

ORDINANCE NO. 1127

**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 February 19, 2025, 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 currently addressed as 1104 S Main Street within the city limits of the City of Lansing, County of Leavenworth, State of Kansas, legally described as follows:

LEGAL DESCRIPTION:

A tract of land being a part of Lot 1, LCHS HAYSLETT SUBDIVISION, City of Lansing, Leavenworth County, Kansas, as written by Joseph A. Herring PS-1296 on November 8, 2024, more fully described as follows: Beginning at the Northeast corner of said Lot 1; thence South 00 degrees 51'30" West for a distance of 121.09 feet along the Westerly right of way line of U.S. Highway 7-73; thence South 87 degrees 34'16" West for a distance of 217.22 feet; thence North 04 degrees 04'17" East for a distance of 121.67 feet to the North line of said Lot 1; thence North 87 degrees 34'16" East for a distance of 210.39 feet to the point of beginning, together with and subject to covenants, easement and restriction of record. Said property contain 0.59 Acres, 25846 Square Feet, more or less.

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.

All in Leavenworth County, Kansas, less any part taken or used for road; presently zoned as "A-1" Agricultural District is hereby changed to "B-2" General Business District.

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 6th day of March, 2025.

Anthony R. McNeill, Mayor

ATTEST

Tish Sims, City Clerk

(Seal)

Publication Date: _____

Published: The Leavenworth Times

CITY OF LANSING

FORM OF SUMMARY FOR PUBLICATION OF ORDINANCE

Ordinance No. 1127: An Ordinance Granting a Change of Zoning to Certain Property Within the City of Lansing

Pursuant to the general laws of the State, a general summary of the subject matter contained in this ordinance shall be published in the official City newspaper in substantially the following form:

Ordinance No. 1127 Summary:

On March 6, 2025, the City of Lansing, Kansas adopted Ordinance No. 1127, an ordinance granting a change of zoning to certain property within the City of Lansing, Kansas. A complete copy of this ordinance is available at www.lansingks.org or at City Hall, 800 First Terrace, Lansing, KS 66043. This summary is certified by Gregory C. Robinson, City Attorney.

This Summary is hereby certified to be legally accurate and sufficient pursuant to the laws of the State of Kansas.

DATED: March 6, 2025

Gregory C. Robinson, City Attorney

Project Facts

Applicant

Krystal A. Voth
Herring Surveying

Owner

Daniel Hayslett & J Jesus
Delgado Ayala

Address

1104 S Main Street

Property ID

107-25-0-00-00-179.00

Zoning

A-1 (Agricultural District)

Future Land Use

Commercial

Land

25,846 SF (0.59 acres)

Building

Existing: N/A
Proposed: Commercial

Requested Approvals

Rezoning



Project Summary

Summary

The Applicant proposes to rezone a 0.59-acre portion of the lot located at 114 W Gilman/1104 S Main of land from A-1 – Agricultural District to B-2 – General Business District. The Future Land Use Map of the Lansing Comprehensive Plan categorizes this property as Commercial and Open Space Agriculture. The applicant is proposing to use the property as a continuation of 1024 S Main Street immediately to the north. The applicant is aware that any building activity is subject to review as most of the property is covered by FEMA floodway. The property has access to S Main Street. The rezoning would grant the property owner the ability to utilize the lot as storage for a business.

Discussion points from Checklist

The checklist was reviewed and completed by the Director of Community & Economic Development. There are no concerns marked as outstanding, and the application is in order.

Factors to Be Considered

The following factors are to be considered by the Planning Commission and the City Council when approving or disapproving this Rezone request:		
	Met	Not Met
1. Character of the neighborhood <i>Density: Surrounding parcels range in size from 0.5 acres to 47.5 acres in size. The average size of parcel is 12 acres in size. Character: The neighborhood is dominated by a state highway and a small commercial node.</i>	✓	
2. Zoning and uses of nearby property <i>Adjacent Uses: Commercial, Single-Family Residential, & Agricultural Adjacent Zoning: A-1, B-3 & I-2</i>	✓	
3. Suitability of the Property for the uses to which it has been restricted <i>The Property is not suitable for the land uses restricted by A-1 zoning.</i>	✓	
4. Extent to which removal of the restrictions will detrimentally affect nearby property <i>Nearby properties are unlikely to be detrimentally affected if the current zoning were to be amended.</i>	✓	
5. Length of time the property has been vacant as zoned <i>Vacant: <input checked="" type="checkbox"/> - Property has been vacant since 2014. Not Vacant: <input type="checkbox"/></i>		
6. Relative gain to economic development, public health, safety and welfare <i>The requested rezoning application does have the potential to impact economic development, public health, safety or welfare.</i>	✓	
7. Conformance to the Comprehensive Plan <i>Future Land Use Map Category: Open Space Agriculture & Commercial Comprehensive Implementation Strategy (Article 6): The proposed use is not compatible with the future land use designation.</i>		✓

Acknowledgments

The following City of Lansing staff members reviewed this project and provided information for this report:

- Joshua Gentzler – Director, Community & Economic Development
- Michael Spickelmier, P.E. – Director, Public Works / City Engineer
- Anthony Zell, MBA – Director, Wastewater

Staff Comments

The applicant is requesting a rezoning from A-1 –Agricultural District to B-2 – General Business District. The applicant has proposed to rezone and then subdivide Lot 1 of the Hayslett LCHS Subdivision, and this resulting parcel then be under the ownership of the adjacent property owner for use.

Notice of City Codes

The property owner is subject to all applicable City codes within the Municipal Code – whether specifically stated in this report or not – including, but not limited to, Zoning, Buildings and Construction, Subdivisions, and Sign Code. The Property Owner is also subject to all applicable Federal, State, and local laws.

Recommendation

Staff recommends **approval** of Case No. 2023-DEV-007, LCHS Hayslett Rezone, at 1104 S Main.

Action Options

1. If to recommend approval the rezoning application to the City Council:

“I move to recommend approval of Case No. 2023-DEV-007 based on staff’s recommendation and analysis of the Golden Factors.”

2. If to recommend denial of the rezoning application to the City Council:

“I move to recommend denial of Case No. 2023-DEV-007 based on Factor(s) _____ [can be multiple] of the Golden Factors [or name the reason].”

3. If to continue the public hearing to another date, time and place.

“I move to continue the public hearing to the next regularly scheduled Planning Commission meeting [or insert date].”

Attachments

1. Application
2. Zoning Map
3. Future Land Use Map
4. Preliminary Plat



Rezoning Application

Date: 12/20/2024

Applicant / Owner

Applicant Name: Daniel Hayslett
 Address: 315 N 5th Street
 City, State, Zip: Leavenworth, KS 66048
 Phone: 4176222907
 Agent: Krystal Voth
 Address: This request is being made so that the property owner can develop this parcel with a use that is not allowed in the A-1 zoning district.
 City, State, Zip: Krystal A. Voth
 Phone:

Owner Name: AYALA, J JESUS DELGADO
 Address: 1024 S Main St
 City, State, Zip: Lansing, Kansas 66043
 Phone:
 Agent:
 Address:
 City, State, Zip:
 Phone:

Request

Address: 114 W GILMAN RD, Lansing, KS 66043
 City, State, Zip: ,
 Parcel: 052-107-25-0-00-00-179.00-0
 Legal:

Current Zone: A-1 Agricultural District
 Proposed Zone: B-2 General Business District

Property Details

Section:
 Township:
 Range:

Corner:
 Between:
 Side:
 Between:

I do hereby certify that the information contained herein is true and correct.

Name

Date

AGENT AUTHORIZATION


STATE OF Kansas

COUNTY OF Leavenworth

We, Jesus Delgado Ayala and _____, being duly sworn, do hereby depose and say that we are the owners of said property involved in this petition and that the following agent is authorized to represent us as it relates to this petition.

Authorized Agent: J. Jesus Delgado Ayala

Signed and entered into this 19th day of December, 2024.


Signed _____

Signed _____

Subscribed and sworn to before me on this 19th day of December, 2024.




Notary Public

My Commission Expires 8/26/2025.

AFFIDAVIT

STATE OF Kansas)
COUNTY OF Leavenworth) §

Comes now J Jesus Delgado Ayala, of lawful age and having been first duly sworn on my oath state that:

1. That I am (the) (a) lawful and/or equitable owner of the real estate described in the attached application.

2. To the best of my knowledge and belief, the following individuals are the only other individuals other than the affiant which have a legal or equitable ownership interest in the property described in the attached application.

3. List of property owners and addresses:

J Jesus Delgado Ayala
1024 S Main St
Lansing Ks 66043

4. I certify and affirm that on the date of the application only the above individuals or entities have a legal or equitable ownership interest in the property involved in this application.

FURTHER AFFIANT SAYETH NOT.

[Signature]

LSI

STATE OF Kansas)
COUNTY OF Leavenworth) §



BE IT REMEMBERED that on this ___ day of _____, 20___, that before me, the undersigned, a Notary Public, in and for the State and County aforesaid, came J. Jesus Delgado Ayala, who is personally known to me to be the person who executed the foregoing instrument of writing and such person duly acknowledged execution of same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on the date last above mentioned.

[Signature]

Notary Public

My Appointment Expires: 8/26/2005

AGENT AUTHORIZATION

STATE OF Kansas

COUNTY OF Leavenworth

We, Denise Hyslop and _____, being duly sworn, do hereby depose and say that we are the owners of said property involved in this petition and that the following agent is authorized to represent us as it relates to this petition.

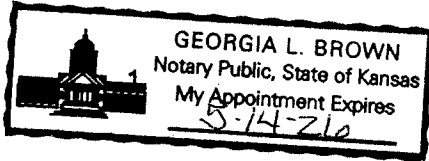
Authorized Agent: Joe Herring and/or
Krystal Voth

Signed and entered into this 4th day of December, 2024

[Signature]
Signed

Signed

Subscribed and sworn to before me on this 4th day of December, 2024.



Georgia L. Brown
Notary Public

My Commission Expires 5-14-26

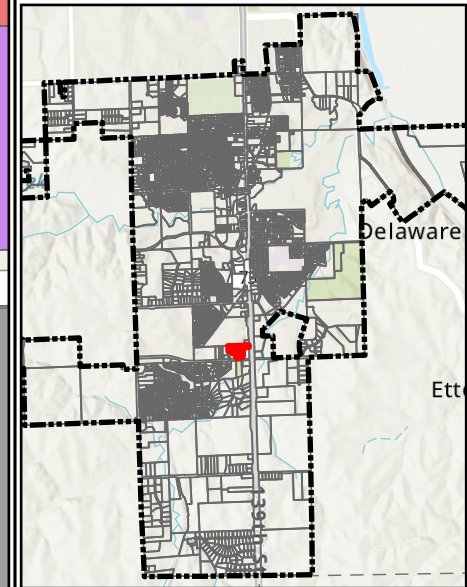
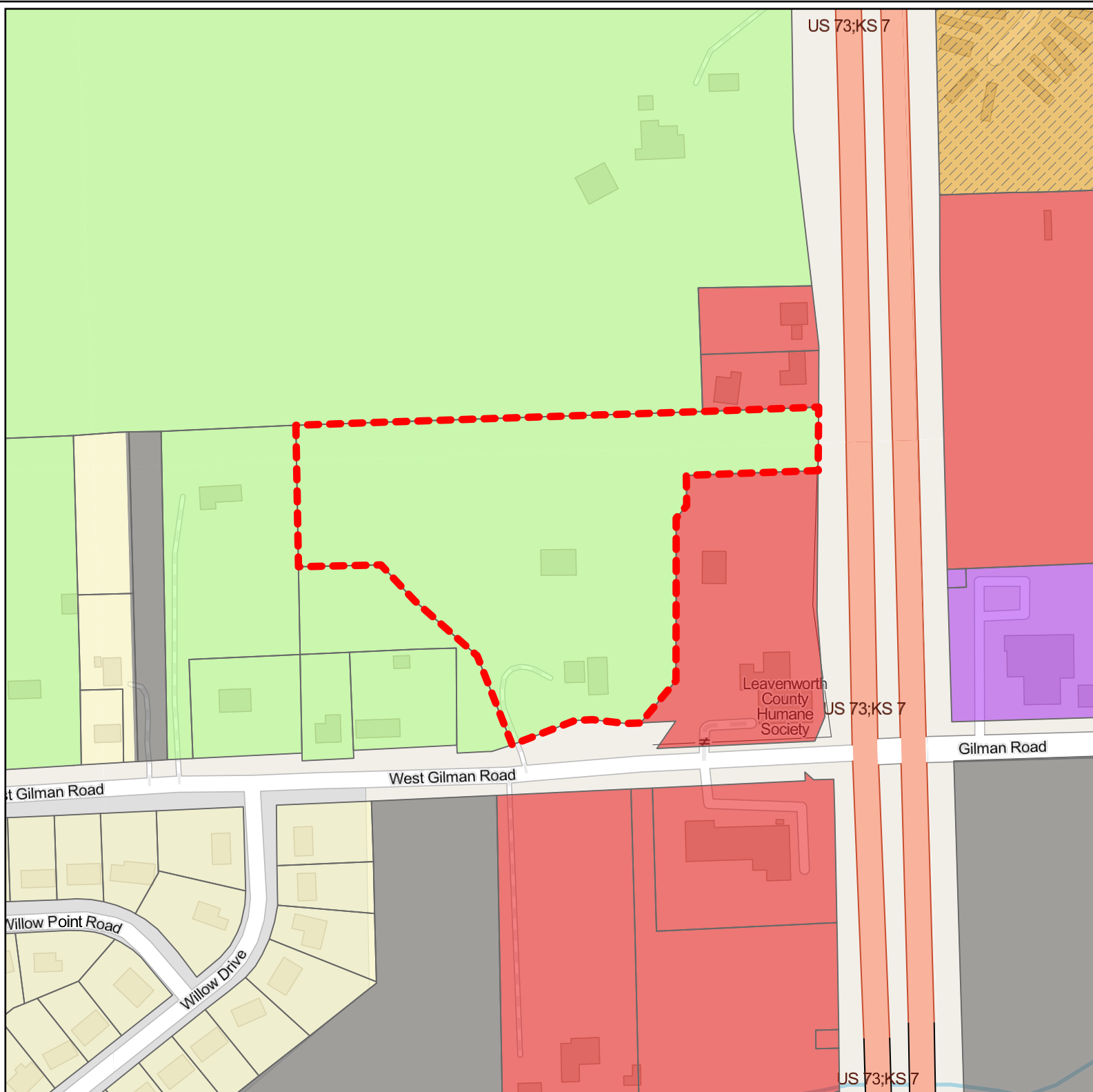
Lansing Zoning

PID: 052-107-25-0-00-00-179.00-0

Legend

Zoning Districts

- A-1 - Agricultural District
- B-1 - Neighborhood Business District
- B-2 - General Business District
- B-3 - Regional Business District
- B-3-P - Regional Business District - PI Overlay
- I-1 - Light Industrial District
- I-2 - Heavy Industrial District
- R-1 - Suburban Residential District
- R-2 - Single-Unit Residential District
- R-2-P - Single-Unit Residential District - PI Overlay
- R-3 - Mixed-Density Neighborhood District
- R-4 - Multi-Family Residential District
- R-5 - Manufactured Home Planned District
- R-R-2.5 - Rural Residential District 2.5A
- PUD - Planned Unit Development
- CP - City Property



1 inch = 250 feet

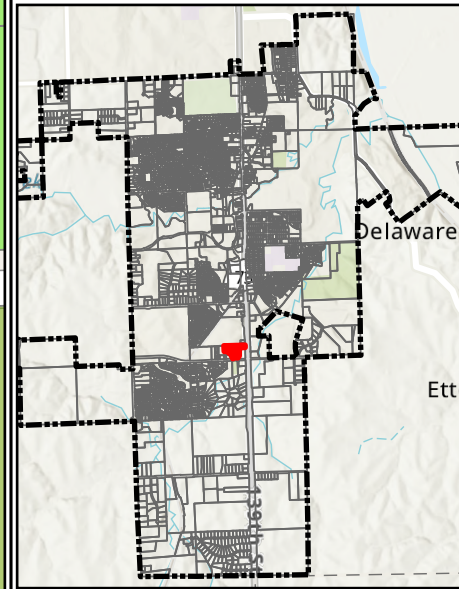
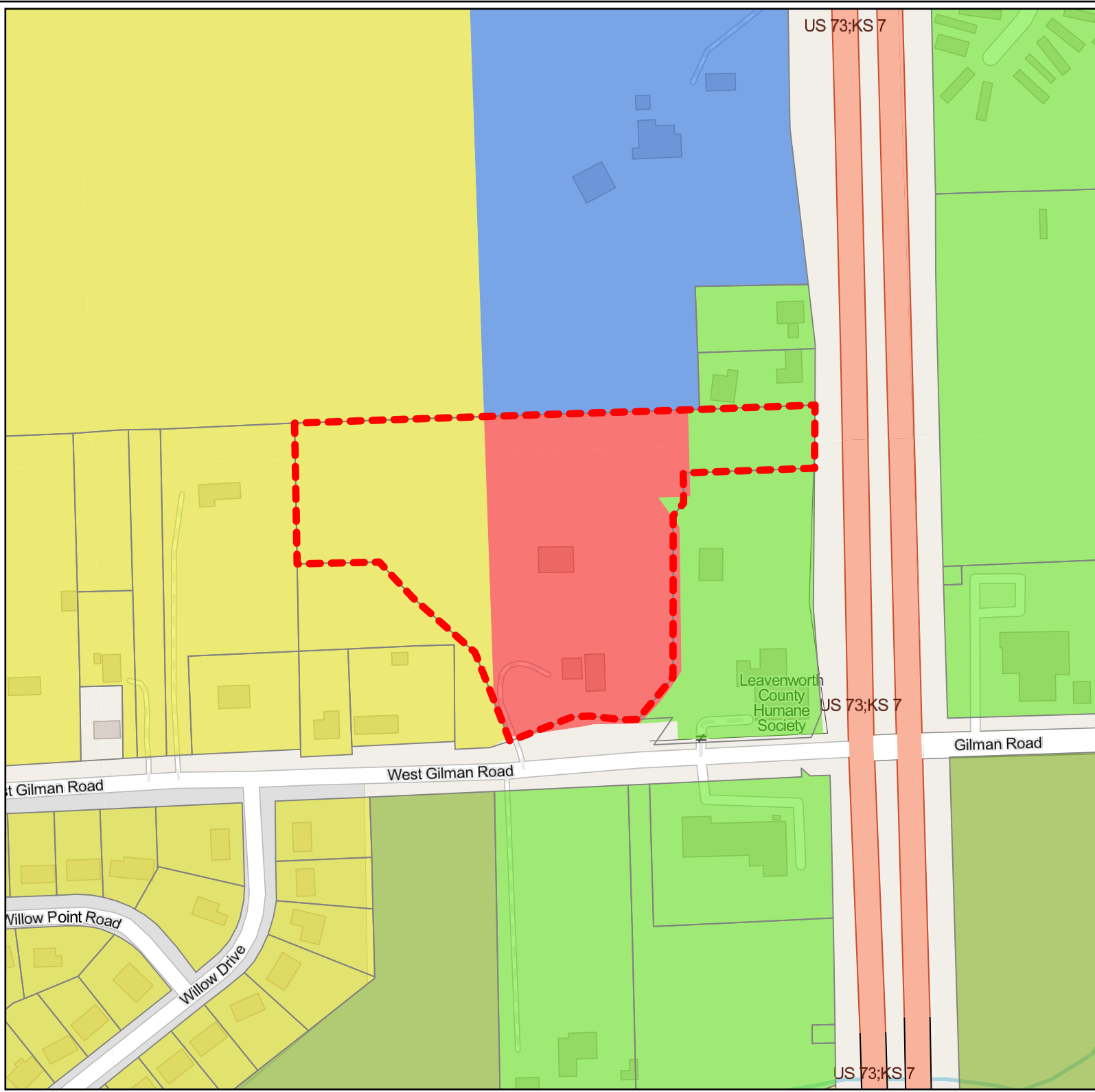
Lansing Future Land Use

PID: 052-107-25-0-00-00-179.00-0

Legend

Future Land Use

- Airport
- Business Park/Light Industrial
- Civic
- Proposed from Civic to Single Family Residential
- Commercial
- High Density Residential
- Proposed from High Density to Single Family Residential
- Medium Density Residential
- Mixed Use
- Office
- Open Space Agriculture
- Parks
- Proposed from Parks to Single Family Residential
- Rural Residential
- Single-Family Residential



1 inch = 250 feet

LCHS HAYSLETT REPLAT

A Replat of Lot 1, LCHS HAYSLETT SUBDIVISION,
City of Lansing, Leavenworth County, Kansas.

PRELIMINARY PLAT

PREPARED FOR:
HAYSLETT, DANIEL P & JALISA
114 W GILMAN RD
LANSING, KS 66043
PID # 107-25-0-00-00-179

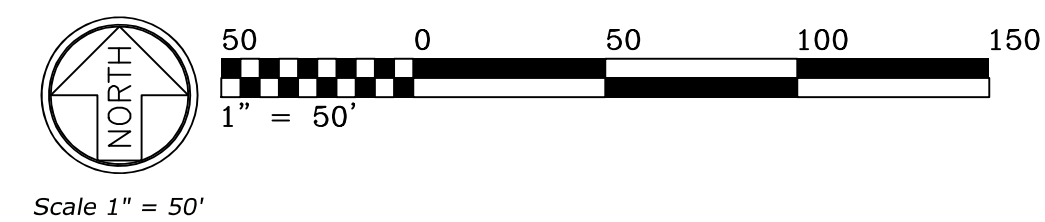
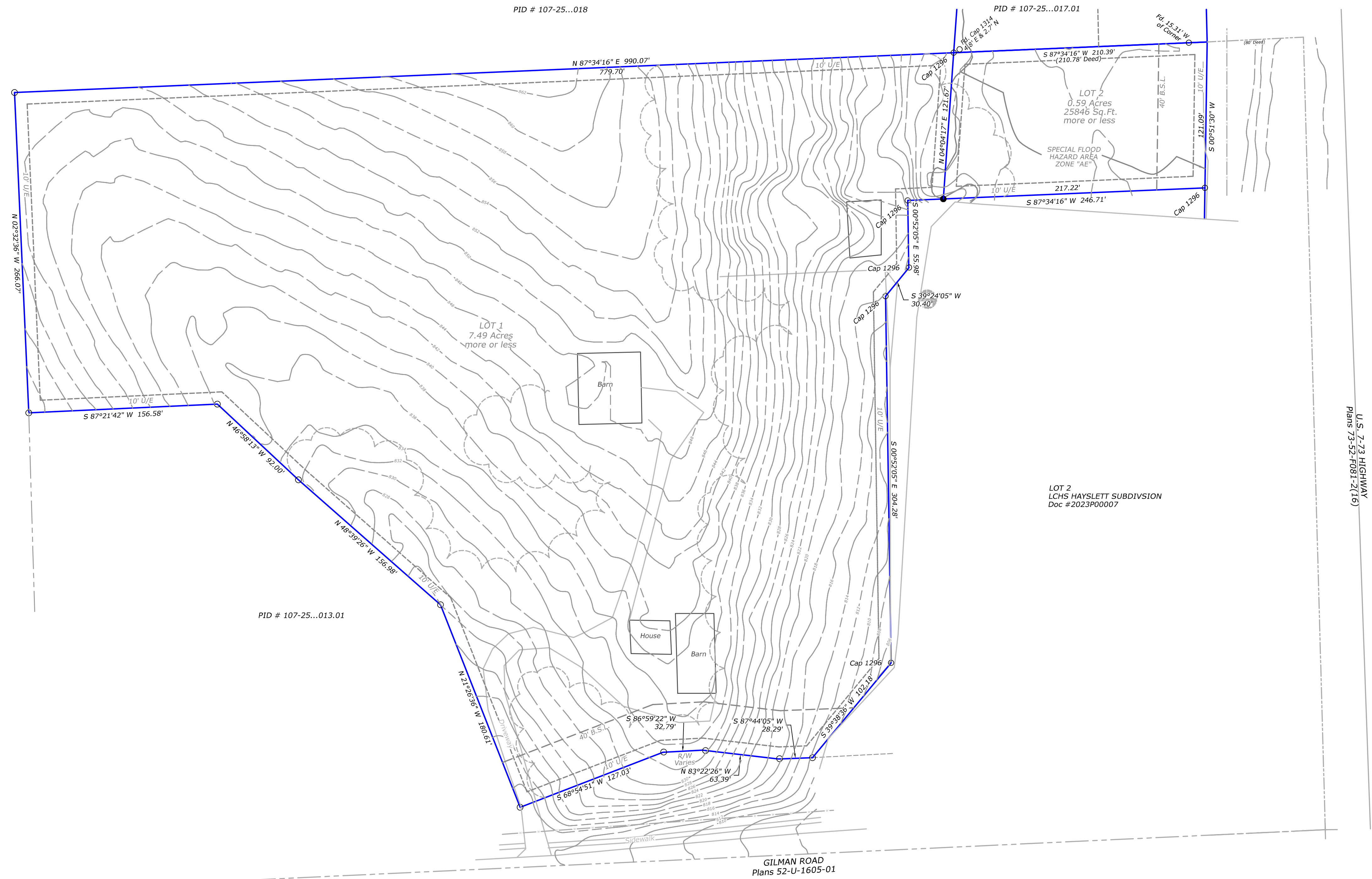
AYALA, J JESUS DELGADO
1024 S MAIN ST
LANSING, KS 66043

RECORD DESCRIPTION:
Lot 1, LCHS HAYSLETT SUBDIVISION, City of Lansing, Leavenworth County, Kansas.



RESTRICTIONS:
1) Lot 1 is limited to a single entrance.
2) Access to Kansas Highway 7-73 is controlled by KDOT.
3) Lot 2 is nearly 100% in the FEMA Flood Plain and subject to flood plain regulations, preventing the build of any future home on this lot.

NOTES:
1) This survey does not show ownership.
2) All distances are calculated from measurements or measured this survey, unless otherwise noted.
3) All recorded and measured distances are the same, unless otherwise noted.
4) Error of Closure - 1 : 258325, 8.08 Acres, more or less
5) Basis of Bearing - KS SPC North Zone 1501
6) Monument Origin Unknown, unless otherwise noted.
7) Benchmark - NAVD88
Project Benchmark (BM) - Top Center Manhole - 850.18'
8) Easements listed in the title commitment are existing and not shown hereon.
9) Property is in a Special Flood Hazard Area Zone AE per FEMA FIRM Map 20103C0232G dated July 16, 2015
10) Survey References:
(D.G.W.) - D.G. White LS-356 Survey
LCHS HAYSLETT SUBDIVISION - Doc #2023P00007
11) Current Use of Lots - Agriculture and Residential
Proposed Use of Lots - Lot 1 - Agriculture and Residential, Lot 2 - Business
12) Max Lot Size - 7.49 Acres, Min. Lot Size - 0.59 Acres, Average - 4.04 Acres
13) Proposed 2 Buildable Lots - Lot 2 see plat restriction #3.



23V
South 1/4 Corner
Section 25-9-22
- 2" x 8" Stone marked with 2" Alum. Cap

LEGEND:
● - 1/2" Rebar Set with Cap No. 1296
○ - 1/2" Rebar Found Cap No. 356, unless otherwise noted.
R/W - Permanent Dedicated Roadway
NS - Not Set this survey per agreement with client
POB - Point of Beginning
POC - Point of Commencing

ZONING:
LOT 1
A-1 Agricultural District
LOT 2
B-3 Regional Business District