

*****Amended Agenda*****

LEAVENWORTH COUNTY PLANNING COMMISSION

Agenda for a Regular Meeting of 5:30 P.M., Wednesday, November 8, 2023
County Courthouse - 300 Walnut Street - Leavenworth, Kansas 66048

www.leavenworthcounty.gov

1. **Call to Order**
2. **Pledge of Allegiance**
3. **Roll Call**
4. **Approval of Minutes**
5. **Secretary's Report**
6. **Declarations: (if necessary)**
 - A. Declarations of receipt of communications by Planning Commissioners
 - B. Disclosure of ex-parte communications for each hearing item
 - C. Declarations of abstention from specific agenda items by a Commissioner
7. **Approval of Agenda**
8. **Consent Agenda**
 - A. **Case DEV-23-134 & 135 Preliminary and Final Plat Bosworth Addition NO. 2**
Consideration of a Preliminary and Final Plat for all of Lot 12, Morning Deer Farms Subdivision and a Tract of Land in the North Half of the Northwest Quarter of Section 16, Township 12 South, Range 22 East, of the 6th P.M., in Leavenworth County, Kansas
Also known as 00000 Morning Deer Road, Linwood
PID: 232-09-0-00-00-021.00
 - B. **Case DEV-23-144 Replat of Goodness and Mercy Farm**
Consideration of a Replat of Lots 2 and 3, Valley View Subdivision, in the Northeast Quarter of Section 14, Township 11 South, Range 20 East of the 6th P.M., Leavenworth County, Kansas.
Also known as 00000 246th Street, Tonganoxie
PID: 206-14-0-00-00-011.00 & 012.00
9. **Regular Agenda**
 - A. **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 6th P.M. Leavenworth County, Kansas
Also known as 24838 Loring Road
PID: 211-11-0-00-00-017.02
*****Public Hearing Required*****
*****Public Comment limited to three minutes per person*****

B. Case DEV-23-118 Rezoning McGee Estate and PCDI

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.

Also known as 17679 166th Street

PID: 185-16-0-00-00-063.00

C. Case DEV-23-137 Rezoning Murphy and Reilly

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.

Also known as 16271 Evans Road, Basehor

PID: 185-15-0-00-00-003.00

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

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

Adjournment of Planning Commission

Work Session – Development Plans

Upcoming meeting dates:

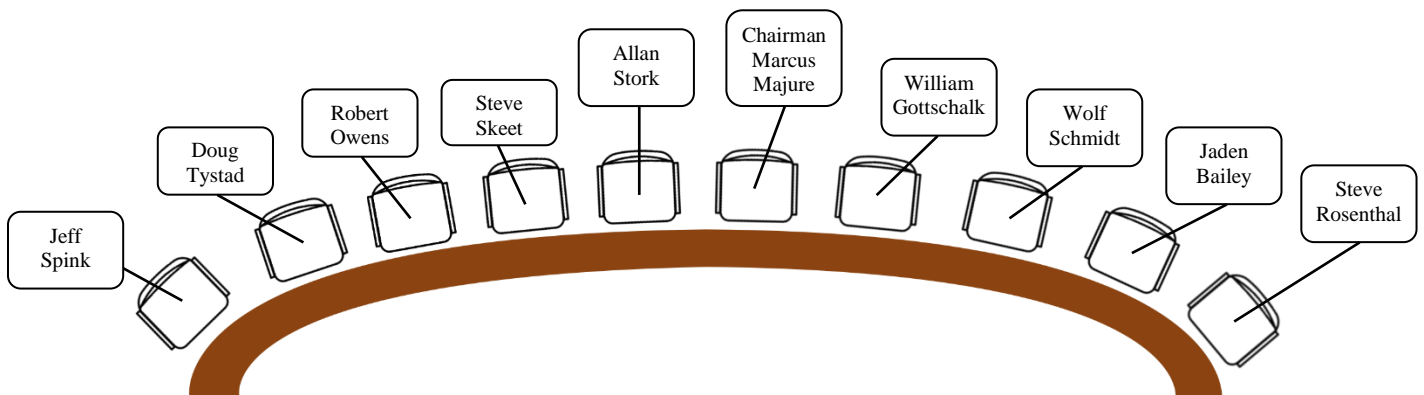
- **Wednesday, December 13, 2023, 5:30 PM**
Regular Planning Commission Meeting

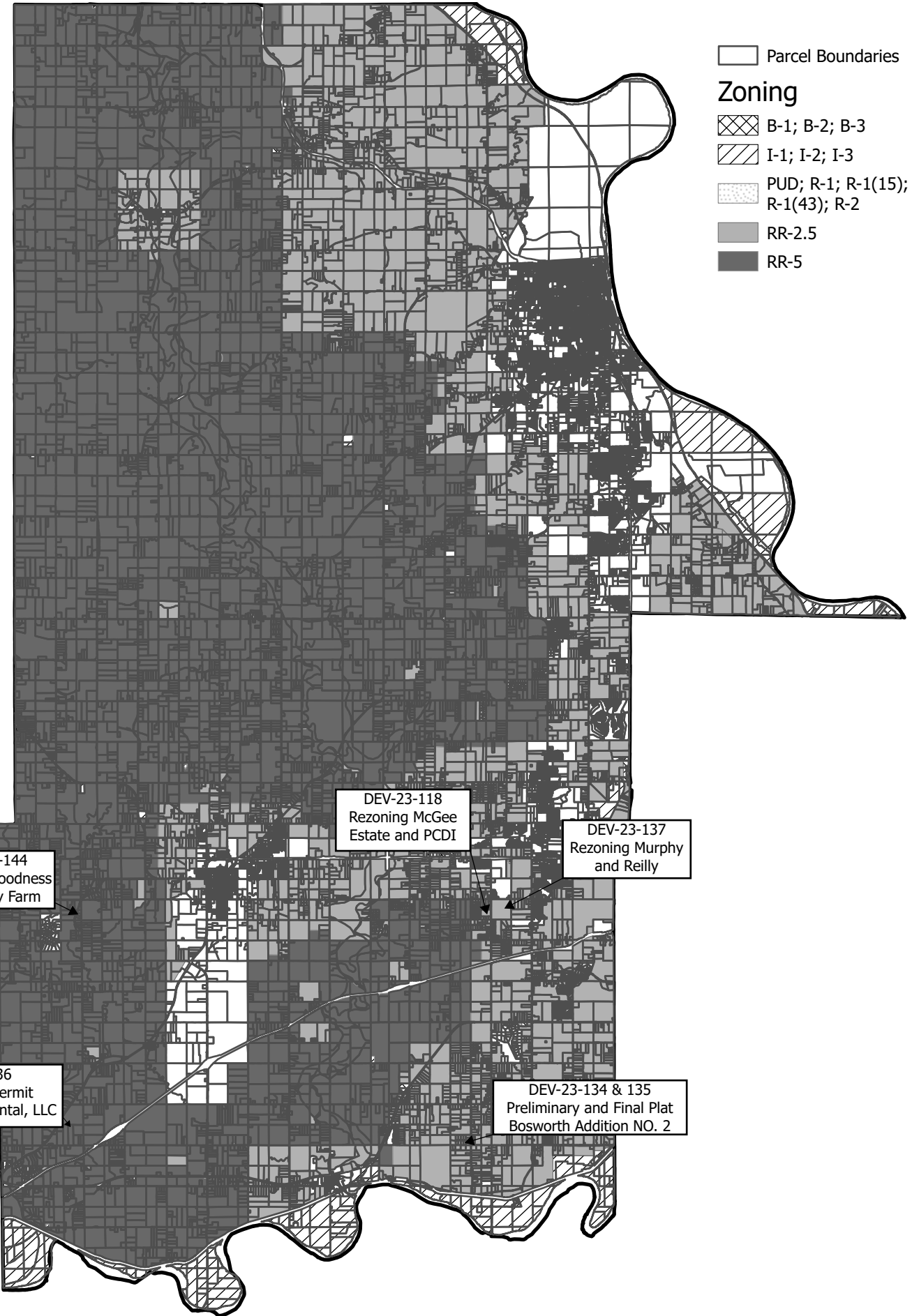
For More Information

If you have any questions or need to make special arrangements for a meeting, please call or stop by the Planning and Zoning Department.

Contact Stephanie Sloop – 913-684-0465

Planning Commission Seating Chart 2023





**LEAVENWORTH COUNTY PLANNING COMMISSION
MINUTES OF THE REGULAR MEETING
October 11, 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 and Steve Skeet

Members absent: Jaden Bailey and Robert Owens

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

Minutes:

Commissioner Stork made a motion to approve the minutes. Commissioner Schmidt seconded the motion.

ROLL CALL VOTE - Motion to approve the minutes passed, 6/0 (1 abstention, 2 absent)

Secretary's Report:

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

Commissioner Schmidt made a motion to approve the agenda. Commissioner Tystad seconded the motion.

ROLL CALL VOTE - Motion to approve the agenda passed, 7/0

Case DEV-023 Preliminary Plat Garden Villa

Consideration of a Preliminary Plat for Garden Villa on the following described property: A Replat of Lots 9A and 9B, Deer Mound Subdivision, of the 6th P.M., Leavenworth County, Kansas.

John Jacobson gave the staff report for the above-listed case. Jacobson stated that the applicant is asking for an exception to the plat. He asked the board if they recommended granting the exception they first make a motion granting the exception and then make a motion on the plat.

Chairman Majure asked if there were any questions or discussions from the board. Chairman Majure asked if the applicant wished to speak. Joe Herring, Herring Surveying, addressed the board, further explaining the nature of his request.

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

Commissioner Stork motioned to approve the exception requested for Case DEV-23-023 a Preliminary Plat for Garden Villa. Commissioner Schmidt seconded the motion.

ROLL CALL VOTE - Motion to approve passed 5/2 (2 Absent)

Commissioner Tystad voted against the motion for the reason of future growth. Commissioner Rosenthal voted against the motion as it goes against regulations and is poor planning.

Commissioner Stork motioned to approve DEV-23-021 a Preliminary Plat for Garden Villa. Commissioner Schmidt seconded the motion.

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

Commissioner Rosenthal voted against the motion for the same reason as before.

Case DEV-23-132 & 133 Preliminary and Final Plat – Doane Acres

**Consideration of a Preliminary and Final Plat for Doane Acres on the following described property:
Tracts of land in the Southeast Quarter of Fractional Section 3, Township 10 South, Range 23 East of
the 6th P.M., Leavenworth County, Kansas.**

John Jacobson gave the staff report for the above-listed case. Jacobson did point out that the applicant is asking for an exception to the plat. He asked the board that if they were recommending approval that they first make a motion granting the exception and then make a motion on the plat.

Chairman Majure asked if there were any questions or discussions from the board. Chairman Majure asked if the applicant wished to speak. Joe Herring, Herring Surveying, addressed the board, further explaining the plat.

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

Commissioner Rosenthal motioned to approve the exception requested with the plat. Commissioner Gottschalk seconded the motion.

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

Commissioner Rosenthal motioned to approve DEV-23-132 & 133 a Preliminary and Final Plat for Doane Acres. Commissioner Skeet seconded the motion.

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

The meeting was adjourned at 6:28 p.m.

**LEAVENWORTH COUNTY
PLANNING COMMISSION**

STAFF REPORT

CASE NO: DEV-23-134 & 23-135 BOSWORTH ADDITION NO. 2

November 8, 2023

REQUEST: **Consent Agenda**

Preliminary Plat Final Plat

STAFF REPRESENTATIVE:

JOHN JACOBSON
DIRECTOR

SUBJECT PROPERTY: 00000 MORNING DEER ROAD, LINWOOD, KANSAS 66052



APPLICANT/APPLICANT AGENT:

AUSTIN THOMPSON
ATLAS LAND CONSULTING

PROPERTY OWNER:

MICHAEL & BARBARA BOSWORTH
17161 Morning Deer Road
Linwood, KS 66052

CONCURRENT APPLICATIONS:

NONE

LAND USE

ZONING: RR 2.5

FUTURE LAND USE DESIGNATION:
Rural Residential 2.5

LEGAL DESCRIPTION: All of Lot 12, Morning Deer Farms Subdivision and a tract of land in the North Half of the Northwest Quarter of Section 16, Township 12 South, Range 22 East of the 6th P.M., in Leavenworth County Kansas.

SUBDIVISION: Morning Deer Farm Subdivision Lot 12 and one Un-platted Tract.

FLOODPLAIN: N/A

STAFF RECOMMENDATION: APPROVAL

PROPERTY INFORMATION

ACTION OPTIONS:

1. Recommend approval of Case No. DEV-23-134 & 135, Preliminary & Final Plat for Bosworth Addition No 2, to the Board of County Commission, with or without conditions; or
2. Recommend denial of Case No. DEV-23-134 & 135, Preliminary & Final Plat for Bosworth Addition No 2, to the Board of County Commission for the following reasons; or
3. Continue the hearing to another date, time, and place.

PARCEL SIZE: 15.03 ACRES

PARCEL ID NO:
232-09-0-00-00-021.00 &
235-16-0-00-00-005.00

BUILDINGS:
1 AGRICULTURAL BUILDING

PROJECT SUMMARY:

Request for a preliminary and final plat approval to join the property located at 00000 Morning Deer Road, Lot 12 and 00000 170th Street (235-16-0-00-00-005.00 and 232-09-0-00-00-021.00) as Lot 1 of Bosworth Addition No 2.

ACCESS/STREET:
Morning Deer Road - COUNTY Local,
PAVED ± 20’;

Location Map: (021 & 005)



SEWER: PRIVATE SEPTIC SYSTEM

FIRE: SHERMAN

WATER: RWD #7

ELECTRIC: EVERGY

NOTICE & REVIEW:

STAFF REVIEW:
10/19/2023

NEWSPAPER NOTIFICATION:
N/A

NOTICE TO SURROUNDING
PROPERTY OWNERS:
N/A

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

STAFF COMMENTS:

The applicant is proposing to join two parcels, by replatting all of lot 12 of Morning Deer Farms Subdivision, a 4.53-acre lot and a 10.20-acre tract South of this lot. 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 (see condition 1). Once combined, Lots 1 will be approximately 15.03 acres in size. The lot meets the minimum requirements for the RR-2.5 zoning district. Staff is generally in support.

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. The developer must comply with the following memorandums:
 - a. Email – Kyle Burkhardt, Evergy, dated September 28, 2023
 - b. Email - RWD 7-Jalayne Turner, dated August 29, 2023
 - c. Email – Dylan Ritter, Assistant Chief – Sherman FD, dated August 25, 2023
 - d. Memo – Chuck Magaha, Emergency Management, dated September 29, 2023

ATTACHMENTS:

- A: Application
- B: Narrative
- C: Memorandums

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

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

APPLICANT/AGENT INFORMATION	OWNER INFORMATION
NAME: AUSTIN THOMPSON - ATLAS LAND CONSULTING	NAME: MICHEL & BARBARA BOSWORTH
MAILING ADDRESS: 14500 PARALLEL RD UNIT R	MAILING ADDRESS 17161 MORNING DEER RD, Linwood, KS 66052
CITY/ST/ZIP: BASEHOR, KS 66007	CITY/ST/ZIP _____
PHONE: 913-702-8916	PHONE: _____
EMAIL : AUSTIN@ALCONSULT-LLC.COM	EMAIL MULEMANMIKE@CENTURYLINK.NET

GENERAL INFORMATION

Proposed Subdivision Name: BOSWORTH ADDITION #2

Address of Property: PARCEL R30079 & R30381

PID: _____ Urban Growth Management Area: _____

SUBDIVISION INFORMATION		
Gross Acreage: 15 ACRES	Number of Lots: 1	Minimum Lot Size: 15 ACRES
Maximum Lot Size: 15 ACRES	Proposed Zoning: RR 2.5	Density:
Open Space Acreage:	Water District: RWD #7	Proposed Sewage: SEPTIC
Fire District:	Electric Provider: EVERGY	Natural Gas Provider: PROPANE
Covenants: <input type="checkbox"/> Yes <input type="checkbox"/> No	Road Classification: <i>Local - Collector - Arterial - State - Federal</i>	
	Cross-Access Easement Requested: <input type="checkbox"/> Yes <input type="checkbox"/> No	
List of all Requested Exceptions: <i>Exceptions may be granted per Article 56 or as otherwise stated in the Zoning & Subdivision Regulations.</i>	1. _____	
	2. _____	
	3. _____	
	4. _____	
	5. _____	

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

I, the undersigned, am the owner, duly authorized agent, of the aforementioned property situated in the unincorporated portion of Leavenworth County, Kansas. By execution of my signature, I do hereby officially apply for a final plat approval as indicated above.

Signature: Barbara Bosworth Date: 8-29-23

ATTACHMENT A

SEP 27 2023

~~#525.00~~
~~*Hard Copy Big~~
~~*Utilities~~
~~*Pre Plat App.~~

134/135

FINAL PLAT APPLICATION

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

235-16
232-09

005.00
021.00

SCANNED
Atlas

Office Use Only	
Township: <u>Sherman</u>	Planning Commission Meeting Date: _____
Case No. <u>DEV-23-</u>	Date Received/Paid: _____
Zoning District <u>RR 2.5</u>	Comprehensive Plan Land Use Designation: _____

APPLICANT/AGENT INFORMATION	OWNER INFORMATION
NAME: <u>AUSTIN THOMPSON - ATLAS LAND CONSULTING</u>	NAME: <u>MICHEL & BARBARA BOSWORTH</u>
MAILING ADDRESS: <u>14500 PARALLEL RD UNIT R</u>	MAILING ADDRESS: <u>17161 MORNING DEER RD, Linwood, KS 66052</u>
CITY/ST/ZIP: <u>BASEHOR, KS 66007</u>	CITY/ST/ZIP: _____
PHONE: <u>913-702-8916</u>	PHONE: _____
EMAIL: <u>AUSTIN@ALCONSULT-LLC.COM</u>	EMAIL: <u>mulemanmike@centurylink.net</u>

GENERAL INFORMATION

Proposed Subdivision Name: BOSWORTH ADDITION #2

Address of Property: PARCEL R30079 & R30381

PID: _____ Urban Growth Management Area: _____

SUBDIVISION INFORMATION		
Gross Acreage: <u>15 ACRES</u>	Number of Lots: <u>1</u>	Minimum Lot Size: <u>15 ACRES</u>
Maximum Lot Size: <u>15 ACRES</u>	Proposed Zoning: <u>RR 2.5</u>	Density: _____
Open Space Acreage: _____	Water District: <u>RWD #7</u>	Proposed Sewage: <u>SEPTIC</u>
Fire District: _____	Electric Provider: <u>EVERGY</u>	Natural Gas Provider: <u>PROPANE</u>
Covenants: <input type="checkbox"/> Yes <input type="checkbox"/> No	Road Classification: <u>Local - Collector - Arterial - State - Federal</u>	
Cross-Access Easement Requested: <input type="checkbox"/> Yes <input type="checkbox"/> No		

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

I, the undersigned, am the owner, duly authorized agent, of the aforementioned property situated in the unincorporated portion of Leavenworth County, Kansas. By execution of my signature, I do hereby officially apply for a final plat approval as indicated above.

Signature: Barbara Bosworth Date: 8-29-23

OWNER AUTHORIZATION

I/WE Michael & Barbara Bosworth, hereby referred to as the "Undersigned", being of lawful age, do hereby on this 29 day of August, 2023, make the following statements, to wit:

- 1. I/We the Undersigned, on the date first above written, am the lawful, owner(s) in fee simple absolute of the following described real property
See Attachment "A" attached hereto and incorporated herein by reference.
- 2. I/We the undersigned, have previously authorized and hereby authorize AUSTIN THOMPSON (Hereinafter referred to as "Applicant"), to act on my/our behalf for the purpose of making application with the Planning Office of Leavenworth County, Kansas, _____ (common address) the subject real property, or portion thereof, and which authorization includes, but is not limited to, all acts or things whatsoever necessarily required of Applicant in the application process.
- 3. I/We the Undersigned, hereby agree to protect, defend, indemnify and hold the Board of County Commissioners of Leavenworth County, Kansas, its officers employees and agents (hereinafter collectively referred to as the "County"), free and harmless from and against any and all claims, losses, penalties, damages, settlements, costs, charges, professional fees or other expenses or liabilities, whether false, fraudulent, meritless or meritorious, of every kind and character arising out of or relating to any and all claims, liens, demands, obligations, actions, proceedings, or causes of action of every kind and character (hereinafter "claims"), in connection with, relating to, or arising directly or indirectly out of this authorization and the actions taken by the Applicant and the County in reliance thereof. I, the Undersigned, hereby further agree to investigate, handle, respond to, provide defense for and defend any such claims at my sole expense and agree to bear all other costs at my sole expense and agree to bear all other costs and expenses related thereto, even if such claims are groundless, false or fraudulent.
- 4. It is understood that in the event the Undersigned is a corporation or partnership then the individual whose signature appears below for and on behalf of the corporation or partnership has in fact the authority to so bind the corporation or partnership to the terms and statements contained within this instrument.

IN WITNESS THEREOF, I, the Undersigned, have set my hand and seal below.

Michael E Bosworth
Owner

Barbara Bosworth
Owner

STATE OF KANSAS
COUNTY OF LEAVENWORTH Johnson County

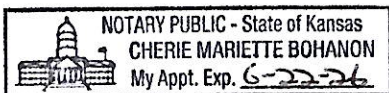
The foregoing instrument was acknowledge before me on this 29th day of Aug, 2023

by Cherie Mariette Bohanon

My Commission Expires:

Cherie Mariette Bohanon

Notary Public



ATTACHMENT B

GUARANTEE LAND TITLE OF LEAVENWORTH, INC.

400 DELAWARE, LEAVENWORTH, KS
682.0200

FROM

DEED - GENERAL WARRANTY, JOINT TENANCY

TO

THIS DEED, Made this 23rd day of December 19 86, between SUSAN ELAINE HARTMAN, formerly known as Susan Elaine Hall, and THOMAS E. HARTMAN, husband and wife

Entered in Transfer Record in my office, this 23 day of December 19 86

Larry E. Sweeney
County Clerk.

of Leavenworth County, in the State of Kansas as first parties, and MICHAEL BOSWORTH AND BARBARA BOSWORTH, husband and wife

STATE OF KANSAS

County, ss.

This instrument was filed for record on the day of

19, at o'clock M., and duly recorded in Book of Deeds, at page

of Leavenworth County, in the State of Kansas as joint tenants with the right of survivorship and not as tenants in common, as second parties.

Registrar of Deeds.

WITNESSETH: In consideration of the sum of Ten Dollars (\$10.00) and no/100 Dollars

By _____ Deputy.

and OTHER GOOD & VALUABLE CONSIDERATIONS the receipt of which is hereby acknowledged, first parties hereby convey and warrant unto second parties, as joint tenants with the right of survivorship and not as tenants in common, all the following described real estate situated in the County of Leavenworth State of Kansas, to wit:

FEES
Registrar of Deeds for recording, \$
County Clerk, for transfer, \$
Total, \$

The West half of the North half of the Northeast Quarter of the Northwest Quarter of Section 16, Township 12, Range 22, less that part used for public road.

SUBJECT TO RESTRICTIONS, RESERVATIONS AND EASEMENTS OF RECORD, IF ANY.

TO HAVE AND TO HOLD THE SAME, Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, forever, as joint tenants, the survivor to take the whole estate. First parties, for themselves, their heirs, executors and administrator, do hereby covenant, promise and agree to and with second parties that at the delivery of these presents that they are lawfully seized in their own right of an absolute and indefeasible estate of inheritance, in fee simple, of and in all and singular the above described premises together with the appurtenances; that the same are free, clear, discharged and unincumbered of and from all former and other grants, estates, taxes, assessments and incumbrances of what nature or kind soever, except:

and that they will WARRANT AND FOREVER DEFEND the same unto second parties, as joint tenants with the right of survivorship and not as tenants in common, and the heirs and assigns of the survivor of them, against first parties, their heirs, and all and every person or persons whomsoever lawfully claiming or to claim the same.

IN WITNESS WHEREOF, first parties, have hereunto set their hands, the day and year first above written.

Thomas E. Hartman
Thomas E. Hartman

Susan Elaine Hartman
Susan Elaine Hartman

STATE OF Kansas, Leavenworth COUNTY, ss. BE IT REMEMBERED, That on this 23rd day of December, 19 86, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came Jo Anne Simanowitz, wife of Thomas E. Hartman and Thomas E. Hartman, husband and wife

JO ANNE SIMANOWITZ
NOTARY PUBLIC
STATE OF KANSAS
My Appt. Exp. 2-21-92

who are personally known to me to be the same persons who executed the foregoing deed, and duly acknowledged the execution of the same.

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

My commission expires (Seal)

2-21

19 92

Jo Anne Simanowitz
Notary Public

BOOK 602 PAGE 1075

STATE OF KANSAS
COUNTY OF LEAVENWORTH }
FILED FOR RECORD } SS

1985 DEC 23 P 12: 18 65

Dora J. Farmer
DORA J. FARMER
REGISTER OF DEEDS

Myra Ann Driver DEP.

Warranty Deed

JOINT TENANCY

FROM

TO

GUARANTEE LAND TITLE OF LEAVENWORTH, INC.
P.O. BOX 166 - 400 DELAWARE
LEAVENWORTH, KANSAS 66048

Kansas Warranty Deed

This Indenture, Made this 19th day of July A. D., One Thousand
Nine Hundred SEVENTY EIGHT by and between
ARLIE J. REGIER and CORNELIA REGIER, husband and wife

of Johnson County, in the State of KANSAS of the first part, and
MICHAEL E. BOSWORTH and BARBARA ANN BOSWORTH, husband and wife

of LEAVENWORTH County, in the State of KANSAS of the second part,
WITNESSETH: THAT SAID PARTIES OF THE FIRST PART, in consideration of the sum

of GOOD AND VALUABLE CONSIDERATION AND TEN AND NO/100----- DOLLARS,
the receipt of which is hereby acknowledged, do by these presents, Grant, Bargain, Sell and Convey
unto the said parties of the second part, their heirs and assigns, all the following described
real estate, situated in the County of LEAVENWORTH and State of Kansas, to-wit:

Lot twelve (12), MORNING DEER FARMS SUBDIVISION,
Leavenworth County, Kansas.

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

Arlie J. Regier and Cornelia Regier, for their heirs, executors or administrators, do hereby covenant, promise and agree to and with said parties of the second part, that at the delivery of these presents they are lawfully seized in their own right of an absolute and indefeasible estate of inheritance, in fee simple, of and in all and singular the above granted and described premises, with the appurtenances, that the same are free, clear, discharged and unincumbered of and from all former and other grants, titles, charges, estates, judgments, taxes, assessments and incumbrances, of what nature or kind soever:

ARLIE J. REGIER and CORNELIA REGIER

and that they will warrant and forever defend the same unto the said parties of the second part, their heirs and assigns, against said parties of the first part, their heirs, and all and every person or persons whomsoever, lawfully claiming or to claim the same.

IN WITNESS WHEREOF, The said parties of the first part have hereunto set their hands the day and year first above written.

Arlie J. Regier
ARLIE J. REGIER
Cornelia Regier
CORNELIA REGIER

KANSAS ACKNOWLEDGMENT

STATE OF KANSAS

County of JOHNSON

BE IT REMEMBERED, That on this 19 day of July A.D., 19 78 before me, the undersigned, a Notary Public in and for said County and State, came Arlie J. Regier and Cornelia Regier, husband and wife who are personally known to me to be the same person. who executed the within instrument of writing, and duly acknowledged the execution of the same.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal the day and year last above written.

John D. Beverlin
Notary Public
Seal: JOHN D. BEVERLIN, Notary Public, Leavenworth, Kansas

My commission expires 7-16 19 82

KANSAS ACKNOWLEDGMENT

STATE OF

County of

BE IT REMEMBERED, That on this day of A.D., 19 before me, the undersigned, a Notary Public in and for said County and State, came who personally known to me to be the same person who executed the within instrument of writing, and duly acknowledged the execution of the same.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal the day and year last above written.

My commission expires 19

Warranty Deed

FROM

TO

Entered in Transfer Record in my office this 21st day of July, 19 78

Larry G. Schaefer
County Clerk

STATE OF KANSAS, ss. County,

Received for Record on the day of 19, at o'clock M., and duly Recorded in Book of at Page

Fee, \$ Register of Deeds.

60

McCaffree - Short Title Company, Inc.

FOURTH AND DELAWARE STREETS
LEAVENWORTH, KANSAS 66048

Bozward

STATE OF KANSAS
COUNTY OF LEAVENWORTH
FILED FOR RECORD

1978 JUL 21 PM 1 07

Dora J. Farmer

DORA J. FARMER
REGISTER OF DEEDS

BY DEP.

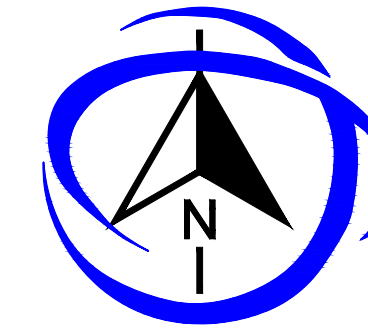
BOOK 536 PAGE 241

Wm Caspary ally
1006 Grand
KC, Mo, 64106

X

BOSWORTH ADDITION NO. 2

A REPLAT OF ALL OF LOT 12, MORNING DEER FARMS SUBDIVISION AND A TRACT OF LAND IN THE NORTH HALF OF THE NORTHWEST QUARTER OF SECTION 16, TOWNSHIP 12 SOUTH, RANGE 22 EAST, OF THE 6TH P.M., IN LEAVENWORTH COUNTY, KANSAS



UTILITIES
EVERGY - 800-383-1183
RURAL WATER DISTRICT 7 - 913-856-7375

ALC
ATLAS LAND CONSULTING
SURVEYING | ENGINEERING | DRONE | CAD
14500 Parallel Road, Unit R, Basehor KS 66007
ANDREA@ALCONSULT.LLC.COM

KS ENG. COA. #3115
KS SUR. COA. #361
MO ENG. COA. #002014084
MO SUR. COA. #002014311

PRELIMINARY PLAT

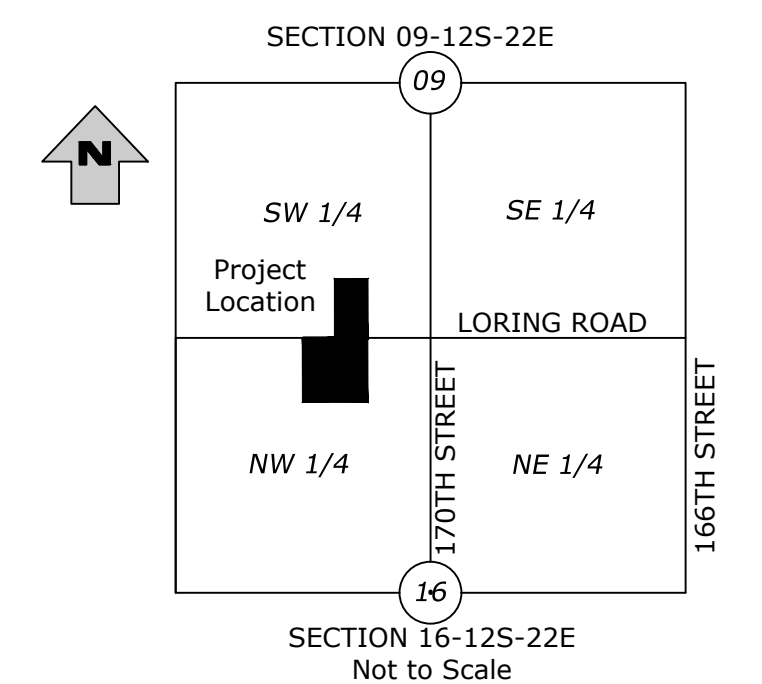
LEGEND

- △ DENOTES FOUND MONUMENT AS NOTED
- DENOTES SET 1/2" REBAR IN CONCRETE WITH CAP ALC KS CLS 363 MO CLS 2022014231
- DENOTES FOUND PROPERTY CORNER AS NOTED
- B/L BUILDING LINE
- U/E UTILITY EASEMENT
- ~~~~ TREELINE

GENERAL NOTES

1. THE BASIS FOR THE BEARING SYSTEM FOR THIS PLAT IS THE KANSAS NORTH ZONE U.S. STATE PLANE 1983, THE EAST LINE OF THE NORTHWEST QUARTER OF SEC 16-12S-22E 501°53'36"E.
2. ALL DISTANCES SHOWN HEREON ARE GROUND DISTANCES IN FEET.
3. FLOODPLAIN NOTE: ACCORDING TO "FIRM" MAP COMMUNITY PANEL NUMBERS 20103C0350G EFFECTIVE JULY 16, 2015, THIS PLAT IS LOCATED IN ZONES "X".
4. KS ONE WAS NOT CALLED.
5. THE MINIMUM FRONT YARD SETBACK FOR SINGLE FAMILY LOT SHALL BE 75 FEET ACCORDING TO THE MORNING DEER FARM SUBDIVISION.
6. THE MINIMUM SIDE YARD SETBACK FOR SINGLE FAMILY LOT SHALL BE 15 FEET FROM EACH SIDE OF STRUCTURE. DETACHED ACCESSORY STRUCTURES MAY BE BUILT WITHIN 15 FEET OF THE SIDE PROPERTY LINE.
7. THE MINIMUM REAR YARD SETBACK FOR SINGLE FAMILY LOT SHALL BE 40 FEET FROM THE STRUCTURE TO THE PROPERTY LINE. DETACHED ACCESSORY STRUCTURES MAY BE BUILT WITHIN 15 FEET OF THE REAR PROPERTY LINE.
8. BENCHMARK - NGS KE1204 - ELV-1005.24
9. CURRENT USE - RESIDENTIAL / PROPOSED USE - RESIDENTIAL
10. CURRENT ZONING RR-2.5 / PROPOSED ZONING RR 2.5
11. ALL PROPOSED STRUCTURES WITHIN THIS PLAT SHALL COMPLY WITH THE LEAVENWORTH COUNTY ZONING AND SUBDIVISION REGULATIONS.
12. ALL LOTS WILL BE ON SEPTIC SEWER SYSTEMS. AN ENGINEERED WASTE SYSTEM MAY BE REQUIRED DUE TO POOR SOIL CONDITIONS.
13. TITLE COMMITMENT VIA MCCAFFREY-SHORT TITLE COMPANY - FILE NO. L23-29427
14. EROSION AND SEDIMENT CONTROL MEASURES SHALL BE USED WHEN DESIGNING AND CONSTRUCTION OF DRIVEWAYS AND OTHER STRUCTURES. RE-VEGETATION OF ALL DISTURBED AREAS SHALL BE COMPLETED WITHIN 45 DAYS AFTER FINAL GRADING.
15. REFERENCED SURVEY - MORNING DEER FARM SUBDIVISION BOOK 8, PAGE 18 NKA 1972P00018.
16. LOTS ARE SUBJECT TO THE CURRENT ACCESS MANAGEMENT POLICY.
17. THERE ARE NO OFF-PLAT RESTRICTIONS IN PLACE.
18. PROPERTY ACCESS VIA MORNING DEER ROAD.
19. AN EXCEPTION HAS BEEN GRANTED FROM ARTICLE 50, SECTION 40.3.I. LOT-DEPTH TO LOT-WIDTH FOR LOT 1.
20. ALL STRUCTURES BUILT WITHIN THE SUBDIVISION SHALL COMPLY WITH RESOLUTION 2020-39, OR AS AMENDED.

VICINITY MAP



This is to certify on this 27TH day of JULY, 2023 this field survey was completed on the ground by me or under my direct supervision and that said survey meets or exceeds the "Kansas Minimum Standards" for boundary surveys.

ROGER B. DILL LS 1408

JOB NO: 23-224

SCALE PREPARED FOR

100 50 0 100
SCALE IN FEET

SEC-TWN-RNG BARBARA & MICHAEL BOSWORTH
ADDRESS: 17161 MORNING DEER RD,
LINWOOD, KS 66052

16-12S-22E

DATE

SEPTEMBER 20TH, 2023

DESCRIPTION

BOOK 602, PAGE 1075
THE WEST HALF OF THE NORTH HALF OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 16, TOWNSHIP 12, RANGE 22, LESS THAT PART USED FOR PUBLIC ROAD.

BOOK 536 PAGE 240
LOT TWELVE (12), MORNING DEER FARMS SUBDIVISION, LEAVENWORTH COUNTY, KANSAS.

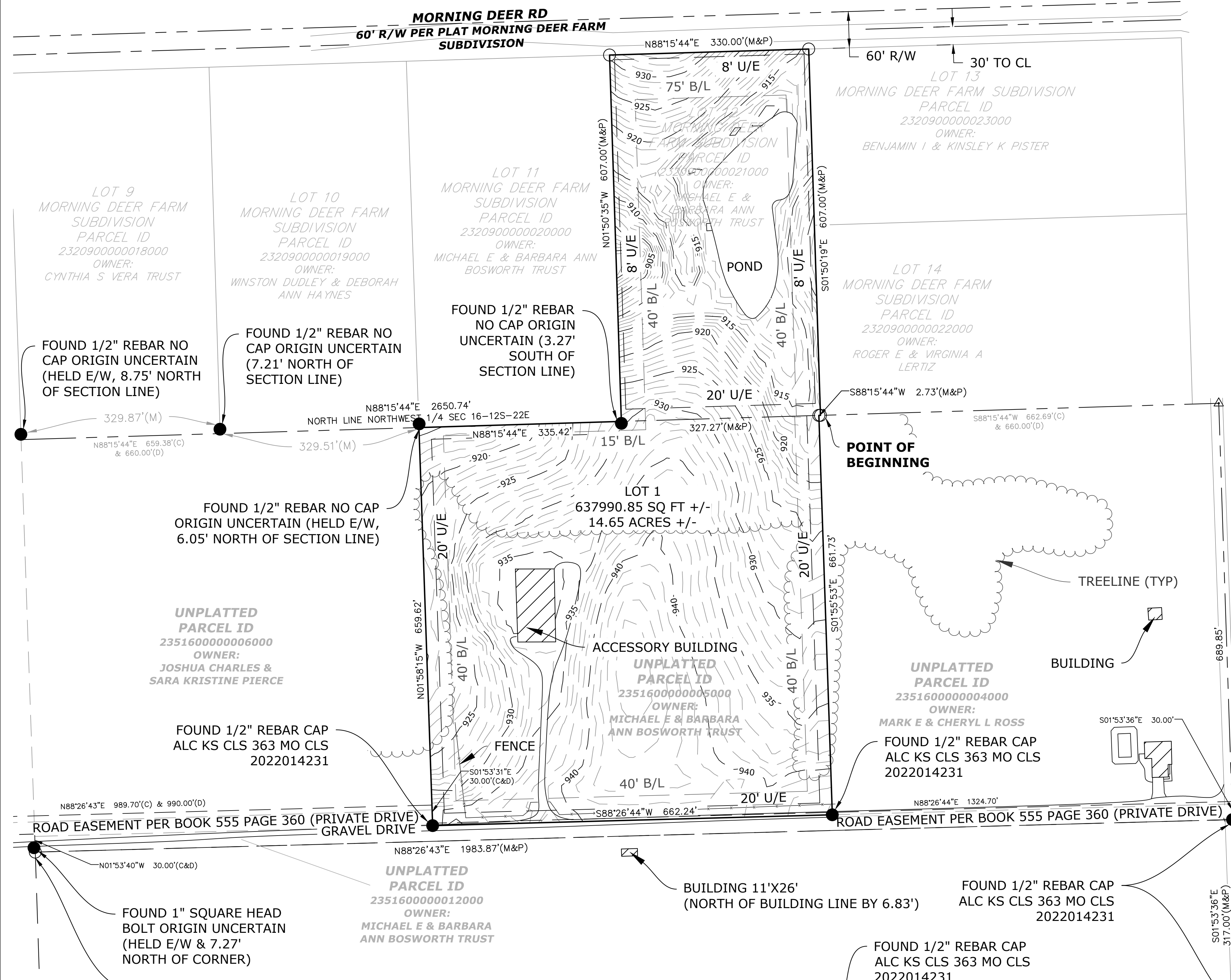
SURVEYORS SUGGESTED

ALL OF LOT 12, MORNING DEER FARMS SUBDIVISION AND A TRACT OF LAND IN THE NORTH HALF OF THE NORTHWEST QUARTER OF SECTION 16, TOWNSHIP 12 SOUTH, RANGE 22 EAST, OF THE 6TH P.M., IN LEAVENWORTH COUNTY, KANSAS, PREPARED BY ROGER B. DILL PS 1408 ON SEPTEMBER 20TH, 2023, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID NORTHWEST QUARTER; THENCE SOUTH 88°15'44" WEST, ALONG THE NORTH LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 662.69 FEET TO A POINT ON THE EAST LINE OF SAID LOT 12, ALSO KNOWN TO BE THE POINT OF BEGINNING OF HEREIN DESCRIBED TRACT; THENCE SOUTH 88°15'44" WEST, ALONG SAID NORTH LINE, A DISTANCE OF 2.73 FEET; THENCE SOUTH 01°55'53" EAST, A DISTANCE OF 661.73 FEET; THENCE SOUTH 88°26'44" WEST, A DISTANCE OF 662.24 FEET; THENCE NORTH 01°58'15" WEST, A DISTANCE OF 659.62 FEET TO A POINT ON SAID NORTH LINE; THENCE NORTH 88°15'44" EAST, ALONG SAID NORTH LINE, A DISTANCE OF 335.42 FEET TO THE SOUTHWEST CORNER OF SAID LOT 12; THENCE NORTH 01°50'35" WEST, ALONG THE WEST LINE OF SAID LOT 12, A DISTANCE OF 607.00 FEET TO THE NORTHWEST CORNER OF SAID LOT 12; THENCE NORTH 88°15'44" EAST, ALONG THE NORTH LINE OF SAID LOT 12, A DISTANCE OF 330.00 FEET TO THE NORTHEAST CORNER OF SAID LOT 12; THENCE SOUTH 01°50'19" EAST, ALONG THE EAST LINE OF SAID LOT 12, A DISTANCE OF 607.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 637990.85 SQFT OR 14.65 ACRES MORE OR LESS.

PRECISION 1: 12885970.000



170TH STREET
40' R/W PER BOOK D, PAGE 332, BOOK J,
PAGE 274 AND BOOK 476, PAGE 109

Johnson, Melissa

From: Austin Thompson <austin@alconsult-llc.com>
Sent: Thursday, September 28, 2023 11:22 AM
To: Johnson, Melissa
Cc: PZ; Andrea Weishaub; Tyler Thomposon; Michael & Barbara Bosworth
Subject: Re: Bosworth Addition No. 2
Attachments: Preliminary Plat Application.pdf

Follow Up Flag: Follow up
Flag Status: Completed

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

Please see attached utility approvals and preliminary application. I believe the owner will be by with a check for the application fee.

Thanks

 Kyle Burkhardt
to Matt, me

11:14 AM (4 minutes ago) ☆ ↶ |

Internal Use Only

Energy is ok with the proposed plat. Would just like to see appropriate utility easements.

Thank you

Kyle Burkhardt

Energy

TD Designer II

📞 785-556-2406

kyle.burkhardt@energy.com



 Dylan Ritter
to dritter, jalayne, me, Tyler

Fri, Aug 25, 2:23 PM (11 days ago) ☆ ↶ |

I have no issues or concerns for this proposal.

...

Assistant Chief

Dylan Ritter

Sherman Township Fire/Rescue

100 Main St Linwood, KS 66052

(913)-339-8973

 jalayne.leavenworth7.com
to Dylan, me, Tyler, dritter@mtis21.com

Tue, Aug 29, 1:59 PM (7 days ago) ☆ ↶ |

LVRWD#7 has no issues

Jalayne Turner

Jalayne Turner

Office Manager

LVRWD#7

2451 S. 142nd St.

P O Box 257

Bonner Springs, KS 66012-0257

913-441-1205 Office

913-422-3393 Fax

www.lvrwd7.com

On Wed, Sep 27, 2023 at 12:21 PM Johnson, Melissa <MJohnson@leavenworthcounty.gov> wrote:

Austin,

I see that Stephanie gave you the application for the preliminary plat. I see that the payment of \$525.00, the hard copy of both the pre and final plat, utility responses and the prelim application is needed to complete the application. I know we spoke on the phone but I promised you a list of all necessary items still needed.

From: [Mitch Pleak](#)
Sent: Thursday, October 26, 2023 2:16 PM
To: [Johnson, Melissa](#)
Cc: [Noll, Bill](#); [McAfee, Joe](#); [Terry Parsons](#)
Subject: RE: DEV-23-134 & 23-135 Preliminary and Final Plat Bosworth Addition No 2, Atlas
Attachments: Bosworth Addition No.2 Preliminary Plat-24X36.pdf; Bosworth 2 Drainage Study (Rev1).pdf; Bosworth Addition No.2 Final Plat-24X36.pdf

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,
Good afternoon. The PP and FP have been reviewed with no comments. The drainage report has comments. Reviews are attached.

Thanks,

Mitch Pleak

From: Austin Thompson <austin@alconsult-llc.com>
Sent: Thursday, October 26, 2023 7:56 AM
To: Johnson, Melissa <MJohnson@leavenworthcounty.gov>
Cc: Noll, Bill <BNoll@leavenworthcounty.gov>; McAfee, Joe <JMcAfee@leavenworthcounty.gov>; PZ <PZ@leavenworthcounty.gov>; Mitch Pleak <mpleak@olsson.com>
Subject: Re: DEV-23-134 & 23-135 Preliminary and Final Plat Bosworth Addition No 2, Atlas

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Melissa

Please see attached updates. Do you know when the meeting is?

Thanks

On Mon, Oct 23, 2023 at 8:34 AM Johnson, Melissa <MJohnson@leavenworthcounty.gov> wrote:

Austin,

I think this is what you're looking for.

Thanks,

Melissa Johnson
Planner I
Leavenworth County
Planning & Zoning Department

MEMO

To: Amy Allison
From: Chuck Magaha
Subject: Bosworth Addition
Date: November 2, 2023

Amy, I have reviewed the preliminary plat of the Bosworth Addition Subdivision presented by Michael and Barbra Bosworth. The subdivision meets the requirements for a fire hydrant and supported with a 6" water line as stated in the subdivision guidelines. The area in which the subdivision is proposed has a fire hydrant along the right-a-way on 170th on the property line that will meet the requirements for this subdivision.

I have no further recommendation for this subdivision.

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

Johnson, Melissa

From: Anderson, Kyle
Sent: Monday, October 2, 2023 11:31 AM
To: Johnson, Melissa
Subject: RE: DEV-23-134 & 23-135 Preliminary and Final Plat Bosworth Addition No 2, Atlas

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: Friday, September 29, 2023 2:46 PM
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>
Cc: PZ <PZ@leavenworthcounty.gov>
Subject: DEV-23-134 & 23-135 Preliminary and Final Plat Bosworth Addition No 2, Atlas

The Leavenworth County Department of Planning & Zoning has received a request for a Preliminary and Final Plat for Bosworth Addition No 2, Atlas.

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 5th, 2023.

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

Thank you,

Melissa Johnson

Planner I
Leavenworth County
Planning & Zoning Department
Leavenworth County Courthouse

**LEAVENWORTH COUNTY
PLANNING COMMISSION**

STAFF REPORT

CASE NO: DEV-23-144 GOODNESS & MERCY FARMS
REPLAT OF VALLEY VIEW SUBDIVISION LOTS 2 & 3

November 8, 2023

REQUEST: *Consent Agenda*

Preliminary Plat Final Plat
 Replat

STAFF REPRESENTATIVE:

JOHN JACOBSON
DIRECTOR

SUBJECT PROPERTY: 17724 246TH St., Tonganoxie, KS 66086, Valley View Subdivision, Lots 2 & 3.



APPLICANT/APPLICANT AGENT:

JOE HERRING
HERRING SURVEYING

PROPERTY OWNER:

SONIA TANN
10204 WEST 54TH TERR
TONGANOXIE, KS 66086

CONCURRENT APPLICATIONS:

NONE

LAND USE

ZONING: RR 5

FUTURE LAND USE:

RURAL RESIDENTIAL 2.5 ACRES

SUBDIVISION: VALLEY VIEW LOT 2/3

FLOODPLAIN: N/A

LEGAL DESCRIPTION:

TRACT I: Lot 2, FINAL PLAT VALLEY VIEW, a tract of land in the South Half of the Northeast Quarter, Section 14, Township 11 South, Range 20 East of the 6th P.M., in Leavenworth County Kansas.

TRACT II: Lot 3, FINAL PLAT VALLEY VIEW, a tract of land in the South Half of the Northeast Quarter, Section 14, Township 11 South, Range 20 East of the 6th P.M., in Leavenworth County Kansas.

STAFF RECOMMENDATION: APPROVAL

PROPERTY INFORMATION

ACTION OPTIONS:

1. Recommend approval of Case No. DEV-23-144 RE-Plat for GOODNESS AND MERCY FARMS, to the Board of County Commission, with or without conditions; or
2. Recommend denial of Case No. DEV-23-144 RE-Plat for GOODNESS AND MERCY FARMS, to the Board of County Commission for the following reasons; or
3. Continue the hearing to another date, time, and place.

PARCEL SIZE:

10 Acres

PARCEL ID NO:

206-14-0-00-00-012.00 & 013.00

BUILDINGS: N/A

PROJECT SUMMARY:

Request for a Re-plat approval to join the property located at 00000 246th Street & 17724 246th Street (206-14-0-00-00-012.00 & 011.00) as Lots 1 of GOODNESS AND MERCY FARMS REPLAT OF VALLEY VIEW LOT 2 & 3.

ACCESS/STREET:

246TH STREET - COUNTY COLLECTOR, PAVED ± 24’;

Location Map:



UTILITIES

SEWER: PRIVATE SEPTIC SYSTEM

FIRE: TONGANOXIE

WATER: RWD 13

ELECTRIC: FREESTATE

NOTICE & REVIEW:

STAFF REVIEW:

10/19/2023

NEWSPAPER NOTIFICATION:

N/A

NOTICE TO SURROUNDING PROPERTY OWNERS:

N/A

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

STAFF COMMENTS:

The applicant is proposing to replat two previously platted 4.70-acre parcels into one approximately-10-acre lot. 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 (see condition 1). Lots 1 will be approximately 10 acres in size. The lot meets the requirements for the RR-2.5 zoning district. The platted access points meet the Access Management Policy. Staff is generally in support.

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 developer must comply with the following memorandums/emails:
 - a. Email – Amanda Tarwater, FreeState, dated October 20, 2023
 - b. Email - RWD 13, - NO RESPONSE
 - c. Email – Timothy Smith, Tonganoxie FD, dated October 19, 2023
 - d. Email – Mitch Pleak, Olsson, dated October 20, 2023
 - e. Email – Daniel Baumchen, County Surveyor, dated October 31,2023

ATTACHMENTS:

- A: Application
- B: Narrative
- C: Memorandums

GOODNESS AND MERCY FARM

A Replat of Lots 2 and 3, VALLEY VIEW SUBDIVISION, in the Northeast Quarter of Section 14, Township 11 South, Range 20 East of the 6th P.M., Leavenworth County, Kansas.

FINAL PLAT

PREPARED FOR:
Sonia V. Tann
17724 246th Street
Tonganoxie, KS 66086
PID # 206-14-0-00-011 & 012

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: GOODNESS AND MERCY FARM.

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 other drainage facility 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.

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 GOODNESS AND MERCY FARM, have set our hands this _____ day of _____, 2023.

Sonia V. Tann

NOTARY CERTIFICATE:
Be it remembered that on this _____ day of _____, 2023, before me, a notary public in and for said County and State came Sonia V. Tann, 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: _____ (seal)

APPROVALS
We, the Leavenworth County Planning Commission, do hereby approve the foregoing plat of GOODNESS AND MERCY FARM this _____ day of _____, 2023.

Secretary: John Jacobson
Chairman: 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 GOODNESS AND MERCY FARM this _____ day of _____, 2023.

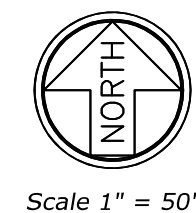
Chairman: Vicky Kaaz
County Clerk: Janet Klasinski

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. Mashburn

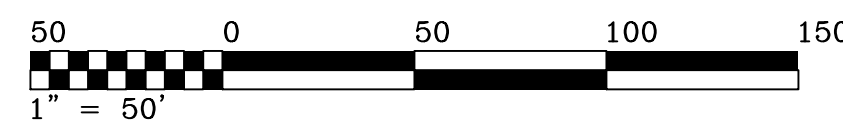
I hereby certify that this survey plat meets the requirements of K.S.A. 58-2005. The face of this survey plat was reviewed for compliance with Kansas Minimum Standards for Boundary Surveys. No field verification is implied. This review is for survey information only.

Daniel Baumchen, PS#1363
County Surveyor



Scale 1" = 50'

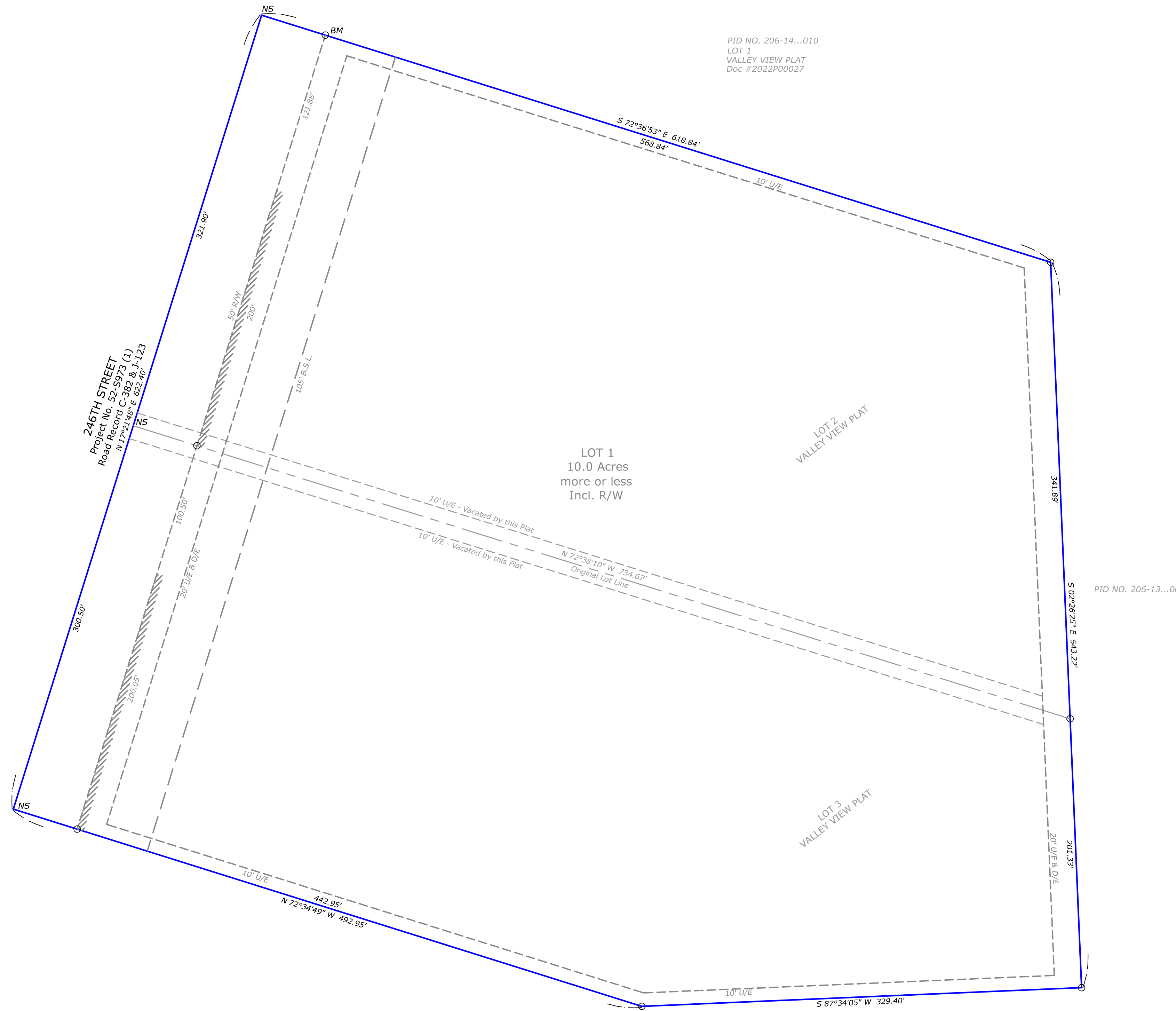
Job # K-23-1723
October 14, 2023 Rev. 10/31/23
J. Herring, Inc. (dba)
HERRING SURVEYING & COMPANY
315 North 5th Street, Leav., KS 66048
Ph. 913.651.3858 Fax 913.674.5361
Email - survey@eamcash.com



RECORD DESCRIPTION: Doc # 2023R02620

TRACT I:
Lot 2, Final Plat Valley View, a tract of land in the South Half of the Northeast Quarter, Section 14, Township 11 South, Range 20 East of the 6th P.M., Leavenworth County, Kansas.

TRACT II:
Lot 3, Final Plat Valley View, a tract of land in the South Half of the Northeast Quarter, Section 14, Township 11 South, Range 20 East of the 6th P.M., Leavenworth County, Kansas.



PID NO. 206-14...010
LOT 1
VALLEY VIEW PLAT
Doc #2022P00027

PID NO. 206-13...005

PID NO. 206-14...013
LOT 4
VALLEY VIEW PLAT
Doc #2022P00027

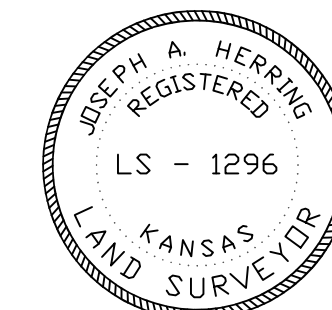


- LEGEND:**
- - 1/2" Rebar Set with Cap No.1296
 - - 1/2" Rebar Found Cap LPE CLS-63, unless otherwise noted.
 - - Concrete Base around Point
 - △ - PK Nail Found in Place
 - () - Record / Deeded Distance
 - U/E - Utility Easement
 - D/E - Drainage Easement
 - B.S.L. - Building Setback Line
 - R/W - Permanent Dedicated Roadway Easement
 - BM - Benchmark
 - NS - Not Set this survey per agreement with client
 - A - Arc Distance
 - R - Arc Radius
 - B - Chord Bearing
 - C - Chord Distance
 - //// - No Vehicle Entrance Access
 - NS - Not Set this survey per agreement with client

ZONING:
RR 5 - Rural Residential 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 - 1 : 702623, 10.0 Acres, more or less, Incl. R/W
 - 5) Basis of Bearing - KS SPC North Zone 1501
 - 6) Monument Origin Unknown, unless otherwise noted.
 - 7) Proposed Lots for Residential Use.
 - 8) Road Record - See Survey
 - 9) Benchmark - NAVD88
 - 10) Project Benchmark (BM) - NW COR LOT 2 - VALLEY VIEW - 943'
 - 11) Reference Recorded Deed Doc # 2023R02620
 - 12) Utility Companies -
 - Water - RWD #13
 - Electric - Freestate
 - Sewer - Septic / Lagoon
 - Gas - Propane / Natural Gas
 - 13) Performed without the benefit of a title commitment.
 - 14) Property is not in a Special Flood Hazard Area per FEMA FIRM Map 20103C0300G 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) Existing Structures, if any, not shown hereon.
 - 17) Easements as per referenced recorded plat - VALLEY VIEW
 - 18) Fence Lines do not necessarily denote the boundary line for the property.
 - 19) Reference Surveys:
 - VALLEY VIEW PLAT - Doc # 2022P00027
 - J.A.Herring Survey Doc # 2016S032

- 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 the current Access Management Policy. Additional access limits as shown hereon.
 - 5) All structures built within the subdivision shall comply with Resolution 2020-39, or as amended.
 - 6) No off-plat restrictions.



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

Sloop, Stephanie

From: Mitch Pleak <mpleak@olsson.com>
Sent: Friday, October 27, 2023 6:51 AM
To: Johnson, Melissa
Cc: Noll, Bill; McAfee, Joe; PZ
Subject: RE: DEV-23-144, Goodness and Mercy Farm Replat of Valley View Lot 2&3
Attachments: K-23-1723 Tann FINAL GOODNESS MERCY Rev 10-26-23.pdf

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,
The FP has been reviewed. No comment. Review is attached.

Thanks,

Mitch Pleak

From: Joe Herring <herringsurveying@outlook.com>
Sent: Thursday, October 26, 2023 9:57 AM
To: Johnson, Melissa <MJohnson@leavenworthcounty.gov>
Cc: Noll, Bill <BNoll@leavenworthcounty.gov>; McAfee, Joe <JMcafee@leavenworthcounty.gov>; Mitch Pleak <mpleak@olsson.com>; Baumchen, Daniel <DBaumchen@leavenworthcounty.gov>; PZ <PZ@leavenworthcounty.gov>
Subject: Re: DEV-23-144, Goodness and Mercy Farm Replat of Valley View Lot 2&3

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Please see attached revisions and comments below:

PZ Comments

BSL requests to show linework. Historically the Front B.S.L. is shown other linework is noted hereon - did not show additional linework.

Entrance - Hatching is per the recorded plat that was accepted last year.

Survey Comments:

Item No. 2 - Right of way line and new calculations with right of way - are we stating that the Road is Fee Simple and should not be included in the property. If so, it appears that the previous plat included the right of way in their 5 acre lots (zone 5 acres). Please advise.

Thank you - Joe Herring

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

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.

Thank you,

From: [Timothy Smith](#)
Sent: Thursday, October 19, 2023 11:02 AM
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.

The Tonganoxie Township Fire Department has no issues with this request.

On Tue, Oct 17, 2023 at 11:51 AM Johnson, Melissa <MJohnson@leavenworthcounty.gov> wrote:

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.

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

From: [Anderson, Kyle](#)
Sent: Tuesday, October 17, 2023 12:43 PM
To: [Johnson, Melissa](#)
Subject: RE: DEV-23-144, Goodness and Mercy Farm Replat of Valley View Lot 2&3

Prior to the applicant taking ownership of the properties, it was discovered that plastic culverts were installed on the permitted entrances. A violation letter was sent out and the culverts were replaced with galvanized steel as required. There are no current violations on these properties.

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: 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.holloway@freestate.coop' <amanda.holloway@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

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.

Thank you,

Melissa Johnson

Planner I
Leavenworth County
Planning & Zoning Department
Leavenworth County Courthouse

**LEAVENWORTH COUNTY
PLANNING COMMISSION
STAFF REPORT**

CASE NO: DEV-23-136 SUP – Contractors Yard – Tri-Hull Crane Rental

November 8, 2023

REQUEST: *Public Hearing Required*

- Zoning Amendment Special Use Permit
 Temporary Special Use Permit

STAFF REPRESENTATIVE:

JOHN JACOBSON
DIRECTOR

SUBJECT PROPERTY: 24838 LORING ROAD



APPLICANT/APPLICANT AGENT:

DEE HULL
TRI-HULL CRANE RENTAL
24838 LORING RD
LAWRENCE, KS 66044

PROPERTY OWNER:

TRI-HULL LLC

CONCURRENT APPLICATIONS:

N/A

LAND USE

ZONING: RR-5

FUTURE LAND USE DESIGNATION:
RESIDENTIAL 2.5 acre minimum

LEGAL DESCRIPTION:

A tract of land located in the Southeast Quarter of Section 11, Township 12 South, Range 20 East of the 6th P.M., Leavenworth County, Kansas

SUBDIVISION: N/A

FLOODPLAIN: N/A

STAFF RECOMMENDATION: APPROVAL WITH CONDITIONS

PROPERTY INFORMATION

ACTION OPTIONS:

1. Recommend approval of Case No. DEV-23-136 , Special Use Permit for Tri-Hull LLC for a Special Use Contractor Yard, to the Board of County Commission, with or without conditions; or
2. Recommend denial of Case No. DEV-23-136 , Special Use Permit for Tri-Hull LLC for a Special Use Contractor Yard, to the Board of County Commission for the following reasons; or
3. Continue the hearing to another date, time, and place.

PARCEL SIZE: +- 39.70 ACRES

PARCEL ID NO:
211-11-0-00-00-017.02

BUILDINGS: Three
EXISTING: Manufactured Home and two accessory buildings.

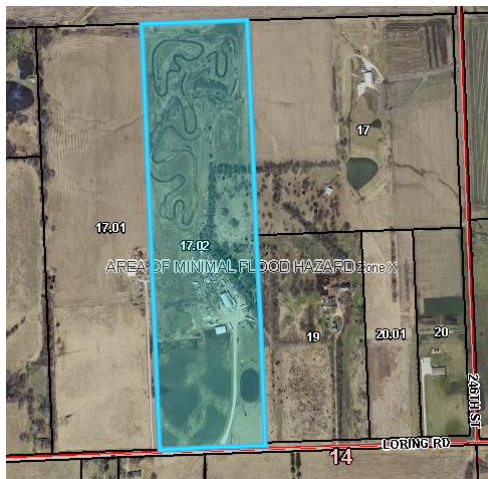
PROJECT SUMMARY:

The applicant is requesting a **ten-year** extension of a Special Use Permit for Contractor’s Yard for Tri-Hull Crane Rental. This request is not in conformance with LVCO BOCC Resolution 2020-25 (PID 211-11-0-00-00-017.02).

ACCESS/STREET:

147TH STREET - COUNTY COLLECTOR
±22’ WIDE, PAVED/GRAVEL/DIRT

Location Map:



UTILITIES

SEWER: SEPTIC

FIRE: RENO

WATER: N/A

ELECTRIC: EVERGY

NOTICE & REVIEW:

STAFF REVIEW: 10/12/2023

NEWSPAPER NOTIFICATION:
10/18/2023

NOTICE TO SURROUNDING
PROPERTY OWNERS:
10/18/2023

FACTORS TO BE CONSIDERED:		
<i>The following factors are to be considered by the Planning Commission and the Board of County Commissioners when approving or disapproving this Special Use Permit request:</i>	Met	Not Met
<p>1. Character of the Neighborhood: <i>Density:</i> Surrounding properties are residences and farms from 1 to 140 acres in size.</p>	✓	
<p>2. Zoning and uses of nearby property: <i>Adjacent Uses:</i> Most of the adjacent parcels are residential and agricultural in nature. <i>Adjacent Zoning:</i> All adjacent properties are zoned RR-5</p>	✓	
<p>3. Suitability of the Property for the uses to which is has been restricted: <i>The property is currently operating under an existing SUP. The property is suitable as a rural residence, for agricultural uses and <u>the proposed use is restricted by previous BOCC action to a maximum term of 2 additional years.</u></i></p>	✓	
<p>4. Extent to which removal of the restrictions will detrimentally affect nearby property: <i>The use is likely to detrimentally impact neighboring parcels as a long-term use. This use is industrial in nature and should as a long-term solution, be located in an appropriately zoned district.</i> <i>Traffic:</i> Traffic to the site will be limited to six employees and the haul route for the cranes themselves. All business traffic will be limited to 24/40. A drainage structure assessment shall be completed per the traffic impact policy <i>Lighting:</i> The applicant indicated no use of exterior lighting. <i>Outdoor Storage:</i> Outdoor storage will be significant as the intention is to house all equipment outdoors. Screening is existing. <i>Parking:</i> Parking is provided and is adequate for the proposed use. <i>Visitors/Employees:</i> Typically, six staff will visit the site each day. Customers will not frequent the site. <i>Waste:</i> Any waste generated from the property must be disposed of in compliance with all applicable local, state and federal laws.</p>	<p>✓ (Condition 4)</p> <p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p> <p>✓ (Condition 12)</p>	✓
<p>5. Length of time the property has been vacant as zoned: <input type="checkbox"/> <i>Vacant:</i> To our knowledge, the property has never been developed. There is an existing water tower. <input checked="" type="checkbox"/> <i>Not Vacant:</i></p>	✓	
<p>6. Relative gain to economic development, public health, safety and welfare: The proposed application would allow for another business to continue to operate within Leavenworth County. There does not appear to be any detrimental effects to <i>the public health, safety or welfare.</i></p>	✓	
<p>7. Conformance to the Comprehensive Plan: <i>Future Land Use Map: Rural Residential 2.5</i></p>		✓

<i>Section 4 Land Use and Development Plan Strategies: The proposed use is not compatible with the future land use designation.</i>		
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STAFF COMMENTS:

The applicant is requesting a Special Use Permit for an existing crane rental business. The business is operating under an active SUP issued in 2021. LVCO BOCC Resolution 2020-25 approved the operation of this business for an initial 3-year term with a single renewal clause for an additional 2 years.

The applicant in their narrative have requested a 10-year term. Staff recommends that the terms of the original resolution be continued until the previously established termination date of January 13 of 2026.

The general hours of operation are proposed to be Monday-Friday from 7:00AM until 5:00PM. Typically, the site will be visited by six employees. Customers to the site are not proposed. The proposed use is allowed with a special use permit.

STAFF RECOMMENDED CONDITIONS:

Conditions for approval of DEV-23-136, SUP for Tri-Hull Crane Rental are as follows:

1. The SUP shall be compliant with LVCO BOCC Resolution 2020-25 and limited to a period of two (2) years and non-renewable.
2. The business shall be limited to the hours of 6:00 AM until 5:00 PM, Monday-Friday and 8:00 AM until 2:00 PM, Saturday.
3. The SUP shall be limited to six full-time employees.
4. The applicant shall pay for and supply to public works for review, prior to issuance of the SUP, a drainage structure assessment by a licensed Kansas engineer. The engineer's assessment and opinion of impacted structure on the specified haul route to resist imposed loading over the term of the 24-month term. The intent is to assess and maintain the structural integrity of the county roadway and structures for the duration of the SUP use.
5. All business-related traffic shall be directed west to 24/40 Highway.
6. Business-related traffic shall not be allowed to travel east along Loring Road.
7. The existing RV shall be removed or an affidavit stating it will not be lived in shall be signed and notarized.
8. The applicant shall adhere to the following memorandums:
 - a. Memo - Kyle Anderson - Planning and Zoning, October 04, 2023
 - b. Memo - Mitch Pleak, P.E. - Public Works, October 24, 2023
 - c. Memo - John Jacobson - Planning and Zoning October 25,2023
9. No signage is allowed in the right-of-way. No signage is requested with the SUP. All signage shall comply with Article 25, Sign Regulations of the Leavenworth County Zoning and Subdivision Regulations.
10. No on-street parking shall be allowed.
11. This SUP shall be limited to the Narrative dated October 2, 2023 submitted with this application.

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

ACTION OPTIONS:

1. Recommend approval of Case No. DEV-23-136, Special Use Permit for Tri-Hull Crane Rental, to the Board of County Commission, with Findings of Fact, and with or without conditions; or
2. Recommend denial of Case No. DEV-23-136, Special Use Permit for Tri-Hull Crane Rental, to the Board of County Commission, with Findings of Fact; or
3. Continue the Public hearing to another date, time, and place.

ATTACHMENTS:

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

RESOLUTION 2020-25

A resolution of the Leavenworth County Kansas Board of County Commission (“board”), issuing a Special Use Permit for a Contractor’s Yard – Tri-Hull Crane Rental on the following described property:

A tract of land located in the Southeast Quarter (SE 1/4) of Section Eleven (11), Township Twelve South (T12S), Range Twenty East (R20E) of the 6th P.M., Leavenworth County, Kansas, more commonly known as 24838 Loring Road, Lawrence, KS 66044

WHEREAS, it is hereby found and determined that a request for a Special Use Permit as described above was filed with the Secretary of the Leavenworth County Planning Commission, on the 11th day of February, 2020, and

WHEREAS, it is hereby found that the Leavenworth County Planning Commission, (“planning commission”) after notice as required by law, did conduct a public hearing upon the granting of such request for a Special Use Permit on the 15th day of July, 2020; and

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

WHEREAS, the board considered, in session on the 5th day of August, 2020, the recommendation of the commission.

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

1. Based upon the recommendation and findings of fact of the Leavenworth County Planning Commission; and,
2. Based upon the findings of fact adopted by the board in regular session on the 5th day of August, 2020, and incorporated herein by reference;

That Case No. DEV-20-025, Special Use Permit for a Contractor’s Yard– Tri-Hull Crane Rental be approved subject to the following conditions:

1. The SUP shall be limited to an initial period of three (3) years. Prior to the conclusion of the initial period, applicant may apply to the commission for one (1) additional two (2) year period for the SUP to continue. Based upon the facts considered and adopted by the board no term of operation shall exceed three (3) years unless the one (1) time two (2) year extension is approved, and in no event shall the term of operation for the SUP granted herein extend beyond a five (5) period from the date of this resolution.
2. The applicant shall pay a Traffic Impact Fee (TIF) of \$1,532.14.
3. Adequate screening shall be installed and maintained around the salvage yard area sufficient to screen the area from public view.
4. No residential use of any RV shall be allowed on the premises subject to the SUP. Applicant shall promptly supply to staff of the Department of Planning and Zoning adequate proof that no residential use of any RV exists on the premises.
5. The applicant shall adhere to the following memorandums:
 - a. Memo – Krystal A. Voth – Planning and Zoning, March 27, 2020

b. Memo – Mitch Pleak, P.E. – Public Works, February 28, 2020 & June 2, 2020

6. No signage is allowed.
7. No on-street parking shall be allowed.
8. This SUP shall be limited to the Narrative dated February 11, 2020 submitted with this application and specifically that the SUP granted herein does not include the operation of any salvage operations not incidental to the primary business of applicant.
9. This SUP shall comply with all local, state, and federal rules and regulations that may be applicable. After approval of this SUP by the Board of County Commission all conditions listed shall be adhered to and copies shall be provided to the Planning and Zoning Department within 30 days.

Adopted this 13th day of January, 2021
Board of County Commission
Leavenworth, County, Kansas



Michael Smith, Chairman



Jeff Culbertson, Member



Vicky Kaaz, Member



Doug Smith, Member



Mike Stieben, Member


ATTEST

Janet Klasinski

~~* KS State Tax Clearance~~

SPECIAL USE PERMIT APPLICATION

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

SCANNED

#300 need \$100.
CK 21164 in vault

APPLICANT/AGENT INFORMATION	OWNER INFORMATION (If different)
NAME <u>Donna Hull</u>	NAME _____
ADDRESS <u>24838 Loring Rd</u>	ADDRESS _____
CITY/ST/ZIP <u>Lawrence, KS 66044</u>	CITY/ST/ZIP _____
PHONE <u>816-729-0261</u>	PHONE _____
EMAIL <u>thcranerental@gmail.com</u>	EMAIL _____
CONTACT PERSON <u>Donna (DEE) Hull</u>	CONTACT PERSON _____

PROPERTY INFORMATION

* PID: 211-11 017.02 Zoning District: Reno

Address of property 24838 Loring Rd Parcel size 40 Acres

Current use of the property Small family farm, Crane Rental Business

Does the owner live on the property? Yes No

Proposed Special Use Continued use of Crane Rental Business

TAX ASSESSEMENT STATEMENT

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

Donna Hull

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

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

Signature Donna M Hull

Date 09/19/2023

ATTACHMENT A

PROPOSED SPECIAL USE PERMIT INFORMATION

Name of Business Tri-Hull Crane Rental, LLC

Existing and Proposed Structures House, Horse barn, Large barn/garage proposed new home and additional building

Number of structures used for Special Use Permit 1

Will the use require parking? Yes No How many parking spaces are proposed/available? 8/8

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

Reason for requesting a Special Use Permit: Continued use of Crane Rental Business

Estimated Traffic

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

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

Daily 6 Weekly 30 Monthly 120

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

Daily 8 Weekly 32 Monthly 128

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

Passenger: Months _____ Weeks _____ Days _____

Commercial: Months _____ Weeks _____ Days _____

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

No additional seasonal trips

What is the anticipated route(s) from the nearest State Highway to the Site? right to US 24/40 Highway, or left to KS 32
no changes to routes currently used

Special Use Permit Renewal

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

We have purchased addition equipment, however we have the same number of employees, no additional traffic trips are expected.

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

L0505072

CAPITAL TITLE INSURANCE COMPANY, LC
3115 W. 6th Street, Suite K
Lawrence, Kansas 66049

Entered in the transfer record in my office this

2nd day of June, 2005
Dennis H. Milleret
County Clerk

STATE OF KANSAS
COUNTY OF LEAVENWORTH-SC
FILED FOR RECORD

2005 JUN -7 P 1:39

STACY R. DRISCOLL
REGISTER OF DEEDS

KANSAS WARRANTY DEED
(Kansas Statutory Form)

Grantor: **Dennis H. Milleret and Carolyn Y. Milleret, husband and wife**

For One Dollar and other valuable considerations conveys and warrants to

Grantee: **Tri-Hull, LLC**

the following described real estate:

A tract of land located in the Southeast Quarter (SE/4) of Section Eleven (11), Township Twelve South (T12S), Range Twenty East (R20E) of the 6th P.M., Leavenworth County, Kansas, described as follows: Commencing at the Southwest corner of said Southeast Quarter (SE/4), thence North 90° 00' 00" East along the South line of said Southeast Quarter (SE/4) 655.88 feet to the True Point of Beginning; thence North 0° 05' 29" West parallel to the West line of said Southeast Quarter (SE/4) 2,653.55 feet to a point on the North line of said Southeast Quarter (SE/4) which is South 89° 44' 15" East 655.89 feet from the Northwest corner of said Southeast Quarter (SE/4), thence South 89° 44' 15" East along said North line 657.02 feet, thence South 0° 05' 29" East parallel to the West line of said Southeast Quarter (SE/4) 2,650.54 feet to the South line of said Southeast Quarter (SE/4), thence South 90° 00' 00" West along said South line 657.00 feet to the POINT OF BEGINNING.

SUBJECT TO COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS, IF ANY, NOW OF RECORD.

TO HAVE AND TO HOLD The premises aforesaid with all and singular, the rights, privileges, appurtenances and immunities thereto belonging or in any wise appertaining unto the said party(ies) of the second part and unto his/her/their heirs and assigns forever; the said party(ies) of the first part hereby covenanting that he/she/they lawfully seized of an indefeasible estate in fee of the premises herein conveyed; that he/she/they has/have good right to convey the same; that the said premises are free and clear from any encumbrance done or suffered by him/her/them or those under whom he/she/they claim; and that he/she/they will warrant and defend the title to the said premises unto the said party(ies) of the second part and unto his/her/their heirs and assigns forever, against the lawful claims and demands of all persons whomsoever.

IN WITNESS WHEREOF, The said party(ies) of the first part has/have hereunto set his/her/their hand(s) and seal on this 2nd day of June, 2005

Dennis H. Milleret
Dennis H. Milleret

Carolyn Y. Milleret
Carolyn Y. Milleret

STATE OF KANSAS)

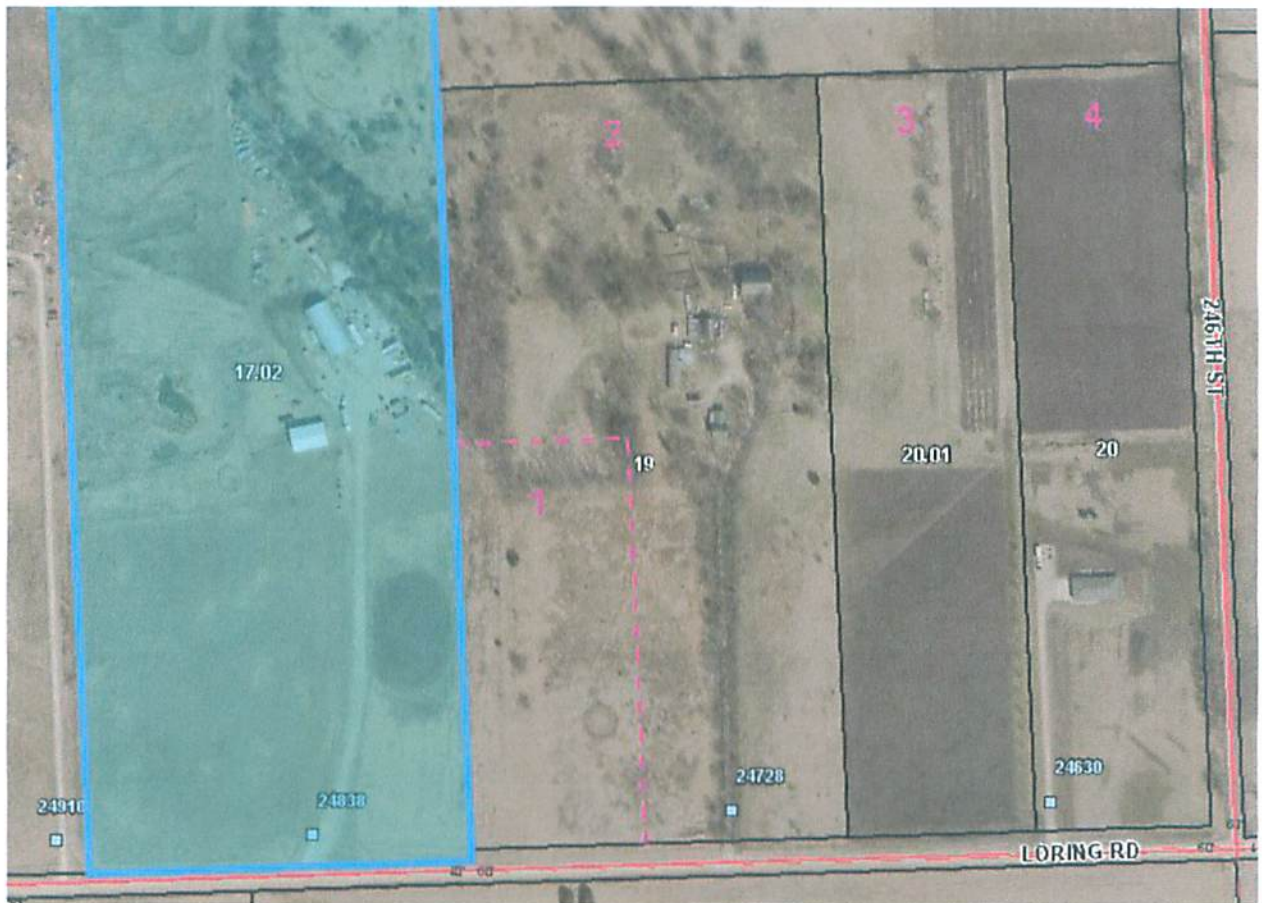
COUNTY OF DOUGLAS)

On this 2nd day of June, 2005, before me, the undersigned, a Notary Public in and for the County and State aforesaid, personally appeared Dennis H. Milleret and Carolyn Y. Milleret, husband and wife to me known to be the person(s) described in and who executed the foregoing instrument and acknowledged that he/she/they executed the same as his/her/their free act and deed.

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

Randall L. Russell
Notary Public

RANDALL L. RUSSELL
Notary Public - State of Kansas
My Appl. Exp. 6-28-05



Business Description 2023

Our small family business consists of specialized mobile cranes and occasional use of semi tractors and trailers. In addition, we have a variety of farm vehicles for property maintenance and farm use. Our business is weather dependent similar to construction. We do not produce or manufacture a product to sell and have no store front for sales.

We would like to apply for a 10-year extension of the current SUP. There are now several Special Use Permits along this road and in the area that we know of; 2 Wineries with a high volume of traffic that way exceeds the amount of traffic that we use and is continually increasing, a hog raising facility, and a nursery. In addition, the economy has continued to get worse since our first application and doesn't appear to be getting better. Currently our property is taxed as commercial property which the other SUP's are not.

We don't have food or alcohol service.

We don't have any signs up or have any plans to install any at this time.

Our hours of operation are 6am to 5pm, Monday thru Friday and occasionally Saturday.

We have 6 full time employees, 3 of which are family. Only 3 of our employees come to this place of business as work is scheduled.

We receive deliveries; however, nothing is regularly scheduled. We get 1-2 deliveries a week of equipment.

Our storage and equipment are parked several hundred feet off the roadway.

We do offer short term storage of equipment that we are going to place on a job for our customers, which consists largely of mechanical equipment. We recycle equipment thru American Recycling out of Topeka or Kansas City and Rapid Recovery for any equipment removed.

Our initial traffic route is right and or left out of the drive way on to Loring Rd a (gravel road) to US-24 Hwy or KS-32 Hwy.

No additional water is needed. However, we do have a Johnny on the spot for our employees and anyone who needs the use of one.

There is no pollution hazard. We don't use chemicals or store any.

We have a bulk fuel tank that is serviced by Leavenworth CO-OP it fills our farm and business vehicles. We do use oil and we store a small bulk amount of it for use in routine oil changes and maintenance, as well as parts and supplies. The used oils are then recycled

Our future plans would be to build another large barn to store our equipment so that it is under cover and out of the weather. It is also our intent to remodel or build a new home to replace our current one.

We have security lightening on both the garage and horse barn

Emergency and safety contacts are posted on the door, fire extinguishers, and evaluation plans are in place.

OWNER AUTHORIZATION

I/We Donna Hull, hereby referred to as the "Undersigned", being of lawful age, do hereby on this ___ day of _____, 20___, make the following statements, to wit:

1. I/We the Undersigned, on the date first above written, am the lawful, owner(s) in fee simple absolute of the following described real property

See Attachment "A" attached hereto and incorporated herein by reference.

2. I/We the undersigned, have previously authorized and hereby authorize _____ (Hereinafter referred to as "Applicant"), to act on my/our behalf for the purpose of making application with the Planning Office of Leavenworth County, Kansas, _____ (common address) the subject real property, or portion thereof, and which authorization includes, but is not limited to, all acts or things whatsoever necessarily required of Applicant in the application process.

3. I/We the Undersigned, hereby agree to protect, defend, indemnify and hold the Board of County Commissioners of Leavenworth County, Kansas, its officers employees and agents (hereinafter collectively referred to as the "County"), free and harmless from and against any and all claims, losses, penalties, damages, settlements, costs, charges, professional fees or other expenses or liabilities, whether false, fraudulent, meritless or meritorious, of every kind and character arising out of or relating to any and all claims, liens, demands, obligations, actions, proceedings, or causes of action of every kind and character (hereinafter "claims"), in connection with, relating to, or arising directly or indirectly out of this authorization and the actions taken by the Applicant and the County in reliance thereof. I, the Undersigned, hereby further agree to investigate, handle, respond to, provide defense for and defend any such claims at my sole expense and agree to bear all other costs at my sole expense and agree to bear all other costs and expenses related thereto, even if such claims are groundless, false or fraudulent.

4. It is understood that in the event the Undersigned is a corporation or partnership then the individual whose signature appears below for and on behalf of the corporation or partnership has in fact the authority to so bind the corporation or partnership to the terms and statements contained within this instrument.

IN WITNESS THEREOF, I, the Undersigned, have set my hand and seal below.

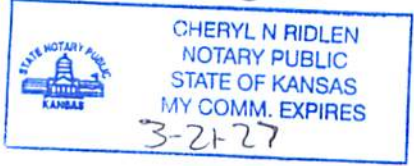
Donna Hull
Owner

Owner

STATE OF KANSAS
COUNTY OF LEAVENWORTH

The foregoing instrument was acknowledged before me on this 29 day of August, 2023,
by Cheryl N. Bidler.

My Commission Expires: 3-21-27



Cheryl N. Bidler
Notary Public

ATTACHMENT C



Kansas Department of Revenue
COMMERCIAL MOTOR VEHICLE OFFICE

PO BOX 12003
 Topeka, KS 66601
 Phone: (785) 296-6541
www.truckingks.org

Vehicle Checklist

Invoice Number : 554165
 Invoice Date : 02/20/2023

TRI-HULL CRANE RENTAL LLC
 24838 LORING RD
 LAWRENCE KS 66044

Account : 950476
 Fleet : 002
 Supplement Number : 0
 Registration Year : 2023
 Number of Reg. Months : 12
 Number Power Units : 4
 Number Trailer Units : 6
 Effective Date : 01/01/2023
 Expiration Date : 12/31/2023
 Processor : KMCASDB
 Quarterly Payment : NO
 Quarterly Amount : \$0.00
 Exchange Rate : 0.747400

Supplement Type : RENEW FLEET

UNIT #	VIN	AI	POW	LSA	PR	LPA	STA	HVUT	LR	BOS	STD	VI	ETSAM	REG	POE
0139	1XPFDU9X04D830139							C						N	
4	1T9SK4839E1008263							C						N	
3660	1L9GA72A0XL033660							C						N	
3	1W9FL48264E285457									N				N	
8276	1FDYY95X7JVA48276							C						N	
500	1T9E48408J1114126							C						N	
364	13ZGF2421Y1003364							C						N	
2	1FDYY90R8RVA12553							C						N	
7621	1HSZJJUR4GHA17621									N				N	
6598	5MAPA4521DC026598							C						N	
6588	5MAPA4529DC026588							C						N	
6204	1FUY3WDB2XLB46204							C						N	

C: Collected

N: Not Required

O: Outstanding

S: System Collected

Tax History Inquiry for TRI-HULL LLC

[View Parcel Information](#) --- [Tax Search Page](#)

Property Address											
24838 LORING RD											
Tax ID		Sec-Twn-Rng	Sub	Blk	Lot	Description				Parcel Id/Cama	Parcel Classes
2022 RealEstate - 34223		11-12-20E				S11, T12, R20E, ACRES 39.75, E657.02' OF, W1312.91' W1.2 SE1/4 LESS ROW				211-11-00-00-017.02-0	Agricultural Real Estate Farmstead Commercial Real Estate
Tax Unit	USD	Cty/Twn	Assessed Valuation	Mill Levy	Ad Valorem	Special Assessments	Total Tax	Total Paid	DIQ	Book-Page	Date of Transfer
103	497	RENO TOWNSHIP	\$46901	106.097	\$4884.06	\$0	Amount \$4884.06	Amount \$4884.06	No	0952 - 1256	0

[Click here for Additional Years](#)

[View Parcel Information](#) --- [Tax Search Page](#)

Tax Search powered by  **Aumentum**
TECHNOLOGIES



Laura Kelly, Governor
Mark A. Burghart, Secretary

www.ksrevenue.gov

CERTIFICATE OF TAX CLEARANCE

Tri-Hull Crane Rental, LLC
DBA as Tri-Hull Crane Rental, LLC

ISSUE DATE

10/02/2023

TRANSACTION ID

TYJ5-6MS7-782A

CONFIRMATION NUMBER

C2KB-6PHA-P5M5

TAX CLEARANCE VALID THROUGH 12/31/2023

*Verification of this certificate can be obtained on our website, www.ksrevenue.org,
or by calling the Kansas Department of Revenue at 785-296-3199*

From: [Dylan Ritter](#)
Sent: Tuesday, October 10, 2023 9:36 AM
To: [Johnson, Melissa](#)
Cc: [Anderson, Kyle](#); [Brown, Misty](#); [Magaha, Chuck](#); [Miller, Jamie](#); [Noll, Bill](#); [PZ](#); [Patzwald, Joshua](#); [Van Parys, David](#); mpleak@olsson.com; tyler.rebel@evergy.com
Subject: Re: DEV-23-136 Special Use Permit - Tri Hull LLC Crane Rental at 24838 Loring Rd

Follow Up Flag: Follow up
Flag Status: Completed

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.

No concerns from Reno Township Fire Department.

On Mon, Oct 2, 2023 at 12:59 Johnson, Melissa <MJohnson@leavenworthcounty.gov> wrote:

The Department of Planning & Zoning has received an application for a Special Use Permit regarding Tri-Hull Crane Rental located at 24838 Loring Rd.

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

If you have any questions or need additional information, please contact us at (913) 684-0465 or at 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](#)

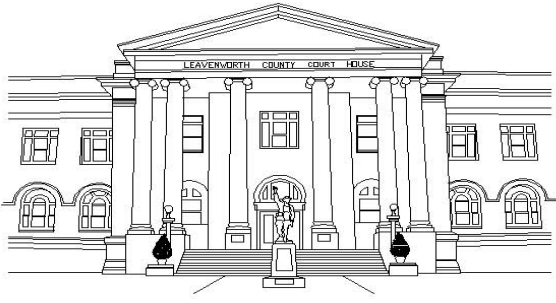
(913) 684-0465

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.

--

Deputy Chief
Dylan Ritter
Reno Township Fire Department
12755 238th St, 66052
(913)-339-8973



COUNTY OF LEAVENWORTH

Department of Public Works

300 Walnut, Suite 007

Leavenworth, Kansas 66048-2815

Phone (913) 684-0470

Fax (913) 684-0473

October 24th, 2023

Tri-Hull DEV-23-136 – Public Works Review

The Public Works Department have reviewed the following documents:

- 2023.10.02 Application
- 2023.09.25 Aerial view of property
- 2023 Narrative of business
- 2023.10.19 Applicant Correspondence

Below are comments from the received documents listed above. Direct any questions to John Jacobson at jjacobson@leavenworthcounty.gov.

Public Works review is limited to public right-of-way only and the route along Loring Road between US-24/40 and the SUP Site (24838 Loring Road). Route is a gravel roadway.

Planning and Zoning Department has contacted KDOT regarding the SUP access from US-24/40 to Loring.

Route was reviewed for traffic and physical roadway impacts with no comments at this time.

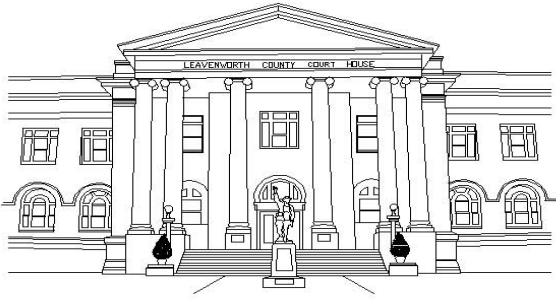
Public Works Review:

1. Route includes two (2) 24" corrugated metal pipes and a reinforcement box culvert (RCB). County provided available information on the existing RCB, which consisted of an inspection report. As-built plans are not available. Olsson conducted a site visit on the storm structures and found that the pipes are in good condition. The RCB is in fair condition under the driving surface and very poor condition at the wingwalls.

According to the applicant's website, they offer crane rentals which are in excess of legal loads. It is recommended a load rating signed by a Kansas Professional Engineer be completed on the corrugated metal pipe crossings and RCB.

Per the Traffic Impact Policy:

The Applicant shall inspect and complete a structural health assessment for the structures along the route. This assessment shall evaluate the condition and ability for all drainage structures under the public roadway to satisfactorily carry the anticipated truck loadings. The structures shall be defined as all bridges (including those with a length less than FHWA's 20-foot bridge length),



COUNTY OF LEAVENWORTH

Department of Public Works

300 Walnut, Suite 007

Leavenworth, Kansas 66048-2815

Phone (913) 684-0470

Fax (913) 684-0473

culverts, and storm pipes greater than 15 inches in diameter. The assessment shall include a photo log of each structure, condition assessment (utilize NBI ratings criteria, where applicable), tabulation of deficiencies, and recommendation for suitability to sustain the proposed traffic loadings. The assessment shall be signed and sealed by a professional engineer registered in the State of Kansas. The photo log shall include two structure end elevations, one photo looking in each direction along the roadway at the structure, one photo looking upstream, one photo looking downstream, and at least one photo through the opening of the structure.

DRAFT



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

October 25, 2023

To: Donna Hull
24838 Loring Road
Lawrence, KS 66044

Re: Special Use Permit
DEV-23-136

Ms. Hull,

Staff has reviewed the application and narrative for Tri Hull Crane Rental, which was submitted on October 2, 2023.

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

1. The narrative indicates a change in traffic pattern to Loring Road. Please refer to the previously issued SUP (Resolution 2020-25) for associated restrictions.
2. Please be advised that staff will recommend all traffic be diverted to the 24/40 corridor.
3. Please be advised that in accordance with the Traffic Impact Policy, the applicant will be required to have a licensed Kansas Professional Engineer complete a Drainage Structure Assessment for all impacted structures on the haul route as a condition of approval.
4. The narrative does not indicate major changes to the original issued SUP. Please confirm that this is the intent.

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

Respectfully,

John Jacobson
Director
Planning and Zoning
Leavenworth County



Kansas Department of Revenue
COMMERCIAL MOTOR VEHICLE OFFICE

PO BOX 12003
 Topeka, KS 66601
 Phone: (785) 296-6541
www.truckingks.org

Vehicle Checklist

Invoice Number : 554165
 Invoice Date : 02/20/2023

Account : 950476
 Fleet : 002

TRI-HULL CRANE RENTAL LLC
 24838 LORING RD
 LAWRENCE KS 66044

Supplement Number : 0
 Registration Year : 2023
 Number of Reg. Months : 12
 Number Power Units : 4
 Number Trailer Units : 6
 Effective Date : 01/01/2023
 Expiration Date : 12/31/2023
 Processor : KMCASDB

Supplement Type : RENEW FLEET

Quarterly Payment : NO
 Quarterly Amount : \$0.00
 Exchange Rate : 0.747400

UNIT #	VIN	AI	POW	LSA	PR	LPA	STA	HVUT	LR	BOS	STD	VI	ETSAM	REG	POE
0139	1XPFDU9X04D830139														
4	1T9SK4839E1008263														
3660	1L9GA72A0XL033660														
3	1W9FL48264E285457														
8276	1FDYY95X7JVA48276														
500	1T9E48408J1114126														
364	13ZGF2421Y1003364														
2	1FDYY90R8RVA12553														
7621	1HSZJJUR4GHA17621														
6598	5MAPA4521DC026598														
6588	5MAPA4529DC026588														
6204	1FUJ3WDB2XLB46204														

C: Collected

N: Not Required

O: Outstanding

S: System Collected

**LEAVENWORTH COUNTY
PLANNING COMMISSION
STAFF REPORT**

CASE NO: DEV-23-118 MCGEE/PCDI Rezone

November 8, 2023

REQUEST: *Public Hearing Required*

- ZONING AMENDMENT SPECIAL USE PERMIT
 TEMPORARY SPECIAL USE PERMIT

STAFF REPRESENTATIVE:

JOHN JACOBSON
DIRECTOR

SUBJECT PROPERTY: 17679 166TH STREET



APPLICANT/APPLICANT AGENT:

JOE HERRING
HERRING SURVEYING COMPANY

PROPERTY OWNER:

WILMA K MCGEE
17679 166TH STREET
BASEHOR, KS 66007

CONCURRENT APPLICATIONS:

N/A

LAND USE

ZONING: RR-2.5

FUTURE LAND USE DESIGNATION:
MIXED RESIDENTIAL

LEGAL DESCRIPTION:

The North 908.37 feet of the Southeast ¼ of the Northeast ¼ of Section 16, Township 11 South, Range 22 East of the Sixth P.M. in Leavenworth County, Kansas.

SUBDIVISION: N/A

FLOODPLAIN: N/A

STAFF RECOMMENDATION: APPROVAL

PROPERTY INFORMATION

ACTION OPTIONS:

1. Recommend approval of Case No. DEV-23-118, Rezone for McGee/ PCDI, to the Board of County Commission, with or without conditions; or
2. Recommend denial of Case No. DEV-23-118, Rezone for McGee/ PCDI, to the Board of County Commission for the following reasons; or
3. Continue the hearing to another date, time, and place.

PARCEL SIZE: 26.6 ACRES

PARCEL ID NO:
185-16-0-00-00-063.00

BUILDINGS:
SINGLE FAMILY RESIDENCE AND
ACCESSORY STRUCTURES

PROJECT SUMMARY:

Request to rezone one parcel at 17679 166th Street from RR-2.5 to RR-1 (43).

ACCESS/STREET:
166TH STREET - COUNTY COLLECTOR,
PAVED, ±24' WIDE

Location Map:



UTILITIES

SEWER: SEPTIC

FIRE: FAIRMOUNT

WATER: SUBURBAN WATER

ELECTRIC: EVERGY

NOTICE & REVIEW:

STAFF REVIEW: 9/27/2023

NEWSPAPER NOTIFICATION:
10/17/2023

NOTICE TO SURROUNDING
PROPERTY OWNERS:
8/22/2023

FACTORS TO BE CONSIDERED:		
<i>The following factors are to be considered by the Planning Commission and the Board of County Commissioners when approving or disapproving this Rezone request:</i>	Met	Not Met
<p>1. Character of the Neighborhood: <i>Density:</i> Surrounding parcels range in size from 1 acre to more than 150 acres. The area is not densely populated.</p> <p><i>Nearby City Limits:</i> Tonganoxie is more than 0.3 miles to the northeast.</p> <p><i>Initial Growth Management Area:</i> This parcel is located within the Rural Growth Area.</p>	✓	
<p>2. Zoning and uses of nearby property: <i>Adjacent Uses:</i> Most of the adjacent parcels are residential and agricultural in nature.</p> <p><i>Adjacent Zoning:</i> All adjacent properties are zoned RR-2.5. The closest RR-1 (43) zoning district area is 670 ft to the west.</p>	✓	
<p>3. Suitability of the Property for the uses to which it has been restricted: The property is suitable for rural residences and agricultural uses.</p>	✓	
<p>4. Extent to which removal of the restrictions will detrimentally affect nearby property: <i>The property is adjacent to a rural subdivision that matches the densities that are proposed in this rezoning request. Current county regulations allow for septic systems to be installed on lots 1 acre or greater so based on current county regulations, the proposed rezone should not detrimentally affect surrounding properties. Furthermore, if development were to occur, the proposed addition would exit onto a County Collector that should support additional traffic.</i></p>	✓	
<p>5. Length of time the property has been vacant as zoned: <i>Vacant:</i> <input checked="" type="checkbox"/> <i>Not Vacant: Existing House</i></p>	✓	
<p>6. Relative gain to economic development, public health, safety and welfare: <i>The rezoning does not impact economic development, public health, safety or welfare. In the event the parcel was to be developed as a rural subdivision, twice as many homes could potentially be constructed which may have a positive impact on economic development. As stated previously, current county regulations allow for septic systems on properties that are one acre or greater. Consideration of the impact on public health for lots of this size has already been decided.</i></p>	✓	
<p>7. Conformance to the Comprehensive Plan: <i>Future Land Use Map: Mixed Residential</i> <i>Section 4 Land Use and Development Plan Strategies: Mixed Residential is identified as a mixture of high density single-family and multi-family residential.</i> <i>There are currently no sanitary sewer systems within 660' of the property and no plans to extend sanitary sewer to this site. R-1 (43) is the highest density residential that can be developed on this property currently.</i></p>	✓	

STAFF COMMENTS:

This action was previously recommended denial at the September 13, 2023 Planning Commission meeting. Per statute, the petition was then forwarded to the BOCC for consideration. That body returned it to the Planning Commission for reconsideration on October 4, 2023.

The applicant has included additional information in the form of a conceptual plan to better determine the layout of adjoining lots and address concerns expressed at the previous Planning Commission meeting.

The applicants are in the process of acquiring the property. Owner authorization from both the party selling the property and the party purchasing, has been submitted with this request. The applicants are requesting a rezoning from Rural-Residential 2.5 to Residential - 1 (43).

The Comprehensive Plan identifies the future land use of this area as *Mixed Residential*. Staff is generally supportive of the request due to the current county regulations surrounding development of sanitary sewer systems at the highest density permitted and compliance with the future land use plan.

ATTACHMENTS:

A: Application & Narrative

B: Zoning Map

C: Memorandums

D: Neighbor Comments

E: Conceptual Map

REZONING APPLICATION

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


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

APPLICANT/AGENT INFORMATION	OWNER INFORMATION (If different)
NAME <u>Joe Herring</u>	NAME <u>PCDI Homes / Gerald St.Peter</u>
ADDRESS <u>315 North 5th Street</u>	ADDRESS <u>17679 166th Street</u>
CITY/ST/ZIP <u>Leavenworth, KS 66048</u>	CITY/ST/ZIP <u>Basehor, KS 66007</u>
PHONE <u>913-651-3858</u>	PHONE <u>N/A</u>
EMAIL <u>herringsurveying@outlook.com</u>	EMAIL <u>N/A</u>
CONTACT PERSON <u>Joe</u>	CONTACT PERSON <u>Joe</u>

PROPOSED USE INFORMATION	
Proposed Land Use <u>Rural Residential</u>	
Current Zoning <u>RR-2.5</u>	Requested Zoning <u>R1-43</u>
Reason for Requesting Rezoning <u>To match adjacent property to the West - a continuation of Lee Chile's Addition along with extension of platted (not constructed) Orchard Road.</u>	

PROPERTY INFORMATION
Address of Property <u>17679 166th Street</u>
Parcel Size <u>26.6 Acres</u>
Current use of the property <u>AG & Rural Residential</u>
Present Improvements or structures <u>House with barn/shop</u>
PID <u>185-16-0-00-00-063</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 8-16-23 Date 8/16/23
 8-16-2023

ATTACHMENT A

REZONING APPLICATION

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


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

APPLICANT/AGENT INFORMATION	OWNER INFORMATION (If different)
NAME <u>Joe Herring</u>	NAME <u>Vicky Needham, Executor - Wilma K. McGee Estate</u>
ADDRESS <u>315 North 5th Street</u>	ADDRESS <u>17679 166th Street</u>
CITY/ST/ZIP <u>Leavenworth, KS 66048</u>	CITY/ST/ZIP <u>Basehor, KS 66007</u>
PHONE <u>913-651-3858</u>	PHONE <u>N/A</u>
EMAIL <u>herringsurveying@outlook.com</u>	EMAIL <u>N/A</u>
CONTACT PERSON <u>Joe</u>	CONTACT PERSON <u>Joe</u>

PROPOSED USE INFORMATION
Proposed Land Use Rural Residential
Current Zoning RR-2.5 Requested Zoning R1-43
Reason for Requesting Rezoning To match adjacent property to the West - a continuation of Lee Chile's Addition along with extension of platted (not constructed) Orchard Road.

PROPERTY INFORMATION
Address of Property 17679 166th Street
Parcel Size 26.6 Acres
Current use of the property AG & Rural Residential
Present Improvements or structures House with barn/shop
PID 185-16-0-00-00-063

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 8-16-23 Date 8/16/23
 8-16-2023

ATTACHMENT A



Court: Leavenworth County District Court
Case Number: 2022-PR-000014
Case Title: In the Matter of the Estate of Wilma Kay McGee
Type: LETTERS TESTAMENTARY ISSUED UNDER THE KANSAS
SIMPLIFIED ESTATES ACT

SO ORDERED.

/s/Joan Lowdon, District Judge

Electronically signed on 2022-02-10 12:53:04 page 1 of 2



STATE OF KANSAS }
LEAVENWORTH COUNTY } 00

I hereby certify that the foregoing is a true copy of the record on file in this court and cause.

Linda Gale Deputy

Dated 2/10/22

IN THE DISTRICT COURT OF LEAVENWORTH COUNTY, KANSAS
PROBATE DEPARTMENT

IN THE MATTER OF THE ESTATE OF)
) Case No. 2022-PR-00014
WILMA KAY MCGEE, Deceased.)
(Petition Pursuant to K.S.A. Chapter 59))

**LETTERS TESTAMENTARY ISSUED UNDER
THE KANSAS SIMPLIFIED ESTATES ACT**

Vicky Needham a resident of Johnson County, Kansas, named as Executor of the "Last Will and Testament of Wilma Kay McGee," deceased, having been appointed and qualified as Executor, is granted Letters Testamentary issued under the Kansas Simplified Estates Act with full power and authority as provided by law and the Last Will and Testament.

IN WITNESS, I, the undersigned Judge of the above-entitled Court, have signed my name and affixed the official seal of this Court at Johnson County, Kansas.

/s/ Kristen Shelley-Chapin
Kristen Shelley-Chapin, KS #20443
11212 Johnson Drive
Shawnee KS 66203
(913) 385-0600
kristen@estatelawks.com
Attorney for Petitioner

AFFIDAVIT

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

We/I Gerald St. Peter / Precision Contractor & Developer and _____

Being dully sworn, dispose and say that we/I are the owner(s) of said property located at -
17679 166th St. Basehor KS 66007, 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. 5th Street, Leavenworth, KS 66048, 913-651-3858

2)

Signed and entered this 17th day of August, 2023

Gerald St. Peter / Precision Contractor & Developer 15395 Briton Rd Suite A
Print Name, Address, Telephone 913-908-3166 Basehor KS 66007

[Handwritten Signature]

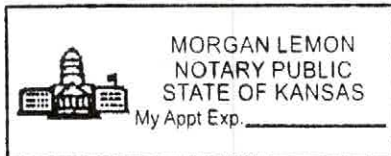
Signature

STATE OF KANSAS)
) SS
COUNTY OF LEAVENWORTH)

Be it remember that on this 17 day of August 2023 before me, a notary public in and for said County and State came Gerald St. Peter 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 Morgan Lemon

My Commission Expires: 2/23/27 (seal)



OWNER AUTHORIZATION

I/WE Vicky Needham, Executor, Wilma K. M. Gee Estate, hereby referred to as the "Undersigned", being of lawful age, do hereby on this 14th day of August, 2023, make the following statements. to wit:

- 1. I/We the Undersigned, on the date first above written, am the lawful, owner(s) in fee simple absolute of the following described real property

See Exhibit A attached hereto and incorporated herein by reference.
- 2. I/We the undersigned, have previously authorized and hereby authorize PCDI HOMES/GERALD ST. PETER (Hereinafter referred to as "Applicant"), to act on my/our behalf for the purpose of making application with the Planning Office of Leavenworth County, Kansas, 17679 166TH STREET, BASEHOR, KANSAS (common address) the subject real property, or portion thereof, and which authorization includes, but is not limited to, all acts or things whatsoever necessarily required of Applicant in the application process.
- 3. I/We the Undersigned, hereby agree to protect, defend, indemnify and hold the Board of County Commissioners of Leavenworth County, Kansas, its officers employees and agents (hereinafter collectively referred to as the "County"), free and harmless from and against any and all claims, losses, penalties, damages, settlements, costs, charges, professional fees or other expenses or liabilities, whether false, fraudulent, meritless or meritorious, of every kind and character arising out of or relating to any and all claims, liens, demands, obligations, actions, proceedings, or causes of action of every kind and character (hereinafter "claims"), in connection with, relating to, or arising directly or indirectly our of this authorization and the actions taken by the Applicant and the County in reliance thereof. I, the Undersigned, hereby further agree to investigate, handle, respond to, provide defense for and defend any such claims at my sole expense and agree to bear all other costs at my sole expense and agree to bear all other costs and expenses related thereto, even if such claims are groundless, false or fraudulent.
- 4. It is understood that in the event the Undersigned is a corporation or partnership then the individual whose signature appears below for and on behalf of the corporation or partnership has in fact the authority to so bind the corporation or partnership to the terms and statements contained within this instrument.

IN WITNESS THEREOF, I, the Undersigned, have set my hand and seal below.

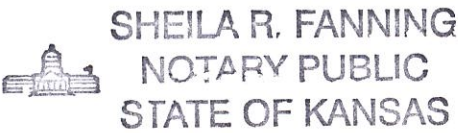
Vicky Needham, Executor
Owner Wilma Kay M. Gee Estate Owner

STATE OF KANSAS
COUNTY OF LEAVENWORTH

The foregoing instrument was acknowledge before me on this 14th day of August, 2023
by Vicky Needham

My Commission Expires: 5/13/27

Sheila R. Fanning
Notary Public



Kansas Warranty Deed

JOINT TENANCY

This Indenture Made this 7th day of March A. D., One Thousand

Nine Hundred Eighty-six by and between

WILLARD DEAN BROOKS AND JAQUELINE J. BROOKS, HUSBAND AND WIFE

of Leavenworth County, in the State of Kansas of the first part, and

ROBERT M. MCGEE AND WILMA K. MCGEE, HUSBAND AND WIFE

of County, in the State of Kansas of the second part,

WITNESSETH: THAT SAID PART IES OF THE FIRST PART, in consideration of the sum

of TEN DOLLARS AND OTHER VALUABLE CONSIDERATIONS -----DOLLARS,

the receipt of which is hereby acknowledged, do by these presents, Grant, Bargain, Sell and Convey unto

the said parties of the second part, and the survivor of them, as joint tenants, and not as tenants in common, all

the following described real estate, situated in the County of Leavenworth

and State of Kansas, to-wit:

A tract of land in the Southeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 16, Township 11 South, Range 22 East of the Sixth P.M., more fully described as follows: Beginning at a point 1926.82 feet South from the Northeast corner of the said Northeast $\frac{1}{4}$; thence South 302.79 feet along the East line of said Southeast $\frac{1}{4}$; thence West 1318.16 feet to the West line of said Southeast $\frac{1}{4}$; thence North 302.79 feet along said West line; thence East 1318.35 feet to the point of beginning, less that part used for public road, in Leavenworth County, Kansas.

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

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

for their heirs, executors or administrators, do hereby covenant, promise and agree to and with said parties of the second part, that at the delivery of these presents they are lawfully seized in their own right of an absolute and indefeasible estate of inheritance, in fee simple, of and in all and singular the above granted and described premises, with the appurtenances, that the same are free, clear, discharged and unincumbered of and from all former and other grants, titles, charges, estates, judgments, taxes, assessments and incumbrances, of what nature or kind soever: Except as hereinbefore stated, and except for the lien of taxes, both general and special, not now due and payable.

and that said grantors will warrant and forever defend the same unto the said parties of the second part, their assigns, and the heirs and assigns of the survivor of them, against said part ies of the first part, their heirs, and all and every person or persons whomsoever, lawfully claiming or to claim the same.

IN WITNESS WHEREOF, The said part ies of the first part ha ve hereunto set their hands the day and year first above written.

Willard Dean Brooks
WILLARD DEAN BROOKS
Jaqueline J. Brooks
JACQUELINE J. BROOKS

KANSAS ACKNOWLEDGEMENT

STATE OF KANSAS
County of Wyandotte } ss.

BE IT REMEMBERED, That on this Seventh day of March A.D., 19 86
before me, the undersigned, a Notary Public in and for said County and State, came Willard Dean Brooks and
Jacqueline J. Brooks, Husband and Wife
who are personally known to me to be the same person S who executed the within instrument of writing, and
duly acknowledged the execution of the same.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal the day and year last
above written.

Mary L. Nemeth
Mary L. Nemeth

My appointment expires November 13 1988

MARY L. NEMETH
NOTARY PUBLIC
STATE OF KANSAS
My Appointment Expires 11/13/88

KANSAS ACKNOWLEDGEMENT

STATE OF _____ } ss.
County of _____

BE IT REMEMBERED, That on this _____ day of _____ A.D., 19____
before me, the undersigned, a Notary Public in and for said County and State, came _____
who _____ personally known to me to be the same person _____ who executed the within instrument of writing, and
duly acknowledged the execution of the same.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal the day and year last
above written.

My appointment expires _____ 19____

Warranty Deed	
FROM	TO
Entered in Transfer Record in my office this <u>17</u> day of <u>March</u> 19 <u>86</u>	
<u>Dorothy Schillerky Klavich</u> County Clerk	
STATE OF KANSAS, } County, }	Received for Record on the _____ day of _____ 19____, at _____ o'clock _____ M., and duly Recorded in Book _____ of _____ at Page _____
Fee, \$ _____	Register of Deeds.

Judith NBL
966 Central
KCK

STATE OF KANSAS }
COUNTY OF LEAVENWORTH } ss.
FILED FOR RECORD

1986 MAR 17 P 3:08
Dora I. Farmer
DORA I. FARMER
REGISTER OF DEEDS

by Maureen Dennis DEP.

GUARANTEE LAND TITLE OF LEAVENWORTH, INC.
P. O. BOX 166 • 400 DELAWARE
LEAVENWORTH, KANSAS 66048

86

Kansas Warranty Deed

JOINT TENANCY

This Indenture Made this 13th day of March A. D., One Thousand
Nine Hundred Eighty-six by and between

WILLARD DEAN BROOKS AND JACQUELINE J. BROOKS, HUSBAND AND WIFE

of Leavenworth County, in the State of Kansas of the first part, and

ROBERT M. MCGEE AND WILMA K. MCGEE, HUSBAND AND WIFE

of Wyandotte County, in the State of Kansas of the second part,

WITNESSETH: THAT SAID PARTIES OF THE FIRST PART, in consideration of the sum of TEN DOLLARS AND OTHER VALUABLE CONSIDERATIONS-----DOLLARS, the receipt of which is hereby acknowledged, do by these presents, Grant, Bargain, Sell and Convey unto the said parties of the second part, and the survivor of them, as joint tenants, and not as tenants in common, all the following described real estate, situated in the County of Leavenworth and State of Kansas, to-wit:

The North 908.37 feet of the Southeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 16, Township 11 South, Range 22 East of the Sixth P.M., LESS THE FOLLOWING DESCRIBED TRACT:

Beginning at a point 1926.82 feet South from the Northeast corner of the said Northeast $\frac{1}{4}$; thence South 302.79 feet along the East line of said Southeast $\frac{1}{4}$; thence West 1318.16 feet to the West line of said Southeast $\frac{1}{4}$; thence North 302.79 feet along said West line; thence East 1318.35 feet to the point of beginning, ALSO LESS THAT PART USED FOR PUBLIC ROAD, in Leavenworth County, Kansas.

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

TO HAVE AND TO HOLD THE SAME, Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in any wise appertaining, forever. And said grantors for their heirs, executors or administrators, do hereby covenant, promise and agree to and with said parties of the second part, that at the delivery of these presents they are lawfully seized in their own right of an absolute and indefeasible estate of inheritance, in fee simple, of and in all and singular the above granted and described premises, with the appurtenances, that the same are free, clear, discharged and unincumbered of and from all former and other grants, titles, charges, estates, judgments, taxes, assessments and incumbrances, of what nature or kind soever: Except as hereinbefore stated, and except for the lien of taxes, both general and special, not now due and payable.

and that said grantors will warrant and forever defend the same unto the said parties of the second part, their assigns, and the heirs and assigns of the survivor of them, against said parties of the first part, their heirs, and all and every person or persons whomsoever, lawfully claiming or to claim the same.

IN WITNESS WHEREOF, The said parties of the first part have hereunto set their hands the day and year first above written.

Willard Dean Brooks
Willard Dean Brooks
Jacqueline J. Brooks
Jacqueline J. Brooks

KANSAS ACKNOWLEDGEMENT

STATE OF KANSAS
County of Wyandotte } ss.

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who are personally known to me to be the same person S who executed the within instrument of writing, and
duly acknowledged the execution of the same.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal the day and year last
above written.

Mary L. Nemeth
Mary L. Nemeth

My appointment expires November 13 19 88

MARY L. NEMETH
NOTARY PUBLIC
STATE OF KANSAS

My Appointment Expires 11/13/88

KANSAS ACKNOWLEDGEMENT

STATE OF _____ } ss.
County of _____

BE IT REMEMBERED, That on this _____ day of _____ A.D., 19 _____
before me, the undersigned, a Notary Public in and for said County and State, came _____

who _____ personally known to me to be the same person _____ who executed the within instrument of writing, and
duly acknowledged the execution of the same.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal the day and year last
above written.

My appointment expires _____ 19 _____

FA 309 A1

Warranty Deed

FROM _____

TO _____

Entered in Transfer Record in my office this 27 day of Oct 1988
Mary E. Schell
Suzanne L. Schell
_____, County Clerk

STATE OF KANSAS, } ss.
County, _____

Received for Record on the _____ day of _____ 19 _____, at _____ o'clock
M., and duly Recorded in Book _____ of _____ at Page _____

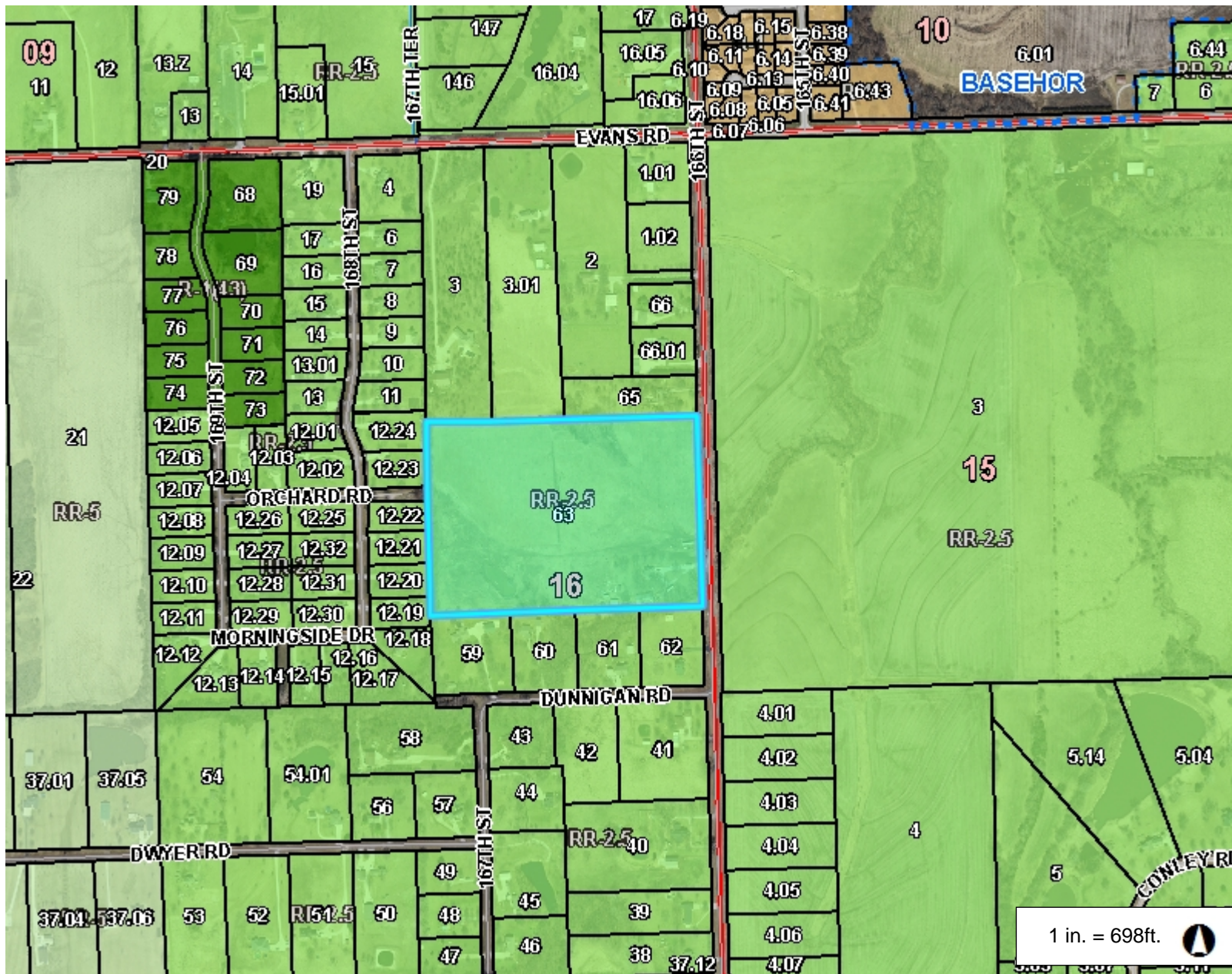
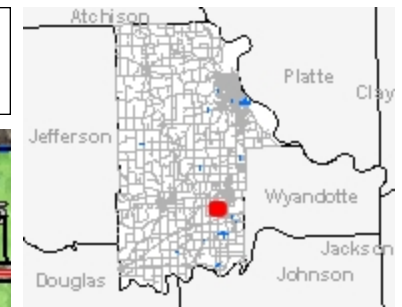
Fee, \$ _____

Register of Deeds.

Return of Deed!
McDer 602
Ch. 2 Bar 134
Barnes Spring KS.
40012

STATE OF KANSAS
COUNTY OF LEAVENWORTH } ss.
FILED FOR RECORD
1988 OCT 27 P 1:05 05
Dora I. Farmer
DORA I. FARMER
REGISTER OF DEEDS

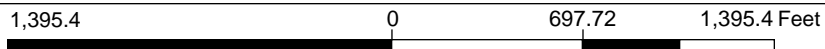
DEV-23-118 McGee/PCDI Rezone



Legend

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

1 in. = 698ft.



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

THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes

Allison, Amy

From: McAfee, Joe
Sent: Thursday, August 17, 2023 4:36 PM
To: Allison, Amy
Subject: RE: RE: DEV-22-118 Rezoning– McGee/PCDI

Amy:
No comment from PW. Thanks.

From: Allison, Amy <AAllison@leavenworthcounty.gov>
Sent: Thursday, August 17, 2023 3:51 PM
To: Magaha, Chuck <cmagaha@lvsheriff.org>; Anderson, Kyle <KAnderson@leavenworthcounty.gov>; Miller, Jamie <JMiller@leavenworthcounty.gov>; Patzwald, Joshua <jpatzwald@lvsheriff.org>; Brown, Misty <MBrown@leavenworthcounty.gov>; 'Mitch Pleak' <mpleak@olsson.com>; Noll, Bill <BNoll@leavenworthcounty.gov>; McAfee, Joe <JMcAfee@leavenworthcounty.gov>; 'lingenfelserm@fairmountfd.org' <lingenfelserm@fairmountfd.org>; 'Travis@suburbanwaterinc.com' <Travis@suburbanwaterinc.com>; 'DesignGroupShawnee@evergy.com' <DesignGroupShawnee@evergy.com>
Cc: PZ <PZ@leavenworthcounty.gov>
Subject: RE: DEV-22-118 Rezoning– McGee/PCDI

Good Afternoon,

The Department of Planning and Zoning has received an application for a Rezoning from RR-2.5 to R-1 (43) for property located at 17679 166th Street.

The Planning Staff would appreciate your written input in consideration of the above request. Please review the attached information and forward any comments to us by Wednesday, August 30, 2023.

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

Thank you,

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

Disclaimer

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

Allison, Amy

From: Anderson, Kyle
Sent: Friday, August 18, 2023 10:00 AM
To: Allison, Amy
Subject: RE: RE: DEV-22-118 Rezoning– McGee/PCDI

The prior owners may have been operating a business without an SUP. The property has sold to new owners so possible business is no longer operating 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.

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

Thank you,

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

Allison, Amy

From: Kyle Burkhardt <Kyle.Burkhardt@evergy.com>
Sent: Friday, August 18, 2023 8:04 AM
To: Allison, Amy; Magaha, Chuck; Anderson, Kyle; Miller, Jamie; Patzwald, Joshua; Brown, Misty; 'Mitch Pleak'; Noll, Bill; McAfee, Joe; 'lingenfelserm@fairmountfd.org'; 'Travis@suburbanwaterinc.com'; Design Group Shawnee
Cc: PZ
Subject: RE: DEV-22-118 Rezoning– McGee/PCDI

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

Evergy has no issues with the following request. Would just like to see adequate utility easements.

Thank you

Kyle Burkhardt

Evergy
TD Designer II
785-508-2408
Kyle.Burkhardt@evergy.com



From: Allison, Amy <AAllison@leavenworthcounty.gov>
Sent: Thursday, August 17, 2023 3:51 PM
To: Magaha, Chuck <cmagaha@lvsheriff.org>; Anderson, Kyle <KAnderson@leavenworthcounty.gov>; Miller, Jamie <JMiller@leavenworthcounty.gov>; Patzwald, Joshua <jpatzwald@lvsheriff.org>; Brown, Misty <MBrown@leavenworthcounty.gov>; 'Mitch Pleak' <mpleak@olsson.com>; Noll, Bill <BNoll@leavenworthcounty.gov>; McAfee, Joe <JMcAfee@leavenworthcounty.gov>; 'lingenfelserm@fairmountfd.org' <lingenfelserm@fairmountfd.org>; 'Travis@suburbanwaterinc.com' <Travis@suburbanwaterinc.com>; Design Group Shawnee <DesignGroupShawnee@evergy.com>
Cc: PZ <PZ@leavenworthcounty.gov>
Subject: RE: DEV-22-118 Rezoning– McGee/PCDI

This Message Is From an External Sender

This message came from outside your organization.

Report Suspicious

Good Afternoon,

The Department of Planning and Zoning has received an application for a Rezoning from RR-2.5 to R-1 (43) for property located at 17679 166th Street.

The Planning Staff would appreciate your written input in consideration of the above request. Please review the attached information and forward any comments to us by Wednesday, August 30, 2023.

Allison, Amy

From: Barb Fehrenbach <barbf47@aol.com>
Sent: Monday, August 28, 2023 4:46 PM
To: Allison, Amy
Subject: Fw: McGee Property on 166th St

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.

This is the email that I sent to our county commissioner in regards to the letter you sent on the McGee Property. If I need to send this in letter form please let me know otherwise please know that we are against this rezoning request.

----- Forwarded Message -----

From: Barb Fehrenbach <barbf47@aol.com>
To: //dsmith@leavenworthcounty.gov <//dsmith@leavenworthcounty.gov>
Sent: Monday, August 28, 2023 at 03:26:19 PM CDT
Subject: McGee Property on 166th St

My husband and I live 2 doors to the south of the McGee property which was recently purchased by PCDI. We would like for it to be known that we are not in favor of the county changing the zoning requirements for this property to R-1. We also question why it is currently RR-2.5 instead of Agriculture but that's irreverent at this time.

Reasons for our request to not approve the change:

- 1) Additional traffic - the traffic is already very heavy on this portion of 166th especially since the upgrade of 158th. During that upgrade 166th was the detour route and the additional traffic has never reduced. The speeding, racing and so on is ridiculous, unsafe and there is no control. This has a lot to do with all the wrecks at Evans and 166th intersection. We have addressed this with the Sheriff's office before. There's really no where for them to sit and observe on this road.
- 2) Sewers are not available in this area and septic systems on 1.3 acre lots do not work. There are many cases of lots in this area not perking during normal years. Being in a drought now will probably change that but only for short term. Also the homes in the Childs Addition have had problems with their septic systems in the past.
- 3) Most of the people who live in this area moved here to have a little bit of land and not be in a subdivision with close neighbors. The county has changed/reduced the required lot size several times over the years. There should be a limit to granting these variances. Sub-divisions belong in the city and living in the country should be different. The city provides all sorts of amenities that we do not have in the country and most of us gave them up to live in the country.
- 4) Leavenworth County is known for granting variances to the lot size requirement depending on what your name is (three names in particular come to mind). Why can't our county commissioners and Planning Board govern consistently with the same rules applying to all. I could give several examples here but I won't.
- 5) All the county cares about is the additional tax revenue. They won't deal with any of the issues of traffic, leaking septic systems etc. What benefits will we see from the county with this additional tax revenues? Other than the roads that's it and the road to north side of our property we and our neighbors had to pay for ourselves to have it improved and blacktop. When we first moved out here the county did mow the weeds along the road not so much anymore. We originally moved from Wyandotte County to Basehor for lower taxes and better schools for our sons. We then moved from Basehor city limits to the country to have some land and room for our

sons to roam and grow up on. Our taxes have more than tripled over the years and our peace and quiet of living in the country has gone.

Please vote NO to granting this variance.

Thank you,
Orlie and Barbara Fehrenbach
17473 166th St
Basehor, KS

PS: There is more than 200 acres in Basehor right in town by BIS that can be developed. Let them build sub-divisions there.

SEP 06 2023

Sept. 6, 2023

Leavenworth County Planning Commission
Application (DEV-23-118) for rezoning request.
Public hearing held 13th day of Sept., 2023

I am writing in opposition to the rezoning request from RR-2.5 zoning district to R-1(43) zoning district on the property at 17679 166 St. Basehor, Ks, The Wilma & McLee Estate and PCD1.

Growth comes, but changing the zoning district to R-1 would not be fair to current land owners who met county regulations when they purchased their land, looking for a little bit more space and country. Leaving the zoning district at RR-2.5 would enhance the area.

The intersection at 166 St and Evans Rd is dangerous now. Basehor-Linwood School District is looking at bond issues now for schools, is this a consideration?

RR-2.5 zoning district should remain in south Basehor for more appeal to future land owners who desire more space. Keeping in mind, the zoning change to R-1 will only help the developer, who will not be residing there.

Moody Family Wealth Trust
Audrey M. Moody
15012 Parallel Rd.
Basehor, Ks. 66007-3011

Leavenworth Times Affidavit of Publication

County of Leavenworth
State of Kansas
NOTICE OF PUBLIC HEARING

Notice is hereby given for the Leavenworth County Planning Commission to hold a public hearing regarding an application (DEV-23-118) for a rezoning request from RR-2.5 zoning district to R-1 (43) zoning district on the following described property: The North 908.37 feet of the Southeast ¼ of the Northeast ¼ of Section 16, Township 11 South, Range 22 East of the Sixth P.M. in Leavenworth County, Kansas.

Request submitted by Herring Surveying on behalf of the Wilma K McGee Estate and PCDI

Address: 17679 166th Street, Basehor KS 66007

Parcel ID number: 185-16-0-00-00-063.00

The hearing will be held on Wednesday the 13th day of September, 2023 at 5:30 p.m. in the Meeting Room, located on the second floor of the Leavenworth County Courthouse, 300 Walnut Street, Leavenworth, Kansas. Further information is available, including the full legal description, for inspection during regular business hours in the Leavenworth County Planning & Zoning Department.

We encourage public input. If you wish to provide comments in writing instead of in person, written comments must be received no later than noon Tuesday, Sept. 12, 2023.

John Jacobson, Secretary
Leavenworth County Planning Commission Publish by 8/23/2023

Published in the Leavenworth Times, August 22, 2023.

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

Publication was made on the 22nd day of August, 2023.

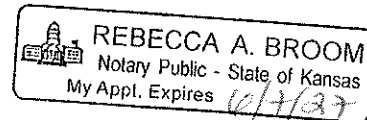
WITNESS my hand this 22nd day of August, 2023.

Tammy Lawson
Legal Representative

Subscribe and sworn before me, this 22 day of Aug, 2023.

Rebecca A. Broom
Notary Public

My Commission Expires: 10/7/27



Allison, Amy

From: Kyle Burkhardt <Kyle.Burkhardt@evergy.com>
Sent: Friday, August 18, 2023 8:04 AM
To: Allison, Amy; Magaha, Chuck; Anderson, Kyle; Miller, Jamie; Patzwald, Joshua; Brown, Misty; 'Mitch Pleak'; Noll, Bill; McAfee, Joe; 'lingenfelserm@fairmountfd.org'; 'Travis@suburbanwaterinc.com'; Design Group Shawnee
Cc: PZ
Subject: RE: DEV-22-118 Rezoning– McGee/PCDI

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Cc: PZ <PZ@leavenworthcounty.gov>
Subject: RE: DEV-22-118 Rezoning– McGee/PCDI

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Report Suspicious

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

Thank you,

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

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Allison, Amy

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Sent: Friday, August 18, 2023 10:00 AM
To: Allison, Amy
Subject: RE: RE: DEV-22-118 Rezoning– McGee/PCDI

The prior owners may have been operating a business without an SUP. The property has sold to new owners so possible business is no longer operating 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: Thursday, August 17, 2023 3:51 PM
To: Magaha, Chuck <cmagaha@lvsheriff.org>; Anderson, Kyle <KAnderson@leavenworthcounty.gov>; Miller, Jamie <JMiller@leavenworthcounty.gov>; Patzwald, Joshua <jpatzwald@lvsheriff.org>; Brown, Misty <MBrown@leavenworthcounty.gov>; 'Mitch Pleak' <mpleak@olsson.com>; Noll, Bill <BNoll@leavenworthcounty.gov>; McAfee, Joe <JMcAfee@leavenworthcounty.gov>; 'lingenfelsem@fairmountfd.org' <lingenfelsem@fairmountfd.org>; 'Travis@suburbanwaterinc.com' <Travis@suburbanwaterinc.com>; 'DesignGroupShawnee@evergy.com' <DesignGroupShawnee@evergy.com>
Cc: PZ <PZ@leavenworthcounty.gov>
Subject: RE: DEV-22-118 Rezoning– McGee/PCDI

Good Afternoon,

The Department of Planning and Zoning has received an application for a Rezoning from RR-2.5 to R-1 (43) for property located at 17679 166th Street.

The Planning Staff would appreciate your written input in consideration of the above request. Please review the attached information and forward any comments to us by Wednesday, August 30, 2023.

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

Thank you,

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

Allison, Amy

From: McAfee, Joe
Sent: Thursday, August 17, 2023 4:36 PM
To: Allison, Amy
Subject: RE: RE: DEV-22-118 Rezoning– McGee/PCDI

Amy:
No comment from PW. Thanks.

From: Allison, Amy <AAllison@leavenworthcounty.gov>
Sent: Thursday, August 17, 2023 3:51 PM
To: Magaha, Chuck <cmagaha@lvsheriff.org>; Anderson, Kyle <KAnderson@leavenworthcounty.gov>; Miller, Jamie <JMiller@leavenworthcounty.gov>; Patzwald, Joshua <jpatzwald@lvsheriff.org>; Brown, Misty <MBrown@leavenworthcounty.gov>; 'Mitch Pleak' <mpleak@olsson.com>; Noll, Bill <BNoll@leavenworthcounty.gov>; McAfee, Joe <JMcAfee@leavenworthcounty.gov>; 'lingenfelserm@fairmountfd.org' <lingenfelserm@fairmountfd.org>; 'Travis@suburbanwaterinc.com' <Travis@suburbanwaterinc.com>; 'DesignGroupShawnee@evergy.com' <DesignGroupShawnee@evergy.com>
Cc: PZ <PZ@leavenworthcounty.gov>
Subject: RE: DEV-22-118 Rezoning– McGee/PCDI

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

Thank you,

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

Disclaimer

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J. Herring Inc. (dba)
HERRING
SURVEYING
COMPANY
 315 North 5th Street, Leav., KS 66048
 Ph. 913.651.3858 Fax 913.674.5381
 Email - survey@teamcash.com

THIS DOES NOT CONSTITUTE A BOUNDARY SURVEY

**LEAVENWORTH COUNTY
PLANNING COMMISSION
STAFF REPORT**

CASE NO: DEV-23-137 Murphy/Reilly Rezone

November 8, 2023

REQUEST: *Public Hearing Required*

- ZONING AMENDMENT SPECIAL USE PERMIT
 TEMPORARY SPECIAL USE PERMIT

STAFF REPRESENTATIVE:

John Jacobson
DIRECTOR

SUBJECT PROPERTY: 16271 Evans Road, Basehor, Kansas



APPLICANT/APPLICANT AGENT:

Agent: Reilly Dev. LLC
608 Delaware
Leavenworth, Kansas 66048

PROPERTY OWNER:

Daniel C and Blanche T Murphy Trust
2439 E. Leach Ave.
De Moines IA 50320

CONCURRENT APPLICATIONS:

N/A

LAND USE

ZONING: RR-2.5

FUTURE LAND USE DESIGNATION:
MIXED RESIDENTIAL (Highest
Allowable Density)

LEGAL DESCRIPTION:

The Northwest ¼ of Section 15, Township 11, South, Range 22 East of the 6th P.M. in Leavenworth County, Kansas.

SUBDIVISION: N/A

FLOODPLAIN: N/A

STAFF RECOMMENDATION: APPROVAL

PROPERTY INFORMATION

ACTION OPTIONS:

1. Recommend approval of Case No. DEV-23-137, Rezone for Reilly Dev. LLC to the Board of County Commission, with or without conditions; or
2. Recommend denial of Case No. DEV-23-137, Rezone for Reilly Dev. LLC, to the Board of County Commission for the following reasons; or
3. Continue the hearing to another date, time, and place.

PARCEL SIZE: +- 153.90 ACRES

PARCEL ID NO:
185-15-0-00-003.00

BUILDINGS:

SFR and accessory outbuildings

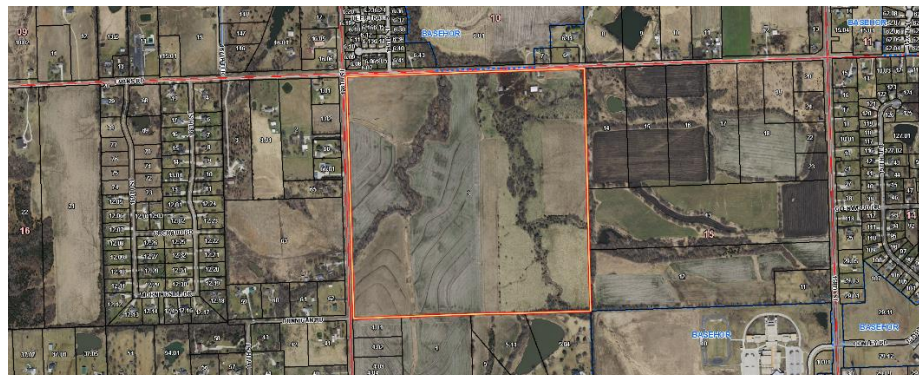
PROJECT SUMMARY:

Request to rezone one parcel at 16271 Evans Road (PID:185-15-0-00-003.00) from RR 2.5 to R-1(43).

ACCESS/STREET:

Evans Road, Collector,
Paved, ±24' WIDE

Location Map:



UTILITIES

SEWER: SEPTIC

FIRE: FAIRMOUNT DISTRICT

WATER: SUBURBAN WATER

ELECTRIC: EVERGY

NOTICE & REVIEW:

STAFF REVIEW: 10/16/2023

NEWSPAPER NOTIFICATION:
10/17/2023

NOTICE TO SURROUNDING
PROPERTY OWNERS:
10/18/2023

FACTORS TO BE CONSIDERED:		
<i>The following factors are to be considered by the Planning Commission and the Board of County Commissioners when approving or disapproving this Rezone request:</i>	Met	Not Met
<p>1. Character of the Neighborhood: <i>Density:</i> Surrounding parcels range in size from .5 acres to more than 35 acres. The area has a mix of suburban and rural land uses.</p> <p><i>Nearby City Limits:</i> Basehor has a partial contiguous boundary on the north and southeast corners of this parcel.</p> <p><i>Initial Growth Management Area:</i> This parcel <u>is located</u> within Basehor's Initial Growth Area.</p>	✓	
<p>2. Zoning and uses of nearby property: <i>Adjacent Uses:</i> Most of the adjacent parcels are residential and agricultural in nature. There are <u>several proximity subdivisions that either meet or exceed proposed densities.</u></p> <p><i>Adjacent Zoning:</i> All adjacent properties are zoned are RR-2.5</p>	✓	
<p>3. Suitability of the Property for the uses to which is has been restricted: The property is suitable for rural residences.</p>	✓	
<p>4. Extent to which removal of the restrictions will detrimentally affect nearby property: <i>Nearby properties are unlikely to be negatively impacted as the proposed rezoning remains residential and is in line with adjoining densities.</i></p>	✓	
<p>5. Length of time the property has been vacant as zoned: <i>Vacant:</i> <input checked="" type="checkbox"/> <i>Not Vacant:</i></p>	✓	
<p>6. Relative gain to economic development, public health, safety and welfare: The rezoning does not impact economic development, public health, safety or welfare. In the event the parcel is developed as a rural subdivision, twice as many homes could potentially be constructed which may have a positive impact on economic development.</p>	✓	
<p>7. Conformance to the Comprehensive Plan: <i>Future Land Use Map:</i> Mixed Residential (highest Allowable Density) <i>Section 4 Land Use and Development Plan Strategies:</i> The proposed use is compatible with the future land use designation.</p>	✓	

STAFF COMMENTS:

The applicants are requesting a rezoning from Rural-Residential 2.5 to Residential 1(43). The Comprehensive Plan identifies the future land use of this area as Mixed Use Residential. This designation allows single family homes as well as townhome and multi-family densities.

This parcel is clearly within the Initial Growth Area for the City of Basehor. Basehor has expressed concern that this development would impact the community's logical growth path to the west. While it is logical that some form of impediment is likely should the parcel develop, the degree of impact is harder to assess.

For example, there are several proximity subdivisions that meet or exceed the projects proposed densities that are not currently served by public sewer. An issue here is the location of available city sanitary sewer that is approximately 1 mile from this proposed location.

Basehor`s concerns and corresponding review of Dev-23-137 is attached for your review.

While staff has carefully considered the petition and understands the request that does not conform to the corresponding IGA community`s utility request, staff recommends approval for the following reasons:

1. The requested use is the least dense of its future land use designation and is compliant with the Future Land Use Plan.
2. The nearest city receiving sewer is located a mile to the Northeast, therefore making extension of sanitary sewer unlikely at this time.
3. There are similar and higher density uses established in the existing development corridor.
4. The developer and the City of Basehor can at both party`s discretion and as a preliminary action to platting, logically plan corresponding utility layouts that promote a logical and less intrusive improvement /construction and potentially, future annexation process when public sanitary sewer becomes available to the site at a later date.

ATTACHMENTS:

A: Application & Narrative

B: Zoning Map

C: Memorandums

D: Conceptual Plan

Fairmount
Energy Suburban
458 RR 2.5
185-15 003.00

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

OCT 02 2023

Office Use Only
Township: Fairmount Date Received: 10.02.2023
Planning Commission Date _____
Case No. DEV-23- Date Paid 10.02.2023
Zoning District RR 2.5 Comprehensive Plan Land Use Designation _____

APPLICANT/AGENT INFORMATION	OWNER INFORMATION (if different)
NAME <u>Reilly Development, LLC</u>	NAME <u>Daniel C Murphy Trust and Blanche T Murphy Trust</u>
ADDRESS <u>608 Delaware</u>	ADDRESS <u>2439 E Leach Ave</u>
CITY/ST/ZIP <u>Leavenworth KS 66048</u>	CITY/ST/ZIP <u>Des Moines IA 50320</u>
PHONE <u>913-683-0233</u>	PHONE <u>515-306-3840</u>
EMAIL <u>mreilly@reillyrealestate</u>	EMAIL <u>danielandc@aol.com</u>
CONTACT PERSON <u>Mike Reilly</u>	CONTACT PERSON <u>Daniel Murphy, Jr</u>

PROPOSED USE INFORMATION
Proposed Land Use Residential
Current Zoning RR 2.5 Requested Zoning R-1
Reason for Requesting Rezoning Better land use for development

PROPERTY INFORMATION
Address of Property 16271 Ewings Road, Basehor, KS 66007
Parcel Size 153.90 acres
Current use of the property Residential + Ag
Present Improvements or structures House + outbuildings
PID 185150000003000

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

Signature [Signature] Date 9-22-23

ATTACHMENT A

After recording return documents to:

FIRST AMERICAN TITLE CO.
400 Delaware
Leavenworth, KS 66048
File # 982932



* 2 0 0 8 R 0 4 7 1 1 2 *
Doc #: 2008R04711
STACY R. DRISCOLL/REGISTER OF DEEDS
LEAVENWORTH COUNTY
RECORDED ON
05/08/2008 12:44PM
RECORDING FEE: 12.00
INDEBTEDNESS: 0.00
PAGES: 2

file 982932
Ex 7

Entered in the transfer record in my office this

8th day of May, 20 08
Linda A Scheek by D. G.
County Clerk

KANSAS WARRANTY DEED

Grantor(s): **Daniel C. Murphy and Blanche T. Murphy, husband and wife**

Grantee(s): Revocable Trust of Daniel Charles Murphy, with 50% interest dated May 16, 2006 and Revocable Trust of Blanche Teresa Murphy, with 50% interest dated May 16, 2006

Grantee(s) mailing address: , **Basehor, KS 66007**

In consideration of One Dollar and other valuable consideration, the receipt of which is hereby acknowledged, the Grantor(s) **GRANT, BARGAIN, SELL AND CONVEY** to Grantee(s), the following described premises, to wit:

The Northwest Quarter of Section 15, Township 11, South, Range 22 East

LESS

A TRACT OF LAND LOCATED IN THE NORTHWEST QUARTER OF SECTION 15, TOWNSHIP 11 SOUTH, RANGE 22 EAST OF THE 6TH P.M. IN LEAVENWORTH COUNTY, KANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID SECTION 15; THENCE ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 15 S.1°48'39"E. 2642.11 FEET TO THE WEST QUARTER CORNER OF SAID SECTION 15; THENCE ALONG THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 15 N.88°14'04"E. 40.00 FEET; THENCE PARALLEL TO AND 40.00 FEET EASTERLY OF THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 15 N.1°48'39"W. 2642.26 FEET TO A POINT ON THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 15; THENCE ALONG THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 15 S.88°00'44"W. 40.00 FEET TO THE POINT OF BEGINNING, CONTAINING 2.426 ACRES, INCLUDING 1.526 ACRES OF EXISTING PUBLIC ROAD RIGHT OF WAY. (0.900 ACRES OF ADDITIONAL RIGHT OF WAY)

12.00 R
Folio

OWNER AUTHORIZATION

I/WE Daniel C Murphy Trust and Blanche T Murphy Trust hereby referred to as the "Undersigned", being of lawful age, do hereby on this 25th day of September, 2023 make the following statements, to wit:

1. I/We the Undersigned, on the date first above written, am the lawful, owner(s) in fee simple absolute of the following described real property

See Attachment "A" attached hereto and incorporated herein by reference.

2. I/We the undersigned, have previously authorized and hereby authorize Mike Reilly w/ Reilly Development LLC (Hereinafter referred to as "Applicant"), to act on my/our behalf for the purpose of making application with the Planning Office of Leavenworth County, Kansas, 16271 Evans Road (common address) the subject real property, or portion thereof, and which authorization includes, but is not limited to, all acts or things whatsoever necessarily required of the applicant in the application process.

3. I/We the Undersigned, hereby agree to protect, defend, indemnify and hold the Board of County Commissioners of Leavenworth County, Kansas, its officers employees and agents (hereinafter collectively referred to as the "County"), free and harmless from and against any and all claims, losses, penalties, damages, settlements, costs, charges, professional fees or other expenses or liabilities, whether false, fraudulent, meritless or meritorious, of every kind and character arising out of or relating to any and all claims, liens, demands, obligations, actions, proceedings, or causes of action of every kind and character (hereinafter "claims"), in connection with, relating to, or arising directly or indirectly out of this authorization and the actions taken by the Applicant and the County in reliance thereof. I, the Undersigned, hereby further agree to investigate, handle, respond to, provide defense for and defend any such claims at my sole expense and agree to bear all other costs at my sole expense and agree to bear all other costs and expenses related thereto, even if such claims are groundless, false or fraudulent.

4. It is understood that in the event the Undersigned is a corporation or partnership then the individual whose signature appears below for and on behalf of the corporation or partnership has in fact the authority to so bind the corporation or partnership to the terms and statements contained within this instrument.

IN WITNESS THEREOF, I, the Undersigned, have set my hand and seal below.

Daniel C Murphy
Owner Daniel C Murphy, Trustee

Owner

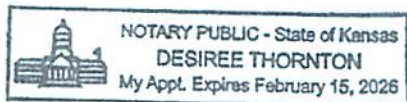
STATE OF KANSAS
COUNTY OF LEAVENWORTH

The foregoing instrument was acknowledge before me on this 25th day of September, 2023

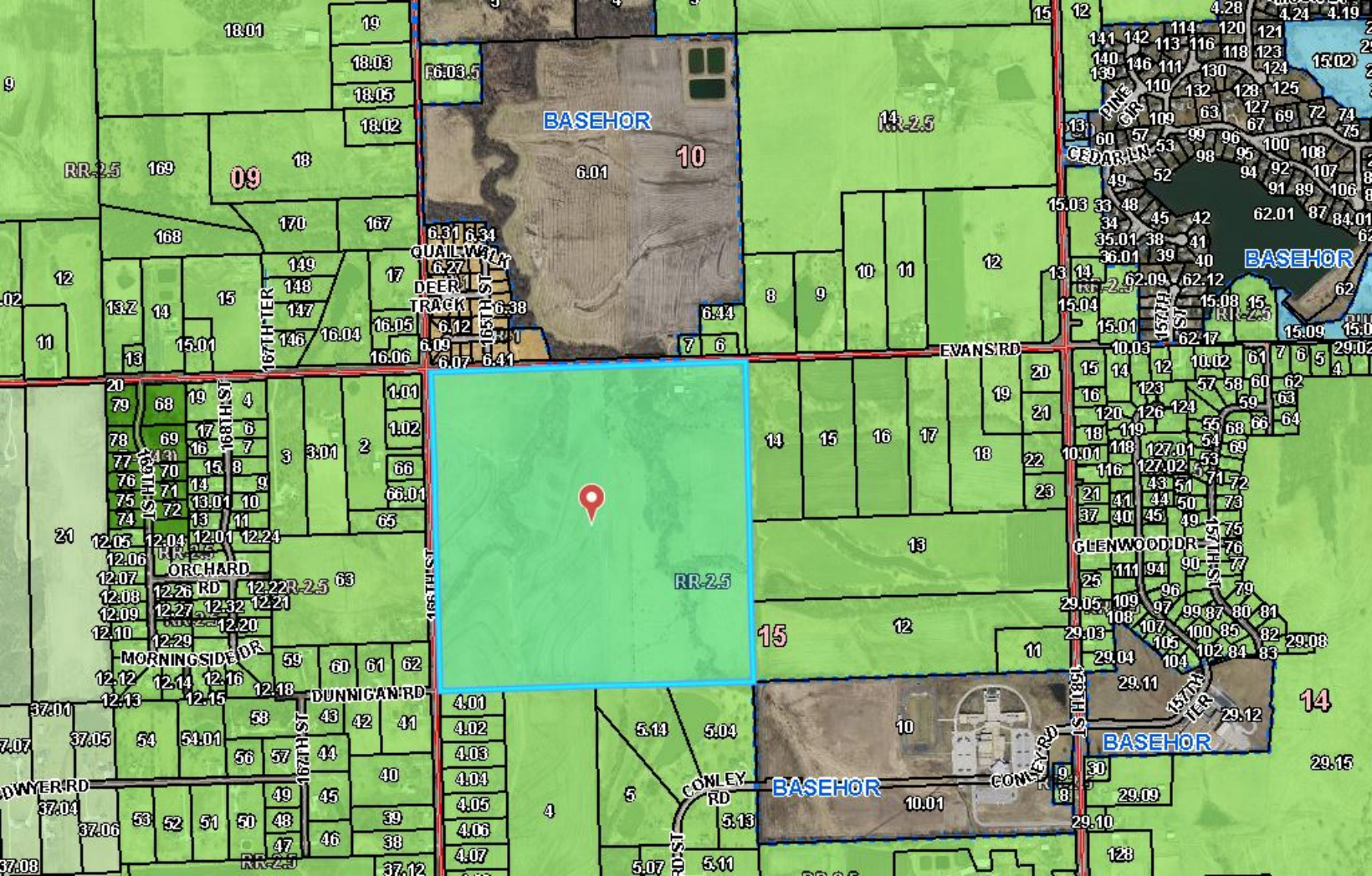
by Desiree Thornton

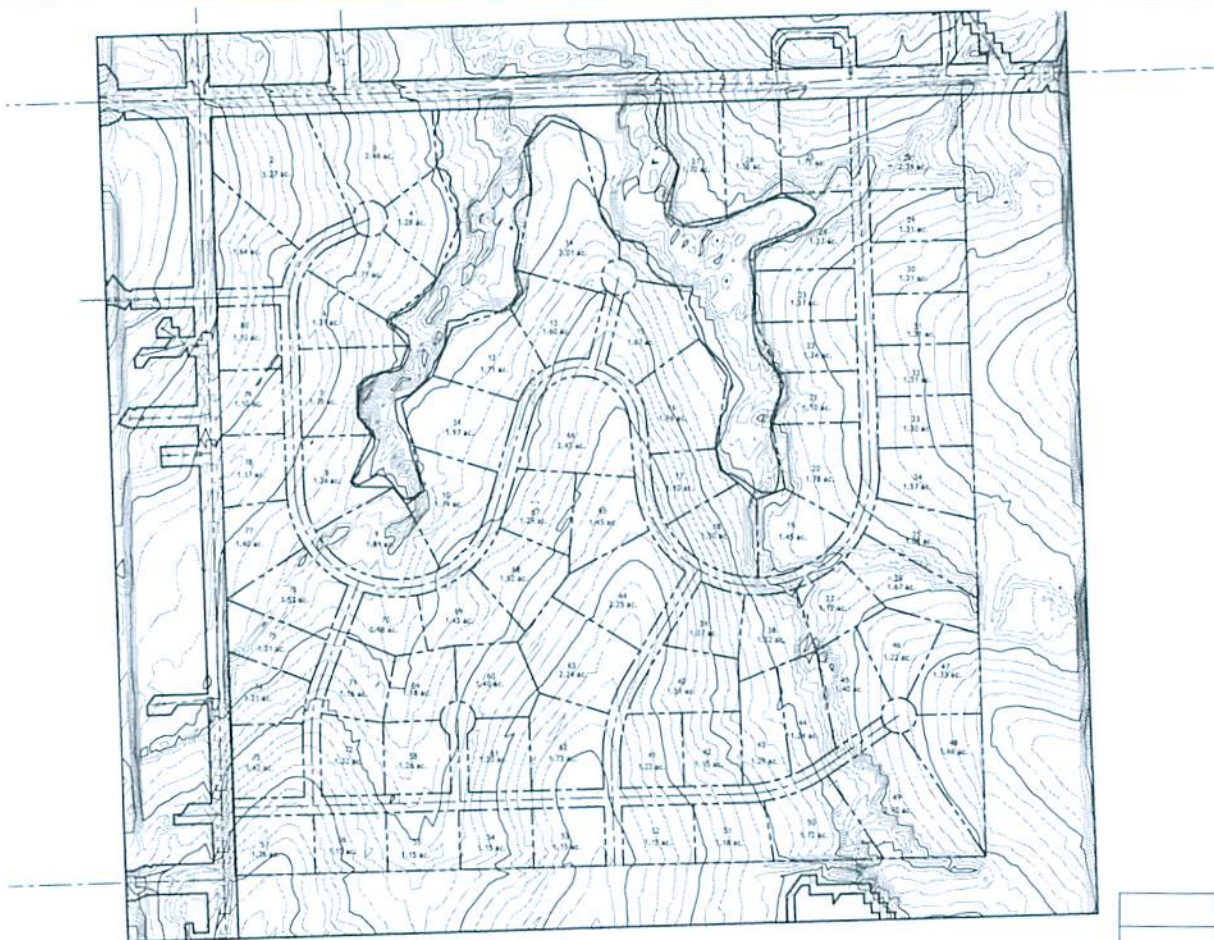
My Commission Expires: 2/15/26

Desiree Thornton
Notary Public



ATTACHMENT B





EVANS RD		DATE: 08/15/2011	
CONCEPT A			
OCHS LAND PLANNING		SHEET 1 OF 1	
601 W. 10th St. Bismarck, ND 58101 www.ochs.com			

Johnson, Melissa

From: Krystal A. Voth <kvoth@cityofbasehor.org>
Sent: Thursday, October 12, 2023 1:57 PM
To: Johnson, Melissa
Cc: Leslee Rivarola
Subject: RE: DEV-23-137 Rezoning – Murphy Trust; Reilly Development 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,

Good afternoon and thank you for sending this item to the City of Basehor. Please see the [City of Basehor's story](#) map related to the Sanitary Sewer Master Plan. As you can see, this proposed development is located within the Hog Creek watershed and could be serviced via a gravity-fed sanitary sewer line. This property is located within the "Hog Creek Interceptor Phase II" project area as detailed on pages 23 & 24 sections 4.2.4 and 4.2.5 of the City of Basehor 2020 Sanitary Sewer Master plan. This area of unincorporated Leavenworth County, if sewered, opens the potential for significant residential development that can be serviced via gravity-fed sanitary sewer. The City of Basehor has significant interest in this property connecting to the City of Basehor's sanitary sewer system, which is currently approximately one-mile to the north.

Additionally, the extension of sanitary sewer to service this property allows for the potential decommissioning of the lagoons and connection of Leavenworth County Sewer District # 5 to the City of Basehor infrastructure. This concept is contemplated in the Leavenworth County and City of Basehor Funding Agreement for 155th Street Road Improvements.

We respectfully request that Staff, the Planning Commission and the Board of County Commissioners thoughtfully consider the impact of rezoning this property to the RR-1 (one-acre minimum) zoning district and the impact that may have on the future development of the City of Basehor and the ability to extend sanitary sewer to this general development area. Your consideration of this matter is greatly appreciated.

The City of Basehor looks forward to working with Leavenworth County Staff, the Board of County Commission, and Mr. Reilly should the County desire to see this expansion of Basehor's sanitary sewer system to support shared goals.

Respectfully,

Krystal A. Voth, CFM
Planning & Zoning Director
City of Basehor, KS
2620 N 155th Street
913-724-1370
CityofBasehor.org





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

October 25, 2023

To: Mike Reilly
Reilly Development LLC
608 Delaware Street
Leavenworth, KS 66048

Re: R-1 (43) Zoning Amendment 16271 Evans Road
DEV-23-137

Mr. Reilly,

Staff has reviewed the application and narrative for zoning amendment for the above-mentioned address, which was submitted on October 02, 2023.

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

1. The property lies wholly within the *Initial Growth Area* of the City of Basehor. Please see the attached letter from the City of Basehor. Please provide a response narrative for inclusion in the planning commission review materials.
2. The application and request generally meet the spirit and intent of the most current adopted Comprehensive Plan.

Please provide the additional information indicated above by November 02, 2023.

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

Respectfully,

John Jacobson
Director
Planning and Zoning
Leavenworth County

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



October 11th, 2023

Leavenworth County Planning and Zoning

RE: LVCO Case Number DEV-23-137

Suburban water has no objection to the re-zoning application for the property in case # DEV-23-137. Suburban has existing water infrastructure, along both Evans Road and 166th 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

President

From: Johnson, Melissa <MJohnson@leavenworthcounty.gov>
Sent: Tuesday, October 3, 2023 5:01 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>; 'mpleak@olsson.com' <mpleak@olsson.com>; Noll, Bill <BNoll@leavenworthcounty.gov>; 'lingenfelserm@fairmountfd.org' <lingenfelserm@fairmountfd.org>; Design Group Shawnee <DesignGroupShawnee@evergy.com>
Cc: 'travis@suburbanwaterInc.com' <travis@suburbanwaterInc.com>; 'trish@suburbanwaterinc.com' <trish@suburbanwaterinc.com>; Krystal A. Voth <kvoth@cityofbasehor.org>; McAfee, Joe <JMcAfee@leavenworthcounty.gov>; Baumchen, Daniel <DBaumchen@leavenworthcounty.gov>; Brown, Misty <MBrown@leavenworthcounty.gov>
Subject: RE: DEV-23-137 Rezoning – Murphy Trust; Reilly Development LLC

The Department of Planning & Zoning has received an application for a Rezoning Case.

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 12th, 2023.

If you have any questions or need additional information, please contact us at (913) 684-0465 or 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

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Johnson, Melissa

From: Mike Lingenfelser <lingenfelserm@fairmountfd.org>
Sent: Monday, October 9, 2023 8:50 AM
To: Johnson, Melissa
Subject: Re: DEV-23-137 Rezoning – Murphy Trust; Reilly Development LLC

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

They will need to be able to provide hydrants per code throughout the development.

Mike Lingenfelser, Fire Chief

Fairmount Township Fire Department

2624 N 155th St

Basehor, Kansas 66007

Work-[913-724-4911](tel:913-724-4911)

Cell [913-306-0258](tel:913-306-0258)

On Tue, Oct 3, 2023 at 5:00 PM Johnson, Melissa <MJohnson@leavenworthcounty.gov> wrote:

The Department of Planning & Zoning has received an application for a Rezoning Case.

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

Thank you,

Melissa Johnson

Planner I

Leavenworth County

Planning & Zoning Department

Johnson, Melissa

From: Matt Roecker <Matt.Roecker@evergy.com>
Sent: Thursday, October 5, 2023 12:33 PM
To: Johnson, Melissa
Subject: RE: RE: DEV-23-137 Rezoning – Murphy Trust; Reilly Development LLC

Follow Up Flag: Follow up
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.

Internal Use Only

Melissa,

Yes, Evergy has the capability to serve this new development.

Thanks

Matt Roecker

Evergy

TD Designer IV

matt.roecker@evergy.com

913-667-5116

From: Johnson, Melissa <MJohnson@leavenworthcounty.gov>
Sent: Thursday, October 5, 2023 11:34 AM
To: Matt Roecker <matt.roecker@evergy.com>
Subject: FW: RE: DEV-23-137 Rezoning – Murphy Trust; Reilly Development LLC

This Message Is From an External Sender

[Report Suspicious](#)

This message came from outside your organization.

Here is the requested packet.

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

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Cc: 'travis@suburbanwaterInc.com' <travis@suburbanwaterInc.com>; 'trish@suburbanwaterinc.com' <trish@suburbanwaterinc.com>; 'Krystal A. Voth' <kvoth@cityofbasehor.org>; McAfee, Joe <JMcAfee@leavenworthcounty.gov>; Baumchen, Daniel <DBaumchen@leavenworthcounty.gov>; Brown, Misty <MBrown@leavenworthcounty.gov>
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The Department of Planning & Zoning has received an application for a Rezoning Case.

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 12th, 2023.

If you have any questions or need additional information, please contact us at (913) 684-0465 or 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

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.

Johnson, Melissa

From: Anderson, Kyle
Sent: Wednesday, October 4, 2023 10:46 AM
To: Johnson, Melissa
Subject: RE: RE: DEV-23-137 Rezoning – Murphy Trust; Reilly Development LLC

We have not received any complaints on this property.

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

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From: Johnson, Melissa <MJohnson@leavenworthcounty.gov>
Sent: Tuesday, October 3, 2023 5:01 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>; 'mpleak@olsson.com' <mpleak@olsson.com>; Noll, Bill <BNoll@leavenworthcounty.gov>; 'lingenfelserm@fairmountfd.org' <lingenfelserm@fairmountfd.org>; Design Group Shawnee <DesignGroupShawnee@evergy.com>
Cc: 'travis@suburbanwaterInc.com' <travis@suburbanwaterInc.com>; 'trish@suburbanwaterinc.com' <trish@suburbanwaterinc.com>; 'Krystal A. Voth' <kvoth@cityofbasehor.org>; McAfee, Joe <JMcAfee@leavenworthcounty.gov>; Baumchen, Daniel <DBaumchen@leavenworthcounty.gov>; Brown, Misty <MBrown@leavenworthcounty.gov>
Subject: RE: DEV-23-137 Rezoning – Murphy Trust; Reilly Development LLC

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