

**TONGANOXIE PLANNING COMMISSION  
MINUTES  
March 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, Jim Bothwell and John Morgan. A quorum was present.

**Approval of Minutes**–Motions were made and seconded to approve the minutes as presented for the Planning Commission Meeting held on February 5, 2009 and the Special Joint Meeting held on February 23, 2009. Motions carried; four ayes.

**Public Hearing-Item 3a – Review Amendment #1 to the Timber Hill Farms Community Unit**

The Planning Commission followed the Public Hearing Script for consideration of Timber Hills Amendment #1.

Kevin Kokes, AICP, Planning Consultant with Bucher Willis Ratliff Corp., reviewed the staff report. Mr. Kokes stated this Amendment was for two (2) lots only. He explained how the Community Unit Plan approved in 2005 allowed for reduced front yard setbacks depending on the design of the house and placement of the garage. The amendment will correct a building permit error that allowed two houses with front loading garages to be built with a 20 foot front yard set back instead of the required 24 foot front yard setback.

Melvin Foster, property owner at 930 Smiley Rd., Tonganoxie KS asked why changes were needed so often to this subdivision. He stated he shares a property line with the subdivision and it seems about every 5 years he gets a letter stating something needs to be changed. He thought the subdivision was supposed to be a retirement community. Commissioner Bothwell explained the original proposal was for townhomes. When that was met with opposition and not approved, the developer submitted another plat for Single-family housing, he later submitted the Community Unit Plan (CUP) to allow for flexibility and reduced set-back lines for certain house designs. There were no other public questions or comments. The Public Comment portion of the hearing was closed. The Commissioners discussed the number of buildable lots left in this phase, sidewalks and safeguards to prevent a similar error in the future. At the request of the commissioners Mr. Kokes explained the difference between an amendment to the Community Unit Plan and a property variance. The commissioners had no further questions or comments.

**John Morgan made a motion** to approve Amendment # 1 to Timber Hill Farms Subdivision # 2, Community Unit Plan subject to the following conditions: The modification would apply only to Lot 3, Block 1 and Lot 6, Block 2.

- **Jim Bothwell** seconded the motion. **Roll Call** vote was taken. Joel Skelley, aye; Jim Bothwell, aye; John Morgan, aye; Steve Clark, aye.
- **Motion carried**, aye 4.

The motion is based on the following mandatory zoning considerations:

- a) That property adjacent to the area included in the plan will not be adversely affected.
- b) That the plan is consistent with the intent and purpose of this ordinance to promote public health, safety, morals and general welfare.
- c) That the buildings shall be used only for single family dwellings, two family dwellings or multiple dwellings and the usual accessory uses such as garages, storage space and community activities, including but not limited to, churches, schools, day care facilities, parks, playgrounds, and recreational facilities.
- d) That the average lot area per family contained in the site, exclusive of the area occupied by streets, will be no less than the lot area per family required in the district in which the development is located.

The City Council will consider this item at 7PM on the 6<sup>th</sup> of April 2009, in the City Council Chambers located at 321 S. Delaware. A protest petition must be filed with the City Clerk within 14 days following the Planning Commission Hearing.

**Old Business Item 4a– Discussion – Home Occupation 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 and reviewed the highlighted changes in the staff report. Also, they discussed Item C, Area of use and Item D, Number of employees and definitions. The commissioners directed staff to prepare another draft with corrections made from the discussion and schedule a public hearing. The Commissioners also want a letter sent to the home businesses who have applied for a city business license informing them of the public hearing.

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

The Planning Commissioners continued with discussion and decided to table this to another meeting.

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

- **John Morgan** seconded the motion.
- Motion carried 4 ayes.

**General Information Items**

**Item 6a & 6b– 5-County Regional Transportation Study and Meeting**

Mike Yanez informed the commissioner’s of the upcoming 5-County Transportation meetings and encouraged them to attend.

Kevin discussed the Ad Hoc Committee that has been formed to help develop a Corridor Plan for County Road 1. They are working on a Land Use Plan, Access Management, and Overlay District with Regulations for Development, Design Guidelines and a Conceptual Thoroughfare Plan. They plan to develop interlocal agreements between the City and Leavenworth County that can be adopted as part of the City and County Comprehensive Plans. Mr. Kokes stated several Public Meetings will be scheduled before adoption of the plan. Mike Yanez stated the Interchange and County Road 1 is expected to open in November 2009.

Mr. Yanez invited the commissioners to attend the special council meeting scheduled on Monday, March 09, 2009. The purpose of this meeting is to discuss the Capital Improvement Plan.

Mr. Yanez also discussed the 240 acres of property the City purchased for a proposed industrial site. The property is located south of Kansas Ave.

With no further business to discuss, there was a **motion** by John Morgan to adjourn. Second by Jim Bothwell. Motion carried. 4 Ayes. Meeting adjourned at 8:15 PM.

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

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Submitted by: Patty Hagg