

## LEAVENWORTH COUNTY PLANNING COMMISSION

Agenda for a Regular Meeting of 5:30 P.M., Wednesday, December 13, 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. **Regular Agenda**

**A. Case DEV-23-120 Final Plat Highland Meadows**

Consideration of a Final Plat for 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., Leavenworth County, Kansas.

**Also known as 00000 Sandusky Rd., Tonganoxie**

**PID: 193-07-0-00-00-006 & 194-18-0-00-00-007**

**B. Case DEV-23-145 Final Plat Garden Villa**

Consideration of a Final Replat of Lots 9A and 9B, Deer Mound Subdivision, Leavenworth County, Kansas.

**Also known as 00000 254th Street, Lawrence**

**PID: 211-02-0-00-00-001.10 & 001.14**

**C. Case DEV-23-140 Rezoning Blaser Farms**

Consideration of a rezoning request from RR-5 zoning district to RR-2.5 zoning on the following described property: Lots 1 – 8, Blaser Farms, a Minor Subdivision in the Southwest Quarter of Section 30, Township 9 South, Range 22 East of the 6th P.M., Leavenworth, Kansas.

**Also known as 25476 187th St. and 25341 183rd St. Leavenworth**

**PID: 109-30-0-00-00-005.08, 005.09, 005.10, 005.11, 005.12, 005.13, 005.14, 005.15**

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

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

**D. Case DEV-23-141 Rezoning Young**

Consideration of a rezoning request from RR-2.5 & RR-5 zoning district to RR-2.5 zoning district on the following described property: A tract of land located in the Northwest Quarter of 28, Township 09, Range 22, East of the 6th P.M., Leavenworth County, Kansas.

**Also known as 25680 Tonganoxie Rd., Leavenworth**

**PID: 108-28-0-00-00-009.00**

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

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

**E. Case DEV-23-142 Rezoning B&J Lansing LLC**

Consideration of a rezoning request from RR-5 zoning district to R1 (43) zoning district on the following described property: The North Half of the Southwest Quarter of Section 28, Township 9 South, Range 22 East of the 6th P.M., Leavenworth County, Kansas, except part taken or used for road purposes. AND the Southeast Quarter of the Southwest Quarter of Section 28, Township 9 South, Range 22 East of the 6th P.M., Leavenworth County, Kansas, except part taken or used for road purposes.

**Also known as 00000 Gilman Road, Lansing**

**PID: 108-28-0-00-00-011.01**

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

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

**F. Case DEV-23-146 Rezoning Miles**

Consideration of a rezoning request from RR-2.5 zoning district to R1 (43) zoning district on the following described property: Tract of land in the South Half of the Southwest Quarter of Section 33, Township 10 South, Range East of the 6th P.M., in Leavenworth County, Kansas.

**Also known as 171st Street, Basehor**

**PID: 158-33-0-00-00-036.00**

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

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

**Adjournment of Planning Commission**

**Upcoming meeting dates:**

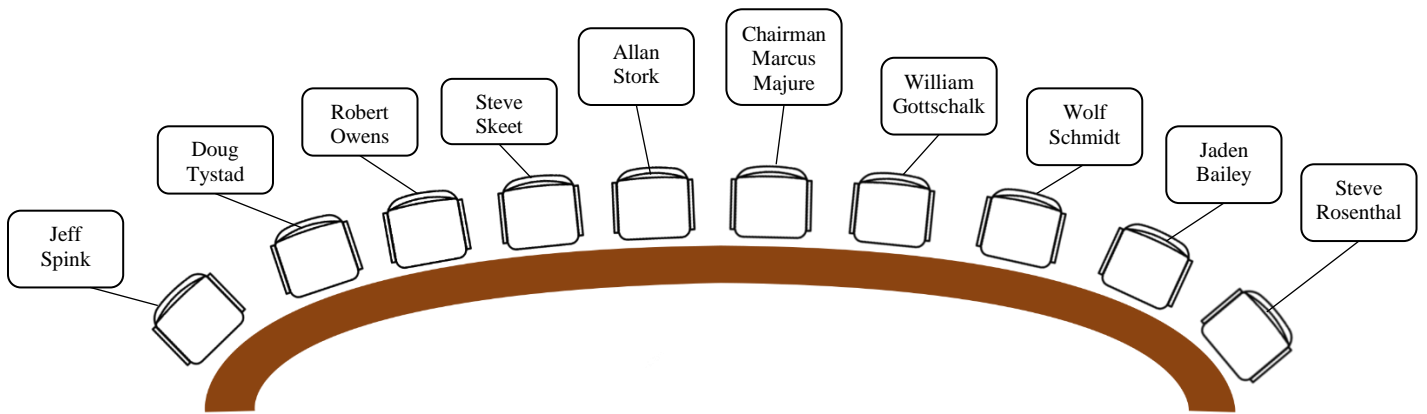
**Wednesday, January 10, 2024, 5:30 PM  
Regular Planning Commission Meeting**

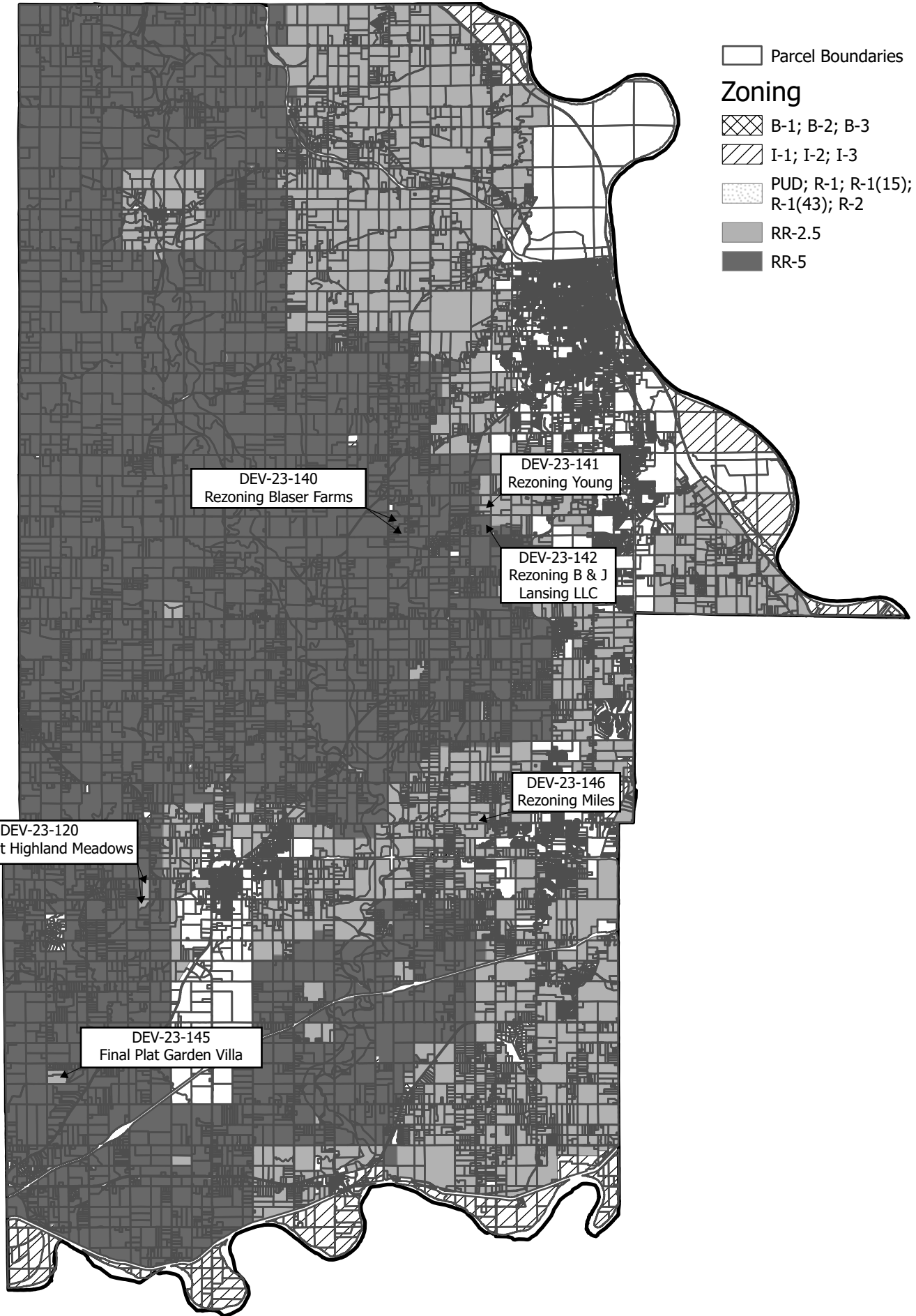
**For More Information**

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  
November 8, 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:** Doug Tystad, William Gottschalk, Jeff Spink, Marcus Majure, Steve Rosenthal, Allan Stork, Wolf Schmidt Jaden Bailey, Robert Owens, and Steve Skeet

**Members absent:** none

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

**Minutes:** Commissioner Schmidt made a motion to approve the minutes. Commissioner Spink seconded the motion.

**ROLL CALL VOTE - Motion to approve the minutes passed, 8/0 (1 abstention)**

**Secretary's Report:** John Jacobson gave the secretary's report going over the agenda. Indicating that there were two plats on the consent agenda. Approval of the agenda will approve those plats.

**Declarations:** Commissioner Rosenthal stated that he would need to abstain from DEV-23-137.

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

**ROLL CALL VOTE - Motion to approve the agenda passed, 9/0**

**Case DEV-23-136 Special Use Permit Tri-Hull Crane Rental, LLC  
Consideration of an application for a Special Use Permit for a Contractor's Yard for Tri-Hull Crane Rental, on a tract of land in the Southeast quarter of Section 11, Township 12, Range 20 East of the 6<sup>th</sup> P.M., Leavenworth County, Kansas.**

John Jacobson gave the staff report for the above-listed case. Jacobson outlined the history of the current Special Use Permit and stipulations that the Board of County Commissioners gave with the approved original application.

Chairman Majure asked if there were any questions or discussions from the board. The public hearing was opened and the applicant/agent was invited to come forward. The applicant's attorney, Kurt Brack, Brown and Ruprecht Attorneys at Law, came forward to describe the request and answer any questions from the board.

Chairman Majure asked if there was anyone present wishing to speak in favor or opposition. A resident came forward to speak in opposition. The public comment portion of the hearing was closed.

Chairman Majure asked if there were any further questions or discussions from the board. Commissioner Gottschalk asked the resident to return to the podium for clarification on an item stated. Chairman Majure said he would accept a motion.

**Commissioner Rosenthal motioned to approve the Special Use Permits with the conditions set forth in the staff report. Commissioner Schmidt seconded the motion.**

**ROLL CALL VOTE - Motion to approve passed 9/0**

**Case DEV-23-118 Rezoning from RR-2.5 to R1 (43)**

**Consideration of a rezoning request from RR-2.5 zoning district to R1 (43) zoning district on the following described property: The North 908.37 feet of the Southeast ¼ of Section 16, Township 11 South, Range 22 East of the Sixth P.M. in Leavenworth County, Kansas.**

John Jacobson gave the staff report for the above-listed case. Jacobson reminded the Planning Commission that the public hearing was opened and closed at a previous meeting. A conceptual plan was given to assist in the determination of the board's recommendation.

Chairman Majure asked if there were any questions or discussions from the board. There was discussion about the request amongst board members and staff.

County Counselor, Misty Brown, stated that she watched the prior meetings for this request in preparation for this meeting. Ms. Brown went over the history of this case and clarified the motions that were made by the Board of County Commissioners when they remanded it back to the Planning Commission.

Chairman Majure said he would accept a motion.

**Commissioner Stork motioned to approve the Rezoning request DEV-23-118. Commissioner Schmidt seconded the motion.**

**ROLL CALL VOTE - Motion to approve passed 7/2**

*Commissioner Bailey voted no to approval stating that he did not feel it fit the character of the neighborhood.*

*Commissioner Skeet voted no to approval for the same reason as Commissioner Bailey.*

**Case DEV-23-137 Rezoning from RR-2.5 to R1 (43)**

**Consideration of a rezoning request from RR-2.5 zoning district to R1 (43) zoning district on the following described property: The northwest Quarter of Section 15, Township 11 South, Range 22 East of the Sixth P.M., in Leavenworth County, Kansas.**

John Jacobson gave the staff report for the above-listed case.

Chairman Majure asked if there were any questions or discussions from the board. The public hearing was opened and the applicant/agent was invited to come forward. The applicant Mike Reilly, came forward to describe the request and answer any questions from the board.

Chairman Majure asked if there was anyone present wishing to speak in favor or opposition. Multiple residents came forward to speak in opposition. The public comment portion of the hearing was closed.

Chairman Majure asked if there were any further questions or discussions from the board. Discussion was had between board members.

**Commissioner Stork motioned to approve Case DEV-23-137 a rezoning from RR-2.5 to R1 (43). Commissioner Owens seconded the motion.**

**ROLL CALL VOTE - Motion to approve passed 6/2 (1 abstention)**

*Commissioner Bailey voted no to approval stating that he did not feel it fit the character of the neighborhood.*

*Commissioner Skeet voted no to approval for the same reason as Commissioner Bailey.*

*Commissioner Rosenthal abstained from this case.*

**Meeting was adjourned 7:29 PM**

**LEAVENWORTH COUNTY PLANNING COMMISSION**  
**Work Session**  
**November 8, 2023**

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

**Members present:** Doug Tystad, William Gottschalk, Jeff Spink, Marcus Majure, Steve Rosenthal, Allan Stork, Wolf Schmidt Jaden Bailey, Robert Owens, and Steve Skeet

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

Work session on adoption of Development Plans for Rezoning with certain criteria.

**LEAVENWORTH COUNTY  
PLANNING COMMISSION  
STAFF REPORT**

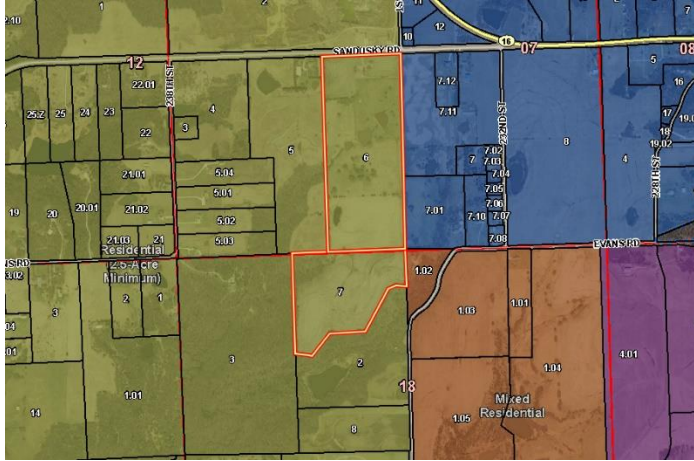
CASE NO: DEV-23-120 Final Plat Highland Meadows

December 13, 2023

REQUEST: **Consent Agenda**  
 Preliminary Plat       Final Plat

**STAFF REPRESENTATIVE:**  
 JOHN JACOBSON  
 DIRECTOR

**FUTURE LAND USE:** Residential 2.5 Acres



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

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

**CONCURRENT APPLICATIONS:**  
 NONE

**LAND USE**

ZONING: RR 2.5

FUTURE LAND USE DESIGNATION:  
 RR 2.5

**LEGAL DESCRIPTION:**

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 P.M., Leavenworth County, Kansas.

SUBDIVISION: N/A

FLOODPLAIN: Area of minimal flood hazard (Zone X)

**STAFF RECOMMENDATION:** APPROVAL

**PROPERTY INFORMATION**

**ACTION OPTIONS:**

1. Recommend approval of Case No. DEV-23-120, Preliminary & Final Plat for Highland Meadows, to the Board of County Commission, with or without conditions; or
2. Recommend denial of Case No. DEV-23-120, Preliminary & Final Plat for Highland Meadows, to the Board of County Commission for the following reasons; or
3. Continue the hearing to another date, time, and place.

PARCEL SIZE:  
 96.26 ACRES

PARCEL ID NO:  
 193-07-0-00-00-006 &  
 194-18-0-00-00-007

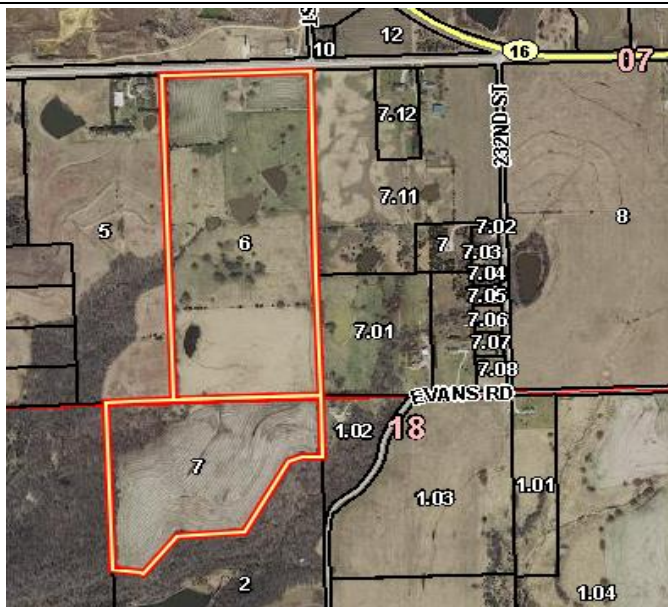
BUILDINGS:  
 N/A

**PROJECT SUMMARY:**

Request for a final plat approval to subdivide property located at 00000 Sandusky Rd. (193-07-0-00-00-006 & 194-18-0-00-00-007) as Lots 1 through 36 of Highland Meadows.

ACCESS/STREET:  
 Sandusky Rd - COUNTY Collector,  
 PAVED ± 24'

**Location Map:**



**UTILITIES**

SEWER: PRIVATE SEPTIC SYSTEM

FIRE: Tonganoxie

WATER: RWD 6

ELECTRIC: Evergy & Freestate

**NOTICE & REVIEW:**

STAFF REVIEW:  
 12/6/2023

NEWSPAPER NOTIFICATION:  
 N/A

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>	N/A	
40-20	<b>Final Plat Content</b>	X	
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	
	An exception to Article 50 – Section 40 was granted during the preliminary plat phase.		
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 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 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 proposal includes 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 multiple 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. This is a condition of approval of the Preliminary Plat. 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. An exception to Article 50, Section 40 from the Block Length maximum was approved during the preliminary plat phase. A notation has been added to the plat. Evergy has indicated that they will provide service to this subdivision with the appropriate extensions. This property is located within RWD 6. A water study has been performed for the subdivision.

**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 place a restriction on the plat that states “Engineered Construction documents will be required for lots 5, 6, 29, 31 & 32 prior to building permit issuance.”
6. A copy of the HOA agreement shall be provided with the final plat and proper notation be made on the face of the plat.
7. All public improvements shall be installed at the time of development. No future roadways will be supported
8. The developer must comply with the following memorandums:
  - a. Email – Timothy Smith, Tonganoxie TWSP FD, July 18, 2023
  - b. Memo – Mitch Pleak, Olsson, December 4, 2023

FINAL

PLAT APPLICATION

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

Tonganoxie  
464 33.80  
61.40

PID: <u>193-07</u>	<u>006.00</u>	Office Use Only	<u>194-18</u>	<u>007.00</u>
Township: <u>Tonganoxie</u>				
Planning Commission				
Case No. <u>DEV-23-</u>		Date Received/Paid: <u>08.21.2023</u>		
Zoning District <u>RR 2.5</u>				
Comprehensive Plan land use designation				

APPLICANT <u>AGENT</u> INFORMATION	OWNER INFORMATION
NAME: <u>Joe Herring</u>	NAME: <u>Orison LLC</u>
MAILING ADDRESS: <u>315 North 5th Street</u>	MAILING ADDRESS <u>1204 State Avenue</u>
CITY/ST/ZIP: <u>Leavenworth, KS 66048</u>	CITY/ST/ZIP <u>Tonganoxie, KS 66086</u>
PHONE: <u>913-651-3858</u>	PHONE: <u>N/A</u>
EMAIL: <u>Herringsurveying@outlook.com</u>	EMAIL: <u>N/A</u>

GENERAL INFORMATION

Proposed Subdivision Name: HIGHLAND MEADOWS

Address of Property: 00000 Sandusky Road

Urban Growth Management Area: N/A

SUBDIVISION INFORMATION		
Gross Acreage: <u>96 AC</u>	Number of Lots: <u>36</u>	Minimum Lot Size: <u>2.51 AC</u>
Maximum Lot Size: <u>3.2 AC</u>	Proposed Zoning: <u>RR 2.5</u>	Density: <u>N/A</u>
Open Space Acreage: <u>N/A</u>	Water District: <u>RWD 6</u>	Proposed Sewage: <u>Septic</u>
Fire District: <u>Tonganoxie</u>	Electric Provider: <u>Evergy &amp; Freestate</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? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No if yes, what is the panel number:		
I, the undersigned, am the owner, <u>duly authorized agent</u> , 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: <u>Joe Herring - digitally signed 7-9-2022</u>		Date: <u>7/9/22</u>

ATTACHMENT A

AFFIDAVIT

Authorization of Contractors or Individuals to Act as Agents of a Landowner  
COUNTY OF LEAVENWORTH  
STATE OF KANSAS

We/I CRISON LLC / GEORGE DANIEL LYNCH and \_\_\_\_\_

Being dully sworn, dispose and say that we/I are the owner(s) of said property located at -  
0000 SANDUSKY TOWNSHIP MOORE KS 66082, and that we authorize the following people or firms to act in our interest with the Leavenworth County Planning and Zoning Department for a period of one calendar year. Additionally, all statements herein contained in the information herewith submitted are in all respects true and correct to the best of our knowledge and belief.

Authorized Agents (full name, address & telephone number)

1) Joseph A. Herring – Herring Surveying Company 315 N. 5<sup>th</sup> Street, Leavenworth, KS 66048, 913-651-3858

2)

Signed and entered this 25<sup>th</sup> day of June, 2021.

GEORGE DANIEL LYNCH

Print Name, Address, Telephone

George Daniel Lynch

Signature

STATE OF KANSAS )

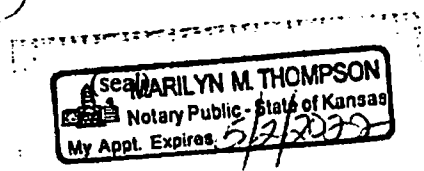
) SS

COUNTY OF LEAVENWORTH )

Be it remembered that on this 25<sup>th</sup> day of June 2021, before me, a notary public in and for said County and State came George Daniel Lynch to me personally known to be the same persons who executed the forgoing instrument of writing, and duly acknowledged the execution of same. In testimony whereof, I have hereunto set my hand and affixed my notary seal the day and year above written.

NOTARY PUBLIC Marilyn M. Thompson

My Commission Expires: May 2, 2022.



# 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.

## FINAL PLAT

PREPARED FOR:  
ORISON LLC  
1204 STATE AVE #STE A  
Tonganoxie, KS 66886  
PID NO. 193-01-00-00-005  
PID NO. 194-18-00-00-007

### SURVEYOR'S DESCRIPTION:

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, as written by Joseph A. Herring PS-1296 on August 23, 2021, 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 408.82 feet along the East line of said fractional Northwest Quarter; thence North 89 degrees 45'18" West for a distance of 132.60 feet; thence South 67 degrees 21'13" West for a distance of 103.84 feet; thence South 31 degrees 02'27" West for a distance of 642.13 feet; thence South 83 degrees 12'30" West for a distance of 455.80 feet; thence South 38 degrees 12'31" West for a distance of 377.48 feet; thence North 81 degrees 54'48" West for a distance of 232.20 feet to the West line of the East Half of said fractional Northwest Quarter of Section 18; thence North 01 degree 50'01" West for a distance of 1325.18 feet along said West line; thence North 67 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 degree 43'39" West for a distance of 2635.32 feet to the North line of said fractional Southwest Quarter of Section 7; thence North 89 degrees 01'07" East for a distance of 1025.22 feet along said North line to the point of beginning. Together with and subject to covenants, easements, and restrictions of record. Said property contains 96.26 acres, more or less, including road right of way. Error of Closure: 1 - .300496

### CERTIFICATION AND DEDICATION

The undersigned proprietors state that all taxes of the above described tract of land have been paid and that they have caused the same to be subdivided in the manner shown on the accompanying plat, which subdivision shall be known as: HIGHLAND MEADOWS. Easements shown on this plat are hereby dedicated for public use, the rights of any which are shown with dashed lines on the accompanying plat, and said easements may be employed to locate and maintain sewers, water lines, gas lines, poles and wires and any other form of public utility now and hereafter used by the public over, under and along the strips marked "Utility Easement" (U/E).

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

Streets shown on the accompanying plat and not heretofore dedicated for public use are hereby so dedicated by easement. Building Lines or Setback Lines (B.S.L.) are hereby established as shown on the accompanying plat and no building or portion thereof shall be built or constructed between this line and the street line.

### IN TESTIMONY WHEREOF

We, the undersigned owners of HIGHLAND MEADOWS, have set our hands this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

Gerald Daniel Lynch, Member of Orison LLC

### NOTARY CERTIFICATE:

Be it remembered that on this \_\_\_\_\_ day of \_\_\_\_\_, 2023, before me, a notary public in and for said County and State came Gerald Daniel Lynch, Member of Orison LLC, to be personally known to be the same persons who executed the foregoing instrument of writing, and duly acknowledged the execution of same. In testimony whereof, I have hereunto set my hand and affixed my notary seal the day and year above written.

### NOTARY PUBLIC:

My Commission Expires: \_\_\_\_\_ (seal)

### APPROVALS

We, the Leavenworth County Planning Commission, do hereby approve the foregoing plat of HIGHLAND MEADOWS this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

Secretary: John Jacobson  
Chairperson: Marcus Majure

### COUNTY ENGINEER'S APPROVAL:

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

### County Engineer - Mitch Pleak

### COUNTY COMMISSION APPROVAL:

We, the Board of County Commissioners of Leavenworth County, Kansas, do hereby approve the foregoing plat of HIGHLAND MEADOWS this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

Chairperson: Vicky Kaaz  
County Clerk: Janet Klaskinski

REGISTER OF DEED CERTIFICATE:  
Filed for Record as Document No. \_\_\_\_\_ on this \_\_\_\_\_ day of \_\_\_\_\_, 2023 at \_\_\_\_\_ o'clock \_\_\_\_\_ M in the Office of the Register of Deeds of Leavenworth County, Kansas.

Register of Deeds - Terrilous G. Mashburn

I hereby certify that this survey plat meets the requirements of K.S.A. 58-2005. The face of this survey plat was reviewed for compliance with Kansas Minimum Standards for Boundary Surveys. No field verification is required. This review is for survey information only.

Daniel Baunichen, PS#1363  
County Surveyor

01G West Quarter Corner Sec. 7-11-21  
1/2" Bar Found 2" Deep

N 88°01'07" E 3065.21'

SANDUSKY (100') ROAD  
Road Plans KS 52-S-973 (2)  
N 88°01'07" E 1025.22'

BM POB  
NE COR SW 1/4  
Sec. 7-11-21  
1/2" Bar Found 4" Deep

12-04-2023  
OLSSON &  
PW  
COMMENTS

Provide

### RESTRICTIONS:

- 1) All proposed structures within this plat shall comply with the Leavenworth County Zoning and Subdivision Regulations or zoning regulation jurisdiction.
- 2) An Engineered Waste Disposal System may be required due to poor soil conditions.
- 3) Erosion and sediment control measures shall be used when designing and constructing driveways and other structures. Re-vegetation of all disturbed areas shall be completed within 45 days after final grading.
- 4) Lots are subject to current Access Management Policy and only have access to Interior Subdivision Roads.
- 5) Off-plat restrictions per Document # \_\_\_\_\_
- 6) 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.
- 7) Tract "A" is not entitled to a principal structure permit, maintenance of tract and drainage area by owner.
- 8) Development is adjacent to an Active Quarry with additional uses as outlined in the approved Special Use Permit for that property.
- 9) All structures built within the subdivision shall comply with Resolution 2020-39, or as amended.
- 10) Lots 6, 7, 12, and 13 - Accessory Building can only be built on the west side of D/E with a low-water crossing of swale area. Lot 32 - 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 a private driveway planned with public road/storm improvements.
- 11) An exception from Article 50 - Section 40, Block Length has been granted.

### PLAT NOTE:

- 1) 1/2" Rebar Cap LS-1296 set at all interior Lot Corners, set at right of way for points along roads.

### ZONING:

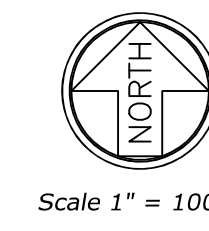
RR-2.5, Rural Residential, 2.5-Acre minimum size parcels - Current and proposed

### NOTES:

- 1) This survey does not show ownership.
- 2) All distances are calculated from measurements or measured this survey, unless otherwise noted.
- 3) All recorded measured distances are the same, unless otherwise noted.
- 4) Error of Closure - See Error of Closure Calculations
- 5) Basis of Bearings - KS State Plane NAD 83, North Zone 1501
- 6) Monument Origin unknown, unless otherwise noted.
- 7) Proposed Lots for Residential Use.
- 8) Road Record - See Survey
- 9) Benchmark - NAVD88  
Project Benchmark (BM) - NE Cor SW 1/4 Section 7 - 1/2" Bar - 1094.7'
- 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 - Static Lagoon  
- Gas - Propane / Natural Gas
- 13) Reference Commercial Title Insurance Company Commitment Number 21406820 updated June 1, 2021
- 14) Property is not in a Special Flood Hazard Area per FEMA Flood Map 2015030303C & 301C 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  
(IAH) - Recorded Plat of GRAVENAM FARMS Doc # 2013P00007  
Recorded Survey Doc # 20135025, Doc # 20215047  
(DOW) - D.G. White Survey dated 1997

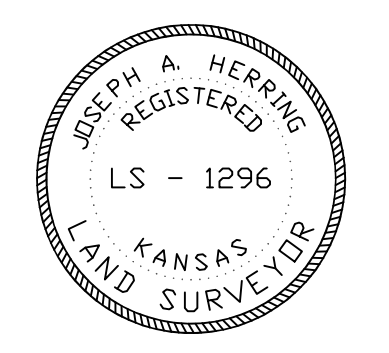
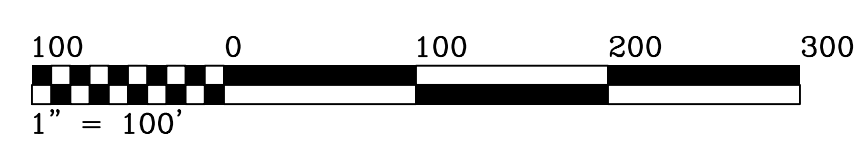
### LEGEND:

- - 1/2" Rebar Set with Cap No. 1296
- - 1/2" Rebar Found, unless otherwise noted.
- ( ) - Record / Deeded Distance
- POS - 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
- Section Line
- BM - Benchmark
- //// - No Vehicle Entrance Access
- NS - Not Set this survey per agreement with client



Scale 1" = 100'

Job # K-22-1457  
June 1, 2022 Rev. 11/14/22



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

UTILITY COMPANIES

RURAL WATER DISTRICT #6  
18606 MCLOUTH 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

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

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.

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'

BENCHMARKS

PointNo.	Northing(Y)	Easting(X)	Elev(Z)	Description
5188	295440.36	2128627.91	1092.88	cp 1 1/2" Rebar
5190	295223.85	2128430.08	1089.61	cp 2 1/2" Rebar
5192	293759.86	2128956.74	1084.94	cp 3 1/2" Rebar
5194	293023.24	2128493.83	1070.13	cp 4 1/2" Rebar

KS SPC North Zone 1501

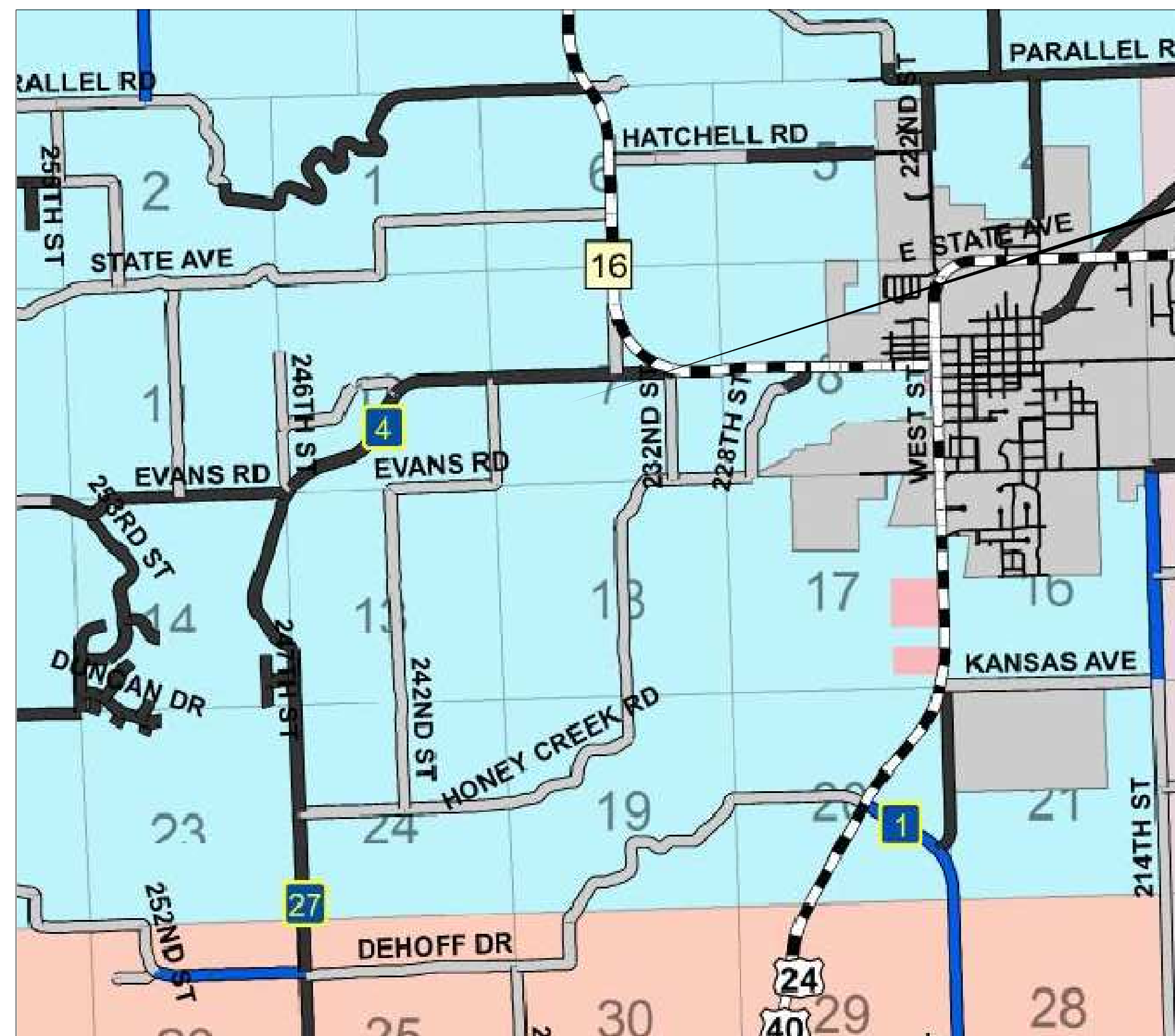
The Owner needs to provide a letter of acknowledging the following requirements:  
1.Owner/Developer/Contractor shall provide the County with a stormwater pollution prevention plan (SWPPP) and NOI before construction.  
2.Owner/Developer/Contractor shall acknowledge and comply with the roadway inspection policy, adopted January 18th, 2023.

The Owner needs to submit a detailed estimate of the total cost of the improvements, which includes all quantities and individual costs.

# ROAD & STORM CONSTRUCTION DRAWINGS

## FOR HIGHLAND MEADOWS

LEAVENWORTH COUNTY KANSAS  
SEC 7 & 18, T11S, R21E



SHEET INDEX

1. TITLE SHEET
2. TYPICAL SECTION
- 3-6. ROAD PLAN & PROFILE
- 6A. DRAINAGE PLAN
- 7-11. CULVERT & SWALE PLAN & PROFILE
12. PRIVATE DRIVEWAY PLAN & PROFILE
13. INTERSECTIONS PLAN
14. CUL-DE-SAC PLAN
- 15-18. GRADING & EROSION CONTROL PLAN
- 19-20. TYPICAL DETAILS
- 21-30. CROSS-SECTIONS

Project Location



ENGINEER:

David Lutgen, P.E.  
15554 Elm Street  
Basehor, KS 66007  
913-683-2864

OWNER:

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

SURVEYOR:

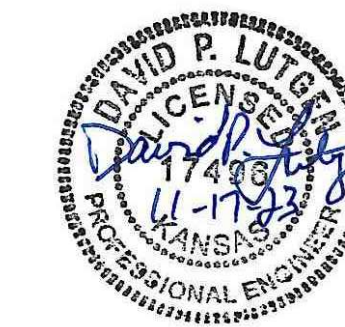
Herring Survey  
Joe Herring, PLS  
Leavenworth, KS 66048  
913-651-3858

These plans have been prepared in accordance with Leavenworth County's Road and Storm Water Drainage Standards, 2003 Edition. I hereby hold harmless Leavenworth County for errors or omissions in these plans.

November 17, 2023

David P. Lutgen, P.E.

Date



These plans are approved for one year, after which they automatically become void. The County Engineer's 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

NO.	DATE	REVISIONS	BY	APPD
5				
4				
3				
2				
1				

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

HIGHLAND MEADOWS  
LEAVENWORTH COUNTY KS  
TITLE SHEET

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

## 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

## Allison, Amy

---

**From:** Anderson, Kyle  
**Sent:** Wednesday, August 30, 2023 8:07 AM  
**To:** Allison, Amy  
**Subject:** RE: RE: DEV-23-120 Final Plat – Highland Meadows

We have not received any complaints on this property, and we are not aware of any septic systems currently installed on the 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:** Wednesday, August 23, 2023 9:28 AM  
**To:** Magaha, Chuck <cmagaha@lvsheriff.org>; Miller, Jamie <JMiller@leavenworthcounty.gov>; Patzwald, Joshua <jpatzwald@lvsheriff.org>; Brown, Misty <MBrown@leavenworthcounty.gov>  
**Cc:** PZ <PZ@leavenworthcounty.gov>  
**Subject:** RE: DEV-23-120 Final Plat – Highland Meadows

Good Morning,

The Leavenworth County Department of Planning and Zoning has received a request for a Final Plat for property located at 00000 Sandusky Road (PID 193-07-0-00-00-006.00).

The Planning Staff would appreciate your written input in consideration of the above request. Please review the attached information and forward any comments to us by Tuesday, September 5, 2023.

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

Thank you,

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

**Disclaimer**

# MEMO

**To:** Amy Allison  
**From:** Chuck Magaha  
**Subject:** Highland meadows  
**Date:** September 1, 2023

Amy, I have reviewed the preliminary plat of the Highland Meadows Subdivision presented by Orison LLC. 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 along proposed 235<sup>th</sup> Street the fire hydrants placed every 500 feet South to lots 3 and 33, 500 feet South to Lots 6 and 30, 500 feet south to lots 9 and 27, South to the intersection of Evans and 235<sup>th</sup>, then one placed at the cul-de-sac. There is presently three ponds on the parcel that may serve as dry hydrants if good road ways are provided for fire apparatus.

I have no further recommendation for this subdivision.

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



## Schweitzer, Joshua

---

**From:** McAfee, Joe  
**Sent:** Monday, December 4, 2023 3:52 PM  
**To:** Anderson, Kyle; PZ; Noll, Bill; 'Mitch Pleak'; Allison, Amy  
**Subject:** RE: Highland Meadows Road Construction Plans  
**Attachments:** 2023.11.17 Highland Meadows Drainage Report revised Eng\_Approved.pdf; Highland Meadows Road Construction Plans 11-17-23\_PW Olsson Combined Review.pdf; K-21-1457 HIGHLAND MEADOWS FINAL rev 11-14-23\_Olsson review.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

All,

The review comments for the FP and PIP are attached. The DR is attached and stamped approved, no further comments. Let me know if you have any questions.

---

**From:** Anderson, Kyle <KAnderson@leavenworthcounty.gov>  
**Sent:** Tuesday, November 21, 2023 4:17 PM  
**To:** PZ <PZ@leavenworthcounty.gov>; Noll, Bill <BNoll@leavenworthcounty.gov>; 'Mitch Pleak' <mpleak@olsson.com>; McAfee, Joe <JMcAfee@leavenworthcounty.gov>  
**Subject:** Highland Meadows Road Construction Plans

The road construction plans for Highland Meadows were dropped off today. I have attached the file.

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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# MEMO

**To:** Amy Allison  
**From:** Chuck Magaha  
**Subject:** Highland meadows  
**Date:** September 1, 2023

Amy, I have reviewed the preliminary plat of the Highland Meadows Subdivision presented by Orison LLC. 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 along proposed 235<sup>th</sup> Street the fire hydrants placed every 500 feet South to lots 3 and 33, 500 feet South to Lots 6 and 30, 500 feet south to lots 9 and 27, South to the intersection of Evans and 235<sup>th</sup>, then one placed at the cul-de-sac. There is presently three ponds on the parcel that may serve as dry hydrants if good road ways are provided for fire apparatus.

I have no further recommendation for this subdivision.

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

**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



**LEAVENWORTH COUNTY  
PLANNING COMMISSION  
STAFF REPORT**

CASE NO: DEV-23-145 Garden Villa

December 13, 2023

REQUEST: **Consent Agenda**  
 Preliminary Plat       Final Plat

**STAFF REPRESENTATIVE:**  
 JOHN JACOBSON  
 DIRECTOR

**SUBJECT PROPERTY:** 00000 254th St.  
**FUTURE LAND USE DESIGNATION:** Residential (2.5 Minimum)

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

**PROPERTY OWNER:**  
 Warren Capital LLC  
 2207 E 26TH St.  
 Lawrence, KS 66046

**CONCURRENT APPLICATIONS:**  
 NONE



**LAND USE**

ZONING: RR 2.5

FUTURE LAND USE DESIGNATION:  
 RR 2.5

**LEGAL DESCRIPTION:**  
 A replat of lots 9A and 9B, Deer Mound Subdivision., in Leavenworth County Kansas.

SUBDIVISION: Deer Mound  
 FLOODPLAIN: Area of minimal flood hazard (Zone X)

**STAFF RECOMMENDATION:** APPROVAL

**PROPERTY INFORMATION**

- ACTION OPTIONS:**
1. Recommend approval of Case No. DEV-23-145, Final Plat for Garden Villa, to the Board of County Commission, with or without conditions; or
  2. Recommend denial of Case No. DEV-23-145, Final Plat for Garden Villa, to the Board of County Commission for the following reasons; or
  3. Continue the hearing to another date, time, and place.

PARCEL SIZE:  
 110 ACRES  
 PARCEL ID NO:  
 211-02-0-00-001.10 & 001.14  
 BUILDINGS:  
 N/A

**PROJECT SUMMARY:**  
 Request for a final plat approval to subdivide property located at 00000 254<sup>th</sup> Street (211-02-0-00-00-001.10 & 001.14) as Lots 1 through 42 of Garden Villa

ACCESS/STREET:  
 254th St. - COUNTY Local, Gravel ± 24';

**Location Map:**

**UTILITIES**



SEWER: PRIVATE SEPTIC SYSTEM  
 FIRE: Reno  
 WATER: RWD 13  
 ELECTRIC: Freestate

**NOTICE & REVIEW:**

STAFF REVIEW:  
 12/7/2023  
 NEWSPAPER NOTIFICATION:  
 N/A  
 NOTICE TO SURROUNDING  
 PROPERTY OWNERS:  
 N/A

**STANDARDS TO BE CONSIDERED:**

<b>Leavenworth County Zoning and Subdivision Standards: Preliminary Review</b>		<b>Met</b>	<b>Not Met</b>
35-40	<b>Preliminary Plat Content</b>	N/A	
40-20	<b>Final Plat Content</b> Exceptions were granted with the Preliminary Plat.	X	
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> Exceptions were granted with the Preliminary Plat.	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 to replat lots 9a and 9b of Deer Mound Subdivision into 42 lots. The Subdivision is classified as a Class C with all lots lying within the Rural Growth Area of Leavenworth County. Staff is supportive of a waiver of the requirement to connect to a sanitary sewer system as sanitary sewers are not located within 660' of the subdivision. During the Preliminary Plat phase, exceptions were granted for:

- 1) Exception to Article 27 Section 2 D (ii) Road Connectivity
- 2) Exception to Article 40 Section 1 A Block Length
- 3) Exception to Article 50 Section 20 Adequate Public Utilities

The final plat was prepared in compliance with the regulations and the approved exceptions.

**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. All outlined regulatory exceptions granted.
6. All public improvements shall be installed at the time of development. No future roadways will be supported
7. The developer must comply with the following memorandums:
  - a. Memo – Mitch Pleak, Olsson, dated December 5, 2023

**ATTACHMENTS:**

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

\*new owner auth

DEV 22-020

RWD 13

497

FINAL PLAT APPLICATION

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

pd. 9543
\$985.00

OCT 27 2023

Office Use Only
Township: Reno
Case No. DEV-23-
Zoning District RR 2.5
Planning Commission Meeting Date:
Date Received/Paid: 10.27.2023
Comprehensive Plan Land Use Designation: RR 2.5

APPLICANT/ INFORMATION OWNER INFORMATION
NAME: Herring Surveying Company NAME: Warren Capital LLC
MAILING ADDRESS: 315 North 5th Street MAILING ADDRESS 2207 E 26th Street
CITY/ST/ZIP: Leavenworth, KS 66048 CITY/ST/ZIP Lawrence KS 66046
PHONE: 913-651-3858 PHONE: N/A
EMAIL : herringsurveying@outlook.com EMAIL N/A

GENERAL INFORMATION

Proposed Subdivision Name: GARDEN GAREN-VILLAS
Address of Property: 00000 254th Street
PID: PID # 211-02-0-00-00-001.10 & 001.14 Urban Growth Management Area: N/A

Table with 3 columns: Gross Acreage, Number of Lots, Minimum Lot Size, etc. Includes rows for Maximum Lot Size, Open Space Acreage, Fire District, Covenants, and Cross-Access Easement Requested.

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 final plat approval as indicated above.
Signature: Joe Herring - digitally signed 10/26/2023 Date: 10-26-23

ATTACHMENT A





## Schweitzer, Joshua

---

**From:** Lynn Hui <huifinancial@yahoo.com>  
**Sent:** Tuesday, October 31, 2023 4:38 PM  
**To:** Johnson, Melissa; Joe Herring  
**Subject:** Re: Authorization Affidavit

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

I authorize Joe Herring to continue to be my agent.

Thanks,  
Lynn

Lynn Hui  
Warren Capital, LLC  
2027 E. 26th St. Lawrence, KS 66046  
Tel: (785) 865-0878 or (785) 218-3283  
Fax: (785) 865-0878

On Monday, October 30, 2023 at 09:46:51 AM CDT, Joe Herring <herringsurveying@outlook.com> wrote:

Please respond to all in this email and state that you authorize me (Joe Herring) to continue to be your agent in the platting of Garden Villa.

Thank you - Joe Herring

---

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

# GARDEN VILLAS

A Replat of Lots 9A and 9B, DEER MOUND SUBDIVISION,  
Leavenworth County, Kansas.

## FINAL PLAT

PREPARED FOR:  
Warren Capital LLC  
2027 E 26th Street  
Leavenworth, KS 66046  
PID # 211-02-00-001.10 & 001.14

**SURVEYOR'S DESCRIPTION:**  
Tract of land being all of Lot 9, DEER MOUND SUBDIVISION, Leavenworth County, Kansas, as written by Joseph A. Herring PS-1296 on October 31, 2023, more fully described as follows: Beginning at the Northwest corner of said Lot 9; thence North 88 degrees 20'00" East for a distance of 263.29 feet along the North line of said Lot 9; thence South 02 degrees 09'51" East for a distance of 1575.06 feet along the East line of said Lot 9; thence South 87 degrees 51'20" West for a distance of 98.94 feet along a Southerly line of said Lot 9; thence South 02 degrees 09'50" East for a distance of 263.86 feet along an Easterly line of said Lot 9; thence South 88 degrees 44'24" West for a distance of 2536.32 feet along the South line of said Lot 9; thence North 02 degrees 04'21" West for a distance of 1226.42 feet along the West line of said Lot 9 to the point of beginning.  
Together with and subject to covenants, easements, and restrictions of record.

**PARENT DESCRIPTION:**  
Tract 1: A part of Lot 9, DEER MOUND SUBDIVISION, Leavenworth County, Kansas, more fully described as follows: Beginning at the Northwest corner of said Lot 9; thence North 89°31'49" East for a distance of 2532.29 feet along the North line of said Lot 9; thence South 01°01'11" East for a distance of 622.55 feet along the East line of said Lot 9; thence South 89°31'49" West for a distance of 1865.85 feet; thence South 00°28'11" East for a distance of 140.00 feet; thence South 89°31'49" West for a distance of 166.17 feet to the West line of said Lot 9; thence North 00°58'50" West for a distance of 762.56 feet along said West line to the Point of Beginning. Shown as Lot 9A per recorded survey by Herring Surveying as Document No. 201905023.  
Tract 2: A part of Lot 9, DEER MOUND SUBDIVISION, Leavenworth County, Kansas, more fully described as follows: Commencing at the Northwest corner of said Lot 9; thence South 00°58'49" East for a distance of 762.56 feet along the West line of said Lot 9 to the TRUE POINT OF BEGINNING; thence North 89°31'49" East for a distance of 140.00 feet; thence North 00°28'11" West for a distance of 140.00 feet; thence North 89°31'49" East for a distance of 1865.85 feet to the East line of said Lot 9; thence South 00°28'11" East for a distance of 952.49 feet along said East line; thence South 88°57'10" West for a distance of 98.94 feet along the East line of said Lot 9; thence South 01°03'25" East for a distance of 263.86 feet to the South line of said Lot 9; thence South 89°50'04" West for a distance of 2536.32 feet along said South line to the West line of said Lot 9; thence North 00°58'49" West for a distance of 1263.86 feet along said West line to the Point of Beginning. Shown as Lot 9B per recorded survey by Herring Surveying as Document No. 201905023.

- 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. Revegetation of all disturbed areas shall be completed within 45 days after final grading.
  - 4) Lots are limited to a single entrance to Lynn or Warren Streets.
  - 5) An exception to Article 27, Section 2.0(a), Connectivity has been granted for this plat.
  - 6) An exception to Article 40, Section 1.A, Back length has been granted for this plat.
  - 7) An exception to Article 50, Section 2.0, Adequate water service for this plat.
  - 8) No off-plot restrictions.

**PLAT NOTE:**  
- 1/2" Rebar Cap LS-1296 set at all interior Lot Corners, set at right of way for points along roads.

**ZONING:**  
RR 2.5 - Rural Residential 2.5

- 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 - Plat Boundary 1 - 232266 - 110.25 Acres, more or less
  - 5) Basis of Bearing - K/S KSP North Zone 1501
  - 6) Monument Origin Unknown, unless otherwise noted.
  - 7) Proposed Lots for Residential Use.
  - 8) Road Record - See Survey
  - 9) Benchmarks - NAD83  
Project Benchmark (BM) - 1/2" Rebar in Concrete - Elev - 933'
  - 10) Easements, if any, are created hereon or listed in referenced title commitment.
  - 11) Reference Recorded Deed Doc # 2019050269
  - 12) Utility Companies -
    - Water - Water District 13
    - Electric - Freestate
    - Sewer - Suptex / Lagoon
    - Gas - Propane / Natural Gas
  - 13) Reference McCallister Short Title File Number L21-29115 undated February 7, 2022
  - 14) Property is not in a Special Flood Hazard Area per FEMA FEMA Map 20120C0300C 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.
  - 18) Fence Lines do not necessarily denote the boundary line for the property.
  - 19) Reference Surveys:
    - DEER MOUND SUBDIVISION Bl. 15 Pg. 48 NKA 2004P00048
    - DEER MOUND REPLAT Doc 2017P00020
    - PERRY SUBDIVISION Bl. 14 Pg. 3 NKA 2000P00003
    - J.A. Herring Survey Doc. 201905023
  - 20) Primary structures on Lots 28-30 that are not constructed as shown in the final approved Drainage Report dated 8/22/23 shall require a plot grading plan and further drainage runoff review at the time of building permit application

12-5-2023  
Olsson & PW  
Approved

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

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

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

Streets shown on the accompanying plat and not heretofore dedicated for public use are hereby so dedicated by easement.  
Building Lines or Setback Lines (B.S.L.) are hereby established as shown on the accompanying plat and no building or portion thereof shall be built or constructed between this line and the street line.

**IN TESTIMONY WHEREOF,**  
We, the undersigned owners of GARDEN VILLAS, have set our hands this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

Lynn Hill, Member of Warren Capital, LLC

**NOTARY CERTIFICATE:**  
Be it remembered that on this \_\_\_\_\_ day of \_\_\_\_\_, 2023, before me, a notary public in and for said County and State came Lynn Hill, Member of Warren Capital, LLC, to me personally known to be the same persons who executed the foregoing instrument of writing, and duly acknowledged the execution of same. In testimony whereof, I have hereunto set my hand and affixed my notary seal the day and year above written.

**NOTARY PUBLIC:**  
My Commission Expires: \_\_\_\_\_ (seal)

**APPROVALS**  
We, the Leavenworth County Planning Commission, do hereby approve the foregoing plat of GARDEN VILLAS this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

Secretary John Jacobson      Chairperson Marcus Kojure

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

County Engineer - Mitch Pleak

**COUNTY COMMISSION APPROVAL:**  
We, the Board of County Commissioners of Leavenworth County, Kansas, do hereby approve the foregoing plat of GARDEN VILLAS this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

Chairperson Vicky Kaz      County Clerk Attest: Janet Klinski

WILEY, DONNA R  
PID # 212-03...001

**REGISTER OF DEED CERTIFICATE:**  
Filed for Record as Document No. \_\_\_\_\_ on this \_\_\_\_\_ day of \_\_\_\_\_, 2023 at \_\_\_\_\_ o'clock \_\_\_\_\_ M in the Office of the Register of Deeds of Leavenworth County, Kansas.

Register of Deeds - Terrilois G. Masbourn

I hereby certify that this survey plot meets the requirements of K.S.A. 58-2005. The base of this survey plot was reviewed for compliance with Kansas Minimum Standards for Boundary Surveys. No field verification is implied. This review is for survey information only.

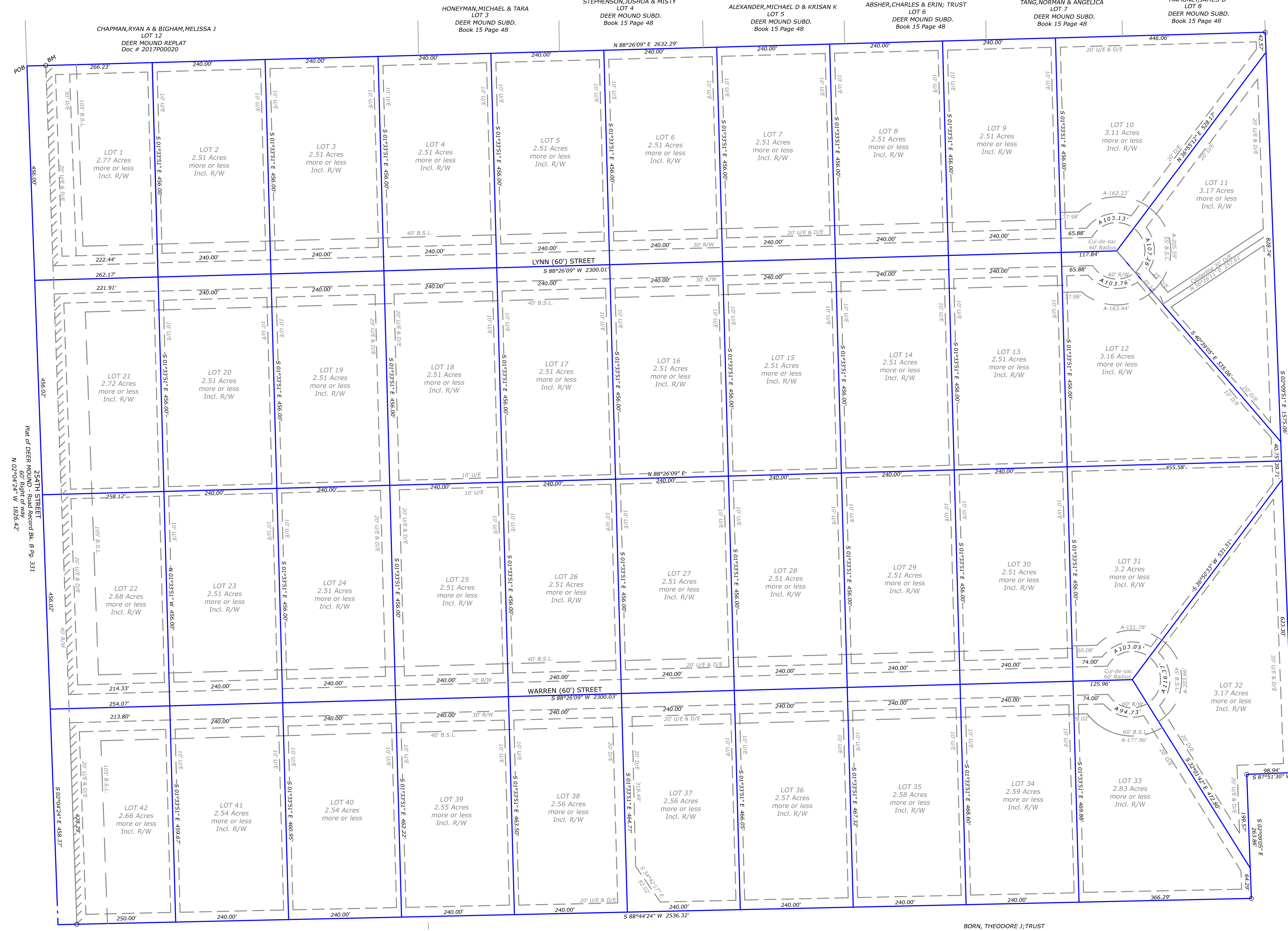
Daniel Baumchen, PS#1303  
State Surveyor



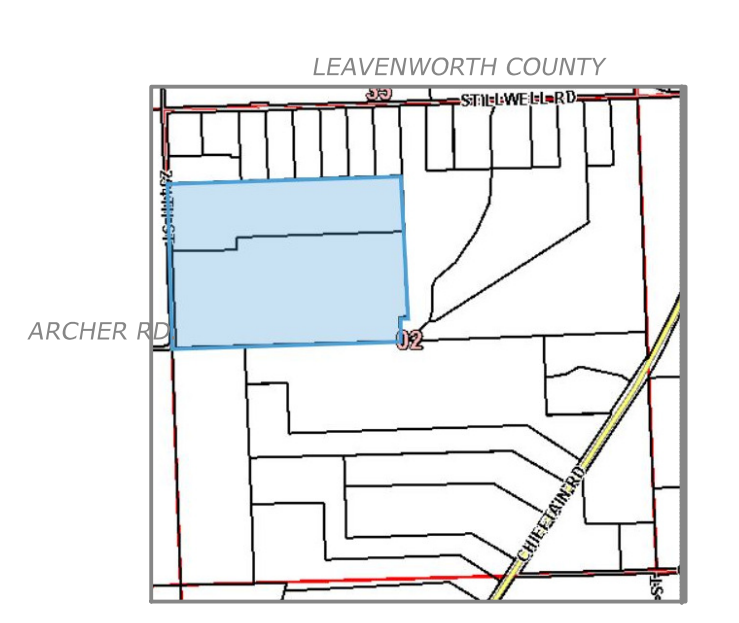
Job # K-19-1339  
October 25, 2023    Rev. 11/20/23



315 South 9th Street, Leavenworth, KS 66048  
Ph: 913.651.3858 Fax: 913.674.5360  
Email: survey@herring.com



- LEGEND:**
- 1/2" Rebar Set with Cap No. 1296
  - 1/2" Rebar Found Cap No. 356 in Concrete, unless otherwise noted.
  - Concrete Base around Point
  - N 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
  - K/S - Not Set this survey per agreement with client
  - A - Arc Distance
  - B - Chord Bearing
  - C - Chord Distance
  - //// - No Vehicle Entrance Access
  - POB - Point of Beginning



I hereby certify that this survey was made by me, or under my direct supervision, on the ground during the dates of September through October 2023 and this map or plat is correct to the best of my knowledge.

Joseph A. Herring  
PS # 1296

# STATE OF KANSAS LEAVENWORTH COUNTY GARDEN VILLA DEVELOPMENT PUBLIC ROAD PLANS

12-5-2023  
Olsson & PW No  
Comments other  
than Required  
Submittals

**Sheet Index**

- 1. Title Sheet
- 2. Typical Section and General Notes
- 3-6 Plan & Profile Sheets
- 7-9 Drainage Plans
- 10-13 Grading and Erosion Control Plan
- 14. Intersection & Cul-De-Sac Details
- 15-16 Details
- 17-31 Cross Sections

UTILITY COMPANIES

FreeState Electric Cooperative 800-794-1989  
 Rural Water District #13 785-842-1502  
 Kansas Dig Safe 800-344-7233  
 Evergy 816-471-5275

Design Speed 30 MPH  
 Posted Speed 30 MPH

Benchmarks & Control Points

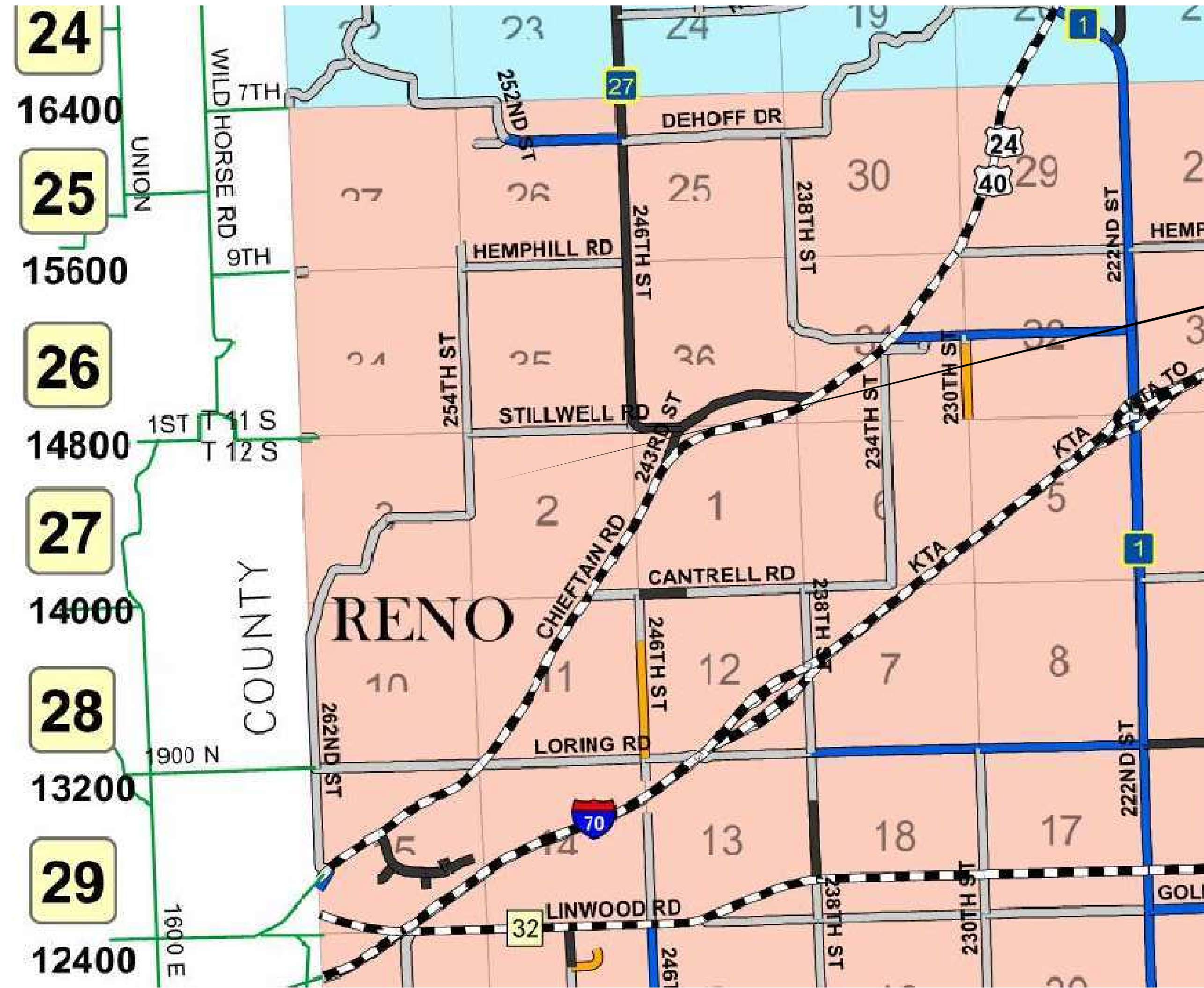
	Northing	Easting	Elevation
BM #1 Iron Bar	269831.33	2116471.71	937.01
BM #2 Iron Bar	270457.75	2117136.67	960.16
BM #3 Iron Bar	269620.50	2118553.11	926.15
BM #4 Iron Bar	269038.88	2117782.30	922.68

KS SPC North Zone 1501

Provide ISD memo for new streets abutting 254th Street.

The Owner needs to provide a letter of acknowledging the following requirements:  
 1. Owner/Developer/Contractor shall provide the County with a stormwater pollution prevention plan (SWPPP) and NOI before construction.  
 2. Owner/Developer/Contractor shall acknowledge and comply with the roadway inspection policy, adopted January 18th, 2023.

The Owner needs to submit a detailed estimate of the total cost of the improvements, which includes all quantities and individual costs.



Owner: Warren Capital LLC  
 2027 E 26th Street  
 Lawrence, KS 66046  
 785-865-0878

Surveyor: Herring Surveying  
 315 N. 5th Street  
 Leavenworth, KS 66048  
 913-651-3858

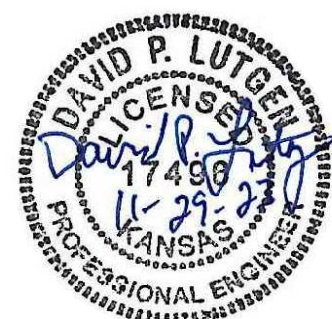
Engineer: David Lutgen  
 15554 Elm Street  
 Basehor, KS 66007  
 913-683-2864

These plans have been prepared in accordance with Leavenworth County's Road and Storm Water Drainage Standards, 2003 Edition. I hereby hold harmless Leavenworth County for errors or omissions in these plans.

These plans are approved for one year, after which they automatically become void. The County Engineer's 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.

November 29, 2023

David P. Lutgen, P.E. Date



County Engineer Date

NO.	DATE	REVISIONS	BY	APPD
5				
4				
3				
2				
1				

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

GARDEN VILLA DEVELOPMENT  
 LEAVENWORTH COUNTY KS

TITLE SHEET

SHEET NO.  
1

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

**From:** [Amanda Tarwater](#)  
**Sent:** Friday, October 20, 2023 2:49 PM  
**To:** [Johnson, Melissa](#)  
**Subject:** RE: DEV-23-144, Goodness and Mercy Farm Replat of Valley View Lot 2&3

**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 has no objection to this request.

Side note: Ms. Tann has reached out a few months ago to establish service to a home they plan/or are building here. We gave her estimates and haven't heard anything back.

**Amanda Tarwater**  
Member Accounts Coordinator



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

---

**From:** Johnson, Melissa <MJohnson@leavenworthcounty.gov>  
**Sent:** Tuesday, October 17, 2023 11:51 AM  
**To:** Magaha, Chuck <cmagaha@lvsheriff.org>; Anderson, Kyle <KAnderson@leavenworthcounty.gov>; Miller, Jamie <JMiller@leavenworthcounty.gov>; Patzwald, Joshua <jpatzwald@lvsheriff.org>; Van Parys, David <DVanParys@leavenworthcounty.gov>; Brown, Misty <MBrown@leavenworthcounty.gov>; 'mpleak@olsson.com' <mpleak@olsson.com>; Noll, Bill <BNoll@leavenworthcounty.gov>; 'Chief1860@ttrfd.com' <Chief1860@ttrfd.com>; Amanda Tarwater <amanda.tarwater@freestate.coop>; 'niki@jfrwd13.com' <niki@jfrwd13.com>; 'jeffrwd13@hughes.net' <jeffrwd13@hughes.net>  
**Cc:** PZ <PZ@leavenworthcounty.gov>  
**Subject:** DEV-23-144, Goodness and Mercy Farm Replat of Valley View Lot 2&3

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

The Department of Planning & Zoning has received an application regarding Goodness and Mercy Farms a Replat of Valley View Sub., Lot 2 & 3.

The Planning Staff would appreciate your written input in consideration of the above request. Please review the attached information and forward any comments to us by October 25, 2023.

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

Thank you,

**From:** [Anderson, Kyle](#)  
**Sent:** Tuesday, October 31, 2023 9:44 AM  
**To:** [Johnson, Melissa](#)  
**Subject:** RE: DEV-23-145, FINAL PLAT - GARDEN VILLA, A Re-plat of Lots 9A and 9B Deer Mound Subdivision Herring

---

We have not received any complaints on these properties and we are not aware of any septic systems currently installed on them.

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:** Johnson, Melissa <MJohnson@leavenworthcounty.gov>  
**Sent:** Monday, October 30, 2023 10:25 AM  
**To:** Magaha, Chuck <cmagaha@lvsheriff.org>; Miller, Jamie <JMiller@leavenworthcounty.gov>; Patzwald, Joshua <jpatzwald@lvsheriff.org>; Van Parys, David <DVanParys@leavenworthcounty.gov>; 'mpleak@olsson.com' <mpleak@olsson.com>; Noll, Bill <BNoll@leavenworthcounty.gov>; Baumchen, Daniel <DBaumchen@leavenworthcounty.gov>; Brown, Misty <MBrown@leavenworthcounty.gov>  
**Cc:** 'dritter@rtfd21.com' <dritter@rtfd21.com>; 'linedepartment@freestate.coop' <linedepartment@freestate.coop>; 'niki@jfrwd13.com' <niki@jfrwd13.com>; 'jeffrwd13@hughes.net' <jeffrwd13@hughes.net>; PZ <PZ@leavenworthcounty.gov>  
**Subject:** DEV-23-145, FINAL PLAT - GARDEN VILLA, A Re-plat of Lots 9A and 9B Deer Mound Subdivision Herring

The Leavenworth County Department of Planning & Zoning has received a request for a Final Plat for Garden Villa.

The Planning Staff would appreciate your written input in consideration of the above listed request. Please review the attached information and forward any comments to us by **November 6, 2023**.

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

Thank you,

*Melissa Johnson*

Planner I  
Leavenworth County  
Planning & Zoning Department  
Leavenworth County Courthouse

# MEMO

**To:** Amy Allison  
**From:** Chuck Magaha  
**Subject:** Garden Villa Subdivision  
**Date:** November 6, 2023

Amy, I have reviewed the preliminary plat of the Garden Villa Subdivision presented by Warren Capital LLC. The subdivision meets the requirements for fire hydrants and supported with a 6" water line as stated in the subdivision guidelines. The area in which the subdivision is proposed along 254<sup>th</sup> Street a fire hydrant placed on the corner of Lynn Street (proposed) and 254<sup>th</sup> Street then East every 500' to Lot 11. Then at 254<sup>th</sup> street and Warren Street (proposed) a fire hydrant placed at Lot 42 then East every 500 feet to Lot 32. I have real concern with the length to the Cul-de-sac being approximately 2300 feet long, most cul-de-sacs are 1000 feet or less from the main entrance. This length would be a public safety concern to citizens that would build homes towards the Far East end and get cut off escaping the route from damage of severe storms and of any other major emergencies that would limit egress and ingress to the residents. If the end of the proposed roads had a loop into each other might lessen this impact. If I have no further recommendation for this subdivision.

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



## **JEFFERSON COUNTY RURAL WATER DISTRICT #13**

---

**1951 Wellman Road  
Lawrence, KS 66044**

**(785) 842-1502  
www.jfrwd13.com**

28 February 2023

To: Lynn Hui, Member – Warren Capital, LLC

Re: Garden Villa Subdivision

Dear Ms. Hui,

Two water line upgrade projects will have to be completed before all 42 benefit units/meters can be added to our system to accommodate the proposed 42 lot Garden Villa Subdivision. With our current hydraulics we could only add approximately 15 benefit units/meters.

The first project is an 8” water line upgrade on Dehoff Dr. This is one of eight major water line upgrades that are being considered under a USDA loan project proposed to begin late 2023 and extend through 2025. This project is of high priority for the water district; however, the district cannot commit to any of the projects until a bid is accepted and signed by the district. We anticipate the bidding process to begin in late 2023 or early 2024.

The second project is a water line upgrade that will have to be completed on 254<sup>th</sup> St. from Stillwell Rd. to the Garden Villa Subdivision including all water lines inside the subdivision. The size and scope of these improvements will depend on fire flow requirements (it would require further study to see what it would take to meet the minimum 250 GPM) and would be determined by the engineer when the project moves forward. All costs for the second project will be the developer’s responsibility.

Once both projects are completed, we would then review each benefit unit/meter application on a first come first serve basis as we do with all applications. The only way to guarantee water service (once approved) is to pay for the benefit unit/meter and any other additional costs necessary for water service.

This letter does not guarantee any water service or commit the district to any water line projects.

Respectfully,

Joe Osborn, Plant & Distribution Operations Mgr.



## Schweitzer, Joshua

---

**From:** Dylan Ritter <dritter@rtfd21.com>  
**Sent:** Wednesday, October 11, 2023 6:04 PM  
**To:** Johnson, Melissa  
**Subject:** Re: FW: DEV-22-022 Preliminary Plat for Garden Villas

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

I approve of the development contingent on the water districts plan being met by the developer. However I would recommend and prefer that a hydrant be located every 500'.

- Deputy Chief Dylan Ritter  
Reno Township Fire Department

On Tue, Oct 10, 2023 at 09:41 Johnson, Melissa <[MJohnson@leavenworthcounty.gov](mailto:MJohnson@leavenworthcounty.gov)> wrote:

Chief,

This is what we received from the water dept. They cannot supply to all lots right off the bat.

If you have any questions, please let me know.

Thank you,

Melissa Johnson

Planner I

Leavenworth County

Planning & Zoning Department

Leavenworth County Courthouse

[300 Walnut St, Suite 212](#)

[Leavenworth County, Kansas 66048](#)

(913) 684-0465

**LEAVENWORTH COUNTY  
PLANNING COMMISSION  
STAFF REPORT**

CASE NO: DEV-23-140 Blaser Farms Rezone

December 13, 2023

**REQUEST: *Public Hearing Required***

- ZONING AMENDMENT       SPECIAL USE PERMIT  
 TEMPORARY SPECIAL USE PERMIT

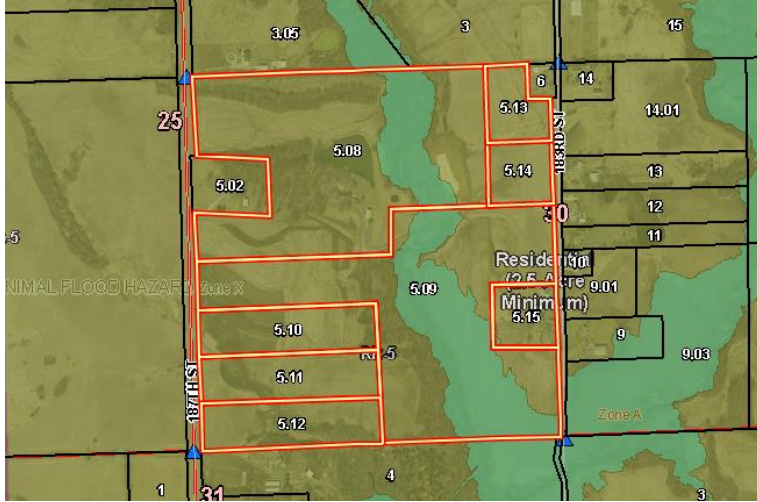
**STAFF REPRESENTATIVE:**

John Jacobson  
DIRECTOR

**SUBJECT PROPERTY:** 25341 183<sup>rd</sup> and 25476 187<sup>th</sup> Street  
**FUTURE LAND USE MAP: Residential 2.5 Minimum Acres**

**APPLICANT/APPLICANT AGENT:**

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



**PROPERTY OWNER:**

Brent & Jessica Blaser,  
Stephen Blaser  
25476 187<sup>th</sup> & 25341 183<sup>rd</sup> Street  
Leavenworth, Kansas 66048

**CONCURRENT APPLICATIONS:**

N/A

**LAND USE**

ZONING: RR-5 to RR2.5

FUTURE LAND USE DESIGNATION:  
RESIDENTIAL 2.5 Minimum Acres

**LEGAL DESCRIPTION:**

Blaser Farms, Lot 1 through Lot 8

SUBDIVISION: Blaser Farms

FLOODPLAIN: Zone A

**STAFF RECOMMENDATION: APPROVAL**

**PROPERTY INFORMATION**

**ACTION OPTIONS:**

1. Recommend approval of Case No. DEV-23-140, Rezone for Blaser Farms, to the Board of County Commission, with or without conditions; or
2. Recommend denial of Case No. DEV-23-140, Rezone for Blaser Farms, to the Board of County Commission for the following reasons; or
3. Continue the hearing to another date, time, and place.

TOTAL PARCEL SIZE: 152 ACRES

PARCEL ID NO:  
109-30-0-00-005.08, 005.09,  
005.10, 005.11, 005.12, 005.13,  
005.14, 005.15

BUILDINGS:  
Single Family Dwellings and AG  
Buildings

**PROJECT SUMMARY:**

Request to rezone all eight parcels of Blaser Farms Subdivision from RR-5 to RR-2.5, located at 25476 183<sup>rd</sup> and 25341 187<sup>th</sup> Street (PID(s): 109-30-0-00-00-005.08, .09, .10, .11, .12, .13, .14, .15).

**ACCESS/STREET:**

187<sup>th</sup> Arterial, Paved, ±24'; 183rd  
LOCAL, GRAVEL, ±18' WIDE

**Location Map:**



**UTILITIES**

SEWER: SEPTIC

FIRE: High Prairie

WATER: RWD #8

ELECTRIC: Evergy/Freestate

**NOTICE & REVIEW:**

STAFF REVIEW:  
11/22/2023

NEWSPAPER NOTIFICATION:  
11/18/2023

NOTICE TO SURROUNDING  
PROPERTY OWNERS:  
11/22/2023

<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>
<b>1. Character of the Neighborhood:</b> <i>Density: Surrounding parcels range in size from one acre to more than 100 acres. The area is not densely populated.</i>  <i>Initial Growth Management Area: This parcel is located within the Rural Growth Area.</i>	✓	
<b>2. Zoning and uses of nearby property:</b> <i>Adjacent Uses: Most of the adjacent parcels are residential and agricultural in nature.</i>  <i>Adjacent Zoning: All adjacent properties are zoned RR-5.</i>	✓	
<b>3. Suitability of the Property for the uses to which is has been restricted:</b> The property is suitable for rural residences and agricultural uses.	✓	
<b>4. Extent to which removal of the restrictions will detrimentally affect nearby property:</b> <i>Nearby properties are unlikely to be negatively impacted as the proposed rezoning remains rural residential.</i>	✓	
<b>5. Length of time the property has been vacant as zoned:</b> <i>Vacant:</i> <input checked="" type="checkbox"/> <i>Not Vacant:</i>	✓	
<b>6. Relative gain to economic development, public health, safety and welfare:</b> The rezoning does not impact economic development, public health, safety or welfare. When completed, development of a higher density subdivision may have a positive impact on economic development.	✓	
<b>7. Conformance to the Comprehensive Plan:</b> <i>Future Land Use Map: Rural Residential 2.5</i>	✓	

**STAFF COMMENTS:**

The applicants are requesting a rezoning from Rural-Residential 5 to Rural-Residential 2.5. The Comprehensive Plan identifies the future land use of this area as Rural Residential 2.5. Staff finds no compelling reason not to support the proposal. The Future Land Use plan for the area envisions a 2.5 zoning district over the entire area. Densities that may occur on as of yet undeveloped land along with topography, will not likely significantly impact adjoining land uses.

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

**ATTACHMENTS:**

- A: Application & Narrative
- B: Zoning Map
- C: Memorandums
- D. Approved Final Plat

**REZONING APPLICATION**

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

SCANNED

464

Office Use Only	
Township: <u>High Prairie</u>	Date Received: <u>10.10.2023</u>
Planning Commission Date _____	
Case No. <u>DEV-23-</u>	Date Paid <u>10.10.2023</u>
Zoning District <u>RR5</u>	Comprehensive Plan Land Use Designation _____

APPLICANT/AGENT INFORMATION	OWNER INFORMATION (If different)
NAME <u>Joe Herring</u>	NAME <u>BLASER,BRENT M &amp; JESSICA, &amp; BLASER, STEPHEN F.</u>
ADDRESS <u>315 North 5th Street</u>	ADDRESS <u>25476 187TH ST &amp; 25341 183RD ST</u>
CITY/ST/ZIP <u>Leavenworth, KS 66048</u>	CITY/ST/ZIP <u>Leavenworth County, 66048</u>
PHONE <u>913-651-3858</u>	PHONE <u>N/A</u>
EMAIL <u>herringsurveying@outlook.com</u>	EMAIL <u>N/A</u>
CONTACT PERSON <u>Joe</u>	CONTACT PERSON <u>N/A</u>

PROPOSED USE INFORMATION	
Proposed Land Use <u>Agriculture and Rural Residential</u>	
Current Zoning <u>RR-5</u>	Requested Zoning <u>RR-2.5</u>
Reason for Requesting Rezoning <u>Rezone for Estate Planning and to Match Comp. Plan - Rezone of BLASER FARMS</u>	

PROPERTY INFORMATION
Address of Property <u>25476 187TH ST &amp; 25341 183RD ST, 00000 187th &amp; 00000 183rd</u>
Parcel Size <u>152 Acres</u>
Current use of the property <u>Agriculture &amp; Rural Residential</u>
Present Improvements or structures <u>Houses and Accessory Structures</u>
PID <u>109-30-0-00-00-005.08, 005.09, 005.10, 005.11, 005.12, 005.13, 005.14, 005.15</u>

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

Signature Joe Herring - digitally signed 10/8/2023 Date 10-8-23

30 9 20 FPsain

ATTACHMENT A

1/2 Freestate  
1/2 Energy  
RWD 8

Entered in the transfer record in my office this

*Lot 1*  
19 day of June, 2017  
Jarret Blasinsky  
County Clerk  
by B Jones

Commitment Number: 22199862

After Recording Return To:  
ServiceLink  
1355 Cherrington Parkway  
Moon Township, PA 15108

Exempt: Section 79-1437(e)(a)(4): by way of gift, donation or contribution stated in the deed or other instrument

PROPERTY APPRAISAL (TAX/APN) PARCEL IDENTIFICATION NUMBER  
052-109-30-0-00-00-005.07-0

---

### QUITCLAIM DEED

**BRENT M. BLASER**, a married man, and **CAROLE E. BLASER**, unmarried, mother of Brent M. Blaser, whose mailing address is **25476 187th St., Leavenworth, KS 66048**, hereinafter grantors, for \$0.00 (Zero Dollar and Zero Cents) in consideration paid, grant and quitclaim to **BRENT M. BLASER** and **JESSICA BLASER**, husband and wife, for their joint lives, with the remainder to the survivor of them, hereinafter grantees, whose tax mailing address is **25476 187th St., Leavenworth, KS 66048**, with quitclaim covenants, all right, title, interest and claim to the following land, in the following real property:

A tract of land in the Southwest Quarter of Section 30, Township 9 South, Range 22 East of the 6th P.M., Leavenworth County, Kansas, more fully described as follows: Commencing at the Northwest corner of the Southwest Quarter of said Section 30; thence South 01 Degree 28' 11" East, 703.98 feet to the point of beginning of this tract; thence South 87 Degrees 01' 00" East, 859.98 feet; thence North 01 Degree 28' 11" West, 304.25 feet; thence North 87 Degrees 47' 37" East, 425.35 feet; thence South 17 Degrees 23' 20" East, 110.59 feet; thence South 01 Degree 49' 09" East, 387.26 feet; thence South 12 Degrees 50' 18" West, 153.60 feet; thence North 87 Degrees 01' 00" West, 1281.30 feet to the West line of the Southwest Quarter of said Section 30; thence North 01 Degree 28' 11" West, 300.00 feet to the point of beginning, less and except any part thereof taken or used for road or street purposes, AND ALSO LESS AND EXCEPT: Lot 1, HILL TOP SUBDIVISION, a subdivision in the Leavenworth County, Kansas.

Assessor's Parcel No: 052-109-30-0-00-00-005.07-0

Property Address is: 25476 187th St., Leavenworth, KS 66048

Seller makes no representations or warranties, of any kind or nature whatsoever, other than those set out above, whether expressed, implied, implied by law, or otherwise, concerning the condition of the title of the property prior to the date the seller acquired title.

The real property described above is conveyed subject to and with the benefit of: All easements, covenants, conditions and restrictions of record; in so far as in force applicable.

The real property described above is conveyed subject to the following: All easements, covenants, conditions and restrictions of record; All legal highways; Zoning, building and other laws, ordinances and regulations; Real estate taxes and assessments not yet due and payable; Rights of tenants in possession.

TO HAVE AND TO HOLD the same together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title interest, lien equity and claim whatsoever of the said grantors, either in law or equity, to the only proper use, benefit and behalf of the grantee forever.

Prior instrument reference: 2011R03357

Executed by the undersigned on 5-24, 2017:

  
\_\_\_\_\_  
BRENT M. BLASER

STATE OF Ks  
COUNTY OF Leavenworth

The foregoing instrument was acknowledged before me on 5/24, 2017 by BRENT M. BLASER who is personally known to me or has produced DL/Ks as identification, and furthermore, the aforementioned person has acknowledged that his/her signature was his/her free and voluntary act for the purposes set forth in this instrument.

  
\_\_\_\_\_  
Notary Public



Carole E. Blaser  
CAROLE E. BLASER

STATE OF MISSOURI  
COUNTY OF CAMDEN

The foregoing instrument was acknowledged before me on May 26, 2017 by CAROLE E. BLASER who is personally known to me or has produced MO drivers license as identification, and furthermore, the aforementioned person has acknowledged that his her signature was his her free and voluntary act for the purposes set forth in this instrument.



Karen Harris  
Notary Public

This instrument prepared by:  
Jay A. Rosenberg, Esq., Rosenberg LPA, Attorneys At Law, 3805 Edwards Road, Suite 550,  
Cincinnati, Ohio 45209 (513) 247-9605 Fax: (866) 611-0170 and Alicia J. Holmes, Kansas Bar  
Number: 17233, 11220 W. 99th Terrace, Overland Park, KS 66214.

Lawyers Title of Kansas, Inc.  
913-682-3368

CN: 43752

*lot 8*

Doc #: 2021R15352  
TERRILOIS MASHBURN  
REGISTER OF DEEDS  
LEAVENWORTH COUNTY, KANSAS  
RECORDED ON:  
12/28/2021 02:02:28 PM  
RECORDING FEE: 21.00  
PAGES: 1

Entered in Transfer Record in my office \_\_\_\_\_

County Clerk

Mail Tax Statement to:

ENTERED IN TRANSFER RECORD IN  
MY OFFICE THIS DAY 12/28/2021

*Jane Klasmaker*  
COUNTY CLERK

QUIT CLAIM DEED (Statutory)

THE GRANTOR,

**Stephen F. Blaser, a single person**

CONVEYS AND QUITCLAIMS to

**Stephen F. Blaser, a single person**

for the sum of One Dollar and Other Valuable Consideration, the following described real estate:

**Lot 8, BLASER FARMS, Leavenworth County, Kansas.**

(THIS DEED IS BEING RECORDED PURSUANT TO K.S.A. 79-1437e AS AMENDED, EXEMPTION #3)

(Subject to easements, restrictions, and reservations of record, and all taxes and assessments that may be levied, imposed, or become payable hereafter.)

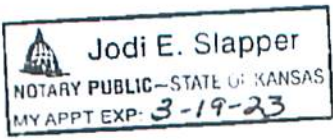
Dated this *22<sup>nd</sup>* day of *Dec* A.D. 2021

*Stephen F. Blaser*  
Stephen F. Blaser

STATE OF KANSAS, COUNTY OF LEAVENWORTH

This instrument was acknowledged before me on this *22<sup>nd</sup>* day of *Dec* 2021 by:  
**Stephen F. Blaser, a single person**

My appointment expires:

  
Jodi E. Slapper  
NOTARY PUBLIC - STATE OF KANSAS  
MY APPT EXP: 3-19-23

*Jodi E. Slapper*  
Notary Public  
Jodi E. Slapper

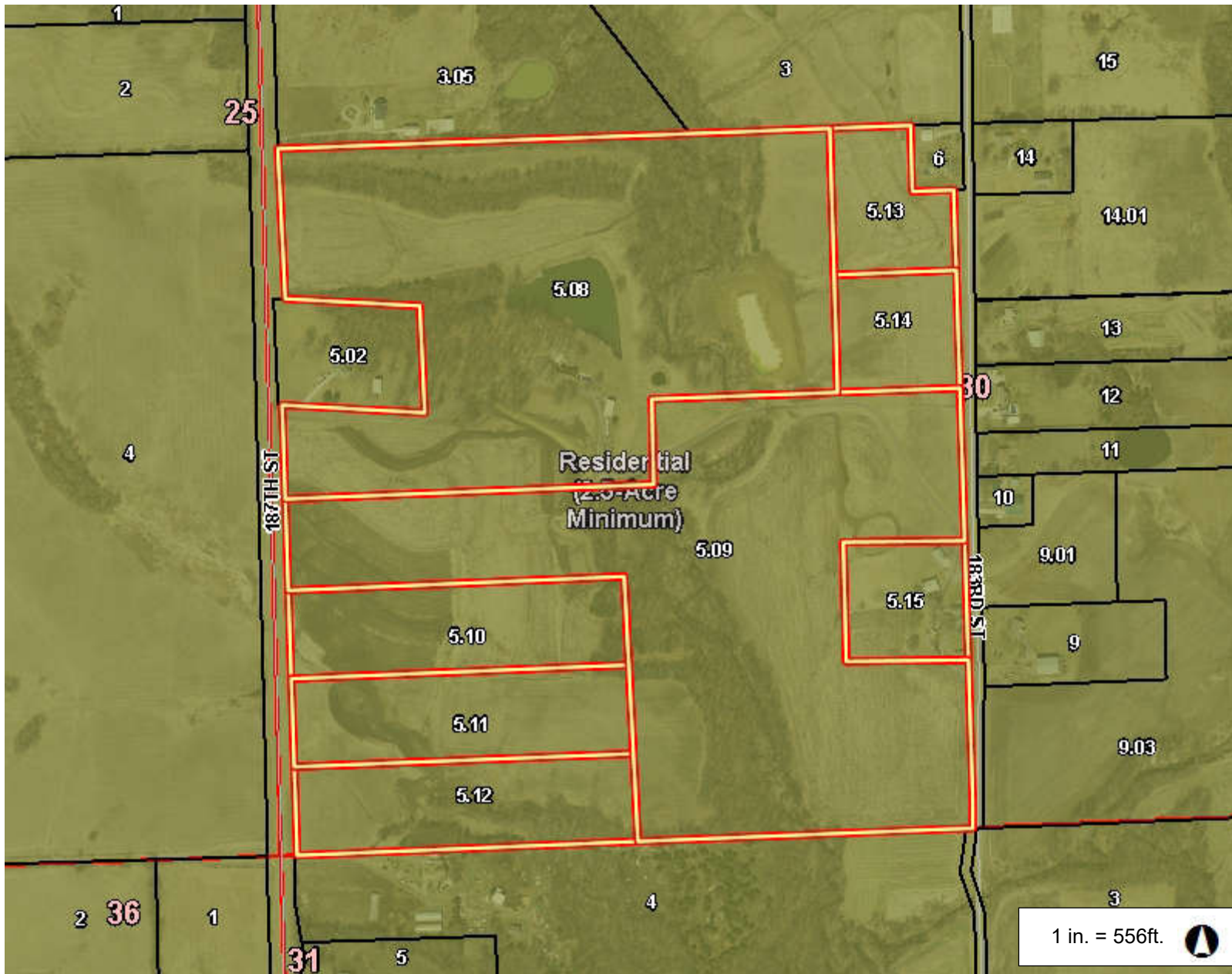








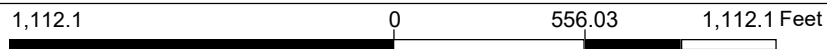
# Leavenworth County, KS



## Legend

- Parcel Number
- Parcel
- City Limit Line
- Major Road
  - <all other values>
  - 70
- Road
  - <all other values>
  - PRIVATE
- Railroad
- Section
- Section Boundaries
- County Boundary
- Future Land Use
  - County Road 1
  - Flood
  - Mixed Residential
  - Mixed Use
  - Residential (2.5-Acre Minimum)
  - Residential (3 Units \_ Acre)
  - Residential Estate (5-Acre Minimum)
- Sewer District
  - SD#1
  - SD#2
  - SD#3
  - SD#5

1 in. = 556ft.



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



**From:** [Michael Stackhouse](#)  
**Sent:** Thursday, October 12, 2023 12:00 PM  
**To:** [Johnson, Melissa](#); [Magaha, Chuck](#); [Anderson, Kyle](#); [Miller, Jamie](#); [Patzwald, Joshua](#); [Van Parys, David](#); ['mpleak@olsson.com'](mailto:mpleak@olsson.com); [Noll, Bill](#); [PZ](mailto:PZ@leavenworthcounty.gov); ['designgroup@leavenworth.evergy.com'](mailto:designgroup@leavenworth.evergy.com); ['rwd8lv@gmail.com'](mailto:rwd8lv@gmail.com)  
**Cc:** [Rob Gaslin](#); ['kelllogg@leavenworthcounty.com'](mailto:kelllogg@leavenworthcounty.com)  
**Subject:** RE: DEV-23-140 Rezoning - Blaser, 109-30-0-00-005.08, Blaser Farms lot 1-8

---

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Ms. Johnson,

Fire District No. 1 has no issues with the proposed planning and rezoning other than the continued concerns about the available water supply for firefighting operations. The continuing addition of subdivisions and homes within High Prairie Twp without infrastructure upgrades will continue to decrease available water supply needs in the event of a structure fire. The outcome of a structure fire is dependent upon the delivery of swift firefighting actions to include continuous water supply. The more water depleted (in-Use) from a system, the longer it takes to fill our tenders. The concerns are already in place in most areas of High Prairie Twp. and continuously taxing the system by adding more homes will only heighten our concerns. It is imperative that as High Prairie Twp. continues to see growth, the issue of water main upgrades be a topic of concern for all stakeholders. I realize that this is at the early planning and rezoning stage, however past concerns through all stages of the process have completed without resolve. Have a great day.

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:** Johnson, Melissa <MJohnson@leavenworthcounty.gov>  
**Sent:** Wednesday, October 11, 2023 10:31 AM  
**To:** Magaha, Chuck <cmagaha@lvsheriff.org>; Anderson, Kyle <KAnderson@leavenworthcounty.gov>; Miller, Jamie <JMiller@leavenworthcounty.gov>; Patzwald, Joshua <jpatzwald@lvsheriff.org>; Van Parys, David <DVanParys@leavenworthcounty.gov>; 'mpleak@olsson.com' <mpleak@olsson.com>; Noll, Bill <BNoll@leavenworthcounty.gov>; PZ <PZ@leavenworthcounty.gov>; Michael Stackhouse

**From:** [Anderson, Kyle](#)  
**Sent:** Friday, October 13, 2023 11:07 AM  
**To:** [Johnson, Melissa](#)  
**Subject:** RE: RE: DEV-23-140 Rezoning - Blaser, 109-30-0-00-00-005.08, Blaser Farms lot 1-8

---

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:** Johnson, Melissa <MJohnson@leavenworthcounty.gov>  
**Sent:** Wednesday, October 11, 2023 10:31 AM  
**To:** Magaha, Chuck <cmagaha@lvsheriff.org>; Anderson, Kyle <KAnderson@leavenworthcounty.gov>; Miller, Jamie <JMiller@leavenworthcounty.gov>; Patzwald, Joshua <jpatzwald@lvsheriff.org>; Van Parys, David <DVanParys@leavenworthcounty.gov>; 'mpleak@olsson.com' <mpleak@olsson.com>; Noll, Bill <BNoll@leavenworthcounty.gov>; PZ <PZ@leavenworthcounty.gov>; 'mstackhouse@fd1lvco.org' <mstackhouse@fd1lvco.org>; 'designgroupleavenworth@evergy.com' <designgroupleavenworth@evergy.com>; 'rwd8lv@gmail.com' <rwd8lv@gmail.com>  
**Subject:** RE: DEV-23-140 Rezoning - Blaser, 109-30-0-00-00-005.08, Blaser Farms lot 1-8

The Department of Planning & Zoning has received an application for a Rezone regarding parcel 109-30-0-00-00-005.08.

The Planning Staff would appreciate your written input in consideration of the above request. Please review the attached information and forward any comments to us by Thursday, October 19<sup>th</sup>, 2023.

If you have any questions or need additional information, please contact us at (913) 684-0465 or at [pz@leavenworthcounty.gov](mailto:pz@leavenworthcounty.gov).

Thank you,

*Melissa Johnson*

Planner I  
Leavenworth County  
Planning & Zoning Department  
Leavenworth County Courthouse  
300 Walnut St, Suite 212  
Leavenworth County, Kansas 66048

# MEMO

**To:** Jeff Joseph  
**From:** Chuck Magaha  
**Subject:** Blaser Farms Subdivision  
**Date:** November 8, 2023

Jeff, thank you for the opportunity to review the preliminary plat for Blaser Farms Subdivision presented by Brent, Carole, and Stephen Blaser. The subdivision does not show fire hydrants in this preliminary plat if I read the plat correctly. I would suggest a Fire Hydrant to be placed approximately between Lot 1 and Lot 3 along the road right of way of 187<sup>th</sup> Street and one hydrant along the road right of way on 183<sup>rd</sup> Street between Lots 2 and Lots 7. I believe these hydrants will cover this subdivision. The plat shows a water line but unknown of its size, a 6" water line needs to be considered for this area. I have place in red on the subdivision map the suggested location for 2 fire hydrants.

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

Note: This is my original for this subdivision. By changing the application to R 2.5 would not change my recommendation for Fire Hydrants.

Chuck Magaha



**From:** [Tyler Rebel](#)  
**Sent:** Wednesday, October 11, 2023 12:04 PM  
**To:** [Johnson, Melissa](#)  
**Subject:** RE: DEV-23-140 Rezoning - Blaser, 109-30-0-00-00-005.08, Blaser Farms lot 1-8

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Internal Use Only

No comment from Evergy, 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:** Johnson, Melissa <MJohnson@leavenworthcounty.gov>  
**Sent:** Wednesday, October 11, 2023 10:31 AM  
**To:** Magaha, Chuck <cmagaha@lvsheriff.org>; Anderson, Kyle <KAnderson@leavenworthcounty.gov>; Miller, Jamie <JMiller@leavenworthcounty.gov>; Patzwald, Joshua <jpatzwald@lvsheriff.org>; Van Parys, David <DVanParys@leavenworthcounty.gov>; 'mpleak@olsson.com' <mpleak@olsson.com>; Noll, Bill <BNoll@leavenworthcounty.gov>; PZ <PZ@leavenworthcounty.gov>; 'mstackhouse@fd1lvco.org' <mstackhouse@fd1lvco.org>; Design Group Leavenworth <designgroupleavenworth@evergy.com>; 'rwd8lv@gmail.com' <rwd8lv@gmail.com>  
**Subject:** RE: DEV-23-140 Rezoning - Blaser, 109-30-0-00-00-005.08, Blaser Farms lot 1-8

**This Message Is From an External Sender**

[Report Suspicious](#)

This message came from outside your organization.

The Department of Planning & Zoning has received an application for a Rezone regarding parcel 109-30-0-00-00-005.08.

The Planning Staff would appreciate your written input in consideration of the above request. Please review the attached information and forward any comments to us by Thursday, October 19<sup>th</sup>, 2023.

If you have any questions or need additional information, please contact us at (913) 684-0465 or at [pz@leavenworthcounty.gov](mailto:pz@leavenworthcounty.gov).

Thank you,

Melissa Johnson  
Planner I  
Leavenworth County  
Planning & Zoning Department  
Leavenworth County Courthouse

**From:** [Rural Water](#)  
**Sent:** Wednesday, October 11, 2023 5:14 PM  
**To:** [PZ](#)  
**Subject:** Rezoning Applications

---

**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.

RWD #8 Lv CO has received 3 rezoning applications

1. Blaser,
2. Young
3. B & J Lansing LLC

No response can be provided until the board meeting discussion on November 2nd 2023. The above rezoning applications will need to be referred to our engineer for approval. Each owner requesting the rezoning will need to contact RWD #8 for the cost of the engineer review.

Please contact me if you have any questions or concerns.

Thank you,

--

*Sandra Heim*

*Office Manager*

*Rural Water District #8-LV CO*

*913-796-2164*

**LEAVENWORTH COUNTY  
PLANNING COMMISSION  
STAFF REPORT**

CASE NO: DEV-23-141 Young Herring Rezone

December 13, 2023

**REQUEST: Public Hearing Required**

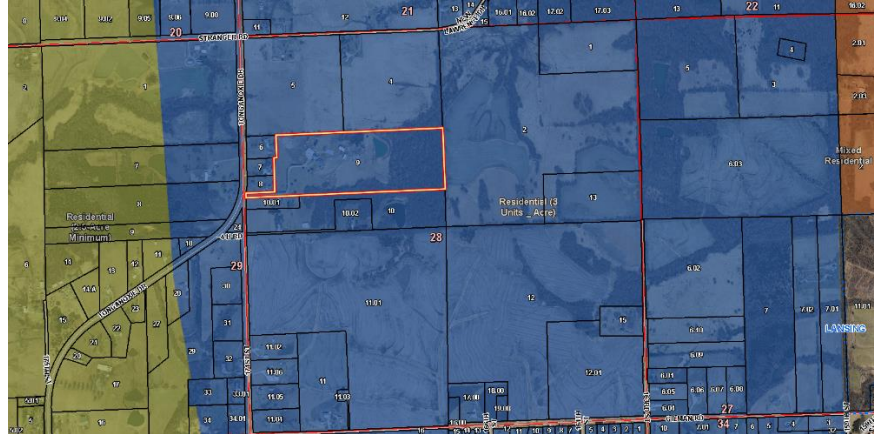
- ZONING AMENDMENT       SPECIAL USE PERMIT  
 TEMPORARY SPECIAL USE PERMIT

**STAFF REPRESENTATIVE:**

JOHN JACOBSON  
DIRECTOR

**SUBJECT PROPERTY:** 25680 Tonganoxie Drive

**FUTURE LAND USE MAP: Residential (3 UNITS PER ACRE)**



**APPLICANT/APPLICANT AGENT:**

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

**PROPERTY OWNER:**

Thomas and Theresa Young  
25680 Tonganoxie Drive  
Leavenworth, KS 66048

**CONCURRENT APPLICATIONS:**

N/A

**LAND USE**

ZONING: RR-5 & 2.5 TO: All 2.5

FUTURE LAND USE DESIGNATION:  
RESIDENTIAL 3-UNITS PER ACRE

**LEGAL DESCRIPTION:**

S28, T09, R22E, ACRES 42.35, N825.65' OF S1/2NW1/4 EXC W400' OF S460' OF N760' & EXC W450' OF N300' LESS ROW Deed Book/Page 0920/0247 0745/1757 0667/0550 0660/0331 0635/0270 0611/0712

SUBDIVISION: N/A

FLOODPLAIN: N/A

**STAFF RECOMMENDATION: APPROVAL**

**ACTION OPTIONS:**

1. Recommend approval of Case No. DEV-23-141, Rezone for YOUNG/HERRING, to the Board of County Commission, with or without conditions; or
2. Recommend denial of Case No. DEV-23-141, Rezone for YOUNG/HERRING, to the Board of County Commission for the following reasons; or
3. Continue the hearing to another date, time, and place.

**PROPERTY INFORMATION**

PARCEL SIZE: 42.35 ACRES

PARCEL ID NO:  
108-28-0-00-00-009.00

BUILDINGS:  
Single Family Dwelling and  
Agricultural Building

**PROJECT SUMMARY:**

Request to rezone one parcel at 25680 Tonganoxie Drive (PID: 108-28-0-00-00-009.00).

**ACCESS/STREET:**

Tonganoxie Drive, Arterial,  
171<sup>st</sup> Local, PAVED, ±24' WIDE

**Location Map:**



**UTILITIES**

SEWER: SEPTIC

FIRE: FD#1

WATER: RWD #8

ELECTRIC: FREESTATE

**NOTICE & REVIEW:**

STAFF REVIEW: 11/22/2023

NEWSPAPER NOTIFICATION:  
11/22/2023

NOTICE TO SURROUNDING  
PROPERTY OWNERS:  
11/22/2023

<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>
<b>1. Character of the Neighborhood:</b> <i>Density: Surrounding parcels range in size from 2.5 acres to more than 100 acres. The area is not densely populated.</i>  <i>Initial Growth Management Area: This parcel is <u>NOT</u> located within the Rural Growth Area.</i>	✓	
<b>2. Zoning and uses of nearby property:</b> <i>Adjacent Uses: Most of the adjacent parcels are residential and agricultural in nature.</i>  <i>Adjacent Zoning: All adjacent properties are zoned RR-2.5 or RR-5.</i>	✓	
<b>3. Suitability of the Property for the uses to which is has been restricted:</b> <i>The property is suitable for rural residences and agricultural uses.</i>	✓	
<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 and will be commensurate with the other 50% of the parcel.</i>	✓	
<b>5. Length of time the property has been vacant as zoned:</b> <i>Vacant:</i> <input checked="" type="checkbox"/> <i>Not Vacant:</i>	✓	
<b>6. Relative gain to economic development, public health, safety and welfare:</b> <i>The rezoning does not impact economic development, public health, safety or welfare. In the event the parcel were to be developed as a rural subdivision, densities would increase which may have a positive impact on economic development.</i>	✓	
<b>7. Conformance to the Comprehensive Plan:</b> <i>Future Land Use Map: Residential 3 Units Per Acre.</i>	✓	

**STAFF COMMENTS:**

The applicants are requesting a rezoning from Rural-Residential 5 to Rural-Residential 2.5. The Comprehensive Plan identifies the future land use of this area as *Residential 3 units per acre*. The requested use is less dense than that of the future land use designation and is complimenting to adjoining existing zoning districts. Currently, the tract is bisected by two zoning districts. This action would make the entire parcel a singular district.

1. The nearest city is located more than 1 mile to the east, therefore making extension of sanitary sewer (necessary for 3 units/acre) unlikely.

**ATTACHMENTS:**

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

**REZONING APPLICATION**

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

RWD 8  
Free State

CK # 9530

Office Use Only	
Township: <u>High Prairie</u>	Date Received: <u>10.10.2023</u>
Planning Commission Date _____	_____
Case No. <u>DEV-23</u>	Date Paid <u>10.10.2023</u>
Zoning District <u>RR 5 &amp; RR 2.5</u>	Comprehensive Plan Land Use Designation _____

APPLICANT/AGENT INFORMATION	OWNER INFORMATION (If different)
NAME <u>Joe Herring</u>	NAME <u>YOUNG, THOMAS B &amp; TERESA L</u>
ADDRESS <u>315 North 5th Street</u>	ADDRESS <u>25680 TONGANOXIE DR</u>
CITY/ST/ZIP <u>Leavenworth, KS 66048</u>	CITY/ST/ZIP <u>Leavenworth County, 66048</u>
PHONE <u>913-651-3858</u>	PHONE <u>N/A</u>
EMAIL <u>herringsurveying@outlook.com</u>	EMAIL <u>N/A</u>
CONTACT PERSON <u>Joe</u>	CONTACT PERSON <u>N/A</u>

PROPOSED USE INFORMATION	
Proposed Land Use <u>Agriculture and Rural Residential</u>	_____
Current Zoning <u>RR-2.5 &amp; RR-5</u>	Requested Zoning <u>RR-2.5</u>
Reason for Requesting Rezoning <u>Match Adjacent Zoning of the East Half of subject property</u>	
_____	

PROPERTY INFORMATION
Address of Property <u>25680 TONGANOXIE DR</u>
Parcel Size <u>42 Acres</u>
Current use of the property <u>Agriculture &amp; Rural Residential</u>
Present Improvements or structures <u>House and Accessory Structure</u>
PID <u>108-28-0-00-009 .50</u>

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

Signature Joe Herring - digitally signed 10/8/2023 Date 10-8-23

ATTACHMENT A

AFFIDAVIT

Authorization of Contractors or Individuals to Act as Agents of a Landowner  
COUNTY OF LEAVENWORTH  
STATE OF KANSAS

We, THOMAS YOUNG and TERESA YOUNG

Being duly sworn, depose and say that we are the owner(s) of said property located at -  
25680 TONGANOXIE DRIVE, L.V.KS. and that we authorize the following people or firms to act in our interest with the Leavenworth County Planning and Zoning Department for a period of one calendar year. Additionally, all statements herein contained in the information herewith submitted are in all respects true and correct to the best of our knowledge and belief.

Authorized Agents (full name, address & telephone number)

1) Joseph A. Herring - Herring Surveying Company 315 N. 5<sup>th</sup> Street, Leavenworth, KS 66048, 913-651-3858

2) Signed and entered this 6<sup>th</sup> day of OCT., 2023  
THOMAS AND TERESA YOUNG 25680 TONGANOXIE DRIVE  
Print Name, Address, Telephone Leavenworth, KS 66048-9127-0127

Thomas Young Teresa Young  
Signatures

STATE OF KANSAS )  
                                  ) SS  
COUNTY OF LEAVENWORTH )

Be it remembered that on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, a notary public in and for said County and State came \_\_\_\_\_ to me personally known to be the same persons who executed the foregoing instrument of writing, and duly acknowledged the execution of same. In testimony whereof, I have hereunto set my hand and affixed my notary seal the day and year above written.

NOTARY PUBLIC \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

(seal)

## Schweitzer, Joshua

---

**From:** Joe Herring <herringsurveying@outlook.com>  
**Sent:** Monday, October 9, 2023 2:02 PM  
**To:** PZ  
**Subject:** Re: Young Rezone  
**Attachments:** Young R1-43 Leavenworth County Rezone Herring.pdf; Autorization Affidavit YOUNG.pdf

**Follow Up Flag:** FollowUp  
**Flag Status:** Flagged

**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.

See corrected application.

Client is wanting to utilize the comp plan and request R1-43. Lot width requirements will help if this property develops.

See email chain below for additional authorization.

Thank you - Joe Herring

---

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

**From:** Tom Young <tom@youngsigncompany.com>  
**Sent:** Monday, October 9, 2023 7:13 AM  
**To:** Joe Herring <herringsurveying@outlook.com>  
**Subject:** Re: Affidavit

I am authorizing Joe Herring to act as our agent to assist in rezoning our property.

Sent from my iPhone

On Oct 8, 2023, at 6:00 PM, Joe Herring <herringsurveying@outlook.com> wrote:

**\*\*EXTERNAL EMAIL\*\***

Tom - please reply to this email.

Just state within the email body that you are authorizing me to be your agent.

This email statement satisfies the requirement to notarize the document.

Thank you - Joe Herring

---

J.Herring Inc., dba,Herring Surveying Company  
315 N. 5th Street, Leavenworth, KS 66048

C/CO  
11  
√2

# GENERAL WARRANTY DEED - JOINT TENANCY

(Following Kansas Statutory Warranty Form)

This 15 day of June, 2004

Walter D. Brown and Diane K. Brown husband and wife

### CONVEY(S) AND WARRANT(S) TO:

Thomas B. Young and Teresa L. Young husband and wife

as JOINT TENANTS, with full rights of survivorship, the whole estate to vest in the survivor in the event of the death of either, all the following described REAL ESTATE in the County of Leavenworth, State of Kansas, to-wit:

SEE ATTACHED LEGAL DESCRIPTION

for the sum of One Dollar and other Good and Valuable Consideration.

### EXCEPT AND SUBJECT TO:

Easements, restrictions, reservations, and covenants now of record, all taxes, both general and special not now due and/or payable.

Walter D. Brown  
Walter D. Brown

Diane K. Brown  
Diane K. Brown

STATE OF Kansas

COUNTY OF Leavenworth

I, Richard Schweiser, a Notary Public of the County and State first above written, do hereby certify that Walter D. Brown and Diane K. Brown husband and wife personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal, this the 15 day of June, 2004.

Richard Schweiser  
Notary Public

My Commission Expires: 1.23.07

(SEAL)





A tract of land in the Northwest Quarter of Section 28, Township 9 South, Range 22 East of the 6th P.M., Leavenworth County, Kansas, described as follows: Commencing at the Southwest corner of the Northwest Quarter of Section 28, Township 9, Range 22; thence North 501.30 feet to the point of beginning of this tract; thence North 89° 19' 37" East 2642.36 feet to the East line of the Northwest Quarter; thence North 00° 10' 23" East 825.65 feet along the East line of the Northwest Quarter; thence South 89° 11' 08" West 2244.23 feet; thence South 300.00 feet; thence South 89° 11' 08" West 400.00 feet to the West line of the Northwest Quarter; thence South 519.07 feet along the West line of the Northwest Quarter to the point of beginning.

LESS:

Tract No. 1: A tract of land in the Northwest Quarter of Section 28, Township 9 South, Range 22 East of the 6th P.M., Leavenworth County, Kansas, described as follows: Commencing at the Southwest corner of the Northwest Quarter of Section 28, Township 9 South, Range 22 East; thence North 561.30 feet to the point of beginning of this tract; thence North 229.535 feet; thence North 89° 19' 37" East 400.00 feet; thence South 229.535 feet; thence South 89° 19' 37" West 400.00 feet to the point of beginning, including road right-of-way.

ALSO LESS:

Tract No. 2: A tract of land in the Northwest Quarter of Section 28, Township 9 South, Range 22 East of the 6th P.M., Leavenworth County, Kansas, described as follows: Commencing at the Southwest corner of the Northwest Quarter of Section 28, Township 9 South, Range 22 East; thence North 790.35 feet to the point of beginning of this tract; thence North 229.535 feet; thence North 89° 11' 08" East 400.00 feet; thence South 230.53 feet; thence South 89° 19' 37" West 400.00 feet to the point of beginning, including road right-of-way.

Also less any part taken or used for road.

STATE OF KANSAS  
COUNTY OF LEAVENWORTH-SS  
FILED IN RECORD

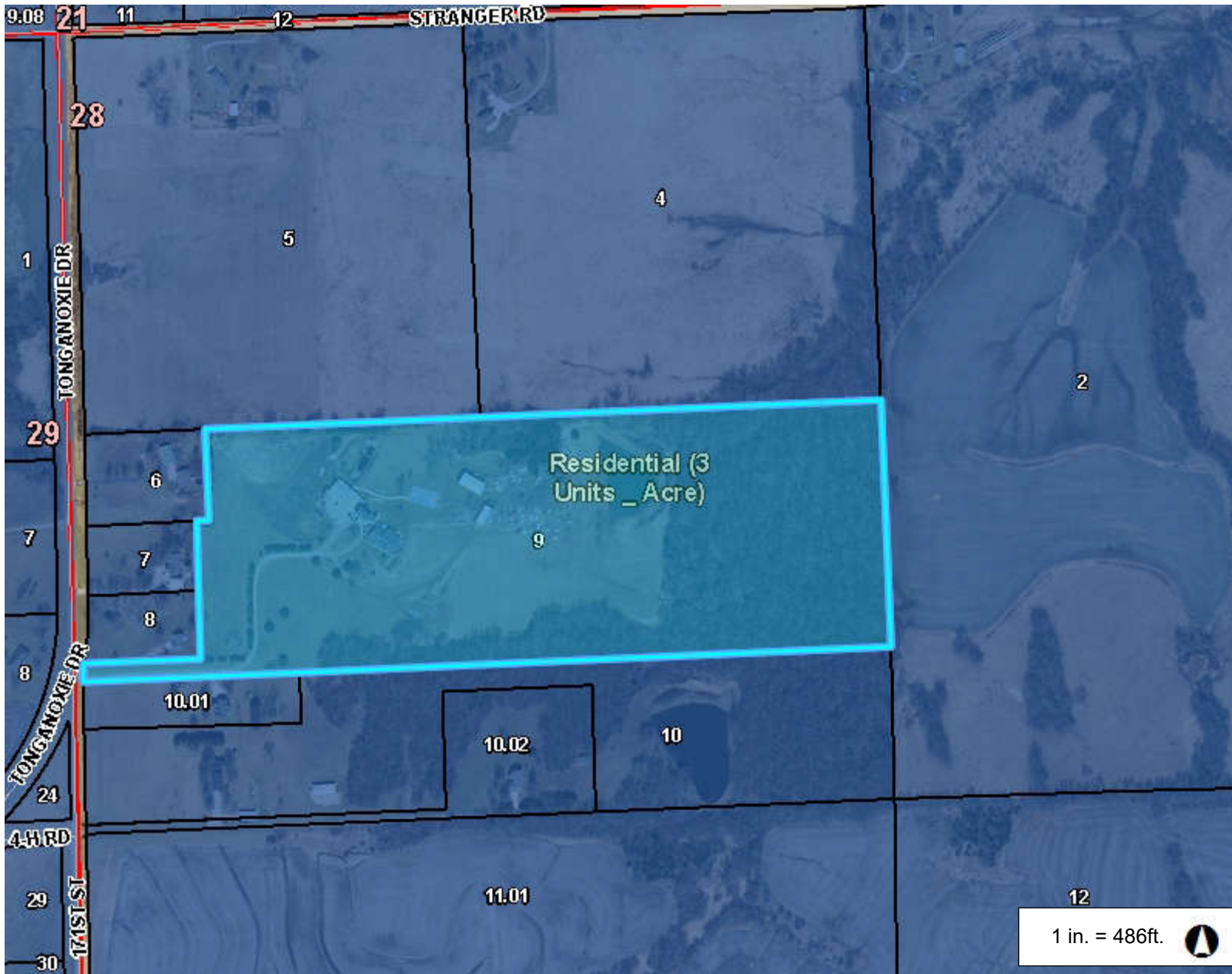
2004 JUN 16 P 3:45

STACY R. DRISCOLL  
REGISTER OF DEEDS

Entered in the transfer record in my office this  
16th day of June 2004  
Linda A. Dickes J.D. Cox  
County Clerk

BK 0920 PG 0248

# Leavenworth County, KS



## Legend

- Parcel Number
- Parcel
- City Limit Line
- Major Road
  - <all other values>
  - 70
- Road
  - <all other values>
  - PRIVATE
- Railroad
- Section
- Section Boundaries
- County Boundary
- Future Land Use
  - County Road 1
  - Flood
  - Mixed Residential
  - Mixed Use
  - Residential (2.5-Acre Minimum)
  - Residential (3 Units \_ Acre)
  - Residential Estate (5-Acre Minimum)
- Sewer District
  - SD#1
  - SD#2
  - SD#3
  - SD#5

## Notes

971.9 0 485.97 971.9 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



TONGANOXIE DR

29

25770

6

25719

2.5 AC.

25680

Exist RR-5

Exist RR 2.5

9

28

25726

7

2.5 AC.

2.5 Ac.

8

25702

25673

25680

## Schweitzer, Joshua

---

**From:** Anderson, Kyle  
**Sent:** Friday, October 13, 2023 11:02 AM  
**To:** Johnson, Melissa  
**Subject:** RE: RE: DEV-23-141 Rezoning - Young

We have not received any complaints on this property, and we are not aware of any septic systems currently installed on it. This property was approved a variance in 1989 for lack of road frontage.

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:** Johnson, Melissa <MJohnson@leavenworthcounty.gov>  
**Sent:** Wednesday, October 11, 2023 9:51 AM  
**To:** Magaha, Chuck <cmagaha@lvsheriff.org>; Anderson, Kyle <KAnderson@leavenworthcounty.gov>; Miller, Jamie <JMiller@leavenworthcounty.gov>; Patzwald, Joshua <jpatzwald@lvsheriff.org>; Van Parys, David <DVanParys@leavenworthcounty.gov>; 'mpleak@olsson.com' <mpleak@olsson.com>; Noll, Bill <BNoll@leavenworthcounty.gov>; McAfee, Joe <JMcafee@leavenworthcounty.gov>; PZ <PZ@leavenworthcounty.gov>; 'mstackhouse@fd1lvco.org' <mstackhouse@fd1lvco.org>  
**Cc:** Amanda Holloway (amanda.holloway@freestate.coop) <amanda.holloway@freestate.coop>; 'rwd8lv@gmail.com' <rwd8lv@gmail.com>; 'jgentzler@lansingks.org' <jgentzler@lansingks.org>  
**Subject:** RE: DEV-23-141 Rezoning - Young

The Department of Planning & Zoning has received an application for a Rezoning regarding 108-28-0-00-00-009.00.

The Planning Staff would appreciate your written input in consideration of the above request. Please review the attached information and forward any comments to us by Thursday October 19<sup>th</sup>, 2023.

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

Thank you,

*Melissa Johnson*

Planner I  
Leavenworth County  
Planning & Zoning Department  
Leavenworth County Courthouse

# MEMO

**To:** Melissa Johnson  
**From:** Chuck Magaha  
**Subject:** Rezoning Match  
**Date:** November 28, 2023

Melissa, I have reviewed the request of the Rezone to Teresa and Thomas Young regarding the Rezoning you provided to our office. I have no comments to lend at this time. I will comment once the plat will be provided. If you feel I have missed an issue please give a call at 684-0457.

## Schweitzer, Joshua

---

**From:** Rural Water <rwd8lv@gmail.com>  
**Sent:** Wednesday, October 11, 2023 5:14 PM  
**To:** PZ  
**Subject:** Rezoning Applications

**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.

RWD #8 Lv CO has received 3 rezoning applications

1. Blaser,
2. Young
3. B & J Lansing LLC

No response can be provided until the board meeting discussion on November 2nd 2023. The above rezoning applications will need to be referred to our engineer for approval. Each owner requesting the rezoning will need to contact RWD #8 for the cost of the engineer review.

Please contact me if you have any questions or concerns.

Thank you,

--

*Sandra Heim  
Office Manager  
Rural Water District #8-LV CO  
913-796-2164*

## Schweitzer, Joshua

---

**From:** Michael Stackhouse <mstackhouse@fd1lvco.org>  
**Sent:** Thursday, October 12, 2023 12:02 PM  
**To:** Johnson, Melissa; Magaha, Chuck; Anderson, Kyle; Miller, Jamie; Patzwald, Joshua; Van Parys, David; 'mpleak@olsson.com'; Noll, Bill; McAfee, Joe; PZ  
**Cc:** Amanda Holloway (amanda.holloway@freestate.coop); 'rwd8lv@gmail.com'; 'jgentzler@lansings.org'; Rob Gaslin; 'kelloggcompany@gmail.com'  
**Subject:** RE: DEV-23-141 Rezoning - Young

**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. Johnson,

Fire District No. 1 has no issues with the proposed planning and rezoning other than the continued concerns about the available water supply for firefighting operations. The continuing addition of subdivisions and homes within High Prairie Twp without infrastructure upgrades will continue to decrease available water supply needs in the event of a structure fire. The outcome of a structure fire is dependent upon the delivery of swift firefighting actions to include continuous water supply. The more water depleted (in-Use) from a system, the longer it takes to fill our tenders. The concerns are already in place in most areas of High Prairie Twp. and continuously taxing the system by adding more homes will only heighten our concerns. It is imperative that as High Prairie Twp. continues to see growth, the issue of water main upgrades be a topic of concern for all stakeholders. I realize that this is at the early planning and rezoning stage, however past concerns through all stages of the process have completed without resolve. Have a great day.

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:** Johnson, Melissa <MJohnson@leavenworthcounty.gov>  
**Sent:** Wednesday, October 11, 2023 9:51 AM  
**To:** Magaha, Chuck <cmagaha@lvsheriff.org>; Anderson, Kyle <KAnderson@leavenworthcounty.gov>; Miller, Jamie <JMiller@leavenworthcounty.gov>; Patzwald, Joshua <jpatzwald@lvsheriff.org>; Van Parys, David <DVanParys@leavenworthcounty.gov>; 'mpleak@olsson.com' <mpleak@olsson.com>; Noll, Bill <BNoll@leavenworthcounty.gov>; McAfee, Joe <JMcAfee@leavenworthcounty.gov>; PZ <PZ@leavenworthcounty.gov>;

## Schweitzer, Joshua

---

**From:** Joshua Gentzler <jgentzler@lansingks.org>  
**Sent:** Friday, October 13, 2023 10:32 AM  
**To:** Johnson, Melissa  
**Subject:** RE: DEV-23-141 Rezoning - Young

**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.

Melissa

Thank you for the opportunity to comment on this application, but the City of Lansing has no comments on this rezoning application.

Joshua Gentzler  
Director, Community and Economic Development  
City of Lansing | 730 First Terrace Ste. 2, Lansing, KS 66043  
Phone: 913.364.6920  
[www.lansingks.org](http://www.lansingks.org)

---

**From:** Johnson, Melissa <MJohnson@leavenworthcounty.gov>  
**Sent:** Wednesday, October 11, 2023 9:51 AM  
**To:** Magaha, Chuck <cmagaha@lvsheriff.org>; Anderson, Kyle <KAnderson@leavenworthcounty.gov>; Miller, Jamie <JMiller@leavenworthcounty.gov>; Patzwald, Joshua <jpatzwald@lvsheriff.org>; Van Parys, David <DVanParys@leavenworthcounty.gov>; 'mpleak@olsson.com' <mpleak@olsson.com>; Noll, Bill <BNoll@leavenworthcounty.gov>; McAfee, Joe <JMcAfee@leavenworthcounty.gov>; PZ <PZ@leavenworthcounty.gov>; 'mstackhouse@fd1lvco.org' <mstackhouse@fd1lvco.org>  
**Cc:** Amanda Holloway (amanda.holloway@freestate.coop) <amanda.holloway@freestate.coop>; 'rwd8lv@gmail.com' <rwd8lv@gmail.com>; Joshua Gentzler <jgentzler@lansingks.org>  
**Subject:** RE: DEV-23-141 Rezoning - Young

The Department of Planning & Zoning has received an application for a Rezoning regarding 108-28-0-00-00-009.00.

The Planning Staff would appreciate your written input in consideration of the above request. Please review the attached information and forward any comments to us by Thursday October 19<sup>th</sup>, 2023.

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

Thank you,

Melissa Johnson  
Planner I  
Leavenworth County  
Planning & Zoning Department  
Leavenworth County Courthouse  
300 Walnut St, Suite 212  
Leavenworth County, Kansas 66048  
(913) 684-0465



## Schweitzer, Joshua

---

**From:** Amanda Tarwater <amanda.tarwater@freestate.coop>  
**Sent:** Friday, October 13, 2023 7:55 AM  
**To:** Johnson, Melissa  
**Subject:** RE: DEV-23-141 Rezoning - Young

**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:** Johnson, Melissa <MJohnson@leavenworthcounty.gov>  
**Sent:** Wednesday, October 11, 2023 9:51 AM  
**To:** Magaha, Chuck <cmagaha@lvsheriff.org>; Anderson, Kyle <KAnderson@leavenworthcounty.gov>; Miller, Jamie <JMiller@leavenworthcounty.gov>; Patzwald, Joshua <jpatzwald@lvsheriff.org>; Van Parys, David <DVanParys@leavenworthcounty.gov>; 'mpleak@olsson.com' <mpleak@olsson.com>; Noll, Bill <BNoll@leavenworthcounty.gov>; McAfee, Joe <JMcAfee@leavenworthcounty.gov>; PZ <PZ@leavenworthcounty.gov>; 'mstackhouse@fd1lvco.org' <mstackhouse@fd1lvco.org>  
**Cc:** Amanda Tarwater <amanda.tarwater@freestate.coop>; 'rwd8lv@gmail.com' <rwd8lv@gmail.com>; 'jgentzler@lansings.org' <jgentzler@lansings.org>  
**Subject:** RE: DEV-23-141 Rezoning - Young

---

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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The Department of Planning & Zoning has received an application for a Rezoning regarding 108-28-0-00-009.00.

The Planning Staff would appreciate your written input in consideration of the above request. Please review the attached information and forward any comments to us by Thursday October 19<sup>th</sup>, 2023.

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

**LEAVENWORTH COUNTY  
PLANNING COMMISSION  
STAFF REPORT**

CASE NO: DEV-23-142 B&J Lansing LLC Rezone

December 13, 2023

**REQUEST: Public Hearing Required**

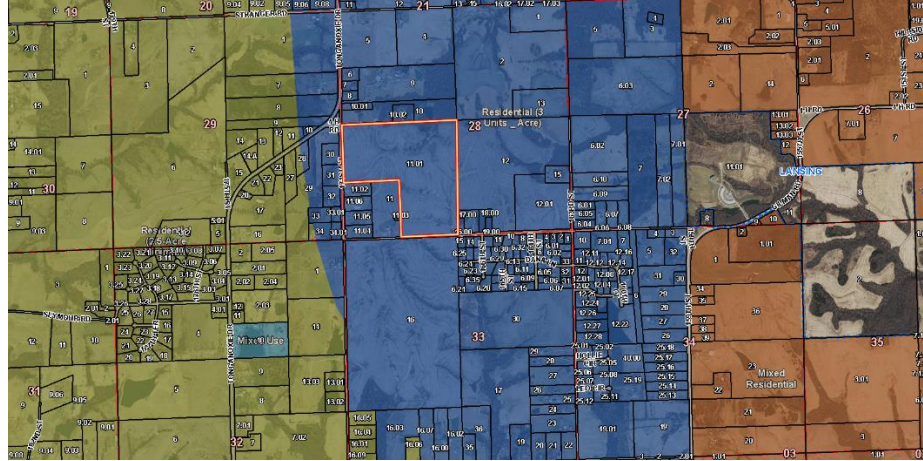
- ZONING AMENDMENT       SPECIAL USE PERMIT  
 TEMPORARY SPECIAL USE PERMIT

**STAFF REPRESENTATIVE:**

JOHN JACOSBON  
DIRECTOR

**SUBJECT PROPERTY:** 00000 GILMAN ROAD

**FUTURE LAND USE MAP:** Residential (3 UNITS PER ACRE)



**APPLICANT/APPLICANT AGENT:**

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

**PROPERTY OWNER:**

B&J Lansing LLC  
29 Maple Way  
San Carlos, CA 94070

**CONCURRENT APPLICATIONS:**

N/A

**LAND USE**

ZONING: RR-5 to R-1-43

FUTURE LAND USE DESIGNATION:  
RESIDENTIAL (3-UNITS PER ACRE)

**LEGAL DESCRIPTION:**

S28, T09, R22E, ACRES 120.59, SW1/4 LESS SW1/4 of the SW 1/4 LESS ROW  
Deed Book/Page 07 /1425 0667/036

SUBDIVISION: N/A

FLOODPLAIN: N/A

**STAFF RECOMMENDATION: APPROVAL**

**ACTION OPTIONS:**

1. Recommend approval of Case No. DEV-23-142, Rezone for B&J Lansing LLC, to the Board of County Commission, with or without conditions; or
2. Recommend denial of Case No. DEV-23-142, Rezone for B&J Lansing LLC, to the Board of County Commission for the following reasons; or
3. Continue the hearing to another date, time, and place.

**PROPERTY INFORMATION**

PARCEL SIZE: 120 ACRES

PARCEL ID NO:  
108-28-0-00-00-011.01

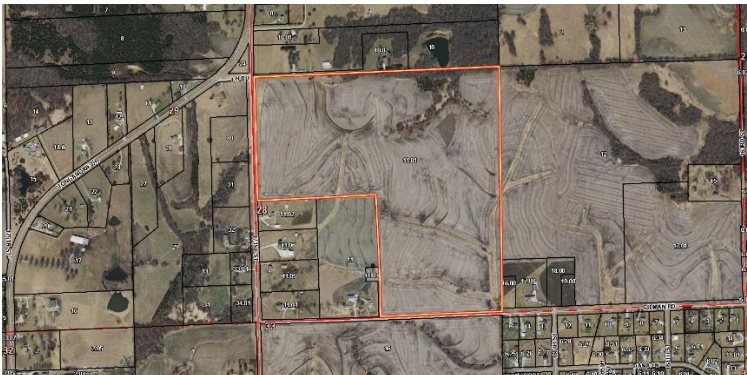
BUILDINGS:  
Vacant/ Farm Ground

**PROJECT SUMMARY:**

Request to rezone one parcel at 00000 GILMAN Road  
(PID: 108-28-0-00-00-011.01).

ACCESS/STREET:  
GILMAN ROAD/ 171st  
LOCAL, PAVED, ±24' WIDE

**Location Map:**



**UTILITIES**

SEWER: SEPTIC

FIRE: High Prairie

WATER: RWD #8

ELECTRIC: FREESTATE

**NOTICE & REVIEW:**

STAFF REVIEW: 11/22/2023

NEWSPAPER NOTIFICATION:  
11/18/2023

NOTICE TO SURROUNDING  
PROPERTY OWNERS:  
11/22/2023

<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>
<b>1. Character of the Neighborhood:</b> <i>Density: Surrounding parcels range in size from five acres to more than 80 acres. The area is not densely populated.</i>  <i>Initial Growth Management Area: This parcel is <u>NOT</u> located within the initial Growth Management Area.</i>	✓	
<b>2. Zoning and uses of nearby property:</b> <i>Adjacent Uses: Most of the adjacent parcels are residential and agricultural in nature.</i>  <i>Adjacent Zoning: All adjacent properties are zoned RR-5.</i>	✓	
<b>3. Suitability of the Property for the uses to which is has been restricted:</b> <i>The property is suitable for rural residences and agricultural uses.</i>	✓	
<b>4. Extent to which removal of the restrictions will detrimentally affect nearby property:</b> <i>Nearby properties are unlikely to be negatively impacted as the proposed rezoning remains rural residential.</i>	✓	
<b>5. Length of time the property has been vacant as zoned:</b> <i>Vacant:</i> <input checked="" type="checkbox"/> <i>Not Vacant:</i>	✓	
<b>6. Relative gain to economic development, public health, safety and welfare:</b> <i>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, higher densities can be achieved which <i>may</i> have a positive impact on economic development.</i>	✓	
<b>7. Conformance to the Comprehensive Plan:</b> <i>Future Land Use Map: Residential 3 Units Per Acre</i>	✓	

**STAFF COMMENTS:**

The applicants are requesting a rezoning from Rural-Residential 5 to R-1 (43). The Comprehensive Plan identifies the future land use of this area as *Residential 3 units per acre*. While the densities envisioned in the comprehensive plan are not proposed in this action, the proposed densities are complimentary to existing proximity neighborhoods and provides an avenue for preservation of existing farm ground. Staff recommends approval for the following reasons:

1. The requested use is less dense than the future land use designation and is a complementary use for the immediate neighborhood while preserving existing farm ground.
2. The nearest city is located nearly a mile to the east, therefore making extension of sanitary sewer (necessary for 3 units/acre) unlikely.

**ATTACHMENTS:**

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

to Josh too

RWD 8  
Freestate  
28 09 22  
469  
108-28 011.01

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

SCANNED

Office Use Only

Township: High Prairie Date Received: 10.10.2023  
 Planning Commission Date \_\_\_\_\_  
 Case No. \_\_\_\_\_ Date Paid 10.10.2023  
 Zoning District RR5 Comprehensive Plan Land Use Designation \_\_\_\_\_

APPLICANT/AGENT INFORMATION	OWNER INFORMATION (If different)
NAME <u>Joe Herring</u>	NAME <u>B &amp; J LANSING LLC</u>
ADDRESS <u>315 North 5th Street</u>	ADDRESS <u>29 MAPLE WAY</u>
CITY/ST/ZIP <u>Leavenworth, KS 66048</u>	CITY/ST/ZIP <u>SAN CARLOS, CA 94070</u>
PHONE <u>913-651-3858</u>	PHONE <u>N/A</u>
EMAIL <u>herringsurveying@outlook.com</u>	EMAIL <u>N/A</u>
CONTACT PERSON <u>Joe</u>	CONTACT PERSON <u>N/A</u>

**PROPOSED USE INFORMATION**

Proposed Land Use Agriculture and Rural Residential  
 Current Zoning RR-5 Requested Zoning R1-43  
 Reason for Requesting Rezoning Match Adjacent Zoning along with Comp. Plan - allow for smaller tracts and large ag use.

**PROPERTY INFORMATION**

Address of Property 00000 Gilman Road  
 Parcel Size 120 Acres  
 Current use of the property Agriculture  
 Present Improvements or structures None  
 PID 108-28-0-00-00-011.01

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 10/8/2023 Date 10-8-23

ATTACHMENT A



Entered in the transfer record in my office this

26 day of Mar 20 19  
Janet Klavinski  
by B Jones County Clerk

Doc #: 2019R01885  
STACY R. DRISCOLL  
REGISTER OF DEEDS  
LEAVENWORTH COUNTY, KANSAS  
RECORDED ON:  
03/25/2019 12:02:26 PM  
RECORDING FEE: 38.00  
PAGES: 2

**SPECIAL WARRANTY DEED**

THIS INDENTURE, is effective as of the 18 day of March, 2019, by and between MILDRED M. PELTZMAN, a married person, and ROBERT PELTZMAN, her husband ("Grantor"), and B & J LANSING LLC, a Kansas limited liability company ("Grantee"), with an address of 29 Maple Way, San Carlos, CA 94070.

**WITNESSETH:**

THAT GRANTOR, in consideration of the sum of TEN DOLLARS (\$10.00) and other good and valuable consideration, to her paid, the receipt of which is hereby acknowledged, does by these presents SELL and CONVEY to Grantee, its successors and assigns, the property located in Leavenworth County, Kansas, and legally described as follows (the "Property"):

All of her undivided 64% interest in the following:

The North Half of the Southwest Quarter of Section 28, Township 9 South, Range 22 East of the 6<sup>th</sup> P.M., Leavenworth County, Kansas, except part taken or used for road purposes.

AND

The Southeast Quarter of the Southwest Quarter of Section 28, Township 9 South, Range 22 East of the 6<sup>th</sup> P.M., Leavenworth County, Kansas, except part taken or used for road purposes.

Subject to any mortgages, easements, restrictions, reservations and covenants, if any, now of record.


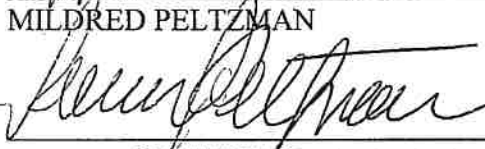
Exempt from filing Kansas Real Estate Sales Validation Questionnaire – Exemption #4, transfer by way of contribution to a LLC without consideration.

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. Grantor does hereby covenant, promise and agree to and with Grantee, that at the delivery of

*Zellmek Law Firm SP*

these presents, Grantor's interest in the Property is free, clear, discharged and unencumbered of and from grants, titles, charges, estates, judgments, taxes, assessments and encumbrances, of whatever nature or kind, by, through, or under Grantor except as set forth above; and that Grantor will warrant and forever defend said interest unto Grantee, its successors and assigns, against Grantor, her heirs and assigns, and all and every person or persons whomsoever, lawfully claiming or to claim the same by, through or under Grantor, except as set forth above.

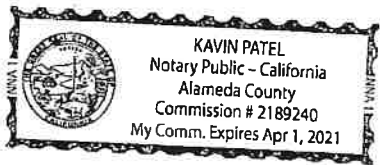
IN WITNESS WHEREOF, Grantor has executed this Deed to be effective as of the day and year first above written.

  
MILDRED PELTZMAN  
  
ROBERT PELTZMAN, who is signing solely to release any marital rights which he may have in the Property


STATE OF California )  
COUNTY OF Alameda ) ss.

On this 18<sup>th</sup> day of March, 2019, before me, the undersigned, a Notary Public in and for said County and State, came MILDRED PELTZMAN and ROBERT PELTZMAN, her husband, who are personally known to me to be the same persons who executed the within instrument of writing, and duly acknowledged the execution of same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal the day and year last above written.



My Commission Expires:  
April 01, 2021

  
Notary Public  
Kavin Patel  
Type or print name



Doc #: 2019R01886

STACY R. DRISCOLL

REGISTER OF DEEDS

LEAVENWORTH COUNTY, KANSAS

RECORDED ON:

03/25/2019 12:02:27 PM

RECORDING FEE: 38.00

PAGES: 2

Entered in the transfer record in my office this

35 day of Mar, 20 19  
Janet Klaminski  
County Clerk  
by [Signature]

SPECIAL WARRANTY DEED

THIS INDENTURE, is effective as of the 15<sup>th</sup> day of March, 2019, by and between BILLIE CATHERINE MCGRAW, a single person ("Grantor"), and B & J LANSING LLC, a Kansas limited liability company ("Grantee"), with an address of 29 Maple Way, San Carlos, CA 94070.

WITNESSETH:

THAT GRANTOR, in consideration of the sum of TEN DOLLARS (\$10.00) and other good and valuable consideration, to her paid, the receipt of which is hereby acknowledged, does by these presents SELL and CONVEY to Grantee, its successors and assigns, the property located in Leavenworth County, Kansas, and legally described as follows (the "Property"):

All of her undivided 36% interest in the following:

The North Half of the Southwest Quarter of Section 28, Township 9 South, Range 22 East of the 6<sup>th</sup> P.M., Leavenworth County, Kansas, except part taken or used for road purposes.

AND

The Southeast Quarter of the Southwest Quarter of Section 28, Township 9 South, Range 22 East of the 6<sup>th</sup> P.M., Leavenworth County, Kansas, except part taken or used for road purposes.

Subject to any mortgages, easements, restrictions, reservations and covenants, if any, now of record.

Exempt from filing Kansas Real Estate Sales Validation Questionnaire – Exemption #4, transfer by way of contribution to a LLC without consideration.

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. Grantor does hereby covenant, promise and agree to and with Grantee, that at the delivery of

2019mck Law Film 38





AFFIDAVIT

Authorization of Contractors or Individuals to Act as Agents of a Landowner

COUNTY OF San Mateo  
STATE OF California

I Mildred M. Peltzman, being dully sworn, dispose and say that I am the administrative member of B&J Lansing, LLC, the owner(s) of property located at:

B&J Lansing, LLC: approximately 120.6 acres located near 171<sup>st</sup> and Gilman Road in Leavenworth, Kansas legally described as follows:

The North Half of the Southwest Quarter of Section 28, Township 9 South, Range 22 East of the 6<sup>th</sup> P.M., Leavenworth County, Kansas, EXCEPT part taken or used for road purposes, and subject to that part, if any, in streets, roadways, highways and other public rights-of-way.

AND: The Southeast Quarter of the Southwest Quarter of Section 28, Township 9 South, Range 22 East of the 6<sup>th</sup> P.M., Leavenworth County, Kansas, EXCEPT part taken or used for road purposes, and subject to that part, if any, in streets, roadways, highways and other public rights-of-way.

and that B&J Lansing, LLC authorizes the following authorized agent to act in B&J Lansing, LLC's interest with the Leavenworth County Planning and Zoning Department for a period beginning on the date of this Affidavit and ending on November 30, 2023.

Authorized Agent: Joseph A. Herring – Herring Surveying Company 315 N. 5<sup>th</sup> Street, Leavenworth, KS 66048; 913-651-3858

Additionally, all statements herein contained, and the information submitted herewith, are in all respects true and correct to the best of my knowledge and belief.

Signed and entered this 6 day of October 2023.

Mildred Peltzman 29 Maple Way San Carlos, CA  
Print Name, Address, Telephone 94070

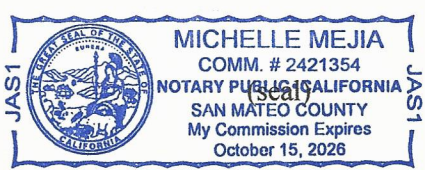
[Signature] 650-906-7518

Signature

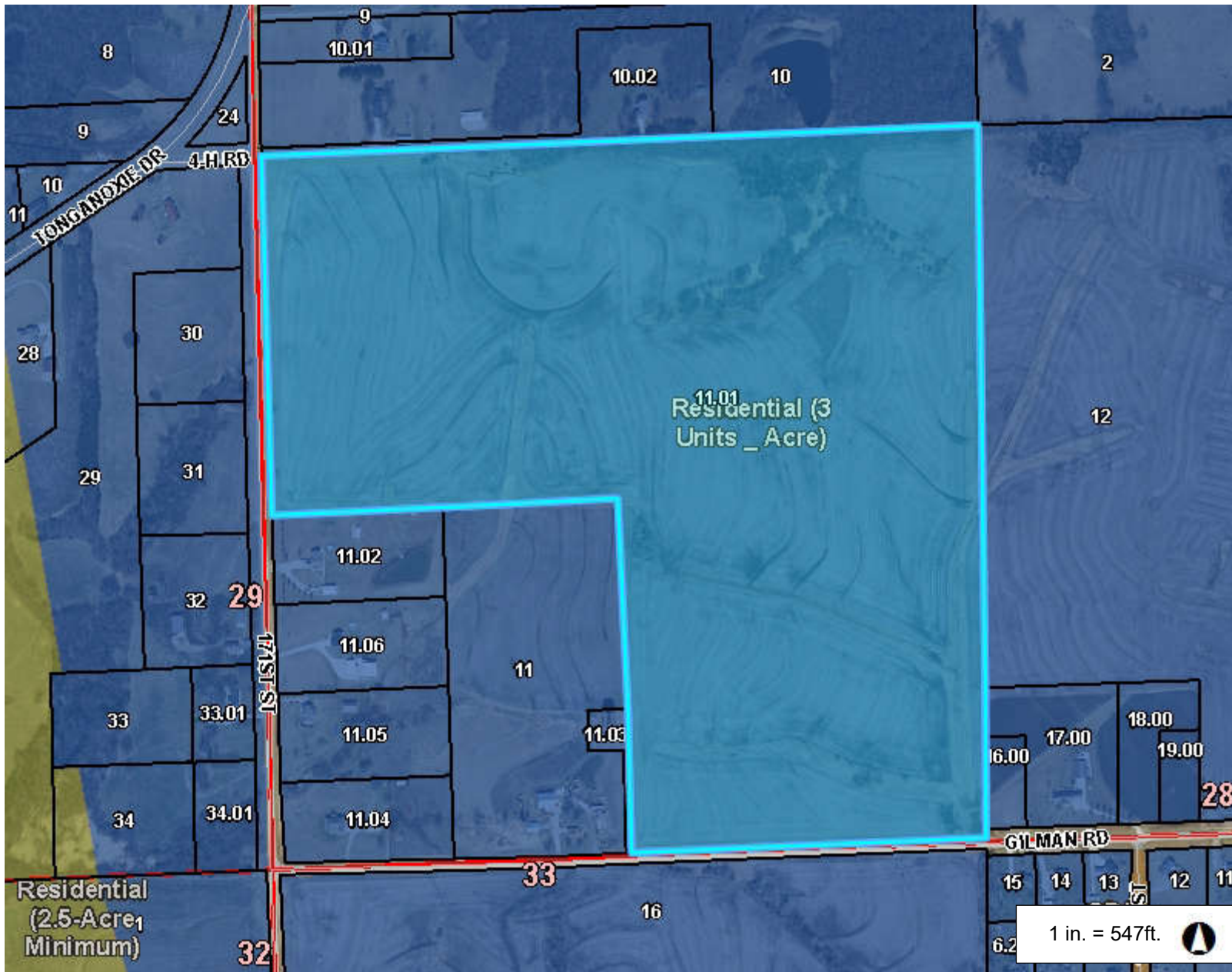
STATE OF California )  
) SS  
COUNTY OF San Mateo )

Be it remembered that on this 6 day of October 2023, before me, a notary public in and for said County and State came Mildred M. Peltzman, administrative member of B&L Lansing, LLC to me personally known to be the same person who executed the forgoing instrument of writing, and duly acknowledged the execution of same. In testimony whereof, I have hereunto set my hand and affixed my notary seal the day and year above written.

NOTARY PUBLIC [Signature]  
My Commission Expires: 10/15/2026



# Leavenworth County, KS



## Legend

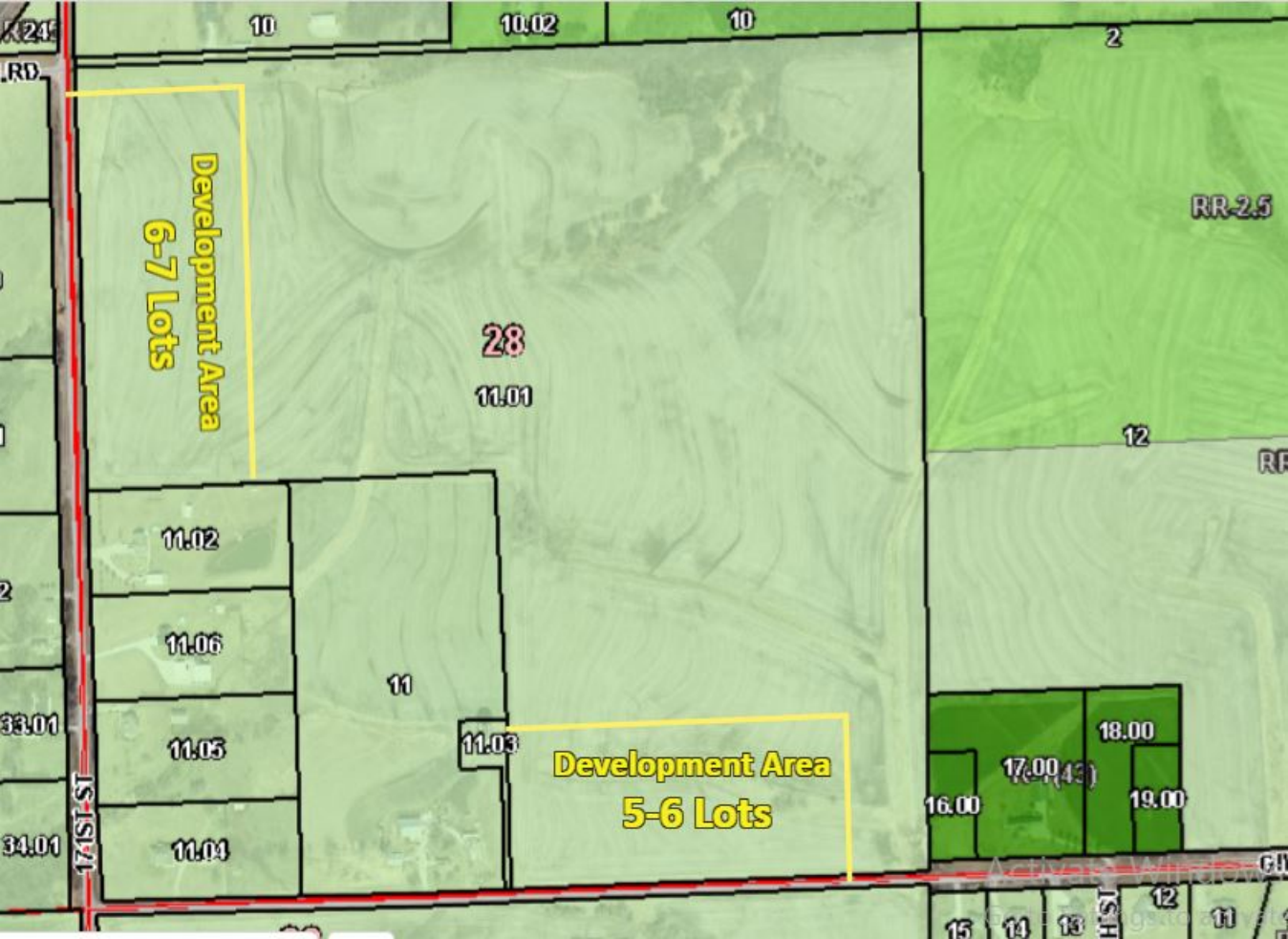
- Parcel Number
- Parcel
- City Limit Line
- Major Road
  - <all other values>
  - 70
- Road
  - <all other values>
  - PRIVATE
- Railroad
- Section
- Section Boundaries
- County Boundary
- Future Land Use
  - County Road 1
  - Flood
  - Mixed Residential
  - Mixed Use
  - Residential (2.5-Acre Minimum)
  - Residential (3 Units \_ Acre)
  - Residential Estate (5-Acre Minimum)
- Sewer District
  - SD#1
  - SD#2
  - SD#3
  - SD#5

## Notes

1,093.8 0 546.90 1,093.8 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



## Schweitzer, Joshua

---

**From:** Tyler Rebel <Tyler.Rebel@evergy.com>  
**Sent:** Wednesday, October 11, 2023 12:00 PM  
**To:** Johnson, Melissa  
**Subject:** RE: DEV-23-142 Rezoning - B&J Lansing LLC

**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.

Internal Use Only

No comment from evergy, 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:** Johnson, Melissa <MJohnson@leavenworthcounty.gov>  
**Sent:** Wednesday, October 11, 2023 9:36 AM  
**To:** Magaha, Chuck <cmagaha@lvsheriff.org>; Anderson, Kyle <KAnderson@leavenworthcounty.gov>; Miller, Jamie <JMiller@leavenworthcounty.gov>; Patzwald, Joshua <jpatzwald@lvsheriff.org>; Van Parys, David <DVanParys@leavenworthcounty.gov>; 'mpleak@olsson.com' <mpleak@olsson.com>; Noll, Bill <BNoll@leavenworthcounty.gov>; McAfee, Joe <JMcafee@leavenworthcounty.gov>; 'mstackhouse@fd1lvco.org' <mstackhouse@fd1lvco.org>; Design Group Leavenworth <designgroupleavenworth@evergy.com>; 'rwd8lv@gmail.com' <rwd8lv@gmail.com>; 'jgentzler@lansings.org' <jgentzler@lansings.org>; PZ <PZ@leavenworthcounty.gov>  
**Subject:** RE: DEV-23-142 Rezoning - B&J Lansing LLC

**This Message Is From an External Sender**

[Report Suspicious](#)

This message came from outside your organization.

The Department of Planning & Zoning has received an application for a Rezoning regarding 108-28-0-00-00-011.01.

The Planning Staff would appreciate your written input in consideration of the above request. Please review the attached information and forward any comments to us by Thursday October 19<sup>th</sup>, 2023.

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

Thank you,

Melissa Johnson  
Planner I  
Leavenworth County

## Schweitzer, Joshua

---

**From:** Rural Water <rwd8lv@gmail.com>  
**Sent:** Wednesday, October 11, 2023 5:14 PM  
**To:** PZ  
**Subject:** Rezoning Applications

**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.

RWD #8 Lv CO has received 3 rezoning applications

1. Blaser,
2. Young
3. B & J Lansing LLC

No response can be provided until the board meeting discussion on November 2nd 2023. The above rezoning applications will need to be referred to our engineer for approval. Each owner requesting the rezoning will need to contact RWD #8 for the cost of the engineer review.

Please contact me if you have any questions or concerns.

Thank you,

--

*Sandra Heim  
Office Manager  
Rural Water District #8-LV CO  
913-796-2164*

## Schweitzer, Joshua

---

**From:** Michael Stackhouse <mstackhouse@fd1lvco.org>  
**Sent:** Thursday, October 12, 2023 12:05 PM  
**To:** Johnson, Melissa; Magaha, Chuck; Anderson, Kyle; Miller, Jamie; Patzwald, Joshua; Van Parys, David; 'mpleak@olsson.com'; Noll, Bill; McAfee, Joe; 'designgroupleavenworth@evergy.com'; 'rwd8lv@gmail.com'; 'jgentzler@lansings.org'; PZ  
**Cc:** Rob Gaslin; 'kelloggcompany@gmail.com'  
**Subject:** RE: DEV-23-142 Rezoning - B&J Lansing LLC

**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. Johnson,

Fire District No. 1 has no issues with the proposed planning and rezoning other than the continued concerns about the available water supply for firefighting operations. The continuing addition of subdivisions and homes within High Prairie Twp without infrastructure upgrades will continue to decrease available water supply needs in the event of a structure fire. The outcome of a structure fire is dependent upon the delivery of swift firefighting actions to include continuous water supply. The more water depleted (in-Use) from a system, the longer it takes to fill our tenders. The concerns are already in place in most areas of High Prairie Twp. and continuously taxing the system by adding more homes will only heighten our concerns. It is imperative that as High Prairie Twp. continues to see growth, the issue of water main upgrades be a topic of concern for all stakeholders. I realize that this is at the early planning and rezoning stage, however past concerns through all stages of the process have completed without resolve. Have a great day.

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



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**From:** Johnson, Melissa <MJohnson@leavenworthcounty.gov>  
**Sent:** Wednesday, October 11, 2023 9:36 AM  
**To:** Magaha, Chuck <cmagaha@lvsheriff.org>; Anderson, Kyle <KAnderson@leavenworthcounty.gov>; Miller, Jamie <JMiller@leavenworthcounty.gov>; Patzwald, Joshua <jpatzwald@lvsheriff.org>; Van Parys, David <DVanParys@leavenworthcounty.gov>; 'mpleak@olsson.com' <mpleak@olsson.com>; Noll, Bill

## Schweitzer, Joshua

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**From:** Joshua Gentzler <jgentzler@lansingks.org>  
**Sent:** Friday, October 13, 2023 10:34 AM  
**To:** Johnson, Melissa  
**Subject:** RE: DEV-23-142 Rezoning - B&J Lansing LLC

**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.

Melissa,

Thank you for the opportunity to comment on this application. The City of Lansing has no comment on the application.

Regards,

Joshua Gentzler  
Director, Community and Economic Development  
City of Lansing | 730 First Terrace Ste. 2, Lansing, KS 66043  
Phone: 913.364.6920  
[www.lansingks.org](http://www.lansingks.org)

---

**From:** Johnson, Melissa <MJohnson@leavenworthcounty.gov>  
**Sent:** Wednesday, October 11, 2023 9:36 AM  
**To:** Magaha, Chuck <cmagaha@lvsheriff.org>; Anderson, Kyle <KAnderson@leavenworthcounty.gov>; Miller, Jamie <JMiller@leavenworthcounty.gov>; Patzwald, Joshua <jpatzwald@lvsheriff.org>; Van Parys, David <DVanParys@leavenworthcounty.gov>; 'mpleak@olsson.com' <mpleak@olsson.com>; Noll, Bill <BNoll@leavenworthcounty.gov>; McAfee, Joe <JMcAfee@leavenworthcounty.gov>; 'mstackhouse@fd1lvco.org' <mstackhouse@fd1lvco.org>; 'designgroupleavenworth@evergy.com' <designgroupleavenworth@evergy.com>; 'rwd8lv@gmail.com' <rwd8lv@gmail.com>; Joshua Gentzler <jgentzler@lansingks.org>; PZ <PZ@leavenworthcounty.gov>  
**Subject:** RE: DEV-23-142 Rezoning - B&J Lansing LLC

The Department of Planning & Zoning has received an application for a Rezoning regarding 108-28-0-00-00-011.01.

The Planning Staff would appreciate your written input in consideration of the above request. Please review the attached information and forward any comments to us by Thursday October 19<sup>th</sup>, 2023.

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

Thank you,

Melissa Johnson  
Planner I  
Leavenworth County  
Planning & Zoning Department  
Leavenworth County Courthouse  
300 Walnut St, Suite 212  
Leavenworth County, Kansas 66048

## Schweitzer, Joshua

---

**From:** Anderson, Kyle  
**Sent:** Friday, October 13, 2023 10:44 AM  
**To:** Johnson, Melissa  
**Subject:** RE: RE: DEV-23-142 Rezoning - B&J Lansing LLC

We have not received any complaints on this property, and we are not aware of any septic systems currently installed on it.

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:** Johnson, Melissa <MJohnson@leavenworthcounty.gov>  
**Sent:** Wednesday, October 11, 2023 9:36 AM  
**To:** Magaha, Chuck <cmagaha@lvsheriff.org>; Anderson, Kyle <KAnderson@leavenworthcounty.gov>; Miller, Jamie <JMiller@leavenworthcounty.gov>; Patzwald, Joshua <jpatzwald@lvsheriff.org>; Van Parys, David <DVanParys@leavenworthcounty.gov>; 'mpleak@olsson.com' <mpleak@olsson.com>; Noll, Bill <BNoll@leavenworthcounty.gov>; McAfee, Joe <JMcAfee@leavenworthcounty.gov>; 'mstackhouse@fd1lvco.org' <mstackhouse@fd1lvco.org>; 'designgroupleavenworth@evergy.com' <designgroupleavenworth@evergy.com>; 'rwd8lv@gmail.com' <rwd8lv@gmail.com>; 'jgentzler@lansings.org' <jgentzler@lansings.org>; PZ <PZ@leavenworthcounty.gov>  
**Subject:** RE: DEV-23-142 Rezoning - B&J Lansing LLC

The Department of Planning & Zoning has received an application for a Rezoning regarding 108-28-0-00-00-011.01.

The Planning Staff would appreciate your written input in consideration of the above request. Please review the attached information and forward any comments to us by Thursday October 19<sup>th</sup>, 2023.

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

Thank you,

*Melissa Johnson*

Planner I  
Leavenworth County  
Planning & Zoning Department  
Leavenworth County Courthouse  
300 Walnut St, Suite 212



# MEMO

**To:** Melissa Johnson  
**From:** Chuck Magaha  
**Subject:** Variance BJ Lansing LLC Rezone  
**Date:** November 28, 2023

Melissa, I have reviewed the request of the Rezone to BJ Lansing LLC regarding the Rezoning you provided to our office. I have no comments to lend at this time. I will comment once the plat will be provided. If you feel I have missed an issue please give a call at 684-0457.

BJ Lansing LLC

**LEAVENWORTH COUNTY  
PLANNING COMMISSION  
STAFF REPORT**

CASE NO: DEV-23-146 Miles/ Herring Rezone

December 13, 2023

**REQUEST: *Public Hearing Required***

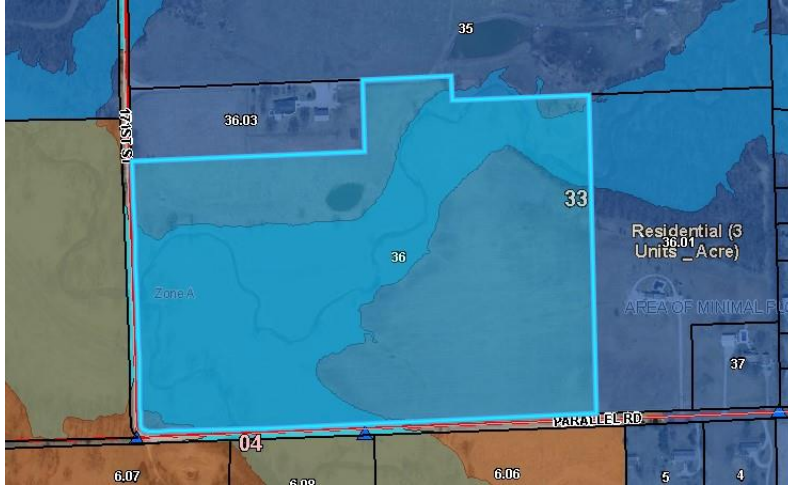
- ZONING AMENDMENT       SPECIAL USE PERMIT  
 TEMPORARY SPECIAL USE PERMIT

**STAFF REPRESENTATIVE:**

John Jacobson  
DIRECTOR

**SUBJECT PROPERTY:** 00000 171<sup>st</sup> Street

**FUTURE LAND USE MAP: RESIDENTIAL 3 UNITS PER ACRE**



**APPLICANT/APPLICANT AGENT:**

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

**PROPERTY OWNER:**

Steve and Darla Miles  
P.O. Box 458  
Basehor, Kansas 66007

**CONCURRENT APPLICATIONS:**

N/A

**LAND USE**

ZONING: RR-2.5 to R-1 (43)

**FUTURE LAND USE DESIGNATION:**

RESIDENTIAL 3 UNITS PER ACRE

**LEGAL DESCRIPTION:**

A tract of land in the south half of the southwest quarter of section 33, Township 10 South, Range 22 East of the 6<sup>th</sup> PM, Leavenworth County Kansas.

SUBDIVISION: N/A

FLOODPLAIN: Zone A

**STAFF RECOMMENDATION: APPROVAL**

**PROPERTY INFORMATION**

**ACTION OPTIONS:**

1. Recommend approval of Case No. DEV-23-146, Rezone for Miles /Herring, to the Board of County Commission, with or without conditions; or
2. Recommend denial of Case No. DEV-23-146, Rezone for Miles/Herring, to the Board of County Commission for the following reasons; or
3. Continue the hearing to another date, time, and place.

PARCEL SIZE: 53.6 ACRES

PARCEL ID NO:  
158-33-0-00-00-036.00

BUILDINGS:  
NA, Vacant

**PROJECT SUMMARY:**

Request to rezone one parcel at 00000 171<sup>st</sup> Street (PID:158-33-0-00-00-036.).

**ACCESS/STREET:**

Parallel Collector and 171<sup>st</sup> LOCAL,  
Paved, ±24' WIDE

**Location Map:**



**UTILITIES**

SEWER: SEPTIC

FIRE: FAIRMOUNT

WATER: SUBURBAN WATER

ELECTRIC: EVERGY

**NOTICE & REVIEW:**

STAFF REVIEW: 11/22/2023

NEWSPAPER NOTIFICATION:  
11/22/2023

NOTICE TO SURROUNDING  
PROPERTY OWNERS:  
11/22/2023

<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>
<b>1. Character of the Neighborhood:</b> <i>Density: Surrounding parcels range in size from 2.5 acres to more than 100 acres. The area is not densely populated.</i>  <i>Rural Growth Management Area: This parcel is located within the <u>Rural</u> Growth Area.</i>		✓
<b>2. Zoning and uses of nearby property:</b> <i>Adjacent Uses: Most of the adjacent parcels are low density residential and agricultural in nature.</i>  <i>Adjacent Zoning: All adjacent properties are zoned RR2.5.</i>		✓
<b>3. Suitability of the Property for the uses to which is has been restricted:</b> The property is suitable for rural residences and agricultural uses.	✓	
<b>4. Extent to which removal of the restrictions will detrimentally affect nearby property:</b> <i>Nearby properties are unlikely to be negatively impacted as the proposed rezoning remains rural residential.</i>	✓	
<b>5. Length of time the property has been vacant as zoned:</b> <input checked="" type="checkbox"/> <i>Vacant:</i> <input type="checkbox"/> <i>Not Vacant:</i>	✓	
<b>6. Relative gain to economic development, public health, safety and welfare:</b> The rezoning does not impact economic development, public health, safety or welfare. Given the bisection of land due to floodplain, densities are low when considering the gross acreage of the tract. The homes that could potentially be constructed may have a positive impact on economic development.	✓	
<b>7. Conformance to the Comprehensive Plan:</b> <i>Future Land Use Map: Residential 3 Units Per Acre</i>	✓	

**STAFF COMMENTS:**

The applicants are requesting a rezoning from Rural-Residential 2.5 to R-1 (43). The Comprehensive Plan identifies the future land use of this area as *Residential 3 units per acre*. While Staff has some concerns with density as the proximity tract/lots are primarily larger rural tracts. There are a small number of 2.5 and even several 1-acre tracts within 700- 1000 feet from this proposed subdivision and the parent tract is bisected by a substantial floodplain. The floodplain acts as a “buffer” and greatly decreases the density impacts on the tract as a whole. For this reason, staff generally supports the request.

1. The requested use is less dense than the future land use designation.
2. Staff supports the request for a sanitary sewer exception. The nearest city is located more than ½ mile to the east, therefore making extension of sanitary sewer (necessary for 3 units/acre) cost prohibitive and unlikely.

**ATTACHMENTS:**

- A: Application & Narrative
- B: Zoning Map
- C: Memorandums
- D. Concept Plan

Energy Suburban  
 Future 3 units to one acre  
 Floodplain  
 33 10 22  
 52.80 458

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

#  
 CK #9548

Office Use Only

Township: Fairmount Date Received: 10.30.2023  
 Planning Commission Date \_\_\_\_\_  
 Case No. DEV-23- Date Paid 10.30.2023  
 Zoning District RR 2.5 Comprehensive Plan Land Use Designation 3 units to 1 acre

APPLICANT/AGENT INFORMATION	OWNER INFORMATION (If different)
NAME <u>Joe Herring</u>	NAME <u>Steve M. &amp; Darla A. Miles</u>
ADDRESS <u>315 North 5th Street</u>	ADDRESS <u>P.O. Box 458</u>
CITY/ST/ZIP <u>Leavenworth, KS 66048</u>	CITY/ST/ZIP <u>Basehor, KS 66007</u>
PHONE <u>913-651-3858</u>	PHONE <u>N/A</u>
EMAIL <u>herringsurveying@outlook.com</u>	EMAIL <u>N/A</u>
CONTACT PERSON <u>Joe</u>	CONTACT PERSON <u>Joe</u>

**PROPOSED USE INFORMATION**

Proposed Land Use AG & Rural Residential  
 Current Zoning RR 2.5 Requested Zoning R1-43  
 Reason for Requesting Rezoning Follow Comp Plan for a higher density use with majority of property in flood plain.

**PROPERTY INFORMATION**

Address of Property 00000 171st Street  
 Parcel Size 53 Acres  
 Current use of the property Agriculture  
 Present Improvements or structures None  
 PID 158-33-0-00-00-036

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 10/28/2023 Date 10-28-23

ATTACHMENT A

Entered in the transfer record in my office this  
30 day of Jan, 2019  
Janet Plaszewski  
County Clerk  
by B. Jones

**QUIT CLAIM DEED  
JOINT TENANCY**

Steve Miles and Darla Miles, husband and wife

QUIT CLAIMS TO:

Steve Miles and Darla Miles, husband and wife

as joint tenants with rights of survivorship and not as tenants in common, all of the following described REAL ESTATE in the County of Leavenworth, State of Kansas, to-wit:

Tract of land in the South Half of the Southwest Quarter of Section 33, Township 10 South, Range 22 East of the 6th P.M., Leavenworth County, Kansas, more fully described as follows: Beginning at the Southwest Corner of said Southwest Quarter; thence North 01 degrees 39' 58" West for a distance of 1130.84 feet along the West line of said Southwest Quarter; thence North 87 degrees 40'19" East for a distance of 956.00 feet to a 1/2" Bar Cap LS-1296; thence North 01 degrees 39'58" West for a distance of 296.02 feet to the South line of a tract of land recorded in Deed Book 798 Page 1841; thence North 87 degrees 40'19" East for a distance of 364.00 feet along said deed line to a 1/2" Bar Cap LS-1296; thence South 01 degrees 39'58" East for a distance of 99.00 feet along said deed line to the South line of the North Half of said Southwest Quarter, said point being a 1/2" Bar Cap LS-1296; thence North 87 degrees 40'19" East for a distance of 561.66 feet along said deed line and South line to a 1/2" Bar Cap LS-1296; thence South 01 degrees 21'56" East for a distance of 1322.09 feet to the South line of said Southwest Quarter; thence South 87 degrees 29'34" West for a distance of 1874.80 feet along said South line to the true point of beginning. Said parcel identified as Tract A-1 according to Boundary Line Adjustment Survey by Herring Surveying, recorded May 10, 2018 as Document No. 2018S026.

Exemption #3

For the sum of one dollar and other good and valuable considerations. Subject to easements, restrictions, and reservations of record, if any.

Dated this 7<sup>th</sup> day of January, A.D. 2019  
2018.

Steve Miles  
Steve Miles

Darla Miles  
Darla Miles

STATE OF KANSAS

) S.S.:

COUNTY OF LEAVENWORTH )

BE IT REMEMBERED, That on this 7<sup>th</sup> day of January, A.D. 2019  
2018, before me the undersigned a notary public, in and for the County and State aforesaid, came Steve Miles and Darla Miles, husband and wife, who <sup>are</sup> personally known to me to be such persons who executed the within instrument of writing and such persons duly acknowledged the execution of the same.

IN TESTIMONY WHEREOF, I have hereunto set my hand, and affixed my seal

the day and year last above mentioned.

**CHERYL A. REYNOLDS**  
Notary Public - State of Kansas  
My Appt. Expires 1/8/2021

Cheryl A. Reynolds  
Notary Public

AFFIDAVIT

Authorization of Contractors or Individuals to Act as Agents of a Landowner  
COUNTY OF LEAVENWORTH  
STATE OF KANSAS

We/I Darla Miles and Steve Miles

Being dully sworn, dispose and say that we/I are the owner(s) of said property located at -  
00000 171st St., Basehor Ks. 66007 Sec-33 twp-10-rng-22E \_\_\_\_\_, and that we authorize the  
following people or firms to act in our interest with the Leavenworth County Planning  
and Zoning Department for a period of one calendar year. Additionally, all statements  
herein contained in the information herewith submitted are in all respects true and correct  
to the best of our knowledge and belief.

Authorized Agents (full name, address & telephone number)

1) Joseph A. Herring – Herring Surveying Company 315 N. 5<sup>th</sup> Street, Leavenworth,  
KS 66048, 913-651-3858

2)

Signed and entered this 30th day of October, 2023.

Steve and Darla Miles 19661 171st st., Basehor, Ks., 66007 816-769-7172

Print Name, Address, Telephone

Darla Miles      Steve Miles

Signature

STATE OF KANSAS                    )  
  ) SS  
COUNTY OF LEAVENWORTH )

Be it remember that on this 30th day of October 2023, before me, a notary public in and  
for said County and State came Steve Miles, and Darla Miles to me  
personally known to be the same persons who executed the forgoing instrument of writing, and  
duly acknowledged the execution of same. In testimony whereof, I have hereunto set my hand  
and affixed my notary seal the day and year above written.

NOTARY PUBLIC

My Commission Expires: 2/20/24

(seal)



# CERTIFICATE OF SURVEY

Tracts of land in the Southwest Quarter of Section 33, Township 10 South, Range 22 East of the 6th P.M., Leavenworth County, Kansas.

## BOUNDARY LINE ADJUSTMENT

PREPARED FOR:

Steve & Darla Miles  
PO Box 458  
Bateson, KS 66607  
PID NO. 159-33-00-00-036

Jerrad & Tiffany Kinnison  
19800 171st Street  
Bateson, KS 66607  
PID NO. 159-33-00-00-036.03

11X  
Center of  
Section 33-10-22 (Level) Story

- 1/2" Bar Found
- 1) Nail in Top of Tree Stump NW 15.0'
- 2) Nail in Top of Fence Post NNE 10.0'
- 3) Nail in N Face of 18" Tree SE 6.8'
- 4) Mag Nail in N Face 30" Tree E 15.1'

Doc. # 1818108  
TRACER: S2525252  
REGISTERED BY: 082629  
LEAVENWORTH COUNTY, KANSAS  
REGISTERED ON:  
05/11/2012 2:31:24 PM  
REGISTERED FOR: 12.00  
PAGE: 1

### SURVEYOR'S NOTE:

Intent of survey is to adjust the parcels that were as per previous survey. Intent of previous survey was to establish the property as per recorded deed Book 986 Page 1294. Said deed states that this property was recorded as Tract I & Tract II as well as shown as separate tracts as per recorded survey by R.E. Bacon Survey Book 5-B #70 dated 1971. Notes from said survey were also recovered during research. The deed did not close and had apparent typographical errors. Said survey and notes details and information did not match. Deeds and R.E. Bacon survey have more similarities when compared to the R.E. Bacon field notes. Deed of the Tract to the North stated the North half of the Southwest Quarter less a 99' x 1320' strip of land. This deed was held in the establishment of the surveyed property leaving the South Half of the Section including the 99' x 1320' strip and excepting out the Eastern 750' thereof. New descriptions are created as per this survey to resolve the previous deed issues.

### PARENT DESCRIPTIONS:

#### TRACT A:

Tract of land in the South Half of the Southwest Quarter of Section 33, Township 10 South, Range 22 East of the 6th P.M., Leavenworth County, Kansas, more fully described as follows: Beginning at the Southwest Corner of said Southwest Quarter; thence North 01 degrees 39' 58" West for a distance of 1130.94 feet along the West line of said Southwest Quarter; thence North 87 degrees 40' 19" East for a distance of 808.50 feet to a 1/2" Bar Cap LS-1296; thence North 01 degrees 39' 58" West for a distance of 296.02 feet to the South line of a tract of land recorded in Deed Book 798 Page 1841; thence North 87 degrees 40' 19" East for a distance of 511.50 feet along said deed line to a 1/2" Bar Cap LS-1296; thence South 01 degrees 39' 58" East for a distance of 99.00 feet along said deed line to the South line of the North Half of said Southwest Quarter; said point being a 1/2" Bar Cap LS-1296; thence North 87 degrees 40' 19" East for a distance of 561.66 feet along said deed line and South line to a 1/2" Bar Cap LS-1296; thence South 01 degrees 39' 58" East for a distance of 1322.09 feet to the South line of said Southwest Quarter; thence South 87 degrees 29' 34" West for a distance of 1874.80 feet along said South line to the true point of beginning. Together with and subject to covenants, easements, and restrictions of record. Said property contains 54.5 acres, more or less, including road right of way. Error of Closure: 1 - 1202417

#### TRACT B:

Tract of land in the Southwest Quarter of Section 33, Township 10 South, Range 22 East of the 6th P.M., Leavenworth County, Kansas, more fully described as follows: Commencing at the Southwest Corner of said Southwest Quarter; thence North 01 degrees 39' 58" West for a distance of 1130.94 feet along the West line of said Southwest Quarter to the TRUE POINT OF BEGINNING; thence continuing North 01 degrees 39' 58" West for a distance 296.02 feet along the said West line to the South line of a tract of land recorded in Deed Book 798 Page 1841; thence North 87 degrees 40' 19" East for a distance of 808.50 feet along said deed line to a 1/2" Bar Cap LS-1296; thence South 01 degrees 39' 58" East for a distance of 296.02 feet to a 1/2" Bar Cap LS-1296; thence South 87 degrees 40' 19" West for a distance of 808.50 feet to the point of beginning. Together with and subject to covenants, easements, and restrictions of record. Said property contains 5.5 acres, more or less, including road right of way. Error of Closure: 1 - 2000000

### SURVEYOR'S DESCRIPTIONS:

#### TRACT A-1:

Tract of land in the South Half of the Southwest Quarter of Section 33, Township 10 South, Range 22 East of the 6th P.M., Leavenworth County, Kansas, more fully described as follows: Beginning at the Southwest Corner of said Southwest Quarter; thence North 01 degrees 39' 58" West for a distance of 1130.94 feet along the West line of said Southwest Quarter; thence North 87 degrees 40' 19" East for a distance of 808.50 feet to a 1/2" Bar Cap LS-1296; thence North 01 degrees 39' 58" West for a distance of 296.02 feet to the South line of a tract of land recorded in Deed Book 798 Page 1841; thence North 87 degrees 40' 19" East for a distance of 364.00 feet along said deed line to a 1/2" Bar Cap LS-1296; thence South 01 degrees 39' 58" East for a distance of 99.00 feet along said deed line to the South line of the North Half of said Southwest Quarter; said point being a 1/2" Bar Cap LS-1296; thence North 87 degrees 40' 19" East for a distance of 561.66 feet along said deed line and South line to a 1/2" Bar Cap LS-1296; thence South 01 degrees 39' 58" East for a distance of 1322.09 feet to the South line of said Southwest Quarter; thence South 87 degrees 29' 34" West for a distance of 1874.80 feet along said South line to the true point of beginning. Together with and subject to covenants, easements, and restrictions of record. Said property contains 53.6 acres, more or less, including road right of way. Error of Closure: 1 - 1202417

#### TRACT B-1:

Tract of land in the Southwest Quarter of Section 33, Township 10 South, Range 22 East of the 6th P.M., Leavenworth County, Kansas, more fully described as follows: Commencing at the Southwest Corner of said Southwest Quarter; thence North 01 degrees 39' 58" West for a distance of 1130.94 feet along the West line of said Southwest Quarter to the TRUE POINT OF BEGINNING; thence continuing North 01 degrees 39' 58" West for a distance 296.02 feet along the said West line to the South line of a tract of land recorded in Deed Book 798 Page 1841; thence North 87 degrees 40' 19" East for a distance of 808.50 feet along said deed line; thence South 01 degrees 39' 58" East for a distance of 296.02 feet to a 1/2" Bar Cap LS-1296; thence South 87 degrees 40' 19" West for a distance of 808.50 feet to the point of beginning. Together with and subject to covenants, easements, and restrictions of record. Said property contains 5.5 acres, more or less, including road right of way. Error of Closure: 1 - 2000000

### TRANSFER AREA:

Tract of land in the Southwest Quarter of Section 33, Township 10 South, Range 22 East of the 6th P.M., Leavenworth County, Kansas, more fully described as follows: Commencing at the Southwest Corner of said Southwest Quarter; thence North 01 degrees 39' 58" West for a distance of 1130.94 feet along the West line of said Southwest Quarter; thence North 87 degrees 40' 19" East for a distance of 808.50 feet to the TRUE POINT OF BEGINNING; thence North 01 degrees 39' 58" West for a distance of 296.02 feet to the South line of a tract of land recorded in Deed Book 798 Page 1841; thence North 87 degrees 40' 19" East for a distance of 147.50 feet along said deed line; thence South 01 degrees 39' 58" East for a distance of 296.02 feet to a 1/2" Bar Cap LS-1296; thence South 87 degrees 40' 19" West for a distance of 147.50 feet to the point of beginning. Together with and subject to covenants, easements, and restrictions of record. Said property contains 1.0 acres, more or less, including road right of way. Error of Closure: 1 - 2000000

- ### LEGEND:
- - 1/2" Bar Set with Cap No. 1296
  - - 1/2" Bar Found, unless otherwise noted
  - ( ) - Record / Deeded Distance
  - POB - Point of Beginning
  - POC - Point of Commencing

### CERTIFICATION BY COUNTY STAFF:

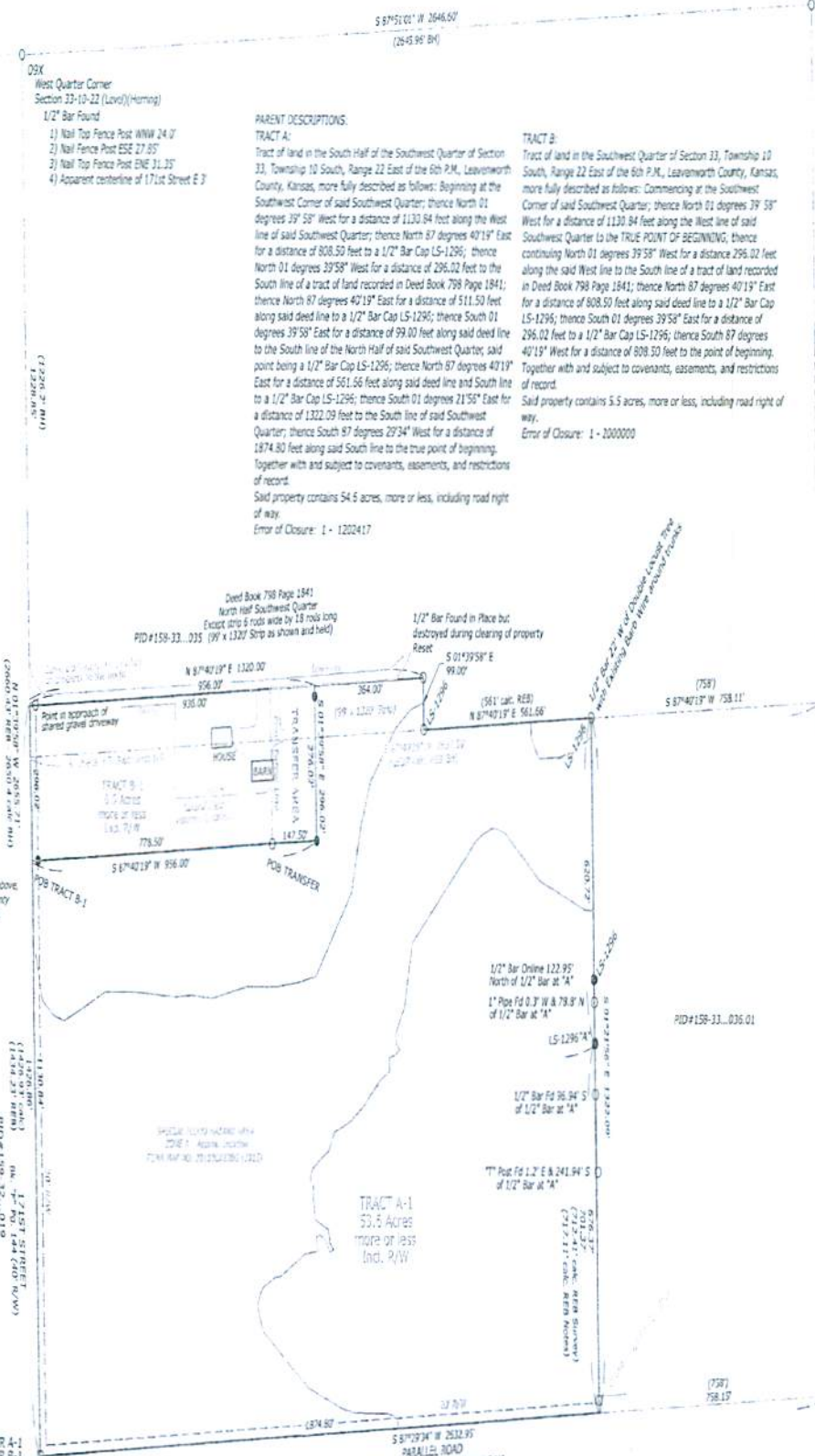
This Boundary Line Adjustment, as described and shown above, has been submitted to and approved by the following County Staff persons this 10th day of May, 2016.

Planning Director: Shawn Griffin  
Sally Kosh



114-019-19  
December 7, 2014 Rev 4/25/18

LIBERRING SURVEYING COMPANY  
18.5 North 5th Street, Leaw, KS 66044  
Ph: 781.861.3653 Fax: 413.487.7058  
Email: survey@liberring.com



- 1) This survey does not show ownership or easements
- 2) All distances are calculated from measurements or measured this survey, unless otherwise noted.
- 3) All record and measured distances are the same, unless otherwise noted.
- 4) Error of Closure - See Surveyor's Description
- 5) Basis of Bearing - KS State Plane North Zone 1501
- 6) Point Origin Unknown, unless otherwise noted.
- 7) Referenced Surveys -  
(Bv) - B-Hemple Survey Book "H" Page 97 dated 1949  
(REB) - R.E.Bacon Survey Book 5-B #70 dated 1971  
Notes dated February 26, 1971  
(JAH) - J.A.Herring survey of MILES RANCH - recorded plat  
(JAH) - J.A.Herring survey Doc No. 20145011 & 20155015
- 8) Road Records - as shown herein
- 9) Referenced Deed Doc. # 2014R02190 & # 2016R07699
- 10) Survey prepared without the benefit of a title commitment.
- 11) Survey Lines do not necessarily denote property lines.
- 12) Structures are shown in approximate location.
- 13) Utilities, if shown, are visible and above ground, except as noted. Easements may or may not exist.
- 14) Property is located in a Special Flood Hazard Area Zone A per FEMA FIRM Map 2010C0238G - 2015.

11Z  
South Quarter Corner  
Section 33-10-22 (Level) (Stick)  
5/8" Bar 1.7' below grade

- 1) Apparent centerline Parallel Road 5.0' +/-
- 2) 50# Nail in NW Face Fence Post SW 45.2'
- 3) Double 60# Nails in NE Face Power Pole NWW 51.35'
- 4) Step Spline in NE Face Power Pole SW 47.5'
- 5) Mag Nail Top Fence Corner Post SE 65.8'

COUNTY SURVEYOR  
I hereby certify that this document has been reviewed by me and is a true and correct copy of the original.

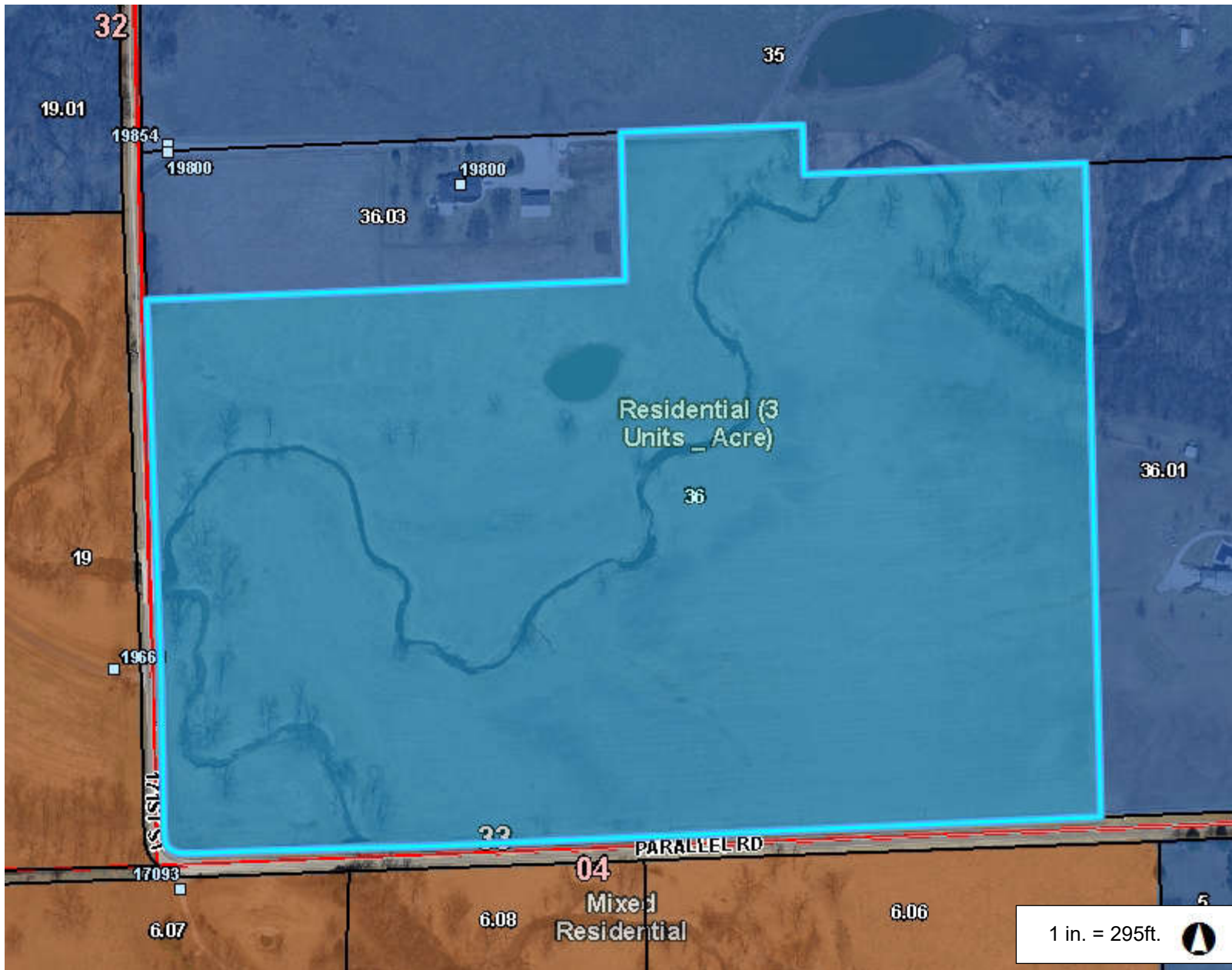
Wayne Mitchell  
Wayne Mitchell, KS



I hereby certify that this survey was made by me, or under my direct supervision, on the ground during the month of April 2016 and this map or plat is correct to the best of my knowledge.

Joseph A. Herring  
PS # 1296

# Leavenworth County, KS



## Legend

- Address Point
- Parcel Number
- Lot Line
- Parcel
- ⊞ City Limit Line
- Major Road
- <all other values>
- 70
- Road
- <all other values>
- PRIVATE
- + Railroad
- Section
- Section Boundaries
- County Boundary
- Future Land Use
- County Road 1
- Flood
- Mixed Residential
- Mixed Use
- Residential (2.5-Acre Minimum)
- Residential (3 Units \_ Acre)
- Residential Estate (5-Acre Minimum)
- Sewer District
- SD#1
- SD#2

## Notes

590.1 0 295.06 590.1 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.

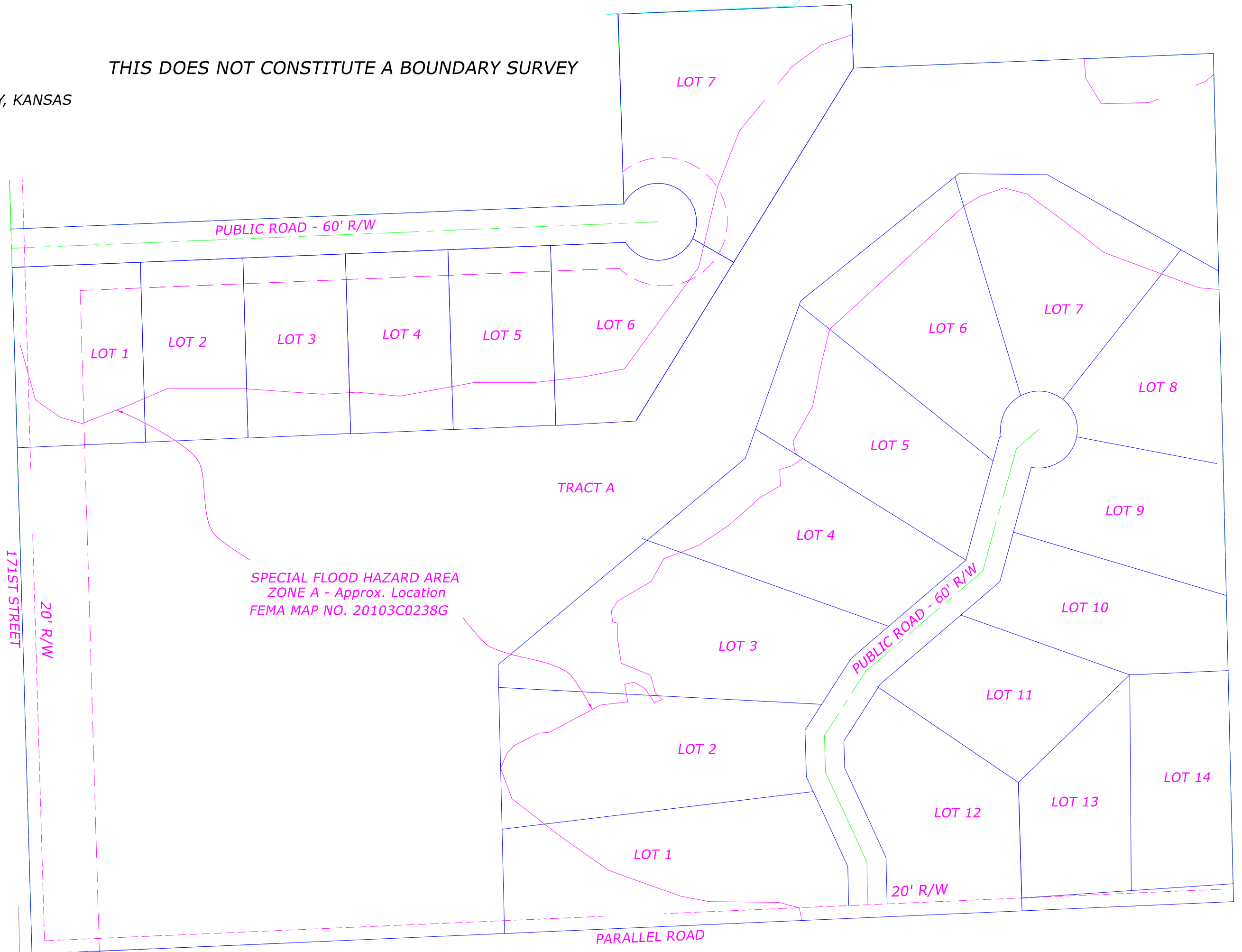
THIS MAP IS NOT TO BE USED FOR NAVIGATION



**CONCEPT PLAN**  
SW 1/4 SEC. 33-10-22,  
LEAVENWORTH COUNTY, KANSAS

**THIS DOES NOT CONSTITUTE A BOUNDARY SURVEY**

PREPARED FOR:  
Steve & Darla Miles  
PO BOX 458  
Basehor, KS 66007  
PID NO. 158-33-0-00-00-036



J.Herring, Inc. (dba)  
**HERRING**  
SURVEYING  
COMPANY

315 North 5th Street, Leav., KS 66048  
Ph. 913.651.3858 Fax 413.467.7256  
Email - survey@teamcash.com

**From:** [Anderson, Kyle](#)  
**Sent:** Tuesday, October 31, 2023 9:46 AM  
**To:** [Johnson, Melissa](#)  
**Subject:** RE: DEV-23-146 Rezone of Miles Herring

---

We have not received any complaints on this property and we are not aware of any septic systems currently installed on it.

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:** Johnson, Melissa <MJohnson@leavenworthcounty.gov>  
**Sent:** Monday, October 30, 2023 3:15 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>; Noll, Bill <BNoll@leavenworthcounty.gov>; PZ <PZ@leavenworthcounty.gov>  
**Cc:** 'lingenfelsem@fairmountfd.org' <lingenfelsem@fairmountfd.org>; 'designgroupleavenworth@evergy.com' <designgroupleavenworth@evergy.com>; 'travis@suburbanwaterInc.com' <travis@suburbanwaterInc.com>; 'Trish Peterson' <trish@suburbanwaterinc.com>  
**Subject:** DEV-23-146 Rezone of Miles Herring

The Department of Planning and Zoning has received an application for a Rezoning regarding a property from RR 2.5 to R1 (43).

The Planning Staff would appreciate your written input in consideration of the above request. Please review the attached information and forward any comments to us by **Monday, November 6, 2023**.

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

Thank you,

*Melissa Johnson*

Planner I  
Leavenworth County  
Planning & Zoning Department  
Leavenworth County Courthouse  
300 Walnut St, Suite 212

**From:** [Tyler Rebel](#)  
**Sent:** Tuesday, October 31, 2023 8:22 AM  
**To:** [Johnson, Melissa](#)  
**Cc:** [William Butts](#)  
**Subject:** RE: [EXTERNAL]DEV-23-146 Rezone of Miles Herring

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Internal Use Only

Melissa,

No comments from evergy regarding the rezoning changes of the application attached. Thanks,

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

---

**From:** Johnson, Melissa <MJohnson@leavenworthcounty.gov>  
**Sent:** Monday, October 30, 2023 3:15 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>; Noll, Bill <BNoll@leavenworthcounty.gov>; PZ <PZ@leavenworthcounty.gov>  
**Cc:** 'lingenfelsem@fairmountfd.org' <lingenfelsem@fairmountfd.org>; Design Group Leavenworth <designgroupleavenworth@evergy.com>; 'travis@suburbanwaterInc.com' <travis@suburbanwaterInc.com>; 'Trish Peterson' <trish@suburbanwaterinc.com>  
**Subject:** [EXTERNAL]DEV-23-146 Rezone of Miles Herring

**This Message Is From an External Sender**

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This message came from outside your organization.

The Department of Planning and Zoning has received an application for a Rezoning regarding a property from RR 2.5 to R1 (43).

The Planning Staff would appreciate your written input in consideration of the above request. Please review the attached information and forward any comments to us by **Monday, November 6, 2023**.

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

Thank you,

Melissa Johnson



November 5<sup>th</sup>, 2023

Leavenworth County Planning and Zoning

RE: LVCO Case Number DEV-23-146

Suburban water has no objection to the re-zoning application for the property in case # DEV-23-146. Suburban has existing water infrastructure, along both Parallel and 171<sup>st</sup> Street. Suburban has not evaluated what if any improvements maybe necessary to serve the property development. Those considerations would be considered, upon the completion of a preliminary and final plat being submitted for Suburban's evaluation.

Sincerely,

*Travis J Miles*

Travis J Miles

President

**From:** [Mike Lingenfelter](#)  
**Sent:** Tuesday, November 7, 2023 6:37 AM  
**To:** [Johnson, Melissa](#)  
**Subject:** Re: DEV-23-146 Rezone of Miles Herring

---

**Follow Up Flag:** FollowUp

**Flag Status:** Flagged

**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.

Melissa

Fire hydrants and cul de sac to meet code.

Mike

On Mon, Oct 30, 2023 at 3:14 PM Johnson, Melissa <[MJohnson@leavenworthcounty.gov](mailto:MJohnson@leavenworthcounty.gov)> wrote:

The Department of Planning and Zoning has received an application for a Rezoning regarding a property from RR 2.5 to R1 (43).

The Planning Staff would appreciate your written input in consideration of the above request. Please review the attached information and forward any comments to us by **Monday, November 6, 2023**.

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

Thank you,

Melissa Johnson

Planner I

Leavenworth County

Planning & Zoning Department