

AGENDA

CALL TO ORDER

ROLL CALL / QUORUM ANNOUNCEMENT

OLD BUSINESS

1. Approval of Minutes, April 19, 2023, Regular Meeting

NEW BUSINESS

2. **Greenamyre Rentals Rezone- Case 2023-DEV-004**

The Applicant proposes to rezone a 1.8-acre tract of land from B-3 to R-4. The Future Land Use Map of the Lansing Comprehensive Plan categorizes this property as Commercial. The applicant is proposing to develop the property as a continuation of the Santa Fe Townhomes property. The property has access to Santa Fe Drive. The rezoning would expand the allowed uses to include, among others, the Row House dwelling unit type, as per UDO Article 4.03 Permitted Uses.

3. **Reilly Rezone- Case 2023-DEV-005**

The Applicant proposes to rezone a 16.9-acre tract of land from A-1 to R-2. The Future Land Use Map of the Lansing Comprehensive Plan categorizes this property as Medium Density. The applicant is proposing to develop the property as a continuation of the Fairway Estates subdivision. The property has access to North De Soto Road. The rezoning would grant the ability to create 6,000 sq. ft. minimum single-family Residential lots, as per **UDO Article 4.03 Permitted Uses**.

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 APRIL REGULAR MEETING

Council Chambers, 800 1st Terrace, Lansing, KS 66043
Wednesday, April 19, 2023, 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 Brian Payne, Janette Labbee-Holdeman, Jerry Gies, Nancy McDougal, and Mike Suozzo. Chairman Richard Hannon was not present. Chairman Jake Kowalewski noted that there is a quorum present.

OLD BUSINESS

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

A motion was made by Commissioner Nancy McDougal to approve the minutes as written and it was seconded by Commissioner Jerry Gies. Commissioners Brian Payne, Janette Labbee-Holdeman and Mike Suozzo abstained. Motion passed 3-0.

NEW BUSINESS

2. JK Root Final Plat

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.

Commissioner Nancy McDougal started the discussion by stating that the last time they looked at this, she thought it was four lots. To which Mr. Root replied that it is two pieces of property, but it was platted to where in the future, if the street came through, it would already be platted. Community and Economic Development Director, Josh Gentzler, clarified that it was a preliminary plat prior, so it can be viewed as a phasing for four lots, but the final plat that was

submitted, is a two-lot subdivision. In the future it can be divided only if/when the roadway is constructed.

Mr. Gentzler pulled the plat up for viewing and clarification for the members of the Planning Commission, and explained where each lot is. Commissioner Gies asked if the plat dedicates the right of way or if the City Council make that right of way. Mr. Gentzler stated that it will be dedicated with the plat. Commissioner Gies then asked if the City has to deed this to the applicant or sign the plat, since he is part owner. And it was stated that the City will approve the plat with the signature on it and add in the city signature block. Commissioner Labbee-Holdeman expressed her concern for anything to do with easements that is not in writing, and that it's important that it get recorded. Mr. Spickelmier, director of Public Works, was then asked about the 60' right of way, to which he stated that the 60' right of way is standard for residential streets.

Commissioner Gies asked for clarification on an item in the staff report, that the applicant is subject to all applicable City codes within the Municipal Code. However, in this case they are not, due to there being a waiver from City Council. Mr. Gentzler did agree and stated that they have a waiver.

A motion was then made by Commissioner McDougal to recommend approval to the City Council, and it was seconded by Commissioner Suozzo. Motion passed 4-2.

3. Towne Center Rezone- Case # 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.

The public hearing was opened at 7:12 pm.

Mr. Zimmerman, the applicant, introduced himself to the Planning Commission, and stated he is there to answer any questions anyone may have. Mrs. Lebbe-Holdeman asked for clarification on what is considered a 'medium apartment', to which Mr. Gentzler stated that it is terminology from our zoning regulations. It is high density residential development that allows 12-40 units per building in R-4. Commissioner McDougal asked the applicant what it is he wants to build. Mr. Zimmerman explained that they plan to have 50 units, that are 2-3-bedrooms, multifamily, affordable housing. The goal is to have it rezoned by May 4, 2023, for the purpose of tax credits. He went on to explain the amenities, and what each building is. There are topography challenges to the property, but they have worked out those details. He also acknowledged the sewer easement that they have avoided.

Commissioner Gies mentioned that the City owns the parcel, and Mr. Gentzler explained that it will still be maintained as commercial and City property. If the zoning passes and the tax credits are awarded, Mr. Zimmerman will come back with a plat to split the 4.73-acres, as it is currently one lot.

Mr. Rick Ricard, who lives on Hickory Trail, stepped forward and asked for clarification regarding the location. And then asked what the criteria is for higher density residences in an area that was zoned residential. And it was explained to him that it is zoned commercial. He had no other comments.

The public hearing was closed at 7:23 pm.

With no further discussion, Commissioner Labbe-Holdeman made a motion to recommend approval for the rezone from commercial to R-4. Commissioner Gies seconded that motion. The motion passed 6-0.

NOTICES AND COMMUNICATIONS- None

REPORTS - Commission and Staff Members- None

ADJOURNMENT-

Commissioner Mike Suozzo made a motion to adjourn the meeting and the meeting was adjourned by acclamation at 7:24 pm.

Respectfully submitted,

Melissa Baker, Secretary

Reviewed by,

Joshua Gentzler, Community and Economic Development Director

DRAFT



Planning Commission Staff Report

May 17, 2023

Santa Fe Townhomes Phase II Rezone
00000 N Main Street
Project # 2023-DEV-004 Rezone

Project Facts

Applicant

Jeremy Greenamyre
Greenamyre Rentals, Inc.

Owner

Greenamyre Rentals, Inc

Address

00000 N Main Street

Property ID

094-19-0-20-03-025.00

Zoning

B-3 (Regional Business District)

Future Land Use

Commercial

Land

79,910 SF (1.8 acres)

Building

Existing: N/A
Proposed: Single-Family Residential

Requested Approvals

Rezoning



Project Summary

Summary

The Applicant proposes to rezone a 1.8-acre tract of land from B-3 to R-4. The Future Land Use Map of the Lansing Comprehensive Plan categorizes this property as Commercial. The applicant is proposing to develop the property as a continuation of the Santa Fe Townhomes property. The property has access to Santa Fe Drive. The rezoning would expand the allowed uses to include, among others, the *Row House* dwelling unit type, as per **UDO Article 4.03 Permitted Uses**.

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
<p>1. Character of the neighborhood <i>Density: Surrounding parcels range in size from 0.2 acres to 5 acres in size. The average size of parcel is 1.0 acres in size. The surrounding residential properties average 4.7 Dwelling Units per Acre.</i> <i>Character: The neighborhood is a Mixed-Use neighborhood, with a variety of styles of development and buildings, due to the commercial developments located on K-7/Main Street, approximately 370’ west of the subject property. Further east/southeast, the neighborhood is developed at a greater industrial density from the mid-70’s.</i></p>	✓	
<p>2. Zoning and uses of nearby property <i>Adjacent Uses: Commercial, Industrial, and Multifamily residential</i> <i>Adjacent Zoning: R-1, R-4, B-3, I-1</i></p>	✓	
<p>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. The property is located nearby a state highway and bounded on two sides by commercial development.</i></p>		✓
<p>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></p>	✓	
<p>5. Length of time the property has been vacant as zoned <i>Vacant: <input checked="" type="checkbox"/> - Property has been vacant since the rail line was removed. Not Vacant: <input type="checkbox"/></i></p>		
<p>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 a multifamily residential complex on the property which would contribute to the economic development of the city via the addition of households within the City limits.</i></p>	✓	
<p>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></p>		✓

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 – Multifamily Residential District. The applicant has proposed to rezone and then construct an expansion to the Santa Fe Townhomes complex immediately to the southwest on the subject property.

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-004, Santa Fe Townhomes Phase II Rezone, at 00000 Main Street.

Action Options

1. Recommend approval of Case No. 2023-DEV-004 to the City Council; or
2. Recommend denial of Case No. 2023-DEV-004 to the City Council for specified reasons; or
3. Continue the public hearing to another date, time and place.

Attachments

1. Zoning Map
2. Future Land Use Map
3. Legal Description

REZONING CHECKLIST

Checklist Completed by: Joshua Gentzler
Case No. 2023-DEV-004
Date Filed: April 3, 2023
Date Advertised: April 26, 2023
Date Notices Sent: April 26, 2023
Public Hearing Date: May 17, 2023

APPLICANT: Greenamyre Rentals, Inc

LOCATION OF PROPERTY: 00000 M Main St, 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 Residential/Commercial	R-1
South	Multifamily Residential	R-4
East	Multifamily Residential	I-1
West	Commercial	B-3

CHARACTER OF THE NEIGHBORHOOD: The area is a mix of Commercial and multifamily developments.

NEAREST EQUIVALENT ZONING:

LOCATION: South
CURRENT USE: Vacant

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 develop with residential uses. B-3 zoning does not allow for any residential development.
- 3. Are there adequate sites for the proposed use in areas already properly zoned?** No **If yes, where?** N/A

CONFORMANCE WITH COMPREHENSIVE PLAN:

- 1. Consistent with Development Policies?** The Comprehensive Plan shows this area as Commercial. The Comprehensive Plan defines Commercial uses as sites that are 5+ acres in size and support retail uses. The property is 1.8 acres in size and has been vacant for over 20 years.

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: Santa Fe Drive

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

3. Right of Way Width: 30' Santa Fe Drive

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 development plan or plat to divide the property before development.

2. Properly Sized Street Right of Way? The existing Right of Way along Santa Fe Drive was found to be sufficient by the Public Works Department.

3. Drainage Easements? Drainage easements will be considered under the submitted preliminary plat or preliminary development plan.

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: 04/03/2023

Applicant / Owner

Applicant Name: Greenamyre Rentals, Inc.
 Address: 2500 S. 2nd St.
 City, State, Zip: Leavenworth
 Phone: 9138284440
 Agent:
 Address: Request was approved by BZA a few years ago (failed at council); R-4 is a good transitional zoning between the commercial zoning to the west and the single-family zoning to the east.
 City, State, Zip: Jeremy Greenamyre
 Phone:

Owner Name: GREENAMYRE RENTALS INC
 Address: 2500 S 2ND ST LEAVENWORTH, KS 66048-4542
 City, State, Zip: ,
 Phone:
 Agent:
 Address:
 City, State, Zip:
 Phone:

Request

Address: 00000 N MAIN ST, Lansing, KS 66043
 City, State, Zip: ,
 Parcel: 052-094-19-0-20-03-025.00-0
 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.

 Jeremy Greenamyre
 Name

 Date

AFFIDAVIT

STATE OF Kansas)
) §
COUNTY OF Leavenworth)

Comes now Jeremy Greenamyre for Greenamyre Rentals, 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, _____ 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:

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.

[Signature]

/s/)
) §

STATE OF Kansas)
) §
COUNTY OF Leavenworth)

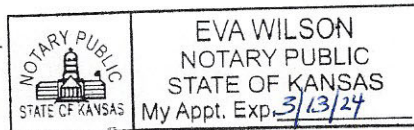
BE IT REMEMBERED that on this 3rd day of April, 2023, that before me, the undersigned, a Notary Public, in and for the State and County aforesaid, came Jeremy Greenamyre, who is personally known to me to be the person who executed the foregoing instrument of writing and such person duly acknowledged execution of same.

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

[Signature]

Notary Public

My Appointment Expires: 3/13/24



Agenda Item 2.

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- Page 12 -



NAME	ADDRESS	CITY,STATE,ZIP
AAA PARTNERSHIP	22015 W 66TH ST	SHAWNEE, KS 66286
HUHN,RICHARD P & THERESA J	601 N 2ND CT	LANSING, KS 66043
ANDREWS, JAMES M	118 FERN ST	LANSING, KS 66043
MC MILLIAN, MARK E	116 FERN ST	LANSING, KS 66043
TAYLOR,CRYSTAL M & MC HUGH,ERIN G	114 FERN ST	LANSING, KS 66043
LANSING HOSPITALITY LLC	504 N MAIN ST	LANSING, KS 66043
SHREE NIVAS INC	506 N MAIN ST	LANSING, KS 66043
GRAEF FAMILY LIVING TRUST; SHIRLEY,LEIGH L; SPENCER,JOANN C (DEC'D)	2909 GIRARD ST	LEAVENWORTH, KS 66048
DEUTSCHE BANK NATIONAL TRUST COMPANY	450 AMERICAN ST	SIMI VALLEY, CA 93065-6285
GREENAMYRE RENTALS INC	2500 S 2ND ST	LEAVENWORTH, KS 66048-4542
GREENAMYRE RENTALS INC	2500 S 2ND ST	LEAVENWORTH, KS 66048-4542
GREENAMYRE RENTALS INC	2500 S 2ND ST	LEAVENWORTH, KS 66048-4542
FATIMA LLC	13814 E PEPPERTREE ST	WICHITA, KS 67228-8720
GREENAMYRE RENTALS INC	2500 S 2ND ST	LEAVENWORTH, KS 66048-4542
LANSING CITY	800 1ST TER	LANSING, KS 66043
GREENAMYRE RENTALS INC	2500 S 2ND ST	LEAVENWORTH, KS 66048-4542

Column
AFFIDAVIT OF PUBLICATION

Leavenworth Times
422 Seneca Street
(913) 682-0305

I, Tammy Lawson, of lawful age, being duly sworn upon oath, deposes and says that I am the Paper Planning Specialist of Leavenworth Times, a publication that is a "legal newspaper" as that phrase is defined for the city of Leavenworth, for the County of Leavenworth, in the state of Kansas, that this affidavit is Page 1 of 1 with the full text of the sworn-to notice set forth on the pages that follow, and that the attachment hereto contains the correct copy of what was published in said legal newspaper in consecutive issues on the following dates:

PUBLICATION DATES:
26 Apr 2023

Notice ID: X3wwyyUXgGfRpLREQBrS
Publisher ID: 1042350
Notice Name: Greenamyre Rezone Notice

PUBLICATION FEE: \$44.00

Tammy Lawson
Paper Planning Specialist

VERIFICATION

STATE OF KANSAS
COUNTY OF LEAVENWORTH

Signed or attested before me on this

26 day of Apr, A.D. 2023.

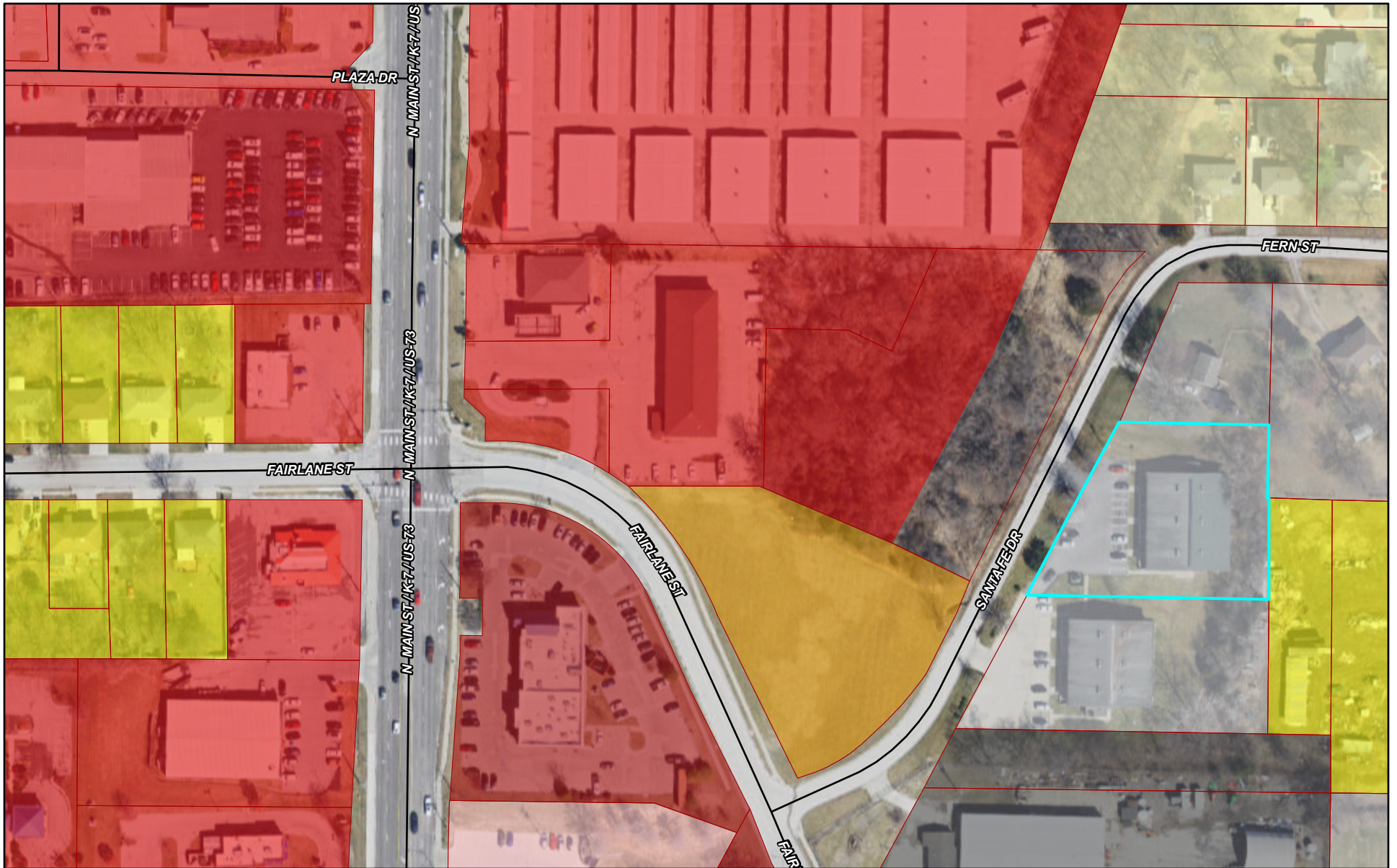
Rebecca A. Broom
Notary Public

PUBLIC HEARING NOTICE
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. GREENAMYRE RENTALS, INC, applicant and owner, has submitted a rezoning application for Lot 2B, Midtown Court 2nd Plat, a parcel addressed as 00000 N Main St, Lansing, KS 66043. 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 #052-094-19-0-20-03-025.00-0. 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 May 17th, 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, Apr 26, 2023

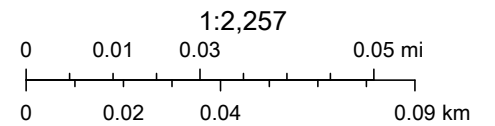
1042350

REBECCA A. BROOM
Notary Public - State of Kansas
My Appt. Expires 4/1/23

2023-DEV-005 Zoning



May 11, 2023



Map data © OpenStreetMap contributors, CC-BY-SA

Urban Growth Management Area



City Boundary



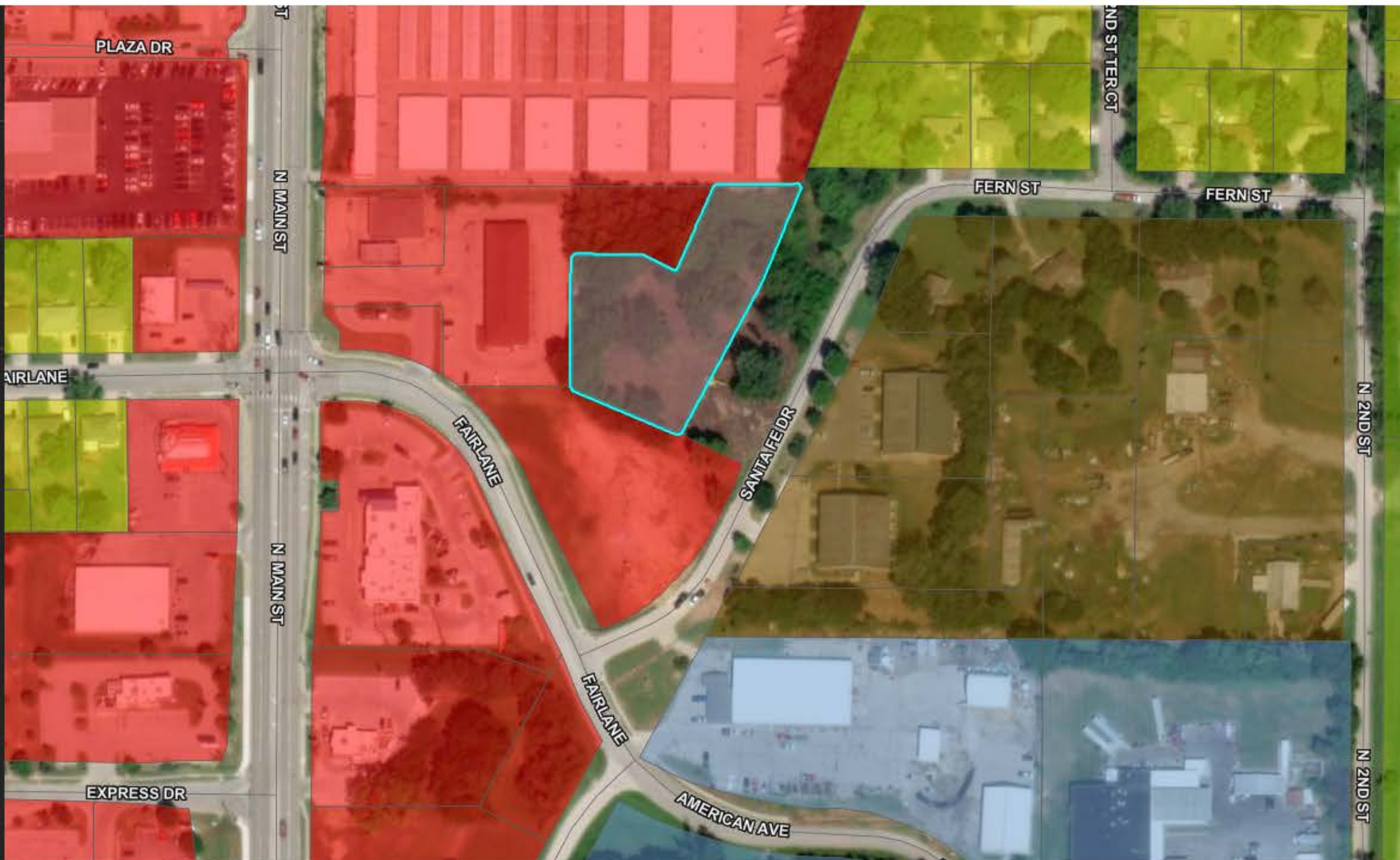
Parcels



Future Land Use

Future Land Use

- Airport
- Business Park/Light Industrial
- Civic
- Proposed from Civic to Single Family Residential
- Commercial
- High Density
- Proposed from High Density to Single Family Residential
- Medium Density
- Mixed Use
- Office
- Open Space Agriculture
- Parks
- Proposed from Parks to Single Family Residential
- Rural Residential
- Single-Family Residential





Planning Commission Staff Report
May 17, 2023

Fairway Estates Expansion Rezone
00000 De Soto Drive
Project # 2023-DEV-005 Rezone

Project Facts

Applicant

Michael Reilly
Reilly Development, LLC

Owner

Reilly Development

Address

00000 De Soto Road

Property ID

106-13-0-30-03-004.00

Zoning

A-1 (Agricultural District)

Future Land Use

Medium Density

Land

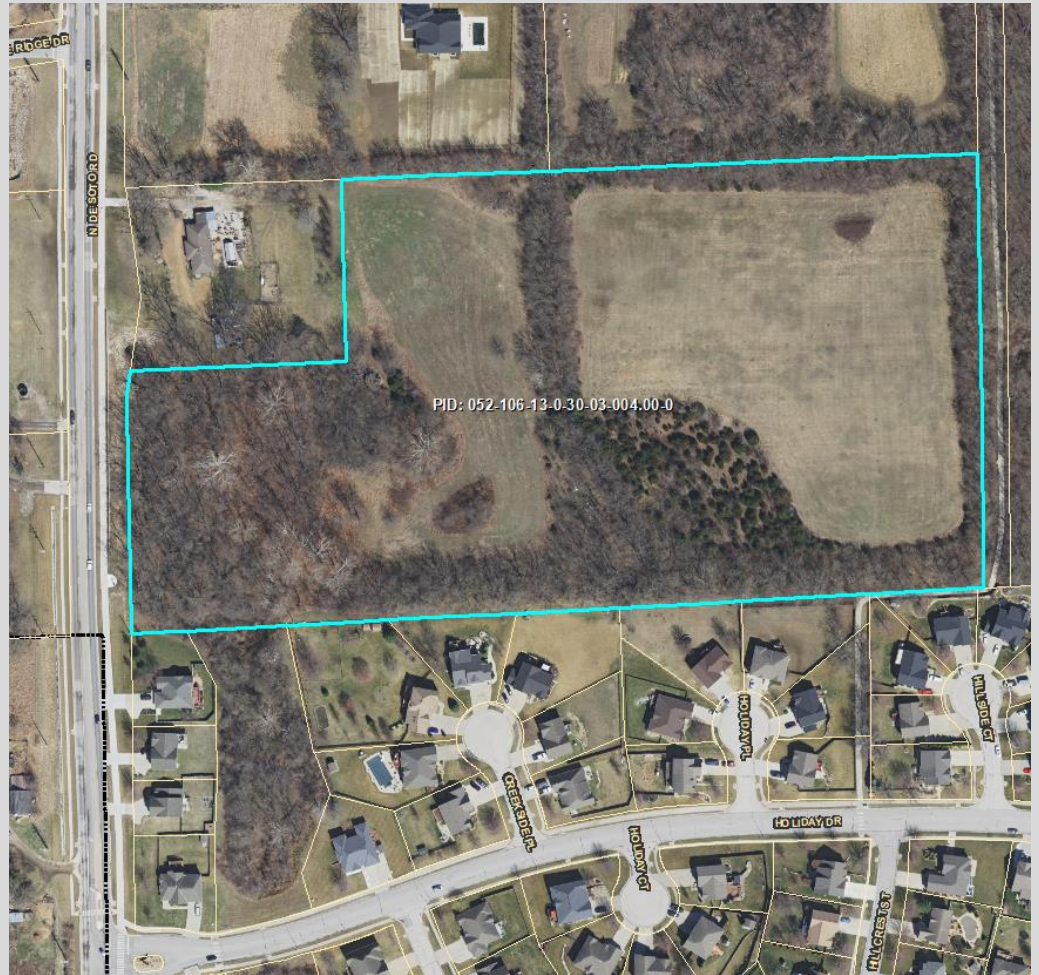
735,893 SF (16.9 acres)

Building

Existing: N/A
Proposed: Single-Family Residential

Requested Approvals

Rezoning



Project Summary

Summary

The Applicant proposes to rezone a 16.9-acre tract of land from A-1 to R-2. The Future Land Use Map of the Lansing Comprehensive Plan categorizes this property as Medium Density. The applicant is proposing to develop the property as a continuation of the Fairway Estates subdivision. The property has access to North De Soto Road. The rezoning would grant the ability to create 6,000 sq. ft. minimum single-family Residential lots, as per **UDO Article 4.03 Permitted Uses**.

The CED office has had less than 10 conversations with residents concerning this application.

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 0.2 acres to 76.3 acres in size. The average size of parcel is 5.7 acres in size. The surrounding residential properties within City limits average 1.8 Dwelling Units per Acre. Character: The neighborhood consists of Single-family residential and Agricultural uses.</i>	✓	
2. Zoning and uses of nearby property <i>Adjacent Uses: Single-Family Residential & Agricultural Adjacent Zoning: A-1, R-1, R-2, 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 A-1 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 at least 1941. 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. In the event of the approval of the rezoning, this will allow the applicant to develop a single-family residential subdivision on the property which would 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: Medium Density 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 A-1 –Agricultural District to R-2 – Single-Unit Residential District. The applicant has proposed to rezone and then subdivide this parcel, and the parcel in the northwest corner of the parcel to build an estimate 45-50 home expansion of Fairway Estates.

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-005, Fairway Estates Expansion Rezone, at 00000 N De Soto Road.

Action Options

1. Recommend approval of Case No. 2023-DEV-005 to the City Council; or
2. Recommend denial of Case No. 2023-DEV-005 to the City Council for specified reasons; or
3. Continue the public hearing to another date, time and place.

Attachments

1. Zoning Map
2. Future Land Use Map

REZONING CHECKLIST

Checklist Completed by: Joshua Gentzler
Case No. 2023-DEV-005
Date Filed: April 20, 2023
Date Advertised: April 26, 2023
Date Notices Sent: April 26, 2023
Public Hearing Date: May 17, 2023

APPLICANT: Reilly Development LLC

LOCATION OF PROPERTY: 00000 De Soto Road, Lansing, KS 66043

PRESENT ZONING: A-1 **REQUESTED ZONING:** R-2

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 Residential	A-1
South	Single-Family Residential	R-1
East	Undeveloped	R-2
West	Single-Family Residential	A-1

CHARACTER OF THE NEIGHBORHOOD: The area is generally developed with single-family residential neighborhoods branching east off of DeSoto Road. Lots to the north of the subject property have been developed as large lot single-family residential properties.

NEAREST EQUIVALENT ZONING:

LOCATION: East
CURRENT USE: Single-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 develop the property at a density of not allowed with the A-1 district. A-1 district requires 1 acre minimum sized lots.
- 3. Are there adequate sites for the proposed use in areas already properly zoned?** Yes **If yes, where?** Immediately west. This development would provide greater connectivity for the existing and proposed Fairway Estates subdivision.

CONFORMANCE WITH COMPREHENSIVE PLAN:

1. Consistent with Development Policies? The Comprehensive Plan shows this area as medium density. The Comprehensive Plan defines medium density residential as 5-12 units per acre, 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: N De Soto Road

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

3. Right of Way Width: 30' N De Soto Road

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 N De Soto Road 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: 04/10/2023

Applicant / Owner

Applicant Name:	Michael Reilly - Reilly Development, LLC	Owner Name:	REILLY DEVELOPMENT LLC
Address:	608 Delaware	Address:	608 DELAWARE ST LEAVENWORTH, KS 66048
City, State, Zip:	Leavenworth, KS 66048	City, State, Zip:	,
Phone:	9136830233	Phone:	
Agent:		Agent:	
Address:	To submit a residential plat for a new home community	Address:	
City, State, Zip:	Michael Reilly	City, State, Zip:	
Phone:		Phone:	

Request

Address:	00000 N DESOTO RD, Lansing, KS 66043	Current Zone:	A-1 Agricultural District
City, State, Zip:	,	Proposed Zone:	R-2 Single-Unit Residential District
Parcel:	052-106-13-0-30-03-004.00-0		
Legal:			

Property Details

Section:		Corner:	
Township:		Between:	
Range:		Side:	
		Between:	

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

Michael Reilly

Name

Date

AFFIDAVIT

STATE OF Kansas)
)
COUNTY OF Leavenworth) §

Comes now Michael Reilly - Reilly Development, 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, Michael Reilly 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:

Reilly Development, LLC
608 Delaware
Leavenworth KS 66048

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.

[Signature]

/s/

STATE OF Kansas)
)
COUNTY OF Leavenworth) §

BE IT REMEMBERED that on this 10th day of April, 2013 that before me, the undersigned, a Notary Public, in and for the State and County aforesaid, came Michael Reilly, 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.

[Signature]

Notary Public

My Appointment Expires: 3-25-24



NAME	ADDRESS	CITY, STATE, ZIP
SCHNEIDER,WILLIAM J & KLINEDINST,AMANDA L	13047 STRANGER RD	LEAVENWORTH, KS 66048
LAWSON, MARK A	901 KANE DR	LANSING, KS 66043
SCHINTGEN, WAYNE A	814 N DESOTO RD	LANSING, KS 66043
REILLY DEVELOPMENT LLC	608 DELAWARE ST	LEAVENWORTH, KS 66048
REILLY DEVELOPMENT LLC	608 DELAWARE ST	LEAVENWORTH, KS 66048
REILLY DEVELOPMENT LLC	608 DELAWARE ST	LEAVENWORTH, KS 66048
ROBINSON,KENNETH WILBUR & DEBRA LYNN	657 HOLIDAY LN	LANSING, KS 66043
WEAVER,PATRICIA Z & SETH A	676 HILLSIDE CT	LANSING, KS 66043
GREGORY,KARL E & MURIEL	677 HILLSIDE CT	LANSING, KS 66043
PARVIN,JON F & KIRSTY A	674 HILLSIDE CT	LANSING, KS 66043
PREDMORE,BRADLEY G & ANITA G	675 HILLSIDE CT	LANSING, KS 66043
RAMOS-GRANELL,ROBERTO & RAMOS,RUTH M	684 HOLIDAY PL	LANSING, KS 66043
COLLINS,JAMES R II & PEGGY J	685 HOLIDAY PL	LANSING, KS 66043
KENNEDY,KEVIN E & JACQUELINE C	694 CREEKSIDE PL	LANSING, KS 66043
MEFFORD,STEPHEN T & LAURIE M	696 CREEKSIDE PL	LANSING, KS 66043
DODD,DIANA W & BRYAN J	695 CREEKSIDE PL	LANSING, KS 66043
JACOBSON, KIMBERLY	682 HOLIDAY PL	LANSING, KS 66043
HINCKLEY,ERIK O & JULIE A	655 HOLIDAY LN	LANSING, KS 66043
WOODLAND HILLS HOMEOWNERS ASSOCIATION INC	PO BOX 32	LANSING, KS 66043
DELAVAN,CLARK & JANIS; TRUST	873 HOLIDAY DR	LANSING, KS 66043
PACE,RICHARD C & ELIZABETH J	683 HOLIDAY PLACE	LANSING, KS 66043
CONCANNON,CHRIS & GINA	692 CREEKSIDE PL	LEAVENWORTH, KS 66048
SCHULTZ,JAMES V & PATTI J	672 HILLSIDE CT	LANSING, KS 66043
STEVENSON,GILBERT H & BETHANY	83 CONTINENTAL DR	LANSING, KS 66043
TOUFFAHA,MOHAMAD A & DHAYNE,JIHANE	602 DESOTO RD	LANSING, KS 66043
NABORS,JAMES H & TERI L	690 CREEKSIDE PL	LANSING, KS 66043
HENDERSON,JAMES L & KELLEY D	693 CREEKSIDE PLACE	LANSING, KS 66043
BURNETT,ELIZABETH V & RONALD K	719 N DESOTO RD	LANSING, KS 66043
CLINE,DONALD D & KELLY K	709 N DESOTO RD	LANSING, KS 66043



Column

AFFIDAVIT OF PUBLICATION

Leavenworth Times
422 Seneca Street
(913) 682-0305

I, Tammy Lawson, of lawful age, being duly sworn upon oath, deposes and says that I am the Paper Planning Specialist of Leavenworth Times, a publication that is a "legal newspaper" as that phrase is defined for the city of Leavenworth, for the County of Leavenworth, in the state of Kansas, that this affidavit is Page 1 of 1 with the full text of the sworn-to notice set forth on the pages that follow, and that the attachment hereto contains the correct copy of what was published in said legal newspaper in consecutive issues on the following dates:

PUBLICATION DATES:
26 Apr 2023

Notice ID: oeoft7ZcpKoLblmAULCE
Publisher ID: 1047650
Notice Name: Reilly Rezone Notice

PUBLICATION FEE: \$41.80

Tammy Lawson
Paper Planning Specialist

VERIFICATION

STATE OF KANSAS
COUNTY OF LEAVENWORTH


Signed or attested before me on this

26 day of Apr, A.D. 2023.

Rebecca A. Broom
Notary Public

PUBLIC HEARING NOTICE
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. MICHAEL REILLY, applicant, has submitted a rezoning application on behalf of Reilly Development, LLC, owner, for a parcel addressed as 00000 N Desoto Rd, Lansing, KS 66043. The request is to rezone this parcel from A-1 Agricultural District to R-2 Single-Unit Residential District. The parcel ID of the property involved is CAMA #052-106-13-0-30-03-004.00-0. 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 May 17th, 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, Apr 26, 2023

1047650

 **REBECCA A. BROOM**
Notary Public - State of Kansas
My Appt. Expires 6/7/23

Urban Growth Management Area



City Boundary



Parcels



Future Land Use

Future Land Use

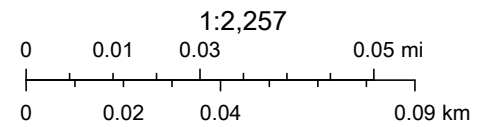
- Airport
- Business Park/Light Industrial
- Civic
- Proposed from Civic to Single Family Residential
- Commercial
- High Density
- Proposed from High Density to Single Family Residential
- Medium Density
- Mixed Use
- Office
- Open Space Agriculture
- Parks
- Proposed from Parks to Single Family Residential
- Rural Residential
- Single-Family Residential



2023-DEV-005 Zoning



May 11, 2023



Map data © OpenStreetMap contributors, CC-BY-SA