



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

COUNCIL AGENDA
Regular Meeting
Thursday, July 5, 2018
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. Leavenworth County Development Corporation Presentation

Council Consideration of Agenda Items:

3. Request for Special Use Permit – 292 W. Gilman Road
4. Fence Request – 1001 North 8th Street
5. Request for Sidewalk Fee Waiver – 705 Morgan Street
6. Request for Sidewalk Fee Waiver – 707 Morgan Street
7. Ordinance No. 999 – Rezone of 00000 Pebble Beach Drive
8. Ordinance No. 1000 – Rezone of 1022 East Mary Street

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 26, 2018
SUBJECT: Approval of Minutes

The Special Meeting Minutes and Regular Meeting Minutes for June 21, 2018, are enclosed for your review.

Action: Staff recommends a motion to approve the Special Meeting Minutes and Regular Meeting Minutes for June 21, 2018, as presented.

AGENDA ITEM #

Call To Order:

The special meeting of the Lansing City Council was called to order by Mayor Mike Smith at 6:45 p.m.

Roll Call:

Mayor Mike Smith called the roll and indicated which councilmembers were in attendance.

Councilmembers Present:

Ward 1: Dave Trinkle

Ward 2: Don Studnicka and Andi Pawlowski

Ward 3: Jesse Garvey and Kerry Brungardt

Ward 4: Gregg Buehler and Tony McNeill

Councilmembers Absent: Gene Kirby

NEW BUSINESS:

COUNCIL CONSIDERATION OF AGENDA ITEMS:

Joint Meeting with Lansing USD 469 School Board:

- a. **School Resource Officer Discussion:** School board members and the Governing Body discussed the possibility of having an SRO Officer in Lansing schools. Some members felt that more SRO officers would be beneficial instead of just one officer to handle the school buildings. Police Chief Wayman mentioned that currently, officers stop in and walk through the schools periodically; this helps them get to know the school layout better and familiarize themselves with the students and staff. City Administrator Tim Vandall mentioned that the City is planning to budget for an officer in order to fulfill the SRO request. He also stated that he and Dr. Stufflebeam will be in contact in regard to a cooperation agreement and contract outlining the SRO position should the position be implemented.
- b. **Update on City Traffic and Infrastructure Projects:** City Administrator Tim Vandall briefed the elected officials on the status of City road projects that will occur during the 2018-2019 school year. He touched about the DeSoto Road Project from Eisenhower to Ida, the DeSoto Road and 4-H Road intersection project that is currently in design for a roundabout, and he mentioned that the Bittersweet Bridge project has been delayed until summer of 2019 to ensure the projects completion before school begins for the 2019-2020 school year. The intersection of K-7 and Gilman was brought up, and while KDOT has not intention of altering that location, both the school board and council agree that the intersection is concerning. Both entities and Representative Debbie Deere will continue to research options for improvement in hopes of making that intersection safer for all.
- c. **Opportunities for Cooperation:** Both entities discussed the possibility of using each other's electronic news feeds. The City sends a weekly e-blast out to all who have signed up and the School District feels that it would be greatly beneficial to use in order to share school news with people who no longer have school aged children. The School District uses Skyward to send its information out to families, and the City feels that it would benefit from use of that program for noticing Parks & Recreation sign-ups and other City event information. City staff and school district staff will continue to discuss this topic and come to an agreement for usage.

ADJOURNMENT: Councilmember Pawlowski moved to adjourn. Councilmember Brungardt seconded the motion. The motion was unanimously approved.

The meeting was adjourned at 6:51 p.m.

ATTEST:

Michael W. Smith, Mayor

Sarah Bodensteiner, City Clerk

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: 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: Gene Kirby

OLD BUSINESS:

Approval of Minutes: Councilmember Buehler moved to approve the regular meeting minutes of June 7, 2018, as presented. Councilmember Pawlowski seconded the motion. The motion was approved, with Councilmember Brungardt abstaining from the vote.

Audience Participation: Mayor Smith called for audience participation and a representative from Fire District 1 came forward. The Fire District member Marcus Majure stated that with the approaching retirement of Chief Huhn, the Fire Board has found an Assistant Chief who will then ascend to the position of Fire Chief after Chief Huhn retires later this year. Mr. Majure then introduced the new Assistant Fire Chief, Todd Farley.

Presentation: Parks & Recreation Advisory Board Presentation Parks & Recreation Director Jason Crum briefed the Council on a recommendation to eliminate the Commissioner positions on the Advisory Board. A board member suggested everyone's title be a generic Board Member instead of specifics like Cheerleader Commissioner, Football Commissioner, etc. This may encourage better attendance at the meetings and more people interested in being on the board. Concerns were brought up that board members would be less active without a specific title but with a list of expectations per position and a Chairperson delegating, the benefits would outweigh those concerns.

COUNCIL CONSIDERATION OF AGENDA ITEMS:

Library Board Appointment: Councilmember Brungardt moved to appoint Sharon Mueller to the Lansing Community Library Advisory Board to fill an unexpired term ending April 30, 2022. Councilmember Buehler seconded the motion. The motion was unanimously approved.

Request for More Than 4 Animals – 330 Highland: Mayor Smith stated the resident at 330 Highland has applied for a special use permit to house more than 4 animals. Animal Control Officer Burr has conducted an inspection and supplied a report.

- Councilmember Pawlowski and Councilmember Buehler asked is the person here.
- Mayor Smith asked the person that applied for it, are they here.
 - Animal Control Officer Wendy Burr replied they don't appear to be.
- Councilmember Buehler asked so this is, they are applying because there was a violation.
 - Animal Control Officer Wendy Burr stated there was an incident that is what brought me to that residence.
 - Councilmember Buehler said ok.
- Animal Control Officer Wendy Burr stated after that is when I conducted the interview for the dog bite. I observed 4 dogs and asked them if they had any cats and they had also 2 cats. I advised them that they needed a special use permit for more than 4 animals and also I took pictures of the residence because I was concerned there was a moderate, you've seen the pictures, I wouldn't say hoarding but the place didn't smell, the animals are well taken care of. I think it's the elder resident grew up in the Depression so it's that mentality. They are just use to the clutter and everything else.
 - Councilmember Buehler asked were all the animals registered.
 - Animal Control Officer Wendy Burr responded at the time, no. They are now. They are all up to date. I went back through the reports for the past 5 years and did come across another dog bite incident from 2016.
 - Councilmember Pawlowski asked same dog, different dog.
 - Animal Control Officer Wendy Burr replied same dog involved. First dog was involved in the second; the dogs got in a fight, she went to break it up and got bit the first time, got bit the second time. And at that time she was told, the dogs weren't registered, she was told to register them but at that time we didn't really enforce that. She has done everything she is supposed to do. I

took the pictures just for future reference if it got kind of way out of hand but the elder, Mrs. Bodde that lives there she is full mental status, I mean she's on it, and that is her comfort zone in that house as far as the clutter and everything. I have been in worse houses that have smelled bad. The animals are well taken care of, they go to the vet. They are up to date on everything and registered.

- Councilmember Garvey asked did you talk to any of the neighbors.
 - Animal Control Officer Wendy Burr responded I got the neighbors to the South. They weren't registered but they've had problems with having child daycare shut down and stuff and they have dogs. So they know of each other, they both say they have more than they are supposed to have.
 - Councilmember Garvey asked but the neighbor doesn't have problems with her dogs and cats.
 - Animal Control Officer Wendy Burr replied you know they all tattle on each other once they get caught. I sent letters to the other two houses that they can't even see this back yard. The backyard is clean, she just had trees taken out of it.
 - Councilmember Pawlowski stated there is a big pile of wood.
 - Councilmember Garvey replied logs.
 - Animal Control Officer Wendy Burr replied yes she just had a bunch of large trees cut down, just as I was doing the inspection over there but when I found the second dog bite I knew that would definitely be a red flag. And they are down one cat because one cat came in from being outside and threw up and then they found it had passed under the bed. They think it may have gotten into some poison somebody put out for squirrels or something. So they have 5 animals at the moment, 4 dogs and a cat. And they were notified on the day of the inspection, I told the elder Ms. Bodde and also sent an email to her daughter who basically runs the house, telling her, reminding her when it was. And they were both going to be here but apparently they're not.
 - Councilmember Pawlowski stated the collecting seems to have spilled out of the house and into the front yard.
 - Animal Control Officer Wendy Burr stated there's a lot of trash in the front.
 - Councilmember Pawlowski replied the neighbors had that issue too I noticed when I went by there today.
 - Mayor Smith asked any other questions on this one.
 - Councilmember Pawlowski asked if we make a motion that they can have this 5th animal, they won't be getting more.
 - Animal Control Officer Wendy Burr stated no I will make it adamant that, they've taken ones the grandkids that they come across.
 - Councilmember Pawlowski stated I know how it goes.
 - Animal Control Officer Wendy Burr stated the elder Ms. Bodde has the 2 doxies. Those are her dogs and the other 2 dogs basically belong to her adult daughter and then the cat, well the one cat now so she's just over by one now.
 - Councilmember Pawlowski asked what do you guys want to do.
 - Mayor Smith stated I need a motion to approve or deny special use permit for 330 Highland.

Councilmember Buehler moved to approve the special use permit for 330 Highland Road. Councilmember Trinkle seconded the motion.

- Councilmember Pawlowski stated she knows, they do anything again, they can have their permission pulled, right.
 - Animal Control Officer Wendy Burr replied oh yeah, they know they have to get it renewed every year.

The motion was approved, with Councilmembers McNeill, Brungardt and Studnicka voting against the motion.

Mayor Smith stated Jeff, I think Andi had a question for you. Andi, is that right.

- Councilmember Pawlowski asked can you talk about what is going on, on Cottonwood.
 - Public Works Director Jeff Rupp stated unfortunately, we had a mishap this morning. We've got a subcontractor that has been on our overlay project for prior years but for some reason they didn't notify the city that they were getting ready to work today. They also didn't follow the contract or the preconstruction instructions about a 24 hour notice to some of the residents before they started work.

They actually gave them a one hour notice and posted their houses. So that was the main issue today. The city expressed the displeasure of the way they conducted themselves to the private contractor and we have instructed them to reissue an information bulletin and flyer that was sent out because it additionally caused problems because it wasn't accurate. It had information that said everybody's driveways was going to get affected and enclosed and cause people to get out of their drives with a one hour notice this morning so there was some upset residents. Now some of them it did apply to but still they didn't get a 24 hour notice. So that was one issue. Additional issue that was raised actually kind of was the own residents fault, is that some people didn't have or hadn't applied to the city for a special permit that's required for sprinkler systems to be within the right of way. And so, some of the work that was actually done today, tore out some of those sprinkler systems. And of course, we fielded several phone calls about those issues and had some discussions about the policy. In those that actually do take out the special permit that's required, it says in two places on the permit that if the city does work or any other utility for that matter in our right of way and tears out the sprinkler system, it's on them to fix it. It's their responsibility but those were issues we faced today. We're trying to correct it with some correct information on the new flyer so that I think that the people will have a better handle on whether their driveway is going to get torn out or, they're going to have to get out or, if their driveway was going to be blocked. We're still trying to fix that situation but I'm not sure why it happened because this subcontractor has worked with us before and had the same information in years past. It was just a fluke deal. We're going to try and fix it.

- Mayor Smith replied with ok. I was getting ready to ask.
- Councilmember Pawlowski asked you've had discussions with the guy with the sprinkler system.
 - Public Works Director Jeff Rupp replied we've had a couple discussions with a couple different people.
 - City Administrator Tim Vandall stated Mr. White was the one we spoke with. I'm not sure who else has called.
 - Councilmember Pawlowski asked is that handled or do I need to call them.
 - City Administrator Tim Vandall replied I forget who it was you had spoken to but I mean the gentleman we spoke with didn't have a permit for the work that was done and like Jeff said you can do that and we can give you a permit for it but it says on there if it gets clipped during snow removal or we are repairing the road.
 - Councilmember Pawlowski stated the same person that put in my sprinkler system put in his but his has been in there a lot longer and they put it in a different place. So, I think maybe over the years the issues have generated movement.
 - City Administrator Tim Vandall stated if you want to get the information of the person, I think I remember the last name you had given me, but if you want to give us his phone number or something we can contact him and get back to him.
 - Councilmember Pawlowski stated the one I got said they couldn't drive in their driveway but they said they are not replacing the concrete in front of my driveway so why can't I drive on it. I'm like I don't know, I'll ask.
 - Public Works Director Jeff Rupp replied that is the flyer that didn't apply to any of them so I can understand why they'd be upset or not understand, because it's wrong.
 - Councilmember Pawlowski replied ok.
 - Mayor Smith replied thank you Jeff.
 - Councilmember Pawlowski replied thanks Jeff.

Executive Session – Consultation with Attorney: Councilmember Buehler moved to recess into executive session for the consultation with an attorney for the city which would be deemed privileged in an attorney-client relationship, K.S.A 75-4319(b)(2) for 30 beginning at 7:21 PM and returning to the Council Chambers at 7:51 PM. Councilmember Pawlowski seconded the motion. The motion was unanimously approved.

Councilmember Pawlowski moved to return to Open Session at 7:51 PM. Councilmember Studnicka seconded the motion. The motion was unanimously approved.

Councilmember Buehler moved to allow the Mayor, City Administrator, and the City Attorney to continue to draft the legal documents in regard with the interlocal agreement with Fire District No. 1. Councilmember Pawlowski seconded the motion. The motion was unanimously approved.

REPORTS:

Department Heads: City Clerk Sarah Bodensteiner briefed the Council on the current Commercial Liability Insurance with OneBeacon and advised that she's received a couple inquiries from other companies wanting to quote to provide our services. The City currently uses a brokerage firm who shops the rates each year, and one of the entities asking to quote is an individual firm, so they may not be able to shop around like a brokerage can. The Council agreed that it couldn't hurt to get quotes from those companies prior to renewal in February.

City Attorney: City Attorney had nothing to report

City Engineer: City Engineer had nothing to report

City Administrator: City Administrator had nothing to report

Governing Body: Councilmember Pawlowski inquired how Gene was doing. Councilmember Pawlowski noted the informational pocket card for the City of Lansing and the Valuation for this year is \$80 million and the City's Share of a \$100,000 home rate is \$477.

Councilmember Buehler thanked Mrs. Mueller and stated we can't do this without volunteers and we appreciate your help. He also provided a fun fact, on this day in 1788, the U.S. Constitution was ratified.



ADJOURNMENT: Councilmember Brungardt moved to adjourn. Councilmember Pawlowski seconded the motion. The motion was unanimously approved. The meeting was adjourned at 7:57 p.m.

ATTEST:

Michael W. Smith, Mayor

Sarah Bodensteiner, City Clerk

AGENDA ITEM

TO: Tim Vandall, City Administrator 
FROM: Matthew R. Schmitz, Community & Economic Development Director 
DATE: June 26, 2018
SUBJECT: Leavenworth County Development Corporation (LCDC) Funding Request

Explanation: Leavenworth County Development Corporation (LCDC) is requesting an amount of \$17,223 be included in the City's Budget for year 2019.

Steve Jack, Executive Director of LCDC as well as City Staff will be present to answer questions. A letter from Steve Jack is attached for the Council's review, which includes an explanation of the benefits of membership in LCDC.

Financial Considerations: In 2018, the budgeted amount for reimbursement to LCDC was \$17,054. The request for 2019 represents an increase of \$169.

Policy Considerations: None.

Action: Approve / Deny the 2018 budget of \$17,223 for funding of the Leavenworth County Development Corporation.



LEAVENWORTH
COUNTY

DEVELOPMENT CORP
DEDICATED TO THE
INDUSTRY OF INNOVATION

May 4, 2018

Tim Vandall
City Administrator
Lansing City Hall
800 First Terrace
Lansing, KS 66043

Dear Tim:

The Leavenworth County Development Corporation (LCDC) relies on an annual appropriation from your community and the other cities in the county as well as funding from Leavenworth County, Leavenworth County Port Authority, and nearly 80 private sector members. Our funding partnership reflects how our organization works together with multiple entities in providing economic development resources to citizens and businesses throughout the county.

Our organization would again like to formally request your participation in LCDC's economic development efforts. In order to fairly distribute the governmental/public sector contribution, nearly 15 years ago the cities instituted a funding mechanism based on valuation and population which are updated each year (see enclosure). **LCDC's request of the City of Lansing for 2019 is \$17,223.**

We value and appreciate Lansing's past participation and believe your investment returns value each year to the community:

- Investment in LCDC gets Lansing membership in the Kansas City Area Development Council (KCADC). That membership, which would cost a community \$10,000 if joining individually, provides leads and major prospects looking for new locations. invitations to networking events featuring Kansas City area businesses and real estate professionals, and a page on KCADC's website featuring Lansing demographics.
- Investment in LCDC gets Lansing buildings and sites featured and maintained on Location One Information Systems (LOIS) building and sites data base.
- Investment in LCDC gets Lansing a seat on the LCDC Board of Directors which guides and directs our organization's economic development efforts.
- Investment in LCDC gets Lansing a seat on the Infrastructure Committee which is filled by your public works department.
- Investment in LCDC gets Lansing High School the opportunity to participate in our Classroom to Careers program.

- Investment in LCDC gets Lansing representation on Team Kansas, Kansas Economic Developers Association (KEDA), Mid-America Regional Council (MARC) Regional Workforce Intelligence Network, and Workforce Partnership Board.
- Investment in LCDC gets Lansing businesses access to the LCDC Micro-grant program.
- Investment in LCDC in the past two years got Lansing businesses access to the Grow Leavenworth County loan program as LCDC led efforts at the city's request to expand the program countywide in order to include Lansing.
- Investment in LCDC over the past year got 4 new Lansing businesses (*LPF Powder Coating, The Groggery, Str8 Edge Barber, and Elite Auto Detail*) assistance in the form of grants and/or location assistance.
- **And the result of all this effort means a return annually to the city from sales taxes of \$48,109 and an additional \$7,901 in property taxes each year for a total return of \$56,010 from 8 business LCDC has worked with over the past several years employing 46 individuals with a payroll of \$1,547,458.**

Looking toward the future, LCDC has hired a new marketing firm, Candid Marketing, to prepare an extensive marketing plan for the communities in the county. LCDC intends to invest heavily over the next few years in more outreach, more networking, more advertising, more brochures, a better website and other initiatives.

Again, we appreciate the partnership. If you have questions or comments, please feel free to contact us. Thank you for your time and consideration of this 2018 funding request.

Sincerely,





David Schroeder
LCDC Board President



Steve Jack
LCDC Executive Director

cc: Mayor Mike Smith
Matthew Schmitz

AGENDA ITEM

TO: Tim Vandall, City Administrator 
FROM: Steve L. Wayman, Chief of Police 
DATE: 06/27/2018
SUBJECT: Special Use Permit for 292 W Gilman Rd, Lansing, KS 66043

Tyson Root, along with his parents Jeffrey & Katina Root, has applied for a special use permit to keep more than 4 animals at the residence. Attached is ACO Burr's findings in this request.

Action:

A motion to approve or deny the special use permit for 292 W Gilman Road, Lansing, KS 66043

2018 Permit Request ~ More Than 4 Animals

Tyson, Jeffrey & Katina Root
292 W Gilman Road
Lansing, KS 66043

2 Dogs & 15+ Chickens

DOI ~ 25 Jun 2018
ACO W Burr/1548







INCIDENT REPORT

LANSING POLICE DEPARTMENT

800 1ST Terrace
Lansing, KS 66043
PH. 913-727-3000

Case #:
18-1428

Nature of Incident #:
Permit Inspection ~ More Than 4 Animals

Location of Incident:
292 W Gilman Rd, Lansing

Officer & Badge #:
Burr/1548

Occurred Date & Time (MM/DD/YYYY - 0000)	Reported Date & Time (MM/DD/YYYY - 0000)
06/25/2018@1500	06/25/2018@1500

Code	Name (L, F, M)	DOB	Race	Sex	Address, City, St	Tel.
AO	Root, Tyson Alan	07/09/2002	W	M	292 W Gilman Rd, Lansing	913.727.3025
AO	Root, Jeffrey A		W	M	292 W Gilman Rd, Lansing	913.727.3025
AO	Root, Katina M	06/13/1973	W	F	292 W Gilman Rd, Lansing	913.683.571007

NARRATIVE

On 06/25/18 at 1500hrs, I conducted a permit inspection at 292 W Gilman Road. Tyson Root with his parents Jeffrey and Katina Root applied for a permit to keep more than 4 animals on their property. The Roots have 2 dogs licensed with the City of Lansing and current on rabies vaccinations. Tyson Root has 15+ laying hens and a rooster as a hobby and he participates in 4-H with some of them.

I took photos of the chickens, the pens that they're kept in and the 2 dogs, Gunnar and Tuff. There was no odor coming from the chicken pens and all the chickens appeared to be well taken care of and healthy. I did not see any signs of overcrowding. The dogs are older and in good health. They are inside/outside dogs.

The Roots live on 1.17 acres and have plenty of room for their chickens and dogs.

Officer:	Date:	Reviewed By:	Review Date:
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Codes:	V-Victim	W-Witness	S-Subject	P-Parent
	RP-Reporting/ Responsible Party	DI-Discovered Incident	AP-Attending Physician	AO-Animal Owner









Lansing Police Department
800 1st Terrace
Lansing, KS 66043

Animal Permit
Review & Supplemental
Narrative

Type of Permit:	<input checked="" type="checkbox"/> More Than 4 Animals	<input type="checkbox"/> Dangerous Animal(s)
	<input type="checkbox"/> Kennel	<input type="checkbox"/> Other _____

Applicant's Name (LAST, First MI.) Root, Tyson Alan	Report Date (MM/DD/YYYY): 06/27/18
Applicant's Address (Street, City, Zip): 292 W Gilman Rd, Lansing	

Permit Application Initiated By:	<input type="checkbox"/> Voluntary Compliance	<input checked="" type="checkbox"/> Observed Violation	<input type="checkbox"/> Citizen Complaint
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Adjoining Residential Contact Interview: Contact #: 1	Interview Date (MM/DD/YYYY): 06/27/18	Interview Time (HHMM):	Acquainted w/Applicant: <input type="checkbox"/> Yes <input type="checkbox"/> No	Years Acquainted:
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Contact's Comments/Concerns:
Notification Letter Mailed ~ Sydney/Lesley Brown - 300 W Gilman Rd

Adjoining Residential Contact Interview: Contact #: 2	Interview Date (MM/DD/YYYY): 06/27/18	Interview Time (HHMM):	Acquainted w/Applicant: <input type="checkbox"/> Yes <input type="checkbox"/> No	Years Acquainted:
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Contact's Comments/Concerns:
Notification Letter Mailed ~ Dennis/Gayla Linaweaver - 210 W Gilman Rd

Adjoining Residential Contact Interview: Contact #: 3	Interview Date (MM/DD/YYYY): 06/27/18	Interview Time (HHMM):	Acquainted w/Applicant: <input type="checkbox"/> Yes <input type="checkbox"/> No	Years Acquainted:
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Contact's Comments/Concerns:
Notification Letter Mailed ~ Timothy/Christine Raney - 304 W Gilman Rd

Adjoining Residential Contact Interview: Contact #: 4	Interview Date (MM/DD/YYYY):	Interview Time (HHMM):	Acquainted w/Applicant: <input type="checkbox"/> Yes <input type="checkbox"/> No	Years Acquainted:
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Contact's Comments/Concerns:
Notification Letter Mailed ~ Current Resident - 206 W Gilman Rd

In Current Ordinance Compliance:	Areas Of Non-Compliance:	Additional Comments:
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Animal Tags <input type="checkbox"/> Fencing	
Photos Taken & Retained:	<input type="checkbox"/> Insurance <input checked="" type="checkbox"/> Permit	
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Vaccinations <input type="checkbox"/> Other: _____	
	<input type="checkbox"/> Signage <input type="checkbox"/> Other: _____	

Results of Applicant Interview & Property Inspection / Officer's Narrative:
2 dogs/15+ chickens (hobby and 4-H) ~ The chickens are well taken care of and have plenty of space to move around. No foul odors detected.

Council Presentation (MM/DD/YYYY & HHMM): 07/05/18@1900	Applicant Notified (of Council Presentation) On (MM/DD/YYYY & HHMM): 06/27/18@1211
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Submitted By: 	Date: 6/27/18	Reviewed By:	Date:
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City of Lansing
Police Department
Steven L. Wayman, Chief



June 27, 2018

Dear Tim and Christine,

This letter is to inform you that your neighbors, Jeffrey, Katina and Tyson Root at 292 W Gilman Road, have applied for a permit to own more than 4 animals in the City of Lansing. The Roots are in possession of 2 dogs and 15+ chickens on the property. They are in compliance with City ordinance 2-507 by having their dogs registered with proof of current rabies vaccinations. The inspection for their permit has been completed.

You are welcome to attend the Lansing City Council Meeting being held on July 5, 2018 at 7:00pm. At that time, the Lansing City Council will be addressing any concerns or complaints regarding this permit application.

Respectfully,

W. Burr #1548
Animal Control Officer
Lansing Police Department

COPY



City of Lansing
Police Department
Steven L. Wayman, Chief



June 27, 2018

Dear Current Resident,

This letter is to inform you that your neighbors, Jeffrey, Katina and Tyson Root at 292 W Gilman Road, have applied for a permit to own more than 4 animals in the City of Lansing. The Roots are in possession of 2 dogs and 15+ chickens on the property. They are in compliance with City ordinance 2-507 by having their dogs registered with proof of current rabies vaccinations. The inspection for their permit has been completed.

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Respectfully,

W. Burr #1548
Animal Control Officer
Lansing Police Department

COPY



City of Lansing
Police Department
Steven L. Wayman, Chief



June 27, 2018

Dear Dennis and Gayla Linaweaver,

This letter is to inform you that your neighbors, Jeffrey, Katina and Tyson Root at 292 W Gilman Road, have applied for a permit to own more than 4 animals in the City of Lansing. The Roots are in possession of 2 dogs and 15+ chickens on the property. They are in compliance with City ordinance 2-507 by having their dogs registered with proof of current rabies vaccinations. The inspection for their permit has been completed.

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Respectfully,

W. Burr #1548
Animal Control Officer
Lansing Police Department

COPY



City of Lansing
Police Department
Steven L. Wayman, Chief



June 27, 2018

Dear Sidney and Lesley Brown,

This letter is to inform you that your neighbors, Jeffrey, Katina and Tyson Root at 292 W Gilman Road, have applied for a permit to own more than 4 animals in the City of Lansing. The Roots are in possession of 2 dogs and 15+ chickens on the property. They are in compliance with City ordinance 2-507 by having their dogs registered with proof of current rabies vaccinations. The inspection for their permit has been completed.



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Respectfully,

W. Burr #1548
Animal Control Officer
Lansing Police Department

COPY

AGENDA ITEM

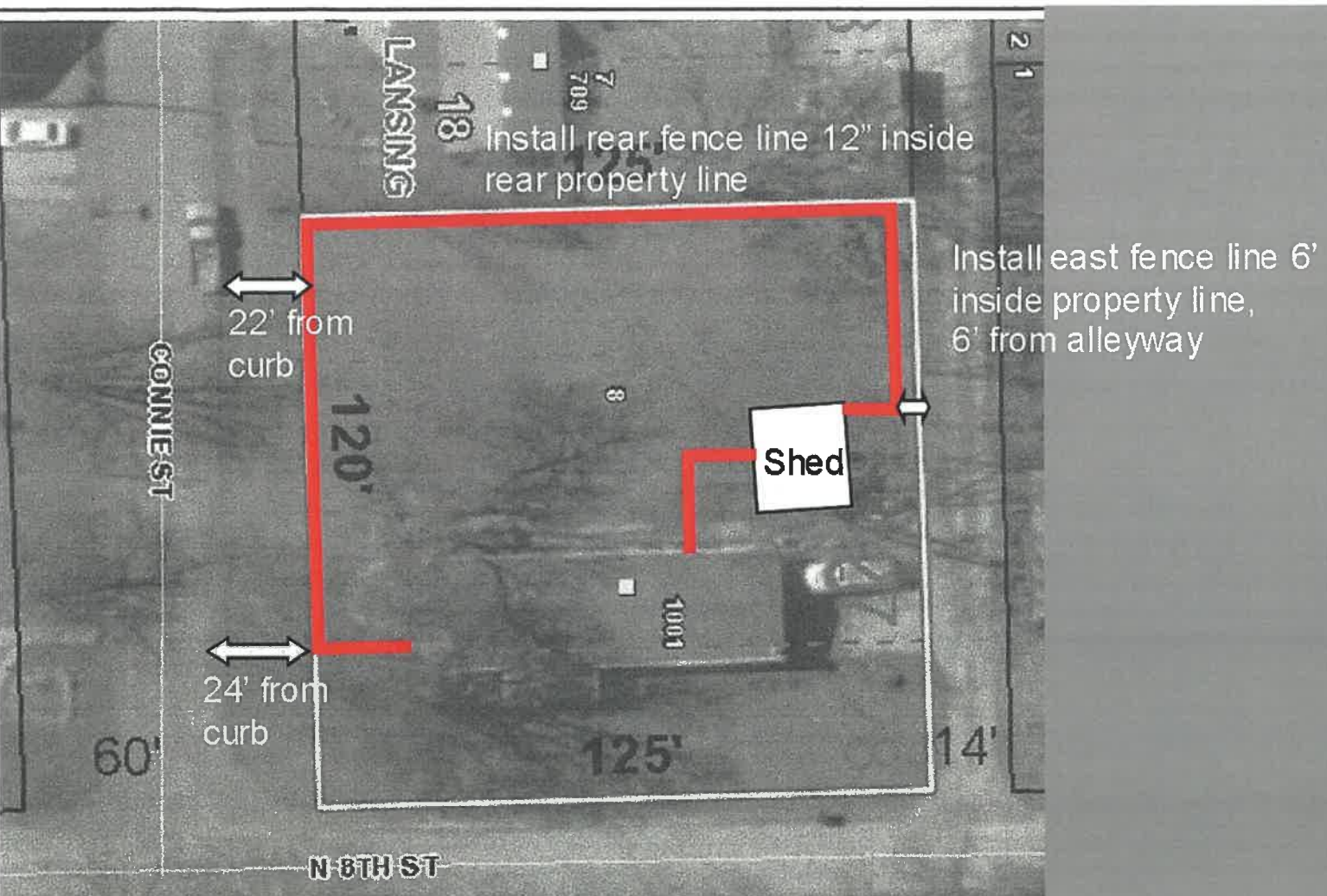
TO: Tim Vandall, City Administrator 
THRU: Matthew R. Schmitz, Community and Economic Development Director 
FROM: Rebecca L. Savidge, City Inspector
DATE: June 27, 2018
SUBJECT: Fence Request – 1001 North 8th Street

Patricia Kay, property owner at 1001 North 8th Street, wishes to extend her fence into the required setback of 30', which is 16' from the back of the uncurbed street. The house was built prior to this code requirement because the house does not even meet the requirement. The fence would be installed at 22' to 24' from the edge of the street, parallel with the street, on the south side of the property.

The fence is proposed as a 6' privacy fence to be installed by a licensed contractor. Staff has met with the property owner and fence contractor to be sure proposed plan is correct and there are no issues with easements or sight triangles and that it would not create additional issues. The house is a corner lot and has a deck on the south side of the house to exit and the new property owner wishes to enclose it in the fence. Pictures are attached to provide visuals in determining the approval or denial.

The City Code allows residents to bring before the City Council consideration of unusual fence requests. In reviewing the application to construct the fence with a reduced setback as shown in the attached drawing, staff finds no apparent conflicts with adjoining site triangles, easements, etc. and feels this is an unusual circumstance due to the two front yard setbacks (house is on a corner lot). Staff will issue or deny the building permit based on the City Council's subsequent decision.

Action: Staff recommends the Council approve the fence request from Patricia Kay for 1001 North 8th Street.



Proposing to install 329 lf of 6' tall cedar privacy fence with 2 gates.

Leavenworth County, KS



Legend

1001 N.
8th



Notes



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

AGENDA ITEM

TO: Tim Vandall, City Administrator 
FROM: Rebecca L. Savidge, City Inspector
THRU: Matthew R. Schmitz, Community and Economic Development Director 
DATE: June 27, 2018
SUBJECT: Sidewalk Fund Waiver Request: 705 Morgan Street

A building permit has been applied for and approved to start construction for a new single family dwelling on an older lot in town. This lot, on 705 Morgan Street, has been a vacant lot for over 20 years. There is currently no sidewalk or curbing on this street. A sidewalk fee is charged if a sidewalk is not constructed. A sidewalk here, if constructed, would go nowhere. These funds go directly into the City's Capital Reserve sidewalk fund. The city requires all new single family dwellings not located in a subdivision be charged a sidewalk fee. This fee is based on the amount of road frontage multiplied by the current cost adopted in the fee schedule for sidewalk cost. In this case, the linear frontage of each lot is 60' and the adopted sidewalk cost is \$28.00 per linear foot.

The owner of the properties is Casey Worrall. He purchased the lots, and plans to build two single family dwellings. The first home will be built on 705 Morgan Street, the permit has been approved, and they are ready to proceed. The contractor of record has requested the sidewalk fee be waived on behalf of the owner. See the attached email.

Most new homes built in the old section of town, which does not have sidewalks or curbs and gutters, have either received a refund or been given a waiver in the past by the City Council. A previous work session was conducted on the sidewalk fee code, but no decision or change resulted from the session.

Policy Consideration: Lansing City Code Chapter 14, Article 1, Section 14-202 addresses the requirement to pay into a sidewalk fund, and a copy of the code has been attached for further review.

Financial Consideration: A sidewalk fee of \$1680.00 per lot will be charged or waived per the direction of the City Council. Total fee waiver would be \$3360.00 (based on actual contract cost from 2012 Street and Sidewalk Construction).

Action: Staff recommends a motion to approve the waiver for the collection of the sidewalk fee for the lot on 705 Morgan Street.

Rebecca Savidge

From: Dale Bohannon <dbohannon@kc.rr.com>
Sent: Tuesday, June 12, 2018 6:08 PM
To: Rebecca Savidge
Cc: mschmitz@lansing.ks.com; cwlawns@yahoo.com
Subject: Sidewalk Fee

Becky,

I am the Builder for two houses to be built for Casey Worral (the owner) at 705 and 707 Morgan Street Lansing, Kansas. Because at present there are no sidewalks in this neighborhood, nor does there seem to be plans to add sidewalks in the foreseeable future, I request the sidewalk fee for these lots be waived. Your favorable consideration to this request will be greatly appreciated.

Thanks,

*Dale R. Bohannon
4505 Pak Ten Ct.
Leavenworth, Kansas 66048
dbohannon@kc.rr.com
913-683-0335*



Virus-free. www.avg.com

Leavenworth County, KS



Legend

Notes



73.7 0 36.84 73.7 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

NO SIDEWALK/CURB

AGENDA ITEM

TO: Tim Vandall, City Administrator 
FROM: Rebecca L. Savidge, City Inspector
THRU: Matthew R. Schmitz, Community and Economic Development Director 
DATE: June 27, 2018
SUBJECT: Sidewalk Fund Waiver Request: 707 Morgan Street

A building permit has been applied for and approved to start construction for a new single family dwelling on an older lot in town. This lot, on 707 Morgan Street, has been a vacant lot for over 20 years. There is currently no sidewalk or curbing on this street. A sidewalk fee is charged if a sidewalk is not constructed. A sidewalk here, if constructed, would go nowhere. These funds go directly into the City's Capital Reserve sidewalk fund. The city requires all new single family dwellings not located in a subdivision be charged a sidewalk fee. This fee is based on the amount of road frontage multiplied by the current cost adopted in the fee schedule for sidewalk cost. In this case, the linear frontage of each lot is 60' and the adopted sidewalk cost is \$28.00 per linear foot.

The owner of the properties is Casey Worrall. He purchased the lots, and plans to build two single family dwellings. The first home will be built on 705 Morgan Street, the permit has been approved, and they are ready to proceed. The second home will be built on 707 Morgan Street. The contractor of record has requested the sidewalk fee be waived on behalf of the owner. See the attached email.

Most new homes built in the old section of town, which does not have sidewalks or curbs and gutters, have either received a refund or been given a waiver in the past by the City Council. A previous work session was conducted on the sidewalk fee code, but no decision or change resulted from the session.

Policy Consideration: Lansing City Code Chapter 14, Article 1, Section 14-202 addresses the requirement to pay into a sidewalk fund, and a copy of the code has been attached for further review.

Financial Consideration: A sidewalk fee of \$1680.00 per lot will be charged or waived per the direction of the City Council. Total fee waiver would be \$3360.00 (based on actual contract cost from 2012 Street and Sidewalk Construction).

Action: Staff recommends a motion to approve the waiver for the collection of the sidewalk fee for the lot on 707 Morgan Street.

Rebecca Savidge

From: Dale Bohannon <dbohannon@kc.rr.com>
Sent: Tuesday, June 12, 2018 6:08 PM
To: Rebecca Savidge
Cc: mschmitz@lansing.ks.com; cwlawns@yahoo.com
Subject: Sidewalk Fee

Becky,

I am the Builder for two houses to be built for Casey Worrall (the owner) at 705 and 707 Morgan Street Lansing, Kansas. Because at present there are no sidewalks in this neighborhood, nor does there seem to be plans to add sidewalks in the foreseeable future, I request the sidewalk fee for these lots be waived. Your favorable consideration to this request will be greatly appreciated.

Thanks,

Dale R. Bohannon
4505 Pak Ten Ct.
Leavenworth, Kansas 66048
dbohannon@kc.rr.com
913-683-0335



Virus-free. www.avg.com

Leavenworth County, KS



Legend

Notes





73.7 0 36.84 73.7 Feet

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THIS MAP IS NOT TO BE USED FOR NAVIGATION

NO SIDEWALK/CURB.

AGENDA ITEM

TO: Tim Vandall, City Administrator 
FROM: Matthew R. Schmitz, Community & Economic Development Director 
DATE: June 26, 2018
SUBJECT: Ordinance No. 999: An Ordinance to Rezone property currently addressed as 00000 Pebblebeach Drive, Lansing, Kansas, generally located at the northwest corner of Oakmont Drive and Meadow Lane from R-4 Multi-Family Residential to R-2-P Single-Family Residential Planned Overlay District and the accompanying Preliminary Development Plan

Explanation: A preliminary development plan has been submitted by Reilly Development, LLC (Mike Reilly, Agent), property owner, for property currently addressed as 00000 Pebblebeach Drive, Lansing, Kansas, generally located at the northwest corner of Oakmont Drive and Meadow Lane.

The preliminary development plan includes both a rezoning action and a preliminary plat brought before the Planning Commission and requires Council approval of the preliminary development plan and the concurrent rezoning to the "R-2-P" district for the zoning to be modified. After this action, the zoning can only be modified by a rezoning action and cannot be modified simply by the expiration of the preliminary development plan.

The property was purchased on December 28, 2017, by Triple R. Properties, LLC, and is currently in the process of being transferred to the new owner, Reilly Development, LLC. Both entities are owned by The Reilly Company and Mike Reilly is the manager of both.

The Council should be aware, as the Planning Commission was made aware, that the intention of the developer during this phase of the process is to pursue a number of variances to accommodate a more diverse housing product to be constructed. The variances requested refer to the standard requirements of zoning district "R-2", Single-Family Residential – specifically, reduction of minimum lot width from sixty (60) feet minimum to fifty (50) feet minimum, reduction of front and rear setbacks from thirty (30) feet to twenty-five (25) feet, and reduction of side setbacks from ten (10) feet to six (6) feet. This preliminary development plan will, if approved, rezone the property from the current R-4 (Multi-Family Residential) zoning to R-2-P (Single-Family Residential Planned Overlay District).

Staff has met with the developer and the engineer regarding these variances and agrees that the "P" designation on the R-2 zoning is appropriate in this situation and for this area. Staff has had two individuals from the area ask to review the plans, and multiple individuals spoke during the public hearing regarding this project. The minutes from the public hearing and the rest of the Planning Commission meeting are included for the Council's review.

The Future Land Use Map in the Comprehensive Plan shows this area as Single-Family Residential, so this request aligns with the map for this area.

The Planning Commission voted to recommend approval of this rezoning application at its June 20, 2018, meeting with a 5-0 vote. The minutes from that meeting, the rezoning checklist, and a map and drawing of the property are included for your review.

Financial Considerations: No financial impact for the city.

Policy Considerations: The proposed rezoning aligns with the Comprehensive Plan, so there are no policy considerations related to this request.

Action: Approve, approve with conditions, or remand back to Planning Commission, adoption of Ordinance No. 999: An Ordinance to Rezone property currently addressed as 00000 Pebblebeach Drive, Lansing, Kansas, generally located at the northwest corner of Oakmont Drive and Meadow Lane from R-4 Multi-Family Residential to R-2-P Single-Family Residential Planned Overlay District and the accompanying Preliminary Development Plan.

ORDINANCE NO. 999

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 20, 2018, 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 within the city limits of the City of Lansing, County of Leavenworth, State of Kansas, legally described as follows:

LEGAL DESCRIPTION:

A tract of land in the East Half of the Southwest Quarter (E/2 SW/4) of Section 13, Township 9 South, Range 22 East of the 6th P.M., Leavenworth County, Kansas, and described as follows:

Beginning at the Southeast corner of said E/2 SW/4;

thence N 00°46'30" W along the east line of said E/2 SW/4, a distance of 723.36 feet to Southeast corner of FAIRWAY ESTATES – FOURTH PLAT, a subdivision in said E/2 SW/4 and recorded in Book 13, at Page 77 of the Records of said Leavenworth County;

thence westerly along the southerly line of said FAIRWAY ESTATES – FOURTH PLAT, along the following 16 courses;

- 1) thence S 60°10'56" W, a distance of 200.47 feet;
- 2) thence northerly along a non-tangent curve to the left, an arc distance of 24.86, having a radius of 375.00 feet, a central angle of 3°47'54" with an initial back tangent of N 30°47'00" W;
- 3) thence N 34°34'53" W, a distance of 91.03 feet;
- 4) thence N 38°34'57" W, a distance of 50.17 feet;
- 5) thence southwesterly along a non-tangent curve to the right, an arc distance of 31.63, having a radius of 205.00 feet, a central angle of 8°50'25" with an initial back tangent of S 56°42'36" W;
- 6) thence N 24°27'03" W, a distance of 120.00 feet;
- 7) thence S 80°49'05" W, a distance of 150.56 feet;
- 8) thence S 66°03'27" W, a distance of 158.47 feet;
- 9) thence N 61°42'52" W, a distance of 166.85 feet;
- 10) thence N 52°57'21" W, a distance of 75.88 feet;
- 11) thence S 74°47'45" W, a distance of 122.40 feet;
- 12) thence northwesterly along a non-tangent curve to the left, an arc distance of 107.22, having a radius of 305.00 feet, a central angle of 20°08'31" with an initial back tangent of N 15°47'57" W;
- 13) thence N 35°56'27" W, a distance of 15.48 feet;
- 14) thence S 54°03'33" W, a distance of 60.00 feet;
- 15) thence S 76°08'41" W, a distance of 238.56 feet;
- 16) thence S 89°05'10" W, a distance of 20.00 feet to a point on the west line of said E/2 SW/4;
- 17) thence departing said southerly line, S 00°54'50" E along said west line, a distance of 936.38 feet to the Southwest corner of said E/2 SW/4; thence N 87°14'42" E along the south line of said E/2 SW/4, a distance of 1318.92 feet to the Point of Beginning.

Said tract contains 1,121,220 square feet, or 25.740 acres, more or less.

less any part taken or used for road; presently zoned as "R-4" Multi-Family Residential is hereby changed to "R-2-P" Single-Family Residential Planned Overlay 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 5th day of July, 2018.

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

Call to Order – The regular monthly meeting of the Lansing Planning Commission was called to order by Chairman Ron Barry at 7:01 p.m. Also present were Vice-Chairman Kirsten Moreland, and Commissioners Chad Neidig, Jerry Gies, and Marcus Bean. Commissioner Mike Suozzo was unable to attend and there is currently one vacancy on the board. Chairman Barry noted there was a quorum present.

Approval of Minutes, May 16, 2018, Regular Meeting – Vice-Chairman Moreland made a motion to approve the minutes of the May 16, 2018, regular meeting, seconded by Commissioner Bean. The motion was unanimously approved.

Old Business – none

New Business: 1. Public Hearing – Rezone Application with Preliminary Development Plan – Chairman Barry stated that an application was submitted by Reilly Development, LLC, property owner, to rezone the property generally located at the northwest corner of Oakmont Drive and Meadow Lane, Lansing, Kansas, from R-4 Multi-Family Residential to R-2-P Single-Family Residential Planned Overlay District.

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

Mike Reilly, property owner, stated he was here to present the fifth plat of Fairway Estates. He said the property sits just south of the current Fairway Estates and north of the Maples. He stated it was preliminarily designed by Carolyn Hackman when she did the original Fairway Estates and he said this one is much the same as that one. He stated they propose to continue the same style and quality of housing that was previously developed in Fairway Estates and the Maples. He said they are planning on approximately 80 homes and stated that, as shown on the plans, everything shaded in yellow is the first phase and everything shaded in purple is the second phase, so they would be starting to the west and working to the east, tying in Pebblebeach to the Maples. He said the same style housing as previously developed will be on the outer edges of the project as well as the villa product, which are the smaller, 1500 square foot ranch that people are looking for today for downsizing. He stated in the center of the project will be the style like the ones at the Ridge, the two-story, 2400-2500 square foot home. He said he anticipates everything out there to be above \$300,000 in value. Mr. Reilly said they have also asked for variances in the villa section, mainly for changes in setback requirements. He also stated that since this property is currently zoned R-4, there could be 12 units to the acre or 240 units instead of the 80 units they're proposing.

Mark Hall, 803 Merion Street, stated he is the president of the Fairway Estates Homeowners' Association (HOA) and wanted to address some of the HOA's concerns regarding this project:

- Share of the roads in regard to snow removal and speed
- The shared pond, as it looks like there will be five or six homes on the pond, and the question of them becoming part of the HOA
- Percentage of green space for a new subdivision and doesn't see that shown on the plan
 - It was stated that it's the shaded green area, which is a waterway
- The other project recently approved by the city, since it will make for a very busy intersection there at Pebblebeach and Eisenhower

City Attorney Greg Robinson stated he wanted to remind everyone that the zoning being requested tonight is actually a downsizing of the current zoning, meaning less housing units and less traffic, so some of the questions may be ones that would be addressed at a later time.

Commissioner Gies stated he understood this to be both a rezoning and preliminary development plan public hearing. Community and Economic Development Director Matthew Schmitz stated that was correct because since this is a request for a Planned Overlay District, this is two pieces in one action - the rezoning with the preliminary development plan. Commissioner Gies stated he then believed these would be germane questions since the preliminary development plan itself doesn't require a public hearing.

Mr. Hall summarized that the main concerns are:

- Traffic
- Snow route
- Maintenance of pond
- Base price of each individual home

Chairman Barry stated he wanted to be sure everyone understood that a final development plan for this project would also have to be brought before the Planning Commission and City Council. Mr. Schmitz stated approving the preliminary development plan is just giving the developer the go ahead to do a final development plan.

Bob Donaldson of 807 Bellerive Court stated he doesn't have a problem with what is being proposed here, but is concerned mostly about the intersection of Pebblebeach and Eisenhower Road and wondered if a traffic study has been done for that intersection. He believes opening up Pebblebeach to hook up to DeSoto Road is going to increase traffic on Pebblebeach by 100-200 vehicles a day. He said there was a concern about the intersection before, but now it will be compounded even more.

Jeff Laser, 707 Bellerive Court, expressed the following concerns:

- If the size of the lots is being reduced, how will that impact the visibility and the value of homes in the area
- Amount of green space shown on the plans – would really like to see some of the trees left in the area
- Drainage provided behind Bellerive Court and what will happen to that – will it be improved, left alone, and will the trees in that area be maintained or taken down

He said that overall he is pretty happy with what he's seeing right now.

Since there was no one else who wished to speak, Chairman Barry closed the public hearing at 7:24 p.m.

Chairman Barry asked if staff had any comments and Mr. Schmitz stated that in regard to traffic, Pebblebeach, running north and south in this new part of the subdivision, is classified as a collector street. He stated staff has not required the developer to build it as a collector street

because all it does is tie into Eisenhower on the north and Holiday Drive to the south. He stated being a collector street just doesn't fit there. Mr. Robinson stated this was a unique property at the time Fairway Estates was first proposed and it was all worked out through the Planning Commission and City Council.

Chairman Barry then asked City Engineer Matt Harding if he would define "collector street" for those who may not know what it is and to also outline any concerns he had with the development plan. Mr. Harding stated a collector street is one that runs north/south or east/west and is usually positioned halfway between two arterial streets, which are usually on section lines, like Main Street and DeSoto Road and Eisenhower and Ida. He said collector streets are wider than residential streets and designed to carry more load.

Mr. Harding then stated the drainage plan will have to change some to meet the drainage studies done in 1999 and 1995. He stated the drawing shows the water being taken into the detention pond, but instead, it needs to be brought over to the 30" pipe and bypass the pond. He stated the engineer is aware of that and will change the plan to accommodate that and will also provide a letter saying that anything Mr. Reilly is doing with this new plat won't negatively impact the residents of Fairway Estates.

Mr. Harding also said the sanitary sewer is not drawn properly and the engineer is aware of this and will fix this.

Commissioner Gies asked, when this was originally preliminarily platted, wasn't that pond sized for all that land and Mr. Harding said it was. He said there was a report done in 1995, but there was evidently a problem with that, so they had to redesign it and another report was done in 1999. He stated in the most recent report, it stated they should divert roughly 15 acres away from the existing detention pond.

Commissioner Gies then asked wouldn't the collector street issue be addressed by the City Council and Mr. Harding stated he believed the Commission would make a recommendation and the Council would then take everything into account.

Commissioner Gies believes this plat and the other subdivision actually work well for those using Pebblebeach because it gives them another way out if they want to go south.

Commissioner Gies next asked Mr. Reilly if he thought this new plat automatically becomes a member of the HOA since it was originally, does he think he has to ask, or is it to his advantage to not join? Mr. Reilly stated he was actually able to attend an HOA meeting in January or February to let them know this project was coming up. He stated they would voluntarily join the HOA if they want to have us, as it makes complete sense to join. He said by doing that, it would double the HOA's members and double their dues, making them more financially stable, and they're really not adding much common area maintenance to the project. Commissioner Gies stated the only thing would be whether they would then control the HOA, but that could be addressed by the HOA if needed.

Vice-Chairman Moreland asked if the lot size is changing and Chairman Barry further clarified that the question is if the lot size is changing from what was in the previous plats to what's

being developed here. Mr. Reilly stated he didn't believe it was much different than what's there today, which averages in the 9000s, but would let his engineer speak to that. He then stated the plans show 9200 square feet.

Mr. Reilly stated he would next address the tree concern and said if you look at this site on an aerial map, you can see it's loaded with trees. He stated that any tree that can be saved through the construction process is valuable to them and to a future home owner, so they want to save as many as they can, outside of build lines, setbacks, etc. because it does add value to a future home owner.

Chairman Barry stated a concern had been expressed about snow routes, but believes that would come much later in the process, such as in the final plat or once this development is set. Mr. Harding said that was more an administrative process and Mr. Schmitz said he believes that's set by the Public Works Director and City Administrator Tim Vandal said that is true and is laid out in the City Code and decided after the subdivision is built.

Commissioner Neidig stated he didn't see the sidewalks shown on the plans and Brett Napier of Napier Engineering, engineer for this project, stated the salmon color on the plan is right of way and that every public street, 28' back to back, has to have a sidewalk on one side, which this does. He stated for some reason the label accidentally got turned off, but every street does have sidewalk.

Commissioner Neidig then asked if the existing trail from Fairway Estates to the Maples would be affected by this and Mr. Reilly stated it's outside their property lines, but there will be an access point to it.

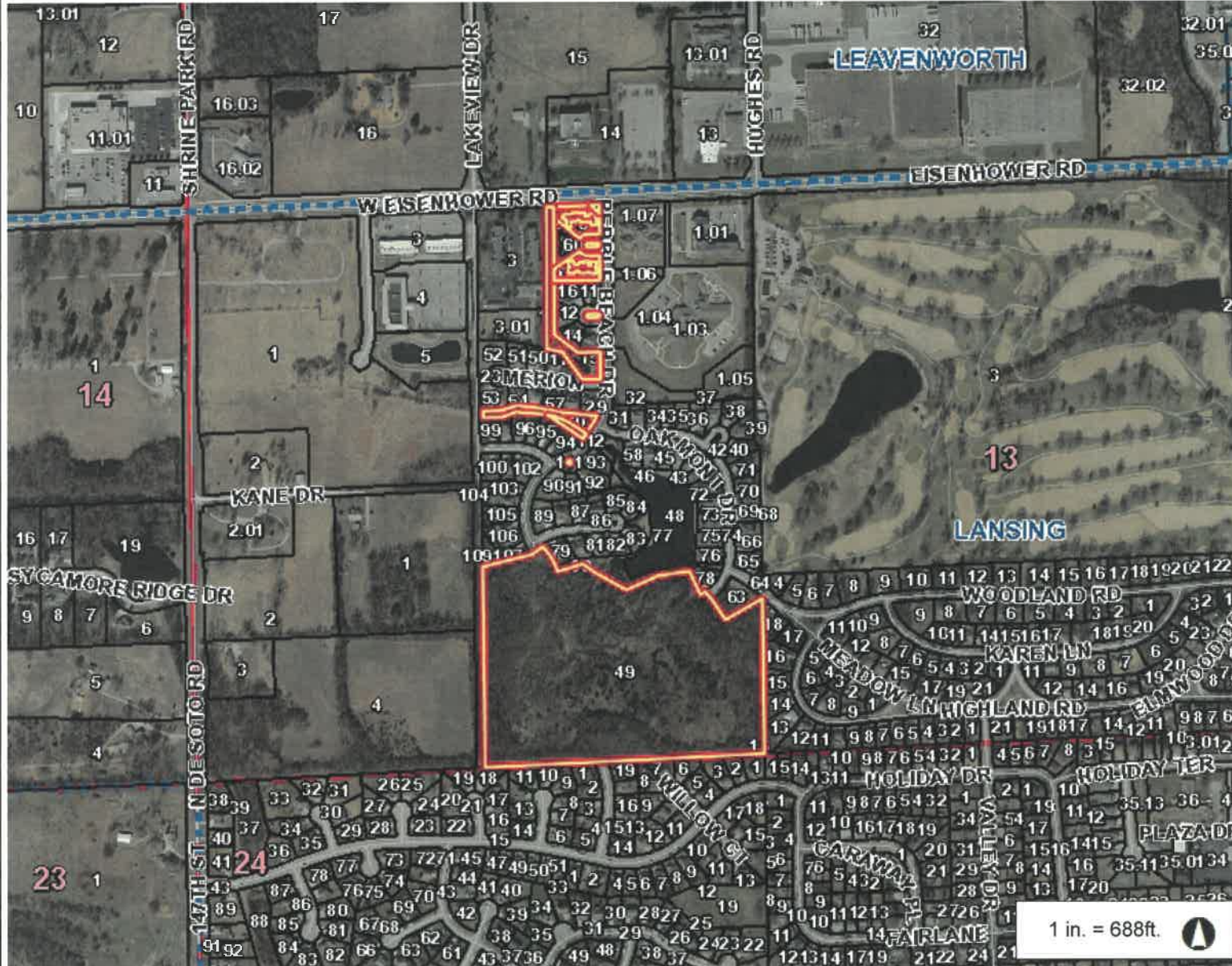
Since there was no other discussion, Chairman Barry asked for a motion to approve the checklist as a finding of fact. Vice-Chairman Moreland made a motion to approve the checklist, seconded by Commissioner Gies. The motion passed, with Commissioner Neidig voting "no".

Chairman Barry then said he would entertain a motion to recommend approval, denial, or approval with conditions the rezone application with preliminary development plan for the property generally located at the northwest corner of Oakmont Drive and Meadow Lane, Lansing, Kansas, from R-4 Multi-Family Residential to R-2-P Single-Family Residential Planned Overlay District. Vice-Chairman Moreland made a motion to recommend approval. Commissioner Gies asked if the motion included the request for the variances and Vice-Chairman Moreland stated it did. The motion was seconded by Commissioner Gies and unanimously approved.

Chairman Barry stated this now begins the 14-day protest period and it was stated this will go before the City Council at its July 5 meeting.

2. Public Hearing – Rezone Application – 1022 East Mary Street – Chairman Barry stated an application was submitted by Mark Linaweaver of Mark Linaweaver Trust, property owner, to rezone the property located at 1022 East Mary Street, Lansing, Kansas, from A-1 Agricultural to R-2 Single-Family Residential.

Leavenworth County, KS



Legend

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

Notes

00000 Pebblebeach Drive

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THIS MAP IS NOT TO BE USED FOR NAVIGATION

REZONING CHECKLIST

Case No. 2018-4

Date Filed: May 18, 2018

Date Advertised: May 29, 2018

Date Notices Sent: May 29, 2018

Public Hearing Date: June 20, 2018

APPLICANT: Reilly Development, LLC

LOCATION OF PROPERTY: 00000 Pebblebeach Drive

PRESENT ZONING: R-4

REQUESTED ZONING: R-2-P

PRESENT USE OF PROPERTY: The property is currently unplatted empty ground.

SURROUNDING LAND USE AND ZONING:

<u>Direction</u>	<u>Land Use</u>	<u>Zoning</u>
North	Fairway Estates Fourth Plat Subdivision	R-4
South	Willows of Woodland Hills Subdivision	R-2
East	Country Club Add #4 Subdivision	R-2
West	Undeveloped empty ground/Unplatted ground with one single-family home	R-2

CHARACTER OF THE NEIGHBORHOOD: Mostly developed area on three sides (residential developments). West side abuts undeveloped ground that is zoned for additional future development. Remaining directions all abut existing subdivisions.

NEAREST EQUIVALENT ZONING:

LOCATION: South and East sides are zoned R-2.

CURRENT USE: Single-Family Dwellings

RELATIONSHIP TO EXISTING ZONING PATTERN:

- 1. Would proposed change create a small, isolated district unrelated to surrounding districts?** No
- 2. Are there substantial reasons why the property cannot be used in accord with existing zoning?** Yes **If yes, explain:** The existing zoning is for multi-family development, and the developer sees a greater need for single-family homes in the area.
- 3. Are there adequate sites for the proposed use in areas already properly zoned?** No **If yes, where?** _____

CONFORMANCE WITH COMPREHENSIVE PLAN:

1. Consistent with Development Policies? Yes, the Comprehensive Plan shows this parcel as single-family residential.

2. Consistent with Future Land Use Map? Yes, the Future Land Use Map shows this parcel as single-family residential.

3. Are Public Facilities adequate? Public Facilities are in the area, and are believed by staff to be adequate for the development. At this time, AT&T and Lan-Del are the only utilities who have responded to the request for input from utilities.

TRAFFIC CONDITIONS:

1. Street(s) with Access to Property: Pebblebeach Drive and Oakmont Drive from the North, and Pebblebeach Drive from the South

2. Classification of Street(s):

Arterial _____ Collector _____ Local X

3. Right of Way Width: 60'

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

5. Comments on Traffic: Traffic in the area will be increased due to daily trips to access the new use of the property, but there are no concerns about traffic as a result of this request.

SHOULD PLATTING OR REPLATTING BE REQUIRED TO PROVIDE FOR:

1. Appropriately Sized Lots? Yes

2. Properly Sized Street Right of Way? Yes

3. Drainage Easements? Drainage easements are included on the Preliminary Development Plan where necessary.

4. Utility Easements:

Electricity? There are utility easements shown throughout the submitted Preliminary Development Plan where necessary.

Gas? There are utility easements shown throughout the submitted Preliminary Development Plan where necessary.

Sewers? There are sewer easements shown throughout the submitted Preliminary Development Plan where necessary.



Water? There are utility easements shown throughout the submitted Preliminary Development Plan where necessary.

5. Additional Comments: Staff supports this rezoning request from R-4 to R-2-P for the development of this subdivision.

UNIQUE CHARACTERISTICS OF PROPERTY IN QUESTION: N/A

ADDITIONAL COMMENTS: N/A

AGENDA ITEM

TO: Tim Vandall, City Administrator 
FROM: Matthew R. Schmitz, Community & Economic Development Director 
DATE: June 26, 2018
SUBJECT: Ordinance No. 1000: An Ordinance to Rezone 1022 East Mary Street, Lansing, Kansas,
from A-1 Agricultural to R-2 Single-Family Residential

Explanation: A rezone application has been submitted by Mark Linaweaver Trust (Mark & Lisa Linaweaver, Agents), property owner, for property currently addressed as 1022 East Mary Street, Lansing, Kansas.

This property has not been platted. The lot being considered for rezoning as part of this request is buildable in its current zoning, although staff believes it would not be the highest and best use of the ground if left as Agricultural. The Future Land Use Map in the city's Comprehensive Plan shows this parcel as Civic property due to the State of Kansas' prior ownership of the property. During 2017, the property was auctioned and sold to the Linaweavers by the State of Kansas.

This property is currently a vacant parcel, with the northernmost portion being the "Lost 80" park when the State of Kansas owned the property. The remaining property to the south and to the west has been undeveloped, and the far western leg of the property is within the flood plain.

As of the date of this memo, only one adjoining property owner (the owner to the east, James Schneider, whose property is outside the city limits) has made contact with staff concerning this application. That property owner's only question was if his property was being annexed into the city of Lansing or not. Staff informed him that it was not, but that at some point in the future, should the land be developed, it would be considered for annexation at that time. Should that occur, the property owner would need to voluntarily agree to the annexation. The property being considered with this application is all within the city limits of Lansing, Kansas, and no annexation is required for this request.

The Planning Commission voted to recommend approval of this rezoning application at its June 20, 2018, meeting with a 5-0 vote. The minutes from that meeting, the rezoning checklist, and a map and drawing of the property are included for your review.

Financial Considerations: No financial impact for the city.

Policy Considerations: The proposed rezoning does not align with the Comprehensive Plan, so the Comprehensive Plan will need to be revised to align with this modification should it be approved by the Council.

Action: Approve, approve with conditions, or remand back to Planning Commission, adoption of Ordinance No. 1000: An Ordinance to Rezone 1022 East Mary Street, Lansing, Kansas, from A-1 Agricultural to R-2 Single-Family Residential.

ORDINANCE NO. 1000

**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 20, 2018, 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 1022 East Mary Street, within the city limits of the City of Lansing, County of Leavenworth, State of Kansas, legally described as follows:

LEGAL DESCRIPTION:

A parcel of land in the Northeast Quarter of Section 30, Township 9 South, Range 23 East of the 6th P.M., Leavenworth County, Kansas, described as follows:

Beginning at the Northeast corner of said Northeast Quarter, said corner being marked by a 3.25" Aluminum Cap; thence S 01°17'06" E along the east line of said Northeast Quarter, 2651.64 feet to the Southeast corner thereof, and being marked by a K.S.P. monument;

thence S 88°03'01" W along the south line of said Northeast Quarter, 2646.96 feet to the Southwest corner thereof, and being marked by a K.S.P. monument;

thence N 01°42'25" W, along the west line of said Northeast Quarter, 988.99 feet, to a point being marked by a K.S.P. monument, said point also being the southwest corner of Hillbrook Subdivision, a subdivision in the City of Lansing, recorded in Book 13 at Page 86 in the records of Leavenworth County, Kansas;

thence N 88°02'34" E, along the south line of said Hillbrook Subdivision, 1327.21 feet to the Southeast corner thereof, being marked by a K.S.P. monument, said point also being on the west line of the East Half of said Northeast Quarter;

thence N 01°40'19" W along said west line, 339.77 feet, to a point being marked by a K.S.P. monument, said point also being 1321.35 feet south of the Northwest corner of said East Half;

thence N 88°04'43" E, 325.11 feet, to a point being marked by a K.S.P. monument;

thence N 01°30'19" W, 820.63 feet, to a point being marked by a ½" iron bar with cap stamped "CLS 80";

thence N 88°38'04" E, 120.88 feet to a point being marked by a K.S.P. monument;

thence N 01°24'30" W, 502.54 feet to a point on the north line of said East Half, said point being 447.82 feet east of the Northwest corner of said East Half and being marked by a ½" rebar with cap stamped "CLS 80";

thence N 87°59'53" E along said north line, 887.58 feet to the Point of Beginning.

Said parcel contains 4,342,475 square feet, or 99.689 acres, more or less.

less any part taken or used for road; presently zoned as "A-1" Agricultural is hereby changed to "R-2" Single-Family Residential; 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 5th day of July, 2018.

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

being developed here. Mr. Reilly stated he didn't believe it was much different than what's there today, which averages in the 9000s, but would let his engineer speak to that. He then stated the plans show 9200 square feet.

Mr. Reilly stated he would next address the tree concern and said if you look at this site on an aerial map, you can see it's loaded with trees. He stated that any tree that can be saved through the construction process is valuable to them and to a future home owner, so they want to save as many as they can, outside of build lines, setbacks, etc. because it does add value to a future home owner.

Chairman Barry stated a concern had been expressed about snow routes, but believes that would come much later in the process, such as in the final plat or once this development is set. Mr. Harding said that was more an administrative process and Mr. Schmitz said he believes that's set by the Public Works Director and City Administrator Tim Vandal said that is true and is laid out in the City Code and decided after the subdivision is built.

Commissioner Neidig stated he didn't see the sidewalks shown on the plans and Brett Napier of Napier Engineering, engineer for this project, stated the salmon color on the plan is right of way and that every public street, 28' back to back, has to have a sidewalk on one side, which this does. He stated for some reason the label accidentally got turned off, but every street does have sidewalk.

Commissioner Neidig then asked if the existing trail from Fairway Estates to the Maples would be affected by this and Mr. Reilly stated it's outside their property lines, but there will be an access point to it.

Since there was no other discussion, Chairman Barry asked for a motion to approve the checklist as a finding of fact. Vice-Chairman Moreland made a motion to approve the checklist, seconded by Commissioner Gies. The motion passed, with Commissioner Neidig voting "no".

Chairman Barry then said he would entertain a motion to recommend approval, denial, or approval with conditions the rezone application with preliminary development plan for the property generally located at the northwest corner of Oakmont Drive and Meadow Lane, Lansing, Kansas, from R-4 Multi-Family Residential to R-2-P Single-Family Residential Planned Overlay District. Vice-Chairman Moreland made a motion to recommend approval. Commissioner Gies asked if the motion included the request for the variances and Vice-Chairman Moreland stated it did. The motion was seconded by Commissioner Gies and unanimously approved.

Chairman Barry stated this now begins the 14-day protest period and it was stated this will go before the City Council at its July 5 meeting.

2. Public Hearing – Rezone Application – 1022 East Mary Street – Chairman Barry stated an application was submitted by Mark Linaweaver of Mark Linaweaver Trust, property owner, to rezone the property located at 1022 East Mary Street, Lansing, Kansas, from A-1 Agricultural to R-2 Single-Family Residential.

Chairman Barry opened the public hearing at 7:49 p.m. Mark Linaweaver, applicant, stated he's trying to start a development and trying to keep the cost under \$250,000, and build 1500 square foot ranches, something he believes Lansing needs.

Chairman Barry asked the location of this and Mr. Linaweaver stated it's the Lost 80 Park.

Vice-Chairman Moreland asked how many units there would be and Mr. Linaweaver stated he believed it's roughly 147 and that was clarified to be 148.

Commissioner Gies asked if the zoning map could be put up and if the land beyond it is still agricultural. Mr. Napier, also the engineer for this project, stated the area to the north is the Kansas State Penitentiary across East Mary, the area to the east is outside the city limits, the area to the south is the Industrial Park, and the area to the west is Hillbrook subdivision. He stated the area that's shown around it is unusable as it's in the flood plain, so there is a lot of open space here. He stated Mark is going to maintain the pond that's there now and also put in an additional pond that should help alleviate flooding from 9-Mile Creek.

Since no one else wished to address this application, Chairman Barry closed the public hearing at 7:53 p.m.

Chairman Barry asked Mr. Harding if he had any concerns from an engineering perspective. He stated he believed all the concerns he had have been addressed by the engineer.

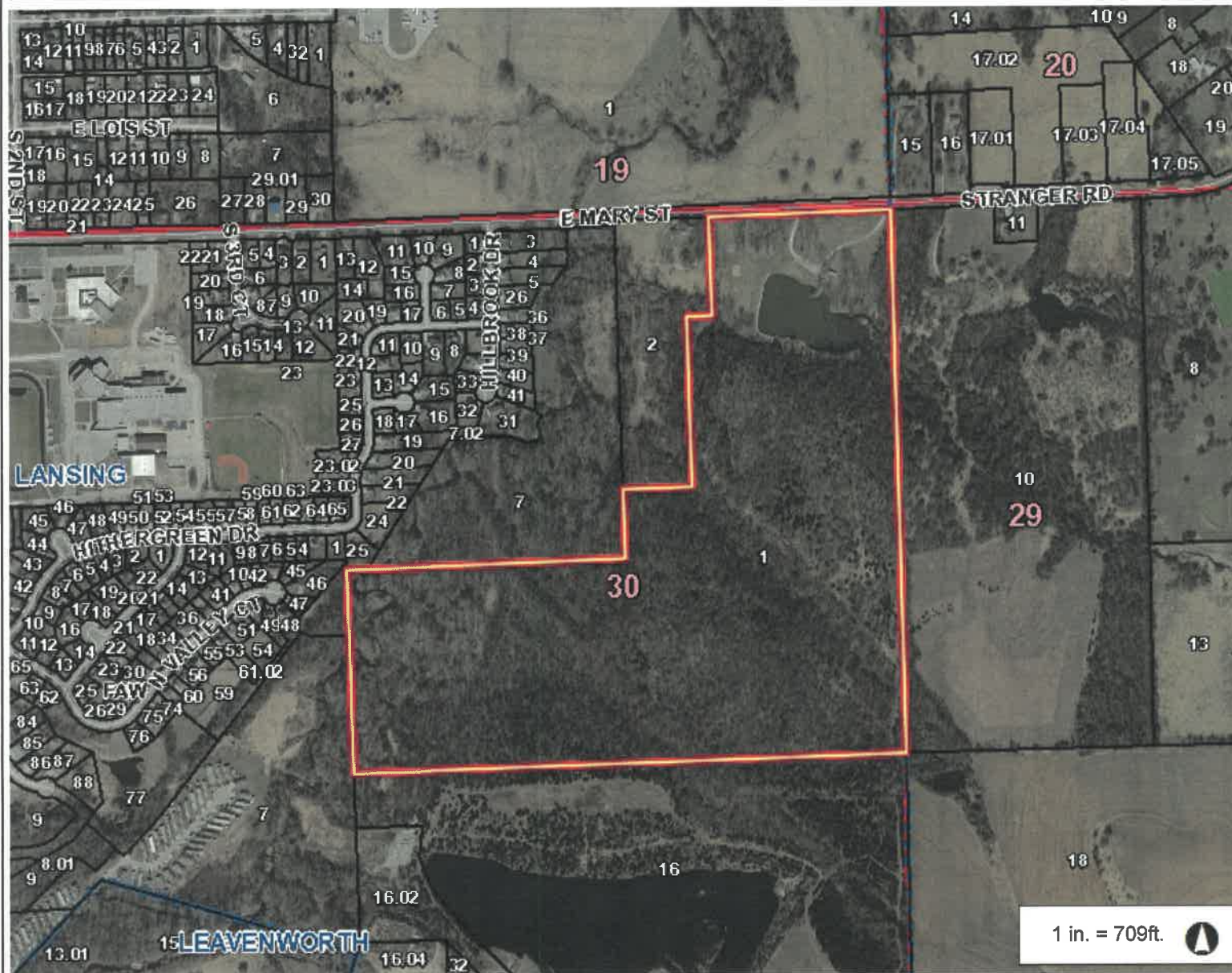
Vice-Chairman Moreland asked if the property to the west side of this is the one that the Commission spoke about at its last meeting and it was stated there is one property between these two properties. Vice-Chairman Moreland asked how this zoning fits into the Comprehensive Plan. Mr. Schmitz stated that when the Comprehensive Plan was done, it was viewed as a state park. Commissioner Gies stated he thinks if the Commission decides to approve this, it should be included in the motion that this is not consistent with the Comprehensive Plan, but because of the circumstance of the state selling it and for the new property owner to be able to use it, that would be why we're recommending approval even though it's inconsistent. Chairman Barry then stated, if approved, the Comprehensive Plan would need to be amended and it was agreed that could be done at the time of the UDO.

Since there were no other questions, Chairman Barry asked for a motion to accept the checklist as a finding of fact for the rezone application for 1022 East Mary Street. Commissioner Gies made a motion to accept the checklist as a finding of fact for this rezoning with the acknowledgement that the consistency with the Comprehensive Plan is modified as a result of the land being sold from the state to a private property owner. Vice-Chairman Moreland seconded the motion, and it was unanimously approved.

Chairman Barry then said he would entertain a motion to recommend approval, denial, or approval with conditions the rezone application for 1022 East Mary Street, Lansing, Kansas, from A-1 Agricultural to R-2 Single-Family Residential.

Commissioner Gies made a motion to recommend approval of this rezone application, seconded by Vice-Chairman Moreland. The motion passed unanimously.

Leavenworth County, KS



Legend

- ☐ Parcel
- Parcel Number
- Subdivisions
- ☒ City Limit Line
- Major Road
- ☐ <all other values>
- 70
- Road
- + Railroad
- Section
- ☒ Section Boundaries
- ☐ County Boundary

Notes

1022 East Mary Street

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

REZONING CHECKLIST

Case No. 2018-5

Date Filed: May 21, 2018

Date Advertised: May 29, 2018

Date Notices Sent: May 29, 2018

Public Hearing Date: June 20, 2018

APPLICANT: Mark Linaweaver Trust

LOCATION OF PROPERTY: 1022 East Mary Street

PRESENT ZONING: A-1

REQUESTED ZONING: R-2

PRESENT USE OF PROPERTY: The property is currently unplatted empty ground. A portion of the property was most recently used as a park (Lost 80), but the remainder of the ground has been vacant for some time.

SURROUNDING LAND USE AND ZONING:

<u>Direction</u>	<u>Land Use</u>	<u>Zoning</u>
North	Kansas State Penitentiary Ground	A-1
South	Undeveloped empty ground	A-1
East	Undeveloped empty ground	A-1
West	Unplatted ground with one single family home/Undeveloped empty ground/Fawn Valley Subdivision (R-2)	A-1

CHARACTER OF THE NEIGHBORHOOD: Mostly undeveloped area with creek separating the far southwest side of the property from Fawn Subdivision, and undeveloped ground bordering the remaining western side with the exception of one single-family home that fronts E. Mary Street. Existing areas to the North, South, and East are all undeveloped empty grounds.

NEAREST EQUIVALENT ZONING:

LOCATION: West of Property

CURRENT USE: Single-Family Dwellings

RELATIONSHIP TO EXISTING ZONING PATTERN:

1. Would proposed change create a small, isolated district unrelated to surrounding districts? No. The proposed district would be separated by some property, but it is all property that is within the floodplain and is unusable for development. This project would help to extend the residential area along the south side of E. Mary to the east.

2. Are there substantial reasons why the property cannot be used in accord with existing zoning? Yes **If yes, explain:** The applicant intends to develop single-family dwellings in this property. In the current zoning, the

property could only support one single-family dwelling. With the modification to R-2, the area can be platted and the subdivision built out.

3. Are there adequate sites for the proposed use in areas already properly zoned? No. There are other areas zoned R-2 in this area, but they are within the floodplain and are undevelopable. If yes, where? _____

CONFORMANCE WITH COMPREHENSIVE PLAN:

1. Consistent with Development Policies? The Comprehensive Plan shows this parcel Park Ground. At the time the Comprehensive Plan was last revised the property was owned by the State of Kansas, and a portion of it (Lost 80) was leased to the City of Lansing. Because this area was sold by the State to a private party, it is consistent to plan for residential development in this area.

2. Consistent with Future Land Use Map? The future land use map shows this parcel as Park Ground and State Property. Due to the State selling the property, the use has changed significantly.

3. Are Public Facilities adequate? Public Facilities are in the area, and are believed by staff to be adequate for the development, although no response has been received from some of the utility providers (Westar, KGS).

TRAFFIC CONDITIONS:

1. Street(s) with Access to Property: E. Mary Street

2. Classification of Street(s):

Arterial ☒ Collector _____ Local _____

3. Right of Way Width: 60'

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

5. Comments on Traffic: Traffic in the area will be increased due to daily trips to access the new use of the property, but there are no concerns about traffic as a result of this request.

SHOULD PLATTING OR REPLATTING BE REQUIRED TO PROVIDE FOR:

1. Appropriately Sized Lots? Yes.

2. Properly Sized Street Right of Way? The existing Right of Way width of 60' is not adequate for the ultimate Arterial development of E. Mary Street. The plat does allocate 50' of Right of Way on the Saddle Ridge side of E. Mary Street to allow for future development of E. Mary Street into a full width arterial street.

3. Drainage Easements? Drainage easements are included on the Preliminary Plat where necessary.

4. Utility Easements:

Electricity? There are utility easements shown throughout the submitted Preliminary Plat where necessary.

Gas? There are utility easements shown throughout the submitted Preliminary Plat where necessary.

Sewers? There are sewer easements shown throughout the submitted Preliminary Plat where necessary.

Water? There are utility easements shown throughout the submitted Preliminary Plat where necessary.

5. Additional Comments: Staff supports this rezoning request from A-1 to R-2 for the development of this subdivision.

UNIQUE CHARACTERISTICS OF PROPERTY IN QUESTION: The property is difficult to develop due to the terrain in the area. The plan submitted takes those challenges into account.

ADDITIONAL COMMENTS: This area will need to have a collector street installed at some point, but staff does not support installing the collector street with this project. When the next parcel to the east develops, there will need to be a collector street required as part of that development.