

AGENDA

CALL TO ORDER

ROLL CALL / QUORUM ANNOUNCEMENT

OLD BUSINESS

1. Approval of Minutes - February 17, 2021 Meeting

NEW BUSINESS

2. **Rezoning Application Case # RZ-2021-3
1153 and 1155 Industrial Terrace**

LANDSEAFOOD LLC., applicant, has applied to rezone the subject property from B-3 Regional Business District to I-1 Light Industrial District. This rezoning, if approved, will allow the applicant to develop a future light industrial project on the subject property (a 15,000 sq. ft. building to grow produce and perhaps seafood for resale, but not out of this location). A site plan for the property will be submitted in the near future, if the rezoning is approved.

A public hearing notice was published in the Leavenworth Times on February 23, 2021, and the notice was mailed to property owners within 200 feet of the subject property on February 22, 2021.

3. **UDO Text Amendment - Sign Size / Setback Regulations**

After working with the applicant for Harbor Freight on their sign location, Staff has identified through collaboration with our Consultant on the Unified Development Ordinance (UDO), Gould Evans, some modifications to the sign setback requirements outlined in the UDO that we believe should be reviewed and modified. This item is to consider those modifications to the UDO.

NOTICES AND COMMUNICATIONS

REPORTS - Commission and Staff Members

ADJOURNMENT

Lansing Planning Commission
Regular Meeting
February 17th, 2021

Call to Order - The regular monthly meeting of the Lansing Planning Commission was called to order by Chairman Ron Barry (via ZOOM) at 7:00 p.m. Also via ZOOM were Commissioner Jerry Gies and Mike Suozzo. In attendance were Commissioners Amy Baker, Nancy McDougal, Richard Hannon, and Vice-Chairman Jake Kowalewski. Chairman Barry noted there was a quorum present.

Approval of Minutes – January 20th, 2021, Regular Meeting – Vice-Chairman Jake Kowalewski made a motion to approve the minutes of the January 20th, 2021, meeting, seconded by Commissioner Jerry Gies. The motion passed 6-1 with Commissioner Mike Suozzo abstaining.

Old Business: None

New Business:

1. Rezoning Application Case # RZ-2021-2: 00000 N. Main St., Lansing, Kansas

Application submitted by Greenamyre Rentals, Inc., property owner. This application is to rezone the subject parcel from B-3 Regional Business District to R-4 Multi-Family Residential District.

Chairman Barry opened the public hearing at 7:03 p.m.

Jeremy Greenamyre (via ZOOM) representing Greenamyre Rentals, 2500 S. 2nd Street in Leavenworth, Kansas, wanted to give a back story on this request. Mr. Greenamyre mentioned KDOT's enhancement project along K-7 around 2003-2004 that included a 3-acre parcel that Greenamyre Rentals owned at the corner of Fairlane and K-7. "Part of KDOT's project extended Fairlane all the way to Santa Fe Drive, which bisected our parcel and created two pieces of ground. One piece is the corner where IHOP is currently, which we sold in 2009, and the other is the North side of Fairlane which at the time was zoned B-3. The property had set almost 20 years undeveloped. We rezoned it to multi-family use and during this time we saw the undeveloped land behind Econo Lodge as well, which we were able to purchase and are looking to extend this area into the current zoning and replat everything into a single parcel."

Jesse Garvey, resident at 123 Oakbrook Ct., Lansing, KS, stated he is speaking on behalf of himself and several other residents who are opposed to rental areas in Lansing. They feel that there are too many rental properties currently in Lansing and that these properties bring home values down. Mr. Garvey stated he feels developers only care about the buildings they put up and do not put consideration into the surrounding homes and homeowners, and he feels the new dwellings are not constructed well to sustain years to come. Mr. Garvey also noted in Mr. Schmitz's (Community and Economic Development Director) report, that Mr. Schmitz stated this proposed rezone does not fit the comprehensive plan which is intended for commercial use. Mr. Garvey states "you're basically going against yourselves and the long-range plan which states this should be commercial use, just so you can accommodate this developer. If more people knew about this, I am sure they would be opposed as well."

Chairman Barry closed the public hearing at 7:09 p.m. This opens-up the 14-day protest period.

Lansing Planning Commission
Regular Meeting
February 17th, 2021

Chairman Barry asked Mr. Schmitz if any time land is rezoned, the official future land use map gets updated and Mr. Schmitz confirmed that the Planning Commission makes sure this happens.

Chairman Barry asked for a motion to approve the checklist as a finding of fact for the Rezoning application for 00000 N. Main St., Lansing, Kansas.

Vice-Chairman Jake Kowalewski made a motion to approve as a finding of fact seconded by Commissioner Mike Suozzo. Motion passes 7-0.

Chairman Barry asked for a motion to recommend approval, approve with conditions, or recommend disapproval to the Governing Body the Rezoning Application for Greenamyre Rentals.

Commissioner Mike Suozzo recommended approval seconded by Vice-Chairman Kowalewski. The motion passes 7-0.

Mr. Schmitz noted this will go before the City Council on March 4th, 2021.

2. Preliminary Plat Application Case # SDPP-2021-1: 00000 N. Main St. / 00000 Fairlane, Lansing, Kansas

Application submitted by Greenamyre Rentals, Inc., property owner. This application is for a preliminary plat consisting of 1 lot and approximately 3.11 acres. The property is currently zoned B-3 Regional Business District and R-4 Multi-Family Residential District, is made up of two lots, and is related to Item 1 on this Agenda.

Chairman Barry asked if this plat is contingent on the City Council's approval of the rezoning and Mr. Schmitz answered that "that's correct, however, you could still replat it without the rezoning approval, they just wouldn't be able to use the back East of that property which could complicate things." Mr. Barry clarified, "so you are saying we can address this now or wait until a final decision is made or we can approve it with the condition that the rezoning is approved by the City Council." Mr. Schmitz answered "Correct. If the Planning Commission approves the Prelim. Plat this evening, the final plat would come in March which occurs after the City Council reviews the rezoning. If the City Council were to deny the rezoning on the first meeting in March, the applicant can pull the final plat from the March Planning Commission meeting."

Commissioner Jerry Gies stated the applicant "could still want a one lot subdivision if the zoning doesn't occur, which would allow flexibility for how the land is used in the future and he could use the administrative plat process to create parcels that are more in line with potential buyers." Mr. Schmitz answered "the administrative plat is what was used to split the land behind Econo Lodge so that parcel would not be allowed to be split by an administrative plat. If it goes through a full platting process through the Planning Commission and City Council, then it is possible to do another admin. plat on that piece of land. The whole point of an admin. plat is to make it a speedier process to do a simple modification to a piece of property. It is not ideal for a property owner to circle through a repetitive platting process."

Lansing Planning Commission
Regular Meeting
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Vice-Chairman Jake Kowalewski asked if Mr. Greenamyre was able to address storm water concerns noted by City Engineer Michael Spickelmier. Matt Henderson, with McAfee Henderson Solutions, 15700 College Blvd, Suite 202, Lenexa, KS, representing Greenamyre answered that "the City Engineer's concerns align with our concerns and will be addressed when a technical analysis is performed in the next stage of platting and we have a scheduled meeting to meet on site in the near future."

Commissioner Gies asked what year storm had to be addressed and Mr. Spickelmier answered that they will do a full 10, 25 and 100 year analysis and make sure the current plan that was adopted in 2007 is still in compliance.

Chairman Barry asked for a motion to approve, approve with conditions, or disapprove the Preliminary Plat application for Greenamyre Rentals.

Commissioner Jerry Gies made a motion to approve the preliminary plat with conditions that the storm water concerns that are presented in the staff report be addressed, seconded by Commissioner Nancy McDougal. Motion passes 6-1, with Chairman Barry voting no.

3. Meeting date modification – March Planning Commission

Due to the Director being out of town during the regularly scheduled March meeting, and the meeting occurring on March 17th (St. Patrick's Day), staff is requesting the meeting be moved back one day, to Tuesday, March 16th, at 7:00 p.m.

Commissioner Nancy McDougal made a motion to approve seconded by Vice-Chairman Jake Kowalewski. Motion passes 7-0.

Notices and Communications - None

Reports-Commission and Staff Members - Mr. Schmitz introduced Mr. Richard Hannon as the newest Planning Commission member.

Adjournment - Commissioner Nancy McDougal made a motion to adjourn. Commissioner Amy Baker seconded it and it passed by acclamation. The meeting adjourned at 7:28 p.m.

Respectfully submitted,

Debra Warner, Secretary

Reviewed by,

Matthew R. Schmitz, Community and Economic Development Director



Planning Commission Staff Report

March 16, 2021

Rezone Case RZ-2021-3

1153 and 1155 Industrial Terrace

Project Facts

Applicant

LANDSEAFOOD LLC

Address

1153 and 1155 Industrial Ter.

Property ID

099-30-0-00-00-024.00-0

099-30-0-00-00-025.00-0

Zoning

B-3 Regional Business District

Future Land Use

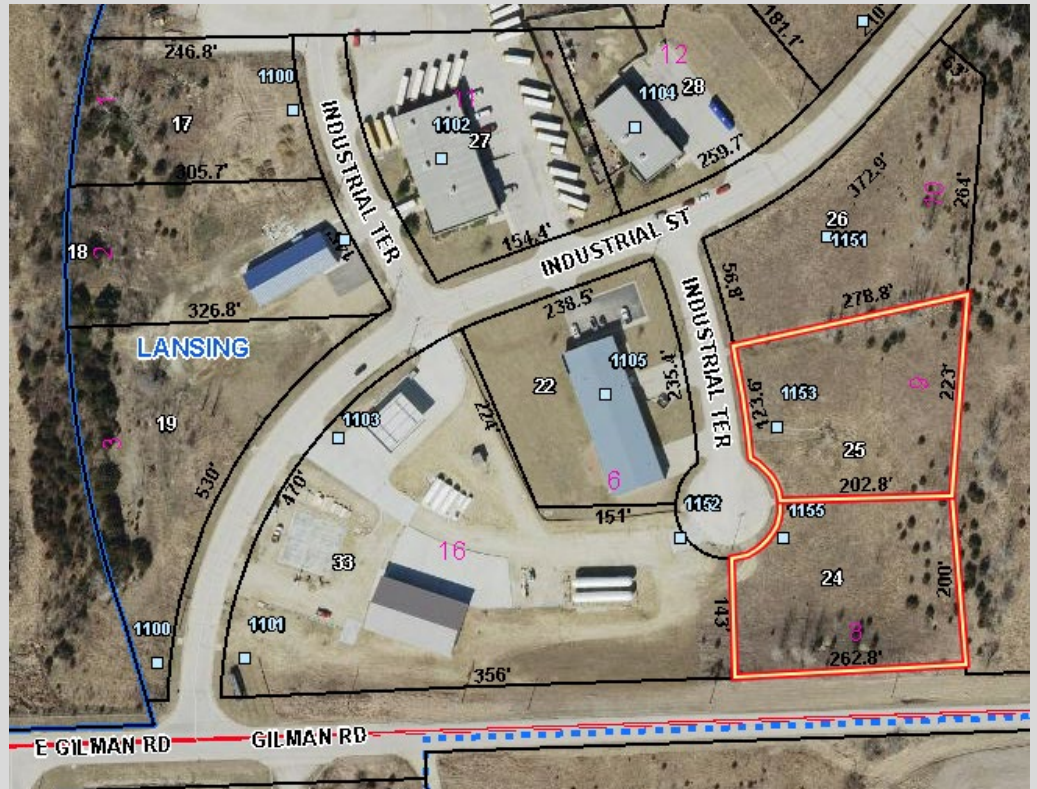
Business Park / Lt. Industrial

Land

96,365.17 SF (2.21 acres)

Requested Approvals

Rezoning



Summary

LANDSEAFOOD LLC., applicant, has applied to rezone the subject property from B-3 Regional Business District to I-1 Light Industrial District. This rezoning, if approved, will allow the applicant to develop a future light industrial project on the subject property (a 15,000 sq. ft. building to grow produce and perhaps seafood for resale, but not out of this location). A site plan for the property will be submitted in the near future, if the rezoning is approved.

A public hearing notice was published in the *Leavenworth Times* on February 23, 2021, and the notice was mailed to property owners within 200 feet of the subject property on February 22, 2021.

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

As of the date of preparation of this Staff Report, 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.

APPLICATION FOR REZONING

This is an application for change of the zoning map.

AN INCOMPLETE APPLICATION CANNOT BE ACCEPTED.

I. Name of applicant or applicants (owner[s] and/or their agent[s]). All owners of all property requested to be rezoned must be listed on this form.

A. Applicant/Owner LANDSEAFOOD LLC
 Address 8141 WESTGARD DR, LEAVENWORTH, KS 66215 Phone 515-371-7981
 Agent (if applicable) RENAISSANCE INFRASTRUCTURE CONSULTING LLC
 Address 207 S FIFTH ST, LEAVENWORTH, KS 66048 Phone 913-333-3873
 (use separate sheet if necessary for additional owners/applicants)

II. The applicant hereby requests a change of zone from B3 zoning district to I1 zoning district for property legally described as (use either metes and bounds or subdivision/block/lot description):

LANSING BUSINESS CENTER LOTS 8+9

Real Estate Tax Number _____

III. This property is located in : Section _____ Township _____ Range X

The general location is (use appropriate section):

A. Street Address: 1153 + 1155 INDUSTRIAL TER, LANSING, KS

B. At the _____ (NW, NE, SW, SE) corner of _____ (street) and _____ (street) or,

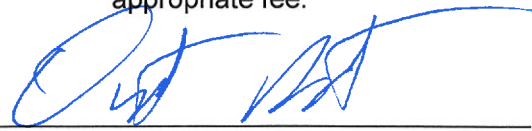
C. On the E (N, S, E, W) side of INDUSTRIAL TER (street) between INDUSTRIAL ST (street) and INDUSTRIAL TER (street).

IV. I request this change in zoning for the following reasons (do not include reference to proposed uses):

REQUIRED FOR LANDSEAFOOD LLC TO PURCHASE THE LAND FROM LEAVENWORTH COUNTY HUMANE SOCIETY, INC AND TO OPERATE OUR BUSINESS IN THE CITY OF LANSING/ LEAVENWORTH COUNTY KANSAS.

(additional sheets may be used if necessary)

- V. I (We), the applicant(s), acknowledge receipt of the instruction sheet explaining the method of submitting this application. I (We) realize that this application cannot be processed unless it is completely filled in, is accompanied by an ownership list as required in the instruction sheet, and is accompanied by the appropriate fee.



Owner

Owner

By RIC - Dustin Burton
Authorized Agent (if applicable)

By _____
Authorized Agent (if applicable)

OFFICE USE ONLY:

VI. Application received on: _____ (month, day, year)

Application received by: _____

Amount of fee paid: _____

VII. Planning Commission Recommendation: _____

_____ Date: _____

Reasons for recommendation: _____

VIII. Protest Petition filed? _____ Percent of land: _____ %

IX. Governing Body: _____

_____ Date: _____ Vote: _____

If approved, Ordinance No.: _____ Date of Final Reading _____

AFFIDAVIT

STATE OF Kansas)
COUNTY OF Leavenworth)

§

Crystal Swann Blackdeer, for
Comes now Leavenworth County Humane Society, Inc., 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, Crystal Swann Blackdeer, Executive Director, Leavenworth County Humane Society, Inc.
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:

Leavenworth County Humane Society, Inc.
100 W Gilman Road
Lansing, KS 66043

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 Ks)
COUNTY OF Leav)

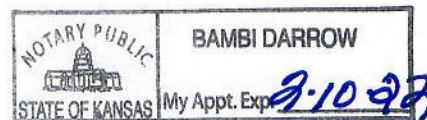
Crystal Swann Blackdeer
/s/)
§

BE IT REMEMBERED that on this 24 day of Feb, 2021, that before
me, the undersigned, a Notary Public, in and for the State and County aforesaid, came
Crystal Swann Blackdeer, 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.

Bambi Darrow
Notary Public

My Appointment Expires: 2-10-22



AGENT AUTHORIZATION

STATE OF Kansas

COUNTY OF Leavenworth

Leavenworth County Humane Society, Inc. (Executive Director is Crystal Swann Blackdeer)
We, _____ and _____, being duly sworn, do hereby depose and say that we are the owners of said property involved in this petition and that the following agent is authorized to represent us as it relates to this petition.

Authorized Agent: Renaissance Infrastructure Consulting (RIC)
207 S. Fifth Street
Leavenworth KS 66048

Signed and entered into this 8th day of February, 2021.

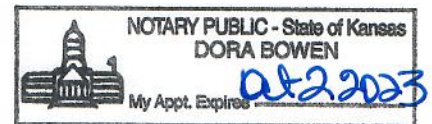

Signed Crystal Swann Blackdeer

Signed _____

Subscribed and sworn to before me on this 8th day of February, 2021.


Notary Public

My Commission Expires Oct 2, 2023.



REZONING CHECKLIST

Checklist Completed by: Matthew R. Schmitz
Case No. RZ-2021-3
Date Filed: February 12, 2021
Date Advertised: February 23, 2021
Date Notices Sent: February 22, 2021
Public Hearing Date: March 16, 2021

APPLICANT: LANDSEAFOOD, LLC

LOCATION OF PROPERTY: 1153 and 1155 Industrial Ter.

PRESENT ZONING: B-3 **REQUESTED ZONING:** I-1

PRESENT USE OF PROPERTY: Platted undeveloped ground

SURROUNDING LAND USE AND ZONING:

<u>Direction</u>	<u>Land Use</u>	<u>Zoning</u>
North	Regional Business District (Undeveloped ground)	B-3
South	Rural Residential 2.5 Acre (Undeveloped ground)	RR 2.5 (County)
East	Agricultural District (Undeveloped ground)	A-1
West	Light Industrial / Regional Business District (Co-Op / American Energy Products)	I-1 / B-3

CHARACTER OF THE NEIGHBORHOOD: The area is partially developed, with adjacent businesses on the west side of the property, an empty lot to the north, and additional businesses across Industrial St. to the north. To the east is empty ground planned to be a 2nd phase of the Business Park at some point in the future, and to the south is empty ground that lies outside the City Limits.

NEAREST EQUIVALENT ZONING:

LOCATION: West
CURRENT USE: Co-Op Fueling / Farm products / Propane

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 construct a project on the property (15,000 sq. ft. building) that requires the Light Industrial zoning. They will be growing and producing produce and possibly seafood for sale. They do not intend to sell to the public out of the facility.

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 proposed future use of the property would align with development policies if this rezoning is approved, and the construction of the building will require the development and acceptance of a Site Plan to comply with Development Policies.

2. Consistent with Future Land Use Map? Yes. The Future Land Use Map shows this area as Light Industrial, even though it is zoned as Regional Business District.

3. Are Public Facilities adequate? Yes. All utilities are present and in the area.

TRAFFIC CONDITIONS:

1. Street(s) with Access to Property: Industrial Ter.

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

3. Right of Way Width: Platted ROW width for Industrial Ter. is 60'

4. Will turning movements caused by the proposed use create an undue traffic hazard? No

5. Comments on Traffic: Traffic in the area will be slightly increased with future development on this property, but there are no concerns about traffic due to this request.

SHOULD PLATTING OR REPLATTING BE REQUIRED TO PROVIDE FOR:

1. Appropriately Sized Lots? The lots are appropriately sized. In the future, should the building need to be expanded, an Administrative Plat joining parcels together may be necessary.

2. Properly Sized Street Right of Way? Yes.

3. Drainage Easements? Utility easements exist on the Plat.

4. Utility Easements:
Electricity? Utility easements exist on the Plat.
Gas? Utility easements exist on the Plat.
Sewers? Utility easements exist on the Plat.
Water? Utility easements exist on the Plat.

5. Additional Comments: N/A

UNIQUE CHARACTERISTICS OF PROPERTY IN QUESTION: None

ADDITIONAL COMMENTS: None



Planning Commission Staff Report

March 16, 2021

UDO Text Amendment – Sign Size / Setback Regulations

Summary

After working with the applicant for Harbor Freight on their sign location, Staff has identified through collaboration with our Consultant on the UDO, Gould Evans, some modifications to the sign setback requirements outlined in the UDO that we believe should be reviewed and modified.

The current sign size / setback regulations read as follows on Page 8-5, Table 8-2: Sign Allowances, specifically freestanding signs located in B-1, B-2, B-3, I-1 & I-2:

- Number: 1 sign per each 200' of street frontage; maximum of 3 on any lot; 100' minimum separation between signs.
- Total Area Allowance: 1 s.f. for each 2 linear feet of street frontage.
- 10' minimum setback from all right-of-way and lot lines.
- Size: 25 s.f. maximum; and additional 20 square feet for each additional 5' setback up to 150 s.f. maximum per sign.
- Height: Monument – 6' high maximum; and an additional 2' in height for each additional 5' setback up to 15' maximum height. Pole – 20' high with a 10' setback, and 1' additional height for each additional 1' setback, up to 35' high.

Exception: Signs fronting on K-7 pole signs up to 300 s.f., if used en lieu of one other Wall or Freestanding sign, and if limited to a monument sign design.

As shown above, it is difficult for applicants to read through this and identify what setback would be required for say, a 100 sq. ft. Pole sign.

Staff proposes (after consultation with Gould Evans Staff) to revise the above box in Table 8-2 to read as follows:

- Number: 1 sign per each 200' section of street frontage; maximum of 3 on any lot; 100' minimum separation between signs.
- Maximum size per sign: 150 s.f. (and subject to Total Area Allowance based on setbacks below)
 - Pole sign setback distances and their allowable sign sizes and heights:
 - 10' setback – signs up to 25 s.f.; up to 20' high
 - 20' setback – signs 26 to 50 s.f.; up to 25' high
 - 30' setback – signs 51 to 100 s.f.; up to 30' high
 - 40' setback – signs 101 to 150 s.f.; up to 35' high
 - Monument sign setback distances and their allowable sign sizes and heights:
 - 10' setback – signs up to 25 s.f.; up to 6' high
 - 15' setback – signs 26 to 50 s.f.; up to 8' high
 - 20' setback – signs 51 to 100 s.f.; up to 10' high
 - 25' setback – signs 101-150 s.f.; up to 15' high
- K-7 Highway Exception:
 - Pole signs may be up to 300 s.f., provided they are setback at least 40', no higher than 35', and only if used in lieu of one other Wall or Freestanding Sign
 - Monument signs may be up to 300 s.f., provided they are setback at least 25', no higher than 15', and if integrated into landscape features or structures associated with a site entrance.

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
- Rebecca Savidge, Building Inspector, Community & Economic Development

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

- Chris Brewster, Esq., AICP – Associate Vice President, Senior Planner, Gould Evans
- Abby Newsham Kinney – Associate, Gould Evans

Recommendation

Staff recommends that the Planning Commission recommend approval of this item to the City Council.