



TONGANOXIE PLANNING COMMISSION
Meeting Minutes
September 7, 2023 7:00 p.m.
303 S. Bury Street

CALL TO ORDER

- Chair Monica Gee opened the meeting at 7:00 p.m.

Roll Call: Planning Commission members present were Chair Monica Gee, Vice Chair Patti Bitler, Kirsten Moreland, John Kirk, Angela Schultz. Howie Brewington was present via phone and Amanda Horner was absent. Assistant City Manager Dan Porter, City Attorney Anna Krstulic, Municipal Court Clerk Lindsay Huntington, and City Planner Chris Brewster were also present. City Manager George Brajkovic was present via phone.

1. APPROVAL OF PC MINUTES – July 3, 2023

- **Ms. Bitler made a motion to approve the minutes from the July 6, 2023 Commission meeting.**
- **Ms. Schultz seconded the motion.**
- **Vote of all ayes, motion carried.**

2. OLD BUSINESS

3. EX PARTE COMMUNICATION

- Ms. Bitler expressed previous communications regarding property owned by Homer Jennings, however City Attorney Anna Krstulic advised recusal would not be necessary.

4. NEW BUSINESS

- a) Consider Approval of Site Plan Review for the City of Tonganoxie Dog Park
- Mr. Porter stated that although a Site Plan Review does not require approval from the City Council, Brad Eccles, Director of the Tonganoxie Recreation Commission, did a presentation to the Council to provide them an opportunity to give input and support or constructive criticism regarding the project because it is of a public nature. Mr. Porter stated that positive feedback was expressed by the Council.
- Mr. Brewster with Multistudio delivered the staff report for the Site Plan Review for the City of Tonganoxie Dog Park. Mr. Brewster stated the propose site is zoned industrial, and a park is an allowed use so all that is required is a Site Plan approval.
- Mr. Brewster stated as the City Planner his recommendation is approval of the Site Plan and provided additional recommendations for consideration.
- Mr. Eccles stated the property was purchased by the Recreation Commission approximately two years ago and shortly after Hill's reached out and offered to work with them on a community project. Mr. Eccles stated they would like to make it a multi-purpose use with areas to picnic, possibly a play area for children as well as the connection to the walking trail.
- Mr. Eccles stated there is no plan to add a public restroom to the park at this time. There is some concern a public restroom would be subject to vandalism. Mr. Eccles added the possibility in a later phase to add a bridge that would connect it to Chieftain Park making those restrooms more accessible, however there are flood plain issues to consider.
- Mr. Eccles stated that they do plan to have water in the park, but they will need to work with the City. They do plan to have a small and large dog section within the park. Mr. Eccles stated that

Hills would like to begin constructing the park as they are wrapping up the new plant, however an exact date is to be determined.

- Mr. Porter stated that it has been confirmed with Kent Heskett, the Public Works Director, there is adequate supply for a residential sized water meter on site at the south end of the property. No plat or easement dedication would be necessary to get water to the property. City water is available at the boundaries, however if more water volume or pressure is needed improvements may be necessary.
- **Ms. Moreland made a motion to approve the Site Plan for the City of Tonganoxie Dog Park with staff recommendations.**
- **Ms. Bitler seconded the motion.**
- **Roll call vote – All ayes, motion passed.**
- b) Consider Approval of Temporary Use Permit for Property Owned by Homer Jennings located at 0000 State Ave (Leavenworth County GIS Quick Reference ID: 26882)
 - Mr. Brewster with Multistudio delivered the staff report for the Temporary Use Permit for Property Owned by Homer Jennings. Mr. Brewster stated it is a temporary use, and no construction activity is associated with this location as all construction is complete. The property is zoned General Business and no zoning action is needed.
 - Mr. Brewster expressed the applicant currently has a shed on the property they would like to use for temporary storage of personal items. Staff concern is if the activity turns into business activity an application for commercial activity would be required. Therefore, the temporary use permit is being used as an interim strategy to allow the applicant to use the property and keep open the possibility of future development of commercial use.
 - Mr. Brewster stated as the City Planner his recommendation is approval of the Temporary Use Permit and provided a detailed list of recommendations to be met.
 - Mr. William Homer Jennings Jr., 1725 Finch Drive, Tonganoxie, KS 66086 stated that he is in agreeance with what he heard in the presentation and believes it is a good solution for the problem. Mr. Jennings stated that he would like to move forward with planning, and hopes to receive permission to get surveys and elevations done on the property. Mr. Jennings also stated he has signed easement agreements with the City. The agreement is to put in a sewer line to benefit his property and the Ladesic property.
 - Mr. Jennings stated his intent for the property is to continue to store several of his hobby cars. His future intent for the property is to get electric, gas, water and sewer to the property in order to enhance the value of the property for future development. At this time, it is undecided if Mr. Jennings will develop the property himself, sell it or work jointly with someone to develop the property. Mr. Jennings stated the biggest project he might do is bring in fill dirt to level off some of the low spots.
 - Mr. Brewster stated the temporary permit that has been recommended for approval would be perpetual with an ability to revoke at any time, however a limit could be set.
 - Mr. Porter stated the City has engaged the City Engineer, the City Planner as well as KDOT's District Engineer in developing the proposed recommendations. Mr. Porter stated the second staff recommendation limits the permit to no commercial activity or use which will set the standard that no access issues or enhanced access may be requested from the current use. If a new development proposal is introduced KDOT would be re-engaged to discuss any access concerns.
 - Mr. Jennings stated the cars will be stored inside the current building but he would like to on occasion park a trailer behind the building. Mr. Jennings also intends to pay for the water taps.

- Mr. Porter clarified surveying is an active review of the site which does not involve any construction activity and would be allowable.
- **Ms. Moreland stated that based on these limitations, staff recommends that the Planning Commission approve the request for a Site Plan and Temporary Use Permit, and determine that the GBD development standards and site plan review criteria be waived absent a formal application for development, subject to the following:**
 1. **No additional development and construction activity can occur on the site, except as specifically reviewed and approved by the City subject to all applicable standards.**
 2. **The use is limited to personal storage, and no commercial activity or use of the property is authorized until a specific development plan for the site is approved.**
 3. **All other property maintenance, health, and public safety codes, standards, and specifications shall be met for the duration of the temporary use.**
 4. **The temporary use permit may be revoked by the City at any time for violation of any of these conditions.**
- **Ms. Moreland made a motion to approve the Temporary Use Permit with the staff recommendations and the stipulation that the permit be reviewed in two years.**
- **Mr. Kirk seconded the motion.**
- **Roll call vote – All ayes, motion passed.**
- c) Update on Downtown Study
 - Mr. Porter presented the downtown/4th Street survey results. The survey closed on August 31st, 2023 and 14 responses were received of the 25 invitations.
 - Mr. Porter stated staff would recommend appointing a subgroup of the Planning Commission to assist with drafting the RFP. Mr. Porter also stated the City Council has approved the budget for the project and is fully funded as requested.
 - Ms. Gee, Ms. Bitler, Ms. Moreland and Mr. Brewington have volunteered to form a subgroup.

5. GENERAL INFORMATION

- a) Home Builder's Association Reports

6. ADJOURN

- **Ms. Bitler made a motion to adjourn the meeting.**
- **Mr. Kirk seconded the motion.**
- **Vote of all ayes, motion carried.**
- **Meeting adjourned at 7:53p.m.**

Respectfully submitted,



Lindsay Huntington, Planning Clerk