

TONGANOXIE
PLANNING COMMISSION
MEETING MINUTES
JANUARY 5, 2017

Call to Order – The Planning Commission met on January 5, 2017. John Morgan called the meeting to order at 7:15 pm. Members present were Commissioners Grant Watson, Steve Gumm, Jacob Dale, John Morgan, Monica Gee. Commissioner Steve Ashley & Patti Gabel were absent. A quorum was met. Also present were Jamie Shockley, Interim City Manager, Chris Brewster, Gould Evans Planning Consultant, and Patty Hagg, Recording Secretary.

Approval of Planning Commission Minutes–Monica Gee moved to approve the minutes from 12/1/2016. Grant Watson seconded the motion. All Ayes. Motion carried (4-0-1) abstain-Steve Gumm.

Old Business – Reminder, Comprehensive Plan Worksession – 1/19/17 @ 7:00pm

New Business – Agenda Item 4a – Site Plan Application – LMH Family Medicine Bldg Addition @ 410 Woodfield Dr. Submitted by Matthew Murphy with Treanor HL.

Planning Consultant, Chris Brewster, presented a staff report dated 12/23/16. He discussed the zoning, building design and materials, parking, landscaping & screening, signage and utilities. He recommended approval of the application with the following conditions: 1. All plant materials to be healthy specimens with maintenance or replacement for a minimum of two years. The applicants were present to answer questions.

- Steve Gumm made a motion to approve the application as presented with the condition as recommended by the city planner regarding plant material.
- Monica Gee seconded the motion. Motion Carried - All ayes (5-0).

Agenda Item 4b – Site Plan Application – Pendergraft Erection Services – Lot 14 & 15 Urban Hess Business Park. Submitted by Leticia Cole with Paul Werner Architects.

Mr. Brewster presented a staff report dated 12/23/2016. He discussed the zoning and surrounding property uses, building design and placement, parking and access, building materials, landscape and screening, signage and utilities. Mr. Brewster stated staff recommends approval with conditions. Leticia Cole, Paul Werner Architects was present to answer questions. The commissioners discussed landscaping, construction plans and building permits. The architects and business owners asked for additional time to submit final plans and building permits.

- Grant Watson made a motion to approve the site plan for lot 14 & 15 with recommendations 1-4 from the staff report and to allow the applicant 24 months to submit a building permit and construction plans for both lots.
- Steve Gumm seconded the motion. Motion Carried –All Ayes (5-0)

This motion was approved with the following conditions:

1. The “office” building on Lot 15 when developed should adhere to the site design conveyed on this site plan and all the applicable standards of the “I-LT” Light Industrial District and Sections 3, 4 and 5 of Article 9 of the Subdivision Regulations for site and building design.
2. Relocate the “Shop” building to not encroach into the west property line side yard setback on Lot 14. This would better facilitate a potential future split or independent sale of these lots in the future.
3. The applicant shall provide an understanding of the storm water and sanitary sewer impacts cause by the development to the City Engineer, for approval, prior to the starting of construction.
4. All plant materials to be healthy specimens with maintenance or replacement for a minimum of two years.

Agenda Item 4c – Site Plan Application – 304 West St. Submitted by Kelly Shoemaker, Wirenuts LLC.

Mr. Brewster reviewed the staff report dated 1/4/2017. He discussed the application, zoning, building materials and site design standards. He recommends approval to use an architectural metal finish as requested by the applicant.

- Steve Gumm made a motion to approve the site plan and grant an exception to the building materials to allow an architectural metal finish to the outside of the building.
- Monica Gee seconded the motion. Motion Carried - All ayes (5-0).

Agenda Item 4d – Public Hearing to Rezone Property located at 1601 Commerce Dr from Light Industrial to General Business District. The Planning Commission followed the Public Hearing Script

Mr. Brewster reviewed the staff report dated 12/23/2016. He discussed the current zoning district and the requested zoning district regulations. He also reviewed surrounding property zoning and reviewed the mandatory zoning considerations. He recommended denial of the application due to potential uses and incompatibility and the impact to future development of industrial uses in the Business Park. The applicant Eric Finkbinder, 825 E 8th St., Tonganoxie KS was present to answer questions and spoke in favor of the rezone. He disagreed with the recommendation and reviewed the history of the property and the many times it has remained vacant. He discussed the intended use of the property/building as a church.

Phil Gunter, 2320 E Willow Pointe Circle, Tonganoxie KS also spoke in favor of rezoning the property so that it could be used as a church. He did not think it would be detrimental to the surrounding property that is zoned Lt-Industrial. He stated the property is on a corner lot and is better suited for General Business.

Steve Jack, 25985 Clover Court, Lawrence KS, Executive Director of Leavenworth County Development Corporation (LCDC) and representative of Leavenworth County Port Authority (LCPA) presented a letter to the Planning Commissioners stating opposition to the rezone. He discussed several projects he has been working on and the recent interest in lots in the Urban Hess Business Park. He stated the board opposed the rezone request because they would like to maintain the integrity and continuity of the Business Park as Light Industrial zoning.

The Public hearing was closed.

The commissioners discussed the current zoning and reviewed the mandatory zoning considerations. The commissioners added that they were not comfortable rezoning the property, as there are few areas throughout the city that are designated with industrial zoning, and they believed it was important to remain consistent with the character of the area. Planning commissioners, added, however, that if the council denies rezoning the property, the applicant may wish to ask the council to consider whether or not churches should be an allowed use under industrial zoning designations.

- Monica Gee made a motion to deny the rezone request
- Steve Gumm seconded the motion.
- Roll Call Vote, Monica Gee, aye; John Morgan, aye; Jacob Dale, aye; Steve Gumm, aye; Grant Watson, aye. Motion carried. (5-0)

The application was reviewed against the following zoning considerations (in bold italic text) as outlined by the City of Tonganoxie Zoning Ordinance, Section 27-011 The Planning Commission was in agreement with items 1-7.

1. Character of the neighborhood.

The character of the surrounding area is a mix of smaller scale, metal industrial buildings and vacant parcels. Beyond the adjacent area, commercial uses align Highway 24/40 to the south, agricultural land to the north and west and residential subdivision to the east. This property would be to the west of proposed 206th street, so that street would serve as a transition to the neighborhood. This property is part of the Urban Hess Business Park that is not fully developed, but is zoned “I-LT” Light Industrial and “I-MD” Moderate Industrial.

2. Zoning and uses of properties nearby:

Surrounding properties are zoned for light industrial uses to the east and north and moderate industrial uses to the west and the south (I-LT and I-MD). Tonganoxie Drive lies north of the Business Park and represents the edge of the Tonganoxie City Limits. North of Tonganoxie Drive is unincorporated Leavenworth County and the land is currently vacant and is zoned for agricultural and residential use (RR-2.5).

3. Suitability of subject property for the uses to which it has been restricted:

The property was originally platted in 1997. The property has been developed for more than 14 years and in its current configuration for at least the past 8 years. The property was originally developed as part of the Urban Hess Business Park, designed to cluster industrial uses. Three parcels of the original 7 platted are developed today with the remaining parcels vacant. The subject property has direct access to US 24/40 through Laming Road which is adjacent to the property on the west. This access is attractive to industrial uses for delivery of goods. The Urban Hess Business Park is one of 4 current locations within the City of Tonganoxie that are zoned for industrial uses. The other locations are immediately south of US24/40, along Tonganoxie Drive, along E. 4th Street east of Downtown Tonganoxie and the Tonganoxie Industrial Area south of town. The subject property, the second location, south of US 24/40, and the Tonganoxie Industrial Area provide larger parcels for development of industrial uses, and the Downtown location provides smaller lots for small scale industrial development. The Tonganoxie Industrial Area is a planned industrial park that has yet to see any improvements or development.

4. Extent to which removal of the restrictions will detrimentally affect nearby property:

The rezoning of the subject property to “GBD” could detrimentally affect adjacent industrial uses by allowing incompatible uses within the business park. The park was intended to, and currently accommodates light and moderate industrial uses. Uses that can cause noise, vibration, odor, traffic and other impacts to adjacent properties. Allowing less-intensive uses in proximity to those uses could have a detrimental impact to current uses and the future development of the business park. The development of industrial uses within a community can be difficult because of the impacts associated with that type of development. The development of the Urban Hess Business Park has defined the development pattern in this area of Tonganoxie for several years. As the community grows the need for industrial development space will be necessary. The comprehensive plan states as an industrial development principle:

The arrangement, size, and location of industrial areas is intended to provide sufficient area for expansion of individual operations, be conveniently sited to draw from a local and regional labor pool, and be located to minimize any negative impacts that might be generated (e.g., noise, smoke, dust, toxic spills, odor, etc.).

5. Length of time the subject property has remained vacant as zoned:

According to the applicant the building has been unoccupied 5 of the last 10 years and has had a variety of uses during that time, when occupied.

6. 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:

If the property remains as "I-LT" Light Industrial District zoning, all existing uses allowed by Zoning Code will be preserved. Rezoning of the property to "GBD" will allow development of retail, restaurants, institutional, educational, lodging, athletic, religious facilities and the like. The restaurants and retails service can currently be accommodated in the "I-LT" zoning category. The "GBD" zoning category prohibits most industrial uses including manufacturing and warehousing. Future industrial development of the Business Park is likely to occur as the community grows.

7. Conformance of the requested change to the adopted or recognized comprehensive plan of Tonganoxie, Kansas:

This subject property is located within the city limits of Tonganoxie and the 2006 Comprehensive Plan identifies the future land use of this area as Industrial. The plan recognizes the future industrial development for what is currently known as the Urban Hess Business Park. The plan further calls for commercial development along the US 24/40 frontage, medium density residential to the east, low density residential to the north and west of the business park.

The comprehensive plan also states the following with regard to future industrial development in Tonganoxie:

Industrial Principle: The arrangement, size, and location of industrial areas is intended to provide sufficient area for expansion of individual operations, be conveniently sited to draw from a local and regional labor pool, and be located to minimize any negative impacts that might be generated (e.g., noise, smoke, dust, toxic spills, odor, etc.).

Industrial Policies:

- o Industrial development should be concentrated on land zoned for industrial use, promoting the proper mix of light to moderate industrial development.
- o Traffic arteries should serve as boundaries between industrial and other uses.

Chairman John Morgan stated a recommendation to deny the rezone application will be heard by the City Council on February 6, 2017. This allows time for a 14-day protest period.

Open Agenda –

Ms. Shockley updated the commissioners on the KCRVR project. She stated she has not received the information that has been requested. The project will be added to the planning commission agenda as soon as they submit everything and it is reviewed.

With no further business to discuss Jacob Dale moved to adjourn. Seconded by Monica Gee. All ayes. Meeting adjourned at 8:35 p.m.

Minutes Approved: _____

Submitted by: Patty Hagg