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# AGENDA ITEM

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TO: Tim Vandall, City Administrator  
FROM: Matthew R. Schmitz, MPA – Director, Community & Economic Development  
DATE: November 17, 2022  
SUBJECT: Final Plat – Lansing Towne Centre Replat

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Explanation: Mayor Anthony R. McNeill, on behalf of the Lansing City Council, owners of property at 00000 Centre Dr., have applied for approval of a final plat for the Lansing Towne Centre Replat subdivision, which will replat an existing group of four parcels at Lansing Town Center into three tracts. This final plat, if approved, will allow the property owner to subdivide approximately 18.11 acres into two lots and one tract allowing for potential future projects to be considered on this property. The property is currently zoned B-3, and no rezoning is being requested at this time. No additional Right of Way was requested by Staff for the preliminary plat nor the final plat, and while utility easements and access easements are planned to be abandoned with this plat, no existing utilities are located in those areas being abandoned.

The final plat meets the requirements of the checklist, with the exception of final signatures for each required signatory. Those signatures will be obtained before the plat can be filed with the Leavenworth County Register of Deeds.

The staff report, final plat, checklist, and minutes from the October 26<sup>th</sup> Planning Commission meeting are attached for review.

The Planning Commission voted to recommend approval of this final plat application with a 5-0 vote.

Action: Staff recommends a motion to approve the final plat for Lansing Towne Centre Replat.

**Project Facts**

**Applicant**

City of Lansing, KS

**Address**

00000 Centre Dr.

**Property ID**

- 107-25-0-10-02-001.15-0
- 107-25-0-10-02-001.16-0
- 107-25-0-10-02-001.17-0
- 107-25-0-10-02-001.18-0

**Zoning**

B-3 Regional Business District

**Future Land Use**

Mixed Use

**Land**

789,030 S.F. (18.11 Acres)

**Requested Approvals**

Final Plat



**Summary**

Mayor Anthony R. McNeill, on behalf of the Lansing City Council, owners of property at 00000 Centre Dr., have applied for approval of a final plat for the Lansing Towne Centre Replat subdivision, which will replat an existing group of four parcels at Lansing Town Center into three tracts. This final plat, if approved, will allow the property owner to subdivide approximately 18.11 acres into two lots and one tract allowing for potential future projects to be considered on this property. The property is currently zoned B-3, and no rezoning is being requested at this time. No additional Right of Way was requested by Staff for the preliminary plat nor the final plat, and while utility easements and access easements are planned to be abandoned with this plat, no existing utilities are located in those areas being abandoned.

A public notice for the review of this Preliminary Plat was published in the *Leavenworth Times* on August 31, 2022, no notice is required for review of the Final Plat.

## Discussion points from Checklist

The checklist was reviewed and completed by the Director of Community & Economic Development. Items marked no are discussed below:

- Item 4. – No signatures are present on the submitted drawing, but with approval from PC, signatures will be present on the version sent to City Council for final approval.
- Item 7L. – No signatures are present on the submitted drawing, but with approval from PC, signatures will be present on the version sent to City Council for final approval.
- Item 9D. – No signatures are present on the submitted drawing, but with approval from PC and City Council, signatures will be added before filing with the Leavenworth County Register of Deeds.
- Item 9E. – No signatures are present on the submitted drawing, but with approval from PC and City Council, signatures will be added before filing with the Leavenworth County Register of Deeds.
- Item 9F. – No signatures are present on the submitted drawing, but with approval from PC and City Council, signatures will be added before filing with the Leavenworth County Register of Deeds.
- Item 9G. – No signatures are present on the submitted drawing, but with approval from PC and City Council, signatures will be added before filing with the Leavenworth County Register of Deeds.

## Community & Economic Development / Public Works and City Engineer / Wastewater Comments

### Community & Economic Development (from Article 2.02-D of the UDO):

- The application is in accordance with the Comprehensive Plan and in particular the physical patterns, arrangement of streets, blocks, lots and open spaces, and public realm investments that reflect the principles and concepts of the plan.
  - The City's 2030 Comprehensive Plan has defined this area as Mixed Use. The proposed replating conforms with the future land use map.
- Compliance with the requirements of this Land Development Code, and in particular the blocks and lots proposed are capable of meeting all development and site design standards under the existing or proposed zoning.
  - The current zoning for the site is B-3 Regional Business District, with a minimum lot size of 10,000 s.f. The final plat conforms with the lot requirements of the B-3 zoning district.
- Any phasing proposed in the application is clearly indicated and demonstrates a logical and coordinated approach to development, including coordination with existing and potential development on adjacent property.
  - No phasing has been indicated on the final plat.
- Any impacts identified by specific studies or technical reports, including a preliminary review of storm water, are mitigated with generally accepted and sound planning, engineering, and urban design solutions that reflect long-term solutions and sound fiscal investments.
  - No development has been publicly proposed at this time.
- The application does not deter any existing or future development on adjacent property from meeting the goals and policies of the Comprehensive Plan.
  - The proposed use of the site conforms with the goals and policies of the Comprehensive Plan, and the application would not deter future development from meeting current goals and policies.
- The design does not impede the construction of anticipated or planned future public infrastructure within the area.
  - There are no impacts to planned future public infrastructure within the area.
- The recommendations of professional staff, or any other public entity asked to officially review the plat.
  - There are no items outstanding other than those listed in specific sections within this report.

### **Public Works / City Engineer:**

- Stormwater
  - There is an existing stormwater development plan on file for the Town Center area. This movement of lot lines has no effect on the stormwater plan for the area, but stormwater analysis will need to be considered when development occurs.
- Traffic
  - There are no traffic concerns at this time.

### **Wastewater:**

- There are no wastewater concerns at this time, but it should be noted that future development of these new lots will likely require relocation of some existing sewer facilities on the lots.

### **Acknowledgments**

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

- Matthew R. Schmitz, MPA – Director, Community & Economic Development
- Michael Spickelmier, P.E. – Director, Public Works / City Engineer
- Anthony Zell, MBA – Director, Wastewater

### **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.

### **Recommendation**

Staff recommends that the Planning Commission recommend approval the Final Plat to City Council subject to the items contained in this report.

# LANSING TOWNE CENTRE REPLAT

A Replat of Tract A, Lots 7, 8, and 9, and an unplatted tract of land in the Northeast Quarter of Section 25, Township 9 South, Range 22 East of the 6th P.M., City of Lansing, Leavenworth County, Kansas.

## FINAL PLAT

### SURVEYOR'S DESCRIPTION:

A tract of land being a part of the Northeast Quarter of Section 25, Township 9 South, Range 22 East of the 6th P.M., and Lots 7, 8, 9, and Tract A of LANSING TOWNE CENTRE, City of Lansing, Leavenworth County, Kansas, as written by Joseph A. Herring PS-1296 on October 13, 2022, more fully described as follows: Beginning at the Southwest corner of said LANSING TOWNE CENTRE; thence North 01 degrees 24'51" West for a distance of 1621.50 feet along the West line of said LANSING TOWNE CENTRE; thence North 82 degrees 40'32" East for a distance of 74.72 feet to the Northwest corner of Lot 6 of said LANSING TOWNE CENTRE; thence South 07 degrees 19'28" East for a distance of 277.71 feet to the Southwest corner of said Lot 6; thence North 85 degrees 56'32" East for a distance of 490.91 feet to the Westerly right of way of Centre Drive, as established today, said point being the Southeast corner of said Lot 6; thence South 04 degrees 03'28" East for a distance of 110.06 feet along said right of way; thence along a curve to the right having a radius of 1965.00 feet and an arc length of 86.21 feet along said right of way; thence South 01 degrees 32'38" East for a distance of 551.91 feet along said right of way; thence along a curve to the right having a radius of 465.00 feet and an arc length of 121.26 feet along said right of way; thence South 13 degrees 23'49" West for a distance of 130.61 feet along said right of way; thence along a curve to the right having a radius of 465.00 feet and an arc length of 339.56 feet along said right of way; thence on a reverse curve to the left having a radius of 535.00 feet and an arc length of 271.81 feet along said right of way; thence South 29 degrees 09'47" West for a distance of 17.41 feet along said right of way; thence North 83 degrees 40'01" West for a distance of 170.97 feet to a point on the West line of said LANSING TOWNE CENTRE extended to the south; thence North 01 degrees 24'51" West for a distance of 79.68 feet along said West line to the point of beginning.

Together with and subject to covenants, easements, and restrictions of record. Said property contains 18.11 acres, more or less.

Error of Closure: 1 - 210118

### CERTIFICATION AND DEDICATION

The undersigned proprietors state that all taxes of the above described tract of land have been paid and that they have caused the same to be subdivided in the manner shown on the accompanying plat, which subdivision shall be known as: LANSING TOWNE CENTRE REPLAT.

Easements shown on this plat are hereby dedicated for public use, the rights of way which are shown with dashed lines on the accompanying plat, and said easements may be employed to locate and maintain sewers, water lines, gas lines, poles and wires and any other form of public utility now and hereafter used by the public over, under and along the strips marked "Utility Easement" (U/E) or "Drainage Easement" (D/E).

An easement to enter and exit under or over the area outlined and designated on this plat as "Shared Access Easement", is hereby granted over Lot 1 and 2 for the benefit of Lots 1 and 2. Maintenance is to be shared between the owners of said Lots 1 and 2.

Streets shown on the accompanying plat and not heretofore dedicated for public use are hereby so dedicated.

Building Lines or Setback Lines (B.S.L.) are hereby established as shown on the accompanying plat and no building or portion thereof shall be built or constructed between this line and the street line.

In accordance with KSA 12-512b, all rights, obligations, reservations, easements, or interest not shown on this plat shall be vacated as to use and as to title, upon filing and recording of this plat. The proprietors, successors and assigns of property shown on this plat hereby absolve and agree, jointly and severally, to indemnify the City of Lansing, Kansas, of any expense incident to the relocation of any existing utility improvements heretofore installed and required to be relocated in accordance with proposed improvements described in this plat.

### IN TESTIMONY WHEREOF,

We, the undersigned owners of LANSING TOWNE CENTRE REPLAT, have set our hands this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

Mayor - Anthony R. McNeill

### NOTARY CERTIFICATE:

Be it remembered that on this \_\_\_\_\_ day of \_\_\_\_\_, 2022, before me, a notary public in and for said County and State came Anthony R. McNeill, Mayor, City of Lansing, to me personally known to be the same persons who executed the foregoing instrument of writing, and duly acknowledged the execution of same. In testimony whereof, I have hereunto set my hand and affixed my notary seal the day and year above written.

### NOTARY PUBLIC

My Commission Expires: \_\_\_\_\_ (seal)

### APPROVALS

This Plat of LANSING TOWNE CENTRE REPLAT has been submitted and approved by the Lansing Planning Commission this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

Chairman - Jake Kowalewski Secretary - Melissa Baker

This Plat approved by the City Council of Lansing, Kansas, this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

Mayor - Anthony R. McNeill Attest: City Clerk - Tish Sims, CMC

Director of Public Works - Michael Spickelmier, P.E. Director of Community & Economic Development Matthew R. Schmitz, MPA

City Attorney - Gregory Robinson

I hereby certify, as the County Treasurer of Leavenworth County, Kansas, that all taxes and special assessments due and payable on the foregoing subdivision have been paid on this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

Leavenworth County Treasurer - Janice VanParys

I hereby certify this plat meets the requirements of KSA-58-2005. The face of this plat was reviewed based on Kansas Minimum Standards for Boundary Surveys. No field verification is implied. This review is for surveying information only.

Daniel Baumchen, PS# 1363 County Surveyor

### REGISTER OF DEED CERTIFICATE:

Filed for Record as Document No. \_\_\_\_\_ on this \_\_\_\_\_ day of \_\_\_\_\_, 2022 at \_\_\_\_\_ o'clock \_\_\_\_\_ M in the Office of the Register of Deeds of Leavenworth County, Kansas,

Register of Deeds - TerriLois Mashburn

### NOTES:

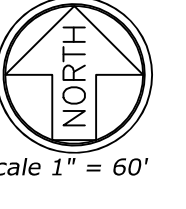
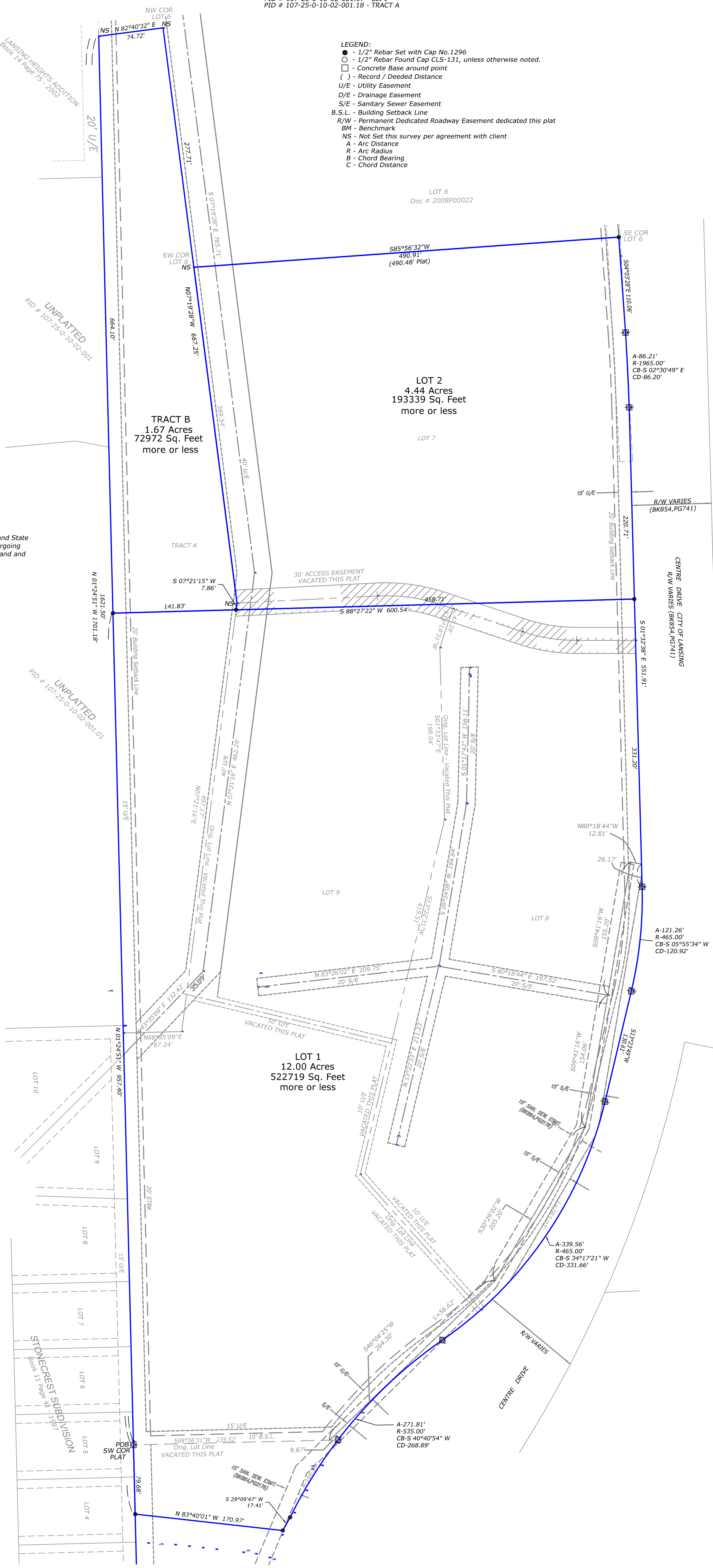
- This survey does not show ownership.
- All distances are calculated from measurements or measured this survey, unless otherwise noted.
- All recorded and measured distances are the same, unless otherwise noted.
- Error of Closure - See Surveyor's Description
- Basis or Bearing - KS SPC North Zone 1501; W. Line LANSING TOWNE CENTRE
- Monument Origin Unknown, unless otherwise noted.
- Benchmark - NAVD88 Project Benchmark (BM) - SW COR PLAT 858'
- Reference Surveys: LANSING TOWNE CENTRE - Doc # 2008P00022
- Subject to Covenants, Restrictions, and Easements of Record.

### PREPARED FOR:

City of Lansing  
Lansing, KS 66043  
PID # 107-25-0-10-02-001.15 - Lot 7  
PID # 107-25-0-10-02-001.16 - Lot 8  
PID # 107-25-0-10-02-001.17 - Lot 9  
PID # 107-25-0-10-02-001.18 - TRACT A

### LEGEND:

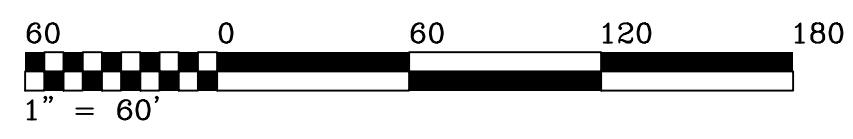
- - 1/2" Rebar Set with Cap No.1296
- - 1/2" Rebar Found Cap CLS-131, unless otherwise noted.
- - Concrete Base around point
- ( ) - Record / Deeded Distance
- U/E - Utility Easement
- D/E - Drainage Easement
- S/E - Sanitary Sewer Easement
- B.S.L. - Building Setback Line
- R/W - Permanent Dedicated Roadway Easement dedicated this plat
- BM - Benchmark
- NS - Not Set this survey per agreement with client
- A - Arc Distance
- R - Arc Radius
- B - Chord Bearing
- C - Chord Distance



Scale 1" = 60'

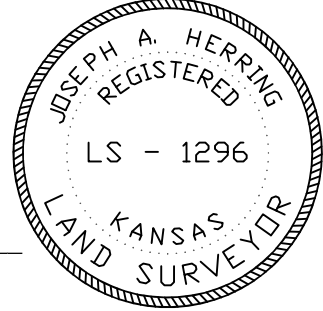
Job # K-22-1619  
October 4, 2022 Rev. Oct. 18, 2022

**J. HERRING SURVEYING COMPANY**  
315 North 5th Street, Leav., KS 66048  
Ph. 913.651.3858 Fax 413.487.7256  
Email - survey@teamcash.com



### SURVEYOR'S CERTIFICATE:

I, the undersigned, do hereby certify that I am a professional surveyor in the State of Kansas with experience and proficiency in land surveying, that the heretofore described property was surveyed and subdivided by me, or under my supervision, that all subdivision regulations of the City of Lansing, Kansas have been complied with in the preparation of this plat, that this survey conforms to the Kansas Minimum Standards for Boundary Surveys, and that all monument shown hereon actually exist and their positions are correctly shown to the best of my knowledge and belief. The field work was completed on August 13, 2022.



BY: Joseph A. Herring, KS PS # 1296

**CHECKLIST FOR COMPLETENESS  
OF  
APPLICATION FOR PLANNING COMMISSION  
REVIEW AND APPROVAL  
OF  
FINAL PLAT  
FOR**

**LANSING TOWNE CENTRE REPLAT  
(Name of Subdivision)**

Matthew R. Schmitz  
**Person Completing Checklist**

10-18-2022  
**Date**

COMPLETION OF THIS CHECKLIST IN NO WAY CONSTITUTES AN EVALUATION OF THE MERITS OR ACCURACY OF THE PLANS, DESIGN OR ENGINEERING OF THE FINAL PLAT. THIS STEP IS INTENDED ONLY AS AN ADMINISTRATIVE REVIEW OF THE COMPLETENESS OF THE APPLICATION FOR APPROVAL BEFORE IT UNDERGOES STAFF EXAMINATION BY THE CITY ENGINEER FOR HIS RECOMMENDATION TO THE PLANNING COMMISSION.

## FINAL PLAT CHECKLIST

	<u>YES</u>	<u>NO</u>	<u>N/A</u>
1. Preliminary Plat has been approved.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
2. Applicant agrees to submit an original with all final revisions in both paper and electronic format to the Community and Economic Development Department	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
3. Material is submitted at least fourteen (14) days prior to Planning Commission meeting at which it is desired to be considered.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
4. Original copy contains names and locations for duly acknowledged and notarized signatures of the owner(s) of the property.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
5. Final Plat is drawn at scale of at least 1" = 200'	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
6. Size of sheet on which final plat is prepared is at least 36 inches by 24 inches. If more than one sheet required, all are same size and index map is provided.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
7. FINAL PLAT CONTAINS:			
A. Name of Subdivision	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
B. Location, including section, township, range, county and state	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
C. Location and description of existing monuments or benchmarks.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
D. Location of lots and blocks with dimensions in feet and decimals of feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
E. Location of alley, street and highway rights-of-way, parks and other features including radii on curves with dimensions in feet and decimals of feet.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
F. Clear numbering for all lots.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
G. Clear numbering or lettering.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
H. Locations, widths and names of all streets and alleys to be dedicated. (If applicable)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
I. Boundaries and descriptions of any areas other than streets to be dedicated or reserved for public use. (If applicable)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
J. Minimum area and associated minimum elevation for the building on each lot (building site). (If requested by Planning Commission)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Final Plat Checklist

Page 2

	<u>YES</u>	<u>NO</u>	<u>N/A</u>
K. Building setback lines along all streets, with dimensions	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
L. Name, signature, seal of licensed engineer or registered land surveyor preparing plat.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
M. Scale of plat, (shown graphically) date of prep and north point.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
N. Statement dedicating all easements, streets, alleys and all other public areas not previously dedicated.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. A copy of any restrictive covenants applicable to the subdivision is provided. (If applicable)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
9. Required certifications/acknowledgements are present:			
A. Certificate signed and acknowledged by all parties having any record, title or interest in the land subdivided, and consenting to the preparation and recording of said subdivision map.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
B. Certificate (as above) dedicating or reserving all parcels of land shown on the final plat and intended for any public or private use including easements, and those parcels which are intended for the exclusive use of the lot owners of the subdivision, their licensees, visitors, tenants and servants.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
C. Certificate of responsibility by registered land surveyor preparing final map, accompanied by seal.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
D. Certificate(s) signed by City Clerk and County Treasurer that all taxes and special assessments due and payable have been paid.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
E. Notary acknowledgement in form shown in Subdivision Regulation (Pg. 10).	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
F. Endorsement by Planning Commission in form shown in Subdivision Regulations (Pg. 10).	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
G. Public use acceptance by Governing Body in form shown in Subdivision Regulation (Pg. 10, 11).	<input type="checkbox"/>	<input checked="" type="checkbox"/>	



## MINUTES

### CALL TO ORDER

The regular October meeting of the Lansing Planning Commission was called to order by Commissioner Jerry Geis at 7:02 p.m.

### ROLL CALL / QUORUM ANNOUNCEMENT-

In attendance were Commissioners Jerry Gies, Mike Suozzo, Richard Hannon, Nancy McDougal, and Brian Payne. Commissioner Jerry Gies noted that there was a quorum present.

### OLD BUSINESS

#### 1. **Approval of Minutes, September 21, 2022, Regular Meeting**

Motion was made by Commissioner Richard Hannon to approve the minutes as written and motion was seconded by Commissioner Mike Suozzo. Motion passed 5-0.

### NEW BUSINESS

#### 2. **UDO Text Amendment – Driveway Pavement Requirements**

This item was remanded back to the Planning Commission at the October 6th City Council Meeting. The City Council is requesting that the distance be modified from 75' as discussed at the September Planning Commission meeting to 50' as they discussed at their Work Session on August 25th.

Commissioner Mike Suozzo asked why this issue was brought back to the Planning Commission after City Council met about it, to which Mr. Schmitz stated that it has to be remanded back to the Planning Commission for approval. Commissioner Jerry Gies asked where the 75 feet distance originally came from, and Mr. Schmitz stated that it was originally written in the report at 75 feet.

After no further discussion Commissioner Richard Hannon made a motion to accept the 50 feet distance and Commissioner Brian Payne seconded it. Motion passed 5-0.

#### 3. **Subdivision Case SDFP-2022-3**

Mayor Anthony R. McNeill, on behalf of the Lansing City Council, owners of property at 00000 Centre Dr., have applied for approval of a final plat for the Lansing Towne Centre Replat subdivision, which will replat an existing group of four parcels at Lansing Town Center into three tracts. This final plat, if approved, will allow the property owner to subdivide approximately 18.11 acres into two lots and one tract allowing for potential future projects to be considered on this property. The property is currently zoned B-3, and no rezoning is being requested at this time. No additional Right of Way was requested by Staff for the preliminary plat nor the final plat, and while utility easements and access easements are planned to be abandoned with this plat, no existing utilities are located in those areas being abandoned.

Mr. Schmitz stated that there are no changes from the preliminary plat, and that this project is a plat where we are combining lots together to make a 12-acre plat, for a development that will likely be on the November 17<sup>th</sup> City Council Meeting as a sale of property. Commissioner Jerry Gies asked for clarification as to location on the map, and Mr. Schmitz showed the plats that will be joined together. Mr. Schmitz stated that the easements that are there have been verified they don't have any utilities in them. It was also stated that the retention pond will stay with the city.

After no further discussion, there was a motion made to accept the checklist as finding of fact by Commissioner Nancy McDougal. It was seconded by Commissioner Richard Hannon. Motion passed 5-0.

There was then a motion to recommend approval of the final plat to the City Council by Commissioner Nancy McDougal, and it was seconded by Commissioner Mike Suozzo. Motion passed 5-0.

**NOTICES AND COMMUNICATIONS- None**

**REPORTS - Commission and Staff Members- None**

- Commission Members
- Director, Community & Economic Development
- Director, Public Works / City Engineer
- Director, Wastewater Utility
- Building Inspector, Community & Economic Development

**ADJOURNMENT-**

Commissioner Brian Payne made a motion to adjourn the meeting, and it was seconded by Commissioner Nancy McDougal. Meeting was adjourned by acclamation at 7:10 pm.

Respectfully submitted,

Melissa Baker, Secretary

Reviewed by,

Matthew R. Schmitz, Community and Economic Development Director