

SPECIAL USE PERMIT

For

**THE UNINCORPORATED AREA OF
LEAVENWORTH COUNTY, KANSAS**

**A PRE-APPLICATION CONFERENCE IS REQUIRED
PRIOR TO SUBMITTAL OF ANY APPLICATION**

HEARING BEFORE PLANNING COMMISSION: The submittal of a complete application will be received and processed by Planning Staff. The earliest possible hearing before the Planning Commission is dependent on when the application is received. The deadline for each meeting is found on the Planning Commission Schedule and Submittal Deadline document. A complete application is **not** a guarantee that your case will be heard at the earliest possible Planning Commission meeting.

ALL APPLICATION FEES ARE NON-REFUNDABLE

For more information contact:
Leavenworth County Department of Planning and Zoning
300 Walnut St., Suite 212
County Courthouse
Leavenworth, Kansas 66048
pz@leavenworthcounty.gov
913-684-0465

SPECIAL USE PERMIT PROCEDURES

APPLICANT RESPONSIBILITIES: Omission of any of the following items may delay the review and processing of the application.

- A. Complete application form. (Attachment A)
- B. Proposed Use Information form (Attachment B)
- C. Owner Authorization Form if not the legal owner of the property (Attachment C)
- D. Legal Description (current deed) of the property.
- E. Payment of application fee. Make check payable to Leavenworth County Planning & Zoning.
- F. Site Plan (one physical copy along with one digital copy)
- G. A written narrative description of the proposed plan.
- H. A tax clearance certificate from the state and a paid tax receipt from Leavenworth County. If property is owned in additional counties/states certificates and receipts will be required from those entities as well.
- I. Any additional studies, documents, etc that may be requested by Planning & Zoning or the Planning Commission.
- J. If the project requires a review from the State Fire Marshall. The applicant(s) must provide the inspection report or planned review approval prior to submittal.
- K. Applicant or applicant's representative must attend the Planning Commission and Board of County Commissioner's Hearing.**

FOR ADDITIONAL REQUIREMENTS, PLEASE REFER TO THE *LEAVENWORTH COUNTY ZONING AND SUBDIVISION REGULATIONS*, WHICH INCLUDES THE FOLLOWING ARTICLES APPLICABLE TO SPECIAL USE PERMITS.

1. Article 22 – Special Use Permits and Temporary Use Permits; Leavenworth County Zoning and Subdivision Regulations
2. Article 25 – Sign Regulations; Leavenworth County Zoning and Subdivision Regulations
3. Article 27 – Site Plan (for Staff Review and Approval)
4. All other applicable Regulations – depending on the use
5. Traffic Impact Policy adopted by the Board of County Commissioners.

DEADLINE: See Planning Commission Schedule and Deadlines form.

PLANNING DEPARTMENT PROCEDURES

Public Hearing: The Planning Department will schedule a hearing before the Planning Commission.

Posting of Sign: The Planning Department will post a sign on the property prior to the date of the public hearing. After the sign has been posted, the Applicant is responsible to maintain the sign, as placed by the Planning Department, until one day after the case has been approved or denied by the Board of County Commissioners.

Newspaper Publication: The Planning Department will publish the Legal notice of the public hearing 20 days prior to the date of public hearing.

Letter of Notification: The Planning Department will mail notices of the public hearing, to all property owners within 1,000 feet (Unincorporated area) and 200 feet (Incorporated area) of the subject property at least 20 days prior to the public hearing.

Protest Period: See KS Statute 12-757.

Board of County Commission – The Board of County Commission will hear the recommendations of the Planning Commission and approve or deny the Special Use Permit.

Following approval of a Special Use Permit, if it is necessary for the Permit to be reevaluated because of the creation of nuisances, or hazards to the public health, safety and/or welfare, the Board of County Commissioners may initiate the process to rescind approval of the Special Use Permit, such procedure to be the same procedure that was followed in approving the original Special Use Permit.

SUP APPLICATION GUIDE

Additional Support Documents for Applicant

1. Special Use Permit Application Timeline and Checklist (pg. 3)
2. Narrative Guide (pg. 4)
3. Traffic Impact Policy (pg. 5-7)
4. Professional Review Fee Policy (pg. 8)

The Planning and Zoning Staff will review the proposed application and discuss plans and policies; which may affect the site in question. The applicant may be asked to provide additional information for further review.

The Planning Commission meets on the second Wednesday of each month. **An complete application shall be placed on the Planning Commission Agenda as indicated on the current Planning Commission Schedule and Deadlines Form.** The Applicant is required to attend the meeting, as they will be provided time to speak to the Commissioners about their application and may be asked questions by the Commission.

The Planning Department advises the Planning Commission through presentation of a staff report, which recommends approval, approval with conditions, or denial. Conditions will be attached to most Special Use Permits.

Members of the Planning Commission evaluate the application, giving consideration of the recommendations from the Planning Staff. They may impose any conditions they consider necessary to ensure public safety, health, and welfare.

The Planning Commission makes a recommendation to the Board of County Commissioners as to whether the permit should or should not be approved and the Board of County Commissioners will make the final decision.

For the application to be accepted by the Planning and Zoning Department, the following items must be submitted:

- | | |
|--|--|
| <input type="checkbox"/> Application Form | <input type="checkbox"/> Site Plan |
| <input type="checkbox"/> Application Fee | <input type="checkbox"/> Building Plans (if applicable) |
| <input type="checkbox"/> Proposed Use Information | <input type="checkbox"/> Narrative (see below) |
| <input type="checkbox"/> Owner Authorization (if applicable) | <input type="checkbox"/> Tax Clearance Certificate |
| <input type="checkbox"/> Deed showing current ownership | <input type="checkbox"/> Any other documents requested by Planning and Zoning, on a case-by-case basis |

Narrative Guide

Written Narrative Requirements: A written narrative description of the proposed use must be submitted that addresses:

- The reasons that appear to make the site in question appropriate for the proposed use.
- Any reasons that the proposed use could cause conflict with other parcels surrounding the site in question.
- The steps to be taken to cause the use to be compatible with other parcels near the site in question.
- The hours of operation, traffic routes and expected traffic volumes, staffing levels, methods of operation, and off-street parking.
- The number of parking spaces available on the property and the reasoning behind the number provided.
- The number of months/years for which the permit is requested and whether the character of the use would tend to be seasonal or vary during the duration of the permit.
- The extent to which the use could cause pollution.
- Any other such reasonable information about the proposed use that would be necessary or helpful for the impact of the proposed use to be fully evaluated and considered.

The Planning and Zoning Staff will use the narrative to analyze the impacts of the proposed use on streets and traffic, the natural environment, neighborhood, utilities, emergency services, and the surrounding community, with consideration given to the County's Comprehensive Plan and Regulations.

The narrative is a written description of what you will be doing. The narrative will be used in the analysis of your Special Use Permit. Be descriptive and detailed. Include everything that has to do with your proposed use or business. Below is a guide to assist you in writing your narrative. Remember to include all pertinent information pertaining to the requested application. Below is a list of key points that need to be included in your narrative (this is not an all-inclusive list). Remember to include future plans during the duration of the SUP term.

- Current use
- Proposed Use
- Hours of Operation
- Employees
 - How many (include future employees)
 - Are any family members
- Signs (Include future desired signs)
 - Size
 - Design (Electrical/digital)
 - Where will they be placed?
- Chemicals Used
 - Types
 - Storage
 - Disposal
- Lubricants/Oils/Fluids
 - Storage
 - Disposal
- Sewage Disposal
 - Will your proposal create more sewage?
- Water Supply
 - Any additional water needed
- Noise/sound caused by the use
- Odors or fumes
- Accessory building used or to be constructed
- Outdoor displays/advertising
- Equipment
 - Parking
 - Storage
 - Maintenance
- Alcohol Service
- Dust Control
- Emergency/Safety
 - Contact numbers
 - Shelter
 - Weather radio
 - Evacuation plan
 - Fire extinguishers
- Outdoor Storage
 - Fenced/Screened
- Security Lighting
- Parking
 - Is there enough space for parking?
 - Will parking be needed?
- Will this be in the existing home?
- Traffic
 - Number of employees driving to the site per day.
 - Number of deliveries of products / materials to the site per week.
 - Number of trips from the site to deliver products / materials.

**** If you have any questions during this process, please do not hesitate to contact our department.**

SUBJECT	ISSUED BY	EFFECTIVE DATE	REVISION
Traffic Impact Policy	Board of County Commissioners	02.17.2021	1.0

Gravel Roadways:

A. Passenger Vehicles Only:

1. 0-24 vehicles per day (48 vehicle trips) is \$0.
2. 25 vehicles per day (50 vehicle trips) and more is \$72.00/passenger vehicle.

Note: Public works budgets \$7,200 per mile for gravel roadways. Acceptable volume on a gravel roadway is 200 trips per day (Kansas State University Gravel Road Paving Guidelines – November 2016) before consideration in improving the roadway including hard surfacing. $\$7,200/200=\36.00 . Fee is based on 1 mile of impacts. One (1) vehicle to the site is equal to two (2) trips per day. $\$36.00 \times 2 = \$72.00/\text{vehicle}$

B. Commercial Vehicles (Vehicles with a greater classification than 12,000 lbs including trailer or daily combined gross vehicle(s) weight including trailer(s) greater than 60,000 lbs):

1. 0-4 vehicles per day (8 vehicle trips) is \$0.
2. 5-20 vehicles per day (10-40 vehicle trips) is \$216.00/vehicle.

Note: Fee is based on 3 times the passenger vehicle fee.

3. County Engineer shall determine if a Drainage Structure Assessment is required based upon load rating information available from bridge and culvert inspections of record.

C. 50 and more Passenger Vehicle trips per day or 10 or more Commercial Vehicle trip per day requires a Traffic Impact Study to include physical roadway assessment along the proposed gravel road traffic route. If the applicant's traffic study indicates that the traffic generated by their proposed use will have a detrimental impact on the safety of the public or will require the county to subsidize the business as a result of the degradation of the roadway created from the additional traffic, roadway improvements will be Staff's recommendation as part of the approval of the Special Use Permit.

Hard Surfaced Roadways:

A. Passenger Vehicles Only:

1. 0-49 vehicles per day (98 vehicle trips) is \$0.
2. 50 – 149 vehicles per day (100 – 298 vehicle trips) is \$72.00/vehicle.

Note: Asphalt pavement life cycle cost for replacement per year is \$83,101 per mile. Public Works recommends the following existing roadways to set fee schedule (see below). Average trips per day is 2,250. $\$83,101/2,250 = \$36.93/\text{passenger vehicle}$. $\sim \$36.00$

- a. CR 29 (187th Street) – vehicles per day: 1650-1750
- b. CR 5 (Tonganoxie Rd) – vehicles per day: ~ 2300
- c. CR 10 (Eisenhower Rd) – vehicles per day: 1800-2200
- d. CR 2 (158th Street) – vehicles per day: ~ 3000

- B. Commercial Vehicles (Vehicles with a greater classification than 12,000 lbs including trailer or daily combined gross vehicle(s) weight including trailer(s) greater than 60,000 lbs):
1. 0-4 vehicles per day (8 vehicle trips) is \$0.
 2. 5-20 vehicles per day (10-40 vehicle trips) is \$216.00/vehicle.

Note: Fee is based on 3 times the passenger vehicle fee.

3. County Engineer shall determine if a Drainage Structure Assessment is required based upon load rating information available from bridge and culvert inspections of record.
- C. 50 and more Passenger Vehicle trips per day or 10 or more Commercial Vehicle trips per day requires a Traffic Impact Study. 299 or more Passenger Vehicles trips per day or 10 or more Commercial Vehicle trips per day requires a physical roadway assessment along the proposed traffic route. If the applicant's traffic study indicates that the traffic generated by their proposed use will have a detrimental impact on the safety of the public, or will require the county to subsidize the business as a result of the degradation of the roadway created from the additional traffic, roadway improvements will be Staff's recommendation as part of the approval of the Special Use Permit.

General Requirements:

1. Traffic Impact Study, Road Assessment, and Drainage Structure Assessment shall be completed by a professional engineer registered in the State of Kansas. The County will engage an engineering firm to complete the required referenced studies and assessments. The Applicant is responsible for the costs incurred by the County for said studies. All improvements are to be paid by the Applicant and shall be built per County and/or State standards and specifications. County Staff acceptance/approvals of studies and/or assessments does not guarantee acceptance by KDOT or other jurisdictional agencies. County Staff acceptance/approvals of studies and/or assessments is one factor in the Board of County Commissioners consideration of a Special Use Permit and does not guarantee approval of the proposed use.

Initially, the application will be reviewed by the County Engineer for applicability to County Standards to determine if studies and/or assessments, based on sound engineering judgement, are required.

Note: The conclusion of said studies and assessments may recommend and warrant further investigations, studies, and assessments to be completed. Applications may be subject to different investigations, studies, and/or assessment mentioned above due to the proposed use and existing site/route conditions. County Engineer will determine if additional requirements are necessary.

2. KDOT's Access Management Policy (<https://www.ksdot.org/accessmanagement>) shall provide guidance on generating a traffic impact study. 50 and more total vehicle trips either commercial or passenger or combination (commercial and passenger) per day requires a traffic impact study.
3. Improvement costs as of a result of recommendations from any studies or assessments will qualify for a credit to the Traffic Impact Fee schedule.
Fee reduction amounts will be determined prior to Special Use Permit approval and will be documented as part of the conditions of approval of the permit.

4. Trip is a single-or one-directional vehicle movement with either the origin or the destination being the site. A vehicle leaving the public roadway and entering the site is one trip, and the vehicle leaving the site is a second trip. One (1) vehicle to the site is equal to two (2) trips per day.
5. Applications that may not produce consistent traffic in the form of “vehicles per day” due to the nature of business, shall provide a quantitative calculation to a “vehicle per day” unit. The calculation of vehicles per day shall be approved by the County Engineer prior to any studies commencing.
6. Drainage Structure Assessment Minimum Requirements: The Applicant shall inspect and complete a structural health assessment for the structures along the route. This assessment shall evaluate the condition and ability for all drainage structures under the public roadway to satisfactorily carry the anticipated truck loadings. The structures shall be defined as all bridges (including those with a length less than FHWA’s 20-foot bridge length), culverts, and storm pipes greater than 15 inches in diameter. The assessment shall include a photo log of each structure, condition assessment (utilize NBI ratings criteria, where applicable), tabulation of deficiencies, and recommendation for suitability to sustain the proposed traffic loadings. The assessment shall be signed and sealed by a professional engineer registered in the State of Kansas. The photo log shall include two structure end elevations, one photo looking in each direction along the roadway at the structure, one photo looking upstream, one photo looking downstream, and at least one photo through the opening of the structure.
7. Road Assessment Minimum Requirements: The assessment shall be signed and sealed by a professional engineer registered in the State of Kansas. The Applicant shall inspect and complete an assessment to include the following: A layout of the proposed route (Assessment route will be defined by County Engineer). The existing traffic data for the route. Anticipated vehicles per day including number of trucks, type of trucks and loads. Growth factor of traffic along route. Perform a visual pavement assessment analysis of the route (Typically use ‘Distress Identification Manual for the Long-Term Pavement Performance Program, by US DOT FHWA-RD-03-301). Perform pavement cores at approximately 1/4-mile increments along the route and at the intersections. Perform borings at the core locations, where the subgrade is sampled using thin walled tubes to a minimum depth of 5 feet. Perform laboratory testing on the thin walled tubes and observations of the core samples. Laboratory testing should be used to provide minimum CBR for the weakest subgrade conditions. Provide calculation of the existing pavement structural number for the existing pavements using AASHTO Flexible Design Procedure (hard surface only). Provide required structural number for additional traffic. Compare existing to required structural number. Determine what, if any, road improvements are necessary to meet the calculated structural number or need to be made to meet the calculated structural number for the anticipated additional traffic. Evaluate gravel roadways per Unified Facilities Criteria (UFC) 3-250-09FA “Aggregate surfaced Roads and Airfields Areas”. Determine what, if any, road improvements are necessary to meet UFC 3-250-09FA.
8. Upon initial review of the application, the County Engineer has authority to require a Traffic Impact Study, Road Assessment, and Structures Assessment on utilized roadways as part of the application even if such application is below the detailed limits requiring such to ensure the safety of the general public and the protection of the existing infrastructure.

SUBJECT	ISSUED BY	EFFECTIVE DATE	REVISION
Professional Review Fees Reimbursement	Board of County Commissioners	11.25.2020	1.0

A. PURPOSE:

Leavenworth County has recently experienced significant increases in growth and development within the unincorporated areas of the County. As such, the County has obtained outside consulting services in order to effectively and efficiently review development applications. These services have proven to be effective and necessary to the orderly and safe development of Leavenworth County. Due to the increase in developments and the magnitude of many of these developments, the County has incurred significant review fees which have been paid out of the Planning and Zoning Budget and the Public Works Budget. The intention of this policy is to continue to provide quality reviews of development applications while holding the developer/applicant responsible for costs incurred which are greater than \$2,500.

B. POLICY:

Development applications submitted to the Planning and Zoning Department shall be assessed an application fee per the adopted Fee Schedule. The application fee is intended to account for the public notification process, initial Staff review and writing of the Staff Report. The applicant shall be responsible for the cost of the Professional Review Fees whenever the fees exceed \$2,500.

C. PROCEDURES:

Upon submittal of an application the developer shall pay an application fee. The developer should expect to incur additional fees if the development has unusual conditions that warrant extensive engineering review or is a subdivision with an internal roadway. The applicant will be responsible for paying all incurred fees (over \$2,500) prior to the application for development being executed. Further, in the event an applicant does not pay the fees, the County shall accept no further development applications from said applicant until all delinquent fees have been paid.

Effective 11.25.2020

BOCC Chairman – Doug Smith

11.25.2020
Date of Adoption

SPECIAL USE PERMIT APPLICATION

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

APPLICANT/AGENT INFORMATION	OWNER INFORMATION (If different)
NAME _____	NAME _____
ADDRESS _____	ADDRESS _____
CITY/ST/ZIP _____	CITY/ST/ZIP _____
PHONE _____	PHONE _____
EMAIL _____	EMAIL _____
CONTACT PERSON _____	CONTACT PERSON _____

PROPERTY INFORMATION

PID: _____ Zoning District: _____

Address of property _____ Parcel size _____

Current use of the property _____

Does the owner live on the property? Yes No

Proposed Special Use _____

TAX ASSESSEMENT STATEMENT

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

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

I, the applicant, understand that if the project requires a review from the State Fire Marshall. I/we must provide the inspection report or planned review approval prior to submittal. (Check one) Yes No

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

Signature _____ Date _____

ATTACHMENT A

PROPOSED SPECIAL USE PERMIT INFORMATION

Name of Business _____

Existing and Proposed Structures _____

Number of structures used for Special Use Permit _____

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

Is the proposed use seasonal? Yes No

If yes, what months will the use be active? _____ through _____
Month Month

Reason for requesting a Special Use Permit: _____

Estimated Traffic

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

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

Daily _____ Weekly _____ Monthly _____

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

Daily _____ Weekly _____ Monthly _____

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

Passenger: Months _____ Weeks _____ Days _____

Commercial: Months _____ Weeks _____ Days _____

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

What is the anticipated route(s) from the nearest State Highway to the Site? _____

Special Use Permit Renewal

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

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

OWNER AUTHORIZATION

I/WE _____, hereby referred to as the “Undersigned”, being of lawful age, do hereby on this ____ day of _____, 20____, make the following statements, to wit:

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

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

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

Owner

Owner

STATE OF KANSAS
COUNTY OF LEAVENWORTH

The foregoing instrument was acknowledged before me on this ____ day of _____, 20____,
by _____.

My Commission Expires:

Notary Public

ATTACHMENT C