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

COUNCIL AGENDA
Regular Meeting
Thursday, October 3, 2019
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

OLD BUSINESS:

1. Approval of Minutes

NEW BUSINESS:

Audience Participation

Presentations:

2. Recognition for Athletic Achievement

Council Consideration of Agenda Items:

3. Request for Cereal Malt Beverage License – Finish Line
4. Ordinance No. 1034 – Rezone Request 210 Gamble Avenue
5. Ordinance No. 1035 – Vacation of Right-of-Way 210 Gamble Avenue

Reports:

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

Proclamations:
Other Items of Interest
Adjournment

AGENDA ITEM

TO: Tim Vandall, City Administrator

THRU: Sarah Bodensteiner, City Clerk

FROM: Shantel Scrogin, Assistant City Clerk

DATE: September 27, 2019

SUBJECT: Approval of Minutes

The Regular Meeting Minutes for September 19, 2019 and the Special Meeting Minutes of September 26, 2019 are enclosed for your review.

Action: Staff recommends a motion to approve the Regular Meeting Minutes for September 19, 2019 and the Special Meeting Minutes of September 26, 2019 as presented.

AGENDA ITEM # 1

CITY OF LANSING
CITY COUNCIL MEETING

REGULAR MEETING MINUTES
September 19, 2019

Call To Order:
The regular meeting of the Lansing City Council was called to order by Mayor Mike Smith at 7:00 p.m.

Roll Call:
Mayor Mike Smith called the roll and indicated which Councilmembers were in attendance.

Councilmembers Present:
Ward 1: Gene Kirby and Dave Trinkle
Ward 2: Andi Pawlowski and Don Studnicka
Ward 3: Jesse Garvey and Kerry Brungardt
Ward 4: Gregg Buehler and Tony McNeill

Councilmembers Absent:

OLD BUSINESS:

Approval of Minutes: Councilmember Buehler moved to approve the regular meeting minutes of September 5, 2019 as presented. Councilmember Pawlowski seconded the motion. The motion was unanimously approved.

Audience Participation: Mayor Smith called for audience participation and there was none.
Presentations

COUNCIL CONSIDERATION OF AGENDA ITEMS:

League of Kansas Municipalities Voting Delegates: Mayor Smith stated let me tell you something also we don't have to have three. If only person or two people go, it doesn't really matter. It's up to you all who wants to attend.

- Councilmember Pawlowski asked is anyone from staff going.
    - City Administrator Tim Vandall replied no one has inquired about it yet. I'm not aware of anyone.
        - Councilmember Kirby asked does anybody want to go.
            - Mayor Smith stated that was the next question.
                - Councilmember Pawlowski stated they keep putting that thing on my birthday and this year I officially don't have to go.
                - Councilmember McNeill asked does anyone want to go because I'll nominate you.
                - Councilmember Garvey asked who's he looking at.
                - Councilmember Pawlowski responded I don't know. I think he's just looking at the whole group down here at the end.
                - Councilmember Kirby stated sounds like everyone is going to pass.
                - Councilmember Garvey stated I'll probably be at work so I can't go.

Councilmember McNeill moved to appoint Mayor Smith as a voting delegate at the League of Kansas Municipalities Annual Conference. Councilmember Pawlowski seconded the motion.

- Councilmember Trinkle asked what about Timothy.
    - Mayor Smith stated he doesn't want to be seen with me. He's been hiding from me.
        - City Administrator Tim Vandall responded I'm not sure if I am going to attend.
            - Councilmember Pawlowski stated if you go, you can vote.

The motion was unanimously approved.

Executive Session – Economic Development: Councilmember Buehler moved to recess into executive session to review economic development activities pursuant to the discussion of confidential data relating to financial affairs or trade secrets of corporations, partnerships, trusts, and individual proprietorships exception, K.S.A. 75-4319(b)(4) for 20 minutes, beginning at 7:03 p.m. and returning to the Council Chambers at 7:23 p.m. Councilmember Pawlowski seconded the motion. The motion was unanimously approved.

Councilmember Kirby moved to return to open session at 7:23 p.m. Councilmember Buehler seconded the motion. The motion was unanimously approved.

REPORTS:

Department Heads: Department Heads had nothing to report.
City Attorney: City Attorney Greg Robinson had nothing to report.
City Engineer: City Engineer Matt Harding had nothing to report.
City Administrator: City Administrator Tim Vandall had nothing to report.
Governing Body: Councilmember Buehler attended the League of Women Voters Forum on Monday and let everyone know October 10th is the Leavenworth Chamber of Commerce Candidate Forum. He also provided a fun fact, on this day in 1900, Butch Cassidy and the Sundance kid committed their first robbery together.
Councilmember Brungardt thanked Public Works Director Mike Spickelmier and City Administrator Tim Vandall for helping with Challenge Day at the Middle School.
Councilmember Trinkle asked if we have to furnish an inspector for the sewers being installed during projects.

- City Engineer Matt Harding stated there is an inspector for every project, it is required by the State.

Councilmember Garvey also attended the League Meet and Greet and stated it was very informative and you were able to get to know the people on the list just by listening to them.

ADJOURNMENT:

Councilmember Garvey moved to adjourn. Councilmember Pawlowski seconded the motion. The motion was unanimously approved. The meeting was adjourned at 7:26 p.m.

ATTEST:

Michael W. Smith, Mayor

Sarah Bodensteiner, City Clerk

CITY OF LANSING
CITY COUNCIL SPECIAL MEETING

SPECIAL MEETING MINUTES
September 26, 2019

Call To Order:
The special meeting of the Lansing City Council was called to order by Council President Gene Kirby at 6:45 p.m.

Roll Call:
Council President Gene Kirby called the roll and indicated which councilmembers were in attendance.

Councilmembers Present:
Ward 1: Dave Trinkle and Gene Kirby
Ward 2: Don Studnicka and Andi Pawlowski
Ward 3: Jesse Garvey and Kerry Brungardt
Ward 4: Tony McNeill and Gregg Buehler

Councilmembers Absent: Mayor Mike Smith

NEW BUSINESS:

COUNCIL CONSIDERATION OF AGENDA ITEMS:

Resolution No. B-7-2019 – Assignment and Assumption of the Development Agreement for Implementation of the 555 N. Main Street Community Improvement District: Councilmember Studnicka moved to approve Resolution No. B-7-2019 authorizing the assignment and assumption of the Development Agreement for the implementation of the 555 N. Main Street Community Improvement District in the city of Lansing, Kansas. Councilmember Pawlowski seconded the motion. The motion was unanimously approved.

ADJOURNMENT: Councilmember Buehler moved to adjourn. Councilmember Studnicka seconded the motion. The motion was unanimously approved.

The meeting was adjourned at 6:47 p.m.

ATTEST:

Louis E. Kirby, Council President

Sarah Bodensteiner, City Clerk

AGENDA ITEM

TO: Tim Vandall, City Administrator

FROM: Ken Miller, Public Information Officer

DATE: Sept. 27, 2019

SUBJECT: Recognition for Athletic Achievement

Mayor Michael W. Smith will recognize Lansing High School Senior Caroline Crawford, who was selected to be on the USA 18 and Under National Youth Girls Volleyball team. On Sat., Sept. 14, Team USA defeated Italy to win the gold medal and become World Champions for the first time. Caroline played a big role for Team USA during the tournament.

Caroline is also a two-time all-state volleyball player and currently plays for the Lansing Lions. She has committed to play volleyball for the University of Kansas in 2020.

Action: None

AGENDA ITEM # 2

AGENDA ITEM

TO: Tim Vandall, City Administrator

FROM: Sarah Bodensteiner, City Clerk

DATE: September 26, 2019

SUBJECT: Request for Cereal Malt Beverage License – Finish Line

Due to ownership changes, Shree Nivas Inc. dba Finish Line at 506 North Main Street has applied for a new cereal malt beverage license. Per the State of Kansas Alcohol Beverage Control, licenses cannot be transferred/altered, therefore a new license is required. The City Clerk, Police Chief, and City Inspector of the Community & Economic Development Departments have reviewed and approved the application. The licensing fee and Kansas State Stamp Tax have been paid.

Action: Staff recommends a motion to approve the Cereal Malt Beverage License for Shree Nivas dba Finish Line at 506 North Main Street.

AGENDA ITEM # 3

CITY OF LANSING
BUSINESS LICENSE APPLICATION

APPLICANT INFORMATION

Name: PATEL KISHOR P. Date of Birth: 01/17/65

Address: 603 WILLOW COURT, LANSING KS - 66043
Street City State Zip Code

Telephone (Day): 913-250-1175 Telephone (Evening): 201-920-4404 Driver's License #/State Issued: K02-87-7299
Attach Copy

Vehicle Information (If operating from vehicle): N/A
Year Make Model Color(s) State License #

Describe Product (Transient Vendor Only): BEER / O'MALLEY BEVERAGE OF KANSAS, /Midwest Dist.

Statement of Applicant (Ice Cream Vendor, Transient Vendor, Massage Establishment or Therapist Only): I have ( ), have not (✓), been convicted of any crime, misdemeanor, or violation of any municipal ordinances. If so, please provide the nature of the offense and the punishment or penalty assessed. N/A I have not been convicted of any crime.

BUSINESS INFORMATION

Name of Business: SHREE NIVAS INC DBA Finish line Business Telephone: 913-250-1175

Type of Business: C-STORE Business Fax: 913-250-1176 Website:

Would you prefer to receive correspondence by email? □ Yes □ No If yes, please provide email address:

Business Address: 506 N. Main St. Lansing KS 66043
Street City State Zip Code

Mailing Address (if different): As above
Street City State Zip Code

On-Site Manager Name: PATEL KISHOR Telephone: 913-250-1175

Kansas Sales Tax Number: 004-205679538F-01 Federal Tax ID #: 20-5679538

Owner Name: PATEL KISHOR Owner Telephone: 913-250-1175

Owner Address: 603 Willow COURT LANSING KS 66043
Street City State Zip Code

LICENSE INFORMATION
(LICENSE TYPES AND FEES ON REVERSE)

Type of License: Cereal Malt Beverage Renewal: □ Yes ☑ No

I declare under penalty of false statement that, to the best of my knowledge and belief, the statements made herein are true and correct.

Signature: Title: PRESIDENT/OWNER Date: 9/10/19

No license shall be issued until the applicant or premise complies with all codes and ordinances of the City of Lansing. The Community Development Department may be contacted to schedule an inspection prior to license approval. The Police Department may also review this application prior to license approval.

FOR OFFICIAL USE ONLY:

Application Received By: 9/19/19 Cost: 75 License Period: exp. Dec 31, 2019
Signature Date

Police Signature: 092619 Amount Received: 75 □ Cash ☒ Check □ Credit
Signature Date

Additional Information: □ Insurance □ Attachment B
☒ Cereal Malt Beverage Form □ Articles of Incorporation

Community Development Signature: 9/23/19 Copy of Photo Identification □ Copy of State License
Signature Date

□ Additional Code Items □ Late Fee

Notify: □ Finance □ Public Works □ Police □ Economic Development

CORPORATE APPLICATION FOR LICENSE TO SELL CEREAL MALT BEVERAGES

(This form has been prepared by the Attorney General's Office)

☒ City or ☐ County of Lansing

SECTION 1 – LICENSE TYPE

Check One: ☒ New License ☐ Renew License ☐ Special Event Permit

Check One:
☐ License to sell cereal malt beverages for consumption on the premises.
☒ License to sell cereal malt beverages in original and unopened containers and not for consumption on the licensed premises.

SECTION 2 – APPLICANT INFORMATION

Kansas Sales Tax Registration Number (required): 004-205679538F-01

I have registered as an Alcohol Dealer with the TTB. ☐ Yes (required for new application)

Name of Corporation: SHREE NIVAS INC	Principal Place of Business: 506 N. Main st.		
Corporation Street Address: 603 Willow COURT	Corporation City: LANSINGT	State: KS	Zip Code: 66043
Date of Incorporation: 10/1/2006	Articles of Incorporation are on file with the Secretary of State.	☒ Yes ☐ No	
Resident Agent Name: KISHOR PATEL	Phone No.: 913-250-1175		
Residence Street Address: 603 WILLOW COURT	City: Lansing	State: KS	Zip Code: 66043

SECTION 3 – LICENSED PREMISE

Licensed Premise (Business Location or Location of Special Event)	Mailing Address (If different from business address)
DBA Name: Finish Line	Name:
Business Location Address: 506 N. Main st.	Address:
City: Lansing State: KS Zip: 66043	City: State: Zip:
Business Phone No.: 913-250-1175	☐ Applicant owns the proposed business location. ☐ Applicant does not own the proposed business location.
Business Location Owner Name(s):	

SECTION 4 – OFFICERS, DIRECTORS, STOCKHOLDERS OWNING 25% OR MORE OF STOCK

List each person and their spouse*, if applicable. Attach additional pages if necessary.

Name: PATEL KISHOR	Position: President		Date of Birth: 1/17/65
Residence Street Address: 603 Willow Court	City: Lansing	State: KS	Zip Code: 66043
Spouse Name: PATEL ARCHNABEN	Position: Secretary		Date of Birth: 8/11/74
Residence Street Address: 603 Willow Court	City: Lansing	State: KS	Zip Code: 66043
Name	Position		Date of Birth
Residence Street Address	City	State	Zip Code
Spouse Name	Position		Age
Residence Street Address	City	State	Zip Code
Name	Position		Date of Birth
Residence Street Address	City	State	Zip Code
Spouse Name	Position		Age
Residence Street Address	City	State	Zip Code

SECTION 4 – OFFICERS, DIRECTORS, STOCKHOLDERS OWNING 25% OR MORE OF STOCK (CONTINUED)

Name	Position		Date of Birth
Residence Street Address	City	State	Zip Code
Spouse Name	Position		Date of Birth
Residence Street Address	City	State	Zip Code
Name	Position		Date of Birth
Residence Street Address	City	State	Zip Code
Spouse Name	Position		Date of Birth
Residence Street Address	City	State	Zip Code
Name	Position		Date of Birth
Residence Street Address	City	State	Zip Code
Spouse Name	Position		Date of Birth
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Residence Street Address	City	State	Zip Code
Spouse Name	Position		Date of Birth
Residence Street Address	City	State	Zip Code
Name	Position		Date of Birth
Residence Street Address	City	State	Zip Code
Spouse Name	Position		Date of Birth
Residence Street Address	City	State	Zip Code

SECTION 5 – MANAGER OR AGENT INFORMATION

My place of business or special event will be conducted by a manager or agent.		☐ Yes ☐ No
If yes, provide the following:		
Manager/Agent Name	Phone No.	Date of Birth
Residence Street Address	City	Zip Code

Manager or Agent Spousal Information*

Spouse Name	Phone No.	Date of Birth
Residence Street Address	City	Zip Code

SECTION 6 – QUALIFICATIONS FOR LICENSURE

Within 2 years immediately preceding the date of this application, have any of the individuals identified in Sections 4 & 5 have been convicted of, released from incarceration for or released from probation or parole for any of the following crimes*: (1) Any felony; (2) a crime involving moral turpitude; (3) drunkenness: (4) driving a motor vehicle while under the influence of alcohol (DUI); or (5) violation of any state or federal intoxicating liquor law.	☐ Yes ☑ No
Have any of the individuals identified in Sections 4 and 5 been managers, officers, directors or stockholders owning more than 25% of the stock of a corporation which: (1) had a cereal malt beverage license revoked; or (2) was convicted of violating the Club and Drinking Establishment Act or the CMB laws of Kansas.	☐ Yes ☑ No
All of the individuals identified in Sections 4 & 5 are at least 21 years of age*.	☑ Yes ☐ No

SECTION 7 – DURATION OF SPECIAL EVENT

Start Date	Time	☐ AM ☐ PM
End Date	Time	☐ AM ☐ PM

Proceed to Section 8 on the next page.

SECTION 8 – LICENSED PREMISE

In the space below, draw the area you wish to sell or deliver CMB. Include entrances, exits and storage areas. Do not include areas you do not wish to license. If you wish to attach a drawing, check the box: ☑ 8 ½" by 11" drawing attached.

I declare under penalty of perjury under the laws of the State of Kansas that the foregoing is true and correct and that I am authorized by the corporation to complete this application. (K.S.A. 53-601)

SIGNATURE _____ DATE 9/11/19

FOR CITY/COUNTY OFFICE USE ONLY:

☒ **License Fee Received** Amount $ 50 Date 9/19/19
($25 - $50 for Off-Premise license or $25-200 On-Premise license)

☒ **$25 CMB Stamp Fee Received** Date 9/19/19

☐ **Background Investigation** ☒ Completed Date 9/30/2019 ☒ Qualified ☐ Disqualified

☒ **Verified applicant has registered with the TTB as an Alcohol Dealer**

☐ **New License Approved** Valid From Date _____ to _____ **By:** _____

☐ **License Renewed** Valid From Date _____ to _____ **By:** _____

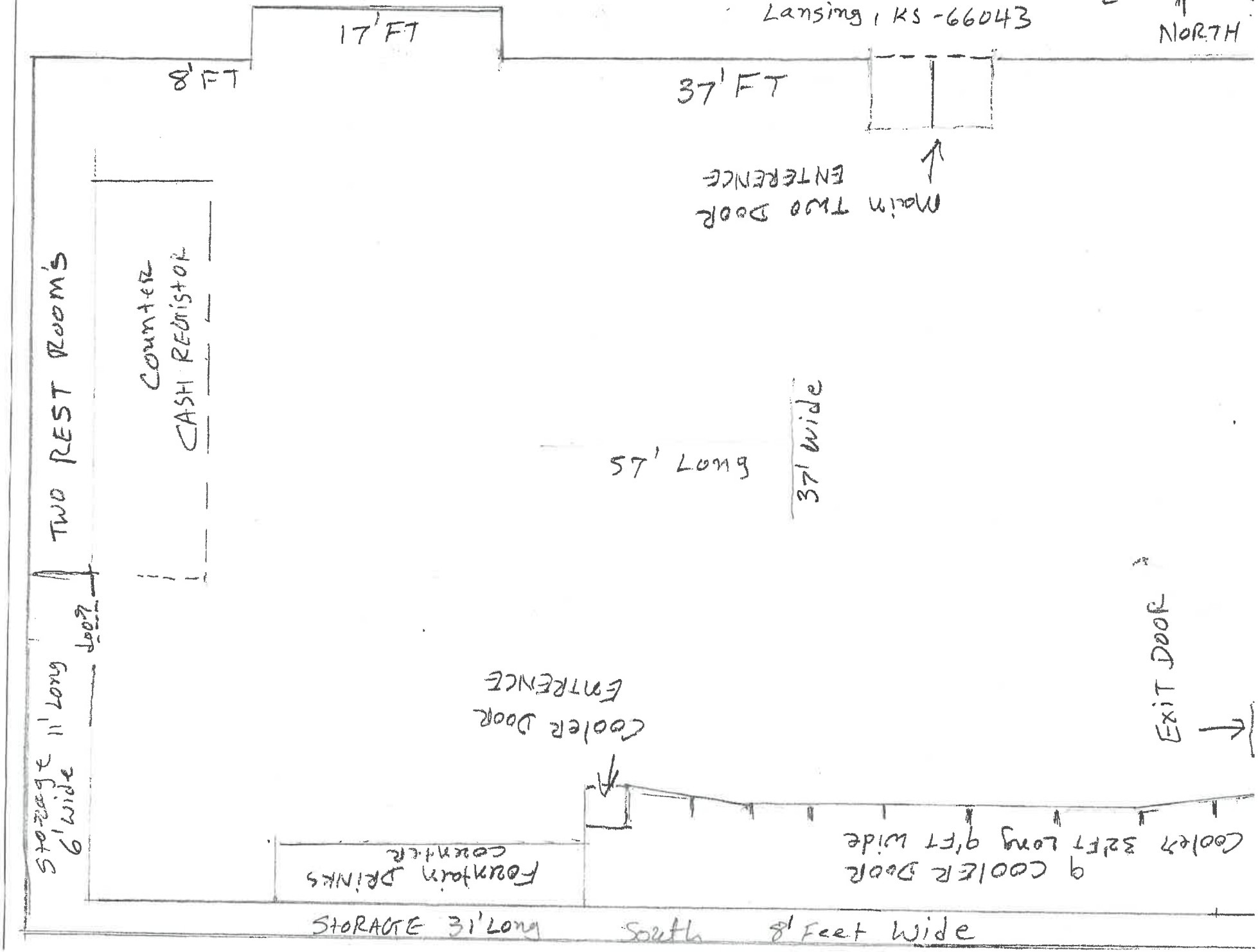
☐ **Special Event Permit Approved** Valid From Date _____ to _____ **By:** _____

A PHOTOCOPY OF THE COMPLETED FORM, TOGETHER WITH THE STAMP FEE REQUIRED BY K.S.A. 41-2702(e), MUST BE SUBMITTED WITH YOUR MONTHLY REPORT (ABC-307) TO THE ALCOHOLIC BEVERAGE CONTROL, 915 SW HARRISON STREET, TOPEKA, KS 66612.

* Applicant's spouse is not required to meet citizenship, residency or age requirements. If renewal application, applicant's spouse is not required to meet the no criminal history requirement. K.S.A. 41-2703(b)(9)

Clear Form

Finish Line
506 N main st
Lansing, KS -66043



AGENDA ITEM

TO:	Tim Vandall, City Administrator
FROM:	Matthew R. Schmitz, Director, Community & Economic Development MRS
DATE:	October 3, 2019
SUBJECT:	Ordinance No. 1034: An Ordinance to Rezone 210 Gamble Avenue from I-1 Light Industrial to R-3 Mixed-Density Neighborhood

Explanation: A rezone application has been submitted by Greenamyre Rentals, Inc, property owner, for property currently addressed as 210 Gamble Avenue, Lansing, Kansas.

The property is currently an empty lot, consisting of Lot 1, Gamble's 3rd Addition to Lansing, and the southerly portion of the old Lansing & Brighton Railroad Right of Way that went through this area. The lot is a 0.305-acre parcel, currently zoned as I-1 Light Industrial. The applicant is requesting the parcel be rezoned to R-3 Mixed-Density Neighborhood to accommodate a future project on the parcel.

Please refer to the attached checklist for detailed staff analysis of the application.

As of the date of this memo, staff has not received feedback from surrounding residents.

The Planning Commission voted to approve this rezoning application at its September 18, 2019, meeting with a 6-0 vote. Chairman Barry did not vote, as he recused himself from the process due to property ownership in the area. The minutes from the September meeting and the rezoning checklist are included for your review.

Policy Considerations: The proposed rezoning does not align with the Comprehensive Plan. The Future Land Use Map shows this area as Single Family Residential; however, due to the business usage on the east side of Gamble, it's staff's opinion that stepping down from single family to business is best performed via an intermediary zoning of mixed-density residential, which the proposed zoning would facilitate.

Action: Approve or approve with conditions, remand back to the Planning Commission, or deny adoption of Ordinance No. 1034: An Ordinance to Rezone 210 Gamble Avenue from I-1 Light Industrial to R-3 Mixed-Density Neighborhood.

AGENDA ITEM # 4

ORDINANCE NO. 1034

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 September 18, 2019, 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 at 210 Gamble Avenue, within the city limits of the City of Lansing, County of Leavenworth, State of Kansas, legally described as follows:

LEGAL DESCRIPTION:

Lot 1, in Block 3, in Gamble's Third Addition to Lansing, except coal and minerals underlying said lot(s)

LESS:

All that part of the South 30.97 feet of Lot 1, Block 3, Gamble's 3rd Addition to Lansing, Kansas, as shown on the recorded plat thereof found in Book 3B at Page 13 in the Leavenworth County Register of Deeds Office and all that part of the South one-half of the Abandoned Lansing & Brighton Rail Road lying adjacent thereto, being more particularly described as follows: Beginning at the Southeast corner of said Lot 1, thence N. 26°09'35" W. along the East line of said Lot 1, a distance of 30.97 feet to an existing bolt; thence N. 63°50'25" W., parallel to the South line of said Lot 1, a distance of 98.63 feet to the East line of said Abandoned Lansing & Brighton Rail Road; thence N. 41°06'27" W., perpendicular to the centerline of said Rail Road, a distance of 25.00 feet to said centerline; thence S. 48°53'33" W. along said centerline, a distance of 33.57 feet to a point on said centerline normal to the Southwest corner of said Lot 1; thence S. 41°06'27" E., perpendicular to said centerline, a distance of 25.00 feet to said Southwest corner; thence S. 63°50'25" W., along said South line, a distance of 111.60 feet measured (100.00 feet plat) to the Point of Beginning.

All in Leavenworth County, Kansas,

less any part taken or used for road; presently zoned as "I-1" Light Industrial District is hereby changed to "R-3" Mixed-Density Neighborhood District; 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 3rd day of October, 2019.

_____

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. 1034: An Ordinance Granting a Change of Zoning to Certain Property Within the City of Lansing, Kansas.

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. 1034 Summary:**
> On October 3, 2019, the City of Lansing, Kansas, adopted Ordinance No. 1034, an ordinance granting a change of zoning to certain property within the City of Lansing, Kansas. A complete copy of this ordinance is available at www.lansingks.org 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: October 3, 2019

_____

Gregory C. Robinson, City Attorney

Lansing Planning Commission
Regular Meeting
September 18, 2019

Call to Order – The monthly meeting of the Lansing Planning Commission was called to order by Chairman Ron Barry at 7:00 p.m. Also, in attendance were Vice-Chairman Kirsten Moreland, and Commissioners Mike Suozzo, Marcus Bean, Nancy McDougal, Jerry Gies, and Jake Kowalewski. Chairman Barry noted there was a quorum present.

Approval of Minutes, July 17, 2019, Regular Meeting – Commissioner Suozzo made a motion to approve the minutes of the July 17, 2019, regular meeting, seconded by Commissioner Kowalewski. The motion passed unanimously.

Old Business – none

At this time Chairman Barry recused himself from this portion of the meeting and turned it over to Vice-Chairman Moreland.

New Business – 1. Public Hearing – Rezone Application – 210 Gamble Avenue. Vice-Chairman Moreland noted that an application had been submitted by Jeremy Greenamyre on behalf of Greenamyre Rentals, Inc., property owner, to rezone the property located at 210 Gamble Avenue from I-1 Light Industrial to R-3 Mixed-Density Neighborhood District.

Vice-Chairman Moreland opened the public hearing at 7:02 p.m.

Jeremy Greenamyre stated he developed the five duplexes at the corner of Ida and Gamble and all ten were leased prior to completion. He stated he was approached about three months ago by the owner of this triangular parcel, who was wanting to sell it. Mr. Greenamyre stated he wasn't really interested due to the small size, but after talking with city staff, and if a right of way vacation can be obtained from the City Council, there would be enough space to develop it. He stated as of right now, there is no access to the lot.

Vice-Chairman Moreland asked if there were any other comments and since there were none, she closed the public hearing at 7:05 p.m.

Vice-Chairman Moreland next asked Commissioners if there were any questions regarding the checklist. Since there were none, she asked for a motion to approve the checklist as a finding of fact for the rezoning application for 210 Gamble Avenue. Commissioner Bean made a motion to approve the checklist, seconded by Commissioner Suozzo. The motion was unanimously approved.

Vice-Chairman Moreland asked if there were any questions about the application itself and there were none. Commissioner McDougal then made a motion to recommend approval of the rezone application for 210 Gamble Avenue from I-1 to R-3 to the City Council. Commissioner Kowalewski seconded the motion and it passed unanimously.

At this time Chairman Barry returned to the dais and asked Community and Economic Development Director Matthew Schmitz when this application would go before the City Council and Mr. Schmitz stated October 3.

2. Meeting date modification – October Planning Commission. Mr. Schmitz stated he would be in Chicago for a work event the week of the regularly scheduled Planning Commission meeting and asked if it could be moved back to Wednesday, October 23. Chairman Barry asked if anyone had an issue with the 23rd and Commissioner Suozzo stated he would not be able to attend that date, but everyone else was okay with the change. Mr. Schmitz stated when we schedule meetings for next year, we're going to go ahead and schedule the October meeting for the fourth Wednesday since he will be attending this work event every year and it will always be held the third Wednesday of October.

Notices and Communications – Vice-Chairman Moreland asked about funds for review of the Comprehensive Plan and Mr. Schmitz stated $15,000 has been approved for the 2020 budget and he hopes we can get maps updated and see what else can be done with those funds. He stated a complete overhaul will have to be done in 2024 according to statute. Vice-Chairman Moreland asked if this review will have to go out for bids and Mr. Schmitz said he was not sure at this time and would need to discuss it with the City Administrator.

Reports – Commission and Staff Members – none

Adjournment – Vice-Chairman Moreland made a motion to adjourn, seconded by Commissioner McDougal and approved by acclamation. The meeting adjourned at 7:14 p.m.

Respectfully submitted,

Cynthia Tripp, secretary

Reviewed by,

Matthew R. Schmitz, Community and Economic Development Director MRS

REZONING CHECKLIST

Checklist Completed by: Matthew R. Schmitz MRS
Case No. 2019-2
Date Filed: August 21, 2019
Date Advertised: August 27, 2019
Date Notices Sent: August 28, 2019
Public Hearing Date: September 18, 2019

APPLICANT: Greenamyre Rentals, Inc.

LOCATION OF PROPERTY: 210 Gamble Avenue

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

PRESENT USE OF PROPERTY: Undeveloped empty ground

SURROUNDING LAND USE AND ZONING:

Direction	Land Use	Zoning
North	Single Family Residential	R-2
South	Mixed-Density Neighborhood	R-3
East	Light Industrial	I-1
West	Single Family Residential	R-2

CHARACTER OF THE NEIGHBORHOOD: The area is well developed on all sides, with single family homes constructed to the north and west of the parcel, and multi-family duplex units built to the south of the parcel. To the east is Lansing Lumber, across Gamble Avenue, which is a Light Industrial lumberyard use.

NEAREST EQUIVALENT ZONING:
LOCATION: Directly south
CURRENT USE: Duplex Residential Units

RELATIONSHIP TO EXISTING ZONING PATTERN:

1. **Would proposed change create a small, isolated district unrelated to surrounding districts?** No

2. **Are there substantial reasons why the property cannot be used in accord with existing zoning?** Yes **If yes, explain:** Due to the current Light Industrial zoning, a residential use would not be allowed on the property. Because the parcel is very small in size, the chances of it being developed with the current zoning in place are very slim, as most industrial uses will require more property than this parcel could provide.

3. **Are there adequate sites for the proposed use in areas already properly zoned?** Not in close proximity to this area **If yes, where?** _____

CONFORMANCE WITH COMPREHENSIVE PLAN:

1. **Consistent with Development Policies?** Yes

2. **Consistent with Future Land Use Map?** No. The Future Land Use Map shows this area as Single Family Residential; however, due to the business usage on the east side of Gamble, it's staff's opinion that stepping down from single family to business is best performed via an intermediary zoning of mixed-density residential.

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

TRAFFIC CONDITIONS:

1. **Street(s) with Access to Property:** Gamble Avenue
2. **Classification of Street(s):**
   Arterial _____ **Collector** _____ **Local** X

3. **Right of Way Width:** Varies, but will be 50' if Council vacates as the developer will be requesting if the zoning passes.

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

5. **Comments on Traffic:** N/A

SHOULD PLATTING OR REPLATTING BE REQUIRED TO PROVIDE FOR:

1. **Appropriately Sized Lots?** Right of Way will need to be vacated for lot to be developable, pending zoning approval.

2. **Properly Sized Street Right of Way?** As in answer 1 above, there is a portion of the Right of Way that will need to be vacated in order for the lot to be buildable. That request will be made of the Governing Body should this rezoning request be approved.

3. **Drainage Easements?** No

4. **Utility Easements:**
   Electricity? No
   Gas? No
   Sewers? No
   Water? No

5. **Additional Comments:** N/A

UNIQUE CHARACTERISTICS OF PROPERTY IN QUESTION: This is a remnant property that, in staff's opinion, is only developable as an extension of the multi-family project to the south of its location. Staff believes that this proposed use is the highest and best use for the subject property.

ADDITIONAL COMMENTS: Should the rezoning request be approved, the next step would be a vacation of Right of Way ordinance by the Governing Body.

AGENDA ITEM

TO:	Tim Vandall, City Administrator
FROM:	Matthew R. Schmitz, Director, Community & Economic Development MRS
DATE:	October 3, 2019
SUBJECT:	Ord. 1035 - Vacation of Right-of-Way over a portion of Lot 8, Gamble's Crossing, as platted per Gamble's 3rd Addition. (210 Gamble Ave.)

Explanation: The property on the west side of 210 Gamble Ave. is a small triangular piece of property. At the time of the writing of this memo, the property was in the process of being rezoned from I-1 to R-3 to allow for a future project. As part of that future project, this Right-of-Way would need to be vacated as well.

The property was recently purchased by Jeremy Greenamyre for development of a proposed duplex, however the lot in its current state is not buildable according to the Unified Development Ordinance (UDO). With the vacation of this Right-of-Way, the lot becomes large enough to build and fully comply with the UDO's requirements under the proposed R-3 zoning. There is an exhibit showing the surveyed area to be vacated, an ordinance, and an aerial exhibit from Leavenworth County GIS that shows the area to be vacated highlighted for your review.

Staff is supportive of the reduction in Right-of-Way at this location to allow for development of the lot.

Policy Considerations: None.

Action: Approve Ordinance No. 1035, an ordinance vacating Right-of-Way over a portion of Lot 8, Gamble's Crossing, as platted per Gamble's 3rd Addition.

AGENDA ITEM # 5

ORDINANCE NO. 1035

AN ORDINANCE VACATING RIGHT-OF-WAY OVER A PORTION OF LOT 8, GAMBLE'S CROSSING, AS PLATTED PER GAMBLE'S 3RD ADDITION.

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

SECTION 1. The right-of-way areas herein described below are being vacated for the purpose of reducing the right-of-way areas on the property. There are no utilities nor drainage facilities occupying or needing to occupy the right-of-way described below. The current right-of-way described below is therefore no longer required for its intended purposes.

Pursuant to K.S.A. 14-423, be it ordained by the Governing Body of the City of Lansing, Kansas, that the following described drainage easement be vacated:

A tract of land, being a part of Gamble Ave. Right-of-Way as platted per Gamble's 3RD Addition to Lansing, Kansas, as shown on the recorded plat thereof as filed in Plat Book 3 at Page 13 in the Leavenworth County Register of Deeds Office, all being in the City of Lansing, Leavenworth County, Kansas, and more particularly being that portion of Gamble Ave. being described as follows:

Commencing at the Northeast Corner of Lot 8, Gamble's Crossing, a subdivision of land as filed as Document #2014P00002 in the Leavenworth County Register of Deeds Office; thence N 63° 50' 25" W along the North line of said Lot 8 and also being along the South line of a portion of said Gamble Ave. as now exists as platted per said Gamble's 3RD Addition, a distance of 46.63 feet to an existing bolt on the West Right-of-Way of said Gamble Ave. said point also being the 30.97 feet N 26° 09' 35" E of the Southeast Corner of Lot 1 of said Gamble's 3RD Addition, as also described in Kansas Quit Claim Deed as filed in Book 994 at Page 516 in the Leavenworth County Register of Deeds Office, and said point also being the Point of Beginning; thence N 26° 09' 35" E along the West line of said platted Gamble Ave. per said Gamble's 3RD Addition, said line also being 50.00 feet West of and parallel with the West line of Lot 1, of Gamble's Replat, a subdivision of land as filed in Plat Volume 16 at Page 43 in the Leavenworth County Register of Deeds Office, a distance of 254.73 feet to a point being 25 .00 feet Left and West of PT Station 15+73.83 of Road Construction Project plans for Gamble Street, City of Lansing Project No. 06-03, Received Date of December 14, 2006 by the Department of Public Works of Lansing, Kansas; thence Southerly along a curve being 25.00 West of and parallel with said centerline of said Gamble Street Road Plans, said curve having an initial tangent bearing of S 26° 09' 35" W, a radius of 425.00 feet, and an arc length of 84.32 feet to a point being 25.00 feet Left and West of PC Station 14+94.47 of said centerline; thence S 14° 47' 37" W along a line being 25.00 feet West of and parallel with said centerline, a distance 174.39 feet to the North line of said Lot 8 of said Gamble's Crossing said point also being 3.93 feet N 63° 50' 25" W of the Northeast corner of said Lot 8; thence N 63° 50' 25" W along the North line of said Lot 8, a distance of 42.70 feet to the Point of Beginning, containing 4,595.83 sq. ft.

SECTION 2. That this ordinance shall become effective thirty (30) days after the publication thereof, unless one or more interested parties files a written protest in the Office of the City Clerk of the City of Lansing, Kansas, before the expiration of such time.

PASSED AND APPROVED by the governing body of the City of Lansing, County of Leavenworth, State of Kansas, this 3rd day of October 2019.

{SEAL}

_____
Michael W. Smith, Mayor

ATTEST:

_____
Sarah Bodensteiner, City Clerk

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. 1035: An Ordinance Vacating Right-of-Way Over a Portion of Lot 8, Gamble's Grossing, as Platted Per Gamble's 3rd Addition.

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. 1035 Summary:**
> On October 3, 2019, the City of Lansing, Kansas, adopted Ordinance No. 1035, an ordinance vacating right-of-way over a portion of Lot 8, Gamble's Crossing, as platted per Gamble's 3rd Addition. A complete copy of this ordinance is available at www.lansingks.org 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: October 3, 2019

_____

Gregory C. Robinson, City Attorney

Drawing Path: P:\Active Projects\2013-071 - Ida & Gamble Duplexes\dwg\exhibits\13-071_gamble RW VAC exhibit.dwg
Plotted at: Sep 25, 2019 - 7:55am

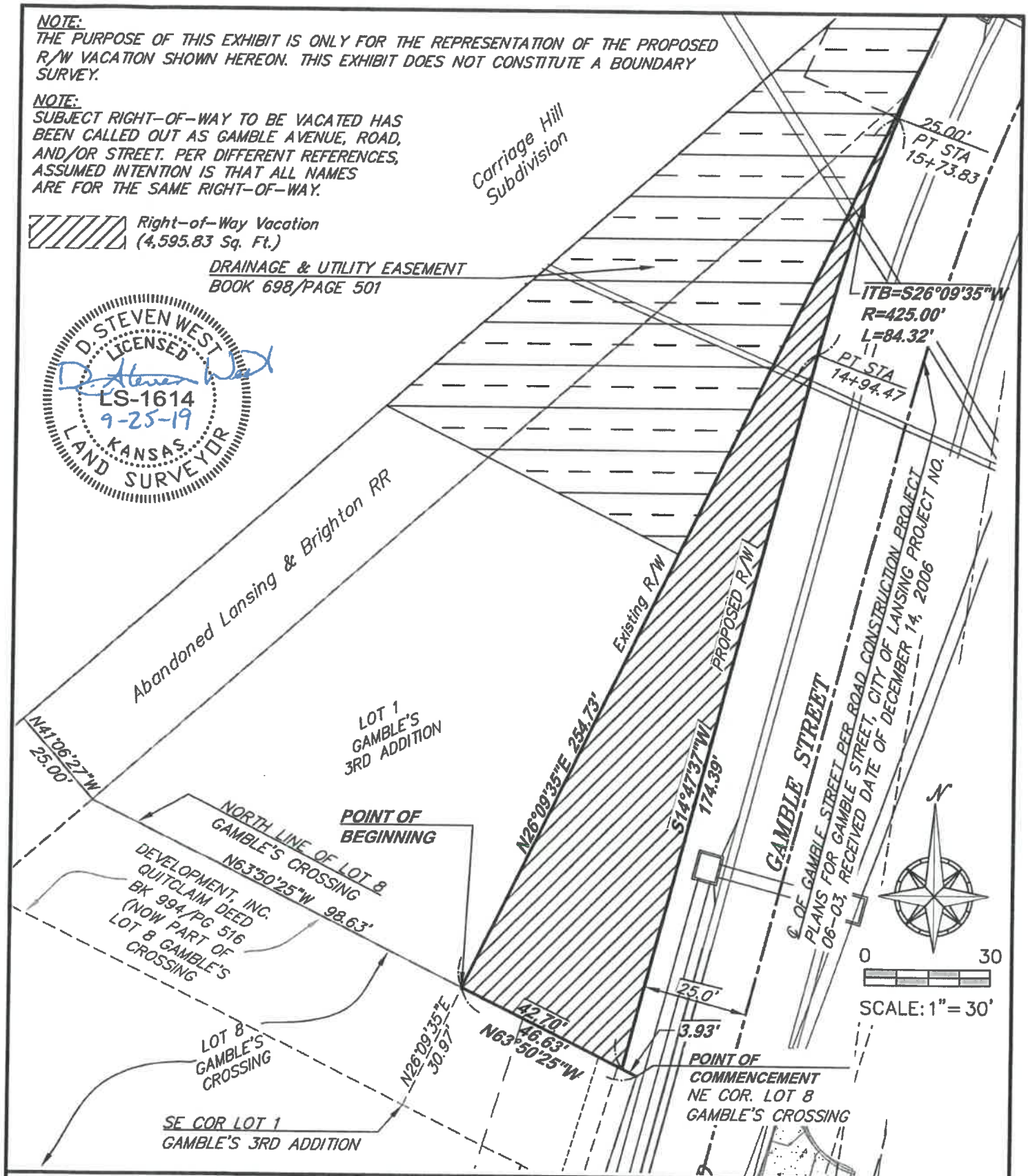


EXHIBIT B
Right-of-Way Vacation
Gamble Ave.

McAFEE HENDERSON SOLUTIONS, INC.
Civil Engineering ✦ Land Surveying
15700 College Blvd. Suite 202 Lenexa, KS 66219
Ph: (913) 888-4647 Fax: (913) 390-9865

Leavenworth County, KS

Legend

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

Notes

179.9 0 89.94 179.9 Feet

This Cadastral Map is for informational purposes only. It does not purport to represent a property boundary survey of the parcels shown and shall not be used for conveyances or the establishment of property boundaries.

THIS MAP IS NOT TO BE USED FOR NAVIGATION