



## **TONGANOXIE PLANNING COMMISSION**

### **Meeting Minutes**

**May 5, 2022 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, John Kirk, Howie Brewington, Amanda Horner, and Meagan Vestal. Angela Schultz was absent. City Manager George Brajkovic, Assistant City Manager Dan Porter, City Attorney Anna Krstulic, and City Planner Chris Brewster were also present.

- Ms. Gee asked for a moment of silence to commemorate the passing of Velda Roberts.

### **1. APPROVAL OF PC MINUTES – March 3, 2022**

- **Ms. Bitler made a motion to approve the minutes from the March 3, 2022 Commission meeting.**
- **Mr. Kirk seconded the motion.**
- **Vote of all ayes, motion carried.**

### **2. OLD BUSINESS**

- No items.

### **3. EX PARTE COMMUNICATION**

- None reported.

### **4. NEW BUSINESS**

- a) Consideration of Preliminary Plat for Deer Creek at property generally located at the intersection of 24/40 and Smiley Road, Tonganoxie, KS 66086
- Mr. Brewster delivered the staff report on the Preliminary plat application for a 45 residential lot subdivision including reference to the following conditions of approval recommended by the engineering and planning staff reports:
  - 1. Details of the City Engineers report dated April 28, 2022 be addressed. Specifically:
    - a. The traffic study notes that future additions – both on the applicant's property to the north, but any potential connections on other property to the north and east – are possible and likely, and at that time the traffic study shall be amended
    - b. The stormwater plan be resubmitted according to the comments in the City Engineers report. Issues regarding flow to property to the north, and impacts on downstream ponds shall be addressed prior to submitting a final plat.
  - 2. The Planning Commission concur that due to the situation of property to the north and east (unincorporated, rural water districts, with no immediate city plans to annex), that the conceptual street network plan required by the subdivision regulations (particularly to justify not meeting the default connection standards) is not necessary at this time. However, to account for potential long-range development, both cul-de-sacs to the north and northeast should plat potential stubs to that property. In this case, the requirement for connections to the perimeter at least every 660' could be waived.
  - 3. The open space and common ownership tracts be considered through further design details to

ensure they are valuable assets to the neighborhood, and to ensure their long-term maintenance. At a minimum, final designs and the formal applications for maintenance by a property owner's association should be submitted with the final plat.

- **Ms. Gee opened the public hearing.**
- No members of the public addressed the Planning Commission.
- **Ms. Gee closed the public hearing.**
  
- **Ms. Horner made a motion to approve the Preliminary Plat for Deer Creek Subdivision subject to the staff recommended conditions of approval #1-3 included in the staff report and noting the mistaken reference to stone creek subdivision on page 5 of the staff report should be replaced by Deer Creek subdivision.**
- **Ms. Bitler seconded the motion.**
- **Roll call vote – All ayes, motion passed.**
  
- b) Consideration of Special Use Permit for Tongie Tykes Daycare located at 707 E 4th Street, Tonganoxie KS 66086
  - Mr. Brewster delivered the staff report on the Preliminary plat application for a 45 residential lot subdivision including reference to the following conditions of approval recommended by the engineering and planning staff reports:
    1. The applicant propose a specific drop off procedure and the Planning Commission accept that it meets both the practical needs of the daycare use and the parking and urban design strategies for downtown. The applicant should consider and propose a strategy that addresses the following at a minimum:
      - a. The timing and typical vehicle counts a peak times.
      - b. Whether drop off will be all internal to the site, all on-street, or a combination.
      - c. How operational and staffing scenarios can improve drop off.
      - d. Whether remote parking in the vicinity of downtown and/or other modes of parking are expected.
      - e. What physical improvements are necessary to the site to accommodate the proposed strategy.
    2. The per child open space requirement of the zoning ordinance be waived due to the downtown context and the abutting public park. Note this would not waive any requirement for outside play areas required by KDHE, and the SUP would still remain subject to any requirements for state licensure. In the event that open space is constructed on site, it shall require an amended site plan and meet all City standards for landscape and open space design.
    3. The applicant submits final KDHE permit to the City, prior to any business license or certificate of occupancy in the building.
    4. The applicant shall obtain a fire inspection on an annual basis concurrently with the annual renewal of a City Business License for the day care center.
    5. The operation is limited to up to 49 children, and operating hours between 6AM and 6PM, unless further limited by state license requirements.
    6. The permit is valid for a period of two years from the date of approval by the City Council.
    7. The building is subject to all building permit and Fire Department inspections necessary for buildings generally, and necessary for daycare facilities and state licenses – specifically exit signs, commercial rated fire extinguishers, compliance of all electrical fixtures or other emergency exit conditions and procedures.
  - Ms. Bitler said her main concern with the application was the sufficiency of the enclosed play area on the site and asked for more information about what would be included.

- The applicant Heather Smith, 19912 Mitchell Road, Tonganoxie, KS, addressed the Planning Commission and said that the initial application didn't include the entirety of the details of the enclosed play area which would be located on the northwest corner of the property. Ms. Smith said that she would provide more details about the composition and location of the fencing and that she anticipated approximately 8-9 employees to be present at the facility.
- **Ms. Gee opened the public hearing.**
- Desiree Kinney, 22761 Hatchell Road, Tonganoxie, KS, addressed the Planning Commission in opposition to the project and shared concerns with the occupation of the facility by an LLC when the facility was under the ownership of a not-for-profit organization and with the extent of outdoor play space included in the application.
- Mr. Brajkovic said that staff had confirmed with the City Attorney that the City was not the relevant authority in terms of jurisdiction or enforcement of any conditions of tax-exempt status through the State of Kansas and that the owner of the facility included in this application had provided a signature of approval as part of the application submitted to the City.
- No other members of the public addressed the Planning Commission.
- **Ms. Gee closed the public hearing.**
- **Ms. Bitler made a motion to recommend the City Council approve the Special Use Permit for Tongie Tykes Daycare at 707 E 4<sup>th</sup> Street subject to the staff recommended conditions of approval #1-7 included in the staff report and noting the added requirement for the applicant to submit an amended site plan demonstrating the playground and fencing materials.**
- **Mr. Kirk seconded the motion.**

Roll call vote – All ayes, motion passed.

## **5. GENERAL INFORMATION**

- (a) January 2022 Home Builder's Association Reports
  - Ms. Gee said the Homebuilder's Association reports for January 2022 were included in the agenda packet materials.
  - Ms. Gee thanked the two members of the Planning Commission who were schedule to attend a planning-related training in Derby, KS the following week.

## **6. ADJOURN**

- **Ms. Horner made a motion to adjourn the meeting.**
- **Ms. Vestal seconded the motion**
- **Vote of all ayes, motion carried.**
- **Meeting adjourned at 7:45 p.m.**

Respectfully submitted,

Dan Porter, Assistant City Manager