TONGANOXIE PLANNING COMMISSION

Agenda
May 2, 2019
7:00 p.m.
City Council Chambers
321 S. Delaware St.

*Note – This meeting may be transmitted via Facebook Live on the City of Tonganoxie page

CALL TO ORDER – Planning Commission Meeting

1. **APPROVAL OF PC MINUTES –** April 4, 2019

2. **OPEN AGENDA –** In order to speak during open agenda, you must sign in **before the meeting**. Please give your name and address to the City Clerk or designee. Comments will be limited to 3 minutes. Please wait to be recognized by the Chair and before speaking **state your name and address** for the record.

3. **NEW BUSINESS**
   a) Public Hearing – Rezone Application – "I-LT" (Light Industrial) to "HBD" (Historic Business District) at 704 E 4th Street .

4. **OLD BUSINESS**

5. **GENERAL INFORMATION**

6. **ADJOURN**

Planning Commission Meeting Minutes
April 4, 2019
7:00 p.m. Regular Meeting

CALL TO ORDER

- Chairman Morgan opened the meeting at 7:00 p.m.
- Roll Call: Planning Commissioners present were John Morgan, Monica Gee, Jacob Dale, Patti Gabel, Zach Stoltenberg, and Kevin Harris. Ms. Henson was absent. City Manager George Brajkovic, Planning Clerk Melanie Tweedy, Assistant City Manager Dan Porter and City Planner Chris Brewster with Gould Evans were also in attendance.

1. APPROVAL OF PC MINUTES –March 7, 2019

- **Ms. Gee made a motion to approve the minutes from the March 7, 2019 Planning Commission meeting.**
- **Mr. Stoltenberg seconded.**
- **Vote of all ayes, motion carried.**

2. OPEN AGENDA – In order to speak during open agenda, you must sign in **before the meeting**. Please give your name and address to the City Clerk or designee. Comments will be limited to 3 minutes. Please wait to be recognized by the Chair and before speaking **state your name and address** for the record.

- Lindsey Blancarte, 22800 Woodend Road, addressed the Planning Commission on the subject of storm water related to the site plan proposal in the agenda.
- No other members of the public addressed the Planning Commission.
- Chairman Morgan closed the open agenda portion of the meeting.

3. NEW BUSINESS

a) Site Plan Review- Consider a Site Plan application for Tonganoxie Public Library located at 217 E 4th Street.

- Mr. Dale recused himself from the consideration of the Tonganoxie Library Site Plan, noting that he currently serves on the Library Board.
- Mr. Brewster delivered a presentation on the item. He described the plan materials submitted with the application, including the review of parking requirements and landscape plan recommendations from Planning staff found in the staff report. He noted that the engineers report included information that noted the overall impact to storm water drainage should decrease as the Library will have a reduced impact than the previous use of the site.
- Mr. Stoltenberg commented that this isn't a residential building and that this is more like an extension of downtown. He felt that the building should be closer to the street, with parking located on the west side of the building. He asked if this needs to be rezoned and incorporated as part of the historic business district.

- Mr. Brewster stated that he did understand a concern to try to keep it closer to the street edge, and that concessions were made in the design to have better hedge landscape design. He also stated that rezoning the site to Historic Business District was discussed and their design team felt this could lead to potential issues if the library were to no longer occupy the site.
- Mr. Brajkovic stated that staff did make efforts to incorporate feedback from the Library's patrons and other members of the community that desired
- Ms. Gee asked Nicole Holifield, Tonganoxie Public Library Director, what the public input has been on the design.
- Ms. Holifield commented that this site plan design was included in several different methods of public input and most of the feedback they had received indicated that their patrons would like easier access to the front door.
- Mark Breuer, with Schlagel, commented that the design of the entire building would require reworking if the main parking lot were to be moved to the west side of the building.
- Chairman Morgan noted that the parking lot's current location was very reminiscent of the Elementary school which also utilized a parking lot on that side of the building.
- Mr. Brajkovic noted that he had spoken with representatives from the fire department in order to see if they had any concerns over the placement of the lots or if they might restrict access in the event of an emergency. He stated that the fire department did not express any concerns with current site plan.
- Ms. Gee addressed the drainage plan and noted that at this time, the building will not be the full potential square footage. She noted that it would be likely that storm drainage improvements would be completed prior to any additions to building.
- Mr. Brajkovic confirmed there is a plan to improve storm water drainage in that area that is still in the preliminary stages.
- Mr. Porter presented a rendering of the proposed street view traveling Fourth Street that showed the proposed setback and visibility.
- Ms. Gabel asked why there could not be an additional entrance that would allow for a front entrance and the parking lot to be located on the west side of the building.
- Mr. Breuer and library representatives indicated that their goal was to maintain one entrance in an effort to better control access to the building and that the safety of the staff and patrons was a concern with more than one public entrance.
- Mr. Stoltenberg commented that he would like to see more attention to the building materials selection. He feels a masonry band along the bottom of the building would be a better option that what was presented.
- Mr. Stoltenberg asked if the signage included on the building would be lit.
- The applicant replied that there would be a ground light to illuminate the building sign.
- Mr. Stoltenberg asked if there would be any options to pre filter water before it reached the storm drainage system.
- Mr. Breuer responded this it was something they were aware of in their designs but that there were many issues involved with possible solutions.
- Mr. Harris asked if oil water separator could replace the junction box.

- Mr. Breuer responded options such as those were very expensive and at this time, they are not required in the city ordinance.
    - **Ms. Gee made a motion to approve the site plan, subject to the following staff conditions:**
      a. Continue the hedge along the lot frontage for the parking on the east side of the lot head in to 4th street (9 spaces). (Also continue this type of screening for parking in future phases along the frontages of Shawnee and Church Streets.
      b. Add two additional street trees on the "main street" frontage on 4th street, one on the east side of the lot, between the current corner tree and the next one in shown near the parking, and two evenly spaced on the east side of the lot instead of the one shown.
      c. Add 3 to 4 additional street trees along both Shawnee and Church Street.
      d. Show screening for the trash enclosure, either with a fence or wall compatible with building materials or with landscape, or a combination of both.
    - **Mr. Harris seconded the motion.**
    - **Roll Call Vote – 3 ayes, 2 nay (Stoltenberg and Gabel), motion carried.**

- Mr. Dale returned to the meeting.

4. OLD BUSINESS

- Ms. Gee asked if there had been any resolution on the downtown building discussion items from last meeting.
- Mr. Brajkovic stated that there haven't been more developments.
- Chairman Morgan asked if staff could present any information on the County Road 1 plan and why the Planning Commission was listed on the report but hadn't had official input into the plan.
- Mr. Brajkovic responded that a presentation had been given to the City Council recently with detailed findings of the analysis, per state statute requirement.
- No additional items.

5. GENERAL INFORMATION

- No items.

6. ADJOURN

- **Mr. Dale made a motion to adjourn the meeting.**
- **Ms. Gee seconded the motion.**
- **Vote of all ayes, motion carried.**
- **Meeting adjourned at 7:48 p.m.**

Respectfully submitted,

Melanie Tweedy, Planning Clerk

City of Tonganoxie, Kansas

PLANNING STAFF REPORT

Case#: 2019-003P – Rezoning from I-LT to HBD

Date of Report: April 25, 2019

Applicant Name: Benjamin Robbins, Chris Gratton, Kay Soetaert

Property Owner Name: Benjamin Robins, Chris Gratton, Kay Soetaert

Subject Property Address: 704 E. 4th Street

Legal Description: PT BLK 23; BEG NW COR, E108.4', SWLY 161.6', NWKT 50', B 129.8' TO POB

Application:

Zoning District: I LT Light Industrial
Type of Approval Desired: Rezoning from I-LT to HBD Historic Business District (approximately 0.25 acres on the southeast corner of Main Street and 4th Street)
Date of Application: April 3, 2019
Date of Meeting: May 2, 2019

Surrounding Property – Zoning and Use:

West: HBD (commercial / restaurant)
South: I-LT (commercial / The Depot store and shop building) & RMF 1 (residential / detached houses)
East: I-LT (industrial / storage lot)
North: HBD (institutional assembly / religious gathering) & I-LT – (industrial / storage building & lot)

Staff Recommendation: Approval

I. SUMMARY:

This application proposes to rezone approximately 0.25 acres on the southeast corner of 4th Street and Main Street from "I-LT" Light Industrial to "HBD" Historic Business District. The previous building has been demolished and the site is being prepared for future development. Historically the site and building were used for industrial purposes, however the building had a "street front" orientation with somewhat of a "main street / storefront" design. There are no immediate building plans and this request is to facilitate future development more in keeping with the context, and to enable uses compatible with downtown.

II. ANALYSIS

Rezoning applications must be reviewed against the following considerations (in bold italic text) as outlined by the City of Tonganoxie Zoning Ordinance, Section 27-011. Following each of the considerations are staff comments (in plain text). However, since staff has not had the benefit of considering testimony provided during the public hearing, the Planning Commission should consider each factor and the analysis in conjunction with testimony at the hearing prior to acting on the application. No one factor is necessarily controlling, nor do all factors need to be clearly established, but rather they are to be considered in balance as an overall evaluation of the application.

1. Character of the neighborhood:

The character of the surrounding area is a mix of small-scale commercial buildings. Most have a "street front" orientation with main street / storefront designs, even though they support a variety of different uses. This area transitions to industrial uses and development patterns immediately to the east (both sides of 4th Street) and to neighborhoods to the south and west. This location is a key corner at the entry to "downtown" and the downtown "main street" character and development pattern extends to the west..

2. Zoning and uses of properties nearby:

The surrounding property is a combination of HBD, I-LT and R-MF1 associated with the character of each of the areas identified in criteria 1 above. The HBD zoning exists on all of the other three corners of this intersection.

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

This property has been vacant in recent years (5 years according to the application) but was historically used for industrial uses. Although it is industrial zoning, the development pattern and building scale is consistent with downtown and the "main street" character, even when it was historically used for industrial uses.

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

Nearby property, as well as the previous building on this lot, had development patterns similar to what would be required by the HBD district. The proposed zoning would reinforce patterns in the surrounding area as well as make better site design and development opportunities available on this small lot (primarily due to HBD building setbacks, and the small, corner orientation of this lot.

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

The application indicates the previous building has been vacant for approximately 5 years. The building was recently demolished through a demolition permit issued by the City. Leavenworth GIS data indicates the building was built in 1950.

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:

Rezoning to HBD will require development patterns and building scales more appropriate to this context (the edge/gateway corner of downtown, with transitions to neighborhoods and industrial uses). The rezoning will also result in better development opportunities on this small corner site, due to setback requirements and other site design principles. Future buildings on the site will require a site plan review by the Planning Commission, meeting the standards and criteria for the HBD district.

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

This area is located in the downtown area and is designated for expansion of downtown (all 4 corners of this intersection) on the Future Land Use Map in the Comprehensive plan. Therefore, the proposed use and the development pattern is generally in conformance with the plan.

The plan also includes a number of different policies regarding development on 4th Street and in the Downtown and Mixed Use Area (pages 1-6 and 1-7 of the Comprehensive Plan). In particular:

- Maintaining the HBD fringe areas as mixed-use gateways to downtown with a similar "sense of place" character. (mix of uses, CBD design guidelines, "street-oriented" development).

The 2017 Comprehensive Plan updates also includes a "Downtown Mixed (DM)" Land Use Category that supplements the development patterns in this area. It includes land use and development criteria that should be used in evaluating future site plans for development proposals in the HBD District. (These primarily include street-front building placement, pedestrian scale facades, mixing uses with retail and commercial or other "active" uses on ground floors, and supplemental or secondary uses on upper or remote areas.

8. ***Recommendations of professional staff:***

[see below]

III. EFFECT OF DECISION

The Planning Commission recommends rezoning requests to the Governing Body. Based on the record and other findings of the testimony at the public hearing, the Planning Commission may:

1. Recommend approval,
2. Recommend approval with conditions
3. Recommend denial for rezoning request.

The Governing Body reviews the request in light of the Planning Commission's recommendation. They may accept the recommendation based on a simple majority of the Governing Body, they may refer the application back to the Planning Commission with direction for specific further discussions or consideration, or they may modify or override the Planning Commission recommendation by a 2/3 vote of the entire Governing Body.

Subsequent to any decision on this particular request to rezone, before any development can occur, a site plan will need to be prepared to demonstrate that all development standards and design criteria are met.

IV. RECOMMENDATION.

Staff recommends approval of the rezoning from "I-LT" Rural District to "HBD" Historic Business District, subject to the following:

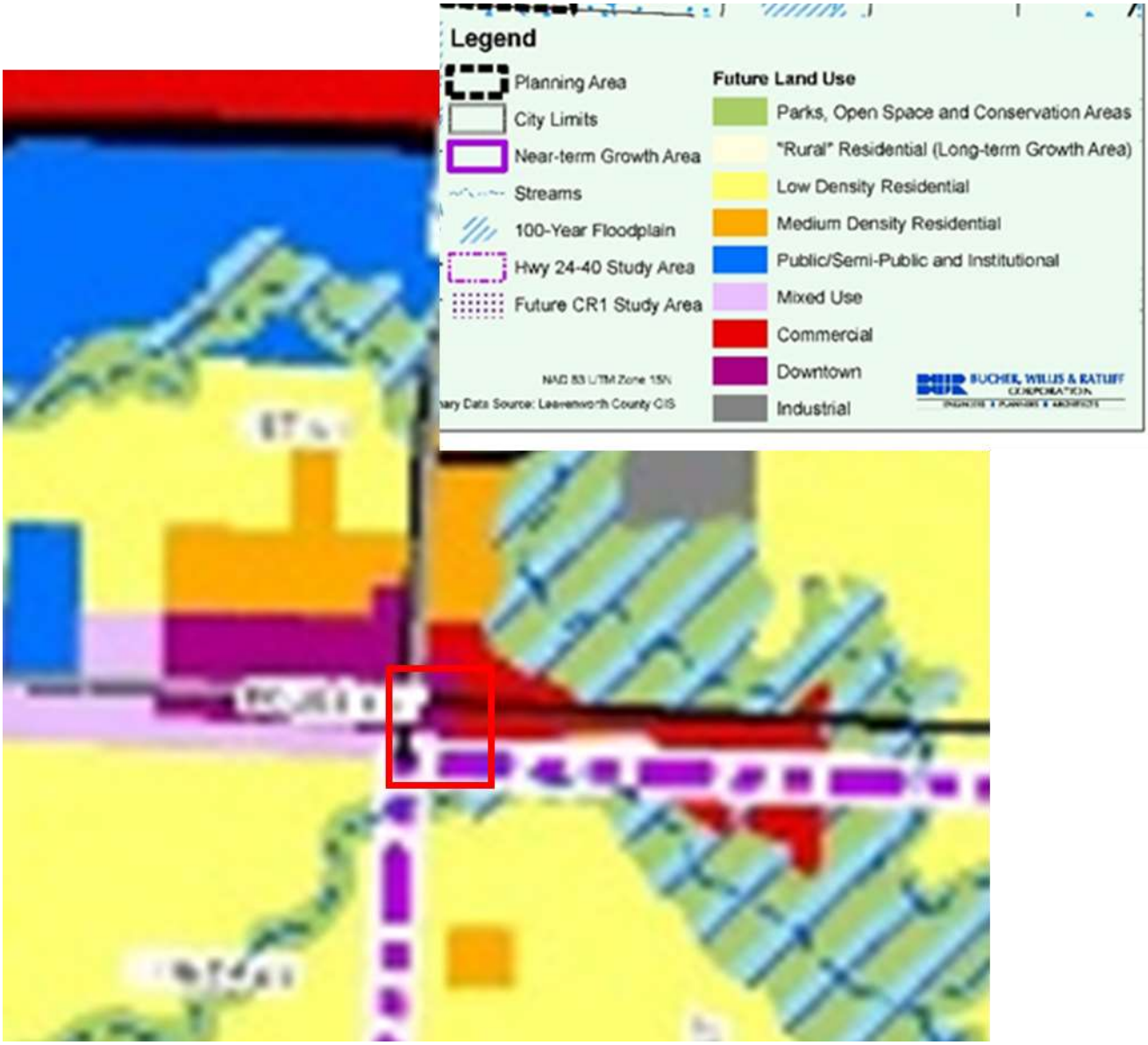
1. Future development on the site shall require site plan review by the Planning Commission as is required for new buildings in the HBD District.

2. The standards of the HBD District shall be supplemented with the development and design criteria in the Downtown Mix land use category and/or Downtown / Central Business District Design Guidelines to ensure the development serves the "downtown gateway" principles, and is compatible with the scale, patterns and design of other buildings in the HBD district.

Chris Brewster
Contract City Planner

Current City Zoning *(property in red box now zoned I-LT)*

Property



Future Land Use (Tonganoxie Comprehensive Plan 2006)

Doc #: 2018R03421
STACY R. DRISCOLL
REGISTER OF DEEDS
LEAVENWORTH COUNTY, KANSAS
RECORDED ON:
05/03/2018 12:06:50 PM
RECORDING FEE: 38.00
PAGES: 2

Please return to:

Kansas Secured Title, Inc.
P.O. Box 803
Tonganoxie, KS 66086

TX0012915
Kansas Secured Title, Inc. - Tonganoxie

GENERAL WARRANTY DEED
(Statutory)

Patrick J. Studer, a single person, and Clint Barr and Christine Barr, a married couple

convey and warrant to

Benjamin Robbins, Chris Gratton, Kay Soetaert,

as joint tenants with the right of survivorship and not as tenants in common

all the following REAL ESTATE in the County of LEAVENWORTH, and the State of Kansas, to-wit:

> **A parcel of land situated in Block 23, Railroad Addition to the City of Tonganoxie, Leavenworth County, Kansas, more particularly described as follows:**
> **Commencing at the center of Section 9, Township 11 South, Range 21 East; thence Westerly along the East-West centerline of said Section 9, a distance of 52.8 feet to a point on the centerline of abandoned main track of the Leavenworth Branch of the Union Pacific Railroad Company, as formerly constructed and operated; thence Southwesterly along said centerline of abandoned main tract, which forms an angle of 67° 20' from West to Southwest with said East-West centerline of Section 9, a distance of 48.76 feet, more or less, to the North line of Block 23 and the true point of beginning; thence continuing Southwesterly along said centerline of abandoned main track, a distance of 161.6 feet; thence Northwesterly at right angles, a distance of 50 feet to a point in the West line of Block 23; thence Northerly along said West line of Block 23, a distance of 129.8 feet more or less to the Northwest corner of Block 23; thence Easterly along the Northerly line of said Block 23, a distance of 108.4 feet, more or less, to the true point of beginning, in LEAVENWORTH COUNTY, KANSAS.**

for the sum of one dollar and other good and valuable consideration.

EXCEPT AND SUBJECT TO: Easements, restrictions and assessments of record, and all the taxes and assessments that may be levied, imposed or become payable hereafter.

Please return to:

Kansas Secured Title, Inc.
P.O. Box 803
Tonganoxie, KS 66086

TX0012915
Kansas Secured Title, Inc. - Tonganoxie

GENERAL WARRANTY DEED
(Statutory)

Patrick J. Studer, a single person, and Clint Barr and Christine Barr, a married couple

convey and warrant to

Benjamin Robbins, Chris Gratton, Kay Soetaert,

as joint tenants with the right of survivorship and not as tenants in common

all the following REAL ESTATE in the County of LEAVENWORTH, and the State of Kansas, to-wit:

> **A parcel of land situated in Block 23, Railroad Addition to the City of Tonganoxie, Leavenworth County, Kansas, more particularly described as follows:**
> **Commencing at the center of Section 9, Township 11 South, Range 21 East; thence Westerly along the East-West centerline of said Section 9, a distance of 52.8 feet to a point on the centerline of abandoned main track of the Leavenworth Branch of the Union Pacific Railroad Company, as formerly constructed and operated; thence Southwesterly along said centerline of abandoned main tract, which forms an angle of 67° 20' from West to Southwest with said East-West centerline of Section 9, a distance of 48.76 feet, more or less, to the North line of Block 23 and the true point of beginning; thence continuing Southwesterly along said centerline of abandoned main track, a distance of 161.6 feet; thence Northwesterly at right angles, a distance of 50 feet to a point in the West line of Block 23; thence Northerly along said West line of Block 23, a distance of 129.8 feet more or less to the Northwest corner of Block 23; thence Easterly along the Northerly line of said Block 23, a distance of 108.4 feet, more or less, to the true point of beginning, in LEAVENWORTH COUNTY, KANSAS.**

for the sum of one dollar and other good and valuable consideration.

EXCEPT AND SUBJECT TO: Easements, restrictions and assessments of record, and all the taxes and assessments that may be levied, imposed or become payable hereafter.

Dated this 27th day of February, 2018.

Patrick J. Studer

Clint Barr

Christine Barr

State of Kansas, County of LEAVENWORTH §

The foregoing instrument executed was acknowledged before me this 27th day of February, 2018, by Patrick J. Studer, a single person, and Clint Barr and Christine Barr, a married couple.

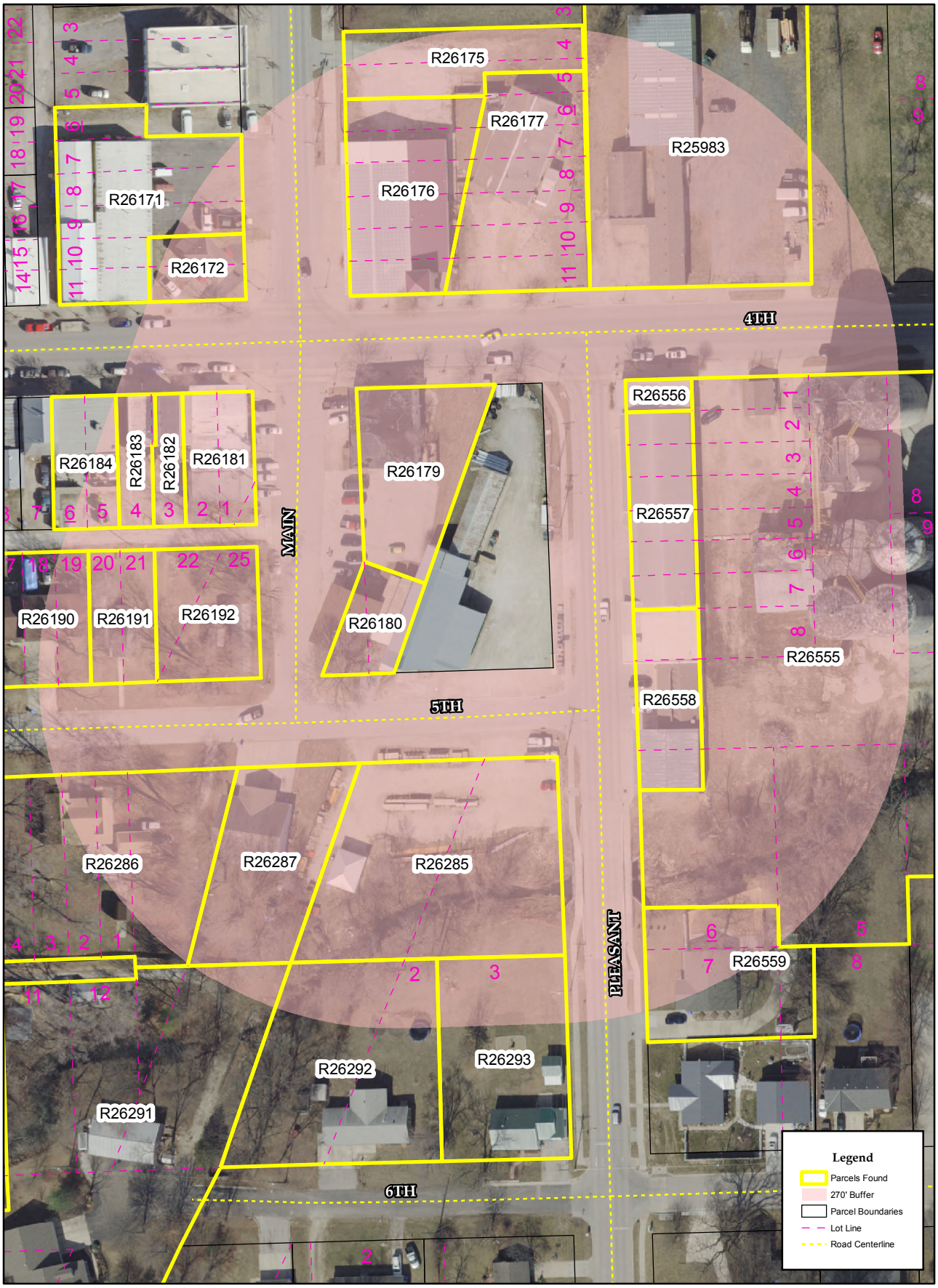
Dawn M. Carver
NOTARY PUBLIC
STATE OF KANSAS
My Commission Expires:
12/17/2021

Dawn M Carver
Notary Public

My appointment expires: 12/17/2021

City of Tonganoxie Radius Search

200' + 70' ROW



Site Address: 704 E. 4th St. Tonganoxie KS 66086
PID: 192-09-0-30-01-001.00-0

1 inch = 106 feet

This map is projected in real world coordinates. However, it is not intended for legal purposes. Accuracy is not guaranteed

Leavenworth County GIS

N

2018 Aerial Photo

OWNERSHIP AFFIDAVIT

City of Tonganoxie
County of Leavenworth
State of Kansas

We, Kay Soetaert and Benjamin Robbins being duly sworn depose and say that we are the owners of said property involved in this petition and the foregoing signatures. Statements and answers herein contained in the information herewith submitted are in all respects true and correct to the best of our knowledge and belief.

Signed and entered this 2nd day of April, 2019.

Print Name	Address	Phone No.
Kay Soetaert	124 W. 1st Tonganoxie KS	913-704-9754

Signature: Kay Soetaert

Print Name	Address	Phone No.
Benjamin Robbins	495 Navaho Lane West Lake Quivira	913-231-6177

Signature:

Subscribed and sworn to before me on this 2nd day of April, 2019.

Notary Public Signature: John W Evans II

Notary Public Print Name: John W Evans II

My commission expires: 3/29/2021

NOTARY PUBLIC - State of Kansas
JOHN W. EVANS II
My Appt. Expires 3/29/2021

10/2011

NOTARY PUBLIC - State of Kansas
JOHN W. EVANS II
My Appt. Expires

MEMO

DATE: April 26, 2019

TO: Members of the Planning Commission

FROM: City Staff

SUBJECT: RE: Downtown Design Standards

DISCUSSION:

Page 14 of the attachment addresses some of the issues in the downtown corridor raised by members of the Planning Commission at a recent meeting.

Tonganoxie Downtown Design Guidelines context notes:

1. The document appears dated, but an approval or creation date discovered during staff review. It is estimated to be at least 20 years old.
2. There is not an indication of the document being officially adopted by the Planning Commission or City Council.
3. The regulations in zoning ordinance and the site plan standards (Article 9 of the subdivision regulations) do not specifically require much of the criteria outlined in the document; however, the purpose statement of the HBD district 12-010 specifically mentions Design Guidelines for the Central Business District. It is not clear that the attachment is the specific document being referenced due to items 1 and 2 referenced previously. The guidelines are also mentioned on pages 1-6 and 10-5/6 of the comprehensive plan. The 2017 Comprehensive Plan updates also reinforced some of the principles regarding street relationship.
4. Perhaps more importantly, this document is clearly a historic preservation document as opposed to basic human-scale urban design. Therefore, a lot of it is colored specifically by that goal, such as using light terminology or more truly “guidelines” rather than standards. It also addresses big picture issues and small details simultaneously in an effort to be the widest scope possible. At the time of creation, it was sufficient to get what was required of the content.

a.) Planning Staff also recommend careful study of any proposed adjustments to downtown planning criteria structured as a “one-size-fits-all” approach like a set of corridor design guidelines. The 2017 Comprehensive Plan amendments developed with the Planning Commission and later approved by the City Council were specifically structured to stress differences and focused on the scale, patterns and design that makes downtown most valuable.

ATTACHMENT:

Tonganoxie Downtown Design Guidelines

https://www.tonganoxie.org/government/planning-regulations/downtown-design-standards-1