

**TONGANOXIE PLANNING COMMISSION**  
**UNAPPROVED MINUTES**  
**March 1, 2007**

**Call to Order** – The Tonganoxie Planning Commission met in regular session Thursday, March 2, 2007 at 7:00pm in the City Council Chambers. Roll Call was taken; members present were Chairman Diane Bretthauer and Commissioners; Don Pelzl, Joel Skelley, Jim Bothwell, John Morgan and Burl Gratny.

**Approval of Minutes**–Don Pelzl made a motion to approve the minutes of the Planning Commission Meeting held on January 4, 2007 as presented. Burl Gratny seconded the motion. Motion passed six ayes.

**Public Hearing – Renew Special Use Permit-In Home Hair Salon located at 450 Myers Dr., filed by Judy Bray.**

The Planning Commission followed the Public Hearing Script for consideration of the Renewal of a Special Use Permit for an In-Home Hair Salon located at 450 Myers Dr. Kevin Kokes, AICP, Bucher, Willis & Ratliff Corp. presented the staff report. He reviewed background information, home occupation zoning, mandatory rezoning considerations and staff recommendations. He stated the surrounding neighbors received notification of the special use permit application and to date there had not been any negative comments. He feels this in-home occupation is allowable with the conditions listed in his staff report dated March 1, 2007. No one was present to speak for/against the special use permit. The chairperson closed the Public meeting. The commissioners discussed the extension period and whether other family members are allowed to use the special use permit. Kevin explained the ten-year extension period would be for the applicant only.

- **Burl Gratny made a motion** to approve the renewal of the special use permit for ten years contingent upon meeting all staff recommendations. **Joel Skelley seconded** the motion.
- **Motion carried**, aye 6.

The City Council will consider this item at 7PM on the 26th of March 2007, in the City Council Chambers located at 321 S. Delaware.

**Old Business-Review Text Amendment Changes to the Zoning & Subdivision Regulations – Section 23 – Additional Height & Area Regulations and Section 24- Landscaping & Screening returned to the Planning Commission by the City Council.**

Kevin Kokes, presented the staff report and explained the City Council returned this to the Planning Commissioners asking for additional fencing styles and clarification regarding existing fences that may become nonconforming by the revisions to the regulations. Kevin explained the updated text amendments dated March 1, 2007 includes new references to Section 21 Nonconforming Uses to address situations where a fence may become a legal nonconforming structure under the revisions. As an example if the existing fence is more than 50% damaged the new fence regulations would apply. Kevin also stated he added five additional styles of fencing to Section 24 Landscape and Screening 24-012 General Requirements and Guidelines, item c - 5. The Commissioners discussed the additional fencing styles, existing front yard fences, and code enforcement. The commission noted they generally feel comfortable with the revisions, but do not want to promote fences in the front yard. They feel strongly that any nonconforming fences damaged 50% or more need to be removed and comply with the new regulations. The commission also asked Mr. Yanez to be sure fence regulations are enforced in the future.

- **Jim Bothwell made a motion** to approve the revisions to Zoning Section 23 & 24 and recommend the City Council approve the text changes. **Joel Skelley seconded** the motion.
- **Motion carried**, aye 6.

The City Council will consider this item at 7PM on the 26th of March 2007, in the City Council Chambers located at 321 S. Delaware.

- **Joel Skelley made a motion** to table agenda item 5a and hear agenda item 5b **Jim Bothwell seconded** the motion.
- **Motion carried**, aye 6.

**Agenda Item 5b - Review Lot Split/Consolidation – located at 216 & 222 S. Delaware St., Lots 8-12, Block 6, Original Town of Tonge-noxie.**

Kevin Kokes, presented the staff report. He explained the purpose of the request was to consolidate lots 8-12 to create three buildable lots. Two lots will face Delaware and one will face 3<sup>rd</sup> St. The lot size will be smaller than the 6000 sq ft allowed for single family homes in the current regulations. He stated this property is in the City’s “R-1” In-Fill District that allows smaller lot sizes if approved by the Planning Commission. The Commissioners reviewed the responses from the courtesy letter sent to surrounding neighbors and reviewed the four conditions recommended by staff in the letter dated March 1, 2007.

The applicant, Nicole Thomas, spoke and indicated she wants any new houses to be compatible with the area and is agreeable to the requirement that the houses on the new lots be restricted to have alternative garage designs. She does not want to have houses constructed that would look out of place.

- **Joel Skelley made a motion** to approve the conceptual plan for the lot split with the recommendations from staff added to the final document before recording with the Register of Deeds. **Jim Bothwell seconded** the motion.
- **Motion carried**, aye 6.

**Agenda Item 5a - Review List of Text Amendment Changes**

Kevin Kokes presented the Zoning & Subdivision Regulations Text Amendments draft for review. Kevin explained to be consistent between the Zoning & Subdivision Sections some revisions were made. The commissioners discussed the highlighted items in the draft. In Section 6, Division of Lots into Not More than Two (2) Tracts: Building Permit Procedure, the commissioners would like a courtesy letter to be provided to surrounding property owners for all lot split applications. However, the commissioners felt a courtesy letter would not be necessary for lot consolidations or lot line adjustments. Kevin explained the drafted text would allow applications to be approved administratively through the planner, engineer and city staff, since most applications are routine and therefore it would speed up the approval process and not require applicants to wait a month or more for the next planning commission meeting. He noted the draft text would still require applications to be considered by the planning commission if staff determines the application is unusual or would not be consistent with the surrounding area. The commissioners indicated support for proceeding with the text changes as presented in the draft. The commissioners agreed to schedule the Public Hearing for the text amendment changes with the next scheduled meeting that includes another scheduled planning agenda item.

Mike Yanez, City Administrator, reviewed the general information material with the commissioners.

There were no additional comments or business at this time.

- **Joel Skelley made a motion** to adjourn the meeting. Burl Gratny seconded the motion.
- **Motion carried**, aye 6.

Meeting adjourned at 8:00 p.m.

Respectfully presented,

Patty Hagg  
Recording Secretary