

**TONGANOXIE PLANNING COMMISSION**  
**MINUTES**  
**September 15, 2009**

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

**Approval of Minutes**–Bill Peak made a motion to approve the minutes from the Planning Commission Meeting held on August 6, 2009 as presented. John Morgan seconded the motion. The motion carried; six ayes.

**Public Hearing-Item 3a – Cont. from Aug 6<sup>th</sup> - Special Use Permit for an In-home Child Day Care Facility at 102 N. Village Ter. Submitted by Katie Ussery**

The Planning Commission followed the Public Hearing Script. Planning Commissioner, Jim Bothwell abstained from discussion and voting on this topic due to a personal and business relationship with the applicant.

Mr. Kokes presented the staff report. He stated the Public Hearing was originally scheduled for August 6, 2009 but was continued by the applicant to allow time to refinance the home to show her name only on the deed and insurance as requested by the one protest letter received by the City before the August meeting. Mr. Kokes stated the applicant is in compliance with city inspections and KDHE has issued a temporary permit that will expire November 22, 2009. Mr. Kokes reviewed staff recommendations. The applicant was present. No one was present to oppose the Special Use Permit.

The Public Hearing was closed. The Planning Commissioners reviewed the Mandatory Considerations as outlined by Section 22-011 of the City of Tonganoxie Zoning Ordinance.

- **John Morgan made a motion** to allow the Special Use Permit with the following conditions to be included in the Ordinance granting the Special Use Permit:

- a) The applicant shall provide the City with a copy of the KDHE permanent license for day care on the subject property.
- b) The special use permit shall be valid for a period not exceeding two (2) years after approval by the City Council and the publication of the Ordinance which grants the special use permit.
- c) The applicant shall notify the City of any changes to the license granted by KDHE for the child day care center on the subject property.
- d) 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 center.
- 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 center 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.
- g) A sign permit shall be obtained in accordance with Section 25-015 (Signs Permitted in Residential Districts) of the Zoning Ordinance for any building mounted or on-site signage associated with the business.

- **Bill Peak seconded** the motion.
- **Roll Call Vote: Josh Mast, aye; Bill Peak, aye; Joel Skelly, aye; Jim Bothwell, abstain; John Morgan, aye; Steve Clark, aye.**
- **Motion carried, 5 ayes, 1 abstain**

The motion was based on agreement to the following Mandatory 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 must be licensed by KDHE, with the maximum number of children in the center to be determined through the KDHE licensing process. The proposed day care center with ten or fewer children has typically been considered compatible in residential areas of Tonganoxie.

***(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 proposed day care center would likely have minimal impact upon nearby neighborhood properties.

***(c) Utilities and services, including water, sewer, drainage, gas and electricity, with particular reference to location, availability, capacity and compatibility:*** The property is served by all above-described utility services. The proposed child day care center 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 an outdoor play area will be located in the backyard of the residence which is enclosed with a fence. A day care center located in a residential neighborhood could potentially impact surrounding properties if the facility were to include a large number of children who use the yard area for play activities, or if traffic circulation and parking creates congestion or conflicts with the flow of traffic on public streets. No additional screening of the play area is proposed at this time. The need for additional screening can be re-evaluated at the time the special use permit is renewed.

***(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.

The City Council will consider this item at 7PM on the 12<sup>th</sup> of October 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.**

The Planning Commissioners followed the Public Hearing Script.

Mr. Kokes reviewed the staff report. He presented a final copy of the regulations with changes as discussed at previous Planning Commission meetings. No one was present to speak in favor or against the text changes. The Public Hearing was closed.

The commissioners reviewed the text amendments and thanked Kevin for the research he has done to complete the text changes.

- **John Morgan made a motion** to accept the text changes to the Tonganoxie City Zoning Regulations as proposed.
- **Jim Bothwell seconded** the motion.
- **Roll Call Vote: Josh Mast, aye; Bill Peak, aye; Joel Skelly, aye; Jim Bothwell, aye; John Morgan, aye; Steve Clark, aye.**
- **Motion carried, 6 ayes.**

The City Council will consider this item at 7PM on the 12<sup>th</sup> of October 2009, in the City Council Chambers located at 321 S. Delaware.

### **Agenda Item 5a - Open Agenda**

Future Work Session Topic – Tonganoxie Trails & Walkability Plan

Kevin reviewed information from MARC regarding funding for future projects. He suggested the Planning Commissioners review the Conceptual Trails and Walkability Plan, make changes at a work session and adopt the trails plan to the Comprehensive Plan so it will be available if funding for projects becomes available. The Conceptual Plan was developed by the City Trails Staff, SRTS and the Retail Commercial Development Plan meetings.

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

Bill Peak provided an update. He stated the Committee asked the Governing Body to allocate 2010 budget money to hire a full-time economic developer. The Council could not justify adding the costs to the budget but did create an economic development line item with a budget of \$10,000.00 for 2010. The committee also reviewed a hotel/motel market study proposal and made a recommendation to the governing body to hire Rich Kaplan Associates to conduct the study. The next meeting will focus on branding, signage, destination spots within the City and beautification projects. The next meeting will be Tuesday, October 6<sup>th</sup> at 6:30pm.

### **Agenda Item 6b – Discussed County Road 1 Development Standards**

Mike Yanez reported on the meetings he has been attending on behalf of City with the Leavenworth County Board of County Commissioners, Leavenworth County Planning & Zoning Department and the County Planning Commissioners. He stated the area south of Tonganoxie is slated to be designated as a Special Development District by the County. He stated the County is developing Land use and Development standards for the area but some of the county standards are not consistent with City Standards. Mike Yanez and Kevin Kokes reviewed drafts and maps of the Special Development District, Chapter 2 – Performance Standards and Chapter 3 – Site Development Plan Review from Leavenworth County and the letters that were written to Leavenworth County stating the City's concerns with some items in the Leavenworth County Documents. A Joint Special Meeting with the Leavenworth County Planning Commissioners has been scheduled for September 23, 2009 at 6:30 pm in the Conference Room at the Leavenworth County Courthouse to discuss these documents with the County Planning Commissioners. Items of concern to the commissioners were lack of Building Codes and enforcement, Roadway Access points, Land Use Plan for Future Uses in the area, Development standards and lot sizes.

- **Bill Peak made a motion** for the Planning Commissioners to schedule a special meeting so they may attend the Joint Special Meeting with the Leavenworth County Planning Commissioners scheduled for September 23, 2009 at 6:30 pm in the Conference Room at the Leavenworth County Courthouse to discuss the County Road 1 documents with the County Planning Commissioners.
- **Steve Clark seconded** the motion.
- **Roll Call Vote: Josh Mast, aye; Bill Peak, aye; Joel Skelly, aye; Jim Bothwell, aye; John Morgan, aye; Steve Clark, aye.**
- **Motion carried, 6 ayes.**

### **Agenda Item 6c – Budget Reports**

The commissioners reviewed the General Fund Reports and asked for a recurring balance report and a copy of the 2010 Budget.

With no further business to discuss, there was a **motion** by Bill Peak to adjourn. Second by Jim Bothwell. Motion carried. 6 Ayes. Meeting adjourned at 8:30 PM.

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

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Submitted by: Patty Hagg