
AGENDA ITEM

TO: Tim Vandall, City Administrator
FROM: Matthew R. Schmitz, MPA – Director, Community & Economic Development
DATE: May 5, 2022
SUBJECT: Ordinance No. 1082: An Ordinance to rezone 00000 Gilman Rd. from A-1 Agricultural District to I-1 Light Industrial District

Explanation: Leon D. Osbourn, KS PE/RLS, Randall C. Purdue, KS PE, and Jason R. Loader, KS RLS, authorized agents for Robert E. Eberth, Bev Rench, and Ed Eberth, owners of property at 00000 Gilman Rd., have applied to rezone the subject property from A-1 Agricultural District to I-1 Light Industrial District. This rezoning, if approved, will allow the property owners to develop a business park in this area.

Please refer to the attached checklist and staff report for detailed analysis of the application.

At the April 20th Regular meeting of the Planning Commission, there were no comments received during the public hearing portion of the review process. Please refer to the attached meeting minutes from the Planning Commission for additional information.

The Planning Commission, voted to recommend approval of the rezone, with a 6-0 vote. The minutes from that meeting, the rezoning checklist, and the staff report (including a map of the property) are included for your review.

Policy Considerations: None.

Action: Approve, approve with conditions, remand back to Planning Commission, or deny with a super majority vote of the governing body Ordinance No. 1082: An Ordinance to rezone 00000 Gilman Rd. A-1 Agricultural District to I-1 Light Industrial District.

AGENDA ITEM

Project Facts

Applicant

Kaw Valley Engineering Inc.

Address

00000 Gilman Rd.

Property ID

099-31-0-00-00-002.03-0

Zoning

A-1 Agricultural District

Future Land Use

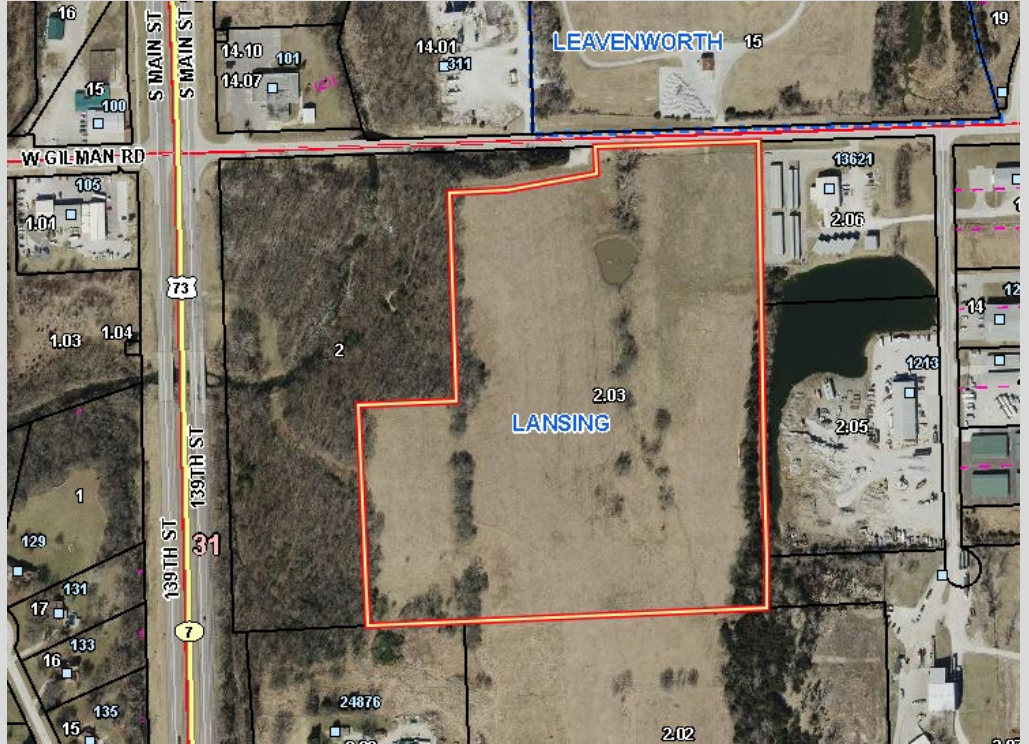
Business Park / Light Industrial

Land

1,237,533.22 S.F. (28.40 Acres)

Requested Approvals

Rezoning



Summary

Leon D. Osbourn, KS PE/RLS, Randall C. Purdue, KS PE, and Jason R. Loader, KS RLS, authorized agents for Robert E. Eberth, Bev Rench, and Ed Eberth, owners of property at 00000 Gilman Rd., have applied to rezone the subject property from A-1 Agricultural District to I-1 Light Industrial District. This rezoning, if approved, will allow the property owners to develop a business park in this area. A preliminary plat is also on the agenda for this subject property.

A public hearing notice was published in the *Leavenworth Times* on March 30, 2022, and the notice was mailed to property owners within 200 feet of the subject property on March 25, 2022.

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.

Complaints / Questions

There have been no residents contact the City on behalf of this rezoning application.

Acknowledgments

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

- Matthew R. Schmitz, M.P.A. – Director, Community & Economic Development

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 of this rezoning request to the City Council.



PLANNING COMMISSION APRIL REGULAR MEETING

Council Chambers, 800 1st Terrace, Lansing, KS 66043
Wednesday, April 20, 2022 at 7:00 PM

MINUTES

CALL TO ORDER- The regular April 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 Amy Baker, Mike Suozzo, Richard Hannon, Janette Labbee-Holdeman and Jerry Gies. Chairman Kowalewski noted there was a quorum present.

OLD BUSINESS-

1. Approval of Minutes, March 16, 2022, Regular Meeting

Motion was made by Commissioner Labbee-Holdeman to approve the meeting minutes as written. It was seconded by Commissioner Baker. Motion passed 5-0. Richard Hannon abstained.

NEW BUSINESS-

2. Subdivision Case SDPP-2022-2

Leon D. Osbourn, KS PE/RLS, Randall C. Purdue, KS PE, and Jason R. Loader, KS RLS, authorized agents for Robert E. Eberth, Bev Rench, and Ed Eberth, owners of property at 00000 Gilman Rd., have applied for approval of a preliminary plat for the Gilman Road Business Park subdivision, which will replat an existing unplatted tract. This preliminary plat, if approved, will allow the property owners to continue the platting process and apply for a Final Plat, which will subdivide approximately 28.40 acres into fifteen lots and one tract allowing for the potential future construction of industrial projects. The property is currently zoned A-1, and a separate rezoning request is also on the agenda for consideration. No additional Right of Way was requested by Staff for this preliminary plat.

Commissioner Labbee- Holdeman made a motion to accept the checklist of the finding of fact for the preliminary plat, and Commissioner Geis seconded, motion passed 6-0.

Commissioner Geis wanted to confirm that the right of way was sufficient, and Mr. Schmitz stated that it was sufficient. Chairman Kowalewski then asked if there was a requirement for sidewalks, and Mr. Schmitz stated that according to code, sidewalks are required.

Commissioner Labbee-Holdeman asked why there would be a desire to be zoned light industry if they do not currently have a plan. Mr. Schmitz stated that there is a site plan being worked on for 1-A.

Randy Perdue from Kaw Valley Engineering was in attendance and stated that there is a plan for 1-A and the rest is tentatively for sale. He hasn't received a final answer regarding if they are platting all of it or just 1-A. They are contemplating platting all of it at once. Commissioner Geis made a motion to accept the final plat contingent on the items in the staff report and was seconded by Commissioner Baker. Motion passed 6-0.

3. Rezone Case RZ-2022-1

Leon D. Osbourn, KS PE/RLS, Randall C. Purdue, KS PE, and Jason R. Loader, KS RLS, authorized agents for Robert E. Eberth, Bev Rench, and Ed Eberth, owners of property at 00000 Gilman Rd., have applied to rezone the subject property from A-1 Agricultural District to I-1 Light Industrial District. This rezoning, if approved, will allow the property owners to develop a business park in this area. A preliminary plat is also on the agenda for this subject property.

The public hearing was opened at 7:09 pm. With no input from the public, the public hearing was closed at 7:10 pm. There was no further discussion.

Commissioner Geis made a motion to accept the findings of facts, seconded by Commissioner Suozzo. Motion passed 6-0.

Commissioner Geis made a motion to recommend the approval of the rezoning request to the city council, seconded by Commissioner Baker. Motion passed 6-0.

4. Subdivision Case # SDFP-2022-1

Brian & Lisa Rees, owners of property at 1217 S De Soto Road, and John & Donna Scanlon, owners of property at 1227 S De Soto Road, have applied for approval of a final plat for the Reeslon Addition subdivision, which will replat an existing unplatted tract (1217 S. De Soto Road) and Lot 1 (1227 S. De Soto Road) of Southern Hills Subdivision Plat 2. This final plat, if approved, will allow the property owners to subdivide approximately 10.48 acres from the existing two lots into three allowing for the potential future construction of a single-family home between the two existing homes along De Soto Road. No modification of zoning is being requested in association with this preliminary plat, however City Staff did request additional right-of-way in front of 1217 S De Soto Road to extend the right of way in this area so that it is uniform between the properties on the east side of De Soto Road.

Commissioner Labbee-Holdeman expressed her concern when it comes to shared driveways, in regard to future occupants, and asked about the ordinance for shared driveways. Mr. Schmitz stated that as part of the UDO, shared driveways are allowed. Mr. Schmitz then stated that there is a fifteen-foot shared access easement on the North, and a Twenty-foot access on the South of the property. Commissioner Labbee-Holdeman stated that there are nine 'no's' on the checklist. Mr. Schmitz explained that it's based on the version that was submitted, and it hasn't been signed or executed by the property owner, planning commission or city council, therefore we must mark 'no' on all of those. Ideally, we would like to see it signed by property owner, surveyor, etc., when it comes into the planning commission. But that rarely happens.

Commissioner Kowalewski asked with the construction, if there is no additional impact with the storm runoff. Mr. Spickelmier stated that its required to have that certification and that all concerns were addressed. When asked if it would be sewer or septic, Mr. Schmitz stated that this home will be sewer, and that there is sewer on site, within 100 feet.

With no further discussion or comments, Commissioner Geis made a motion to recommend this plat to the city council with conditions and Commissioner Labbee-Holdeman seconded it. Motion passed 6-0.

Mr. Schmitz stated that the rezoning request and the final plat that were just approved by the planning commission will both go to the May City Council Meeting.

NOTICES AND COMMUNICATIONS- Mr. Schmitz stated that we will have discussion of maximum lot sizes on the agenda next month. Our code has minimum lot sizes but not maximum.

REPORTS: Commission and Staff Members- None

ADJOURNMENT- Commissioner Labbee-Holdeman made a motion to adjourn and was seconded by Commissioner Suozzo. The meeting was adjourned at 7:28 pm.

For information on how to view prior meetings, please visit our website at <https://www.lansings.org>. If you require any special assistance, please notify the Community and Economic Development Director prior to the meeting.

Respectfully submitted,

Melissa Baker, Secretary

Reviewed by,

Matthew R. Schmitz, Community and Economic Development Director

DRAFT

REZONING CHECKLIST

Checklist Completed by: Matthew R. Schmitz
Case No. RZ-2022-1
Date Filed: March 21, 2022
Date Advertised: March 30, 2022
Date Notices Sent: March 25, 2022
Public Hearing Date: April 20, 2022

APPLICANT: Kaw Valley Engineering Inc

LOCATION OF PROPERTY: 00000 Gilman Road, Lansing, KS 66048

PRESENT ZONING: A-1 **REQUESTED ZONING:** I-1

PRESENT USE OF PROPERTY: Undeveloped empty ground

SURROUNDING LAND USE AND ZONING:

<u>Direction</u>	<u>Land Use</u>	<u>Zoning</u>
North	Heavy Industrial District	I-2
South	Agricultural District	A-1
East	Light Industrial District	I-1
West	Civic Property (Parkland)	CP

CHARACTER OF THE NEIGHBORHOOD: The area is generally developed as a industrial / business heavy use on most sides, with a grade seperated park to the west of the subject property (the park sits significantly lower than the subject property). Properties to the south are undeveloped open agricultural areas with one farmstead directly south of the subject property.

NEAREST EQUIVALENT ZONING:

LOCATION: East
CURRENT USE: Light Industrial District (Existing storage facility and excavation company)

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 utilize the property for a business park that may consist of some uses which are industrial in nature.
- 3. Are there adequate sites for the proposed use in areas already properly zoned?** Not in close proximity to this area. **If yes, where?** _____

CONFORMANCE WITH COMPREHENSIVE PLAN:

1. **Consistent with Development Policies?** The Comprehensive Plan shows this area as Business Park / Light Industrial, so this request is consistent with the Comprehensive Plan.

2. **Consistent with Future Land Use Map?** Yes.

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:** Gilman Road

2. **Classification of Street(s):**
Arterial _____ Collector Local _____

3. **Right of Way Width:** 41'

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?** Platting is underway.

2. **Properly Sized Street Right of Way?** The existing Right of Way along Gilman Road was found to be sufficient by the Public Works Department. That being said, should future improvements to Gilman Road be needed, additional Right of Way will likely need to be obtained.

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

ORDINANCE NO. 1082

**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 April 20, 2022, 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 Gilman 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 Northwest Quarter of Section 31, Township 9 South, Range 22 East of the 6th P.m., City of Lansing, Leavenworth County, Kansas, more fully described as follows:

Commencing at the Northwest corner of said Northwest Quarter of Section 31; thence on the North line of said Northwest Quarter, North 88 degrees 14'58" East for a distance of 1200.33 feet to the Northeast Corner of the Real Property Described in a Quit Claim Deed recorded in The Register of Deeds Office as Deed Book 705 Page 392 and the Point of Beginning; Thence continuing on said North line, North 88 degrees 14'58" East for a distance of 447.70 feet to the Northwest Corner of the Real Property described in a General Warranty Deed recorded in The Register of Deeds Office as Document No. 2016R10111; Thence on the West line of said Real Property, South 1 degree 23'42" East for a distance of 468.57 feet to the Northwest Corner of Tract 1 of the Real Property described in a Limited Warranty Deed recorded in The Register of Deeds Office as Doc No. 2017R10652; Thence on the West line of said Tract 1 and the West line of Tract 2 of said Real Property, South 1 degree 27'11" East for a distance of 697.28 feet to the Northwest Corner of the Real Property described in a General Warranty Deed recorded in The Register of Deeds Office as Deed Book 729 Page 918; Thence on the West line of said Real Property, South 1 degree 23'42" East for a distance of 159.75 feet to the Southeast Corner of said Real Property, and on the North line of the Real Property described in a Warranty Deed recorded in The Register of Deeds Office as Deed Book 703 Page 1842; Thence on the North line of said Real Property, South 88 degrees 13'44" West for a distance of 1099.84 feet to the Southeast Corner of said Real Property described in Deed Book 705 Page 392; Thence on the Easterly line of said Real Property, North 3 degrees 9'50" West a distance of 604.67 feet; Thence continuing on the Easterly line of said Real Property North 85 degrees 21'45" East for a distance of 271.57 feet; Thence continuing on the Easterly line of said Real Property, North 3 degrees 17'31" West for a distance of 582.78 feet; Thence continuing on the Easterly line of said Real Property North 84 degrees 26'30" East for a distance of 150.91 feet; Thence continuing on the Easterly line of said Real Property North 79 degrees 50'14" East for a distance of 271.13 feet; Thence continuing on the Easterly line of said Real Property, North 1 degree 35'04" West for a distance of 75.55 feet to the Point of Beginning. Containing 28.63 Acres, 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 "I-1" Light Industrial 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 5th day of May, 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. 1082: An Ordinance Granting a Change of Zoning to Certain Property Within 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. 1082 Summary:

On May 5, 2022, the City of Lansing, Kansas, adopted Ordinance No. 1082, 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.lansings.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: May 5, 2022

Gregory C. Robinson, City Attorney