



CITY OF LANSING
Council Chambers
800 1st Terrace
Lansing, KS 66043

COUNCIL AGENDA
Regular Meeting
Thursday, July 6, 2017
7:00 P.M.

WELCOME TO YOUR CITY COUNCIL MEETING

Regular meetings are held on the first and third Thursday of each month at 7 pm and are televised on Cable Television Channel 2 on Monday 7 pm, Tuesday 10 am & 7 pm, Friday 5 pm, Saturday 1 pm and Sunday 7 pm.

Any person wishing to address the City Council, simply proceed to the microphone in front of the dais after the agenda item has been introduced and wait to be recognized by the Mayor. When called upon, please begin by stating your name and address. A time designated "Audience Participation" is listed on the agenda for any matter that does not appear on this agenda. The mayor will call for audience participation. Please be aware that the city council and staff may not have had advance notice of your topic and that the city council may not be able to provide a decision at the meeting. If you require any special assistance, please notify the city clerk prior to the meeting.

Call To Order

Pledge of Allegiance

Roll Call

AMENDED

OLD BUSINESS:

1. Approval of Minutes

NEW BUSINESS:

Audience Participation

Presentations

Council Consideration of Agenda Items:

2. Request to Advertise – Project 13-01: Storm Sewer Improvements for East Kay and Third Street
3. Structure Removal Cost Share Request – 118 West Kansas Avenue
4. Main Street Overlay District Application – 612 North Main Street
5. Re-zone Request – 612 North Main Street
6. Memorandum of Understanding – McIntyre Road
7. Executive Session – Personnel Matters of Non-Elected Personnel

Reports:

Department Heads, City Attorney; City Engineer; City Administrator; Councilmembers


Proclamations

Other Items of Interest

Adjournment

AGENDA ITEM

TO: Tim Vandall, City Administrator 

FROM: Sarah Bodensteiner, City Clerk 

DATE: June 20, 2017

SUBJECT: Approval of Minutes

The regular meeting minutes for June 15, 2017, are enclosed for your review.

Action: Staff recommends a motion to approve the regular meeting minutes for June 15, 2017, as presented.

AGENDA ITEM #

1

Call To Order:

The regular meeting of the Lansing City Council was called to order by City Council President Gene Kirby at 7:00 p.m.

Roll Call:

City Council President called the roll and indicated which governing body members were in attendance.

Councilmembers Present:

Ward 1: Dave Trinkle and Gene Kirby
Ward 2: Andi Pawlowski and Don Studnicka
Ward 3: Kerry Brungardt
Ward 4: Tony McNeill

Councilmembers Absent: Mayor Smith, Councilmember Garvey, and Councilmember Buehler

City Council President Gene Kirby stated that in the absence of the Mayor he will be presiding over the meeting tonight and will be voting.

OLD BUSINESS:

Approval of Minutes: Councilmember Brungardt moved to approve the regular meeting minutes of June 1 2017, as presented. Councilmember Pawlowski seconded the motion. The motion was unanimously approved.

Audience Participation: Councilmember Kirby called for audience participation and there was none.

Presentation

COUNCIL CONSIDERATION OF AGENDA ITEMS:

Ordinance No. 979 – Approval of Fee Schedule: Councilmember Pawlowski moved to adopt Ordinance No. 979. Councilmember Studnicka seconded the motion. The motion was unanimously approved.

Award of Bid – Project 17-03: Ida Street Drainage Project: Councilmember Pawlowski moved to accept the bid of Lexeco, Inc., of Leavenworth Kansas, in the amount of \$23,799.00 for Project 17-03: Ida Street Drainage Project. Councilmember Brungardt seconded the motion.

- Councilmember Pawlowski asked this one we didn't have the easements for, but did the owner voluntarily give us the easements for the property.
 - Public Works Director Jeff Rupp replied yes he did.
 - Councilmember Pawlowski asked so after this we'll maintain those easements so we won't have problems going back on that property in the future.
 - Public Works Director Jeff Rupp replied right.

The motion was unanimously approved.

DeSoto Road Improvements – Land Acquisition: Jeff Hancock with SMH Consultants stated tonight what I wanted to do was tell you where we are at in the acquisition process and tell you what the next steps are in the process and the last thing you'll need to do tonight is go through a process that is called setting just compensation, which I believe you have a motion in your agenda packets in order to do that, if not let me know and I can help you to do that, but it is just something that needs to be reflected in the minutes. The first thing I want to do is talk to you about where we are at in the process, so when I was here last time we had already met with all the property owners, or the ones that wanted to meet with us, now the appraisals have been completed and the appraiser has also met with property owners that wanted to meet with him. The review appraisals have also been completed by an independent appraiser and so we have values for the easements the need to be acquired, the right-of-way and permanent drainage easements, and the next step tonight you're doing is setting just compensation based on those appraisals and those review appraisals so that we can go ahead and make offers. It's a step that's required in the Uniform Act, that the governing body make that formal action in order to do that. I wanted to cover some of the things we've heard from property owners, some of the concerns they've had. Most if not all of these have been addressed already or they are very easily addressed with help from Jeff and PEC. One property owner was concerned about a driveway they are losing, they have a ranching operation and they need that second driveway for ingress and egress with their cattle operation. The closure of that driveway and the value of it is reflected in compensation that is being offered, that we're suggesting that's being offered to them, so we have a circulation plan with them if we develop in order for them to make that happen. Another property owner, actually several property owners had concerns about trees being removed on different properties. There are a lot of trees that will be taken down as part of this project, some are what I would call scrub trees or brush, basically they are providing privacy at this point, other trees are very large mature trees and so there is compensation for that. Some of the improvements that are being made in these proposed easements there are already private improvements that's in them, whether it be brick pavers, things like that. If those

are being removed we've had several requests, at least two that I know of, from property owners that would like the material left onsite once it's removed. One thing we will do is we will issue what is called a ninety day notice to the property owners after we close with them and provide them ninety days to basically move anything they want out of that right-of-way so that the project can happen, not everybody will do that and you as the City and the contractor has the right to just move that stuff and get rid of it. I wouldn't suggest doing that, I would suggest working with those property owners and leaving it there so they could use it or whatever they want to do with it. And so, we have those property owners' names and we can get those to Jeff so that coordination can happen. I mentioned trees, kind of something, we've ran into this only one other time but the cemetery on the north end there are some improvements on Eisenhower Road and there is some minor grading on the south side of Eisenhower Road. There's not any cemetery plots out there that are known, but the cemetery has expressed a concern that maybe there are some unmarked graves in that section. It's just minor grading that is going to happen in that area, they've agreed to probe the area to see if anything was there, basically what we're recommending is when the contractor is working in that area he use extreme caution and if something does happen to be exposed then we would deal with it at that time. Essentially the cemetery is saying this is the best way to deal with it as well, they're just unsure about what is out there.

- Councilmember Pawlowski stated I think they had some trouble, they found graves they didn't know where there or something a few years back on the other side.
 - Councilmember Kirby stated I'm sure any cemetery that old probably can't be one hundred percent sure.
 - Jeff Hancock with SMH Consultants replied that grading that's happening is minor so I'd be surprised, but just a possibility.
 - Councilmember Pawlowski stated there's that drive that goes all the way around there on that side, it probably doesn't go that far.
 - Jeff Hancock with SMH Consultants replied oh no no, not near that far. There was at least a couple of property owners, which this is also not unusual, that just question the need for the project and those types of things, that's not unusual to hear those kinds of things. One property owner was concerned about the proximity of equipment next to a pool, and also that can be something that can be addressed with the contractor during a pre-construction meeting to use caution around that area, and so that property owners issue was addressed. Again trees, we had one property owner that was concerned that the roadway improvement was going to make their driveway unnecessarily steep, we've since went back and looked and the plans do not indicate that at all, in fact they indicate the driveway is going to be less steep than it is now. Another property owner was concerned about the grade left over the top of a proposed storm sewer and whether or not they would be able to maintain that, as in mow it and those kinds of things, and we again reviewed plans and they would be able to do all of that. There is an in-home daycare along that corridor and that particular property owner was concerned about access to the daycare facility. In talking with PEC the access to each property is to be maintained throughout the duration of the project. Again, this would be one that we would want to bring to the attention of the contractor when the contractor is selected during a pre-construction meeting just so they are aware. The last comment we had was a property owner who was concerned about whether or not the project would create a drainage problem on his property. We again consulted with the engineer and in fact they are improving the drainage situation on that property, so I think it's a non-issue as well. We're not in the public input business for this particular project, but we always get those kinds of comments so we like to share them, number one so you know and number two so the property owners know we've conveyed this information to you and you're aware of it. So again I mentioned tonight the step is to set just compensation and that will be based on the appraisals and the review appraisals. After tonight's meeting, we've already prepared the offer letters, those offer letters, once the City sets just compensation tonight, go in the mail tomorrow and the property owners will get those probably on Monday, and that's when the negotiations start. So a lot of the property owners tend to accept the offer that is being made, there will be a few that will not and that's completely understandable, what we require is that they come back to us with justification to provide them more compensation than what the appraiser has discovered. It's not unusual for the appraiser not to know something about the property that the property owner does know about. When we get that information we'll share it with the

appraiser and he'll make an adjustment if he feels like he needs to and by the time we come back to you with a contract we'll have that explanation prepared and we enter into what is called a settlement agreement with that property owner. The total amount of compensation for all the drainage easement, temporary construction easement, and the permanent right-of-way that's being acquired tonight is a little less than two-hundred and fifty thousand dollars.

- Councilmember Pawlowski asked how much did we estimate that it was going to be, does anybody know.
 - City Administrator Tim Vandall replied that's pretty close to what we estimated but I don't remember the exact amount. The funds are available to do it in the capital improvement fund, and then if some of them drag on into the fall, we could use the sales tax money to pay for some too.

Councilmember Pawlowski moved to approve just compensation for the acquisition of all property required for the improvement of DeSoto Road, KDOT 52-U-2113-01, as recommended by SMH Consultants and based on appraisals and estimates of compensation prepared by the Simmons Company. Councilmember Studnicka seconded the motion. The motion was unanimously approved.

REPORTS:

Department Heads: Public Works Director Jeff Rupp advised that the mill and overlay project will begin on Monday. He also asked the Council if they would be okay with adding another street to project as the contractor has advised unless the cost of oil goes up, they would honor the same price for the additional material needed. The street in question, Karen Lane, was pulled from this year's project and will be on next years if it cannot be completed in the 2017 project. He also stated that the cost associated would still keep the total cost under the originally budgeted amount.

- The Council provided consensus that as long as they could get the agreement and terms in writing from the contractor regarding the pricing, they would be okay adding that street into the project.

City Attorney: City Attorney had nothing to report.

City Engineer: City Engineer had nothing to report.

City Administrator: City Administrator Tim Vandall stated that bids were opened by Lan-Del for the water line to Bernard Park and that the bids came back favorable. The City's portion is about forty-four thousand seven hundred dollars. He advised that staff is working on the Independence Day celebration and that parking after 7:00 p.m. at Bernard Park will cost one dollar per vehicle. Staff hopes this will encourage participants to show up early and utilize the free shuttle from the high school. Tim stated that proposals for the Sewer Project #1 are due back on June 16th and that the Planning Commission will be reviewing a 26 lot preliminary plat at their next meeting. The Parks department is preparing to have the new basketball hoops installed at the Activity Center and that the VFW was able to find a contractor to install the solar light at the memorial at no cost. Tim added that the County agreed to add the sewer sleeve and 2 inches of asphalt as add-alternates to the bid for McIntyre Road. He has not heard back from the County in regards to warranty, but will continue to follow up with that. He also advised that vehicle traffic will be monitored on McIntyre Road, so that if traffic counts rise significantly the City can look at options regarding maintenance to help prolong the life of the road. Tim finished his report by stating that the valuation for the City went up by 1.26% and the Finance Director is plugging in numbers and feels confident at keeping the Mill Levy flat, so he reminded the Council to turn in the Capital & Supplemental Ranking Sheets to Beth prior to the Work Session.

Governing Body: The Governing Body had nothing to report.



ADJOURNMENT: Councilmember McNeill moved to adjourn. Councilmember Brungardt seconded the motion. The motion was unanimously approved. The meeting was adjourned at 7:22 p.m.

ATTEST:

Louis E. Kirby, City Council President

Sarah Bodensteiner, City Clerk

AGENDA ITEM

TO: Tim Vandall, City Administrator 
FROM: Jeff A. Rupp, Public Works Director 
DATE: June 30, 2017
SUBJECT: Project No. 13-01: Storm Sewer Improvements for East Kay and Third Street –
Permission to Advertise




This project involves the installation of two pipes for drainage improvements at East Kay and Third Street.

Policy Consideration: n/a

Financial Consideration: Funding for this project is budgeted in Fund 70, lines 43335 and 43316.

Action: Authorize the Public Works Department to have contract documents prepared and advertise for bids for Project No. 13-01: Storm Sewer Improvements for East Kay and Third Street.

AGENDA ITEM

TO: Tim Vandall, City Administrator 
FROM: Rebecca Savidge, City Inspector 
THRU: Stefanie Leif, Community and Economic Development Director 
DATE: June 28, 2017
SUBJECT: Structure Removal Cost Share Application – 118 West Kansas Avenue

Removal of unsafe and dilapidated structures in Lansing is a part of the process to maintain the vitality of Lansing's business district and residential neighborhoods. The city of Lansing is participating in a property owner cost share program of eligible structures for 50% of qualified expenses up to \$4,000 per structure. The cost share program will end on December 31, 2017, unless extended by the City Council.

For property owners to qualify, they must meet certain guidelines outlined in the Structure Removal Cost Share Policy set by the city of Lansing. A copy of the policy is attached.

The property at 118 West Kansas Avenue was put on notice about conditions of the structure and an inspection requested by a certified letter mailed on March 17, 2017. There is a newer home built on the premise which is occupied by the property owner, but this structure has been identified as an unsafe/uninhabitable structure. Attached are two bids submitted from contractors, one being more detailed and complete for our requirements than the other.

Structure removal must be completed within 90 days of the approved application to remain eligible for the reimbursement.

Policy Consideration: Payment to the contractor would be paid within thirty (30) days once the city has received written proof that the owner has paid the contractor his cost share portion and the site has been cleared with a final inspection by the City Inspector.

Financial Consideration: There is \$40,000 budgeted for structure removal in 2017. The financial consideration to the City Council is 50% of a qualified bid, and the portion due the owner from the city cost share program would be \$2,400.00, if approved.

Action: Staff recommends a motion to approve the structure removal cost share application with the bid from Frederick Excavating for the structure located at 118 West Kansas Avenue, Lansing, Kansas. The total bid amount is \$4,800.00 and is the most detailed and complete bid with all the requirements.



Lansing, KANSAS

Policy

Purpose: Structure Removal Cost Share Policy

Removal of unsafe and dilapidated structures in Lansing is a part of the process to maintain the vitality of Lansing' business district and residential neighborhoods. The city of Lansing is participating in a property owner cost share program of eligible structures for 50% of qualified expenses up to \$4,000.00 per structure. The cost share program will end on December 31, 2017, unless extended by the City Council.

For property owners to qualify for reimbursement, the following conditions must be met:

1. **Previously Identified by the city of Lansing.** Structures must have been previously identified by city staff as unsafe and dilapidated and a property owner notified in writing in order for the structural removal costs to be reimbursed to the property owner; and
2. **Owner completed application.** An application for reimbursement must be completed by the authorized agent for the property owner or the property owner to include:
 - a. Application for reimbursement under the cost share program. Application must indicate if payment from the city should be made to the owner or the contractor after completion of the project; and
 - b. a completed demolition permit application (fee will be waived) from the Lansing Building Inspector; and
 - c. Two (2) written estimates from contractors for qualifying demolition expenses including: 1) demolition permit; 2) the costs of demolition: foundations, wood framing, brick or block walls, asphalt or metal roofing, dry wall, insulation, plumbing, electrical or mechanical equipment; 3) costs of environmental mitigation (e.g. asbestos or lead abatement); 4) costs of capping sewer; and 5) costs of earth fill, re-grading and seeding of the site.
3. **Application and amount approved by City Council.**
 - a. Community & Economic Development staff will review the application and make a recommendation to the City Council. The application will be placed on the next available Council agenda for consideration.
 - b. Following the City Council's decision, the property owner shall receive written approval of eligible structure and amount of qualifying expenses to be reimbursed from the city of Lansing.



Lansing, KANSAS


Policy

4. **Reimbursement.** Structure removal must occur within 90 days of the approved application. If weather conditions impede the ability to meet this deadline, the Community and Economic Development Director may approve a 30-day extension. After completion of the structure removal, owner shall submit:
- a. If payment is due to contractor: Proof that the owner's share of the payment has been made; or
 - b. If payment is due to the owner: Proof that the owner has paid the contractor in full; and,
 - c. Approval of the Building Inspector that the site has been cleared, graded, and re-seeded.

The city will reimburse the property owner within 30 days from receipt of the proof of structural removal, site remediation, and supporting documents as indicated in this policy.

Adopted by the City Council this 1st day of September, 2016.

ATTEST:


Sarah Bodensteiner, City Clerk




Louis E. Kirby, Mayor

END OF POLICY STATEMENT



CITY OF LANSING

730 First Terrace, Suite 2
Lansing, KS 66043
(913) 727-5488/Fax (913) 351-3618

APPLICATION FOR STRUCTURE REMOVAL COST SHARE

Applicant's Name (Property Owner): Jack & Mary Woods

Authorized Agent (if applicable): _____

Address of Property to be Considered for Cost Share: 118 W. Kansas

City: Lansing State: KS Zip: 66043

Telephone Number: (Daytime) 913 250 0177 (Evening) same

Was this property previously identified by city staff as unsafe and dilapidated and property owner notified in writing? Yes

If approved, will payment from the city be made to the owner or the contractor after completion of the project? contractor

Has a demolition permit been approved by the Lansing Building Inspector (fee will be waived)? Yes (PS)

per ph
contractor
w/owner

Two written estimates from contractors for qualifying demolition expenses must be provided, to include:

1. Cost of Demolition (foundations, wood framing, brick or block walls, asphalt or metal roofing, dry wall, insulation, plumbing, electrical, or mechanical equipment)
2. Cost of environmental mitigation (e.g. asbestos or lead abatement)
3. Cost of capping sewer
4. Cost of earth fill, regrading, and seeding of the site

Structure removal must occur within 90 days of the approved application. If weather conditions impede the ability to meet this deadline, the Community and Economic Development Director may approve a 30-day extension. After completion of the structure removal, owner shall submit:

1. Proof that the owner's share of the payment has been made if payment is due to contractor; or
2. Proof that the owner has paid the contractor in full if payment is due to owner; and
3. Approval from the Building Inspector that the site has been cleared, graded, and reseeded.

I do hereby solemnly swear (or affirm) under penalty of law that the information provided herein is true and correct and that I understand what documents must be provided for consideration of structure removal under the Structure Removal Cost Share Policy of the city of Lansing.

Jack W. Woods
Signature of Applicant

6-23-17
Date

FOR COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT USE ONLY

Application Received By: Debra David 6/27/17
Signature Date

Date Considered by City Council: 7/6/17 Approved or Disapproved: _____

Date of Property Owner/Authorized Agent Notification: _____ Amount Approved: _____

Frederick Excavating Inc
19406 High Prairie Road
Leavenworth, KS 66048
(913)772-0225

ESTIMATE

ADDRESS

Jack Woods
120 W Kansas
Lansing, KS 66043

ESTIMATE # 1101

DATE 06/12/2017

DATE	ACTIVITY	QTY	RATE	AMOUNT
06/12/2017	118 W Kansas Lansing, KS 66043 Scope Of Work: To notify all utility companies for proper disconnects. We will kill sewer, provide asbestos inspection and removal. To demo one story structure and dispose at licensed landfill. Import soil for backfill, grade, seed and straw with erosion control.		4,800.00	4,800.00

TOTAL

\$4,800.00

Accepted By

Accepted Date



To: Jack Woods
Attn: Jack Woods

RE: 118 West Kansas

REMCO Demolition, LLC proposes to supply all labor, materials, disposal, and equipment to complete the following:

- Asbestos Inspection
- Disconnect utilities
- Demolish house and footings
- Grade to drain

118 W Kansas Lump Sum-



\$6,800.00

Exclusions/Clarifications

- Erosion control by others
- No import fill
- No hazardous or special waste removal
- All work done in one mobilization

Sincerely,
Tim Kates
Remco Demolition, LLC

AGENDA ITEM

TO: Tim Vandall, City Administrator 
FROM: Stefanie Leif, AICP, Community & Economic Development Director 
DATE: June 29, 2017
SUBJECT: Main Street Overlay District (MSOD) application for 612 North Main Street

Background: The owner of the property at 612 North Main Street has requested Main Street Overlay District (MSOD) approval to make the following improvements to the property:

1. Construct a framed 10x20 foot carport on the rear of the building.
2. Erect a 10x10 foot shed for the storage of lawn and building maintenance items in the rear yard.

A public hearing notice was published in *The Leavenworth Times* on May 30, 2017, and the notice was mailed to property owners within 200 feet of the subject property on May 31, 2017.

The property is currently zoned B-1 Neighborhood Business and an application for a rezone to B-3 Commercial Business was on the June 21, 2017, Planning Commission agenda. The applicant is currently in conversation with a potential tenant who wants to operate an auto detailing business from the existing garage. The carport would cover the vehicle during the work, and all equipment will be kept in the garage. The shed will be utilized for the storage of yard and building maintenance items.

The MSOD consideration is not contingent upon the rezone, as the property owner may choose to construct the carport and shed for the use of the existing business (insurance agency) regardless of the rezone decision.

Lansing Zoning Ordinance, Article 5, Section 15, "Main Street Overlay District" (MSOD) requires the Planning Commission to recommend and the City Council to approve development plans for improvements within the overlay. These improvements are minor to the site, and the most applicable standards from the MSOD are as follows:

- Article 5, Section 15, Subsection 14(B), "Pavement": The driveway that runs from the existing asphalt drive/parking area to the existing garage is currently gravel. Staff recommends that prior to issuance of a building permit, the drive to the garage shall be surfaced with asphalt, concrete, or other surface in conformance with the city of Lansing technical specifications.
- Article 5, Section 15, Subsection 16(D), "Building Materials and Colors": The carport is proposed to be frame construction and roofing similar to the existing building. Staff recommends that the shed be of a wood-like product and not vinyl siding. Additionally, it should be of a color that complements the existing building.
- Article 5, Section 15, Subsection 19, "Landscape, Streetscape, Screening, and Buffering Guidelines": The Commission did not recommend any additional landscape buffers. Other sheds are in the rear yards of the surrounding properties. A fence and existing vegetation provides a buffer to the properties to the south.

Attachments to this agenda item:

1. Excerpt from the Draft Minutes of the June 21, 2017, Planning Commission meeting
2. Application
3. Aerial Map – showing location of proposed carport and approximate location of shed
4. Plans submitted by applicant and options for the 10x10 shed
5. Photos of existing site and building
6. Public Hearing Notice, sample letter, list of notified property owners

Planning Commission Recommendation: The Planning Commission held a public hearing on June 21, 2017, and the Commission unanimously voted, in a 5-0 vote, to recommend to the City Council approval of the carport and shed subject to the following conditions:

1. A building permit shall be submitted for approval prior to commencement of construction;
2. All uses must meet all local, state, and federal codes prior to operation;
3. The carport shall be frame construction with roof materials matching the existing building. The shed shall not be constructed of vinyl siding, and it shall be of complementary colors and materials to the existing building;
4. The driveway to the garage shall be concrete or asphalt and shall be improved prior to issuance of building permit; and,
5. If screening is added in the future, it shall be wood lattice or permanent material for screening.

Policy Consideration: The following regulations and plans apply to this rezone application: Lansing Zoning Ordinance, specifically Article 5, Section 15, "Main Street Overlay District."

Financial Consideration: No financial consideration.

Action: Motion to accept the Planning Commission's recommendation to approve the Main Street Overlay District application for 612 North Main Street subject to the following conditions:

1. A building permit shall be submitted for approval prior to commencement of construction;
2. All uses must meet all local, state, and federal codes prior to operation;
3. The carport shall be frame construction with roof materials matching the existing building. The shed shall not be constructed of vinyl siding, and it shall be of complementary colors and materials to the existing building;
4. The driveway to the garage shall be concrete or asphalt and shall be improved prior to issuance of building permit; and,
5. If screening is added in the future, it shall be wood lattice or permanent material for screening.

Chairman Schwanz then asked for a motion to recommend approval, denial, or approval with conditions for the rezone application for 612 North Main Street. Commissioner Gies made the motion to recommend approval for this rezoning request. Vice-Chairman Barry seconded the motion. Vice-Chairman Barry stated in the minutes, it should probably state it's being rezoned to B-3 to be specific. Chairman Schwanz said the motion would then be to recommend approval of the rezoning of 612 North Main Street from B-1 to B-3 and asked Commissioner Gies if he was okay with that. Commissioner Gies stated he was. Roll was then called and the motion passed unanimously. Chairman Schwanz asked when this would go before the City Council and Ms. Leif stated July 6. Chairman Schwanz then said he did forget to state that at the end of the public hearing, that started the 14-day protest period.

2. Public Hearing - Main Street Overlay District compliance application for 612 North Main Street. Chairman Schwanz stated a Main Street Overlay District compliance application was submitted by Peter Properties, LLC, for a proposed carport and shed on the property located at 612 North Main Street, Lansing, Kansas.

Chairman Schwanz opened the public hearing at 7:12 p.m. Mr. Peter, applicant, stated an individual from Leavenworth was interested in renting out the basement area of the building at 612 North Main. He stated there's a single garage there, but it's very small and there's no way to get a vehicle in there. Mr. Peter stated this gentleman currently does detail work out of his garage in Leavenworth and the city of Leavenworth has asked him to find a commercial spot. Mr. Peter said in order for him to work there, a carport is needed so he can work outside in the elements of the sun or rain. Mr. Peter stated if this gentleman takes up this garage space, he would like to have a small shed to put mowing equipment and other miscellaneous items. He said he first looked at a metal carport for this facility, but was informed that was not allowed within the Main Street Overlay District. He stated he was looking at doing a composition shingled roof on the carport itself to match the existing structure and then putting the small shed next to it. He stated the property just south of his actually has two sheds in the back of their property, so he just wants to maximize all future benefits of his property.

Since no one else wished to address the Commission regarding this application, Chairman Schwanz closed the public hearing at 7:14 p.m. and stated this begins the 14-day protest period.

Commissioners then discussed the following:

- ❖ Commissioner Moreland asked where the carport was going to go.
 - Ms. Leif stated it would extend out from the garage and it's 10' x 20'.
 - Chairman Schwanz asked if that was on the east side of the property and Ms. Leif said it was.
 - Commissioner Gies asked if there was currently a driveway to that garage.
 - Mr. Peter said there is one and it's gravel halfway and then cracked cement, so they would be removing that existing driveway and pouring a new one up to it.
- ❖ Commissioner Gies asked if this meets the requirements of the Main Street Overlay District.
 - Ms. Leif said it does, but that the MSOD doesn't really account very well for additions to existing buildings or accessory buildings, which is something she hopes can be remedied with the UDO. She stated she believes it fits since he's doing the frame construction for

the carport with a shingled roof. She also stated the shed would be made of something that mostly looks like a wood material.

- Chairman Schwanz clarified it would then be a wood-type material for the shed and a shingled carport and that she thought this would meet the standards for the MSOD and she stated she felt it would.
- Chairman Schwanz asked if the asphalt or poured driveway would also be a requirement of the MSOD and Ms. Leif stated it is.
- ❖ Commissioner Gies stated since the carport would only be seen from the side, so one could almost side one side of the carport if it became a problem, if there was a lot of activity that wasn't attractive.
- ❖ Vice-Chairman Barry asked Mr. Peter what the purpose was for building the carport.
 - Mr. Peter stated the basement garage just isn't large enough for anything but a small car and he would have to work outside to clean anything bigger and deal with the elements.
 - Commissioner Gies asked if he would be working in the winter and Mr. Peter said probably not since it will be outdoors, but the gentleman is aware of that.
 - Commissioner Moreland wondered if he might hang a tarp or something like that and Mr. Peter said he had stated to him he might look at something for sunshade temporarily while he's working.
- ❖ Vice-Chairman Barry asked if the carport was just a roof with open sides and Mr. Peter said that was correct. Vice-Chairman Barry asked how an open work area, visible from the street, fit in with the elements of the Main Street Overlay District.
 - Ms. Leif stated she would be more concerned if it was long-term storage of equipment out there, but feels someone out there physically working would be the same as if it was a commercial car wash with bays and vacuums. She said she doesn't believe we have any way to regulate that.
- ❖ Vice-Chairman Barry said when he thinks of a detailing establishment, he thinks of someone who lines up and does more than one car in a day and wonders if people are dropping off cars and those are waiting to be detailed, if parking was taken into consideration by staff and is there enough room there to handle this.
 - Ms. Leif said the Commission could discuss if they wanted to put some parameters on this. She stated there are six parking spaces there, even though those are more for his insurance business, plus there is parking on the street.
 - Mr. Peter said this hadn't been their original intent, but then got this opportunity to lease out the basement. He said his original intent, before looking at the price of concrete and labor, was to put cement on both sides of the carport, but right now he's going to wait and see how this goes. He stated that, if in the future he does have multiple cars lined up and it's going to be a long-term successful business, he would be all for offering something like that.
 - Ms. Leif also pointed out on the map other places where cars could be parked while waiting to be worked on.
- ❖ Commissioner Gies stated since Vice-Chairman Barry had brought up the idea about the carport being open, he kind of liked the idea of putting some kind of lattice-type material at least on the north side since that's the side that would be seen from any public streets. He thought the Commission would want to condition "no tarps".
 - Mr. Peter said one downfall to putting a permanent structure or even something on that north side that's not visible is that there's a basement access and a second story access

on the back of that and that would hide that access and this property has been burglarized from the rear in the past. He stated there is a light pole now shining on the back of that property to try to prevent more burglaries. He said if this was a permanent structure, it would hide those two accesses.

- Commissioner Gies said it could be a partial screening and his suggestion was that instead of any kind of tarp, another material should be used, not that it has to be used.
- Ms. Leif stated that this should probably be added as a condition – that if there is screening added, it should be a wood lattice. Commissioner Gies added it just shouldn't be a tarp or any kind of temporary material.

Since there were no other questions or comments, Chairman Schwanz asked Commissioners to look at the agenda memo that staff submitted and consider that as a finding of fact. He stated if they want to look at conditions, that would be on the next motion.

Vice-Chairman Barry asked Ms. Leif if she received any feedback from the public regarding this application and she stated she received calls from two neighbors, one a commercial property owner and one a residential property owner. She stated they both had some questions about what the project was, but neither had any concerns and were fine with the way it was described. She stated she doesn't believe either is here tonight and nothing was submitted in writing.

Commissioner Moreland made a motion to accept the standards listed in the agenda memo as a finding of fact for the Main Street Overlay District compliance application for 612 North Main Street. The motion was seconded by Commissioner Suozzo and unanimously approved.

Chairman Schwanz then asked for a motion to recommend approval, denial, or approval with conditions for this application. Ms. Leif said there are four conditions stated under the staff recommendation in the agenda memo and suggested adding a number five, that being "If screening is added in the future, it shall be wood lattice or a permanent material for screening." Commissioner Gies added it also wouldn't be a problem if he wanted to enclose it as a garage.

Commissioner Gies made a motion to recommend approval with the five conditions as outlined, seconded by Commissioner Moreland. Chairman Schwanz stated he was going to read those conditions just so everyone is clear on what they are:

1. A building permit shall be submitted for approval prior to commencement of construction. Vice-Chairman Barry stated it would take two building permits, then, one for each, and they could be submitted separately. Ms. Leif stated since the shed is only going to be 10 x 10, it would not require a permit as it's under 120 square feet. Vice-Chairman Barry stated the building permit would be for the carport only and Ms. Leif stated that was correct.
2. All uses must meet all local, state, and federal codes prior to operation.
3. The carport shall be frame construction with roof materials matching the existing building. The shed shall not be constructed of vinyl siding, and it shall be of complementary colors and materials to the existing building.

4. The driveway to the garage/carport shall be concrete or asphalt and shall be improved prior to issuance of building permit.
5. If screening is added in the future, it shall be wood lattice or a permanent material for screening.

Roll was then called and the motion passed unanimously. Chairman Schwanz stated this would also go before the City Council at its July 6 meeting.

3. Preliminary Plat Application – Eisenhower Crossing, Phase 2 – Chairman Schwanz stated a preliminary plat application was submitted by Eisenhower Crossing Development, LLC, for property located at the southeast corner of Eisenhower Crossing Development (southeast of DeSoto Road and Eisenhower Road), Lansing, Kansas.

Chairman Schwanz stated this application does not require a public hearing, but asked the developer to come forward and address the Commission on this preliminary plat application.

Dan McGhee of Shafer, Kline, and Warren, stated he was here on behalf of the developers, Eisenhower Crossing Development, LLC, to discuss this proposed 26-lot preliminary plat. He stated this is within the Eisenhower Crossing Development. He said there was originally a site plan, a PUD, prepared in 2005-2006 for this development. He stated that since then, development has occurred in the northeast corner of this site, but the rest has remained vacant. Mr. McGhee said in the southeast portion where they're proposing these lots, it was originally planned to be assisted living, office/retail mix, and some duplexes. He said they're changing the density up and it will now have less traffic impact and less storm water runoff. He said comments have been received from the city twice and they are addressing comments from the City Engineer, some of which were received yesterday, and working on those for the final plat.

He stated as far as specific improvements to the plat, not only are they doing the 26 lots that will connect Pinehurst Drive to Progress Drive, but are also extending Progress Drive to the west to connect to DeSoto Road. Mr. McGhee said there's a temporary cul-de-sac there now, that cul-de-sac feature will be removed, and the road will be extended on an arc to DeSoto Road. He stated they have been coordinating with the proposed design on DeSoto Road so that intersection is coordinated and elevations will work out correctly. He said Pinehurst Drive will be brought up to Progress. He said in the original preliminary plat, Pinehurst was extended down to the south and connected to Kane, so that's a change as far as the road alignments are concerned. Mr. McGhee stated, from a storm water perspective, by sending this road connecting to the west, that will actually increase the amount of runoff that's coming to the pond in its existing state. He said, as the property sits today, a lot of this runoff from the northwest is naturally draining down to the swale, to the existing 42" pipe that's there. He stated by doing these improvements and installing the storm water infrastructure, they're going to collect that in the road system and off of these lots and pipe it into the existing basin. He stated that part of the revised analysis they'll be working towards will really delineate drainage areas. He said there will be a small fraction in the southeast corner that will not be collected in the pipe system to go to the pond, but they're looking at it from a collective, total drainage area perspective of what's the peak release from the site.

Main Street Overlay District Preliminary Plan Application

APPLICATION FOR APPROVAL

An application for approval of development or improvements in the MSO District shall be filed with the Secretary of the Planning Commission, along with the filing fee as set forth by separate ordinance. A Preliminary Development Plan shall be attached and shall include the elements set forth in these regulations. *The process for approval shall be the same as for any application for development or rezoning as provided by these regulations.*

APPROVAL PROCEDURE

The approval by the Governing Body of the Preliminary Development Plan shall be preceded by the publication and mailing of notice (if applicable), a Public Hearing (if applicable), and a recommendation by the Planning Commission.

If the Governing Body disagrees with the recommendation, the application shall be returned to the Planning Commission for reconsideration. Approval of the Preliminary Development Plan shall be valid for two (2) years from the date of its approval. The filing and approval of a Final Development Plan for any phase of the area contained in the

Preliminary Plan shall extend the period of validity an additional two (2) years. Once approved, the zoning classification can only be changed through rezoning and cannot be changed by expiration of the Preliminary Development Plan.

Name of Development Peter Properties, LLC

General Location 612 N Main St, Lansing

Name of Property Owner Peter Properties, LLC

Address 612 N Main, Lansing Phone# 913-727-1423

Name of Agent

Address Phone#

Architect, Landscape Architect, Engineer Preparing the Plan Owner/Tenant

Address Phone#

DEVELOPMENT INFORMATION

Has a Conceptual Plan been reviewed by Staff? ☐ Yes ☐ No

Gross Acreage of the Plan

Applicable Development Zone Main Street Frontage ☐ Local Side Street Frontage ☐

Non conformities

N/A ☐

Dwellings ☐ Structure ☐ Use ☐ Lot ☐

Underlying Zoning District A-1 ☐ R-1 ☐ R-2 ☐ R-3 ☐ R-4 ☐ R-5 ☐ B-1 ☐ B-2 ☐ B-3 ☐ I-1 ☐
I-2 ☐

SITE DEVELOPMENT STANDARDS AND CRITERIA

Development Patterns

Multiple Building and Commercial Office Development ☐

Single Building Commercial and Office Developments ☒

Site Layout

Focal Elements ☐

Pad Site ☐

Clustering ☐

PARKING LOADING STORAGE AND SERVICE AREAS

QUANTITY

PAVEMENT

SCREENING

LOCATION/LAYOUT

Private Roadway ☒

Public Facilities ☐

Right of Way Requirement ☐

DRIVE THRU FACILITIES

Building Design Guidelines

Colors

Materials

Awnings

Façade

Wood Framed, Asphalt Shingles Casport. - Cement driveway

Pedestrian Access

Landscape Streetscape Screening and Buffering

AFFIDAVIT

STATE OF Kansas)
COUNTY OF Leavenworth)

§

Comes now Trent & Brynn Peter, 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, Trent Peter and Brynn Peter 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:

Peter Properties LLC

Trent & Brynn Peter

15805 Fairmount Rd

Basehor, KS 66007

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)

/s/

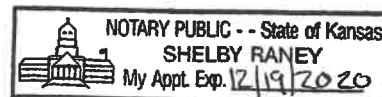
§

BE IT REMEMBERED that on this 2nd day of May, 2017, that before me, the undersigned, a Notary Public, in and for the State and County aforesaid, came Trenton Peter / Brynn Peter, 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.

Shelby L Raney
Notary Public

My Appointment Expires: 12/19/2020



The owner herein agrees to comply with the Subdivision Regulations for Lansing, Kansas, as amended, and all other pertinent ordinances or resolutions of the City, and Statutes of the State of Kansas. It is agreed that all costs of recording the plat and supplemental documents thereto with the Register of Deeds shall be assumed and paid by the owner when billed. The undersigned further states that he is the owner of the proposed land for platting.

John P. H.

Owner's Signature

Agent (if any)

=====

OFFICE USE ONLY:

Application Received On: 5-16-17 (Day, Month, Year)

Application Received By: Stefania Leit

Amount of Fee Paid: \$ n/a

Planning Commission Action: approved 5-0

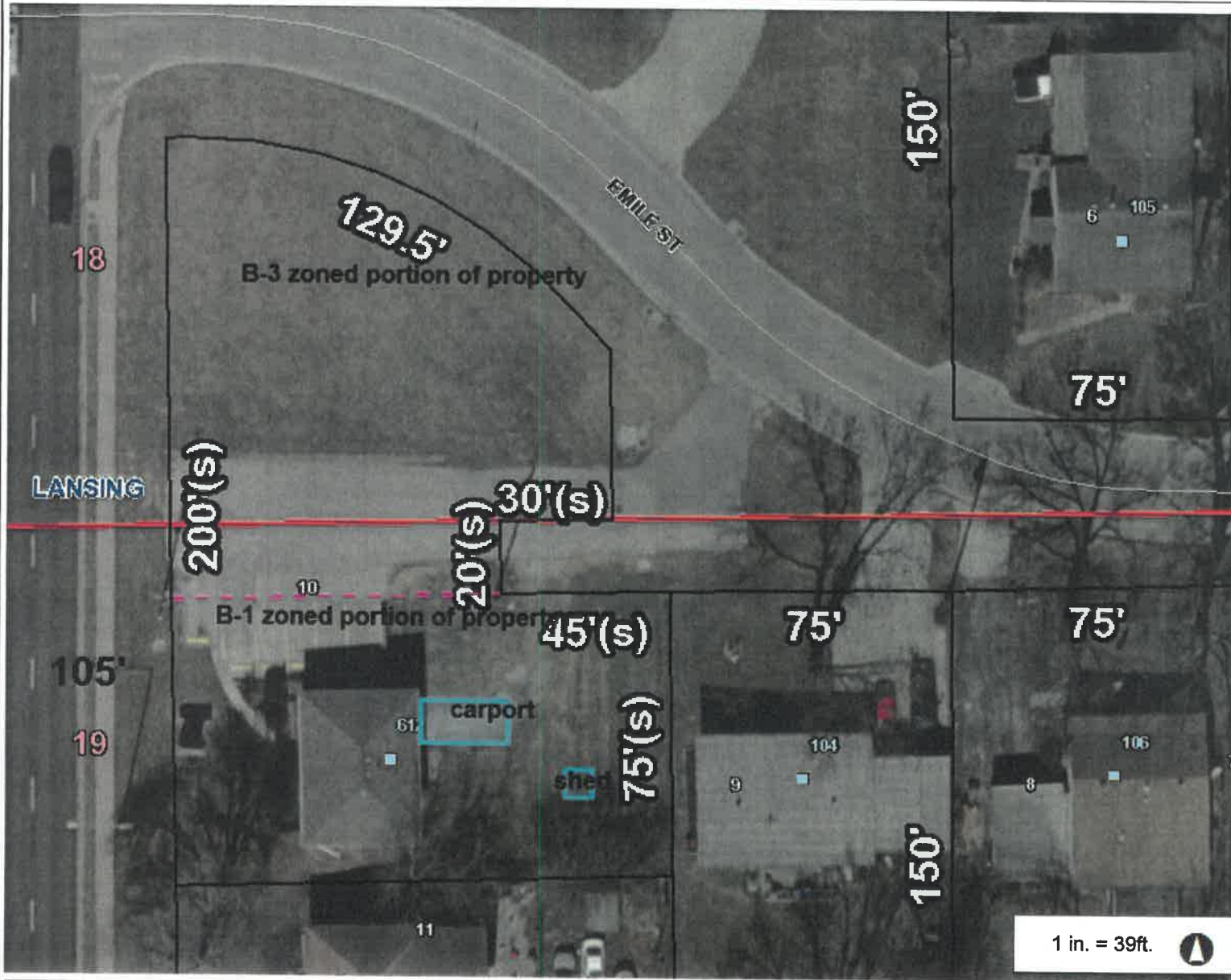
Conditions, if any: 4 stud in aqua memo plus screening, if placed,
must be wood or other non-toxic material.

Leavenworth County, KS



Legend

- Address Point
- Parcel
- Parcel Number
- Subdivisions
- Lot Line
- Plat Block Number
- Parcel Lot Dimension
- City Limit Line
- Major Road
- <all other values>
- 70
- Road
- + Railroad
- Section
- Section Boundaries
- County Boundary



1 in. = 39ft.



Notes

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.
THIS MAP IS NOT TO BE USED FOR NAVIGATION

Estimate cost of Materials for Garage, Carport, & Cement Slab

Item	Total Cost	
Materials quote for Garage and Carport	\$ 1,803.87	
Destruction of existing Slab and planing down the 1800 ft2	\$ 1,680.00	
Materials quote for Laying cement Slab	\$ 1,446.35	
Fire Proof Doors	\$ 450.00	
Concrete 38 yds	\$ 3,937.00	
Tax 9.5%	\$ 1,010.00	
	\$ 10,327.22	cre

Estimate cost of Materials for Garage, Carport, & Cement Slab

Item	Total Cost		Total Cost
Materials quote for Garage and Carport	\$ 1,803.87		\$ 1,803.87
Destruction of existing Slab and planing down the 1800 ft2	\$ 1,680.00		\$ 1,680.00
Materials quote for Laying cement Slab	\$ 1,446.35		\$ 1,446.35
Fire Proof Doors	\$ 450.00		\$ 450.00
Concrete 12 or 17 yds @ \$126.25 per yard for 4000 psi	\$ 1,515.00	2146.25 for 6"	\$ 2,146.00
Tax 9.5%	\$ 1,010.00		\$ 1,010.00
	\$ 7,905.22		\$ 8,536.22

4000 psi for driveway: \$126.25

L = 4 inches

↑ Building

← 12 ft →

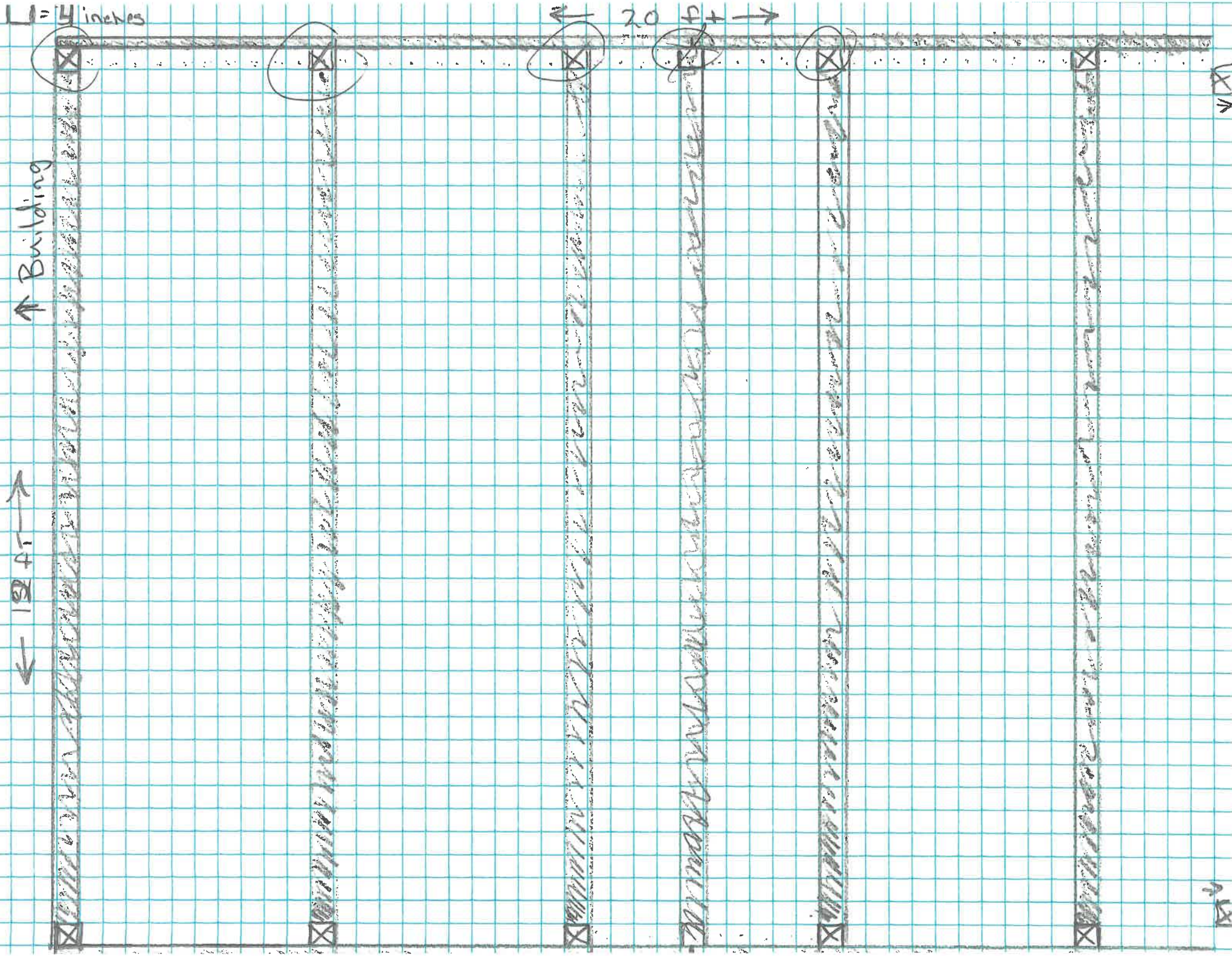
20 ft

20 ft

→

4 ft

4 ft



② (19)

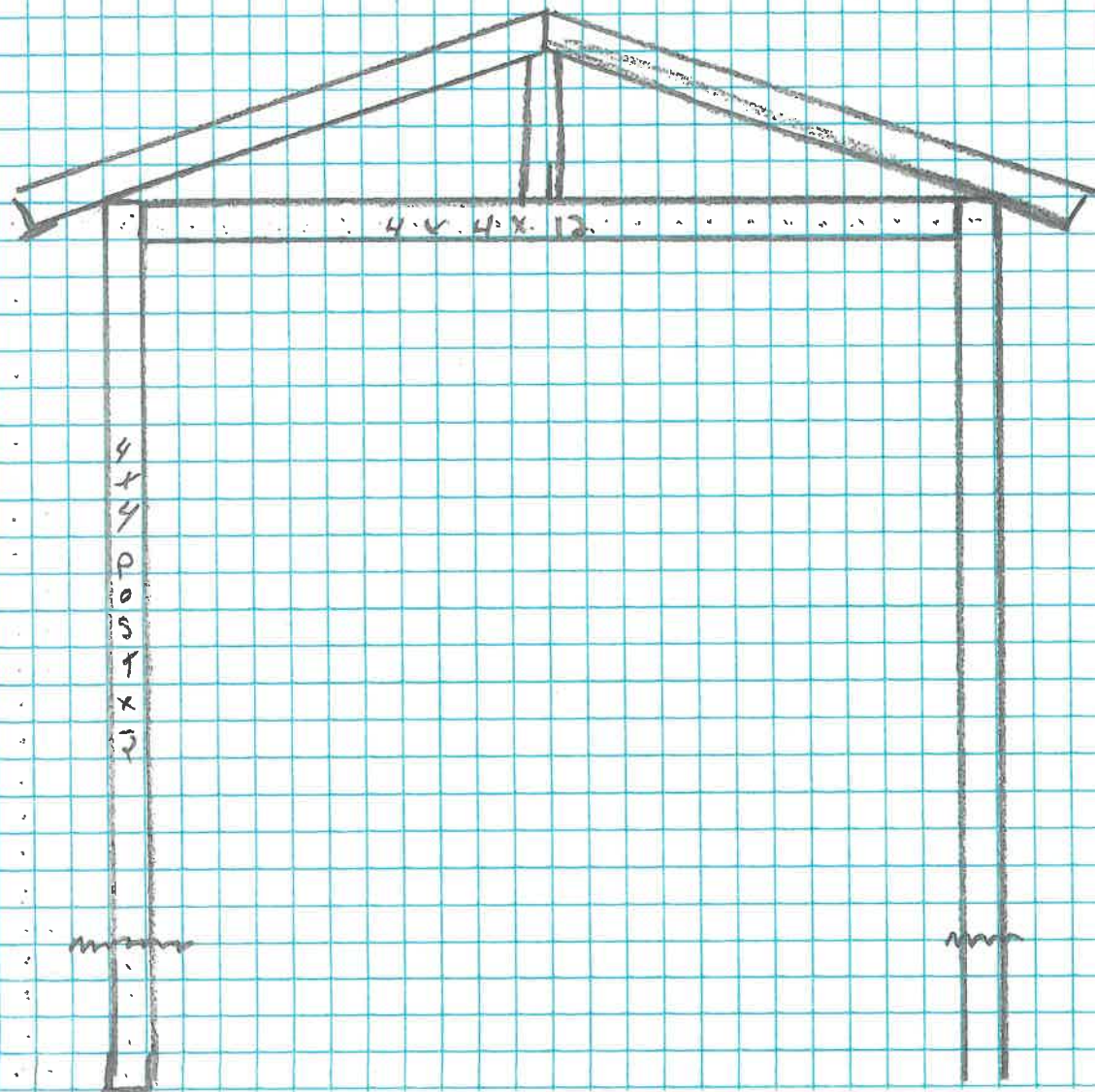
4x4x12

(12)

4x8x?? PlyWood

Shingle Paper Shingles

I = 6 in



Garage 112 N Main St Lansing KS.

12' x 20' Covered Carport

13' x 29' Expansion

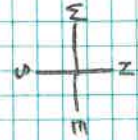
13' x 29' Expansion

13' x 50' Driveway

MAIN STREET

EMILE STREET

39' x 45'









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- Product Type: Storage Shed
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- Assembled Width: 10 ft.
- Assembled Depth: 10 ft.
- Color Family: White

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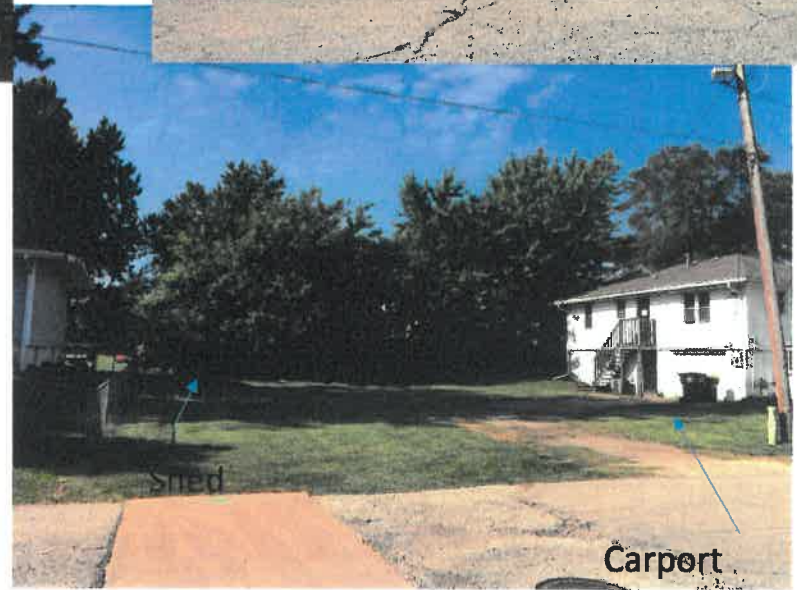
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**PUBLIC HEARING
NOTICE**

Notice is hereby given to any and all persons that the Lansing Planning Commission will hold two public hearings for a parcel in the city of Lansing, Leavenworth County, Kansas.

Peter Properties, LLC, property owner, has submitted a rezoning application for 812 North Main Street, Lansing, Kansas. The request is to rezone this parcel from B-1, Neighborhood Business, to B-3, Commercial Business. The property will remain in the Main Street Overlay District. A legal description of the property involved is CAMA #052-094-19-0-20-03-010.00-0 and is available for public viewing in the Community and Economic Development Department, 730 First Terrace, Suite 3, Lansing, Kansas.

A second public hearing to determine compliance with the Main Street Overlay District will be held for this same property for construction of a proposed carport and shed.

The public hearing will be held June 21, 2017, 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, May 30, 2017.



The City Of Lansing

Community and Economic Development Department

www.lansing.ks.us

May 30, 2017

PETER PROPERTIES LLC
15805 FAIRMOUNT RD
BASEHOR, KS 66007

Dear Property Owner:

Notice is hereby given to any and all persons that the Lansing Planning Commission will hold two public hearings for a parcel in the city of Lansing, Leavenworth County, Kansas.

Peter Properties, LLC, property owner, has submitted a rezoning application for 612 North Main Street, Lansing, Kansas. The request is to rezone this parcel from B-1, Neighborhood Business, to B-3, Commercial Business. The property will remain in the Main Street Overlay District. A legal description of the property involved is CAMA #052-094-19-0-20-03-010.00-0 and is available for public viewing in the Community and Economic Development Department, 730 First Terrace, Suite 3, Lansing, Kansas.

A second public hearing to determine compliance with the Main Street Overlay District will be held for this same property for construction of a proposed carport and shed.

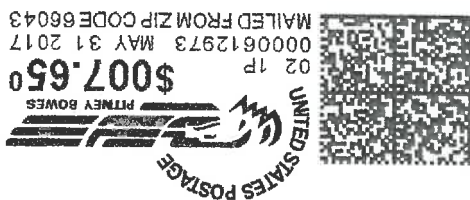
The public hearing will be held June 21, 2017, at 7:00 p.m. in the Council Chamber of Lansing City Hall, 800 First Terrace, Lansing, Kansas. At that time and place, all interested persons will be granted a hearing by the city of Lansing Planning Commission.

If you have any questions, please contact me at 913-727-5488 or sleif@lansing.ks.us.



Sincerely,

Stefanie Leif, AICP
Community and Economic Development Director

FULL_PID	Property Address	Owner	Owner Street Address	Owner City, State, Zip	Postage
094-19-0-20-03-014.00-0	602 N MAIN ST, Lansing, KS 66043	AAA PARTNERSHIP ATTN: MICHELLE GAINES HALL	21413 W 50TH ST	SHAWNEE, KS 66218	0.46
106-13-0-40-03-012.00-0	105 HIGHLAND RD, Lansing, KS 66043	ABERNATHY,THERESE M & DAVID E	105 HIGHLAND RD	LANSING, KS 66043	0.46
094-18-0-30-12-007.00-0	107 EMILE ST, Lansing, KS 66043	AGAPIOS, ELIZABETH	3646 SWEETBRUSH TRL	LAUREL, MD 20724-2492	0.46
094-19-0-20-03-005.00-0	610 ALLEMAN RD, Lansing, KS 66043	ALLEN,CHARLES E & JERRY A	610 ALLEMAN LN	LANSING, KS 66043	0.46
106-24-0-10-01-044.00-0	619 HOLIDAY PLAZA, Lansing, KS 66043	ANDERSON,BENJAMIN R & HILLARY E	23160 155TH ST	LEAVENWORTH, KS 66048	0.46
094-18-0-30-12-005.00-0	706 N MAIN ST, Lansing, KS 66043	AYRES,GERALD W & SALLY & NANNEN,STEVEN F	PO BOX 75	LANSING, KS 66043	0.46
094-19-0-20-03-006.00-0	00000 ALLEMAN RD, Lansing, KS 66043	BOHANNON,WILLIAM H & BOHANNON,CARROLL J	113 EMILE ST	LANSING, KS 66043	0.46
094-19-0-20-03-011.00-0	610 N MAIN ST, Lansing, KS 66043	CARTER, JAY L	610 N MAIN ST	LANSING, KS 66043	0.46
094-19-0-20-03-012.00-0	608 N MAIN ST, Lansing, KS 66043				
106-13-0-40-03-002.00-0	102 CRESTVIEW TER, Lansing, KS 66043	CASE, LOREEN R	102 CRESTVIEW TER	LANSING, KS 66043	0.46
106-13-0-40-03-003.00-0	104 CRESTVIEW TER, Lansing, KS 66043	CHRIS URBAN PROPERTIES INC	700 BELLERIVE CT	LANSING, KS 66043	0.46
106-13-0-40-03-014.00-0	101 HIGHLAND RD, Lansing, KS 66043				
106-24-0-10-01-042.00-0	601 N MAIN ST, Lansing, KS 66043	CITIZENS NATIONAL BANK ATTN: PETERSON, CHUCK	PO BOX 228	LANSING, KS 66043	0.46
094-18-0-30-12-008.00-0	109 EMILE ST, Lansing, KS 66043	COLLINS,CHARLES R JR & AMY K	109 EMILE ST	LANSING, KS 66043	0.46
094-19-0-20-03-009.00-0	104 EMILE ST, Lansing, KS 66043	DANIELS, BARBARA J	104 EMILE ST	LANSING, KS 66043	0.46
094-18-0-30-12-004.01-0	710 N MAIN ST, Lansing, KS 66043	EL TRIO INC	710 N MAIN ST	LANSING, KS 66043	0.46
094-18-0-30-12-009.00-0	111 EMILE ST, Lansing, KS 66043	FILBERT, LORI A	111 EMILE ST	LANSING, KS 66043	0.46
106-24-0-10-01-043.00-0	617 N MAIN ST, Lansing, KS 66043	GREENAMYRE RENTALS INC	2500 S 2ND ST	LEAVENWORTH, KS 66048-4542	0.46
094-19-0-20-03-008.00-0	106 EMILE ST, Lansing, KS 66043	HARTLEY, BETTY L	106 EMILE ST	LANSING, KS 66043	0.46
106-13-0-40-03-001.00-0	100 CRESTVIEW TER, Lansing, KS 66043	HUNT,EILEEN S & COLLINS,GERTRUDE M	100 CRESTVIEW TERR	LANSING, KS 66043	0.46
106-24-0-10-01-001.01-0	120 HOLIDAY TER, Lansing, KS 66043	JACCARD ENTERPRISES LLC	15035 PRAIRIE CROSSINGS	LEAVENWORTH, KS 66048-6477	0.46
106-13-0-40-03-013.00-0	103 HIGHLAND RD, Lansing, KS 66043	LAUHON,THOMAS G & NORINE	526 S HICKORY TRAIL	LANSING, KS 66043	0.46
094-19-0-20-03-004.00-0	112 EMILE ST, Lansing, KS 66043	LINDERMAN, EHREN A	3349A ADY RD	STREET, MD 21154-1607	0.46
094-19-0-20-03-007.00-0	108 EMILE ST, Lansing, KS 66043	LONDON,MICHAEL E & LYNDA C	663 WHISPERING PINE DR	TWIN FALLS, ID 83301	0.46
094-19-0-20-03-010.00-0	612 N MAIN ST, Lansing, KS 66043	PETER PROPERTIES LLC	15805 FAIRMOUNT RD	BASEHOR, KS 66007	0.46
094-18-0-30-12-006.00-0	105 EMILE ST, Lansing, KS 66043	RADER TRUST	105 EMILE ST	LANSING, KS 66043	0.46
106-13-0-40-09-001.00-0	100 HIGHLAND RD, Lansing, KS 66043	RIVER CITY RENTALS LLC	3208 GRAND AVE	LEAVENWORTH, KS 66048-5251	0.46
094-19-0-20-03-013.00-0	606 N MAIN ST, Lansing, KS 66043	SCHULTZ, DEBORAH ANN	606 N MAIN ST	LANSING, KS 66043	0.46
106-24-0-10-01-001.00-0	619 N MAIN ST, Lansing, KS 66043	SFL LLC	619 MAIN ST	LANSING, KS 66043	0.46
106-13-0-40-09-002.00-0	104 HIGHLAND RD, Lansing, KS 66043	WILLIAMS, BILLY	104 HIGHLAND RD	LANSING, KS 66043	0.46



AGENDA ITEM

TO: Tim Vandall, City Administrator 
FROM: Stefanie Leif, AICP, Community & Economic Development Director 
DATE: June 29, 2017
SUBJECT: Application to Rezone 612 North Main Street from B-1 to B-3

Background:

Peter Properties, LLC, has applied for a rezone of its property at 612 North Main Street. The applicant is requesting to rezone from B-1 Neighborhood Business to B-3 Commercial Business. The property will remain within the Main Street Overlay District (MSOD). An insurance office is currently the use on the site. The northern portion of the subject property is currently zoned B-3 due to a rerouting of Emile Street. The southern portion of the property with the business is zoned B-1, but the applicant would like to rent space to tenants and have more flexibility in uses. At the present time, the applicant is in discussion with a possible tenant who would operate an auto detailing business, which is allowed in B-3, but not B-1 – categorized under “automobile and truck wash services.”

The following setbacks apply to B-1 and B-3 properties, and the building would be in compliance with B-3 regulations if rezoned.

	B-1	B-3	Existing (approx.)
Front setback	30 ft.	20 ft.	30 ft.
Rear setback	25 ft.	20 ft.	60 ft.
Side setback	0 (unless adj. to residential zone)	0 (unless adj. to residential zone)	7 ft. (south) 120+ ft. (north)
Min. lot size	6,000 sq. ft.	10,000 sq. ft.	21,963 sq. ft.
Min. lot width	50 ft.	60 ft.	200 ft.
Height	45 ft.	45 ft.	< 45 ft.

The 2014 Lansing Comprehensive Plan: The request is compliant with the Comprehensive Plan’s future land use map, which indicates this property and surrounding lots to be commercial use.

Neighborhood: At the time of this agenda memo, two (2) property owners within 200 feet contacted the department regarding the notice. One was a commercial property owner and the second was a residential home owner. Neither had concerns with the rezone request.

Planning Commission Recommendation: The Planning Commission held a public hearing on June 21, 2017, and in a 5-0 vote, the Commission unanimously recommended to the City Council to approve the rezone request.

Attachments to this agenda item:

1. Proposed Ordinance No. 980 and Ordinance Summary
2. Excerpt from the Draft Minutes from the June 21, 2017, Planning Commission meeting
3. Checklist
4. Application and Deed
5. Aerial Map
6. Future Land Use Map (excerpt showing subject property)
7. Zoning Map (excerpt showing subject property)
8. List of permitted and conditionally permitted uses in the B-1 zoning district
9. List of permitted and conditionally permitted uses in the B-3 zoning district
10. Public Hearing Notice, sample letter, list of notified property owners

Policy Consideration: The following regulations and plans apply to this rezone application:

1. Lansing Zoning Ordinance, specifically Article 5 (District Regulations), Article 12 (Amendments), Appendix A (table of uses), and Appendix B (list of uses by zone)
2. Lansing Comprehensive Plan "Lansing 2030: A Vision for Tomorrow" – *please note the Comprehensive Plan is a guiding document, not a regulatory document.*

Financial Consideration: The applicant paid the \$150 application fee.

Action: Motion to accept the Planning Commission's recommendation to approve the rezone of 612 North Main Street from B-1 to B-3 and adopt Ordinance Number 980.

ORDINANCE NO. 980

**AN ORDINANCE GRANTING A CHANGE OF ZONING
TO CERTAIN PROPERTY WITHIN THE CITY OF LANSING, KANSAS.**

WHEREAS, the Planning Commission of the City of Lansing has recommended to rezone particular real estate property within the City of Lansing, Kansas; and

WHEREAS, after proper legal publication and notice pursuant to the statutes of the State of Kansas, a public hearing was held on June 21, 2017, at 7:00 p.m. at the Lansing City Hall, Lansing, Kansas; and

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LANSING, KANSAS:

Section 1. Change of Land Uses. The land uses for the following property located at 612 North Main Street, within the city limits of the City of Lansing, County of Leavenworth, State of Kansas, legally described as follows:

LEGAL DESCRIPTION:

PT OF BLK 4, SANTA FE SUB; BEG 50E OF SW COR, SW1/4; THENCE N103.2', SELY136.9', S TO SEC LI, W30'(S), S20'(S), E45'(S), S75'(S), W135'(S), N TO POB

less any part taken or used for road; presently zoned as "B-1" Neighborhood Business is hereby changed to "B-3" Commercial Business; and

Section 2. Amend Zoning District Map. That upon the taking effect of this ordinance, the above zoning change shall be entered and shown on the Zoning District Map, and said official zoning map shall be and is hereby reincorporated as a part of the Zoning Ordinance as amended.

Section 3. Effective Date. This ordinance shall take effect and be enforced from and after its passage, approval, and publication in the official city newspaper, as provided by law.

PASSED AND APPROVED by the governing body of the City of Lansing, Kansas, this 6th day of July, 2017.

Michael W. Smith, Mayor

ATTEST

Sarah Bodensteiner, City Clerk

(SEAL)

APPROVED AS TO FORM:

Gregory C. Robinson, City Attorney

Publication Date: _____

Published: The Leavenworth Times

CITY OF LANSING

FORM OF SUMMARY FOR PUBLICATION OF ORDINANCE

Ordinance No. 980: An Ordinance Amending the Lansing Zoning District Map, as adopted by reference in Lansing Zoning Ordinance, Article 4, subsection 3.

Pursuant to the general laws of the State, a general summary of the subject matter contained in this ordinance shall be published in the official City newspaper in substantially the following form:

Ordinance No. 980 Summary:

On July 6, 2017, the City of Lansing, Kansas, adopted Ordinance No. 980, amending the Lansing Zoning District Map, as adopted by reference in Lansing Zoning Ordinance, Article 4, subsection 3. A complete copy of this ordinance is available at www.lansing.ks.us or at City Hall, 800 First Terrace, Lansing, KS 66043. This summary certified by Gregory C. Robinson, City Attorney.

This Summary is hereby certified to be legally accurate and sufficient pursuant to the laws of the State of Kansas.

DATED: July 6, 2017

Gregory C. Robinson, City Attorney

Call to Order – The regular monthly meeting of the Lansing Planning Commission was called to order at 7:00 p.m. by Chairman Brian Schwanz. Other members present were Vice-Chairman Ron Barry, and Commissioners Mike Suozzo, Kirsten Moreland, and Jerry Gies. Commissioners Frank Reyes and Chad Neidig were unable to attend. Chairman Schwanz noted there was a quorum present.

Approval of Minutes, April 19, 2017, Regular Meeting – Vice-Chairman Barry made a motion to approve the minutes of the April 19, 2017, regular meeting, seconded by Commissioner Moreland. The motion was approved, with Commissioner Suozzo abstaining.

Old Business – none

Chairman Schwanz stated there are several items of new business on the agenda. He said there are two public hearings on the same property, but are separate items that don't affect each other. He stated the Commission will hold the first public hearing, address it, vote, and then hold the second public hearing, address it, and vote. Vice-Chairman Barry asked if the items would go to the Council separately or together and Community and Economic Development Director Stefanie Leif stated they would go as separate items.

1. New Business - Public Hearing - Rezone application for 612 North Main Street.

Chairman Schwanz stated that a rezone application was submitted by Peter Properties, LLC, for the property located at 612 North Main Street, Lansing, Kansas. He said the request is to rezone the property from B-1, Neighborhood Business, to B-3, Commercial Business.

Chairman Schwanz opened the public hearing at 7:04 p.m. Trent Peter, applicant, stated the north half of the property is already zoned B-3, but the south is not, so he's trying to make it uniform with the rest of the property and the properties around it.

Since no one else wished to speak, Chairman Schwanz closed the public hearing at 7:05 p.m.

Vice-Chairman Barry asked how this property ended up with separate zoning and Ms. Leif stated Emile Street was re-routed and showed on the map where it was before and where it is now. Commissioner Suozzo stated KDOT did this to align it with the streets on the other side. Ms. Leif stated this action will clean up the zoning in that area and allow the Peters more flexibility in what they can do with the property.

Commissioner Gies asked Ms. Leif to outline on the map the subject property, which she did. He then asked, in the northern piece, if the white area was a structure, but was told it was a parking area.

Since there were no other questions, Chairman Schwanz entertained a motion regarding the checklist as a finding of fact. Chairman Schwanz thanked Ms. Leif for the extra wording put into the packet on this application. Commissioner Suozzo made a motion to accept the checklist as a finding of fact for the rezoning application for 612 North Main Street. The motion was seconded by Commissioner Gies and passed unanimously.

Chairman Schwanz then asked for a motion to recommend approval, denial, or approval with conditions for the rezone application for 612 North Main Street. Commissioner Gies made the motion to recommend approval for this rezoning request. Vice-Chairman Barry seconded the motion. Vice-Chairman Barry stated in the minutes, it should probably state it's being rezoned to B-3 to be specific. Chairman Schwanz said the motion would then be to recommend approval of the rezoning of 612 North Main Street from B-1 to B-3 and asked Commissioner Gies if he was okay with that. Commissioner Gies stated he was. Roll was then called and the motion passed unanimously. Chairman Schwanz asked when this would go before the City Council and Ms. Leif stated July 6. Chairman Schwanz then said he did forget to state that at the end of the public hearing, that started the 14-day protest period.

2. Public Hearing - Main Street Overlay District compliance application for 612 North Main Street. Chairman Schwanz stated a Main Street Overlay District compliance application was submitted by Peter Properties, LLC, for a proposed carport and shed on the property located at 612 North Main Street, Lansing, Kansas.

Chairman Schwanz opened the public hearing at 7:12 p.m. Mr. Peter, applicant, stated an individual from Leavenworth was interested in renting out the basement area of the building at 612 North Main. He stated there's a single garage there, but it's very small and there's no way to get a vehicle in there. Mr. Peter stated this gentleman currently does detail work out of his garage in Leavenworth and the city of Leavenworth has asked him to find a commercial spot. Mr. Peter said in order for him to work there, a carport is needed so he can work outside in the elements of the sun or rain. Mr. Peter stated if this gentleman takes up this garage space, he would like to have a small shed to put moving equipment and other miscellaneous items. He said he first looked at a metal carport for this facility, but was informed that was not allowed within the Main Street Overlay District. He stated he was looking at doing a composition shingled roof on the carport itself to match the existing structure and then putting the small shed next to it. He stated the property just south of his actually has two sheds in the back of their property, so he just wants to maximum all future benefits of his property.

Since no one else wished to address the Commission regarding this application, Chairman Schwanz closed the public hearing at 7:14 p.m. and stated this begins the 14-day protest period.

Commissioners then discussed the following:

- ❖ Commissioner Moreland asked where the carport was going to go.
 - Ms. Leif stated it would extend out from the garage and it's 10' x 20'.
 - Chairman Schwanz asked if that was on the east side of the property and Ms. Leif said it was.
 - Commissioner Gies asked if there was currently a driveway to that garage.
 - Mr. Peter said there is one and it's gravel halfway and then cracked cement, so they would be removing that existing driveway and pouring a new one up to it.
- ❖ Commissioner Gies asked if this meets the requirements of the Main Street Overlay District.
 - Ms. Leif said it does, but that the MSOD doesn't really account very well for additions to existing buildings or accessory buildings, which is something she hopes can be remedied with the UDO. She stated she believes it fits since he's doing the frame construction for

REZONING CHECKLIST

Case No. 2017-2

Date Filed: May 16, 2017

Date Advertised: May 30, 2017

Date Notices Sent: May 31, 2017

Public Hearing Date: June 21, 2017

APPLICANT: Peter Properties, LLC

LOCATION OF PROPERTY: 612 North Main Street

PRESENT ZONING: B-1

REQUESTED ZONING: B-3

PRESENT USE OF PROPERTY: commercial - insurance office

SURROUNDING LAND USE AND ZONING:

<u>Direction</u>	<u>Land Use</u>	<u>Zoning</u>
North	commercial-restaurant	B-3
South	commercial - medical office	B-1
East	residential	B-1
West	commercial	B-3

CHARACTER OF THE NEIGHBORHOOD: commercial

NEAREST EQUIVALENT ZONING:

LOCATION: northern portion of subject property and immediately to the north and west (across K-7 Highway)

CURRENT USE: commercial

RELATIONSHIP TO EXISTING ZONING PATTERN:

1. Would proposed change create a small, isolated district unrelated to surrounding districts? No. B-3 zoning is in place to the north and south of the property. If the property is rezoned to B-3, it would match the remainder of the property (northern portion is already zoned B-3 due to a rerouting of Emile Street), and it would be the same zoning as property to the immediate north.

2. Are there substantial reasons why the property cannot be used in accord with existing zoning? Yes. If yes, explain: The current use of insurance office is allowed in B-1, the current zoning. The property owners have additional space in the building that they would like to rent to tenant(s). The rezone would broaden the uses that would be allowed and they can market the property to a wider variety of potential tenants. Currently, the owners are in discussion with a potential tenant who would operate an auto detailing business from a garage on the property. Auto detailing is allowed in B-3, but not B-1.

3. Are there adequate sites for the proposed use in areas already properly zoned? Existing garages available for lease are in short supply in Lansing. If yes, where? _____

CONFORMANCE WITH COMPREHENSIVE PLAN:

1. Consistent with Development Policies? Yes
2. Consistent with Future Land Use Map? Yes
3. Are Public Facilities adequate? Yes, for current application as commercial use is currently on the property. Future uses would be required to apply for a building permit and staff would ensure that the uses have the necessary infrastructure.

TRAFFIC CONDITIONS:

1. Street(s) with Access to Property: The property is accessed from Emile Street off of K-7 Highway/Main Street
2. Classification of Street(s):
Arterial _____ Collector _____ Local x
3. Right of Way Width: width of asphalt is 28 feet on Emile Street in the location of the property.
4. Will turning movements caused by the proposed use create an undue traffic hazard? Commercial use is currently on the property, and the property has client and employee traffic utilizing this access.
5. Comments on Traffic: The property is currently used for commercial purpose, and the road is a public city road.

SHOULD PLATTING OR REPLATTING BE REQUIRED TO PROVIDE FOR:

1. Appropriately Sized Lots? The lot meets the minimum lot size. The lot is 21,963 square feet, and the minimum lot size in B-3 is 10,000 square feet. The minimum lot width is 60 feet for B-3, and this lot is 200 feet in width.
2. Properly Sized Street Right of Way? Emile Street is a two lane local road that is 28 feet in width (width of asphalt).
3. Drainage Easements? _____
4. Utility Easements:
Electricity? _____
Gas? _____
Sewers? _____
Water? _____
5. Additional Comments: _____

UNIQUE CHARACTERISTICS OF PROPERTY IN QUESTION: The property is currently split zoned. Emile Street was re-routed during the Main Street System Enhancement Project, and the northern portion of the lot is zoned B-3, and the southern portion (location of commercial building) is zoned B-1. The rezone to B-3 will keep the zoning consistent throughout the parcel.

ADDITIONAL COMMENTS: _____

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 Peter Properties, LLC
Address 612 N Main, Lansing KS Phone 913-727-1423
Agent (if applicable) n/a
Address _____ Phone _____
(use separate sheet if necessary for additional owners/applicants)
- II. The applicant hereby requests a change of zone from B-1 zoning district to B-3 zoning district for property legally described as (use either metes and bounds or subdivision/block/lot description):
part of block 4, Santa Fe Subdivision

Real Estate Tax Number 052-094-19-0-20-03-010.00-0
- III. This property is located in : Section _____ Township _____ Range _____
The general location is (use appropriate section):
A. Street Address: 612 N Main St, Lansing KS 66904
B. At the _____ (NW, NE, SW, SE) corner of _____
(street) and _____ (street) or,
C. On the _____ (N, S, E, W) side of _____ (street)
between _____ (street) and _____ (street).
- IV. I request this change in zoning for the following reasons (do not include reference to proposed uses):
To rent out the lower level to a single man-
auto detailing business.

(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.

Tate Pk
Owner

Buyer Peter
Owner

By _____
Authorized Agent (if applicable)

By _____
Authorized Agent (if applicable)

OFFICE USE ONLY:

- VI. Application received on: 5-16-17 (month, day, year)
Application received by: Stefanie Leif
Amount of fee paid: \$150.00

- VII. Planning Commission Recommendation: approved 5-0
Date: 6-21-17
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 Trent & Brynn Peter, 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, Trent Peter and Brynn Peter 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:

Peter Properties LLC
Trent & Brynn Peter
15805 Fairmount Rd
Basehor, KS 66007

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.

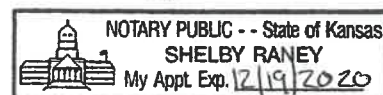
Trent Peter Brynn Peter
/s/
STATE OF Kansas)
COUNTY OF Leavenworth) §

BE IT REMEMBERED that on this 2nd day of May, 2017, that before me, the undersigned, a Notary Public, in and for the State and County aforesaid, came Trenton Peter Brynn Peter, 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.

Shelby Raney
Notary Public

My Appointment Expires: 12/19/2020



COPY

TRUSTEE'S DEED

TX0011070

The GRANTOR(S), Cameron Revocable Trust under trust Agreement dated January 16, 2015 convey to Peter Properties, LLC, Grantee.

The Grantor(s), by virtue of the terms and provisions of said trust agreement, in consideration of the sum of one dollar and other valuable consideration, the receipt of which is hereby acknowledged, does hereby grant, sell, and convey to Grantee, the following described real estate in LEAVENWORTH County, Kansas, to wit:

All that part of Lot or Block 5, in SANTA FE SUBDIVISION of the South 1/2 of the Southwest 1/4 of Section 18 and a part of the North 1782 feet of the Northwest 1/4 of Section 19, all in Township 9, Range 23, Leavenworth County, Kansas, described as: Beginning at the Northwest corner of Lot or Block 5; thence East along the North line thereof, 150 feet to a point; thence South parallel with the West line of said Lot or Block, 75 feet to a point; thence West parallel with the North line thereof, 150 feet; thence North along the West line of said Lot or Block, 75 feet to the point of beginning, together with the vacated street accruing thereto.

LESS any part thereof taken or used for road purposes.

EXCEPTING coal and mineral rights underlying said premises.

AND

A tract of land in Block 4, Santa Fe Subdivision and that portion of vacated Emile Street, in the City of Lansing, lying in the Southwest Quarter of Section 18, Township 9 South, Range 23 East of the 6th P.M., Leavenworth County Kansas, described as follows: COMMENCING at the Southwest corner of said Quarter Section; thence on an assumed bearing of North 88 degrees 53 minutes 51 seconds East, 50.00 feet along the South line of said Quarter Section to the POINT OF BEGINNING; FIRST COURSE, thence North 01 degree 30 minutes 00 seconds West, 103.24 feet; SECOND COURSE, North 89 degrees 21 minutes 03 seconds East, 7.35 feet; THIRD COURSE, thence on a curve of 134.04 feet radius to the right, an arc distance of 117.07 feet with a chord which bears South 65 degrees 37 minutes 42 seconds East, 113.39 feet; FOURTH COURSE, thence on a curve of 226.85 feet to the left, an arc distance of 12.48 feet with a chord which bears South 42 degrees 10 minutes 58 seconds East, 12.48 feet; FIFTH COURSE, thence South 00 degrees 41 minutes 21 seconds West, 45.03 feet to said South line of said Quarter Section; SIXTH COURSE, thence South 88 degrees 53 minutes 51 seconds West, 115.78 feet along said South line to the point of beginning.

EXCEPT AND SUBJECT TO: Easements, restrictions and assessments of record, and all the taxes and assessments that may be levied, imposed or become payable hereafter.

The Grantor(s) covenant(s) that the aforesaid trust remains in full force and effect and has not been revoked, that the undersigned is/are the trustees of said trust and have full right and authority to convey the above-described real estate and to make, execute and deliver this deed pursuant to the power set forth in the said trust instrument.

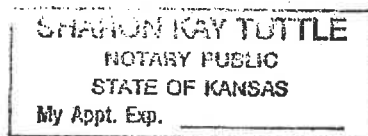
Dated this 13th day of October, 2016.

Cameron Revocable Trust under trust
Agreement dated January 16, 2015

Tera A. Cameron
Tera A. Cameron, Trustee

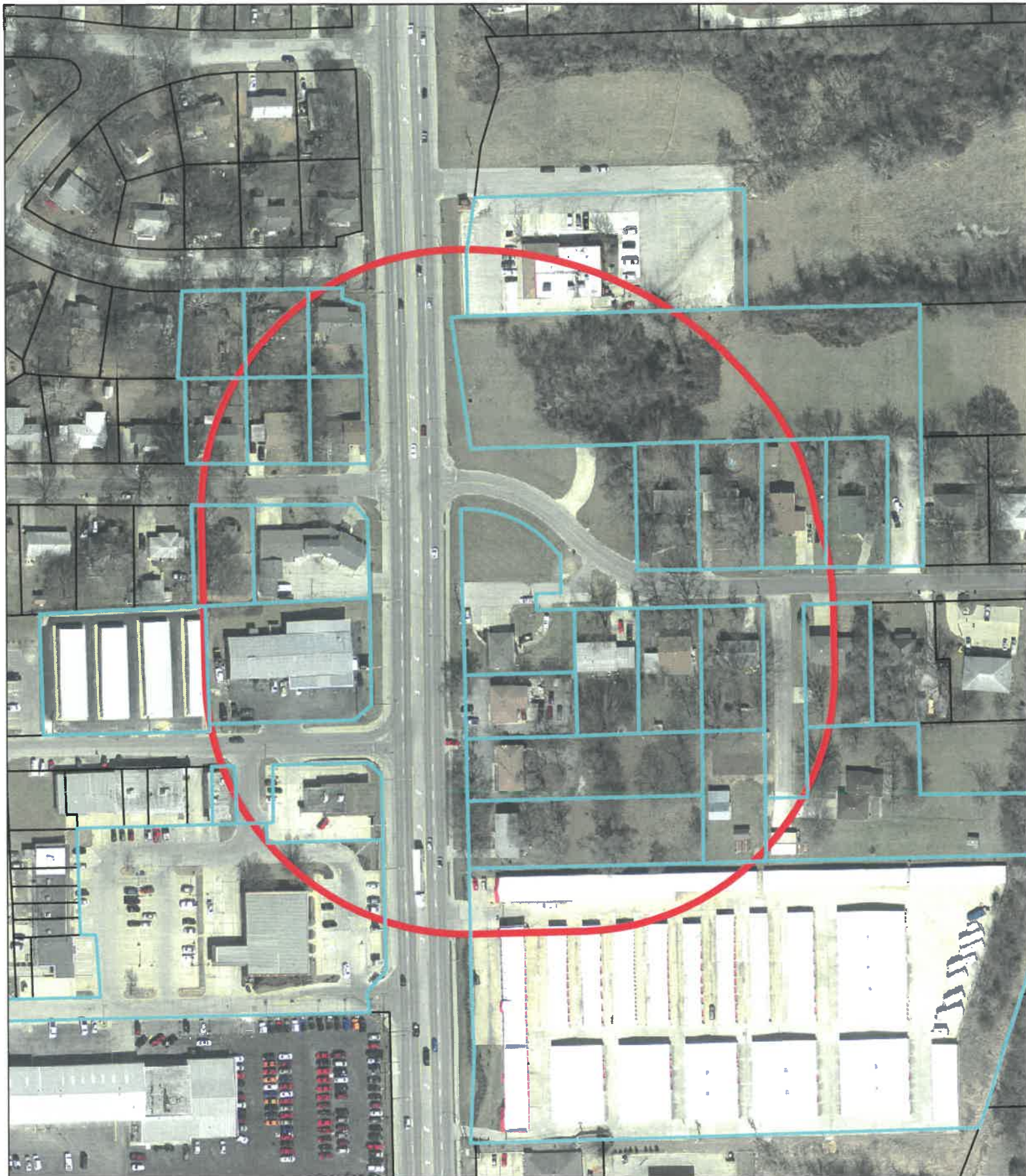
State of Kansas, County of LEAVENWORTH §

The foregoing instrument was acknowledged before me this 13th day of October, 2016 by Tera A. Cameron, as Trustee of the Cameron Revocable Trust under trust Agreement dated January 16, 2015.



[Signature]
Notary Public
My appointment expires: 7-26-19

Leavenworth County Kansas



2014 Aerial Photo



094-19-0-20-03-010.00-0
PETER PROPERTIES LLC
612 N. MAIN
LANSING, KS 66043

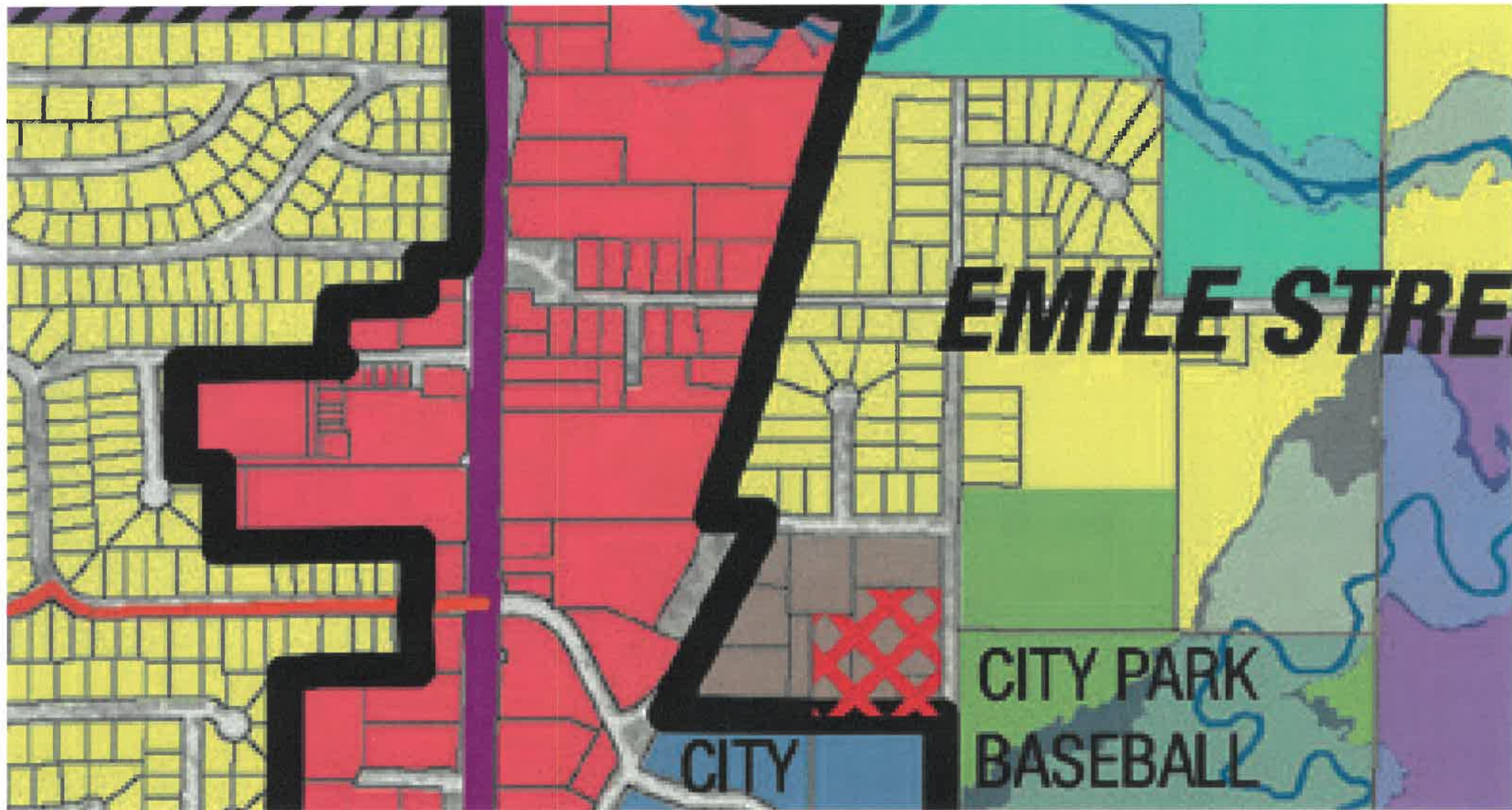
Radius Search Date: 05-10-2017

29 PARCELS

1 inch = 150 feet

This map is prepared to our best capabilities.
However, it is not intended for legal purposes.
Accuracy is not guaranteed.

Future Land Use Map



Future Land Use Map Legend

LEGEND

 RURAL RESIDENTIAL

 SINGLE FAMILY RESIDENTIAL

 MEDIUM DENSITY

 HIGH DENSITY

 MIXED USE

 COMMERCIAL

 OFFICE

 BUSINESS PARK/LT. INDUSTRIAL

 PARKS

 OPEN SPACE / AGRICULTURE

 AIRPORT

 CIVIC

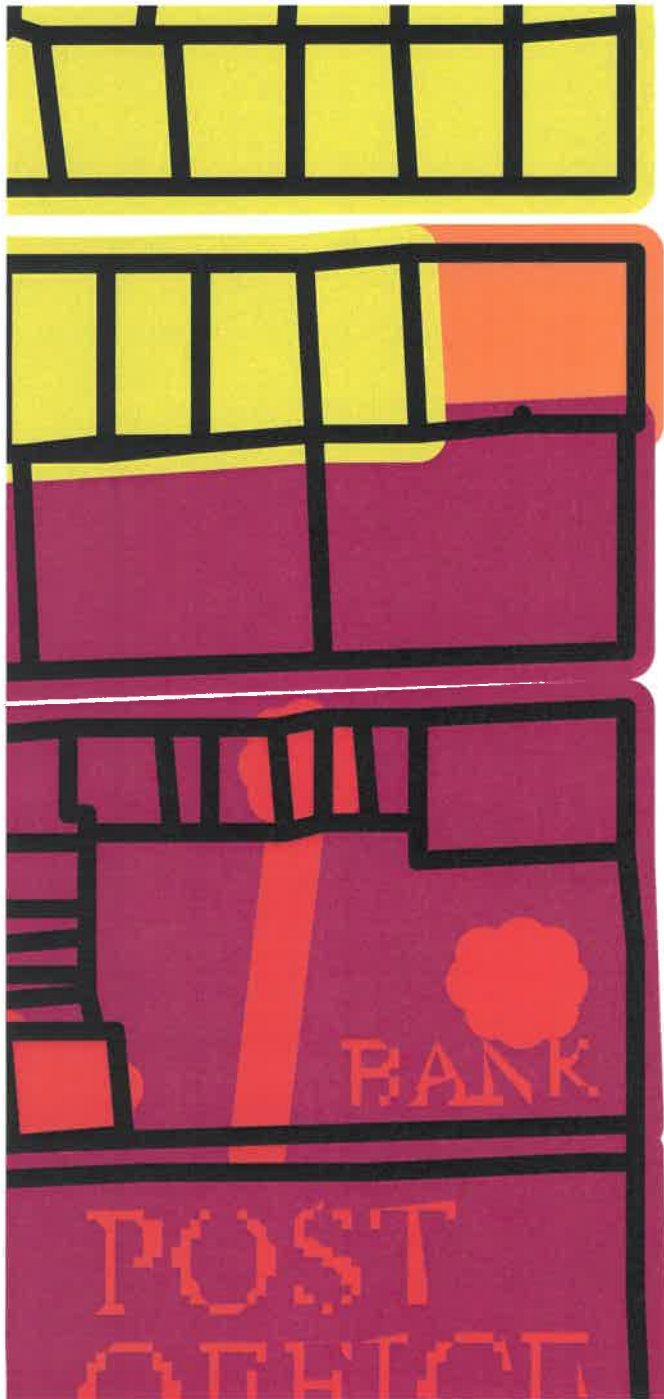
 PROPOSED MAIN STREET OVERLAY DISTRICT
BOUNDARY (MSOD)

 MSOD PROPOSED EXPANSION

 MSOD PROPOSED REMOVAL



Current Zoning Map



LEGEND:

PLAT LINE

Zoning Map
Legend



MAIN STREET OVERLAY
DISTRICT



A-1 AGRICULTURAL



R-1 SUBURBAN RESIDENTIAL



R-2 SINGLE-FAMILY
RESIDENTIAL



RR-2.5 RURAL RESIDENTIAL2.5A.
(COUNTY DESIGN)



R-3 DUPLEX RESIDENTIAL



R-4 MULTI-FAMILY
RESIDENTIAL



R-5 MOBILE HOME PARK



B-1 NEIGHBORHOOD BUSINESS



B-2 GENERAL BUSINESS



B-3 COMMERCIAL BUSINESS



I-1 LIGHT INDUSTRIAL



I-2 HEAVY INDUSTRIAL



PUD PLANNED UNIT
DEVELOPMENT



CITY PARK LANDS



PLANNED DISTRICT
OVERLAY

Excerpt from APPENDIX B – List of uses permitted and conditionally permitted in B-1

B-1 NEIGHBORHOOD BUSINESS PERMITTED USES	B-1 NEIGHBORHOOD BUSINESS CONDITIONALLY PERMITTED USES
<ol style="list-style-type: none"> 1. ALTERATION, TAILORING AND GARMENT REPAIR SERVICES 2. AMPHITHEATERS 3. ARMED FORCES RESERVE CENTER 4. ART GALLERIES AND ARTISTS STUDIOS 5. AUDITORIUMS AND EXHIBITION HALLS 6. BAKERIES - RETAIL 7. BANKING SERVICES 8. BARBER AND BEAUTY SERVICES 9. BOOKS AND STATIONERY - RETAIL 10. BUS PASSENGER TERMINALS 11. CANDY, NUT, AND CONFECTIONERY - RETAIL 12. CEMETERIES AND MAUSOLEUMS 13. CHURCHES, SYNAGOGUES AND TEMPLES 14. CIGARETTES AND CIGARS - RETAIL 15. CIVIC, SOCIAL AND FRATERNAL ASSOCIATIONS 16. COUNTRY CLUB AND ATHLETIC CLUBS 17. DAIRY PRODUCTS - RETAIL 18. DRUG AND PROPRIETARY - RETAIL 19. DRY CLEANING AND LAUNDERING SERVICES 20. FISH AND SEAFOODS - RETAIL 21. FLORISTS - RETAIL 22. FRUITS AND VEGETABLES - RETAIL 23. GIFTS, NOVELTIES AND SOUVENIRS - RETAIL 24. GOLF COURSES 25. GROCERIES AND MEATS - RETAIL 26. HARDWARE AND FARM SUPPLIES - RETAIL 27. HOBBY SUPPLIES - RETAIL 28. HOSPITALS AND MEDICAL CLINICS 	<ol style="list-style-type: none"> 1. ACCOUNTING AND BOOKKEEPING SERVICES 2. ADVERTISING SERVICES 3. BOARDING AND ROOMING HOUSES 4. BROADCASTING STUDIOS - RADIO AND TV 5. BUSINESS AND MANAGEMENT CONSULTING SERVICES 6. BUSINESS OFFICES NOT ELSEWHERE LISTED 7. BUSINESS ASSOCIATIONS 8. CREDIT REPORTING, ADJUSTMENT AND AND COLLECTION SERVICES 9. CREDIT UNIONS AND AGRICULTURAL, BUSINESS, AND PERSONAL CREDIT SERVICES 10. DAY CARE CENTERS (SEVEN (7) OR MORE UNRELATED CHILDREN OR ADULTS) (ORD. 423, SEC. 1) 11. DETECTIVE AND PROTECTIVE SERVICES 12. DORMITORIES, COLLEGE 13. DWELLING, MULTI-FAMILY 14. EMPLOYMENT SERVICES 15. ENGINEERING, PLANNING AND ARCHITECTURAL PROFESSIONAL SERVICES 16. FRATERNITY AND SORORITY HOUSES 17. FUNERAL, MORTUARY AND CREMATORY SERVICES 18. GASOLINE SERVICE STATIONS - RETAIL 19. INVESTMENT AND HOLDING SERVICES 20. LABOR UNIONS AND SIMILAR LABOR ORGANIZATIONS 21. MONASTERIES AND CONVENTS 22. NEWS SYNDICATE SERVICES 23. NURSING, CONVALESCENT AND REST HOMES 24. ORPHANAGES 25. PROFESSIONAL OFFICES NOT ELSEWHERE LISTED

B-1 NEIGHBORHOOD BUSINESS PERMITTED USES	B-1 NEIGHBORHOOD BUSINESS CONDITIONALLY PERMITTED USES
<p>29. INSURANCE AGENTS AND BROKERS SERVICES</p> <p>30. LEGAL SERVICES</p> <p>31. LIQUOR - RETAIL</p> <p>32. LOCKSMITH SERVICES</p> <p>33. MAGAZINES AND NEWSPAPERS - RETAIL</p> <p>34. MEDICAL, DENTAL & CHIROPRACTIC SERVICES</p> <p>35. MOTELS, HOTELS, AND TOURIST COURTS</p> <p>36. MUSEUMS</p> <p>37. PARKS AND PLAYGROUNDS, PUBLIC</p> <p>38. PETS AND PET GROOMING - RETAIL</p> <p>39. PHOTOFINISHING SERVICES</p> <p>40. PHOTOGRAPHIC STUDIOS AND SERVICES</p> <p>41. REAL ESTATE AGENTS, BROKERS AND ABSTRACTING SERVICES</p> <p>42. SCHOOLS, PRIMARY AND SECONDARY</p> <p>43. SHOE REPAIR, SHOE SHINING AND HAT CLEANING SERVICES</p> <p>44. SOCIAL CORRECTIONAL, TREATMENT AND COUNSELLING SERVICES</p> <p>45. STADIUMS</p> <p>46. TELEPHONE EXCHANGE STATIONS</p> <p>47. ZOOS, AQUARIUMS, AND BOTANICAL GARDENS</p>	<p>26. RESEARCH, DEVELOPMENT AND TESTING SERVICES</p> <p>27. SCHOOLS, ART - MUSIC - DANCE</p> <p>28. SCHOOLS, PROFESSIONAL AND BUSINESS</p> <p>29. SCHOOLS, TRADE, TECHNICAL AND VOCATIONAL</p> <p>30. SCHOOLS, UNIVERSITIES AND COLLEGES</p> <p>31. SECURITY AND COMMODITY BROKERS, DEALERS, EXCHANGES AND SERVICES</p> <p>32. STENOGRAPHIC, DUPLICATING, AND MAILING SERVICES</p> <p>33. TRAVEL ARRANGING SERVICES</p> <p>34. WELFARE AND CHARITABLE SERVICES</p> <p>35. SOCIAL SERVICES AGENCIES RELATING TO FAMILY SERVICES (EXCEPT RESIDENTIAL, CORRECTIONAL, REHABILITATION, AND TREATMENT FACILITIES) (ORD. 424, SEC. 1)</p>

Excerpt from APPENDIX B – List of uses permitted and conditionally permitted in B-3

B-3 COMMERCIAL BUSINESS PERMITTED USES	B-3 COMMERCIAL BUSINESS CONDITIONALLY PERMITTED USES
<ol style="list-style-type: none"> 1. ACCOUNTING AND BOOKKEEPING SERVICES 2. ADVERTISING SERVICES 3. AIR CONDITIONING, REFRIGERATED EQUIPMENT AND SUPPLIES - WHOLESALE 4. ALCOHOLIC BEVERAGES, BEER AND WINE - WHOLESALE 5. AMPHITHEATERS 6. ANTIQUES - RETAIL 7. APPLIANCES (ELECTRICAL), TELEVISIONS, TAPE PLAYERS, RADIO SETS - WHOLESALE 8. APPLIANCE REPAIR SERVICES 9. ARMED FORCES RESERVE CENTER 10. AUDITORIUMS AND EXHIBITION HALLS 11. AUTOMOBILE AND OTHER MOTOR VEHICLE REPAIR SERVICES 12. AUTOMOBILE AND OTHER MOTOR VEHICLES - RETAIL 13. AUTOMOBILE AND TRUCK RENTAL SERVICES 14. AUTOMOBILE PARTS AND SUPPLIES - RETAIL 15. AUTOMOBILE AND TRUCK WASH SERVICES 16. BAIT SHOPS 17. BANKING SERVICES 18. BARBER AND BEAUTY SERVICES 19. BOOKS, MAGAZINES, AND NEWSPAPERS DISTRIBUTING - WHOLESALE 20. BOWLING 21. BROADCASTING STUDIOS - RADIO AND TV 22. BUILDING CONSTRUCTION CONTRACTORS 23. BUSINESS AND MANAGEMENT CONSULTING SERVICES 24. BUSINESS OFFICES NOT ELSEWHERE LISTED 25. BUSINESS ASSOCIATIONS 26. BUS PASSENGER TERMINALS 27. CARPENTRY AND WOOD FLOORING SERVICES 	<ol style="list-style-type: none"> 1. AMUSEMENT PARKS AND GO-CART TRACKS 2. ANIMAL SHELTER 3. ART GALLERIES AND ARTISTS STUDIOS 4. BAKERIES - RETAIL 5. BOOKS AND STATIONERY - RETAIL 6. BUS GARAGING AND EQUIPMENT MAINTENANCE 7. CABINET MAKING - MANUFACTURING 8. CANDY, NUT, AND CONFECTIONERY - RETAIL 9. CARPET AND RUG CLEANING AND REPAIR SERVICE 10. CIGARETTES AND CIGARS - RETAIL 11. DAIRY PRODUCTS - RETAIL 12. DRUG AND PROPRIETARY - RETAIL 13. EXTERMINATING AND DISINFECTING SERVICES 14. FISH AND SEAFOODS - RETAIL 15. FLORISTS - RETAIL 16. FRUITS AND VEGETABLES - RETAIL 17. GIFTS, NOVELTIES, AND SOUVENIRS - RETAIL 18. GROCERIES AND MEATS - RETAIL 19. HARDWARE AND FARM SUPPLIES - RETAIL 20. HOBBY SUPPLIES - RETAIL 21. ICE – MANUFACTURING 22. KENNELS-BOARDING AND BREEDING 23. LIQUOR - RETAIL 24. MAGAZINES AND NEWSPAPERS - RETAIL 25. MOTOR VEHICLES AND EQUIPMENT - WHOLESALE 26. PETS AND PET GROOMING - RETAIL 27. RACE TRACKS AND COURSES

B-3 COMMERCIAL BUSINESS PERMITTED USES	B-3 COMMERCIAL BUSINESS PERMITTED USES
<p>28. CEMETERIES AND MAUSOLEUMS</p> <p>29. CHURCHES, SYNAGOGUES, AND TEMPLES</p> <p>30. CIVIC, SOCIAL, AND FRATERNAL ASSOCIATIONS</p> <p>31. COMMERCIAL AND INDUSTRIAL MACHINERY, EQUIPMENT, AND SUPPLIES - WHOLESALE</p> <p>32. CONSTRUCTION EQUIPMENT - RETAIL</p> <p>33. COUNTRY CLUB AND ATHLETIC CLUBS</p> <p>34. CREDIT REPORTING, ADJUSTMENT AND COLLECTION SERVICES</p> <p>35. DETECTIVE AND PROTECTIVE SERVICES</p> <p>36. DISCOUNT AND VARIETY STORES - RETAIL</p> <p>37. DRUGS, CHEMICALS AND DRUGGIST SUNDRIES - WHOLESALE</p> <p>38. DRY GOODS AND APPAREL - WHOLESALE</p> <p>39. ELECTRICAL REPAIR SERVICES, EXCEPT RADIO AND TELEVISION</p> <p>40. ELECTRICAL SUPPLIES - RETAIL</p> <p>41. ELECTRONIC PARTS AND EQUIPMENT - WHOLESALE</p> <p>42. EMPLOYMENT SERVICES</p> <p>43. ENGINEERING, PLANNING, AND ARCHITECTURAL PROFESSIONAL SERVICES</p> <p>44. EQUIPMENT AND SUPPLIES FOR SERVICES ESTABLISHMENTS - WHOLESALE</p> <p>45. EQUIPMENT RENTAL AND LEASING SERVICES</p> <p>46. FARM MACHINERY AND EQUIPMENT - RETAIL</p> <p>47. FARMERS MARKET</p> <p>48. FOOD LOCKERS AND REFRIGERATED STORAGE</p> <p>49. FREIGHT TERMINALS</p> <p>50. FUNERAL, MORTUARY, AND CREMATORY SERVICES</p> <p>51. FURNITURE AND HOME FURNISHINGS - WHOLESALE</p> <p>52. FURNITURE REPAIR AND REUPHOLSTERY SERVICES</p>	<p>53. FUR REPAIR AND STORAGE SERVICES</p> <p>54. GARDEN SUPPLIES AND LANDSCAPE NURSERY - RETAIL</p> <p>55. GASOLINE SERVICE STATIONS - RETAIL</p> <p>56. GOLF COURSES</p> <p>57. GOLF DRIVING RANGES</p> <p>58. GREENHOUSES</p> <p>59. HARDWARE - WHOLESALE</p> <p>60. HEALTH AND EXERCISE SPAS</p> <p>61. HEATING AND PLUMBING EQUIPMENT AND SUPPLIES - RETAIL</p> <p>62. ICE - RETAIL</p> <p>63. INSURANCE AGENTS AND BROKERS SERVICES</p> <p>64. INVESTMENT AND HOLDING SERVICES</p> <p>65. JANITORIAL SERVICES</p> <p>66. LANDSCAPE CONTRACTING SERVICES</p> <p>67. LAPIDARY WORK</p> <p>68. LAWN CARE - SERVICES</p> <p>69. LEGAL SERVICES</p> <p>70. LUMBER YARDS AND BUILDING MATERIALS - RETAIL</p> <p>71. MASSAGE SERVICES</p> <p>72. MEDICAL AND DENTAL LABORATORY SERVICES</p> <p>73. MOBILE HOMES AND ACCESSORIES - RETAIL</p> <p>74. MONUMENTS - RETAIL</p> <p>75. MOTELS, HOTELS, AND TOURIST COURTS</p> <p>76. MOTION PICTURE DISTRIBUTION SERVICES</p> <p>77. MOTOR FREIGHT GARAGING AND EQUIPMENT MAINTENANCE</p> <p>78. MUSEUMS</p> <p>79. NEWS SYNDICATE SERVICES</p> <p>80. OUTDOOR ADVERTISING SERVICES</p>

B-3 COMMERCIAL BUSINESS PERMITTED USES	B-3 COMMERCIAL BUSINESS PERMITTED USES
<p>81. PAINT, GLASS, AND WALLPAPER - RETAIL</p> <p>82. PAPER AND PAPER PRODUCTS - WHOLESALE</p> <p>83. PARKS AND PLAYGROUNDS, PUBLIC</p> <p>84. PENNY ARCADES</p> <p>85. PHOTOCOPYING AND BLUEPRINTING SERVICES</p> <p>86. PRIVATE CLUBS</p> <p>87. PROFESSIONAL EQUIPMENT AND SUPPLIES - WHOLESALE</p> <p>88. PROFESSIONAL OFFICES NOT ELSEWHERE LISTED</p> <p>89. REAL ESTATE AGENTS, BROKERS, AND ABSTRACTING SERVICES</p> <p>90. RESEARCH, DEVELOPMENT, AND TESTING SERVICE</p> <p>91. RESTAURANTS</p> <p>92. RESTAURANTS, DRIVE-IN</p> <p>93. ROAD AND UTILITY MAINTENANCE YARDS</p> <p>94. SCHOOLS, ART - MUSIC - DANCE</p> <p>95. SCHOOLS, PRIMARY AND SECONDARY</p> <p>96. SCHOOLS, PROFESSIONAL AND BUSINESS</p> <p>97. SCHOOLS, TRADE, TECHNICAL, AND VOCATIONAL</p> <p>98. SCHOOLS, UNIVERSITIES AND COLLEGES</p> <p>99. SECURITY AND COMMODITY BROKERS DEALERS, EXCHANGES AND SERVICES</p>	<p>100. SKATING RINKS</p> <p>101. SOCIAL CORRECTIONAL, TREATMENT AND COUNSELLING SERVICES</p> <p>102. STADIUMS</p> <p>103. STENOGRAPHIC, DUPLICATING, AND MAILING SERVICES</p> <p>104. TAVERNS</p> <p>105. TAXICAB DISPATCH AND MAINTENANCE</p> <p>106. TELEGRAPH COMMUNICATIONS</p> <p>107. TELEPHONE EXCHANGE STATIONS</p> <p>108. TELEPHONE RELAY TOWERS (MICROWAVE)</p> <p>109. THEATERS, INDOOR</p> <p>110. TRAVEL ARRANGING SERVICES</p> <p>111. VENDING MACHINE OPERATORS - RETAIL</p> <p>112. WAREHOUSING OF NONHAZARDOUS PRODUCTS</p> <p>113. WAREHOUSING OF HOUSEHOLD GOODS</p> <p>114. WATER TREATMENT PLANTS AND STORAGE</p> <p>115. WATER WELL DRILLING SERVICES</p> <p>116. WELFARE AND CHARITABLE SERVICES</p> <p>117. ZOOS, AQUARIUMS, AND BOTANICAL GARDENS</p> <p>118. VETERINARIAN SERVICES, INDOOR ONLY (Ord. 439, Sec. 2)</p>

**PUBLIC HEARING
NOTICE**

Notice is hereby given to any and all persons that the Lansing Planning Commission will hold two public hearings for a parcel in the city of Lansing, Leavenworth County, Kansas.

Peter Properties, LLC, property owner, has submitted a rezoning application for 612 North Main Street, Lansing, Kansas. The request is to rezone this parcel from B-1, Neighborhood Business, to B-3, Commercial Business. The property will remain in the Main Street Overlay District. A legal description of the property involved is CAMA #052-094-19-0-20-03-010-00-0 and is available for public viewing in the Community and Economic Development Department, 730 First Terrace, Suite 3, Lansing, Kansas.

A second public hearing to determine compliance with the Main Street Overlay District will be held for this same property for construction of a proposed carport and shed.

The public hearing will be held June 21, 2017, at 7:00 p.m. in the Council Chamber of Lansing City Hall, 800 First Terrace, Lansing, Kansas. At that time and place, all inter-

ested persons will be granted a hearing by the city of Lansing.

Planning Commission.
Published in the Leavenworth Times, May 30, 2017.



The City Of Lansing

Community and Economic Development Department
www.lansing.ks.us

May 30, 2017

PETER PROPERTIES LLC
15805 FAIRMOUNT RD
BASEHOR, KS 66007

Dear Property Owner:

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If you have any questions, please contact me at 913-727-5488 or sleif@lansing.ks.us.

Sincerely,

Stefanie Leif, AICP
Community and Economic Development Director


FULL_PID	Property Address	Owner	Owner Street Address	Owner City, State, Zip	Postage
094-19-0-20-03-014.00-0	602 N MAIN ST, Lansing, KS 66043	AAA PARTNERSHIP ATTN: MICHELLE GAINES HALL	21413 W 50TH ST	SHAWNEE, KS 66218	0.46
106-13-0-40-03-012.00-0	105 HIGHLAND RD, Lansing, KS 66043	ABERNATHY,THERESE M & DAVID E	105 HIGHLAND RD	LANSING, KS 66043	0.46
094-18-0-30-12-007.00-0	107 EMILE ST, Lansing, KS 66043	AGAPIOS, ELIZABETH	3646 SWEETBRUSH TRL	LAUREL, MD 20724-2492	0.46
094-19-0-20-03-005.00-0	610 ALLEMAN RD, Lansing, KS 66043	ALLEN,CHARLES E & JERRY A	610 ALLEMAN LN	LANSING, KS 66043	0.46
106-24-0-10-01-044.00-0	619 HOLIDAY PLAZA, Lansing, KS 66043	ANDERSON,BENJAMIN R & HILLARY E	23160 155TH ST	LEAVENWORTH, KS 66048	0.46
094-18-0-30-12-005.00-0	706 N MAIN ST, Lansing, KS 66043	AYRES,GERALD W & SALLY & NANNEN,STEVEN F	PO BOX 75	LANSING, KS 66043	0.46
094-19-0-20-03-006.00-0	00000 ALLEMAN RD, Lansing, KS 66043	BOHANNON,WILLIAM H & BOHANNON,CARROLL J	113 EMILE ST	LANSING, KS 66043	0.46
094-19-0-20-03-011.00-0	610 N MAIN ST, Lansing, KS 66043	CARTER, JAY L	610 N MAIN ST	LANSING, KS 66043	0.46
094-19-0-20-03-012.00-0	608 N MAIN ST, Lansing, KS 66043				
106-13-0-40-03-002.00-0	102 CRESTVIEW TER, Lansing, KS 66043	CASE, LOREEN R	102 CRESTVIEW TER	LANSING, KS 66043	0.46
106-13-0-40-03-003.00-0	104 CRESTVIEW TER, Lansing, KS 66043	CHRIS URBAN PROPERTIES INC	700 BELLERIVE CT	LANSING, KS 66043	0.46
106-13-0-40-03-014.00-0	101 HIGHLAND RD, Lansing, KS 66043				
106-24-0-10-01-042.00-0	601 N MAIN ST, Lansing, KS 66043	CITIZENS NATIONAL BANK ATTN: PETERSON, CHUCK	PO BOX 228	LANSING, KS 66043	0.46
094-18-0-30-12-008.00-0	109 EMILE ST, Lansing, KS 66043	COLLINS,CHARLES R JR & AMY K	109 EMILE ST	LANSING, KS 66043	0.46
094-19-0-20-03-009.00-0	104 EMILE ST, Lansing, KS 66043	DANIELS, BARBARA J	104 EMILE ST	LANSING, KS 66043	0.46
094-18-0-30-12-004.01-0	710 N MAIN ST, Lansing, KS 66043	EL TRIO INC	710 N MAIN ST	LANSING, KS 66043	0.46
094-18-0-30-12-009.00-0	111 EMILE ST, Lansing, KS 66043	FILBERT, LORI A	111 EMILE ST	LANSING, KS 66043	0.46
106-24-0-10-01-043.00-0	617 N MAIN ST, Lansing, KS 66043	GREENAMYRE RENTALS INC	2500 S 2ND ST	LEAVENWORTH, KS 66048-4542	0.46
094-19-0-20-03-008.00-0	106 EMILE ST, Lansing, KS 66043	HARTLEY, BETTY L	106 EMILE ST	LANSING, KS 66043	0.46
106-13-0-40-03-001.00-0	100 CRESTVIEW TER, Lansing, KS 66043	HUNT,EILEEN S & COLLINS,GERTRUDE M	100 CRESTVIEW TERR	LANSING, KS 66043	0.46
106-24-0-10-01-001.01-0	120 HOLIDAY TER, Lansing, KS 66043	JACCARD ENTERPRISES LLC	15035 PRAIRIE CROSSINGS	LEAVENWORTH, KS 66048-6477	0.46
106-13-0-40-03-013.00-0	103 HIGHLAND RD, Lansing, KS 66043	LAUHON,THOMAS G & NORINE	526 S HICKORY TRAIL	LANSING, KS 66043	0.46
094-19-0-20-03-004.00-0	112 EMILE ST, Lansing, KS 66043	LINDERMAN, EHREN A	3349A ADY RD	STREET, MD 21154-1607	0.46
094-19-0-20-03-007.00-0	108 EMILE ST, Lansing, KS 66043	LONDON,MICHAEL E & LYNDIA C	663 WHISPERING PINE DR	TWIN FALLS, ID 83301	0.46
094-19-0-20-03-010.00-0	612 N MAIN ST, Lansing, KS 66043	PETER PROPERTIES LLC	15805 FAIRMOUNT RD	BASEHOR, KS 66007	0.46
094-18-0-30-12-006.00-0	105 EMILE ST, Lansing, KS 66043	RADER TRUST	105 EMILE ST	LANSING, KS 66043	0.46
106-13-0-40-09-001.00-0	100 HIGHLAND RD, Lansing, KS 66043	RIVER CITY RENTALS LLC	3208 GRAND AVE	LEAVENWORTH, KS 66048-5251	0.46
094-19-0-20-03-013.00-0	606 N MAIN ST, Lansing, KS 66043	SCHULTZ, DEBORAH ANN	606 N MAIN ST	LANSING, KS 66043	0.46
106-24-0-10-01-001.00-0	619 N MAIN ST, Lansing, KS 66043	SFL LLC	619 MAIN ST	LANSING, KS 66043	0.46
106-13-0-40-09-002.00-0	104 HIGHLAND RD, Lansing, KS 66043	WILLIAMS, BILLY	104 HIGHLAND RD	LANSING, KS 66043	0.46

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AGENDA ITEM

TO: Mayor; Lansing City Council
FROM: Tim Vandall, City Administrator 
DATE: July 3, 2017
SUBJECT: McIntyre Road-Memorandum of Understanding

Explanation: Following discussion of nearly two years, the MOU for McIntyre Road is included on the agenda. The road is being designed by County standards by BHC Rhodes Engineers. Although the project is not being built to City standards, it would be an improvement over the current gravel surface. Lansing staff will work to monitor traffic counts regularly over the first few years of the road improvements to see if traffic increases significantly. The MOU references an Exhibit A, which the City has not received as of Monday morning. David Van Parys, the County's project manager, has stated he will be in attendance and can address questions from the governing body.

Financial Considerations: As it is currently written, any costs the City would incur would be optional. If we choose to add the sewer sleeve, the funds would come from the Wastewater Fund; if we include the additional 2" of asphalt, making total asphalt depth 10" on top of 4" of rock base, the funds would come from either the General Fund or Capital Improvement Fund. We will know an exact amount for these costs following the project bid date.

Policy Considerations: The way the road is being constructed would not meet the standards for a new collector City road. Currently, the roadway is being constructed with 8" of asphalt on top of a 4" rock base. We have the option to add an additional 2" of asphalt through an add-alternate in the bidding process. The road would have curb and gutter on the south side of the road along the homes within Lansing City limits. The roadway would be 36' wide, with two 12' lanes and 6' shoulders on each side. The County is purchasing 100' of right-of-way for the project.

Action: Approve, disapprove, or table the Memorandum of Understanding with Leavenworth County for McIntyre Road improvement project. 

**AN AGREEMENT, PURSUANT TO THE AUTHORITY GRANTED BY K.S.A 12-2908,
BETWEEN THE CITY OF LANSING, KANSAS, AND THE COUNTY OF
LEAVENWORTH, KANSAS, FOR CERTAIN IMPROVEMENTS TO McINTYRE
ROAD AND THE FUTURE MAINTENANCE AND REPAIR OF SAID ROAD AND ITS
APPURTENANCES**

WHEREAS city of Lansing, Kansas and the county of Leavenworth, Kansas, are authorized by K.S.A. 12-2908 to enter into cooperative agreements in order to undertake projects of common interest and benefit; and

WHEREAS the citizens of the county of Leavenworth did on the 3rd day of February, 2015, by majority vote, approved an extension of a one-percent (1%) countywide retailer's sales tax as identified in County Resolution 2014-41, in which one stated express purpose was to fund the improvement of McIntyre Road east of the intersection of said road and U.S. 73/K-7 highway to the terminus of said road at the intersection with K-5 highway ("Project"); and

WHEREAS the city of Lansing and the county of Leavenworth, Kansas, desire that such improvement be undertaken in such fashion as to maximize the current and future benefit to the citizens of the County's cities and County; and

NOW BE IT THEREFORE AGREED

1. **Purpose** That the stated purpose of this agreement between the city of Lansing, Kansas, ("Lansing") and the county of Leavenworth, Kansas ("County"), collectively known as the "Parties" is to improve McIntyre Road, identified as the Project, in conformity with generally accepted engineering standards for the common good of the parties and the future development of Lansing.
2. **Cooperation** That the Parties shall cooperate in the Project through mutual and timely consultation and shall execute such future agreements and documents as may be needed to achieve the common purpose of the Parties, specifically to include jointly or individually pursuing any eminent domain proceedings that may be necessary for the completion of the Project.
3. **No Separate Entity Created** It is expressly agreed upon by the Parties that this agreement is entered into under the provision of K.S.A. 12-2908 and that no separate entity is hereby created.
4. **Scope of Project** The Parties hereby agree that the following, subject to any supplemental agreements as needed to achieve the purpose of the Project, shall serve as the definition of the scope of the Project:

(a) That unless otherwise specified, the entirety of the costs of the Project as outlined herein shall be borne by and be the responsibility of the County and that the County shall undertake the management and completion of the Project, provided that the County shall exercise

all good-faith efforts to cause the construction of the project to be bid within 90 calendar days of the date of this agreement and the project to be completed during the year of 2018.

(b) That the Project shall cause the roadway of the Project as described above, and lying within the corporate boundaries of the Lansing, to be improved to those standards and conditions as set forth in Exhibit "A", page 10 of the BHC design plans for the Project attached hereto and incorporated within this agreement..

(c) That County shall, as part of the bid procedure for the Project, request an alternative bid that shall include the installation of a sleeve for use by Lansing in the extension of wastewater treatment facilities into the Project area and the placement of an additional two inches (2") of asphaltic surface on that portion of the Project road surface located within the corporate boundaries of Lansing. Lansing agrees to pay to County the costs associated with the design and preparation of the alternate bid. Upon the submission and opening of bids for the Project Lansing may elect to accept the alternate bid and shall pay to County all costs associated with the addition of the alternate bid items to the cost of the Project. Lansing shall make its election regarding the alternate bid within 30 calendar days of the opening of the bids for the construction of the Project.

(d) Lansing shall waive any and all fees or charges that it may have the authority to impose upon the Project and shall grant to the County, and its employees, contractors and agents full right of entry upon and use of the right of way of the city within the Project.

5. **Maintenance** Upon the completion of the Project, County shall assume responsibility for the maintenance, repair and upkeep, including snow removal of the Project and its appurtenances within its jurisdictional limits, and Lansing shall assume responsibility for the maintenance, repair and upkeep, including snow removal of the Project and its appurtenances within the corporate limits of Lansing.

6. **Cash-basis law** The provisions of this agreement, as they pertain to the Parties, shall be subject to the provisions of the laws of the state of Kansas, to include the cash-basis laws of the state.

7. **Title VI** The Parties assure that no person shall on the grounds of race, color, national origin, sex, disability, age or low income status as provided by Title VI of the Civil Rights Act of 1964, and the Civil Rights Restoration Act of 1987 (P.L. 100.259) be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity. The Parties further assure every effort will be made to ensure nondiscrimination in all of its programs and activities, whether or not those programs and activities are federally funded.

8. **No Third Party Beneficiaries:** No third party beneficiaries are intended to be created by this Agreement, nor do the Parties herein authorize anyone not a party to this Agreement to maintain a suit for damages pursuant to the terms or provisions of this Agreement

9. **Complete Agreement/Amendment** That the terms set forth herein recite the full and complete agreement between the parties with respect to the Project and supersede any and all prior agreements, written or otherwise, between the parties with respect to the Project.

10. **Severability** In the event that any court, tribunal or administrative agency with competent jurisdiction over the matters addressed within this agreement determines that any specific provision of this agreement is void or ultra-vires, the remaining provisions, terms and obligations as set forth herein shall remain binding upon the Parties.

11. **Authority to enter into Agreement** Each of the undersigned state and covenant that they have the express authority of their respective governing bodies to enter into this agreement and bind them to the terms contained herein.

12. **Date of Entry into Agreement** That this agreement shall become binding upon the Parties upon the date of the execution of this agreement by the party last doing so.

FOR THE CITY OF LANSING, KANSAS

MAYOR

DATE: _____

ATTEST: _____
CITY CLERK


FOR THE COUNTY OF LEAVENWORTH

CHAIRMAN

DATE: _____

ATTEST: _____
COUNTY CLERK

AGENDA ITEM

TO: Tim Vandall, City Administrator 
FROM: Sarah Bodensteiner, City Clerk
DATE: June 30, 2017
SUBJECT: Executive Session – Non-Elected Personnel

Executive Session will be called to discuss personnel matters of non-elected personnel.

AGENDA ITEM #

7