



TONGANOXIE BOARD OF ZONING APPEALS

Agenda

December 5, 2019

7:00 p.m.

City Council Chambers

321 S. Delaware St.

- 1. CALL TO ORDER**
- 2. APPROVAL OF MINUTES**
- 3. OLD BUSINESS**
 - CONTINUED TO 1/2/2020 - Variance Application – 834 E 4th Street – Submitted by Steve Trieb and Kelley Angell
- 4. NEW BUSINESS**
- 5. OPEN AGENDA**
- 6. GENERAL INFORMATION**
- 7. ADJOURN**



The variance application for 834 E 4th Street has been continued to a future planning meeting. Date TBD in the Council Chambers, located at 321 S Delaware Street.



TONGANOXIE PLANNING COMMISSION

Agenda

December 5, 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** – November 7, 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**
4. **OLD BUSINESS**
 - a) CONTINUED TO 1/2/2020 - Site Plan – 834 E 4th Street – Submitted by Steve Trieb and Kelley Angell
 - b) CONTINUED TO 1/2/2020 - Special Use Permit – 704 E 4th Street – Submitted by Desiree Kenney & Tots to Teens Childcare LLC
 - c) Final Plat – Saunders Estates on Smiley Road – Submitted by Jack Willis
5. **GENERAL INFORMATION**
6. **ADJOURN**



Planning Commission Meeting Minutes

November 7, 2019

7:00 p.m. Regular Meeting

CALL TO ORDER

- Chairman Morgan opened the meeting at 7:01 p.m.
- Roll Call: Planning Commissioners present were Chairman John Morgan, Vice Chairman Monica Gee, Patti Bitler, and Jake Dale. Zach Stoltenberg, Kevin Harris and Crystal Henson were absent. Assistant City Manager Dan Porter, Planning Clerk Melanie Tweedy, City Planner Chris Brewster, and City Attorney Anna Krstulic were also present

1. APPROVAL OF PC MINUTES – October 3, 2019

- Ms. Gee moved to approve the Planning Commission meeting minutes from August 1, 2019.
- Ms. Bitler seconded.
- Vote of all ayes, motion carried.

Ms. Krstulic spoke about the quasi-judicial nature of the Planning Commission's consideration of matters involving specific tracts of land and related due process requirements, including required disclosure of any ex parte communications about any matter.

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.

- No members of the public wished to speak.

3. NEW BUSINESS

- a) Final Plat – 304 Shawnee Street – Submitted by Schoolyard Townhomes, LLC.
- Ms. Krstulic asked the commissioners if any of them had any ex parte communications about this project. All commissioners replied in the negative.
- Mr. Brewster presented the staff report in regard to the final plat and development plan. He discussed the timeline of this project and how we arrived at this point in the project. He explained that criteria for the planning and engineering requirements as well as the planning and engineering recommendations.
- Jason Swords and Ashley Sadowski addressed the commissioners. Mr. Swords stated that they have addressed most of the comments from staff and neighbors. They will continue to work with staff on the landscaping and curb.
- Ms. Gee asked if the applicant is willing to provide the additional landscaping.
- Mr. Swords responded that they would be more than willing to address those suggestions.
- Drew Overmiller, 121 E. 2nd Street, spoke to the Planning Commission in opposition of the project. He asked if the trees would near the powerlines.
- Mr. Brewster stated that they have room to adjust the location of the trees.

- Mr. Overmiller stated that he still does not like that the repetitive nature of the design was not addressed and he would like to see that changed.
- Mr. Morgan asked for additional comments.
- Mr. Swords stated that they will work to underground the powerlines.
- Ms. Gee thanked the developer for their work with the public and their modifications to meet the public input and suggestions.
- Mr. Morgan stated that he would entertain a motion.
- **Ms. Gee made a motion to approve the preliminary plan with the conditions presented by staff.**
- **Ms. Bitler seconded.**
- **Vote of 4 ayes, 0 nay, motion carried.**

b) Development/Site Plan – 304 Shawnee Street – Submitted by Schoolyard Townhomes, LLC

- **Ms. Gee made a motion to approve to the preliminary plan with the conditions presented by staff.**
- **Ms. Bitler seconded.**
- **Vote of 4 ayes, 0 nay, motion carried.**

c) *CONTINUED TO 12/5/19* - Special Use Permit – 704 E 4th Street – Submitted by Desiree Kenney & Tots to Teens Childcare LLC

- Mr. Brewster explained the history of the project and the property, noting that staff have not received the required documentation to proceed with consideration of this application.
- Mr. Dennis Bixby, a project contractor, spoke on behalf of the applicant. He stated that he does not want the applicant to have to move forward with the engineered plans and accrue that expense.
- Ms. Gee asked what Mr. Bixby's relationship with the applicant was.
- Mr. Bixby explained that he was assisting Ms. Kenney with her project.
- Ms. Kenney asked if the Planning Commission could provide any comment on the likelihood of approval.
- Ms. Krstulic noted that the Planning Commission does not have the required documentation to be able to comment.
- Mr. Dale stated that he knows that staff operates with the best intentions and encouraged the applicant to continue working with staff to submit all necessary documentation.
- **Ms. Gee made a motion to continue consideration of the special use permit to the December 5th Planning Commission meeting.**
- **Ms. Bitler seconded.**
- **Vote of 4 ayes, 0 nay, motion carried.**

4. OLD BUSINESS

a) P Final Plat – Saunders Estates on Smiley Road – Submitted by Jack Willis

- Ms. Krstulic asked the commissioners if any of them had any ex parte communications about this project. All commissioners replied in the negative.
- Mr. Brewster presented the staff report and revised final plat. He reviewed the history of the project and previous submissions and approvals by the Planning Commission.

- Mr. Joe Herring, 315 N. 5th Street, Leavenworth, KS, addressed the Planning Commission in regard to the project and its timeline. He explained that the developer is not willing to adhere to the concept and plat that was approved at the last meeting. He presented the Planning Commission with the original idea and additional options for the access points.
- The commissioners recalled the discussed from the approval of the final plat. They stated that the concern was the future development behind the road front lots and the access to those lots.
- Mr. Brewster stated that there is no set standard but the Planning Commission has discretion to make the decision.
- Mr. Dale asked if they could hold to the final plat that was already approved.
- Mr. Brewster replied that they could, and the developer could choose to not proceed.
- Ms. Gee stated that she is inclined to hold to the conditions of the previous approval.
- Mr. Kingsley stated that there were other options for layouts that were discussed, and staff was trying to work with the applicant.
- Mr. Morgan asked for further questions or comments.
- **Mr. Dale made a motion to continue the Final Plat for Saunders Estates to allow for further discussion with the rest of the Planning Commission members who were not in attendance at this meeting.**
- **Ms. Bitler seconded.**
- **Vote of 3 ayes, 1 nay (Ms. Gee) , motion carried.**

5. GENERAL INFORMATION

- No Additional Information.
- Ms. Gee asked that the Planning Commission address roll call of commissioner attendance at meetings to be presented at the next meeting.

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 8:18 p.m.**

Respectfully submitted,

Melanie Bilby, Planning Clerk



The site plan for 834 E 4th Street has been continued to a future planning meeting. Date TBD in the Council Chambers, located at 321 S Delaware Street.



The Special Use Permit application submitted for 702 E 4th Street has been continued to a future date TBD in the Council Chambers, located at 321 S Delaware Street.

Saunders Estates



PLANNING COMMISSION

DECEMBER 5, 2019



Predevelopment Meeting



- January 9, 2019
- Brandon Harder, Dan Porter, Kent Heskett, Brian Kingsley, Chris Brewster, Patty Hagg, 'Joe Herring'

Planning Commission – 03/07/19 rezoning



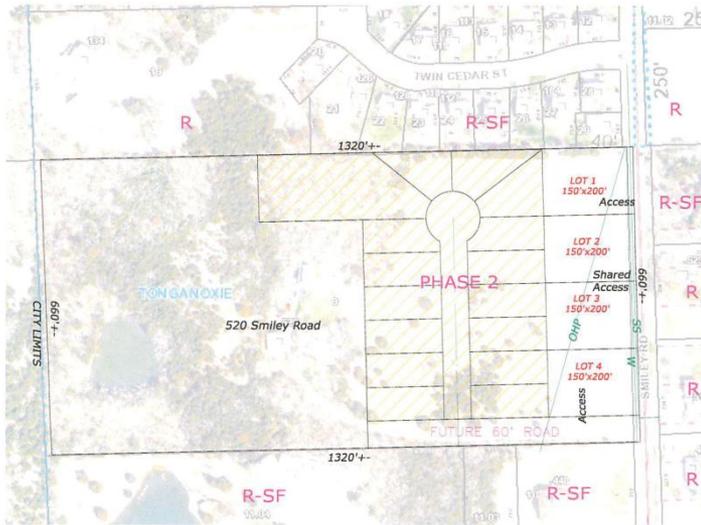
Approved with Conditions:

1. The preliminary and final plat shall demonstrate infrastructure and utility capacity to serve all lots at the appropriate levels of service. Any upgrades in service necessary shall be the obligation of the property owner.
2. Access to the 4 lots on Smiley Road shall be subject to review and approval by the City Engineer, and generally be consolidated to two points. Options to explore include shared drives between two lots, access from the proposed side street to the south of the property, access from a shared “frontage lane” connecting all lots with a common access drive, or combinations of these or similar strategies.
3. Future platting of the 16 lots to the west further off Smiley Road, or any other portions of the property being rezoned shall require a conceptual street network addressing all future development on this property, including connections to potential street networks on the surrounding property. The conceptual network shall prioritize coordinating access to Smiley Road at limited points, and establish a block structure for the vicinity so the area does not end up with several isolated stubs, cul-de-sacs and subdivision “pods” should future development occur in these areas.
4. At the time of platting, all lots shall meet the minimum dimension and development standards for the R-SF district (minimum 6,000 s.f lots; minimum 65 feet frontage). However the lots on Smiley Road shall be limited to the concept proposed – 4 larger lots with limited access points.

ZONING EXHIBIT

Tract in Section 5-11-21
City of Tonganoxie,
Leavenworth County, Kansas.

PREPARED FOR:
South Park Development Co. LLC
520 Smiley Road
Tonganoxie, KS



Scale 1" = 200'

K-18-1254
January 19, 2019



THIS DOES NOT CONSTITUTE A BOUNDARY SURVEY

PDF created with pdfFactory Pro trial version www.pdffactory.com

Submittal timeline



- 06/26/19 - Notice from applicant of intent to only proceed with 4 frontage lots
- 07/19/19 – verification from City Engineer that storm water study is required
- 07/22/19 – Applicant requests storm water waiver
- 07/23/19 – City Engineer reaffirms storm water requirement as project is in excess of 1 acre
- 07/30/19 – Applicant submits storm water plan, City Engineer confirms
- 07/30/19 – Applicant readdresses access issue(s)
- 07/31/19 – Applicant submits new draft Plats with 3 access points from Smiley

Submittal timeline (cont –p.2)



- 08/01/19 – Planning Commission re: preliminary & Final Plat; PC agrees to:
 - **Mr. Stoltenberg amended the motion to include staff’s prior recommendations 2 through 5 and an additional condition that developer will work with staff to include a 60’ access corridor to be reserved as a future easement/collector street at one of the new access points for future development of the property adjacent to the west.**
 - **Mr. Morgan seconded.**
 - **Roll Call Vote – all ayes. Motion carries.**

Submittal timeline (cont. – p.3)



- 08/19/19 – inquiry form applicant re: why item isn't on tonight's City Council agenda. Staff communicates that applicant has not submitted new documents reflecting PC's direction from 08/01/19 PC meeting. Applicant indicates that they don't want to meet those access requirements and want to go to City Council for waiver.
- 08/31/19 – Legal finding – b/c of deviation from PC's approval, item must go back to PC.
- 09/03/19 – above is communicated to applicant.

Submittal timeline (cont. – p.4)



- August to September '19 – City staff reviews if the Applicant's unwillingness to meet conditions on plats also jeopardizes their rezoning, as it was predicated upon same access conditions
- 09/29/19 – Applicant submits revised plats reflective of PC's direction
- 10/17/19 – City Engineer review completed, recommendation for approval
- 11/01/19 – Staff communication to applicant that item will appear on 11/07/19 PC agenda, but concern remains over applicant's request for waiver to hold-off on storm water detention construction plans (City regulation)

Submittal timeline (cont. – p.5)



- 11/04/19 – Applicant appears before City Council and advised that his client's plats will be heard by PC on 11/07/19 and regardless of outcome, if the item could be considered at the 11/18/19 City Council meeting. City Attorney advised that per State Statute, the PC has the authority to approve plats, not the City Council.
- 11/07/19 – Applicant sends revised Plat by email at 4:15pm to City Manager and City Engineer.

Today



- 11/07/19 draft Plat as submitted by Applicant.
- Also, Applicant indicates that his client still wants the Plat previously considered, but denied by the PC.

SAUNDERS ESTATES

A Minor Subdivision in the North Half of the Southeast Quarter of the Southeast Quarter of Section 5, Township 11 South, Range 21 East of the 6th P.M., City of Tonganoxie, Leavenworth County, Kansas.
FINAL PLAT

PREPARED FOR:
South Park Development Co. LLC
520 Smiley Road
Tonganoxie, KS
PID # 193-05-0-40-01-009

DESCRIPTION OF RECORD Parent Tract: Doc #2018R08491
The North One-Half (N1/2) of the Southeast Quarter (SE1/4) of the Southeast Quarter (SE1/4) of Section Five (5), Township Eleven (11) South, Range Twenty-One (21) East of the 6th P.M., excepting public highways.

SURVEYOR'S DESCRIPTION:
A tract of land in the Southeast Quarter of Section 5, Township 11 South, Range 21 East of the 6th P.M., in the City of Tonganoxie, Leavenworth County, Kansas, more fully described as follows:
Commencing at the Northeast corner of said Southeast Quarter; thence South 01 degrees 53'01" East for a distance of 601.18 feet along the East line of said Southeast Quarter; thence South 88 degrees 43'43" West for a distance of 215.01 feet; thence North 01 degrees 53'01" West for a distance of 600.99 feet to the South line of TWIN CEDAR ESTATES; thence North 88 degrees 40'40" East for a distance of 215.01 feet along said line to the point of beginning, together with and subject to covenants, easement and restriction of record.
Said property contain 2.97 acres, more or less, including road right of way.

CERTIFICATION AND DEDICATION
The undersigned proprietors state that all taxes of the above described tract of land have been paid and that they have caused the same to be subdivided in the manner shown on the accompanying plat, which subdivision shall be known as: SAUNDERS ESTATES.

Easements shown on this plat are hereby dedicated for public use, the rights of way which are shown with dashed lines on the accompanying plat, and said easements may be employed to locate and maintain sewers, water lines, gas lines, poles and wires and any other form of public utility now and hereafter used by the public over, under and along the strips marked "Utility Easement" (U/E) or "Drainage Easement" (D/E).

Streets shown on the accompanying plat and not heretofore dedicated for public use are hereby so dedicated.

Building Lines or Setback Lines (B.S.L.) are hereby established as shown on the accompanying plat and no building or portion thereof shall be built or constructed between this line and the street line.

OWNER: SOUTHPARK DEVELOPMENT

Jack Willis

NOTARY CERTIFICATE:
Be it remembered that on this _____ day of _____, 2018, before me, a notary public in and for said County and State came Christopher Gratton, Member of the Tongie5, LLC, to me personally known to be the same persons who executed the foregoing instrument of writing, and duly acknowledged the execution of same. In testimony whereof, I have hereunto set my hand and affixed my notary seal the day and year above written.

NOTARY PUBLIC _____ My Commission _____
Expires: _____ (seal)

ENDORSEMENTS

Approved by
City of Tonganoxie
Planning Commission
Leavenworth County, Kansas
On this Date: _____

John Morgan _____ Zach Stoltenberg _____
Chairman Secretary

Notary Public
State of Kansas
County of Leavenworth

Be it remembered that on the _____ day of _____, 20____ before me a Notary Public in and for said County and State came the above city officials known personally to be the same person who executed the foregoing instrument and acknowledged the same to be their voluntary act and deed.

My Commission Expires: _____ Name: _____

Notary Signature

Rights of Way and Easements
accepted by
City of Tonganoxie
Tonganoxie KS
On this Date: _____

Attest:

Jason K. Ward _____ Patricia C. Hagg _____
Mayor City Clerk

Recommendation of Approval:

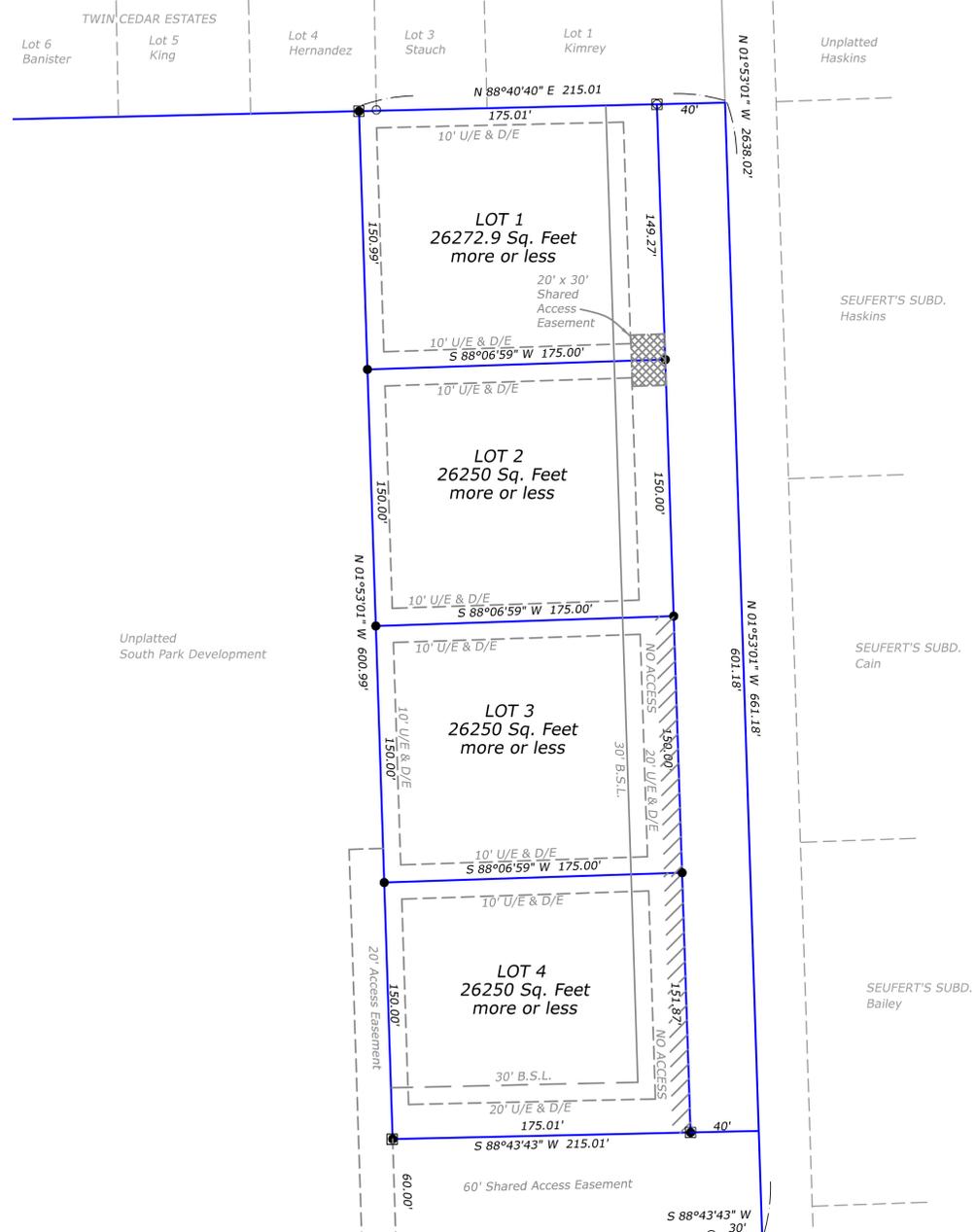
Brian Kingsley, City Engineer

REGISTER OF DEED CERTIFICATE:
Filed for Record as Document No. _____ on this _____ day of _____,
2019 at _____ o'clock _____ M in the Office of the Register of Deeds of Leavenworth County,
Kansas,

Register of Deeds - Stacy Driscoll

COUNTY SURVEYOR
I hereby certify this plat meets the requirements of KSA-58-2001 through 58-2005. The face of this plat was reviewed based on Kansas Minimum Standards for Boundary Surveys. No field verification is implied. This review is for surveying information only.

COUNTY SURVEYOR - Wayne Malnicof, RLS

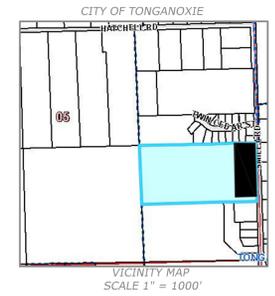


09C
East Quarter Corner
Section 5-11-21 (Level)
1 1/2" Alum Cap
1) Fence Line E-W S 3'
2) Mag Nail in 24" Oak SW 21.2'
3) PK Nail 24" Tree SE 15.15'
4) PK Nail Fence Post WSW 7.75'

ZONING:
R-SF - Residential Single Family

ACCESS:
- Lot 1 subject of City of Tonganoxie Access Management Policy.
- Lots 2 and 3 have a shared access.
- Lot 4 does not have direct access to Smiley Road, is limited to a shared access drive to the South.

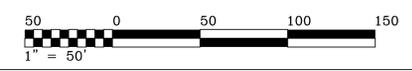
- LEGEND:
- - 1/2" Bar Set with Cap No.1296
 - - 1/2" Bar Found, unless otherwise noted.
 - - Concrete Base to be Set around Point
 - △ - PK Nail Found in Place
 - () - Record / Deeded Distance
 - U/E - Utility Easement
 - D/E - Drainage Easement
 - B.S.L. - Building Setback Line
 - R/W - Permanent Dedicated Roadway Easement dedicated this plat
 - ⊕ - Centerline
 - ⊙ - Section Line
 - BM - Benchmark
 - POB - Point of Beginning
 - POC - Point of Commencing



J. HERRING, Inc. (dba) HERRING SURVEYING COMPANY
315 North 5th Street, Leav., KS 68048
Ph. 913.651.3858 Fax 913.674.5361
Email - survey@herringinc.com

Job # K-18-1254
April 8, 2019 Rev. 6/26/19

Scale 1" = 60'



I hereby certify that this survey was made by me, or under my direct supervision, on the ground during the dates of December 2018 thru April 2019 and this map or plat is correct to the best of my knowledge.

Joseph A. Herring
PS # 1296

MEMO

To: George Brajkovic, City Manager
City of Tonganoxie

Cc: Dan Porter, Asst. City Manager
Kent Heskett, City Superintendent
Joe Herring, Herring Surveying

From: Brian Kingsley, City Engineer

Date: October 11, 2019

Re: Saunders Estates Subdivision
Preliminary Plat and Final Plat
19-1001L

The following are the City Engineer and staff review comments related to Engineering issues:

Preliminary Plat:

- 1) The Planning Commission's motion included the following language regarding access from Smiley Road:

Access to the 4 lots on Smiley Road shall be subject to review and approval by the City Engineer, and generally be consolidated to two points. Options to explore include shared drives between two lots, access from the proposed side street to the south of the property, access from a shared "frontage lane" connecting all lots with a common access drive, or combinations of these or similar strategies.

It appears that the proposed access shown on the plats includes 3 points of access to Smiley Road.

- 2) The preliminary plat does not contain the required content (proposed infrastructure).
 - a. A stormwater management plan dated October 9th, 2019 has been submitted and meets the requirements of the City Regulations.
 - i. Existing and proposed contours are a requirement for the preliminary plat content. The applicant has requested that the requirement to show proposed contours be waived for the preliminary plat. The applicant proposes to address the proposed contours with construction plans to be submitted if a variance is

not granted by the City Council to waive the requirement for storm water detention.

Recommendation: To be consistent with City Planning Commission requirements, I recommend that the City require no direct access from Lot 1 to Smiley Road and require construction of storm water detention as per the City regulations.

Final Plat:

Recommendation: I recommend approval of the Final Plat contingent upon meeting recommendations above for the Preliminary Plat and contingent upon submitting construction plans for the storm water detention.

--END

For questions or comments, please contact:

Brian Kingsley, PE

President

T: 785.749.4474 ext. 2105

E: brian.kingsley@bgcons.com



City of Tonganoxie, Kansas

PLANNING STAFF REPORT

Case#: 2019-008P Reconsideration of Application for Preliminary Plat and Final Plat

Date of Report: November 4, 2019

Applicant Name: Jack Willis, South Park Development

Property Owner Name: South Park Development Company, LLC

Subject Property Address: 520 Smiley Road

Application:

Zoning District: R-R Rural District and R-SF Single Family District

Type of Approval Desired: Preliminary and Final Plat

Date of Application: June, 2019

Date of Meeting: August 1, 2019

Surrounding Property – Zoning and Use:

West: RR-2.5 (unincorporated Leavenworth County), undeveloped wooded lot; and R-R, house on remnant parcel that was part of previous rezoning application

South: R-SF – 3 single family lots (approximately .5 acres), 2 single-family lots (approximately 1-2 acres), and 1 remnant lot (approximately 15 acres)

East: R-R and R-SF– 4 single-family lots (approximately 1 acre), 1 large remnant parcel, church

North: R-SF and R-R – 17 single-family lots (approximately 7,000 – 12,000 square feet), 4 remnant parcels (approximately 2 to 10 acres)

UPDATE:

This item is a reconsideration of a previous Planning Commission approval. It is based on changes proposed by the applicant since the Planning Commission Action. This cover page includes an outline of the issues before the Planning Commission on reconsideration. The following pages are for background only, and include the original staff report associated with the August 2019 submittal. Staff will be prepared to answer any specific questions at the November 7, 2019 meeting.

Reconsideration of Application for Preliminary Plat and Final Plat – Saunders Estates

August 1, 2019 Planning Commission Consideration

The staff report recommended approval of the preliminary and final plat subject to the following conditions:

1. The final plat be revised prior to city signatures and recording to show restricted access on all lots – limited to two access points on Smiley Road, and that all access points be approved by the City Engineer prior to construction.
2. A storm water management plan and engineer study be submitted for review by the City engineer prior to any construction on any lots, and that any necessary detention shall be noted on the plat prior to signatures and recording, or other similar documentation prepared by a licensed professional engineer and approved by the City Engineer is recorded with the plats.
3. The final plat be revised prior to city signatures and recording to show all building lines applicable to the R-SF zoning on each of the lots.
4. Sanitary sewer construction plans may be required in association with future construction documents or building permits, as indicated in the City Engineer comments (July 23, 2019)
5. The remainder of the property (outside of the 4 platted lots) shall remain subject to the R-R zoning district standards, and any future development on this property shall require review according to the rezoning and platting procedures and criteria at that time.

Access

Following discussion, a motion was made to approve the application in conjunction with staff's recommendations, while amending staff recommendation #1 to allow for two new access points, for a total of 3, off Smiley Road. This motion was not carried by a vote of 2 ayes and 2 nays.

After additional discussion, a motion was made to approve the application in conjunction with staff's recommendations numbered 2-5, while making an adjustment to add a 60' access corridor between lots 1 and 2.

Storm Water Detention Construction Plans

Prior to consideration of the final plat by the City Council, the applicant notified City staff that a waiver was requested for the requirement in the City regulations to complete and submit storm water detention construction plans for the project. The preliminary and final plat application is now being brought back before the Planning Commission for consideration of this request.



Chris Brewster
Contract City Planner

I. SUMMARY:

In March, 2019 this property was subject to a proposed rezoning from R-R to R-SF. At that time, staff recommended that the applicant only rezone the front portion of the property, since there was no intention to plat or develop the entire property. The applicant preferred to submit a request to rezone the entire 19 acre parcel. The staff report for the previous application recommended approval, subject to a condition that a preliminary plat and conceptual street network plan for the entire property be created, and that this be shown at the time of preliminary or final plat. Staff's rationale for this condition is that once the property is officially rezoned, future plats simply need to meet the City standards and they should then be approved. Many different utility, street, and lot configurations are possible under the R-SF zoning designation that would technically meet the subdivision regulations; several of which would not be appropriate for this area and could negatively impact transitions, future planning and potential development on adjacent sites. Therefore, it was not possible to fully understand the potential impacts of rezoning the remainder of the property without at least a conceptual street network, with block and lot layouts. The Planning Commission recommended approval of the rezoning subject to the condition of a conceptual street network for the entire property being submitted with the preliminary plat, and the City Council approved this action on April 1, 2019.

The applicant has not submitted a conceptual street network for the entire property, and there is no intention to develop this property at this time. The condition for the rezoning of the rear portions of this lot have not been fulfilled, and the property should remain as zoned prior to the previous application (R-R). Any development of the west portions of the property should be subject to the full rezoning procedures and considerations at that time, including the requirement for a street network demonstrating capacity for utility plans, block and lot layouts and other issues impacting potential planning and development on this and adjacent property.

The current application is a preliminary and final plat for the 4 lots that were originally intended for development as part of previous rezoning application. The proposed preliminary and final plat fulfills the conditions of rezoning for this portion of the property.

II. ANALYSIS

Section 3.3 provides that the Planning Commission shall review preliminary and final plats to find conformance with the requirements of the subdivision regulations. Section 4.1 and 4.2 of the Tonganoxie Subdivision Regulations include the following subdivision design standards – the ones in bold are applicable to this application and with staff comments below:

- a. **Acreage subdivision** (potential for re-subdivision or logical arrangement of lots of "acreage lots" and / or undeveloped portions.)
- b. **Relation to adjoining street system.**
- c. Streets in relation to railroads
- d. Major Street classifications
- e. Minimum roadway and right-of-way width.
- f. cul-de-sac and dead end streets
- g. private streets and reserve strips.
- h. **Restriction of access.**
- i. Street grades.
- j. Intersections and geometrics.
- k. Street names
- l. **Drainage.**
- m. **Stormwater detention plans.**
- n. Blocks.

- o. **Lots.**
- p. **Building lines**
- q. **Underground wiring.**

The design standards require subdivisions – particularly those with large lots or remnant parcels to show the opportunity for re-subdivision and future streets. The easement to the south boundary of this property would provide a potential for street access to the property to the west in the event of future development. As indicated in the summary, in the event of future development of this area, this condition and design standard would need to be reconsidered for the remainder of the property at that time, subject to all of the applicable rezoning, preliminary and final plat procedures and criteria. (4.01.a and b.)

The rezoning in April, 2019 was conditioned on restricted access to Smiley Road, to be further identified and approved by the City Engineer at the time of platting. The plat shows no access on Smiley Road for the southernmost lot. This lot will likely get access from the easement and existing driveway. However, the other 3 lots do not show specific access or access restrictions. Per the previous rezoning conditions and the City Engineer comments on this application, (July 23, 2019), only two access points shall be allowed on Smiley Road. Therefore, the plat will need to be amended to show specific access points and/or include a note showing that access is restricted to two points, which must receive City Engineer approval (4.01.h)

A stormwater management plan and engineering study by a professionally licensed engineer is required by the regulations, and as noted in the City Engineer comments (July 23, 2019). The City may waive any requirements based on the study demonstrating to the City Engineer’s determination that no issues will arise from potential development of the site. Otherwise detention deemed necessary by that plan shall be included on the plat prior to signatures and recording. (4.01.l and m.; and Article 9, Section 5. Stormwater Detention Plan)

The four lots all meet the standards of the R-SF zone and they will allow for appropriate building sites according to the zoning district standards. The final plat shows the front building lines, and by default the side building lines (which correspond to the easements). However it does not include the applicable rear building line which should be added prior to recording of the final plat. The applicable building lines for the R-SF district are: 30-feet front setback; 10 feet side setback; 30-feet rear setback. (4.01.o. and p.; 4.02.c; and 5-014 of the zoning ordinance)

III. EFFECT OF DECISION

The Planning Commission approves preliminary plats, recommends final plats to the Governing Body for acceptance of any dedicated easements. Due to the routine nature of this particular application, the preliminary and final plat are submitted concurrently, as permitted in the subdivision regulations. Based on the record and other findings, the Planning Commission may:

1. Approve / recommend approval,
2. Approve / recommend approval with conditions
3. Deny / recommend denial of the plat.

Subsequent to any approval of a preliminary and final plat, the applicant may record the plat with the county, and any development will require construction drawings and permits, reviewed by staff subject to all applicable city codes.

IV. RECOMMENDATION.

Staff recommends approval preliminary plat, subject to the following conditions. If the Planning Commission elects to recommend approval of the final plat, a storwater management plan / engineer study will need to be approved by the City Engineer and approval of the final plat should be limited to these same conditions.

1. The final plat be revised prior to city signatures and recording to show restricted access on all lots – limited to two access points on Smiley Road, and that all access points be approved by the City Engineer prior to construction.
2. A storwater management plan and engineer study be submitted for review by the City engineer prior to any construction on any lots, and that any necessary detention shall be noted on the plat prior to signatures and recording, or other similar documentation prepared by a licensed professional engineer and approved by the City Engineer is recorded with the plats.
3. The final plat be revised prior to city signatures and recording to show all building lines applicable to the R-SF zoning on each of the lots.
4. Sanitary sewer construction plans may be required in association with future construction documents or building permits, as indicated in the City Engineer comments (July 23, 2019)
5. The remainder of the property (outside of the 4 platted lots) shall remain subject to the R-R zoning district standards, and any future development on this property shall require review according to the rezoning and platting procedures and criteria at that time.



Chris Brewster
Contract City Planner



CITY OF TONGANOXIE, KS ZONING MAP

Zoning Classification

- Rural
- Res. Estate
- Single Family
- Multi-Fam. 1
- Multi-Fam. 2
- Multi-Fam. 3
- Manuf. Home Pl.
- (PUD-R)Planned Res.
- (HBD)Historic Bus.
- Ltd. General Bus.
- General Bus.
- (PUD-C)Plan. Comm.
- Bus. Park
- Light Ind.
- Med. Ind.
- Heavy Ind.
- Community Util. Pln.
- Unincorporated
- R-1 Infil. Dist.
- City Limits

Revisions:
 Date: April 22, 2014
 Last Ordinance: 1383



Source Data: Map Layers were obtained from Leavenworth County, Kansas GIS Department. The map was created in Arc GIS 10.1 from the official AutoCAD map created and maintained by SO Engineers.



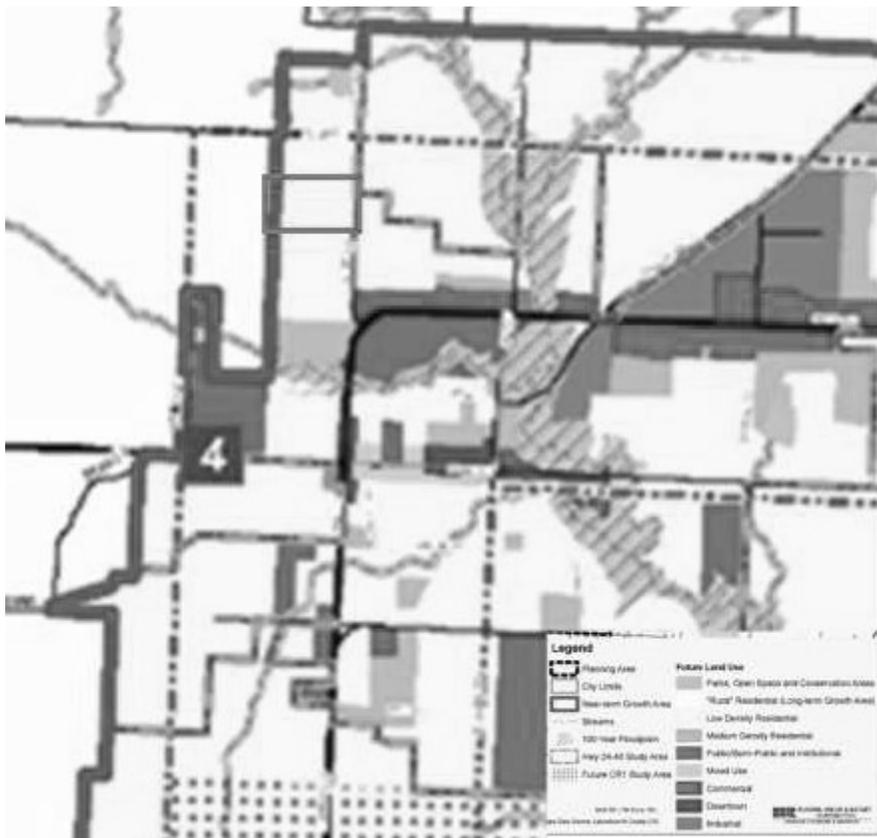
Current City Zoning (property in red box now zoned RR)



Vicinity



Property



Future Land Use (Tonganoxie Comprehensive Plan 2006)

CITY OF TONGANOXIE, KANSAS

APPLICATION FOR PRELIMINARY PLAT AND FINAL PLAN APPROVAL

Requested Action	Fee Paid	Date Rec'd	Date Published	Hearing Date
<input checked="" type="checkbox"/> Preliminary Plat	_____	_____	_____	_____
<input type="checkbox"/> Street & Storm Sewer Plan	_____	_____	_____	_____
<input type="checkbox"/> Sanitary Sewer Plan	_____	_____	_____	_____
<input type="checkbox"/> Waterline Plan	_____	_____	_____	_____
<input checked="" type="checkbox"/> Final Plat	_____	_____	_____	_____
<input type="checkbox"/> Site Plan	_____	_____	_____	_____
<input type="checkbox"/> Landscaping Plan	_____	_____	_____	_____

Name of Development SANDERS ESTATES

General Location N 1/2 SE 1/4 SE 1/4 SEC. 5-11-21

Applicant:

Name: JACK WILLIS Contact: _____

Address: 520 SMILEY RD.

Phone/Fax: _____

E-mail address _____

Owner Developer:

Name: SOUTH PARK DEVELOPMENT Contact: _____

Address: _____

Phone/Fax: _____

E-mail Address _____

Engineer: SURVEYOR

Name: HERRING SURVEYING Contact: JOE

Address: 315 N. 5TH ST. LV K5 66048

Phone/Fax: 913-651-3858

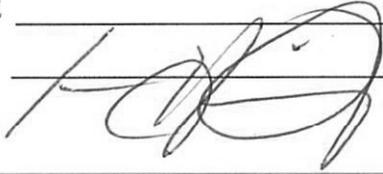
E-Mail Address survey@teamcash.com

SUBDIVISION INFORMATION:

- Gross acreage of plat: 20
- Total number of lots: 4
 - Residential Business _____ Industrial _____ Other _____
- Existing zoning R-SF Proposed zoning _____

THE owner herein agrees to comply with the subdivision regulations for Tonganoxie, as amended, and all other pertinent ordinances or resolutions of Tonganoxie, and statutes of the State of Kansas. The undersigned further states that he is the owner of the proposed for platting.

OWNER'S SIGNATURE _____

A handwritten signature in black ink, appearing to be 'H. D. ...', written over two horizontal lines.

OFFICE USE:

RECEIVED BY _____

Date _____ Fee Submitted _____

\$ 520
220

\$ 740

GENERAL INFORMATION

This general checklist is provided only to aid the understanding of the plat and plan approval process. The plat and plan approval process is detailed in the subdivision regulations. The subdivision regulations are available online at www.tongie.org or at City Hall. It is the responsibility of the applicant and/or his representative to meet all of the regulations applicable to this subdivision.

The Tonganoxie Planning Application and Review Schedule will be followed to allow time for staff review and a public hearing. A public hearing on the proposed plat will be held before the Planning Commission. When a plat is submitted, public notice must be published in the official paper of Tonganoxie, Kansas, giving the name of the subdivision, owner, legal description, location and approximate acreage.

Approval of the Preliminary Plat does not constitute final approval or acceptance of the subdivision by the City Planning Commission or authorization to proceed with the construction of improvements within the subdivision, but shall constitute approval of the general layout.

The approval of the Preliminary Plat shall only be effective for one (1) year, unless the Planning Commission grants an extension. The Planning Commission may not grant an extension for a period in excess of one (1) year. If the final plat has not been submitted for approval within this period, a Preliminary Plat must be re-submitted for Planning Commission approval.

When the Final Plat has been approved by the City Council, the developer shall supply 3 copies of the plat on reproducible drafting film and 11 blue-line copies for proper signatures. The developer is responsible for filing the Final Plat with the Register of Deeds in Leavenworth County.

After receiving the recorded final plats and a performance bond or irrevocable letter of credit from the developer, he may proceed with the installation and construction of the required improvements. Building permits will be issued after improvements have been completed and approved by the City Engineer.

The developer shall file performance and maintenance bonds with the City.

As built plans, profiles and cross sections of the required improvements shall be filed with the City Engineer.

See complete information in the Subdivision Regulations:

Section S-2 Preliminary Plat Procedure and Content

Section S-3 Final Plat Procedure, Content, and Action by the Planning Commission

Section S-4 Minimum Subdivision Design Standards & General Requirements

Section S-5 Improvements and Improvement Plan

Site Plan Review Standards and Site Review Committee

Preliminary Plat Checklist

- Submit a minimum of 6 copies
- Current Title Report - no more than 3 months old & a certificate of title verifying ownership no more than 30 days old
- Review: See Planning Application & Review Schedule for submittal dates. Staff review will include Planner, Administrator, City Superintendent, Engineer, Fire Chief, Police Chief and Building Inspector
- Fee: See Application Fee schedule for current fee amounts as established by the City Council. Costs incurred by the city for review of revised plats will be billed to the applicant.
- Checklist:
 - Clearly marked "Preliminary Plat"
 - Name of subdivision (If replatting, original plat must be referenced in title)
 - Name & address of owner, and name, address and registration of the engineer and/or surveyor preparing the plat
 - Surveyor's seal, signature & date--see KS Minimum Standards for Boundary Surveys
 - Date completed, Scale, North point, Key map
 - Legal description--including section, township, range and meridian
 - Drawing to scale of platted area, dimensioned and tied to at least 2 section corners
 - Contours at a minimum of 2 foot intervals
 - Names and location of adjacent owners and subdivisions
 - Location and dimension of property lines, streets, alleys, easements, buildings, utilities, watercourses and other items that will affect the plat
 - Existing & proposed zoning
 - Location and elevation of 100 year floodplain and floodway boundaries
 - Layout, number and dimensions of proposed lots and building or setback lines
 - Location, width & dimensions of all lands proposed for dedication to public use including easements
 - Proposed names for streets
 - New utilities--method and timeline for all installations proposed, 3 copies of preliminary layouts of the street paving and all utility lines and all appurtenant work such as manholes & fire hydrants, utility lines and power poles
 - Written & signed statements from City-County Health Department stating approval of lot sizes and type of sewage system if not connecting to the city sewer system.
 - Written & signed commitments of utility availability from appropriate Utility officials gas, electric, telephone, water, cable.
 - Restrictions proposed for the plat in the Owner's Declaration of Plat.

Final Plat Checklist

Submit a minimum of 4 copies of the Final Plat, 1-11x17 copy, 1 address map, with required signatures and professional certifications for review by the Planning Commission.

- Review: See Planning Application & Review Schedule for submittal dates. Staff review will include Planner, Administrator, City Superintendent, Engineer, Fire Chief, Police Chief and Building Inspector
- Fee: See Application Fee schedule for current fee amounts as established by the City Council. Costs incurred by the city for review of revised plats will be billed to the applicant.
- Checklist:
 - Clearly marked with legal description
 - Boundary lines marked with accurate distances & angles
 - Mark highways, streets, alleys with width and names
 - Outline of property dedicated for public use
 - Lines of departure from one street to another
 - Lines adjoining property and lines of adjoining streets with width & names
 - All lots designated by numbers or letters
 - All streets avenues and other grounds by names , letters or numbers
 - Location & widths of building lines on front & side streets
 - Location & widths of utility easements, easements for future construction and easements for drainage purposes.
 - All dimensions both linear & angular for locating boundaries
 - The radii, arcs, chords, points of tangency and central angles for all curvilinear streets and radii for rounded corners
 - Location and description of survey monuments and bench marks
 - Subdivision name, Clearly marked as Final Plat, Points of compass, and names of every owner or subdividers
 - Reference to Private restrictions and trusteehips if on a separate instrument
 - Plat Restrictions, dedication of public use, granting of easement acknowledged by owners
 - Signature lines & verification of owners
 - Signature lines for Land Surveyor or Licensed Professional Engineer of the State of Kansas
 - Signature lines for Chairman & Secretary of the Planning Commission
 - Signature lines for City Engineer
 - Signature lines for Mayor and City Clerk
 - Signature lines for Register of Deeds
 - Signature line for the County Surveyor
 - True north point, graphic scale, & date