

**Call to Order** - The monthly meeting of the Lansing Planning Commission was called to order at 7:00 p.m. by Chairman Ron Barry. Commissioners Jake Kowalewski, Amy Baker and Nancy McDougal were also present. In attendance via Zoom were Commissioners Jerry Gies, Mike Suozzo, and Kirsten Moreland. Chairman Barry noted there was a quorum present.

**Approval of Minutes, October 28, 2020, Regular Meeting** – Commissioner Nancy McDougal made a motion to approve the minutes of the October 28th, 2020, regular meeting, seconded by Commissioner Jake Kowalewski. The motion passed with a noted change, 6-0 vote.

**Old Business** - None

**New Business- 1. Rezoning Application – 00000 Raegan Drive / 00000 1<sup>st</sup> Terrace, Lansing, Kansas** – Application submitted by Greenamyre Rentals, Inc., property owner. This application is to rezone the subject parcels from B-2 General Business District to R-3 Mixed-Density Neighborhood District.

Chairman Ron Barry opened the public hearing at 7:03 p.m.  
Commissioner Mike Suozzo joined the meeting via Zoom at 7:03 p.m.

Jeremy Greenamyre representing Greenamyre Rentals, 2500 S. 2<sup>nd</sup> Street in Leavenworth, Kansas, stated that their desire to rezone the property is not for an immediate change, but feels that rezoning from commercial to mixed density use would be best and they've had success with building multi-family, single-story duplexes, townhomes, etc. Mr. Greenamyre stated that with the property being across from Town Centre, he feels it would be generations before there would ever be a need for commercial space at the property location. Again, Mr. Greenamyre stated that they would not utilize the property right away but could see within five years or so, building market rate townhomes there that are in comparison to what they have at Ida and Gamble.

Since there were no other questions or comments, Chairman Ron Barry closed the public hearing at 7:05 p.m.

Chairman Barry then asked Commissioners to look at the checklist in the middle of their packets. Chairman Barry asked Matthew Schmitz, Director of Community and Economic Development, to show a visual plat so that everyone would be familiar with what is being discussed. Mr. Schmitz highlighted where the two properties are located and noted that there is a right-of-way platted through the area currently, but the right-of-way will be on the next agenda item to be discussed along with the plat that's on the agenda. Commissioner Jerry Gies asked if these properties are in the floodplain and Mr. Schmitz showed that they are not. Chairman Barry then asked for confirmation, from the checklist, that this rezoning is contradictory to what is in the comprehensive plan and Mr. Schmitz agreed. Mr. Schmitz stated that what is shown for future use of this land in question, is office use.

Chairman Barry then asked for clarification from the checklist on what 'the lot size is not ideal for the zoning use' means. Mr. Schmitz stated that this more than likely is referring to the current state; "if you have one large lot that is 9-10 acres, which is what is there today, that is

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not necessarily what you'd want in a R-3 multi-family district. For a R-4 district, if you were to put an apartment complex on it, that would be fine. A managed townhome development in a

R-3 could be done, you would just have all of them on one piece of property, if Greenamyre Rentals, such as in this case, retained ownership of all of them and rented them. As far as individual lots that are similar to what Raegan is, it's not currently platted the way you would need it to be, to develop it into a duplex type development."

Commissioner Gies made a motion to accept the checklist as a finding of fact for the rezoning request. The motion was seconded by Commissioner Jake Kowalewski and was unanimously approved with a 7-0 vote.

Chairman Barry then opened-up for specific discussion about the application for rezoning. Chairman Barry stated that he agrees that "Greenamyre Rentals has been very successful in marketing and building this type of structure, but I am not convinced it's the right thing to do to change our view and future plans based on the comprehensive plan. We have City Hall and other buildings in the area and the intent for quite some time, was to make the buildings across the street in that same area, office type buildings. I do think that there's an opportunity on the southern end (3 or 4 plots) of the cul-de-sac to reallocate a few to be built out by Greenamyre Rentals, but not the parcel as a whole that's in question today."

Jeremy Greenamyre stated he is aware that this is a change from the future use plan and wanted to submit that the site in question is probably 10-12' below street level and their fear for long term prospect of office or retail, is the lack of visibility from the street. Mr. Greenamyre also noted with a R-3 zoning, there is a potential for higher density which could be a better transition between office uses of the City/Library and the duplexes that are there currently. Mr. Greenamyre reiterated that part of their reason for rezoning is the lack of visibility from the street. Mr. Greenamyre feels that from a two-dimensional map it may look feasible, but "standing on site, you'd have to be 2-3 stories tall to see it from K-7."

Commissioner Gies asked Mr. Greenamyre whether they would have to have buildings back up to the street that City Hall is on versus in front of, due to the drop? Mr. Greenamyre answered "that's correct, we do not have a street yet, and the only place to connect that makes sense would be the where the current stub heads in a south westerly direction and tie into First Terrace. The land to the North might be a U-shaped street or cul-de-sac, but you are correct, they would not be fronting onto First Terrace. The homes would face into the interior of the site due to the grade. They would be similar to what's on Raegan."

Commissioner Jake Kowalewski stated that he knows Greenamyre's proposal deviates from the comprehensive plan, but "his proposal fits in with what is already there...kind of the same thing in my opinion of what is already constructed." Chairman Barry answered that he agrees and somewhat disagrees with Kowalewski's opinion stating "It fits in with what is in the lower end, but the planning that went in was with the intent to have the lower end as residential and office buildings on the upper end of City Hall, as a transition. I would recommend sticking to the plan as I have not seen a reason yet to drive us away from the long-term plan." Commissioner Nancy McDougal added "if the slope of the land is not acceptable to build commercial building that you would want there, then maybe the best use of the land would be to change it as

they're asking to do." Chairman Barry answered that he is "not qualified or convinced that it's a true statement that it can't be done, as it wasn't presented in the finding of the facts. I know

the owner, Jeremy, has his intent and his desires that he is trying to move forward with to make money and build out and make use of the land. I haven't been shown and I am not ready to fully take his word for it." Vice-Chairman Kirsten Moreland stated that historically, land has been moved to change those things, like the northwest corner of West Mary and K-7. Commissioner Jerry Gies added in the site where Harbor Freight is going in, can be used alongside Kirsten's example as well. Chairman Barry agreed.

Commissioner Jerry Gies made a motion to see how things work out and Chairman Barry added as a reminder that this motion would be to recommend to City Council to approve, disapprove, or table this as a body and my suggestion would "be for Jeremy to look at this and possibly rezone or replat this area and specifically those 4 lots down in the south of the cul-de-sac and build those out."

Chairman Barry entertained a motion to approve, disapprove, or table the zoning application for the general intersection of Raegan Drive and First Terrace in Lansing. Vice-Chairman Kirsten Moreland made a motion to recommend disapproval-denial of zoning application. Chairman Barry seconded the motion. Motion fails with a 3-4 vote.

Chairman Barry stated that he already gave his thoughts on his decision but wondered if anyone else would like to share their thoughts on their vote. Commissioner Kowalewski stated "it fits with what is already there and the odds of Greenamyre developing it is about a hundred percent and who knows if anyone else would purchase it and build it."

Commissioner Mike Suozzo made a motion to approve the rezoning application and Commissioner Nancy McDougal seconded it. Commissioner Gies added a caveat that the motion includes that the Commission acknowledges changing the comprehensive plan. Commissioner Suozzo then amended the motion to approve with the acknowledgment of changing the comprehensive plan. Amended motion passes with a 4-3 vote. Chairman Barry and Mr. Schmitz mentioned this will now go into the 14-day protest period and will be a part of the City Council meeting on December 3<sup>rd</sup>, 2020.

**2. Preliminary Plat Application – 00000 Raegan Drive, Lansing, Kansas** – Application submitted by Greenamyre Rentals, Inc., property owner. This application is for a preliminary plat consisting of 5 lots and approximately 10.81 acres. The property is currently zoned R-3 Mixed-Density Neighborhood District (Lot 1) and B-2 General Business District (Remaining Lots).

Chairman Barry asked if there are any questions on the plans submitted. Mr. Schmitz noted that the utility submissions had not yet been clarified yet but are in the process of doing so and Land-Del stated they have water in the area and can service the lots with no issue. Chairman Barry asked Anthony Zell, Wastewater Utility Director, about the sewer and Mr. Zell said there is sewer presently on site, so whatever is proposed, can be handled without any adjustments.

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Matt Henderson with McAfee Henderson Solutions, 15700 College Blvd. Ste 202, Lenexa, KS 66219, stated his company designed the plat and could answer any questions. Chairman Barry asked about the right-of-way to be vacated by the plat and asked for clarification. Mr.

Henderson stated the existing right-of-way from the previous plat is the right-of-way to be vacated. The goal is to vacate existing right-of-way to make way for new dedications of right-of-way should Lot 5 develop in the future. Mr. Henderson also stated that the cul-de-sac is staying, and there is a stub for future street that will be dedicated as right-of-way next to Lot 4, for a future street. Commissioner Gies stated that the Planning Commission's action will only vacate the right-of-way within the boundaries of the plat. Mr. Schmitz stated that it would be the recommendation of the Planning Commission to City Council to vacate the right-of-way on the final plat process. Mr. Schmitz added that the City Council, as the governing body, are the only ones that can vacate the right-of-way.

Commissioner Gies made a motion to approve the preliminary plat. Commissioner Kowalewski seconded it. Motion passes with a 6-1 vote.

**Notices and Communications** – Chairman Barry stated there will be a working session on December 16<sup>th</sup>, 2020 either before or after the Planning Commission regular scheduled meeting and it was agreed by the majority to have the working session after the meeting. Chairman Barry asked if the public had to be dismissed after the adjournment of the meeting and before the working session and Mr. Schmitz stated that the public is welcome to the working session as well. Greg Robinson (via Zoom), City Attorney, confirmed that the work sessions are public meetings and therefor the public could not be asked to leave the meeting.

**Reports-Commission and Staff Members** -

**Adjournment** – Commissioner Jake Kowalewski made a motion to adjourn. Commissioner Nancy McDougal seconded it and it passed by acclamation. The meeting adjourned at 7:38 p.m.

Respectfully submitted,

Debra Warner, Secretary

Reviewed by,

Matthew R. Schmitz, Community and Economic Development Director