

**TONGANOXIE PLANNING COMMISSION**  
**MINUTES**  
**July 7, 2009**

**Call to Order** – The Planning Commission met for a scheduled session at 7:05 pm in the City Council Chambers. The meeting was called to order by Chairman Joel Skelley. Members present were Commissioners, Steve Clark, John Morgan, Jim Bothwell and Bill Peak. Members absent were Josh Mast. Bob Altenhofen resigned. A quorum was present.

**Approval of Minutes**–Bill Peak made a motion to approve the minutes from the Planning Commission Meeting held on June 4, 2009 as presented. Steve Clark seconded the motion. The motion carried; five ayes.

**Public Hearing-Item 3a – Flood Plain Map Revisions and New Regulations**

The Planning Commission followed the Public Hearing Script for adoption of a new Flood Plain Ordinance as recommended by the Kansas Department of Agriculture.

Kathy Bard, Assistant City Administrator/City Clerk, reviewed the staff report. She stated Tonganoxie adopted the original Flood Plain Ordinance ten years ago to participate in the FEMA insurance program. She reported that there have been no dramatic changes in the new Flood Plain Map. FEMA has digitalized the map using satellite photos and now it is easier to see where structures are located. She explained there is three levels in Flood Plain Management.

- The Floodway – Actual waterway area – there is no building allowed in this area
- The Flood Plain – there is a 1% chance of flooding in the 100 year flood plain. New construction or substantial remodel construction would have to be elevated and built to flood proofing standards.
- The Flood Fringe – there is a 2% chance of flooding in the 500 year flood plain.

She introduced Andy McGraff from Kansas Department of Agriculture. He also stated there has been no real change in the flood plain area. He stated the new maps cover the whole county versus the old map which was community based that is why Tonganoxie is now in four panels of the flood maps.

The meeting was opened for Public comment.

Bonnie Sivyver, 124 N. Delaware, asked if a flood plain development permit is needed along with a building permit if she were to build/remodel structures on her property.

Kathy Underwood, 524 River St., asked about the need for flood insurance if she has an elevation certificate.

Lisa Patterson, 825 E 6<sup>th</sup> St, also asked about parts of their property in the floodplain but the structures were not.

Andy and Kathy stated the new maps are available at the FEMA website [www.fema.gov](http://www.fema.gov) go to the map service center, a FIRMMIT showing property and structures can be viewed and printed free of charge. Homeowners may be able to take that information to the lenders who want flood insurance.

Kathy informed the commissioners and the public that lenders are notified whenever there are changes to the flood maps and homeowners may receive letters from lenders stating they will need flood insurance. She stated to be removed from the flood map homeowners will need to have property surveyed and fill out a Letter of Map Amendment (LOMA) for approval or denial from FEMA.

The commissioners had no further questions or comments.

**Jim Bothwell made a motion** to accept the Flood Plain Map Revisions and recommend the City Council adopt the new Flood Plain Ordinance.

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

The City Council will consider this item at 7PM on the 27<sup>th</sup> of July 2009, in the City Council Chambers located at 321 S. Delaware.

**Public Hearing Item 3b - Discuss regulations pertaining to Outdoor Storage and Display of Merchandise in Commercial Districts.**

Kevin Kokes reviewed the staff report. He presented a draft of regulations for discussion and a list of issues that should be discussed before the final draft is prepared. The commissioners discussed:

- Seasonal sales / display of landscape plantings and materials as an accessory use to a business (e.g. grocery store) is acceptable
- Stand along businesses with year round sales and display of landscape materials / plantings / supplies (e.g. retail nurseries and lawn / garden supply stores) is acceptable, provided they comply with other standards to be defined by the Zoning Ordinance.
- A special use permit should be required for businesses wanting an outdoor display area exceeding 20% of the site area.
- Businesses such as monument and tombstone retailers with large or difficult to move merchandise should be allowed permanent outside display, provided they comply with other standards to be defined by the Zoning Ordinance.
- Auto and machinery sales businesses should be allowed outdoor sales and display areas by right in commercial districts (no special use permit required), provided they comply with other standards to be defined by the Zoning Ordinance. A SUP would be required if wanting to exceed the maximum 20% outdoor sales/display area limitation.
- Examine the standards for the HBD district to allow temporary sales, but not permanent sales/display allowed on public sidewalks or in public right-of-way. Permanent sales / display is acceptable in the HBD if located on private property.
- Provide a definition of an “improved surface”. Alternative surfaces for paving should be considered upon review and approval of the Planning Commission.
- An “outdoor display confinement area” (e.g. fence enclosure) should not be required for outdoor sales and display.

The commissioners directed Kevin to create a new draft for review at the August meeting.

Kenny & Marcia Galyean, 315 E 4<sup>th</sup> St., were present and had concerns over the zoning of their property off West St. They discussed zoning issues, non-conforming uses, floodplain elevations, outside storage and sales, parking large trucks and trailers. The commissioners directed them to contact Mike Yanez or Kathy Bard during regular business hours to discuss their concerns and options.

**Old Business Item 4a– 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 5 ayes.**

**General Information Items**

**Item 6a – Retail/Commercial Development Plan 2020 - Committee Meetings**

Bill Peak gave a short review of the progress of the committee. The next meeting will be July 14, 2009.

With no further business to discuss, there was a **motion** by John Morgan to adjourn. Second by Jim Bothwell. Motion carried. 5 Ayes. Meeting adjourned at 8:40 PM.

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

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Submitted by: Patty Hagg