

## LEAVENWORTH COUNTY PLANNING COMMISSION

Agenda for the Regular Meeting of 6:00 P.M., Wednesday, March 10, 2021  
County Courthouse - 300 Walnut Street - Leavenworth, Kansas 66048  
[www.leavenworthcounty.gov](http://www.leavenworthcounty.gov)

Due to limited seating anyone wishing to attend will need to call 913-684-0465 before noon on Tuesday, March 9th. Attendees will be required to wear a mask.  
We encourage everyone to view the meeting live via YouTube

1. **Call to Order**
2. **Pledge of Allegiance**
3. **Roll Call**
4. **Approval of Minutes**
5. **Secretary's Report**
6. **Approval of Agenda**
7. **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
8. **Consent Agenda**
  - A. **Case DEV-21-004 & 005 Boyd Estates – Continued to the April PC Meeting**  
Consideration of a Preliminary and Final Plat for Boyd Estates, a four-lot plat, on a tract of land in the Northwest Quarter of Section 10, Township 10 South, Range 22 East of the 6<sup>th</sup> P.M., in Leavenworth County, Kansas.  
**Also known as 18401 Hollingsworth Road (PID: 154-19-0-00-00-013.01)**  
**Submitted by Herring Surveying**
  - B. **Case DEV-21-006 & 007 Joy Meadows – Continued to the April PC Meeting**  
Consideration of a Preliminary and Final Plat for Joy Meadows, an eight-lot plat, on a tract of land in the Southwest Quarter of the Southeast Quarter of Section 16, Township 12 South, Range 22 East of the 6<sup>th</sup> P.M., in Leavenworth County, Kansas.  
**Also known as 12400 170<sup>th</sup> Street (PID: 235-16-0-00-00-025.01)**  
**Submitted by Herring Surveying**
  - C. **Case DEV-21-013 Heinen Acres Replat**  
Consideration of a Replat of Lots 3 and 4, Heinen Acres, located in the Southeast Quarter of Section 24, Township 19, Range 21E of the 6<sup>th</sup> P.M., in Leavenworth County, Kansas.  
**Also known as 18798 Donahoo Rd (PID 146-24-0-00-00-012.05 & 12.04)**  
**Submitted by Hahn Surveying**

## 9. Regular Agenda

- A. Case DEV-20-158 (Polhemus Mechanic) – *Continued from the February Meeting***  
Consideration of an application for a Special Use Permit for Polhemus Mechanic, an Automotive Repair Service, located on Lot 7 in Hidden Meadows Subdivision Phase 1, in Leavenworth County, Kansas.

**Also known as 17405 Gatewood Street (103-08-0-00-00-015.06)**

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

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

- B. Case DEV-20-003 (Gast Auto Repair)**

Consideration of an application for the renewal of Special Use Permit for Gast Auto Repair, an Automotive Repair Service, located on a tract of land in the Northwest Quarter of Section 5, Township 8 South, Range 21 East of the 6<sup>th</sup> P.M., Leavenworth County Kansas.

**Also known as 22578 Millwood Rd PID: (063-05-0-00-00-007.00)**

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

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

- C. Case DEV-20-160 Text Amendment**

Consideration of amendments to the 2006 Leavenworth County Zoning and Subdivision Regulations:

Article – 3 Definitions – Private Roads

Article – 18 Planned Zoning Districts

Article – 27 Site Plan Development

Request submitted by Leavenworth County Planning and Zoning

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

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

### **Adjournment of Planning Commission**

**Next meeting date:**

**Wednesday, March 24, 2021 – Work Session about Comprehensive Plan**

**Next regularly scheduled meeting date:**

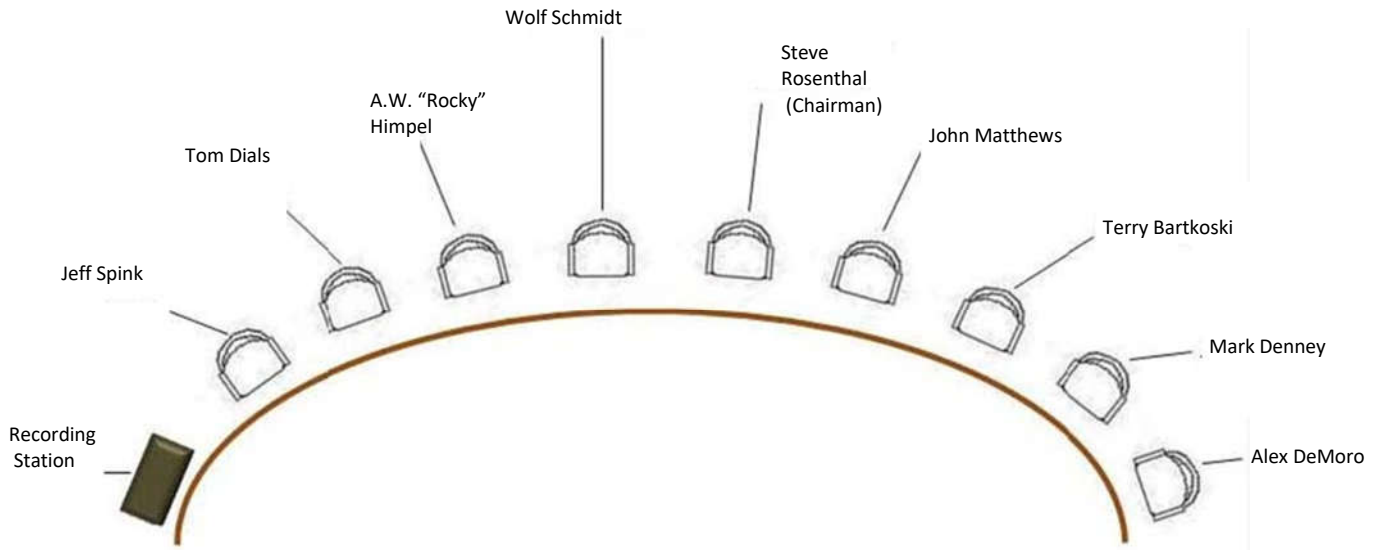
**Wednesday, April 14, 2021**

### **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 2021



**LEAVENWORTH COUNTY PLANNING COMMISSION  
MINUTES OF THE REGULAR MEETING  
February 10, 2021**

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

**Meeting called to order at 6:00 pm**

**Pledge of Allegiance**

**Members present:** Steve Rosenthal, Mark Denney, A.W. Himpel, Jeff Spink, Wolf Schmidt, John Matthews, Terry Bartkoski, Alex DeMoro, and Tom Dials

**Members absent:** none

**Staff present:** Krystal Voth-Director, Stephanie Sloop-Planning Coordinator, Jared Clements-Planner, David Van Parys-Senior County Counselor

**Approval of Minutes:**

*Commissioner Schmidt made a motion to approve the minutes from the previous Planning Commission. Commissioner Dials seconded the motion.*

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

**Secretary's Report:**

Krystal Voth gave the secretary's report, letting the commission know that there were several cases on the consent agenda, approval of the agenda would approve those cases.

*A motion was made by Commissioner Himpel to approve the agenda. Commissioner Schmidt seconded the motion.*

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

**Declarations: No further declarations**

**Case DEV-20-147(CoolHeat KC)**

**Consideration of an application for a Special Use Permit for CoolHeat KC, a HVAC repair service located on a tract of land in the Southeast ¼ of Section 27, Township 11, Range 22 East of the 6<sup>th</sup> P.M., in Leavenworth County, Kansas.**

**Request submitted by Richard Rogers**

**Also known as 15890 Linwood Road**

Krystal Voth presented the staff report for the above-referenced case.

Chairman Rosenthal opened the public hearing portion of the case and asked if the applicant wished to speak. Mr. Rodgers came forward to answer questions and stated that he agreed with the staff's conditions. Chairman Rosenthal asked for people wanting to speak in favor of this request or opposition of this request to come forward. Jeff Storm came forward to speak in opposition to the request. Chairman Rosenthal closed the public hearing.

A discussion was had among the commission about the requested building and the parcel's condition regarding the storage of material outside.

***Commissioner Himpel made a motion to approve DEV-20-147 for CoolHeat KC. Modifying staff condition 2, changing it to read the applicant shall have completed the structure by September 1, 2021. Commissioner Schmidt seconded the motion.***

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

The Board of County Commissioners will consider this item on **March 3, 2021 at 9:00 A.M** in the Leavenworth County Courthouse.

**Case DEV-20-159 (Bed and Breakfast)**

**Consideration of an application for a Special Use Permit for a Bed & Breakfast located on a tract of land in the Southeast ¼ of Section 18, Township 9 South, Range 22 East of the 6<sup>th</sup> P.M. in Leavenworth County Kansas.**

**Request submitted by Douglas and Kendra DeLashmutt**

Jared Clements presented the staff report for the above-referenced case.

Chairman Rosenthal opened the public hearing portion of the hearing and asked if the applicant wished to speak. The applicants came forward and agreed with staff conditions. They also explained the nature of their use. Chairman Rosenthal asked for people to come forward to speak in favor or opposition. Chairman Rosenthal closed the public hearing portion of the meeting.

***Commissioner Matthews made a motion to approve DEV-20-159 for the Bed and Breakfast. Commissioner Bartkoski seconded the motion.***

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

The Board of County Commissioners will consider this item on **March 3, 2021 at 9:00 A.M** in the Leavenworth County Courthouse.

**Case DEV-21-002 (FreeState Electric Solar Farm)**

**Consideration of an application for a Special Use Permit for an electrical substation for FreeState Electric Solar Farm on a tract of land located in the Southeast ¼ of Section 26, Township 10 South, Range 2 East of the 6<sup>th</sup> P.M. Leavenworth County, Kansas.**

**Request submitted by FreeState Electric Cooperative**

Krystal Voth presented the staff report for the above-referenced case.

Chairman Rosenthal opened the public hearing portion of the hearing and asked if the applicant wished to speak. Applicant Eric Wylie, FreeState Electric, came forward. Commissioners asked questions about the project, one of which being if the reflection were a safety concern. The applicant explained the use and addressed concerns. The applicant also stated they agreed with the conditions. Chairman Rosenthal asked if there was any other public comment. The public hearing was closed.

Commissioner Denney asked about the requirement of a bond. The applicant explained that part of their agreement is that if this ever ceases to be a solar field, they have no more than one year to put the land back in the original condition. County Counselor said that the agreement is sufficient and explained that the County would have avenues to pursue if ever needed.

***Commissioner Bartkoski made a motion to approve DEV-21-002 a SUP for FreeState Electric. Commissioner Matthews seconded the motion.***

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

The Board of County Commissioners will consider this item on **March 3, 2021 at 9:00 A.M** in the Leavenworth County Courthouse.

**Case DEV-20-137 (Rezone – McCall)**

**Consideration of an application for a rezoning request from the RR-5 district to the RR-2.5 District on a tract of land located in the Northeast Quarter of Section 4, Township 10 South, Range 22 East of the 6<sup>th</sup> P.M., in Leavenworth County, Kansas.**

**Request submitted by Herring Surveying**

Jared Clements presented the staff report for the above-referenced case. The Commission asked for clarification about the rezoning shape and intent. Mr. Clements explained that the belief is that the intent is to keep as much land as farm ground as possible while selling the home to a family member.

Chairman Rosenthal opened the public hearing portion meeting and asked if the applicant/agent wished to speak. Beth McCall came forward. She explained the layout, and the reason for her request was to keep as much farm ground as possible while selling her nephew the house and 2.5 acres. She said it is their wish to keep the family farm together. Joe Herring, Herring Surveying, came forward to answer some questions about parcel size and lot-to-depth ratio. Chairman Rosenthal asked if there were people present wishing to speak in favor or opposition. Mr. Barrett came forward to speak in opposition. The public hearing was closed.

A discussion was had about the next step in the development process and the conditions and requirements that would come during a platting process that would address some of the concerns brought up during public comment.

***Commissioner Himpel made a motion to approve DEV-20-137 a rezoning request. Commissioner Schmidt seconded the motion.***

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

*(Commissioner Matthews voted no his reasoning was this wasn't the process that should be used.*

*Commissioner Dials voted no stating that there should be a simpler process that would satisfy the neighbors)*

The Board of County Commissioners will consider this item on **March 3, 2021 at 9:00 A.M** in the Leavenworth County Courthouse.

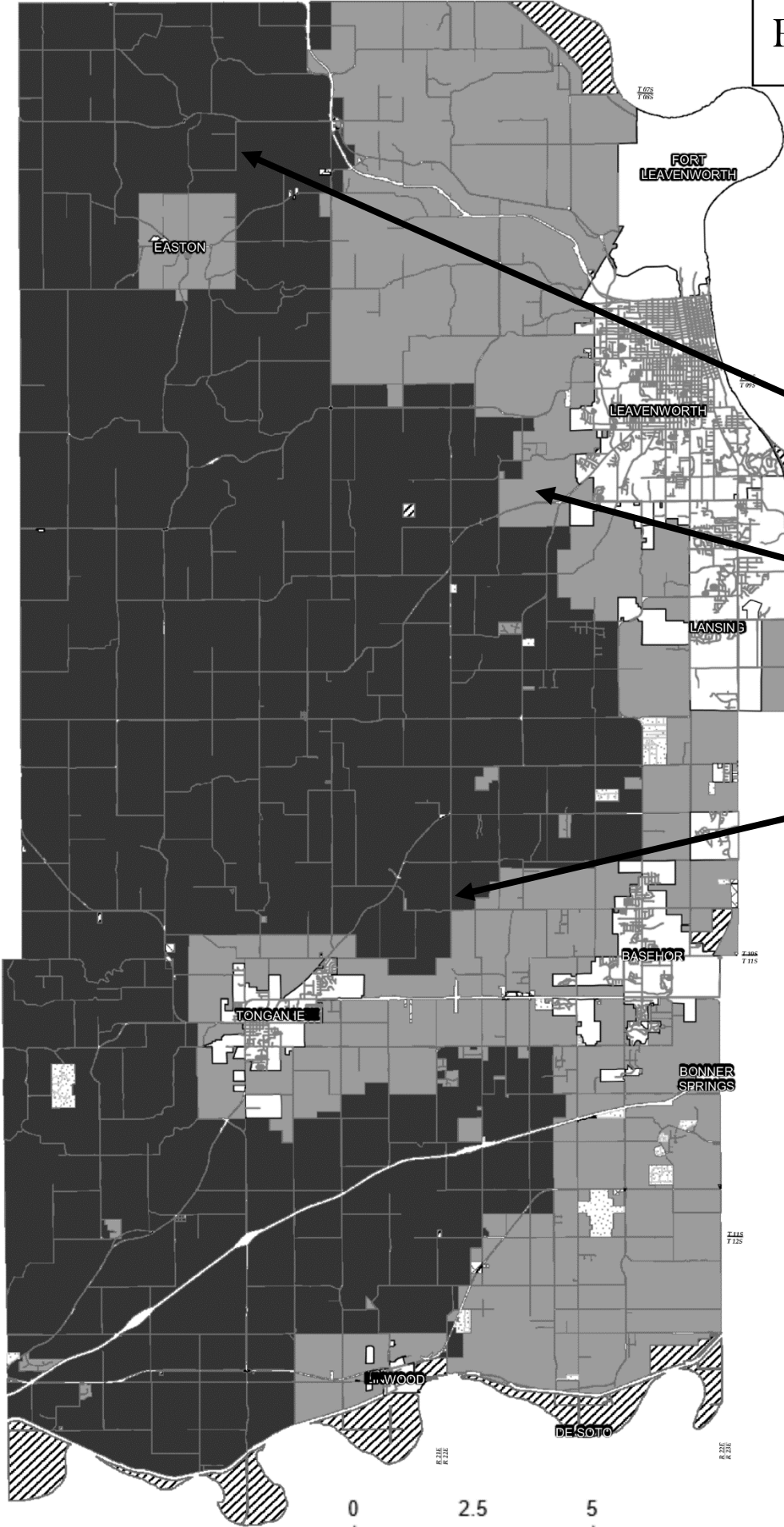
**Planning Commission adjourned at 7:14 PM.**

# Leavenworth County Planning Commission

March 10, 2021

### Legend

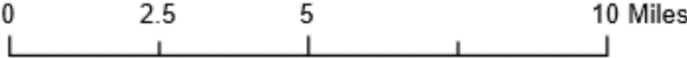
- RR-2.5
- RR-5
- B-1; B-2; B-3
- I-1; I-2; I-3
- PUD; R-1; R-1(15); R-1(43); R-2



**DEV-21-003**  
SUP: Gast Auto Repair

**DEV-20-158**  
SUP: Polhemus  
Mechanic Shop

**DEV-21-013**  
Replat  
Heinen Acres



**\*\*\*Consent Agenda\*\*\***  
**Case No. DEV-21-013**  
Replat of Heinen Acres

**Staff Report – Planning Commission**

**March 10, 2021**

**GENERAL INFORMATION:**

**Applicant/  
Property Owner:** Eric and Catherine Glassman  
18798 Donahoo Road  
Tonganoxie, KS 66086

**Agent:** Hahn Surveying  
P.O. Box 41  
Lansing, KS 66043

**Legal Description:** Lots 3 and 4 of Heinen Acres

**Parcel Size:** ± 10.02 acres

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

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

**Parcel ID No.:** 146-24-0-00-00-012.04 & 146-24-0-00-00-012.05

**Planner:** Joshua Gentzler

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**REPORT:**

**Request**

The applicant is requesting a replat of a property line between Lots 3 and 4 of the Heinen Acres subdivision.

**Adjacent Land Use**

The surrounding properties are residences and farms on varying sized parcels ranging from 1 acre to over 140 acres in size.

**Flood Plain**

There are no Special Flood Hazard Areas on this parcel per FEMA Firm Map 20103C0225G, July 16, 2015.

**Utilities/Services**

Sewer: Private septic system  
Fire: Stranger  
Water: RWD 8  
Electric: Freestate

**Access/Streets**

The property is accessed by Donahoo Road. This road is a County road with a gravel surface ± 40' wide.

**Agency Comments**

See attached comments – Email – Mitch Pleak – Public Works, February 18, 2021

**Findings**

1. The proposed subdivision is consistent with the zoning district of RR 5; Rural Residential Zoning 5 acre minimum size parcels and meets the lot-depth to lot-width ratio of 3.5:1, have the minimum frontage of 300', Minimum lot size of 5 acres.
2. The property is not within a sewer district boundary or is within 660 feet of the incorporated limits of a municipality; therefore, a waiver to the requirement of allowing private septic systems is supported by staff. A private sewage disposal permit may be issued per Leavenworth County Sanitary Code requirements.



3. The water district currently has adequate infrastructure to supply water to the lots within this subdivision but does not/cannot provide fire protection.
4. The proposed subdivision is in accordance with the Comprehensive Plan.

### **Subdivision Classification**

This is classified as a Class “C” Subdivision. According to the Leavenworth County Zoning & Subdivision regulations, a Class “C” is any subdivision in which all of the lots lie 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 2.)

### **Staff Comments**

The intention of this replat is to evenly distribute the 10.02 combined acres between lots 3A & 4A and to reorient the lots from fronting on 187<sup>th</sup> Street to fronting on Donahoo Road. Current and proposed lots meet the requirements for road frontage, width-to-depth, and lot size. Staff is supportive of this configuration.

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### **STAFF RECOMMENDATION:**

The staff recommends approval of Case No. DEV-21-013, Final Plat for Heinen Acres with the following 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. The applicant shall adhere to the following memorandums:
  - a. Mitch Pleak – Public Works, February 18, 2021
4. A waiver for the use of private septic systems within this subdivision is granted with this approval.
5. After approval of this subdivision by the Board of County Commission, all conditions listed shall be adhered to and copies shall be provided to the Planning and Zoning Department within 30 days.

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### **ACTION OPTIONS:**

1. Recommend approval of Case No. DEV-21-013, Final Plat for Heinen Acres to the Board of County Commission, with or without conditions; or
2. Recommend denial of Case No. DEV-21-013, Final Plat for Heinen Acres, to the Board of County Commission for the following reasons; or
3. Continue the hearing to another date, time, and place.

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### **ATTACHMENTS:**

Aerial Map  
Memorandums  
Final Plat

## Sloop, Stephanie

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**To:** Patzwald, Joshua  
**Subject:** RE: DEV-21-013 Replat Heinen Acres

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**From:** Patzwald, Joshua  
**Sent:** Thursday, February 11, 2021 7:51 AM  
**To:** Sloop, Stephanie <SSloop@leavenworthcounty.gov>  
**Subject:** RE: DEV-21-013 Replat Heinen Acres

I looked at the four you sent over for today's meeting and I don't see any issues. I will try to get more up to speed on what to look for on these so my input might be more constructive.

Thanks, Josh

## Gentzler, Joshua

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**From:** Sloop, Stephanie  
**Sent:** Thursday, February 11, 2021 4:49 PM  
**To:** Gentzler, Joshua  
**Subject:** FW: DEV-21-013 Replat Heinen Acres

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**From:** Van Parys, David  
**Sent:** Thursday, February 11, 2021 8:40 AM  
**To:** Sloop, Stephanie <SSloop@leavenworthcounty.gov>  
**Subject:** RE: DEV-21-013 Replat Heinen Acres

I do not note anything of legal interest and defer to staff as to the Golden factor analysis regarding any impact on the adjoining properties.

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**From:** Sloop, Stephanie  
**Sent:** Wednesday, February 10, 2021 4:52 PM  
**Subject:** DEV-21-013 Replat Heinen Acres

The Planning Staff would appreciate your written input in consideration of the above request. Please review the attached information and forward any comments to us by Thursday, February 11<sup>th</sup>.

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

Stephanie Sloop

Public Relations and Planning Coordinator  
Planning and Zoning  
Leavenworth County Courthouse  
300 Walnut St. Ste. 212  
Leavenworth. KS 66048  
(913) 364-5750 ph



## Sloop, Stephanie

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**To:** Amanda Tarwater  
**Subject:** RE: DEV-21-013 Replat Heinen Acres

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**From:** Amanda Tarwater <amanda.holloway@freestate.coop>  
**Sent:** Thursday, February 11, 2021 7:58 AM  
**To:** Sloop, Stephanie <SSloop@leavenworthcounty.gov>  
**Subject:** Re: DEV-21-013 Replat Heinen 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.

FreeState Electric has no objection to this request.

**Amanda Tarwater**  
Member Account Coordinator



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

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# HEINEN ACRES REPLAT

A REPLAT OF LOTS 3 AND 4, HEINEN ACRES  
SOUTHEAST QUARTER SECTION 24-T19S-R21E OF TH 6TH P.M.,  
COUNTY OF LEAVENWORTH, KANSAS

FINAL PLAT

02-18-2021  
OLSSON REVIEW



LOCATION MAP  
NO SCALE

**DESCRIPTION**

LOTS 3 AND 4, HEINEN ACRES  
LEAVENWORTH COUNTY, KANSAS

**IN TESTIMONY WHEREOF**

THE UNDERSIGNED PROPRIETORS STATE THAT ALL TAXES ON 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 SHALL BE KNOWN AS "HEINEN ACRES REPLAT".

WE, THE UNDERSIGNED OWNERS OF "HEINEN ACRES REPLAT" HAVE SET OUR HAND THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021.

ERIC M. GLASSMAN

CATHERINE M. GLASSMAN

**STATE OF KANSAS / COUNTY OF LEAVENWORTH**

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021, BEFORE ME APPEARED ERIC M. GLASSMAN AND CATHERINE M. GLASSMAN, KNOWN TO ME TO BE THE SAME PERSONS DESCRIBED HEREIN AND WHO EXECUTED THE SAME AS THEIR FREE ACT AND DEED. IN WITNESS THEREOF, I HAVE SET MY HAND AND AFFIXED MY NOTARIAL SEAL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021.

NOTARY PUBLIC

MY COMMISSION EXPIRES

**APPROVAL**

WE THE LEAVENWORTH COUNTY PLANNING COMMISSION, DO HEREBY APPROVE THE FOREGOING PLAT OF "HEINEN ACRES REPLAT" THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021.

CHAIRPERSON / STEVE ROSENTHAL

SECRETARY / KRystal VOTH, CFM

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

WE THE BOARD OF COUNTY COMMISSIONERS OF LEAVENWORTH COUNTY, KANSAS, DO HEREBY APPROVE THE FOREGOING PLAT OF "HEINEN ACRES REPLAT" THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021.

MICHAEL SMITH

COUNTY CLERK / JANET KLASINSKI (ATTEST)

**COUNTY SURVEYOR CERTIFICATION**

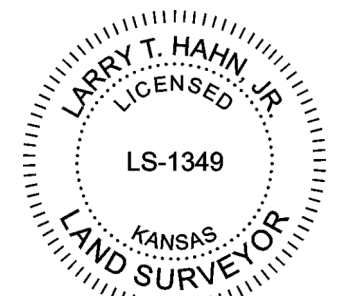
I HEREBY CERTIFY THIS PLAT MEETS THE REQUIREMENTS OF K.S.A. 58-2005. THE FACE OF THIS PLAT WAS REVIEWED BASED ON KANSAS MINIMUM STANDARDS FOR BOUNDARY SURVEYS. NO FIELD VERIFICATION IS IMPLIED. THIS REVIEW IS FOR SURVEY INFORMATION ONLY.

COUNTY SURVEYOR / WAYNE MALNICO, FS

**STATE OF KANSAS / COUNTY OF LEAVENWORTH**

FILED FOR RECORD IN DOCUMENT # \_\_\_\_\_ ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021  
AT \_\_\_\_\_ O'CLOCK \_\_\_\_\_ IN THE OFFICE OF THE REGISTER OF DEEDS, LEAVENWORTH COUNTY, KANSAS.

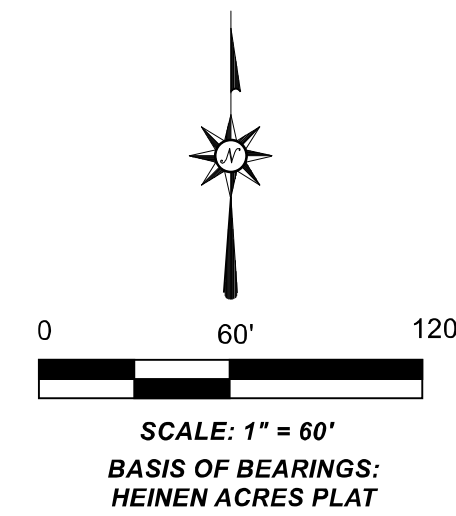
REGISTER OF DEEDS / TERRI LOIS MASHBURN



LARRY T. HAHN, LS #1349

THIS IS TO CERTIFY THAT IN THE MONTH OF JANUARY, 2021, THIS SURVEY WAS MADE UNDER MY DIRECT SUPERVISION AND THAT SAID SURVEY MEETS OR EXCEEDS THE "KANSAS MINIMUM STANDARDS" FOR BOUNDARY SURVEYS PURSUANT TO K.S.A. 74-7037.

HAHN SURVEYING  
PO BOX 41  
LANSING, KANSAS 66043  
(913) 547-3405  
hahnsurvey@gmail.com



**LEGEND**

- 1/2" x 24" REBAR SET WITH #1349 CAP
- SURVEY MONUMENT FOUND (AS NOTED)  
REFERENCE #1 - HEINEN ACRES
- ◻ 1/2" REBAR WITH #655 CAP IN CONCRETE  
(REF. #1)
- U/E UTILITY EASEMENT
- R/W ROAD RIGHT OF WAY

"UNPLATTED TRACT"  
PN. 146-24-0-00-012.01

**REFERENCES**

1. HEINEN ACRES PLAT (2001)

**BENCHMARK**

1/2" REBAR AT THE SE CORNER OF 24-T10S-R21E  
EL. 855.31 (NAVD88)

**ZONING**

RR - 5

-Provide documentation supporting no existing utilities in the UE being vacated.  
-Hatch and label no access along east Lot 4A line.

**NOTES**

1. THIS SUBDIVISION IS NOT WITHIN A SPECIAL FLOOD HAZARD AREA. FEMA MAP 20103C0225G, DATED 07/16/2015.
2. 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.
3. EXISTING USE OF AREA BEING REPLATTED - RESIDENTIAL PROPOSED USE - RESIDENTIAL
4. TITLE REPORT PROVIDED BY KANSAS SECURED TITLE # \_\_\_\_\_

**RESTRICTIONS**

1. 40' REAR SETBACK FOR RESIDENCES
- 15' REAR SETBACK FOR ACCESSORY BUILDINGS
- 15' SIDE SETBACK
2. AN ENGINEERED WASTEWATER DISPOSAL SYSTEM MAY BE REQUIRED DUE TO POOR SOIL CONDITIONS.
3. EROSION CONTROL SHALL BE USED WHEN DESIGNING AND CONSTRUCTING DRIVEWAYS.
4. A FORM OF SEDIMENT CONTROL SHALL BE INSTALLED BEFORE WORK BEGINS AND MAINTAINED THROUGHOUT THE TIME THAT THE LAND DISTURBING ACTIVITIES ARE TAKING PLACE.
5. RE-VEGETATION OF ALL DISTURBED SITES SHALL BE COMPLETED WITHIN 45 DAYS AFTER COMPLETION OF FINAL GRADING, WEATHER PERMITTING.
6. LOTS ARE SUBJECT TO THE CURRENT ACCESS MANAGEMENT POLICY RESOLUTION.

**EASEMENT DEDICATION**

AN EASEMENT OR LICENSE TO ENTER UPON, LOCATE, CONSTRUCT AND MAINTAIN OR AUTHORIZE THE LOCATION, CONSTRUCTION OR MAINTAINANCE AND USE OF CONDUITS, WATER, GAS, SEWER PIPE, POLES, WIRES, DRAINAGE FACILITIES, DUCTS, CABLES AND SIMILAR FACILITIES, UPON, OVER AND UNDER THESE AREAS OUTLINED AND DESIGNATED ON THE PLAT AS UTILITY EASEMENT OR U/E IS HEREBY GRANTED TO LEAVENWORTH COUNTY, KANSAS WITH SUBORDINATE USE OF THE SAME BY OTHER GOVERNMENTAL ENTITIES AND PUBLIC UTILITIES AS MAY BE AUTHORIZED BY STATE LAW TO USE SUCH EASEMENT FOR SAID PURPOSES.

**STREET DEDICATION**

ALL STREETS ON THE ACCOMPANYING PLAT AND NOT HERETOFORE DEDICATED TO PUBLIC USE ARE HEREBY SO DEDICATED.

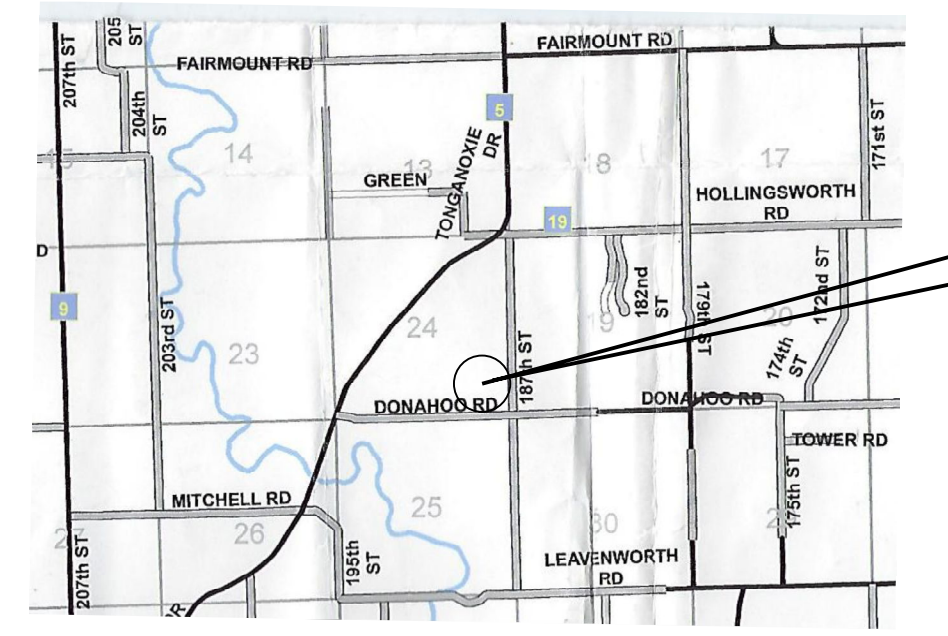
- E 1/4 CORNER 24-T19S-R21E (25P)  
5/8" REBAR  
1. ENE 30.93 TO 60D NAIL IN TOP OF FENCE POST  
2. NE 42.95 TO 60D NAIL IN TOP OF NORTH GATE POST  
3. W 25.40 TO PK NAIL WITH WASHER IN BRACE POST  
4. S 20.41 TO 1/2" REBAR - 12" DEEP

- SE CORNER 24-T10S-R21E (25R)  
1/2" REBAR  
1. SE 25.40 TO TOP CENTER OF TELEPHONE RISER  
2. NW 42.95 TO PK NAIL IN CORNER POST  
3. SW 44.62 TO PK NAIL IN CORNER POST  
4. N 80°32'19"W, 6.39 FEET TO 1/2" REBAR

# HEINEN ACRES REPLAT

A REPLAT OF LOTS 3 AND 4, HEINEN ACRES  
SOUTHEAST QUARTER SECTION 24-~~T19S-R21E~~ OF TH 6TH P.M.,  
COUNTY OF LEAVENWORTH, KANSAS

FINAL PLAT



LOCATION MAP  
NO SCALE

**DESCRIPTION**

LOTS 3 AND 4, HEINEN ACRES  
LEAVENWORTH COUNTY, KANSAS

**IN TESTIMONY WHEREOF**

THE UNDERSIGNED PROPRIETORS STATE THAT ALL TAXES ON 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 SHALL BE KNOWN AS "HEINEN ACRES REPLAT".

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CATHERINE M. GLASSMAN

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ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021, BEFORE ME APPEARED ERIC M. GLASSMAN AND CATHERINE M. GLASSMAN, KNOWN TO ME TO BE THE SAME PERSONS DESCRIBED HEREIN AND WHO EXECUTED THE SAME AS THEIR FREE ACT AND DEED. IN WITNESS THEREOF, I HAVE SET MY HAND AND AFFIXED MY NOTARIAL SEAL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021.

NOTARY PUBLIC

MY COMMISSION EXPIRES

**APPROVAL**

WE THE LEAVENWORTH COUNTY PLANNING COMMISSION, DO HEREBY APPROVE THE FOREGOING PLAT OF "HEINEN ACRES REPLAT" THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021.

CHAIRPERSON / STEVE ROSENTHAL

SECRETARY / KRystal VOTH, CFM

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

WE THE BOARD OF COUNTY COMMISSIONERS OF LEAVENWORTH COUNTY, KANSAS, DO HEREBY APPROVE THE FOREGOING PLAT OF "HEINEN ACRES REPLAT" THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021.

MICHAEL SMITH

COUNTY CLERK / JANET KLASINSKI (ATTEST)

**COUNTY SURVEYOR CERTIFICATION**

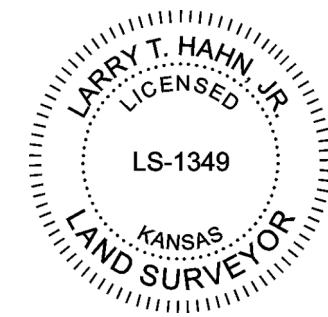
I HEREBY CERTIFY THIS PLAT MEETS THE REQUIREMENTS OF K.S.A. 58-2005. THE FACE OF THIS PLAT WAS REVIEWED BASED ON KANSAS MINIMUM STANDARDS FOR BOUNDARY SURVEYS. NO FIELD VERIFICATION IS IMPLIED. THIS REVIEW IS FOR SURVEY INFORMATION ONLY.

COUNTY SURVEYOR / WAYNE MALNICO, LS

**STATE OF KANSAS / COUNTY OF LEAVENWORTH**

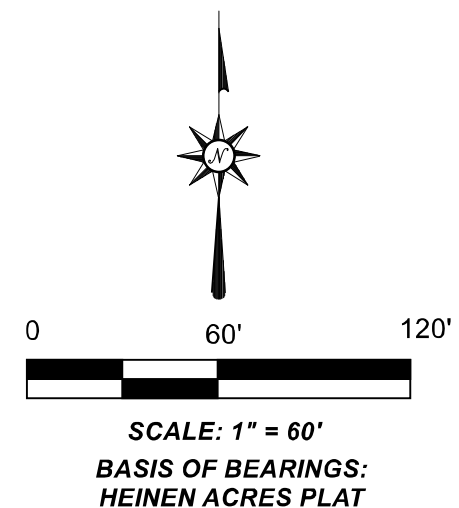
FILED FOR RECORD IN DOCUMENT # \_\_\_\_\_ ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021  
AT \_\_\_\_\_ O'CLOCK \_\_\_\_\_ IN THE OFFICE OF THE REGISTER OF DEEDS, LEAVENWORTH COUNTY, KANSAS.

REGISTER OF DEEDS / TERRI LOIS MASHBURN



LARRY T. HAHN, LS #1349

THIS IS TO CERTIFY THAT IN THE MONTH OF JANUARY, 2021, THIS SURVEY WAS MADE UNDER MY DIRECT SUPERVISION AND THAT SAID SURVEY MEETS OR EXCEEDS THE "KANSAS MINIMUM STANDARDS" FOR BOUNDARY SURVEYS PURSUANT TO K.S.A. 74-7037.



SCALE: 1" = 60'  
BASIS OF BEARINGS:  
HEINEN ACRES PLAT

- E 1/4 CORNER 24-T19S-R21E (25P)  
5/8" REBAR  
1. ENE 30.93 TO 60D NAIL IN TOP OF FENCE POST  
2. NE 42.95 TO 60D NAIL IN TOP OF NORTH GATE POST  
3. W 25.40 TO PK NAIL WITH WASHER IN BRACE POST  
4. S 20.41 TO 1/2" REBAR - 12" DEEP

the?

**LEGEND**

- 1/2" x 24" REBAR SET WITH #1349 CAP
- SURVEY MONUMENT FOUND (AS NOTED)  
REFERENCE #1 - HEINEN ACRES
- ◻ 1/2" REBAR WITH #655 CAP IN CONCRETE (REF. #1)
- U/E UTILITY EASEMENT
- R/W ROAD RIGHT OF WAY

"UNPLATTED TRACT"  
PN. 146-24-0-00-012.01

**REFERENCES**

1. HEINEN ACRES PLAT (2001)

**BENCHMARK**

1/2" REBAR AT THE SE CORNER OF 24-T10S-R21E  
EL. 855.31 (NAVD88)

**ZONING**

RR - 5

**S 1/4 CORNER 24-T10S-R21E (23R)**

- 1/2" REBAR  
1. SSW 27.94 TO 60D NAIL IN TOP OF 12" STUMP  
2. SE 26.61 TO PK NAIL WITH WASHER IN CUT POWER POLE  
3. WNW 26.30 TO NORTH END OF 30" CMP

**NOTES**

1. THIS SUBDIVISION IS NOT WITHIN A SPECIAL FLOOD HAZARD AREA. FEMA MAP 20103C0225G, DATED 07/16/2015.
2. 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.
3. EXISTING USE OF AREA BEING REPLATTED - RESIDENTIAL PROPOSED USE - RESIDENTIAL
4. TITLE REPORT PROVIDED BY KANSAS SECURED TITLE # \_\_\_\_\_

**RESTRICTIONS**

1. 40' REAR SETBACK FOR RESIDENCES
- 15' REAR SETBACK FOR ACCESSORY BUILDINGS
- 15' SIDE SETBACK
2. AN ENGINEERED WASTEWATER DISPOSAL SYSTEM MAY BE REQUIRED DUE TO POOR SOIL CONDITIONS.
3. EROSION CONTROL SHALL BE USED WHEN DESIGNING AND CONSTRUCTING DRIVEWAYS.
4. A FORM OF SEDIMENT CONTROL SHALL BE INSTALLED BEFORE WORK BEGINS AND MAINTAINED THROUGHOUT THE TIME THAT THE LAND DISTURBING ACTIVITIES ARE TAKING PLACE.
5. RE-VEGETATION OF ALL DISTURBED SITES SHALL BE COMPLETED WITHIN 45 DAYS AFTER COMPLETION OF FINAL GRADING, WEATHER PERMITTING.
6. LOTS ARE SUBJECT TO THE CURRENT ACCESS MANAGEMENT POLICY RESOLUTION.

**EASEMENT DEDICATION**

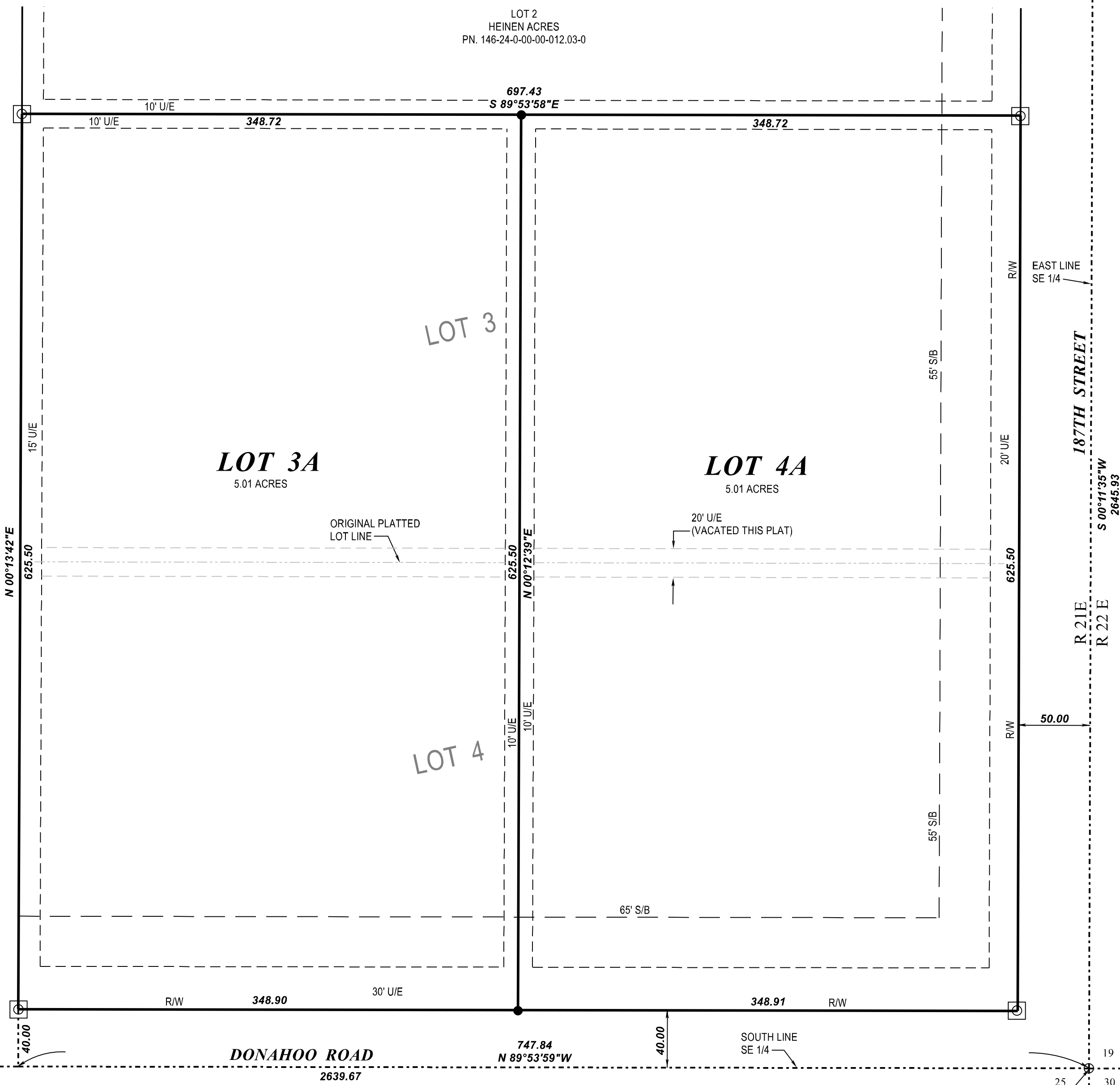
AN EASEMENT OR LICENSE TO ENTER UPON, LOCATE, CONSTRUCT AND MAINTAIN OR AUTHORIZE THE LOCATION, CONSTRUCTION OR MAINTAINANCE AND USE OF CONDUITS, WATER, GAS, SEWER PIPE, POLES, WIRES, DRAINAGE FACILITIES, DUCTS, CABLES AND SIMILAR FACILITIES, UPON, OVER AND UNDER THESE AREAS OUTLINED AND DESIGNATED ON THE PLAT AS UTILITY EASEMENT OR U/E IS HEREBY GRANTED TO LEAVENWORTH COUNTY, KANSAS WITH SUBORINATE USE OF THE SAME BY OTHER GOVERNMENTAL ENTITIES AND PUBLIC UTILITIES AS MAY BE AUTHORIZED BY STATE LAW TO USE SUCH EASEMENT FOR SAID PURPOSES.

**STREET DEDICATION**

ALL STREETS ON THE ACCOMPANYING PLAT AND NOT HERETOFORE DEDICATED TO PUBLIC USE ARE HEREBY SO DEDICATED.

**SE CORNER 24-T10S-R21E (25R)**

- 1/2" REBAR  
1. SE 25.40 TO TOP CENTER OF TELEPHONE RISER  
2. NW 42.95 TO PK NAIL IN CORNER POST  
3. SW 44.62 TO PK NAIL IN CORNER POST  
4. N 80°32'19"W, 6.39 FEET TO 1/2" REBAR



## Voth, Krystal

---

**From:** Mitch Pleak <mpleak@olsson.com>  
**Sent:** Monday, February 22, 2021 8:12 AM  
**To:** Voth, Krystal  
**Cc:** Anderson, Lauren; Noll, Bill; 019-2831  
**Subject:** RE: FW: Heinen Acres  
**Attachments:** EXH.pdf

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

Krystal,  
Thanks for the clarification on where the existing building is at vs the new lot lines. I don't see any concerns.

Sincerely,

Mitch Pleak

---

**From:** Voth, Krystal <KVoth@leavenworthcounty.gov>  
**Sent:** Friday, February 19, 2021 12:09 PM  
**To:** Mitch Pleak <mpleak@olsson.com>  
**Subject:** FW: FW: Heinen Acres

Mitch,

Here is the exhibit you asked for. Thanks and have a great day!

Krystal

---

**From:** larry hahn <[hahnsurvey@gmail.com](mailto:hahnsurvey@gmail.com)>  
**Sent:** Thursday, February 18, 2021 2:10 PM  
**To:** Voth, Krystal <[KVoth@leavenworthcounty.gov](mailto:KVoth@leavenworthcounty.gov)>  
**Subject:** Re: FW: Heinen 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.

Krystal -  
Attached is a exhibit

Larry Hahn, LS  
Hahn Surveying  
PO Box 41  
Lansing, Ks. 66043  
(913) 547-3405

On Thu, Feb 18, 2021 at 11:55 AM Voth, Krystal <[KVoth@leavenworthcounty.gov](mailto:KVoth@leavenworthcounty.gov)> wrote:

Larry,

Good afternoon. After a quick review of this plat, Staff has noticed that the existing home is awfully close to a proposed property line. Please provide an exhibit showing the home meets the setback. If you have any questions, please let me know. Thanks and have a good day.

Respectfully,

**Krystal A. Voth, CFM**

Director

Planning & Zoning

Leavenworth County

913.684.0461

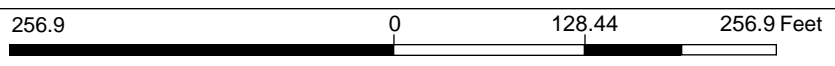


# DEV-21-013 Replat Heinen Acres



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

1 in. = 128ft.



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**

# HEINEN ACRES REPLAT

A REPLAT OF LOTS 3 AND 4, HEINEN ACRES  
SOUTHEAST QUARTER SECTION 24-T10S-R21E OF THE 6TH P.M.,  
COUNTY OF LEAVENWORTH, KANSAS

FINAL PLAT



LOCATION MAP

NO SCALE

**DESCRIPTION**

LOTS 3 AND 4, HEINEN ACRES  
LEAVENWORTH COUNTY, KANSAS

**IN TESTIMONY WHEREOF**

THE UNDERSIGNED PROPRIETORS STATE THAT ALL TAXES ON 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 SHALL BE KNOWN AS "HEINEN ACRES REPLAT".

WE, THE UNDERSIGNED OWNERS OF "HEINEN ACRES REPLAT" HAVE SET OUR HAND THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021.

ERIC M. GLASSMAN

CATHERINE M. GLASSMAN

**STATE OF KANSAS / COUNTY OF LEAVENWORTH**

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021, BEFORE ME APPEARED ERIC M. GLASSMAN AND CATHERINE M. GLASSMAN, KNOWN TO ME TO BE THE SAME PERSONS DESCRIBED HEREIN AND WHO EXECUTED THE SAME AS THEIR FREE ACT AND DEED. IN WITNESS THEREOF, I HAVE SET MY HAND AND AFFIXED MY NOTARIAL SEAL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021.

NOTARY PUBLIC

MY COMMISSION EXPIRES

**APPROVAL**

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CHAIRPERSON / STEVE ROSENTHAL

SECRETARY / KRISTAL VOTH, CFM

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COUNTY ENGINEER

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MICHAEL SMITH

COUNTY CLERK / JANET KLASINSKI (ATTEST)

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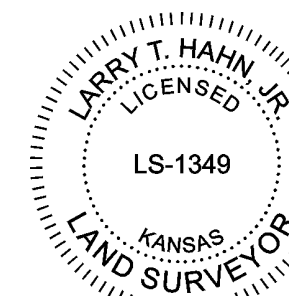
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COUNTY SURVEYOR / WAYNE MALNICOFF, LS

**STATE OF KANSAS / COUNTY OF LEAVENWORTH**

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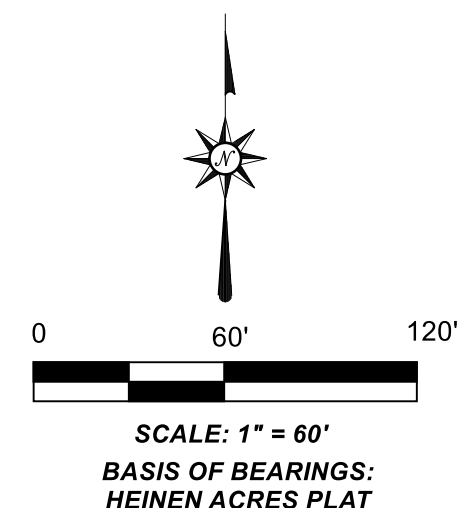
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LARRY T. HAHN, LS #1349

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HAHN SURVEYING  
PO BOX 41  
LANING, KANSAS 66043  
(913) 547-3405  
hahnsurvey@gmail.com



E 1/4 CORNER 24-T10S-R21E (25P)  
5/8" REBAR  
1. ENE 30.93 TO 60D NAIL IN TOP OF FENCE POST  
2. NE 42.95 TO 60D NAIL IN TOP OF NORTH GATE POST  
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- LEGEND**
- 1/2" x 24" REBAR SET WITH #1349 CAP
  - SURVEY MONUMENT FOUND (AS NOTED) REFERENCE #1 - HEINEN ACRES
  - 1/2" REBAR WITH #655 CAP IN CONCRETE (REF. #1)
  - U/E UTILITY EASEMENT
  - R/W ROAD RIGHT OF WAY
  - //// NO ACCESS

**REFERENCES**  
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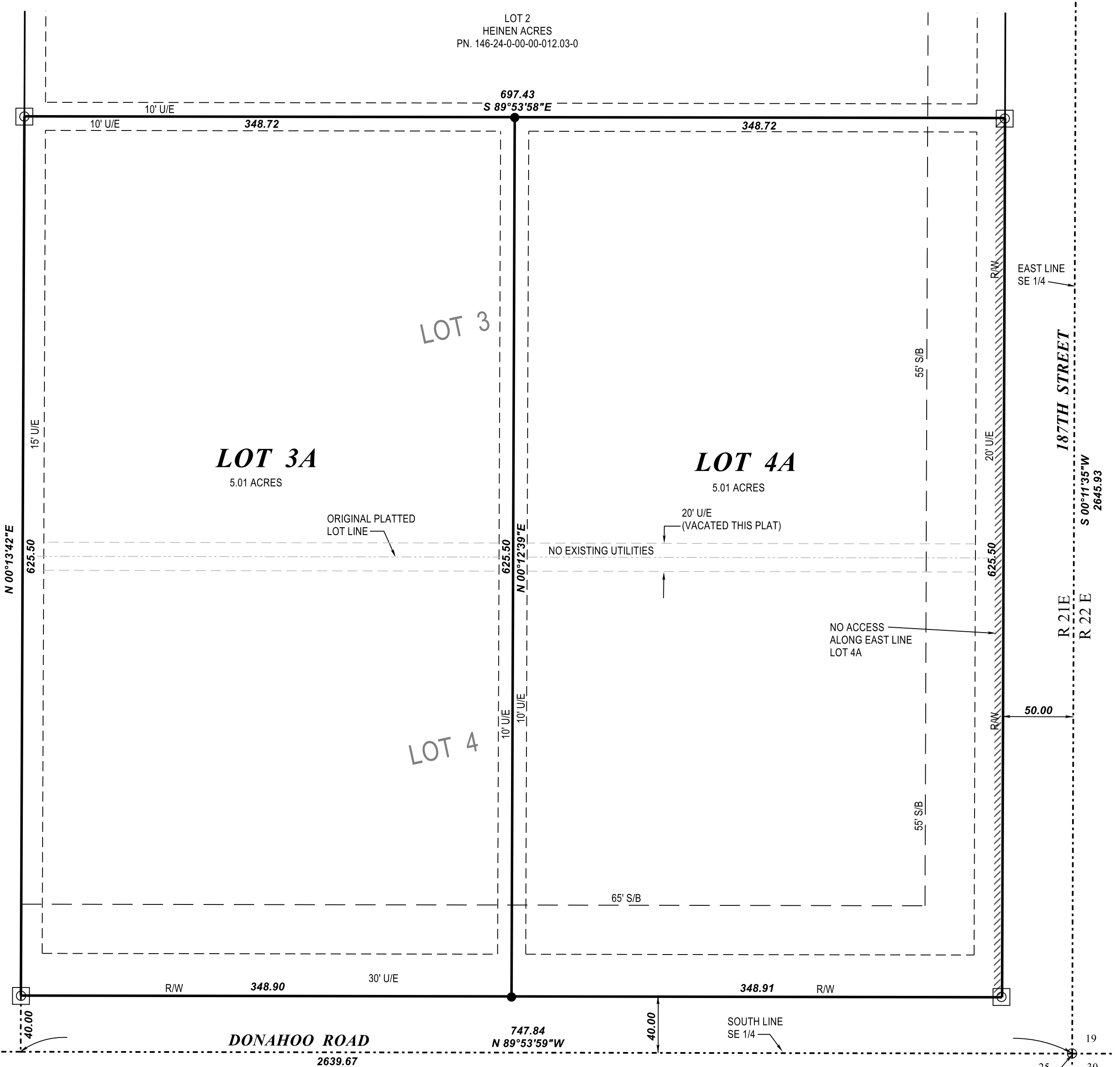
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EL. 855.31 (NAVD88)

**ZONING**  
RR - 5

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1/2" REBAR  
1. SSW 27.94 TO 60D NAIL IN TOP OF 12" STUMP  
2. SE 26.61 TO PK NAIL WITH WASHER IN CUT POWER POLE  
3. WNW 26.30 TO NORTH END OF 30" CMP

- NOTES**
1. THIS SUBDIVISION IS NOT WITHIN A SPECIAL FLOOD HAZARD AREA. FEMA MAP 20103C0225G, DATED 07/16/2015.
  2. 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.
  3. EXISTING USE OF AREA BEING REPLATTED - RESIDENTIAL PROPOSED USE - RESIDENTIAL
  4. TITLE REPORT PROVIDED BY KANSAS SECURED TITLE #TX0015682.

- RESTRICTIONS**
1. 40' REAR SETBACK FOR RESIDENCES
  - 15' REAR SETBACK FOR ACCESSORY BUILDINGS
  - 15' SIDE SETBACK
  2. AN ENGINEERED WASTEWATER DISPOSAL SYSTEM MAY BE REQUIRED DUE TO POOR SOIL CONDITIONS.
  3. EROSION CONTROL SHALL BE USED WHEN DESIGNING AND CONSTRUCTING DRIVEWAYS.
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  5. RE-VEGETATION OF ALL DISTURBED SITES SHALL BE COMPLETED WITHIN 45 DAYS AFTER COMPLETION OF FINAL GRADING, WEATHER PERMITTING.
  6. LOTS ARE SUBJECT TO THE CURRENT ACCESS MANAGEMENT POLICY RESOLUTION.



**Case No. DEV-21-158**  
**Polhemus Mechanic Shop**  
Special Use Permit – Automotive Repair  
\*\*\*Public Hearing Required\*\*\*

**Staff Report – Planning Commission**

**March 10, 2021**

**GENERAL INFORMATION:**

**Applicant/  
Property Owner:** Aiden Polhemus  
17405 Gatewood Street  
Leavenworth, KS, 66048

**Legal Description:** A tract of land in the Northeast Quarter of Section 8, Township 9 South,  
Range 22 East of the 6<sup>th</sup> P.M, in Leavenworth County, Kansas.

**Parcel Size:** ± 6.5 acres

**Zoning/Land Use:** RR-2.5, Rural Residential 2.5-acre minimum size parcels

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

**Parcel ID No.:** 103-08-0-00-00-015.06

**Planner:** Krystal Voth

---

**REPORT:**

**Request**

The applicant is requesting a Special Use Permit for a vehicle service station and repair shop.

**Adjacent Land Use**

The surrounding properties are residences and farms on varying sized parcels ranging from 2.5 acres to over 80 acres in size.

**Flood Plain**

There are no Special Flood Hazard Areas on this parcel per FEMA Firm Map 20103C0150G July 16, 2015.

**Utilities/Services**

Sewer: Private septic system  
Fire: Fire District #1  
Water: RWD #5  
Electric: FreeState Cooperative

**Access/Streets**

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

**Agency Comments**

See attached comments – Memo – Mitch Pleak – Public Works, February 9, 2020

**Factors to be considered**

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

1. Character of the neighborhood: The character of the neighborhood is rural; primarily rural residences, and agricultural uses.
2. Zoning and uses of nearby property: The surrounding properties are zoned RR-5, Rural Residential 5-acre minimum size parcels. The uses are rural residences and agricultural.
3. Suitability of the property for the uses to which it has been restricted: The property is within an area suited for rural residences and agricultural use. The use is allowed with approval of a Special Use Permit.
4. Extent to which removal of the restrictions will detrimentally affect nearby property: The area is likely be detrimentally affected by use of the road by heavy vehicles, site pollution from the shop, and increased traffic and noise pollution.
5. Length of time the property has been vacant as zoned: The property is not vacant.
6. Relative gain to economic development, public health, safety and welfare: The proposed use will provide income for the applicant.
7. Conformance to the Comprehensive Plan: The Future Land Use Map indicates this area as an area of mixed residential development.
8. Staff recommendation is for the denial of Special Use Permit application.

**Staff Analysis**

<b><u>LOCATION</u></b>	
<b>Adjacent Residences</b>	Adjacent residences are rural-suburban uses. Most properties to the north and west are on 2.5 acre parcels, or larger. Parcels to the east and south are on 10 acre parcels or larger.
<b>Adjacent Zoning/Uses</b>	Zoning in the area is RR-2.5 and are used primarily as rural residences and agricultural uses.
<b>Density</b>	The area is not densely populated.
<b>Nearby City Limits</b>	The city of Leavenworth is approximately 8/10 of a mile to the east of the property.
<b>Initial Growth Management Area</b>	The property is not located within any city's Urban Growth Management Area.

<b><u>IMPACT</u></b>	
<b>Noise Pollution</b>	This use will not cause prolonged noise pollution. The primary times of elevated noise levels will be when the applicant or customers are delivering the vehicles. This may happen at anytime during the day, based on applicant's schedule.
<b>Traffic</b>	The use will create additional traffic along 175 <sup>th</sup> Street and Gatewood Streets. The traffic will consist of semi-trucks weighing 16,000-17,000 lbs. and grain trailers weighing 10,000 lbs.
<b>Lighting</b>	The applicant does not have lighting other than security lighting and is not requesting lighting.
<b>Outdoor Storage</b>	The applicant states that equipment and related vehicles are stored outside until he is able to repair the machinery.
<b>Parking</b>	Parking is sufficient as only the applicant and his wife are the reported employees.
<b>Visitors/Employees</b>	The applicant estimates a total of two (2) visits from customers to the property each week.
<b>Waste</b>	The business generates chemical, fluid, and mechanical waste consistent with vehicle repair facilities. This waste is properly disposed of according to KDHE standards.

<b>SITE COMPATABILITY</b>	
<b>Size of Parcel</b>	The parcel is 6.5 acres in size.
<b>Zoning of Parcel</b>	The parcel is zoned Rural Residential-5
<b>Buildings (Existing &amp; Proposed)</b>	The applicant has a shop on the property that is approximately 40 x 50 feet. Tools, equipment, and vehicles in process of being repaired by the business are stored in the shop and around the shop.
<b>Setbacks</b>	Existing building meet the required setbacks.
<b>Screening</b>	The property is bordered on the east, south, and west by wooded land. The shop is screened from via on Gatewood Street.

**Complaints**

The Planning and Zoning Department has received no formal complaints on the property.

**Staff Comments**

The applicant is requesting a Special Use Permit (SUP) for a mechanic shop to repair heavy equipment.

The applicant is currently utilizing an existing structure to repair semi-trucks and grain trailers. The applicant estimates an average of two (2) customer trips per week. The applicant repairs large vehicles, including semi-trucks, agricultural equipment, and grain trailers. The vehicles and trailers that the applicant works on each weigh over 10,000 lbs., with semi-trucks weighing 16,000 – 17,000 lbs. These vehicles access the property via Gatewood Street, an unpaved, neighborhood street. The applicant is requesting a 7 AM to 7 PM time frame for the hours of operation on the property.

The structure currently utilized for the repairs of vehicles is a dirt floor barn. The applicant says any soil which is contaminated through fluid leaks or chemical spills will be removed and properly disposed of with a spill kit.

Public Works recommends that all traffic to the business be routed only from K92 to 175<sup>th</sup> Street to Gatewood Street in order to limit traffic on routes not designed for heavy vehicles. Kansas Department of Transportation has provided no further comment to a required route for traffic.

Staff has the following concerns regarding the business:

1. The property is located within the Hidden Meadows Subdivision and this subdivision and the surrounding area is planned to be developed with mixed residential uses by the Future Land Use map.
2. The usage of the property as a mechanic’s shop for large vehicles does not fit the land usages found in this neighborhood.
3. The property is accessed via an unpaved road. Planning and Zoning is concerned by the level of traffic and size of vehicles which this business would wear the road more quickly than anticipated and require unscheduled county maintenance.
4. Neighbors are likely to be affected by the nuisance of large vehicles approaching the property as customers drop off their vehicles or trailers on-site.
5. The barn structure used for the repairs has a dirt floor that provides little protection or ways to mitigate the effects of the chemical or fluid spills.

Staff recommends denial of this application.

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**STAFF RECOMMENDATION:**

The staff recommends denial of Case No. DEV-20-158, Special Use Permit for Polhemus Mechanic Shop.

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**ACTION OPTIONS:**

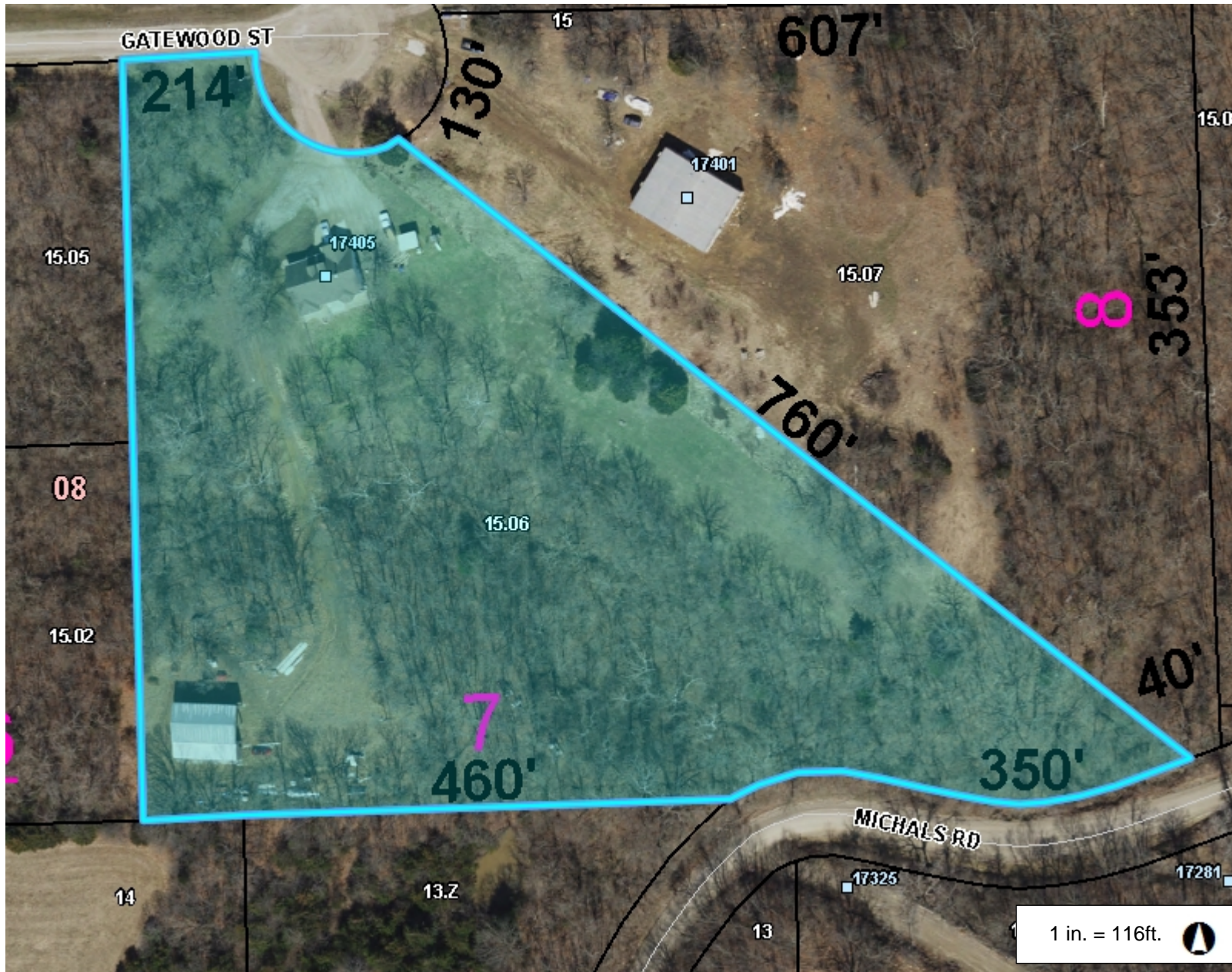
1. Recommend approval of Case No. DEV-20-158, Special Use Permit for Polhemus Mechanic Shop to the Board of County Commission, with Findings of Fact, and with or without conditions; or
2. Recommend denial of Case No. DEV-20-158, Special Use Permit for Polhemus Mechanic Shop to the Board of County Commission, with Findings of Fact; or
3. Continue the Public hearing to another date, time, and place.

---

**ATTACHMENTS:**

Narrative  
Location/Aerial Maps  
Memorandums

# DEV-20-158 SUP Pohlemus



## Legend

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

1 in. = 116ft.

232.0      0      116.00      232.0 Feet

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## Notes

## Voth, Krystal

---

**From:** Mitch Pleak <mpleak@olsson.com>  
**Sent:** Tuesday, February 9, 2021 1:53 PM  
**To:** Clements, Jared  
**Cc:** Voth, Krystal; Noll, Bill; Anderson, Lauren; 019-2831  
**Subject:** RE: DEV-20-158 SUP Polhemus Mechanic

**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.

Jared,  
The County has reported no weight restricted culverts long said routes. Olsson has no comments regarding the vehicle types proposed in regards to the existing gravel roadway bed or existing culverts. Public Works recommends the SUP route be limited to the northern route (Gatewood to 175<sup>th</sup> Street to K92). With the route connecting to a State route, it is typical for the County to ask the State for comments on said application. Has the State been contacted?

Thanks,

### Mitch Pleak, PE

Project Engineer / Civil

D 913.748.2503

7301 W. 133rd Street, Suite 200  
Overland Park, KS 66213  
O 913.381.1170



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---

**From:** Clements, Jared <JClements@leavenworthcounty.gov>  
**Sent:** Monday, February 1, 2021 10:44 AM  
**To:** Mitch Pleak <mpleak@olsson.com>  
**Cc:** Voth, Krystal <KVoth@leavenworthcounty.gov>; Noll, Bill <BNoll@leavenworthcounty.gov>; Anderson, Lauren <LAnderson@leavenworthcounty.gov>  
**Subject:** RE: DEV-20-158 SUP Polhemus Mechanic

Good Morning Mitch,

After speaking with the applicant they specify that Grain Trailers weigh around 10,000 lbs, and will most commonly be brought to the property via semi-truck (16,000 – 17,000 lbs).  
Let me know if you need any more information.

Thank you,



Jared

---

**From:** Mitch Pleak <[mpleak@olsson.com](mailto:mpleak@olsson.com)>  
**Sent:** Monday, February 1, 2021 9:58 AM  
**To:** Clements, Jared <[JClements@leavenworthcounty.gov](mailto:JClements@leavenworthcounty.gov)>  
**Cc:** Voth, Krystal <[KVoth@leavenworthcounty.gov](mailto:KVoth@leavenworthcounty.gov)>; Noll, Bill <[BNoll@leavenworthcounty.gov](mailto:BNoll@leavenworthcounty.gov)>; Anderson, Lauren <[LANderson@leavenworthcounty.gov](mailto:LANderson@leavenworthcounty.gov)>; 019-2831 <[019-2831@olsson.com](mailto:019-2831@olsson.com)>  
**Subject:** FW: DEV-20-158 SUP Polhemus Mechanic

**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.

Jared,  
Good morning. To full understand the proposed use, please have the applicant provide the average weight and size of the "grain trailers". Also, will the trailers be pulled by a semi-truck with an approximate weight between 16,000 to 17,000 lbs?

Thanks,

## Mitch Pleak, PE

Project Engineer / Civil

D 913.748.2503

7301 W. 133rd Street, Suite 200  
Overland Park, KS 66213  
O 913.381.1170



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**From:** Clements, Jared <[JClements@leavenworthcounty.gov](mailto:JClements@leavenworthcounty.gov)>  
**Sent:** Friday, January 29, 2021 12:37 PM  
**To:** Mitch Pleak <[mpleak@olsson.com](mailto:mpleak@olsson.com)>  
**Cc:** Voth, Krystal <[KVoth@leavenworthcounty.gov](mailto:KVoth@leavenworthcounty.gov)>  
**Subject:** RE: DEV-20-158 SUP Polhemus Mechanic

Hi Mitch,

I spoke with Mr. Polhemus about his anticipated traffic when scheduling a site visit for this afternoon, details below. Let me know if you need anything else

- **Vehicles Per Week:** 1-2
- **Time Frame:** between 7am to 7pm
- **Anticipated Routes:**
  - o Traffic from North – K92 > 175<sup>th</sup> > Gatewood
  - o Traffic from South – Eisenhower > 179<sup>th</sup> > Michals > 175<sup>th</sup> > Gatewood

- **Types of Vehicles:** Mr. Polhemus indicates that he does not work on personal vehicles, mostly working on Semi-Trucks (he specifies he anticipates they will never be loaded). He stated they approximately weigh between 16,000 & 17,000 lbs on average. Applicant also mentioned anticipating working on “Grain Trailers”, which he states are heavier (I am unfamiliar with this vehicle type).

Thanks Mitch,  
Jared Clements

---

**From:** Mitch Pleak <[mpleak@olsson.com](mailto:mpleak@olsson.com)>

**Sent:** Monday, January 4, 2021 4:52 PM

**To:** Clements, Jared <[JClements@leavenworthcounty.gov](mailto:JClements@leavenworthcounty.gov)>

**Cc:** Anderson, Lauren <[LAnderson@leavenworthcounty.gov](mailto:LAnderson@leavenworthcounty.gov)>; Noll, Bill <[BNoll@leavenworthcounty.gov](mailto:BNoll@leavenworthcounty.gov)>; 019-2831 <[019-2831@olsson.com](mailto:019-2831@olsson.com)>

**Subject:** RE: DEV-20-158 SUP Polhemus Mechanic

**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.

Jared,

The application has been reviewed. The applicant states the applied use will be for an occasional location to make repairs to commercial and agricultural vehicles and equipment. Please request the anticipated trips the applicant is planning for. Trips shall include anticipated vehicles per day/week/month including number of trucks, types of trucks, large equipment, trailers, and loads. Trips shall include customers, staff, deliveries, or other vehicles needed for the special uses permit. Provide time frames per day when the trips will be generated. There appears to be 3 routes to the site for operation as stated below. What will be the anticipate set route to the site for operations?

- Michals RD (west of 175<sup>th</sup> Street) to 175<sup>th</sup> Street to Gatewood Street to the Site.
- Michals RD (east of 175<sup>th</sup> Street) to 175<sup>th</sup> Street to Gatewood Street to the Site.
- K-92 to 175<sup>th</sup> Street to Gatewood Street to the Site.

Note, the requested above information will be used to determine if any further assessments or studies are needed.

Sincerely,

**Mitch Pleak, PE**

Project Engineer / Civil

D 913.748.2503

7301 W. 133rd Street, Suite 200

Overland Park, KS 66213

O 913.381.1170

**olsson**<sup>®</sup>

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**From:** Clements, Jared

**Sent:** Thursday, December 31, 2020 2:37 PM

**To:** Magaha, Chuck ; Van Parys, David ; Thorne, Eric ; Miller, Jamie ; Anderson, Lauren ; Johnson, Melissa ; Mitch Pleak ; [Amanda.holloway@freestate.coop](mailto:Amanda.holloway@freestate.coop); 'tmgoetz@stjoewireless.com' ; [firedistrict1@fd1lv.org](mailto:firedistrict1@fd1lv.org)

**Subject:** DEV-20-158 SUP Polhemus Mechanic

The Department of Planning & Zoning has received an application for a Special Use Permit regarding an Automotive Repair business.

The Planning Staff would appreciate your written input in consideration of the above request. Please review the attached information and forward any comments to us by January 7, 2021.

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

Thank you,

Jared Clements  
Planner II  
Leavenworth County Planning and Zoning  
300 Walnut St. Ste. 212  
Leavenworth, KS 66048  
(913)684-0465

**SPECIAL USE PERMIT APPLICATION**

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

Office Use Only

PID: \_\_\_\_\_ Date Received: DEC 22 2020  
Township \_\_\_\_\_  
Planning Commission Date: \_\_\_\_\_  
Case No. \_\_\_\_\_ Date Paid 12/22/2020  
Zoning District \_\_\_\_\_  
Comprehensive Plan land use designation \_\_\_\_\_

**APPLICANT/AGENT INFORMATION**

NAME AIDEN POLHEMUS  
ADDRESS 17405 GATEWOOD ST  
CITY/ST/ZIP LEAVENWORTH, KS, 66048  
PHONE 913 669 3749  
EMAIL AMP MOBILE SRVC @ GMAIL.COM  
CONTACT PERSON AIDEN

**OWNER INFORMATION (If different)**

NAME \_\_\_\_\_  
ADDRESS \_\_\_\_\_  
CITY/ST/ZIP \_\_\_\_\_  
PHONE \_\_\_\_\_  
EMAIL \_\_\_\_\_  
CONTACT PERSON \_\_\_\_\_

**PROPOSED USE INFORMATION**

Existing and Proposed structures BARN - EXISTING  
Reason for requesting a Special Use Permit PERFORM SERVICE/REPAIR OF COMMERCIAL EQUIPMENT "TRUCKS" ON SITE

**PROPERTY INFORMATION**

Address of property 17405 GATEWOOD ST LV, KS Parcel size 5+ ACRES  
Current use of the property RESIDENTIAL  
Does the owner live on the property? YES  
Does the applicant own property in states or counties other than Kansas and Leavenworth County? NO

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

Signature [Signature] Date 12-21-2020

**ATTACHMENT A**

**Narrative:**

Proposed special use of property: 17405 Gatewood St Leavenworth, Ks 66048

Application for 10 year special use permit

Current use: Property is currently being used only to park one commercial vehicle(service truck).

Applied use: Property/ existing barn to be used as occasional location to make repairs to commercial and agricultural vehicles and equipment.

Hours of operation: Not to exceed 7am- 7pm Mon- Sat

Employees: Not to exceed owner Aiden Polhemus and spouse Marie Polhemus.

Signs: No signs are or will be located on the property, other than emergency contact information located on the building door.

Chemicals: Small quantities of cleaning solvents will be used on site, and indoors ie: parts washing solvent, but will be kept in approved containers and disposed of properly.

Fluids: Small quantities of oil's and coolants will be kept on site, in approved containers, indoors. Any used fluids will be stored in approved containers and disposed of properly. Used oils may be used in the future to produce heat with the use of a UL certified oil furnace.

Site polution: Special care will be taken to ensure that fluids or contaminants will not be leaked or spilled, but ossible polution could result from from a vehicle on site leaking fuel/oil/coolant on to the ground. Remedy: Pig Matt and drain pans will be used to contain or absorbe any fluids that may be leaking or spilled, all fluids contained will be stored in approved containers until those fluids can be properly disgarded. In the event that any fluid would soak into the ground, that soil would be removed and properly disposed of with the use of a spill kit.

Sewage: No additional sewage will be produced.

Water supply: No additional water will be used.

Noise: Some noise will be produced as can be associated with normal vehicle repairs, but that noise will made indoors, and should not be at a level audible to neighboring homes or propertys.

Odors/Fumes: No odors or fumes will be produced.

Accessory building: One existing Accessory building (barn) will be used as sole site of work to be performed on property.

Facility to be used to provide shelter for lengthy commercial and agricultural vehicle and equipment repairs year round.

Property use: Use of property will be year round but may increase during the winter months as it can be too cold to effectively perform repairs outdoors at customer locations

Proposed property use will give Amp Mobile Services the ability to provide a valuable mechanical repair service to commercial and agricultural customers in Leavenworth and neighboring counties.

Emergency: Emergency contact name and number will be located on the building door.

Storm, the House on property will be used as storm shelter in the event of a tornado.

A weather radio will be kept on site.

Evacuation: Building will be outfitted with a lighted exit sign.

Fire: Fire extinguishers will be kept on site and will be tested annually to maintain compliance.

Security lighting: There will be outdoor security lights installed on the front of the barn/shop to be used.

Parking: All company related vehicle and equipment parking will be done at the south/ west corner of the property near barn, as indicated on site plan.

Outdoor storage: Vehicles/ equipment waiting to be repaired will be stored outdoors, until time of repair. Additional fencing should not be required due to extensive number of existing trees surrounding the building and parking area.

Traffic: Traffic to enter From 92hwy via 175th St to Gatewood St, (OR) From Eisenhower Rd via 179th St to Michales Rd to 175th St to Gatewood St.

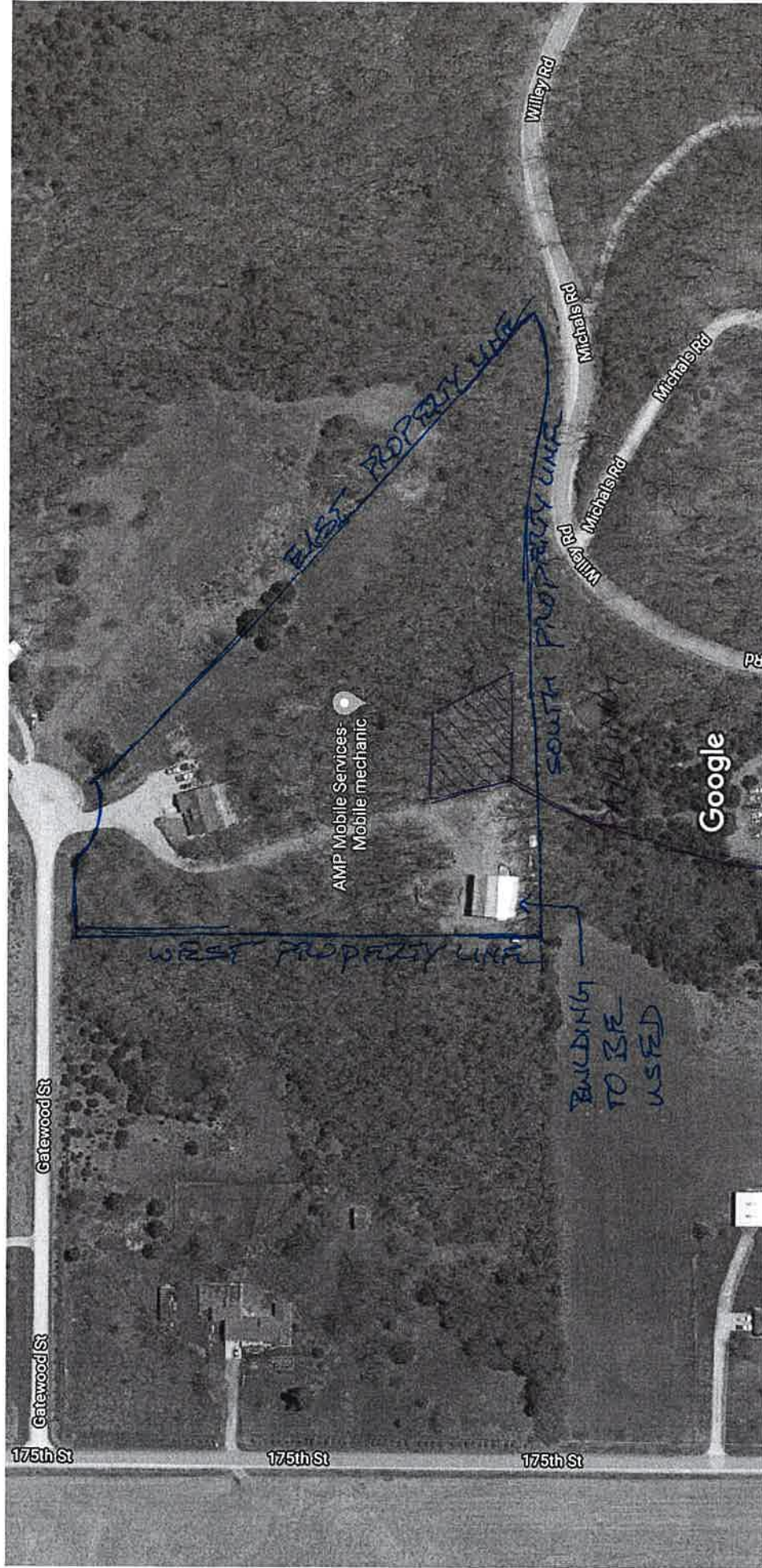
Only a small percentage of Jobs performed by Amp Mobile Service llc will be performed at this location.

Traffic Should not increase, currently company vehicle is being used to go off-site and make repairs, in some instances multiple trips may be required to make one repair, If Customer vehicles are brought to property, they will be delivered and then picked up,

eliminating the need for multiple trips from property to vehicle location for repair.

Compatibility: While this property is used primarily as residential, it is outside of city limits, and is neighboring to residential/ agricultural properties that keep commercial/ agricultural vehicles and equipment on site.

Google Maps



Imagery ©2020 Maxar Technologies, U.S. Geological Survey, USDA Farm Service Agency, Map data ©2020 100 ft





Doc #: 2015R01945  
 STACY R. DRISCOLL/REGISTER OF DEEDS  
 LEAVENWORTH COUNTY  
 RECORDED ON  
 03/26/2015 09:37AM  
 RECORDING FEE: 20.00  
 INDEBTEDNESS: 0.00  
 PAGES: 2

Entered in the transfer record in my office this  
26 day of Mar, 2015  
Jenni Klambauer  
 County Clerk

Kansas Secured Title  
 360 Santa Fe  
 Leavenworth, KS 66048

TX0008408

**GENERAL WARRANTY DEED**  
 (Statutory)

**Daniel Edgerton and Marlene Edgerton, husband and wife**

convey and warrant to

**Aiden Polhemus and Marie Polhemus, husband and wife**

as joint tenants with the right of survivorship and not as tenants in common

all the following REAL ESTATE in the County of LEAVENWORTH, and the State of Kansas, to-wit:

**Lot 7 in HIDDEN MEADOWS SUBDIVISION PHASE 1, a subdivision of land in Leavenworth County, Kansas LESS ANY PORTION OF THE FOLLOWING LYING WITHIN THE BOUNDARIES OF SAID LOT 7:**

Beginning at the Southeast corner of said Lot 8, in HIDDEN MEADOWS SUBDIVISION PHASE I; thence South 89° 22' 46" West along the South line of Lots 8 and 7 a distance of 400.00 feet; thence in a Northeasterly direction to a point on the East line of said Lot 8, said point being 50.00 feet North of the point of beginning; thence South along the East line of said Lot 8 a distance of 50.00 feet to the point of beginning,

for the sum of one dollar and other good and valuable consideration.

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.

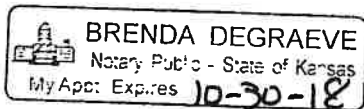
Dated this 25<sup>th</sup> day of March, 2015.

Daniel Edgerton  
Daniel Edgerton

Marlene Edgerton  
Marlene Edgerton

STATE OF KANSAS, LEAVENWORTH COUNTY:

The foregoing instrument executed was acknowledged before me this 25<sup>th</sup> day of March, 2015, by Daniel Edgerton and Marlene Edgerton, husband and wife.



Brenda Degraeve  
Notary Public

My appointment expires: \_\_\_\_\_

Tax ID 2020 1-27630

Leavenworth County Treasurer  
 Janice L. Van Parys  
 300 Walnut St Ste 105  
 Leavenworth, Ks. 66048-2725

ASSESSMENT		LEVY	116.926
CLASS	LAND	IMPROVEMENT	TAX
R	8,191	19,835	3,230.98
Total Val		28,026 Tax	3,230.98

M  
A  
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O

POLHEMUS, AIDEN & MARIE  
 17405 GATEWOOD ST  
 LEAVENWORTH KS 66048-7715

**PAYMENT INSTRUCTIONS**  
 TREASURER'S PHONE: 913-684-0434  
 Make checks payable to Leavenworth County Treasurer. Interest will be charged after due date, if personal tax becomes delinquent the full tax becomes due. TREASURER IS NOT RESPONSIBLE FOR OMISSIONS, PLEASE MAKE SURE THAT ALL YOUR PROPERTY IS LISTED.

**PROPERTY INFORMATION**  
 TAX UNIT 054 Twp-HIGH PRAIRIE TOWNSHIP  
 USD 469 CAMA # 103-08-0-00-00-015.06-0  
 Prop Addr: 17405 GATEWOOD ST 66048  
 Sec-08 Twp-09 Rng-22E  
 Subd-HIDDEN MEADOWS SUB PHASE I  
 Acres-6.56  
 HIDDEN MEADOWS PHASE I, S08, T09, R22E,  
 ACRES 6.56, LOT 7 LESS A PT BEG SE COR,  
 W400', NLY 350'(S), S50' TO POB

DISTRIBUTION OF TAX		TAX AMT
USD 469 - GENERAL		514.52
USD 469 - OTHER		678.88
USD 469 - BOND/INT NO.1		412.96
STATE		42.04
LEAVENWORTH COUNTY		1,035.45
HIGH PRAIRIE TWP.		22.90
N.E. KANSAS LIBRARY		37.86
FIRE DISTRICT #1		250.08
LOCAL SERVICE/COUNTY		236.29
Pay at <a href="http://www.kansastreasurers.org">www.kansastreasurers.org</a>		
<b>TOTAL TAX DUE</b>		<b>3,230.98</b>
Paid as of 12/11/2020		1,615.49
Due 05/10/2021		1,615.49

Please remit appropriate payment stub with payment

LEAVENWORTH COUNTY  
 FULL PAYMENT  
 DUE 05/10/2021  
 STATEMENT # 32999  
 Full Amt 1,615.49  
 Tax ID # 2020 1-27630  
 POLHEMUS, AIDEN & MARIE



20200003299912

NO STATEMENT FOR SECOND HALF WILL BE MAILED.

**\*\*\*Renewal with changes\*\*\***  
**Case No. DEV-21-003**  
**Gast Auto Repair**  
Special Use Permit – Auto Repair  
\*\*\*Public Hearing Required\*\*\*

**Staff Report – Planning Commission**

**March 10, 2020**

**GENERAL INFORMATION:**

**Applicant/  
Property Owner:** Christopher Gast  
22578 Millwood Road  
Easton, KS 66020

**Legal Description:** A tract of land in the Northwest Quarter of Section 5, Township 8 South,  
Range 21 East of the 6<sup>th</sup> P.M, in Leavenworth County, Kansas.

**Parcel Size:** ± 5.26 acres

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

**Comprehensive Plan:** This parcel is within the RR-2.5 land use category.

**Parcel ID No.:** 063-05-0-00-00-007.00

**Planner:** Joshua Gentzler

---

**REPORT:**

**Request**

The applicant is requesting a Special Use Permit for an auto service station and repair shop.

**Adjacent Land Use**

The surrounding properties are residences and farms on varying sized parcels ranging from 5 acres to over 80 acres in size.

**Flood Plain**

There are no Special Flood Hazard Areas on this parcel per FEMA Firm Map 20103C0050G July 16, 2015.

**Utilities/Services**

Sewer: Private septic system  
Fire: Easton Fire District  
Water: Rural Water District 12  
Electric: Evergy

**Access/Streets**

The property is accessed by Millwood Road, a County arterial with a paved surface ± 22 wide.

**Agency Comments**

See attached comments – Memo – Mitch Pleak – Public Works, February 23, 2021  
See attached comments – Memo – Chuck Magaha – Emergency Management, February 12, 2020  
See attached comments – Memo – Kyle Anderson – Planning and Zoning, February 17, 2021

### **Factors to be considered**

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

1. Character of the neighborhood: The character of the neighborhood is rural; primarily rural residences, and agricultural uses.
2. Zoning and uses of nearby property: The surrounding properties are zoned RR-5 Rural Residential 5-acre minimum size parcels. The uses are rural residences and agricultural.
3. Suitability of the property for the uses to which it has been restricted: The property is within an area suited for rural residences and agricultural use. An auto repair facility is allowed with approval of a Special Use Permit
4. Extent to which removal of the restrictions will detrimentally affect nearby property: The area will not likely be detrimentally affected. The property will be used for the repair of vehicles. No complaints about the current usage of the property have been recorded with the County. The property does draw additional traffic to the area.
5. Length of time the property has been vacant as zoned: The property is not vacant.
6. Relative gain to economic development, public health, safety and welfare: The proposed use will provide income for the applicant and a service to the community.
7. Conformance to the Comprehensive Plan: The Future Land Use Map indicates this area should be developed as Medium Density Residential.
8. Staff recommendation is for the approval of Special Use Permit with conditions.

### **History**

The special use permit was first approved in 2016 for five years with conditions.

### **Staff Analysis**

<b>LOCATION</b>	
<b>Adjacent Residences</b>	Adjacent residences are rural-suburban uses.
<b>Adjacent Zoning/Uses</b>	Zoning in the area is RR-5 and are used primarily as rural residences and agricultural uses.
<b>Density</b>	The area is not densely populated.
<b>Nearby City Limits</b>	The city of Easton is approximately 2.8 miles to the south of the property.
<b>Initial Growth Management Area</b>	The property is not located within an Urban Growth Management Area.

<b>IMPACT</b>	
<b>Noise Pollution</b>	This use will not cause prolonged noise pollution. The primary times of elevated noise levels will be during normal business hours, between 8:00 AM and 5:00 PM when the Applicant repairs customer's vehicles.
<b>Traffic</b>	Customers regularly bring vehicles to the location for repair. Additionally, auto-parts delivery stores make daily deliveries. Given the location of the business on an arterial road, the increase in traffic is not significant.
<b>Lighting</b>	The applicant does not have lighting other than security lighting and is not requesting lighting.
<b>Outdoor Storage</b>	The applicant stores a number of vehicles and trailers outside, near the existing shop. Condition 7 of the current SUP states that he is allowed "No more than three (3) vehicles shall be parked, for repair, at the property outside overnight." During our recent site visit, the Applicant had 10 vehicles either waiting to be repaired, in process of being repaired, or waiting for owner pickup. The Applicant has stated his insurance covers six (6) vehicles on site.
<b>Parking</b>	The applicant has ample parking space.
<b>Visitors/Employees</b>	Based upon conversations with the applicant and a site visit, Staff estimates that the property generates, on average, two (2) customers visits and two (2) delivery vehicles each day.
<b>Waste</b>	Typical waste associated with automotive repair services such as oils, brake fluid, and tires is generated. The applicant states they property dispose of these materials as specified by the initial SUP.

<b>SITE COMPATABILITY</b>	
<b>Size of Parcel</b>	The parcel is five (5) acres in size.
<b>Zoning of Parcel</b>	The parcel is zoned Rural Residential-5.
<b>Buildings (Existing &amp; Proposed)</b>	The applicant has a shop on the property that is approximately 20x30. The repair of vehicles takes place within the shop. Tools and equipment for the business are stored in the shop. There are also vehicles stored within the shop. The applicant is planning on expanding the shop to increase his productivity and number of vehicles he is able to repair concurrently.
<b>Setbacks</b>	Existing building meet the required setbacks.
<b>Screening</b>	The storage area for vehicles under repair is bordered on the south by a privacy fence.

### **Complaints**

Staff has received no formal complaints regarding the business.

### **Staff Comments**

The applicant is requesting a Special Use Permit (SUP) renewal for his auto service station and repair shop, CG Auto & Diesel. This is a full-time business that is currently operating on the property.

In 2016, the applicant applied for and was granted a SUP for his part-time auto repair business. In 2018, at the request of the Applicant, Staff approved the Applicants' business hour expansion from the SUP's original condition of 5:30 PM to 9:00 PM, Monday through Friday, and 8:00 AM to 6:00 PM, on Saturdays, to 8:00 AM to 5:00 PM, Monday through Saturday.

In the original SUP, the applicant stated his intent to move his business into the City of Leavenworth in the future. At this time, the applicant has no current plans to move the business from its current location. Additionally, the applicant has submitted a site plan detailing an expansion to the current footprint of the shop allowing him to add an additional bay and offer him increased indoor storage.

The applicant/property owner is the part owner of the business with his wife, who acts as the accountant for the business. The applicant stated in his narrative that he has no current plans to hire additional employees.

The applicant estimates that the business draws an average of 10 customer trips each week and 10 parts delivery vehicles per week. The parts delivery vehicles are passenger vehicles, such as pickup trucks. Millwood Road is a County Arterial.

The applicant's original special use permit was issued with a condition which stated "No more than three (3) vehicles shall be parked, for repair, at the property outside overnight." It has come to the attention of Staff that he maintains more than three vehicles on his property overnight. The Applicant has increased the number of vehicles he works on and estimates an average of six vehicles are located outside his shop on his property overnight. The Applicant has installed privacy fencing to block the view of the vehicles from the road. In addition, he is expanding the parking on his property to be able to move vehicles behind his shop.

Staff has the following concerns regarding the business:

1. The Applicant has stated his desire and plans to expand the footprint of his shop to enable him to increase his work load and thus traffic to the property and number of vehicles on site.
2. The Applicant has not abided by the condition to maintain less than three (3) vehicles outside his shop overnight.

Staff recommends approval of the application, but offers the following conditions for approval.

---

**STAFF RECOMMENDATION:**

The staff recommends approval of Case No. DEV-21-003, Special Use Permit for Gast Auto Repair, with the following conditions:

1. The SUP shall be limited to a period of three (3) years.
2. The business shall be limited to the hours of 8:00 AM to 5:30 PM, Monday through Friday, and 8:00 AM until 12:00 PM, Saturday.
3. The SUP shall be limited to no employees other than the business owner.
4. The applicant shall adhere to the following memorandums:
  - a. Chuck Magaha – Emergency Management, February 12, 2021
5. No signage is allowed in the right-of-way. No new signage is requested with the SUP. All signage shall comply with Article 25, Sign Regulations of the Leavenworth County Zoning and Subdivision Regulations.
6. No on-street parking shall be allowed.
7. This SUP shall be limited to the Narrative received February 18, 2021 submitted with this application.
8. No more than six (6) customer vehicles shall be parked on the property overnight.
9. There shall be no on-site retail sales.
10. The Applicant shall not store parts or junk vehicles outside.
11. All floor drains connected to the septic system shall be capped or plugged. Other drains shall collect all automotive fluids for proper disposal.
12. This SUP shall comply with all local, state, and federal rules and regulations that may be applicable. After approval of this SUP by the Board of County Commission all conditions listed shall be adhered to and copies shall be provided to the Planning and Zoning Department within 30 days.

---

**ACTION OPTIONS:**

1. Recommend approval of Case No. DEV-21-003, Special Use Permit for Gast Auto Repair, to the Board of County Commission, with Findings of Fact, and with or without conditions; or
2. Recommend denial of Case No. DEV-21-003, Special Use Permit for Gast Auto Repair, to the Board of County Commission, with Findings of Fact; or
3. Continue the Public hearing to another date, time, and place.

---

**ATTACHMENTS:**

Narrative  
Location/Aerial Maps  
Memorandums

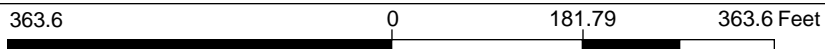
# DEV-21-003 SUP Gast Auto Repair



## Legend

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

## Notes



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

THIS MAP IS NOT TO BE USED FOR NAVIGATION



2/18/21

I, Christopher Gast am currently using my residence at 22578 Millwood Rd, Easton KS to operate an automotive repair shop. Originally this was for part time services but, business has been successful and I have since quit my previous employer. CG Auto & Diesel LLC is now full time. We wish to continue operating at our current address with hopes of eventually moving our business into town. Currently repairs are made inside a 20x30 pole barn located behind the main residence. Our hours of operation are Monday through Friday 8am-6pm and Saturdays 9a-2pm. My wife Sarah does help with the accounting/bookkeeping side of things as she is part owner of the business. We do not have any employees currently nor do we plan to at this time. As our current permit is expiring, we would like to ask for a 10-year duration as business has been running smoothly and we have had zero complaints.

We do have a sign approximately 20 feet from the road. The sign does not have any electricity ran to as it is a simple wooden sign to notify customer's they are at the correct driveway. All parking is off street and consists of two pads of gravel/concrete. One pad is located outside the wooden privacy fence and is used for customers dropping off or picking up outside of business hours. The second pad is located behind the privacy fence and wraps around the shop. This is the primary parking location for vehicles that need to be repaired. The parking area behind the privacy fence wasn't originally big enough therefore we have been adding to it as our finances allow in order to keep all vehicles out of sight from Millwood road.

Security lighting is installed and we pay to have the light post operational from the electricity company as well. Emergency contact info is posted on the entry door to the shop. Inside we have a first aid kit as well as fire extinguishers. The evacuation plan is posted inside as well.

Since we are a repair shop, we do use chemicals/oils such as; motor oil, antifreeze, washer fluid, transmission and brake fluid. As well as some cleaners. Pressurized cans and sprays are stored in a fireproof cabinet. Other items are stored on shelves. Our used oil goes into a waste storage tank and once filled it is properly disposed of by GFL Environmental Services. We also use a company by the name of The Tire Cutters for the removal of used tires. We do not create any extra sewage as we do not have a direct water supply at this time.

As far as traffic we see an average of 7-10 customers per week. We also do get some parts delivered from vendors approximately twice daily if needed. Some tools required do create noise such as a drill, impact or air compressor. However, noise is kept minimal because such repairs are done inside the building.

Moving forward we would like to expand to add a second bay with a permanently attached office. We would also like to possibly add a bathroom for customers.

Thank you,  
Christopher Gast

# Leavenworth County, KS



## Legend

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

## Notes

86.3      0      43.13      86.3 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



Laura Kelly, Governor  
Mark A. Burghart, Secretary  
[www.ksrevenue.org](http://www.ksrevenue.org)

# CERTIFICATE OF TAX CLEARANCE

CG Auto & Diesel LLC

## ISSUE DATE

01/14/2021

## TRANSACTION ID

T6H2-YRST-6A2J

## CONFIRMATION NUMBER

CGEK-C77T-65FX

**TAX CLEARANCE VALID THROUGH 04/14/2021**

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

## Gentzler, Joshua

---

**From:** Mitch Pleak <mpleak@olsson.com>  
**Sent:** Tuesday, February 23, 2021 10:01 AM  
**To:** Gentzler, Joshua; Voth, Krystal  
**Cc:** Noll, Bill; Anderson, Lauren; 019-2831  
**Subject:** Gast Auto RE: DEV-21-003 Traffic information

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

Joshua,  
It is understood the SUP is proposing 3 vehicles (6 trips) per day. Public Works checked available accident data which indicates no accidents directly related to the SUP. There is no comments from the PW on the SUP.

Thanks,

### Mitch Pleak, PE

Project Engineer / Civil

D 913.748.2503

7301 W. 133rd Street, Suite 200  
Overland Park, KS 66213  
O 913.381.1170



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**From:** Gentzler, Joshua <JGentzler@leavenworthcounty.gov>  
**Sent:** Monday, February 22, 2021 3:15 PM  
**To:** Mitch Pleak <mpleak@olsson.com>; Voth, Krystal <KVoth@leavenworthcounty.gov>  
**Cc:** Noll, Bill <BNoll@leavenworthcounty.gov>; Anderson, Lauren <LAnderson@leavenworthcounty.gov>; 019-2831 <019-2831@olsson.com>  
**Subject:** RE: DEV-21-003 Traffic information

Mitch,

Yes. The applicant works only on passenger vehicles.

**Joshua Gentzler**

---

**From:** Mitch Pleak <[mpleak@olsson.com](mailto:mpleak@olsson.com)>  
**Sent:** Monday, February 22, 2021 8:21 AM  
**To:** Gentzler, Joshua <[JGentzler@leavenworthcounty.gov](mailto:JGentzler@leavenworthcounty.gov)>; Voth, Krystal <[KVoth@leavenworthcounty.gov](mailto:KVoth@leavenworthcounty.gov)>

**Cc:** Noll, Bill <[BNoll@leavenworthcounty.gov](mailto:BNoll@leavenworthcounty.gov)>; Anderson, Lauren <[LAnderson@leavenworthcounty.gov](mailto:LAnderson@leavenworthcounty.gov)>; 019-2831 <[019-2831@olsson.com](mailto:019-2831@olsson.com)>

**Subject:** RE: DEV-21-003 Traffic information

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

Joshua,  
Good Morning. Is the applicant assume the all customer trips to be all passenger vehicles as well?

Thanks,

Mitch Pleak

---

**From:** Gentzler, Joshua <[JGentzler@leavenworthcounty.gov](mailto:JGentzler@leavenworthcounty.gov)>

**Sent:** Thursday, February 18, 2021 4:02 PM

**To:** Mitch Pleak <[mpleak@olsson.com](mailto:mpleak@olsson.com)>; Voth, Krystal <[KVoth@leavenworthcounty.gov](mailto:KVoth@leavenworthcounty.gov)>

**Subject:** DEV-21-003 Traffic information

Hi Mitch,

We spoke with Mr. Gast this afternoon and we determined the following regarding the number of trips that are caused by his shop.

- There are an average of 4 customer trips per day and 4 delivery trips per day; with a total of 8 per day. He estimates 10 customers a week, in total.
- These trips typically occur during regular business hours (8AM – 5PM).
- The Delivery trips are completed by passenger vehicles (small delivery vans and pick-up trucks).
- This is a renewal and since the original SUP where he was working part-time on this business, he increased to full time. As of the original SUP, he was estimating 3 customers and 3-4 deliveries a week or less than 3 trips per day on average.

Let me know if you have any other questions.

**Joshua Gentzler**

Planner II

Planning & Zoning

Leavenworth County

913.684.0464

# MEMO

**To:** Krystal Voth  
**From:** Chuck Magaha  
**Subject:** Gast Engine Repair  
**Date:** February 12, 2021

Kyrstal, I have reviewed the special use permit for the operation of a automotive repair shop, by Christopher Gast. I would ask that maybe a sign within in the shop be posted stating emergency procedures in the event of severe weather, fire or medical emergency events and a sign posted on the outside of the building with 24-hour emergency contacts. I would also like to see a plan of proper disposal of used oils, fuels, tires and used goods be addressed for this site. Since Mr Gast is the only employee I would still ask that a All Hazard weather alert radio be placed within the facility to alert of hazards approaching for staff and customers. A severe weather plan should be developed of where would the staff and customers go for safety. No outdoor burning should be allowed for commercial generated waste. A tour of the facility for the local fire department for pre-planning should be accommodated in the event of incident at this location. I have no further comments at this time. If you have any questions please call me at 684-0455.



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

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**To:** Krystal Voth  
Director

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

**Date:** February 17, 2021

**RE:** Christopher Gast  
**Case DEV-21-003, Special Use Permit Renewal**  
22578 Millwood Rd  
Easton, KS 66020  
PID# 063-05-0-00-00-007.00

Our department received a Special Use Permit renewal application for the automotive repair business located at the above listed location. Since the applicant Special Use Permit was issued in 2015 we have not received any complaints.

Thank you,

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



Paris & Kristen Mingo-Smith  
22752 Millwood Rd.  
Easton, KS 66020  
913-306-6521

Public Comment for Special Use Permit

26 Feb 21

STATEMENT OF RECORD

FROM: Mingo-Smith, Paris R.

SUBJECT: Chris Gast – Parcel ID # 063-05-0-00-00-007.00

This statement is in regards to Chris Gast and the services he provides for the Northern Easton area. CG Auto and Diesel is a superb business and should be treated as such. Mr. Gast keeps the place clean and organized, there is never an unacceptable amount of vehicles on his property because of his work ethic, they are in and out in no time. The actually location helps more people than you know, resident farmers and other small business owners, to where they do not have to drive all the way to Atchison or Leavenworth to have something worked on. It is very convient for the local community. In my personal opionion Millwood road itself is a little community. I do not see any negativity for this special use permit on this property and in this area. The noise and appearance do not affect anyone that I know or have talked to about the property. This business is of great value to this area and I would like to see it stay.

Respectfully,



Paris R. Mingo-Smith  
Resident  
Leavenworth County, KS

## Gentzler, Joshua

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**From:** Sloop, Stephanie  
**Sent:** Wednesday, March 3, 2021 1:23 PM  
**To:** Gentzler, Joshua  
**Subject:** Phone Comments - Chris Gast

Josh,

Scott Hughes called to say that he was in support of Mr. Gast's SUP. He wanted his support to be documented in the case folder.

Mr. Hughes lives at 22843 Millwood Road, Easton KS 66020

Thank you,

Stephanie Sloop

Public Relations and Planning Coordinator  
Planning and Zoning  
Leavenworth County Courthouse  
300 Walnut St. Ste. 212  
Leavenworth. KS 66048  
(913) 364-5750 ph



**Case No. DEV-20-000**  
**Proposed Amendment to the 2006 Leavenworth County Zoning and**  
**Subdivision Regulations**  
**\*\*\*Public Hearing Required\*\*\***

**Staff Report – Planning Commission**

**March 10, 2021**

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**GENERAL INFORMATION:**

**Applicant:** Leavenworth County Planning and Zoning Department

**Planner:** Krystal A. Voth

---

**REQUEST:**

This is a request to consider a proposed amendment to the 2006 Leavenworth County Zoning and Subdivision Regulations. Proposed amendment is for the following Articles:

**Article – 3 Definitions – Private Road:**

**Current Definition:**

A non-dedicated way, other than driveways, that forms the principal vehicular access to two or more properties. Private streets or roads are prohibited in the unincorporated area of Leavenworth County, except in individual cases as approved by the Board of County Commissioners when an existing land-locked residence is to be served. Any private road providing access to more than one residence (including farmsteads) shall provide an easement, which shall conform to the required County right-of-way standards, before any building permit will be approved. In no event will more than three residences (including farmsteads) be permitted on any private road. In every case, before the County will consider a request to assume maintenance of such road, by dedication or otherwise, the property must be platted and the road must previously be brought to the County road standards for subdivisions.

**Proposed Definition:**

A non-dedicated way, other than driveway, that forms the principal vehicular access to three or more properties. Private streets shall be subject to the Cross Access Easement requirements.

**Article – 18 Planned Zoning Districts (New Article)**

**Section 1.1. Planned Low Density Residential**

Single-family residential development with a minimum lot area of 6,000 square feet (up to 7.26 units/acre) up to 10,000 square feet (4 units/acre).

**Section 1.2. USE REGULATIONS**

A building or premises shall be used only for the following purposes:

1. Farming, including the usual farm buildings and structures, on a minimum tract size of forty (40) acres or larger; provided however, that no farm shall be operated either publicly or privately for the feeding or disposal of garbage, rubbish or offal, unless a special use permit for such an operation has been issued by the Board of County Commissioners under the provisions of Article 22, which permit shall be for a stipulated period not exceeding three (3) years and under such measures of control as may be deemed necessary, provided that land to be used for agriculturally related business (agri-business) may, if approved by a special use permit in accordance with Article 22 of these regulations, be located on land within this district.
2. Any use permitted in the Planned Residential District
3. More uses can be found in Article 19 Table of Uses.
4. Development within the Planned Low Density Residential District shall abide by the regulations set forth in

Article 27A – Site Development Plan Approval

**Section 1.3. HEIGHT REGULATIONS**

No building shall exceed two and one-half stories or thirty-five (35) feet in height, except as provided for in Article 20 Additional Height and Area Regulations.

**Section 1.4. AREA REGULATIONS**

1. Front Yard

a. The minimum setback requirement for all buildings or structures of any nature built, erected, constructed, rebuilt, re-erected or reconstructed shall be at least 30 feet on all street rights-of-way.

b. Where lots have a double frontage, or are located at the intersection of two or more roads or streets, the minimum front yard setback shall be maintained on all road frontages.

2. Side Yard.

a. There shall be a minimum side yard of ten (10) feet, except for accessory structures as provided for in Article 20 Additional Height and Area Regulations.

3. Rear Yard.

a. There shall be a minimum rear yard of thirty (30) feet, except for accessory structures as provided for in Article 20 Additional Height and Area Regulations.

4. Intensity of Use.

a. For tracts which have both public water and public sewer available, the minimum tract size shall be as follows:

1) Minimum lot size – 6,000 square feet

2) Minimum road frontage – 65 feet at the setback line

5. Parking and Loading Requirements.

a. As required by Article 27-B Parking Standards.

6. Accessory buildings on a lot or tract less than 2.51 acres in area shall not occupy more than 2.5% of the square footage of the lot or tract.

**Section 2.1. Planned Medium Density Residential**

Two-family residential development with a maximum lot area of 3,000 square feet per dwelling unit or 7,500 square feet per lot (up to 11.61 units per acre).

**Section 2.2. USE REGULATIONS**

A building or premises shall be used only for the following purposes:

1. Farming, including the usual farm buildings and structures, on a minimum tract size of forty (40) acres or larger; provided however, that no farm shall be operated either publicly or privately for the feeding or disposal of garbage, rubbish or offal, unless a special use permit for such an operation has been issued by the Board of County Commissioners under the provisions of Article 22, which permit shall be for a stipulated period not exceeding three (3) years and under such measures of control as may be deemed necessary, provided that land to be used for agriculturally related business (agri-business) may, if approved by a special use permit in accordance with Article 22 of these regulations, be located on land within this district.

2. Any use allowed in the Planned Residential District

3. More uses can be found in Article 19 Table of Uses.
4. Development within the Planned Medium Density Residential District shall abide by the regulations set forth in:

Article 27A – Site Development Plan Approval  
Article 27B – Performance Standards  
Article 27C – Subdivision Standards

### **Section 2.3. HEIGHT REGULATIONS**

No building shall exceed two and one-half stories or thirty-five (35) feet in height, except as provided for in Article 20 Additional Height and Area Regulations.

### **Section 2.4. AREA REGULATIONS**

1. Front Yard
  - a. The minimum setback requirement for all buildings or structures of any nature built, erected, constructed, rebuilt, re-erected or reconstructed shall be at least 30 feet on all street rights-of-way.
  - b. Where lots have a double frontage, or are located at the intersection of two or more roads or streets, the minimum front yard setback shall be maintained on all road frontages.
2. Side Yard.
  - a. There shall be a minimum side yard of seven (7) feet, or 0 feet for interior side yards of attached residential units.
3. Rear Yard.
  - a. There shall be a minimum rear yard of thirty (30) feet, except for accessory structures as provided for in Article 20 Additional Height and Area Regulations.
4. Intensity of Use.
  - a. For tracts which have both public water and public sewer available, the minimum tract size shall be as follows:
    - 1) Minimum lot size – not more than 3,000 square feet per dwelling unit or 7,500 square feet per lot.
    - 2) Minimum road frontage – 75 feet measured at the setback line or a minimum of 37.5 feet per unit for two-family dwelling units.
5. Parking and Loading Requirements.
  - a. As required by Article 27 B – Parking Standards.
6. Accessory buildings on a lot or tract less than 2.51 acres in area shall not occupy more than 2.5% of the square footage of the lot or tract.

### **Section 3.1. Planned High Density Residential**

Multi-family residential development with a minimum lot area of 1,500 square feet per dwelling unit or 10,000 square feet per lot (up to 29.03 units/acre).

### **Section 3.2. USE REGULATIONS**

A building or premises shall be used only for the following purposes:

1. Farming, including the usual farm buildings and structures, on a minimum tract size of forty (40) acres or larger; provided however, that no farm shall be operated either publicly or privately for the feeding or disposal of garbage, rubbish or offal, unless a special use permit for such an operation

has been issued by the Board of County Commissioners under the provisions of Article 22, which permit shall be for a stipulated period not exceeding three (3) years and under such measures of control as may be deemed necessary, provided that land to be used for agriculturally related business (agri-business) may, if approved by a special use permit in accordance with Article 22 of these regulations, be located on land within this district.

2. Any use allowed in the Planned Residential District
3. More uses can be found in Article 19 Table of Uses.
4. Development within the Planned High Density Residential District shall abide by the regulations set forth in:

Article 27A – Site Development Plan Approval  
Article 27B – Performance Standards  
Article 27C – Subdivision Standards

### **Section 3.3. HEIGHT REGULATIONS**

No building shall exceed three (3) stories or forty-five (45) feet in height, except as provided for in Article 20 Additional Height and Area Regulations.

### **Section 3.4. AREA REGULATIONS**

#### 1. Front Yard

- a. The minimum setback requirement for all buildings or structures of any nature built, erected, constructed, rebuilt, re-erected or reconstructed shall be at least 30 feet on all street rights-of-way.
- b. Where lots have a double frontage, or are located at the intersection of two or more roads or streets, the minimum front yard setback shall be maintained on all road frontages.

#### 2. Side Yard.

- a. There shall be a minimum side yard of 10 feet, or 0 feet for interior side yards of attached residential units.

#### 3. Rear Yard.

- a. There shall be a minimum rear yard of thirty (30) feet, except for accessory structures as provided for in Article 20 Additional Height and Area Regulations.

#### 4. Intensity of Use.

- a. For tracts which have both public water and public sewer available, the minimum tract size shall be as follows:

- 1) Minimum lot size – 10,000 square feet per lot of 1,500 square feet per dwelling unit, whichever is larger.
- 2) Minimum road frontage – 100 feet measured at the setback line or a minimum of 35 feet per unit for two- three- and four- unit family dwelling units.

#### 5. Parking and Loading Requirements.

- a. As required by Article 24 of this Resolution.

6. Accessory buildings on a lot or tract less than 2.51 acres in area shall not occupy more than 2.5% of the square footage of the lot or tract.

### **Section 4.1. Planned Commercial District**

Land developed for retail shopping, office, and/or hotel purposes

#### **Section 4.2. USE REGULATIONS**

A building or premises shall be used only for the following purposes:

1. Farming, including the usual farm buildings and structures, on a minimum tract size of forty (40) acres or larger; provided however, that no farm shall be operated either publicly or privately for the feeding or disposal of garbage, rubbish or offal, unless a special use permit for such an operation has been issued by the Board of County Commissioners under the provisions of Article 22, which permit shall be for a stipulated period not exceeding three (3) years and under such measures of control as may be deemed necessary, provided that land to be used for agriculturally related business (agri-business) may, if approved by a special use permit in accordance with Article 22 of these regulations, be located on land within this district.

2. More uses can be found in Article 19 Table of Uses.

3. Development within the Planned Commercial District shall abide by the regulations set forth in:

Article 27A – Site Development Plan Approval

Article 27B – Performance Standards

Article 27C – Subdivision Standards

1. Any use permitted in the Planned Commercial District

2. More uses can be found in Article 19 Table of Uses.

#### **Section 4.3. HEIGHT REGULATIONS**

No building shall exceed three stories or fifty (50) feet in height, except as provided for in Article 20 Additional Height and Area Regulations.

#### **Section 4.4. AREA REGULATIONS**

1. Front Yard

a. The minimum setback requirement for all buildings or structures of any nature built, erected, constructed, rebuilt, re-erected or reconstructed shall be at least 50 feet on all street rights-of-way for buildings up to 26' in height, then one (1) additional foot of setback is required for each additional foot of building height and 10 feet for all parking lots.

b. Where lots have a double frontage, or are located at the intersection of two or more roads or streets, the minimum front yard setback shall be maintained on all road frontages.

2. Side Yard.

a. 25 feet

b. Along any property line abutting or adjoining a residential district, there shall be a setback of at least forty (40) feet.

c. Parking and Loading Regulations – Whenever a structure is erected, moved, converted, or structurally altered, the regulations shall apply. See Article 24.

3. Rear Yard.

a. There shall be a minimum rear yard of twenty-five (25) feet.

4. Intensity of Use.

a. For tracts that have both public water and public sewer available, the minimum tract size shall be as follows:

1) Minimum lot size – 10,000 square feet

- 2) Minimum road frontage – 75 feet
5. Parking and Loading Requirements.
  - a. As required by Article 24 of this Resolution.

**Section 5.1. Planned Industrial District**

Land developed for manufacturing or high-tech purposes, and/or providing services to other industries, such as health and finance.

**Section 5.2. USE REGULATIONS**

A building or premises shall be used only for the following purposes:

1. Farming, including the usual farm buildings and structures, on a minimum tract size of forty (40) acres or larger; provided however, that no farm shall be operated either publicly or privately for the feeding or disposal of garbage, rubbish or offal, unless a special use permit for such an operation has been issued by the Board of County Commissioners under the provisions of Article 22, which permit shall be for a stipulated period not exceeding three (3) years and under such measures of control as may be deemed necessary, provided that land to be used for agriculturally related business (agri-business) may, if approved by a special use permit in accordance with Article 22 of these regulations, be located on land within this district.
2. More uses can be found in Article 19 Table of Uses.
3. Development within the Planned Industrial District shall abide by the regulations set forth in:  
Article 27A – Site Development Plan Approval  
Article 27B – Performance Standards  
Article 27C – Subdivision Standards
  1. Any use permitted in the Planned Industrial District
  2. More uses can be found in Article 19 Table of Uses.

**Section 5.3. HEIGHT REGULATIONS**

No building shall exceed three stories or fifty (50) feet in height, except as provided for in Article 20 Additional Height and Area Regulations.

**Section 5.4. AREA REGULATIONS**

1. Front Yard
  - a. The minimum setback requirement for all buildings or structures of any nature built, erected, constructed, rebuilt, re-erected or reconstructed shall be at least 50 feet on all street rights-of-way for buildings and 10 feet for all parking lots.
  - b. Where lots have a double frontage, or are located at the intersection of two or more roads or streets, the minimum front yard setback shall be maintained on all road frontages.
2. Side Yard.
  - a. Along any other property line within or adjoining the district, there shall be a setback from any building or structure of at least ten (10) feet.
  - b. Along any property line abutting or adjoining a residential district, there shall be a setback of at least twenty (20) feet.
  - c. Parking and Loading Regulations – Whenever a structure is erected, moved, converted, or structurally altered, the regulations shall apply. See Article 24.
3. Rear Yard.
  - a. There shall be a minimum rear yard of thirty (30) feet, except for accessory structures as provided for in Article 20 Additional Height and Area Regulations.
4. Intensity of Use.



- a. For tracts that have both public water and public sewer available, the minimum tract size shall be as follows:

- 1) Minimum lot size - 54,450 square feet (one and ¼ acres).
- 2) Minimum road frontage – 100 feet
- 5. Parking and Loading Requirements.
  - a. As required by Article 24 of this Resolution.

**Section 6.1. Planned Mixed-Use District**

Land developed for a combination of commercial and light industrial uses. Medium and/or high-density residential uses may also be included.

**Section 6.2. USE REGULATIONS**

A building or premises shall be used only for the following purposes:

- 1. Farming, including the usual farm buildings and structures, on a minimum tract size of forty (40) acres or larger; provided however, that no farm shall be operated either publicly or privately for the feeding or disposal of garbage, rubbish or offal, unless a special use permit for such an operation has been issued by the Board of County Commissioners under the provisions of Article 22, which permit shall be for a stipulated period not exceeding three (3) years and under such measures of control as may be deemed necessary, provided that land to be used for agriculturally related business (agri-business) may, if approved by a special use permit in accordance with Article 22 of these regulations, be located on land within this district.
- 2. More uses can be found in Article 19 Table of Uses.
- 3. Development within the Planned Mixed-Use District shall abide by the regulations set forth in:
  - Article 27A – Site Development Plan Approval
  - Article 27B – Performance Standards
  - Article 27C – Subdivision Standards

- 1. Any use permitted in the Planned Mixed-Use District
- 2. More uses can be found in Article 19 Table of Uses.

**Section 6.3. HEIGHT REGULATIONS**

No building shall exceed three stories or fifty (50) feet in height, except as provided for in Article 20 Additional Height and Area Regulations.

**Section 6.4. AREA REGULATIONS**

- 1. Front Yard
  - a. The minimum setback requirement for all buildings or structures of any nature built, erected, constructed, rebuilt, re-erected or reconstructed shall be at least 50 feet on all street rights-of-way for buildings and 10 feet for all parking lots.
  - b. Where lots have a double frontage, or are located at the intersection of two or more roads or streets, the minimum front yard setback shall be maintained on all road frontages.
- 2. Side Yard.
  - a. Along any other property line within or adjoining the district, there shall be a setback from any building or structure of at least ten (10) feet.
  - b. Along any property line abutting or adjoining a residential district, there shall be a setback of at least twenty (20) feet.
  - c. Parking and Loading Regulations – Whenever a structure is erected, moved, converted, or structurally altered, the regulations shall apply. See Article 27-B Parking Standards.

3. Rear Yard.
  - a. There shall be a minimum rear yard of thirty (30) feet, except for accessory structures as provided for in Article 20 Additional Height and Area Regulations.
4. Intensity of Use.
  - a. For tracts that have both public water and public sewer available, the minimum tract size shall be as follows:
    - 1) Minimum lot size - 54,450 square feet (one and ¼ acres).
    - 2) Minimum road frontage – 100 feet
5. Parking and Loading Requirements.
  - a. As required by Article 27-B Parking Standards.

## **Article 27 (A) SITE DEVELOPMENT PLAN APPROVAL**

### **Section 1. GENERAL**

These standards shall only be applicable to new developments within the Planned Development Districts that create a change of use.

### **Section 2. PRELIMINARY PLANNING MEETING**

A meeting(s) should be arranged between the applicant and the Planning Staff within 60 days of submittal to discuss the proposal in order to avoid a delay in the approval process. For the meeting, the applicant should be prepared to provide as much of the following information as possible:

1. Sketch drawing of proposed site plan.
2. Topographic map of the area (5' contours).
3. General outline of 100 year floodplain or on-site drainage ways.
4. Proposed locations of all buildings, structures, parking areas, drives, walks, screening/buffering, public streets and existing easements.
5. Proposed landscaping.
6. Public streets, driveways, structures, drainage systems, fire hydrants.
7. Other pertinent existing or proposed facilities or landscape features that have a bearing on the site including existing foliage.
8. Approximate areas of proposed improvements.
9. Approximate timeline for project.
10. Elevation (exterior wall) sketches showing the general style and size of the building and proposed materials.

### **Section 3. PURPOSE AND INTENT**

- A) The purpose and intent of requiring site plan approval is to encourage the compatible arrangement of buildings, off-street parking, lighting, landscaping, ingress and egress, and drainage on the site, any or all of these, in a manner that will promote safety and convenience for the public.
- B) No building permit shall be issued in any of the noted instances for the erection or alteration of a structure or building until a Site Development Plan has been submitted and approved by the Leavenworth County Planning and Zoning Department.

### **When Required**

The conditions and requirements of this section shall be in full force and effect in each and all of the following instances:

1. Whenever an area is designated as PR-1, PR-2, PR-3, MXD, PC, and PI District.
2. Whenever a use in one of the Districts listed in a) above is altered, changed or intensified in a manner that increases parking or change outside appearances.
3. Whenever a specific reference is made to this section in any other section of the Zoning Regulations.
4. Single-family and two-family (duplex) units are hereby expressly excepted from the provisions of this section.

### **Section 4. PROCEDURE**

A site plan application, three (3) copies of the site plan, and a review fee as established by the resolution of the Board shall be submitted by the property owner, or his/her certified agent, to the Planning and Zoning Department. No part of the review fee shall be refunded. (Prior consultation with the Planning Staff is

encouraged so that the possibility of a delay in approval is minimized.) The Planning Staff shall review the site plan for conformance with all the Regulations applicable to the area.

If the Planning Staff denies the site development plan, it shall be submitted to the Planning Commission with a report and reasons for denial. The Planning Commission, after receiving the report of the Planning Staff, the Planning Commission shall approve the site development plan, with or without conditions; deny it; or defer it for further study.

### **Section 5. SITE PLAN CONTENTS**

1. The site development plan shall be prepared by an architect, engineer, surveyor, landscape architect or other qualified individual at a scale on one (1) inch equal fifty (50) feet or larger.
2. One or more maps shall be submitted with the final development plan. Each map shall contain all map submission requirements, and shall bear such professional certifications and seals as the County may require.

The maps shall show:

- a. Finished grades or contours for the entire site (2-foot contour intervals shall be required by the Director, depending on the site).
- b. Legal description of the lot.
- c. Name, address and phone number of the applicant, owner and designer.
- d. All proposed and existing adjacent public street rights-of-way with centerline location.
- e. All proposed and existing adjacent public street and public drive locations, widths, curb cuts and radii.
- f. Location, width and limits of all existing and proposed sidewalks.
- g. Location, size and radii of all existing and proposed median breaks and turning lanes.
- h. Distance between all buildings, between buildings and property lines and between all parking areas and property lines.
- i. Location of all required building and parking setbacks.
- j. Location, dimensions, number of stories and area in square feet of all proposed buildings.
- k. Area of land in square feet or acres, Area of the building in square feet, percentage of pervious area (green space), and parking space ratios.
- l. Limits, location, size and material to be used in all proposed retaining walls, including top and bottom of wall elevations.
- m. The location, number, size, and type of landscaping plants and material;
- n. Location and dimensions of all driveways, parking lots, parking stalls, aisles, loading and service areas, trash enclosures and docks.
- o. Location, height, intensity, type, and color of outside lighting and fixtures for buildings and parking lots (photometric study shall be provided).
- p. Location, size, and type of material of all proposed signs, including monument or freestanding signs.
- q. The location of adjacent developments, alignment and location of public and private driveways and streets, medians, and public and semi-public easements.
- r. Final storm water collection, detention and erosion control plans.
- s. Final water and sanitary sewer plans.
- t. One or more illustrations shall be submitted with the final development plan showing building elevations (except for single-family dwellings) including the following:
  - i.) Elevations of all sides of proposed buildings including notation indicating building materials to be used on exteriors and roofs and height dimensions on the building.
  - ii.) Size, location, color and materials of all signs to be attached to building exteriors.
  - iii.) Location, size and materials to be used in all screening of rooftop or ground-level mechanical equipment, trash and refuse collection areas, and loading areas.
  - iv.) Building sections.
- u. Design guidelines relating to signage, architecture, and similar design features if the development involves multiple buildings.

- v. Dimensions and areas of all floors within proposed buildings.
  - w. Landscaping, tree preservation and planting and buffer yard plans as required.
3. The following additional comments shall be submitted in support of the application for final development plan approval:
- i.) Evidence of the establishment of the agency for the ownership and maintenance of any common open space and / or storm water system and all assurances of the financial and administrative ability of such agency, to maintain such space.
  - ii.) Conditions on Final Approval. If the County attaches conditions to the approval of a final development plan, it shall designate specific requirements, if any, that must be met before issuance of a building permit and/or prior to recording of the plat.

**Section 6. CONDITIONS OF APPROVAL**

Before approving a site plan, the Planning Staff shall first find that the following conditions have been met:

- 1. That the proposed use is a permitted use in the district in which the property is located.
- 2. That the proposed arrangement of buildings, off-street parking, access, lighting, landscaping, and drainage is compatible with adjacent land uses.
- 3. That the vehicular ingress and egress to and from the site and the circulation within the site provides for safe, efficient, and convenient movement of traffic not only within the site but on adjacent roadways as well.
- 4. That the site plan provides for the safe movement of pedestrians within the site.
- 5. That there is a sufficient mixture of grass, trees, and shrubs within the interior and perimeter of the site so that the proposed development will be in harmony with adjacent land uses and will provide a pleasing appearance to the public. Any part of the site plan not used for the building, structures, parking, sidewalks or access ways shall be landscaped with a mixture of grass, trees, and shrubs.
- 6. That all outdoor trash areas are screened.
- 7. That a traffic study for the site is conducted.
- 8. That the design for storm drainage must provide for attaining a zero net gain in storm water runoff between the tract in its natural state and the proposed developed state.

Determining The Need For Detention: An engineering study will be required for all locations to determine the impact of the proposed development on the existing drainage system and the need for detention. The study shall be submitted to the County with the preliminary plat or site plan for proposed development. The study shall be prepared under the direct supervision of a professional engineer licensed in the State of Kansas.

**Section 7. OCCUPANCY OF SITE**

In general, no initiation or use of a site shall take place before all conditions of the site plan and other provisions of the Zoning Regulations have been satisfied, except:

- 1. That in planned unit developments, planned shopping centers, or planned industrial parks, approved for phased development by the Planning and Zoning department, such activity may commence as each phase is completed if the conditions of the site plan relating to the particular conditions are satisfied.
- 2. That consideration shall be given to seasons of the year and adverse weather conditions in requiring completion of landscaping plans before initiation of such activity; provided, that landscaping shall be completed within six (6) months following commencing of such activity.
- 3. Such conduct of an activity on a parcel of ground having an approved site plan without completion of site plan conditions, excepted as noted above, and/or Zoning Regulations shall be considered a violation of the Zoning Regulations.

**Section 8. APPROVED SITE PLAN CHANGE**

An applicant who wishes to change an approved site plan must contact the Planning and Zoning Department. If the proposed changes are of a nature that the revised site plan will be substantially similar to the approved site plan, the Director of Planning and Zoning may approve the revised site plan. If the proposed changes substantially rearrange proposed uses, parking, landscaping, drainage, lighting, or

location of structures, etc., the applicant must apply for new approval of the revised site plan in the manner set forth in this Article's Section 4.

### **Section 9. TIME LIMITATIONS**

If no building permit is issued for the site within one year from the date of the site plan approval, the site plan shall be and become null and void.

### **Section 10. VARIANCE**

An applicant may apply for a variance to the Planned Development District guidelines. The Board of Zoning Appeals may review and approve a variance on a case-by-case basis according to the impact the proposed change would cause to the overall district.

In recommending such variance or exception, the Board of Zoning appeals shall find the following:

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 adjacent property.

## **ARTICLE-27 (B) PERFORMANCE STANDARDS**

### **Section 1. GENERAL REQUIREMENTS FOR ALL PLANNED DISTRICTS**

#### A) Environmental Protection

- a. No use shall create noise in excess of that of normal daily traffic measured at the lot lines of the premises. In no case shall the noise level exceed 60 dB at repeated intervals or for a sustained length of time, measured at any point along the property line.
- b. In Planned Industrial District a buffer along the lot lines of the premises shall be created such that noise levels shall not increase more than 60 dB outside the boundaries of the Planned Industrial District. Noise levels for the Planned Industrial District shall be reviewed on a case by case basis by the Planning and Zoning Department.
- c. No use shall create dust, dirt, particulate matter, smoke, noxious odor, radiation, noxious gases, heat, unscreened glare, vibration or concussion which is perceptible without special instruments at the lot lines of the premises except in industrial districts.

#### B) Exterior: Architectural quality of the buildings must be of sufficient similarity on all sides of the structure such that all sides of the building are "finished."

#### C) Site: The design of all developments, whether residential, commercial or industrial shall be such that access and circulation by firefighting equipment is assured and not hindered by steep grades, heavy landscaping or building spacing.

#### D) Screening: Fences and walls up to 6 feet in height may be allowed if designed as an integral part of a development to provide privacy, security, or as part of an entry monument detail or, in some cases, required to provide screening from one property to another.

#### E) Glare: All lights, other than publicly installed street lights, shall be located and installed to reflect the light away from abutting properties zoned for or developed with residential structures. No more than a maximum 0.5 foot-candle is allowed at the perimeter of the premises.

### **Section 2. REQUIREMENTS IN ALL PLANNED COMMERCIAL, PLANNED INDUSTRIAL DISTRICT AND PLANNED MIXED LAND USE DISTRICT**

#### A) General:

- a. Except as provided by an approved development plan or special use permit, all products shall be sold and all services rendered inside a building.
- b. All equipment necessary for supplying electric, communication, or related services to be constructed shall be placed underground. Equipment shall include, but not be limited to poles, towers, supports wires, conductors, guys, stubs, platforms, cross arms, braces, line

transformers, insulators' cut-outs, switches, communication circuits, appliances, attachments and appurtenances. The purpose of this requirement is to promote and preserve public health, safety and welfare and to improve the appearance and orderly development of subdivisions within the corridor.

B) Lighting

- a. Site lighting should achieve intended illumination within parking lots, pedestrian spaces, storm water collection and detention areas and other areas where design or safety considerations are warranted. Site lighting is meant to create safe, recognizable, and aesthetically pleasing environments throughout public and private developments.
- b. Mast-carried luminaries shall not exceed 25' in height.
- c. High-pressure sodium lights and/ or other non-color corrected lights shall not be used.
- d. A maintained minimum required illumination for parking lots and building entries is 0.50 foot-candle (fc). Parking lot lighting shall not cause illumination in excess of 0.5 foot candles when measured at the property line of the subject parking lot adjacent to residential use. Illumination shall be measured with a photoelectric photometer having a spectral response similar to that of the human eye, following the standard spectral luminous efficiency curve adopted by the International Commission on Illumination. Such measurement shall be taken with the photoelectric photometer while held parallel, 3 feet above the ground at the property line of the subject parking lot. Parking lot lighting shall be accomplished with pole mounted cut-off fixtures which shall be of a no-tilt, shoebox, or similar type design, equipped with flat lenses and nonadjustable mounted arms or brackets. Parking lot lighting shall have an initial average uniformity ratio of 4 to 1 (average (fc) over minimum (fc)). Pedestrian walkway lighting may use point-to-point lighting, such as light bollards, with a minimum maintained average illumination of .18 foot-candles (fc).
- e. Lighting shall not impact traffic movements.
- f. Building illumination and architectural lighting shall be indirect in character (no light source visible). Indirect wall lighting, overhead down-lighting or interior illumination that spills into the landscape is encouraged. Architectural lighting shall articulate and animate the particular building design as well as provide the required functional lighting for safety and clarity of pedestrian movement.
- g. Use of minimum wattage metal halide or color corrected sodium light sources, which provide "natural" light are required. Non-color corrected low-pressure sodium and mercury vapor light sources are prohibited as building lighting sources.
- h. Use of neon lighting shall be reviewed on a case-by-case basis.

C) Relationship of Building to Street, Parking, and Adjacent Properties

- a. All buildings shall be designed to create a strong physical relationship with their street frontages.
- b. Every building shall have a main entrance oriented toward the street-side of the building, connecting with the sidewalk. Additional entrances may be provided and oriented toward parking courts or pedestrian paths.
- c. Sidewalks, landscaping and other pedestrian amenities shall be provided in parking lots as per section 4 of this article.

D) Natural Site Conditions

- a. Proposed landscaping shall accentuate the overall natural character of the site in terms of existing topography and plant material. All parcels shall be developed so as to create a minimum disturbance to the existing natural systems found on site. The intent of the performance standards is to minimize removal of natural systems that provide habitat, visual qualities of value, and the existing natural capacity for storm water control and mitigation.

- E) Service, Loading, and Utilities/Outside; Storage & Display; Screening
  - a. Service or loading areas shall be accommodated entirely onsite for each parcel.
  - b. Parallel parking space for delivery vehicles shall be provided along service drives or in specially designated courts or loading areas.
  - c. Enclosures and service elements shall be integrated with the building elevation design so as to minimize the visual impact of such elements.
  - d. Hours of loading and unloading may be limited, depending upon location and surrounding property use.
  - e. All new installations and replacement of existing exterior utilities such as water, gas, sewerage, electrical, communication lines, etc. shall be installed under-ground.
  - f. Industrial buildings should be designed in a manner so that loading docks and service area are located at the side or rear of the buildings.
  - g. Any emission of noise, vapor, heat or fumes shall be mitigated by using best management practices.
  - h. Consideration should be given to developing common service courts at the interior of parcels.
  - i. Garbage, recycling collection and utility areas shall be enclosed and screened around their perimeter by walls minimum of 6 feet in height and constructed of materials consistent with the rest of the building.

### **Section 3. Architecture/Construction**

The requirements of this section shall apply to all buildings and structures (excluding single-family and two-family (duplex) dwellings), unless otherwise expressly provided in a development plan. The use of traditional materials and forms is encouraged. These requirements shall be in addition to and in conjunction with requirements set forth in an approved Development Plan.

- A) Building Massing, Scale
  - a. Each building is to have simple, well-proportioned, a simple form that is manipulated for relief. Massing of the buildings shall reflect a continuous mass of the building envelope.
  - b. Parapets must read as integral to the mass of the building. No flat vertical surface projections will be allowed above the building roofline. Loggias and other architectural elements may be created by "carving" into the mass of the building, not by applied decoration.
  - c. Details that provide human scale to structures should be fully considered and incorporated into the design.
  - d. Roof forms and pitch shall be consistent for all roofs part of the same building or block of buildings.
  - e. Deviation from simple forms shall be allowed to accentuate building entries and significant corners or points of access. Corners of buildings shall provide articulation through fenestration, material, and detailing.
- B) Shading Devices
  - a. Buildings shall provide a means for solar shading at all fenestration. This may include freestanding or attached screen walls or shade fins, architecturally constructed awnings, roof or building overhangs, recessed openings, and/or upper level balconies.
  - b. Applied awnings shall be constructed of metal, canvas, and/or glass and shall be integrated into the overall design of the facade.
- C) Shade trees

Refer to Article 27 (C) Section 2.2.H for details on providing shade trees in the Planned Development Districts.

**D) Materials and Colors**

To create a harmonious and coherent image for each development, building designs shall pay close attention to choice of materials and colors. Building construction shall be of quality and durable materials. Equally valued materials and colors shall wrap all exposed elevations of the building as a solid mass.

**a. Permitted Building Materials**

- i. Masonry products such as stone, brick, finished concrete, stucco and decorative concrete blocks.
- ii. Copper
- iii. Clear Glass
- iv. Metal with a quality appearance and finish is acceptable in limited areas.
- v. Wood - painted or preserved
- vi. Vinyl Products, approved on a case by case basis.
- vii. Vinyl windows meeting or exceeding the following AAMA/NWWDA 101/1.S.2-97 Design Specifications: All vinyl windows, except basement windows shall have a minimum Structural Test Pressure of 45.0 pounds per square foot. All basement windows shall have a minimum Structural Test Pressure of 37.5 pounds per square foot.

**b. Permitted Roofing Materials**

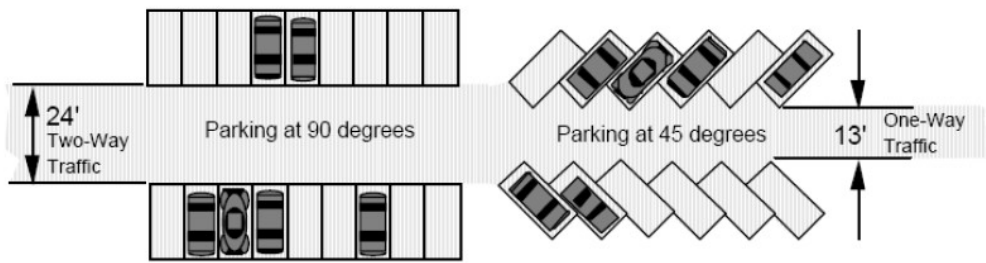
- i. Standing Seam Metal or Copper
- ii. Clay, slate or cast concrete tiles
- iii. Asphalt shingles or better.

**Section 4. Parking standards**

In addition to the parking standards outlined in Article 24 of the Leavenworth County Subdivision Regulations, the following additional standards shall apply in Planned Residential, Planned Commercial, Planned Industrial and Planned Mixed land use districts except detached single family residential lots.

- A) To the extent that developments that wish to make joint use of the same parking spaces operate at different times, the same spaces may be credited to both uses. For example, if a parking lot is used in connection with an office building on Monday through Friday but is generally 90% vacant on weekends, another development that operates only on weekends could be credited with 90% of the spaces on that lot. Or, if a church parking lot is generally occupied only to 50% of capacity on days other than Sunday, another development could make use of 50% of the church lot's spaces on those other days.
  - B) Circulation areas shall be designed so that vehicles can proceed safely without posing a danger to pedestrians or other vehicles and without interfering with parking areas.
  - C) Parking lots shall be provided with landscape islands which shall include shade trees, ornamental trees, ground cover and other plant materials.
  - D) All parking spaces other than those for handicapped access shall be a minimum of 9' x 17'. All parking spaces for handicapped access shall be a minimum of 12' x 18'. Additional space shall be provided, as necessary, for maneuvering into and out of the spaces. The minimum widths driving lanes with a row of parking spaces on both sides of the driving lane shall be as follows:
    - a. Parking spaces at 90 degrees to driveway = 24' wide
    - b. Parking spaces at 60 degrees to driveway = 18' wide \*
    - c. Parking spaces at 45 degrees to driveway = 13' wide \*
- \* One-way traffic flow only. If two-way traffic flow, must be at least 20 feet wide.





**Figure: Parking Spaces and Angles**

- E) All required parking lots and all driveways to and within any required parking lot, shall be surfaced with a permanent bituminous or concrete pavement.
- F) The perimeter of all required parking lots and all driveways to and within any required parking lot shall be provided with concrete curbs or concrete curb and gutters.
- G) Concrete curbs, curb and gutter or wheel-stop blocks shall be provided at the front of any parking space which abuts a building, walk, other structure or landscaped area.
- H) The design for storm drainage must provide for attaining a zero net gain in storm water runoff between the tract in its natural state and the proposed developed state. An engineering study of storm water runoff shall be required for parking lots.

**ARTICLE 27 (C) – SUBDIVISION STANDARDS (Design Review Required)**

**Section 1. OVERVIEW**

The requirements and standards of this Article support the Planned Development District’s Future Land Use Plan. This Article establishes minimum standards so that subdivisions:

- 1. have street systems, lot layouts, and subdivision improvements that reflect good planning principles, construction practices, incorporate and utilize the surrounding environmental attributes, and;
- 2. are designed and developed in a manner that demonstrates an understanding of and appreciation for both the near term, and lasting, long-range impacts, that subdivisions have on the health, safety, and general welfare of the public.

**Section 2. STREETS AND DRIVEWAYS**

- 1. General Layout and Design Criteria- Existing and New Streets and Driveways:
  - A. General Street Layout and Design Considerations: A convenient, safe street system is important for the health, safety and welfare of the community and the economic well-being of the County. The County’s street system should be designed to provide appropriate routes for through traffic, especially with respect to major nodes of urban development. Ultimately, local streets that serve individual building sites should be interconnected to the network of major and minor arterial streets which primarily provide for the through traffic needs. As areas of the County develop, a pattern of interconnected streets should follow. This street network is particularly important within subdivisions with multiple streets and will become increasingly important upon the area’s urbanization and densification.
  - B. Environmental Considerations: Street layouts shall attempt to conform to the existing natural topography and shall attempt to avoid the disruption of existing mature vegetation, 100-year flood plains and other significant natural features of the area.
  - C. Internal Street Layout Considerations: The location, arrangement, alignment, character, and type of all streets in the subdivision shall:
    - i) Provide for safe and convenient traffic circulation within, and to and from, the subdivision for the uses of the land to be served by such streets.
    - ii) Be arranged so that through traffic is minimized for local streets and so traffic is channeled to Collector streets and to Arterial Streets.

- iii) Be arranged to facilitate the free flow of traffic and limit potential traffic hazards by providing lots in all Planned Development District with access onto local or collector street via driveways; and preventing direct access onto Arterial Streets, and Highways in accordance with the Street Frontage Required per Driveway of this Article's, Section 2.A.
- iv) Local or Collector Street layouts shall attempt to serve each subdivision lot or parcel and provide transportation access, and routes for utility service lines.

D. Connectivity and the Relationship of Internal Street Layouts to Adjoining Properties and Streets:

The location, arrangement, alignment, character, and type of streets serving new subdivisions shall be planned and designed:

- i) For the extension of existing dead-end streets except where topography, lakes, streams, Highways, Arterial streets, or other such natural or man-made features would obstruct the provision of through streets.
- ii) For the continuation of existing streets from adjoining subdivisions.
- iii) For streets to be continued to adjoining properties that have not been subdivided.
- iv) To be properly integrated with the existing and planned street system and pattern.
- v) To be continued to the boundaries of the area being subdivided at reasonable intervals that shall be not greater than 1,320 feet so that future-abutting subdivisions may connect therewith.

E. Geometric design and right-of-way requirements for all streets shall be based upon projected future traffic volumes. Additional factors to be considered in the geometric design and right-of-way requirements are as follows:

- i. Topography and physical features
- ii. Design speeds
- iii. Access conditions (controlled access with access opening, turning radius of design vehicles, medians, and pedestrian facilities).

F. Functional Street Classifications: Functional classification is an ordering system that defines the part that any particular road or street plays in serving the flow of vehicle trips through a street network. Functional classification categorizes streets according to their ability to 1) move vehicle traffic, and 2) provide access to adjacent properties.

For existing or planned streets within subdivisions, the following functional street classifications and criteria shall apply:

- a. Cul-de-sac Streets: Serve individual building lots. Connecting to other Local Streets or Collector Streets is encouraged.
- b. Local Streets: Serve individual building lots. Connecting to other Local Streets or Collector Streets is encouraged; however, Local Streets may connect directly to Arterial Street.
- c. Collector Streets: Connect Local Streets to Arterial Streets. Direct access from individual building lots is discouraged. Collector Streets are typically located at the 1/4-section, 1/2-section, or 1/3-section lines.
- d. Arterial Streets: Provide for travel between Collector Streets and Highways.

For each arterial street, whether it is a Major Arterial Street or a Minor Arterial Street, the ultimate pavement width is intended to be two (2) to four (4) lanes for through traffic movements.

G. Street Design and Construction and Right-of-way Dedication

- a. Arterial Streets within or adjacent to subdivisions and Lot Splits shall comply with the following requirements:
    - 1. The right-of-way width shall be a minimum of eighty (80) feet.
  - b. Collector Streets adjacent to Lot Splits or within or adjacent to subdivisions shall comply with the following requirements:
    - 1. The right-of-way width for Collector Streets with curbs shall be a minimum of sixty (60) feet.
    - 2. The right-of-way width for Collector Streets without curbs shall be a minimum of eighty (80) feet.
  - c. Local Streets adjacent to Lot Splits or within or adjacent to subdivisions shall comply with the following requirements:
    - 1. The right-of-way width shall be a minimum of sixty (60) feet.
2. Driveways, Intersections, and Frontages
- A. Minimum street frontage Required per Driveway in All Planned Districts:

Road Classification	Minimum Street Frontage Required per Driveway	Corner clearance from intersection for driveway entrance.
a. Highway	Lots shall not have access directly onto a Highway	
b. County Road One	2640 feet	330 feet
c. Major Arterial	660 feet	330 feet
Minor Arterial	300 feet	200 feet
d. Major Collector	300 feet	200 feet
Minor Collector	200 feet	100 feet
e. Local	125 feet	100 feet

The minimum Public Road spacing standards for spacing between new public roads intersecting with other public roads (regardless of which government entity maintains the public road) for the purposes of approval of subdivision plats pursuant to the Leavenworth county Subdivision Regulations shall depend upon the road classification of other public road and hereby adopted as follows:

Road Classification	Minimum Public Road Spacing
a. Major Arterial	5,280 feet
Minor Arterial	2,640 feet
b. Major Collector	2,640 feet
Minor Collector	2,640 feet
c. Local	1,320 feet

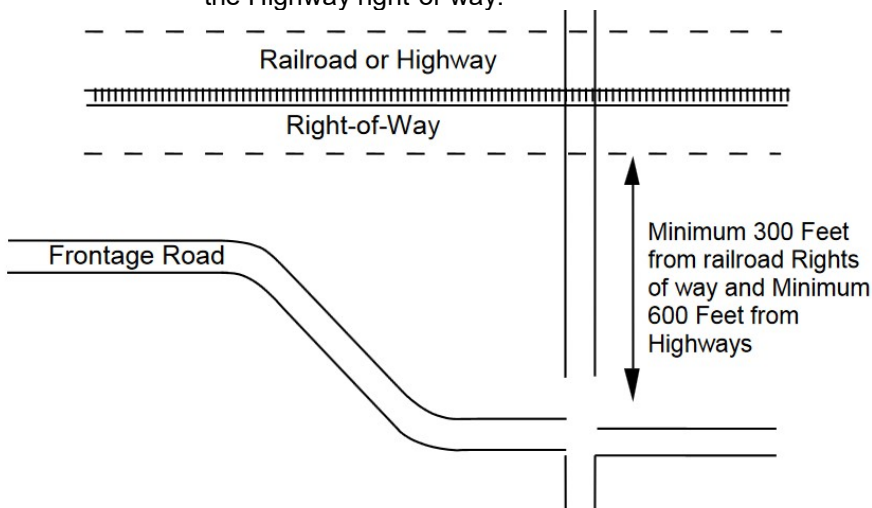
- B. Minimum sight distances shall be provided at all intersections and driveways. Minimum sight distances shall be subject to Public Works standards for road type and traffic counts.
- C. Streets shall intersect as nearly as possible at 90-degree angles; no street shall intersect at less than a 75-degree angle.
- D. Street centerlines shall be laid out to meet the following:
  - a. Arterial Streets continuing through an intersection shall have a continuous, straight centerline.
  - b. Offset intersections shall not be allowed where on Collector Streets that intersect Arterial Streets.
  - c. Collector Streets continuing through an intersection shall have a continuous, straight centerline.
  - d. Local Streets that intersect a Collector Street shall have either a continuous, straight centerline through the Collector Street right-of-way or shall be offset so that there is at least one hundred fifty (150) feet between the centerlines of the Local Streets. Collector Streets that intersect another Collector Street also shall meet this criterion by having either a continuous, straight centerline through the intersection or by being offset so there is at least one hundred fifty (150) feet between their centerlines.

E. Cul-de-sac Streets

- a. Dead-end streets, whether temporary or permanent, shall be constructed as cul-de-sac streets. It is recommended, but shall not be required, that temporary dead-end streets may terminate at the boundary of a subdivision. If a cul-de-sac terminates more than 200 feet from the nearest intersection, it shall be a temporary cul-de-sac designed to provide future connection with adjoining un-subdivided areas.
- b. Cul-de-sac streets shall not be longer than 700 feet measured from the intersecting street right-of-way line to the centerline of the cul-de-sac radius.
- c. Unless topography, lakes, streams, Highways, Arterial Streets, railroads or other such natural or man-made features would obstruct the provision of through streets, permanent cul-de-sac streets shall be minimized by laying out the subdivisions to comply with the block length and cul-de-sac street length criteria of these regulations in order to facilitate traffic circulation, utility line interconnections, road maintenance and snow removal.

F. Frontage Roads

- a. Frontage roads are specific type of internal street pattern and shall be encouraged when access to certain arterial roads are limited or existing geology, topography, floodplain, or other environmental constraints or lot patterns are such that frontage roads are the most feasible way to provide for local traffic service to appropriate access points on the arterial streets. For example, when internal street patterns cannot be arranged to meet the street spacing and road frontage requirements of these regulations, or if the lots cannot be arranged with side lot lines or rear lot lines adjacent to Major Arterial Streets or Highways.
- b. Frontage roads or other internal street patterns shall be planned and constructed in subdivisions when the number of access points on one side of the Arterial Street would exceed the maximum number that would be allowed by compliance with the minimum Road Spacing requirements mentioned in Section 2 (2) (A) of this Article.
- c. Frontage roads shall not intersect Arterial Streets or Collector Streets at closer intervals than minimum Road Spacing's allowed by Section 2 (2) (A) of this Article.
- d. Frontage roads shall conform to Leavenworth County's Road Construction and Storm Water Drainage standards, 1994 Edition or latest editions as approved by the Board of County Commissioners.
- e. Frontage roads or other streets that are parallel to railroad or Highway or Major Arterial roads rights-of-way shall not intersect streets that cross the railroad or Highway-at-grade unless the frontage road or other parallel street centerline is at least three hundred (300) feet from the closest edge of the railroad or six hundred (600) feet from the closet edge of the Highway right-of-way.



- f. Frontage road access points on opposite sides of Arterial Streets shall be aligned to minimize the number of future median openings.
- G. Sidewalks:
- a. Sidewalks are required and shall be installed by the developer on one side of all streets in residential subdivisions with a majority of the lots less than one (1) acre in size, and are permitted in all other subdivisions in conformance with the requirements set forth herein. Sidewalks are permitted in all other districts.
  - b. Sidewalks shall be located within the public right-of-way and shall not be more than one (1) foot from the public right-of-way line of all streets. There shall be a landscaped area at least two (2) feet wide between the sidewalk and curb. If site conditions do not allow for the buffer area and sidewalks must be constructed adjacent to the curbs, the sidewalks shall be constructed as a separate entity to the curb, and at no time shall the two be constructed as a single unit.
  - c. Sidewalks shall provide for continuous pedestrian access, and also connect abutting properties or subdivisions.
  - d. Sidewalks shall also be provided as part of the construction of the internal subdivision streets.
  - e. The minimum width of sidewalks shall be four (4) feet.
  - f. Sidewalks at street intersections shall be ramped to provide access for physically impaired persons.
- H. Shade trees
- Along Arterial and Collector Street rights-of-way adjacent to planned residential subdivisions, or within or adjacent to any commercial or employment center subdivision, new shade trees shall be planted or existing trees shall be kept as follows:
1. One (1) street tree shall be provided for each 100 feet of street frontage within the landscaped setback abutting said street frontage.
  2. In addition to the street trees, one ornamental tree per 50 lineal feet and one shrub per 25 lineal feet or portion thereof shall be planted within the setback. Additional trees may be clustered or arranged within the setback if approved as part of the landscape plan.
  3. A minimum of 5% of the interior site shall be landscaped.
  4. A minimum of 10% of the lot shall be kept as pervious area (green space).

**Section 3. LAYOUT OF LOTS**

Planned Residential Subdivision Lots:

- a. Within subdivisions of property planned residential district, the lot-depth to lot-width ratios shall not exceed three and a half to one (3.5:1) or be less than one to one (1:1). Within subdivisions of property zoned Planned Residential District, the lot-depth to lot-width ratios for lots ten (10) acres or larger shall not exceed four to one or be less than one to one.
- b. Corner lots shall have sufficient depth and width to allow the yard setbacks required in the applicable zoning district to be provided along all street frontages.
- c. The minimum lot width required in the zone shall be provided at least at the front building setback line.
- d. Double frontage lots shall be avoided unless no other lot arrangement is possible, such as where lots back onto a major Arterial Street. Access for a double frontage lot shall be on the least travelled road. All double frontage lots shall include a non-access easement which shall prevent driveway access on the rear lot line.

- e. Lots shall be arranged so that surface drainage in swales or channels across residential lots is avoided or is located along side or rear lot lines, unless surface drainage in other locations on the lots is necessary as determined by the County Engineer. Where surface drainage in a swale or channel on a residential lot is necessary, as determined by the County Engineer, drainage easements may be required and the drainage systems in such easements shall be improved in accordance with Leavenworth County's Road Construction and Storm Water Drainage standards, 1994 Edition or latest editions as approved by the Board of County Commissioners. Each residential lot that will have surface drainage in a swale or channel shall be appropriately shaped, sized and dimensioned to provide a buildable area that the County Engineer deems to be appropriate for the subdivision.

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**STAFF RECOMMENDATION:**

The staff recommends approval of Case No.DEV-20-160, proposed amendment to the 2006 Leavenworth County Zoning and Subdivision Regulations.

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**ACTION OPTIONS:**

1. Recommend approval of Case No. DEV-20-160, proposed amendment to the 2006 Leavenworth County Zoning and Subdivision Regulations, to the Board of County Commission, with Findings of Fact; or
2. Recommend denial of Case No. DEV-20-160, proposed amendment to the 2006 Leavenworth County Zoning and Subdivision Regulations, to the Board of County Commission, with Findings of Fact; or
3. Continue the Public hearing to another date, time, and place.

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**ATTACHMENTS:**