



## PLANNING COMMISSION FEBRUARY REGULAR MEETING

Council Chambers, 800 1st Terrace, Lansing, KS 66043  
Wednesday, February 15, 2023, at 7:00 PM

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### MINUTES

#### CALL TO ORDER

The regular February meeting of the Lansing Planning Commission was called to order by Chairman Jake Kowalewski at 7:00 p.m.

#### ROLL CALL / QUORUM ANNOUNCEMENT-

In attendance were Chairman Jake Kowalewski, Commissioners Jerry Geis, Nancy McDougal, and Richard Hannon. Commissioners Brian Payne, Janette Labbee-Holdeman and Mike Suozzo were not in attendance. Chairman Jake Kowalewski noted that there was a quorum present.

#### OLD BUSINESS

##### 1. Approval of Minutes, November 16, 2022, Regular Meeting

Motion was made by Commissioner Richard Hannon to approve the minutes as written and it was seconded by Commissioner Jerry Geis. Motion passed 4-0.

#### NEW BUSINESS

##### 2. JK Root Preliminary Plat

The Applicant proposes to subdivide parcel 1072500000008000, currently a 1.2-acre parcel with a residential structure, pool, small outbuildings, etc. Under the proposal, three additional lots would be created directly north of the inground pool listed on the survey documents. Lot one, furthest to the north, would be .382 acres. Lot Two, the middle lot, would be .247 acres. Lot three would also be .247 acres. The current driveway for 292 W Gilman is on City right-of-way. The city currently retains 60' width of right-of-way, approximately 633' long. The right of way would be used for access off of Gilman Drive if/when the 47.5-acre parcel directly north of the subject property develops. The 47.5-acre parcel is currently on the market and zoned residential.

The meeting began with Commissioner Jerry Geis asking if there were any staff reports on the issue at hand. City Administrator Tim Vandall stated that Mr. Root had been speaking with previous Community and Economic Director Matthew Schmitz prior to his departure when this process started. It was stated that the preliminary plat outlines what the property would look like in the long-term and the final plat shows one additional new lot, for immediate future. The parcel to the East is not technically right of way, it is a city parcel, with intentions in the 1990's to be Right of Way. Mr. Vandall spoke with Mr. Root and stated that Mr. Root is aware that the driveway is on that parcel, and if that road were ever built, his driveway would look a little differently and he would lose some depth on his parcel. Any future developer in the subdivision would be required to construct the public improvements.

Some of the discussion that Mr. Root previously had with Mr. Schmitz was about a joint driveway, due to the driveway which was grandfathered in. Mr. Root had also had previous discussions with the city, even dating back to the 90's, so this was something that the City and Mr. Root had been looking at for a while.

Commissioner Jerry Geis stated that the Planning Commission must follow the subdivision regulations as they are written today, and that there are no provisions that he is aware of that allows to have a private driveway with multiple houses on it. Mr. Geis also stated that the applicant has brought forth a subdivision with two parcels, one of which he doesn't own. And since the City is not a signature to the application, Mr. Geis believes that it should be rejected at this time.

Mr. Vandall replied that the driveway is grandfathered in, and that Mr. Root attempted to deed that to the city in the 90's. Joint driveways are permitted, but Mr. Geis stated that this is not a proper example of a shared driveway.

Mr. Jeff Root, who lives at 292 W. Gilman, joined the conversation by stating that when he bought the tract, he originally planned to build 300 W Gilman, split it in half, build another house and then sell it. Bill Schrandt, City director at that time, wanted Mr. Root to extend the sewer, and he then dedicated the road right of way. In return Mr. Root got a permit to build another house. He was told back then that whoever develops it would put the road through, and that it would connect 4-H road to Gilman and give access without going to K-7.

After recently speaking with previous CED director Matthew Schmitz, he explained that the city did not originally follow through with the road dedication. And that he could do a shared driveway if he built one more house, with the permit being controlled by the city. Mr. Root stated that he is looking toward the future, and that it is to everyone's benefit the way it is drawn- that it would provide future development.

Commissioner Jerry Geis then directed the conversation to Public Works director Michael Spickelmier, who stated that typically public improvements included in the final plat are required to be installed or are bonded to be installed. Mr. Vandall then addressed the commissioners, asking that if he got a statement from City Council stating that they approve a joint driveway on that parcel, is that something that would be approved by the Planning Commission, contingent upon the city council's approval. To which the body agreed.

At that time, Commissioner Richard Hannon asked for clarification as to where the 60-foot easement is on the map for better understanding. Mr. Spickelmier provided that information and then stated that the condition today would not be the final condition. And that they were looking at it as if you could share a drive for two parcels, until Valley Dr. would be constructed. Commissioner Jerry Geis asked why not more than two houses on that parcel, to which Mr. Spickelmier stated that you would need a minimum of an 8-inch sewer main for more than two houses.

Commissioner Jerry Geis went on to say that there have previously been parcels like this all over the city and stated that it is bad planning, and it compounds the problem. Commissioner Nancy McDougal stated that she thinks that by doing this, it will be a way to fix it. It was explained that we have a piece of ground that the city would have to pay to develop and put in that street. If the back two lots develop, whoever owns it could potentially chip in to help pay for it.

Mr. Root stated he is just trying to clean this issue up. And that he has maintained the piece of property that the city owns, for over 20 years. Commissioner Richard Hannon stated that as long as these things get properly documented, he doesn't see a problem approving it, other than the way the rules are written.

Commissioner Nancy McDougal asked the City Attorney, Mr. Greg Robinson, what the legal stance is on this, to which he replied that real estate policy is that you use it for the highest and best use or for taxable reasons. Commissioner Jerry Geis then asked what the original intent was for the property, to which Mr. Root replied that the original intent was to split the property down the middle and build another house.

Mr. Vandall said that from a practical standpoint, it's not going to be financially and economically beneficial to build a road for that entire length, as well as an 8-inch sewer line that entire length, for 3 houses. Mr. Vandall also suggested that the sewer line is something we should be thinking about and acknowledge through this process. Mr. Robinson then explained that if this was going to be a shared driveway, that in the future, if Valley Dr. would extend south, the driveway in question, would get ripped out and the road would replace the driveway.

Commissioner Nancy McDougal made a motion to accept the checklist as finding of fact. Commissioner Richard Hannon seconded it. Motion passed 3-1.

Commissioner Jerry Geis made a motion to table the application until the city council has a chance to review it. With lack of a second, the motion to table the application died, and a new motion was made. Commissioner Richard Hannon made a motion to approve the preliminary plat application with conditions as written in the staff report, with city council approval of joint driveway through the existing city parcel, dedication to public right of way without road improvements constructed at this time, and an acknowledgement in writing of the undeveloped until a future date with future sewer requirements. Commissioner Nancy McDougal seconded the motion. Motion passed 3-1.

#### **NOTICES AND COMMUNICATIONS-** None

**REPORTS - Commission and Staff Members-** City Administrator Tim Vandall stated that the new director of Community and Economic Development will be starting employment with the city on March 2<sup>nd</sup>, 2023, and he could possibly attend the next Planning Commission meeting.

#### **ADJOURNMENT-**

Commissioner Richard Hannon made a motion to adjourn, and the meeting was adjourned by acclamation at 7:50 pm.

Respectfully submitted,  
Melissa Baker, Secretary  
Reviewed by,