

**TONGANOXIE PLANNING COMMISSION  
MINUTES  
February 2, 2012**

**Call to Order** – The Planning Commission met on February 2, 2012 for a regularly scheduled meeting. Chairman Joel Skelley called the meeting to order at 7:08 pm. Members present were Commissioners; Nick Hoegler, Robert Bieniecki, Catherine Patrick, Joel Skelley, John Morgan and Ken Freemyer. Commissioner Rick Pruden was absent. A quorum was present.

**Approval of Minutes**–The Commissioners reviewed the December 2, 2011 minutes. Robert Bieniecki made a motion to approve the minutes as presented. John Morgan seconded the motion. All ayes (6), motion carried.

**Agenda Items –**

**4a. Public Hearing – Special use Permit - In-Home Daycare at 1184 Raintree Park**

The Planning Commission followed the Public Hearing Script.

Mike Yanez reviewed the staff report dated February 2, 2012 prepared by Kevin Kokes, AICP, LEED AP, Planning Consultant with HW Lochner. He presented background information on the property, the neighborhood, and parking. He also discussed required inspections, KDHE regulations, hours of operation and employees. The Mandatory considerations from the City’s Zoning Ordinance Section 22-011 were also discussed. Also presented were staff recommendations to be included in the Ordinance for the special use permit.

The applicant was not present. No one was present to speak in favor or opposition to the In-home Day Care Special Use permit.

The Public Hearing was closed.

The Commissioners discussed the special use permit application and mandatory zoning considerations. The Commissioners had no further comments or questions.

- **Catherine Patrick made a motion** to recommend approval of the special use permit for an In-home Day Care Center at 1184 Raintree Park including the staff recommendations in the memo dated February 2, 2010.
- **Robert Bieniecki seconded** the motion.
- **Roll Call Vote** was taken. Nick Hoegler, aye; Robert Bieniecki, aye; Catherine Patrick, aye; Joel Skelley, aye, John Morgan, aye; Ken Freemyer, aye.
- **Motion carried** aye 6.

**The motion is based on agreement with the following mandatory zoning 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 outdoor play area is located in the backyard of the residence. 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.

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

a) 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

b) 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.

c) The applicant shall obtain a Fire and Life Safety Inspection on an annual basis concurrently with the annual renewal of a City Business License for the child day care center.

d) Up to a maximum of ten (10) children shall be allowed for care in the day care home, or as further restricted by the Kansas Department of Health and Environment.

e) 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.

f) Building mounted or on-site signage associated with the business must be in accordance with Section 25-015 (Signs Permitted in Residential Districts) of the Zoning Ordinance. Any signage shall obtain a sign permit prior to installation.

The Tonganoxie City Council will consider this item on the 27<sup>th</sup> day of February, 2012. 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 St.

**4b. Discuss Tonganoxie Planning Services**

The Commissioners reviewed & discussed the letter from Planning Consultant, Kevin Kokes. Kevin received a promotion and has moved to Dallas. He has agreed to provide planning services remotely until a new planning service can be hired. It was the consensus of the commissioners to make a

recommendation to the City Council to send out a RFQ (Request for Qualifications) to find a new firm /planner that will provide the same quality of service that we have received from Kevin and BWR. They would also request using Mr. Kokes to help develop minimum qualification for the RFQ and continue using Lochner/Kevin Kokes until a replacement can be found. Joel will draft a letter to the City Council.

#### **4c. Review Recreation Commission Park Plan Survey**

Brad Eccles with the Tonganoxie Recreation Commission presented information obtained from their survey conducted in December 2011. He stated they received 106 responses, 88% of the responses were from those who already participate in Recreation Commission activities. Chieftain Park received the highest ranking as most used park 98%. Some improvements recommended were playground equipment, improved trail lighting, fountain and restroom facilities especially at the new ball fields. Of those that responded 80% stated they would favor an increase in taxes to improve or add parks or an indoor facility. Overall he stated he felt the residents see the benefits of health improvement through exercise. He stated the Tonganoxie Mirror will do a story on the survey and results are also available at the office.

#### **Open Agenda –**

Mike Yanez, City Administrator updated the commissioner on the Chieftain Trail Phase II. The engineers have completed the drawing. The next step will be to contact property owners for easement acquisitions.

John Morgan discussed safety issues at the pedestrian crosswalk at Hwy 24/40 and North Star. He stated he witnessed a pedestrian who waited for the flashing lights to cross the road but he noticed cars slowed down but did not stop to allow the pedestrian to cross. He wanted to know if the lights could be changed to red flashing lights or if additional signage needed. Joel & Catherine both stated the light color could not be changed. Additional information will be obtained from the Engineers and KDOT and will be discussed at a future meeting.

The commissioner's reviewed Agenda Item 6. - General Information items, no action was taken.

The next scheduled meeting is Thursday, March 1, 2012 at 7:00 p.m.

With no further business to discuss, there was a **motion by John Morgan** to adjourn the Planning Commission meeting. **Second by Ken Freemyer**. All ayes, (6). Motion carried. Meeting adjourned at 8:20 p. m.

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

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Submitted by: Patty Hagg