

**TONGANOXIE PLANNING COMMISSION**  
**MINUTES**  
**May 6, 2010**

**Call to Order** – The Planning Commission met on May 6, 2010 for a regularly scheduled session. Chairman Joel Skelley called the meeting to order at 7:10 pm. Members present were Commissioners; Joshua Mast, Bill Peak and John Morgan. Commissioner Rick Pruden was absent. A quorum was present.

**Approval of Minutes**–The Commissioners approved the minutes from the March 4<sup>th</sup> and April 8<sup>th</sup> Trails Work Session as presented. The Commissioners approved the minutes from the March 4<sup>th</sup> Planning Commission meeting. All ayes - 4

**Old Business - None**

**Agenda Items –**

**4a. Public Hearing – Consider Rezoning Application from R-Rural to BP-Business Park, property generally located at the southeast corner of Kansas Avenue and 222<sup>nd</sup> St.**

The Planning Commission followed the Public Hearing Script.

Kevin Kokes, AICP, LEED AP, Planning Consultant with Bucher Willis Ratliff Corp. reviewed the staff report dated May 6, 2010. He presented background information on the property, an overview of the newly adopted BP-Business Park District Regulations. He reviewed the preliminary engineering analysis completed in November 2009 which included site layout, roadways, utilities, storm water drainage, environmental scan, conceptual building footprints, landscape buffers, architectural design and building standards. He reviewed a map of the collector roads and types of buildings that may be allowed in sections 1, 2 and 3. Mr. Kokes also reviewed the Mandatory Rezoning Considerations and staff recommendations “a- n” from the staff report and additional standards applicable to all areas (1, 2 and 3). Mr. Kokes also stated these conditions would be required unless amended at a later date.

Mike Yanez, City Administrator stated he is working with Leavenworth County Development Corporation to promote development on the property. He stated that new industry would bring new rooftops and new retail markets to Tonganoxie and that would mean the availability of local jobs. Mr. Yanez stated that businesses have not looked at Leavenworth County property because there haven't been any large parcels available. He stated the City purchased and annexed the property and wants to establish ground rules for development on the property. The new BP-Business Park zoning would do that but would still allow any business that wants to deviate from the planned regulations the opportunity to do that only by going through the Public Hearing process. He committed on the visions of the Industrial Site Committee and the meetings they had with area property owners.

There was no one present from the community to speak for or against the proposed Rezone of the property from R-Rural to BP-Business Park District.

No additional information was presented

The Public Hearing was closed.

The Commissioners had no further comments or questions.

- **Bill Peak made a motion** to approve the rezoning of the property from R-Rural to BP-Business Park with standard and additional conditions as presented in the staff memo dated May 6, 2010.
- **Joshua Mast seconded** the motion.
- Bill amended his motion to include review of the Mandatory Zoning Conditions A-H have been met.
- Joshua Mast seconded the amended motion.

- **Roll Call Vote** was taken. Joshua Mast, aye; Joel Skelley, aye; Bill Peak, aye; John Morgan, aye.
- **Motion carried** aye 4.

The motion is based on the following mandatory zoning considerations:

**(a) Character of the neighborhood:** The surrounding area consists of agricultural lands and rural residential homes. However the surrounding area is designated by the City's Comprehensive Plan for future development of low-density residential (north of Kansas Ave) and a future commercial "node" in the area around the CR-1 / US 24/40 Hwy intersection (west and southwest of the subject property). Future land use plans for the areas south and east of the subject property have not been established by either the City or Leavenworth County.

**(b) Zoning and uses of properties nearby:** The surrounding area is unincorporated and zoned Rural Residential (2.5 acre) and Rural Residential (5 acre). However the surrounding area is located in the city's urban growth management area which is expected to develop for urban uses in the future. The City and County are currently negotiating for an interlocal agreement to grant the city extraterritorial jurisdiction of this general area which would establish the City's zoning and subdivision regulations in the unincorporated area until such time as annexation occurs.

**(c) Suitability of subject property for the uses to which it has been restricted:** While the current "Rural" zoning is compatible with the surrounding area, rezoning to a more intensive zoning classification is necessary in order to accommodate urban development.

**(d) Extent to which removal of the restrictions will detrimentally affect nearby property:** The proposed BP zoning classification is a planned zoning district which allows development conditions to be established with the zoning approval to address any expected impacts on surrounding properties. The recommended conditions included in the ordinance granting the zoning approval address a range of issues such as buffering, aesthetics, storm water management, and street circulation.

**(e) Length of time the subject property has remained vacant as zoned:** Not applicable.

**(f) Relative gain to the public health, safety and welfare by the destruction of the value of the landowner's property as compared to the hardship imposed upon the landowner:** Approval of the change in zoning classification to BP Business Park would help facilitate the marketing and future development of the property as an employment center for Tonganoxie and southern Leavenworth County. The current "Rural" zoning is not consistent with the long-term plan for urban growth in the area.

**(g) Conformance of the requested change to the adopted or recognized comprehensive plan of Tonganoxie, Kansas:** The Future Development Plan in the City's Comprehensive Plan (*Vision 2020 For Tonganoxie, Kansas*) identifies the subject property as part of a future "CR-1 Study Area". To date the City and County have not been able to conduct a study to establish a future land use plan and development guidelines in the corridor. However, the City's Comprehensive Plan identifies the general area around the CR-1 / US 24/40 Hwy intersection as a "future commercial node" and anticipates this area as a major area for community growth.

**(h) Recommendations of professional staff:** Staff recommends approval of the rezoning and preliminary concept plan for the property, subject to conditions.

The motion is also based on the following recommended conditions of approval:

**Standards Applicable to All Areas (1, 2 and 3):**

**a)** Prior to the development of any portion of the business park, a preliminary plat shall be submitted and approved for the entire business park. The preliminary plat shall identify street

layout, storm water management areas, utility infrastructure, and designate woodland preservation areas.

**b)** As reflected by the US 24/40 Corridor Study, two collector roadways shall be provided from Kansas Avenue southward through the business park to the south property line. The alignment of the collector roadways will be determined with the preliminary plat for the entire business park.

**c)** Vehicular access to Kansas Avenue shall be limited to public street intersections (no private driveways), unless an exception is granted by the City Planning Commission and City Council with approval of the preliminary plat or final development plan. Exceptions shall not be granted unless it is demonstrated that no negative impacts will result to existing or future development on the north side of Kansas Avenue.

**d)** The site layout and building orientations shall be designed in a manner so no loading docks, truck parking areas, or outdoor storage areas are visible from a public street or from adjoining property to the immediate south of the business park.

**e)** Any fencing visible from public streets shall be ornamental in appearance and maintenance free (e.g. wrought iron or other comparable materials). Use of wood fencing or chain-link material is restricted in such areas.

**f)** Open storm drainage and detention areas visible to the public shall be incorporated into the design of the development as an attractive amenity or focal point. Storm drainage and detention areas shall be designed to accommodate the needs of the entire business park, and reflected on the preliminary plat.

**g)** The use of green infrastructure and green build practices is encouraged in order to minimize storm water runoff and thus reduce or eliminate the need for storm water facilities. Such practices may include but are not limited to the capture and reuse storm water for irrigation, porous pavement in parking and paved areas allowing water to infiltrate into the ground rather than run off the property, rain gardens, green roofs, etc.

**h)** Existing woodland tree cover areas shall be retained to the maximum extent possible, with building and grading encroachment into these areas minimized.

**i)** A master landscape / screening plan shall be established for the Kansas Avenue frontage, and along the 222nd Street frontage (if that roadway is retained with the development of the business park). Such perimeter street frontages shall include meandering and undulating earth berms no less than 5-feet in height with an extensive mix of evergreen and deciduous tree plantings creating a year round screen of parking and paved areas. Such screening shall not be required along these frontages if parking/paved areas are located behind buildings and the structures are designed with the appearance of an office building fronting the roadways. However landscaping shall be required along these street frontages.

**j)** Service and mechanical areas, including rooftop mechanical equipment, shall be entirely screened from view.

**k)** Exterior building materials requiring low maintenance are recommended over high maintenance materials. For instance, materials with integral color are recommended in lieu of materials that require painting.

**l)** All buildings should have architectural interest and variety to avoid the effect of long or massive walls with no relation to human scale.

**m)** Illumination of parking and outdoor areas shall conform to the standards of the City Zoning

Ordinance. No building mounted flood lights shall be permitted where visible from street right-of-way.

n) Outdoor storage shall not be permitted, except upon amendment to the approved BP zoning district for the Business Park and a site plan depicting the location and method of screening for such area.

**Additional Standards Applicable to Area (1) – Area west of the West Collector Roadway:**

a) A master landscape / screening plan shall be required along the south property line if at the time of final site plan approval the adjacent area to the south is designated for or developed with residential uses.

b) Architectural design and exterior building materials visible along the 222nd Street and Kansas Avenue frontages shall be high quality. Metal facades are not permitted where visible along such frontages.

**Additional Standards Applicable to Area (2) – Area between the West and East Collector Roadways:**

a) A master landscape / screening plan shall be required along the south property line if at the time of final site plan approval the adjacent area to the south is designated for or developed with residential uses.

**Additional Standards Applicable to Area (3) – Area east of the East Collector Roadway:**

a) This area is designated for upscale office development with the highest quality design and exterior building materials. Metal shall not be an acceptable exterior building material in this area.

b) Warehousing and trucking activities are not permitted in this area.

c) Existing woodlands shall be retained as buffers to adjoining properties to the east and south.

The Tonganoxie City Council will consider this item on the 24<sup>th</sup> day of May, 2010 this allows the required time for a protest petition to be filed with the City Clerk's Office. The Council meeting will be held at 7PM in the City Council Chambers at 321 S. Delaware.

**4b. Public Hearing – Consider Renewal of the Preliminary Plat for Timber Hills Subdivision and revised phasing plan.**

The Planning Commission followed the Public Hearing Script.

Kevin Kokes, AICP, LEED AP, Planning Consultant with Bucher Willis Ratliff Corp. reviewed the staff report dated May 6, 2010. He presented background information on the property, the requested time extension on the preliminary plat and the revised phasing schedule. He reviewed the Planning, Engineering, Fire Department, and Public Works review comments.

The applicant Greg Ward stated the revised phase will bring in five more buildable lots. There will be two on 223<sup>rd</sup> St and three on Sycamore St.

No one else was present to speak in favor of the proposed changes.

Several homeowners were present to speak in opposition.

Jeff Carlin, 22215 Parallel Rd, stated prior to the development of Timber Hill Farms water drained into the lake, now water drains to North side of the property and runs through his property and through property owned by his neighbors. He stated he cannot grow anything or build anything on this part of his property because of the water issues.

Ernie Edmonds, 22351 Parallel Rd., also complained about the water that drains to lower portions of his property after development of Timber Hill Farms.

Owen Lewis, 22301 Parallel Rd., stated he would like the drainage water problem fixed as it drains into his septic tank and lateral field and causes problems for him. He has to have his septic tank pumped frequently because it fills up with runoff water.

Kathy Bard, Assistant City Administrator, stated the City and County Engineers have determined the development of Timber Hill Farms did not affect the surrounding property. She stated the on going drainage issue was caused by culverts that needed to be cleaned out.

Planning Commissioners discussed how long City Staff has known about this problem, questioned when the Engineer Study was done, the effect of this information on the approval of the preliminary plat extension and revised phasing schedule.

Kathy Bard stated the Planning Commissioners can address and discuss the drainage issue when the Final Plat is submitted.

Greg Ward agreed to meet with the property owners to discuss their concerns and problems.

The Public Hearing was closed.

- **Joshua Mast made a motion** to approve the one year extension to the preliminary plat and the revised phasing schedule, provided that the property owners meet with the developer and the conditions in the staff memo dated May 6, 2010 are met.
- **Bill Peak seconded** the motion.
- **Discussion:** The Planning Commissioners would like a copy of the Engineer Study and would like the study made available to the property owners.
- **Roll Call Vote** was taken. Joshua Mast, aye; Joel Skelley, aye; Bill Peak, aye; John Morgan, aye.
- **Motion carried** aye 4.

#### **4c. Consider request to allow a temporary gravel surface for off-street parking at 1168 S. Delaware Dr.**

Kevin Kokes, AICP, LEED AP, Planning Consultant with Bucher Willis Ratliff Corp. reviewed the staff report dated May 6, 2010. He presented background information on the property, the property owners health consideration, city zoning ordinance regulations for off-street parking and conditions for approval of the temporary gravel surface.

- **Bill Peak made a motion** to approve the temporary gravel surface for off-street parking for a period of one-year, and include conditions in the staff memo dated May 6, 2010.
- **Joshua Mast seconded** the motion.
- **Roll Call Vote** was taken. Joshua Mast, aye; Joel Skelley, aye; Bill Peak, aye; John Morgan, aye.
- **Motion carried** aye 4.

#### **5. Open Agenda**

Kevin stated Mid America Regional Council (MARC) is reviewing their 2040 Plan and citizen comments are accepted through May 13<sup>th</sup>. He stated Tonganoxie has submitted several projects and the Lv. Co. Trails plan is listed under City of Leavenworth.

The Planning Commissioners discussed the time frame for plat extensions and suggested Kevin present more information to them for discussion at a future meeting.

Kevin stated Bucher Willis Ratcliff Inc.(BWR), is hosting 3 webinars and he would like the Commissioners to add the webinars to the meeting agendas and schedule a time periods of approximately 1 ½ hours to view each of them at future Planning Commission meetings.

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

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

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Submitted by: Patty Hagg