

AGENDA ITEM

TO: Tim Vandall, City Administrator
FROM: Matthew R. Schmitz, MPA – Director, Community & Economic Development 
DATE: April 7, 2022
SUBJECT: Conditional Use Permit Application for 15915 Eisenhower Road, Lansing, Kansas

Explanation: Jeremy Stein and Adam Mora, agents for Wendall D Taylor, owner of property at 15915 Eisenhower Road, have applied for a Conditional Use Permit (CUP) for Outdoor Sales – General to allow for a small auto dealership on the property identified herein. The property is currently zoned as A-1, so a CUP is required to allow for this use.

A public hearing notice was published in the Leavenworth Times on February 22, 2022, and the notice was mailed to property owners within 200 feet of the subject property on February 18, 2022. Several of those owners showed up at the Planning Commission meeting to ask questions, but none seemed to oppose the requested use once additional clarity was gained on the number of vehicles that would be on the property, as well as whether there were any plans for additional site lighting.

The Planning Commission voted to recommend approval of this Conditional Use Permit with the condition that no more than ten vehicles for sale on the property at any time with a 5-1 vote. The minutes from that meeting, the staff report from the Planning Commission meeting, the CUP checklist, and a map of the location are included for your review.

Policy Considerations: None.

Financial Considerations: Not applicable.

Action: Approve, approve with conditions, remand back to Planning Commission, or deny with a super majority vote of the governing body. Staff recommends approval of the CUP to allow for Outdoor Sales – General for a small auto dealership with a condition not to exceed ten vehicles for sale at any time for 15915 Eisenhower Road, Lansing, Kansas.

AGENDA ITEM



PLANNING COMMISSION MARCH REGULAR MEETING

Council Chambers, 800 1st Terrace, Lansing, KS 66043
Wednesday, March 16, 2022 at 7:00 PM

MINUTES

CALL TO ORDER- The regular January 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, Nancy McDougal, Mike Suozzo, Janette Labee-Holdeman and Jerry Gies. Chairman Kowalewski noted that there was a quorum present.

OLD BUSINESS-

1. Approval of Minutes, January 19, 2022, Regular Meeting

Motion was made by Commissioner Suozzo to approve the minutes as written, seconded by Commissioner McDougal. Motion passed 6-0.

NEW BUSINESS-

2. Preliminary Plat Application Case # SDPP-2022-1

Application submitted by 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. They are seeking approval of a preliminary 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.

Commissioner McDougal started the discussion by asking where the sewer hookup is. Mr. Schmitz explained where it is, stating that there is already an extension that comes up to the property. It was mentioned that the current homes are not on sewer, they are on septic. But the new home will be required to be on sewer, according to city code. Commissioner Gies asked about the impact of the septic because of the construction of the new lot, to which Mr. Schmitz replied that there was no impact to his knowledge. There was discussion as to who owns certain parcels around/near the property.

Commissioner Gies made a motion to accept the checklist as finding of fact for the preliminary plat, and it was seconded by Commissioner Labee-Holdeman. Motion passed 6-0.

Commissioner Gies made a motion to approve subject to the conditions listed on the staff report and it was seconded by Commissioner Baker. Motion passed 6-0.

3. Conditional Use Permit Application Case # CUP-2022-1

Application submitted by Jeremy Stein and Adam Mora, agents for Wendall D Taylor, owner of property at 15915 Eisenhower Road, for a conditional use permit for Outdoor Sales – General to allow for a small auto dealership on the property identified herein. The property is currently zoned as A-1, so a conditional use permit is required to allow for this use.

Public hearing was opened at 7:05 pm.

Adrian Kempton – owner of property across the street from the auto dealership. She had questions about what this would entail, as she did not want to have a busy auto dealership right across from her property.

Jeremy Stein explained that they are just using a small section of the property on the corner of Eisenhower and McIntyre (Mr. Stein stated McIntyre, but the project is located on the southwest quadrant of Eisenhower and 20th / New Lawrence Drive), with a few used vehicles. He stated that there will be a gate and they are not adding any additional lighting.

Jeff Dutton, nearby property owner, just wanted to clarify exactly where everything on the property would be located, including the garage, driveway, etc. Jeremy Stein was able to explain and answer his questions. Mr. Dutton then clarified the length of the conditional use permit as 5 years. Mr. Schmitz stated that the conditional use permit applies to the whole lot and allows the owner to use it anywhere on the property. It was explained that after 5 years, it would come back to the planning commission for renewal.

The public hearing was closed at 7:10 pm.

Commissioner Suozzo wanted clarification as to how many cars would be there at any given time, to which Mr. Stein replied about twenty cars. Commissioner McDougal then asked how the cars would be unloaded. Mr. Stein explained the location, that they will be unloading them in the gravel area/driveway in front of the building. Commissioner Gies asked why the property was fenced and Mr. Stein stated that the county put it up when they did the reconstruction. And that the plan is to take that portion of the fence down so there is a visual of the building. Commissioner Geis asked about the gravel and if it meets city and state code/commercial zoning. It was explained that the existing gravel that is there would not be expanded.

Commissioner Labee-Holdeman stated that she suggests putting a limit of ten vehicles for the first five years, to see how it goes. Commissioner Gies then asked if the property that was created when the road was relocated become part of the right of way. Mr. Spickelmier then stated that all their access is through an easement, but there may be a small thin section of the property that is owned by the adjacent property to the East, but it's all within the driveway. Mr. Stein explained where the gravel is as well as the concrete drive and clarified exactly where the vehicles will be located.

Commissioner Labee-Holdeman then asked if we have a sign ordinance, as it would pertain to them putting up a sign, and the location and size of the sign. Mr. Schmitz then pulled up the ordinance for everyone to review. Commissioner Baker then asked Mr. Stein why he chose this location and Mr. Stein stated that it is family property and business.

Commissioner Suozzo made a motion to approve with a maximum of ten vehicles for sale on the property and it was seconded by Commissioner McDougal. Motion passed 5-1 with Commissioner Gies voting nay.

4. Preliminary and Final Plat Treeline Subdivision Case # DEV-22-026 & DEV-22-027

Leavenworth County received an application from Joseph Herring, Agent for Sharon K. Colvin, Owner, for a preliminary and final plat for 724 Mt. Calvary Rd. This parcel abuts the city limits for Lansing on the West, North, and East sides, and according to Leavenworth County's regulations requires the Planning Commission to provide a recommendation on what should be required for this property as well as whether the City is accepting of it.

Chairman Kowalewski asked why the property owners didn't want to be annexed. Mr. Schmitz then explained that the current property owner does not wish to be annexed, but the parcel that will be created – that owner is willing to voluntarily annex into the City. It was also pointed out that because this property is surrounded on three sides by the City, the platting of this property would allow the City to annex without the property owners consent in the future, but

that there is little to no appetite to do that at this time at the Council level as far as Mr. Schmitz knows.

Commissioner Gies made a motion to recommend the county proceed, with the condition that the annexation occur before any structure can be built on the newly created parcel. It was seconded by Commissioner Labbee-Holdeman. Motion passed 6-0.

NOTICES AND COMMUNICATIONS- None

REPORTS: Commission and Staff Members-

Commissioner Gies inquired about the zoning as well as other information of the mobile home park, and Mr. Schmitz informed him that it is zoned R-5. It was stated that the park has a new owner, and that they are rehabbing it and will follow city code. The attorney of the mobile home park asked for a letter with specific items that they can/cannot do and need to clean up. Mr. Schmitz sent them the letter prior to the new owner purchasing it.

ADJOURNMENT- Commissioner McDougal made a motion to adjourn and it was seconded by Commissioner Suozzo. Meeting was adjourned by acclamation at 7:48 pm.

For information on how to view prior meetings, please visit our website at <https://www.lansingks.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, MPA – Director, Community and Economic Development

Project Facts

Applicant

Wendall D Taylor
Jeremy Stein, Agent
Adam Mora, Agent

Address

15915 Eisenhower Road

Property ID

105-15-0-00-00-014.00-0

Zoning

A-1 – Agricultural District

Future Land Use

Commercial

Land

313,960.76 SF (7.21 acres)

Requested Approvals

Conditional Use Permit



Summary

Jeremy Stein and Adam Mora, agents for Wendall D Taylor, owner of property at 15915 Eisenhower Road, have applied for a conditional use permit for Outdoor Sales – General to allow for a small auto dealership on the property identified herein. The property is currently zoned as A-1, so a conditional use permit is required to allow for this use.

There is currently a 6' privacy fence installed on the northeast corner of this property, which appears to block from public view the intended area where vehicles would be or could be displayed for sale. Staff is unclear if visibility is needed for this potential use.

A public hearing notice was published in the *Leavenworth Times* on February 22, 2022, and the notice was mailed to property owners within 200 feet of the subject property on February 18, 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

Staff has not received any complaints or concerns regarding this application as of the date of preparation of this Staff Report.

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 Planning Commission recommend approval of CUP-2022-1, a conditional use permit for Outdoor Sales – General at 15915 Eisenhower Road, to the City Council at the April 7th City Council meeting.

CONDITIONAL USE CHECKLIST

Checklist Completed by: Matthew R. Schmitz

Conditional Use Case No. 2022-1

Date Filed: December 21, 2021

Date Advertised: February 22, 2022

Date Notices Sent: February 18, 2022

Public Hearing Date: March 16, 2022

I. Applicant's Name: Wendall D. Taylor

Applicant's Authorized Agent: Jeremy Stein and Adam Mora

II. Information in Application Correct? Yes ☒ No ☐

If no, explain: _____

III. Adjacent Zoning and Land Use:

<u>Direction</u>	<u>Land Use</u>	<u>Zoning</u>
North	LV - Single Family Dwelling	R1-25
South	Single Family Dwelling	A-1
East	LV - Single Family Dwelling	R1-25
West	Single Family Dwelling	A-1

IV. Present Use of Property: The property is a large lot single family dwelling.

V. Conditional Use Requested: Request a conditional use permit for Outdoor Sales - General which would allow a small auto dealership on the property.

Reference Unified Development Ordinance Section 2.07, B. Review Criteria:

VI. The proposed conditional use does or does not meet the standards:

A. The proposed conditional use complies with all applicable provisions of these regulations, including intensity of use regulations, yard regulations, and use limitations, unless specifically exempted by the provisions of these regulations. Outdoor Sales - General is allowed in A-1 zoning with a Conditional Use Permit.

Yes ☒ No ☐

B. The proposed conditional use at the specified location will contribute to and promote the welfare or convenience of the public. _____

Yes ☒ No ☐

C. The proposed conditional use will not cause substantial injury to the value of other property in the neighborhood in which it is to be located. This location is a busy intersection and is planned for business development at some point according to the Future Land Use Map. It is staff's opinion that this proposed conditional use meets this requirement.

Yes ☒ No ☐

D. The location and size of the conditional use, the nature and intensity of the operation involved in or conducted in connection with it, and the location of the site with respect to streets giving access to it are such that the conditional use will not dominate the immediate neighborhood so as to prevent development and use of neighboring property in accordance with the applicable zoning district regulations. In determining whether the conditional use will so dominate the immediate neighborhood, consideration shall be given to the location, nature, and height of buildings, structures, walls, and fences on the site; and the nature and extent of landscaping and screening on the site. The use of the property as Outdoor Sales - General to allow for a small auto dealership is ancillary to the primary use as a residential home site due to the overall size of the property.

Yes ☒ No ☐

E. Off-street parking and loading areas will be provided in accordance with the standards set forth in these regulations, and such areas shall be screened from adjoining residential uses and located so as to protect such residential uses from any injurious effect. _____

Yes ☒ No ☐

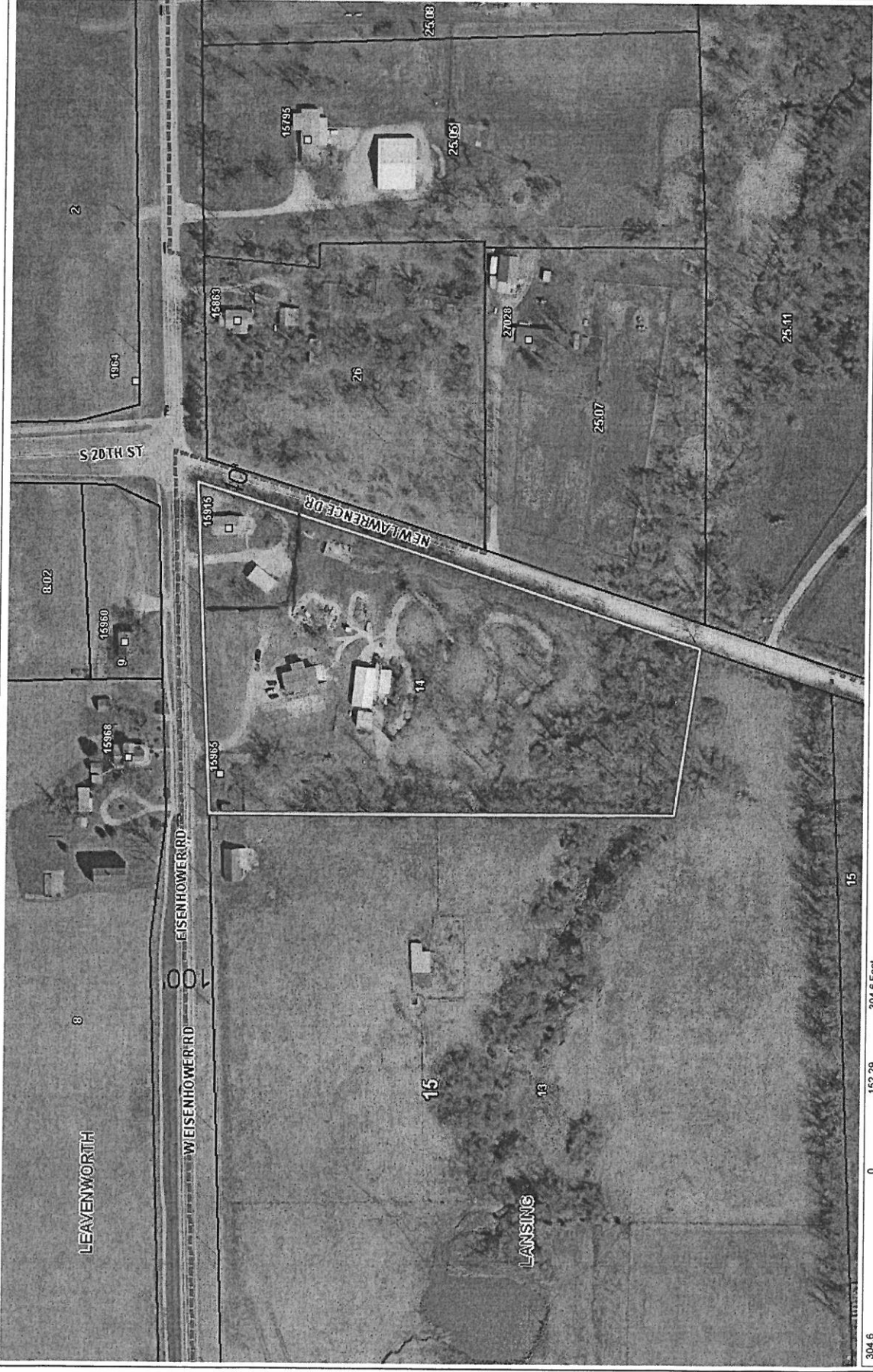
F. Adequate utility, drainage, and other such necessary facilities have been or will be provided. N/A

Yes ☐ No ☐

G. Adequate access roads or entrance and exit drives will be provided and shall be so designed to prevent traffic hazards and to minimize traffic congestion in public streets and alleys. The existing driveways and entrance points are sufficient for this type of use. There is expected to be minimal traffic generated by this proposed use.

Yes ☒ No ☐

Leavenworth County, KS



- Legend**
- Address Point
 - Parcel Number
 - Lot Line
 - Parcel
 - City Limit Line
 - == Major Road
 - == Road
 - == Railroad
 - + Section
 - Section Boundaries
 - County Boundary

1 in. = 152ft.

Notes

This Cadastral Map is for informational purposes only. It does not purport to represent a property boundary survey of the parcels shown and shall not be used for conveyances or the establishment of property boundaries.
THIS MAP IS NOT TO BE USED FOR NAVIGATION