



CITY OF LANSING
Council Chambers
800 1st Terrace
Lansing, KS 66043

COUNCIL AGENDA
Regular Meeting
Thursday, June 7, 2018
7:00 P.M.

WELCOME TO YOUR CITY COUNCIL MEETING

Regular meetings are held on the first and third Thursday of each month at 7 pm and are televised on Cable Television Channel 2 on Monday 7 pm, Tuesday 10 am & 7 pm, Friday 5 pm, Saturday 1 pm and Sunday 7 pm.

Any person wishing to address the City Council, simply proceed to the microphone in front of the dais after the agenda item has been introduced and wait to be recognized by the Mayor. When called upon, please begin by stating your name and address. A time designated "Audience Participation" is listed on the agenda for any matter that does not appear on this agenda. The Mayor will call for audience participation. Please be aware that the city council and staff may not have had advance notice of your topic and that the city council may not be able to provide a decision at the meeting. If you require any special assistance, please notify the City Clerk prior to the meeting.

Call To Order

Pledge of Allegiance

Roll Call

OLD BUSINESS:

1. Approval of Minutes

NEW BUSINESS:

Audience Participation

Presentations

Council Consideration of Agenda Items:

2. Request to Authorize Pavement Repair – DeSoto Road
3. Supplement Agreement No. 3 – Project No. 52-U-2113-01 DeSoto Road Project
4. Conditional Use Permit – Apiary at 00000 E. Mary Street
5. Ordinance No. 998 – Re-Zone Block 9 & 10 Fawn Subdivision and part of Lot 4, Block 3 Fawn Valley South Subdivision
6. Executive Session – Acquisition of Real Estate

Reports:


Department Heads: City Attorney; City Engineer; City Administrator; Councilmembers

Proclamations

Other Items of Interest

Adjournment

AGENDA ITEM

TO: Tim Vandall, City Administrator
FROM: Sarah Bodensteiner, City Clerk 
DATE: May 31, 2018
SUBJECT: Approval of Minutes

The Regular Meeting Minutes for May 17, 2018, are enclosed for your review.

Action: Staff recommends a motion to approve the Regular Meeting Minutes for May 17, 2018, as presented.

AGENDA ITEM #



Call To Order:

The regular meeting of the Lansing City Council was called to order by Mayor Mike Smith at 7:00 p.m.

Roll Call:

Mayor Mike Smith called the roll and indicated which Councilmembers were in attendance.

Councilmembers Present:

Ward 1: Dave Trinkle

Ward 2: Andi Pawlowski and Don Studnicka

Ward 3: Jesse Garvey and Kerry Brungardt

Ward 4: Gregg Buehler

Councilmembers Absent: Gene Kirby and Tony McNeill

OLD BUSINESS:

Approval of Minutes: Councilmember Studnicka moved to approve the regular meeting minutes of May 3, 2018, as presented. Councilmember Trinkle seconded the motion. The motion was approved, with Councilmember Brungardt absent for the vote.

Audience Participation: Mayor Smith called for audience participation and one resident came forward. Janette Labbee-Holdeman at 820 4-H Road discussed the petition that is circulating to add a ballot question regarding changing the County Commission from a three member body to a five member body. She stated the petition is available to sign after the meeting.

Presentation

Discussion: Tiny Home – 201 W. Kay Street: Community & Economic Development Director Matt Schmitz provided an update to the Council regarding the Planning Commission Meeting discussion about the Tiny Home. The Planning Commission discussed the possibility of reviewing the ordinances and regulations that a tiny home would be considered under in the future. Through discussion with the Council and tiny home owners, the issues facing the tiny home are substantial; the property would have to be lot split and then spot zoned to accommodate the tiny home, as the current code does not allow for two domiciles on one property. Councilmembers stated that they are not in favor of spot zoning and even referenced a decision the Council made to lose a business from town, because they would not spot zone a property. Because the current septic cannot be tapped into by the tiny home, sewer would have to be put in and it will cost roughly \$60,000 to \$100,000 to be constructed. The idea of a breezeway was addressed, but at the April 5, 2018 meeting the idea was not favored by the Council, nor was an argument to support a breezeway presented. The conclusion of the discussion was that there are too many road blocks and a very cost prohibitive sewer on this issue to overcome, with no resolution at hand. The tiny home owner's forty-five day extension had ended and the Council did not provide for any further extensions of the deadline. The City Administrator stated that the tiny home will need to be removed from the property of 201 W. Kay Street within ten business days.

Urban Growth Management Area: Community & Economic Development Director Matt Schmitz and Leavenworth County Planning & Zoning Director Jeff Joseph briefed the Council on the possibility of an Urban Growth Management Area relationship. This would allow the city's existing building codes and future zoning to be recognized and enforced on County property that resided within the agreed upon Urban Growth boundaries. Council consensus was to continue discussion on this topic and report back with a proposal at a future Work Session.

COUNCIL CONSIDERATION OF AGENDA ITEMS:

Ordinance No. 997 – Lansing Zoning Ordinance Amendments: Councilmember Pawlowski moved to adopt Ordinance No. 997 as presented. Councilmember Garvey seconded the motion. The motion was unanimously approved.

Infill Development Incentive Policy: Councilmember Trinkle moved to approve the Infill Development Incentive Policy as presented. Councilmember Studnicka seconded the motion. The motion was unanimously approved.

REPORTS:

Department Heads: Department heads had nothing to report.

City Attorney: City Attorney had nothing to report.

City Engineer: City Engineer had nothing to report.

City Administrator: City Administrator had nothing to report.

Governing Body: Mayor Smith said Lansing Daze was a lot of fun even with weather as it was, and also stated the Fishing Derby was a success. He advised he will be absent at the June 7th meeting. Councilmember Pawlowski asked if the Bittersweet bridge portion of the CIP project had been bid yet.

- Public Works Director Jeff Rupp replied that it had not been bid yet, but it is nearing being advertised pending final plans.

Councilmember Pawlowski asked if a new motion is needed to state that the Eisenhower Crossing Subdivision plans need to be revised to include the flared end section and rip rap on a pipe because it was not originally included.

- Public Works Director Jeff Rupp replied he has received verbal confirmation that the plans would be revised to include the flared end section and rip rap.
 - City Administrator Tim Vandall stated that a supplemental agreement to the facilities use agreement could be drafted in order to clear that up.

Councilmember Pawlowski stated that she doesn't believe the extra portion on Progress Drive was submitted to the Planning Commission with the original plat and asked if that needed to go back to the Planning Commission to be approved.

- City Administrator Tim Vandall stated that staff and the City Attorney would look into it and report back.

Councilmember Garvey was confident the city could learn from the shortfalls that occurred at Lansing Daze regarding bussing. He stated the weather does impact these events and hopes we have a more developed backup plan for these instances.

Councilmember Buehler stated he thought an additional bus would have been helpful but added the event was fun and the music was enjoyable. He thanked the staff for all their hard work. He then provided a fun fact, in 1939 the Columbia Lions and Princeton Tigers played the United States first ever televised sporting event, which was a baseball game played in New York City.

Councilmember Brungardt thanked the city staff for all their hard work putting Lansing Daze together.

Councilmember Studnicka echoed the sentiments of the other councilmembers regarding Lansing Daze. He also stated his grandson participated in the Fishing Derby and had a good time.


ADJOURNMENT: Councilmember Studnicka moved to adjourn. Councilmember Pawlowski seconded the motion. The motion was unanimously approved. The meeting was adjourned at 7:46 p.m.

ATTEST:

Michael W. Smith, Mayor

Sarah Bodensteiner, City Clerk

AGENDA ITEM

TO: Tim Vandall, City Administrator
FROM: Jeff A. Rupp, Director of Public Works 
DATE: May 31, 2018
SUBJECT: Approval to Authorize Pavement Repair for DeSoto Road

An area of failed pavement on DeSoto Road (approximately 150 feet of pavement adjacent to the cemetery and near the intersection of DeSoto Road and Eisenhower Road) has continued to decay and with the delay of the DeSoto Road project, it will not withstand the timeframe now needed for the project. Public Works has obtained a bid from Little Joe's Asphalt Company for the repair, but it is contingent on the milling machine being in town for the city's current overlay and milling project.

Financial Consideration: The bid is in the amount of \$16,525.20 to perform milling and 2" overlay. This amount will be charged against Fund 70 43320, Street Contract.

Action: Staff recommends a motion that the City Council authorize the amount of \$16,525.20 to perform milling and 2" overlay by Little Joe's Asphalt Company on the area of failed pavement on DeSoto Road.

AGENDA ITEM #

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Little Joe's Asphalt, Inc.

P O Box 516
Bonner Springs, KS 66012

Phone: (913)721-3261

Fax: (913)721-3144

A WOMEN'S BUSINESS ENTERPRISE

Estimate #: 15854

Submitted To: City Of Lansing	Date: 5/25/201
Address: Lansing City Hall 730 1St Terrace, Suite 3 Lansing, KS 66043	Phone: (913)727-2400 Fax: (913)351-3618
Contact: Jeff Rupp	Job Name: 2018 Overlay Project # 18-01
	Job Location: Lansing, KS
	Prop. Owned By: City Of Lansing

1. **HEADER MILLING (1 1/2") - 147th/DeSoto Rd area, work to include: cold plane bituminous concrete surface to a depth of 1 1/2", including sweeping and removal of planed material.** **\$3,302.64**
2. **RESURFACING - 147th/ DeSoto Rd area of approx. 1,461 Sq. Yards, work to include: installation of 2" of Asphalt Top in 1 course(s). Approx 169 Tons)** **\$78.24/TN**
\$13,222.56

The total bid price is: \$16,525.20

Special Notes:

- * PREVAILING WAGES EXCLUDED

TERMS: As Stated In Contract


ESTIMATE EXPIRATION: This estimate is valid for 30 days.

MOBILIZATIONS: Price based on a 1 mobilization(s).

SALES TAX: The project referenced herein is tax exempt.

ACCEPTED: The above prices, specifications and conditions are satisfactory and are hereby accepted. Buyer _____ Signature _____ Date of Acceptance _____	CONFIRMED: Little Joe's Asphalt, Inc. Authorized Signature _____ Title JOE BUEHLER, Estimator
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AGENDA ITEM

TO: Tim Vandall, City Administrator
FROM: Jeff A. Rupp, Director of Public Works 
DATE: May 31, 2018
SUBJECT: State of Kansas Supplemental Agreement No. 3 for Project No. 52-U-2113-01 (DeSoto Road, Ida Street to Eisenhower Road)

This supplemental agreement is necessary to reflect a change in the Secretary of Transportation's proportional share. While the Secretary's cap of \$2,002,950.00 did not change, the Secretary is now responsible for 100% of Professional Engineering up to a cap of \$730,890.00. This increase was a result of toll credits that were available. The Secretary's share from HDP funds for construction and construction engineering remains at an 80-20 split. However, the Secretary's share from HSIP funds was changed from an 80-20 split to a 90-10 split.

Financial Consideration: This will result in a decrease in City cost participation.

Action: Staff recommends that the City Council authorize the Mayor to sign Supplemental Agreement No. 3 for Project No. 52-U-2113-01 (DeSoto Road, Ida Street to Eisenhower Road).

AGENDA ITEM #

3

PROJECT NO. 52 U-2113-01
HPD-U211(301)
GRADING, SURFACING, AND SEEDING
CITY OF LANSING, KANSAS

S U P P L E M E N T A L A G R E E M E N T N o . 3

This Agreement, made and entered into effective the date signed by the Secretary or designee, is by and between the **Secretary of Transportation**, Kansas Department of Transportation (KDOT) (the “Secretary”) and the **City of Lansing, Kansas** (“City”), collectively, the “Parties.”

RECITALS:

- A. The Parties entered into an Agreement dated June 4, 2009 for grading, surfacing, and seeding on DeSoto Road from 4-H Road to Eisenhower Road in Lansing, Kansas (the “Original Agreement”).
- B. The Parties entered into a supplemental agreement dated January 24, 2012 (“Supplemental No. 1”) to reflect an increase in federal funding for the Project.
- C. The Parties entered into a supplemental agreement dated December 3, 2012 (“Supplemental No. 2) to reflect a change in the Project scope.
- D. The Parties mutually desire to supplement the Original Agreement to reflect a change in the federal funding available for the Project.

NOW, THEREFORE, the Parties agree as follows:

1. On page 2 of the Original Agreement, Article 1, paragraph 4, be replaced in its entirety to read as follows:

4. The Project shall use federal funds consisting of Highway Demonstration Project (HDP) funds and Highway Safety Improvement Program (HSIP) funds as allocated by the Secretary to the Project.

- HDP Funds

The Secretary agrees to be responsible for one hundred percent (100%) of the total actual costs of preliminary engineering up to \$730,890.00 from HDP funds. The Secretary shall not be responsible for any preliminary engineering that exceeds \$730,890.00.

The Secretary also agrees to be responsible for eighty percent (80%) of the total actual costs of construction (which includes the costs of all construction contingency items) and construction engineering for the Project up to a maximum of \$2,002,950.00 from HDP funds. The maximum of \$2,002,950.00 from HDP funds includes any funds expended for preliminary engineering. In no event shall the Secretary’s maximum reimbursement exceed \$2,503,688.00 for HDP funds. Further, the Secretary shall not be responsible for the total actual costs of construction (which includes the costs of all construction contingency items) and construction

engineering that exceeds \$2,503,688.00 and for any federal reduction in the HDP funds for the Project.

- HSIP Funds

The Secretary agrees to be responsible for ninety percent (90%) of the total actual costs of the construction (which includes the costs of all construction contingency items), and construction engineering up to a maximum of \$200,000.00 for HSIP funds. In no event shall the Secretary's maximum reimbursement exceed \$222,222.00 for HSIP funds. The Secretary shall not be responsible for the total actual costs of construction (which includes the costs of all construction contingency items) and construction engineering that exceeds \$222,222.00 and for any federal reduction in HSIP for the Project.

The Secretary shall not be responsible for the total actual costs of rights of way and utility adjustments for the Project.

2. On page 6 of the Original Agreement, Article II, paragraph 18, be replaced in its entirety to read as follows:

18. The Project shall use federal funds consisting of HDP funds and HSIP funds as allocated by the Secretary to the Project.

- HDP Funds

The City agrees to be responsible for zero percent (0%) of the total actual costs of preliminary engineering up to \$730,000.00 for HDP funds. The City also agrees to be responsible for one hundred percent (100%) of the total actual costs of preliminary engineering that exceed \$730,000.00 for the Project.

The City agrees to be responsible for twenty percent (20%) of the total actual costs of construction (which includes the costs of all construction contingency items) and construction engineering for the Project up to \$2,503,688.00 for HDP funds. The City further agrees to be responsible for one hundred percent (100%) of the costs of construction (which includes the costs of all construction contingency items), and construction engineering that exceed \$2,503,688.00 for the Project and for any federal reduction in HDP funds for the Project.

- HSIP Funds

The City agrees to be responsible for ten percent (10%) of the total actual costs of the construction (which includes the costs of all construction contingency items), and construction engineering up to \$222,222.00 for HSIP funds. The City further agrees to be responsible for one hundred percent (100%) of the costs of construction (which includes the costs of all construction contingency items) and construction engineering for the Project that exceed \$222,222.00 for HSIP funds and for any federal reduction in HSIP funds for the Project.

The City shall be responsible for one hundred percent (100%) for the total actual costs of right of way and utility adjustments for the Project.

THIS SUPPLEMENTAL AGREEMENT shall not be construed to alter, modify, or void the terms, provisions or conditions of the Original Agreement, incorporated herein by reference, except as herein specifically provided.

IN WITNESS WHEREOF, the Parties have caused this Supplemental Agreement to be signed by their duly authorized officers.

ATTEST:

THE CITY OF LANSING, KANSAS

CITY CLERK (Date)



MAYOR

(SEAL)

Kansas Department of Transportation
Secretary of Transportation

By: _____
Catherine M. Patrick, P.E. (Date)
State Transportation Engineer

AGENDA ITEM

TO: Tim Vandall, City Administrator 
FROM: Rebecca Savidge, City Inspector 
DATE: May 31, 2018
SUBJECT: Conditional Use Permit – Apiary at 00000 East Mary Street

The owner of the property at 00000 East Mary Street, Breck Ricketts, has applied for a conditional use permit to have an apiary in the R-2 zoning. Attached are the supporting documents for the property and the minutes from the Planning Commission. The conditional use permit will allow the property owner to operate an apiary of three hive boxes.

All aspects of the conditional use permit have met or exceeded the regulations with the exception of the state permitting for being in the floodplain and floodway and the field entrance to access the property. These items are being processed through the Division of Water Resources and once approved, the field entrance can be constructed. The approval of the permit has been delayed due to a recent fire in Hale Library where the Division's server is maintained. Currently, the owner of the property is accessing through the adjoining property to the east.

The Planning Commission, at its May 16, 2018, meeting, voted 5-1 to recommend approval of the conditional use permit application to operate an apiary as a hobby to include not more than three hives at the property currently addressed as 00000 East Mary Street.

Action: Staff recommends approval of the conditional use permit application to operate an apiary as a hobby to include not more than three hives (boxes) on the property. Once established, if the applicant wishes to increase the number of hives (boxes), the request for the change would have to be brought before the Planning Commission to amend the conditional use permit.

AGENDA ITEM #

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Vice-Chairman Barry asked why the word “hobby” is there and the difference between “hobby” and “business” and Ms. Savidge said when the word apiary is used in the A-1 zoning district, it addresses it as a processing farm, so that’s why the word “hobby” was added.

Commissioner Gies asked if apiaries are currently prohibited in the city and Ms. Savidge said it’s a conditional use in A-1 and a permitted use in I-1.

Chairman Schwanz then asked for a motion to recommend to the City Council approve, denial, or approval with conditions the proposed text amendment to the Lansing Zoning Ordinance, Appendices A and B, to create/allow apiaries (hobby) as a conditional use in the R-1 and R-2 zoning districts. Commissioner Suozzo made a motion to recommend approval of the proposed text amendment, seconded by Commissioner Bean. The motion passed, with Commissioner Gies abstaining.

2. Public Hearing – Conditional Use Permit – 00000 East Mary Street, Lansing, Kansas.

Chairman Schwanz stated an application has been submitted by Breck Ricketts, property owner, to operate a bee apiary on property at 00000 East Mary Street, currently zoned R-2, Single-Family Residential.

Chairman Schwanz opened the public hearing at 7:40 p.m. Mr. Ricketts, property owner, stated he has requested three boxes because you start an apiary small and then go up. He stated he would like to know how many boxes he’s going to be limited to with his 22 acres.

Brian Lee, who lives on Hillbrook Drive, stated he had seven questions:

- Right now, he can see the boxes from his back yard and there’s a history of family members having allergic reactions to bees. Who is responsible if a member gets stung?
- Bees are known to swarm in the spring. If this happens and they come onto his property, who’s responsible for removing the swarms?
- Since he has 20 acres, can the bees be repositioned to a new area, such as the east side of the pond?
- What kind of bees is he planning on keeping?
- If bees start attacking, who do I contact – the owner or the city?
- How many boxes are going to be permitted and will they be tied to a certain location?
- What is the skill set with bees?

Mr. Ricketts said the boxes are moved farther north than on the original plan because it got killed with the Ag request and since he can’t have flora fields, he moved them up front for easier access. He stated they are still 100 yards away from residentially zoned property lines.

As far as the type of bees to be kept there, Mr. Ricketts stated that most of the time they’re going to be Carolina bees, which are pretty docile.

No one else wished to address the Commission on this application, so Chairman Schwanz closed the public hearing at 7:47 p.m.

Chairman Schwanz asked if the bees did swarm onto other properties, who would the owners contact and Mr. Robinson said they would contact the owner. He stated if there’s an emergency situation, call the city or the Fire Department.

Chairman Schwanz asked if a condition on the permit could be the location of the hives and the answer was "yes".

Commissioner Gies asked why you can't grow flowers unless it's Ag zoning and Mr. Robinson stated these would be considered crops because he intends to harvest them.

Commissioner Suozzo asked about liability and if someone gets stung by a bee, how would you prove it came from Mr. Ricketts' place, and if you were able to prove that, does Mr. Ricketts carry insurance? Mr. Robinson said liability in that case would be for a judge to determine.

Ms. Savidge said that as far as who would remove swarms, when she asked Mr. Ricketts, he stated he couldn't tell unless his box was empty that it was his, but she stated that one resource is the K-State Research and Extension office, which does have beekeepers who will come out and remove the swarm at no cost.

As far as the distance question, Ms. Savidge says he does meet the City Code as far as distance from the residences.

Mr. Lee said since he can't grow lavender in the area, it's going to force the bees to travel out for food about two miles, which is a very large circle. Commissioner Moreland commented that her apple trees are now blooming and her residence is less than two miles from his house. He stated he's concerned about the number of bees being brought in.

Commissioner Gies asked if there are any bees in there now and Mr. Ricketts said the boxes are empty.

Commissioner Gies then asked if we can make a recommendation without the text amendment already being approved since right now, this use is not permitted in this zoning district. Mr. Schmitz stated that, in the conditions, it would say the motion is contingent on the City Council approving the text amendment.

At this time, Chairman Schwanz asked for a motion to accept the checklist as a finding of fact. Commissioner Suozzo made a motion to accept the checklist, seconded by Commissioner Bean. The motion passed, with Vice-Chairman Barry voting "no".

Chairman Schwanz next entertained a motion to recommend approval, denial, or approval with conditions the conditional use permit application for 00000 East Mary Street, Lansing, Kansas. Vice-Chairman Barry made a motion to recommend approval to the City Council contingent upon its approval of the text amendment allowing a conditional use permit for an apiary as a hobby in an R-2 zone, the application as submitted by Mr. Ricketts for a conditional use permit in said area to operate a beehive apiary as a hobby to include not more than three hives. Commissioner Suozzo seconded the motion. Commissioner Bean then asked, if he wants to have more hives, would he have to come back and it was stated he would. Roll was then taken and the motion passed with Commissioner Gies voting "no".

Chairman Schwanz stated this begins the 14-day protest period and it will go before the City Council at its June 7 meeting.

CONDITIONAL USE CHECKLIST

Conditional Use Case No. CU2018-1

Date Filed: April 10, 2018

Date Advertised: April 24, 2018

Date Notices Sent: April 24, 2018

Public Hearing Date: May 16, 2018

I. Applicant's Name: Breck Ricketts

Applicant's Authorized Agent: n/a

II. Information in Application Correct? Yes No

If no, explain: _____

III. Adjacent Zoning and Land Use:

<u>Direction</u>	<u>Land Use</u>	<u>Zoning</u>
North	Pasture Land/State Facility	A-1
South	Private Ground/Pond	A-1
East	Single Family Dwelling	A-1
West	Single Family Dwelling/Subdiv.	R-2

IV. Present Use of Property: The property is currently wooded area that is approximately 95% in the AE 100 year Floodplain/Floodway Zone.

V. Conditional Use Requested: Request a conditional use permit to allow and operate an apiary (Hobby) use in the R-2 zoning for which the property is zoned.

Excerpt from Lansing Zoning Ordinance, Article 9, Section 3:

VI. The proposed conditional use does or does not meet the standards:

A. The proposed conditional use complies with all applicable provisions of these regulations, including intensity of use regulations, yard regulations, and use limitations, unless specifically exempted by the provisions of these regulations. Private land for crops and apiary (hobby) with wooded areas dividing the surrounding area.

Yes No

B. The proposed conditional use at the specified location will contribute to and promote the welfare or convenience of the public. Lavender fields and bee pollination. Will provide clean up of area and thinning of dead trees and debris on the property.

Yes No

C. The proposed conditional use will not cause substantial injury to the value of other property in the neighborhood in which it is to be located. The property is secluded because of the trees and is across the creek bed from the subdivision to the west.

Yes No

D. The location and size of the conditional use, the nature and intensity of the operation involved in or conducted in connection with it, and the location of the site with respect to streets giving access to it are such that the conditional use will not dominate the immediate neighborhood so as to prevent development and use of neighboring property in accordance with the applicable zoning district regulations. In determining whether the conditional use will so dominate the immediate neighborhood, consideration shall be given to the location, nature, and height of buildings, structures, walls, and fences on the site; and the nature and extent of landscaping and screening on the site. Crops and bee boxes will be the only things on the property, with the intention of constructing a small shed to the rear of the property and a field entrance for access off Mary Street once the State permit has been approved and issued.

Yes No

E. Off-street parking and loading areas will be provided in accordance with the standards set forth in these regulations, and such areas shall be screened from adjoining residential uses and located so as to protect such residential uses from any injurious effect. N/A

Yes No

F. Adequate utility, drainage, and other such necessary facilities have been or will be provided. N/A

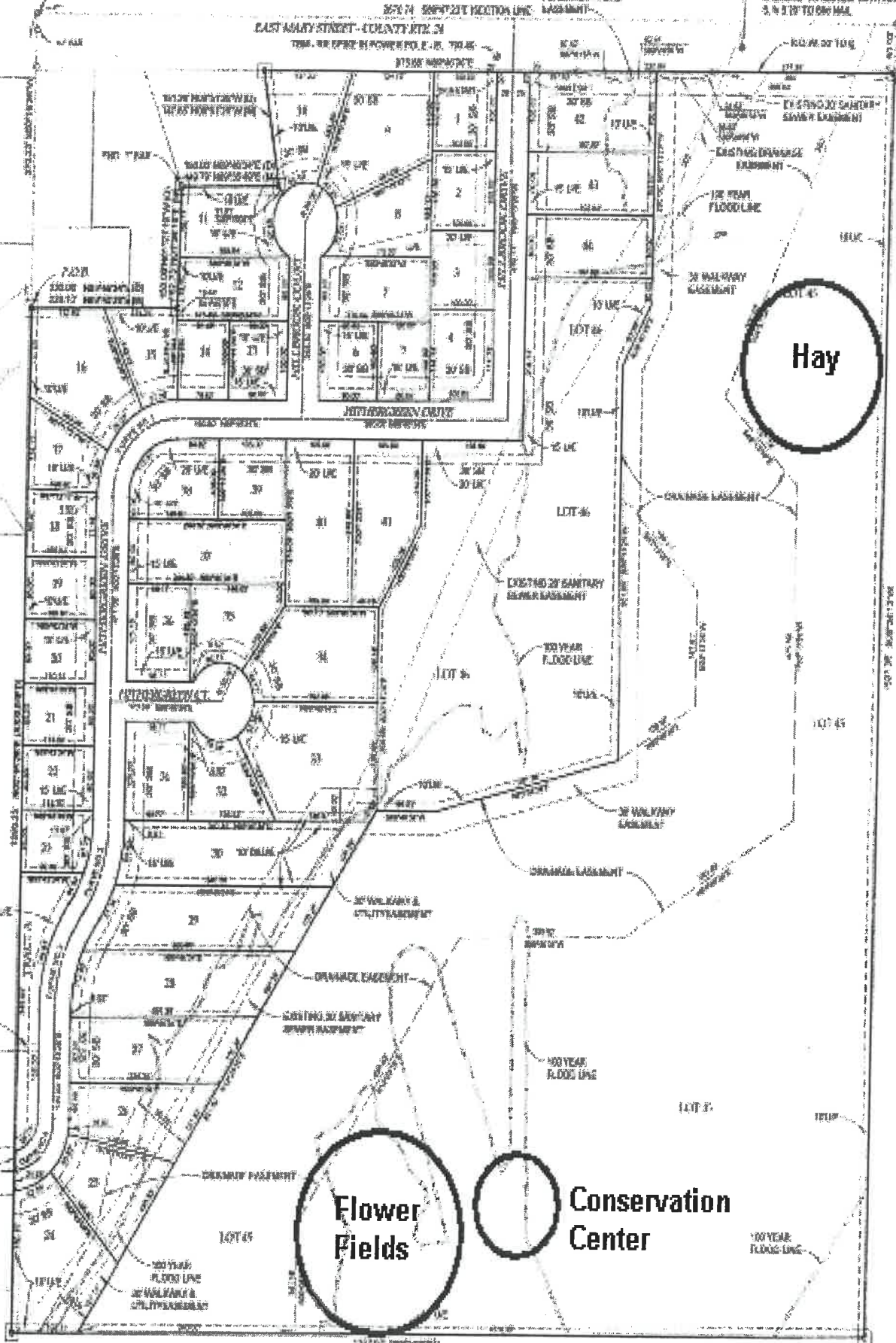
Yes No

G. Adequate access roads or entrance and exit drives will be provided and shall be so designed to prevent traffic hazards and to minimize traffic congestion in public streets and alleys. Once State permit has been approved based on "No rise certificate" a field entrance will be constructed with signage and inspected by the city of Lansing Public Works Department.

Yes No

- 1 1/2" TO 4" BOUNDARY REFERENCE MARKER BY
- 2 5/8" TO 1 1/2" BAR IN RECORDWAY
- 2 5/8" TO 1 1/2" BAR
- 4 1/2" TO 1 1/2" TOP HAT PIPE PERMANENT
- 5 1/2" TO 1 1/2" GALV. GAL. IN 2" CLIP

- 1 1/2" TO 1 1/2" BAR
- 2 5/8" TO 1 1/2" BAR
- 3 1/2" TO 1 1/2" BAR
- 4 1/2" TO 1 1/2" BAR
- 5 1/2" TO 1 1/2" BAR



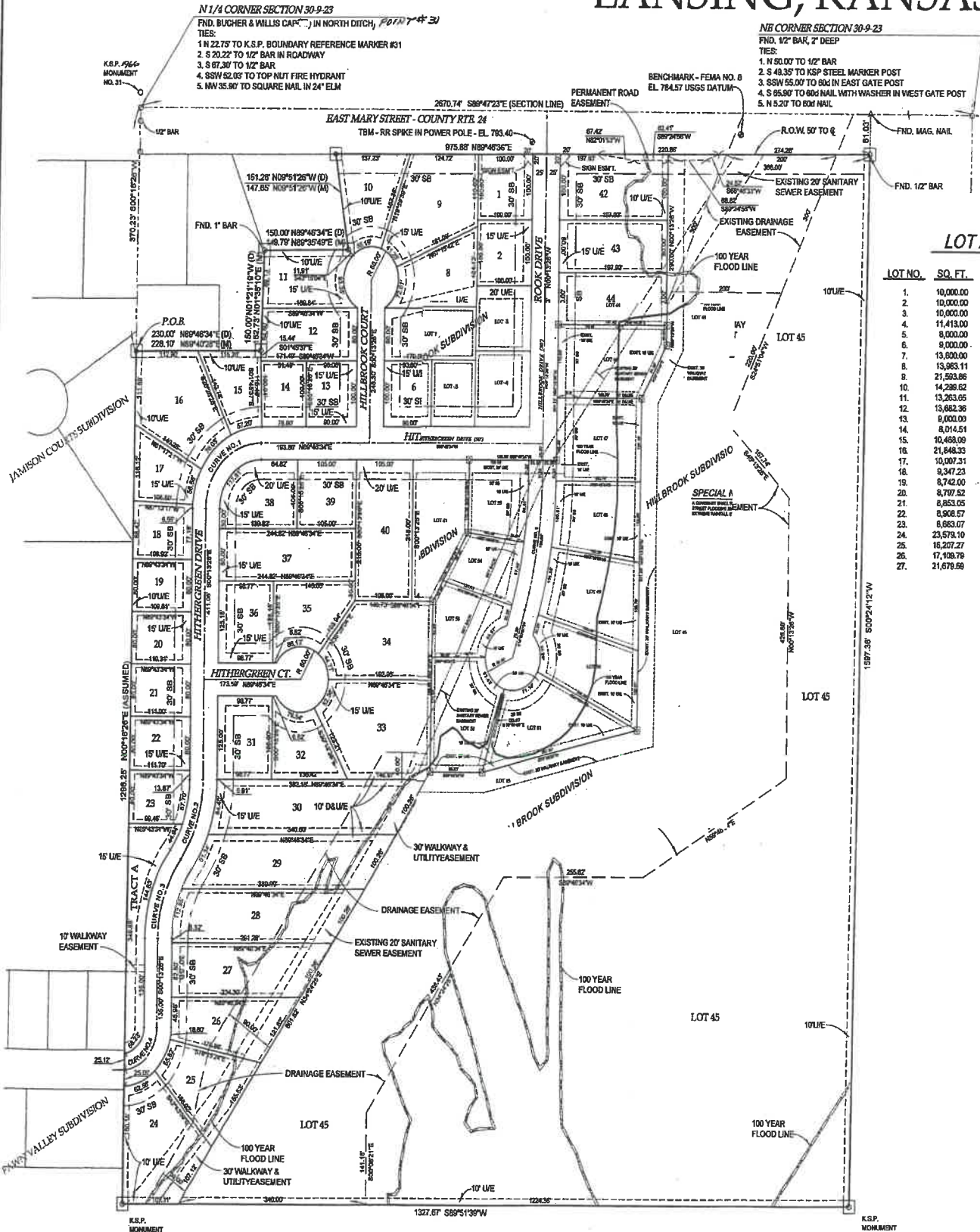
LOTA

LOT NO.	SQ. FT.
1	10,800.00
2	10,800.00
3	10,800.00
4	11,413.09
5	6,800.00
6	6,800.00
7	15,878.00
8	13,025.11
9	21,500.00
10	15,800.00
11	15,200.00
12	13,850.00
13	10,800.00
14	8,748.00
15	30,400.00
16	21,848.00
17	18,000.00
18	8,340.00
19	8,740.00
20	8,740.00
21	8,800.00
22	8,800.00
23	8,800.00
24	23,878.00
25	15,200.00
26	14,200.00
27	21,878.00

HILLBROOK SUBDIVISION FINAL PLAT LANSING, KANSAS

Q CURVE DATA

CURVE NO.	RADIUS	DELTA	LENGTH	TANGENT
1.	100.000'	90°00'00"	157.080'	100.000'
2.	200.000'	36°52'51"	128.662'	66.688'
3.	200.000'	36°52'51"	128.738'	66.688'
4.	65.000'	89°59'59"	102.102'	65.000'




CERTIFICATION

I HEREBY CERTIFY THIS SUBDIVISION AND ALL BLOCKS, LOTS, & STAKED AND MARKED

Donald G. White
 DONALD G. WHITE R.L.S.

AGENDA ITEM

TO: Tim Vandall, City Administrator
FROM: Matthew R. Schmitz, Community & Economic Development Director 
DATE: May 31, 2018
SUBJECT: Ordinance No. 998: An Ordinance to Rezone Blocks 9 and 10, Fawn Subdivision; and Part of Lot 4, Block 3, Fawn Valley South Subdivision from B-3 Commercial Business to R-4 Multi-Family Residential

Explanation: A rezone application has been submitted by Greenamyre Rentals, Inc. (Jeremy Greenamyre, Agent), property owner, for property currently addressed as 00000 1st Terrace, Lansing, Kansas (Blocks 9 and 10, Fawn Subdivision; and Part of Lot 4, Block 3, Fawn Valley South Subdivision).

This property was platted as part of the Fawn Subdivision and Fawn Valley South Subdivision and was originally zoned as B-3 with that plat. The lots being considered for rezoning as part of this request are buildable in their current zoning. The Future Land Use Map in the city's Comprehensive Plan shows this parcel as Office.

The area considered as part of this request will need to be re-platted at some point in the future if this zoning request is approved. The current lot configuration is not split as it would be for multi-family dwellings.

This property is currently a vacant lot that has been on the market for some time.

As of the date of this memo, no contact from adjoining property owners has been made with staff concerning this application, however Jim Bennion of 701 First Terrace did speak during the public hearing at the Planning Commission meeting. Mr. Bennion's questions were regarding density and subsidized housing. More details are in the attached meeting minutes, but ultimately Mr. Bennion believed the zoning should be R-3 rather than R-4 to ensure only duplexes could be built on the property.

The Planning Commission voted to recommend approval of this rezoning application at its May 16, 2018, meeting with a 5-1 vote. The minutes from that meeting, the rezoning checklist, and a map and drawing of the property are included for your review.

Financial Considerations: No financial impact for the City.

Policy Considerations: The proposed rezoning does not align with the comprehensive plan, so the comprehensive plan will need to be revised to align with this modification should it be approved by the Council.

Action: Approve, approve with conditions, or remand back to Planning Commission, adoption of Ordinance No. 998: An Ordinance to Rezone Blocks 9 and 10, Fawn Subdivision; and Part of Lot 4, Block 3, Fawn Valley South Subdivision from B-3 Commercial Business to R-4 Multi-Family Residential.

ORDINANCE NO. 998

**AN ORDINANCE GRANTING A CHANGE OF ZONING
TO CERTAIN PROPERTY WITHIN THE CITY OF LANSING, KANSAS.**

WHEREAS, the Planning Commission of the City of Lansing has recommended to rezone particular real estate property within the City of Lansing, Kansas; and

WHEREAS, after proper legal publication and notice pursuant to the statutes of the State of Kansas, a public hearing was held on May 16, 2018, at 7:00 p.m. at the Lansing City Hall, Lansing, Kansas; and

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LANSING, KANSAS:

Section 1. Change of Land Uses. The land uses for the following property within the city limits of the City of Lansing, County of Leavenworth, State of Kansas, legally described as follows:

LEGAL DESCRIPTION:

Blocks 9 and 10, Fawn Subdivision; and Part of Lot 4, Block 3, Fawn Valley South Subdivision

less any part taken or used for road; presently zoned as "B-3" Commercial Business is hereby changed to "R-4" Multi-Family Residential; and

Section 2. Amend Zoning District Map. That upon the taking effect of this ordinance, the above zoning change shall be entered and shown on the Zoning District Map, and said official zoning map shall be and is hereby reincorporated as a part of the Zoning Ordinance as amended.

Section 3. Effective Date. This ordinance shall take effect and be enforced from and after its passage, approval, and publication in the official city newspaper, as provided by law.

PASSED AND APPROVED by the governing body of the City of Lansing, Kansas, this 7th day of June, 2018.

Michael W. Smith, Mayor

ATTEST

Sarah Bodensteiner, City Clerk

(SEAL)

APPROVED AS TO FORM:

Gregory C. Robinson, City Attorney

Publication Date: _____

Published: The Leavenworth Times

3. Public Hearing – Rezone Application – Part of Lot 4, Block 3, Fawn Valley South Subdivision, and Blocks 9 and 10, Fawn Subdivision, Lansing, Kansas.

Chairman Schwanz stated that an application has been submitted by Greenamyre Rentals, Inc., property owner, to rezone these parcels from B-3 Commercial Business, to R-4 Multi-Family Residential.

Chairman Schwanz then opened the public hearing at 8:00 p.m. Jim Bennion of 701 First Terrace stated his question is if R-4 would be fourplexes or eightplexes and Mr. Greenamyre stated it could be up to 15 units per acre. Mr. Bennion stated, because they don't want property values to go down, that it should just be duplexes since that's what's in that area. He stated he doesn't want something that would bring subsidized housing into that area. Mr. Schmitz stated that R-4 is actually up to 12 units per acre. Mr. Bennion asked how this could be changed to just duplexes instead of R-4 and it was stated that would be the R-3 zoning district. Mr. Bennion stated he thought it should go to R-3.

Jeremy Greenamyre then gave a little background on the property. He stated that in the early 2000s, 11 acres were platted as B-3, thinking it would be a good place for commercial business. He stated that because of the success of the Legends and the dominance of Amazon, they are no longer optimistic about retail in that location anymore. He said he also agrees about subsidized housing and wouldn't be a fan of it in that location, either. He stated the city doesn't have a good jump between R-3, duplexes, and anything beyond that, whereas other municipalities do have that, so if they want to build fourplexes, for example, they have to go to the R-4 zoning. Mr. Greenamyre further stated that right now, he's just looking to rezone and doesn't have any plans to develop anything right now. He feels R-4 is the perfect transitional zoning between the R-3 and the B-3 areas.

Commissioner Gies asked if this property is platted, but no individual lots created. Mr. Greenamyre stated he thought when it was platted, there were multiple lots with a street meandering through it, but that's when the concept was commercial. He said this property would likely be replatted as the current layout makes no sense for any kind of residential.

Commissioner Gies asked Mr. Schmitz about his agenda memo where he recommended approval, but thought the best use was as is. Mr. Schmitz stated in his memo that staff was okay with blocks 7 and 9, which are outside of that upper road, being rezoned R-4, but that regarding block 10, which is by Lansing Lane and First Terrace, staff isn't so sure that rezoning to R-4 is a good idea.

Commissioner Moreland asked Mr. Greenamyre if he's looking to rezone for sale and not because he's developing and he replied that it could be either.

Mr. Schmitz stated that staff's recommendation for lot 10 is because it lines up with the Comprehensive Plan and Future Land Use Map.

At this time, Chairman Schwanz closed the public hearing at 8:09 p.m.

Commissioner Gies stated that on the Comprehensive Plan, it looks like it's all recommended for office and Mr. Schmitz stated that is correct.

Since there was no further discussion, Chairman Schwanz asked the Commission for a motion to accept the checklist as a finding of fact. Commissioner Suozzo made a motion to accept the

checklist as a finding of fact, seconded by Commissioner Moreland. The motion passed, with Vice-Chairman Barry voting “no”.

Chairman Schwanz then asked for a motion to recommend to the City Council approval, denial, or approval with conditions the rezone application for part of lot 4, block 3, Fawn Valley South subdivision, and blocks 9 and 10, Fawn subdivision, Lansing, Kansas, from B-3 to R-4. Commissioner Moreland made a motion to recommend approval, seconded by Commissioner Suozzo. Commissioner Gies then asked if we need to say that, in so doing, we’re acknowledging that the Comprehensive Plan should be changed to reflect this, and Chairman Schwanz said he thought it would be wise. Commissioner Moreland then amended her motion to include that and Commissioner Suozzo seconded it. The motion was passed, with Vice-Chairman Barry voting “no”.

Chairman Schwanz stated this begins the 14-day protest period and this will also go on the June 7 City Council meeting.

4. Election of Chairman for the Lansing Planning Commission – Chairman Schwanz made a motion to nominate Ron Barry for chairman, seconded by Commissioner Gies. Commissioner Gies then made a motion for nominations to cease, seconded by Commissioner Moreland. Roll was taken and the motion passed, with Mr. Barry abstaining.

5. Election of Vice-Chairman for the Lansing Planning Commission – Chairman Schwanz next made a motion to nominate Kirsten Moreland for vice-chairman, seconded by Commissioner Gies. Chairman Schwanz then made a motion that nominations cease, seconded by Commissioner Gies. The motion passed, with Mrs. Moreland abstaining.

Notices and Communications - Chairman Schwanz noted that Ron Barry and Jerry Gies have been reappointed to the Lansing Planning Commission to serve another three-year term. He stated Chad Neidig and Richard Hannon have been reappointed to the Lansing Board of Zoning Appeals for another three-year term and Frank Campana has been newly appointed to the Lansing Board of Zoning Appeals for a three-year term.

Reports – Commission and Staff Members – Mr. Schmitz stated work is starting on the UDO again and once the initial draft is received, a work session will be set up with the City Council.

Chairman Schwanz announced that this is his last meeting and he has submitted his resignation as he’s moving out of the city limits of Lansing so is no longer eligible to sit on the Planning Commission. He stated it’s been a pleasure to sit on the Commission for 11 years and on the Board of Zoning Appeals for one year and he wished everyone the best.

Adjournment – Chairman Schwanz made a motion to adjourn, seconded by Vice-Chairman Barry, and approved by acclamation. The meeting adjourned at 8:17 p.m.

Respectfully submitted,

Reviewed by,

Cynthia Tripp, secretary

Matthew R. Schmitz, Community and
Economic Development Director



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USAF, USDA, AeroGRID, IGN, and the GIS User Community

REZONING CHECKLIST

Case No. 2018-3

Date Filed: April 11, 2018

Date Advertised: April 24, 2018

Date Notices Sent: April 24, 2018

Public Hearing Date: May 16, 2018

APPLICANT: Greenamyre Rentals, Inc.

LOCATION OF PROPERTY: 00000 1st Terrace

PRESENT ZONING: B-3 REQUESTED ZONING: R-4

PRESENT USE OF PROPERTY: Vacant property

SURROUNDING LAND USE AND ZONING:

<u>Direction</u>	<u>Land Use</u>	<u>Zoning</u>
North	Multi-Family Dwelling/Subdiv	R-4
South	Mobile Home Park	R-5
East	Mobile Home Park	R-5
West	City Hall/Businesses	B-3

CHARACTER OF THE NEIGHBORHOOD: Mostly developed area with creek separating Fawn Subdivision and Mobile Home Park. Existing area to the West is City buildings and Businesses.

NEAREST EQUIVALENT ZONING:

LOCATION: North of property

CURRENT USE: Multi-Family Dwellings

RELATIONSHIP TO EXISTING ZONING PATTERN:

- 1. Would proposed change create a small, isolated district unrelated to surrounding districts?** No, there is precedent for the rezoning due to the existing multi-family uses to the North.
- 2. Are there substantial reasons why the property cannot be used in accord with existing zoning?** Yes If yes, explain: The applicant has cited that there is currently no market for large B-3 tracts, and that there is interest and need for senior townhomes (multi-family residential)
- 3. Are there adequate sites for the proposed use in areas already properly zoned?** No, there are other areas zoned R-4, but they are smaller tracts and do not currently front existing R-4 zoning If yes, where? _____

CONFORMANCE WITH COMPREHENSIVE PLAN:

- 1. Consistent with Development Policies?** The Comprehensive Plan shows this parcel as office, so this request is not consistent with the Comprehensive Plan.

2. Consistent with Future Land Use Map? The future land use map in the City's Comprehensive Plan shows this parcel as Office, which it is currently zoned for.

3. Are Public Facilities adequate? Public Facilities are in the area, and are adequate for the development, although no site plan has been submitted to show future layout or use of this property.

TRAFFIC CONDITIONS:

1. Street(s) with Access to Property: 1st Terrace, Reagan Drive

2. Classification of Street(s):

Arterial _____ Collector _____ Local X

3. Right of Way Width: 60' for all surrounding roads

4. Will turning movements caused by the proposed use create an undue traffic hazard? No

5. Comments on Traffic: Traffic in the area may be slightly increased due to trips to access the new use of the property, but there are no concerns about traffic as a result of this request.

SHOULD PLATTING OR REPLATTING BE REQUIRED TO PROVIDE FOR:

1. Appropriately Sized Lots? Yes. The current lot sizes are not ideal for the requested zoning use. The property will need to be replatted to divide the existing lots up for use as multi-family homes.

2. Properly Sized Street Right of Way? The existing Street Right of Way is properly sized, and does not require any additions or modifications, subject to review of a site plan for the proposed development.

3. Drainage Easements? Drainage easements will need to be included on the replat of the proposed development.

4. Utility Easements:

Electricity? There are utility easements along the very south edge of the plat and the east edge.

Gas? None specifically shown on Plat.

Sewers? None shown on Plat, but there are sewers in the area.


Water? None specifically shown on Plat.

5. Additional Comments: Staff believes the best use of the property closest to City Hall (Block No. 10) is as the property is currently zoned, B-3, for offices and other businesses.

UNIQUE CHARACTERISTICS OF PROPERTY IN QUESTION: None

ADDITIONAL COMMENTS: This area is currently zoned as B-3, which fits the Comprehensive Plan. Rezoning this property to R-4 will deviate from the Comprehensive Plan and the Future Land Use Map.

AGENDA ITEM

TO: Tim Vandall, City Administrator
FROM: Sarah Bodensteiner, City Clerk 
DATE: June 4, 2018
SUBJECT: Executive Session – Acquisition of Real Estate

Executive Session will be called for 20 minutes to discuss the acquisition of real estate.

AGENDA ITEM # 
