

AGENDA ITEM

TO: Tim Vandall, City Administrator
FROM: Matthew R. Schmitz, Director, Community & Economic Development 
DATE: November 17, 2022
SUBJECT: Ordinance No. 1091: An Ordinance amending the Unified Development Ordinance of the City of Lansing, Kansas – Section 7.04 Parking Lot Design, A. General Standards, Item 6

Explanation: This item was remanded back to PC at the October 6th City Council meeting to revise the footage requirement in Item 7.b from 75' to 50'. At the City Council work session on August 25th, the City Council asked to discuss driveway pavement requirements in relation to the disallowance of gravel as an accepted surfacing material. After discussion, the council came up with the following requirements for where gravel surfacing should be allowed in the City.

This would replace the language in Section 7.04 Parking Lot Design, A. General Standards, Item 6. *“All parking areas and driveways shall be surfaced with a permanent bituminous or portland cement concrete pavement meeting the standards and specifications of the City of Lansing, except that the Director of Public Works may approve alternate surfaces that demonstrate superior stormwater management performance and sufficient durability and long-term maintenance is demonstrated.”* with the following items:

6. In areas zoned other than A-1, R-1, or R-2, all parking areas and driveways shall be surfaced with a permanent bituminous or portland cement concrete pavement meeting the standards and specifications of the City of Lansing.
7. In areas zoned A-1, R-1, or R-2, and not a part of a platted subdivision, all parking areas and driveways shall be surfaced with one of the following options:
 - a. A permanent bituminous or portland cement concrete pavement meeting the standards and specifications of the City of Lansing.
 - b. Not less than a 4-inch-thick layer of compacted rock or gravel, however the first 50' adjacent to any public roadway is required to be surfaced with a permanent bituminous or portland cement concrete pavement, and all areas must meet the standards and specifications of the City of Lansing.
8. The Director of Public Works may approve alternate surfaces that demonstrate superior stormwater management performance, sufficient durability, and long-term maintenance is demonstrated, for any area of the city.

There was a discussion of this item at the Sept. 21st Planning Commission meeting and the October 26th Planning Commission meeting, and no members of the public were present for the Public Hearing during the Sept. 21st Planning Commission meeting. Minutes from the Sept. 21st and Oct. 26th Planning Commission meetings are attached for review. Planning Commission approved recommending this for approval by a vote of 7-0 at the Sept. 21st meeting and by 5-0 at the Oct. 26th.

Policy Considerations: This proposed amendment to the UDO will help applicants with larger properties more economically add parking areas and or accessory structures to their properties.

Action: Motion to adopt Ordinance No. 1091 amending Section 7.04 Parking Lot Design, A. General Standards, Item 6 within the Unified Development Ordinance.

AGENDA ITEM

MINUTES

CALL TO ORDER-

The regular September 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 Mike Suozzo, Richard Hannon, Nancy McDougal, Jerry Geis, Janette Labbee-Holdeman, and Brian Payne. Chairman Kowalewski noted that there was a quorum present.

OLD BUSINESS-

1. Approval of Minutes, July 20, 2022, Regular Meeting

Motion was made by Commissioner Nancy McDougal to approve the minutes as written and motion was seconded by Commissioner Janette Labbee-Holdeman. Commissioners Mike Suozzo and Richard Hannon abstained. Motion passed.

NEW BUSINESS-

2. UDO Text Amendment – Driveway Pavement Requirements

Revisions to the pavement requirements for driveways in the City of Lansing to add gravel or stone as an allowed surface.

The public hearing was opened at 7:01 pm and was closed at 7:02 pm with no comments from the public.

Commissioner Richard Hannon inquired about the distance that would need to be concrete or asphalt. Mr. Schmitz confirmed the distance to be the first 75 feet of the driveway must be concrete or asphalt. It was also stated that the requirement on the concrete would have to meet our normal technical specifications. Mr. Spickelmier stated that within the right of way there is a requirement of rebar. Mr. Schmitz then listed options of gravel, stone, etc., for the remaining portion of the driveway stating that it will not be allowed to be dirt. It was mentioned that the reason for this discussion is that there is currently a resident that would like to build an accessory building with gravel, but the code does not allow it.

City Council discussed distances such as 50 or 75 feet, and decided on the first 75 feet, in a prior meeting. By increasing that distance, the hope is that there won't be gravel and dirt that washes out onto the road when it rains. Commissioner McDougal inquired about the possibility of residents getting a variance without having to change the requirements for every situation. Mr. Schmitz recalled that there had been a variance related to this in the past. Commissioner Geis asked how long the requirement has been in the ordinance, to which Commissioner Suozzo mentioned that it has been at least 20 years.

Commissioner Richard Hannon made a motion to recommend approval as written to City Council. It was seconded by Commission Jerry Geis. Motion passed 7-0.

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 17th 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

ORDINANCE NO. 1091

AN ORDINANCE OF THE CITY OF LANSING, KANSAS, AMENDING THE UNIFIED DEVELOPMENT ORDINANCE, AS ADOPTED BY REFERENCE.

WHEREAS, the Planning Commission of the city of Lansing has recommended to amend the adopted Unified Development Ordinance, Section 7.04 Parking Lot Design, A. General Standards, Item 6 on Page 7-8. The official Unified Development Ordinance is adopted by reference in Lansing City Code, Section 17-101; and,

WHEREAS, after proper legal publication and notice pursuant to the statutes of the State of Kansas, a public hearing was held by the Planning Commission on September 21, 2022, at 7:00 p.m. at the Lansing City Hall, Lansing, Kansas.

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

SECTION 1. Unified Development Ordinance, Section 7.04 Parking Lot Design, A. General Standards, Item 6 on Page 7-8 is hereby amended to be as follows:

6. In areas zoned other than A-1, R-1, or R-2, all parking areas and driveways shall be surfaced with a permanent bituminous or portland cement concrete pavement meeting the standards and specifications of the City of Lansing.
7. In areas zoned A-1, R-1, or R-2, and not a part of a platted subdivision, all parking areas and driveways shall be surfaced with one of the following options:
 - a. A permanent bituminous or portland cement concrete pavement meeting the standards and specifications of the City of Lansing.
 - b. Not less than a 4-inch-thick layer of compacted rock or gravel, however the first 50' adjacent to any public roadway is required to be surfaced with a permanent bituminous or portland cement concrete pavement, and all areas must meet the standards and specifications of the City of Lansing.
8. The Director of Public Works may approve alternate surfaces that demonstrate superior stormwater management performance, sufficient durability, and long-term maintenance is demonstrated, for any area of the city.

SECTION 2. SEVERABILITY. If any section, clause, sentence, or phrase of this ordinance is found to be unconstitutional or is otherwise held invalid by a court of competent jurisdiction, it shall not affect the validity of any remaining parts of this ordinance.

SECTION 3. EFFECTIVE DATE. This ordinance shall take effect from and after its passage, approval, and publication by summary in the official city newspaper.

PASSED AND APPROVED by the governing body of the city of Lansing, Kansas, this 17th day of November, 2022.

Anthony R. McNeill, Mayor

ATTEST

Tish Sims, City Clerk

(SEAL)

APPROVED AS TO FORM:

Gregory C. Robinson, City Attorney

Publication Date: _____

Published: The Leavenworth Times

CITY OF LANSING
FORM OF SUMMARY FOR PUBLICATION OF ORDINANCE

Ordinance No. 1091: An Ordinance amending the Unified Development Ordinance of the City of Lansing, Kansas.

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. 1091 Summary:

On November 17, 2022, the City of Lansing, Kansas, adopted Ordinance No. 1091, an ordinance amending the Unified Development Ordinance of the City of Lansing, Kansas, Section 7.04 Parking Lot Design, A. General Standards, Item 6 on Page 7-8. A complete copy of this ordinance is available at www.lansingsks.org or at City Hall, 800 First Terrace, Lansing, KS 66043. This summary 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: November 17, 2022

Gregory C. Robinson, City Attorney