

LEAVENWORTH COUNTY PLANNING COMMISSION

Agenda for a Regular Meeting of 5:30 P.M., Wednesday, March 13, 2024
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-24-007/008 Preliminary & Final Plat Xen Acres

Consideration of a Preliminary & Final Plat for a tract of land in the Southeast $\frac{1}{4}$ of Section 10, Township 12 South, Range 22 East of the 6th P.M., Leavenworth County, Kansas.

Also known as 16160 Loring Road

PID: 232-10-0-00-00-020.00

B. Case DEV-24-009/010 Preliminary & Final Plat Buck Acres

Consideration of a Preliminary & Final Plat for a tract of land in the Southeast $\frac{1}{4}$ of Fractional Section 6, Township 12 South, Range 21 East of the 6th P.M., Leavenworth County, Kansas.

Also known as 00000 234th Street

PID: 223-06-0-00-00-011.00

9. **Regular Agenda**

A. Case DEV-24-003 Preliminary Plat Orchard Meadow

Consideration of a Preliminary Plat for a tract of land in the Northeast $\frac{1}{4}$ of Section 16, Township 11 South, Range 22 East of the 6th P.M., Leavenworth County, Kansas.

Also known as 00000 166th Street

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

B. Case DEV-24-014 Exception Limestone Tract Split

Consideration of an Exception from Article 50, Section 40.3.i. Lot-Depth to Lot-Width for a tract of land in the Northeast ¼ of Section 16, Township 9 South, Range 22 East of the 6th P.M., Leavenworth County, Kansas.

Also known as 00000 Eisenhower Road

PID: 105-16-0-00-00-001.01

C. Case DEV-24-017 Exception Wagner Tract Split

Consideration of an Exception from Article 50, Section 40.3.i. Lot-Depth to Lot-Width for a tract of land in the Northwest ¼ of Section 21, Township 8 South, Range 21 East of the 6th P.M., Leavenworth County, Kansas.

Also known as 00000 Turner Road

PID: 065-21-0-00-00-007.00

D. Case DEV-24-004 Rezoning Smith Trust

Consideration of a rezoning request from RR-5 zoning district to RR-2.5 zoning district on the following described property: Two tracts of land in the East half of the Southeast Quarter of Section 13, Township 10 South, Range 21 East of the 6th P.M., Leavenworth County AND The South Twenty-two acres of the East Half of the Southeast Quarter of Section 13, Township 10, Range 21 East of the 6th P.M., Leavenworth County, Kansas.

Also known as 22323, 22027 & 00000 Tonganoxie Drive

PID: 146-13-0-00-00-018.00, 146-13-0-00-00-018.01 & 146-13-0-00-00-016.00

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

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

E. Case DEV-24-005 Rezoning Elston

Consideration of a rezoning request from PR-1 zoning district to RR-5 zoning district on the following described property: Lot 2, Elston Estates, Leavenworth County, Kansas.

Also known as 00000 Kansas Avenue

PID: 195-21-0-00-00-001.02

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

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

Adjournment of Planning Commission

***WORK SESSION IMMEDIATELY FOLLOWING REGULAR MEETING TO DISCUSS
2024 COMPREHENSIVE PLAN ANNUAL REVIEW***

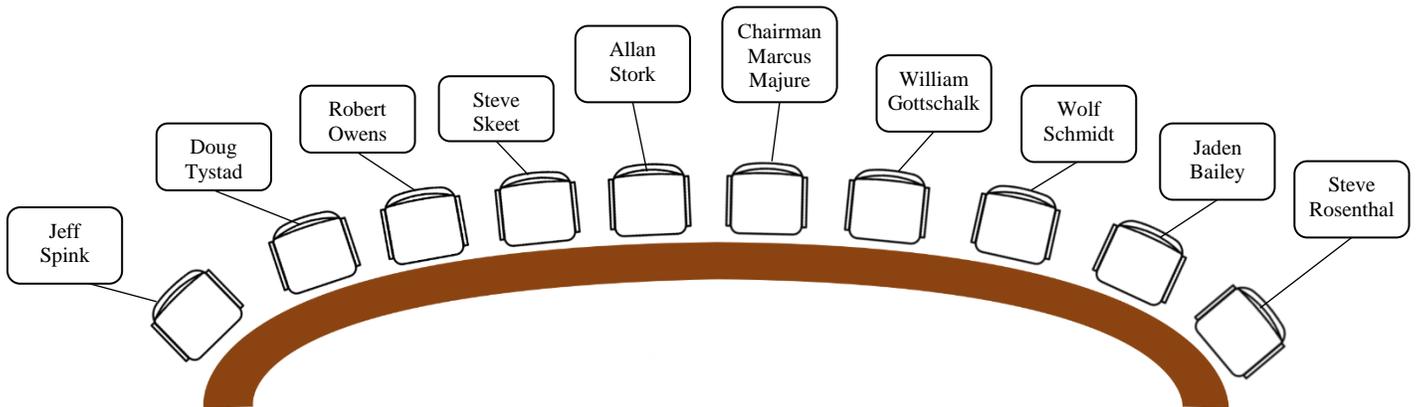
Upcoming meeting dates:

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

For More Information

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

Planning Commission Seating Chart 2024



**LEAVENWORTH COUNTY BOARD OF ZONING APPEALS
MINUTES OF THE REGULAR MEETING
February 14, 2024**

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

The Board of Zoning Appeals meeting was called to order at 5:30 p.m.

Pledge of Allegiance

Members present: Doug Tystad, Steve Rosenthal, Allan Stork, Wolf Schmidt, William Gottschalk, and Jeff Spink

Members absent: None

Staff present: Amy Allison-Deputy Director, Josh Schweitzer-Planner, Misty Brown-County Counselor, Stephanie Sloop-Planning Coordinator

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

Declarations: None

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

ROLL CALL VOTE - Motion to approve the agenda passed, 6/0

Case DEV-24-001 Variance – Fairmount Fires District

Consideration of a Variance request from Article 6, Section 4 of the Leavenworth County Zoning & Subdivision Regulations on the following described property: A tract of land in the Northwest Quarter of Section 26, Township 212 South, Range 22 East of the 6th P.M., Leavenworth, Kansas.

Josh Schweitzer gave the staff report for the above-listed case, outlining the details of the request. Mr. Schweitzer went over the five requirements of granting a variance to the regulations.

Chairman Stork asked if there were any questions or discussions from the board. Chairman Stork opened the public comment portion of the hearing inviting those wishing to speak either for or against the request to come forward. The Chairman asked the applicants to come forward.

Representatives from the Fire District came forward to explain the reasons for their request and answer questions from the Board.

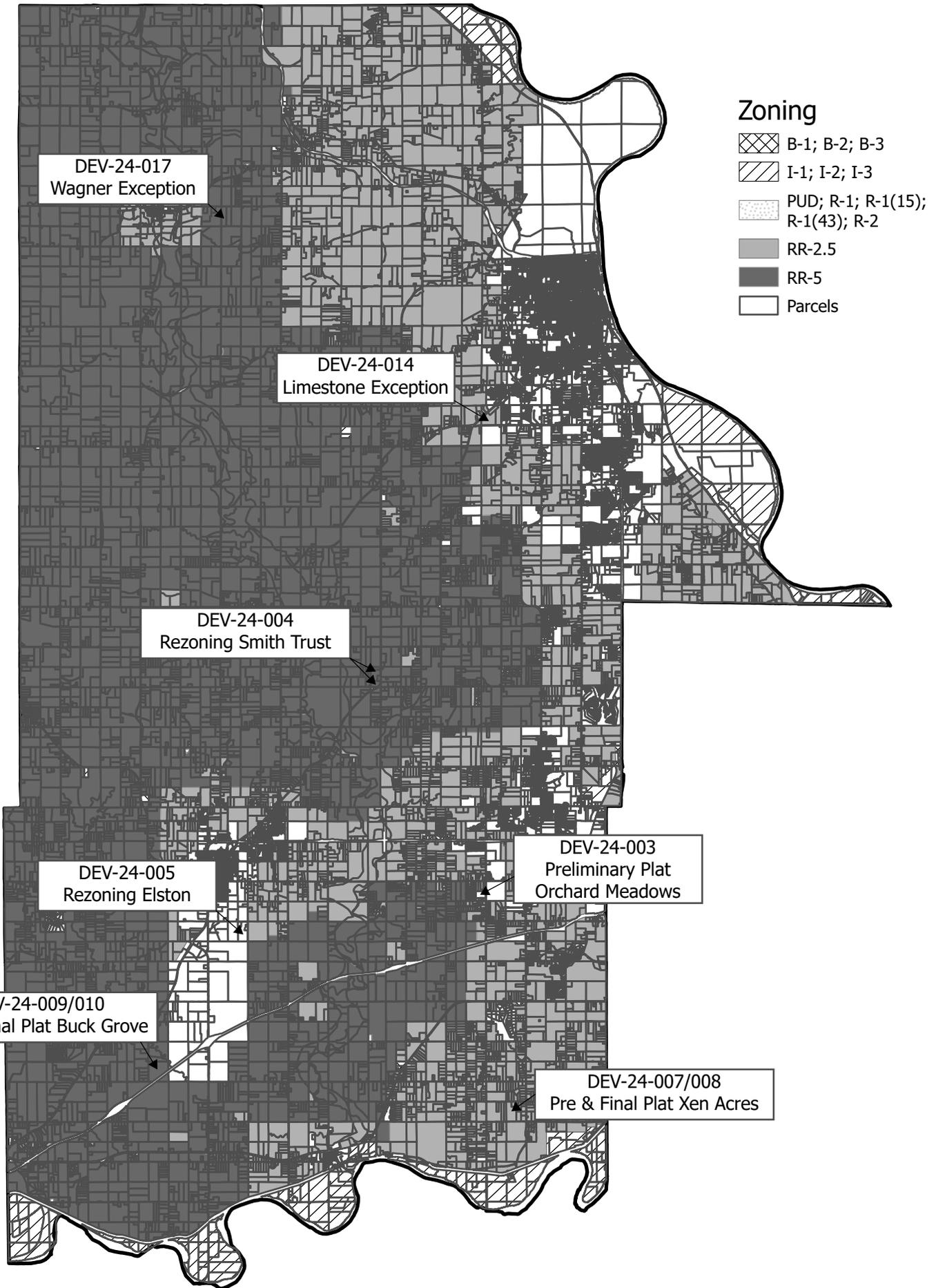
Seeing no public comment, Chairman Stork closed the public hearing.

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

Commissioner Tystad motioned to approve the request for the variance for Case DEV-24-001. Commissioner Rosenthal seconded the motion.

ROLL CALL VOTE - Motion to approve passed 6/0

Meeting was adjourned 5:49 PM



**LEAVENWORTH COUNTY
PLANNING COMMISSION
STAFF REPORT**

CASE NO: DEV-24-009 & 010 Xen Acres

March 13, 2024

REQUEST: *Consent Agenda*

Preliminary Plat Final Plat

STAFF REPRESENTATIVE:

JOSH SCHWEITZER
Development Planner

SUBJECT PROPERTY: 16160 Loring Rd.



APPLICANT/APPLICANT AGENT:

JOE HERRING
HERRING SURVEYING
315 N. 5th Street
Leavenworth, KS 66048

PROPERTY OWNER:

Sally Ingels
16160 Loring Rd
Bonner Springs, KS 66012

CONCURRENT APPLICATIONS:

NONE

LAND USE

ZONING: RR-2.5

FUTURE LAND USE DESIGNATION:

RR-2.5

LEGAL DESCRIPTION:

A Minor Subdivision in the Southeast Quarter of Section 10, Township 12 South, Range 22 East of the 6th P.M., in Leavenworth County KS.

SUBDIVISION: N/A

FLOODPLAIN: N/A

STAFF RECOMMENDATION: APPROVAL

PROPERTY INFORMATION

ACTION OPTIONS:

1. Recommend approval of Case No. DEV-24-007 & 008, Preliminary & Final Plat for Xen Acres, to the Board of County Commission, with or without conditions; or
2. Recommend denial of Case No. DEV-24-007 & 008, Preliminary & Final Plat for Xen Acres to the Board of County Commission for the following reasons; or
3. Continue the hearing to another date, time, and place.

PARCEL SIZE: 68.80 ACRES

PARCEL ID NO:

232-10-0-00-00-020.00

BUILDINGS:

Existing Residence & Multiple Outbuildings

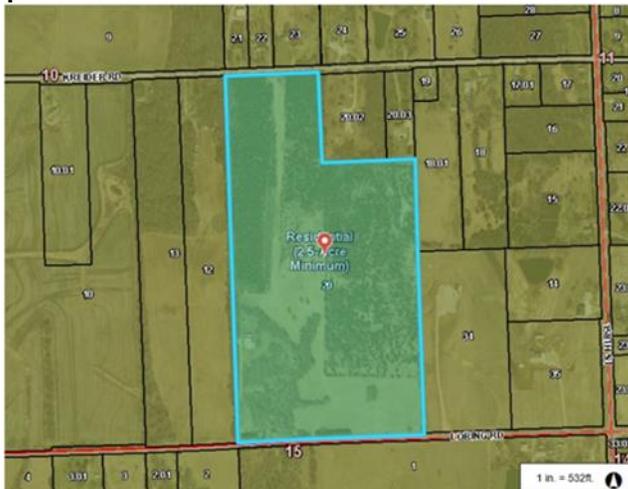
PROJECT SUMMARY:

Request for a final plat approval to subdivide property located at 16160 Loring Rd (232-10-0-00-00-020) as Lots 1 through 3 of Xen Acres.

ACCESS/STREET:

Loring Rd - Collector, PAVED ± 26';

Location Map: FUTURE LAND USE DESIGNATION



UTILITIES

SEWER: PRIVATE SEPTIC

FIRE: SHERMAN

WATER: RWD 7

ELECTRIC: EVERGY

NOTICE & REVIEW:

STAFF REVIEW:

3/4/2024

NEWSPAPER NOTIFICATION:

N/A

NOTICE TO SURROUNDING PROPERTY OWNERS:

N/A

STANDARDS TO BE CONSIDERED: <i>Type content in each if necessary (delete this afterwards)</i>			
Leavenworth County Zoning and Subdivision Standards: Preliminary Review		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 divide a 68.8 acre parcel into three (3) lots. The Subdivision is classified as a Class C with all lots lying within the Rural Growth Area of Leavenworth County. Staff is supportive of a waiver of the requirement to connect to a sanitary sewer system as sanitary sewers are not located within 660' of the subdivision (see condition 3). Lot 1 will be approximately 40 acres in size. Lots 2 and 3 will be approximately 10 acres in size. All lots meet the requirements for the RR-2.5 zoning district. The north 9.91 acres was divided via Tract Split in 2022. 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:
 Email – RWD 7, dated February 21, 2024

ATTACHMENTS:

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

458
 68-80
 Sherman FD
 Evergy
 RR 2.5 RWD 7 ✓

~~FINAL~~

PRELIMINARY PLAT APPLICATION

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

Office Use Only
 Township: Sherman Planning Commission Meeting Date: _____
 Case No. DEV-24- Date Received/Paid: _____
 Zoning District RR 2.5 Comprehensive Plan Land Use Designation: SAME

APPLICANT/AGENT INFORMATION	OWNER INFORMATION
NAME: <u>Herring Surveying Company</u>	NAME: <u>Sally Ingels</u>
MAILING ADDRESS: <u>315 North 5th Street</u>	MAILING ADDRESS <u>16160 LORING RD</u>
CITY/ST/ZIP: <u>Leavenworth, KS 66048</u>	CITY/ST/ZIP <u>Bonner Springs, KS 66012</u>
PHONE: <u>913-651-3858</u>	PHONE: <u>N/A</u>
EMAIL : <u>herringsurveying@outlook.com</u>	EMAIL <u>N/A</u>

GENERAL INFORMATION

Proposed Subdivision Name: XEN ACRES
 Address of Property: 16160 LORING RD
 PID: 232-10-0-00-00-020 Urban Growth Management Area: N/A

SUBDIVISION INFORMATION		
Gross Acreage: <u>60 Acres</u>	Number of Lots: <u>3</u>	Minimum Lot Size: <u>10 Ac</u>
Maximum Lot Size: <u>40 Ac</u>	Proposed Zoning: <u>RR-2.5</u>	Density: <u>N/A</u>
Open Space Acreage: <u>N/A</u>	Water District: <u>RWD 7</u>	Proposed Sewage: <u>Septic</u>
Fire District: <u>Sherman</u>	Electric Provider: <u>Evergy</u>	Natural Gas Provider: <u>Propane</u>
Covenants: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Road Classification: <u>Local - Collector - Arterial - State - Federal</u>	
	Cross-Access Easement Requested: <input type="checkbox"/> Yes <input checked="" 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: Joe Herring - digitally signed January 21, 2024 Date: 1/21/24

ATTACHMENT A

LEAVENWORTH COUNTY DEVELOPMENT APPLICATION PERMIT

CASE NUMBER DEV-24-008

PERMIT SUB-TYPE SUBDIVISION

PID 232-10-0-00-00-020.00 PARCEL SIZE 68.8 AC ZONE RR-2.5
TWSP SHERMAN SCHOOL DIST 458 SDD NO
SUBDIVISION LOT NO BLOCK NO
WATER DIST RWD 7 ELECTRIC EVERGY SEWER DIST n/a
FLOOD PLAIN IN PARCEL NO FLOOD PLAIN ON BUILDING SITE NO
SITE ADDRESS 16160 Loring Rd
SITE CITY Linwood SITE STATE KS SITE ZIP CODE 66052

LAST NAME Ingels - Xen Acres FIRST NAME Joe Herring PHONE 913-651-3858
EMAIL herringsurveying@outlook.com
ADDRESS 315 N 5th St
CITY Leavenworth STATE KS ZIP CODE 66048

CONSULTANT Joe Herring - Herring Surveying CONSULTANT PHONE 913-651-3858
CONSULTANT EMAIL herringsurveying@outlook.com

PROPOSED ZONING n/a SUP CATEGORY - USE
VARIANCE REGULATION CURRENT USE RESIDENTIAL ROAD LOCAL
COMP PLAN USE DESIGNATION 2.5 UGMA

SUBDIVISION TYPE FINAL PLAT GROSS ACREAGE 68.8 COVENANTS NO
MAXIMUM LOT SIZE 40.1 MINIMUM LOT SIZE 10.9 OPEN SPACE ACREAGE
LOTS 3 TRACTS TOTAL PARCELS 3 DENSITY

NOTES:

STAFF	1/29/2024	STAFF ACTION	PENDING	[] PUBLIC HEARING	AGENDA AREA
PC		PC ACTION	PENDING		NOTICE PUB
BOCC		BOCC ACTION	PENDING		RESOLUTION PUB
BZA		BZA ACTION		DURATION	EXPIRATION

APPLICATION FEE \$400.00 TIF 0.00 BOND 0.00 TOTAL FEES \$400.00
CHECK NO [] CASH [] CC TIFF CHECK NO

STAFF APPROVAL *M. Johnson* DATE 01.29.2024
APPLICANT DATE

OWNERSHIP AND ENCUMBRANCE CERTIFICATE

File No.: 23006811

Charge: \$125.00

Date Typed: October 31, 2023

Platinum Title, LLC, having reviewed the documents and instruments placed of record in the Office of the Recorder or Register of Deeds, and the Office of the Clerk of the Circuit or District Court in the County of **Leavenworth**, State of **Kansas**, hereby certifies:

1. The documents and instruments reviewed for the purpose of this Certificate affect the following described real property:

A Tract of land in the Southeast Quarter of Section 10, Township 12 South, Range 22 East of the 6th P.M., Leavenworth County, Kansas, as written by Joseph A. Herring PS-1296 on December 4, 2021, and more fully described as follows: Beginning at the Southwest corner of said Southeast Quarter; thence North 01 degrees 56 minutes 11 seconds West for a distance of 1995.49 feet along the West line of said Southeast Quarter; thence North 88 degrees 07 minutes 05 seconds East on the Westerly extension of the South line of DONN ACRES SUBDIVISION and on said South line, for a distance of 1314.78 feet to the Southeast corner of Lot 2 of DONN ACRES SUBDIVISION; thence South 02 degrees 03 minutes 44 seconds East on the Northerly extension of the West line of Lot 1 of LORING MEADOWS, and on said West line, for a distance of 1990.83 feet to the South line of said Southeast Quarter; thence South 87 degrees 54 minutes 56 seconds West for a distance of 1319.16 feet along said South line to the point of beginning, except any part in roadway.

Note: For informational purposes only the tax rolls show the address as: 16160 Loring Rd., Linwood, KS 66052

2. The grantees of the last conveyance(s) of record of the real property herein described is (are):

The heirs at law of Frank R. Ingels, deceased

Subject to the examination of estate records of Frank R. Ingels under Case No. 2021 PR 000064

NOTE: Due to cyber security attack of Kansas Court systems, we are unable to review said estate

3. Instruments, other than conveyances, purporting to affect rights of possession:

A. Road right of way established in Road Book D at Page 164.

B. Easement to Rural Water District No. 7, Leavenworth County, Kansas established by the instrument recorded in Book 661 at Page 041, as more fully set forth therein.

C. NOTE: Survey recorded October 10, 2023, as Document No. 2023S045 contains an error in the legal description regarding Tract 1 of said survey and should be corrected in the records.

4. Taxes:

NOTE: Current tax records indicate the following taxes:

Real estate taxes for the year(s) 2022 in the base amount of \$4,002.90 are paid.

Prior years are paid.

Parcel No. 232-10-0-00-00-020.00-0 (Includes other property)

5. Judgments and Liens:

A. Due to cyber Security attack of Kansas Court systems, we are unable to review any court index or documents and make no claim as to judgments or liens filed in the District Court of Leavenworth County, Kansas

6. There is (are) no unreleased Mortgages or Deeds of Trust appearing of record within 30 years prior to the date hereof, except the following:

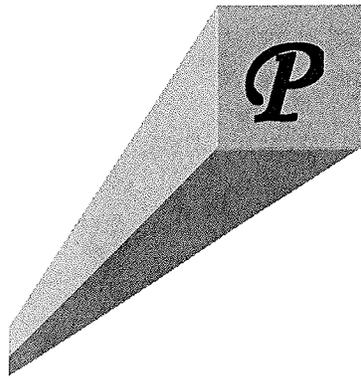
A. NONE

This certificate is made with the disclosure by Platinum Title, LLC that instruments and proceedings in the chain of title to the above described real property have been reported, but not examined; that such certificate is not a guarantee or warranty of title, nor is this a commitment to provide title insurance. Platinum Title, LLC disclaims any and all liability or responsibility for defects in, or the marketability of, the title to the real property. Liability hereunder is expressly limited to the consideration paid therefor.

This Certificate is certified to include: at 8:00 A.M. Updated January 8, 2024



Platinum Title, LLC
4400 College Blvd.
Suite 100
Overland Park, KS 66211
Ph: (913) 491-5001
Fax: (913) 491-5450



Platinum Title, L.L.C

4400 College Blvd, Ste 100
Overland Park, KS 66211

Phone: (913) 491- 5001 Fax: (913) 491-5450
www.platinumtitlellc.com

11/2/23

Attn: Sally Ingels

Ownership & Encumbrance Report: \$175.00

Our File: 23006811

Property Address: 16160 Loring Rd-Tract 1

Owner: Ingels

Please make your check payable to Platinum Title.

Thank you.

Bob Kendall
Production Manager

XEN ACRES

A Minor Subdivision in the Southeast Quarter of Section 10, Township 12 South, Range 22 East of the 6th P.M., Leavenworth County, Kansas.

FINAL PLAT

SURVEYOR'S DESCRIPTION:
Tract of land in the Southeast Quarter of Section 10, Township 12 South, Range 22 East of the 6th P.M., Leavenworth County, Kansas, as written by Joseph A. Herring PS-1296 on December 4, 2021, and more fully described as follows: Beginning at the Southwest corner of said Southeast Quarter; thence North 01 degrees 56'11" West for a distance of 1995.49 feet along the West line of said Southeast Quarter; thence North 88 degrees 07'05" East on the Westerly extension of the South line of DONN ACRES SUBDIVISION and on said South line, for a distance of 1314.78 feet to the Southeast corner of Lot 2 of DONN ACRES SUBDIVISION; thence South 02 degrees 03'44" East on the Northerly extension of the West line of Lot 1 of LORING MEADOWS, and on said West line, for a distance of 1990.83 feet to the South line of said Southeast Quarter; thence South 87 degrees 54'56" West for a distance of 1319.16 feet along said South line to the point of beginning. Together with and subject to covenants, easements, and restrictions of record. Said property contains 60.26 acres, more or less, including road right of way. Error of Closure: 1 - 855609

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: XEN ACRES.

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 XEN ACRES, have set our hands this _____ day of _____, 2024.

Sally Ingels

NOTARY CERTIFICATE:
Be it remembered that on this _____ day of _____, 2024, before me, a notary public in and for said County and State came Sally Ingels, a single person, 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 XEN ACRES this _____ day of _____, 2024.

Secretary: John Jacobson
Chairperson: Marcus Majure

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

County Engineer - Mitch Pleak

COUNTY COMMISSION APPROVAL:
We, the Board of County Commissioners of Leavenworth County, Kansas, do hereby approve the foregoing plat of XEN ACRES this _____ day of _____, 2024.

Chairperson: Jeff Culbertson
County Clerk: Janet Klasinski

REGISTER OF DEED CERTIFICATE:
Filed for Record as Document No. _____ on this _____ day of _____, 2024 at _____ o'clock _____ M in the Office of the Register of Deeds of Leavenworth County, Kansas,

Register of Deeds - TerriLois G. Mashburn



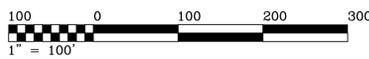
Scale 1" = 100'

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 Baunchen, PS#1363
County Surveyor



315 North 5th Street, Leav., KS 66048
Ph. 913.651.3858 Fax 913.674.5381
Email - survey@jeherring.com



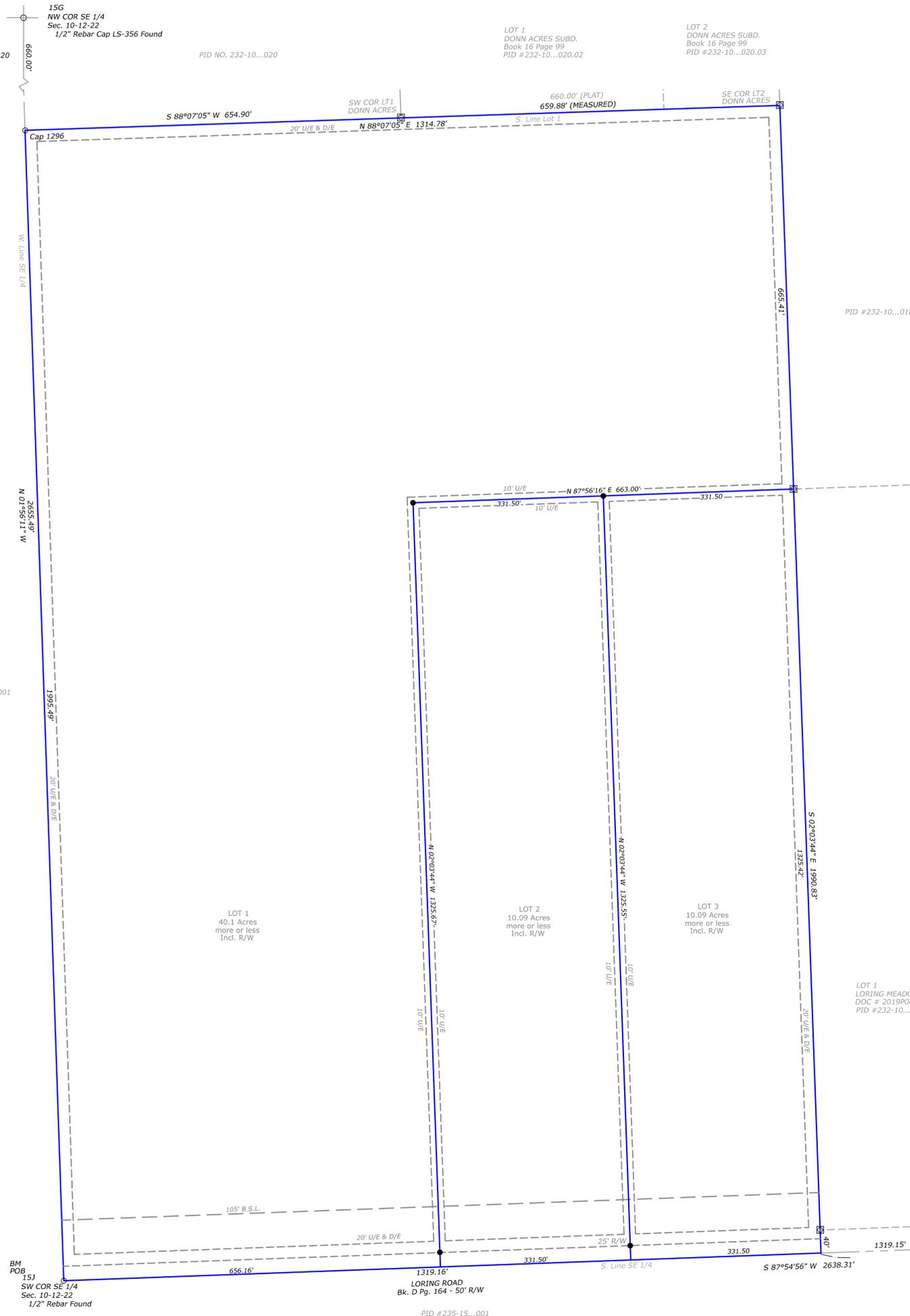
PREPARED FOR:
Sally Ingels
16160 Loring Road
Linwood, KS 66052
PID NO. 232-10-0-00-00-020

15G
NW COR SE 1/4
Sec. 10-12-22
1/2" Rebar Cap LS-356 Found

PID NO. 232-10...020

LOT 1
DONN ACRES SUBD.
Book 16 Page 99
PID #232-10...020.02

LOT 2
DONN ACRES SUBD.
Book 16 Page 99
PID #232-10...020.03

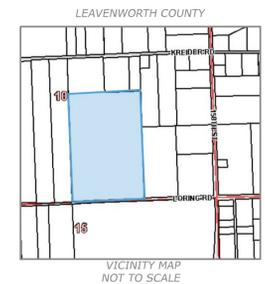


- LEGEND:**
- - 1/2" Rebar Set with Cap No.1296
 - - 1/2" Rebar Found, unless otherwise noted.
 - - Concrete Base around Point
 - △ - PK Nail Found in Place
 - () - Record / Deeded Distance
 - U/E - Utility Easement
 - D/E - Drainage Easement
 - B.S.L. - Building Setback Line
 - R/W - Permanent Dedicated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

ZONING:
RR 2.5 - Rural Residential 2.5

- NOTES:**
- This survey does not show ownership.
 - All distances are calculated from measurements or measured this survey, unless otherwise noted.
 - All recorded and measured distances are the same, unless otherwise noted.
 - Error of Closure - See Description
 - Basis of Bearing - KS SPC North Zone 1501
 - Monument Origin Unknown, unless otherwise noted.
 - Proposed Lots for Residential Use.
 - Road Record - See Survey
 - Benchmark - NAVD88
 - Project Benchmark (BM) - SW COR SE 1/4 - Elev - 934.4'
 - Easements, if any, are created hereon or listed in referenced title commitment.
 - Reference Recorded Deed Doc # 2022R01758
 - Utility Companies -
 - Water - RWD 7
 - Electric - Evergy
 - Sewer - Septic / Lagoon
 - Gas - Propane / Natural Gas
 - Reference Platinum Title LLC File Number 23006811 dated January 8, 2024.
 - Property is not in a Special Flood Hazard Area per FEMA FIRM Map 20103C0350G dated July 16, 2015
 - Building Setback Lines as shown hereon or noted below
 - All side yard setbacks - 15' (Accessory - 15')
 - All rear yard setbacks - 40' (Accessory - 15')
 - Easements as per referenced Title Commitment are shown hereon, if any.
 - Water Easement Book 661 Page 41, not shown hereon, Water line on the South side of Loring Road per water district.
 - Fence Lines do not necessarily denote the boundary line for the property.
 - Referenced Surveys -
 - DGW - D.G.White - DONN ACRES Bk.16 Pg.99 dated 2006
 - NKA Doc#2006P00099
 - JAH - J.A.Herring - LORING MEADOWS Doc.2019P00005 & Survey Doc # 2023S045

- RESTRICTIONS:**
- All proposed structures within this plat shall comply with the Leavenworth County Zoning and Subdivision Regulations or zoning regulation jurisdiction.
 - An Engineered Waste Disposal System may be required due to poor soil conditions.
 - Erosion and sediment control measures shall be used when designing and constructing driveways and other structures. Re-vegetation of all disturbed areas shall be completed within 45 days after final grading.
 - Lots are subject to the current Access Management Policy. Additional access limits as shown hereon.
 - All structures built within the subdivision shall comply with Resolution 2020-39, or as amended.
 - No off-plat restrictions.



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

Joseph A. Herring
PS # 1296

17J
SE COR SE 1/4
Sec. 10-12-22
Rebar with Alum. Cap Found

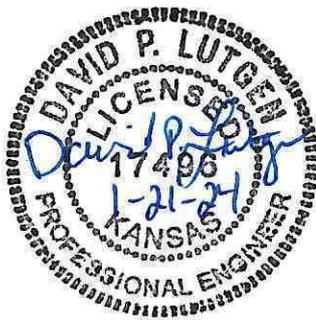
PID #235-15...001

Xen Acres

Leavenworth County Kansas

Drainage Report

January 21, 2024



dlutgen72@gmail.com

Schweitzer, Joshua

From: McAfee, Joe
Sent: Tuesday, February 27, 2024 8:44 AM
To: Johnson, Melissa; Noll, Bill; 'mpleak@olsson.com'; Baumchen, Daniel
Cc: PZ
Subject: RE: Xen Acres Revisions

Follow Up Flag: Follow up
Flag Status: Completed

Melissa,

PW has reviewed the PP and FP and have no additional comments. The drainage report was approved on the initial submittal.

From: Johnson, Melissa <MJohnson@leavenworthcounty.gov>
Sent: Monday, February 26, 2024 12:13 PM
To: Noll, Bill <BNoll@leavenworthcounty.gov>; 'mpleak@olsson.com' <mpleak@olsson.com>; McAfee, Joe <JMcAfee@leavenworthcounty.gov>; Baumchen, Daniel <DBaumchen@leavenworthcounty.gov>
Cc: PZ <PZ@leavenworthcounty.gov>
Subject: FW: Xen Acres Revisions

I have attached the current documents that Joe Herring sent for Xen Acres.

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

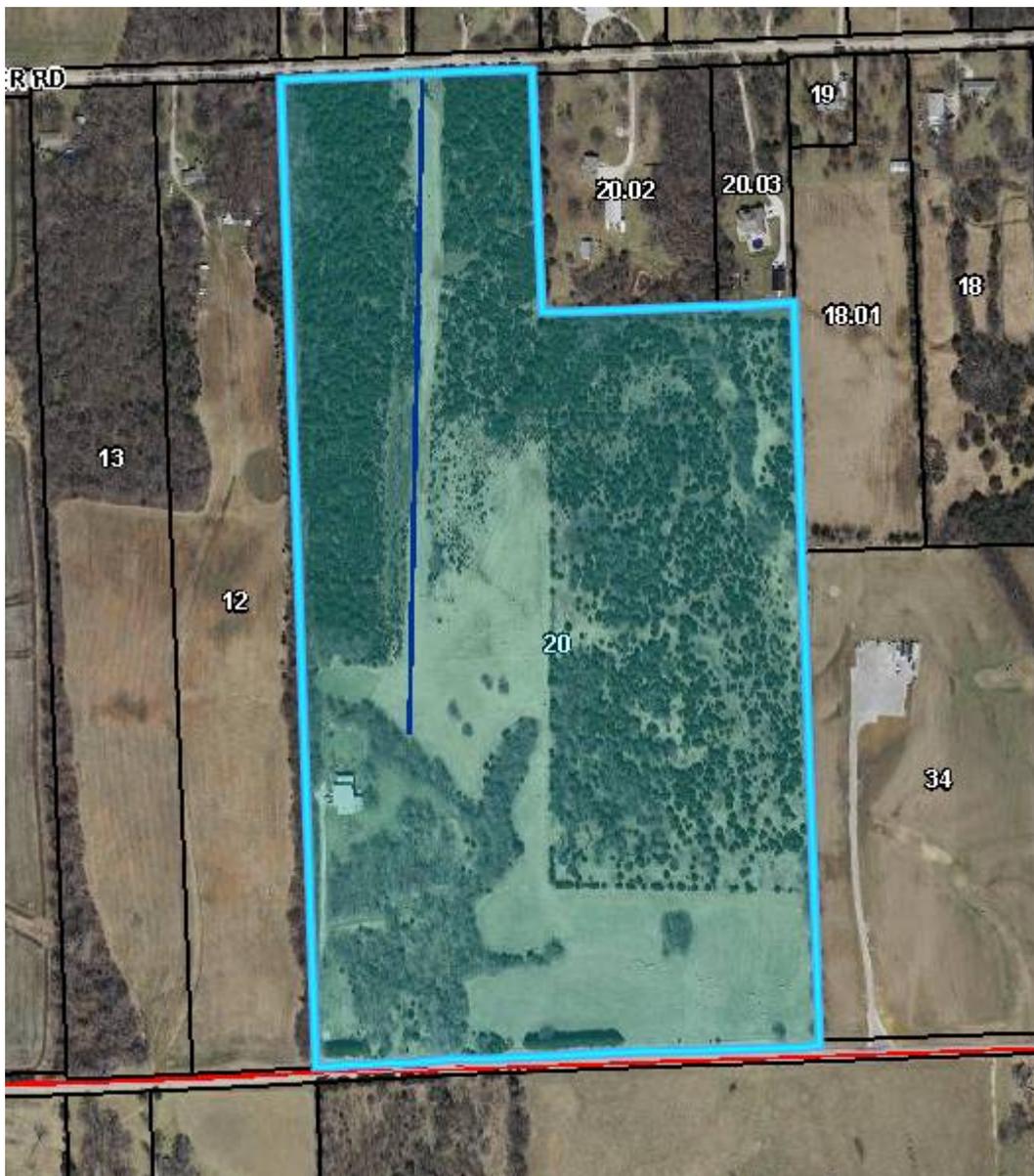
This message and any attachments are intended only for the use of the recipient or their authorized representative. The information provided in this email is limited in scope and response detail by available information, current zoning and subdivision regulations. Depending on the level of development, 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.

From: Joe Herring <herringsurveying@outlook.com>
Sent: Monday, February 26, 2024 9:40 AM
To: PZ <PZ@leavenworthcounty.gov>; Joshua Schweitzer <joshua.schweitzer@gmail.com>
Subject: Xen Acres Revisions

From: [Anderson, Kyle](#)
Sent: Monday, January 29, 2024 9:04 AM
To: [Johnson, Melissa](#); [Allison, Amy](#)
Subject: RE: Xen Acres, 16160 Loring Rd., 3 lot subdivision, 232-10-0-00-00-020.00

Follow Up Flag: Follow up
Flag Status: Completed

We have not received any complaints on this property and the septic system appears to remain on the same property as the home it services. Does the airfield need to be on the plat?



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

MEMO

To: Amy Allison
From: Chuck Magaha
Subject: Xen Acres Subdivision
Date: February 12, 2024

Amy, I have reviewed the preliminary plat of the Xen Acres Subdivision presented by Sally Ingels. 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 a fire hydrant should be placed along the right-a-way between Lot 1 and Lot 2 along Loring Road, this 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.

Schweitzer, Joshua

From: Kyle Burkhardt <Kyle.Burkhardt@evergy.com>
Sent: Thursday, January 25, 2024 11:18 AM
To: Johnson, Melissa; 'kritter@shermanfire.net'; 'dritter@shermanfire.net'
Cc: PZ
Subject: Re: [EXTERNAL]Xen Acres, 16160 Loring Rd., 3 lot subdivision, 232-10-0-00-00-020.00

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 is ok with the final plat provided.

Thank you

Kyle Burkhardt

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



From: Johnson, Melissa <MJohnson@leavenworthcounty.gov>
Sent: Wednesday, January 24, 2024 10:10 AM
To: 'kritter@shermanfire.net' <kritter@shermanfire.net>; 'dritter@shermanfire.net' <dritter@shermanfire.net>; Design Group Shawnee <DesignGroupShawnee@evergy.com>
Cc: PZ <PZ@leavenworthcounty.gov>
Subject: [EXTERNAL]Xen Acres, 16160 Loring Rd., 3 lot subdivision, 232-10-0-00-00-020.00

This Message Is From an External Sender

This message came from outside your organization.

Report Suspicious

To all,

We have received a pre/final plat from Herring Surveying regarding the above listed parcel. Please review the documents about this and let us know if you have any comments pertaining to this plat.

If you have any questions, please let me know.

Thank you,

Melissa Johnson

Schweitzer, Joshua

From: Dylan Ritter <dritter@shermanfire.net>
Sent: Monday, January 29, 2024 4:36 PM
To: Kyle Burkhardt
Cc: Johnson, Melissa; kritter@shermanfire.net; PZ
Subject: Re: [EXTERNAL]Xen Acres, 16160 Loring Rd., 3 lot subdivision, 232-10-0-00-00-020.00

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.

We have no concerns or comments.

On Thu, Jan 25, 2024 at 11:17 AM Kyle Burkhardt <Kyle.Burkhardt@evergy.com> wrote:

Internal Use Only

Evergy is ok with the final plat provided.

Thank you

Kyle Burkhardt

Evergy

TD Designer III

785-508-2408

Kyle.Burkhardt@evergy.com



From: Johnson, Melissa <MJohnson@leavenworthcounty.gov>
Sent: Wednesday, January 24, 2024 10:10 AM
To: 'kritter@shermanfire.net' <kritter@shermanfire.net>; 'dritter@shermanfire.net' <dritter@shermanfire.net>; Design Group Shawnee <DesignGroupShawnee@evergy.com>
Cc: PZ <PZ@leavenworthcounty.gov>
Subject: [EXTERNAL]Xen Acres, 16160 Loring Rd., 3 lot subdivision, 232-10-0-00-00-020.00

This Message Is From an External Sender

Schweitzer, Joshua

From: jalayne leavenworthrwd7.com <jalayne@leavenworthrwd7.com>
Sent: Wednesday, February 21, 2024 11:17 AM
To: Schweitzer, Joshua
Cc: PZ; herringsurveying@outlook.com
Subject: RE: DEV-24-007/008 Pre & Final Plat for Xen Acres

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.

OK, I just talked to our acting operator manager, and he stated that he talked to our Engineer about this development. We were told by the engineer company that everything is ok BUT if any further development on this subdivision would require an upgrade for service line at developers cost.

Thank you.

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

From: Schweitzer, Joshua <JSchweitzer@leavenworthcounty.gov>
Sent: Tuesday, February 20, 2024 4:44 PM
To: jalayne leavenworthrwd7.com <jalayne@leavenworthrwd7.com>
Cc: PZ <PZ@leavenworthcounty.gov>
Subject: RE: DEV-24-007/008 Pre & Final Plat for Xen Acres

Thank you ma'am,

Moving forward from here. The applicant/agent should be providing written or signed statements from the appropriate officials of subject utilities and public services. I saw an email dated 15 January 2024 from you stating to the applicant's agent that they are supposed to go through the county to your district. BOCC Resolution 2023-20 changed the procedure for submitting utility statements to where it is submitted with the application. From my understanding, this information was sent out to all appropriate officials of utilities and public service companies when this procedure was changed.

With all that being said, our office will not be reaching out to you to obtain information pertaining to the proposed subdivision. It is the responsibility of the applicant/agent to gather that information prior to submission of the application.

If you have any questions pertaining to the change in policy feel free to contact our office to discuss them

Schweitzer, Joshua

From: Sally Ingels <saingels@gmail.com>
Sent: Thursday, February 8, 2024 6:40 PM
To: PZ
Subject: 16160 Loring Rd., Linwood

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.

To whom it may concern:

The airstrip on 16160 Loring Rd., Linwood, Kansas, has long been abandoned and will not be used again.

Thank you,

Sally Ingels
Sent from my iPhone

**LEAVENWORTH COUNTY
PLANNING COMMISSION
STAFF REPORT**

CASE NO: DEV-24-009 & 010 Buck Grove

March 13, 2024

REQUEST: *Consent Agenda*

Preliminary Plat Final Plat

STAFF REPRESENTATIVE:

JOSH SCHWEITZER
Development Planner

SUBJECT PROPERTY: 14268 234th Street



APPLICANT/APPLICANT AGENT:

LARRY HAHN
HAHN SURVEYING
PO BOX 186
Basehor, KS 66007

PROPERTY OWNER:

Robert Schuck
14561 234th Street
Tonganoxie, KS 66086

CONCURRENT APPLICATIONS:

NONE

LAND USE

ZONING: RR-5

FUTURE LAND USE DESIGNATION:

RR-2.5

LEGAL DESCRIPTION:

A Subdivision in the Southeast Quarter Fractional Section 06, Township 12 South, Range 21 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-24-009 & 010, Preliminary & Final Plat for Buck Grove, to the Board of County Commission, with or without conditions; or
2. Recommend denial of Case No. DEV-24-009 & 010, Preliminary & Final Plat for Buck Grove, to the Board of County Commission for the following reasons; or
3. Continue the hearing to another date, time, and place.

PARCEL SIZE: 39.59 ACRES

PARCEL ID NO:

223-06-0-00-00-011

BUILDINGS:

N/A

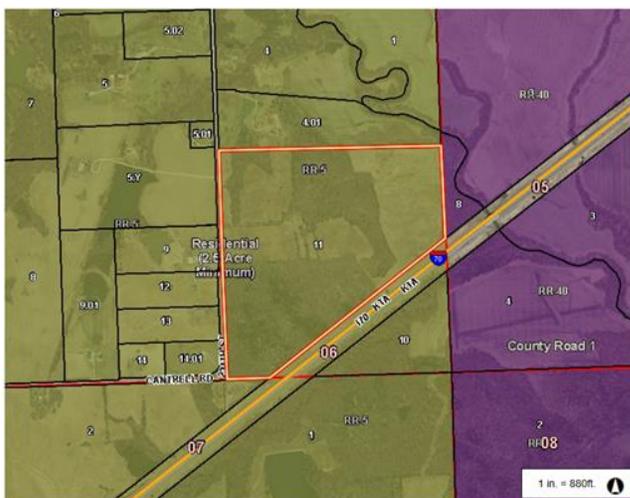
PROJECT SUMMARY:

Request for a final plat approval to subdivide property located at 14268 234th Street (223-06-0-00-00-011) as Lots 1 through 06 of Buck Grove.

ACCESS/STREET:

234TH STREET Local, Gravel ± 27';

Location Map: FUTURE LAND USE DESIGNATION



UTILITIES

SEWER: PRIVATE SEPTIC

FIRE: FD#2

WATER: PRIVATE WELL

ELECTRIC: EVERGY

NOTICE & REVIEW:

STAFF REVIEW:

3/4/2024

NEWSPAPER NOTIFICATION:

N/A

**NOTICE TO SURROUNDING
PROPERTY OWNERS:**

N/A

STANDARDS TO BE CONSIDERED: <i>Type content in each if necessary (delete this afterwards)</i>			
Leavenworth County Zoning and Subdivision Standards: Preliminary Review		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 All Lots meet the minimum requirements for a private well on site	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 divide a 39.59 acre parcel into six (6) lots. The Subdivision is classified as a Class C with all lots lying within the Rural Growth Area of Leavenworth County. Staff is supportive of a waiver of the requirement to connect to a sanitary sewer system as sanitary sewers are not located within 660' of the subdivision (see condition 3). Lots 1-5 will be approximately 6 acres in size. Lot 6 will be approximately 9.59 acres in size. All lots meet the requirements for the RR-5 zoning district. There is currently no water availability, however, all lots meet the minimum requirement acreage to place a private well on each property site. If public water is requested, the property owners will be responsible for contacting local Water District for extension. 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. Buck Grove subdivision is approved with private water well service. If public water service is requested, property owners must contact local Water District for water line extension requirements.
6. Confirmation of a working water well/public water service shall be required at the time of permitting.

ATTACHMENTS:

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

FINAL PLAT APPLICATION
 Leavenworth County Planning and Zoning Department,
 300 Walnut St., County Courthouse
 Leavenworth, Kansas
 913-684-0465
 913-684-0398 Fax

CAMA No.: 223-D16 011.00 Office Use Only Date Received: _____
 Township: REUB
 Planning Commission Meeting Date: _____
 Project No.: DEV. 2e- Date Paid: 02.06.2024

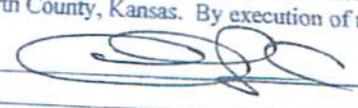
APPLICANT/AGENT INFORMATION		OWNER INFORMATION	
NAME _____	NAME <u>ROBERT R. SCHUCK</u>	ADDRESS _____	ADDRESS <u>14561 234TH STREET</u>
ADDRESS _____	CITY/ST/ZIP _____	CITY/ST/ZIP <u>TONGANOXIE, KS. 66086</u>	PHONE _____
CITY/ST/ZIP _____	PHONE _____	EMAIL _____	CONTACT PERSON <u>ROBERT</u>
PHONE _____	EMAIL _____	CONTACT PERSON _____	
CONTACT PERSON _____			

GENERAL INFORMATION

Subdivision Name: BUCK GROVE
 Legal Description (S-T-R 1/4 Section): SE 1/4 6-T12S-R21E
 Zoning: RR-5.0
 Surveyor and/or Engineer Firm: HAHN SURVEYING
 Contact Person: LARRY HAHN
 Address: PO BOX 186 BASEHOR, KANSAS 66007
 Phone: 913-547-3405 Fax: _____ Email: hahnsurvey@gmail.com

SUBDIVISION INFORMATION		
Gross Acreage: <u>39.59 ACRES</u>	Number of Lots: <u>6</u>	Minimum Lot Size: <u>6.00 ACRES</u>
Maximum Lot Size: <u>9.59 ACRES</u>	Zoning: <u>RR - 5.0</u>	Density: _____
Open Space Acreage: _____	Water District: <u>N/A</u>	Proposed Sewage: <u>ON SITE</u>
Fire District: _____	Electric Provider: <u>EVERGY</u>	Natural Gas Provider: <u>PROPANE</u>
Covenants: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Phase Number: _____	
Is any part of the site designated as Floodplain? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, what is the panel number: _____		

I, the undersigned am the owner, 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 Final Plat approval as indicated above.

Signature:  Date: 2/4/2024

ATTACHMENT A-2

445.00

LEAVENWORTH COUNTY DEVELOPMENT APPLICATION PERMIT

CASE NUMBER DEV-24-010

PERMIT SUB-TYPE SUBDIVISION

PID 223-06-0-00-00-011.00 PARCEL SIZE 40 AC ZONE RR-5
TWSP RENO SCHOOL DIST 464 SDD NO
SUBDIVISION LOT NO BLOCK NO
WATER DIST n/a ELECTRIC EVERGY SEWER DIST n/a
FLOOD PLAIN IN PARCEL NO FLOOD PLAIN ON BUILDING SITE NO
SITE ADDRESS 14268 234th St
SITE CITY Tonganoxie SITE STATE KS SITE ZIP CODE 66086

LAST NAME Buck Grove - Schuck FIRST NAME Larry Hahn PHONE 913-547-3405
EMAIL hahnsurvey@gmail.com
ADDRESS 14268 234th St
CITY Tonganoxie STATE KS ZIP CODE 66086

CONSULTANT Larry Hahn CONSULTANT PHONE 913-547-3405
CONSULTANT EMAIL

PROPOSED ZONING n/a SUP CATEGORY - USE
VARIANCE REGULATION CURRENT USE RESIDENTIAL ROAD LOCAL
COMP PLAN USE DESIGNATION UGMA

SUBDIVISION TYPE FINAL PLAT GROSS ACREAGE 40 COVENANTS NO
MAXIMUM LOT SIZE 9.59 MINIMUM LOT SIZE 6 OPEN SPACE ACREAGE
LOTS 6 TRACTS TOTAL PARCELS 6 DENSITY

NOTES:

STAFF	2/8/2024	STAFF ACTION	PENDING	<input type="checkbox"/> PUBLIC HEARING	AGENDA AREA
PC		PC ACTION	PENDING		NOTICE PUB
BOCC		BOCC ACTION	PENDING		RESOLUTION PUB
BZA		BZA ACTION		DURATION	EXPIRATION

APPLICATION FEE \$445.00 TIF 0.00 BOND 0.00 TOTAL FEES \$445.00
CHECK NO 1831 [] CASH [] CC TIFF CHECK NO

STAFF APPROVAL *M. Johnson* DATE 02.09.2024
APPLICANT DATE

OWNER AUTHORIZATION

I/WE ROBERT R. SCHUCK

hereby referred to as the "Undersigned", being of lawful age, do hereby on this 5th day of February, 2024 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 LARRY HAHN

HAHN SURVEYING (Hereinafter referred to as "Applicant"), to act on my/our behalf for the purpose of making application with the Planning Department of Leavenworth County, Kansas, 14268 234TH STREET

(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.

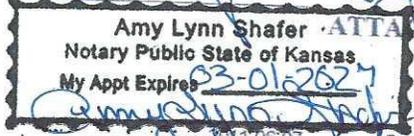
IN WITNESS THEREOF, I, the Undersigned, have set my hand below.

STATE OF KANSAS
COUNTY OF LEAVENWORTH

X 
ROBERT R. SCHUCK

The foregoing instrument was acknowledged before me on this 5th day of Feb, 2024
by Robert R. Schuck

My Commission Expires:

Notary Public 
Amy Lynn Shafer ATTACHMENT B
Notary Public State of Kansas
My Appt Expires 03-01-2027


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

CN: 47044

Doc #: 2024R00615
TERRILOIS MASHBURN
REGISTER OF DEEDS
LEAVENWORTH COUNTY, KANSAS
RECORDED ON:
02/01/2024 09:30:19 AM
RECORDING FEE: 21.00
PAGES: 1

Entered in Transfer Record in my office _____

ENTERED IN TRANSFER RECORD IN
MY OFFICE THIS DAY 02/01/2024

County Clerk

Janet Klasmirke
COUNTY CLERK

DEED-KANSAS WARRANTY (Statutory)

THE GRANTOR,

Linda Kahn, a single person

CONVEYS AND WARRANTS to

Schuck Acquisitions LLC, a Kansas limited liability company

FOR GOOD AND VALUABLE CONSIDERATION, the receipt of which is hereby acknowledged, for the sum of One Dollar and Other Valuable Consideration, the following described real estate:

The North One-half of the Southeast Quarter (SE1/4) of Section 6, Township 12 South, Range 21 East of the 6th P.M.

AND

The South half of the Southeast Quarter (SE1/4) of Section 6, Township 12 South, Range 21 East of the 6th P.M., lying North and West of the Kansas Turnpike, all is Leavenworth County, Kansas, less any part thereof taken or used for road purposes.

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

Dated this 31st day of Jan, A.D. 2024

Linda Kahn
Linda Kahn

STATE OF KANSAS, COUNTY OF LEAVENWORTH

This instrument was acknowledged before me on this 31st day of January 2024 by:
Linda Kahn, a single person

My appointment expires:

BRENDA DEGRAEVE
Notary Public - State of Kansas
My Appt. Expires 10-30-2026

Brenda DeGraeve
Notary Public
Brenda DeGraeve

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

CN: 47044

Doc #: 2024R00614
TERRILOIS MASHBURN
REGISTER OF DEEDS
LEAVENWORTH COUNTY, KANSAS
RECORDED ON:
02/01/2024 09:30:18 AM
RECORDING FEE: 21.00
PAGES: 1

Entered in Transfer Record in my office _____

County Clerk

ENTERED IN TRANSFER RECORD IN
MY OFFICE THIS DAY 02/01/2024

Janet Klasmaker
COUNTY CLERK

DEED-KANSAS WARRANTY (Statutory)

THE GRANTORS,

James E. Kahn and Elizabeth D. Kahn, husband and wife

CONVEY AND WARRANT to

Schuck Acquisitions LLC, a Kansas limited liability company

FOR GOOD AND VALUABLE CONSIDERATION, the receipt of which is hereby acknowledged, for the sum of One Dollar and Other Valuable Consideration, the following described real estate:

The North One-half of the Southeast Quarter (SE1/4) of Section 6, Township 12 South, Range 21 East of the 6th P.M.

AND

The South half of the Southeast Quarter (SE1/4) of Section 6, Township 12 South, Range 21 East of the 6th P.M., lying North and West of the Kansas Turnpike, all is Leavenworth County, Kansas, less any part thereof taken or used for road purposes.

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

Dated this 24th day of Jan A.D. 2024

Elizabeth D. Kahn

Elizabeth D. Kahn

James E. Kahn

James E. Kahn

STATE OF California, COUNTY OF Santa Clara

This instrument was acknowledged before me on this 24th day of January, 2024 by:
James E. Kahn and Elizabeth D. Kahn, husband and wife

My appointment expires:

08/16/2027



S. Pandey
Notary Public

S. Pandey

**02-21-24
Olsson Review
No Further
Comment**

Buck Grove
Leavenworth County Kansas
Drainage Report
January 30, 2024
Revised February 21, 2024

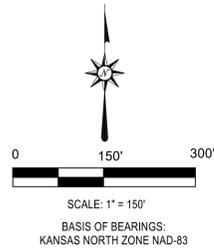


BUCK GROVE

**A SUBDIVISION IN THE SOUTHEAST QUARTER
FRACTIONAL SECTION 6-T12S-R21E OF THE 6TH P.M.,
LEAVENWORTH COUNTY, KANSAS**

FINAL PLAT

02-21-24
Olsson Review
No Further
Comment



- LEGEND**
- 1/2" x 24" REBAR SET WITH #1349 CAP
 - SURVEY MONUMENT FOUND (AS NOTED)
ORIGIN UNKNOWN, UNLESS REFERENCED
 - POC POINT OF COMMENCING
 - POB POINT OF BEGINNING
 - S/B BUILDING SETBACK
 - U/E UTILITY EASEMENT - DEDICATED THIS PLAT

OWNER / DEVELOPER

ROBERT R. SCHUCK
14561 234TH STREET
TONGANOXIE, KS. 66086
(913) 208-8817

NOTES

1. LEAVENWORTH COUNTY, KANSAS, DOES NOT REPRESENT, WARRANT OR GUARANTEE THAT THE DETAILS SHOWN ON THIS DOCUMENT AND PROVIDED BY THE APPLICANT OR ANY AGENT OF APPLICANT, INCLUDING ANY SURVEY INFORMATION SHOULD BE RELIED UPON BY ANY THIRD PARTY AS BEING WHOLLY OR PARTIALLY ACCURATE AND COMPLETE.
2. EXISTING USE OF AREA BEING PLATTED - AGRICULTURAL PROPOSED USE - RR-5.0 / RESIDENTIAL
3. THIS PLAT IS NOT WITHIN A SPECIAL FLOOD HAZARD AREA FEMA FIRM 20103C0325G, EFFECTIVE 7/16/2015

RESTRICTIONS

1. NO OFF PLAT RESTRICTIONS.
2. 40' REAR SETBACK FOR RESIDENCES
- 15' REAR SETBACK FOR ACCESSORY BUILDINGS
- 15' SIDE SETBACK
3. AN ENGINEERED WASTEWATER DISPOSAL MAY BE REQUIRED DUE TO POOR SOIL CONDITIONS.
4. EROSION CONTROL SHALL BE USED WHEN DESIGNING AND CONSTRUCTING DRIVEWAYS.
5. A FORM OF SEDIMENT CONTROL SHALL BE INSTALLED BEFORE WORK BEGINS AND MAINTAINED THROUGHOUT THE TIME THAT THE LAND DISTURBING ACTIVITIES ARE TAKING PLACE.
6. RE-VEGETATION OF ALL DISTURBED SITES SHALL BE COMPLETED WITHIN 45 DAYS AFTER COMPLETION OF FINAL GRADING, WEATHER PERMITTING.
7. LOTS ARE SUBJECT TO THE CURRENT ACCESS MANAGEMENT POLICY RESOLUTION.
8. STRUCTURES BUILT WITHIN THE SUBDIVISION SHALL COMPLY WITH RESOLUTION 2020-39, OR AS AMENDED.

BENCHMARK

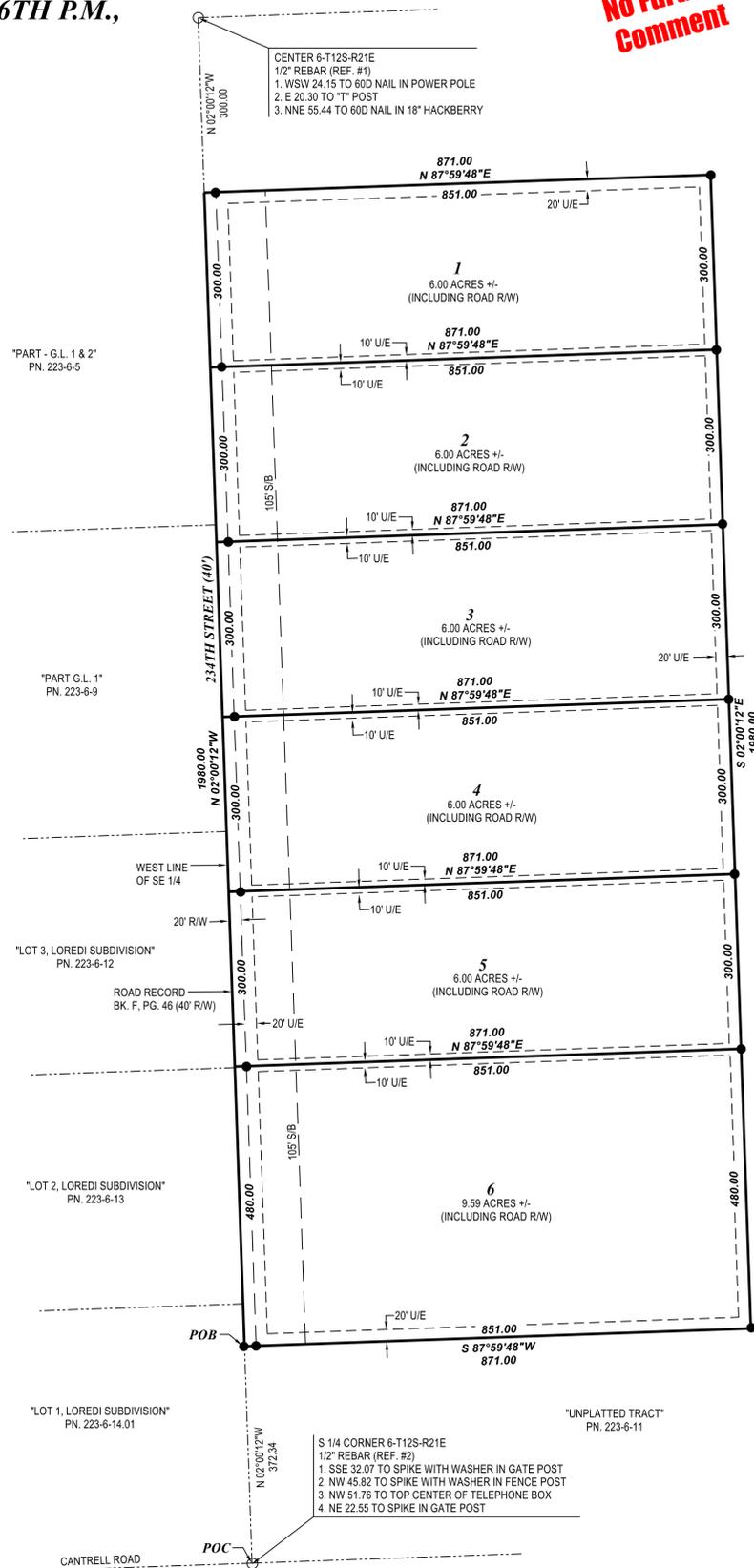
1/2" REBAR AT THE SOUTH QUARTER CORNER
6-T12S-R21E
EL. 891.21 (NAVD88)

ZONING

RR - 5.0

REFERENCES

1. DOC. #2014S034
2. LOREDI SUBDIVISION (BK. 13, PG. 67) NKA 1999P0067
3. DEED DOC. #2024R00615
#2024R00614



SURVEYORS DESCRIPTION

A TRACT OF LAND IN THE SOUTHEAST QUARTER OF FRACTIONAL SECTION 6-T12S-R21E OF THE 6TH P.M., LEAVENWORTH COUNTY, KANSAS, AS SURVEYED BY LARRY T. HAHN, PS 1349, JANUARY, 2024, DESCRIBED AS FOLLOWS, COMMENCING AT THE SOUTH QUARTER CORNER OF SAID SECTION 6; THENCE, N 02°00'12\"/>

CERTIFICATION AND DEDICATION

THE UNDERSIGNED PROPRIETOR STATE THAT ALL TAXES ON THE ABOVE DESCRIBED TRACT OF LAND HAVE BEEN PAID AND THAT HE HAS CAUSED THE SAME TO BE SUBDIVIDED IN THE MANNER SHOWN ON THE ACCOMPANYING PLAT WHICH SHALL BE KNOWN AS "BUCK GROVE".

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, UNDER AND ALONG THE STRIPS MARKED "UTILITY EASEMENT" OR "U/E".

BUILDING LINES OR SETBACK LINES (S/B) 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:

I, THE UNDERSIGNED OWNER OF "BUCK GROVE", HAVE SET MY HAND THIS _____ DAY OF _____, 2024.

ROBERT R. SCHUCK, OWNER
SCHUCK ACQUISITIONS, LLC

STATE OF KANSAS / COUNTY OF LEAVENWORTH

ON THIS _____ DAY OF _____, 2024, BEFORE ME APPEARED ROBERT R. SCHUCK, KNOWN TO ME TO BE THE SAME PERSON DESCRIBED HEREIN AND WHO EXECUTED THE SAME AS HIS FREE ACT AND DEED. IN WITNESS THEREOF, I HAVE SET MY HAND AND AFFIXED MY NOTARIAL SEAL THE DAY AND YEAR ABOVE WRITTEN.

NOTARY PUBLIC

MY COMMISSION EXPIRES _____

APPROVAL

WE, THE LEAVENWORTH COUNTY PLANNING COMMISSION, DO HEREBY APPROVE THE FOREGOING PLAT OF "BUCK GROVE" THIS _____ DAY OF _____, 2024.

CHAIRPERSON / MARCUS MAJURE

SECRETARY / JOHN JACOBSON

THE LEAVENWORTH COUNTY ENGINEERS 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, PE

WE THE BOARD OF COUNTY COMMISSIONERS OF LEAVENWORTH COUNTY, KANSAS, DO HEREBY APPROVE THE FOREGOING PLAT OF "BUCK GROVE" THIS _____ DAY OF _____, 2024.

CHAIRPERSON / JEFF CULBERTSON

COUNTY CLERK / JANET KLASINSKI (ATTEST)

COUNTY SURVEYOR CERTIFICATION

I HEREBY CERTIFY THIS SURVEY PLAT MEETS THE REQUIREMENTS OF K.S.A. 58-2005. THE FACE OF THIS SURVEY PLAT WAS REVIEWED FOR COMPLIANCE WITH THE KANSAS MINIMUM STANDARDS FOR BOUNDARY SURVEYS. NO FIELD VERIFICATION IS IMPLIED. THIS REVIEW IS FOR SURVEY INFORMATION ONLY.

COUNTY SURVEYOR / DANIEL BAUMCHEN, PS #1363

STATE OF KANSAS / COUNTY OF LEAVENWORTH

FILED FOR RECORD AS DOCUMENT # _____ ON THIS _____ DAY OF _____, 2024
AT _____ O'CLOCK _____ IN THE OFFICE OF THE REGISTER OF DEEDS OF LEAVENWORTH COUNTY, KANSAS.

REGISTER OF DEEDS / TERRILOIS G. MASHBURN



LOCATION MAP
NO SCALE



LARRY T. HAHN, PS #1349

THIS IS TO CERTIFY THAT IN THE MONTH OF JANUARY, 2024, THIS SURVEY WAS MADE UNDER MY DIRECT SUPERVISION AND THAT SAID SURVEY MEETS OR EXCEEDS THE KANSAS MINIMUM STANDARDS FOR BOUNDARY SURVEYS.



Schweitzer, Joshua

From: Anderson, Kyle
Sent: Monday, February 12, 2024 9:44 AM
To: Schweitzer, Joshua
Subject: RE: DEV-24-009/010 Pre & Final Plat for Buck Grove

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

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

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

From: Schweitzer, Joshua <JSchweitzer@leavenworthcounty.gov>
Sent: Monday, February 12, 2024 9:36 AM
To: Magaha, Chuck <cmagaha@lvsheriff.org>; 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>; McAfee, Joe <JMcAfee@leavenworthcounty.gov>; Baumchen, Daniel <DBaumchen@leavenworthcounty.gov>
Cc: PZ <PZ@leavenworthcounty.gov>
Subject: DEV-24-009/010 Pre & Final Plat for Buck Grove

All,

The Leavenworth County Planning & Zoning Department has received a request for a Preliminary and Final Plat for Buck Grove.

The Planning Staff would appreciate your written input in consideration of the above listed request. Please review the attached information and forward any comments to us by February 26, 2024.

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

v / r

Joshua J. Schweitzer
Development Planner
Leavenworth County Planning & Zoning
300 Walnut St, Suite 212
Leavenworth County, Kansas 66048

Schweitzer, Joshua

From: Dylan Ritter <dritter@lvcofd2.com>
Sent: Wednesday, February 7, 2024 11:19 AM
To: Johnson, Melissa
Cc: Kevin Ritter
Subject: Buck Grove Subdivision

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.

Leavenworth County Fire District #2 has reviewed the final plat documents and we have no comments or concerns regarding this plat.

Thank you

--

Dylan Ritter
Assistant Chief
Leavenworth County Fire District #2
100 Main Street
P.O. Box 270
Linwood, KS, 66052
(913) 339-8973

Schweitzer, Joshua

From: Steven Heath <Steven.Heath@evergy.com>
Sent: Thursday, February 8, 2024 3:44 PM
To: Johnson, Melissa
Subject: Re: [EXTERNAL]buck grove subdivision

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

Hello Melissa, sorry for not getting back to you sooner. I spoke with Larry Hahn earlier today. We are able to provide power to each of these lots on this plat. We will need to service each of these as individual residential extensions due to the size of the lots, but other than that, I believe everything is manageable.

Steven Heath

Evergy
TD Designer I
Steven.Heath@evergy.com
O: 785-865-4857
C: 785-508-2550

From: Johnson, Melissa <MJohnson@leavenworthcounty.gov>
Sent: Thursday, February 8, 2024 3:23 PM
To: Design Group Lawrence Service Center <designgrouponlawrencesservicecenter@evergy.com>
Cc: 'larry hahn' <hahnsurvey@gmail.com>
Subject: [EXTERNAL]buck grove subdivision

This Message Is From an External Sender

This message came from outside your organization.

Report Suspicious

Mr. Hahn has submitted a pre and final plat located at the corner of 234th St and Cantrell Rd. (NE corner).

I have attached the paperwork for you to review. If you have any questions or comments, please let me know. I'm waiting for this to complete his application for submittal.

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

MEMO

To: Joshua Schweitzer
From: Chuck Magaha
Subject: Buck Grove Subdivision
Date: March 8, 2024

Joshua, I have reviewed the preliminary plat of the Buck Grove Subdivision presented by Robert Schuck. 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 a fire hydrant should be placed along the right-a-way between Lot 3 and lot 4 along 234th Street, this 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.

**LEAVENWORTH COUNTY
PLANNING COMMISSION
STAFF REPORT**

CASE NO: DEV-24-003 Orchard Meadow

March 13, 2024

REQUEST: *Consent Agenda*

Preliminary Plat Final Plat

STAFF REPRESENTATIVE:
AMY ALLISON
DEPUTY DIRECTOR

SUBJECT PROPERTY: 00000 166th Street

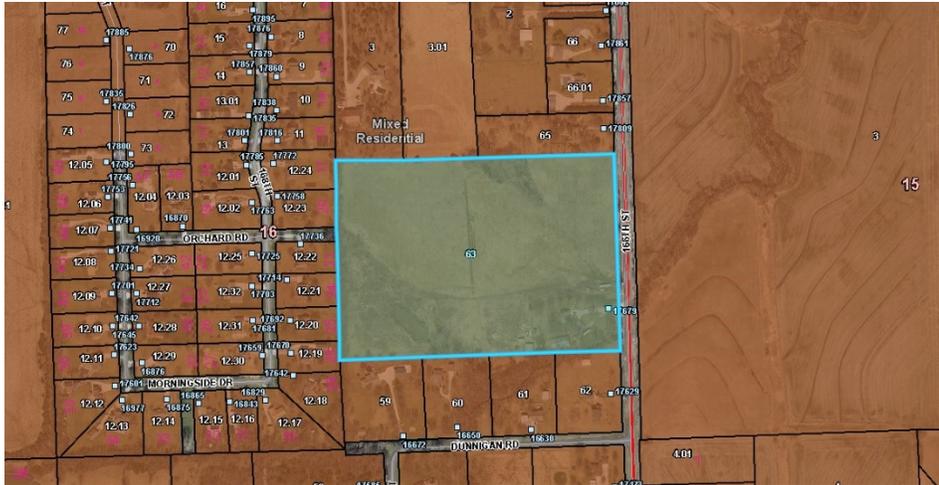
APPLICANT/APPLICANT AGENT:

JOE HERRING
HERRING SURVEYING

PROPERTY OWNER:

PCDI HOMES
17679 166TH STREET
BASEHOR, KS 66007

CONCURRENT APPLICATIONS:
NONE



LAND USE

ZONING: R-1 (43)

FUTURE LAND USE DESIGNATION: MIXED RESIDENTIAL

LEGAL DESCRIPTION:

A tract of land in the Northeast Quarter of Section 16, 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-24-003, Preliminary Plat for Orchard Meadow, with or without conditions; or
2. Recommend denial of Case No. DEV-24-003, Preliminary Plat for Orchard Meadow for the following reasons; or
3. Continue the hearing to another date, time, and place.

PARCEL SIZE:

24.96 ACRES

PARCEL ID NO:

185-16-0-00-00-063.00

BUILDINGS:

N/A

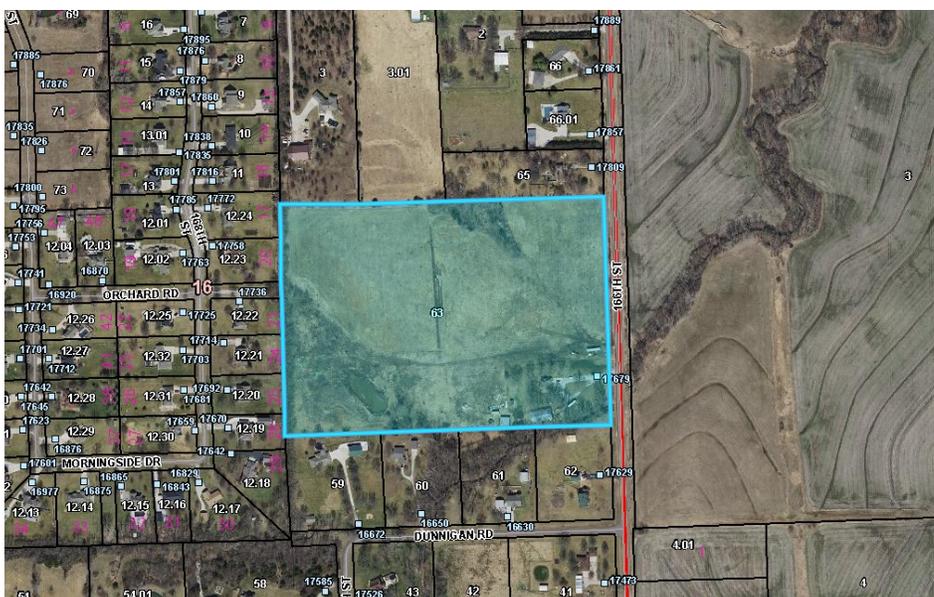
PROJECT SUMMARY:

Request for preliminary plat approval to subdivide property located at 00000 166th Street (PID 185-16-0-00-00-063.00) as Lots 1 through 12 of Orchard Meadow.

ACCESS/STREET:

166TH STREET - COUNTY COLLECTOR, PAVED ± 26';

Location Map:



UTILITIES

SEWER: PRIVATE SEPTIC SYSTEM

FIRE: FAIRMOUNT

WATER: SUBURBAN WATER

ELECTRIC: EVERGY

NOTICE & REVIEW:

STAFF REVIEW:

3/5/2024

NEWSPAPER NOTIFICATION:

N/A

NOTICE TO SURROUNDING PROPERTY OWNERS:

N/A

STANDARDS TO BE CONSIDERED:			
Leavenworth County Zoning and Subdivision Standards: Preliminary Review		Met	Not Met
35-40	Preliminary Plat Content	X	
40-20	Final Plat Content	N/A	
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
	Exception needed from Article 50, Section 40.1.a. Block Length		
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 divide a 24-acre parcel into 12 lots. The Subdivision is classified as a Class C with all lots lying within the Rural Growth Area of Leavenworth County. Staff is supportive of a waiver of the requirement to connect to a sanitary sewer system as sanitary sewers are not located within 660' of the subdivision (see condition 1). The proposed lots will range in size from 1.13 to 2.66 acres. All lots comply with the standards for the R-1 (43) zoning district. An exception for the Block Length requirement is needed as the proposed length exceeds 1200 feet. The proposed subdivision road is designed to extend to the west and join Orchard Road, creating a through street to 166th Street. All lots must access from Orchard Road. The southeast 2.5 acres were divided via tract split in 2024. Staff is generally in support.

EXCEPTIONS:

The applicant has requested an exception from Article 50, Section 40.4.a. – Block Length. The criteria for the acceptance of an exception is as follows:

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

Motion: The Planning Commission hereby (approves/denies) an exception from Article 50, Section 40.1.a. – Block Length conformance with the Zoning & Subdivision Regulations for the Orchard Meadow subdivision, as submitted by the application, based on a finding that all three criteria for an exception has been met.

PROPOSED CONDITIONS:

1. Building permits shall be required for any new construction.
2. Erosion control shall be used when designing and constructing driveways. A form of sediment control shall be installed before work begins and maintained throughout the time that the land disturbing activities are

taking place. Re-vegetation of all disturbed sites shall be completed within 45 days after completion of final grading weather permitting.

3. A waiver for the use of private septic systems within this subdivision is granted with this approval.
4. At time of development, fire hydrants shall be required, if necessary infrastructure is available.
5. An exception from Article 50, Section 40.1.a. – Block Length has been approved.
6. The developer must comply with the following memorandums:
 - a. Memo – Chuck Magaha, Emergency Management, dated February 12, 2024
 - b. Memo – Suburban Water, dated January 15, 2024
 - c. Email – Mike Lingenfelter, Fairmount FD, dated January 24, 2024

ATTACHMENTS:

A: Application & Narrative

B: Zoning Maps

C: Memorandums

W

payment 1-8 ✓
app 1-10 ✓

* Utilities letters

* Big Copy

* Fund

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

CK 9624

Office Use Only	
Township: <u>Fairmount</u>	Planning Commission Meeting Date: _____
Case No. <u>DEV-24-003</u>	Date Received/Paid: <u>01.10.2024 (not complete)</u>
Zoning District <u>RR 1 43</u>	Comprehensive Plan Land Use Designation: _____

APPLICANT/AGENT INFORMATION	OWNER INFORMATION
NAME: <u>Herring Surveying Company</u>	NAME: <u>PCDI HOMES</u>
MAILING ADDRESS: <u>315 North 5th Street</u>	MAILING ADDRESS <u>17679 166th</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>

GENERAL INFORMATION

Proposed Subdivision Name: ORCHARD MEADOW

Address of Property: 00000 166th Street

PID: 185-16-0-00-00-063 Urban Growth Management Area: N/A

SUBDIVISION INFORMATION		
Gross Acreage: <u>24.6</u>	Number of Lots: <u>12</u>	Minimum Lot Size: <u>1.13 AC</u>
Maximum Lot Size: <u>2.7 Ac</u>	Proposed Zoning: <u>R1-43</u>	Density: <u>N/A</u>
Open Space Acreage: <u>N/A</u>	Water District: <u>Suburban</u>	Proposed Sewage: <u>Septic</u>
Fire District: <u>Fairmount</u>	Electric Provider: <u>Evergry</u>	Natural Gas Provider: <u>Propane</u>
Covenants: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Road Classification: <u>Local - Collector - Arterial - State - Federal</u>	
	Cross-Access Easement Requested: <input type="checkbox"/> Yes <input checked="" 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: Joe Herring - digitally signed 1-10-24 Date: 1/10/24

ATTACHMENT A

ORCHARD MEADOW

A Subdivision in the Northeast Quarter of Section 16, Township 11 South, Range 22 East of the 6th P.M., Leavenworth County, Kansas.

PRELIMINARY PLAT

PREPARED FOR:
PRECISION CONTRACTING & DEVELOPMENT INC
15395 BRIAR RD #STE A
BASEHOR, KS 66007
PID NO. 185-16-0-00-00-063

SURVEYOR'S DESCRIPTION:
A tract of land in the Northeast Quarter of Section 16, Township 11 South, Range 22 East of the 6th P.M., Leavenworth County, Kansas, as written by Joseph A. Herring P5-1296 on January 9, 2024, more fully described as follows: Commencing at the Southeast corner of said Northeast Quarter; thence North 01 degrees 52'40" West for a distance of 672.11 feet along the East line of said Northeast Quarter to the TRUE POINT OF BEGINNING; thence South 88 degrees 07'20" West for a distance of 421.74 feet along said East line; thence South 01 degrees 52'40" East for a distance of 260.63 feet; thence South 87 degrees 56'07" West for a distance of 897.46 feet; thence North 01 degrees 51'53" West for a distance of 908.03 feet; thence North 88 degrees 04'09" East for a distance of 1317.97 feet to the East line of said Northeast Quarter; thence South 01 degrees 52'40" East for a distance of 648.12 feet along said East line feet to the point of beginning.
Together with and subject to covenants, easements, and restrictions of record.
Said property contains 24.96 Acres, more or less, including road right of way.
Error of Closure: 1 : 660991

RESTRICTIONS:

- All proposed structures within this plat shall comply with the Leavenworth County Zoning and Subdivision Regulations or zoning regulation jurisdiction.
- An Engineered Waste Disposal System may be required due to poor soil conditions.
- Erosion and sediment control measures shall be used when designing and constructing driveways and other structures. Re-vegetation of all disturbed areas shall be completed within 45 days after final grading.
- Lots are subject to the current Access Management Policy
- All Lots must access from Orchard Road
- All structures built within the subdivision shall comply with Resolution 2020-39, or as amended.
- An exception to Article 40, Section 1.A. Block length has been granted for this plat.
- Existing Entrance and Barn must be removed prior to any issuance of building permits.
- No off-plat restrictions.

ZONING:

R1-43 - Residential 1 Acre

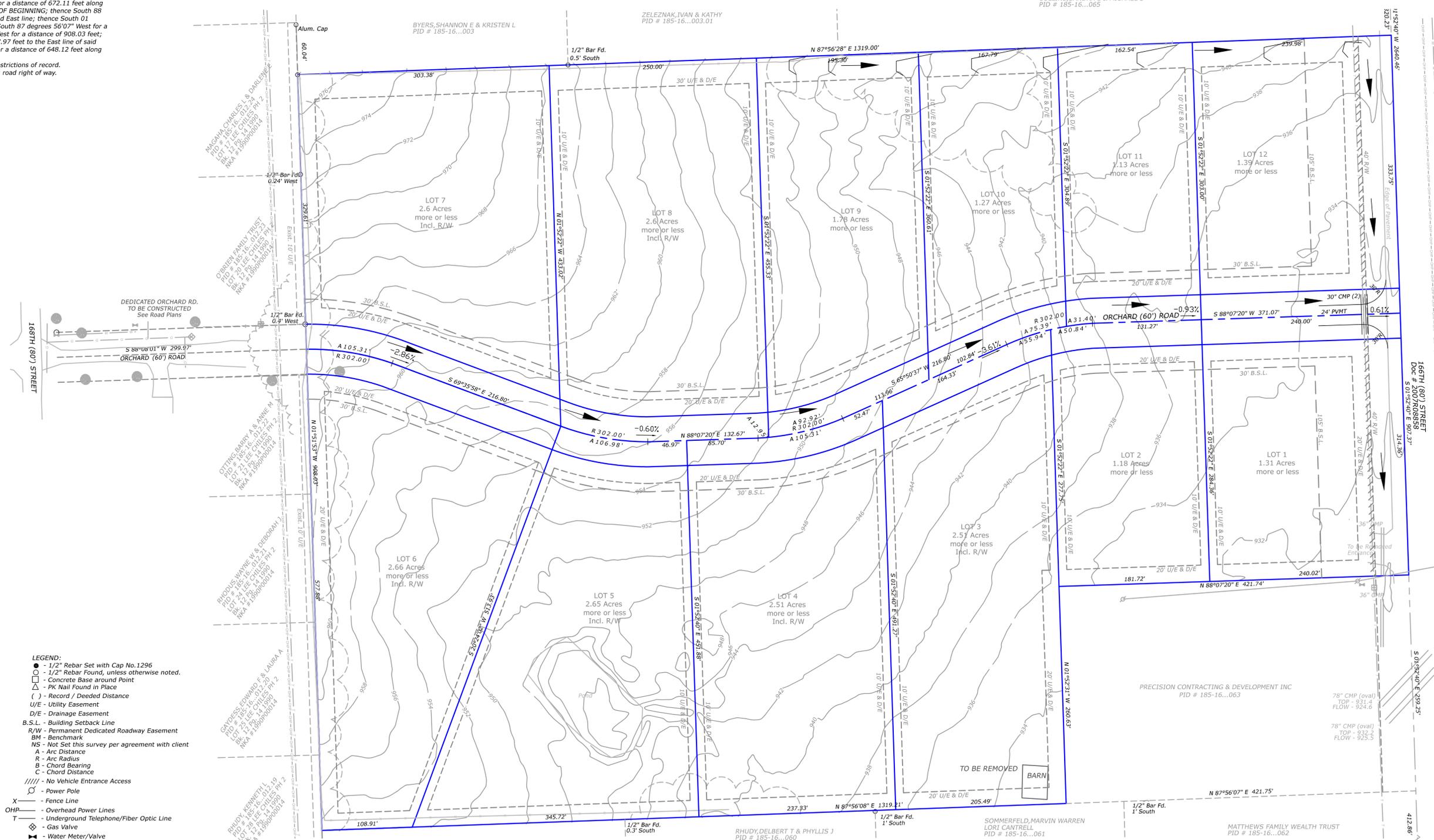
NOTES:

- This survey does not show ownership.
- All distances are calculated from measurements or measured this survey, unless otherwise noted.
- All recorded and measured distances are the same, unless otherwise noted.
- Error of Closure - 1 : 660991, 24.96 Acres, more or less, Incl. R/W
- Basis of Bearing - KS SPC North Zone 1501
- Monument Origin Unknown, unless otherwise noted.
- Proposed Lots for Residential Use.
- Road Record - See Survey
- Benchmark - NAVD83
- Project Benchmark (BM) - SE COR NE 1/4 Section 16 - Elev - 955'
- Easements, if any, are created hereon or listed in referenced title commitment.
- Referenced Deed Book 591 Page 677
- Utility Companies -
- Water - Suburban
- Electric - Evergy
- Sewer - Septic / Lagoon
- Gas - Propane / Natural Gas

- Reference Continental Title File Number
- Property is not in a Special Flood Hazard Area per FEMA FIRM Map 2010C0327G dated July 16, 2015
- Building Setback Lines as shown hereon or noted below
- All side yard setbacks - 10' (Accessory - 15')
- All rear yard setbacks - 30' (Accessory - 15')
- Easements as per referenced Title Commitment are shown hereon, if any.
- Drainage Easement Bk. 826 Pg. 2383 lies within platted 20' Drainage Easement.
- Southwestern Bell Telephone Easement Bk. 420 Pg. 40 lies within platted easement
- Fence Lines do not necessarily denote the boundary line for the property.
- Reference Surveys:
- LEE CHILES 2 - Bk. 12 Pg. 14 - 1990 NKA # 1990P00014
- JAH - J.A.Herring - previous unrecorded survey

COLLINS, SANDRA L & MICHAEL S
PID # 185-16...065

13J
NE COR NE 1/4
Sec. 16-11-22
5/8" Rebar Found



- LEGEND:**
- - 1/2" Rebar Set with Cap No. 1296
 - - 1/2" Rebar Found, 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
 - - Power Pole
 - X - Fence Line
 - OHP - Overhead Power Lines
 - T - Underground Telephone/Fiber Optic Line
 - ◇ - Gas Valve
 - ⊕ - Water Meter/Valve
 - ⊞ - Telephone Pedestal
 - W - 6" Water Line - location as per district
 - POB - Point of Beginning
 - POC - Point of Commencing
 - - Tree/Brush Line
 - - Proposed Storm Water Run-off



Scale 1" = 60'

Job # K-23-1727
January 10, 2024 Rev 3/5/24



315 North 5th Street, Leav., KS 66048
Ph. 913.651.3858 Fax 913.674.5381
Email - survey@jeancash.com



PRECISION CONTRACTING & DEVELOPMENT INC
PID # 185-16...063

78" CMP (oval)
TOP - 931.4
FLOW - 924.6

78" CMP (oval)
TOP - 932
FLOW - 925.5

TO BE REMOVED BARN

SOMMERFELD, MARVIN WARREN
LORI CANTRELL
PID # 185-16...061

MATTHEWS FAMILY WEALTH TRUST
PID # 185-16...062

HANCOCK, KENNETH D & DEBRA
PID # 185-16...059

RHODY, DELBERT T & PHYLLIS J
PID # 185-16...060

POC
13L
SE COR NE 1/4
Sec. 16-11-22
1/2" Rebar Cap LS-758

MURPHY, DANIEL, CHARLES, TR &
MURPHY, BIANCHE TERESA, TR &
PID # 185-15...003

168TH (80') STREET
Doc # 2007/08858
S 01°52'40" E 907.37'

MEMO

To: Amy Allison
From: Chuck Magaha
Subject: Orchard Meadows Subdivision
Date: February 12, 2024

Amy, I have reviewed the preliminary plat of the Orchard Meadows Subdivision presented by Precession Contracting and Development. The subdivision meets the requirements for a fire hydrants and supported with a 6" water line as stated in the subdivision guidelines. The area in which the subdivision is proposed, fire hydrants should be placed along the right-a-away every 500 feet along proposed Orchard Road, between Lot 1 and Lot 7, East to Lot 3 and lot 9 East to the corner of 166th and Orchard Road. This 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.

ORCHARD MEADOW

A Subdivision in the Northeast Quarter of Section 16, Township 11 South, Range 22 East of the 6th P.M., Leavenworth County, Kansas.

PRELIMINARY PLAT

PREPARED FOR:
PRECISION CONTRACTING & DEVELOPMENT INC
15395 BRIAR RD #5TE A
BASEHOR, KS 66007
PID NO. 185-16-0-00-00-063

03-05-24
Olsson Review
No Further
Comment

RESTRICTIONS:

- 1) All proposed structures within this plat shall comply with the Leavenworth County Zoning and Subdivision Regulations or zoning 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 - All Lots must access from Orchard Road
- 5) All structures built within the subdivision shall comply with Resolution 2020-39, or as amended.
- 6) An exception to Article 40, Section 1.A. Block length has been granted for this plat.
- 7) Existing Entrance and Barn must be removed prior to any issuance of building permits.
- 8) No off-plat restrictions.

ZONING:

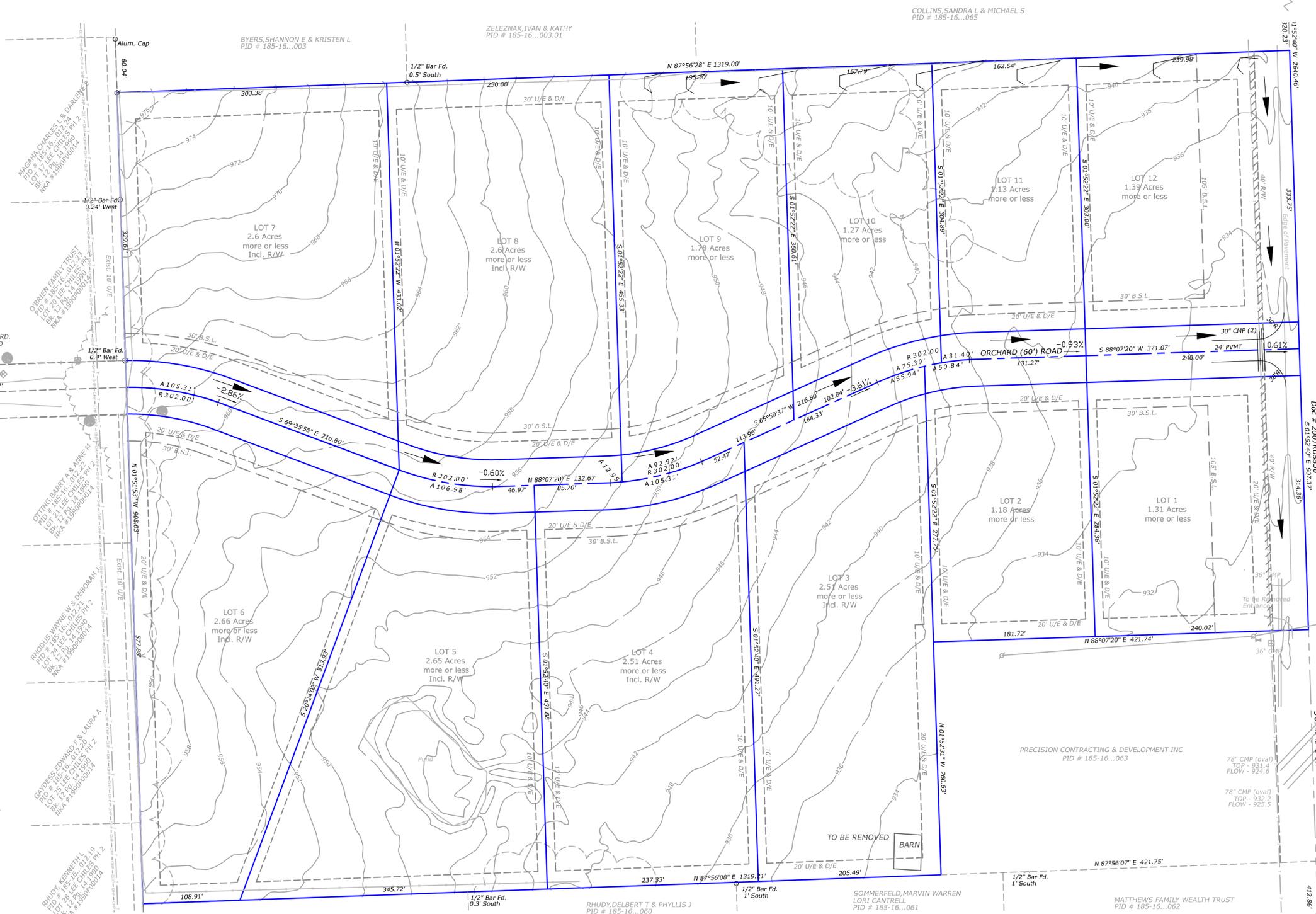
R1-43 - Residential 1 Acre

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 - 660991, 24.96 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 - NAVD83
Project Benchmark (BM) - SE COR NE 1/4 Section 16 - Elev - 955'
- 10) Easements, if any, are created hereon or listed in referenced title commitment.
- 11) Referenced Deed Book 591 Page 677
- 12) Utility Companies -
 - Water - Suburban
 - Electric - Evergy
 - Sewer - Septic / Lagoon
 - Gas - Propane / Natural Gas

- 13) Reference Continental Title File Number
- 14) Property is not in a Special Flood Hazard Area per FEMA FIRM Map 20103C0327G dated July 16, 2015
- 15) Building Setback Lines as shown hereon or noted below
 - All side yard setbacks - 10' (Accessory - 15')
 - All rear yard setbacks - 30' (Accessory - 15')
- 16) Easements as per referenced Title Commitment are shown hereon, if any.
 - Drainage Easement Bk. 826 Pg. 2383 lies within platted 20' Drainage Easement.
 - Southwestern Bell Telephone Easement Bk. 420 Pg. 40 lies within platted easement.
- 17) Fence Lines do not necessarily denote the boundary line for the property.
- 18) Reference Surveys:
 - LEE CHILES 2 - Bk. 12 Pg. 14 - 1990 NKA # 1990P00014
 - JAH - J.A.Herring - previous unrecorded survey

SURVEYOR'S DESCRIPTION:
A tract of land in the Northeast Quarter of Section 16, Township 11 South, Range 22 East of the 6th P.M., Leavenworth County, Kansas, as written by Joseph A. Herring P5-1296 on January 9, 2024, more fully described as follows: Commencing at the Southeast corner of said Northeast Quarter; thence North 01 degrees 52'40" West for a distance of 672.11 feet along the East line of said Northeast Quarter to the TRUE POINT OF BEGINNING; thence South 88 degrees 07'20" West for a distance of 421.74 feet along said East line; thence South 01 degrees 52'40" East for a distance of 260.63 feet; thence South 87 degrees 56'07" West for a distance of 897.46 feet; thence North 01 degrees 51'53" West for a distance of 908.03 feet; thence North 88 degrees 04'09" East for a distance of 1317.97 feet to the East line of said Northeast Quarter; thence South 01 degrees 52'40" East for a distance of 648.12 feet along said East line feet to the point of beginning.
Together with and subject to covenants, easements, and restrictions of record.
Said property contains 24.96 Acres, more or less, including road right of way.
Error of Closure: 1 : 660991



- LEGEND:**
- - 1/2" Rebar Set with Cap No. 1296
 - - 1/2" Rebar Found, 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
 - - Power Pole
 - X - Fence Line
 - OHP - Overhead Power Lines
 - T - Underground Telephone/Fiber Optic Line
 - ◇ - Gas Valve
 - ⊕ - Water Meter/Valve
 - ⊞ - Telephone Pedestal
 - W - 6" Water Line - location as per district
 - POB - Point of Beginning
 - POC - Point of Commencing
 - ~ - Tree/Brush Line
 - - Proposed Storm Water Run-off



Job # K-23-1727
January 10, 2024 Rev 3/5/24

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



COLLINS, SANDRA L & MICHAEL S
PID # 185-16...065

13J
NE COR NE 1/4
Sec. 16-11-22
5/8" Rebar Found

168TH (80') STREET
Doc # 2007/08858
S 01°52'40" E 907.37'

PRECISION CONTRACTING & DEVELOPMENT INC
PID # 185-16...063

78" CMP (oval)
TOP - 931.4
FLOW - 924.6

78" CMP (oval)
TOP - 932
FLOW - 925.5

MATTHEWS FAMILY WEALTH TRUST
PID # 185-16...062

POC
13L
SE COR NE 1/4
Sec. 16-11-22
1/2" Rebar Cap LS-758

MURPHY, DANIEL, CHARLES, TR &
MURPHY, BIANCHE TERESA, TR &
PID # 185-15...003

5 01°52'40" E 959.25'
TOP - 930.8

5 01°52'40" E 959.25'
TOP - 932

5 01°52'40" E 959.25'
TOP - 932

03-06-24 Olsson Preliminary Plat Review - No Further Comment.

Note: Review is based on preliminary plat only. Drainage report may require revisions based on final plat documents.

Orchard Meadow
Leavenworth County Kansas

Drainage Report

January 6, 2024

Revised February 29, 2024

Revised March 5, 2024





January/11/2024

To Whom It May Concern:

This letter is to Inform you that Evergy will provide electrical power to the property named Orchard Meadow for PCDI Homes.



Kyle Burkhardt

Evergy

TD Designer II

☎ 785-508-2408

Kyle.Burkhardt@evergy.com





January 15th, 2024

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

RE: Orchard Meadows

Suburban Water, Inc. (SWC) has received the proposed preliminary plat for Orchard Meadows, Leavenworth County, KS. Suburban has completed an initial review of the proposed development. SWC has existing infrastructure located along 166th Street. SWC will provide water service to the proposed development. System improvements necessary to provide service to the proposed development will be provided by SWC to the developer upon approval of the preliminary and final plat approval by LVCO.

Sincerely,

Travis J Miles
President

Allison, Amy

From: Mike Lingenfelter <lingenfelserm@fairmountfd.org>
Sent: Friday, January 26, 2024 3:10 PM
To: Johnson, Melissa
Subject: Fwd: Orchard Meadows Preliminary Plat DEV-24-003, for 185-16-0-00-00-063.00

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
Here is what I sent on the 24th.
Mike

----- Forwarded message -----

From: Mike Lingenfelter <lingenfelserm@fairmountfd.org>
Date: Wed, Jan 24, 2024 at 9:52 AM
Subject: Re: Orchard Meadows Preliminary Plat DEV-24-003, for 185-16-0-00-00-063.00
To: Johnson, Melissa <MJohnson@leavenworthcounty.gov>

Melissa
Installation of fire hydrants per code.
Mike Lingenfelter, 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 Wed, Jan 24, 2024 at 9:34 AM Johnson, Melissa <MJohnson@leavenworthcounty.gov> wrote:

Chief Lingenfelter,

We have received a preliminary plat from Herring Surveying regarding the above listed parcel. Please review the documents about this and let us know if you have any comments pertaining to this preliminary plat.

If you have any questions, please let me know.

Thank you,

Melissa Johnson

**LEAVENWORTH COUNTY
PLANNING COMMISSION
STAFF REPORT**

CASE NO: DEV-24-014 Limestone Tract Split Exception

March 13, 2024

REQUEST: Exception from Zoning and Subdivision Regulation Article 50, Section 40.3.i (Lot-Depth to Lot-Width Ratio) & Article 50, Section 40.3.d. (Lot Line Design)

STAFF REPRESENTATIVE:
JOSH SCHWEITZER
Development Planner

SUBJECT PROPERTY: 00000 Tonganoxie Dr

APPLICANT/APPLICANT AGENT:
Joe Herring
Herring Surveying Company
315 N. 5th St.
Leavenworth, KS 66048



PROPERTY OWNER:
Limestone Land Company
17096 Eisenhower Rd.
Leavenworth, KS 66048

CONCURRENT APPLICATIONS:
N/A

LAND USE

ZONING: RR-2.5

FUTURE LAND USE DESIGNATION:
Mixed Residential

LEGAL DESCRIPTION:

A tract of land in the Northwest Quarter of Section 26, Township 11 South, of Range 22 East of the 6th p.m., Leavenworth County, Kansas.

SUBDIVISION: N/A

FLOODPLAIN: N/A

PROPERTY INFORMATION

ACTION OPTIONS:

PARCEL SIZE: 61.80 Acres

PARCEL ID NO:
105-16-0-00-00-001.01

BUILDINGS:
N/A

1. Approve Case DEV-24-014, Exception from Zoning & Subdivision Regulation Article 50, Section 40.3.i. (Lot-Depth to Lot-Width Ratio) & Article 50, Section 40.3.d. (Lot Line Design); or
2. Deny Case No.DEV-24-014, Exception from Zoning & Subdivision Regulation Article 50, Section 40.3.i. (Lot-Depth to Lot-Width Ratio) & Article 50, Section 40.3.d. (Lot Line Design); or
3. Modify Case No DEV-24-014, Exception from Zoning & Subdivision Regulation Article 50, Section 40.3.i. (Lot-Depth to Lot-Width Ratio) & Article 50, Section 40.3.d. (Lot Line Design)

Location Map: Future Land Use Designation



ACCESS/STREET:

Tonganoxie Dr.: Arterial, ±25' to ±42' Wide, Paved; Eisenhower Rd.: Arterial, ±52' Wide, Paved

UTILITIES

SEWER: N/A

FIRE: FD#1

WATER: RWD#8

ELECTRIC: EVERGY

NOTICE & REVIEW:

STAFF REVIEW: 02/06/2024

NEWSPAPER NOTIFICATION:
N/A

NOTICE TO SURROUNDING
PROPERTY OWNERS:
N/A

FACTORS TO BE CONSIDERED: Article 50, Section 40.3.i. (Lot-Depth to Lot-Width Ratio)
<i>Where in the case of a particular proposed subdivision, it can be shown that strict compliance with the requirements of these regulation would result in extraordinary hardship to the subdivider because of unusual topography or other non-self-inflicted condition; or that these conditions would result in inhibiting the achievement of the objectives of these regulations.</i>
<p>1. That there are special circumstances or conditions affecting the property;</p> <ul style="list-style-type: none"> The alignment of Tonganoxie Drive is the cause of how the property lines aligns / its shape. Causing this to be a condition that was not self-inflicted. Due to the angle of Tonganoxie Drive and the depth of the existing lot, it would be very difficult to create a lot that would meet the lot-depth to lot-width stand without creating a L-shape lot for tract 2. In that configuration the arm would create issues for development of tract 2. Whereas the proposed layout creates two squared off lots that makes future subdivision easier.
<p>2. That the exception is necessary for the reasonable and acceptable development of the property in question;</p> <ul style="list-style-type: none"> Based off the proposed drawing, it is reasonable to believe that the proposed development of property would allow for more compliant tracts of land by approving the exception.
<p>3. That the granting of the exception will not be detrimental to the public welfare or injurious to adjacent property.</p> <ul style="list-style-type: none"> Granting of the exception does not appear to cause any issues with public welfare or is injurious to adjacent properties due to the proposed layout providing a more consistent and orderly layout for future development.

FACTORS TO BE CONSIDERED: Article 50, Section 40.3.d. (Lot-Line Design)
<i>Where in the case of a particular proposed subdivision, it can be shown that strict compliance with the requirements of these regulation would result in extraordinary hardship to the subdivider because of unusual topography or other non-self-inflicted condition; or that these conditions would result in inhibiting the achievement of the objectives of these regulations.</i>
<p>1. That there are special circumstances or conditions affecting the property;</p> <ul style="list-style-type: none"> The proposed layout creates a lot line transition that is greater than 45-degree angle. However, the proposed line would stay parallel to Eisenhower Road and perpendicular to Tonganoxie Drive, which meets the intent of the regulation. This situation is caused by the angle of Tonganoxie Drive.
<p>2. That the exception is necessary for the reasonable and acceptable development of the property in question;</p> <ul style="list-style-type: none"> As stated above, while the bearing change is greater than 45-degree. The lot lines will remain parallel and perpendicular to adjacent streets. This allows for tracts of land to have more uniform property lines and reduces irregularities during future subdivision actions.
<p>3. That the granting of the exception will not be detrimental to the public welfare or injurious to adjacent property.</p> <ul style="list-style-type: none"> Granting of the exception does not appear to cause any issues with public welfare or is injurious to adjacent properties.

STAFF COMMENTS:

The requested lot-depth to lot-width ratio would come out to approximately 1:5 which is about a 27% increase in depth. The proposed layout also has a side property line bearing change greater than 45-degrees. While not compliant with the regulations, due to the nature of the existing tract layout and adjacent street grid system. The creation of more uniform lots would be difficult without need exceptions.

ATTACHMENTS:

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

EXCEPTION APPLICATION

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

Everett
RWD
16 09 22

61.80
469

Bill
Joe
PW

Office Use Only

2 fee

Case No. DEV-24-014
PID 105-16 001.01
Township High Prairie
PC Hearing Date _____
ACTION _____ Date Received 02.21.2024 Date Paid 02.21.2024
Zoning District RR 2.5
Comprehensive Plan land use designation Mixed Future

APPLICANT/AGENT INFORMATION

OWNER INFORMATION (If different)

NAME Joe Herring - Herring Surveying Company
ADDRESS 315 North 5th Street
CITY/ST/ZIP Leavenworth County, Kansas 66048
PHONE 913-651-3858
EMAIL Herringsurveying@outlook.com

NAME LIMESTONE LAND COMPANY LLC
ADDRESS 17096 Eisenhower Road
CITY/ST/ZIP Leavenworth, KS 66048
PHONE N/A
EMAIL N/A

GENERAL INFORMATION

Description of Exception – Attach narrative addressing the Factor to be Considered (last page of application packet) to this application.

PROPERTY INFORMATION

Address of Property 00000 EISENHOWER ROAD
Tract/Lot Sizes Parent Parcel - 65 Acres - Proposed Tract 1 - 13.5 Acres Tract 2 - 51.9 Acres
Present improvements or structures None
Current use of the property? AG

I, the undersigned, am the (circle one) owner/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 an appeal/variance as indicated above.

Signature Joe Herring - digitally signed Date 2-17-24

ATTACHMENT A

LEAVENWORTH COUNTY DEVELOPMENT APPLICATION PERMIT

CASE NUMBER DEV-24-014

PERMIT SUB-TYPE SUBDIVISION

PID 105-16-0-00-00-001.01 PARCEL SIZE 112 AC ZONE RR-2.5
TWSP HIGH PRAIRIE SCHOOL DIST 469 SDD NO
SUBDIVISION LOT NO BLOCK NO
WATER DIST RWD 8 ELECTRIC EVERGY SEWER DIST n/a
FLOOD PLAIN IN PARCEL NO FLOOD PLAIN ON BUILDING SITE NO
SITE ADDRESS 00000 Tonganoxie Dr
SITE CITY Leavenworth SITE STATE KS SITE ZIP CODE 66048

LAST NAME Limestone Land FIRST NAME Lozenski/Herring PHONE 913-651-3858
Company
EMAIL herringsurveying@outlook.com
ADDRESS 315 N 5th St
CITY Leavenworth STATE KS ZIP CODE 66048

CONSULTANT Joe Herring CONSULTANT PHONE 913-651-3858
CONSULTANT EMAIL herringsurveying@outlook.com

PROPOSED ZONING n/a SUP CATEGORY - USE
VARIANCE REGULATION CURRENT USE RESIDENTIAL ROAD ARTERIAL
COMP PLAN USE DESIGNATION Mixed UGMA

SUBDIVISION TYPE n/a GROSS ACREAGE 61.80 COVENANTS NO
MAXIMUM LOT SIZE MINIMUM LOT SIZE OPEN SPACE ACREAGE
LOTS TRACTS TOTAL PARCELS DENSITY

NOTES: Exception to Tract Split

STAFF 2/21/2024 STAFF ACTION PENDING [] PUBLIC HEARING AGENDA AREA
PC PC ACTION NOTICE PUB
BOCC BOCC ACTION RESOLUTION PUB
BZA BZA ACTION DURATION EXPIRATION

APPLICATION FEE 0.00 TIF 0.00 BOND 0.00 TOTAL FEES \$0.00
CHECK NO [] CASH [] CC TIFF CHECK NO

STAFF APPROVAL *M. Johnson* DATE 02.21.2024
APPLICANT DATE

Written Narrative Requirements

Written Narrative Description: A written narrative description of the proposed exception must be submitted that addresses:

FACTORS TO BE CONSIDERED

Where in the case of a particular proposed subdivision, it can be shown that strict compliance with the requirements of these regulations would result in extraordinary hardship to the subdivider because of unusual topography or other non-self-inflicted conditions; or that these conditions would result in inhibiting the achievement of the objectives of these regulations; the Planning Commission may vary, modify or waive the requirements so that substantial justice may be done and the public interest secured; provided, that such exception, modification or waiver will not have the effect of nullifying the intent and purpose of these regulations or interfering with carrying out the Comprehensive Plan.

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

ATTACHMENT C

Exception for Width to Depth and angle break along south line (irregular shape).

- 1) Property is irregular in shape caused by the alignment of Tonganoxie Road and also the narrow tract of land that was previously created along Tonganoxie Road - 27604 Tonganoxie Road PID #105-16-0-00-001
- 2) Yes it is necessary for the division of this property and to leave the larger tract of land with more compliant and better configuration for future development. To adhere to the width to depth ratio would create another triangle shaped portion of the large tract. By exceeding the 45 degrees allowance for a line break it will keep that southern line at a 90 degree angle with the east line of the tract. South Line Tract 1 off of Tonganoxie Road is at a 90 degrees angle and the angle break keeps said line perpendicular to the East line of said tract.
- 3) It will not be detrimental to the public welfare or injurious to adjacent property.

Limestone Land Company, LLC

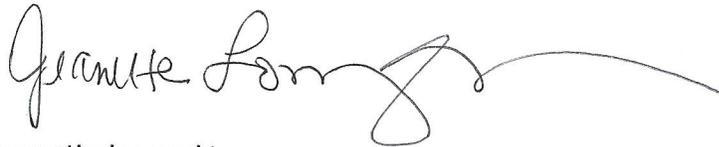
February 16, 2024

RE: Acting on behalf of Lance Lozenski and Jeanette Lozenski

For discussions and actions related to splitting piece of land, we authorize Joseph Herring of Herring Survey Company to act on our behalf.

A handwritten signature in cursive script, appearing to read "Lance Lozenski".

Lance Lozenski

A handwritten signature in cursive script, appearing to read "Jeanette Lozenski".

Jeanette Lozenski

ENTERED IN TRANSFER RECORD IN
MY OFFICE THIS DAY 11/29/2021

Janet Klasmirke
COUNTY CLERK

(Space above reserved for Recorder of Deeds certification)
KANSAS QUITCLAIM DEED

THIS INDENTURE, Made on the 29 day of Nov 2021, by and between

Limestone Land Company LLC

of the County of Leavenworth State of **Kansas** herein called the grantor whether one or,

Limestone Land Company LLC

of the County of Leavenworth State of **Kansas** herein called the grantee whether one or more.

WITNESSED: THAT SAID GRANTOR, in consideration of the sum of Zero Dollars \$0.00 and No other valuable consideration to him in hand paid by said grantee the receipt of which is hereby acknowledged, does by these presents, Remise, Release and forever Quit Claim unto the said grantee the following described lots, tracts or parcels of land, lying, being and situated in the County of Leavenworth and State of Kansas, to-wit:

TRACT A:

Tract of land in the Northeast Quarter of Section 16, Township 9 South, Range 22 East of the 6th P.M., Leavenworth County, Kansas, as written by Joseph A. Herring PS-1296 on October 2, 2021, more fully described as follows: Commencing at the Northeast corner of said Northeast Quarter; thence South 01 degrees 15'57" East for a distance of 2854.10 feet along the East line of said Northeast Quarter to the Southeast corner of said Northeast Quarter; thence South 87 degrees 29'29" West for a distance of 732.00 feet along the South line of said Northeast Quarter to the TRUE POINT OF BEGINNING; thence continuing South 87 degrees 29'29" West for a distance of 1002.00 feet along said South line to the Southwest corner of said Northeast Quarter; thence North 01 degrees 41'37" West for a distance of 970.76 feet along the West line of said Northeast Quarter to the apparent centerline of Tengmoxie Drive; thence North 44 degrees 56'35" East for a distance of 637.11 feet along said centerline; thence along a curve the right having a radius of 5729.65 feet and an arc length of 282.06 feet along said centerline, being subtended by a chord bearing North 46 degrees 21'13" East and a chord distance of 282.06 feet; thence North 47 degrees 45'35" East for a distance of 233.50 feet along said centerline; thence South 42 degrees 14'25" East for a distance of 490.00 feet; thence North 47 degrees 45'35" East for a distance of 957.14 feet; thence South 01 degree 15'57" East for a distance of 1072.00 to the point of beginning.

Together with and subject to covenants, easements, and restrictions of record.

Said property contains 66.4 acres, more or less, including road right of way.

Error of Closure: 1 - 53660



Exemption: 3

TO HAVE AND TO HOLD THE SAME, Together with all the rights, immunities, privileges and appurtenances thereto belonging unto said grantee and unto his heirs and assigns forever, so that neither the grantor nor his heirs, nor any other person or persons for him or in his name or behalf, shall or will hereafter claim or demand any right or title to the aforesaid premises or any part thereof, but they and each of them shall, by those presents, be excluded and forever barred.

WORDS and phrases herein, including acknowledgement hereof, shall be construed as in the singular or plural number, and as masculine or feminine gender, according to the context.

IN WITNESS WHEREOF, The said grantor has hereunto set his hand and seal the day and year above written.

Lance Lozenski
Lance Lozenski, Member of Limestone
Land Company LLC

Jeanette Lozenski
Jeanette Lozenski, Member of Limestone
Land Company LLC

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

On this 29 day of November, 2021, before me, the undersigned, a Notary Public, personally appeared :

known to me to be the persons described in and who executed the foregoing instrument, and acknowledged that they executed the same as their free act and deed. Witness my hand and notarial seal subscribed and affixed in said County and State, the day and year first above written.



Paul B Wood
Paul B Wood
Notary Public
Notary Public in and for said state : Kansas
My Commission expires: 07-31-2022



Parcel - R14640

Acres
61.80

Formatted PID
105-16-0-00-00-001.01-0

Quick Ref ID
R14640

Owner Name
LIMESTONE LAND COMPANY LLC

Property Address
00000 TONGANOXIE DR, Leavenworth, KS
66048

Mailing Address
17096 EISENHOWER RD LEAVENWORTH, KS
66048

School District
USD469

Tax Unit
054



Schweitzer, Joshua

From: Anderson, Kyle
Sent: Friday, February 23, 2024 9:41 AM
To: Johnson, Melissa
Subject: RE: DEV-24-014, Exception for Tract Split Limestone Land Co

We have not received any complaints on this property. We are also not aware of any septic systems currently installed on the property.

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

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

From: Johnson, Melissa <MJohnson@leavenworthcounty.gov>
Sent: Thursday, February 22, 2024 11:50 AM
To: Noll, Bill <BNoll@leavenworthcounty.gov>; McAfee, Joe <JMcafee@leavenworthcounty.gov>; PZ <PZ@leavenworthcounty.gov>; mpleak@olsson.com; Baumchen, Daniel <DBaumchen@leavenworthcounty.gov>
Subject: DEV-24-014, Exception for Tract Split Limestone Land Co

The Department of Planning & Zoning has received a request for an exception for a Tract/Lot Split Limestone Land Co with Herring Surveying.

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 March 6, 2024.

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

Disclaimer

**LEAVENWORTH COUNTY
PLANNING COMMISSION
STAFF REPORT**

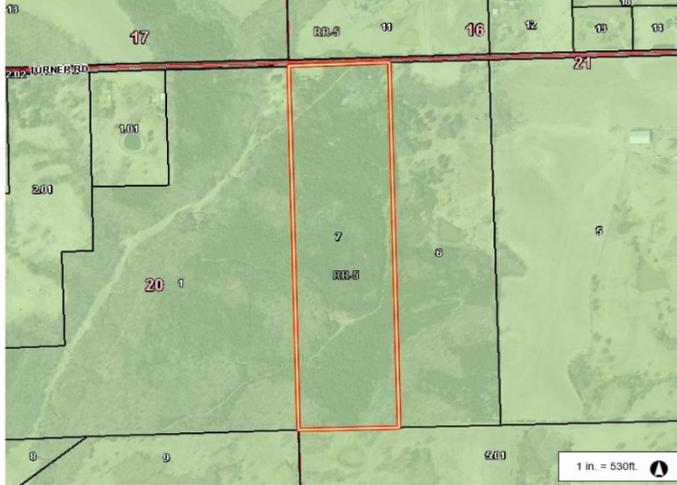
CASE NO: DEV-24-017 Wagner Tract Split Exception

March 13, 2024

REQUEST: Exception from Zoning and Subdivision Regulation Article 50, Section 40.3.i (Lot-Depth to Lot-Width Ratio)

STAFF REPRESENTATIVE:
JOSH SCHWEITZER
Development Planner

SUBJECT PROPERTY: 00000 Turner Rd. Easton



APPLICANT/APPLICANT AGENT:
Joe Herring
Herring Surveying Company
315 N. 5th St.
Leavenworth, KS 66048

PROPERTY OWNER:
John & Sharon Wagner
22578 Easton Rd.
Easton, KS 66022

CONCURRENT APPLICATIONS:
N/A

LAND USE

ZONING: RR-5

FUTURE LAND USE DESIGNATION:
RR-5

SUBDIVISION: N/A

FLOODPLAIN: N/A

PROPERTY INFORMATION

PARCEL SIZE: 39.20 Acres

PARCEL ID NO:
065-21-0-00-00-007.00

BUILDINGS:
Oil/Gas Structures and Metal building

LEGAL DESCRIPTION:

A tract of land in the West 1/2 of the West 1/2 of the Northwest 1/4 of Section 21, Township 8 South, Range 21, East of the 6th p.m., Leavenworth County, Kansas.

ACTION OPTIONS:

1. Approve Case DEV-24-017, Exception from Zoning & Subdivision Regulation Article 50, Section 40.3.i. (Lot-Depth to Lot-Width Ratio); or
2. Deny Case No.DEV-24-017, Exception from Zoning & Subdivision Regulation Article 50, Section 40.3.i. (Lot-Depth to Lot-Width Ratio); or
3. Modify Case No DEV-24-017, Exception from Zoning & Subdivision Regulation Article 50, Section 40.3.i. (Lot-Depth to Lot-Width Ratio)

Location Map: Future Land Use Designation



ACCESS/STREET:
TURNER RD: Local, ±25' Wide,
Gravel

UTILITIES

SEWER: N/A

FIRE: EASTON

WATER: RWD#12

ELECTRIC: EVERGY

NOTICE & REVIEW:

STAFF REVIEW: 03/05/2024

NEWSPAPER NOTIFICATION:
N/A

NOTICE TO SURROUNDING
PROPERTY OWNERS:
N/A

FACTORS TO BE CONSIDERED: Article 50, Section 40.3.i (Lot-Depth to Lot-Width Ratio)

Where in the case of a particular proposed subdivision, it can be shown that strict compliance with the requirements of these regulation would result in extraordinary hardship to the subdivider because of unusual topography or other non-self-inflicted condition; or that these conditions would result in inhibiting the achievement of the objectives of these regulations.

1. *That there are special circumstances or conditions affecting the property;*

- The topography of the proposed development makes it challenging to develop the land any further. There are elevation changes ranging from 50 to 80 feet.
- This is a condition that is not self-inflicted.

2. *That the exception is necessary for the reasonable and acceptable development of the property in question;*

- It is reasonable to believe that the proposed development allows for best use of land based upon the topography of the property. As well as ensuring adequate distance away from oil well structures.

3. *That the granting of the exception will not be detrimental to the public welfare or injurious to adjacent property.*

- Granting the exception does not appear to cause any issues with public welfare or injurious to adjacent properties.

STAFF COMMENTS:

The regulation is in place to reduce the number of piano key lots. The proposed layout would create one compliant tract with the remaining tract being a non-compliant L-shape lot. Future redevelopment of this parcel is difficult due to the significant elevation changes throughout the entire property. However, future development is still possible in the proposed configuration with the addition of internal subdivision roads. Staff's only concern with the proposed layout is that the frontage for the west lot, if redeveloped, could create a non-conformity in the future. Staff recommends that the East lot frontage be reduced to 300 feet or as close as possible to remain compliant with the regulations. This configuration would allow for the addition of a future road ROW if redevelopment is sought for the west tract while keeping potential lots in compliance with the regulations.

ATTACHMENTS:

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

Emergency
Easton
no flood
RWO 12

FEB 20 2024

owner at all
Amy talk to Joe
file? ~~file~~

EXCEPTION APPLICATION

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

449
39.20

meeting
in eastern front

Case No.	065-21	007.00	Office Use Only	DEV-24-017
PID:				
Township	Hickman Easton			
PC Hearing Date			Date Received	FEB 20 2024
ACTION			Date Paid	
Zoning District	RR 5.			
Comprehensive Plan land use designation		RR 2.5		

APPLICANT/AGENT INFORMATION	OWNER INFORMATION (If different)
NAME Joe Herring - Herring Surveying Company	NAME John and Sharon Wagner
ADDRESS 315 North 5th Street	ADDRESS 22578 EASTON RD
CITY/ST/ZIP Leavenworth County, Kansas 66048	CITY/ST/ZIP EASTON, KS 66022
PHONE 913-651-3858	PHONE N/A
EMAIL HerringSurveying@outlook.com	EMAIL N/A

GENERAL INFORMATION

Description of Exception – Attach narrative addressing the Factor to be Considered (last page of application packet) to this application.

PROPERTY INFORMATION

Address of Property 00000 TURNER ROAD

Tract/Lot Sizes Parent Parcel - 40 Acres - Proposed Tract 1 - 32 Acres Tract 2 - 8 Acres

Present improvements or structures Oil or Natural Gas Structures

Current use of the property? AG

I, the undersigned, am the (circle one) owner/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 an appeal/variance as indicated above.

Signature Joe Herring - digitally signed Date 2-17-24

Written Narrative Requirements

Written Narrative Description: A written narrative description of the proposed exception must be submitted that addresses:

FACTORS TO BE CONSIDERED

Where in the case of a particular proposed subdivision, it can be shown that strict compliance with the requirements of these regulations would result in extraordinary hardship to the subdivider because of unusual topography or other non-self-inflicted conditions; or that these conditions would result in inhibiting the achievement of the objectives of these regulations; the Planning Commission may vary, modify or waive the requirements so that substantial justice may be done and the public interest secured; provided, that such exception, modification or waiver will not have the effect of nullifying the intent and purpose of these regulations or interfering with carrying out the Comprehensive Plan.

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

ATTACHMENT C

- 1) Property is an aliquot description intended to be 40 acres (660 feet x 2640 feet). Northwest corner of the property has existing Gas/Oil Structures and terrain of the property has multiple elevation changes (50 feet to 80 feet) making development challenging. Tract of land is East of Stranger Creek and the town of Easton, immediate area is mainly large tracts agriculture in nature with the exception of a Landfill.
- 2) Yes, it is necessary for the division of the property into 2 tracts due to the existing configuration of the tract. Being approximately 660 feet by 2640 feet and 40 acres, the large remaining tract cannot meet requirements since it will now be under 40 acres.
- 3) It will not be detrimental to the public welfare or injurious to adjacent property.

LEAVENWORTH COUNTY DEVELOPMENT APPLICATION PERMIT

CASE NUMBER DEV-24-017

PERMIT SUB-TYPE SUBDIVISION

PID 065-21-0-00-00-007.00 PARCEL SIZE 39.2 AC ZONE RR-5
TWSP EASTON SCHOOL DIST 449 SDD NO
SUBDIVISION LOT NO BLOCK NO
WATER DIST RWD 12 ELECTRIC EVERGY SEWER DIST n/a
FLOOD PLAIN IN PARCEL NO FLOOD PLAIN ON BUILDING SITE NO
SITE ADDRESS 00000 Turner Rd
SITE CITY Easton SITE STATE KS SITE ZIP CODE 66020

LAST NAME Wagner FIRST NAME John/Sharon PHONE 913-651-3858
EMAIL herringsurveying@outlook.com
ADDRESS 315 N 5th St
CITY Leavenworth STATE KS ZIP CODE 66048

CONSULTANT Joe Herring - Herring Surveying CONSULTANT PHONE 913-651-3858
CONSULTANT EMAIL

PROPOSED ZONING n/a SUP CATEGORY - USE
VARIANCE REGULATION CURRENT USE RESIDENTIAL ROAD LOCAL
COMP PLAN USE DESIGNATION RR 2.5 UGMA

SUBDIVISION TYPE GROSS ACREAGE 39.2 COVENANTS NO
MAXIMUM LOT SIZE MINIMUM LOT SIZE OPEN SPACE ACREAGE
LOTS TRACTS 2 TOTAL PARCELS DENSITY

NOTES: Exception for Tract Split

STAFF 2/21/2024 STAFF ACTION PENDING [] PUBLIC HEARING AGENDA AREA
PC PC ACTION NOTICE PUB
BOCC BOCC ACTION RESOLUTION PUB
BZA BZA ACTION DURATION EXPIRATION

APPLICATION FEE 0.00 TIF 0.00 BOND 0.00 TOTAL FEES \$0.00
CHECK NO [] CASH [] CC TIFF CHECK NO

STAFF APPROVAL *M. Johnson* DATE 02.21.2024
APPLICANT DATE

AFFIDAVIT

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

We/I John D Wagner and Sharon S Wagner

Being dully sworn, dispose and say that we/I are the owner(s) of said property located at -
Turner Road, Easton, KS (66026), 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 19 day of February, 2024

John D and Sharon S. Wagner
Print Name, Address, Telephone

John D Wagner Sharon S Wagner
Signature

STATE OF KANSAS)
) SS
COUNTY OF LEAVENWORTH)

Be it remember that on this _____ day of _____ 20__, before me, a notary public in and for said County and State came _____ to me personally known to be the same persons who executed the 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)

Parcel ID
0652100000007000

Acres
39.20

Formatted PID
065-21-0-00-00-007.00-0

Quick Ref ID
R1296

Owner Name
WAGNER,JOHN D & SHARON

Property Address
00000 TURNER RD, Easton, KS 66020

Mailing Address
22578 EASTON RD EASTON, KS 66020

School District
USD449

Tax Unit
030

Subdivision Code
N/A

Subdivision
N/A

Lot
N/A



Schweitzer, Joshua

From: Anderson, Kyle
Sent: Friday, February 23, 2024 9:25 AM
To: Johnson, Melissa
Subject: RE: DEV-24-017, exception for TS Wagner, Herring

Follow Up Flag: Follow up
Flag Status: Completed

We have not received any complaints on this property. We are also not aware of any septic systems currently installed on the property.

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

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

From: Johnson, Melissa <MJohnson@leavenworthcounty.gov>
Sent: Thursday, February 22, 2024 1:54 PM
To: Noll, Bill <BNoll@leavenworthcounty.gov>; McAfee, Joe <JMcafee@leavenworthcounty.gov>; Baumchen, Daniel <DBaumchen@leavenworthcounty.gov>; mpleak@olsson.com; PZ <PZ@leavenworthcounty.gov>
Subject: DEV-24-017, exception for TS Wagner, Herring

The Department of Planning and Zoning has received a request for an exception for a Tract Split Wagner Herring.

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, March 6, 2024.

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

**LEAVENWORTH COUNTY
PLANNING COMMISSION
STAFF REPORT**

CASE NO: DEV-24-004 Smith Trust Agreement Rezone

March 13, 2024

REQUEST: Public Hearing Required

- ZONING AMENDMENT SPECIAL USE PERMIT
 TEMPORARY SPECIAL USE PERMIT

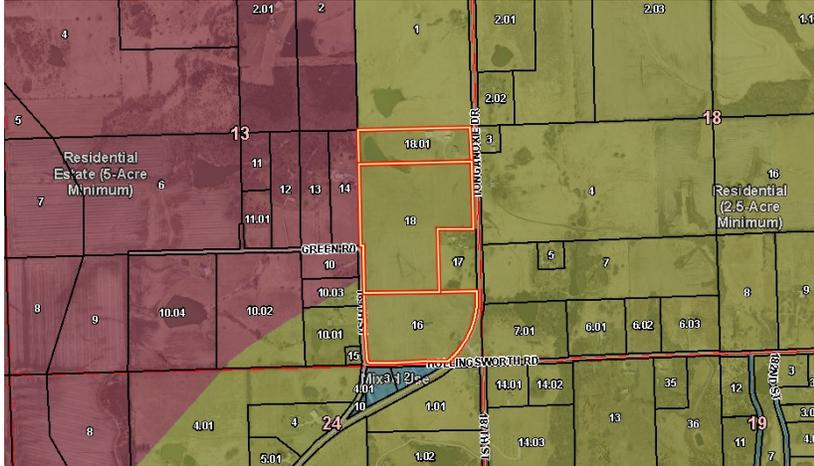
STAFF REPRESENTATIVE:
AMY ALLISON
DEPUTY DIRECTOR

SUBJECT PROPERTY: 22323, 22027 & 00000 TONGANOXIE DRIVE
FUTURE LAND USE MAP: RESIDENTIAL (2.5 ACRE MIN)

APPLICANT/APPLICANT AGENT:
JOE HERRING
HERRING SURVEYING COMPANY

PROPERTY OWNER:
SMITH TRUST AGREEMENT
22323 TONGANOXIE DR
TONGANOXIE, KS 66086

CONCURRENT APPLICATIONS:
N/A



LAND USE

ZONING: RR-5
FUTURE LAND USE DESIGNATION: RESIDENTIAL (2.5 MIN ACRE)

SUBDIVISION: N/A
FLOODPLAIN: N/A

LEGAL DESCRIPTION:

Two tracts of land in the East half of the Southeast Quarter of Section 13, Township 10 South, Range 21 East of the 6th P.M., Leavenworth County AND The South Twenty-two acres of the East Half of the Southeast Quarter of Section 13, Township 10, Range 21 East of the 6th P.M., Leavenworth County, Kansas.

STAFF RECOMMENDATION: APPROVAL

PROPERTY INFORMATION

ACTION OPTIONS:

1. Recommend approval of Case No. DEV-24-004, Rezone for Smith Trust Agreement, to the Board of County Commission, with or without conditions; or
2. Recommend denial of Case No. DEV-24-004, Rezone for Smith Trust Agreement, to the Board of County Commission for the following reasons; or
3. Continue the hearing to another date, time, and place.

PARCEL SIZE: 67 ACRES
COMBINED
PARCEL ID NO:
146-13-0-00-00-018.00, 146-13-0-00-00-018.01 & 146-13-0-00-00-016.00

BUILDINGS:
TWO SINGLE FAMILY RESIDENCES;
MULTIPLE ACCESSORY STRUCTURES

PROJECT SUMMARY:

Request to rezone three parcels at 22323, 22027 & 00000 TONGANOXIE DRIVE from RR-5 to RR-2.5.

ACCESS/STREET:
TONGANOXIE DR ARTERIAL, PAVED, ±26' WIDE/
HOLLINGSWORTH RD LOCAL, GRAVEL, ±24' WIDE

Location Map:



UTILITIES

SEWER: SEPTIC
FIRE: STRANGER
WATER: RWD #8
ELECTRIC: EVERY

NOTICE & REVIEW:

STAFF REVIEW: 2/3/2024
NEWSPAPER NOTIFICATION: 2/20/2024
NOTICE TO SURROUNDING PROPERTY OWNERS: 2/16/2024

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 0.8 acres to more than 70 acres. The area is not densely populated.</p> <p><i>Nearby City Limits:</i> Tonganoxie is more than three miles to the southwest and Basehor is more than three miles to the southeast.</p> <p><i>Initial Growth Management Area:</i> This parcel is located within the Rural Growth Area.</p>	x	
<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> Most adjacent properties are zoned RR-5. The properties to the south are zoned B-3.</p>	x	
<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>	x	
<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 rural residential.</i></p>	x	
<p>5. Length of time the property has been vacant as zoned: <input type="checkbox"/> <i>Vacant:</i> <input checked="" type="checkbox"/> <i>Not Vacant:</i></p>	x	
<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 were to be developed as a rural subdivision, twice as many homes could potentially be constructed which may have a positive impact on economic development.</p>	x	
<p>7. Conformance to the Comprehensive Plan: <i>Future Land Use Map:</i> Residential (2.5 min acre) <i>Section 4 Land Use and Development Plan Strategies:</i> The proposed use is compatible with the future land use designation.</p>	x	

STAFF COMMENTS:

The applicants are requesting a rezoning from Rural-Residential 5 to Rural-Residential 2.5. The Comprehensive Plan identifies the future land use of this area as *Residential (2.5 min acre)*. The request is compliant with the Future Land Use Map, therefore staff recommends approval.

ATTACHMENTS:

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

conceptual drawing Joe Herring

ck 1447
email receipt -
douglasssmith
1961@yahoo.com

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

Office Use Only
Township: Stranger Date Received: 01.17.2024
Planning Commission Date _____
Case No. DEV-24-004 Date Paid 01.17.2024
Zoning District RR 5 Comprehensive Plan Land Use Designation RR 2.5

APPLICANT/AGENT INFORMATION	OWNER INFORMATION (If different)
NAME <u>Joe Herring</u>	NAME <u>SMITH TRUST AGREEMENT</u>
ADDRESS <u>315 North 5th Street</u>	ADDRESS <u>22323 TONGANOXIE DR</u>
CITY/ST/ZIP <u>Leavenworth, KS 66048</u>	CITY/ST/ZIP <u>TONGANOXIE, KS 66086</u>
PHONE <u>913-651-3858</u>	PHONE <u>N/A</u>
EMAIL <u>herringsurveying@outlook.com</u>	EMAIL <u>N/A</u>
CONTACT PERSON <u>Joe</u>	CONTACT PERSON <u>N/A</u>

PROPOSED USE INFORMATION
Proposed Land Use AGRICULTURE AND RURAL RESIDENTIAL
Current Zoning RR-5 Requested Zoning RR-2.5
Reason for Requesting Rezoning ESTATE PLANNING AND MATCH THE CURRENT COMPREHENSIVE PLAN

PROPERTY INFORMATION
Address of Property 22027 & 22323 TONGANOXIE DRIVE
Parcel Size 11, 21, AND 36 ACRE TRACTS
Current use of the property AGRICULTURE AND RURAL RESIDENTIAL
Present Improvements or structures RESIDENTIAL HOUSES AND AGRICULTURE BUILDINGS
PID 146-13-0-00-00-016 & 146-13-0-00-00-018 & 146-13-0-00-00-018.01

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

Signature _____ Date _____

ATTACHMENT A

ENTERED IN TRANSFER RECORD IN
MY OFFICE THIS DAY 06/25/2021

Janet Klasmirke
COUNTY CLERK

Doc #: 2021R07762
TERRILOIS MASHBURN
REGISTER OF DEEDS
LEAVENWORTH COUNTY, KANSAS
RECORDED ON:
06/25/2021 09:35:57 AM
RECORDING FEE: 38.00
PAGES: 2

Please return to:
Kansas Secured Title
360 Santa Fe Street
Leavenworth, KS. 66048
TX0016026

TRUSTEE'S DEED

The GRANTOR(S), Patricia Ebelke, and Douglas Smith, Trustees of the Bernice P. Smith Irrevocable Trust dated October 3, 2014

convey to

Smith Trust Agreement Dated April 6, 2019, Grantee.

The Grantor(s), by virtue of the terms and provisions of said trust agreement, in consideration of the sum of one dollar and other valuable consideration, the receipt of which is hereby acknowledged, does hereby grant, sell, and convey to Grantee, the following described real estate in LEAVENWORTH County, Kansas, to wit:

016.00
6044
18.00

The South Twenty-two (22) acres of the East Half of the Southeast Quarter of Section Thirteen (13), Township Ten (10), Range Twenty-one (21), less roads, in Leavenworth County, Kansas

AND

A tract of land in the east half of the Southeast Quarter of Section 13-T10S-R21E of the 6th P.M., Leavenworth County, Kansas, described as follows: Commencing at the east quarter corner of said Section 13-10-21; thence S 00°13'40" W (assumed), 376.94 feet along the section line to the point of beginning; thence S 00°13'40" W, 757.52 feet along the section line; thence N 89°46'20" W, 465.00 feet (deed), N 89°10'54" W, 467.53 feet (measured) to a wood corner post; thence S 00°13'40" W, 717.46 feet (deed), S 00°15'45" W, 716.90 feet (measured) to a wood corner post; thence N 89°09'35" W 851.94 feet to the West line of the East Half of said Southeast Quarter; thence N 00°14'43" E, 1464.94 feet along said West line; thence S 89°34'45" E, 1319.40 feet to the point of beginning, including road right of way as surveyed by D.G. White and Associates, November 2003

EXCEPT AND SUBJECT TO: Easements, restrictions and assessments of record, and all the taxes and assessments that may be levied, imposed or become payable hereafter.

The Grantor(s) covenant(s) that the aforesaid trust remains in full force and effect and has not been revoked, that the undersigned is/are the trustees of said trust and have full right and authority to convey the above-described real estate and to make, execute and deliver this deed pursuant to the power set forth in the said trust instrument.

Dated this 24th day of June, 2021.

Patricia Ebelke, Trustee

Patricia Ebelke, Trustee of the Bernice P. Smith Irrevocable Trust dated October 3, 2014

Douglas Smith, Trustee

Douglas Smith, Trustee of the Bernice P. Smith Irrevocable Trust dated October 3, 2014

State of Kansas, County of LEAVENWORTH §

The foregoing instrument was acknowledged before me this 24th day of June, 2021 by Patricia Ebelke and Douglas Smith, Trustees of the Bernice P. Smith Irrevocable Trust dated October 3, 2014.



Channing C. Cole
Channing C. Cole Notary Public

My appointment expires: 01/05/2023

ENTERED IN TRANSFER RECORD IN
MY OFFICE THIS DAY 06/16/2021

Janet Klasmaker
COUNTY CLERK

Doc #: 2021R07361
TERRILOIS MASHBURN
REGISTER OF DEEDS
LEAVENWORTH COUNTY, KANSAS
RECORDED ON:
06/16/2021 01:19:39 PM
RECORDING FEE: 38.00
PAGES: 2

****This is being filed to correct the legal from Quitclaim Deed filed 8/12/2019 as document No. 2019R06228 and to change vesting to their individual Trust****

(Space above reserved for Recorder of Deeds certification)

CORRECTION KANSAS QUITCLAIM DEED

THIS INDENTURE, Made on the 11 day of June 2021, by and between **Douglas E Smith and Kay D Smith, Trustee's**, or their successors in trust, under the **Smith Trust Agreement, dated 8/6/2016**, of the County of **Leavenworth**, State of **Kansas** herein called the grantor whether one or more and **Douglas Edward Smith and Kay Diane Smith, Trustee's**, or their successors in trust, under the **Smith Trust Agreement, dated 8/6/2019**. Whose property address is **22323 Tonganoxie Rd, Tonganoxie, KS 66086** of the County of **Leavenworth**, State of **Kansas**, herein called the grantee whether one or more.

WITNESSED: THAT SAID GRANTOR, in consideration of the sum of Zero Dollars \$0.00 and No other valuable consideration to him in hand paid by said grantee the receipt of which is hereby acknowledged, does by these presents, Remise, Release and forever Quit Claim unto the said grantee the following described lots, tracts or parcels of land, lying, being and situated in the County of **Leavenworth** and State of **Kansas**, to-wit:

18.01
A tract of land in the East Half of the Southeast Quarter of Section 13, Township 10 South, Range 21 East of the 6th P.M., Leavenworth County, Kansas, more fully described as follows: Beginning at the East Quarter corner of said Section 13; thence South 00° 13' 40" West (assumed) 376.94 feet along the Section line; thence North 89° 34' 45" West 1319.40 feet to the West line of the East Half of the Southeast Quarter of said Section 13; thence North 00° 14' 43" East 376.94 feet along said West line to the North line of said Southeast Quarter; thence South 89° 34' 45" East 1319.28 feet along said North line to the point of beginning, less and except any part thereof taken or used for road or street purposes, according to the Tract Split Survey dated November 12, 2003 by D.G. White & Associates, as recorded on December 13, 2005 in Survey Book 15, Page 44.

Exemption # 3

TO HAVE AND TO HOLD THE SAME, Together with all the rights, immunities, privileges and appurtenances thereto belonging unto said grantee and unto his heirs and assigns forever, so that neither the grantor nor his heirs, nor any other person or persons for him or in his name or behalf, shall or will hereafter claim or demand any right or title to the aforesaid premises or any part thereof, but they and each of them shall, by those presents, be excluded and forever barred.

WORDS and phrases herein, including acknowledgement hereof, shall be construed as in the singular or plural number, and as masculine or feminine gender, according to the context.

IN WITNESS WHEREOF, The said grantor has hereunto set his hand and seal the day and year above written.

DOUGLAS E SMITH AND KAY D SMITH, TRUSTEE'S, OR THEIR SUCCESSORS IN TRUST, UNDER THE SMITH TRUST AGREEMENT

Douglas E. Smith Trustee
Douglas E Smith, Trustee

Kay D Smith
Kay D Smith, Trustee

State of: Kansas)

) ss.

County of: Leavenworth)

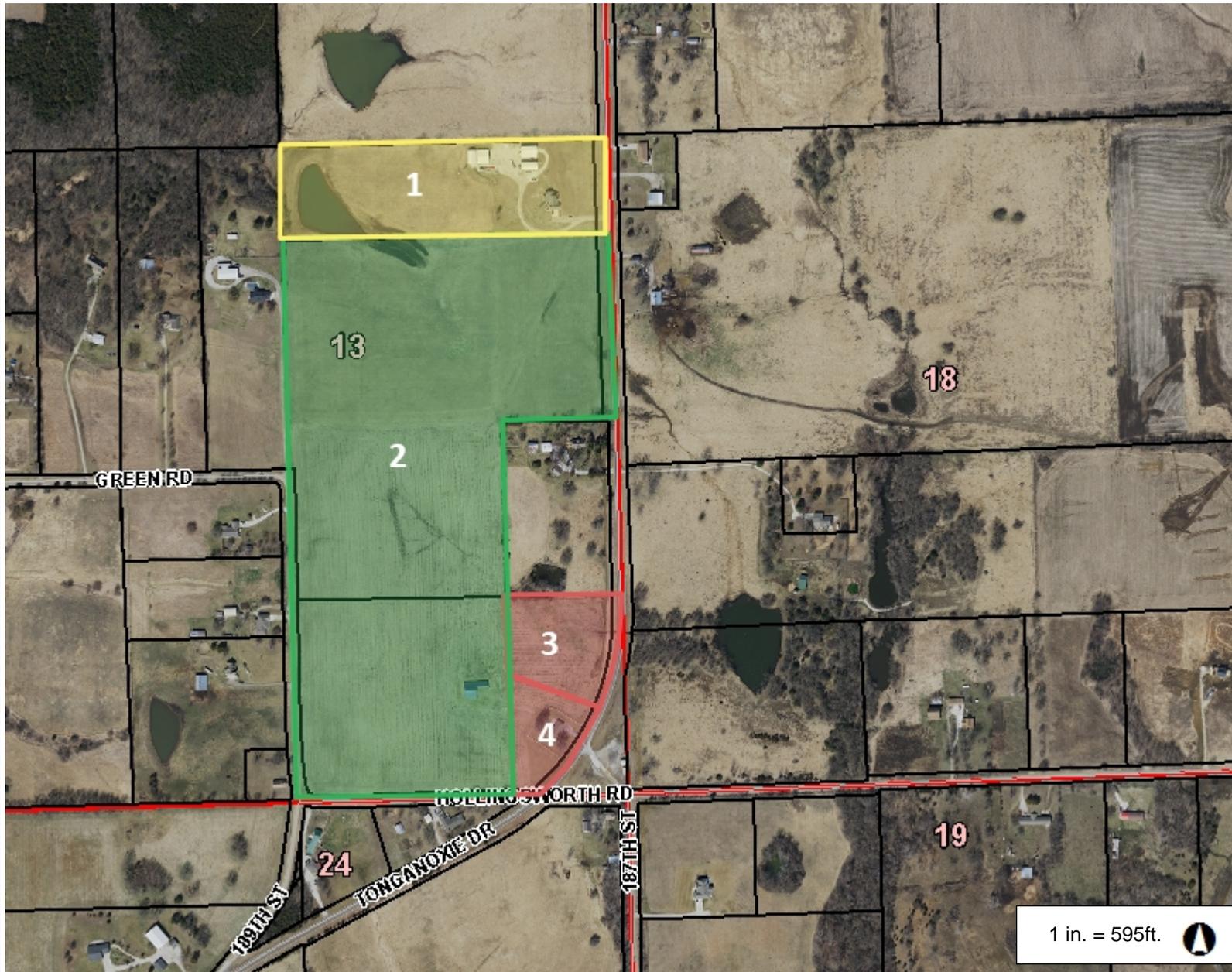
On this 11th day of June 2021, before me, the undersigned, a Notary Public, personally appeared, **Douglas E Smith and Kay D Smith, Trustee's , or their successors in trust, under the Smith Trust Agreement**, known to me to be the persons described in and who executed the foregoing instrument, and acknowledged that they executed the same as their free act and deed.

Witness my hand and notarial seal subscribed and affixed in said County and State, the day and year first above written.



Ryne W. Wheatcroft
Notary Public: Ryne W. Wheatcroft
Notary Public in and for said State: KS
My Commission expires: 7/2/2023

Leavenworth County, KS



Legend

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

1 in. = 595ft.



1,189.7 0 594.85 1,189.7 Feet

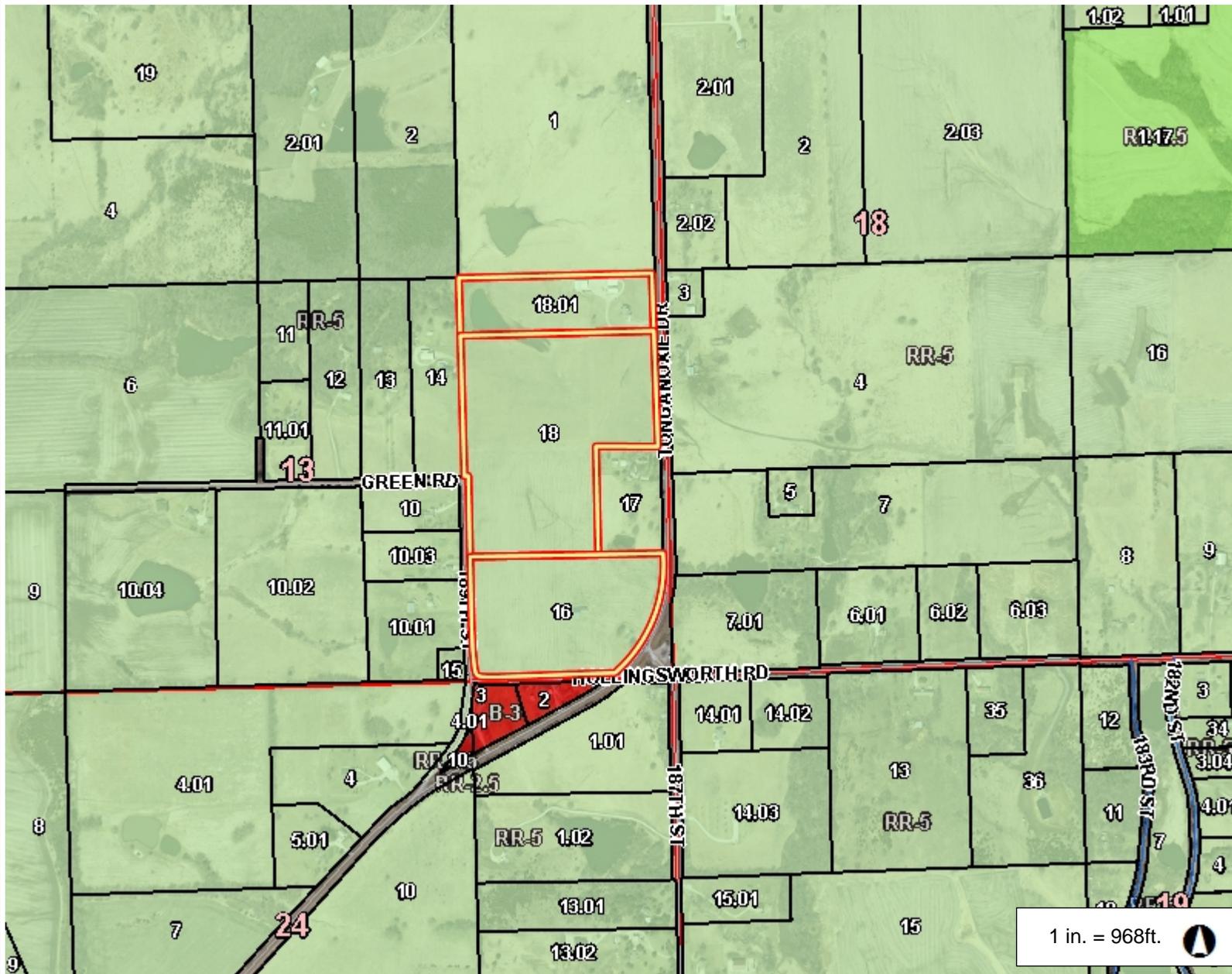


This Cadastral Map is for informational purposes only. It does not purport to represent a property boundary survey of the parcels shown and shall not be used for conveyances or the establishment of property boundaries.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes

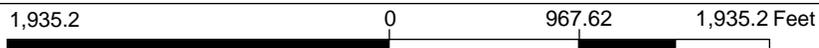
DEV-24-004 Smith Trust Rezone



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. = 968ft.



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: Anderson, Kyle
Sent: Monday, January 29, 2024 9:07 AM
To: Johnson, Melissa
Subject: RE: DEV-24-004 Rezone of Smith Trust Agreement - Herring

Follow Up Flag: Follow up
Flag Status: Completed

We have not received any complaints on this property.

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

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

From: Johnson, Melissa <MJohnson@leavenworthcounty.gov>
Sent: Wednesday, January 17, 2024 3:02 PM
To: Magaha, Chuck <cmagaha@lvsheriff.org>; Anderson, Kyle <KAnderson@leavenworthcounty.gov>; Miller, Jamie <JMiller@leavenworthcounty.gov>; Patzwald, Joshua <jpatzwald@lvsheriff.org>; Van Parys, David <DVanParys@leavenworthcounty.gov>; Noll, Bill <BNoll@leavenworthcounty.gov>; McAfee, Joe <JMcAfee@leavenworthcounty.gov>; Baumchen, Daniel <DBaumchen@leavenworthcounty.gov>; 'rwd8lv@gmail.com' <rwd8lv@gmail.com>; Design Group Leavenworth <DesignGroupLeavenworth@evergy.com>; 'stfdchief1760@gmail.com' <stfdchief1760@gmail.com>
Cc: PZ <PZ@leavenworthcounty.gov>
Subject: DEV-24-004 Rezone of Smith Trust Agreement - Herring

The Department of Planning & Zoning has received an application for a Rezone request regarding a property from RR-5 to RR 2.5.

The Planning Staff would appreciate your written input in consideration of the above request. Please review the attached information and forward any comments to us by Wednesday, January 31, 2024.

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

MEMO

To: Amy Allison
From: Chuck Magaha
Subject: Rezoning Smith Trust
Date: February 12, 2024

Amy, I have reviewed the request of the rezoning from the Smith Trust, regarding the rezoning of the parcel you provided to our office from a RR5 to a RR2.5. If this will turn into a subdivision I will comment on the new application. I have no comments to lend at this time. If you feel I have missed an issue please give a call at 684-0457.

Allison, Amy

From: Rural Water <rwd8lv@gmail.com>
Sent: Friday, January 19, 2024 10:18 AM
To: Johnson, Melissa
Subject: Re: DEV-24-004 Rezone of Smith Trust Agreement - Herring

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.

At this time water is available to this area. Due to line size, fire protection is not available. If you have any questions please contact me.

Thank you,

On Wed, Jan 17, 2024 at 3:01 PM Johnson, Melissa <MJohnson@leavenworthcounty.gov> wrote:

The Department of Planning & Zoning has received an application for a Rezone request regarding a property from RR-5 to RR 2.5.

The Planning Staff would appreciate your written input in consideration of the above request. Please review the attached information and forward any comments to us by Wednesday, January 31, 2024.

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.

--

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

MAR 0 1 2024

Leavenworth County Planning Commission:

In the matter of the rezoning application (DEV-24-004) regarding the rezoning of referenced property from, RR-5 to RR2.5. *per Smith Trust Agreement request for rezoning 22323, 22027 & 00000 Tonganoxie Drive*

As property owners in the close vicinity of the property, We strongly **OPPOSE** the rezoning of this property in question from RR-5 to RR-2.5.

Terry and Shirley Stevens
18972 Green Rd.
Tonganoxie Ks.

We mark Behymer + Sherry Hedden are writing to say two votes for,

NO!

on DEU-24.004 for rezoning request from RR-5 zoning district to RR-2.5 zoning district on property of two tracts of land East half of South East Quarter of section 13 Township 10 South Range 21 East of the 10th p.m L.C. and South 22 acres of the East half of Southeast quarter of section 13 Township 10 Range 21 East of the 10th p.m L.C. KS. address 22323, 22027 + 00000 Tonganoxie Duwe. parcel ID# 146-13-0-00-0018.00 146-13-0-00-00-018.01 + 146-13-0-00-00-016.00

this is not fair or right to everyone one. We have been living out here a long time, and dont want the rules changed just because their last name is Smith! Our taxes are already too high. How far out of

town do you have to go, to
not have houses on top of
everyone. We say

NO!

two votes!

Sherry Hadden
+
Mark Bohmer



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

SCANNED
Amy A 3/5/24

February 16, 2024

HEDDEN, SHERRY ANN
19050 GREEN RD
TONGANOXIE, KS 66086-4256

no!

NOTICE OF PUBLIC HEARING

Notice is hereby given for the Leavenworth County Planning Commission to hold a public hearing regarding an application (DEV-24-004) for a rezoning request from RR-5 zoning district to RR-2.5 zoning district on the following described property:

Two tracts of land in the East half of the Southeast Quarter of Section 13, Township 10 South, Range 21 East of the 6th P.M., Leavenworth County AND The South Twenty-two acres of the East Half of the Southeast Quarter of Section 13, Township 10, Range 21 East of the 6th P.M., Leavenworth County, Kansas.

Request submitted by Herring Surveying on behalf of the Smith Trust Agreement

Address: 22323, 22027 & 00000 Tonganoxie Drive

Parcel ID number: 146-13-0-00-00-018.00, 146-13-0-00-00-018.01 & 146-13-0-00-00-016.00

The hearing will be held on Wednesday the 13th day of March, 2024 at 5:30 p.m., in the Meeting Room, located on the second floor of the Leavenworth County Courthouse, 300 Walnut Street, Leavenworth, Kansas.

The hearing of this Rezoning is not limited to those persons receiving copies of this notice. If you know of any neighbor or other interested property owner who has not received a copy of this letter, it would be appreciated if you would inform them of this public hearing

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, March 12, 2024.

Respectfully,

Amy Allison
Deputy Director
Leavenworth County Planning and Zoning

not fair!



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

SCANNED

BY: AmyA DATE: 3/5/24

February 16, 2024

BEHYMER, MARK L & HEDDEN, SHERRY ANN
19050 GREEN RD
TONGANOXIE, KS 66086

no!

NOTICE OF PUBLIC HEARING

Notice is hereby given for the Leavenworth County Planning Commission to hold a public hearing regarding an application (DEV-24-004) for a rezoning request from RR-5 zoning district to RR-2.5 zoning district on the following described property:

Two tracts of land in the East half of the Southeast Quarter of Section 13, Township 10 South, Range 21 East of the 6th P.M., Leavenworth County AND The South Twenty-two acres of the East Half of the Southeast Quarter of Section 13, Township 10, Range 21 East of the 6th P.M., Leavenworth County, Kansas.

Request submitted by Herring Surveying on behalf of the Smith Trust Agreement
Address: 22323, 22027 & 00000 Tonganoxie Drive
Parcel ID number: 146-13-0-00-00-018.00, 146-13-0-00-00-018.01 & 146-13-0-00-00-016.00

The hearing will be held on Wednesday the 13th day of March, 2024 at 5:30 p.m., in the Meeting Room, located on the second floor of the Leavenworth County Courthouse, 300 Walnut Street, Leavenworth, Kansas.

The hearing of this Rezoning is not limited to those persons receiving copies of this notice. If you know of any neighbor or other interested property owner who has not received a copy of this letter, it would be appreciated if you would inform them of this public hearing

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, March 12, 2024.

Respectfully,

Amy Allison
Deputy Director
Leavenworth County Planning and Zoning

Rules are
Rules
no favorites

**LEAVENWORTH COUNTY
PLANNING COMMISSION
STAFF REPORT**

CASE NO: DEV-24-005 Elston Rezone

March 13, 2024

REQUEST: *Public Hearing Required*

- ZONING AMENDMENT SPECIAL USE PERMIT
 TEMPORARY SPECIAL USE PERMIT

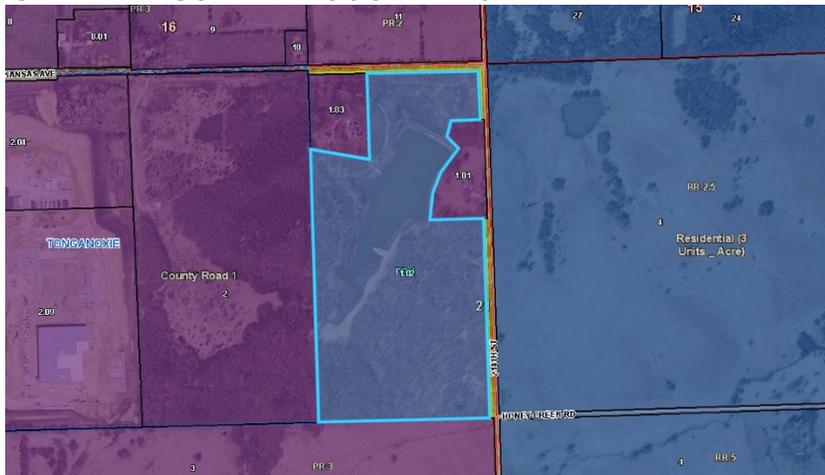
STAFF REPRESENTATIVE:
AMY ALLISON
DEPUTY DIRECTOR

SUBJECT PROPERTY: 00000 KANSAS AVE
FUTURE LAND USE MAP: COUNTY ROAD 1

APPLICANT/APPLICANT AGENT:
MARK ELSTON
21589 KANSAS AVE
TONGANOXIE KS 66086

PROPERTY OWNER:
MARK ELSTON

CONCURRENT APPLICATIONS:
N/A



LAND USE

ZONING: PR-1
FUTURE LAND USE DESIGNATION: COUNTY ROAD 1 (PR-1)

LEGAL DESCRIPTION:

LOT 2, ELSTON ESTATES, LEAVENWORTH COUNTY, KANSAS.

SUBDIVISION: ELSTON ESTATES

FLOODPLAIN: N/A

STAFF RECOMMENDATION: DENIAL

PROPERTY INFORMATION

ACTION OPTIONS:

1. Recommend approval of Case No. DEV-24-005, Rezone for Elston, to the Board of County Commission; or
2. Recommend denial of Case No. DEV-24-005, Rezone for Elston to the Board of County Commission for the following reasons; or
3. Continue the hearing to another date, time, and place.

PARCEL SIZE: 68.75 ACRES

PARCEL ID NO:
195-21-0-00-00-001.02

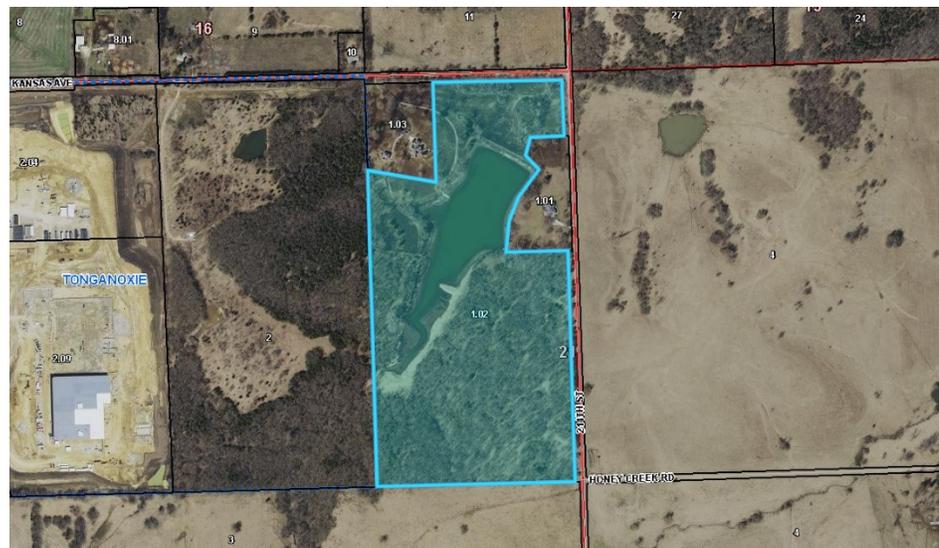
BUILDINGS:
N/A

PROJECT SUMMARY:

Request to rezone one parcel at 00000 KANSAS AVENUE (PID: 195-21-0-00-00-001.02) from PR-1 to RR-5.

ACCESS/STREET:
KANSAS AVE/ 214TH ST
LOCAL, GRAVEL, ±24' WIDE

Location Map:



UTILITIES

SEWER: SEPTIC
FIRE: TONGANOXIE TWSP
WATER: SUBURBAN WATER
ELECTRIC: EVERGY

NOTICE & REVIEW:

STAFF REVIEW: 2/3/2024
NEWSPAPER NOTIFICATION:
2/20/2024
NOTICE TO SURROUNDING
PROPERTY OWNERS:
2/16/2024

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: Surrounding parcels range in size from one acre to more than 300 acres. The area is not densely populated.</i></p> <p><i>Nearby City Limits: Tonganoxie abuts the property to the west.</i></p> <p><i>Initial Growth Management Area: This parcel is located within the Urban Growth Area of Tonganoxie.</i></p>		X
<p>2. Zoning and uses of nearby property: <i>Adjacent Uses: Most of the adjacent parcels are residential and agricultural in nature. The property to the west is a vacant parcel in the Tonganoxie Industrial Park.</i></p> <p><i>Adjacent Zoning: Properties to the north are zoned PR-2, PR-3 to the south and RR-2.5 to the east. The property to the west is located in Tonganoxie's Industrial Park.</i></p>		X
<p>3. Suitability of the Property for the uses to which it has been restricted: <i>The property is suitable for residential use. Future expansion of industrial uses to the west may support commercial or further industrial uses.</i></p>	X	
<p>4. Extent to which removal of the restrictions will detrimentally affect nearby property: <i>The current zoning designation is for moderate density residential. The proposed zoning district is a low density residential which is compatible from a use standpoint but not for density. The anticipated development in this area would support future infrastructure that would be needed for growth to occur.</i></p>	X	X
<p>5. Length of time the property has been vacant as zoned: <input checked="" type="checkbox"/> <i>Vacant:</i> <input type="checkbox"/> <i>Not Vacant:</i></p>	X	
<p>6. Relative gain to economic development, public health, safety and welfare: <i>The property was rezoned as part of the County Road 1 rezoning. The current zoning designation reflects the possible future development that is anticipated from growth along the US 24-40 Corridor. Economic Development was a main consideration for rezoning the parcel to PR-1. However, the public health, safety and welfare should not be impacted by the request.</i></p>	X	X
<p>7. Conformance to the Comprehensive Plan: <i>Future Land Use Map: County Road 1 (PR-1)</i> <i>Section 4 Land Use and Development Plan Strategies: The proposed use is not compatible with the future land use designation.</i></p>		X

STAFF COMMENTS:

The applicant is requesting a rezoning from Planned Residential - 1 to Rural-Residential 5. The Comprehensive Plan identifies the future land use of this area as *County Road 1 (PR-1)*. Because the existing zoning matches the Future Land Use map, staff is recommending denial. If approval of the request is considered, staff does recommend rezoning the parcel to RR-2.5 which would match the zoning to the east. RR-2.5 would still allow for the type of development the applicant has proposed in their development plan.

ATTACHMENTS:

A: Application & Narrative

B: Zoning Map

C: Memorandums

Tonganoxie
 Energy Suburban 195-21 001.02
 64.20
 21 11 21
 464 Lot 2
 Elston Estates

CK 48334

REZONING APPLICATION

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

Office Use Only
 Township: Tonganoxie Date Received: 01.17.2024
 Planning Commission Date _____
 Case No. DEV-24 Date Paid 01.17.2024
 Zoning District PR-1 Comprehensive Plan Land Use Designation PR-1

APPLICANT/AGENT INFORMATION	OWNER INFORMATION (If different)
NAME <u>MARK ELSTON</u>	NAME _____
ADDRESS <u>21589 KANSAS AVE</u>	ADDRESS _____
CITY/ST/ZIP <u>TONGANOXIE KS</u> <u>66086</u>	CITY/ST/ZIP _____
PHONE <u>913-908-8754</u>	PHONE _____
EMAIL <u>MARKRELSTON@GMAIL</u>	EMAIL _____
CONTACT PERSON <u>MARK ELSTON</u>	CONTACT PERSON _____

PROPOSED USE INFORMATION
 Proposed Land Use 5 ACRE LOT FOR RESIDENTIAL RR-5
 Current Zoning PR-1 to RR 5 Requested Zoning 5 ACRE LOTS
 Reason for Requesting Rezoning DIVIDE LAND UP FOR FAMILY FOR FUTURE HOMES

PROPERTY INFORMATION
 Address of Property SAME
 Parcel Size 68% ACRES
 Current use of the property WOODED LAND / POND
 Present Improvements or structures Ø
 PID 195-21 001.02

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 Mark Elston Date 12/20/2023

ATTACHMENT A

ENTERED IN TRANSFER RECORD IN
MY OFFICE THIS DAY 12/01/2022

Janet Klasmaker
COUNTY CLERK

Doc #: 2022R10742
TERRILOS MASHBURN
REGISTER OF DEEDS
LEAVENWORTH COUNTY, KANSAS
RECORDED ON:
12/01/2022 03:10:00 PM
RECORDING FEE: 38.00
PAGES: 2

MAIL TO:

MARK ELSTON
21589 KANSAS AVE
TONGANOXIE KS
66086

STATUTORY WARRANTY DEED

Grantor(s): Lori J. Elston, an unmarried person,

Conveys and Warrants to Mark Ross *ELSTON mb*, an unmarried person,

The following described premises, to-wit:

Lot 2, Elston Estates, Leavenworth County, Kansas.

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

Subject to: easements and restrictions of record, if any

Dated this November 21, 2022

PURSUANT TO K.S.A. 79-1437 (E), A REAL ESTATE VALIDATION QUESTIONNAIRE IS NOT REQUIRED DUE
TO EXEMPTION NO. 8

TX:4088609

DocID:8124659



Lori J. Elston

Lori J. Elston

Lori J. Elston

State of Kansas, Douglas County} ss.

This instrument was acknowledged before me on November 21st, 2022 by Lori J. Elston, an unmarried person.

Jennifer Baugh
Notary Public

My appointment expires:

JENNIFER BAUGH



797.49 ft

343.45 ft

657.09 ft

1.03

431.22 ft

15 ft

1.01

Area: 22.11 ac
Perimeter: 7,312.69 ft

Area: 6.81 ac
Perimeter: 2,942 ft

40 ft

620.31 ft

599.96 ft

Area: 4.99 ac
Perimeter: 2,057.01 ft

970.52 ft

791.73 ft

Area: 5.02 ac
Perimeter: 2,336.96 ft

666.76 ft

Area: 5.06 ac
Perimeter: 2,541.53 ft

440.68 ft

Area: 5.01 ac
Perimeter: 2,242.98 ft

1,077.04 ft

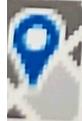
570.60 ft

Area: 4.99 ac
Perimeter: 2,504.59 ft

440.68 ft

Area: 4.57 ac
Perimeter: 2,587.61 ft

ISHUBZ



enw...

WKID: 4326 Lat/Long ▲

Lat: 39.08372° N
Lon: 95.07133° W

01.17. 2024 mg

Leavenworth Planning and Zoning:

My name is Mark Elston.

My home and property are located at 21589 Kansas Ave. Tonganoxie KS

My far west property line butts up against the Tonganoxie city property line of the industrial park.

I have 2 parcels of land. One of 6 acres that my home sits on, and the other of 68 acres which includes a large pond.

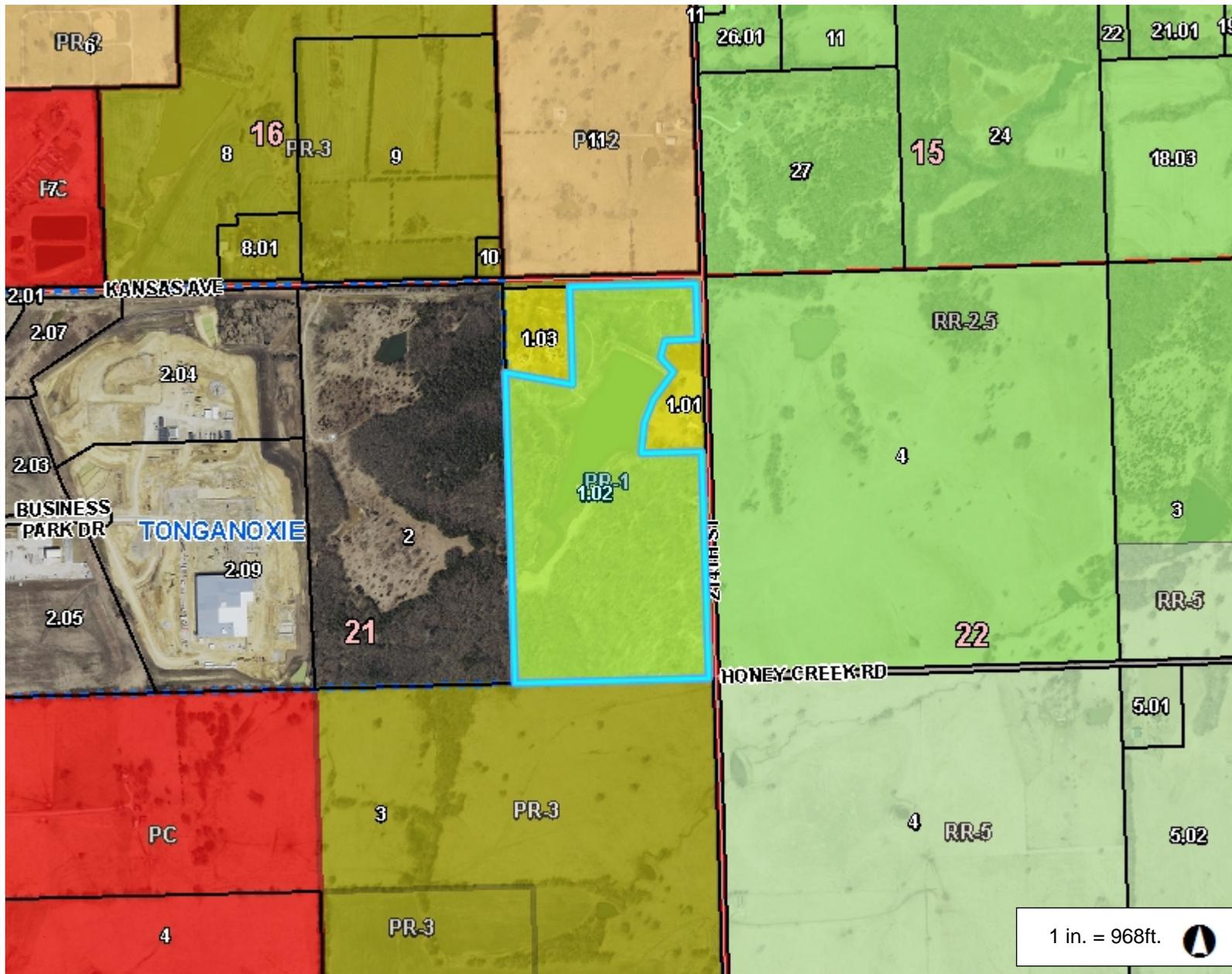
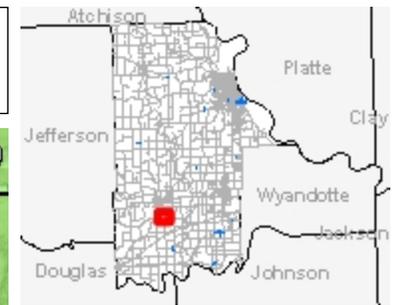
My intention is for my 3 sons to build on the family land by dividing land on the east side of the pond into 5 acre plots. As the layout indicates, there will be 6 plots. Our intention is to have 1 driveway entrance on 214th St.

Presently, my former home, 17075 214th St. sits on the east side of the lake on a 5 acre tract. This would create uniform development for the area with higher tax bracket homes.

The pond plus remaining land on the west and north of the pond (approx 22 acres) would be plotted as one parcel. This will remain undeveloped for the foreseeable future with the understanding that it will go to my sons at some point in time. The driveway that is the entrance for my home will remain the only driveway for that parcel as well.



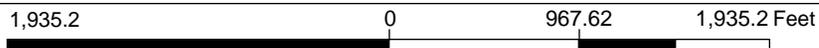
DEV-24-005 Elston Rezone



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. = 968ft.



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: Anderson, Kyle
Sent: Monday, February 12, 2024 12:17 PM
To: Allison, Amy
Subject: FW: DEV-24-005 Rezone of Elston Estates Lot 2 for Mark Elston

We have not received any complaints on this property.

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

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

From: Johnson, Melissa <MJohnson@leavenworthcounty.gov>
Sent: Wednesday, January 17, 2024 4:05 PM
To: Magaha, Chuck <cmagaha@lvsheriff.org>; Anderson, Kyle <KAnderson@leavenworthcounty.gov>; Miller, Jamie <JMiller@leavenworthcounty.gov>; Patzwald, Joshua <jpatzwald@lvsheriff.org>; Van Parys, David <DVanParys@leavenworthcounty.gov>; Noll, Bill <BNoll@leavenworthcounty.gov>; McAfee, Joe <JMcAfee@leavenworthcounty.gov>; Baumchen, Daniel <DBaumchen@leavenworthcounty.gov>; 'designgrouplawrenceservicecenter@evergy.com' <designgrouplawrenceservicecenter@evergy.com>; 'Chief1860@ttrfd.com' <Chief1860@ttrfd.com>; 'travis@suburbanwaterInc.com' <travis@suburbanwaterInc.com>; 'trish@suburbanwaterinc.com' <trish@suburbanwaterinc.com>
Cc: PZ <PZ@leavenworthcounty.gov>
Subject: DEV-24-005 Rezone of Elston Estates Lot 2 for Mark Elston

The Department of Planning & Zoning has received an application for a Rezone request regarding a property from PR-1 to RR-5.

The Planning Staff would appreciate your written input in consideration of the above request. Please review the attached information and forward any comments to us by Wednesday, January 31, 2024.

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

MEMO

To: Melisa Johnson
From: Chuck Magaha
Subject: Rezoning Elston
Date: February 12, 2024

Melissa, I have reviewed the request of the rezoning to Mr. Mark Elston regarding the rezoning of the parcel divide you provided to our office from PR-1 to RR5. I have no comments to lend at this time understanding that the property after rezoning will need to abide by the subdivision guideline. If you feel I have missed an issue please give a call at 684-0457.

Allison, Amy

From: Timothy Smith <chief1860@ttrfd.com>
Sent: Thursday, January 18, 2024 9:19 AM
To: Johnson, Melissa
Subject: Re: DEV-24-005 Rezone of Elston Estates Lot 2 for Mark Elston

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 reviewed this request and has no issues with it.

On Wed, Jan 17, 2024 at 4:04 PM Johnson, Melissa <MJohnson@leavenworthcounty.gov> wrote:

The Department of Planning & Zoning has received an application for a Rezone request regarding a property from PR-1 to RR-5.

The Planning Staff would appreciate your written input in consideration of the above request. Please review the attached information and forward any comments to us by Wednesday, January 31, 2024.

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.

--

Tim Smith, Chief
*Tonganoxie Township Rural Fire Department
Past President Kansas State Association Fire Chiefs*

18993 McLouth Rd
Tonganoxie KS 66086

Phone: [913-845-3801](tel:913-845-3801)

Fax: [913-845-3801](tel:913-845-3801)

Cell: [816-392-2468](tel:816-392-2468)

Failure to Prepare

Is

Preparing to Fail