
AGENDA

CALL TO ORDER

ROLL CALL / QUORUM ANNOUNCEMENT

OLD BUSINESS

1. Approval of Minutes, February 15, 2023, Regular Meeting

NEW BUSINESS

2. JK Root Final Plat

The Applicant proposes to subdivide parcel 1072500000008000, currently a 1.2 acre parcel with a residential structure, pool, small outbuildings, etc. The Final Plat creates a two (2) lot subdivision. Lot 1 is 38,238 Sq. Ft. (.878 acres) in size, while Lot 2 is 16,227 Sq. Ft. (.373 acres).

The current driveway for 292 W Gilman is on City right-of-way. The City currently retains 60' width of right-of-way, approximately 633' long. The right of way would be used for access off of Gilman Drive if/when the 47.5 acre parcel directly north of the subject property develops. The 47.5-acre parcel is currently on the market and zoned residential. On March 16th, 2023, the City Council approved the Preliminary Plat with several notes to add to the Final Plat. The City Council approved the continued, and expanded, usage of City property as a driveway for the two lots proposed by the Final Plat. The property owner and any future owner acknowledge that when/if the roadway is constructed, all lots shall access the new roadway.

3. Zimmerman Properties Rezone- 2023-DEV-002-RZ

The Applicant proposes to rezone a 4.726-acre portion of Lot 1, Lansing Towne Centre, from B-3 to R-4. The Future Land Use Map of the Lansing Comprehensive Plan categorizes this property as Commercial. The property has access to both W Mary Street and W Kay Street. The rezoning, if approved, would allow the applicant to construct an apartment complex which would be categorized as a "Medium Apartment" Use under the **UDO Article 4.03 Permitted Uses**. For a preliminary layout, please see the attached document provided by the applicant.

There have been no questions or complaints from City residents concerning this rezoning application.

NOTICES AND COMMUNICATIONS

REPORTS - Commission and Staff Members

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

ADJOURNMENT

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.



PLANNING COMMISSION FEBRUARY REGULAR MEETING

Council Chambers, 800 1st Terrace, Lansing, KS 66043
Wednesday, February 15, 2023, at 7:00 PM

MINUTES

CALL TO ORDER

The regular February 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 Jerry Geis, Nancy McDougal, and Richard Hannon. Commissioners Brian Payne, Janette Labbee-Holdeman and Mike Suozzo were not in attendance. Chairman Jake Kowalewski noted that there was a quorum present.

OLD BUSINESS

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

Motion was made by Commissioner Richard Hannon to approve the minutes as written and it was seconded by Commissioner Jerry Geis. Motion passed 4-0.

NEW BUSINESS

2. JK Root Preliminary Plat

The Applicant proposes to subdivide parcel 1072500000008000, currently a 1.2-acre parcel with a residential structure, pool, small outbuildings, etc. Under the proposal, three additional lots would be created directly north of the inground pool listed on the survey documents. Lot one, furthest to the north, would be .382 acres. Lot Two, the middle lot, would be .247 acres. Lot three would also be .247 acres. The current driveway for 292 W Gilman is on City right-of-way. The city currently retains 60' width of right-of-way, approximately 633' long. The right of way would be used for access off of Gilman Drive if/when the 47.5-acre parcel directly north of the subject property develops. The 47.5-acre parcel is currently on the market and zoned residential.

The meeting began with Commissioner Jerry Geis asking if there were any staff reports on the issue at hand. City Administrator Tim Vandall stated that Mr. Root had been speaking with previous Community and Economic Director Matthew Schmitz prior to his departure when this process started. It was stated that the preliminary plat outlines what the property would look like in the long-term and the final plat shows one additional new lot, for immediate future. The parcel to the East is not technically right of way, it is a city parcel, with intentions in the 1990's to be Right of Way. Mr. Vandall spoke with Mr. Root and stated that Mr. Root is aware that the driveway is on that parcel, and if that road were ever built, his driveway would look a little differently and he would lose some depth on his parcel. Any future developer in the subdivision would be required to construct the public improvements.

Some of the discussion that Mr. Root previously had with Mr. Schmitz was about a joint driveway, due to the driveway which was grandfathered in. Mr. Root had also had previous discussions with the city, even dating back to the 90's, so this was something that the City and Mr. Root had been looking at for a while.

Commissioner Jerry Geis stated that the Planning Commission must follow the subdivision regulations as they are written today, and that there are no provisions that he is aware of that allows to have a private driveway with multiple houses on it. Mr. Geis also stated that the applicant has brought forth a subdivision with two parcels, one of which he doesn't own. And since the City is not a signature to the application, Mr. Geis believes that it should be rejected at this time.

Mr. Vandall replied that the driveway is grandfathered in, and that Mr. Root attempted to deed that to the city in the 90's. Joint driveways are permitted, but Mr. Geis stated that this is not a proper example of a shared driveway.

Mr. Jeff Root, who lives at 292 W. Gilman, joined the conversation by stating that when he bought the tract, he originally planned to build 300 W Gilman, split it in half, build another house and then sell it. Bill Schrandt, City director at that time, wanted Mr. Root to extend the sewer, and he then dedicated the road right of way. In return Mr. Root got a permit to build another house. He was told back then that whoever develops it would put the road through, and that it would connect 4-H road to Gilman and give access without going to K-7.

After recently speaking with previous CED director Matthew Schmitz, he explained that the city did not originally follow through with the road dedication. And that he could do a shared driveway if he built one more house, with the permit being controlled by the city. Mr. Root stated that he is looking toward the future, and that it is to everyone's benefit the way it is drawn- that it would provide future development.

Commissioner Jerry Geis then directed the conversation to Public Works director Michael Spickelmier, who stated that typically public improvements included in the final plat are required to be installed or are bonded to be installed. Mr. Vandall then addressed the commissioners, asking that if he got a statement from City Council stating that they approve a joint driveway on that parcel, is that something that would be approved by the Planning Commission, contingent upon the city council's approval. To which the body agreed.

At that time, Commissioner Richard Hannon asked for clarification as to where the 60-foot easement is on the map for better understanding. Mr. Spickelmier provided that information and then stated that the condition today would not be the final condition. And that they were looking at it as if you could share a drive for two parcels, until Valley Dr. would be constructed. Commissioner Jerry Geis asked why not more than two houses on that parcel, to which Mr. Spickelmier stated that you would need a minimum of an 8-inch sewer main for more than two houses.

Commissioner Jerry Geis went on to say that there have previously been parcels like this all over the city and stated that it is bad planning, and it compounds the problem. Commissioner Nancy McDougal stated that she thinks that by doing this, it will be a way to fix it. It was explained that we have a piece of ground that the city would have to pay to develop and put in that street. If the back two lots develop, whoever owns it could potentially chip in to help pay for it.

Mr. Root stated he is just trying to clean this issue up. And that he has maintained the piece of property that the city owns, for over 20 years. Commissioner Richard Hannon stated that as long as these things get properly documented, he doesn't see a problem approving it, other than the way the rules are written.

Commissioner Nancy McDougal asked the City Attorney, Mr. Greg Robinson, what the legal stance is on this, to which he replied that real estate policy is that you use it for the highest and best use or for taxable reasons. Commissioner Jerry Geis then asked what the original intent was for the property, to which Mr. Root replied that the original intent was to split the property down the middle and build another house.

Mr. Vandall said that from a practical standpoint, it's not going to be financially and economically beneficial to build a road for that entire length, as well as an 8-inch sewer line that entire length, for 3 houses. Mr. Vandall also suggested that the sewer line is something we should be thinking about and acknowledge through this process. Mr. Robinson then explained that if this was going to be a shared driveway, that in the future, if Valley Dr. would extend south, the driveway in question, would get ripped out and the road would replace the driveway.

Commissioner Nancy McDougal made a motion to accept the checklist as finding of fact. Commissioner Richard Hannon seconded it. Motion passed 3-1.

Commissioner Jerry Geis made a motion to table the application until the city council has a chance to review it. With lack of a second, the motion to table the application died, and a new motion was made. Commissioner Richard Hannon made a motion to approve the preliminary plat application with conditions as written in the staff report, with city council approval of joint driveway through the existing city parcel, dedication to public right of way without road improvements constructed at this time, and an acknowledgement in writing of the undeveloped until a future date with future sewer requirements. Commissioner Nancy McDougal seconded the motion. Motion passed 3-1.

NOTICES AND COMMUNICATIONS- None

REPORTS - Commission and Staff Members- City Administrator Tim Vandall stated that the new director of Community and Economic Development will be starting employment with the city on March 2nd, 2023, and he could possibly attend the next Planning Commission meeting.

ADJOURNMENT-

Commissioner Richard Hannon made a motion to adjourn, and the meeting was adjourned by acclamation at 7:50 pm.

Respectfully submitted,
Melissa Baker, Secretary
Reviewed by,



Planning Commission Staff Report

April 19, 2023

JK Root Final Plat
292 West Gilman, Lansing KS

Project Facts

Applicant

Jeffrey A Root

Address

292 W Gilman

Property ID

107250000008000

Zoning

R1

Future Land Use

Single Family Residential

Land

1.2 Acres

Building

Existing: One Single Family Home
Proposed: Three additional lots directly north of existing home

Requested Approvals

Final Plat



Project Summary

The Applicant proposes to subdivide parcel 107250000008000, currently a 1.2 acre parcel with a residential structure, pool, small outbuildings, etc. The Final Plat creates a two (2) lot subdivision. Lot 1 is 38,238 Sq. Ft. (.878 acres) in size, while Lot 2 is 16,227 Sq. Ft. (.373 acres).

The current driveway for 292 W Gilman is on City right-of-way. The City currently retains 60' width of right-of-way, approximately 633' long. The right of way would be used for access off of Gilman Drive if/when the 47.5 acre parcel directly north of the subject property develops. The 47.5-acre parcel is currently on the market and zoned residential. On March 16th, 2023, the City Council approved the Preliminary Plat with several notes to add to the Final Plat. The City Council approved the continued, and expanded, usage of City property as a driveway for the two lots proposed by the Final Plat. The property owner and any future owner acknowledge that when/if the roadway is constructed, all lots shall access the new roadway.

Summary of Open Items

Staff identified the following open items that require further discussion at the Planning Commission meeting. Please see the remainder of this report for more information on each open item.

1. Construction of the future roadway should be considered upon completion of subsequent lots beyond the Final Plat. Mr. Root coordinated with previous C&ED Director Matthew Schmitz about utilizing a joint driveway for the future lot and existing home. Mr. Root understands that the driveway is currently on a City parcel, and future City ROW. When South Valley Drive is built, the North/South portion of the driveway would cease to exist and the homes would access the public street via driveways running generally east/west and reorienting the lots toward the public road.

FYI for Building Permit

Staff identified the following items that the Applicant should note for the future building permit submittal. Please see the remainder of this report for more information on each item.

1. Thought should be given to the sewer service for the next home, as well as additional subsequent homes listed on the preliminary plat. Mr. Vandall discussed this with Mr. Root over the phone on February 2nd.
2. This would likely be a joint driveway with existing home
3. The proposed uses are compliant with current zoning and the future land use plan

Acknowledgments

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

- Timothy S Vandall, MPA, City Administrator
- Michael W. Spickelmier, PE, Public Works Director
- Anthony R. Zell, JR, MBA, Wastewater Director
- Joshua Gentzler, 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 approval of the Final Plat for J.K. Root, a two-lot subdivision at 292 W Gilman Road.

Action Options

1. Recommend approval of Case No. 2023-DEV-003 to the City Council; or
2. Recommend denial of Case No. 2023-DEV-003 to the City Council for specified reasons; or
3. Continue the public hearing to another date, time and place.

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

**J.K. Root
(Name of Subdivision)**

Joshua Gentzler
Person Completing Checklist

04/12/2023
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>
1. Preliminary Plat has been approved.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. One (1) hard copy has been provided, along with an electronic copy either emailed, delivered on a USB Drive, or uploaded, 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 duly acknowledged and notarized signatures of the owner(s) of the property.	<input checked="" type="checkbox"/>	<input 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.	<input checked="" type="checkbox"/>	<input 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 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 checked="" type="checkbox"/>

Final Plat Checklist

Page 2

		<u>YES</u>	<u>NO</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 checked="" type="checkbox"/>	<input 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. (N/A if not applicable)	<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 proper form.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
F.	Endorsement by Planning Commission in proper form.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
G.	Public use acceptance by Governing Body in proper form.	<input type="checkbox"/>	<input checked="" type="checkbox"/>



Preliminary Plat Application

Date: 01/06/2023

Applicant / Owner

Applicant Name: Jeffery a. Root
 Address: 292 W. Gilman
 City, State, Zip: 66043
 Phone: 913-208-2447

Owner Name: ROOT,JEFFREY A & KATINA
 M
 Address: 292 W GILMAN RD
 LANSING, KS 66043-6209
 City, State, Zip: ,
 Phone:

Surveyor

Surveyor Name: jkroot
 Phone: 292 W.Gilman

Address: NA
 City, State, Zip: Jeffery A. Root

Subdivision Info

Subdivision Name:
 General Location:
 Plat Acres: 2.12
 Minimum Frontage: 267.76
 Min Lot Area: 16227.66
 Existing Zoning: R-1 Suburban Residential
 District

Residential Lots: yes
 Commercial Lots: no
 Industrial Lots: no
 Other Lots: no
 Total Lots:

How Guaranteed:

Project Details

Project Name:
 Agent:

Location:
 Proposed Zoning:
 Rezone Reason:

Project Description:

I do hereby certify that the information contained herein is true and correct.

 Name

01/06/2023

 Date

AFFIDAVIT

STATE OF KANSAS)
COUNTY OF Leavenworth) §

Comes now Jeffery A. Root, of lawful age and having been first duly sworn on my oath state that:

1. That I am (the) (a) lawful and/or equitable owner of the real estate described in the attached application.

2. To the best of my knowledge and belief, the following individuals are the only other individuals other than the affiant which have a legal or equitable ownership interest in the property described in the attached application.

3. List of property owners and addresses:

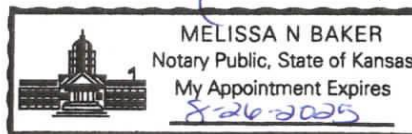
Jeffery A. Root
KATINA M. Root

4. I certify and affirm that on the date of the application only the above individuals or entities have a legal or equitable ownership interest in the property involved in this application.

FURTHER AFFIANT SAYETH NOT.

Jeffery A. Root Katrina M. Root
Is/

STATE OF Kansas)
COUNTY OF Leavenworth) §



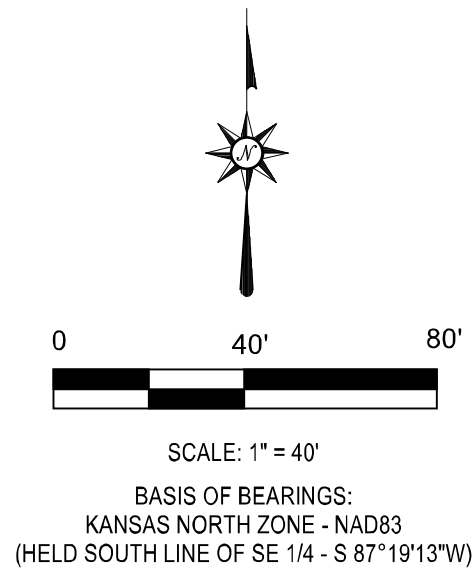
BE IT REMEMBERED that on this 6 day of January, 2023, that before me, the undersigned, a Notary Public, in and for the State and County aforesaid, came Jeffery Root and Katrina Root, who is personally known to me to be the person who executed the foregoing instrument of writing and such person duly acknowledged execution of same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on the date last above mentioned.

Melissa Baker
Notary Public

My Appointment Expires: 8-26-2025

J.K. ROOT
A SUBDIVISION IN THE SW 1/4 OF THE SE 1/4
SECTION 25-T9S-R22E OF THE 6TH P.M.,
CITY OF LANSING
LEAVENWORTH COUNTY, KANSAS
FINAL PLAT



LEGEND

- 1/2" x 24" REBAR SET WITH #1349 CAP IN CONCRETE
- SURVEY MONUMENT FOUND (AS NOTED)
- SET 1/2" x 24" REBAR WITH #1349 CAP
- SURVEY MONUMENT FOUND (AS NOTED) ADDED CONCRETE
- POB POINT OF BEGINNING
- POC POINT OF COMMENCING
- U/E UTILITY EASEMENT

APPROVALS

THIS PLAT OF J.K. ROOT HAS BEEN SUBMITTED AND APPROVED BY THE LANSING PLANNING COMMISSION THIS _____ DAY OF _____, 2023.

CHAIRMAN _____ SECRETARY _____

THIS PLAT APPROVED BY THE CITY COUNCIL OF LANSING, KANSAS, THIS _____ DAY OF _____, 2023.

MAYOR _____ ATTEST: CITY CLERK _____

DIRECTOR OF PUBLIC WORKS _____ DIRECTOR OF COMMUNITY & ECONOMIC DEVELOPMENT _____

CITY ATTORNEY _____

OWNERS

JEFFREY A. & KATINA M. ROOT
292 W. GILMAN ROAD
LANSING, KS. 66043
PN. 107-25-8

CITY OF LANSING
800 1ST TERRACE
LANSING, KS. 66043
PN. 107-25-8.02

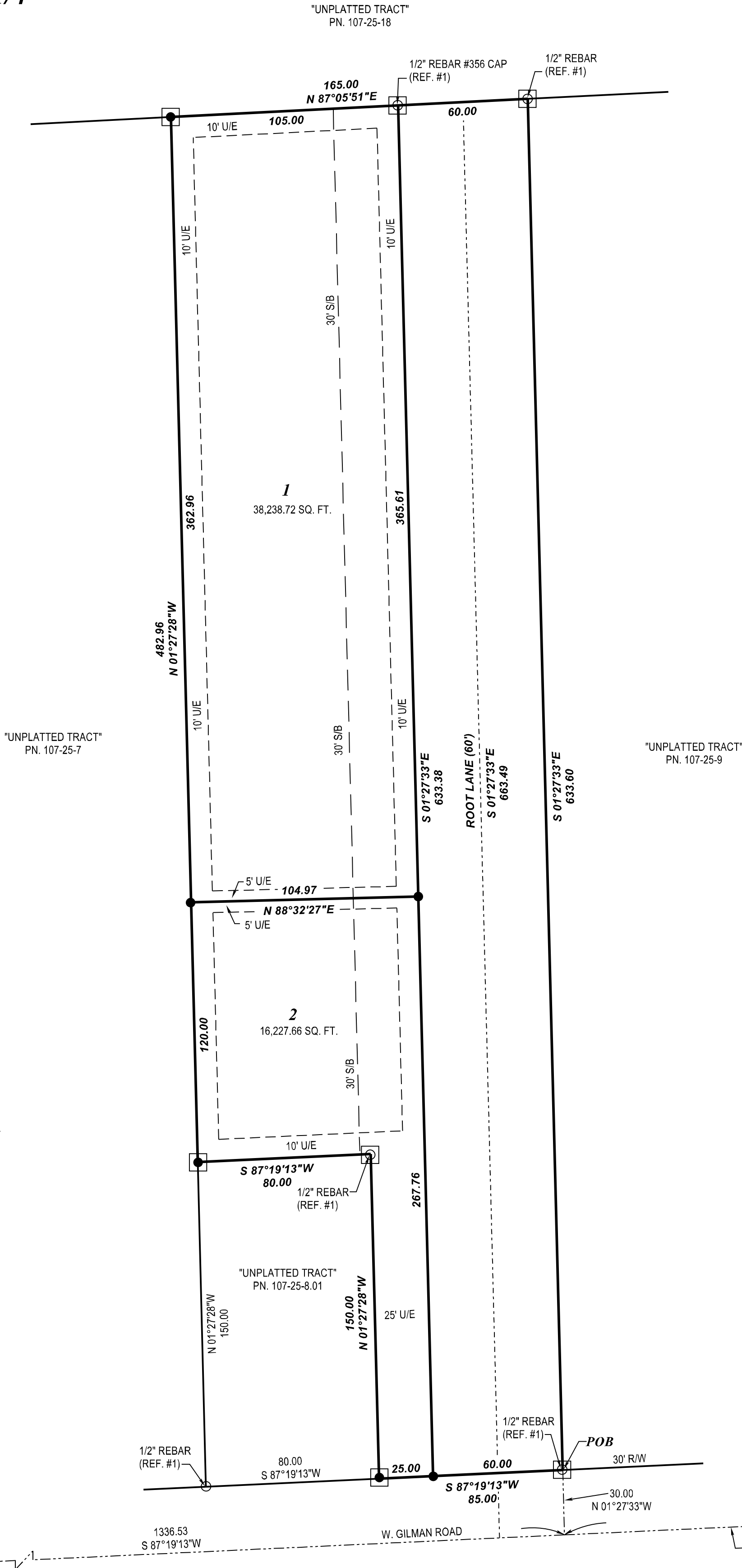
REFERENCE:
1. LOT SPLIT - THIS TRACT (DG WHITE) 1997
NOT RECORDED

NOTES

- FENCE LINES DO NOT DENOTE PROPERTY LINES.
- LANSING, KANSAS, DOES NOT REPRESENT, WARRANT OR GUARANTEE THAT THE DETAILS SHOWN ON THIS DOCUMENT AND PROVIDED BY THE APPLICANT OR ANY AGENT OF APPLICANT, INCLUDING ANY SURVEY INFORMATION SHOULD BE RELIED UPON BY ANY THIRD PARTY AS BEING WHOLLY OR PARTIALLY ACCURATE AND COMPLETE.
- EXISTING AND PROPOSED USE OF AREA BEING PLATTED - RESIDENTIAL.
- THIS SURVEY IS NOT WITHIN A SPECIAL FLOOD HAZARD AREA. FIRM 20103C0232G, DATED 07-16-2015
- THIS SURVEY IS A RETRACEMENT OF LOT SPLIT BY DG WHITE, MAY, 1997.

BENCHMARK

TOP RIM OF MANHOLE
WEST OF EXISTING CONCRETE DRIVEWAY
FOR 292 W. GILMAN
EL. 836.87 (NAVD 88)



DEED DESCRIPTION - BOOK 798, PAGE 1987

A TRACT OF LAND IN THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 25, TOWNSHIP 9 SOUTH, RANGE 22 EAST OF THE 6TH P.M., DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 25, TOWNSHIP 9, RANGE 22; THENCE WEST 60.00 FEET ALONG THE SECTION LINE TO THE POINT OF BEGINNING OF THIS TRACT; THENCE WEST 25.00 FEET; THENCE NORTH 180.00 FEET; THENCE WEST 80.00 FEET; THENCE NORTH 80.00 FEET; THENCE EAST 105 FEET; THENCE SOUTH 280 FEET ALONG DEDICATED STREET RIGHT OF WAY TO THE POINT OF BEGINNING, LESS ANY PART TAKEN OR USED FOR ROAD, LEAVENWORTH COUNTY, KANSAS.

STREET DEDICATION - BOOK 817, PAGE 996-997

A TRACT OF LAND IN THE SW 1/4 OF SECTION 25-T9S-R22E OF THE 6TH P.M., AS DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF THE SW 1/4 OF THE SE 1/4 OF SECTION 25-9-22, WHICH IS ALSO THE POINT OF BEGINNING OF THIS TRACT; THENCE, WEST 85 FEET ALONG THE SECTION ON AN ASSUMED BEARING OF S 90°00'00"W; THENCE, N 01°09'40"E, 180.00 FEET; THENCE, S 90°00'00"W, 80.00 FEET; THENCE, N 01°09'40"E, 662.50 FEET; THENCE, N 89°49'59"E, 165.00 FEET; THENCE, S 01°09'40"W, 662.98 FEET TO THE POINT OF BEGINNING.

SURVEYORS DESCRIPTION

A TRACT OF LAND SOUTHEAST QUARTER OF SECTION 25-T9S-R22E OF THE 6TH P.M., CITY OF LANSING, LEAVENWORTH COUNTY, KANSAS, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 25; THENCE, S 87°19'13"W, 1326.08 FEET ALONG THE SOUTH LINE OF SAID SOUTHEAST QUARTER; THENCE, N 01°27'33"W, 30.00 FEET TO THE NORTH RIGHT OF WAY LINE OF WEST GILMAN ROAD AND THE POINT OF BEGINNING OF THIS TRACT; THENCE, S 87°19'13"W, 85.00 FEET ALONG SAID RIGHT OF WAY LINE; THENCE, N 01°27'28"W, 150.00 FEET; THENCE, S 87°19'13"W, 80.00 FEET; THENCE, N 01°27'28"W, 482.96 FEET; THENCE, N 87°05'51"E, 165.00 FEET; THENCE, S 01°27'33"E, 633.60 FEET TO THE POINT OF BEGINNING. CONTAINS 2.12 ACRES / 92,465.75 SQ. FT. AS SURVEYED BY LARRY T. HAHN, KS PS-1349, JANUARY, 2023 RELATIVE: 1:1,104,394

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 SHALL BE KNOWN AS "J.K. ROOT".

EASEMENTS SHOWN ON THIS PLAT ARE HEREBY DEDICATED FOR PUBLIC USE. THE RIGHTS OF WAY 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) OF DRAINAGE EASEMENT (D/E).

STREETS SHOWN ON THE ACCOMPANYING PLAT AND NOT HERETOFORE DEDICATED FOR PUBLIC USE ARE HEREBY SO DEDICATED.

BUILDING LINES OF SETBACK LINES (S/B) 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 TESTIMONY WHEREOF:

WE THE UNDERSIGNED OWNERS OF J.K. ROOT, HAVE SET OUR HANDS THIS _____ DAY OF _____, 2023.

JEFFREY A. ROOT _____ KATINA M. ROOT _____

BE IT REMEMBERED THAT ON THIS _____ DAY OF _____, 2023, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE CAME JEFFREY A. ROOT AND KATINA M. ROOT, TO ME PERSONALLY KNOWN TO BE THE SAME PERSONS WHO EXECUTED THE FOREGOING INSTRUMENT OF WRITING AND DULY ACKNOWLEDGED THE EXECUTION OF THE SAME. IN TESTIMONY WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY NOTARY SEAL THE DAY AND ABOVE WRITTEN.

NOTARY PUBLIC _____ MY COMMISSION EXPIRES _____

COUNTY SURVEYOR

I HEREBY CERTIFY THIS PLAT MEETS THE REQUIREMENTS OF KSA-58-2001 THROUGH 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 SURVEY INFORMATION ONLY.

DANIEL BAUMCHEN, KS PS-1363

- SE CORNER 25-T9S-R22E (25V) (POC)
- 3" BRASS CAP IN SURVEY BOX
- 1. SW 88.90 TO SPIKE IN POWER POLE
- 2. WNW 102.70 TO SPIKE IN POWER POLE
- 3. E 220.00 TO MAG NAIL IN ASPHALT
- 4. S 100.00 TO MAG NAIL IN ASPHALT



LARRY T. HAHN, KS PS-1349

THIS IS TO CERTIFY THAT IN THE MONTH OF DECEMBER, 2022, THIS SURVEY WAS MADE UNDER MY DIRECT SUPERVISION AND THAT SAID SURVEY MEETS OR EXCEEDS THE KANSAS MINIMUM STANDARDS FOR BOUNDARY SURVEYS.

REGISTER OF DEEDS CERTIFICATE:

FILED FOR RECORD AS DOCUMENT # _____ ON THIS _____ DAY OF _____, 2023 AT _____ O'CLOCK _____ IN THE OFFICE OF THE REGISTER OF DEEDS OF LEAVENWORTH COUNTY, KANSAS.

REGISTER OF DEEDS / TERRILOIS G. MASHBURN



HAHN SURVEYING
PO BOX 186
BASEHOR, KANSAS 66007
(913) 547-3405
hahnsurvey@gmail.com



Planning Commission Staff Report

April 19, 2023

Zimmerman Properties Rezone, Lot 1 - Lansing Towne Center

00000 Centre Drive

Project # 2023-DEV-002-RZ

Project Facts

Applicant

Jeff Beckler
Zimmerman Properties

Owner

City of Lansing

Address

00000 Centre Drive

Property ID

106-24-0-40-08-001.03

Zoning

B-3 (Regional Business District)

Future Land Use

Commercial

Land

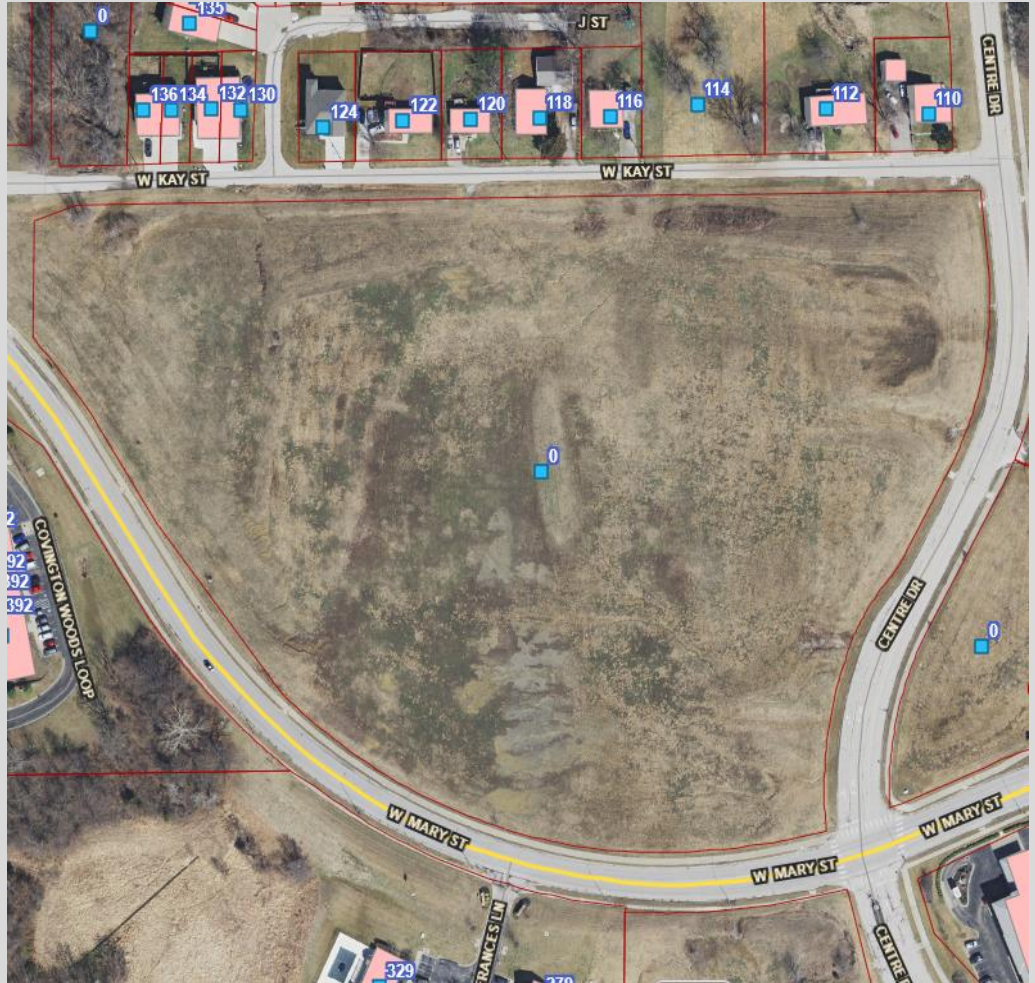
205,883 SF (4.73 acres)

Building

Existing: N/A
Proposed: N/A

Requested Approvals

Rezoning



Project Summary

Summary

The Applicant proposes to rezone a 4.726-acre portion of Lot 1, Lansing Towne Centre, from B-3 to R-4. The Future Land Use Map of the Lansing Comprehensive Plan categorizes this property as Commercial. The property has access to both W Mary Street and W Kay Street. The rezoning, if approved, would allow the applicant to construct an apartment complex which would be categorized as a “Medium Apartment” Use under the **UDO Article 4.03 Permitted Uses**. For a preliminary layout, please see the attached document provided by the applicant.

There have been no questions or complaints from City residents concerning this rezoning application.

Legal Description

See attachment for full legal description.

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.

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 0.1 acres to 24.2 acres in size.</i> <i>The average size of parcel is 3.0 acres in size.</i> <i>The surrounding residential properties average 5.5 Dwelling Units per Acre.</i> <i>The proposed development would</i> <i>Character: The neighborhood consists of Multi-family, Civic/Institutional, Retail, and Commercial uses.</i>	✓	
2. Zoning and uses of nearby property <i>Adjacent Uses: Commercial, Institutional, Single-Family Residential, Multifamily Residential</i> <i>Adjacent Zoning: A-1, R-3, R-4, B-3, 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 B-3 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 2009.</i> <i>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.</i> <i>In the event of the approval of the rezoning, this will allow the applicant to develop an apartment complex on the property which will 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: Commercial</i> <i>Comprehensive Implementation Strategy (Article 6): The proposed use is not compatible with the future land use designation.</i>		✓

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 B-3 – Regional Business District to R-4 – Multi-Family Residential. The applicant is submitting this request on behalf of the City of Lansing, to develop a portion of the Lansing Towne Centre subdivision. The applicant has proposed to rezone and then divide a 4.726-acre portion of Lot 1 to enable the construction of a 50-unit Apartment Community.

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 approval of Case No. 2023-DEV-002, Zimmerman Properties Rezoning – Lot 1, Lansing Towne Centre, at 00000 W Mary Street.

Action Options

1. Recommend approval of Case No. 2023-DEV-002 to the City Council; or
2. Recommend denial of Case No. 2023-DEV-002 to the City Council for specified reasons; or
3. Continue the public hearing to another date, time and place.

Attachments

1. Legal Description and drawing
2. Zoning Map
3. Future Land Use Map
4. Preliminary property development layout

REZONING CHECKLIST

Checklist Completed by: Joshua Gentzler

Case No. 2023-DEV-002

Date Filed: March 17, 2023

Date Advertised: March 29, 2023

Date Notices Sent: March 24, 2023

Public Hearing Date: April 19, 2023

APPLICANT: Zimmerman Properties

LOCATION OF PROPERTY: 00000 Centre Drive, Lansing, KS 66043

PRESENT ZONING: B-3

REQUESTED ZONING: R-4

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 & Multifamily Residential	R-4
South	Business District	A-1
East	Commercial	B-3
West	Multifamily Residential	R-4

CHARACTER OF THE NEIGHBORHOOD: The area is generally developed as a mixed-use residential neighborhood, with single family uses to the Northeast and multifamily uses to the Northwest to South. The lot is situated in the Lansing Towne Centre plat which is zoned for commercial uses. There is a banking center located to the southeast and medical facility to the east.

NEAREST EQUIVALENT ZONING:

LOCATION: South & West

CURRENT USE: Multi-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 utilize the property for a multifamily apartment complex. UDO Article 4.03 limits medium apartment complexes to property zoned R-4.
- 3. Are there adequate sites for the proposed use in areas already properly zoned?** No. **If yes, where?** _____

CONFORMANCE WITH COMPREHENSIVE PLAN:

1. **Consistent with Development Policies?** The Comprehensive Plan shows this area as Commercial, 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:** W Mary St & W Kay St
2. **Classification of Street(s):**
Arterial X Collector _____ Local _____
3. **Right of Way Width:** 15' on Kay St & ~34' on Mary St
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 Mary Street 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



Rezoning Application

Date: 03/17/2023

Applicant / Owner

Applicant Name: Zimmerman Properties
 Address: 1329 East Lark St
 City, State, Zip: Springfield, MO 65804
 Phone: 417-890-3234
 Agent:
 Address: To allow for future
 development of property
 City, State, Zip: Jeff Beckler
 Phone:

Owner Name: LANSING CITY
 Address: 800 1ST TER LANSING, KS
 66043
 City, State, Zip: ,
 Phone:
 Agent:
 Address:
 City, State, Zip:
 Phone:

Request

Address: 00000 CENTRE DR, Lansing,
 KS 66043
 City, State, Zip: ,
 Parcel: 052-106-24-0-40-08-001.03-0
 Legal:

Current Zone: B-3 Regional Business District
 Proposed Zone: R-4 Multi-Family Residential
 District

Property Details

Section:
 Township:
 Range:

Corner:
 Between:
 Side:
 Between:

I do hereby certify that the information contained herein is true and correct.

 Name

 Date

AFFIDAVIT

STATE OF Kansas)
COUNTY OF Leavenworth) §

Comes now Anthony McNeill, of lawful age and having been first duly sworn on my oath state that:

1. That I am (the) (a) lawful and/or equitable owner of the real estate described in the attached application.

2. We, Anthony McNeill and _____ being duly sworn, depose and say that we are the owners of said property involved in this petition and that the foregoing signatures, statements, and answers herein contained in the information herewith submitted, are in all respects true and correct to the best of our knowledge and belief.

3. To the best of my knowledge and belief, the following individuals are the only other individuals other than the affiant which have a legal or equitable ownership interest in the property described in the attached application.

4. List of property owners and addresses:

Jeff Beckler - 1329 E. Clark St., Springfield, Mo 65804

5. I certify and affirm that on the date of the application only the above individuals or entities have a legal or equitable ownership interest in the property involved in this application.

FURTHER AFFIANT SAYETH NOT.

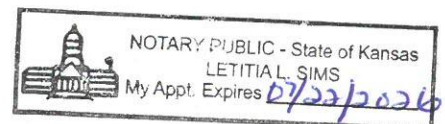
STATE OF Kansas)
COUNTY OF Leavenworth) §

BE IT REMEMBERED that on this 16 day of March, 2023, that before me, the undersigned, a Notary Public, in and for the State and County aforesaid, came Anthony McNeill who is personally known to me to be the person who executed the foregoing instrument of writing and such person duly acknowledged execution of same.

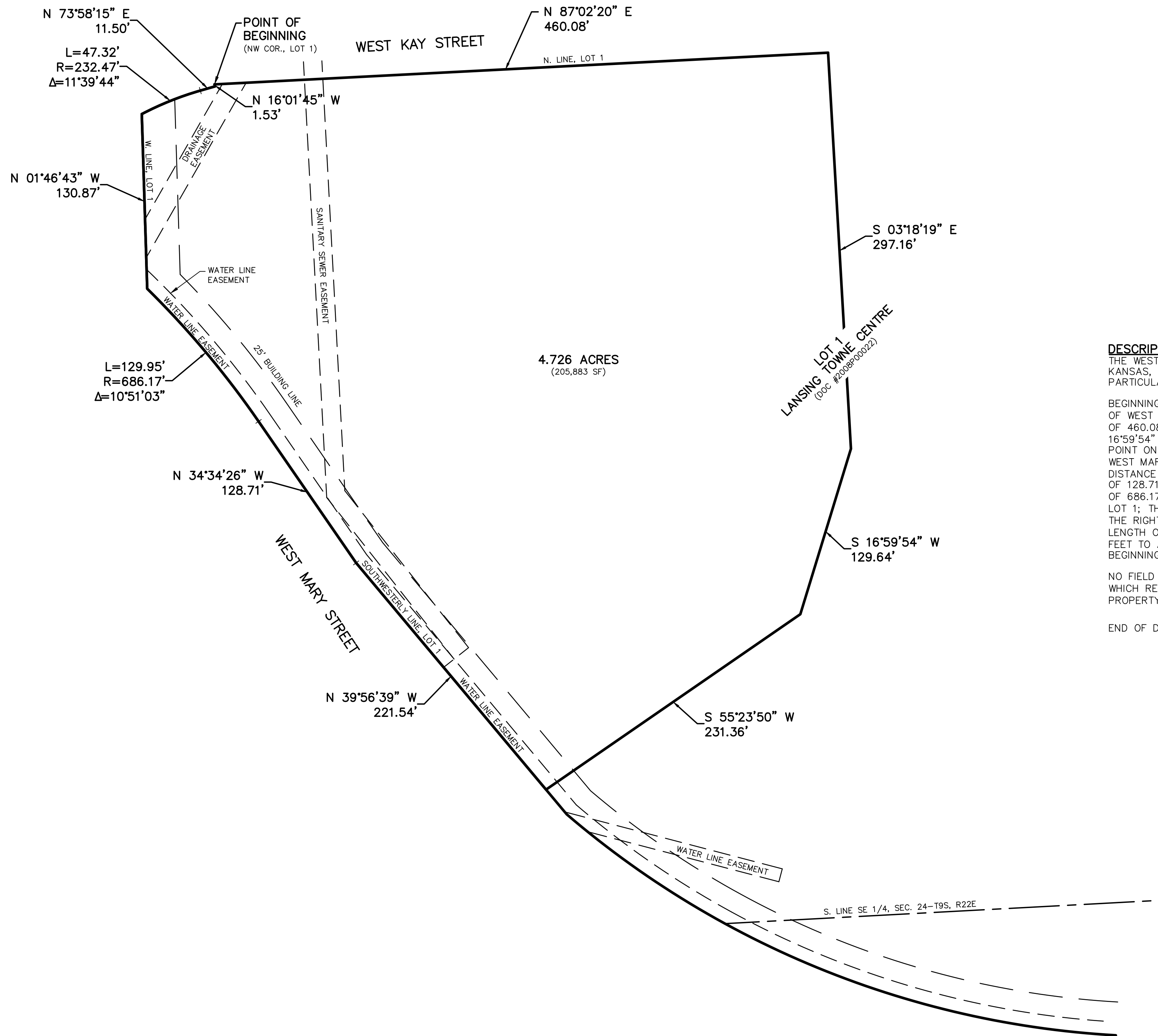
IN WITNESS WHEREOF, I have hereunto set my hand and seal on the date last above mentioned.

Letitia Sims
Notary Public

My Appointment Expires: 07/22/2026



ZONING DESCRIPTION EXHIBIT
LANSING, LEAVENWORTH COUNTY, KANSAS



DESCRIPTION:
THE WESTERN 4.726 ACRES OF LOT 1, LANSING TOWNE CENTRE, A SUBDIVISION IN THE CITY OF LANSING, LEAVENWORTH COUNTY, KANSAS, RECORDED IN DOCUMENT #2008P00022 AT THE REGISTER OF DEEDS OFFICE IN LEAVENWORTH COUNTY, KANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

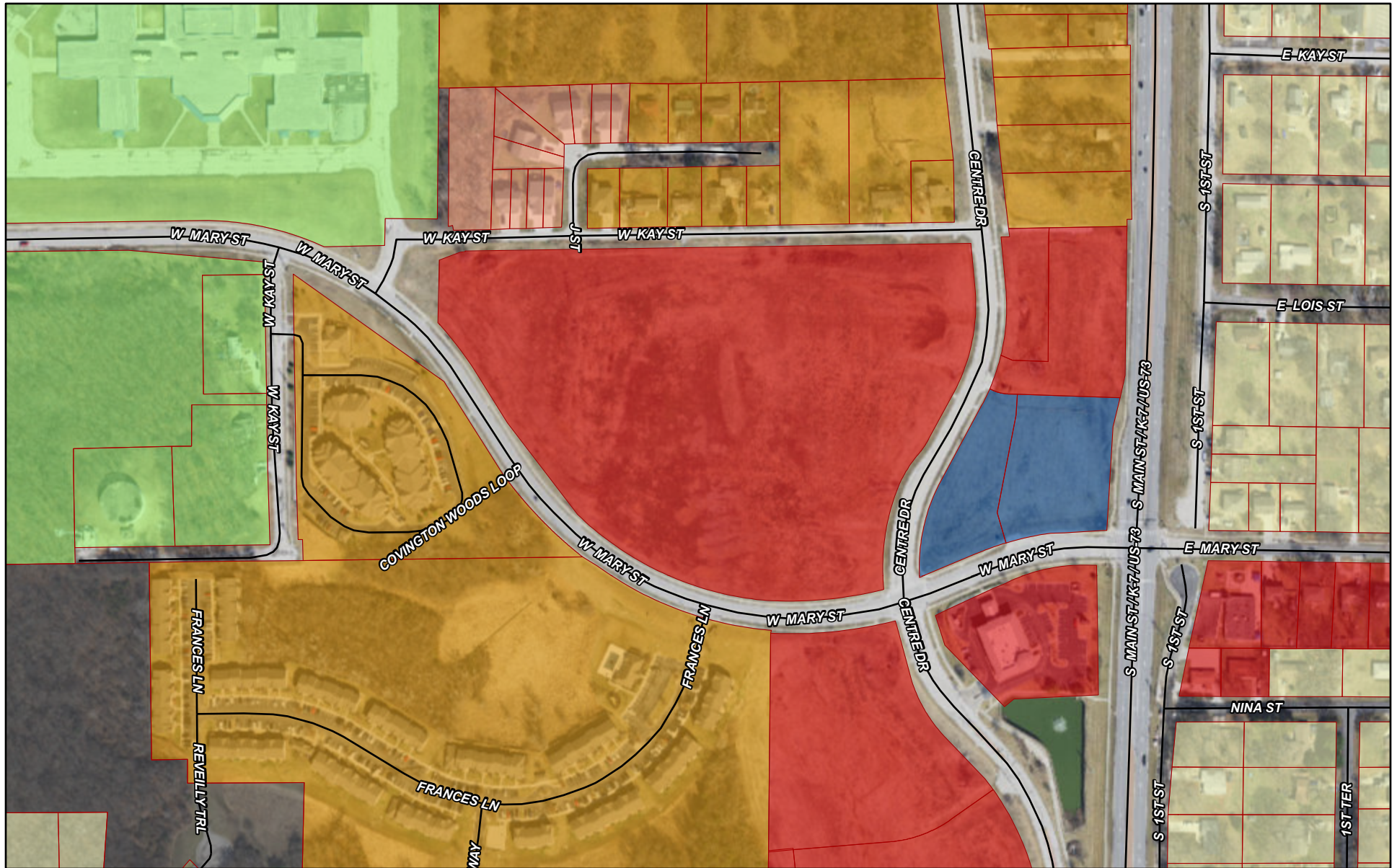
BEGINNING AT THE NORTHWESTERN MOST CORNER OF SAID LOT 1, SAID POINT ALSO BEING ON THE SOUTH RIGHT OF WAY LINE OF WEST KAY STREET AS NOW ESTABLISHED; THENCE NORTH 87°02'20" EAST ON THE NORTH LINE OF SAID LOT 1, A DISTANCE OF 460.08 FEET TO A POINT; THENCE SOUTH 03°18'19" EAST, A DISTANCE OF 297.16 FEET TO A POINT; THENCE SOUTH 16°59'54" WEST, A DISTANCE OF 129.64 FEET TO A POINT; THENCE SOUTH 55°23'50" WEST, A DISTANCE OF 231.36 FEET TO A POINT ON THE SOUTHWESTERLY LINE OF SAID LOT 1, SAID POINT ALSO BEING ON THE NORTHEASTERLY RIGHT OF WAY LINE OF WEST MARTY STREET AS NOW ESTABLISHED; THENCE NORTH 39°56'39" WEST ON THE SOUTHWESTERLY LINE OF SAID LOT 1, A DISTANCE OF 221.54 FEET TO A POINT; THENCE NORTH 34°34'26" WEST CONTINUING ON SAID SOUTHWESTERLY LINE, A DISTANCE OF 128.71 FEET TO A POINT; THENCE ON A CURVE TO THE LEFT CONTINUING ON SAID SOUTHWESTERLY LINE, HAVING A RADIUS OF 686.17 FEET, A DELTA ANGLE OF 10°51'03" AND AN ARC LENGTH OF 129.95 FEET TO A POINT ON THE WEST LINE OF SAID LOT 1; THENCE NORTH 01°46'43" WEST ON SAID WEST LINE, A DISTANCE OF 130.87 FEET TO A POINT; THENCE ON A CURVE TO THE RIGHT CONTINUING ON SAID WEST LINE, HAVING A RADIUS OF 232.47 FEET, A DELTA ANGLE OF 11°39'44" AND AN ARC LENGTH OF 47.32 FEET TO A POINT; THENCE NORTH 73°58'15" EAST CONTINUING ON SAID WEST LINE, A DISTANCE OF 11.50 FEET TO A POINT; THENCE NORTH 16°01'45" WEST CONTINUING ON SAID WEST LINE, A DISTANCE OF 1.53 FEET TO THE POINT OF BEGINNING. CONTAINS 205,883 SQUARE FEET OR 4.726 ACRES MORE OR LESS.

NO FIELD WORK WAS PERFORMED AT THIS TIME AND THIS DESCRIPTION DOES NOT MEET THE REQUIREMENTS OF K.S.A. 19-1434, WHICH REQUIRES A SURVEY TO BE FILED WHEN CREATING A NEW PARCEL OR DESCRIPTION FOR THE TRANSFER OF REAL PROPERTY.

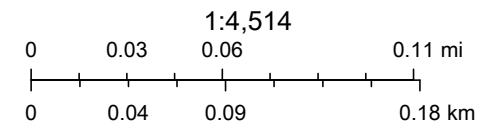
END OF DESCRIPTION

	14700 WEST 114TH TERRACE LENEXA, KANSAS 66215 PH. (913) 894-5150 FAX (913) 894-5977 lx@kveng.com www.kveng.com		PROJECT NO. C23D1644
			DRAWN BY JK
			CHECKED BY
			CFN 1644EXBA
PROJECT:		SHEET 1 OF 1	
PREPARED FOR:			
KAW VALLEY ENGINEERING, INC., IS AUTHORIZED TO OFFER SURVEYING SERVICES BY KANSAS STATE CERTIFICATE OF AUTHORIZATION NO. LS-20. EXPIRES 12/31/24			

2023-DEV-002 Zoning Aerial

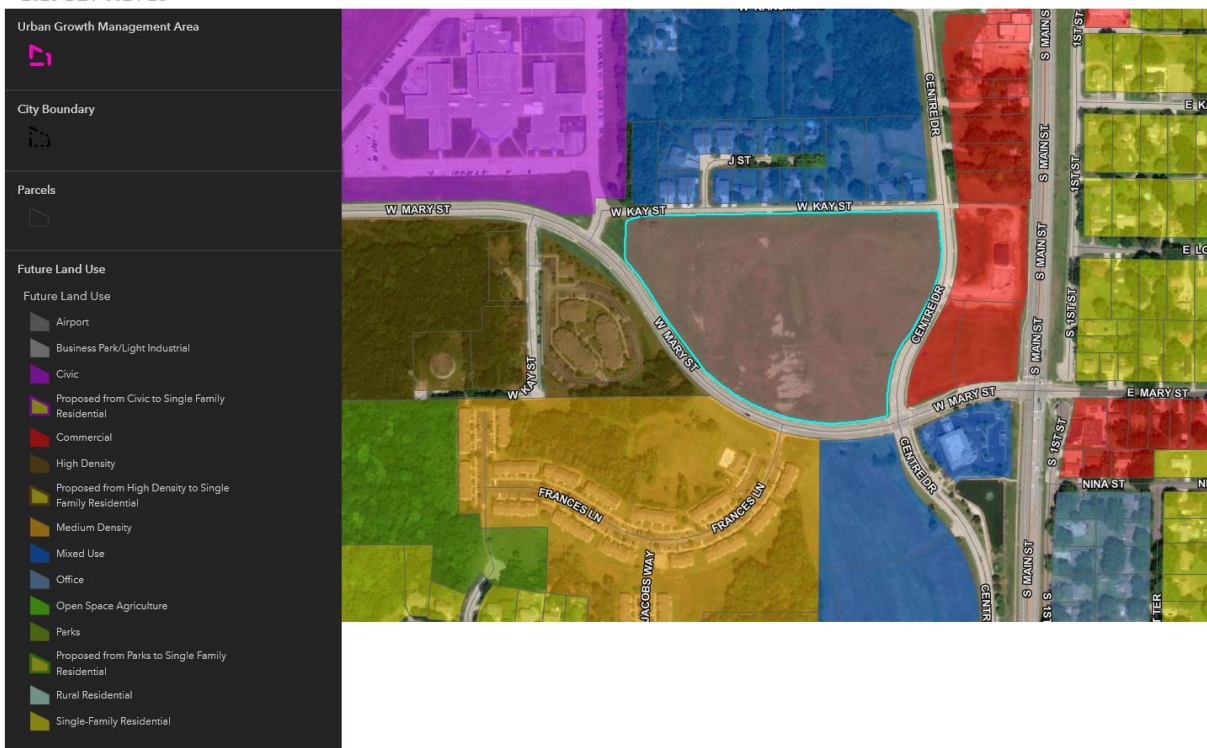


April 12, 2023



Map data © OpenStreetMap contributors, CC-BY-SA

2023-DEV-002 FLU





OFFICIAL AD PROOF

This is the proof of your ad scheduled to run in **Leavenworth Times** on the dates indicated below. If changes are needed, please contact us prior to deadline at **(913) 682-0305**.

Notice ID: 1vHX3H7lwOjbwIFREf1m | **Proof Updated: Mar. 22, 2023 at 05:09pm CDT**
Notice Name: Town Center Rezone | Publisher ID: 956740

This is not an invoice. Below is an estimated price, and it is subject to change. You will receive an invoice with the final price upon invoice creation by the publisher.

FILER

Melissa Baker
mbaker@lansingsks.org
(913) 727-3233

FILING FOR

Leavenworth Times

Columns Wide: 1

Ad Class: Legals

03/29/2023: Other Notice	44.00
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Subtotal	\$44.00
Tax	\$0.00
Processing Fee	\$4.40
Total	\$48.40

See Proof on Next Page

Notice is hereby given to any and all persons that a rezoning action for parcels in the City of Lansing, Leavenworth County, Kansas, will be considered at a public hearing of the City of Lansing Planning Commission.

ZIMMERMAN PROPERTIES, applicant, has submitted a rezoning application, on behalf of the City of Lansing, owner, for a parcel addressed as 00000 Centre Dr, Lansing, KS 66043. The parcel is located in the Lansing Towne Center subdivision. The request is to rezone this parcel from B-3 Regional Business District to R-4 Multi-Family Residential District. The parcel ID of the property involved is CAMA #052-106-24-0-40-08-001.03-0. A legal description is available for public viewing in the Community and Economic Development Department, 730 First Terrace, Suite 2, Lansing, Kansas.

The public hearing will be held April 19, 2023, at 7:00 p.m. in the Council Chamber of Lansing City Hall, 800 First Terrace, Lansing, Kansas. At that time and place, all interested persons will be granted a hearing by the City of Lansing Planning Commission.

Published in the Leavenworth Times, Mar 29, 2023

956740