



PLANNING COMMISSION JUNE 23RD SPECIAL MEETING

Council Chambers, 800 1st Terrace, Lansing, KS 66043
Wednesday, June 23, 2021 at 7:00 PM

AGENDA

CALL TO ORDER

ROLL CALL / QUORUM ANNOUNCEMENT

OLD BUSINESS

NEW BUSINESS

1. **Rezoning Application - Case # RZ-2021-4**

Application submitted by Joseph Herring, Authorized Agent for William & Stacy Driscoll and Larry & Tamara Watts, property owners. This application is to rezone the Driscoll parcel (RR-2.5 - County Design) to R-2 Single-Unit Residential and a portion of the Watts parcel (A-1 Agricultural District) to R-2 Single-Unit Residential.

NOTICES AND COMMUNICATIONS

REPORTS

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.

Rezone Case RZ-2021-4

24725 147th St. and 00000 147th St.

Project Facts

Applicant

William & Stacy Driscoll and
Larry & Tamara Watts

Address

24725 147th St. and 00000
147th St.

Property ID

107-36-0-00-00-004.05-0
107-36-0-00-00-004.00-0

Zoning

RR-2.5
A-1

Future Land Use

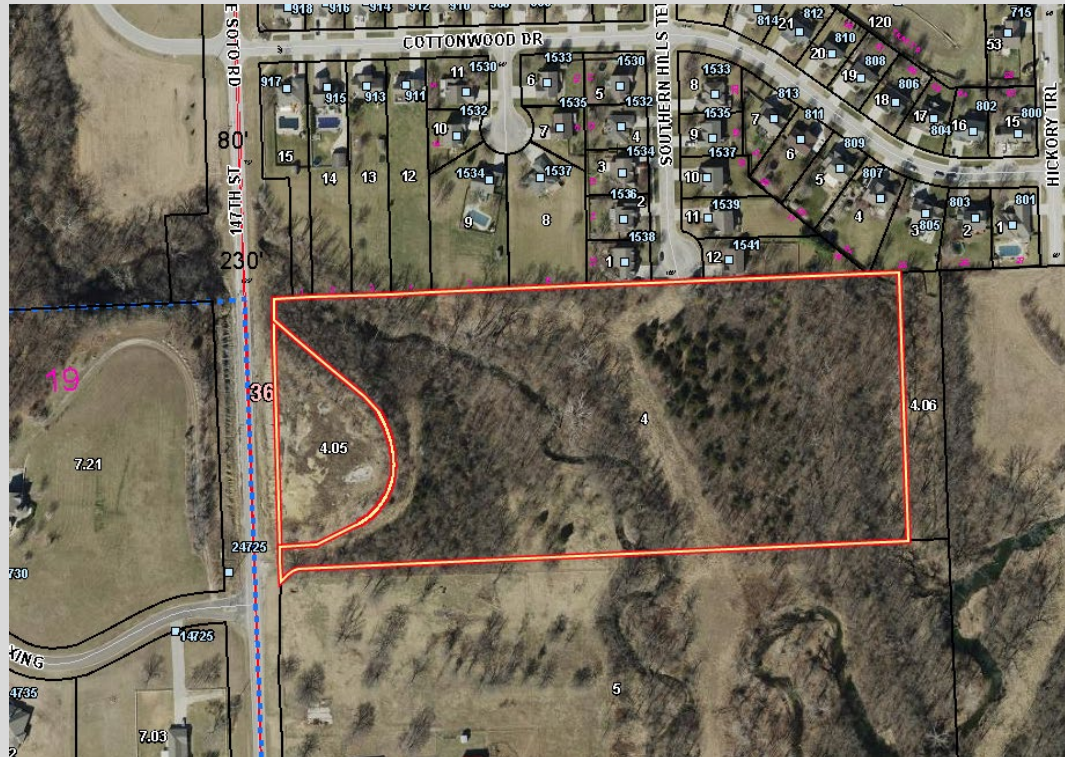
Single-Family Residential

Land

612,064.95 SF (14.05 acres)

Requested Approvals

Rezoning



Summary

William & Stacy Driscoll and Larry & Tamara Watts, property owners, through their agent Joseph Herring, applicant, of Herring Surveying, have applied to rezone the Driscoll property from RR-2.5 (County Design) to R-2 and a portion of the Watts property from A-1 Agricultural District to R-2 Single-Unit Residential District. This rezoning, if approved, will allow the property owners to develop three new single-family homes on the subject property, after an Administrative Plat is completed to generate one additional lot. An exhibit showing the proposed lots is attached for review. Lots 1 and 2 would be R-2, while Lot 3 will remain A-1 zoning.

A public hearing notice was published in the *Leavenworth Times* on June 2, 2021, and the notice was mailed to property owners within Lansing and within 200 feet of the subject property as well as in the County and within 1000 feet on June 2, 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 has been one resident contact the city on behalf of this rezoning application. That resident inquired as to the development of the property, and upon explanation of what was planned to be constructed after the rezoning, had no further concerns about the proposed rezoning.

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

Agenda Item 1.

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 Larry & Tamara Watts
Address 933 Oakmont Dr Lansing KS 66043 Phone (913) 240-8452
Agent (if applicable) Joe Herring
Address 315 N. 5th St Leavenworth KS 66048 Phone (913) 651-3858

(use separate sheet if necessary for additional owners/applicants)

II. The applicant hereby requests a change of zone from A-1 zoning district to R-2 zoning district for property legally described as (use either metes and bounds or subdivision/block/lot description):

SEE ATTACHED MAP

A-1 to R-2 (WATTS)

COUNTY RR 2.5 TO R-2 (ORISKANY)

Real Estate Tax Number 107-36-0-00-00-004 (WATTS) 107-36-0-00-00-004.05 (PLIKER)

III. This property is located in : Section 36 Township 9 Range 22

The general location is (use appropriate section):

A. Street Address: 00000 147th St Lansing KS 66048

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

C. On the E (N, S, E, W) side of 147th (street)
between COTTONWOOD DR (street) and PRAIRIE CROSSING (street).

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

TO ALLOW FOR AN ADMINISTRATIVE PLAT ON

SAID PROPERTY & TO CONSTRUCT MULTIPLE HOUSES

(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.

Samy Watts
Owner

By [Signature] AGENT
DRISCOLL
Authorized Agent (if applicable)

Jamena Watts
Owner

By _____
Authorized Agent (if applicable)

OFFICE USE ONLY:

VI. Application received on: 5-14-2021 (month, day, year)

Application received by: Matt Schmitz

Amount of fee paid: \$ 150.00

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) §

Comes now Larry Watts, 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, Larry Watts and Tamara Watts 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:

Larry Watts 933 Oakmont Dr
Tamara Watts 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 KANSAS

COUNTY OF JOHNSON

/s/

§

BE IT REMEMBERED that on this 11 day of MAY, 2021, that before me, the undersigned, a Notary Public, in and for the State and County aforesaid, came LARRY WATTS, 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.

Notary Public

My Appointment Expires: 3/23/2022

APPLICATION FOR REZONING
ACCOMPANYING DATA

An application for rezoning shall be accompanied by:

1. A site plan showing the location and uses of buildings on the property.
2. A drawing to scale showing the boundaries of the property, the existing streets and utilities presently serving the property, the proposed new streets and utilities to serve the property, and the dimensions and location of the improvement.
3. A copy of the deed for the owner of record.
4. If an agent is acting for the owner, a notarized document signed by the owner, authorizing the agent to represent him/her.
5. A certified list of the owners of real property located within two hundred (200) feet of the boundary of the property for which rezoning would be authorized. If the property for which the rezoning is requested is adjacent to the city limits, the list must also include the owners of unincorporated property within one thousand (1,000) feet of it.

AGENT AUTHORIZATION

STATE OF Kansas

COUNTY OF Leavenworth

We, Larry Watts and Tamara Watts, 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: Joe Herring
315 N. 5th St
Leavenworth KS 66048

Signed and entered into this 10th day of May, 2021.

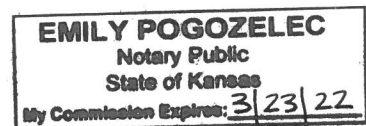
Larry Watts
 Signed

Tamara Watts
 Signed

Subscribed and sworn to before me on this 11 day of MAY,
 _____.

Emily Pogozelec
 Notary Public

My Commission Expires 3/23/2022.



AFFIDAVIT

STATE OF Kansas)
COUNTY OF Leavenworth) §

Comes now William E. Driscoll Jr. of lawful age and having been first duly sworn on my oath state that: AND Stacy R. Driscoll

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

2. We, William E. Driscoll Jr. and Stacy R. Driscoll 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:

William E. Driscoll P.O. Box 883 LV KS 66048
Stacy R. Driscoll P.O. Box 883 LV 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.

WEDL Stacy R. Driscoll

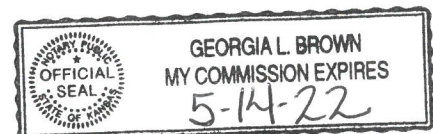
STATE OF Kansas)
COUNTY OF Leavenworth) §

BE IT REMEMBERED that on this 17th day of May, 2021, that before me, the undersigned, a Notary Public, in and for the State and County aforesaid, came _____, 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.

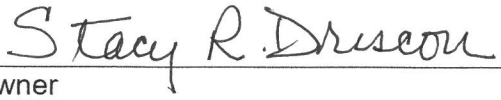
Georgia L. Brown
Notary Public

My Appointment Expires: 5-14-22



- 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 _____
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 _____

AGENT AUTHORIZATION

STATE OF Kansas

COUNTY OF Leavenworth

We, Stacy R. Driscoll 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: Joe Herring

Signed and entered into this 17th day of May, 2021

Signed _____ Signed Stacy R. Driscoll

Subscribed and sworn to before me on this 17th day of May, 2021.

Rebecca L. Savidge
Notary Public

My Commission Expires 4-17-2024



REZONE EXHIBIT

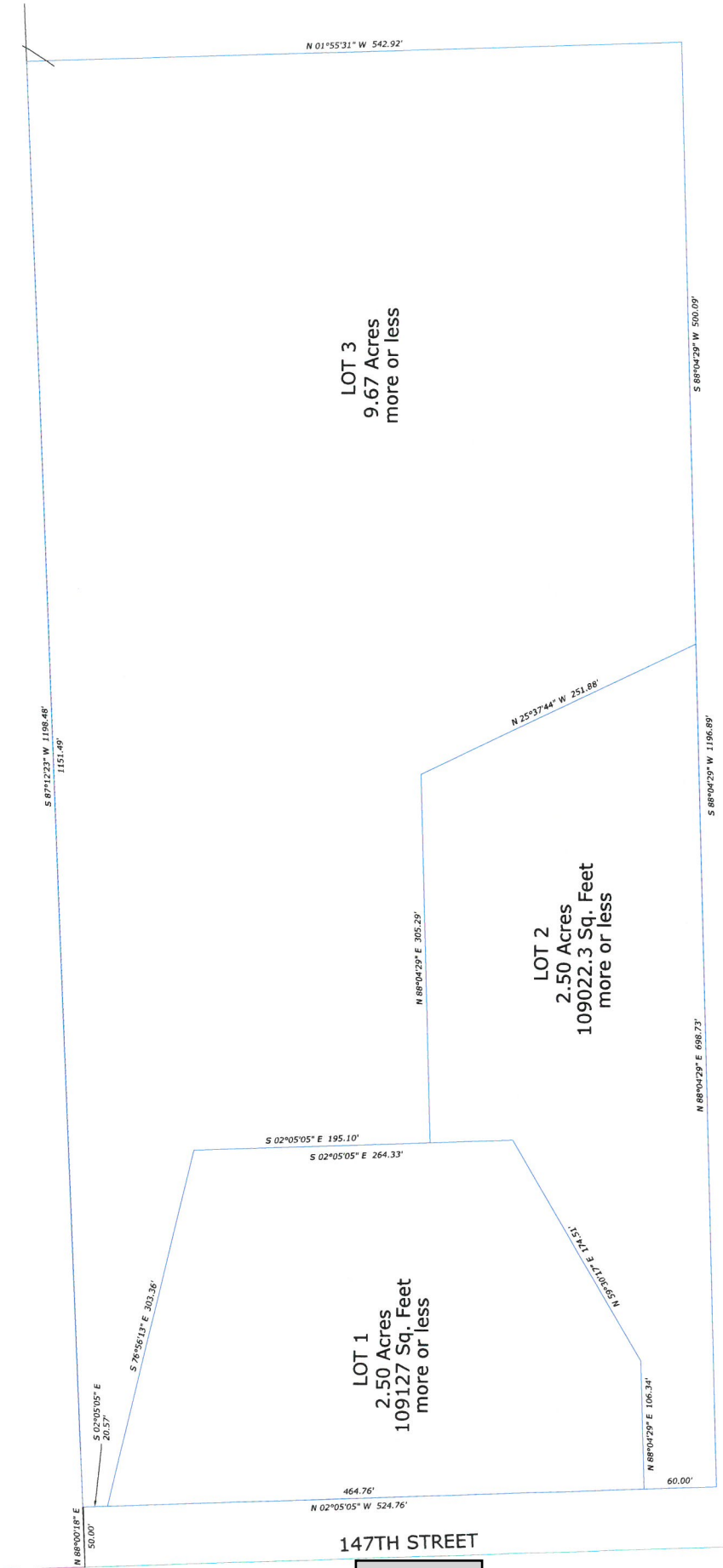
Tracts of land in the Southwest Quarter of Section 34, Township 9 South, Range 20 East of the 6th P.M., City of Lansing, Leavenworth County, Kansas.

PREPARED FOR:
Sherrill R. & William E. Driscoll Jr.
PO BOX 883
Leavenworth, KS 66048
PID NO. 107-36-0-00-004.05
LOT 2 and 3

REZONE DESCRIPTION:

A tract of land in the Southwest Quarter of Section 36, Township 9 South, Range 22 East of the 6th P.M., City of Lansing, Leavenworth County, Kansas, more fully described as follows: Commencing at the Northwest corner of said Southwest Quarter; thence North 87 degrees 12'23" East for a distance of 50.00 feet along the corner of said Southwest Quarter; thence South 02 degrees 05'05" East for a distance of 20.57 feet along the East right of way line of 147th Street; thence South 78 degrees 06'13" East for a distance of 303.36 feet; thence South 02 degrees 05'05" East for a distance of 195.10 feet; thence North 04 degrees 29' East for a distance of 305.29 feet; thence South 25 degrees 37'44" East for a distance of 251.88 feet; thence South 88 degrees 04'29" West for a distance of 698.73 feet to the Easterly right of way line of 147th Street; thence North 02 degrees 05'05" West for a distance of 524.76 feet along said right of way line to the point of beginning; together with and subject to covenants, easement and restriction of record.

The above description only describes the proposed Lots 1 and 2 as shown below. Lot 1 currently has a Rural Residential 2.5 Acres - Leavenworth County Zoning. Lots 2 and 3 are Agriculture Zoning. Lot 3 will remain Agriculture. Lots 1 and 2 are proposed R-2 Zoning - Lot 2 would have the minimum 60 foot width.



147TH STREET



Scale 1" = 60'

Job # K-21-1437
May 15, 2021



THIS DOES NOT CONSTITUTE A BOUNDARY SURVEY

REZONING CHECKLIST

Checklist Completed by: Matthew R. Schmitz
Case No. RZ-2021-4
Date Filed: May 14, 2021
Date Advertised: June 2, 2021
Date Notices Sent: June 1, 2021
Public Hearing Date: June 23, 2021

APPLICANT: William & Stacy Driscoll and Larry & Tamara Watts

LOCATION OF PROPERTY: 24725 147th St. and 00000 147th St.

PRESENT ZONING: RR-2.5 and A-1

REQUESTED ZONING: R-2

PRESENT USE OF PROPERTY: Unplatted, undeveloped ground

SURROUNDING LAND USE AND ZONING:

<u>Direction</u>	<u>Land Use</u>	<u>Zoning</u>
North	Residential subdivision	R-1
South	Unplatted Agricultural ground / residences	A-1
East	Unplatted Agricultural ground / residences	A-1
West	Platted Subdivision - not in City	RR-2.5

CHARACTER OF THE NEIGHBORHOOD: The area is undeveloped agricultural / rural residential area with a developed subdivision to the north.

NEAREST EQUIVALENT ZONING:

LOCATION: North (Large parcel between 4-H and W. Mary just east of DeSoto Road is nearest R-2, property directly north is R-1 along Cottonwood Drive)

CURRENT USE: Undeveloped agricultural ground with one residence on the property for equivalent zoning and Developed subdivision for property directly north.

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 perform an administrative lot split on the property, creating one additional lot from the Watts property (the larger tract) to allow for an additional single-family home to be located on that newly created lot. To access 147th, they need a minimum lot width of 60' with R-2, whereas A-1 requires 160 ft.
- 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 homes would require the obtainment of building permits before construction could begin.
2. **Consistent with Future Land Use Map?** Yes. The Future Land Use Map shows this area as Single-Family Residential.
3. **Are Public Facilities adequate?** There are utilities in the area, however extensions would be needed for the two parcels on the southwest side of the creek in this area if they desire to use sanitary sewer. Since they are planning to have these homes on septic, existing utilities in the area would be adequate.

TRAFFIC CONDITIONS:

1. **Street(s) with Access to Property:** 147th Street
2. **Classification of Street(s):**
 Arterial X Collector _____ Local _____
3. **Right of Way Width:** ROW width in this area varies, but is approximately 116'
4. **Will turning movements caused by the proposed use create an undue traffic hazard?** No
5. **Comments on Traffic:** With two homes accessing from 147th, the traffic impacts would be minimal.

SHOULD PLATTING OR REPLATTING BE REQUIRED TO PROVIDE FOR:

1. **Appropriately Sized Lots?** Yes - an admin plat will be needed.
2. **Properly Sized Street Right of Way?** No - existing ROW is sufficient.
3. **Drainage Easements?** Drainage easements are not a consideration currently.
4. **Utility Easements:**
 Electricity? None required.
 Gas? None required.
 Sewers? The existing sewer in the area is within already established easements.
 Water? None required.
5. **Additional Comments:** N/A

UNIQUE CHARACTERISTICS OF PROPERTY IN QUESTION: None

ADDITIONAL COMMENTS: None