

**TONGANOXIE PLANNING COMMISSION  
MINUTES  
February 5, 2009**

**Call to Order** – The Planning Commission met for a scheduled session at 7:00 pm in the City Council Chambers. The meeting was called to order by Chairman Joel Skelley. Members present were Commissioners, Steve Clark, Bill Peak, Jim Bothwell and Joshua Mast.

**Approval of Minutes**–Bill Peak made motions to approve the minutes of the Special Joint Meeting held on January 7, 2009 and the Planning Commission Meeting held on January 7, 2009. Motions seconded and carried; five ayes.

**Public Hearing-Item 3a – Review an application to renew a Special Use Permit for an In-home Child Day Care at 406 E 6<sup>th</sup> St.**

The Planning Commission followed the Public Hearing Script for consideration of the Special Use Permit for a Day Care at 406 E. 6th St.

Kevin Kokes, AICP, Planning Consultant with Bucher Willis Ratliff Corp. reviewed the staff report. Mr. Kokes stated this is a renewal application. The City has not received any complaints during the first two years of business. He recommends extending the Special Use Permit for a period of five years with an annual Fire Inspection. No protest petition had been filed after notification of surrounding neighbors and publication of the public hearing. Kevin also reviewed and discussed with the commissioners the mandatory considerations as required by Section 22-011 of the City of Tonganoxie Zoning Ordinance. The Commissioners were in agreement with all Mandatory Consideration. Mrs. Rhodes was present to answer any questions from the commissioners and public. She stated she has really good neighbors and they have not had any complaints. The commissioners had no further questions or comments.

**Bill Peak made a motion** to agree with the mandatory review considerations and approve the Renewal of the Special Use Permit for an In-Home Day Care at 406 E 6th St. subject to the following conditions:

- a) The applicant shall notify the City of any changes to the license granted by KDHE for the child day care home on the subject property.
- b) The applicant shall obtain a fire inspection on an annual basis concurrently with the annual renewal of a City Business License for the child day care home.
- c) The special use permit shall be valid for a period not exceeding five (5) years after approval by the City Council, and shall expire on or before **March 2, 2014**.
- d) Employees shall be limited to the current applicant of the day care home.
- e) Up to a maximum of ten (10) children shall be allowed for care in the day care home as restricted by the Kansas Department of Health and Environment.
- f) The child day care home shall be operated in conformance with the Kansas Department of Health and Environment (i.e., maximum number of children, fire inspection, health screens, etc.). The owner shall notify the city if application is made to the State for any licensing other than for childcare.

The motion is based on the following mandatory zoning considerations:

- (a) *The location and size of the proposed use in relation to the site and to adjacent sites and uses of property, and the nature and intensity of operations proposed thereon:*** The day care home is licensed by KDHE for up to 10 children. To date no complaints have been filed with the City and therefore it appears the day care home has minimal impact upon surrounding properties.
- (b) *Accessibility of the property to police, fire, and refuse collection and other municipal services; adequacy of ingress and egress to and within the site; traffic flow and control; and the adequacy of off-street parking and loading areas:*** The subject property has good access for public safety providers and other municipal services. The limited size of the day care home appears to have minimal impact upon traffic in the neighborhood or temporary parking needs for drop-off and pickup of children.

- (c) **Utilities and services, including water, sewer, drainage, gas and electricity, with particular reference to location, availability, capacity and compatibility:** The existing single-family residence is served by all above-described utility services. The child day care home does not appear to have an impact upon the provision of such utility services to the area.
- (d) **The location, nature and height of structures, walls, fences, and other improvements; their relation to adjacent property and uses; and the need for buffering or screening:** The applicant indicates the play area is located in the backyard of the residence and is enclosed with a fence. In general, a day care home in a residential neighborhood could potentially impact surrounding properties if the facility were to include a large number of children who would use the yard area for play activities. However, since no complaints have been filed with the City since the Special Use Permit was approved in 2007, it is not anticipated that any additional screening or buffering is necessary for adjoining properties.
- (e) **The adequacy of required yard and open space requirements and sign provisions:** The Kansas Department of Health and Environment (KDHE) regulates day care homes and reviews the adequacy of yard and open space prior to issuing a permit.
- (f) **The general compatibility with adjacent properties, other properties in the district, and the general safety, health and comfort and general welfare of the community and surrounding neighborhood:** Child day care homes are typically compatible in residential neighborhoods and provide a desirable service for communities with young families.
- **Joshua Mast** seconded the motion. **Roll Call** vote was taken. Joshua Mast, aye; Bill Peak, aye; Joel Skelley, aye; Jim Bothwell, aye; Steve Clark, aye.
  - **Motion carried**, aye 5.

The City Council will consider this item at 7PM on the 2<sup>nd</sup> of March 2009, in the City Council Chambers located at 321 S. Delaware.

### **Public Hearing – Item 3b – Discuss Text Amendment Updates to Vision 2020, Comprehensive Plan**

The Planning Commission followed the Public Hearing Script for consideration of amendments to the City's Comprehensive Plan, Vision 2020.

Kevin Kokes, AICP, Bucher, Willis & Ratliff Corp. presented a staff report. Mr. Kokes stated the following summaries are recommended updates to Vision 2020, Comprehensive Plan:

**Appendix A and Appendix B.** The proposed amendments would revise the Implementation Strategies of the Comprehensive Plan and the Projected Timeline for completing the strategies.

**Appendix C.** The proposed amendments would incorporate the US 24/40 Corridor Study and the Supporting Transportation System Network Map as a component of the Comprehensive Plan as Appendix C.

**Chapter 11 – Major Thoroughfare Plan.** The proposed amendments would add references to the US 24/40 Corridor Study, the Corridor Study Supporting Transportation System Network Map, and the Corridor Study Access Management Standards.

No one was present to offer public opinion either for or against the amendments. The Public hearing was closed. The commissioners had no further questions or comments.

**Jim Bothwell made a motion** to approve the amendments to the Comprehensive Plan as presented by staff and adopt Planning Commission Resolution 2009-1.

- **Bill Peak** seconded the motion. **Roll Call** vote was taken. Joshua Mast, aye; Bill Peak, aye; Joel Skelley, aye; Jim Bothwell, aye; Steve Clark, aye.
- **Motion carried**, aye 5.

The City Council will consider this item at 7PM on the 2<sup>nd</sup> of March 2009, in the City Council Chambers located at 321 S. Delaware.

**Public Hearing – Item 3c – Discuss Text Amendments to the City Subdivision Regulations & Amendments to the Comprehensive Plan to Incorporate the US 24/40 Corridor Study**

The Planning Commission followed the Public Hearing Script for consideration of amendments to the City's Zoning & Subdivision Regulations.

Kevin Kokes, AICP, Bucher, Willis & Ratliff Corp. presented a staff report. Mr. Kokes explained that by adopting Appendix C to the Comprehensive Plan references to the Comprehensive Plan would need to be added to the Zoning & Subdivision Regulations. Also a text amendment will be added to the Subdivision Regulations to eliminate the requirement for building setback lines on plats.

No one was present to offer public opinion either for or against the amendments. The Public hearing was closed. The commissioners discussed the building setback lines. Mr. Kokes and Kathy Bard, Asst. City Administrator, explained the amendment is recommended in order to avoid platted building setback lines that conflict with setback lines when zoning districts change.

**Steve Clark made a motion** to approve the text amendments and update the Subdivision Regulations as presented by staff and adopt Planning Commission Resolution 2009-1.

- **Bill Peak** seconded the motion. **Roll Call** vote was taken. Joshua Mast, aye; Bill Peak, aye; Joel Skelley, aye; Jim Bothwell, aye; Steve Clark, aye.
- **Motion carried**, aye 5.

The City Council will consider this item at 7PM on the 2<sup>nd</sup> of March 2009, in the City Council Chambers located at 321 S. Delaware.

**Old Business Item 4a– Discussion – Home Occupations Regulations**

Planning Consultant, Kevin Kokes, AICP, with BWR Corp. presented the staff report. Mr. Kokes presented a draft of text changes to Zoning Regulations Section 22 – Use Regulations and Section 32 – Definitions. The Planning Commissioners discussed business licenses, penalties and appeals, employees of home occupations, allowed uses and prohibited uses, internet sales, retail activity in residential areas, special use permits. The commissioners directed staff to prepare another draft for the next meeting with additional changes for review and discussion before a public hearing is published.

**Jim Bothwell made a motion** to table this item and continue discussion at the next meeting.

- **Bill Peak** seconded the motion.
- Motion carried 5 ayes.

**Old Business Item 4b– Form Based Codes, Housing Options in the Historical Business District and Residential Design Principles**

The Planning Commissioners continued with discussion concerning single family housing in the HBD-Historical Business District, using form based codes and current zoning regulations, new annexation and developments. The planning commissioners decided workshops will be needed to discuss form based codes in more detail.

**Jim Bothwell made a motion** to table this item and continue discussion at future meetings.

- **Joshua Mast** seconded the motion.
- Motion carried 5 ayes.

**General Information Items**

**Item 6a – Review for Leavenworth County-Viper Subdivision**

Leavenworth County informed Kathy Bard, the developers withdrew their petition at this time and have scheduled a meeting with City of Tonganoxie and Leavenworth County Planning and Zoning at 3:00 p.m., February 12, 2009.

**Item 6b – Vacant Parcels Map**

As requested by the Commissioners and City Council a vacant parcels map was prepared by staff.

**Item 6c - Special Meeting – February 23, 2009 at 6:30 p.m.**

A special meeting with Council Members and the Public will be held to discuss the Retail-Commercial Development Plan 2020 prepared by Bucher, Willis & Ratliff Corp. The meeting is scheduled for Monday, February 23<sup>rd</sup> at 6:30 pm in the City Council Chambers.

With no further business to discuss, there was a **motion** by Steve Clark to adjourn. Second by Jim Bothwell. Motion carried. 5 Ayes. Meeting adjourned at 9:00 PM.

Minutes Approved: \_\_\_\_\_

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Submitted by: Patty Hagg