

TONGANOXIE PLANNING COMMISSION
MINUTES
November 5, 2009

Call to Order – The Planning Commission met on November 5, 2009 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; Steve Clark, Bill Peak and Joshua Mast. John Morgan arrived at 7:08. Jim Bothwell and John Morgan were was absent. A quorum was present.

Approval of Minutes–Steve Clark made a motion to approve the minutes from the Planning Commission Meetings held on October 7, 2009 as presented. Bill Peak seconded the motion. The motion carried; four ayes.

Agenda - Item 3a – Public Hearing Preliminary Plat Review of Blue Mountain Park Subdivision

The Planning Commission followed the Public Hearing Script.

Kevin Kokes, AICP, LEED AP, Bucher, Willis & Ratliff Corporation, presented the staff report as outlined in his memo dated November 5, 2009. He stated an application and preliminary plat for 4 lots had been submitted by Andy Suber, Director of Blue Mountain Capital, Inc. The preliminary plat is for property generally located between US 24/40 Hwy and County Rd 5 (Tonganoxie Dr) at Ridge St. It is approximately 7.64 acres which is zoned I-MD (Moderate Industrial District). Mr. Kokes also discussed Infrastructure. He stated that this is the first subdivision plat that will be affected by the US 24/40 Corridor Study. The study requires limited access to the property off Hwy 24/40 at Ridge St. and an extension of Woodfield Dr. He explained the City has submitted a Traffic Engineering Assistance Program (TEAP) application to KDOT to fund a study to determine alignment of the internal streets in this development. Mr. Suber has agreed at predevelopment meetings that if the City is not successful at obtaining the funding for the study, the developer would be responsible for the study prior to approval of any plats for Lots 2-4. Also discussed were Subdivision Regulations required for street improvements, the water service documentation for detachment from RWD 9 and storm water detention basins. Also discussed was the temporary access to Lot 1 from County Rd 5, the existing private driveway shared with Vet Vax Inc. (Dressler's) and the no access requirements along Hwy 24/40. No one was present to speak against the Preliminary Plat.

Andy Suber, Director, Blue Mountain Capital, 15264 254th St Lawrence, KS and Jason Grantham, 15840 Woodend Rd Bonner Springs, KS were present to answer any questions the commissioners may have.

The Commissioners discussed and clarified the reverse frontage roads and the restricted driveway access off Hwy 24/40 and the placement of the temporary driveway access placement.

The Public Hearing was closed.

- **Bill Peak made a motion** to approve the preliminary plat subject to the recommendations as outlined by the city staff and city engineer.
- **Joshua Mast seconded** the motion.
- **Roll Call Vote: Joshua Mast, aye; Bill Peak, aye; Joel Skelley, aye; Steve Clark, aye.**
- **Motion carried, 4 ayes**

The motion was approved based on the following staff recommendations:

- a) An alignment study for the internal roadways shall be completed prior to the approval of any final plats for Lots 2-4. The study shall address alignment of Ridge St. and Woodfield Dr., rights-of-way, intersection improvements, and the most suitable alignment of an eastward extension of Woodfield Dr. to Laming Rd.
- b) A revised preliminary plat shall be submitted upon completion of the alignment study for the internal roadways and prior to approval of any final plats for Lots 2-4 to graphically showing on the plat the location of planned infrastructure (streets, sidewalks, waterlines, sewer lines, storm water detention, etc.).
- c) The “temporary” driveway allowed from CR-5 to Lot 1 shall be removed upon construction of Woodfield Drive. The permanent access drive for Lot 1 extending

- through the eastern portion of Lot 2 shall be constructed with the development of Lot 2 or when Woodfield Drive is constructed, whichever occurs first.
- d) "Limits of No Access" (restricted access) designations shall be identified on all final plat(s) (consistent with the access management standards of the US 24/40 Hwy Corridor Study) along US 24/40 Hwy, Ridge Street to the Woodfield Dr intersection, and Tonganoxie Dr. (CR-5) with the exception of a temporary access driveway for Lot 1. "Limits of No Access" shall be designated as a solid or hatched line in the right-of-way of arterial streets or highways. "Limits of No Access" or "LNA" shall appear above this line. Any allowed access points shall be designated as a break in this line and a label of "access".
 - e) Final plats for lots adjacent to CR-5 shall designate a "PR/E" Public Pedestrian / Recreation easement along the CR-5 right-of-way and use language in the certification and dedication section of the plat as approved by the City Planner and City Clerk.
 - f) Prior to approval of a final plat for Lots 2-4 a single detention facility shall be identified to serve that portion of the development area.
 - g) Prior to the recording of any final plats, documentation shall be obtained from the RWD #9 acknowledging detachment from the RDW service territory.
 - h) The existing private driveway from US 24/40 Hwy centered on the eastern property line shall be removed prior to or concurrently with the construction of the Ridge Street extension, or as directed by the Kansas Department of Transportation.
 - i) Final plat(s) shall comply with the requirements of the Kansas Department of Transportation, including but not limited to access management standards, right-of-way dedication, intersection improvements and other traffic safety improvements.
 - j) Final plats shall comply with the requirements of the City Engineer.
 - k) Sidewalks shall be constructed along internal roadways.

And the following engineer recommendations:

- 1) The North/South alignment of Woodfield Drive and the internal configuration of Ridge Street and Woodfield Drive were discussed during the concept review meeting for this development. These issues will be addressed in a corridor study for Woodfield Drive between Ridge Street and Laming Road. The Developer has acknowledged that alignment and right-of-way requirements are subject to change with a general note. This will facilitate development of Lot 1 while corridor issues are being quantified. **Due to the unknown future requirements and lot/road configuration, we concur with the proposed handling for this item.**
- 2) The City storm water detention ordinance encourages as few detention basins as possible to accomplish the requirement for detention facility to provide the storm water detention required for the remaining area. **Due to the unknown future requirements and lot/road configuration, we concur with the proposed handling for this item.**
- 3) Preliminary plat requirements include showing the location of proposed infrastructure (streets, sidewalks, waterlines, sewer lines etc) graphically on the plat. **Due to the unknown future requirements and lot/road configuration, we concur with the proposed handling for this item.**
- 4) The platted area is within RWD #9 water service territory. We recommend that the City require the developer to seek detachment from the RWD if City water service is going to be provided.

Agenda - Item 3b – Final Plat Review of Blue Mountain Park Subdivision, Phase 1

Mr. Kokes presented the staff report. He explained the final plat is for Lot 1 in Phase 1 of Blue Mountain Park Subdivision. Lot 1 is approximately 1.16 acres and is zoned I-MD (Moderate Industrial District). He referred to earlier discussion regarding Infrastructure, Us 24/40 Corridor Study, Municipal Water Service, Storm Water Detention, Access and Easements, Temporary Access to Lot 1, Limits of No Access (restricted access), Trail/recreation Easements and staff and engineer recommendations.

- **Joshua Mast made a motion** to approve the Final plat subject to recommendations A-K being met as outlined by the city staff and recommendations for approval from the city engineer prior to submitting the final plat to the city council for approval.
- **Bill Peak seconded** the motion.
- **Roll Call Vote: Joshua Mast, aye; Bill Peak, aye; Joel Skelley, aye; Steve Clark, aye.**
- **Motion carried, 4 ayes**

The motion was approved based on the following staff recommendations:

- Prior to consideration by the City Council, the final plat shall be revised to update the signature lines for city officials as directed by the City Clerk.
- Prior to consideration by the City Council, the final plat shall be revised to add text to the “certification and dedication” section of the plat defining a “PR/E” Public Pedestrian / Recreation easement using language approved by the City Planner and City Clerk.
- Prior to consideration by the City Council, the final plat shall be revised to graphically identify “Limits of No Access” designated as a solid or hatched line in the right-of-way of CR-5 (Tonganoxie Drive). “Limits of No Access” shall appear above this line. The “temporary” access point shall be designated as a break in this line and a labeled of “Temporary Access – See Note 9.”
- Prior to consideration by the City Council, the vicinity map on the final plat shall be revised to graphically identify only the 1.16-acre area of the plat (Lot 1), rather than the entire preliminary plat area (Lots 1-4).
- Prior to consideration by the City Council, the final plat shall be revised to remove the “zone” note under the legend referencing existing zoning and setback requirements.
- Prior to recording of the final plat, documentation shall be obtained from the RWD #9 acknowledging detachment from the RDW service territory.
- Prior to recording the final plat all requirements of the City Engineer shall be satisfied.
- The final plat(s) shall be subject to any requirements of the Kansas Department of Transportation and Leavenworth County.
- Prior to recording the final plat, the developer shall enter into a development agreement with the City of Tonganoxie (to be filed with the final plat) or provide a financial guarantee to ensure the removal of the “temporary” driveway to CR-5 (Tonganoxie DR.) immediately upon construction of Woodfield Drive, and ensure the construction of the permanent access driveway connection through the area designated as Lot 2 on the preliminary plat to allow permanent access to Lot 1 from Woodfield Drive.
- The “temporary” driveway allowed from CR-5 to Lot 1 shall be removed upon construction of Woodfield Drive. The permanent access drive for Lot 1 extending through the eastern portion of Lot 2 shall be constructed with the development of Lot 2 or when Woodfield Drive is constructed, whichever occurs first.
- The final plat approved by City Council shall be recorded prior to the issuance of any building permits.

And the following engineer recommendations:

1) Preliminary plat comments should be addressed on the final plat.

Preliminary plat comments are:

- The North/South alignment of Woodfield Drive and the internal configuration of Ridge Street and Woodfield Drive were discussed during the concept review meeting for this development. These issues will be addressed in a corridor study for Woodfield Drive between Ridge Street and Laming Road. The Developer has acknowledged that alignment and right-of-way requirements are subject to change with a general note. This will facilitate development of Lot 1 while corridor issues are being quantified. **Due to the unknown future requirements and lot/road configuration, we concur with the proposed handling for this item.**

- 2) The City storm water detention ordinance encourages as few detention basins as possible to accomplish the requirement for detention facility to provide the storm water detention required for the remaining area. **Due to the unknown future requirements and lot/road configuration, we concur with the proposed handling for this item.**
- 3) Preliminary plat requirements include showing the location of proposed infrastructure (streets, sidewalks, waterlines, sewer lines etc) graphically on the plat. **Due to the unknown future requirements and lot/road configuration, we concur with the proposed handling for this item.**
- 4) The platted area is within RWD #9 water service territory. We recommend that the City require the developer to seek detachment from the RWD if City water service is going to be provided.

Agenda - Item 3b – Site Plan Review of an Industrial Building on Lot 1 of Blue Mountain Park Subdivision, Phase 1

Mr. Kokes presented the staff report. He stated the site plan is for a 7,200 square foot industrial warehouse building located on Lot 1 of Blue Mountain Park Subdivision, Phase 1. He reviewed the history and current status of the property. Also reviewed were Site Layout, Storm Drainage, Building Design and City Standards, Requested Building Design Exceptions, Parking, the Landscape Plan, Signage, Outdoor Storage and Fencing and Trash Enclosure.

Mr. Suber and Mr. Grantham were present to ask for an exception to the rule regarding the Building and Sidewall Design. City standards require the use of decorative building materials for walls visible from the street. The developers presented photos of similar buildings in the area. They asked for the waiver requiring the use of the decorative materials and plan to use a metal panel in a light stone color with a burgundy color wainscot (approx. 4ft high) around the base of the building. The developers stated there will be no rooftop mechanical equipment and the building will include several additional windows, exterior lighting and additional landscaping. The developers also asked for an exception to the building articulation requirements as outlined in Section 3.1 of the Site Plan Review Standards. They stated the proposed building is an upgrade or at least equal to surrounding buildings and also stated that due to the current economic climate it is not feasible for them to do the offsets as required.

- **Steve Clark made a motion** to approve the building design waivers for articulation of Exterior Walls and Roof Panels as requested.
- **Joshua Mast seconded** the motion.
- **Roll Call Vote: Joshua Mast, aye; Bill Peak, aye; Joel Skelley, aye; Steve Clark, aye.**
- **Motion carried, 4 ayes**

The Planning Commissioners reviewed the Site Plan, Landscaping Plan and Building Elevation Plan. They discussed the recreation easement along Tonganoxie Dr. and the building size (120x60). The developers stated they will be co-tenants with a light assembly door manufacturer.

- **Joshua Mast made a motion** to approve the Site Plan subject to conditions and recommendations from the planning staff and city engineer.
- **Bill Peak seconded** the motion.
- **Roll Call Vote: Joshua Mast, aye; Bill Peak, aye; Joel Skelley, aye; Steve Clark, aye.**
- **Motion carried, 4 ayes**

The motion was approved based on the following planning staff recommendations:

- a) The final plat shall be recorded prior to the issuance of a building permit.
- b) Plans submitted for building permit shall comply with all requirements of the city engineer.
- c) The “future permanent driveway / entrance” to the south property line shall be constructed with the development of the site or financial guarantees must be provided prior to issuance of a building permit to ensure the driveway will be constructed through Lot 2 to provide permanent access to Woodfield Drive once the roadway is constructed.
- d) Plans submitted for building permit shall provide a cut sheet for exterior building mounted light fixtures to ensure such fixtures direct light downward (not outward). Wall-pack fixtures that project light outward are prohibited.

- e) Plans submitted for building permit shall identify the location and method of screening for any rooftop mechanical equipment, fans, vents, or flues. Any such equipment shall be entirely screened from all sides.
- f) Plans submitted for building permit shall comply with all building code / fire code requirements for storage of a trash receptacle inside the building, in lieu of an exterior trash receptacle.
- g) Any future trash receptacle placed outside of the building shall be screened with a screen wall and gate. Such screen wall and gate shall be constructed of durable materials requiring minimal maintenance. Chain link fencing, plastic slats, or wood fencing are not considered acceptable materials.
- h) A site plan review shall be required if any exterior fencing is proposed for installation in the future.
- i) A sign permit application shall be submitted for all proposed signs and conform to the standards of Zoning Ordinance Chapter 25.

And the following engineer recommendations:

- 1) The access for Lot 1 onto County Road 5 needs to be permitted by the County.
- 2) Traffic circulation through the parking lot utilizing the future access to the South should be accommodated with the proposed layout

Agenda Item 4a – Application and Review Schedule

Mr. Kokes presented the 2010 Application and Review Schedule. The Planning Commissioners reviewed the information included on the schedule.

- **Bill Peak made a motion** to approve the 2010 Application and Review Schedule as presented.
- **Steve Clark seconded** the motion.
- **Motion carried, 4 ayes**

Agenda Item 5 - Open Agenda

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

Next meeting – City Council Chambers – Monday, November 9th @ 1:00 pm

Agenda Item 6b – Discussed County Road 1 Development Standards

Kathy Bard stated the next Leavenworth County Planning Commission meeting will be held on Wednesday, November 18th at Leavenworth County Courthouse. They will discuss the proposed draft and make recommendations to the Leavenworth County Commissioners.

Agenda Item 6c, d, e and f – Budget Report, September Residential Building Permits, Planning Commissioner Journal and November Library News.

The commissioners reviewed the General Information reports.

With no further business to discuss, there was a **motion by Bill Peak** to adjourn. **Second by Steve Clark. Motion carried. 4 Ayes.** Meeting adjourned at 8:10 PM.

Minutes Approved: _____

Submitted by: Patty Hagg