

Call to Order – Due to City office closures, this meeting was held via Zoom. 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 Jerry Gies, Amy Baker, Nancy McDougal, and Jake Kowalewski. Commissioner Mike Suozzo joined during the first order of New Business. Chairman Barry noted there was a quorum present.

Approval of Minutes – November 18th, 2020, Regular Meeting – Vice-Chairman Kirsten Moreland made a motion to approve the minutes of the November 18, 2020, meeting, seconded by Commissioner Jerry Gies. The motion passed unanimously.

Old Business – None

New Business – 1. Preliminary Plat – 1022 E. Mary St, Lansing, Kansas – Chairman Barry stated an application was submitted by Mark Linaweaver Trust, property owner. This application is for a preliminary plat consisting of 3 lots and approximately 98.67 acres. The property is currently zoned R-2 Single-Unit Residential District.

Chairman Barry asked if the applicant is present and Community and Economic Development Director, Matthew Schmitz, stated that the applicant Mark Linaweaver is present along with Atlas Surveyors.

Andrea Weishaubt with Atlas Surveyors, 2300 Hutton Rd #108, Kansas City, KS 66109, introduced herself as representing Mr. Linaweaver for the property. Ms. Weishaubt stated it is a straightforward 3 lot subdivision with two of the lots being 5 acres and the last lot being 88.6 acres. Chairman Barry opened for any questions from the Commission.

Commissioner Gies asked "if the intention is to build a couple of houses on the small lots, why not just subdivide it as a two-lot subdivision and leave the other part unsubdivided? The other question is since we have seen this already as a different preliminary plat, why are we reviewing this tonight instead of waiting for the designer to submit all the plat requirements? Is there a rush, as I doubt we'll see a house built in the next 2-3 months?"

Ms. Weishaubt answered that she does not think there is a rush, and believes the designer has their final design complete and as far as wanting 2 lots instead of 3, she would have to ask her client as she did not ask that prior to putting this together for them but if the client is on the meeting, they might be able to answer. Mr. Schmitz stated that applicant Ashley Linaweaver was on the line, however she is muted, so Commissioner Gies asked for Mr. Schmitz to answer the question if he could. Mr. Schmitz asked Mr. Gies if he is wanting to know why they did not do 3 lots across there? Mr. Gies clarified "no, why are they not doing a 2-lot subdivision if all they want to do is build a couple of houses? Why is there extra land included in the plat?" Mr. Schmitz answered, "remember this is a preliminary plat and when you are looking at a preliminary plat, the entire parcel is included in the plat. Whenever the final plat is submitted, it may only be those two lots that they plat. A preliminary plat shows the entire parcel. It is my understanding that the remainder of these property that is labeled 'Lot 1' on the preliminary plat, will some day be developed but for the time being, the only two they want to get done is the two up by the street."

Commissioner Gies asked again if there is a rush since all the requirements have not been met. Mr. Schmitz answered that there is not necessarily a rush and that Ms. Weishaubt could answer to the incomplete requirements. Mr. Schmitz also reminded the Commission that this is a preliminary plat, and it is not uncommon for some things to not be included, however when the final plat is submitted, everything would be completed and cleaned up or the final would not be accepted.

Ms. Weishaubt asked Mr. Gies to clarify which requirements were not included. Mr. Gies said he did not have the information at hand, but the staff report had 6-8 things noted and asked Mr. Schmitz to elaborate. Mr. Schmitz stated "yes, there were things listed in the report from the checklist, and the letters from the utility companies that were listed have been received since the report was filed, so that issue has been taken care of. Location and size of storm sewers, there are not any, but are required to be shown, however since there are none with the plat, we marked it as 'No' along with a note explaining why it was marked as 'No'. Existing contours and proposed contours are the same thing; there is not to my knowledge, any proposed grading because no public street is being put in, they are just splitting land up into two properties. Necessary width of drains is the same as storm sewers, there are none but must be listed. A lot of things listed must be included but are not part of the plans as they do not need to be done as part of 2-5 lot subdivisions."

Mr. Gies stated he believes grading has been done because he has seen that it has been leveled out and fill was put on it when he drove past it. Mr. Schmitz noted that there has been some grading done but was done before the preliminary plat was applied for. Mr. Schmitz stated he is not aware of any fill put on it and asked the Public Works Director, Mike Spickelmier, if he knew about the fill. Mr. Spickelmier shook his head 'No'. Mr. Schmitz further stated that "as far as I know, the client hasn't hauled any fill in." Ms. Weishaubt stated she is not aware of any grading done as well.

Commissioner Jake Kowalewski questioned regarding the utility review letters, that he is familiar with the area and knows that it is not part of Lan-Del Water District. Ms. Weishaubt stated that they did get a letter of approval from the appropriate Water District and Mr. Schmitz confirmed that the staff did receive a letter from Consolidated No. 1 stating they have a main in the area and can provide water service to the lots. Chairman Barry asked if that is in the Lansing Fire District 1 and Mr. Schmitz confirmed that it is in Fire District 1. Chairman Barry questioned "as it states in the staff report that there are plans in the future for a sewer main through Lot 1. I understand it's a preliminary plat, but why wouldn't this be included?" Mr. Schmitz answered that "we can require that as part of an approval condition on the final plat, that being said, the sewer main plan is quite a ways out and driven by development, so if they came back in to split Lot 1 into a subdivision or anything additional to Lot 1 that's not known today, I would say at that time it would be time to address sewer easements and figure out what it will take to provide sewer service. With this plat, there is no requirement for sewer service as these two will be utilizing septic systems not City sewer."

Chairman Barry asked if the same would be for the area that is included in the flood zone. Mr. Schmitz stated "Yes, the area that is in the flood zone is in the western portion of Lot 1 and if it is developed in the future, would need to be addressed."

Mark Linaweaver, 719 E Gilman Rd, Lansing, KS 66043, stated he is available for any questions. Mr. Linaweaver also went on to say that he's "spent a lot of money trying to get things going for the City and a lot of things are going to happen depending on how the election turns out but do have plans in the future for 52 acres on West Mary because there is water and sewer there. I want to do a lot for the City but have to come up with ways to make things happen for me to." Commissioner Gies asked Mr. Linaweaver if the City approached him about buying that land for the park? Mr. Linaweaver answered, "they haven't, but said something when I first bought it and haven't mentioned anything since."

City Attorney, Greg Robinson, stated "when I was reviewing the documents, it did talk about an easement and the way I was envisioning when I was reading it, was whether it was going to landlock one of the lots. When taking this into consideration as a board, we need to make sure that we somehow do not landlock a lot. You have to have ingress and egress without future litigation and things of that nature. This may have been considered but was something I thought of when I was reading it." Mr. Schmitz stated that "this is one of the points that was reviewed when this plat was reviewed internally. Lot 1 is one of the lots that was in concern about becoming landlocked with lots 2 and 3 being developed. Lot 1 has 287' of frontage along Mary St, so it's wide enough to bring a street in there, to develop it in the future." Mr. Robinson stated that satisfies his concern.

Chairman Barry asked for a motion to approve, approve with conditions, or disapprove the Preliminary Plat application for Mark Linaweaver Trust. Commissioner Gies stated he would like to make a motion for approval, with the conditions in the staff report being met and acknowledging change in the comprehensive plan for this location. Commissioner Kowalewski seconded it. The motion passed unanimously.

2. Preliminary Plat Application – 811 4-H Road, Lansing, Kansas – Chairman Barry stated an application was submitted by Lyle and Mary Chadwell Trust, property owners. This application is for a preliminary plat consisting of 4 lots and approximately 154.6 acres. The property is currently zoned A-1 Agricultural District.

Mary Chadwell, property owner, stated "this has been a long-term plan to sell about 1.2 acres to a neighbor in the Rock Creek Estates and wants to sell Lots 3 and 4 to them. In the process, Lansing is holding the future Gilman Rd. placement and we should have our representative from our Engineering firm online with us." Aaron Perrine, with George Butler Associates (GBA), 9801 Renner Boulevard, Ste. 300, Lenexa, KS 66219, introduced himself. Mrs. Chadwell stated she received more paperwork recently but had not had a chance to look over them. Mr. Schmitz stated that the Utility companies sent letters stating they had utilities in the area and could service the areas. Mrs. Chadwell stated there is no current housing development at this time, it's just a garden and back yard extension. Chairman Barry asked if he is reading correctly that there are no streets in this plat and Mrs. Chadwell confirmed that he is correct. Commissioner Gies stated that Gilman Rd is in fact a part of that and Mr. Schmitz stated that the right-of-way for Gilman Rd is what is included but there are no plans for the City to build on it at this time. Chairman Gies asked Mr. Schmitz why the developer was not building this road? Mr. Schmitz answered that this is "not a subdivision or development in that sense but a modified lot split for lack of better terms. If we reviewed this and did this as an Administrative Plat, we probably would have. Since there is right-of-way involved, that requires us to go through this process as

well as go through the City Council. Releasing and obtaining of property must go through the City Council." Mr. Gies asked if the rest of the land gets divided, would they be required to build a road? Mr. Schmitz answered that it is unknown at this time, but in the future, it will likely be the City that constructs that road. Mr. Gies stated he feels that seems inappropriate. Chairman Barry mentioned that in the past when similar plans have been reviewed, the right-of-way for utilities have been included and wondered if this easement includes utilities on the plat? Mr. Schmitz stated that this is a 100' right-of-way so it is wide enough for the road and utilities needed.

Chairman Gies asks, "is it the City's proposal to not require the road to be built and also to pay them for the land on the road?" Mr. Schmitz answered, "that is what staff, the City Administrator and I have been directed towards, after speaking with City Council. The intent is to obtain the right-of-way for Gilman Rd so that we can protect the future alignment." Chairman Gies questions, "so the right-of-way will be dedicated, we will not be buying it?" Mr. Schmitz answered, "the right-of-way will be dedicated for this plat, but the City will be purchasing some of the right-of-way. We will vacate the section that is along the southern edge which is roughly 30' of an old right-of-way that was established in the 1800s. When this becomes an accepted final plat, we will vacate that right-of-way. In return, the City is getting a portion of Gilman Rd right-of-way for free, essentially a land swap with the Chadwells. The remainder of the property we will compensate the Chadwells for." Mr. Gies asked if that is the intention of the City Council and Mr. Schmitz answered 'Yes'. Mr. Gies questioned "so, we're not making the property owners participate in the construction of the road and we're even paying them for it?" Mr. Schmitz answered, "we're buying the property as we would any public improvement project." Mr. Gies states, "but we are not doing a public improvement project." Mr. Schmitz answered, "not today, but sometime in the future we probably will." Mr. Gies adds, "and if they subdivide the property in the future, we will get the land for free and they will pay for part of the construction. I feel we are setting up future City Administration in a bad way here." Mr. Schmitz commented that there is a condition that can be set up in the future if Lot 2 gets divided and/or the Northern piece along Gilman Rd, that the developer would have to help pay for developing Gilman Rd; however, the right-of-way is the only thing the City is attempting to acquire through this process. Mr. Gies then questioned curb cuts specifically on Gilman and wanted to confirm whether the comp. plan discourages or prohibits curb cuts on collector streets. Mr. Schmitz answered that there would have to be access on Lots 3 and 4 and Lot 2 would be determined on how it is developed and yes, the comp. plan discourages, but does not prohibit it.

Mrs. Chadwell stated there are no plans to build any houses on these lots and Mr. Schmitz confirmed she is correct. Mr. Schmitz went on to say that Lot 4 would probably be split further to allow the houses to the South to extend their backyards further into that area and no plans to build a house on Lot 3. Chairman Barry asked what will it be rezoned to from A-1? Mr. Schmitz said there are no plans to rezone it. Mr. Gies asked what the lot size is for A-1. Mr. Schmitz answered the minimum lot size is 1 acre. Chairman Barry wanted clarification on what had to go before City Council and Mr. Schmitz answered that the final plat not preliminary plat, had to go. Mr. Gies wanted to reiterate as a rhetorical statement to the Planning Commission, "we have a couple of property owners that want a bigger backyard, so we are bending over backwards to facilitate that for them by buying some right-of-way and agreeing that we don't have to pay for the construction of the road in that right-of-way; all because a few property owners want a bigger backyard." Mr. Robinson answered Mr. Gies stating from what he

remembers in the past, this is more of an alignment situation and not just someone wanting a larger backyard. It is in a way the City compromising. Public Works Director Michael Spickelmier offered further clarification by stating, "the City hired an engineering firm years ago to develop plans which we have on file, to which we used to develop the alignment for this part of the roadway. This alignment is reflected in the comprehensive plan because that alignment has been in effect since roughly 2005-2008 and it has always been envisioned that Gilman Rd would be extended to 147th Street. Currently, we are taking the opportunity to solidify this alignment by confirming this is the right-of-way we own and intend to construct at some point in the future. We asked for 100 feet because that is standard. This helps us to be able to say, don't build a house where we are going to build a road." Mr. Schmitz added that again, there is nothing stating the City cannot ask a developer when they expand Lot 1, to pay to develop Gilman Rd even though the right-of-way has been acquired.

Commissioner Nancy McDougal asked if Lot 2's road frontage was wide enough on 147th Street for someone to build on if someone wanted to? Mr. Schmitz stated that yes, it will be wide enough as the minimum required for A-1 is 160' and what is there is 245'. Chairman Barry mentioned that it would change from A-1 more than likely if that happened and questioned what the frontage requirement would be for single-residential. Mr. Schmitz answered it would be 60' as an R-2 with a setback of 30' from the property line, not the edge of the road.

Chairman Barry made a motion to approve, approve with conditions, or disapprove the Preliminary Plat application for Lyle and Mary Chadwell Trust. Commissioner Jake Kowalewski motioned with a condition that terms are met outlined in the staff report. Commissioner Mike Suozzo seconded it. The motion passes with a 6-1 vote.

Notices and Communications – None

Reports – Commission and Staff Members – Vice-Chairman Kirsten Moreland announced that her family is moving, so this will be her last Planning Commission meeting. The commission wished her well on her new endeavors.

Adjournment – Commissioner Gies made a motion to adjourn. Commissioner Kowalewski seconded the motion. The meeting adjourned at 7:45 p.m. by acclamation.

Work Session commenced.

Respectfully submitted,

Debra Warner, Secretary

Reviewed by,

Matthew R. Schmitz, Community and Economic Development Director

