
AGENDA ITEM

TO: Tim Vandall, City Administrator
FROM: Joshua Gentzler
DATE: May 26, 2023
SUBJECT: Fairway Estates Expansion Rezone

Overview: The Applicant proposes to rezone a 16.9-acre tract of land from A-1 to R-2. The Future Land Use Map of the Lansing Comprehensive Plan categorizes this property as Medium Density. The applicant is proposing to develop the property as a continuation of the Fairway Estates subdivision. The property has access to North De Soto Road. The rezoning would grant the ability to create 6,000 sq. ft. minimum single-family Residential lots, as per UDO Article 4.03 Permitted Uses.

Policy Consideration: n/a

Financial Consideration: n/a

Action: Staff recommends a motion to adopt Ordinance No. 1096 to amend the City of Lansing Zoning Map.

AGENDA ITEM

Project Facts

Applicant

Michael Reilly
Reilly Development, LLC

Owner

Reilly Development

Address

00000 De Soto Road

Property ID

106-13-0-30-03-004.00

Zoning

A-1 (Agricultural District)

Future Land Use

Medium Density

Land

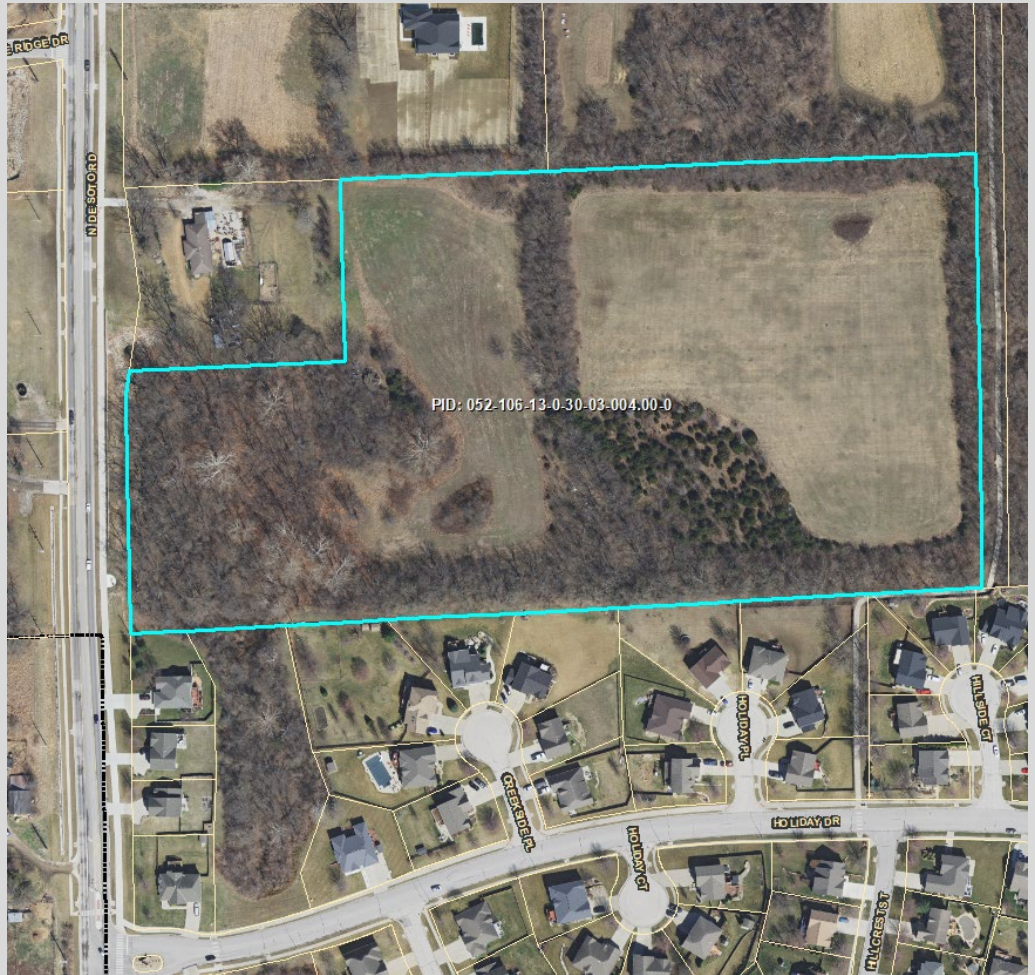
735,893 SF (16.9 acres)

Building

Existing: N/A
Proposed: Single-Family
Residential

Requested Approvals

Rezoning



Project Summary

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The CED office has had less than 10 conversations with residents concerning this application.

Recommendation

The Planning Commission voted 5-0 (2 absences) to recommend approval of Case No. 2023-DEV-005, Fairway Estates Expansion Rezone, at 00000 N De Soto Road.

Action Options

1. Approve Case No. 2023-DEV-005; or
2. Deny Case No. 2023-DEV-005 for specified reasons; or
3. Remand Case No. 2023-DEV-005 back to the Planning Commission.

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 0.2 acres to 76.3 acres in size. The average size of parcel is 5.7 acres in size. The surrounding residential properties within City limits average 1.8 Dwelling Units per Acre. Character: The neighborhood consists of Single-family residential and Agricultural uses.</i>	✓	
2. Zoning and uses of nearby property <i>Adjacent Uses: Single-Family Residential & Agricultural Adjacent Zoning: A-1, R-1, R-2, PUD</i>	✓	
3. Suitability of the Property for the uses to which it has been restricted <i>The Property is 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 remain in place</i>	✓	
5. Length of time the property has been vacant as zoned <i>Vacant: <input checked="" type="checkbox"/> - Property has been vacant since at least 1941. 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. In the event of the approval of the rezoning, this will allow the applicant to develop a single-family residential subdivision on the property which would contribute to the economic development of the city via the addition of households within the City limits.</i>	✓	
7. Conformance to the Comprehensive Plan <i>Future Land Use Map Category: Medium Density Comprehensive Implementation Strategy (Article 6): The proposed use is not compatible with the future land use designation.</i>		✓

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.

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 R-2 – Single-Unit Residential District. The applicant has proposed to rezone and then subdivide this parcel, and the parcel in the northwest corner of the parcel to build an estimated 45-50 home expansion of Fairway Estates. Staff recommends approval.

Notice of City Codes

The Applicant 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 Applicant is also subject to all applicable Federal, State, and local laws.

Attachments

1. Ordinance
2. Zoning Map
3. Future Land Use Map
4. Rezone Checklist
5. Public Comment

ORDINANCE NO. 1096

**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 17, 2023, 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 00000 De Soto Rd. 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 in the Southwest Quarter of Section 13, Township 9 South, Range 22 East of the 6th P.M., City of Lansing, Leavenworth County, Kansas, more fully described as follows:

THE SOUTH 1/2 OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 13, TOWNSHIP 9 SOUTH, RANGE 22 EAST OF THE 6TH P.M.,
EXCEPT: A TRACT OF LAND IN THE SOUTH 1/2 OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 13, TOWNSHIP 9 SOUTH, RANGE 22 EAST OF THE 6TH P.M., DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE WEST LINE OF SECTION 13, SAID POINT BEING, 662.91 FEET NORTH OF THE SOUTHWEST CORNER OF SAID SECTION; THENCE NORTH 87°43' EAST, 208.71 FEET TO A POINT; THENCE SOUTH AND PARALLEL TO THE WEST LINE OF SAID SECTION, 208.71 FEET TO A POINT; THENCE 87°43' WEST, 208.71 FEET TO A POINT ON THE WEST LINE OF SAID SECTION; THENCE NORTH ALONG SAID WEST LINE 208.71 FEET TO THE POINT OF BEGINNING, LESS PART TAKEN FOR ROAD PURPOSES. AS PER SURVEY RECORDED IN BOOK S-11, #31, MAY 16, 1979 IN THE OFFICE OF THE REGISTER OF DEEDS, LEAVENWORTH COUNTY, KANSAS.
EXCEPT: A TRACT OF LAND IN THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 13, TOWNSHIP 9 SOUTH, RANGE 22 EAST OF THE 6TH P.M., CITY OF LANSING, LEAVENWORTH COUNTY, KANSAS, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 13; THENCE NORTH 01°20'07" EAST (ASSUMED), 394.07 FEET ALONG THE WEST LINE OF SECTION 13 TO THE POINT OF BEGINNING OF THIS TRACT; THENCE NORTH 01°20'07" EAST, 60.00 FEET ALONG SAID WEST LINE; THENCE NORTH 89°11'24" EAST, 208.71 FEET PARALLEL WITH THE NORTH LINE OF THE SOUTH 1/2 OF THE SOUTHWEST 1/4 OF SECTION 13; THENCE NORTH 01°20'07" EAST, 208.71 FEET TO THE NORTH LINE OF THE SOUTH 1/2 OF THE SOUTHWEST 1/4 OF SECTION 13; THENCE NORTH 89°11'24" EAST, 156.00 FEET ALONG SAID NORTH LINE; THENCE SOUTH 01°20'07" WEST, 268.71 FEET; THENCE SOUTH 89°11'24" WEST, 364.71 FEET TO THE POINT OF BEGINNING, LESS PART TAKEN OR USED FOR ROAD AND AS PER SURVEY DATED APRIL 30, 2008 BY DONALD G. WHITE.

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 "R-2" Single-Unit Residential 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 1st day of June, 2023.

Anthony R. McNeill, Mayor

ATTEST

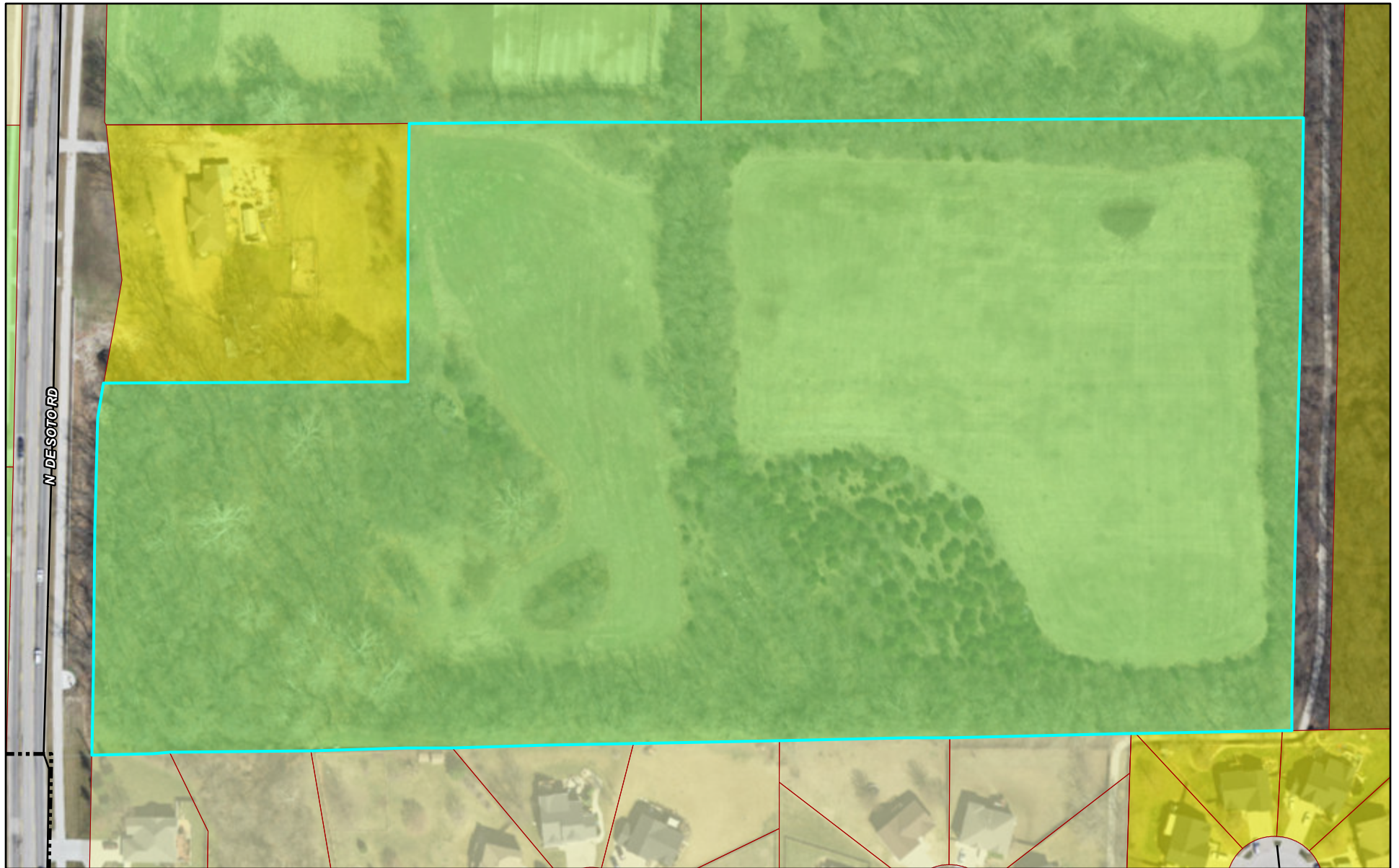
Tish Sims, City Clerk

(Seal)

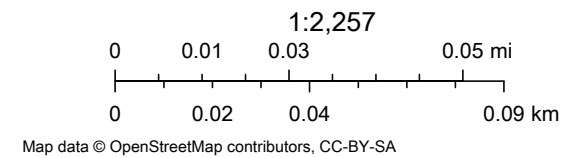
Publication Date: _____

Published: The Leavenworth Times

2023-DEV-005 Zoning



May 11, 2023



2023-DEV-005 Future Land Use

Urban Growth Management Area



City Boundary



Parcels



Future Land Use

Future Land Use



Airport



Business Park/Light Industrial



Civic



Proposed from Civic to Single Family Residential



Commercial



High Density



Proposed from High Density to Single Family Residential



Medium Density



Mixed Use



Office



Open Space Agriculture



Parks



Proposed from Parks to Single Family Residential



Rural Residential



Single-Family Residential



REZONING CHECKLIST

Checklist Completed by: Joshua Gentzler
Case No. 2023-DEV-005
Date Filed: April 20, 2023
Date Advertised: April 26, 2023
Date Notices Sent: April 26, 2023
Public Hearing Date: May 17, 2023

APPLICANT: Reilly Development LLC

LOCATION OF PROPERTY: 00000 De Soto Road, Lansing, KS 66043

PRESENT ZONING: A-1 **REQUESTED ZONING:** R-2

PRESENT USE OF PROPERTY: Undeveloped empty ground

SURROUNDING LAND USE AND ZONING:

<u>Direction</u>	<u>Land Use</u>	<u>Zoning</u>
North	Single-Family Residential	A-1
South	Single-Family Residential	R-1
East	Undeveloped	R-2
West	Single-Family Residential	A-1

CHARACTER OF THE NEIGHBORHOOD: The area is generally developed with single-family residential neighborhoods branching east off of DeSoto Road. Lots to the north of the subject property have been developed as large lot single-family residential properties.

NEAREST EQUIVALENT ZONING:

LOCATION: East
CURRENT USE: Single-family residential

RELATIONSHIP TO EXISTING ZONING PATTERN:

- 1. Would proposed change create a small, isolated district unrelated to surrounding districts?** No
- 2. Are there substantial reasons why the property cannot be used in accord with existing zoning?** Yes **If yes, explain:** The applicant intends to develop the property at a density of not allowed with the A-1 district. A-1 district requires 1 acre minimum sized lots.
- 3. Are there adequate sites for the proposed use in areas already properly zoned?** Yes **If yes, where?** Immediately west. This development would provide greater connectivity for the existing and proposed Fairway Estates subdivision.

CONFORMANCE WITH COMPREHENSIVE PLAN:

1. **Consistent with Development Policies?** The Comprehensive Plan shows this area as medium density. The Comprehensive Plan defines medium density residential as 5-12 units per acre, so this request is not consistent with the Comprehensive Plan.
2. **Consistent with Future Land Use Map?** No.
3. **Are Public Facilities adequate?** Yes. All utilities have responded that they have facilities in the area, or facilities that can be extended to support the subject parcel and proposed development.

TRAFFIC CONDITIONS:

1. **Street(s) with Access to Property:** N De Soto Road
2. **Classification of Street(s):**
Arterial X Collector _____ Local _____
3. **Right of Way Width:** 30' N De Soto Road
4. **Will turning movements caused by the proposed use create an undue traffic hazard?** No
5. **Comments on Traffic:** Traffic in the area would be slightly increased with future development on this property, but there are no concerns about traffic due to this rezoning request.

SHOULD PLATTING OR REPLATTING BE REQUIRED TO PROVIDE FOR:

1. **Appropriately Sized Lots?** The City and Applicant would submit a plat to divide the property before development.
2. **Properly Sized Street Right of Way?** The existing Right of Way along N De Soto Road was found to be sufficient by the Public Works Department.
3. **Drainage Easements?** Drainage easements will be considered under the submitted preliminary plat.
4. **Utility Easements:**
Electricity? There are easements already in the area to provide access.
Gas? There are easements already in the area to provide access.
Sewers? There are easements already in the area to provide access.
Water? There are easements already in the area to provide access.
5. **Additional Comments:** N/A

UNIQUE CHARACTERISTICS OF PROPERTY IN QUESTION: None

ADDITIONAL COMMENTS: N/A

From: [Patricia Weaver](#)
To: [Joshua Gentzler](#)
Subject: [EXTERNAL] Public hearing meeting rezoning 00000 N Desoto
Date: Wednesday, May 17, 2023 8:07:30 PM

[You don't often get email from pzweaver@gmail.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

Hello Mr Gentzler,

Good evening! I am Mrs Weaver, a home owner in Woodland Hills. Our property backs to the path where this area is under the rezoning area. I apologize, was not able to attend the meeting. But, we are not in favor of destroying this beautiful area full of trees, just so Reilly can build homes on it. One of the reasons we love our house and the area is the peacefulness of this area directly behind our house. The trees and nature are priceless. I'm all for growth and progress. But not at this location. I do not want to have to move from this area that I love and enjoy. My husband, retired from the military, we moved off post and found this gem of a house! The tranquility of this area is second to none. Please don't destroy this area. Find another place to build Reilly more of his homes. Please, not on this slice of heaven. If you have not. Take the opportunity to walk the path and see how beautiful the trees and area is if you have not already. I appreciate the letter being sent out. Again, apologizes for not attending. There are plenty of neighbors that care, just not able to be at the meeting. I just wanted to add my 2 cents, if you will, to this issue. I know I'm just one person. But I have to speak up for the wildlife in this area. Lansing is a beautiful slice of tranquility in this crazy hectic high paced world. Don't destroy it.

Thank you for your time.
Patricia Weaver

Sent from my iPhone

From: [Cassie Collins](#)
To: [Joshua Gentzler](#)
Subject: [EXTERNAL] Fwd: Rezoning on 00000 Desoto, Lansing, KS 66043
Date: Wednesday, May 17, 2023 7:36:34 PM

You don't often get email from cassrco@gmail.com. [Learn why this is important](#)

Good evening Joshua -

I just want to voice that it seems like the city of Lansing is tearing down our canopy at an alarming rate and if we keep this up we are no different than Shawnee to Overland Park of a metropolitan concrete jungle. I feel that part of the charm, beauty and draw of Lansing is the breakup of the trees and all the beautiful birds we hear on a daily basis. I understand the need to develop from an economic standpoint but I thinking at the very least this rezoning should be to R-1, not R-2 and preserve some of these trees.

For the record I feel the same about the location for the city pool. It's a great amenity, but please, put it on a cleared lot and allow nature to continue to be a draw for Lansing, KS citizens.

Cassie Collins
303-827-6066