  
24971 TONGANOXIE DR  
LANSING, KS 66086

**CONCURRENT APPLICATIONS:**

N/A

**LAND USE**

ZONING: RR-5

FUTURE LAND USE DESIGNATION:  
RESIDENTIAL (2.5 ACRES MIN)

**LEGAL DESCRIPTION:**

The East half of the South Half of the Northwest Quarter (NW ¼) of Section 32, Township 9 South, Range 22 East of the 6th P.M., Leavenworth County, Kansas.

SUBDIVISION: N/A

FLOODPLAIN: N/A

**STAFF RECOMMENDATION: APPROVAL**

**PROPERTY INFORMATION**

**ACTION OPTIONS:**

1. Recommend approval of Case No. DEV-23-058, Rezone for Forge, to the Board of County Commission, with or without conditions; or
2. Recommend denial of Case No. DEV-23-058, Rezone for Forge, to the Board of County Commission for the following reasons; or
3. Continue the hearing to another date, time, and place.

PARCEL SIZE: 38.7 ACRES

PARCEL ID NO:  
109-32-0-00-00-004.00 &  
109-32-0-00-00-004.01

BUILDINGS:  
1 HOME AND ACCESSORY BUILDINGS

**PROJECT SUMMARY:**

Request to rezone property at 24971 AND 00000 TONGANOXIE DR (PID: 109-32-0-00-00-004.00 & 109-32-0-00-00-004.01).

ACCESS/STREET:  
TONGANOXIE DR – ARTERIAL, PAVED,  
±26' WIDE AND SEYMOUR ROAD  
LOCAL, PAVED, ±25' WIDE

**LOCATION MAP:**



**UTILITIES**

SEWER: SEPTIC  
FIRE: FIRE DISTRICT #1  
WATER: RWD 8  
ELECTRIC: FREESTATE

**NOTICE & REVIEW:**

STAFF REVIEW: 5/18/2023  
NEWSPAPER NOTIFICATION:  
5/23/2023  
NOTICE TO SURROUNDING  
PROPERTY OWNERS:  
5/23/2023

**FACTORS TO BE CONSIDERED:**

<b>The following factors are to be considered by the Planning Commission and the Board of County Commissioners when approving or disapproving this Rezone request:</b>	<b>Met</b>	<b>Not Met</b>
<p><b>1. Character of the Neighborhood:</b>  <i>Density: Surrounding parcels range in size from 1 acre to 78.6 acres, in size. The surrounding area is beginning to be developed at 2.5 acres.</i></p> <p><i>Nearby City Limits: Lansing is more than 2 miles to the east.</i></p> <p><i>Initial Growth Management Area: This parcel is located within the Rural Growth Area.</i></p>	✓	
<p><b>2. Zoning and uses of nearby property:</b>  <i>Adjacent Uses: Most of the adjacent parcels are residential and agricultural in nature. A RV campground is located to the east.</i></p> <p><i>Adjacent Zoning: Surrounding parcels are a mix between RR-2.5 and R-5 zoning. The RV campground is zoned PUD.</i></p>	✓	
<p><b>3. Suitability of the Property for the uses to which is has been restricted:</b>  <i>The property is suitable for rural residences and agricultural uses.</i></p>	✓	
<p><b>4. Extent to which removal of the restrictions will detrimentally affect nearby property:</b>  <i>Nearby properties are unlikely to be negatively impacted as the proposed rezoning as this property will remain rural residential.</i></p>	✓	
<p><b>5. Length of time the property has been vacant as zoned:</b>  <i>Vacant:</i>  <i>Not Vacant: <input checked="" type="checkbox"/> Rural Residence</i></p>	✓	
<p><b>6. Relative gain to economic development, public health, safety and welfare:</b>  <i>The rezoning does not impact economic development, public health, safety or welfare. In the event the parcels were to be developed as a rural subdivision, twice as many homes could potentially be constructed which may have a positive impact on economic development.</i></p>	✓	
<p><b>7. Conformance to the Comprehensive Plan:</b>  <i>Future Land Use Map: Residential (2.5 acres min)</i>  <i>Section 4 Land Use and Development Plan Strategies: The proposed use is compatible with the future land use designation.</i></p>	✓	

**STAFF COMMENTS:**

The applicant is requesting a rezoning from Rural Residential-5 to Rural Residential-2.5. The applicant is requesting to rezone two parcels, PID 109-32-0-00-00-004.00 & 109-32-0-00-00-004.01, for the purpose of estate planning. No immediate plans for subdivision have been expressed. The Comprehensive Plan identifies the future land use of this area as *Residential (2.5 acres min)*. The properties are adjacent to Emerald Estates and Woodridge Estates subdivision which are developed at 2.5-acre densities. Fire District #1 has expressed concerns about the existing water network in this vicinity and recommends that any future development should be developed in manner where water flows will not be reduced in order to continue to supply required water flows for service. The applicant is requesting a rezoning based off the proximity of the property to a more intense Future Land Use Map designation. Staff recommends approval.

**ATTACHMENTS:**

- A: Application & Narrative
- B: Zoning Map
- C: Future Land Use Map
- D: Memorandums

**REZONING APPLICATION**

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

Office Use Only

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

**APPLICANT/AGENT INFORMATION**

**OWNER INFORMATION (If different)**

NAME Joe Herring NAME FORGE,RICHARD J & KATHRYN A; FAMILY TRUST  
ADDRESS 315 North 5th Street ADDRESS 24971 TONGANOXIE DR  
CITY/ST/ZIP Leavenworth, KS 66048 CITY/ST/ZIP Leavenworth, KS 66048  
PHONE 913-651-3858 PHONE N/A  
EMAIL herringsurveying@outlook.com EMAIL N/A  
CONTACT PERSON Joe CONTACT PERSON \_\_\_\_\_

**PROPOSED USE INFORMATION**

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

**PROPERTY INFORMATION**

Address of Property 24971 TONGANOXIE DR  
Parcel Size 40 Acres  
Current use of the property AG & Residential  
Present Improvements or structures House and Ag Structures  
PID 109-32-0-00-00-004 & 109-32-0-00-00-004.01

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

Signature Joe Herring - digitally signed 5/7/2023 Date 5-7-23

**ATTACHMENT A**

Real Estate Validation Questionnaire not required due to K.S.A. 79-1437(e)(7)

STATE OF KANSAS  
COUNTY OF LEAVENWORTH-SS  
FILED FOR RECORD

*Handwritten initials and date: 1/14/04*

**WARRANTY DEED**

2004 APR 15 A 10: 10 8

THIS DEED, Made this 27 day of March, 2004 between Grantors, **RICHARD J. FORGE and KATHRYN FORGE, husband and wife,** of Leavenworth County, in the State of Kansas, as first party, **RICHARD J. FORGE and/or KATHRYN FORGE, Trustees, or their successors in trust, under the FORGE FAMILY TRUST DATED NOVEMBER 14, 2003,** Grantees, Leavenworth County, in the State of Kansas, as second party,

STACY R. DRISCOLL  
REGISTER OF DEEDS

WITNESSETH, That first party, in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, by these presents CONVEYS AND WARRANTS, unto second party, heirs and assigns, all the estate, right, title, interest, and claim which first party has in and to the following described real estate situated in Leavenworth County, State of Kansas, to wit:

**The East Half of the South Half of the Northwest Quarter (NW 1/4) of Section 32, Township 9 South, Range 22 East, Leavenworth County, Kansas less railroad right of way.**

TO HAVE AND TO HOLD THE SAME, Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging, or in any wise appertaining, forever.

In Witness Whereof, first party has executed this deed on the day and year first above written.

Entered in the transfer record in my office this  
15<sup>th</sup> day of April, 2004  
Linda A. Scheer County Clerk

*Richard J. Forge*  
RICHARD J. FORGE

*Kathryn Forge*  
KATHRYN FORGE

STATE OF KANSAS )  
)  
COUNTY OF LEAVENWORTH )

BE IT REMEMBERED, That on this 31<sup>st</sup> day of March, 2004, before me, the undersigned, a notary public in and for the County and State aforesaid, came RICHARD J. FORGE and KATHRYN FORGE personally known to me to be the same person who executed the above deed, and duly acknowledged the execution of the same.

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

My Comm. Expires 1-11-07  
OFFICIAL SEAL  
ANITA GONZALEZ  
NOTARY PUBLIC-KANSAS  
My Comm. Expires 1-11-07

*Anita Gonzalez*  
Notary Public

CK0913761361



\* 2 0 1 5 R 1 0 1 6 3 1 \*

Doc #: 2015R10163

STACY R. DRISCOLL/REGISTER OF DEEDS  
LEAVENWORTH COUNTY

RECORDED ON

12/17/2015 10:53AM

RECORDING FEE: 12.00

INDEBTEDNESS: 0.00

PAGES: 1

Entered in the transfer record in my office this  
17th day of Dec, 2015  
Jane Krasinski Brynn Kenney  
County Clerk

**QUIT CLAIM DEED**

THIS DEED, Made this 28<sup>th</sup> day of October, 2015 between Grantors, RICHARD J. FORGE and KATHRYN A. FORGE, husband and wife, of Leavenworth County, in the State of Kansas, as first party, and **RICHARD J. FORGE and KATHRYN A. FORGE, Trustees, or their successors in trust, under the FORGE FAMILY TRUST DATED NOVEMBER 14, 2003**, of Leavenworth County, in the State of Kansas, as second party,

WITNESSETH, That first party, in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, by these presents QUIT CLAIM, unto second party, heirs and assigns, all the estate, right, title, interest, and claim which first party has in and to the following described real estate situated in Leavenworth County, State of Kansas, to wit:

The East Half of the South Half of the Northwest Quarter (NW 1/4) of Section 32, Township 9 South, Range 22 East, Leavenworth County, Kansas, less railroad right of way.

TO HAVE AND TO HOLD THE SAME, Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging, or in any wise appertaining, forever.

In Witness Whereof, first party has executed this deed on the day and year first above written.

\_\_\_\_\_  
\_\_\_\_\_

Richard J. Forge  
RICHARD J. FORGE

Kathryn A. Forge  
KATHRYN A. FORGE

Butley 12

STATE OF KANSAS

)

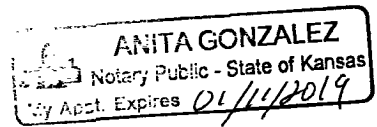
) SS:

COUNTY OF LEAVENWORTH

)

BE IT REMEMBERED, That on this 28<sup>th</sup> day of October, 2015, before me, the undersigned, a notary public in and for the County and State aforesaid, came RICHARD J. FORGE and KATHRYN A. FORGE, personally known to me to be the same persons who executed the above deed, and duly acknowledged the execution of the same.

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



Anita Gonzalez  
Anita Gonzalez, Notary Public  
Leavenworth County, Kansas  
My Commission Expires: 1/11/19

## Allison, Amy

---

**From:** Joe Herring <herringsurveying@outlook.com>  
**Sent:** Friday, May 19, 2023 6:33 AM  
**To:** Allison, Amy  
**Cc:** PZ  
**Subject:** Re: DEV-23-058 Forge Rezone Review Comments

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

**Description:**

The East Half of the South Half of the Northwest Quarter (NW 1/4) of Section 32, Township 9 South, Range 22 East, Leavenworth County, Kansas.

Noticed on the FD1 letter and the additional people included in the response from FD1. Is it their common practice to include the district commissioner? Reason for Brian Kellogg to be included in the email? He is on the township board but don't know if I have ever seen them included since they have nothing to do with development process?

Thank you - Joe Herring

---

J.Herring Inc., dba,Herring Surveying Company  
315 N. 5th Street, Leavenworth, KS 66048  
913-651-3858 - ROCK CHALK!

---

**From:** Allison, Amy <AAllison@leavenworthcounty.gov>  
**Sent:** Thursday, May 18, 2023 1:56 PM  
**To:** 'Joe Herring' <herringsurveying@outlook.com>  
**Cc:** PZ <PZ@leavenworthcounty.gov>  
**Subject:** DEV-23-058 Forge Rezone Review Comments

Good Afternoon Joe,

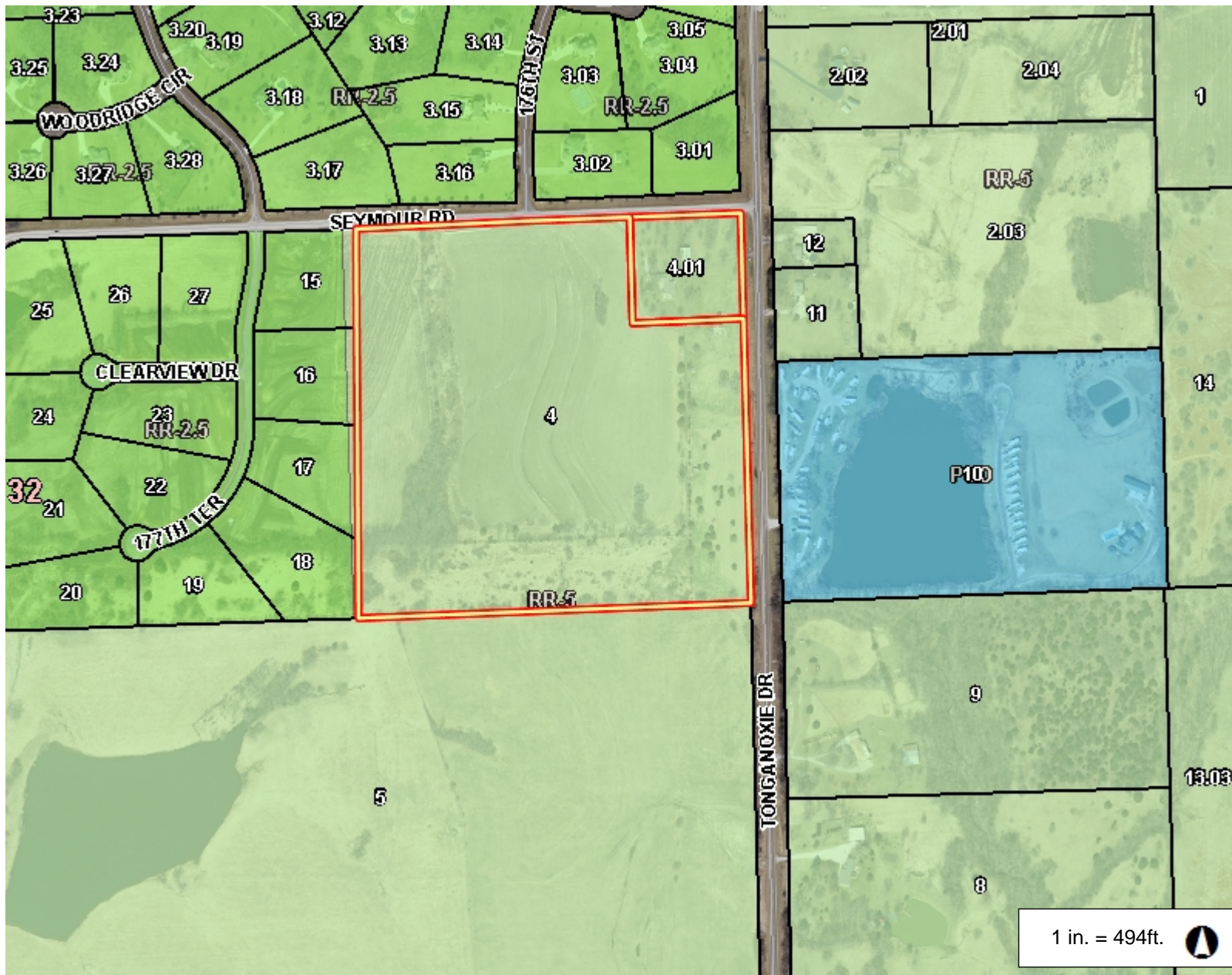
Attached are comments from the following:

- Code Enforcement – 5/10/2023
- Fire District 1 – 5/10/2023
- Planning & Zoning – 5/18/2023
- FreeState – 5/10/2023

Please send me the specific legal description for the proposed rezoning by no later than noon on Friday, May 18, 2023. If you have any further questions, please let me know.

Sincerely,  
Amy Allison, AICP  
Deputy Director

# DEV-23-058 Forge Rezone



## Legend

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

## Notes

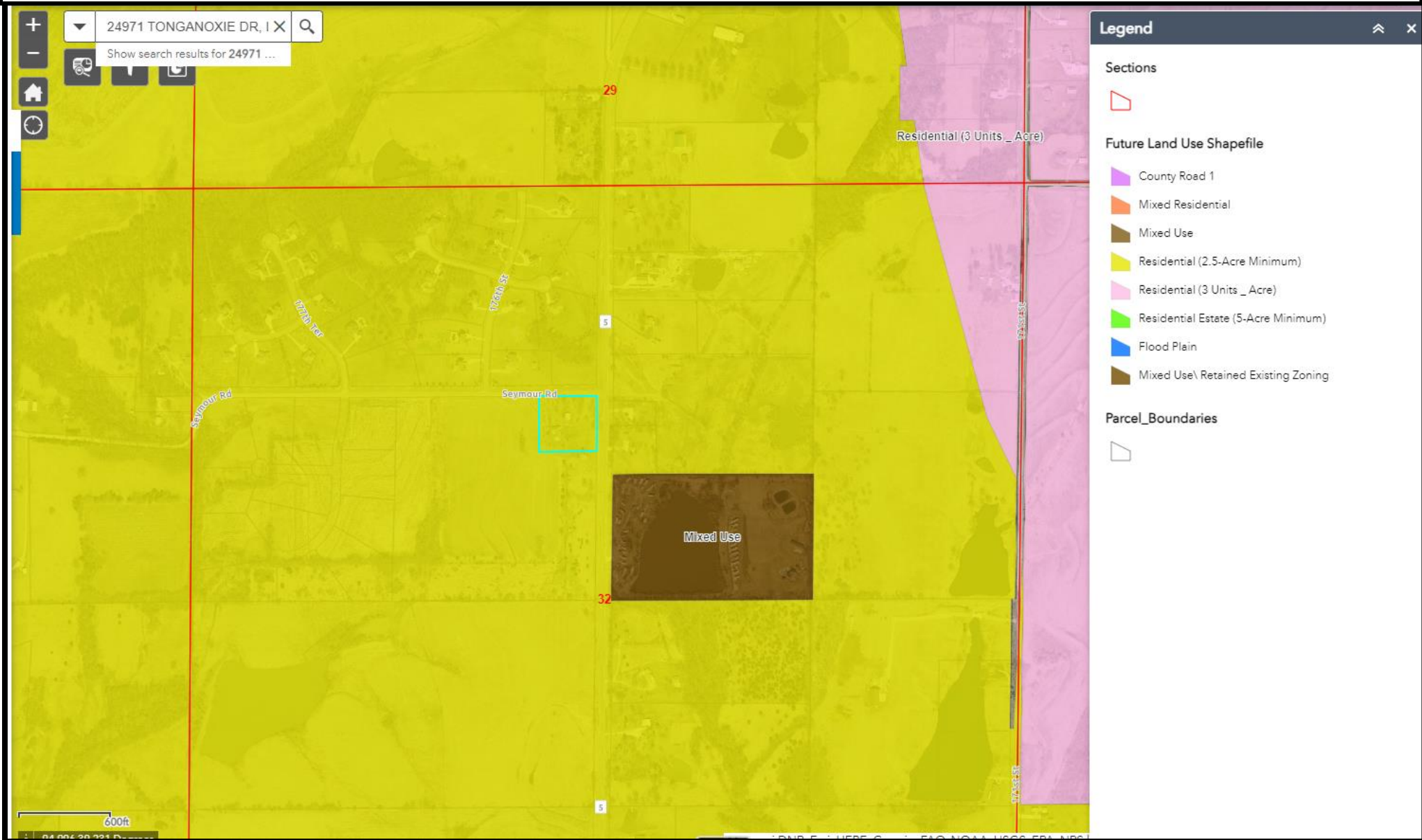
988.1 0 494.04 988.1 Feet

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



# DEV-23-058 Forge Rezone



## Allison, Amy

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**From:** Anderson, Kyle  
**Sent:** Wednesday, May 10, 2023 10:42 AM  
**To:** Allison, Amy  
**Subject:** RE: RE: DEV-23-058 Rezoning– Forge

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

*Disclaimer: This message and any attachments are intended only for the use of the recipient or their authorized representative. The information provided in this email is limited in scope and response detail by available information, current zoning and subdivision regulations. Depending on the level of development, the applicable regulations can change. Final approval cannot be granted until a complete application has been submitted, reviewed and approved by the governing body. Nothing in this message or its contents should be interpreted to authorize or conclude approval by Leavenworth County.*

---

**From:** Allison, Amy <AAllison@leavenworthcounty.gov>  
**Sent:** Tuesday, May 9, 2023 3:35 PM  
**To:** Magaha, Chuck <cmagaha@lvsheriff.org>; Anderson, Kyle <KAnderson@leavenworthcounty.gov>; Miller, Jamie <JMiller@leavenworthcounty.gov>; Patzwald, Joshua <jpatzwald@lvsheriff.org>; Brown, Misty <MBrown@leavenworthcounty.gov>; Noll, Bill <BNoll@leavenworthcounty.gov>; 'Michael Stackhouse' <mstackhouse@fd1lvco.org>; 'amanda.holloway@freestate.coop' <amanda.holloway@freestate.coop>; 'Rural Water' <rwd8lv@gmail.com>  
**Cc:** PZ <PZ@leavenworthcounty.gov>  
**Subject:** RE: DEV-23-058 Rezoning– Forge

Good Afternoon,

The Department of Planning and Zoning has received an application for a Rezoning regarding a property at 24971 & 00000 Tonganoxie Drive (109-32-0-00-00-004.00 & 109-32-0-00-00-004.01). The applicant has applied to rezone the property from RR-5 to RR-2.5.

The Planning Staff would appreciate your written input in consideration of the above request. Please review the attached information and forward any comments to us by Wednesday, May 17, 2023.

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  
913.364.5757

## Allison, Amy

---

**From:** Michael Stackhouse <mstackhouse@fd1lvco.org>  
**Sent:** Wednesday, May 10, 2023 10:21 AM  
**To:** Allison, Amy; Magaha, Chuck; 'Rural Water'  
**Cc:** Kaaz, Vicky; Smith, Michael; 'kelloggcompany@gmail.com'  
**Subject:** RE: DEV-23-058 Rezoning– Forge

**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.

Ms. Allison,

Good morning. I am assuming there are plans for a future subdivision at this location. FD1 supports the change of lot sizes with the intent to develop. However, development without improved water infrastructure or alternate methods such as a retention pond in place, are not supported by FD1. Our past concerns regarding the water infrastructure in the neighboring subdivision were left unaddressed early in that process. Each time a housing unit is added to the already taxed water infrastructure the output flow is deteriorated. As previously mentioned, there are alternatives to larger water mains such as a retention pond with a dry hydrant. Code allows and encourages alternative methods that are considered an equivalent measure rather than no action. FD1's primary concern is the available water supply/gallons per minute requirements which is driven by the National Fire Protection Agency and the Insurance Services Office, Inc., as well as doing what is right for our citizens.

Continuing to tax the water infrastructure will have drastic future effects on our ability to provide proper fire suppression efforts which requires proper flow for a structure fire. It must be addressed that if a structure fire took place during heavy water usage, the ability to refill within appropriate times to be affective, will be deteriorated. In addition, the future ISO ratings of the citizens we serve will be affected.

To reiterate, FD1 will support the future development of the area, but only if water upgrades or alternative water supplies are in place. Thank you for your time.

B/R,

Michael L. Stackhouse  
Fire Chief  
Fire District No. 1, County of Leavenworth  
111 E. Kansas Avenue  
Lansing, KS. 66043  
Office: 913-727-5844  
Cell: 913-683-3223



---

**From:** Allison, Amy <AAllison@leavenworthcounty.gov>  
**Sent:** Tuesday, May 9, 2023 3:35 PM

## Allison, Amy

---

**From:** Amanda Tarwater <amanda.tarwater@freestate.coop>  
**Sent:** Wednesday, May 10, 2023 3:12 PM  
**To:** Allison, Amy  
**Subject:** RE: DEV-23-058 Rezoning– Forge

**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)

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**From:** Allison, Amy <AAllison@leavenworthcounty.gov>  
**Sent:** Tuesday, May 9, 2023 3:35 PM  
**To:** Magaha, Chuck <cmagaha@lvsheriff.org>; Anderson, Kyle <KAnderson@leavenworthcounty.gov>; Miller, Jamie <JMiller@leavenworthcounty.gov>; Patzwald, Joshua <jpatzwald@lvsheriff.org>; Brown, Misty <MBrown@leavenworthcounty.gov>; Noll, Bill <BNoll@leavenworthcounty.gov>; 'Michael Stackhouse' <mstackhouse@fd1lvco.org>; Amanda Tarwater <amanda.tarwater@freestate.coop>; 'Rural Water' <rwd8lv@gmail.com>  
**Cc:** PZ <PZ@leavenworthcounty.gov>  
**Subject:** RE: DEV-23-058 Rezoning– Forge

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

Good Afternoon,

The Department of Planning and Zoning has received an application for a Rezoning regarding a property at 24971 & 00000 Tonganoxie Drive (109-32-0-00-00-004.00 & 109-32-0-00-00-004.01). The applicant has applied to rezone the property from RR-5 to RR-2.5.



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

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May 18, 2023

To: Joe Herring  
Herring Surveying  
315 N 5<sup>th</sup> Street  
Leavenworth, KS 66048

Re: Rezoning  
DEV-23-058

Mr. Herring,

Staff has reviewed the application for the Forge rezoning, which was submitted on May 9, 2023.

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

1. The applicant has provided deeds with multiple legal descriptions. Please submit the legal description(s) that the applicant is wishing to rezone.

Please provide the revisions and information indicated above by Friday, May 19, 2023 before noon. If the revision and information is not received by then, the case will be continued and rescheduled.

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

Respectfully,

A handwritten signature in cursive script that reads "Amy Allison".

Amy Allison, AICP  
Deputy Director  
Planning and Zoning  
Leavenworth County

**Leavenworth County Planning and Zoning Department  
Leavenworth County Courthouse  
300 Walnut Suite 212 Leavenworth, Kansas 66048**

## Allison, Amy

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**From:** B k <kelloggcattlecompany@gmail.com>  
**Sent:** Wednesday, May 31, 2023 10:00 PM  
**To:** PZ  
**Subject:** DEV-23-058--Opposing future small acreage allowances.

**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.

Good evening Planning and Zoning,

I am requesting that you not approve this Zoning request, based on how it will affect the future of this fine "rural" neighborhood. As you all know, I opposed the current Comprehensive Plan based on how it is urbanizing Leavenworth County. The current services and infrastructure can't keep up with the current growth without additional financial means. The additional funding will only come from additional taxes, reduced school district funding, or bringing in major industry with limited tax abatements. To increase small acreage allotments will make this county an even bigger bedroom community, we can't afford to support.

I have been told multiple times that growth is inevitable, and maybe it is, but please control how fast we lose this beautiful county and its fertile ground to rooftops and concrete. I have attached information from the fire chief that states improved water supply is needed for future development. The Chief has stated this before, when the rezoning was requested for the Emerald Estates subdivision, but it was ignored.

Lastly, it can be argued that additional development will affect the appearance of the area, but when you allow more and more rezonings, you take away our argument. Not sure if this is how the Comprehensive Plan was intended to be used, but it is.

If growth is going to be permitted, then please mandate all road frontage to be equal, and the developer responsible for all improvements needed for future road, electrical, water and sewer hookups. These requirements will lessen the burden on the tax payers in LVCO.

Thank you,

Brian Kellogg  
High Prairie Township Trustee

From Chief Stackhouse.:

Good morning. I am assuming there are plans for a future subdivision at this location. FD1 supports the change of lot sizes with the intent to develop. However, development without improved water infrastructure or alternate methods such as a retention pond in place, are not supported by FD1. Our past concerns regarding the water infrastructure in the neighboring subdivision were left unaddressed early in that process. Each time a housing unit is added to the already taxed water infrastructure the output flow is deteriorated. As previously mentioned, there are alternatives to larger water mains such as a retention pond with a dry hydrant. Code allows and encourages alternative methods that are considered an equivalent measure rather than no action. FD1's primary concern is the available water supply/gallons per minute requirements which is driven by the National Fire Protection Agency and the Insurance Services Office, Inc., as well as doing what is right for our citizens.

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To reiterate, FD1 will support the future development of the area, but only if water upgrades or alternative water supplies are in place. Thank you for your time.

B/R,

Michael L. Stackhouse

Fire Chief

Fire District No. 1, County of Leavenworth

111 E. Kansas Avenue

Lansing, KS. 66043

Office: 913-727-5844

Cell: 913-683-3223

From: Allison, Amy <[AAllison@leavenworthcounty.gov](mailto:AAllison@leavenworthcounty.gov)>

Sent: Tuesday, May 9, 2023 3:35 PM

To: Magaha, Chuck <[cmagaha@lvsheriff.org](mailto:cmagaha@lvsheriff.org)>; Anderson, Kyle <[KAnderson@leavenworthcounty.gov](mailto:KAnderson@leavenworthcounty.gov)>; Miller, Jamie <[JMiller@leavenworthcounty.gov](mailto:JMiller@leavenworthcounty.gov)>; Patzwald, Joshua <[jpatzwald@lvsheriff.org](mailto:jpatzwald@lvsheriff.org)>; Brown, Misty <[MBrown@leavenworthcounty.gov](mailto:MBrown@leavenworthcounty.gov)>; Noll, Bill <[BNoll@leavenworthcounty.gov](mailto:BNoll@leavenworthcounty.gov)>; Michael Stackhouse <[mstackhouse@fd1lvco.org](mailto:mstackhouse@fd1lvco.org)>; 'amanda.holloway@freestate.coop' <[amanda.holloway@freestate.coop](mailto:amanda.holloway@freestate.coop)>; 'Rural Water' <[rwd8lv@gmail.com](mailto:rwd8lv@gmail.com)>

Cc: PZ <[PZ@leavenworthcounty.gov](mailto:PZ@leavenworthcounty.gov)>

Subject: RE: DEV-23-058 Rezoning– Forge

Good Afternoon,

The Department of Planning and Zoning has received an application for a Rezoning regarding a property at 24971 & 00000 Tonganoxie Drive (109-32-0-00-00-004.00 & 109-32-0-00-00-004.01). The applicant has applied to rezone the property from RR-5 to RR-2.5.

The Planning Staff would appreciate your written input in consideration of the above request. Please review the attached information and forward any comments to us by Wednesday, May 17, 2023.

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

913.364.5757

Disclaimer

This message and any attachments are intended only for the use of the recipient or their authorized representative. The information provided in this email is limited in scope and response detail by available information, current zoning and subdivision regulations. Depending on the level of development, the applicable regulations can change. Final approval cannot be granted until a complete application has been submitted, reviewed and approved by the governing body. Nothing in this message or its contents should be interpreted to authorize or conclude approval by Leavenworth County.



# Leavenworth Times Affidavit of Publication

County of Leavenworth  
State of Kansas  
NOTICE OF PUBLIC HEARING

Notice is hereby given for the Leavenworth County Planning Commission to hold a public hearing regarding an application (DEV-23-058) for a rezoning request from RR-5 zoning district to RR-2.5 zoning district on the following described property: The East half of the South Half of the Northwest Quarter (NW ¼) of Section 32, Township 9 South, Range 22 East of the 6th P.M., Leavenworth County, Kansas.

Request submitted by Herring Surveying on behalf of Richard J & Kathryn A Forge Family Trust

Address: 24971 Tonganoxie Drive & 00000 Tonganoxie Drive

Parcel ID number: 109-32-0-00-00-004.00 & 109-32-0-00-00-004.01

The hearing will be held on Wednesday the 14th day of June, 2023 at 5:30 p.m. in the Meeting Room, located on the second floor of the Leavenworth County Courthouse, 300 Walnut Street, Leavenworth, Kansas. Further information is available, including the full legal description, for inspection during regular business hours in the Leavenworth County Planning & Zoning Department.

We encourage public input. If you wish to provide comments in writing instead of in person, written comments must be received no later than noon Tuesday, June 13, 2023.

John Jacobson, Secretary  
Leavenworth County Planning Commission Publish by 5/24/2023

Published in the Leavenworth Times, May 23, 2023.

I, Tammy Lawson, of lawful age, being first duly sworn on oath, states, that she is a Legal Representative of the Times, a daily newspaper, printed and published in Leavenworth, Leavenworth County, Kansas, that said newspaper has been published for at least Fifty (50) Times a year and has been so published for at least five (5) years prior to the first publication of the attached Notice that said newspaper has a general paid circulation on a monthly and yearly basis in Leavenworth County, Kansas and is not a trade, religious or fraternal publication and has been printed and published in Leavenworth County, Kansas and has a general paid circulation in said County. The attached Notice was published on the following dates in a regular issue of said newspaper.

Publication was made on the 23<sup>rd</sup> day of May, 2023.

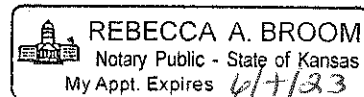
WITNESS my hand this 23<sup>rd</sup> day of May, 2023.

Tammy Lawson  
Legal Representative

Subscribe and sworn before me, this 23 day of May, 2023.

Rebecca A. Broom  
Notary Public

My Commission Expires: 6/7/23



**LEAVENWORTH COUNTY  
PLANNING COMMISSION  
STAFF REPORT**

CASE NO: DEV-23-065 Neu Airpark PUD Rezone

June 14, 2023

**REQUEST: *Public Hearing Required***

- ZONING AMENDMENT                       SPECIAL USE PERMIT  
 TEMPORARY SPECIAL USE PERMIT

**STAFF REPRESENTATIVE:**

AMY ALLISON  
DEPUTY DIRECTOR

**SUBJECT PROPERTY: 17271 & 17251 HOLLINGSWORTH ROAD**

**APPLICANT/APPLICANT AGENT:**

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

**PROPERTY OWNER:**

HEARTLAND ENTERPRISES LLC &  
RICKY LEE AND VICKI L NEU

**CONCURRENT APPLICATIONS:**

DEV-23-066

**LAND USE**

ZONING: RR-5

FUTURE LAND USE DESIGNATION:  
RESIDENTIAL (2.5 ACRE MIN)

**LEGAL DESCRIPTION:**

Two tracts of land in the West half of the East half of the Northeast Quarter of Section 20, Township 10 South, Range 22 East of the 6th P.M., in Leavenworth County, Kansas

SUBDIVISION: N/A

FLOODPLAIN: N/A

**STAFF RECOMMENDATION: APPROVAL WITH CONDITIONS**

**PROPERTY INFORMATION**

**ACTION OPTIONS:**

1. Recommend approval of Case No. DEV-23-065, Rezone for Neu Airpark PUD to the Board of County Commission, with or without conditions; or
2. Recommend denial of Case No. DEV-23-065, Rezone for Neu Airpark PUD to the Board of County Commission for the following reasons; or
3. Continue the hearing to another date, time, and place.

PARCEL SIZE: 32.4 ACRES

PARCEL ID NO:  
154-20-0-00-00-002.00 & 154-20-0-00-00-002.01

**BUILDINGS:**

Two houses and accessory structures

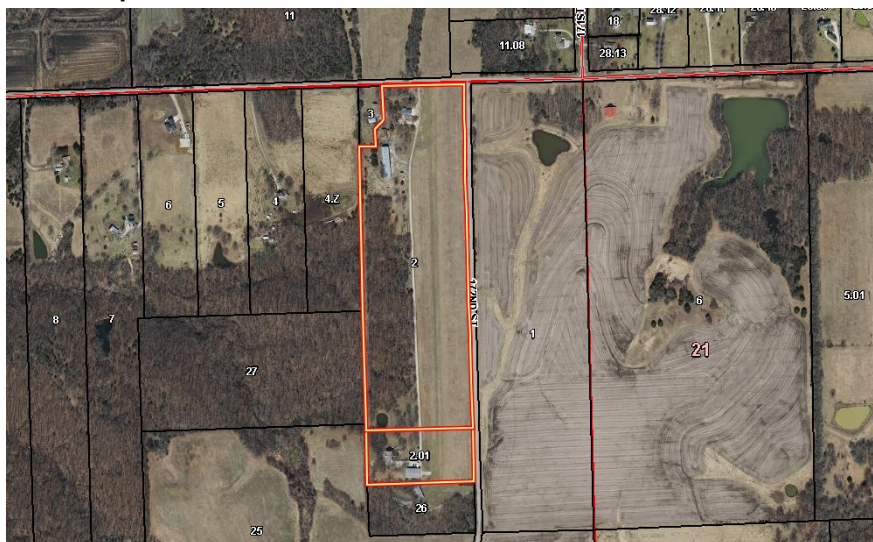
**PROJECT SUMMARY:**

Request to rezone two parcels at 17271 & 17251 Hollingsworth Road from RR-5 to Planned Unit Development.

**ACCESS/STREET:**

HOLLINGSWORTH ROAD  
COLLECTOR, GRAVEL, ±15' WIDE

**Location Map:**



**UTILITIES**

SEWER: SEPTIC

FIRE: STRANGER

WATER: SUBURBAN WATER

ELECTRIC: EVERGY

**NOTICE & REVIEW:**

STAFF REVIEW: 6/8/2023

NEWSPAPER NOTIFICATION:  
5/23/2023

NOTICE TO SURROUNDING  
PROPERTY OWNERS:  
5/23/2023

<b>FACTORS TO BE CONSIDERED:</b>		
<i>The following factors are to be considered by the Planning Commission and the Board of County Commissioners when approving or disapproving this Rezone request:</i>	<b>Met</b>	<b>Not Met</b>
<p><b>1. Character of the Neighborhood:</b>  <i>Density:</i> Surrounding parcels range in size from 1.3 acres to more than 130 acres. The area is not densely populated.</p> <p><i>Nearby City Limits:</i> Basehor is more than 1.5 miles to the southeast.</p> <p><i>Initial Growth Management Area:</i> This parcel is located within the Rural Growth Area.</p>	✓	
<p><b>2. Zoning and uses of nearby property:</b>  <i>Adjacent Uses:</i> Most of the adjacent parcels are residential and agricultural in nature.</p> <p><i>Adjacent Zoning:</i> All adjacent properties are zoned RR-5.</p>	✓	
<p><b>3. Suitability of the Property for the uses to which it has been restricted:</b>  The property is suitable for rural residences and agricultural uses. An existing airstrip has been located on the property since the 1970s. It is suitable for an airstrip as well.</p>	✓	
<p><b>4. Extent to which removal of the restrictions will detrimentally affect nearby property:</b>  <i>Nearby properties are unlikely to be negatively impacted as the proposed rezoning remains rural residential. The proposed rezoning would increase the number of residences adjacent to the airstrip but as far as staff is aware, there are no restrictions on the number of planes that can take-off/land on the airstrip.</i></p>	✓	
<p><b>5. Length of time the property has been vacant as zoned:</b>  <i>Vacant:</i>  <input checked="" type="checkbox"/> <i>Not Vacant: two houses and multiple accessory structures</i></p>	✓	
<p><b>6. Relative gain to economic development, public health, safety and welfare:</b>  The rezoning does not impact economic development, public health, safety or welfare. In the event the parcel were to be developed as a rural subdivision, twice as many homes could potentially be constructed which may have a positive impact on economic development.</p>	✓	
<p><b>7. Conformance to the Comprehensive Plan:</b>  <i>Future Land Use Map: Residential (2.5 min acres)</i>  <i>Section 4 Land Use and Development Plan Strategies: The proposed use is compatible with the future land use designation.</i></p>	✓	

**STAFF COMMENTS:**

The applicants are requesting a rezoning from Rural-Residential 5 to Planned Unit Development. The Comprehensive Plan identifies the future land use of this area as Residential (2.5 acre min). While Staff would typically recommend denial of a request that does not conform to the future land use, Staff has determined that the proposal complies with the Comprehensive Plan for the following reasons:

The requested use is less dense than the future land use designation.

The proposed layout of the Planned Unit Development, when both principal and secondary lots are added together, create lots that are either 5 acres or almost 5 acres.

When approving a Planned Unit Development, the Planning Commission is tasked with determining whether the proposal is compliant with Article 17 – Planned Unit Development in the Zoning & Subdivision Regulations, Attachment D. The applicant has submitted a concurrent application for the Preliminary Plat of this subdivision. The plat acts as the Development Site Plan along with the Homeowner’s Association Development Agreement in determining the design standards for the proposed PUD.

The applicant is proposing to develop 7 principal lots which would be single-family residential development. Accessory structure shall be permitted. The proposed principal lots ( Lots 1-7) will range in size from 2 to 3.36 acres in size. These lots will access off a private driveway that has been designed as a cross access easement. The driveway will access off of Hollingsworth Road using the existing driveway access that was granted a variance per DEV-21-204 from the Access Management Policy. The private road will run along the west side of the existing airstrip. A 40 ft front yard building setback line has been included in addition to the 60 ft private drive easement. When added together, it creates a 100 ft buffer from the airstrip to the proposed locations of housing (except on Lot 1 where an existing house is already located closer to the airstrip than 100 ft.) The 100 ft. buffer would be in alignment with previously approved airstrip subdivisions in the County. The applicant is proposing to also develop secondary lots on the east side of the airstrip (Lots 1A – 7A ) which would only be used for hangers and fueling stations for the airstrip. These hangers are all private and will not be open for public leasing, per the development agreement. The applicant has indicated that the secondary lots would be sold with the principal lots. If the property owner would not like the secondary lot, the corresponding secondary lot would stay under the HOA’s ownership. Access easements have been granted from the private drive to the secondary lots along the north and south side of the airstrip. No access from 172nd shall be granted to these lots. A 50 ft buffer zone has been created from the airstrip to the developable area for the hangers. Staff would recommend that that buffer be as large as possible however, no residences shall be permitted on these lots. **The applicant is also requesting an amendment to Article 20, Section 13 of the Zoning Regulations. This requirement places a 105 ft setback from the centerline of any county road for structures or buildings. The proposed layout is requesting a setback of 85 feet. Per Article 17, a PUD must comply with Article 20 unless otherwise approved as part of the development plan.** The applicant has indicated that 172nd, when installed, was built entirely on his client’s side of the section line instead of splitting the line which is standard practice, thus decreasing the amount of buildable area on their side of the road.

Additionally, the applicant is requesting to create a lot (Lot 2) with an accessory structure without a principal structure. The plan is that eventually it will be developed with a single-family house, but approval of this plan would allow for the structure to remain. An existing pond is located on Lot 6 and appears to cross to Lot 7. Staff recommends placing a condition on the final plat that a pond maintenance agreement shall be included on the face of the plat. The applicant has submitted preliminary road plans for review. Staff will recommend that road and stormwater plans, in compliance with Attachment E, be submitted with the Final Plat. Staff has requested the applicant confirm compliance with FAA regulations for the airstrip. Per the applicant, no FAA regulations are required for this type of private airfield. Staff has not reviewed this application in regards to FAA or other federal agency standards. Also, all structures built within the Planned Unit Development must still comply with all adopted building codes within the County.

**PROPOSED CONDITIONS:**

1. An amendment to Article 20, Section 13 amending the setback from the centerline of 172<sup>nd</sup> Street to 85 feet shall hereby be approved. A notation shall be included on the face of the final plat.

**ATTACHMENTS:**

- A: Application & Narrative
- B: Zoning Map
- C: Memorandums
- D: Article 17 – Planned Unit Development
- E: Cross Access Easement Submittal Standards

**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 NAME Rick Neu / Heartland Enterprises  
ADDRESS 315 North 5th Street ADDRESS 17251 Hollingsworth Road  
CITY/ST/ZIP Leavenworth, KS 66048 CITY/ST/ZIP Basehor, KS 66007  
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 AG, Rural Residential, and Airstrip  
Current Zoning RR-5 Acres Requested Zoning P.U.D.  
Reason for Requesting Rezoning Dividing property with existing airstrip and proposed private roadway.

**PROPERTY INFORMATION**

Address of Property 17271 & 17251 Hollingsworth Road  
Parcel Size 34 Acres  
Current use of the property AG, Rural Residential, Airstrip  
Present Improvements or structures Houses, Barns, Airplane hanger  
PID 154-20-0-00-00-002 & 002.01

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


Signature Joe Herring - digitally signed 10/12/2022 Date 10-12-22

**ATTACHMENT A**

# 8KS1 Neu Field Airport

Basehor, Kansas, USA



<b>GOING TO BASEHOR?</b>	 <a href="#">Reserve a Hotel Room</a>
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## FAA INFORMATION EFFECTIVE 23 MARCH 2023

### Location

FAA Identifier: 8KS1  
 Lat/Long: 39-10-09.1100N 094-58-43.0250W  
 39-10.151833N 094-58.717083W  
 39.1691972,-94.9786181  
 (estimated)  
 Elevation: 920 ft. / 280 m (estimated)  
 Variation: 05E (1985)  
 From city: 3 miles NW of BASEHOR, KS  
 Time zone: UTC -5 (UTC -6 during Standard Time)  
 Zip code: 66007



Road maps at: [MapQuest](#) [Bing](#) [Google](#)

### Airport Operations

Airport use: Private use. Permission required prior to landing  
 Activation date: 08/1978  
 Control tower: no  
 ARTCC: KANSAS CITY CENTER  
 FSS: WICHITA FLIGHT SERVICE STATION  
 Attendance: DAYLIGHT HOURS  
 Wind indicator: yes  
 Segmented circle: no

### Airport Communications

WX ASOS at MCI (15 nm NE): PHONE 816-329-2808  
 WX ASOS at LWC (15 nm SW): 121.225 (785-749-1309)  
 WX ASOS at MKC (18 nm E): 120.75 (816-329-2843)

### Nearby radio navigation aids

VOR radial/distance	VOR name	Freq	Var
<a href="#">MCI</a> r233/13.2	KANSAS CITY VORTAC	113.25	05E
<a href="#">TOP</a> r081/26.6	TOPEKA VORTAC	117.80	05E

### Aerial photo

No photo available

If you have an aerial photo of this airport that you would like to share with other users of AirNav.com, click here to [send us your photo](#).

### Sectional chart

[ANX](#)r269/39.8

NAPOLEON VORTAC 114.00 07E

## Airport Services

## Runway Information

### Runway 17/35

Dimensions: 2000 x 40 ft. / 610 x 12 m

Surface: turf

**RUNWAY 17**      **RUNWAY 35**

Latitude: 39-10.316667N      39-09.987000N

Longitude: 094-58.714667W      094-58.719500W

Elevation: 951.0 ft.      962.0 ft.

Traffic pattern: left      left

## Airport Ownership and Management from official FAA records

Ownership: Privately-owned

Owner: RICK NEU

17251 HOLLINGSWORTH RD

BASEHOR, KS 66007

Phone (832) 767-9153

Manager: VICKI NEU

17251 HOLLINGSWORTH RD

BASEHOR, KS 66007

Phone 832-767-8041

## Airport Operational Statistics

Aircraft based on the field: 1

Single engine airplanes: 1

## Additional Remarks

- FOR CD CTC KANSAS CITY APCH AT 816-329-2710.

## Instrument Procedures

There are no published instrument procedures at 8KS1.

Some nearby airports with instrument procedures:

[KFLV](#) - Sherman Army Airfield (12 nm N)

[KMCI](#) - Kansas City International Airport (15 nm NE)

[KLWC](#) - Lawrence Regional Airport (15 nm SW)

[KMKC](#) - Charles B Wheeler Downtown Airport (18 nm E)

[KIXD](#) - New Century AirCenter Airport (21 nm S)



## Airport distance calculator

Flying to Neu Field Airport? Find the distance to fly.

From  to 8KS1

[▶ CALCULATE DISTANCE](#)

## Sunrise and sunset

Times for 24-Mar-2023

	Local (UTC-5)	Zulu (UTC)
Morning civil twilight	06:51	11:51
Sunrise	07:18	12:18
Sunset	19:35	00:35
Evening civil twilight	20:01	01:01

## Current date and time

Zulu (UTC)	24-Mar-2023 20:46:37
Local (UTC-5)	24-Mar-2023 15:46:37

## METAR

[KMCI](#) 241953Z 05015KT 10SM BKN100  
14nm NE 12/02 A2974 RMK AO2 SLP073  
T01170022

[KLWC](#) 241952Z AUTO 04014G20KT 6SM  
14nm SW HZ CLR 13/02 A2973 RMK AO1  
SLP069 T01280022

[KMKC](#) 241954Z 08011G19KT 10SM  
18nm E BKN043 BKN055 12/02 A2973 RMK  
AO2 SLP067 T01170017

[KIXD](#) 241953Z 04014KT 10SM BKN024  
22nm S 09/03 A2971 RMK AO2 PRESFR  
SLP062 T00940033

[KOJC](#) 241953Z 03015G22KT 10SM  
22nm SE OVC022 09/02 A2971 RMK AO2  
PRESFR SLP062 T00890022

## TAF

[KMCI](#) 241735Z 2418/2518 07012KT P6SM  
14nm NE SCT015 BKN100 FM242300 05008KT  
6SM -RA BR OVC020 FM250500  
33007KT P6SM SCT030 BKN080  
FM251000 31005KT P6SM SCT120

[KMKC](#) 241735Z 2418/2518 07011KT P6SM  
18nm E SCT015 BKN100 FM242300 05008KT  
6SM -RA BR OVC020 FM250500  
33007KT P6SM SCT030 BKN080  
FM251000 31004KT P6SM SCT120

## NOTAMs

[▶ Click for the latest NOTAMs](#)

NOTAMs are issued by the DoD/FAA and will open in a separate window not controlled by AirNav.

## Would you like to see your business listed on this page?

If your business provides an interesting product or service to pilots, flight crews, aircraft, or users of the Neu Field Airport, you should consider listing it here. To start the listing process, click on the button below

 ADD YOUR BUSINESS OR SERVICE

## Other Pages about Neu Field Airport

 ADD A LINK



NEU FIELD AIRPARK PLANNED UNIT  
DEVELOPMENT

DECLARATION OF USE RESTRICTIVE  
COVENANTS AND EASEMENT  
AGREEMENT

THIS DECLARATION is made this 30<sup>th</sup> day of September, 2022, by Heartland Enterprises, LLC, and Rick L. Neu and Vicki L.B. Neu, herein referred to as "Owner".

WHEREAS, Owner owns the following described real estate situated within Neu Field Airpark Planned Unit Development in Leavenworth County, Kansas:

A tract of land in the Northeast Quarter of Section 20, Township 10 South, Range 22 East of the 6<sup>h</sup> P.M., Leavenworth County, Kansas, as written by Joseph A. Herring PS-1296 on February 24, 2022, more fully described as follows: Commencing at the Northeast corner of said Northeast Quarter; thence South 88 degrees 15'39" West for a distance 659.61 feet along the North line of said Northeast Quarter to the TRUE POINT OF BEGINNING; thence South 01 degrees 28'14" East for a distance of 2345.93 feet; thence South 88 degrees 14'55" West for a distance of 657.58 feet; thence North 01 degrees 31'12" East for a distance of 1385.06 feet; thence North 88 degrees 28'39" East for a distance of 97.01 feet; thence North 02 degrees 39'41" West for a distance of 104.00 feet; thence North 45 degrees 51'39" East for a distance of 73.98 feet; thence North 06 degrees 47'21" West for a distance of 213.32 feet to the North line of said Northeast Quarter; thence North 88 degrees 15'39" East for a distance of 529.82 feet along said North line to the point of beginning. Said property contain 34.42 acres, more or less including road right of way. Error of Closure - 1 : 1226905

AND, WHEREAS, THE FOLLOWING ARE OWNERS OF THE LOTS AND Tracts within the Neu Field Airpark Planned Unit Development of Leavenworth County, Kansas:

Lot and Exhibit Number	Lot Owners
1, 2, 3, 4, 5, 6, and 1A, 2A, 3A, 4A, 5A, 6A	Heartland Enterprises, LLC
7 and 7A	Rick L Neu and Vicki L.B. Neu
Tract A (Airstrip)	Heartland Enterprises, LLC, Rick L. Neu and Vicki L.B. Neu

AND, WHEREAS, the legal descriptions for these Lots and Tracts are attached and marked Schedule A; and,

AND, WHEREAS, the Corporation does hereby grant to the Lot or Tract Owners use and easement rights to the Airstrip on the following covenants, terms and provisions:

**LEGAL DESCRIPTION OF AIRSTRIP (PRIVATE LANDING FIELD):** A 60 foot strip 30 feet either side of a line described as follows: Beginning at a point 240.0 feet South 89° 54; 30" West from the Southeast corner of the West ½ of the East ½ of the Northeast ¼ of Section 20, Township 10 South, Range 22 East of the Sixth P.M., thence North 00° East approximately 2640.0 feet to the North line of the West ½ of the East ½ of said Northeast ¼.

**FAA IDENTIFIER**

8KS1

Lat/Long: 39-10-09.1100N 094-58-  
43.0250W 39-10.151833N  
094-58.717083W  
39.1691972,-94.9786181

(estimated)

Elevation: 920 ft./ 280 m (estimated)

Variation: 05E (1985)

From city: 3 miles NW of BASEHOR, KS

Time zone: UTC -5 (UTC -6 during Standard

Time) Zip code: 66007

Together with all air space above the surface of Owner's above-described property *to* an infinite height above the Owner's property.

**A. DEFINITIONS OF TERMS:**

1. The term "airplane" or "aircraft" means any contrivance now known or hereafter invested, used or designed for navigation of or flight in the air.

2. The term "Airstrip" shall mean the tract of ground as described above in both Legal Description as Tract A, and FAA Identifier.

3. The term "Corporation" refers to Neu Field Airpark Owners Assn., a Kansas Corporation.

4. The term "district" means those lots, tracts and any other real estate that may be acquired in the-future from time to time by the Corporation.

5. The term "guest" means an individual or individuals visiting but not residing with an Owner. It is important to note that all guests must abide by operating rules and should be monitored or supervised by the Lot Owner who invited them.

6. The term "laws" means any and all applicable federal, state, county, or municipal enactments and regulations adopted by any governmental body and agency with jurisdiction including without limitation the Board of County Commissioners of Leavenworth County, Kansas.

7. The term "Lot" means either any Lot as platted or any later added tract of land and upon which a residence or hangar may be erected, but does not include the airstrip.

8. The term "Owner" or "Owners" means those natural persons, associations, partnerships, corporations or other legal entities, which may from time to time be the record Owner of a fee interest in any Lot or Tract.

9. The term "Review Committee" shall refer to that Committee established by Article IX of the Bylaws of the Neu Field Airpark Owners Association.

10. The term "tract" means an unplatted parcel of land.

11. The term "Unattached building" means a hangar, garage, animal abode, etc. serving the residence to which it is appurtenant.

12. The term "Fuel" or "Fuel Tanks" means a tank designated for aviation fuel to be used to fuel aircraft and not to exceed 500 gallons, and not to be advertised for sale.

**B. USE RESTRICTIONS:**

1. Persons bound and Duration – All Lot Owners, their heirs, assigns or anyone who now owns or shall hereafter acquire any interest in the Lots shall be taken to hold and agree and covenant to conform to and observe the following

covenants, restrictions, and stipulations as to their use. The parties may release any Lot which is hereby restricted from one or more of the restrictions by mutual agreement executed and acknowledged in writing and filed for record in the office of the Register of Deeds of Leavenworth County, Kansas.

2. Use of Land – Zoning of the Lots will remain Leavenworth County “PUD” unless or until changed at some future time by the Owner with the consent of the Control Committee and approved by Leavenworth County.

3. No Lot or Lots recorded shall be re-subdivided and no tract or tracts shall be divided into building lots or tracts other than those shown on the recorded plat or recorded documents or amendments. A Lot or Tract Owner may combine portions of lot or tract with an adjoining lot or lots or tract or tracts, but no additional building or improvement site is created thereby. Any division or combination of lots shall be effective only with the written approval of the Corporation.

4. If the Owner of Lots 1-7 does not purchase or Land Lease the corresponding Lot A, then that Lot A must remain in the ownership of Heartland Enterprises, LLC, or Neu Field Airpark Owners Association as its assignee.

5. Easements for installation and maintenance of utilities and drainage are reserved as may be shown on the recorded plat of the Neu Field Airpark Planned Unit Development, Leavenworth County, Kansas. Within these easements, no structure, planting or other material shall be placed or permitted to remain which may damage or interfere with the installation, use and flow of drainage in the easements, or which may obstruct or retard the flow of water through drainage channels in the easement. The easement area of each lot and all improvements in it shall be maintained continuously by the Owner of the lot,

except for those improvements for which a public authority or utility company is responsible. Lot setbacks are as follows; all permanent structures must be set back 15 feet from the side property lines, and 40 feet from the rear property lines per County guidelines. The rear yard setback must allow for the Public Utility overhead powerline road access.

6. Any residence or building erected on the property shall not be more than two stories in height above ground level, and have a maximum height of 35 feet per county guidelines. Each residence shall have a minimum of 2000 square feet of living area above ground excluding attached garages, porches, decks .or other extensions of buildings or improvements. There is no limit to the total area that may be developed on a Lot. Pre-fabricated or manufactured homes, or mobile homes are prohibited except for temporary housing for one year during the building of a home or hangar. Homes should be built before hangars or additional buildings.

7. Unattached garages or buildings shall be permitted if consistent with good and acceptable style for the neighborhood, subject to the restrictions stated in this agreement, consistent with all Leavenworth County regulations, and with the approval of the Review Committee.

8. No building shall be constructed on a Lot and no improvements shall be made, unless the plans, specifications and location of the buildings or improvements shall have written approval of the Review Committee.

9. Driveways an Lots and Tracts shall be wide enough to accommodate emergency vehicles, and in compliance with all Leavenworth County codes and regulations.

10. Failure to approve or disapprove submitted documentation specified in paragraph 5 within 30 days after receipt by the Review Committee shall constitute approval. All construction shall be completed in six months after excavation has commenced on the lot. For good cause shown, extensions for completion will be granted by the Review Committee.

11. No inoperative trailers, motor-homes, boats, or other recreational type vehicle, or other junk or salvage; (i.e., trashy in appearance), shall be parked or left on the exterior of any lot.

12. To protect the operational safety of the airstrip, on the East side, no part of a hangar shall be built within fifty-one (51) feet from center of the airstrip. On the West side, all structures shall be not less than ninety (90) feet from the center of the airstrip. Hangars built on East side Lot(s) 1A, 2A, 3A, 4A, 5A, 6A, and 7A shall not include any residential features, including but not limited to bathroom or living quarters. These setbacks shall be strictly enforced, and all side Lot and rear Lot setbacks required by applicable zoning and subdivision regulations shall be observed.

13. Aviation Fuel tanks are not allowed on the airstrip, and should be beside or near the Owner's Hangar whether it be on Lots 1-7 or Lots 1A – 7A. Fuel tanks shall not exceed 500 gallons. Owners shall not advertise Aviation Fuel for sale.

14. Animals and/or livestock may be raised, bred, and/or kept on any Lot, including, dogs cats or other household pets, provided that proper fencing is provided to fence in any such animal or livestock, and the fencing is in place prior to the arrival of the animal(s). No such animal or livestock shall be kept, raised,

bred or maintained for any commercial purpose without the prior approval of the Review Committee. Pets shall be under the control of the Owner at all times.

15. There shall be no front yard fences except fences for decorative purposes. Fences require previous approval by the Corporation and must be of a good or acceptable style for the neighborhood. All land in front of the residence shall be used solely for lawn, driveways and walks. No fences shall be built on an easement.

16. No Lot or Tract shall be used in whole or in part for the storage of rubbish of any character whatever or for the storage of any property or item that will cause the Lot or Tract to appear to be in an unclean or untidy condition or that would be obnoxious to the eye, nor shall any substance, thing or material be kept upon any Lot or Tract that will emit foul or obnoxious odors.

17. Home offices or personal service type home businesses may be allowed if allowed by law, including all county regulations, and if approved by the Review Committee. Home offices may be staffed only by family, and any home business should be limited so as to not increase vehicular traffic on the private driveways and roads.

18. No permanent sign of any kind shall be permitted on a Lot or Tract or displayed to the public or on any building or improvement except for ordinary and customary professional signs advertising the property for sale. No sign shall exceed five square feet. Nothing in this restriction is intended to restrict or prohibit the Corporation from developing signs to advertise Lots and Tracts for sale or improvement. Any other temporary signs shall be approved by the Review Committee prior to their use. Commercial advertising signs are prohibited, with the



exception of Neu Field Airpark signage.

19. Each Owner shall, at the Owner's sole cost and expense, maintain and repair all buildings and improvements in a condition comparable to the initial construction.

20. The renting or leasing of a Lot or Tract together with its buildings and improvements shall be permitted. The renting or leasing of less than all the Lot or Tract together with all its improvements shall not be permitted without approval of the Review Committee. All persons renting or leasing such property shall be subject to the same conditions and restrictions as the lot or tract Owner.

21. These use restrictions shall run with the land and are not personal.

22. Disputes or disagreement between the Corporation and the Owners, or among the Owners shall be determined by proceedings under the arbitration statutes of the State of Kansas, as amended from time to time.

23. Invalidation of any one or more of these covenants and restrictions by judgment or order of the court shall in no way affect any other provisions which shall remain in full force or effect.

24. The failure by the Corporation or any Owner to enforce these restrictions shall in no event be deemed a waiver of the right to such enforcement either as to the same breach or as to a separate or additional breach.

C. REVIEW COMMITTEE:

1. The Review Committee shall be constituted as set out in Article IX of the Neu Field Airpark Owners Association By-Laws.

2. Standard for Review. Approval by the Committee must be in writing, and shall be based, among other things, on adequacy of the Lot dimensions,

conformity and harmony of external design, colors, roof materials effect of location and use of improvements on neighboring Lots, operations and uses; relationship of topography, grade and finished ground elevation of the Lot being improved to that of neighboring Lots; proper orientation of main elevation to airstrip, compatibility and location of parking areas; and conformity of the plans and specifications to the purpose and intent of this Declaration. The Committee shall not arbitrarily or unreasonably withhold its approval of any such plans and specifications.

3. Limitation of Liability. Neither the Committee nor Declarant, nor their respective agents, employees, successors or assigns, shall be liable in damages to (i) anyone submitting plans to them for approval, or (ii) the Owner of any land affected by this Declaration, by reason of mistake in judgment, negligence or nonfeasance arising out of or in connection with the approval, disapproval, or failure to approve or disapprove any such plans and specifications which are submitted to it. Every person who submits plans to the Committee for approval agrees by submission of such plans and specifications, and any Owner or tenant of any of the Lots agrees by acquiring title thereto or an interest therein, to not bring any action or suit, against the Committee or Declarant, asserting any right to recover any such damages.

4. Enforcement.

a. The Committee members shall have the authority and standing, on behalf of the Owners, to enforce in courts of competent jurisdiction, decisions of the Committee established in this section.

No restriction set forth in this Declaration shall be

personally binding upon any Owner, except in respect to breaches committed during his, their, or its Owner's ownership of a Lot as record title holder, and the Committee and/or the Owner or Owners of any other Lot, or part thereof, may have the right to sue for and obtain a prohibitive or mandatory injunction to prevent the breach, or to enforce the observance of the restrictions herein set forth, in addition to ordinary legal action for damages. Enforcement either to recover damages or restrain violations shall be by proceedings at law or in equity against any person or persons violating or attempting to violate any covenant. The costs (including attorneys' fees and court costs) incurred by the Committee to enforce the provisions hereof may be assessed against the Lot upon which such violation occurred. When the costs are so assessed, the assessment shall become due and payable and a continuing lien upon such Lot, and a binding personal obligation of the Owner of such Lot, and the Committee may, but shall not be required to, file a statement (a "**Lien Statement**") in the office of the Register of Deeds of Leavenworth County, Kansas, setting forth the amount due and the lien in favor of the Committee. The Committee shall have the further right, through its agents, employees or committees, to enter upon and inspect any Lot at any reasonable time for the purpose of ascertaining whether any violation of the provisions of this section, or any other provisions or requirements of this Declaration, exist on such Lot, and neither the Committee nor any such agent or employee shall be deemed to have committed a trespass or

other wrongful act by reason of such entry or inspection.

b. In addition to the remedies set forth elsewhere in this Declaration, the Review Committee may assess a fifty dollar (\$50.00) per day assessment, together with attorneys' fees and recording costs, against the title holder of any Lot on which construction of any type is commenced prior to approval of construction plans of a site by the Review Committee, or for any other violation for which there is not a specific assessment otherwise provided. This assessment shall continue to be in effect until construction is stopped and a set of plans has been submitted for review and approved by the Review Committee, or until any other violation is ceased. Such assessments, attorneys' fees and recording costs shall be a lien on the subject Lot until paid, and the Review Committee may file a Lien Statement with the Register of Deeds of Leavenworth County, Kansas, to make such liens a matter of public notice. Construction shall not commence again until a full set of construction plans has been approved by the Review Committee.

D. AIRSTRIP EASEMENT:

1. Heartland Enterprises, LLC hereby grants to the Owners an easement to the Airstrip for the takeoff and landing of aircraft owned or operated by the Owners and guests upon compliance with the terms and provisions the Articles of Incorporation, By-Laws of the Corporation and the terms of this Declaration in effect or as may be amended or adopted by the Corporation from time to time. This is an easement appurtenant to the airstrip and its use; it shall

run with the land and is not personal.

2. The following shall constitute the beginning regulations and operating rules.

a. Interference with Aircraft: The Owners shall not hereafter use or permit their Lots to be used in such a manner as to create electrical interference with radio communications between any installation upon the Airstrip or aircraft, to make it difficult for flyers to distinguish between Airstrip lights or others, to impair visibility in the vicinity of the Airstrip, or any act which may endanger the landing, taking off or maneuvering of aircraft.

b. Operating Rules:

i. Nothing in these rules is to override the pilot's authority and responsibility to conduct a safe flight. The intent of these rules is to insure a safe and orderly Airstrip operation that is neighborhood compatible;

ii. All traffic patterns are to be left hand traffic pattern landing to the north, and left hand traffic pattern landing to the south;

iii. There shall be no commercial activities involving use of the Airstrip that could jeopardize any regulatory requirements for the Airstrip;

iv. No Airstrip activity shall be conducted by an Owner which shall in any way increase the liability insurance rate of Owners or in any way be considered illegal;

- v. There shall be no fly-in (5 or more aircraft) or special events that require use of the Airstrip without previous approval of the Corporation. The Corporation in its discretion, may require the Owner to provide additional insurance, if appropriate;
- vi. In the interest of noise abatement, no touch and go, low passes (dragging the field) or buzzing any buildings. will be allowed at any time. This does not apply to an Owner as to touch and go for qualification purposes;
- vii. Aircraft operation between the hours of 9:00 P.M. and 6:00 A.M. is restricted to one take-off and/or landing per individual aircraft;
- viii. This Airstrip shall not be used as a primary training facility for instruction of non-Owners;
- ix. This Airstrip shall be operated only as a non-commercial airstrip.
- x. The Corporation and each Owner shall comply with all laws in effect from time to time;
- xi. Each Owner shall be liable for and responsible to the Corporation and its Owners for all damages, claims of liability and costs including without limitation attorney fees arising out of the acts of an Owner and of the guests of the Owner;
- xii. Owners and guests shall hold the Corporation, harmless and shall pay all expenses including, without limitation attorney fees, relating to any claim of liability of the Corporation by any person, association, or legal entity based or relating to lots of an

Owner and,

xiii. Each Owner shall be liable to the Corporation and the Owners for all costs and expenses including without limitations attorney fees for any act or procedure for enforcement as to that member under section D(1). These costs and expenses shall be assessed in addition to the annual improvement assessment. (The "Enforcement Assessment").

E. DRIVEWAY EASEMENT AND AIRSTRIP EASEMENT:

1. The Owners of Neu Field Airpark Planned Unit Development Lots 1-7 hereby grant to all Owners of Lots in Neu Field Airpark Planned Unit Development an easement solely for the purpose of ingress and egress to or from their properties. This "Driveway Easement" is legally described in Schedule A to this Declaration. This is an easement appurtenant to Lots 1-7, and it shall run with the land and is not personal.

2. There will be no access to any of Lots 1-7, or Lots 1A-7A directly from a County Road. All access to Lots 1-7 will be limited to the private driveway, and access to Lots 1A-7A will be via the north and south ends of the Airstrip and private easements.

3. Airstrip and Road Maintenance Improvements, Upkeep – For the purpose of providing funds to the Corporation to improve and maintain the Tract of land commonly known as "Airstrip," and the driveway easement. The annual assessment shall be an amount equal to the annual cost incurred by the Corporation for liability insurance, real estate taxes, normal maintenance of improvements, Airstrip lights electric bill, upkeep for the Airstrip, and

administrative expenses of the Corporation, including directors and officers' liability insurance. The records of such costs shall be kept by the Corporation and presented to Owners upon demand. Each subsequent assessment shall be fixed and levied prior to January 1 annually and shall be due and payable within 30 days thereafter.

F. POWERS AND DUTIES OF THE CORPORATION:

In addition, to the powers and duties granted by other provisions of this Declaration or the Bylaws, the Corporation shall have the following powers and duties:

1. To enforce, either in its own name or in the name of any Owner any or all use provisions, restrictions, rules, regulations, easement provisions or the provisions of this Declaration in use in effect or as adopted by the Corporation from time to time and to require the observance of all laws.
2. To adopt use provisions, restrictions, regulations and easement provisions from time to time.
3. To obtain and keep in force public liability insurance and such other insurance coverage with respect to the airstrip and the activities of the Corporation in such amounts and from such companies and, naming as insured the Corporation, its members, officers, directors, agents and employees as the board may determine.
4. To acquire and own title to such real estate or personal property as may reasonably be necessary to carry out the purposes of the Corporation, including acceptance of transfer of the Airstrip from Heartland Enterprises, LLC, if offered to the Corporation.



5. To pay the costs or expenses to carry out the duties and powers of the Corporation and including directors and officers liability insurance premiums, bookkeeping and accounting expenses, attorneys fees and such other expenses as they may be determined necessary or proper to carry out the intent of this declaration.

6. To exercise the general and specific powers enumerated in the Corporation Code of the State of Kansas as it may be amended from time to time.

7. To receive and take action on applications for building permits which are required and to grant occupancy permits.

8. To take such action as may be determined by the Corporation for the benefit of the Corporation, its Owners, officers, directors, agents and employees.

G. METHOD OF PROVIDING FUNDS:

1. For the purpose of providing general funds to enable the Corporation to exercise its powers, duties and to perform its obligations to accomplish its purposes, all Lots, and Lots with divided Ownership of the Owners, other than Tract A, the Airstrip, shall be subject to an annual improvement assessment to be paid to the Corporation annually in advance by the respective Owners. The Owners of Lots 1-7, and Lots 1A-&a shall share this improvement assessment equally.

2. The amount of the annual improvement assessment shall be fixed by the Corporation from year to year at a meeting duly called, held and convened in accordance with the Articles of Incorporation, by-laws of the Corporation and

laws of Kansas.

H. DATE WHEN ASSESSMENTS ARE DUE:

The first assessment shall be for the calendar year beginning January 1, 2023. It shall be fixed and levied before January 1, 2023, and shall be due and payable on January 1, 2023, and on the 1<sup>st</sup> day of January of each subsequent year. The first annual assessment for any Lot and a divided portion of a Lot of a member after January 1, 2023, shall be due and payable on the first day of the month following such conveyance, and the amount of the assessment shall be a sum prorated on the number of days remaining to the end of the calendar year. The Corporation shall notify all Owners on or before that date, stating the amount of the assessment, the date the assessment is due and the amount due for each Lot or divided portion of a Lot owned by each Owner. Failure of the Corporation to levy the assessment prior to January 1<sup>st</sup> of any year for the next succeeding calendar year beginning on January 1<sup>st</sup> shall not invalidate any such assessment subsequently fixed and levied for that particular year, nor shall failure to fix and levy an assessment for any one year affect the right of the Corporation to do so for any subsequent year. When the assessment is fixed and levied on a date subsequent to January 1 of any year it shall become due and payable thirty (30) days from the subsequent date.

I. LIEN ON REAL ESTATE:

Each assessment shall become a lien on each Lot or divided portion of a Lot of the Owners as soon as it is due and payable. In the event of failure of any Owner to pay any annual assessment on or before the 1<sup>st</sup> day of the

third month following the date it became due and payable, the assessment shall bear interest at the rate of ten percent (10%) per annum, or the maximum legal rate of interest allowed by the laws of the State of Kansas, from the 1<sup>st</sup> day of the third month. This interest shall be an additional assessment against the Lot or Lots of the Owner or Owners requiring enforcement.

J. SUBORDINATION OF THE LIEN TO MORTGAGES:

The lien of all assessments shall be subordinate to the lien of any mortgage now or hereafter recorded upon any property subject to assessments. However, this subordination shall apply only to the assessment or installments, which have become due and payable before the sale of such property pursuant to a foreclosure of such mortgage, or before a conveyance to the mortgagee or beneficial member in lieu of foreclosure. Such sale shall not relieve the property from liability for any assessment or installments thereafter becoming due or from the lien of any such subsequent assessments or installments.

K. DATE WHEN ASSESSMENT DELINQUENT:

If unpaid on March 1, 2023, and on the first day of March of each following year, or within sixty days from the date of levying the assessment for the calendar year during and for which the assessment is made, whichever may first occur, the entire assessment shall be delinquent. Payment both of principal and of interest when delinquent may be enforced as a lien on the real estate, in proceedings in the District Court of Leavenworth County,

Kansas, having jurisdiction of suits for the enforcement of such liens.

L. TERMINATION OF LIENS:

Liens shall be effective for a period of two (2) years from the date of delinquency and no longer, unless within that time suit shall have been instituted to foreclose the lien, in which case the lien shall continue until the final determination of the suit, and until the sale of the property under execution of a judgment. The Corporation may purchase the property foreclosed at the sale.

M. AMENDMENT AND TERMINATION OF DECLARATION:

At any time and by its action, the Corporation may amend or by unanimous, affirmative votes of all Owners terminate this Declaration and release all lands then affected from the terms and provisions of this Declaration. This right of amendment or termination shall not be effective if a third party shall have easement rights in the common area unless the third party shall previously agree in writing by executing a document for recording to reflect the termination.

N. ASSIGNMENT:

This Declaration shall be binding upon and inure to the benefit of the Corporation and its successors and assignees and to the Owners and their heirs, devisees, grantees and assigns.

O. RESOLUTION OF DISPUTES:

Any and all disputes shall be determined according to the arbitration statutes of the State of Kansas as amended.

IN WITNESS WHEREOF, The Corporation has caused this Declaration to be executed as its act and deed as of the day and year first above written.

Heartland Enterprises, LLC

By: \_\_\_\_\_  
Rick L. Neu, Joint Member

By: \_\_\_\_\_  
Rick L. Neu, Individually

By: \_\_\_\_\_  
Vicki L. B. Neu, Joint Member

By: \_\_\_\_\_  
Vicki L. B. Neu, Individually



# NEU FIELD AIRPARK OWNERS ASSOCIATION BY-LAWS

## ARTICLE I DEFINITIONS

"Association" - shall mean and refer to Neu Field Airpark Owners Association, its successors or assigns.

"Common Areas" - shall be defined as real property acquired by, or conveyed to, the Association, to be owned by, or leased to, the Association for the benefit and use of its Members.

"Declarations" - as used in these By-laws, shall mean and refer to the Declaration of Use, Restrictive Covenants, and Easement Agreement, dated September 30, 2022, and recorded with the Register of Deeds on October 19, 2022, as Document number 2022R09570, and as such may be further amended from time to time.

"Developer" - shall mean and refer to Heartland Enterprises, LLC and Rick L. Neu and Vicki L.B. Neu for the purposes of the application of these By-laws to the Association, or its successors or assigns within the Development. The term shall not refer to any individual Lot Owner as a successor or assignee of Developer.

"Development" - shall mean and refer to the Neu Field Airpark Planned Unit Development, and all subsequent phases and subdivisions developed on the property described on Exhibit "A" of the Declarations.

"Lot" - shall mean and refer to the various tracts or parcels of ground designated numerically, as Lots 1-7, Lots 1A-7A, and Tract A on the plat of the Neu Field Airpark Planned Unit Development, and such Lots or Tracts which may be subsequently platted within the Development.

"Lot Owner" - shall mean and refer to the record owner, whether one or more persons or entities, of a fee simple title to any Lot or portion thereof, which is a part of the Subdivision, but excluding those having such interest merely as a security for the performance of an obligation such as lenders and holders of mortgages. "Lot Owner" shall also mean and refer to buyers in possession under a contract for deed.

"Review Committee" - shall mean and refer to a committee appointed by ("Developer"), until such time as Developer has conveyed 100% of the Lots described above. At such time as 100% of the above described Lots have been conveyed, a Review

**ARTICLE IV**  
**MEMBERSHIP AND MEETINGS OF MEMBERS**

- A. Membership. Every person or entity who is a Lot Owner, as the term is defined by these By-laws and the Declarations, shall be a member of the Association. The foregoing is not intended to include persons or entities who hold an interest merely as security for the performance of an obligation. No Lot Owner shall have more than one membership. Membership shall not be separated from ownership of any Lot. Ownership of any Lot shall be the sole qualification for membership.
- B. Place of Meetings. All annual meetings of members and all other meetings of members shall be held at the principal office of the Association unless another place within or without the State of Kansas is designated either by the Board of Directors pursuant to authority hereinafter granted to said Board, or by the written consent of all members entitled to vote there at, given either before or after the meeting and filed with the secretary of the Association.
- C. Voting Rights. Each Lot Owner shall be entitled to vote one vote for each Lot in which he or she holds the interest required for membership by this Article IV(A). When more than one person holds such interest in any Lot, all such persons shall be members. The vote for such Lot shall be exercised as they among themselves determine, but in no event shall more than one vote be cast with respect to any Lot.
- D. Meeting of Voting Members & Other Membership Matters. The annual meetings of the members shall be held on the second Sunday in October in each year at 4:00 p.m. At such meeting directors shall be elected, reports of the affairs of the Association shall be considered, and any other business may be transacted which is within the power of the members.

Written notice of each annual meeting shall be given to each member entitled to vote, either personally or by mail or other means of written communication, charges prepaid, addressed to such member at his address appearing on the books of the Association or given by him to the Association for the purpose of notice. If a member gives no address, notice shall be deemed to have been given if sent by mail or other means of written communication addressed to the place where the principal office of the Association is situated, or if published at least once in some newspaper of general circulation in the county in which said office is located. All such notices shall be sent to each member entitled thereto not less than ten (10) days nor more the fifty (50) days before each annual meeting, and shall specify the place, the day and the hour of such meeting, and shall state such other matters, if any, as may be expressly required by statute. If this bylaw as to the time and place of



by such person or his duly authorized by a written proxy executed by such person or his duly authorized agent and filed with the secretary of the Association; provided that no such proxy shall be valid after the expiration of one (1) year from the date of its execution, unless the person executing it specified therein the length of time for which such proxy is to continue in force.

- J. Inspection of Corporate Records. The membership ledger, the books of account, and minutes of proceedings of the members, the Board of Directors and of executive committees of directors shall be open to inspection upon the written demand of any member within five (5) days of such demand during ordinary business hours if for a purpose reasonably related to his interests as a member. A list of members entitled to vote shall be exhibited at any reasonable time and at meetings of the members when required by demand of any member at least twenty (20) days prior to the meetings. Such inspection may be made in person or by an agent or attorney authorized in writing by a member, and shall include the right to make abstracts. Demand of inspection other than at a members' meeting shall be made in writing upon the president, secretary, or general manager of the Association.
- K. Inspection of By-laws. The Association shall keep in its principal office for the transaction of business the original or a copy of these By-laws as amended or otherwise altered to date, certified by the secretary, which shall be open to inspection by the members at all reasonable times during ordinary business hours.

## ARTICLE V **DIRECTORS**

- A. Powers. Subject to limitations of the Articles of Incorporation, the Declarations, the By-laws, the Developer's authority as stated in Article III of the By-laws and of the Kansas Corporation Code as to action which shall be authorized or approved by the members, and subject to the duties of directors as prescribed by the By-laws, all corporate powers shall be exercised by or under the authority of, and the conduct and affairs of the Association shall be controlled by, the Board of Directors. Without prejudice to such general powers but subject to the same limitations, it is hereby expressly declared that the directors shall have the following powers, to-wit:
1. To recommend changes to the By-laws to the membership for a vote pursuant to the member's powers under Article X(F).
  2. To select and remove all the other officers, agents and employees of the Association, prescribe such powers and duties for them as may not be inconsistent with law, or with the Articles of Incorporation or the By-laws.

omissions insurance covering the officers and directors of the Association;  
and

5. To interpret and enforce the provisions of the Declarations.
- C. Number and Qualification of Directors. Until such time as the Developer has conveyed 100% of the Lots, the authorized number of directors of the Association shall be two (2). At such time as 100% of the Lots have been conveyed by the Developer or the Developer has relinquished control of the Board of Directors as provided in Article III above, the authorized number of directors of the Association shall be automatically increased to three (3), until changed by amendment to this bylaw. Directors must be members, unless appointed by the Developer.
  - D. Election and Term of Office. After the Developer has relinquished its authority over this action or conveyed 100% of the Lots in the Development, the directors shall be elected at each annual meeting of voting members, but if any such annual meeting is not held, or the directors are not elected thereat, the directors may be elected at a special meeting of voting members held for the purpose as soon thereafter as convenient. All directors shall hold office until their respective successors are elected. A director can be removed from office at any time for good cause, by a majority vote of the voting members, and he may be removed without cause by 2/3rd vote of the voting members.
  - E. Vacancies. After the Developer has relinquished his authority over this action or conveyed 100% of the Lots in the Development, vacancies on the Board of Directors may be filled by a majority of the remaining directors, although less than a quorum, or by a sole remaining director. If at any time, by reason of death, resignation, or other cause, the Association should have no directors in office, then any officer or any member may apply to the District Court for a decree summarily offering election as provided for by the Kansas Corporation Code. Each director so elected shall hold office until his successor is elected at an annual or a special meeting of the members.

A vacancy or vacancies on the Board of Directors shall be deemed to exist in case of the death, resignation or removal of any director, or if the authorized number of directors be increased, or if the members fail at any annual or special meeting or members at which any director or directors are elected to elect the full authorized number of directors to be voted for at the meeting, or if any director or directors elected shall refuse to serve.

Any Member may call a Special Meeting of the Members at any time to fill

- K. Waiver of Notice. The transactions of any meeting of the Board of Directors, however called noticed of wherever held, shall be as valid as though had at a meeting duly held after regular call and notice, if a quorum be present, and if, either before or after the meeting, each of the directors not present signs a written waiver of notice, or a consent to holding such meeting, or an approval of the minutes thereof. All such waivers, consents or approvals shall be filed with the corporate records or made a part of the minutes of the meeting.
- L. Quorum. A majority of the total number of directors shall be necessary to constitute a quorum for the transaction of business, except to adjourn as hereinafter provided. Every act or decision done or made by a majority of the directors present at a meeting duly held at which a quorum is present shall be regarded as the act of the Board of Directors, unless a greater number be required by law or by the Articles of Incorporation. The directors present at a duly called or held meeting at which a quorum is present may continue to do business until adjournment, notwithstanding the withdrawal of enough directors to leave less than a quorum.
- M. Meetings by Telephone or Video Conference. Members of the Board of Directors of the Association, or any committee designated by such Board, may participate in a meeting of the Board of Directors by means of conference telephone, video conference, or similar communications equipment, by means of which all persons participating in the meeting can hear one another, and such participation in a meeting shall constitute presence in person at the meeting.
- N. Adjournment. A majority of the directors present may adjourn any directors' meeting to meet again at a stated day and hour or until the time fixed for the next regular meeting of the Board.
- O. Fees and Compensation. Directors shall not receive any payment for their services as Directors. Directors shall be entitled to reimbursement for expenses made on behalf of the Association.

## ARTICLE VI OFFICERS

- A. Officers. The officers of the Association shall be president, a secretary, and a treasurer. The Association may also have such other officers as may be appointed in accordance with the provisions of Article VI(C). Any number of offices may be held by the same person.
- B. Election. The officers of the Association, except such officers as may be appointed in

The secretary shall keep, or cause to be kept, at the principal office, a membership list, showing the names of the members and their addresses, the number and dates of membership.

The Secretary shall give, or cause to be given, a notice of all the meetings of the members and of the Board of Directors required by these By-laws or by law to be given, and he shall keep the seal of the Association in safe custody, and shall have such other powers and perform such other duties as may be prescribed by the Board of Directors or these By-laws.

H. Treasurer.

1. The Treasurer shall keep and maintain or cause to be kept and maintained, adequate and correct accounts of the properties and business transactions of the Association, including accounts of its assets, liabilities, receipts and disbursements. The books of account shall at all reasonable times be open to inspection by any director.

2. The Treasurer shall deposit all monies and other valuables in the name and to the credit of the Association with such depositories as may be designated by the Board of Directors. He shall disburse the funds of the Association as may be ordered by the Board of Directors, shall render to the president and directors, whenever they request it, an account of all of his transactions as treasurer and of the financial condition of the Association, and shall have such other powers and perform such other duties as may be prescribed by the Board of Directors or these By-laws. He shall be bonded, if required by the Board of Directors.

**ARTICLE VII**  
**COMMON AREAS**

A. Governance; Rules and Regulations. Common Areas shall be governed by the following provisions:

1. The Board of Directors may limit the number of guests of members or occupants, and may promulgate and establish rules and regulations for the use of any "Common Areas" or any facilities located thereon.
2. The Board of Directors may establish and charge admission and other fees for the use for the use of any recreational facility, if any, situated upon the Common Areas.

accepted by, or otherwise owned or acquired by, a public authority shall be exempt from annual and special assessments.

## ARTICLE IX REVIEW COMMITTEE

- A. Review Committee-Appointment. Until such time as the Developer has conveyed 100% of the Lots or relinquished the Developer's authority relative to the Review Committee pursuant to Article III, the Developer shall appoint the members of the Review Committee, who do not have to be Lot Owners. At such time as 100% of the Lots of the Subdivision have been conveyed by the Developer or relinquished control of the Review Committee, the Board of Directors shall appoint a Review Committee comprised of three (3) Lot Owners, who shall thereafter be appointed annually. Any vacancies on the Review Committee shall be filled by the Board of Directors. The operations of the Review Committee shall be governed by the By-laws, the Declarations.
- B. Review Committee Function. It is the purpose and function of the Review Committee to insure the best use and most appropriate development and improvement of the lands located within the Subdivision; to protect the Association and its members against such improper use of surrounding Lots as will depreciate the value of their property; to preserve, so far as practicable, the natural beauty of and provide for proper landscaping of the Subdivision; to guard against the erection thereon of poorly designed and proportioned structures and structures built of improper or unsuitable materials; to encourage and secure the erection of attractive homes thereon with appropriate locations thereof on the Lots; to secure and maintain proper setbacks from streets and adequate free spaces between structures; and in general to provide for a high quality and aesthetically pleasing type of improvements to the Subdivision, and thereby to enhance the value of investments made by Lot Owners within the Subdivision.

The Review Committee is specifically charged with plan review and approval as outlined in the Declarations, and interpretation and enforcement of the specific Development, Use and Building Standards established in and pursuant to the Declarations.

In the event any Lot Owner shall attempt to construct or alter any improvements, except in compliance herewith, the Review Committee, the Association, or any Lot Owner shall have the authority to seek injunctive or other appropriate relief to enforce compliance with the Declarations.

times as may be deemed appropriate by the Board of Directors.

- E. Contracts, Deeds, Etc., How Executed. The Board of Directors, except as in these By-laws otherwise provided, may authorize any officer or officers, agent or agents, to enter into any contract or execute any instrument in the name of and on behalf of the Association, and such authority may be general or confined to specific instances; and unless so authorized by the Board of Directors, no officer, agent or employee shall have any power or authority to bind the Association by any contract or engagement or to pledge its credit or to render it liable for any purpose in any amount, provided, however, that any deeds or other instruments conveying lands or any interest therein shall be executed on behalf of the Association by the president or vice-president, if there be one, or by any agent or attorney so authorized under letter of attorney or other written power which was executed on behalf of the Association by the president or vice-president.
- F. Amendment/ By-laws. Subject to the exclusive rights of amendment reserved to the Developer in Article X(G) below and after the Developer has conveyed 100% of the Lots, the By-laws may be amended at a meeting of the Association members upon the approval thereof of two - thirds of all of the Lot Owners entitled to vote, or without any meeting if all Lot Owners have been duly notified and if two -thirds of all of the Lot Owners entitled to vote at such a meeting, if held, consent in writing to such amendment.
- G. Developer/ Amendment. Until such time as the Developer has conveyed 100% of the Lots, the Developer reserves the exclusive right to amend these By-laws without approval of the Board, the Association members or any Lot Owner.
- H. Fiscal Year. The Association's Fiscal Year shall run from January 1 to December 31.
- I. Inconsistent Terms. Should any terms of these By-laws be interpreted to be in conflict with the terms of the Declarations, as they may be amended from time to time, then the terms of the Declarations shall control.

#### CERTIFICATE OF SECRETARY

I, the undersigned, do hereby certify:

(1) That I am the duly elected and acting secretary of New Field Airpark Owners Association, a Kansas Nonprofit Corporation; and

(2) That the foregoing By-laws, comprising sixteen (16) pages, including this page,

# NEU FIELD AIRPARK PUD

A Planned Unit Development and Cross Access Easement Plat in the Northeast Quarter of Section 20, Township 10 South, Range 22 East of the 6th P.M., Leavenworth County, Kansas.

## PRELIMINARY PLAT

### PREPARED FOR:

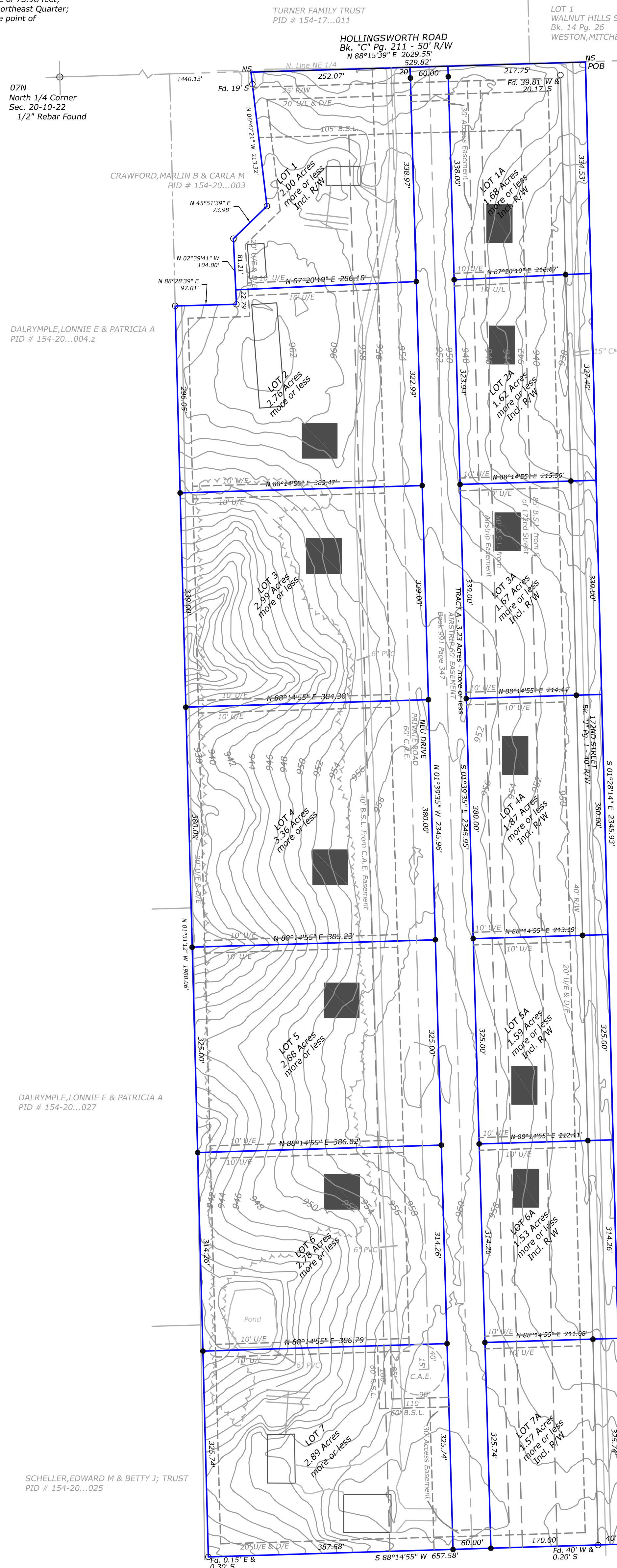
Rick & Vicki Neu  
17251 Hollingsworth Road  
Basehor, KS 66007  
PID # 154-20-0-00-002.01

HEARTLAND ENTERPRISES LLC  
17271 Hollingsworth Road  
Basehor, KS 66007  
PID # 154-20-0-00-002.02

### SURVEYOR'S DESCRIPTION:

A tract of land in the Northeast Quarter of Section 20, Township 10 South, Range 22 East of the 6th P.M., Leavenworth County, Kansas, as written by Joseph A. Herring PS-1296 on February 24, 2022, more fully described as follows: Commencing at the Northeast corner of said Northeast Quarter; thence South 88 degrees 15'39" West for a distance 659.61 feet along the North line of said Northeast Quarter to the TRUE POINT OF BEGINNING; thence South 01 degrees 28'14" East for a distance of 2345.93 feet; thence South 88 degrees 14'55" West for a distance of 657.58 feet; thence North 01 degrees 31'12" West for a distance of 1980.06 feet; thence North 88 degrees 28'39" East for a distance of 97.01 feet; thence North 02 degrees 39'41" West for a distance of 104.00 feet; thence North 45 degrees 51'39" East for a distance of 73.98 feet; thence North 06 degrees 47'21" West for a distance of 213.32 feet to the North line of said Northeast Quarter; thence North 88 degrees 15'39" East for a distance of 529.82 feet along said North line to the point of beginning.  
Said property contain 34.42 acres, more or less, including road right of way.  
Error of Closure - 1 : 1226905

- LEGEND:**
- - 1/2" Rebar Set with Cap No.1296
  - - 1/2" Rebar Found Cap #1349, unless otherwise noted.
  - - Concrete Base around Point
  - △ - PK Nail Found in Place
  - ( ) - Record / Deeded Distance
  - U/E - Utility Easement
  - D/E - Drainage Easement
  - B.S.L. - Building Setback Line
  - R/W - Permanent Dedicated Roadway Easement
  - BM - Benchmark
  - NS - Not Set this survey per agreement with client
  - - Power Pole
  - X - Fence Line
  - OHP - Overhead Power Lines
  - T - Underground Telephone/Fiber Optic Line
  - ◇ - Gas Valve
  - ⊠ - Water Meter/Valve
  - ⊞ - Telephone Pedestal
  - ⊞ - 6" Water Line - location as per district
  - W - Tree/Brush Line
  - ⊞ - Centerline of Road



### ZONING:

Existing RR - 5 Ac., Proposed P.U.D. - Planned Unit Development

### RESTRICTIONS:

- 1) All proposed structures within this plat shall comply with the Leavenworth County Zoning and Subdivision Regulations or zoning regulation jurisdiction.
- 2) An Engineered Waste Disposal System may be required due to poor soil conditions.
- 3) Erosion and sediment control measures shall be used when designing and constructing driveways and other structures. Re-vegetation of all disturbed areas shall be completed within 45 days after final grading.
- 4) All Lots only have Access to NEU DRIVE through the Cross Access Easement. Lots 1A through 7A have access per the 30' Access Easement for Utility Vehicles only. No access shall be granted along 172nd Street.
- 5) Lots are subject to the off-plat Home Owner's Association detailing the maintenance of the Cross Access Easement.
- 6) Leavenworth County shall bear no responsibility for any maintenance and upkeep of the Cross Access Easement, drive, and drive appurtenances.
- 7) Location of NEU DRIVE per DEV-21-204 Board of Zoning Appeals approval, the roadway spacing requirement for Neu Drive has been reduced.
- 8) All structures at the end of the runway shall comply with Article 20 - Section 5 of the Zoning & Subdivision Regulations No dwelling shall be permitted on Lots 1A-7A. Development shall be limited to hangers and fuel pumps as specified in the Development Agreement. If a structure is more than 5,000 sf, additional building requirements may apply.
- 9) All structures built within the subdivision shall comply with Resolution 2020-39, or as amended.
- 10) No Lots are allowed to be split reducing the shown acreage or the shown road frontage.
- 11) No width to depth standards within this development.

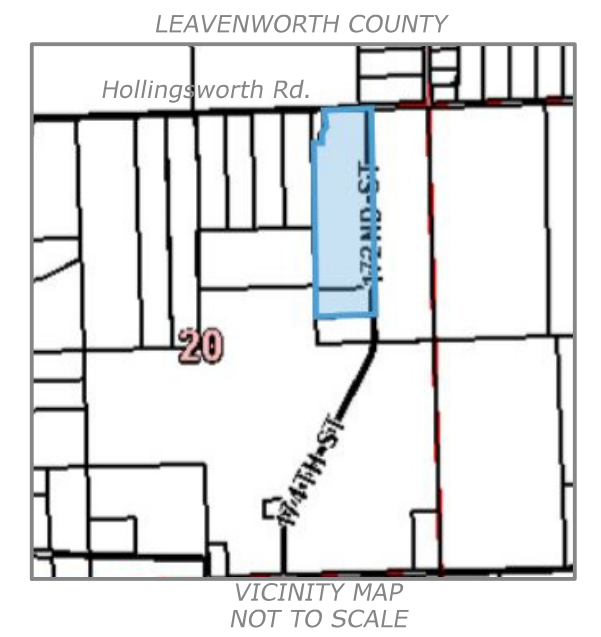
### NOTES:

- 1) This survey does not show ownership.
- 2) All distances are calculated from measurements or measured this survey, unless otherwise noted.
- 3) All recorded and measured distances are the same, unless otherwise noted.
- 4) Error of Closure - See Error of Closure Calculations
- 5) Basis of Bearing - KS SPC North 1501 North Line Northeast Quarter
- 6) Monument Origin Unknown, unless otherwise noted.
- 7) Existing and Proposed Lots for Residential Use.
- 8) Road Record - See Survey
- 9) Benchmark - NAVD83 Project Benchmark (BM) - NE COR LOT 1A - 1/2" Rebar Cap 1349 - 948.6'
- 10) Easements, if any, are created hereon or listed in referenced title commitment.
- 11) Reference Recorded Deed Document No. 2021R02965
- 12) Utility Companies -  
- Water - Suburban  
- Electric - Evergy  
- Sewer - Septic / Lagoon  
- Gas - Propane / Natural Gas
- 13) Reference Fidelity Title Company File No. 21410186 updated January 2022
- 14) Property is not in a Special Flood Hazard Area per FEMA FIRM Map 20103C0250G dated July 16, 2015
- 15) Building Setback Lines as shown hereon or noted below  
- All side yard setbacks - 15' (Accessory - 15')  
- All rear yard setbacks - 40' (Accessory - 15')
- 16) Distances to and of structures, if any, are + - 1'
- 17) Easements as per referenced Title Commitment are shown hereon, if any.  
- Road Access Easements recorded in Bk. 945 Pg. 659 lies within the plat Cross Access Easement (C.A.E.) and is vacated upon recording of this plat.
- 18) Fence Lines do not necessarily denote the boundary line for the property.
- 19) Reference Surveys:  
- Larry T. Hahn PS-1349 Recorded Survey Doc #2016S012

### PROPOSED STRUCTURES:

- 55' x 55' Residence
- 40' x 60' Accessory/Hanger

ROSENAU, VIRGINIA L; TRUST  
PID # 154-20...001



DALRYMPLE, LONNIE E & PATRICIA A  
PID # 154-20...027

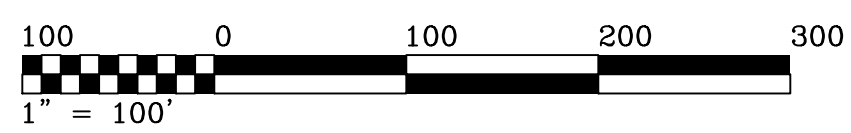
SCHELLER, EDWARD M & BETTY J; TRUST  
PID # 154-20...025

ROCK, GEORGE I II & ALANA M  
PID # 154-20...026



Scale 1" = 100'

Job # K-21-1528  
February 25, 2022 Rev. 5/24/23



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

Joseph A. Herring  
PS # 1296

## Allison, Amy

---

**From:** Tyler Rebel <Tyler.Rebel@evergy.com>  
**Sent:** Thursday, January 26, 2023 1:30 PM  
**To:** Allison, Amy  
**Subject:** RE: DEV-22-141 Rezoning & Preliminary and Final Plat – Neu Airfield Planned Unit Development

Internal Use Only

Evergy has no comments – thank you,

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

---

**From:** Allison, Amy <AAllison@leavenworthcounty.gov>  
**Sent:** Tuesday, January 24, 2023 4:25 PM  
**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>; 'Andrew Holder' <aaholder@fpsslaw.com>; Design Group Leavenworth <DesignGroupLeavenworth@evergy.com>; 'Travis@suburbanwaterinc.com' <Travis@suburbanwaterinc.com>; 'stfdchief1760@gmail.com' <stfdchief1760@gmail.com>  
**Subject:** RE: DEV-22-141 Rezoning & Preliminary and Final Plat – Neu Airfield Planned Unit Development

**\*\*WARNING:** This email originated from an external source outside of Evergy. Think before you click on links or attachments!\*\*

---

Good Afternoon,

The Department of Planning and Zoning has received an application for a Rezoning and Subdivision regarding a Planned Unit Development District at 17251 & 17271 Hollingsworth 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 Wednesday, February 1, 2023.

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  
913.364.5757



## Allison, Amy

---

**From:** Mitch Pleak <mpleak@olsson.com>  
**Sent:** Monday, February 13, 2023 9:45 AM  
**To:** Allison, Amy  
**Cc:** Noll, Bill  
**Subject:** RE: DEV-22-142/143 Neu Airfield Review Comments  
**Attachments:** Attachments.html

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

Amy,  
Good morning. The PP has been reviewed. Comments are in the link below. Note, Olsson didn't review the site plan.

The PP includes a signature block for the County Surveyor. I assume this not required but wanted to verify. If not, please note it as a comment.

Please let me know of any questions.

**Citrix Attachments** Expires August 12, 2023

---

NEU AIRSTRIP PUD LOTS Prelim 2023 Rev 2-9-23.pdf 1.9 MB

[Download Attachments](#)

Mitchell Pleak uses Citrix Files to share documents securely.

Sincerely,

Mitch Pleak

---

**From:** Allison, Amy <AAllison@leavenworthcounty.gov>  
**Sent:** Thursday, February 9, 2023 9:49 AM  
**To:** Noll, Bill <BNoll@leavenworthcounty.gov>; Mitch Pleak <mpleak@olsson.com>  
**Subject:** FW: DEV-22-142/143 Neu Airfield Review Comments

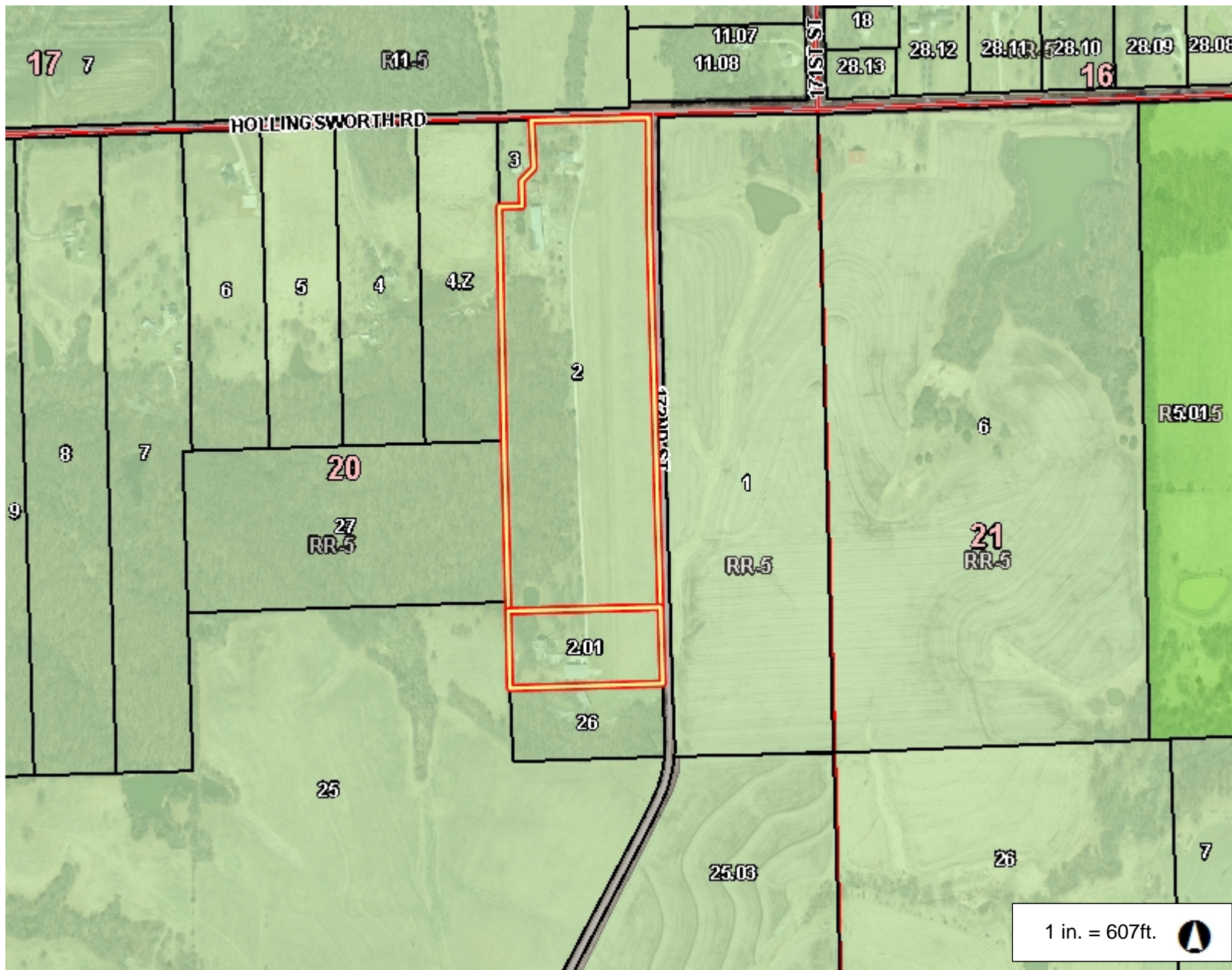
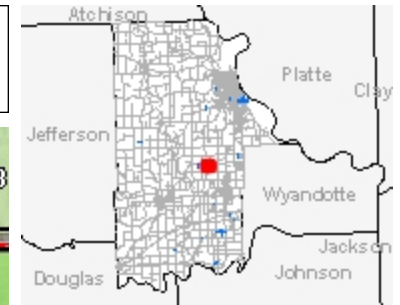
---

**From:** Joe Herring <[herringsurveying@outlook.com](mailto:herringsurveying@outlook.com)>  
**Sent:** Thursday, February 9, 2023 8:42 AM  
**To:** Allison, Amy <[AAllison@leavenworthcounty.gov](mailto:AAllison@leavenworthcounty.gov)>  
**Subject:** Re: DEV-22-142/143 Neu Airfield Review Comments

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

Just sending this to you - if you feel the still is a "chance" to make March then please forward to all.

# DEV-23-065 NEU Airstrip PUD



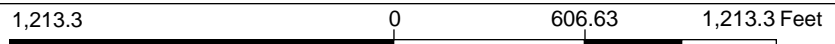
### Legend

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

### Notes

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

THIS MAP IS NOT TO BE USED FOR NAVIGATION



1 in. = 607ft.

## **ARTICLE 17 – PLANNED UNIT DEVELOPMENT**

### **Section 1. GENERAL**

The zoning of land to a Planned Unit Development (PUD) District classification shall be for the purpose of encouraging and requiring orderly development at a quality level generally equal to or exceeding that commonly found in projects developed under conventional zoning, but permitting deviations from the normal and established development techniques. The use of planned developments is intended to encourage efficient development compatible with surrounding land uses, innovative and imaginative site planning, and conservation of natural resources and minimum waste of land. The following are specific objectives of the planned development zoning district:

1. Conventional zoning districts should generally not be applied to the improvement of land by other than lot-by-lot development. Consequently, with the exception of standard single-family and two-family residential subdivisions, development proposals that are intended to be subdivided into multiple lots should generally be rezoned to the planned development district to ensure compatibility, coordination, timing, and sequencing of development.
2. Planned developments are groupings of buildings or building sites that are planned as an integrated unit or cluster on property under unified control or ownership at the time the zoning was approved by the County. The sale, subdivision or other partition of the site after zoning approval does not exempt the project or portions thereof from complying with the conditions that were committed to at the time of the rezoning. The submittal by the developer and the approval by the County of development plans represent a firm commitment by the developer that development will indeed follow the approved plans.
3. Planned residential developments should be designed in a manner that will produce more useable open space, better recreational opportunities, and safer and more attractive neighborhoods than under conventional zoning and development techniques.
4. Planned commercial developments should be designed so as to result in attractive, safe and viable commercial centers and to insure minimum adverse effects on surrounding property, the street system and other services of the community.
5. The developer will be given latitude in using innovative techniques in the development of land not feasible under application of conventional zoning requirements.

### **Section 2. PLANNED DEVELOPMENT DISTRICT; STANDARDS OF IMPROVEMENT**

1. The uses permitted in any planned development district shall be those set forth in the resolution approving the planned development and may include all or a portion of the uses permitted in any other zoning district or districts.
2. As part of the approval of the planned development, the applicant may propose, or the County may require, that a phasing plan be submitted setting forth the timing and sequencing of development.
3. Standards for the design, bulk, and location of buildings and structures shall be as set forth in the development plan approved by the County.

4. Unless specifically modified by the approving resolution or contained on the approved development plan, the provisions of Article 20 Additional Height and Area Regulations remain applicable.

**Section 3. PROCEDURE**

The procedure for approval of a rezoning to the Planned Unit Development District shall conform to the procedure for rezoning as specified in Article 31 Amendments of these regulations with the following additions:

1. The proposed Planned Unit Development rezoning shall be accompanied by a development plan meeting the requirement for site plans as specified by Article 27 Site Plan Approval of these regulations.
2. Approval of the rezoning shall include approval of the development plan, with any changes or conditions as specified in the resolution approving the rezoning.
3. As necessary, the Board of County Commissioners may attach conditions to the approval of a rezoning of the Planned Unit Development District.
4. Failure of the applicant to comply with provisions of the approval resolution, approved development plan, or any conditions of approval are cause for the County to rescind the subject rezoning following the same public hearing procedure used to approve the rezoning.
5. The applicant may, concurrent with the rezoning to the PUD District, submit preliminary and/or final plats for consideration.
6. The applicant may, following the procedures of Article 31 Amendments, submit amendments to an approved PUD District and approved development plan.

# Minimum Plan Requirements for Private Street & Storm Improvement Plans

Plans shall consist of:

- Title Sheet
- Standard and Special Detail Sheets
- Plan and Profile Sheets
- Cross-Section Sheets

Title Sheet shall include the following:

1. Name of project or subdivision.
2. Index of sheets included in plans.
3. A location map showing project location in relation to major streets.
4. The project vertical control benchmark(s) and horizontal control points utilized in the design, including location and elevation as applicable.
5. Name and contact information of the design engineer and owner/developer.
6. List containing name and telephone number of each utility company in the area of the project.

Standard and Special Detail Sheets

Detail sheets shall be included to show all details of appurtenances, materials, and construction. Details and typical sections are to be drawn clearly and neatly with proper identifications, dimensions, materials, and other information necessary to insure the desired construction. A traffic control plan shall be detailed showing location of barricades, include signing required when working adjacent to public/private roads currently in use.

Plan and Profile Sheets shall include the following:

1. North arrow and scale.
2. Elevation and location of all applicable bench marks and control points.
3. Existing and proposed streets with names or numbers and street widths and right-of-way and easement widths.
4. Property lines properly identified as to existing or proposed lot, block and subdivision.
5. All existing and known proposed improvements shall be shown. This shall include such existing items as roadways, driveways, culverts, and other such items, and shall be identified as to type, size, material, etc.
6. Minor construction notes shall appear on the plan and profile sheets.
7. Horizontal curve data, vertical curve data, and stopping sight distances.
8. Gradients between vertical curves.
9. Typical section and slope of improved channels.

10. Profile shall show existing grade at center line and proposed finish grades or established street grades.
11. Existing elevations for existing outfall ditches.
12. Special ditch grades if needed.
13. Show size, location, and flow line of all culverts with applicable drainage calculations and design storm event.

Cross-Section Sheets shall include the following:

1. Street cross-section at each station showing existing grade by dashed lines and proposed grade by a solid line. Cross-sections to show existing grade lines a minimum of ten (10) feet beyond easement/right-of-way lines.
2. Center line elevation of top of pavement.
3. Cross-section shall be shown at all intersecting streets, driveways, and proposed cross-road culverts.
4. Channel cross-sections shall be shown for all drainage channel improvements at 100 feet intervals.
5. Additional cross-sections shall be shown as required to clearly describe the extent of the grading operations.

# Leavenworth Times Affidavit of Publication

County of Leavenworth  
State of Kansas  
NOTICE OF PUBLIC HEARING

Notice is hereby given for the Leavenworth County Planning Commission to hold a public hearing regarding an application (DEV-23-065) for a rezoning request from RR-5 zoning district to Planned Unit Development zoning district on the following described property:

Two tracts of land in the West half of the East half of the Northeast Quarter of Section 20, Township 10 South, Range 22 East of the 6th P.M., in Leavenworth County, Kansas

Request submitted by Herring Surveying on behalf of Heartland Enterprises LLC and Ricky Lee and Vicki L B Neu

Address: 17271 Hollingsworth Rd & 17251 Hollingsworth Rd

Parcel ID number: 154-20-0-00-00-002.00 & 154-20-0-00-00-002.01

The hearing will be held on Wednesday the 14th day of June, 2023 at 5:30 p.m., in the Meeting Room, located on the second floor of the Leavenworth County Courthouse, 300 Walnut Street, Leavenworth, Kansas. Further information is available, including the full legal description, for inspection during regular business hours in the Leavenworth County Planning & Zoning Department.

We encourage public input. If you wish to provide comments in writing instead of in person, written comments must be received no later than noon Tuesday, June 13, 2023.

John Jacobson, Secretary  
Leavenworth County Planning Commission Publish by 5/24/2023

Published in the Leavenworth Times, May 23, 2023.

I, Tammy Lawson, of lawful age, being first duly sworn on oath, states, that she is a Legal Representative of the Times, a daily newspaper, printed and published in Leavenworth, Leavenworth County, Kansas, that said newspaper has been published for at least Fifty (50) Times a year and has been so published for at least five (5) years prior to the first publication of the attached Notice that said newspaper has a general paid circulation on a monthly and yearly basis in Leavenworth County, Kansas and is not a trade, religious or fraternal publication and has been printed and published in Leavenworth County, Kansas and has a general paid circulation in said County. The attached Notice was published on the following dates in a regular issue of said newspaper.

Publication was made on the 23<sup>rd</sup> day of May, 2023.

WITNESS my hand this 23<sup>rd</sup> day of May, 2023.

Tammy Lawson  
Legal Representative

Subscribe and sworn before me, this 23 day of May, 2023.

Rebecca A. Broom  
Notary Public

My Commission Expires: 6/7/23



**LEAVENWORTH COUNTY  
PLANNING COMMISSION  
STAFF REPORT**

CASE NO: DEV-23-066 Neu Airpark PUD Preliminary

June 14, 2023

<b>REQUEST: <i>Regular Agenda</i></b> <input checked="" type="checkbox"/> Preliminary Plat <input type="checkbox"/> Final Plat	<b>STAFF REPRESENTATIVE:</b> AMY ALLISON DEPUTY DIRECTOR
---	--

<b>SUBJECT PROPERTY:</b> 17271 & 17251 HOLLINGSWORTH ROAD	<b>APPLICANT/APPLICANT AGENT:</b> JOE HERRING HERRING SURVEYING
	<b>PROPERTY OWNER:</b> HEARTLAND ENTERPRISES LLC & RICKY LEE AND VICKI L NEU
	<b>CONCURRENT APPLICATIONS:</b> DEV-23-065
	<b>LAND USE</b>
	ZONING: RR-5
	FUTURE LAND USE DESIGNATION: RESIDENTIAL (2.5 ACRE MIN)

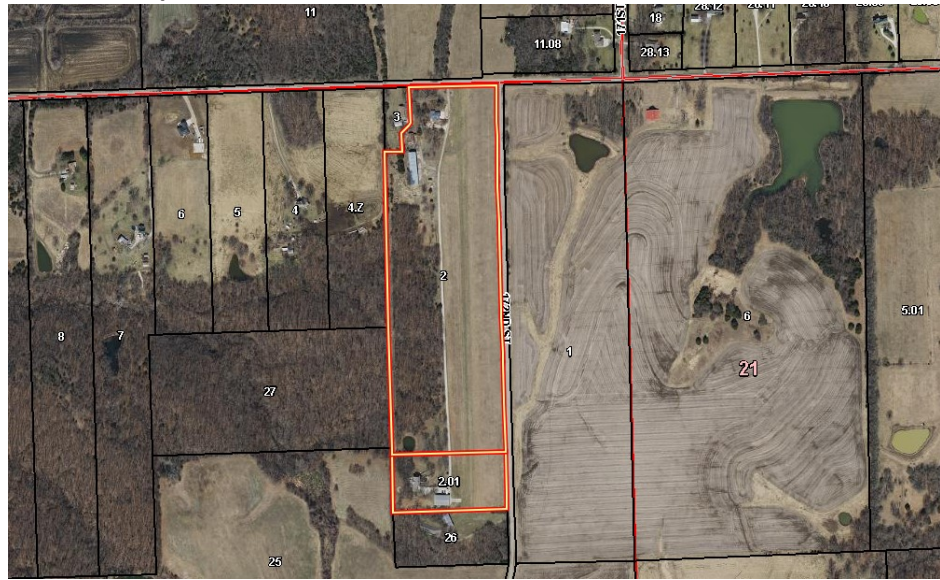
<b>LEGAL DESCRIPTION:</b> Two tracts of land in the West half of the East half of the Northeast Quarter of Section 20, Township 10 South, Range 22 East of the 6th P.M., in Leavenworth County, Kansas	SUBDIVISION: N/A FLOODPLAIN: N/A
---	-------------------------------------

<b>STAFF RECOMMENDATION:</b> APPROVAL WITH CONDITIONS	<b>PROPERTY INFORMATION</b>
---	-----------------------------

<b>ACTION OPTIONS:</b> <ol style="list-style-type: none"> <li>1. Recommend approval of Case No. DEV-23-066, Preliminary Plat for Neu Airpark PUD, with or without conditions; or</li> <li>2. Recommend denial of Case DEV-23-066, Preliminary Plat for Neu Airpark PUD, for the following reasons; or</li> <li>3. Continue the hearing to another date, time, and place.</li> </ol>	PARCEL SIZE: 32.4 ACRES  PARCEL ID NO: 154-20-0-00-00-002.00 & 154-20-0-00-00-002.01  BUILDINGS: Two houses and accessory structures
---	--

<b>PROJECT SUMMARY:</b> Request for preliminary plat approval to subdivide property located at 17271 & 17251 Hollingsworth Road as Lots 1 through 7 and Lots 1A through 7A of Neu Airpark PUD.	ACCESS/STREET: HOLLINGSWORTH ROAD COLLECTOR, GRAVEL, ±15' WIDE
---	--

<b>Location Map:</b>	<b>UTILITIES</b>
----------------------	------------------



	SEWER: SEPTIC
	FIRE: STRANGER
	WATER: SUBURBAN WATER
	ELECTRIC: EVERGY
	<b>NOTICE &amp; REVIEW:</b>
	STAFF REVIEW: 6/8/2023
	NEWSPAPER NOTIFICATION: 6/6/2023
	NOTICE TO SURROUNDING PROPERTY OWNERS: N/A



<b>STANDARDS TO BE CONSIDERED:</b>			
<i>Leavenworth County Zoning and Subdivision Standards: Preliminary Review</i>		<b>Met</b>	<b>Not Met</b>
35-40	<b>Preliminary Plat Content</b>	X	
40-20	<b>Final Plat Content</b>	N/A	
41-6	<b>Access Management</b> A variance was granted per DEV-21-204		X
41-6.B.a-c.	<b>Entrance Spacing</b>	N/A	
41-6.C.	<b>Public Road Access Management Standards</b> A variance was granted per DEV-21-204		X
43	<b>Cross Access Easements</b>	X	
50-20	<b>Utility Requirements</b>	X	
50-30	<b>Other Requirements</b>	X	
50-40	<b>Minimum Design Standards</b>	X	
50-50	<b>Sensitive Land Development</b>	N/A	
50-60.	<b>Dedication of Reservation of Public Sites and Open Spaces</b>	N/A	

**STAFF COMMENTS:**

The applicant is proposing a 14-lot subdivision to access off of Hollingsworth Road. The Subdivision is classified as a Class C subdivision with all lots lying within the Rural Growth Boundary of Leavenworth County. Staff is supportive of a waiver of the requirement to connect to a sanitary sewer system (see condition 3). The proposed subdivision will have primary lots (Lots 1-7) and Secondary Lots (1Z-7A). The primary lots will have single-family residences whereas the secondary lots will only be permitted to have hangers and fuel storage. The applicant is proposing a Tract A which is the existing airstrip. The applicant is proposing to build a cross access easement development using the existing access off of Hollingsworth Rd. The applicant obtained a variance from the Access Management Policy to allow for the private road. The proposed subdivision has been designed as a Planned Unit Development, establishing the standards for how the property can be developed. If the rezoning for the PUD is approved, then the applicant is compliant with the standards that have been established.

Staff will recommend some conditions be placed on the Preliminary Plat approval for compliance with the Final Plat Application submittal. First, an existing pond is located on Lot 6 and appears to cross to Lot 7. Staff recommends placing a condition on the final plat that a pond maintenance agreement shall be included on the face of the plat. Second, the applicant has submitted preliminary road plans for review. Staff will recommend that road and stormwater plans, in compliance with Attachment D, be submitted with the Final Plat. Third, Suburban Water was notified during the review process however, no communication was submitted back. The applicant will need to obtain a utility purveyance letter from Suburban Water as part of the application submittal. Everygy did respond back that they had no comments. Last, due to the proposed structures on the plat, staff recommends placing a condition that all accessory structures for the purpose of storing airplanes/fuel shall be designed and reviewed by a licensed architect or engineer and designed in compliance with the 2006 IBC, as adopted.

**PROPOSED CONDITIONS:**

1. Building permits shall be required for any new construction. A restriction shall be added that states "An accessory structures used for the purpose of storing airplanes or fuel shall be designed and reviewed by a licensed architect or engineer and designed in compliance with the 2006 IBC, as adopted.
2. Erosion control shall be used when designing and constructing driveways. A form of sediment control shall be installed before work begins and maintained throughout the time that the land disturbing activities are taking place. Re-vegetation of all disturbed sites shall be completed within 45 days after completion of final grading weather permitting.
3. A waiver for the use of private septic systems within this subdivision is granted with this approval.
4. At time of development, fire hydrants shall be required, if necessary infrastructure is available.

5. A pond maintenance agreement shall be included as a restriction on the final plat between Lots 6 & 7.
6. The applicant shall provide a utility purveyance letter from Suburban Water with the final plat application.
7. Restrictions 1-11 shall be included on the final plat.
8. The applicant shall provide updated road and stormwater plans in compliance with Attachment D with the final plat application.
9. The developer must comply with the following memorandums:
  - a. Memo – Chuck Magaha, Emergency Management, April 21, 2023
  - b. Email – Bill Noll, Public Works, April 7, 2023

**ATTACHMENTS:**

A: Application & Narrative

B: Zoning Maps

C: Memorandums

D: Minimum Plan Requirements for Private Street & Storm  
Improvement Plans

PRELIMINARY &  
**FINAL PLAT APPLICATION**  
 Leavenworth County Planning and Zoning Department,  
 300 Walnut St., Suite 212  
 County Courthouse  
 Leavenworth, Kansas 66048  
 913-684-0465

Office Use Only

PID: \_\_\_\_\_  
 Township: \_\_\_\_\_  
 Planning Commission Meeting Date: \_\_\_\_\_  
 Case No. \_\_\_\_\_ Date Received/Paid: \_\_\_\_\_  
 Zoning District \_\_\_\_\_  
 Comprehensive Plan land use designation \_\_\_\_\_

**APPLICANT/AGENT INFORMATION**

**OWNER INFORMATION**

NAME: Herring Surveying Company NAME: Rick Neu / Heartland Enterprises  
 MAILING ADDRESS: 315 N. 5th Street MAILING ADDRESS 17251 Hollingsworth Road  
 CITY/ST/ZIP: Leavenworth, KS 66048 CITY/ST/ZIP Basehor, KS 66007  
 PHONE: 913-651-3858 PHONE: N/A  
 EMAIL : herringsurveying@outlook.com EMAIL N/A

**GENERAL INFORMATION**

Proposed Subdivision Name: NEU FIELD AIRPARK PUD  
 Address of Property: 17271 & 17251 Hollingsworth Road  
 Urban Growth Management Area: N/A

**SUBDIVISION INFORMATION**

Gross Acreage: <u>34 Acres</u>	Number of Lots: <u>7</u>	Minimum Lot Size: <u>2 Ac</u>
Maximum Lot Size: <u>4.92 Ac</u>	Proposed Zoning: <u>PUD</u>	Density: <u>N/A</u>
Open Space Acreage: <u>N/A</u>	Water District: <u>Suburban</u>	Proposed Sewage: <u>Septic</u>
Fire District: <u>Stranger</u>	Electric Provider: <u>Everg</u>	Natural Gas Provider: <u>Atmos/Propane</u>
Covenants: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Road Classification: <u>Local - Collector</u>	<u>Arterial - State - Federal</u>

Is any part of the site designated as Floodplain?  Yes  No if yes, what is the panel number:

I, the undersigned, am the 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 final plat approval as indicated above.

Signature: Joe Herring - digitally signed 10/11/2022 Date: 10-11-22

**ATTACHMENT A**

# NEU FIELD AIRPARK PUD

A Planned Unit Development and Cross Access Easement Plat in the Northeast Quarter of Section 20, Township 10 South, Range 22 East of the 6th P.M., Leavenworth County, Kansas.

## PRELIMINARY PLAT

### PREPARED FOR:

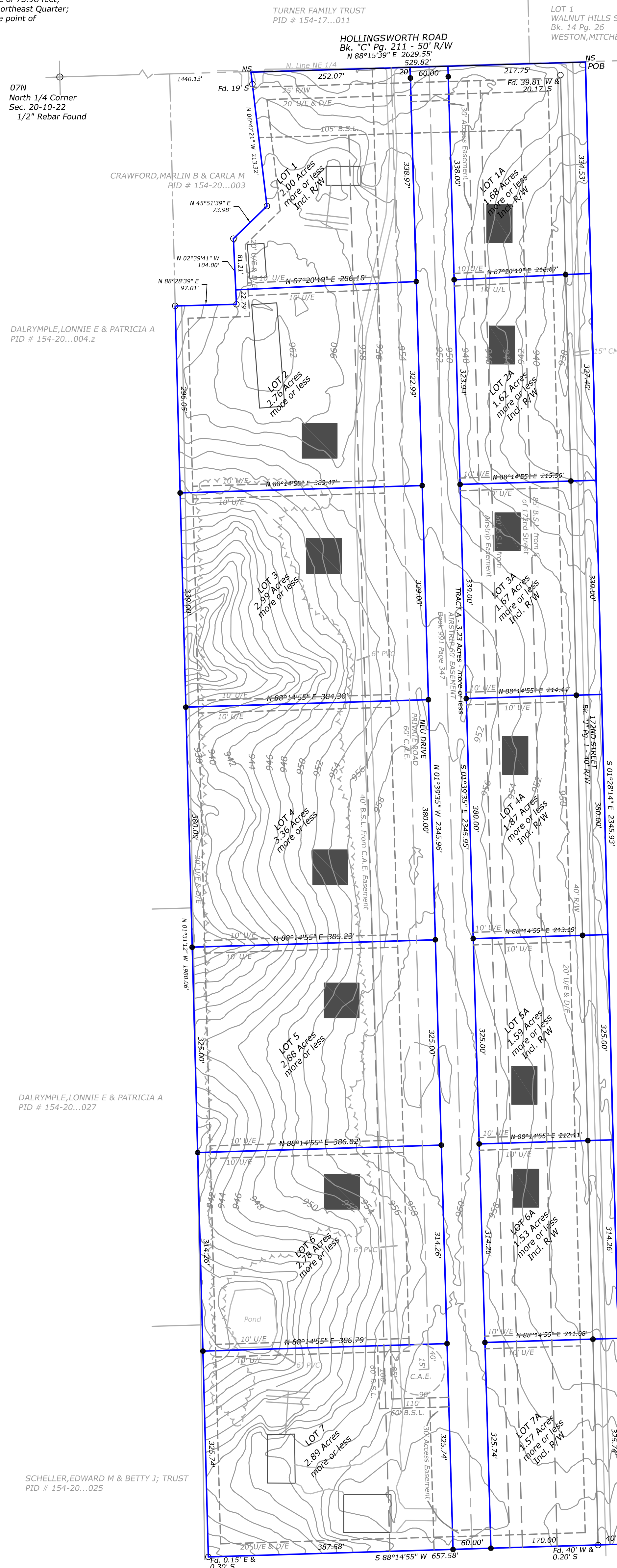
Rick & Vicki Neu  
17251 Hollingsworth Road  
Basehor, KS 66007  
PID # 154-20-0-00-002.01

HEARTLAND ENTERPRISES LLC  
17271 Hollingsworth Road  
Basehor, KS 66007  
PID # 154-20-0-00-002.02

### SURVEYOR'S DESCRIPTION:

A tract of land in the Northeast Quarter of Section 20, Township 10 South, Range 22 East of the 6th P.M., Leavenworth County, Kansas, as written by Joseph A. Herring PS-1296 on February 24, 2022, more fully described as follows: Commencing at the Northeast corner of said Northeast Quarter; thence South 88 degrees 15'39" West for a distance 659.61 feet along the North line of said Northeast Quarter to the TRUE POINT OF BEGINNING; thence South 01 degrees 28'14" East for a distance of 2345.93 feet; thence South 88 degrees 14'55" West for a distance of 657.58 feet; thence North 01 degrees 31'12" West for a distance of 1980.06 feet; thence North 88 degrees 28'39" East for a distance of 97.01 feet; thence North 02 degrees 39'41" West for a distance of 104.00 feet; thence North 45 degrees 51'39" East for a distance of 73.98 feet; thence North 06 degrees 47'21" West for a distance of 213.32 feet to the North line of said Northeast Quarter; thence North 88 degrees 15'39" East for a distance of 529.82 feet along said North line to the point of beginning.  
Said property contain 34.42 acres, more or less, including road right of way.  
Error of Closure - 1 : 1226905

- LEGEND:**
- - 1/2" Rebar Set with Cap No.1296
  - - 1/2" Rebar Found Cap #1349, unless otherwise noted.
  - - Concrete Base around Point
  - △ - PK Nail Found in Place
  - ( ) - Record / Deeded Distance
  - U/E - Utility Easement
  - D/E - Drainage Easement
  - B.S.L. - Building Setback Line
  - R/W - Permanent Dedicated Roadway Easement
  - BM - Benchmark
  - NS - Not Set this survey per agreement with client
  - - Power Pole
  - X - Fence Line
  - OHP - Overhead Power Lines
  - T - Underground Telephone/Fiber Optic Line
  - ◇ - Gas Valve
  - ◆ - Water Meter/Valve
  - ⊕ - Telephone Pedestal
  - ⊖ - 6" Water Line - location as per district
  - W - Tree/Brush Line
  - ⊕ - Centerline of Road



### ZONING:

Existing RR - 5 Ac., Proposed P.U.D. - Planned Unit Development

### RESTRICTIONS:

- 1) All proposed structures within this plat shall comply with the Leavenworth County Zoning and Subdivision Regulations or zoning regulation jurisdiction.
- 2) An Engineered Waste Disposal System may be required due to poor soil conditions.
- 3) Erosion and sediment control measures shall be used when designing and constructing driveways and other structures. Re-vegetation of all disturbed areas shall be completed within 45 days after final grading.
- 4) All Lots only have Access to NEU DRIVE through the Cross Access Easement. Lots 1A through 7A have access per the 30' Access Easement for Utility Vehicles only. No access shall be granted along 172nd Street.
- 5) Lots are subject to the off-plat Home Owner's Association detailing the maintenance of the Cross Access Easement.
- 6) Leavenworth County shall bear no responsibility for any maintenance and upkeep of the Cross Access Easement, drive, and drive appurtenances.
- 7) Location of NEU DRIVE per DEV-21-204 Board of Zoning Appeals approval, the roadway spacing requirement for Neu Drive has been reduced.
- 8) All structures at the end of the runway shall comply with Article 20 - Section 5 of the Zoning & Subdivision Regulations No dwelling shall be permitted on Lots 1A-7A. Development shall be limited to hangers and fuel pumps as specified in the Development Agreement. If a structure is more than 5,000 sf, additional building requirements may apply.
- 9) All structures built within the subdivision shall comply with Resolution 2020-39, as amended.
- 10) No Lots are allowed to be split reducing the shown acreage or the shown road frontage.
- 11) No width to depth standards within this development.

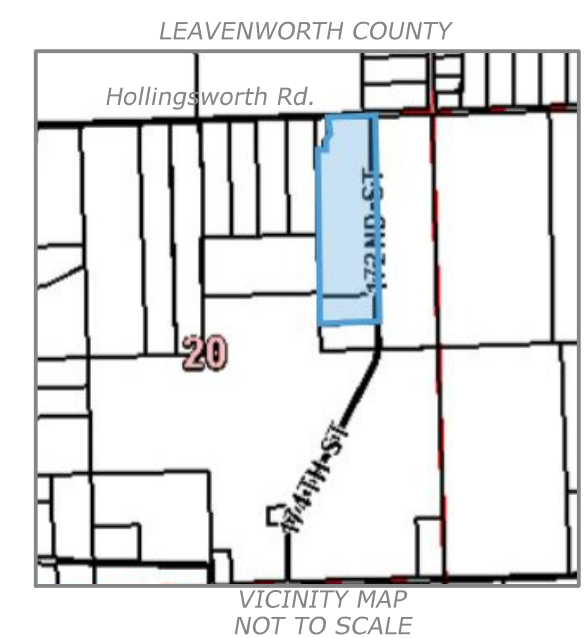
### NOTES:

- 1) This survey does not show ownership.
- 2) All distances are calculated from measurements or measured this survey, unless otherwise noted.
- 3) All recorded and measured distances are the same, unless otherwise noted.
- 4) Error of Closure - See Error of Closure Calculations
- 5) Basis of Bearing - KS SPC North 1501 North Line Northeast Quarter
- 6) Monument Origin Unknown, unless otherwise noted.
- 7) Existing and Proposed Lots for Residential Use.
- 8) Road Record - See Survey
- 9) Benchmark - NAVD83 Project Benchmark (BM) - NE COR LOT 1A - 1/2" Rebar Cap 1349 - 948.6'
- 10) Easements, if any, are created hereon or listed in referenced title commitment.
- 11) Reference Recorded Deed Document No. 2021R02965
- 12) Utility Companies -  
- Water - Suburban  
- Electric - Evergy  
- Sewer - Septic / Lagoon  
- Gas - Propane / Natural Gas
- 13) Reference Fidelity Title Company File No. 21410186 updated January 2022
- 14) Property is not in a Special Flood Hazard Area per FEMA FIRM Map 20103C0250G dated July 16, 2015
- 15) Building Setback Lines as shown hereon or noted below  
- All side yard setbacks - 15' (Accessory - 15')  
- All rear yard setbacks - 40' (Accessory - 15')
- 16) Distances to and of structures, if any, are + - 1'
- 17) Easements as per referenced Title Commitment are shown hereon, if any.  
- Road Access Easements recorded in Bk. 945 Pg. 659 lies within the plat Cross Access Easement (C.A.E.) and is vacated upon recording of this plat.
- 18) Fence Lines do not necessarily denote the boundary line for the property.
- 19) Reference Surveys:  
- Larry T. Hahn PS-1349 Recorded Survey Doc #2016S012

### PROPOSED STRUCTURES:

- 55' x 55' Residence
- 40' x 60' Accessory/Hanger

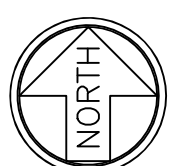
ROSENAU, VIRGINIA L; TRUST  
PID # 154-20...001



DALRYMPLE, LONNIE E & PATRICIA A  
PID # 154-20...027

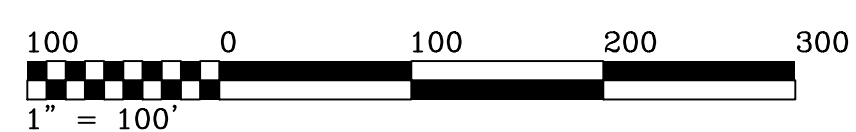
SCHELLER, EDWARD M & BETTY J; TRUST  
PID # 154-20...025

ROCK, GEORGE I II & ALANA M  
PID # 154-20...026



Scale 1" = 100'

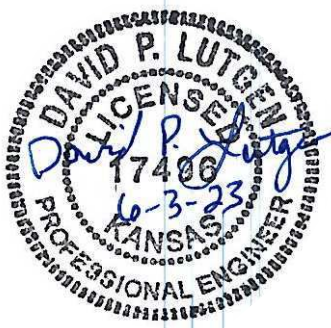
Job # K-21-1528  
February 25, 2022 Rev. 5/24/23



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

Joseph A. Herring  
PS # 1296

Neu Airport PUD  
Leavenworth County Kansas  
Drainage Report  
June 3, 2023



AUTOCAD VER.13 INFORMATION BLOCK		
DRAWING:	BY:	DATE:
XREF DWG1: NONE	XREF DWG2: NONE	
XREF DWG3: NONE	XREF DWG4: NONE	

1. Title Sheet
2. Typical Section and General Notes
3. Plan & Profile
4. Plan & Profile

INDEX OF SHEETS

# STATE OF KANSAS LEAVENWORTH COUNTY NEU AIRSTRIP PUD PRIVATE ROADWAY

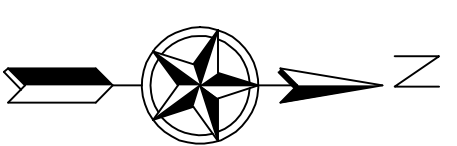
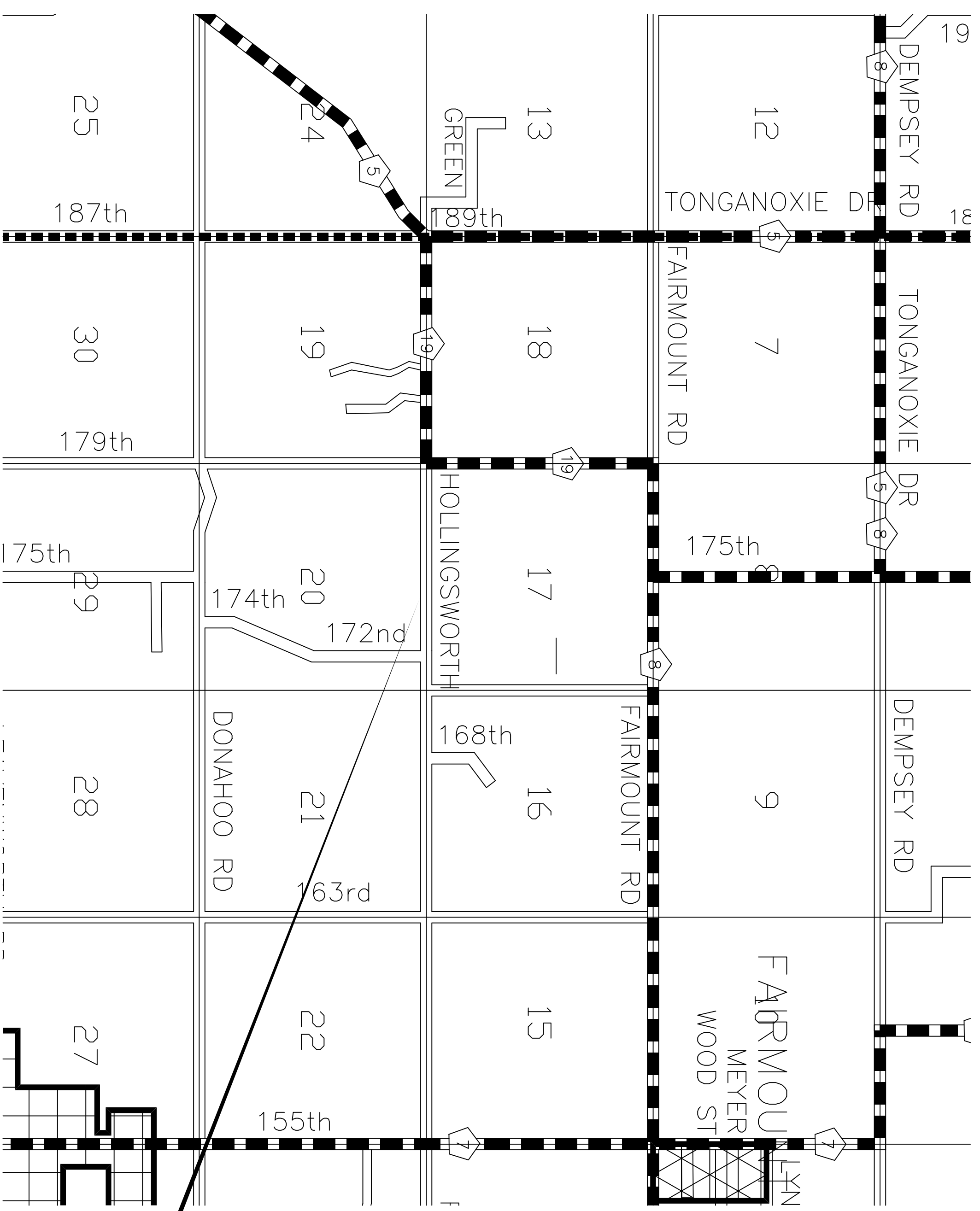
UTILITY COMPANIES

Energy  
AT&T  
Suburban Water

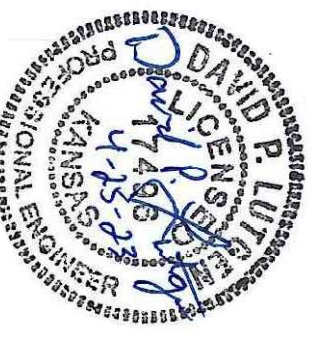
Benchmark -

Design Reference - AASHTO Guidelines for Geometric  
Design of Low-Volume Roads (2019 Edition)

Design Speed - 20 mph



Owner: Ricky Neu  
17271 Hollingsworth Road  
Basehor, KS 66007  
Surveyor: Herring Surveying  
Engineer: David Lutgen, P.E.



David P. Lutgen, P.E.

Date

NO.	DATE	REVISIONS	BY	APP'D
5				
4				
3				
2				
1				

Designed By \_\_\_\_\_  
Drawn By \_\_\_\_\_  
Checked By \_\_\_\_\_  
Issue Date: \_\_\_\_\_  
Job No. \_\_\_\_\_

NEU AIRSTRIP PUD PRIVATE ROADWAY  
LEAVENWORTH COUNTY KS

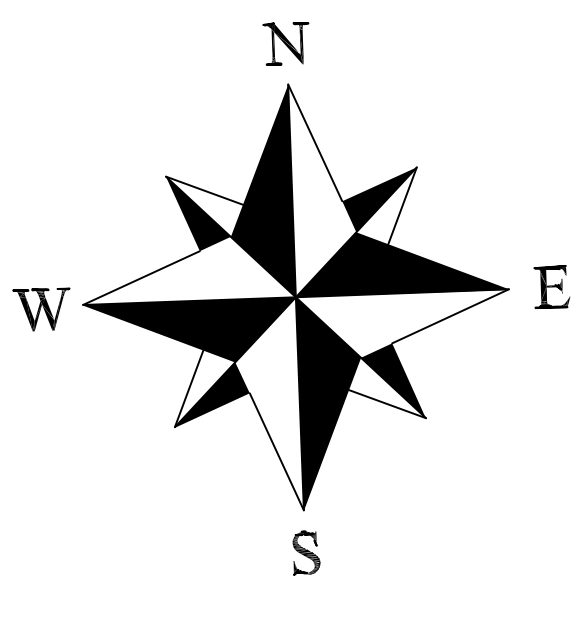
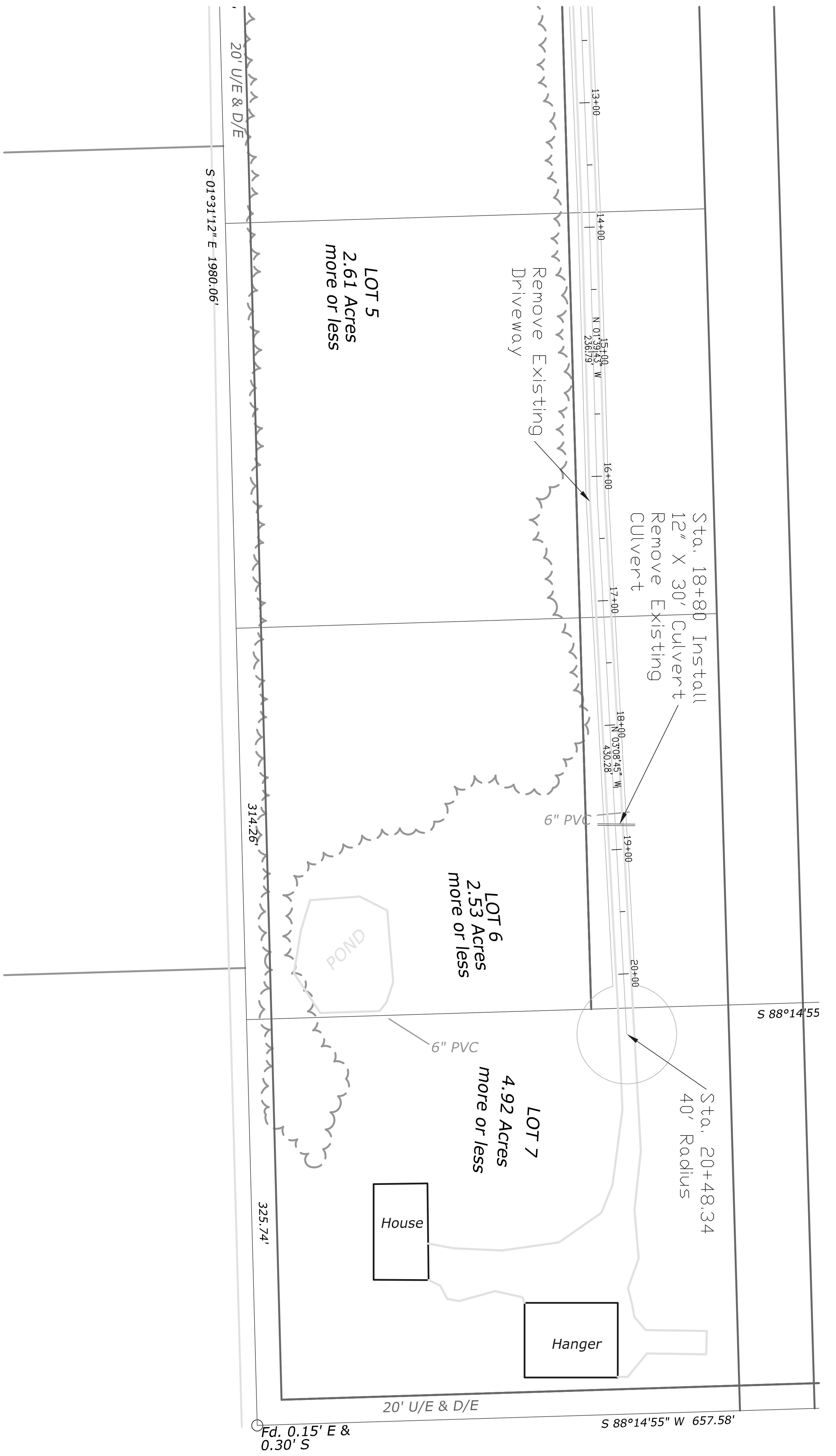
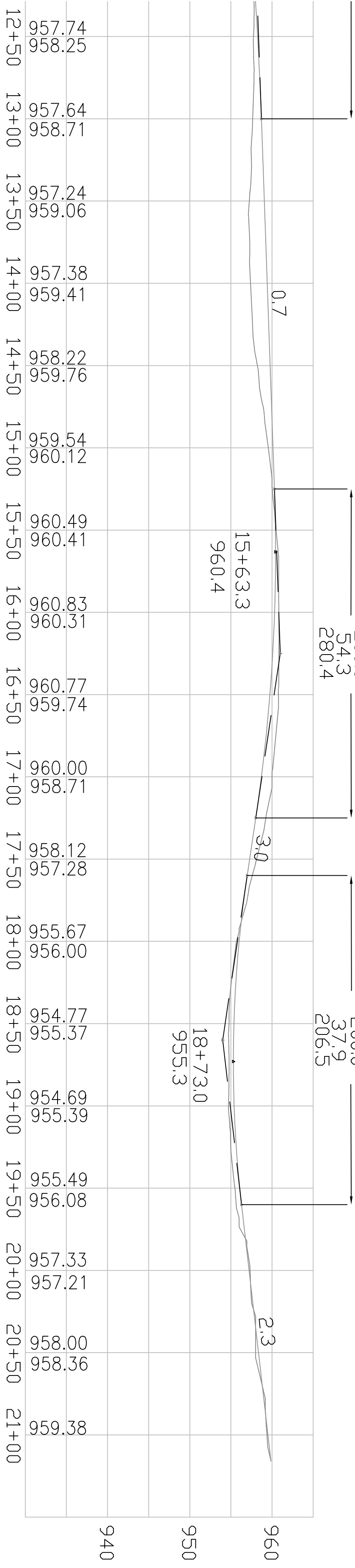
TITLE SHEET

SHEET NO.  
1 OF 4

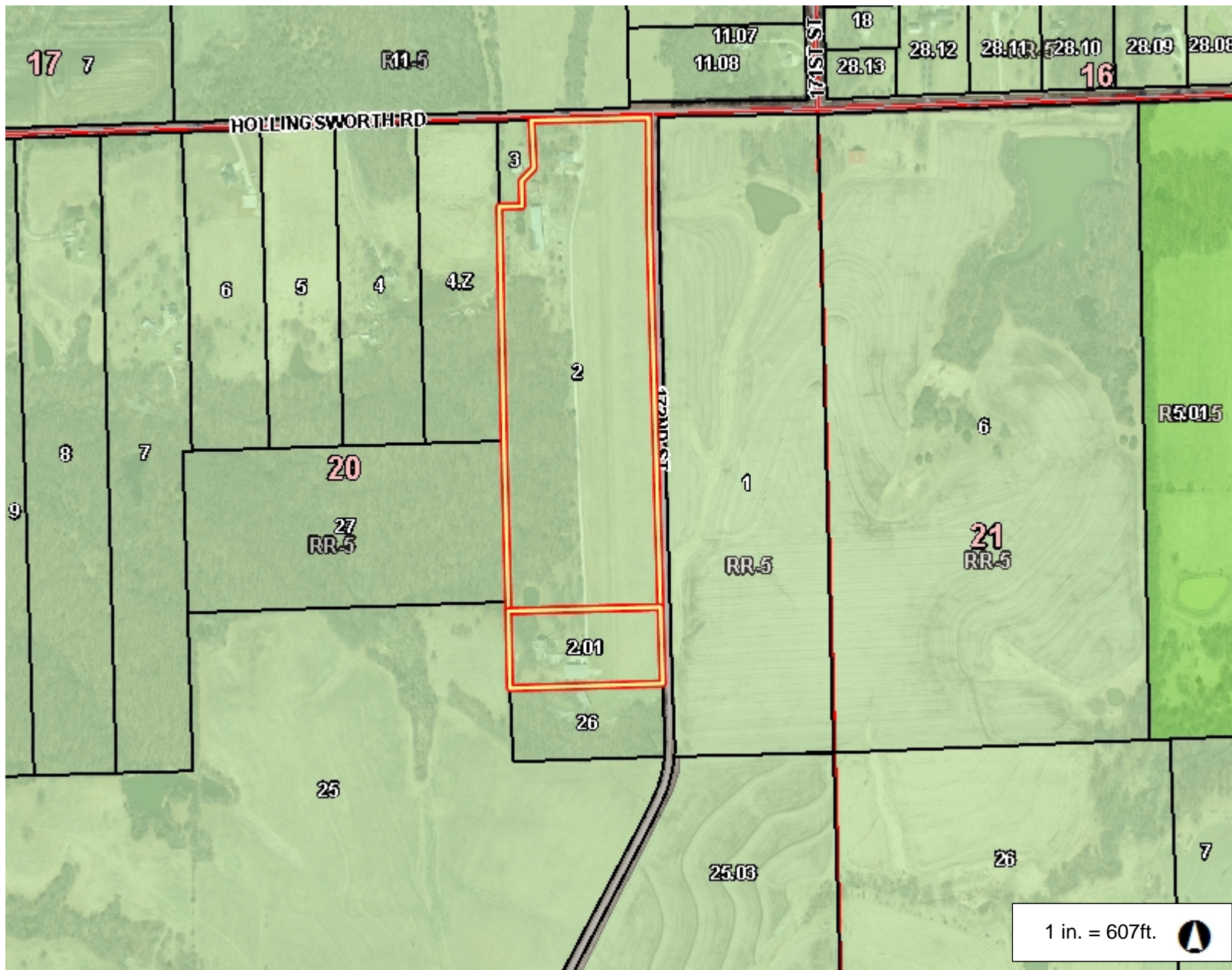








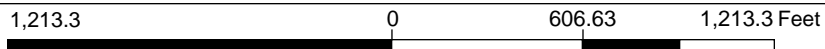
# DEV-23-065 NEU Airstrip PUD



### Legend

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

1 in. = 607ft.



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

THIS MAP IS NOT TO BE USED FOR NAVIGATION

### Notes

## Allison, Amy

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**From:** Tyler Rebel <Tyler.Rebel@evergy.com>  
**Sent:** Thursday, January 26, 2023 1:30 PM  
**To:** Allison, Amy  
**Subject:** RE: DEV-22-141 Rezoning & Preliminary and Final Plat – Neu Airfield Planned Unit Development

Internal Use Only

Evergy has no comments – thank you,

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

---

**From:** Allison, Amy <AAllison@leavenworthcounty.gov>  
**Sent:** Tuesday, January 24, 2023 4:25 PM  
**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>; 'Andrew Holder' <aaholder@fpsslaw.com>; Design Group Leavenworth <DesignGroupLeavenworth@evergy.com>; 'Travis@suburbanwaterinc.com' <Travis@suburbanwaterinc.com>; 'stfdchief1760@gmail.com' <stfdchief1760@gmail.com>  
**Subject:** RE: DEV-22-141 Rezoning & Preliminary and Final Plat – Neu Airfield Planned Unit Development

**\*\*WARNING:** This email originated from an external source outside of Evergy. Think before you click on links or attachments!\*\*

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Good Afternoon,

The Department of Planning and Zoning has received an application for a Rezoning and Subdivision regarding a Planned Unit Development District at 17251 & 17271 Hollingsworth 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 Wednesday, February 1, 2023.

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  
913.364.5757

## Allison, Amy

---

**From:** Noll, Bill  
**Sent:** Friday, April 7, 2023 3:04 PM  
**To:** Allison, Amy; 'David Lutgen'; 'Joe Herring'  
**Subject:** RE: NEU Prelim. Plat  
**Attachments:** Neu Airstrip Driveway Plans 5-30-22.pdf

All ,

The attached plans that were submitted are for a private driveway. Cross Access Easements are no longer considered a driveway when they are accessing 3 or more parcels. See Article 43, Section 2, No. 1, Part C. This is also indicated in Article 43, Section 3, Part 3 where the Access and Road Standards require the submission of road and drainage plans stamped by a licensed engineer. While the county does not review or approve CAE road design plans to ensure they meet an acceptable level of design as prepared by the professionally licensed engineer who stamps them, in this case that the design meets AASHTO Guidelines for Geometric Design of Low-Volume Roads 2019 Edition as shown, we do review the information within the plans at the access point. Hollingsworth Road is not hard surfaced.

Also, a drainage design plan, with any culverts that may be required to drain the ditches or carry cross flowing water under the roadway, works in concert with the subdivision's roadway design plans. Article 43, Section 3, No.3 articulates the requirement for drainage plans. Therefore, drainage reports should be submitted, stamped by the professional engineer designing the development, with the road plans. Until, drainage plans are submitted the requirements of that regulation have not been fulfilled. Depending on whether or not the entrance is going to be a mound, this may include the culvert at the entrance that is permitted by the county and was approved by BZA action.

Thank you,

Bill Noll, PS MPA CPM CFM

Leavenworth County  
Infrastructure and Construction Services Director  
(913) 684-0470

# MEMO

**To:** Amy Allison  
**From:** Chuck Magaha  
**Subject:** Neu Field Airpark  
**Date:** April 24, 2023

Amy, I have reviewed the preliminary plat of the Neu Field Airpark Subdivision presented by Rick Neu/Heartland Enterprises. The subdivision meets the requirements for a fire hydrants and supported with a 6" water line as stated in the subdivision guidelines. The area in which the subdivision is proposed fire hydrants need to be placed along the road right-a-way at Hollingsworth Road and 172nd Street then 1000 feet a fire hydrant at Lots 3 and 6. Just a suggestion, should an agreement be made for tree growth to the North of this subdivision and South since this will be an active air field?

I have no further recommendation for this subdivision.

If you have any questions please call me 684-0455.

Neu Field Airpark

# Minimum Plan Requirements for Private Street & Storm Improvement Plans

Plans shall consist of:

- Title Sheet
- Standard and Special Detail Sheets
- Plan and Profile Sheets
- Cross-Section Sheets

Title Sheet shall include the following:

1. Name of project or subdivision.
2. Index of sheets included in plans.
3. A location map showing project location in relation to major streets.
4. The project vertical control benchmark(s) and horizontal control points utilized in the design, including location and elevation as applicable.
5. Name and contact information of the design engineer and owner/developer.
6. List containing name and telephone number of each utility company in the area of the project.

Standard and Special Detail Sheets

Detail sheets shall be included to show all details of appurtenances, materials, and construction. Details and typical sections are to be drawn clearly and neatly with proper identifications, dimensions, materials, and other information necessary to insure the desired construction. A traffic control plan shall be detailed showing location of barricades, include signing required when working adjacent to public/private roads currently in use.

Plan and Profile Sheets shall include the following:

1. North arrow and scale.
2. Elevation and location of all applicable bench marks and control points.
3. Existing and proposed streets with names or numbers and street widths and right-of-way and easement widths.
4. Property lines properly identified as to existing or proposed lot, block and subdivision.
5. All existing and known proposed improvements shall be shown. This shall include such existing items as roadways, driveways, culverts, and other such items, and shall be identified as to type, size, material, etc.
6. Minor construction notes shall appear on the plan and profile sheets.
7. Horizontal curve data, vertical curve data, and stopping sight distances.
8. Gradients between vertical curves.
9. Typical section and slope of improved channels.

10. Profile shall show existing grade at center line and proposed finish grades or established street grades.
11. Existing elevations for existing outfall ditches.
12. Special ditch grades if needed.
13. Show size, location, and flow line of all culverts with applicable drainage calculations and design storm event.

Cross-Section Sheets shall include the following:

1. Street cross-section at each station showing existing grade by dashed lines and proposed grade by a solid line. Cross-sections to show existing grade lines a minimum of ten (10) feet beyond easement/right-of-way lines.
2. Center line elevation of top of pavement.
3. Cross-section shall be shown at all intersecting streets, driveways, and proposed cross-road culverts.
4. Channel cross-sections shall be shown for all drainage channel improvements at 100 feet intervals.
5. Additional cross-sections shall be shown as required to clearly describe the extent of the grading operations.

**LEAVENWORTH COUNTY  
PLANNING COMMISSION  
STAFF REPORT**

CASE NO: DEV-23-046 Faster Dynamics LLC Auto Repair

June 14, 2023

**REQUEST: *Public Hearing Required***

- Zoning Amendment                       Special Use Permit  
 Temporary Special Use Permit

**STAFF REPRESENTATIVE:**

AMY ALLISON, AICP  
DEPUTY DIRECTOR

**SUBJECT PROPERTY:** 00000 GEORGE RD

**APPLICANT/APPLICANT AGENT:**

DERIC HULETT  
FASTER DYNAMICS LLC  
1941 JACKSON DR  
TONGANOXIE, KS 66086

**PROPERTY OWNER:**

DERIC HULETT & LAUREN DONNELLY

**CONCURRENT APPLICATIONS:**

N/A

**LAND USE**

ZONING: RR-2.5

FUTURE LAND USE DESIGNATION:  
RESIDENTIAL 3 UNITS PER ACRE

**LEGAL DESCRIPTION:**

A tract of land in the Northwest corner of the Southwest Quarter of Section 34, Township 10 South, Range 21 East of the 6th P.M., in Leavenworth County, Kansas.

SUBDIVISION: N/A

FLOODPLAIN: N/A

**STAFF RECOMMENDATION: DENIAL**

**PROPERTY INFORMATION**

**ACTION OPTIONS:**

1. Recommend approval of Case NO. DEV-23-046, Special Use Permit for **Error! Reference source not found.** Dynamics LLC for an Auto Repair Shop, to the Board of County Commission, with or without conditions; or
2. Recommend denial of Case No. DEV-23-046, Special Use Permit for **Error! Reference source not found.** Dynamics LLC for an Auto Repair Shop, to the Board of County Commission for the following reasons; or
3. Continue the hearing to another date, time, and place.

PARCEL SIZE: 4.7 ACRES

PARCEL ID NO:  
148-34-0-00-009.02

BUILDINGS: N/A

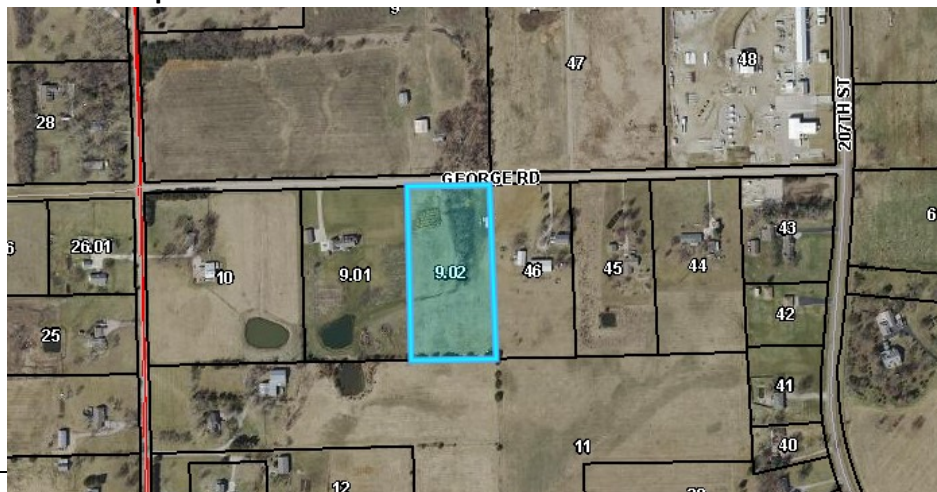
**PROJECT SUMMARY:**

Request for a Special Use Permit to operate an Auto Service State & Repair shop for Faster Dynamics LLC at 00000 George Road (PID 148-34-0-00-009.02).

**ACCESS/STREET:**

GEORGE RD - COUNTY LOCAL  
±24' WIDE, GRAVEL

**Location Map:**



**UTILITIES**

SEWER: SEPTIC

FIRE: STRANGER

WATER: RWD #9

ELECTRIC: FREESTATE

**NOTICE & REVIEW:**

STAFF REVIEW: 5/4/2023

NEWSPAPER NOTIFICATION:  
5/23/2023

NOTICE TO SURROUNDING  
PROPERTY OWNERS:  
5/23/2023



FACTORS TO BE CONSIDERED:		
<i>The following factors are to be considered by the Planning Commission and the Board of County Commissioners when approving or disapproving this Special Use Permit request:</i>	Met	Not Met
<p><b>1. Character of the Neighborhood:</b>  <i>Density: Surrounding properties range in size from 1 acre to 33.6 acres.</i></p> <p><i>Nearby City Limits: The City of Tonganoxie is approximately 1/3 of a mile to the north.</i></p> <p><i>Initial Growth Management Area: This parcel is not located within the Urban Growth Area.</i></p>	✓	✓
<p><b>2. Zoning and uses of nearby property:</b>  <i>Adjacent Uses: Most of the adjacent parcels are residential and agricultural in nature. A natural gas distribution center is located near the property.</i></p> <p><i>Adjacent Zoning: All adjacent properties are zoned RR-2.5 or RR-5.</i></p>	✓	✓
<p><b>3. Suitability of the Property for the uses to which it has been restricted:</b>  <i>The property is 4.7 acres. The property is suitable as a rural residence, for agricultural uses and the proposed use is allowed with a Special Use Permit. The applicant is proposing to build a single-family house and operate an auto repair shop on the property. The size of the parcel would accommodate both uses.</i></p>	✓	
<p><b>4. Extent to which removal of the restrictions will detrimentally affect nearby property:</b>  <i>The use is unlikely to detrimentally impact neighboring parcels. The review of proposed nuisances is as follows:</i></p> <p><i>Noise: Additional noise is anticipated with the use. However, the vast majority of work will take place indoors with no use of heavy machinery and equipment outside. Staff recommends placing a condition that all noise shall be limited to 60 dBs, as measured from the property line.</i></p> <p><i>Traffic: Traffic to the site will be limited. The applicant is proposing to generate approximately 50 trips (to and from the property) per week. The number of vehicles is based on the number of anticipated clients, 15. The applicant has indicated that the only staff member will be himself.</i></p> <p><i>Lighting: The applicant indicated no use of exterior lighting, except security lighting on the structure. Staff recommends placing a condition that all lighting shall be 0.00 foot-candles net gain, as measured from the property line.</i></p> <p><i>Outdoor Storage: Outdoor storage will be limited as the intention is to house all vehicles and equipment indoors. The applicant indicated that a trailer and occasional vehicle may be parked outside, when ready for pickup. All other service vehicles will be parked in side.</i></p> <p><i>Parking: Parking is provided and is adequate for the proposed use.</i></p>	✓ (Condition 11)	

<p><i>Visitors/Employees: The applicant will have one employee, himself. He anticipates 15 visitors a week, so approximately three visitors a day.</i></p> <p><i>Chemicals, Lubricants, etc: The applicant indicated that chemicals and lubricants associated with vehicle repair will be used on premises. All chemicals and agents used will be stored in compliance with recommended guidelines.</i></p> <p><i>Waste: Per the applicant, any chemicals in need of disposal will be housed in large disposal containers which will then hauled away by a licensed company. The applicant has worked with two companies for this service.</i></p>	<p style="text-align: center;">✓ (Condition 14)</p> <p style="text-align: center;">✓ (Condition 15 &amp; 16)</p>	
<p><b>5. Length of time the property has been vacant as zoned:</b>  <input checked="" type="checkbox"/> <i>Vacant: To our knowledge, the property has never been developed.</i>  <input type="checkbox"/> <i>Not Vacant:</i></p>	<p style="text-align: center;">✓</p>	
<p><b>6. Relative gain to economic development, public health, safety and welfare:</b>  <i>The proposed application would allow for another business to be located within Leavenworth County. There does not appear to be any detrimental effects to the public health, safety or welfare.</i></p>	<p style="text-align: center;">✓</p>	
<p><b>7. Conformance to the Comprehensive Plan:</b>  <i>Future Land Use Map: Residential (3-units per acre)</i></p> <p><i>Section 4 Land Use and Development Plan Strategies: The proposed use is not compatible with the future land use designation.</i></p>		<p style="text-align: center;">✓</p>

**STAFF COMMENTS:**

The applicant is requesting a Special Use Permit for an auto service repair shop on the above stated property. The property is currently vacant, and being mowed for agricultural purposes. The applicant has provided plans to build an 80'x85' shop to operate the proposed auto vehicle repair business out of. The applicant has also indicated that his long-term plans is to build a house to live out of in the near future. The property is 4.7 acres which should accommodate the proposed shop, house and all utilities required for both structures. The neighborhood is predominantly residential and agriculture in nature but Williams Natural Gas operates a natural gas distribution facility approximately 600 feet to the east. The applicant has been in contact with utility companies about providing services to the site and has already acquired a water meter.

The general hours of operation are proposed to be Monday-Friday from 8:00AM until 2:00PM. Traffic to the site is anticipated to be up to 15 customers per week, 3 per day, and the business owner as the only employee. The applicant will primarily work on passenger vehicles but he does support local Fire Districts so will once per year provide service to fire vehicles, both passenger and commercial vehicles. The applicant does do custom work and on occasion will utilize a trailer to transport a vehicle to the site. The majority of vehicles will be driven to the property, however the applicant does perform custom work so a trailer will be utilized for transportation a couple of times a year. Due to the nature of the business, the use of chemicals, oils and lubricants will be used on site. Per the applicant, those agents will be stored in accordance with the recommended precautions and disposed of via a licensed disposal company. The applicant has indicated that all equipment and vehicles for the business will be stored indoors, except for a trailer and on occasion a vehicle that is ready to be picked up. Both will be parked by the proposed shop. A site plan has been provided by the applicant showing the location of the shop and proposed house. Both structures must be built in compliance with the adopted building codes and appropriate permits be obtained. The proposed use is allowed with a Special Use Permit.

**STAFF RECOMMENDED CONDITIONS:**

1. The Special Use Permit shall be subject to the written narrative and site plan provided on April 19, and May 1, 2023.
2. The business shall operate from 8:00AM until 2:00PM, Monday through Friday.

3. A commercial building permit will be required for the proposed auto repair shop. Stamped plans, by an architect or engineer, will need to be submitted with the building permit, in compliance with 2006 International Building Code, as adopted by Leavenworth County. A code footprint establishing occupancy will also need to be submitted.
4. An engineered septic system shall be installed with the proposed addition. The septic system must comply with all permitting and sanitary sewer standards.
5. The applicant must comply with the following memorandums:
  - a. Emergency Management – Chuck Magaha, dated April 24, 2023
6. The applicant shall provide a certificate of general liability insurance in the amount of \$1,000,000 and shall indicate Leavenworth County as the certificate holder prior to commencement of activities on the site.
7. No signage shall be allowed in the right-of-way. Sign permits shall be required for any on-site or off-site signage. The applicant shall provide an owner authorization form for any off-site signs. All signage shall comply with Article 25, Sign Regulations of the Leavenworth County Zoning and Subdivision Regulations.
8. No on-street parking shall be allowed.
9. No outdoor storage of materials or vehicles will be permitted.
10. Any light generated from the proposed business shall be limited to 0 foot-candles net gain, as measured from the property line.
11. Any noise generated from the proposed business shall be limited to 60 dBs, as measured from the property line.
12. No drains shall be permitted to be connected to a septic system.
13. If the applicant uses a dumpster, said dumpster shall be placed on the property and screened from the county roadway.
14. The use, storage and disposal of any chemicals, lubricants, oils, fluids or hazardous materials must comply with the all Local, State and Federal requirements.
15. All waste generated from the proposed business shall be disposed of in a manner that meets all local, state and federal requirements.
16. The applicant shall not store or burn commercial waste on the property.
17. After approval of this SUP by the Board of County Commissioners all conditions listed shall be adhered to and copies shall be provided to the Planning and Zoning Office before the Special Use Permit shall take effect.
18. Applicant shall not cause or allow any public nuisance to exist on the subject property
19. That the Special Use Permit granted herein is subject to revocation upon the breaching of the conditions set forth herein, or any substantial change in the use of the subject property. Faster Dynamics, LLC and its assigns or successors in interest, hereby consent to, and authorize, entry onto the subject property by employees or agents of the county for the purpose of inspecting the subject property for compliance with the conditions set forth herein.
20. This SUP shall comply with all local, state, and federal rules and regulations that may be applicable.
21. After approval of this SUP by the Board of County Commissioners all conditions listed shall be adhered to and copies shall be provided to the Planning and Zoning Office before the Special Use Permit shall take effect.

**ATTACHMENTS:**

A: Application & Narrative

B: Zoning Map

C: Memorandums

**SPECIAL USE PERMIT APPLICATION**

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

APPLICANT/AGENT INFORMATION	OWNER INFORMATION (If different)
NAME <u>Faster Dynamics LLC</u>	NAME <u>Deric Hultt</u>
ADDRESS <u>Parcel R307063 George Rd</u>	ADDRESS <u>1941 Jackson Dr</u>
CITY/ST/ZIP <u>Tonganoxie KS 66086</u>	CITY/ST/ZIP <u>Tonganoxie KS 66086</u>
PHONE <u>785-204-0729</u>	PHONE <u>785-204-0729</u>
EMAIL <u>faster.dynamics@gmail.com</u>	EMAIL <u>faster.dynamics@gmail.com</u>
CONTACT PERSON <u>Deric Hultt</u>	CONTACT PERSON _____

**PROPERTY INFORMATION**

PID: \_\_\_\_\_ Zoning District: \_\_\_\_\_

Address of property see attached trustee's deed Parcel size 5 acres

Current use of the property Agricultural

Does the owner live on the property?  Yes  No

Proposed Special Use Automotive repair & classic car restoration

**TAX ASSESSEMENT STATEMENT**

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

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

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

Signature Deric Hultt Date 04-19-2023

**ATTACHMENT A**

**PROPOSED SPECIAL USE PERMIT INFORMATION**

Name of Business Faster Dynamics LLC

Existing and Proposed Structures none - existing // 80x85 building proposed

Number of structures used for Special Use Permit 1

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

Is the proposed use seasonal?  Yes  No 1 me spot @ each garage door  
If yes, what months will the use be active? \_\_\_\_\_ through \_\_\_\_\_  
Month Month

Reason for requesting a Special Use Permit: Automotive repair & classic car restoration.

**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 4 Weekly 35 Monthly \_\_\_\_\_

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

Daily \_\_\_\_\_ Weekly \_\_\_\_\_ Monthly 0

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. N/A

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):

Trips should only occur during normal business hours of 8am-2pm M-F.  
Tongarevie Rd -> 207<sup>th</sup> -> George Rd -> Site

What is the anticipated route(s) from the nearest State Highway to the Site? 24/40 hwy -> Lanning Rd ->

**Special Use Permit Renewal**

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

N/A

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

## Faster Dynamics LLC Special Use Permit Narrative

Faster Dynamics LLC is proposing the addition of an automotive repair and classic car restoration business to be opened on the property on the south side of George Road in Tonganoxie, KS just west of Southern Star Gas Plant located at 207<sup>th</sup> Street and George Road. For this intended purpose of business, Faster Dynamics LLC is seeking a special use permit for the maximum duration possible per permit guidelines.

A new 80x85 building is to be constructed to provide adequate facilities for this business to operate properly and with minimal disturbance to those surrounding the property. These plans are provided as part of this application. Faster Dynamics LLC will perform standard levels of building maintenance and repair on a regular basis to this facility once constructed and security measures including standard flood lights and security cameras will be installed. This plan of action has been discussed with the owner of the property to the East of the proposed site (John Anderson) prior to the exploration of this permit to ensure no disruption to his daily activities occurs, as well as to address any concerns he may have had regarding the plan for the site. Mr. Anderson has expressed he has no objections to this proposed idea.

This current property is utilized as agricultural land, hayed one to two times per year by a local farmer to feed his cattle. In the next two to three years in the future, a residence is planned to be constructed on the west side of the property. All appropriate utility companies have been apprised of this plan as well to ensure whatever necessary installments must occur for the construction of the building, will also be sufficient to support the residence in the future as well.

Faster Dynamics LLC would be identified by a sign sized 3' by 2' bearing the business' logo above the door of the building. The business will hold operating hours of 8:00am-2:00pm Monday through Friday and by appointment on Saturday. This business would employ, one employee; owner, Deric Hulett. The business will service passenger vehicles and trucks, motorcycles and one time per year, two local volunteer fire departments are serviced which include 6 passenger vehicles and 8 commercial vehicles.

Faster Dynamics LLC takes safety very seriously. The business utilizes chemicals such as Brake-Clean, water-soluble parts cleaner and water-soluble cleaning agents at times to complete necessary maintenance, repairs and enhancements to the vehicles requiring service. All agents utilized are stored per guidelines for each chemical, as well as cabinets are available to ensure continued proper handling and appropriate storage. Any chemicals in need of disposal are done so by utilizing large disposal containers which are then hauled away by a licensed company as appropriate.

Faster Dynamics LLC also utilizes lubricants, oils and fluids per industry standard for repairs, maintenance, and enhancements to the vehicles being serviced. These agents are stored per guidelines, in approved containers, in a designated room with appropriate spill containment bunks. As, noted before, if any of these lubricants, oils, or fluids require disposal; a licensed company is contacted to remove them per guidelines.

Once the building is constructed emergency management plans will be established including fire exits, placement of multiple fire extinguishers throughout the shop, an appropriate designated shelter location, a weather radio will be added to the building, and first aid kits will be available throughout the shop; as well as an eye wash station will be present, and 911 service will be available if necessary. Other appropriate emergency contact numbers will be posted throughout the building area.

As the property is currently utilized for agricultural purposes, a new septic system will be placed per county specifications and guidelines and installed by a county –approved licensed installer. The building will not create more than the standard expected amount of waste with the addition of one bathroom within the building. 5 drains are planned; they will drain to an appropriate receptacle to be disposed of by forementioned disposal companies per necessary guidelines. These will not be connected to the septic system. Proper waste management will be established with the local waste management company, ie Honey Creek Disposal. This will be properly placed on the property per county standards based on the type and number of waste receptacles deemed to be appropriate.

## Faster Dynamics LLC Special Use Permit Narrative

The property currently has water meter rights via Rural Water District 9 and it is planned to connect this per their standards, for utilization of whatever water needs the property will require. No additional water supply will be required per discussions at this current time.

Any noise or sounds generated by automotive repair will be housed within the building itself; as well as any odors or fumes will be contained indoors. The new building will provide proper ventilation for any necessary repair or restoration projects, as well as proper personal-protective equipment will always be provided and readily available. This also will always be required to be worn. The noise nor odors or fumes should not disturb the outdoors.

There are no immediate plans for any accessory buildings but should the need arise, it will be addressed with the appropriate parties at that time.

It is not anticipated that parking, beyond a space at each garage door, will be necessary, as all vehicles will be kept indoors during the duration of the work being performed. This minimizes not only the need for parking spaces but also any unnecessary visibility of vehicles being serviced by the business. In addition to this, all equipment and additional storage necessary for the operation of the automotive repair and classic car restoration business will be housed within the constructed building. Due to this, no additional dust control measures will be required as no outdoor dust should be generated by the work completed during normal business hours.

It is also anticipated the impact of traffic traveling to and from the business will have minimal impact on the surrounding area. It is planned for one employee to travel to/from the premises each day and approximately 15 passenger vehicles traveling to/from the premises per week for other purposes including vehicle drop off, and five anticipated trips to/from the premises to deliver products/materials/parts by passenger vehicle as well. This will result in approximately 50 trips per week. It is not anticipated there will be the need for any commercial vehicles (per the TIF policy) to visit the property. Any cars brought to the property are done so to allow for turnarounds within the parking lot specifications on the property. This is anticipated to be less than 1 car every 3 months. Any restoration projects are brought to the property on standard industry bumper-pull car trailers by standard pick-up trucks. Car trailers are approximately 20' in length. Any restoration projects are brought to the property on standard industry bumper-pull tandem axel car trailers approximately 20' in length and pulled by standard pick-up truck. Due to the extensive nature of repairs performed at this repair/restoration shop, any necessary work is highly unlikely to be completed in one day.

Faster Dynamics LLC looks forward to being able to serve the community with a trusted and loyal automotive repair and classic care restoration business and experience. Faster Dynamics LLC strives to provide those within the area with a business to meet the needs presented to the team, including being able to maintain and service unique vehicles such as those who provide our volunteer fire departments with necessary transportation and resources. Faster Dynamics LLC prides itself on providing prompt service for any of its customers to ensure each customer, both individual and business alike, is able to return to their normal daily activities as quickly as possible. It is a privilege to provide such a service to the community of Tonganoxie, surrounding communities, and Leavenworth County here in Kansas.

## Special Use Permit Questionnaire: Faster Dynamics LLC

1. Current use of the Property

A: Agricultural

2. Proposed use of the Property

A: Automotive repair and classic car restoration

3. Hours of Operation

A: Monday - Friday 8am - 2pm

Saturday by appointment

4. Employees

4a: How many including future employees: 1

4b: Are any family members: No

5. Signs (include future desired signs)

5a. Size: 3' wide x 2' high

5b. Design: Logo; see attachment

5c. Where will this be placed: Over the door on the building

6. Chemicals Used

6a Types: Brakeclean, Water-soluble parts cleaner, water-soluble cleaning agents

6b Storage: All agents used are stored per the guidelines for each chemical; storage cabinets are utilized per guidelines

6c Disposal: Large containers - hauled away by appropriate licensed company as needed; Safety Kleen or Crystal Clean for example

7. Lubricants/Oils/Fluids

7a Storage: Each above named agent is stored per guidelines in approved containers in designated room with appropriate spill containment bunks

7b Disposal: Per appropriate licensed company as needed (Safety Kleen or Crystal Clean for example)

8. Sewage Disposal

8a: Septic system to be placed per guidelines and installed by county approved licensed installer

8b: Will your proposal create more sewage? The standard amount of sewage is anticipated with the addition of one bathroom within the building

9. Water Supply

9a: Existing water meter with Rural Water District 9 will be connected per their guidelines

9b: Any additional water supply needed? No

10. Noise/Sound caused by the use

A: Any sound should mostly be contained indoors



## Special Use Permit Questionnaire: Faster Dynamics LLC

11. Odor and Fumes

A: Any odors and fumes should be contained indoors with proper ventilation and PPE; these should not disturb the outdoors

12. Accessory building used or to be constructed:

A: Potentially at a future date; no immediate plans for such

13. Outdoor displays or advertising?

A: This will be minimal per question #5 signage

14. Equipment:

14a: All equipment will be housed indoors and will be standard automotive repair equipment

14b: Parking: Any cars parked at the shop should only be present for a brief amount of time; no long term parking will be necessary

14c: Storage: All storage will be maintained within the building

14d: Maintenance: Standard levels of building maintenance and care will be performed regularly

15. Alcohol Service

A: N/A

16. Dust Control

A: Not applicable as outdoor dust should not be created by work being completed by the business

17. Emergency/Safety

17a: First aid kits and an eye wash station are available along with 911 service if necessary

17b: Emergency contact numbers: These will be posted throughout the building

17c: Shelter: This will be designated in an appropriate place based on interior completion and identified/posted

17d: Weather radio: Yes one will be available

17e: Evacuation Plan: This will be established upon completion of the building and posted as appropriate

17f: Fire extinguishers: These will be available in numerous places throughout the building (minimum of 4-5 available at any time)

18. Outdoor storage

18a: N/A

18b: N/A

19. Security Lighting

A: Yes standard flood lights and security cameras will be installed

20: Parking

20a: see the answer to question 14b

20b: Is there enough space for parking: Yes this is being created

20c: Will parking be needed: Minimal; all cars will be kept indoors

## Special Use Permit Questionnaire: Faster Dynamics LLC

21: Will this be in the existing home:

A: No; A home on the property is planned to be constructed at a later date on the west side

22: Traffic

22a: Number of employees driving to the site per day: 1

22b: Number of deliveries of products/materials to the site per week: 7

22c: Number of trips from the site to deliver products/materials: 3

# RESIDENTIAL SITE PLAN

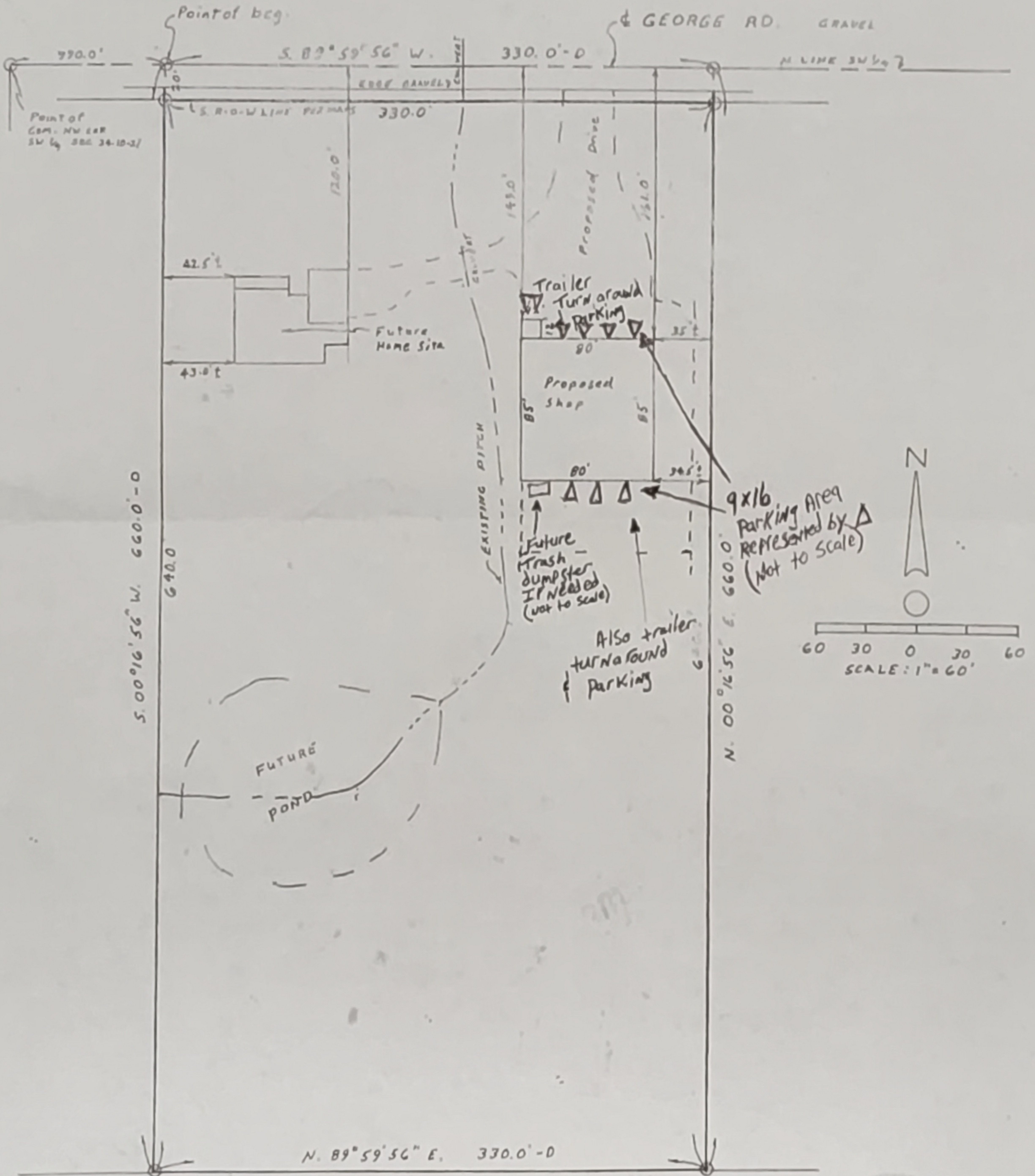
Job No. 23-15

ORDERED BY: Deric Hulett; 1941 Jackson Drive; Tonganoxie, KS 66086

DEED DESCRIPTION: Commencing at the Northwest Corner of the Southwest 1/4 of Section 34, Township 10, Range 21; thence North 89°59'56" East 990 feet to the point of beginning; thence South 00°16'56" West 660 feet; thence North 89°59'56" East 330 feet; thence North 00°16'56" East 660 feet; thence South 89°59'56" West 330 feet to the point of beginning; all being in Leavenworth County, Kansas. Subject to any easements, restrictions, or reservations of record or fact.

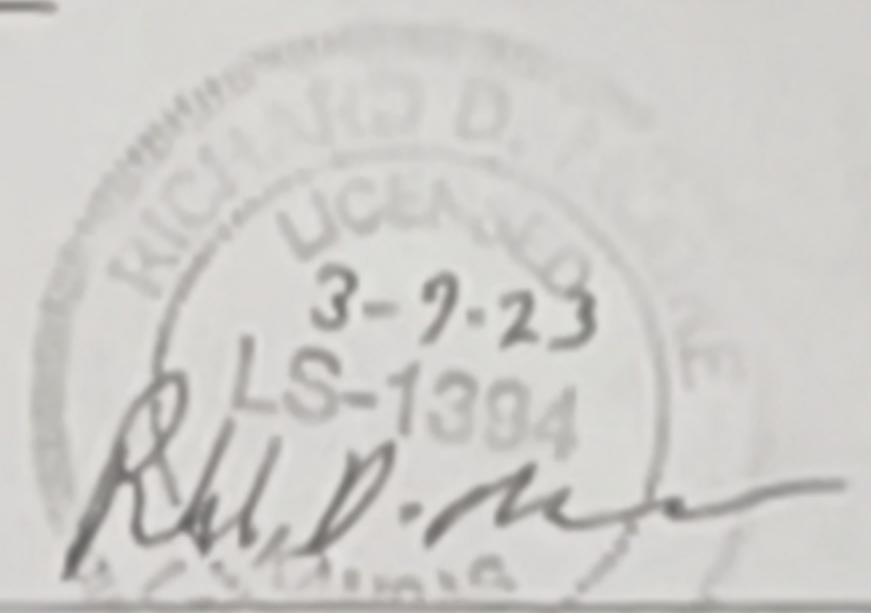
NOTES:

Legal Description provided by client. No title report was provided regarding this property.  
The intent of this Site Plan is to show the location of a proposed Shop, Future Pond, and Future Home Site.

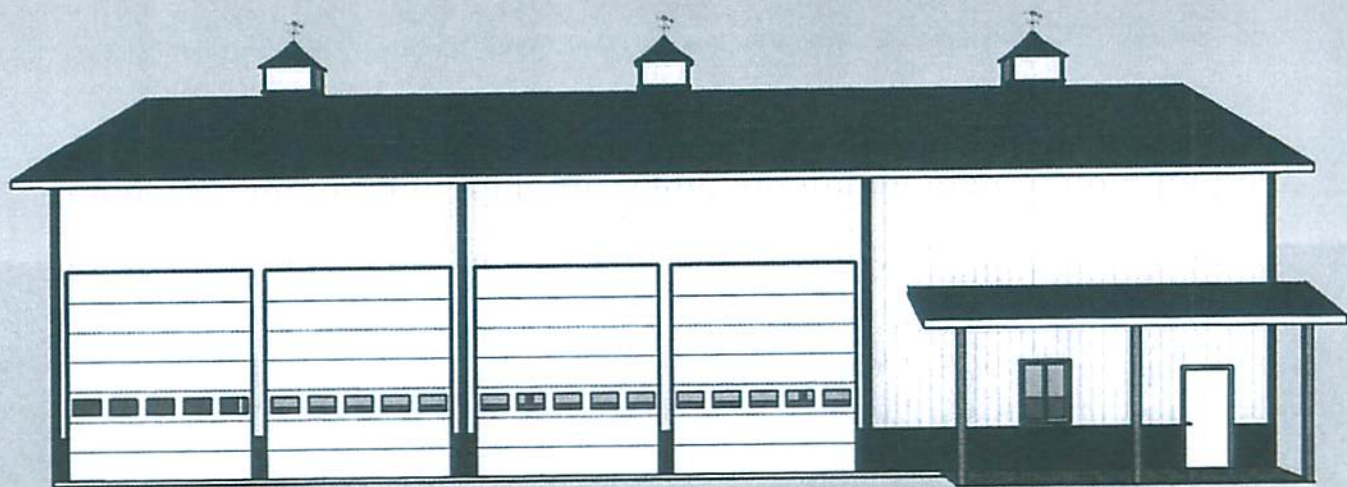


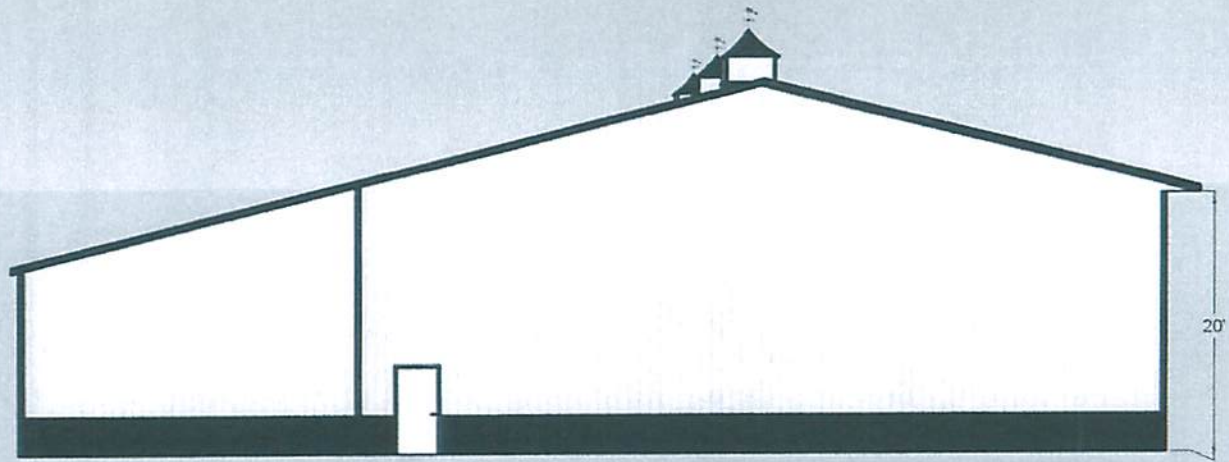
Richard D. Moore Land Survey, Inc. (913) 334-3888  
23673 212<sup>nd</sup> Street Leavenworth, KS 66048

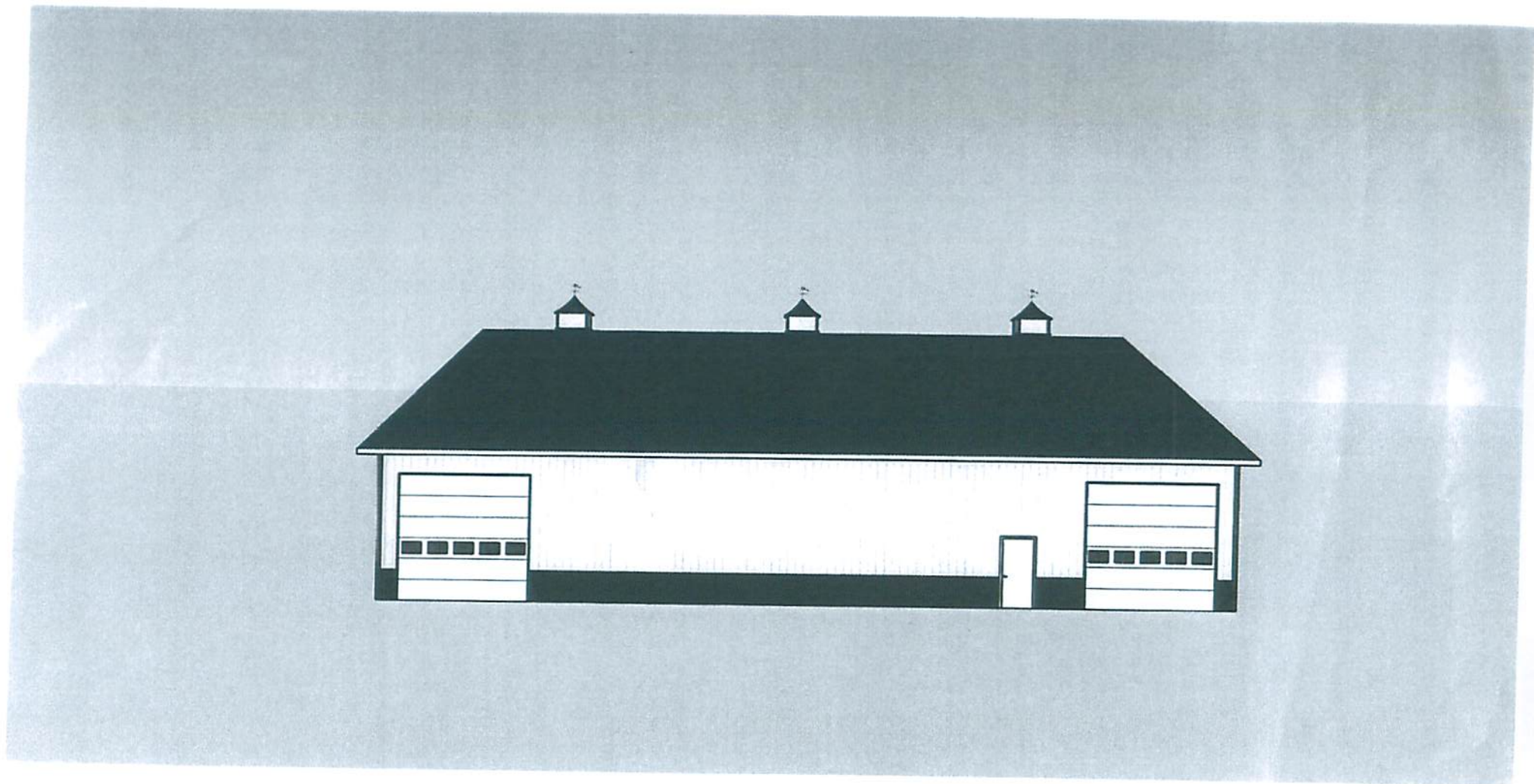
MARCH 9, 2023  
Date

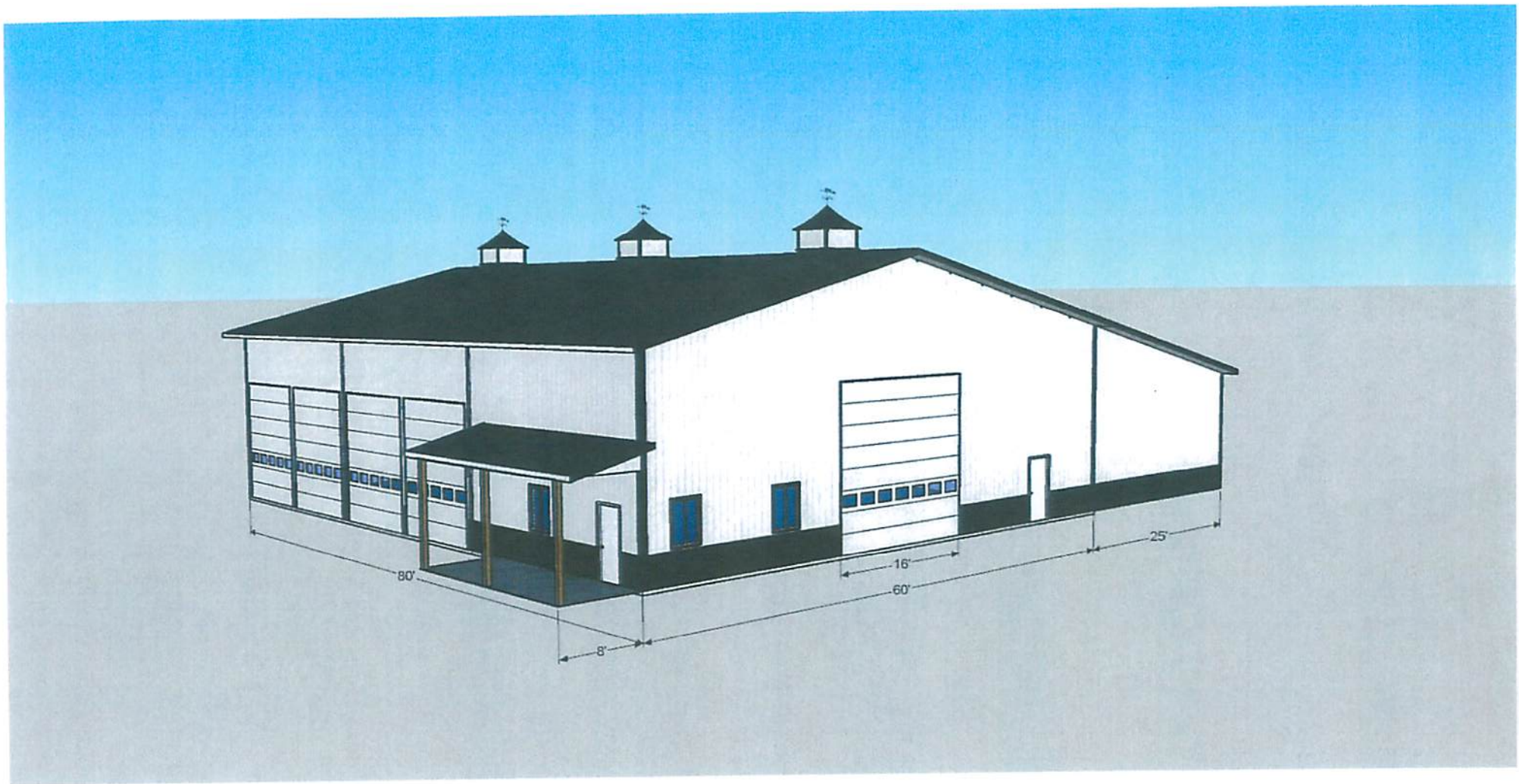


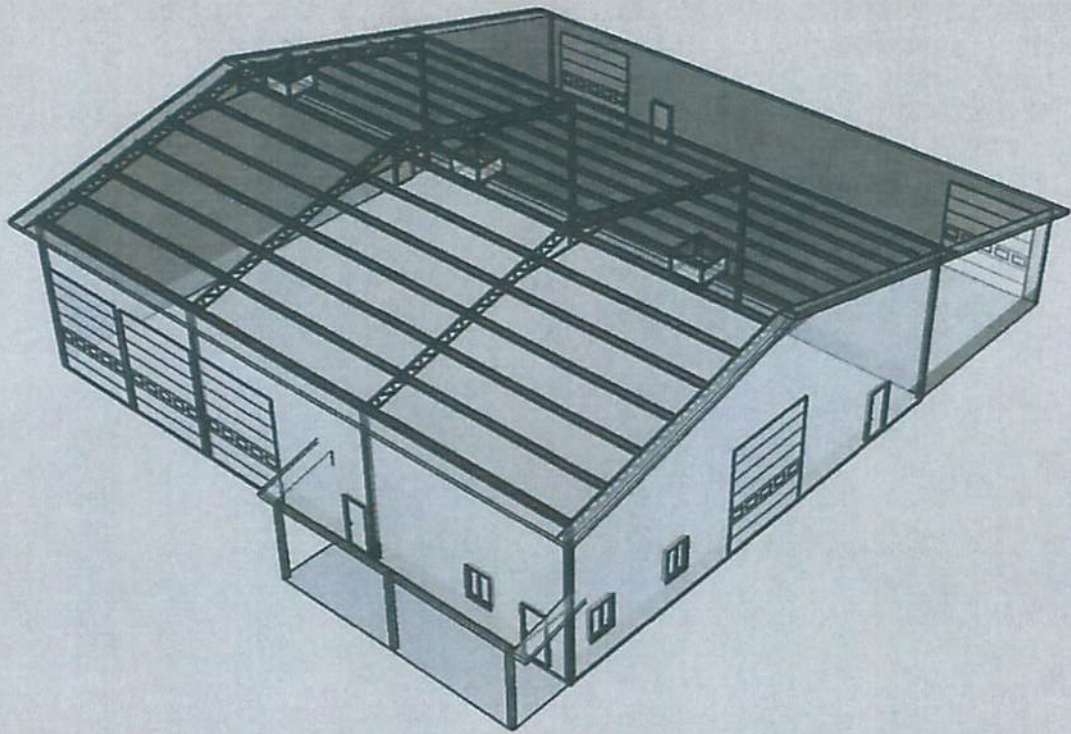
Richard D. Moore — LS. 1394















**Faster  
Dynamics** LLC

**All updates per specified notations received within the email from Leavenworth County on 4/13/2023 are below in blue.**

Public Works Updates:

1. From the document titled "Questions Concerning SUP, #22b and c indicates the number of trips and deliveries of products/materials.
  - a. #22c indicates 3 trips. Are trips daily or weekly? If #22c trips are weekly, would the total trips including #22b trips for products/materials be 10 trips (7+3)?
  - b. What is the difference between #22b and #22c trips?
  - c. Define trips as commercial and/or passenger. Definition of a commercial vehicle can be found in the TIF policy.

A: One employee to travel to/from the premises each day and approximately twenty vehicles traveling to/from the premises per week for other purposes (parts/material/customers). It is not anticipated there will be the need for any commercial vehicles (per the TIF policy) to visit the property.

2. Application information doesn't include estimated daily trips for dropping off vehicles for service associated with either land use (automotive repair or car restoration). Provide further description if vehicles will be dropped off with service provided same day. Include trips under #22 and revise application as necessary.

A: Due to the extensive nature of repairs performed at this repair/restoration shop, any necessary work is highly unlikely to be completed in one day.

3. It would be assumed customers would stop by time to time to look at vehicles during a restoration as well. Include trips under #22 and revise application as necessary.

A: It is anticipated customer trips to/from the property to "inspect" the work being completed are included in item #1 as photographic and telephone updates are provided to customers on an ongoing basis.

4. What size (length and width) are the commercial vehicles for products/materials/parts?

A: It is not anticipated there will be the need for any commercial vehicles (per the TIF policy) to visit the property.

5. Are the vehicles being worked on brought to the site with a trailer? If so, what is the anticipated size truck and trailer?

A: Any cars brought to the property are done so to allow for turnarounds within the parking lot specifications on the property. This is anticipated to be less than 1 car every 3 months. Any restoration projects are brought to the property on standard industry bumper-pull car trailers by standard pick-up trucks. Car trailers are approximately 20' in length.

- 
6. Site plan doesn't indicate a turnaround area for dropping off vehicles if trailers would be used. Describe drop offs and location.

A: See plan in item #5; no additional turnaround area shall be necessary as each vehicle project will be able to be placed in a designated spot per site plan at the time of drop off.

Planning & Zoning Updates:

**1. Will there be retail sales of any nature on the premises?**

A: No

**2. Specify how many customers you anticipate in one business day.**

A: One or less; Due to the extensive nature of repairs performed at this repair/restoration shop, any necessary work is highly unlikely to be completed in one day.

**3. Clarify that the proposed employee is yourself.**

A: Yes, only one employee – Deric Hulett

**4. Provide an updated site plan showing the location of exterior parking stalls. Please provide the dimensions.**

A: See attached updated site plan

**5. Update the narrative to include all floor drains used for the business. No drains shall be permitted to be connected to a septic system.**

A: 5 drains are planned; they will drain to an appropriate receptacle to be disposed of by forementioned disposal companies per necessary guidelines. These will not be connected to the septic system.

**6. Will a dumpster be included on-site? If so, please update the site plan to reflect its location as well as any required screening. If not, please specify your plan for waste disposal.**

A: Proper waste management will be established with the local waste management company, ie Honey Creek Disposal. This will be properly placed on the property per county standards based on the type and number of waste receptacles deemed to be appropriate.

**7. A commercial building permit will be required for the proposed auto repair shop. Stamped plans, by an architect or engineer, will need to be submitted with the building permit, in compliance with 2006 International Building Code, as adopted by Leavenworth County. A code footprint establishing use will also need to be submitted.**

A: Permit will be obtained prior to building construction and stamped building plans will be supplied upon receipt

**8. No outdoor storage of materials or vehicles will be permitted.**

A: As stated throughout the narrative all materials will be stored per necessary guidelines, and vehicles will be maintained within the building while undergoing maintenance, repair, and/or restoration.

**9. The use, storage and disposal of any chemicals, lubricants, oils, fluids or hazardous materials must comply with the all Local, State and Federal requirements.**

A: Faster Dynamics LLC takes safety very seriously. The business utilizes chemicals such as Brake-Clean, water-soluble parts cleaner and water-soluble cleaning agents at times to complete necessary maintenance, repairs and enhancements to the vehicles requiring service. All agents utilized are stored per guidelines for each chemical, as well as cabinets are available to ensure continued proper handling and appropriate storage. Any chemicals in need of disposal are done so by utilizing large disposal containers which are then hauled away by a licensed company as appropriate. The licensed companies utilized are Safety Kleen or Crystal Clean, for example.

**10. The applicant shall provide a certificate of general liability insurance in the amount of \$1,000,000 and shall indicate Leavenworth County as the certificate holder prior to commencement of activities on the site.**

A: This will be supplied to the county upon receipt

**11. No signage shall be allowed in the right-of-way. Sign permits shall be required for any on-site or off-site signage. The applicant shall provide an owner authorization form for any off-site signs. All signage shall comply with Article 25, Sign Regulations of the Leavenworth County Zoning and Subdivision Regulations. No Attention-getting device shall be permitted with this approval.**

A: Faster Dynamics LLC would be identified by a sign sized 3' by 2' bearing the business' logo above the door of the building.

**12. No on-street parking shall be allowed.**

A: Noted and not anticipated to be a problem

**13. Any light generated from the proposed business shall be limited to 0.00 foot-candles net gain, as measured from the property line.**

A: The business will hold operating hours of 8:00am-2:00pm Monday through Friday and by appointment on Saturday. No anticipated concerns with this guideline.

**14. Any noise generated from the proposed business shall be limited to 60 dBs, as measured from the property line.**

A: Any noise or sounds generated by automotive repair will be housed within the building itself; as well as any odors or fumes will be contained indoors.

**15. All waste generated from the proposed business shall be disposed of in a manner that meets all local, state and federal requirements.**

A: Proper waste management will be established with the local waste management company, ie Honey Creek Disposal. This will be properly placed on the property per county standards based on the type and number of waste receptacles deemed to be appropriate.

**16. Applicant shall not cause or allow any public nuisance to exist on the subject property**

A: The applicant expects no concerns to arise related to this guideline.

**All updates per specified notations received within the email from Leavenworth County on 4/25/2023 are below in blue.**

**Public Works Updates:**

Olsson Response (4.25.23): Per the 2023.04.19 Narrative, traffic generation is planned for 1 employee (2 trips per day or 10 per week), 15 passenger vehicles per week for vehicle drop off (30 trips per week), 5 passenger vehicles per week for products/materials/parts (10 trips per week). Confirm trips to the site weekly is 50 trips per week?

A. This is correct and the narrative has been updated to reflect this.

Olsson Response (4.25.23): Proposed use including bumper-pull car trailers and trash truck. Driveway entrance to be constructed per the County's commercial/industrial driveway standard with a minimum of 24' width or the applicant can conduct a turning movement memo for the most conservative vehicle (truck/trailer or trash truck) for exiting/entering into the property from the right-of-way to determine driveway entrance width. Turning movement memo to be conducted by a professional engineer licensed in the State of Kansas.

A. Driveway will meet the minimum of 24' width as stated above.

**Planning & Zoning Updates:**

1. Provide an updated with the parking stall dimensions.

A. Please see attached

2. On the original narrative, provided March 30, 2023, in the fourth paragraph, you included a sentence describing the type of vehicles/work that would be performed on the property (reference to fire department vehicles). In the narrative provided on April 19, 2023, that sentence was not included. Staff recommends putting that back into your narrative.

A. This was inadvertently removed; it has been replaced.

**Emergency Management:**

Amy, I have reviewed the special use permit for the operation of a automotive repair and Restoration Shop, by Deric Hulett. I would ask that maybe a sign within in the shop be posted stating emergency procedures in the event of severe weather, fire or medical emergency events and a sign posted on the outside of the building with 24-hour emergency contacts. I would also like to see a plan of proper disposal of used oils, fuels, tires and used goods be addressed for this site even though the applicant states he has a contractor he just addresses the chemicals not car parts, tires and so on. . I would still ask that an All Hazard weather alert radio be placed within the facility to alert of hazards approaching for staff and customers. A severe weather plan should be developed of where would the staff and customers go for safety. No outdoor burning should be allowed for commercial generated waste. A tour of the facility for the local fire department for pre-planning should be accommodated in the event of incident at this location. I have no further comments at this time. If you have any questions please call me at 684-0455.

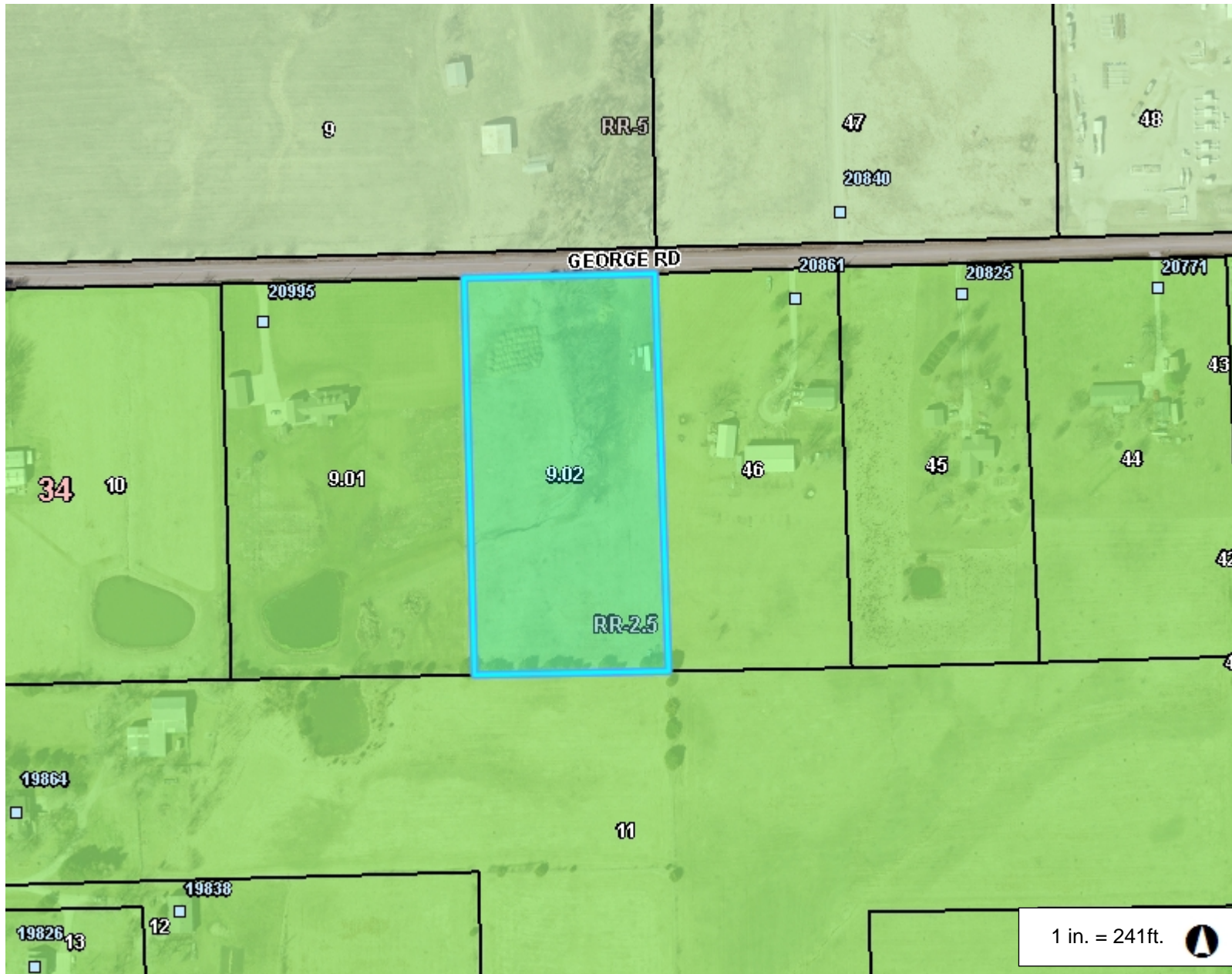
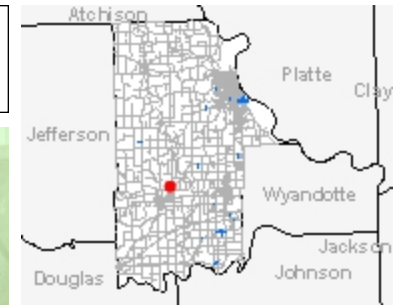
A: Per the narrative, many of the emergency preparedness standard operating procedures will be established and posted per guidelines once the building is erected, so each procedure is established appropriately within the completed structure. This will include a weather radio. Stranger Creek Township Fire Department will be consulted to ensure proper labeling/signage is within recommended guidelines.

Car parts are disposed of via a scrap container and taken to an appropriate disposal/recycle site; all returns to the auto part store of purchase are completed per that store's guidelines for appropriate in the event something such as a core needs to be returned.

Tires are disposed of through a proper company – most recently utilized Tire Town – per the state of KS guidelines for tire management.

Used oil is disposed of via an appropriate bulk fluid container and when needed is picked up by appropriate recycling company such as Safety Kleen or Crystal Clean.

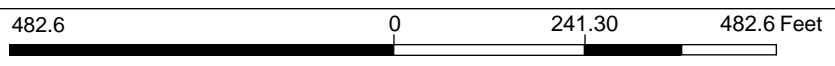
# DEV-23-046 Zoning Map



## Legend

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

1 in. = 241ft.



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

THIS MAP IS NOT TO BE USED FOR NAVIGATION

## Notes

## Allison, Amy

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**From:** Rural Water District 9 lvrwd9 <lvrwd9@gmail.com>  
**Sent:** Monday, April 3, 2023 1:32 PM  
**To:** Allison, Amy  
**Cc:** Magaha, Chuck; Anderson, Kyle; Miller, Jamie; Patzwald, Joshua; Brown, Misty; Noll, Bill; Mitch Pleak; McAfee, Joe; Mark B; amanda.holloway@freestate.coop; PZ  
**Subject:** Re: DEV-23-046 Special Use Permit – Faster Dynamics

**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.

LVRWD#9 can supply water to the above named address and/or location. Currently the owner of the property, Lauren Hulett owns a benefit unit for that property and is current and in good standings with the district.



Virus-free. [www.avast.com](http://www.avast.com)

On Mon, Apr 3, 2023 at 1:04 PM Allison, Amy <[AAllison@leavenworthcounty.gov](mailto:AAllison@leavenworthcounty.gov)> wrote:

Good Afternoon,

The Department of Planning and Zoning has received an application for a Special Use Permit regarding an auto service station & repair business at 00000 George Road (PID 148-34-0-00-00-009.02).

The Planning Staff would appreciate your written input in consideration of the above request. Please review the attached information and forward any comments to us by Tuesday, April 11, 2023.

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



## Allison, Amy

---

**From:** Amanda Tarwater <amanda.tarwater@freestate.coop>  
**Sent:** Wednesday, April 5, 2023 11:36 AM  
**To:** Allison, Amy  
**Subject:** RE: DEV-23-046 Special Use Permit – Faster Dynamics

**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:** Allison, Amy <AAllison@leavenworthcounty.gov>  
**Sent:** Monday, April 3, 2023 1:05 PM  
**To:** Magaha, Chuck <cmagaha@lvsheriff.org>; Anderson, Kyle <KAnderson@leavenworthcounty.gov>; Miller, Jamie <JMiller@leavenworthcounty.gov>; Patzwald, Joshua <jpatzwald@lvsheriff.org>; Brown, Misty <MBrown@leavenworthcounty.gov>; Noll, Bill <BNoll@leavenworthcounty.gov>; 'Mitch Pleak' <mpleak@olsson.com>; McAfee, Joe <JMcAfee@leavenworthcounty.gov>; 'Mark B' <stfdchief1760@gmail.com>; Amanda Tarwater <amanda.tarwater@freestate.coop>; 'Lvrwd9@gmail.com' <Lvrwd9@gmail.com>  
**Cc:** PZ <PZ@leavenworthcounty.gov>  
**Subject:** RE: DEV-23-046 Special Use Permit – Faster Dynamics

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**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="">

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Good Afternoon,

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The Planning Staff would appreciate your written input in consideration of the above request. Please review the attached information and forward any comments to us by Tuesday, April 11, 2023.

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)

## Allison, Amy

---

**From:** Anderson, Kyle  
**Sent:** Monday, April 10, 2023 8:37 AM  
**To:** Allison, Amy  
**Subject:** RE: RE: DEV-23-046 Special Use Permit – Faster Dynamics

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

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**From:** Allison, Amy <AAllison@leavenworthcounty.gov>  
**Sent:** Monday, April 3, 2023 1:05 PM  
**To:** Magaha, Chuck <cmagaha@lvsheriff.org>; Anderson, Kyle <KAnderson@leavenworthcounty.gov>; Miller, Jamie <JMiller@leavenworthcounty.gov>; Patzwald, Joshua <jpatzwald@lvsheriff.org>; Brown, Misty <MBrown@leavenworthcounty.gov>; Noll, Bill <BNoll@leavenworthcounty.gov>; 'Mitch Pleak' <mpleak@olsson.com>; McAfee, Joe <JMcAfee@leavenworthcounty.gov>; 'Mark B' <stfdchief1760@gmail.com>; 'amanda.holloway@freestate.coop' <amanda.holloway@freestate.coop>; 'Lvrwd9@gmail.com' <Lvrwd9@gmail.com>  
**Cc:** PZ <PZ@leavenworthcounty.gov>  
**Subject:** RE: DEV-23-046 Special Use Permit – Faster Dynamics

Good Afternoon,

The Department of Planning and Zoning has received an application for a Special Use Permit regarding an auto service station & repair business at 00000 George Road (PID 148-34-0-00-00-009.02).

The Planning Staff would appreciate your written input in consideration of the above request. Please review the attached information and forward any comments to us by Tuesday, April 11, 2023.

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  
913.364.5757

# MEMO

**To:** Amy Allison  
**From:** Chuck Magaha  
**Subject:** Faster Dynamics LLC  
**Date:** April 24, 2023

Amy, I have reviewed the special use permit for the operation of a automotive repair and Restoration Shop, by Deric Hulett. I would ask that maybe a sign within in the shop be posted stating emergency procedures in the event of severe weather, fire or medical emergency events and a sign posted on the outside of the building with 24-hour emergency contacts. I would also like to see a plan of proper disposal of used oils, fuels, tires and used goods be addressed for this site even though the applicant states he has a contractor he just addresses the chemicals not car parts, tires and so on. . I would still ask that an All Hazard weather alert radio be placed within the facility to alert of hazards approaching for staff and customers. A severe weather plan should be developed of where would the staff and customers go for safety. No outdoor burning should be allowed for commercial generated waste. A tour of the facility for the local fire department for pre-planning should be accommodated in the event of incident at this location. I have no further comments at this time. If you have any questions please call me at 684-0455.



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

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April 25, 2023

To: Deric Hulett  
Faster Dynamics, LLC  
1941 Jackson Dr  
Tonganoxie, KS 66086

Re: Special Use Permit  
DEV-23-046

Mr. Hulett,

Staff has reviewed the application and narrative for Faster Dynamics, LLC, which was submitted on March 31, 2023.

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

1. Provide an updated with the parking stall dimensions.
2. On the original narrative, provided March 30, 2023, in the fourth paragraph, you included a sentence describing the type of vehicles/work that would be performed on the property (reference to fire department vehicles). In the narrative provided on April 19, 2023, that sentence was not included. Staff recommends putting that back into your narrative.
3. Condition of Approval - No drains shall be permitted to be connected to a septic system.
4. Condition of Approval – If the applicant uses a dumpster, said dumpster shall be placed on the property and screened from the county roadway.
5. Condition of Approval - A commercial building permit will be required for the proposed auto repair shop. Stamped plans, by an architect or engineer, will need to be submitted with the building permit, in compliance with 2006 International Building Code, as adopted by Leavenworth County. A code footprint establishing use will also need to be submitted.
6. Condition of Approval - No outdoor storage of materials or vehicles will be permitted.
7. Condition of Approval - The use, storage and disposal of any chemicals, lubricants, oils, fluids or hazardous materials must comply with the all Local, State and Federal requirements.

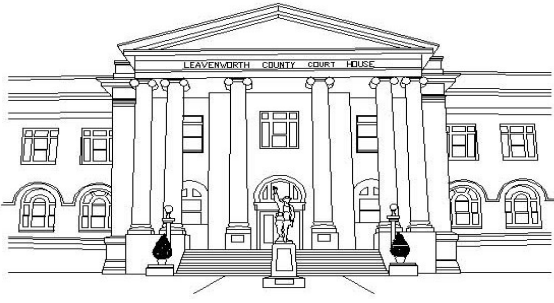
8. Condition of Approval - The applicant shall provide a certificate of general liability insurance in the amount of \$1,000,000 and shall indicate Leavenworth County as the certificate holder prior to commencement of activities on the site.
9. Condition of Approval - No signage shall be allowed in the right-of-way. Sign permits shall be required for any on-site or off-site signage. The applicant shall provide an owner authorization form for any off-site signs. All signage shall comply with Article 25, Sign Regulations of the Leavenworth County Zoning and Subdivision Regulations. No Attention-getting device shall be permitted with this approval.
10. Condition of Approval - No on-street parking shall be allowed.
11. Condition of Approval - Any light generated from the proposed business shall be limited to 0.00 foot-candles net gain, as measured from the property line.
12. Condition of Approval - Any noise generated from the proposed business shall be limited to 60 dBs, as measured from the property line.
13. Condition of Approval - All waste generated from the proposed business shall be disposed of in a manner that meets all local, state and federal requirements.
14. Condition of Approval - Applicant shall not cause or allow any public nuisance to exist on the subject property

The next submittal deadline is May 19, 2023. If the revision and information is not received and accepted by that date, the case will be continued and rescheduled.

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

Respectfully,

Amy Allison  
Deputy Director  
Planning and Zoning  
Leavenworth County



# COUNTY OF LEAVENWORTH

## Department of Public Works

300 Walnut, Suite 007

Leavenworth, Kansas 66048-2815

Phone (913) 684-0470

Fax (913) 684-0473

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May 4, 2023

### **Faster Dynamics SUP DEV-23-046 – Public Works Review**

The Public Works Department have reviewed the following documents:

- 2023.03.30 Building Proposed.
- 2023.03.30 Narrative.
- 2023.03.30 Questions Concerning SUP.
- 2023.03.31 Application.
- 2023.03.31 Site Plan.
- 2023.04.19 Application
- 2023.04.19 Narrative
- 2023.04.19 Response to Comments
- 2023.04.30 Narrative Update
- 2023.04.30 Site plan
- 2023.04.30 SUP Questions Updates

Below are comments from the received documents listed above. Direct any questions to Amy Allison at [aallison@leavenworthcounty.gov](mailto:aallison@leavenworthcounty.gov).

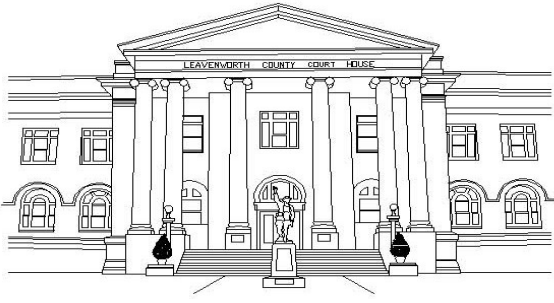
George Rd is a gravel surfaced roadway. Routes to the site are hard surfaced roadways to George Rd.

Improvements including the building, septic, and lighting to be reviewed under a separate application.

### **Comment Responses:**

1. Olsson Comment (4.11.23): From the document titled "Questions Concerning SUP, #22b and c indicates the number of trips and deliveries of products/materials.
  - a. Olsson Comment (4.11.23): #22c indicates 3 trips. Are trips daily or weekly? If #22c trips are weekly, would the total trips including #22b trips for products/materials be 10 trips (7+3)?

Applicant Response (4.19.23): One employee to travel to/from the premises each day and approximately twenty vehicles traveling to/from the premises per week for other purposes (parts/material/customers). It is not anticipated there will be the need for any commercial vehicles (per the TIF policy) to visit the property.



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Olsson Response (4.25.23): Per the 2023.04.19 Narrative, traffic generation is planned for 1 employee (2 trips per day or 10 per week), 15 passenger vehicles per week for vehicle drop off (30 trips per week), 5 passenger vehicles per week for products/materials/parts (10 trips per week). Confirm trips to the site weekly is 50 trips per week?

Applicant Response (4.30.23): This is correct and the narrative has been updated to reflect this.

Olsson Response (5.04.23): No further comment.

- b. Olsson Comment (4.11.23): What is the difference between #22b and #22c trips?

Applicant Response (4.19.23): No response provided.

Olsson Response (4.25.23): See Olsson Response in #1(a).

Olsson Response (5.04.23): Per applicant response in #1(a) dated 4.30.23, Olsson has no further comment.

- c. Olsson Comment (4.11.23): Define trips as commercial and/or passenger. Definition of a commercial vehicle can be found in the TIF policy.

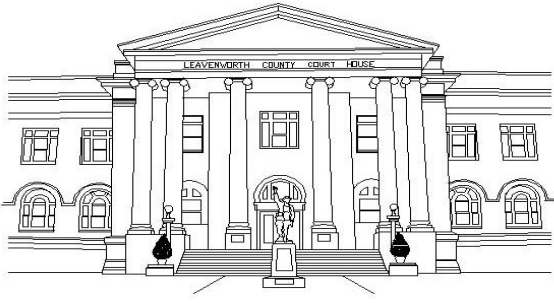
Applicant Response (4.19.23): No response provided.

Olsson Comment (4.25.23): Per applicant response in #1(a), Olsson has no further comment.

2. Olsson Comment (4.11.23): Application information doesn't include estimated daily trips for dropping off vehicles for service associated with either land use (automotive repair or car restoration). Provide further description if vehicles will be dropped off with service provided same day. Include trips under #22 and revise application as necessary.

Applicant Response (4.19.23): Due to the extensive nature of repairs performed at this repair/restoration shop, any necessary work is highly unlikely to be completed in one day.

Olsson Response (4.25.23): No further comment.



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3. Olsson Comment (4.11.23): It would be assumed customers would stop by time to time to look at vehicles during a restoration as well. Include trips under #22 and revise application as necessary.

Applicant Response (4.19.23): It is anticipated customer trips to/from the property to “inspect” the work being completed are included in item #1 as photographic and telephone updates are provided to customers on an ongoing basis.

Olsson Response (4.25.23): No further comment.

4. Olsson Comment (4.11.23): What size (length and width) are the commercial vehicles for products/materials/parts?

Applicant Response (4.19.23): It is not anticipated there will be the need for any commercial vehicles (per the TIF policy) to visit the property.

Olsson Response (4.25.23): Per the 2023.04.19 Response to Comments, Honey Creek Disposals will provide waste management. See also Olsson response (04.25.23) in #5 regarding use of vehicles with trailers.

Olsson Response (5.04.23): Per applicant response in #5 dated 4.30.23, Olsson has no further comment.

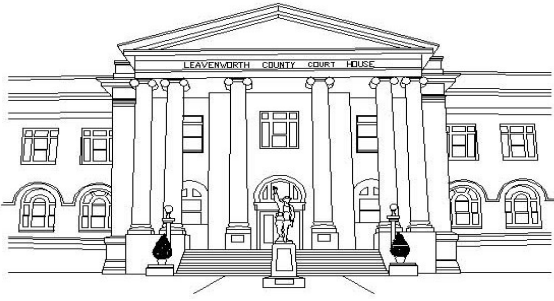
5. Olsson Comment (4.11.23): Are the vehicles being worked on brought to the site with a trailer? If so, what is the anticipated size truck and trailer?

Applicant Response (4.19.23): Any cars brought to the property are done so to allow for turnarounds within the parking lot specifications on the property. This is anticipated to be less than 1 car every 3 months. Any restoration projects are brought to the property on standard industry bumper-pull car trailers by standard pick-up trucks. Car trailers are approximately 20' in length.

Olsson Response (4.25.23): Proposed use including bumper-pull car trailers and trash truck. Driveway entrance to be constructed per the County's commercial/industrial driveway standard with a minimum of 24' width or the applicant can conduct a turning movement memo for the most conservative vehicle (truck/trailer or trash truck) for exiting/entering into the property from the right-of-way to determine driveway entrance width. Turning movement memo to be conducted by a professional engineer licensed in the State of Kansas.

Applicant Response (4.30.23): Driveway will meet the minimum of 24' width as stated above.





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Olsson Response (5.04.23): No further comment.

6. Olsson Comment (4.11.23): Site plan doesn't indicate a turnaround area for dropping off vehicles if trailers would be used. Describe drop offs and location.

Applicant Response (4.19.23): See plan in item #5; no additional turnaround area shall be necessary as each vehicle project will be able to be placed in a designated spot per site plan at the time of drop off.

Olsson Response (4.25.23): No further comment.

May 30, 2023

JUN 01 2023

Leon K & Anita L Bell  
19915 207<sup>th</sup> Street  
Tonganoxie, KS 66086-4115

Amy Allison, Deputy Director  
Leavenworth County Planning & Zoning Dept  
Court house, 300 Walnut  
Leavenworth, KS 66048

**RE:** NOTICE OF PUBLIC HEARING  
Leavenworth County Planning Commission to hold a public hearing regarding an application (DEV-23-046) for a Special Use Permit for a Auto Service Station & Repair for Faster Dynamics, a vehicle repair shop; such use being listed in Article 19, Table of Uses, in the Leavenworth County Zoning and Subdivision Regulations.

The Special Use Permit (DEV-23-046) request is for the following described property:

**A tract of land in the Northwest corner of the Southwest Quarter of Section 34, Township 10 South, Range 21 East of the 6<sup>th</sup> P.M., in Leavenworth County, Kansas.**

**Request submitted by Deric Hulett, Faster Dynamics, LLC  
Address: 00000 George Rd  
Parcel ID number: 148-34-0-00-00-009.02**


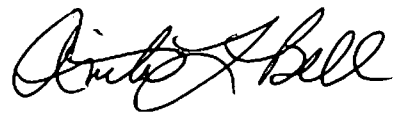
The hearing will be held on Wednesday the 14<sup>th</sup> day of June, 2023 at 5:30 p.m., in the Meeting Room, located on the second floor of the Leavenworth County Courthouse, 300 Walnut Street, Leavenworth, Kansas.

Dear Ms. Allison,

We are not in opposition to Mr Hulett's plans for an Auto Repair Service Station and Repair Shop on George Road in Leavenworth County, KS. We do feel if George Road is going to have increased traffic, it should be hard surfaced for that commercial traffic.

Please forward this letter to the Leavenworth County Planning Commission's hearing on June 14, 2023. We are unable to attend that hearing.

Sincerely,

 & 

# Leavenworth Times Affidavit of Publication

County of Leavenworth  
State of Kansas  
NOTICE OF PUBLIC HEARING

Notice is hereby given for the Leavenworth County Planning Commission to hold a public hearing regarding an application (DEV-23-046) for a Special Use Permit for a Auto Service Station & Repair for Faster Dynamics, a vehicle repair shop; such use being listed in Article 19, Table of Uses, in the Leavenworth County Zoning and Subdivision Regulations. The Special Use Permit (DEV-23-046) request is for the following described property:

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Request submitted by Deric Hulett, Faster Dynamics, LLC

Address: 00000 George Rd  
Parcel ID number: 148-34-0-00-00-009.02

The hearing will be held on Wednesday the 14th day of June, 2023 at 5:30 p.m., in the Meeting Room, located on the second floor of the Leavenworth County Courthouse, 300 Walnut Street, Leavenworth, Kansas. Further information is available, including the full legal description, for inspection during regular business hours in the Leavenworth County Planning & Zoning Department.

We encourage public input. If you wish to provide comments in writing instead of in person, written comments must be received no later than noon Tuesday, June 13, 2023.

John Jacobson, Secretary  
Leavenworth County Planning Commission Publish by 5/24/2023

Published in the Leavenworth Times, May 23, 2023.

I, Tammy Lawson, of lawful age, being first duly sworn on oath, states, that she is a Legal Representative of the Times, a daily newspaper, printed and published in Leavenworth, Leavenworth County, Kansas, that said newspaper has been published for at least Fifty (50) Times a year and has been so published for at least five (5) years prior to the first publication of the attached Notice that said newspaper has a general paid circulation on a monthly and yearly basis in Leavenworth County, Kansas and is not a trade, religious or fraternal publication and has been printed and published in Leavenworth County, Kansas and has a general paid circulation in said County. The attached Notice was published on the following dates in a regular issue of said newspaper.

Publication was made on the 23<sup>rd</sup> day of May, 2023.

WITNESS my hand this 23<sup>rd</sup> day of May, 2023.

Tammy Lawson  
Legal Representative

Subscribe and sworn before me, this 23 day of May, 2023.

Rebecca A. Broom  
Notary Public

My Commission Expires: 6/7/23

