



Open Special Meeting:

Commissioner Preisinger moved to open a special meeting. Commission Griswold seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 5-0.

The Governing Body opened the special meeting and the following commission members were present in the commission chambers: Mayor Nancy D. Bauder, Mayor Pro-Tem Camalla Leonhard, Commissioners Myron “Mike” Griswold, Mark Preisinger and Jermaine Wilson.

Staff Present In the Commission Chambers: City Manager Paul Kramer, Assistant City Manager Tylour Tedder and City Clerk Carla Williamson.

Others Present Virtually: City Attorney David E. Waters.

Second Consideration Ordinance 8162 Rezoning 5136 Lakeview – City Manager Paul Kramer presented the ordinance for second consideration.

At the May 25, 2021 City Commission regular meeting the City Commission reviewed and placed on first consideration an ordinance rezoning 5136 Lakeview Drive from Medium Density Single Family Residential District (R1-9) to General Business District (GBD). There have been no changes to the ordinance since first introduced. Director of Planning and Community Development Julie Hurley reviewed the Conditions of Determination and Staff comments and opinions at the May 25, 2021 Commission Meeting. The City Commission shall consider these factors when making their decision on the rezoning request. The factors are as follows:

CONDITIONS OF DETERMINATION

a) *The character of the neighborhood;*

The subject property is 11.8 acres in size and is occupied by a single family home. It is located directly along the Eisenhower corridor. To the east is the Armed Forces Insurance office building, the Leavenworth County Health Department, and Hallmark Cards factory. To the west is the Frontier Community Credit Union, Woods Gas Station, and Dillons grocery store. To the north is a 26.6 acre single family residential lot, with additional single family homes further to the north. To the south across Eisenhower is a strip commercial center, in the City of Lansing.

b) *The zoning and use of properties nearby;*

The properties to the north and immediately across Lakeview Drive to the east are zoned R1-9, Medium Density Single Family Residential. Properties to the west and further east are zoned OBD, Office Business District. Property further to the west is zoned GBD, General Business District. Property to the south is inside the city limits of Lansing and is zoned PUD, Planned Unit Development.

c) *The suitability of the subject property for the uses to which it has been restricted;*

The subject property is currently occupied by one single-family home. As this property is immediately adjacent to the Eisenhower Road corridor which is a major 4 lane thoroughfare and experiences a high

volume of traffic, and is adjoined by commercial and office uses along this corridor, single family residential is not the most appropriate use of the property.

d) *The extent to which removal of the restrictions will detrimentally affect nearby property;*

The proposed rezoning should have little detrimental effect upon surrounding properties. The property is primarily surrounded by commercial and office uses, with single-family to the north. The existing home to the north is approximately 565 feet from the property line, and screening/buffering would be required at the time of development of the northern portion of the subject property.

e) *The length of time the subject property has remained vacant as zoned;*

The subject property has always been single-family residential in nature.

f) *The relative gain to economic development, public health, safety and welfare by the reduction of the value of the landowner's property as compared to the hardship imposed by such reduction upon the individual landowner;*

The proposed rezoning will have a positive effect on the economic development of the City and region with added commercial uses, and will increase the value of the subject property through development as a commercial site.

g) *The recommendations of permanent or professional staff;*

Staff recommends approval of the rezoning request.

h) *The conformance of the requested change to the adopted or recognized Comprehensive Land Use Plan being utilized by the city;*

The area is identified as appropriate for commercial uses on the Future Land Use map. Therefore, staff finds the proposed use to be in conformance with the overall goals of the adopted Comprehensive Plan.

i) *Such other factors as may be relevant to a particular proposed amendment. The factors considered in taking action on any proposed amendment shall be included in the minutes or otherwise be made part of the written record.*

No other factors

The Planning Commission recommended approval of the rezoning application, and the City Commission placed the ordinance on first consideration. At this time, the City Commission has the following options:

1. Adopt the Planning Commission's recommendation, and move to approve Ordinance No. 8162, as presented. If the Commission should wish to do so, the motion should be to approve Ordinance No. 8162 and adopt the Conditions of Determination therein, for the rezoning of 5136 Lakeview Drive. Ordinance No. 8162 is presented for second consideration, and requires a roll call vote.
2. Override the Planning Commission's recommendation, which would require a 2/3 vote (4 votes), and take no action or refuse to adopt Ordinance No. 8162; or
3. Return the recommendation to the Planning Commission (simple majority vote) with a statement specifying the reasons for the Commission's failure to approve or disapprove of the recommendation.

Commissioner Preisinger moved to approve Ordinance No. 8162 rezoning of 5136 Lakeview Drive. Ordinance No. 8162 is presented for second consideration as presented. Commissioner Griswold seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 5-0.

Close Special Meeting:

Commissioner Preisinger moved to close the special meeting. Commissioner Wilson seconded the motion and the motion was unanimously approved.

Time meeting adjourned and moved into the City Commission Study Session 7:04 p.m.

Minutes taken by City Clerk Carla K. Williamson, CMC