TONGANOXIE BOARD OF ZONING APPEALS

Agenda
February 6, 2020
7:00 p.m.
City Council Chambers
321 S. Delaware St.

1. **CALL TO ORDER**

2. **APPROVAL OF MINUTES –** January 2, 2020

3. **OLD BUSINESS**

- Variance Application – 834 E 4th Street – Submitted by Steve Trieb and Kelley Angell

4. **NEW BUSINESS**

5. **OPEN AGENDA**

6. **GENERAL INFORMATION**

7. **ADJOURN**

TONGANOXIE BOARD OF ZONING APPEALS

Agenda
January 2, 2020
7:00 p.m.
City Council Chambers
321 S. Delaware St.

1. CALL TO ORDER

- Chairman Morgan opened the meeting at 7:00 p.m.
- Roll Call: Planning Commissioners present were Chairman John Morgan, Vice Chairman Monica Gee, Zach Stoltenberg and Crystal Henson. Kevin Harris and Patti Bitler were absent. City Manager George Brajkovic, Assistant City Manager Dan Porter, City Planner Chris Brewster with Gould Evans, City Attorney Anna Krstlic and Planning Clerk Melanie Bilby were also in attendance.

2. APPROVAL OF MINUTES – January 2, 2020

- **Ms. Gee motioned to approve the Board of Zoning Appeals Minutes from January 2, 2020.**
- **Mr. Stoltenberg seconded.**
- **Vote of all ayes, motion carried.**

3. OLD BUSINESS

- Variance Application – 834 E 4th Street – Submitted by Steve Trieb and Kelley Angell
  - **Ms. Gee made a motion to continue the item to the February 6, 2020 Board of Zoning Appeals Meeting.**
  - **Mr. Stoltenberg seconded.**
  - **Vote of all ayes, motion carried.**

4. NEW BUSINESS
5. OPEN AGENDA
6. GENERAL INFORMATION
7. ADJOURN

- **Ms. Gee made a motion to adjourn the meeting at 7:08pm**
- **Mr. Stoltenberg seconded.**
- **Vote of all ayes, motion carried.**

Respectfully submitted,

Melanie Tweedy, Planning Clerk

TONGANOXIE PLANNING COMMISSION

Agenda
February 6, 2020
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 –** January 2, 2020

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) Site Plan – 834 E 4th Street – Submitted by Steve Trieb and Kelley Angell
   b) Special Use Permit – 704 E 4th Street – Submitted by Desiree Kenney & Tots to Teens Childcare LLC
   c) Site Plan & Preliminary Plat – West Village Apartments - 00000 West Street (5.15 Acres) – Submitted by Tomica and Ljubinka Cvetkovic

5. **GENERAL INFORMATION**

   a) Briefing on upcoming Planning Commission nominations and elections.

6. **ADJOURN**

Planning Commission Meeting Minutes
January 3, 2020
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 Chairman John Morgan, Vice Chairman Monica Gee, Patti Bitler, Jake Dale, Zach Stoltenberg, Kevin Harris and Crystal Henson were present. City Manager George Brajkovic, Assistant City Manager Dan Porter, City Attorney Anna Krstulic and Planning Clerk Melanie Tweedy were also present

1. APPROVAL OF PC MINUTES – December 5, 2019

- **Ms. Gee motioned to approve the Planning Commission meeting minutes from December 5, 2019.**
- **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.

- Ray Stockman chose to speak in regard to West Village Apartments on behalf of the Historical Society. He felt that the number of units and cars would be excessive. He stressed that there were not any amenities in that area of town. He also did not favor the layout of design.

3. NEW BUSINESS

a) Public Hearing - Rezone Application– R-R (Residential Rural) to R-MF2-P (Multi-Family III District) 00000 West Street (5.15 Acres) – Submitted by Tomica and Ljubinka Cvetkovic

- Mr. Brajkovic introduced Sue Engbroten, Randy Wilbanks and Marko Cvetkovic, the developers and owners of the proposed project. He stated that the commission recently considered a similar project with Schoolyard Townhomes. He explained that in 2016, the council approved a strategic plan for the city. Part of that plan was to target multi-family housing developments. He explained RHID grant was available to us for developments such as this. He explained that to obtain this, we had to submit a housing study to the state. This study found that Tonganoxie was lacking multi-family housing. He went on to speak about the grant that was awarded.
- Mr. Brajkovic went on to discuss that the developer has had lengthy discussions with KDOT in regard to any access issues. During these meetings, they were able to resolve any concerns that KDOT may have had with the project.

- Mr. Brewster presented that planning report. He explained that the Planning Commission will present a recommendation to the city council. He went over the current status and zoning of the site. He explained the comprehensive plan encourages development of this nature. He expressed that the proposed new zoning meets all of the requirements of the proposed project. He stated … He also went over the proposed site plan and building design. He explained that the applicant was meeting the landscape requirements and the additional landscaping recommendations from city staff.
- Mr. Brewster when over the golden factors and what would be required for approval or denial based on those factors. He stated that he would recommend approval.
- Mr. Stoltenberg inquired about how the comprehensive plan propsed pathways that would follow existing paths and waterways and is that would be utilized near this project or if this project would negatively affect that goal.
- Mr. Brewster responded that he did not feel that was applicable.

- Mr. Morgan opened the public comment portion of the meeting.

    - The applicant did not wish to speak.
    - No one wished to speak in favor of the project.
    - Mr. Stockman spoke again on behalf of the historical society. He again stated that they were not in favor of the density, layout or traffic flow.

- Ms. Krstulic asked if any of the staff had any contact with anyone in regard to the project. Ms. Gee stated that Chris Roberts from the historical society approached her and explained her negative opinion of the project and how to go about the project. Ms. Gee informed that she explained to Ms. Roberts that the historical society would need representation at the planning meeting.
- Mr. Brewster presented the proposed trail map.
- Mr. Stoltenberg and Mr. Morgan both stated that they felt with a development of this size, constructing those trails may be something the developer could potentially include.
- Mr. Stoltenberg asked if the development was in the flood plan. The applicant responded that it was not.
- Mr. Brewster explained that the city engineer would be the one to ultimately review the drainage and storm water topics.
- Mr. Stockman stated that the Historical Society has an active spring on site and wondered how that would factor into the engineer's review.
- Mr. Brewster presented the flood plain map and reiterated that the site was not in the flood plan.
- Mr. Stoltenberg ask that we split the discussing into two parts, rezoning and site plan.
- Mr. Morgan agreed and asked that we begin with the site plan.

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- Mr. Stoltenberg stated that most of the issues he sees with the project are related to the site plan, rather than the rezoning. He explained that he felt that this was a good fit for the property, however he was not sure that the three-story option was the best option. He felt that there may be access issues and traffic issues with a development of this size. He would, however, recommend approval of the rezoning.
- Mr. Morgan stated he would also recommend approval of the rezoning at this point.
- Mr. Stoltenberg asked if KDOT had any concerns.
- Mr. Brajkovic explained the history of this stretch of 24/40 and that KDOT has approve the access off 8th Street and Cox Street.
- Ms. Gee stated that she felt this was the same scenario as other complexes that are located off 24/40.
- Commissioners and staff offered more discussion on the rezoning topic, specifically access, parking and street construction.
- Mr. Stoltenberg continued with his concerns on access and parking. He went on to discuss that he did not note the trash receptacles on the site plan.
- The applicant noted that they welcome staff's comments in regard to the site plan. They would like to note that prior to make dramatic changes to the site plan, they would like to move forward with the rezone at this time and will be glad to address any issues with the site plan following that step.
- Mr. Stoltenberg asked if the developers would hold long term interest in the property.
- The applicant responded that they do have long term interest and do not anticipate changing ownership anytime in the near future.
- Ms. Krstulic commented that the RHID grant agreement gives the city some power over who could purchase the site.
- Mr. Morgan stated that he did not have any additional questions at this time.
- No further questions from the commission.

    - **Mr. Stoltenberg motioned to approve the rezone application for 00000 West Street– R-R (Residential Rural) to R-MF2-P (Multi-Family III District).**
    - **Ms. Gee seconded.**
    - **Motion carries, 3-1 (Henson – no)**

- Mr. Morgan asked if there was any additional comments.
- Mr. Stoltenberg asked if there was any input from the developer.
- The applicant stated that they would prefer to continue this item to the next planning meeting.

    - **Ms. Gee motioned to continue site plan consideration to February 6, 2020 to allow for further discussion.**
    - **Mr. Stoltenberg seconded.**
    - **Motion carries, all ayes.**

b) Consideration of PC Applicants

- Mr. John Kirk introduced himself to the commission. He explained that he was newer to the area, but had a strong desire to become more involved.

    - **Mr. Stoltenberg motioned to recommend this applicant to the Mayor and City Council.**

- **Mr. Morgan second.**
- **All ayes.**

- City Council and the Mayor will consider the recommendation at the January 6, 2020 regular meeting.

4. OLD BUSINESS

a) FINAL CONTINUANCE TO 2/6/2020 - Site Plan – 834 E 4th Street – Submitted by Steve Trieb and Kelley Angell

- **Mr. Gee made a motion to continue the Site Plan for 834 E 4th Street to allow for further time for applicant to complete his submission.**
- **Ms. Stoltenberg seconded.**
- **Vote of all ayes, motion carried.**

b) CONTINUED TO 2/6/2020 - Special Use Permit – 704 E 4th Street – Submitted by Desiree Kenney & Tots to Teens Childcare LLC

- **Ms. Hensen made a motion to continue the Special Use Permit for 704 E 4th Street to allow for more time for the applicant to complete the application.**
- **Ms. Stoltenberg seconded.**
- **Vote of all ayes, motion carried.**

5. GENERAL INFORMATION

a) Housing Reports

6. ADJOURN

- **Mr. Gee made a motion to adjourn the meeting.**
- **Ms. Stoltenberg seconded the motion.**
- **Vote of all ayes, motion carried.**
- **Meeting adjourned at 9:03 p.m.**

Respectfully submitted,

Melanie Bilby, Planning Clerk

DRAFT

BG CONSULTANTS
ENGINEERS · ARCHITECTS · SURVEYORS

MEMO

To: George Brajkovic, City Manager
City of Tonganoxie

Cc: Dan Porter, Asst. City Manager
Kent Heskett, City Superintendent
Chris Brewster, City Planner

From: Brian Kingsley, City Engineer

Date: January 30, 2020

Re: Steve and Wendee Trieb
Site Plan Review
20-1001L

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

Storm Water Management Plan:

1) The applicant has submitted for an exception to providing a storm water study and detention for the site. The exception criteria include lot size (less than 1 acre) and discharge directly into the 100-yr Floodplain.

Recommendation: The City should consider approval without condition of the proposed storm water management for the site.

Site Plat:

1) Section 20 of the Tonganoxie Zoning Code (Off Street Parking and Loading Regulations) requires permanent surfacing with either bituminous or concrete.
    a. Planning Commission and City Council would need to approve a variance for the current proposed site plan improvements.
2) The minimum side yard setback is 25 feet in I-MD Zoning.
    a. Planning Commission and City Council would need to approve a variance for the current proposed site plan improvements.
3) Proposed sanitary sewer and water service has not been shown on the site plan.
    a. Water and Sewer Services should be coordinated with the City Superintendent unless no service is being requested.

4) The location and access to a trash enclosure is not shown on the site plan.
5) Parking layout and striping has not been shown on the site plan.

Recommendation: The City should consider approval contingent upon the above issues being addressed.

--END

For questions or comments, please contact:

Brian Kingsley, PE
President
T: 785.727.7261
E: brian.kingsley@bgcons.com

City of Tonganoxie, Kansas

PLANNING STAFF REPORT

Case#:	2019-001BZA
Application:	Request for Variance to front and side setback in I-MD zoning district and request for Site Plan Approval
Action:	*A variance requires that the Board of Adjustments review the facts, and make findings of fact. The Board may grand a variance only on the finding that all five criteria of the zoning ordinance are met, based on the findings of fact.* *A site plan requires that the Planning Commission review the proposed application and evaluate it against the standards of the ordinance. If the standards are met, the Planning Commission shall approve the site plan. If there are any requested exceptions or if there is uncertainty on if a particular standard is met by the proposed application, the Planning Commission may exercise discretion in determining if the intent of the standards are met or any specific criteria for exceptions are met.*
Date of Report:	January 31,2020
Applicant Name:	Steve Trieb
Property Owner Name:	Angell, Kelly E & Tara D
Subject Property Address:	834 E. 4th Street
Property Size:	0.5 acres (21,600 s.f.)
Zoning:	I-MD – Moderate Industrial
Legal Description:	Lot 1, Block 1, Highland Ridge Business Center
Date of Application:	3/15/2019 (complete submittals received September 9, 2019)
Date of Public Hearing:	11/7/2019 (original); 2/6/2020 (final continuance)

I. PROJECT DESCRIPTION

A. Subject Property. The property is a 0.5-acre lot that fronts on Fourth Street, approximately 2 blocks east of Main Street and Fourth Street. The lot is zoned Moderate Industrial (I-MD), and is currently vacant. It abuts similarly zoned property on all sides and across the street. There are existing rights-of-way or easements on both the east side and rear of this lot. The lot dimensions are 100' wide x 216' deep. The lot is a "legal non-conforming lot" - it does not meet the I-MD standards for lot area. I-MD requires that lots be at least 100' wide, at least 150' deep, but also has a minimum lot size of 1.25 acres. Therefore, this lot is deficient in lot area. This area was likely platted before the zoning district standards were developed and/or applied giving the lot its legal non-conforming status. Legal non-conforming lots may continue to be used and developed, provided they meet all other standards. Many other lots in this area, also zoned I-MD are also non-conforming in lot area, width and/or depth.

B. Proposal. The applicant proposing to build a new building on the site, but is requesting to place the building approximately 40' from the front lot line (where I-MD requires 50' setback) and approximately 10' from the west side lot line (where I-MD requires 25'). Therefore, this proposal would require a variance, approved by the Board of Zoning Adjustment. The Tonganoxie Zoning ordinance also requires that all new buildings in industrial zoning districts have a site plan reviewed and approved by the Planning Commission. This application requires two related steps – first, and evaluation of the variance by the Board of Adjustments, and if that request is approved, a review of the site plan by the Planning Commission.

II. REVIEW CONSIDERATIONS

Each of the review considerations for the two related steps of this proposal are addressed separately below:

A. Variance Review Considerations

A site plan submitted to the City on December 30, 2019 shows the proposed building location. It includes a 2,400 square foot building located 10' from the west property line and approximately 30' from the front lot line. The I-MD standards would require 25' and 50' respectively. (Note: a previous plot plan dated September 5, 2019 showed the building located 36' from the front lot line. This plan also had the short side of the building – 40', oriented to the street, and the long side – 60', oriented to the side lot lines) The original building plans show the building to be approximately 14' tall, slightly less than that on each of the side elevations, and up to 14.33' on the peak of the front and rear elevations, with a slightly sloping roof. The building is a manufactured, corrugated metal structure with two doors – one on the end and one on the side, however the site plan is not clear as to which sides they are on.

The Board of Zoning Appeals is authorized in specific cases to grant a variance from the specific terms of the ordinance if the board finds that all of the following conditions are met. [Facts to analyze under each criteria are included below each point.]

1. That the variance request arises from such conditions which is unique to the property in question and which is not ordinarily found in the same zone or district; and is not created by an action or actions of the property owner or applicant.

   The property is located in the older section of the City, where lot patterns included smaller lots arranged in a more formal block pattern. This situation does not lend itself to the required 1.25-acre lot size for the I-MD district. Other lots in this area that are similarly zoned also have

different degrees of non-conformances, ranging from .1 acres to 1.1 acres with widths ranging from 50' to 100'. Therefore, this lot, as are others in the area, is a legal non-conforming lot.

2. That the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents.

   The variance would place a building wall approximately 30' from the front lot line on Fourth Street and approximately 10' from the side lot line to the west. (The application meets the zoning district standards on all other sides, and there is substantial depth of the lot to allow meeting front and rear setbacks.) The lot to the west is vacant and the lot across the street is a vacant surface, associated with the Tonganoxie Fire Station situated to the west on the north side Fourth Street.

3. That the strict application of the provisions of this ordinance of which variance is requested will constitute unnecessary hardship upon the property owner represented in the application.

   The I-MD standards applied to this lot would result in a buildable area of approximately 7,050 square feet (100 x. 216 s.f. lot; 50' front setback, 25' side setbacks, 25' rear setbacks = buildable area of 50 x. 141). In this case, the side setbacks would result in the proposed building to be centered on the lot if the side setback were to be applied according to the standards. This affects the buildable area of this lot differently than it would a 1.25-acre lot under the same zoning.

4. That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare, and

   The required setbacks for the I-MD district are based on the principle that more intense uses allowed in the I-MD district should be setback from the street and from adjacent property. In this manner, the space is to be used to promote compatibility of the different activities that can occur in this zoning district. This specific area includes a mix of lot sizes, building types and uses that do not follow a regular pattern, and many of which are not conforming to the I-MD standards. It is unclear whether these are all legal, non-conforming lots or structures.

5. That granting the variance desired will not be opposed to the general spirit and intent of the zoning ordinance.

   The intent of I-MD district is "[f]or the conversion of raw materials into partially finished or completed goods, for distribution of goods and the provision of industrial level services. The development standards and area regulations applicable to this property are intended to promote compatibility for a variety of moderately intense industrial uses.

B. Site Plan Considerations

The site plan considerations for the Planning Commission are provided below. They are provided only on the assumption that the variance be approved. This review is not applicable should the variance not be approved, and should not be used to justify the variance, except to the extent they affect the Board's evaluation of the five variance criteria. These considerations and criteria are based on the Planning Commissions responsibility to review all new buildings in the I-MD against these criteria.

Article 9 of the Subdivision Regulations include the City's Site Plan Standards and Review Criteria. They apply to any new construction in industrial districts [1.2.1.1]. They specifically include the following standards:

1. ***Articulation of Wall and Roof Planes [3.1].*** Buildings more than 2,000 square feet are required to have a 3-to-1 ration of facade articulation, meaning a building should not be more than 3 times its height wide, without offsets. The intent of this standard is to break up large expanses of walls and to add a three-dimensional quality to structures.

   This building is approximately 14' high. Three times this is approximately 42'. The side elevations, as the building has most-recently been proposed, are 40' and do not require an offset. The front elevations are approximately 60', which would require an offset unless an exception is given.

2. ***Cladding and Roofing Materials [3.2].*** Metal buildings with a quality appearance is acceptable in industrial districts. Other materials may be approved by the Planning Commission on a case-by-case basis, specifically to account for uses such as car wash, auto maintenance or storage buildings where a large portion of the wall may be doors or other types of openings.

   The proposed building is a corrugated metal panel building and includes sculptured eave trim on the side elevations. It is proposed with a Dessert Sand color with Hawaiian Blue trim and accents (wainscot panels 3' high on perimeter).

3. ***Visual Elements [3.3].*** Retail or office portions of industrial buildings require 30% of the facade and street walls to have design elements that allow visual penetration to the interior of buildings such as display units, windows and doors. The intent of this standard for industrial buildings is to break up monotonous, impersonal facades.

   This building only includes two doors – one on an end and one on a side. It is unclear which side or end the doors will be on, particularly with the latest plan reorienting the building with the long-side towards the street. There are not design details for the doors. However, this building is intended for storage (an allowed use under current zoning) and there are no retail or office portions of the building.

4. ***Color / Patterns / Textures for Facades and Street Walls [3.4].*** Colors, patterns and textures of exterior buildings or coatings are to be compatible with existing surroundings. Extremely bright or fluorescent colors should be avoided.

   This building is proposed to be Desert Sand with Hawaiian Blue accents. There is not a consistent building fabric in this area as it includes a mix of industrial, municipal and residential buildings. However, the following materials and colors are present in nearby buildings:
   - *Tan standing seam metal with maroon metal and brick accents*
   - *Red vinyl siding*
   - *White wood lap siding*
   - *White wood lap siding with a large corrugated metal accessory building (off-white)*
   - *Red standing seam metal*
   - *Red wood lap siding with a large corrugated metal accessory building (red)*

5. ***Axillary Elements [3.5].*** Screening of mechanical equipment, trash, or loading areas for industrial buildings should be to the rear or otherwise create from the street or residential areas.

   Mechanical equipment, trash and loading areas are not specifically designated on the site plan. There are two "loading doors" indicated on the building plan, but it is not clear which sides,

particularly with the latest site plan changing the orientation. There is a gravel surface area on the east and south (rear) of the buildings, which is all beyond a fenced area at the extension of the building. To the extent any mechanical, storage, or loading areas are behind this fence, and provided the fence is constructed according to all city fence standards (24-012.C), this provision may be met

6. ***Landscape [4.0 and Section 17-011.G, and Section 24].*** A landscape plan is required to demonstrate buffering and screening, contribute to the overall appearance of the side, contribute to the character of the area, and help manage any runoff or similar mitigation of site impacts that can be accomplished with vegetation. Additionally, the I-MD district requires a 10' landscape strip to be maintained along all rights-of-way (17-011.G.)..

   A landscape plan is not submitted with the site plan, other than a grass area designated in the front for the non-paved section. In the I-MD district, landscape materials are generally only required to screen and buffer more high intensity elements of the site from residential areas, or to otherwise buffer auxiliary elements of the site. Additionally the I-MD requires a 10' landscape strip along the right-of-way, but there are not specific planting requirements associated with this area, and the latest plans shows the surface parking area abutting the front lot line although there is a landscape area in the right-of-way. However the goals and performance criteria of the site design / landscape section would suggest landscape materials, be included in the frontage buffer area, or along the foundation of the building and the parking area, to improve the appearance and relation to the streetscape.

7. ***Parking [17-016].*** The I-MD district requires 1 space for every 1,000 square feet of buildings and the parking shall be setback 10' from the property lines. Parking slots of more than 6 spaces require painted lines or curbs (20-101.F.). All parking shall be surface with a bituminous or concrete pavement meeting the standards and specifications of the City. Alternative materials may be approved for low use parking areas such as fire safety lanes or overflow parking. [20-010.H]

   The proposed building requires 3 parking spaces, and due to the small nature of the parking requirement, the area does not necessarily need to be striped. A paved parking area is designated in front of the building, and is not dimensioned. It appears sufficient to accommodate 3 parking spots, but the parking area meets the required 10' setback from the front lot line.

8. ***Stormwater [5.0].*** Section 5.0 includes a variety of stormwater standards and performance criteria to be administered by the City Engineer. It includes provisions for engineering studies, stormwater management plans, or waivers of requirements for projects under certain thresholds..

   The City Engineer reviewed this project and determined that since it is an industrial development of 1 acre or less, detention will not be required. [Article 9, Section 5, 2.3.F.]. See City Engineer Memo dated Janaury 30, 2020.

9. ***Exceptions [1.7].*** Where site plans do not meet any of the standards, the Planning Commission may grant exceptions to the standards in the following situations: the standard would create a hardship beyond the control of the applicant; OR the exception is a minor modification where the intent and purpose of the standard is fulfilled.

Based on the information submitted, the application does not meet, or it is not clear that it meets, the following standards:

- The front elevation would require articulation or off-sets, since it is greater than a 3:1 ration. The intent of this standard is to break up larger wall planes. However this wall plane is not very tall (14') and has a 4.3-to-1 ration (60 wide by 14 high). Reorienting the building according to the September 5, 2019 plot plan would further minimize any concern regarding the intent of this standar by placing the longer expanse along side lot lines.
- The building lacks visual elements that create transparency on the facade and street wall (30%). The intent of this standard for industrial buildings is to break up monotonous, impersonal facades. However, this building does not include any retail or office components, and the proposed setback is 30' and the building is removed from the streetscape. If the front setback variance is not granted (related variance application) and the building is located 50' from the right-of-way per the IMD standards, this becomes even less of a concern.
- A landscape plan has not been submitted, so it is assumed that no new landscape is proposed on the site. The application does include a fence at the extension of the front building line, so it is assumed that all outdoor storage would be included behind this area and screened from adjacent property. The site plan also indicates a parking area using the existing driveway. This area is not dimensioned and is located 10' of the front lot line, which would violate the required buffer. If any surface parking is included here, a landscape plan with street trees along the front lot line (at least 2), and a low hedge or other landscape buffer fronting any parking should be included. Further, if the front setback variance is not granted (related variance application) and the building is located 50' from the right-of-way per the IMD standards, the parking area could be setback the required 10' from the front lot line.
- The driveway and parking area in general is not dimensioned. However only 3 spaces are required per the ordinance. In association with the proposed landscape plan, this area shall be verified to include sufficient space for at least 3 cars. The "hard surface" area will be required to meet the City specifications. Additionally, beyond the gated area is shown to include a gravel area – it is assumed for storage, loading or other maneuvering. This may be acceptable, but shall require review and approval of both the City Engineer and Fire Department, for access, public safety, and drainage areas.

III. EFFECT OF DECISION

A. *Variance.* Approval of the variance request is a pre-requisite for consideration of the site plan. After reviewing the information submitted and consideration of the testimony during the public hearing, if the Board finds that all five conditions can be met as required by Section 26-011.D, then it can grant the variance or grant the variance with conditions or limitations that ensure the criteria are met. If the Board does approve the variance, it will run with the land and should be filed with the Leavenworth County Register of Deeds. If the board does not find that all five conditions are met it shall deny the variance request. Any person aggrieved by any decision of the Board will have 30 days to file an appeal of the final decision in district court.

B. *Site Plan.* If the variance is approved, the proposal may only be built according to a site plan approved by the Planning Commission. Approval of the site plan authorizes the applicant to proceed to building permits. Prior to issuance of these permits the applicant must construction documents demonstrate compliance with all standards of the City, demonstrate compliance with the approved site plan, and

compliance with any conditions of the site plan approval. If the site plan is not approved by the Planning Commission, the applicant may appeal this decision to the City Council.

IV. Staff Recommendation

A. ***Variance.*** The Board of Zoning Adjustments may only approve the requested variance based on findings of fact that satisfy all 5 criteria have been met.

B. ***Site Plan.*** The Planning Commission may approve the site plan. However, any approval shall be based on the following:

1. A determination that the articulation of the walls is not required due to the scale of this building and the nature of these side walls to adjacent property not being important to the intent of the articulation standard. Changing the building orientation to the originally submitted plan should be considered so that the short side (which does not require articulation according to the standards) orients to the front, and the longer sides with the articulation exception are to the sides, minimizing any impact.
2. A determination that visual elements on the street wall are not required due to either (a) the fact that this building is an industrial building that does not include any office or retail components; and/or (b) the building is set back far enough from the street that visual elements are not crucial to the buildings.
3. The applicant shall confirm that all storage, mechanical equipment or other auxiliary elements shall be located behind the fenced area, or otherwise screened and not visible from the street. Specifications for the fence that meet the City ordinance shall be turned in at the time of building permits. Any other visible features shall require landscape screening.
4. The applicant shall confirm the dimensions of the parking area is sufficient for 3 cars, and that it is more than 10' back from the right-of-way in all locations. If the building and parking cannot be setback from the right-of-way, a waiver will need to be given and alternative screening along the ROW edges should be considered. In addition, the Planning Commission may require landscaping in the 10' buffer area along the frontage, and specifically street trees (at least 2 recommended) and a low hedge or buffer for any portion of the parking area along this area. The species and specific plan shall meet the requirements of Section 4.0 (species, location and planting specifications) of the site design standards and approved by staff.
5. Approval of the gravel area shown on the site plan is subject to review and recommendations of the City Engineer and Fire Chief, subject to the area being determined "low-traffic" or overflow, and their determination that any storwater, traffic, or public safety issues are adequately addressed.

If the Planning Commission determines that this application does not meet any of the standards, or that these recommended conditions to the standards or exceptions do not meet the intent and requirements, it may deny the application, stating the specific reasons for denial.

V. PHOTOS AND MAPS (See next page)

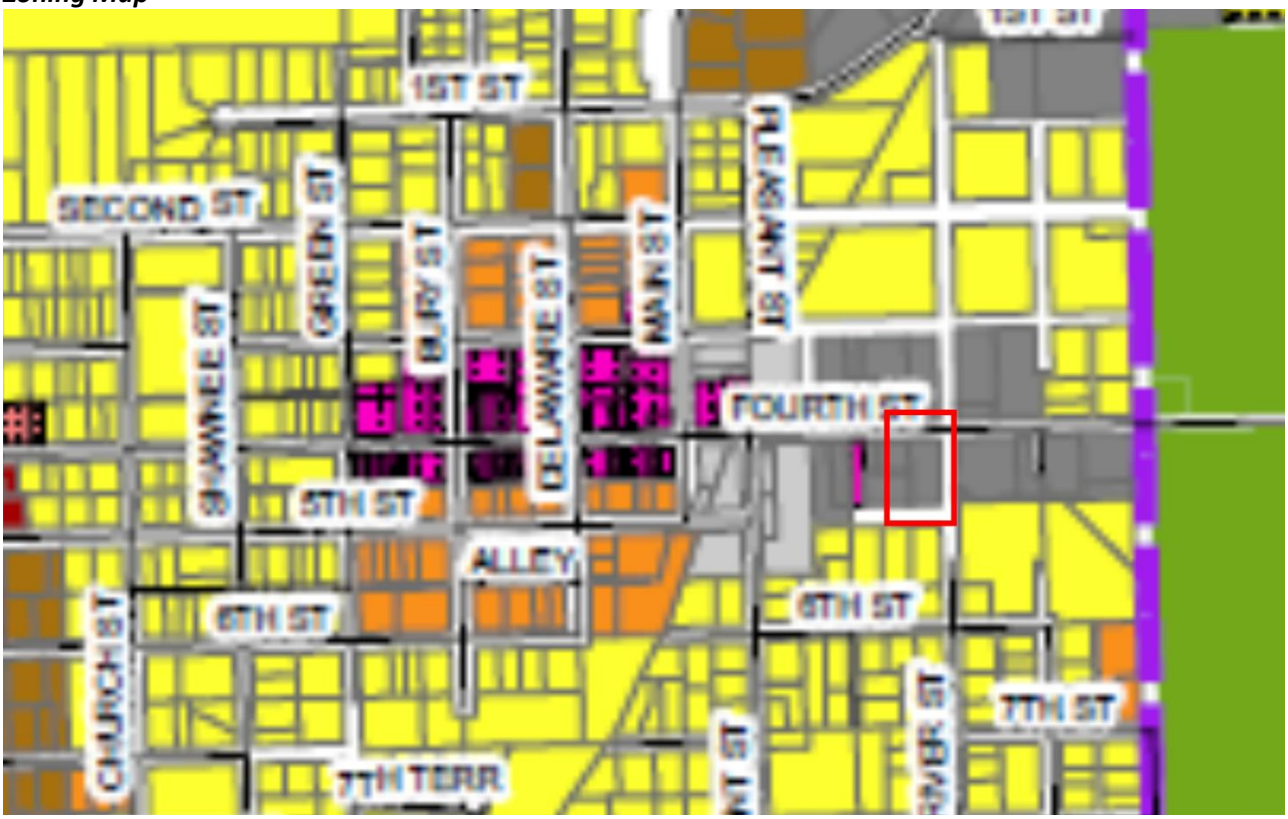
_____

Chris Brewster, Contract City Planner
Gould Evans

Site Location: 834 E. 4th Street, Tonganoxie, KS

Lot

Zoning Map



Street View – Site Location

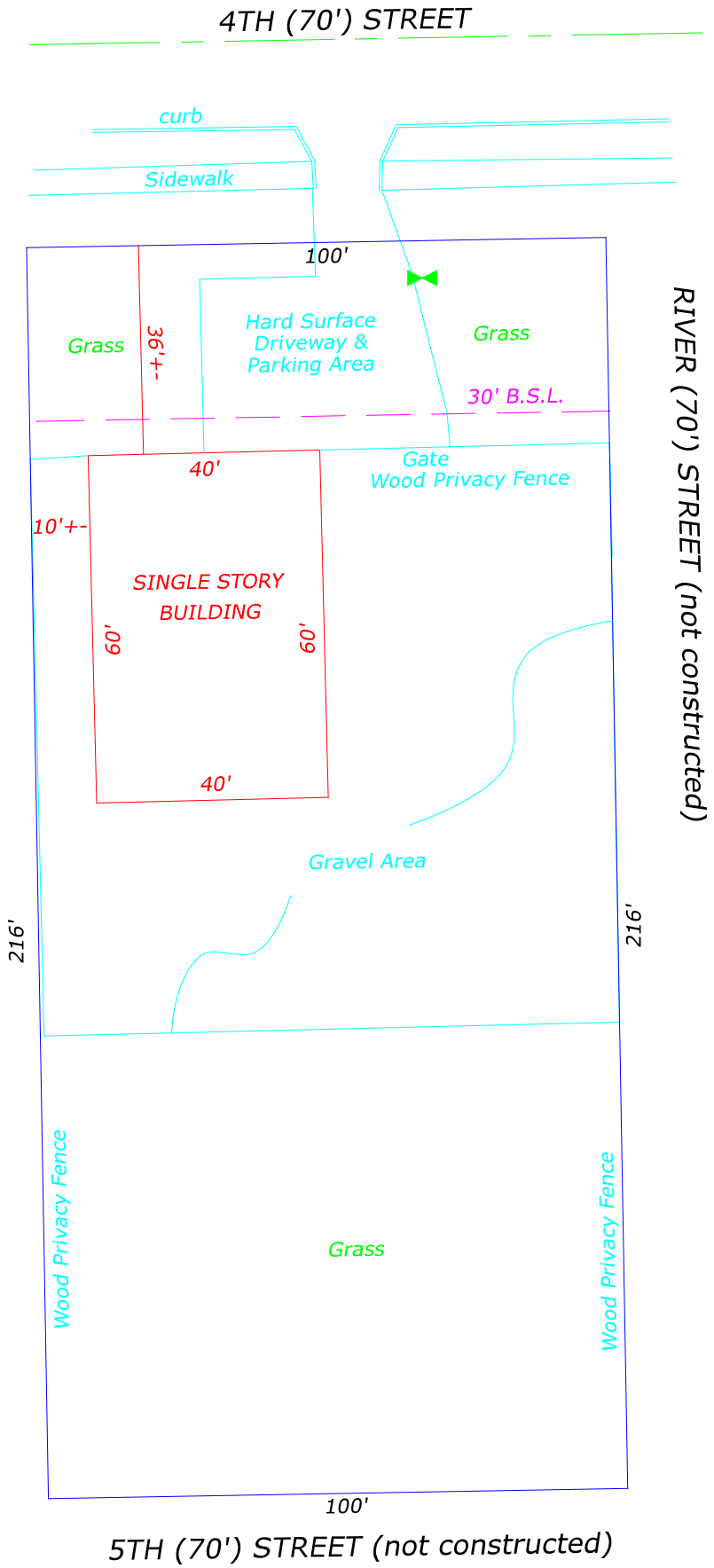
[Note: This view is from May 2011. The residential structure on the lot has since been demolished. The subject lot and the lot to the west (foreground right in the image) are both now vacant.]

PROPOSED SITE PLAN

Lots 1, 2, 15, & 16, Block 25,
Railroad Addition, Tonganoxie, Kansas

PREPARED FOR:
Steve Trieb

THIS DOES NOT CONSTITUTE A BOUNDARY SURVEY



NORTH

Scale 1" = 30'

Job #K-19-1321
September 5, 2019

J.Herring, Inc. (dba)
HERRING SURVEYING COMPANY
315 North 5th Street, Leav., KS 66048
Ph. 913.651.3858 Fax 913.674.5381
Email – survey@teamcash.com

City of Tonganoxie, Kansas
Board of Zoning Appeals
Variance Instructions and Application

The Board of Zoning Appeals is appointed by the governing body. The Board shall administer the details of appeal forms, or other matters referred to it. The Board of Zoning Appeals shall hear appeals; determine requests for variances, exceptions and requests for setback modifications all as set forth in the Tonganoxie Zoning and Subdivision Regulations. (Section 26, Tonganoxie Zoning Regulations)

Scheduled meetings of the Tonganoxie Board of Zoning Appeals are held the first Tuesday of each month. All meetings begin at 7:00 p.m. in the City Council Chambers, 321 S. Delaware.

Citizens may address the Board on items under discussion when recognized by the Chairman at the Public Hearing. Persons requiring any accommodation (i.e. qualified interpreter, hearing assistance, etc.) in order to attend a Board meeting should notify City Hall at (913) 845-2620 no later than 48 hours prior to the start time of the Public hearing.

The following information and application is intended to assist in preparation and submission of the necessary papers for a Board of Zoning Appeals action.

Applications may be obtained at City Hall, 321 S Delaware or from the City website; www.tonganoxie.org. After completing the application, submit it with any supporting documents to City Hall along with the appropriate application fee.

The application will be reviewed by City Staff and the City Planner. The applicant will be advised if any other information is required. The application, surrounding property owner's radius search and other material must be submitted to City Hall according to the timeline in the Planning and Zoning Application and Review Schedule.

Applicants must provide a certified list of property owners, names and addresses, and CAMA numbers for all of the property which lies within 200 feet of the boundaries of the property within the City Limits and 1000 feet of the boundaries within the county area. Any error in this list of property owners will result in reapplication accompanied by a second application fee to be paid by the applicant and a new public hearing. (A certified radius list may be obtained from the Leavenworth County GIS Department, 300 Walnut St., Leavenworth KS 66048)

The applicant or applicant's representative must be present at the BZA meeting to present the request. Please attach additional names, addresses and signatures if more than one property owner in involved with this application. Applicants may bring maps, photos, or other materials that might assist in explaining the request. Adjacent property owners and other interested parties will be allowed to speak at the public hearing when called upon by the chairperson.

The Board will decide to approve the request, deny the request, or defer the request for further study. Applicants will receive written notification of the BZA's decision.

If the request is denied, an applicant may appeal the decision to the Leavenworth County District Court. Such an appeal shall be filed within 30 days of the final decision of the Board.

Tonganoxie Zoning Regulations Section 26

Section 26-011 POWERS & DUTIES OF THE BOARD

d. Variance: The Board may authorize in specific cases a variance from the specific terms of this ordinance which will not be contrary to public interest and where, owing to special conditions, a literal enforcement of the provisions of this ordinance, in an individual case, result in unnecessary hardship, and provided that the spirit of this ordinance shall be observed, public safety and welfare secured; and substantial justice done. Such variance shall not permit any use not permitted in the zoning ordinance in such district. A request for a variance may be granted in such case, upon finding of the board that all of the following conditions have been met (KSA 12-759):

1) That the variance request arises from such conditions which is unique to the property in question and which is not ordinarily found in the same zone or district; and is not created by an action or actions of the property owner or applicant.
2) That the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents.
3) That the strict application of the provisions of this ordinance of which variance is requested will constitute unnecessary hardship upon the property owner represented in the application.
4) That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare, and
5) That granting the variance desired will not be opposed to the general spirit and intent of the zoning ordinance.

OFFICE USE ONLY

APPLICATION REVIEWED AND:

Filing Fee: _____ Date: _____

BZA Hearing Date _____

APPROVED _____ **DENIED** _____

www.tonganoxie.org

City of Tonganoxie
Board of Zoning Appeals
Variance Application
913-845-2640
913-845-9760 Fax

Applicant Information

Applicant: Steve Trieb Phone: 913-238-0374

Address: 204 S. Main Street Fax: _____

Email w305@hotmail.com

Owner: Kelly Angell Phone: 913-927-8219

Address: 22142 219th Street Fax: _____

Email: angell.kelly@yahoo.com

Property Information

Zoning I-MD Moderate Industrial

Address/Location of Property: 834 East 4th Street

Legal Description: Lots 1, 2, 15, and 16, Block 25, RAILROAD ADDITION

ADJACENT PROPERTY AND LAND USE:	ZONING:
North: E 4th Street - Fire Station	I-MD
South: E 5th Street - Residential	Single Family
East: River Street - Body Shop	I-MD
West: Vacant Ground	I-MD

Present Use of Property: Vacant

Proposed Use of Property: Warehouse

Specific Section of the Zoning & Subdivision Regulations from which a Variance is being requested: Side yard variance - reducing the West side yard setback from 25 feet to 10 feet per site plan. Also requesting that the North half of East 5th Street lying South of and adjancent to Lots 15 and 16 to be dedicated back to property

Reason for Request: Allows for building to fit the natural terrain of the property

Certified List of Property Owners is attached. Yes

Pursuant to the requirements of KSA 12-759, the BZA may grant a Variance from the Planning and Zoning Regulations provided that the BZA finds that all of the following conditions have been met. Please respond to the conditions listed below to help the BZA determine whether the conditions can be met [attach additional pages if necessary]:

1. Does the variance requested arise from a condition which is unique to the property in question and which is not ordinarily found in the same zone or district, and which is not created by an action of the property owner or applicant? Yes

Explain: Property has been vacant and has a significant portion of the property in a special flood hazard area.

2. Will granting the variance adversely affect the rights of adjacent property owners or residents? No

Explain: It would help in keeping the building farther west from the platted River Street which could be constructed at a later date and would not affect the property to the West which is vacant.

3. Will the strict application of the provision of the Zoning and Subdivision Regulations from which the variance is requested constitute unnecessary hardship upon the property owner represented in the application? Yes

Explain: It would cause hardship due to the amount of ground located in the special flood hazard area

4. Will granting the variance adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare? No

Explain: It would benefit the area and protect the East side for the construction of River Street

5. Will granting the variance be opposed to the general intent and spirit of the Zoning and Subdivision Regulations? No

Explain: It still gives enough room to protect neighboring property which is of the same I-MD Zoning

6-18

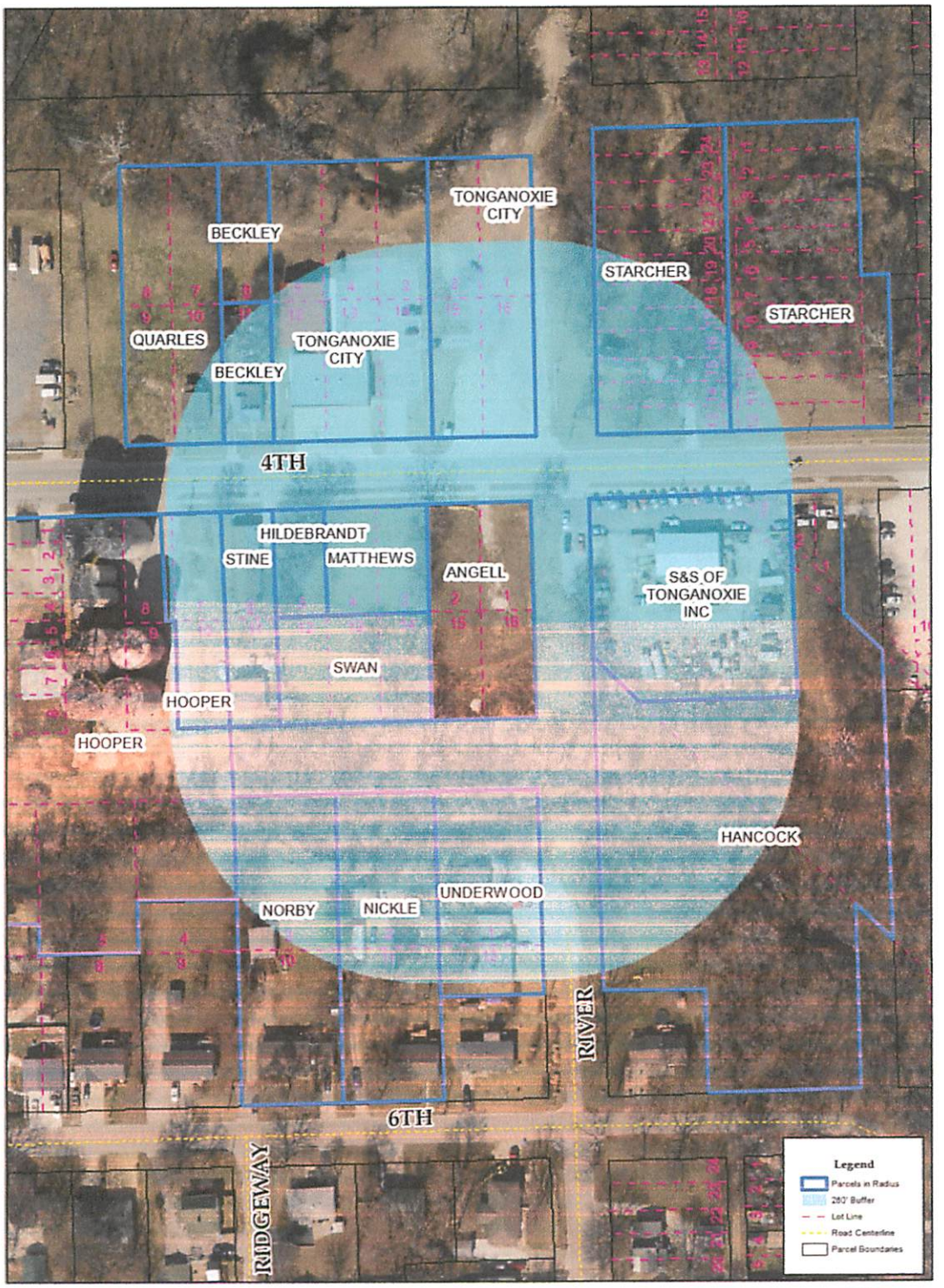
Applicant's Signature **Date**

7-9-19

Owner's Signature **Date**

City of Tonganoxie

260' Radius Search



2018 Aerial Photo

ANGELL,KELLY E & TARA D
192-09-0-40-03-001.00-0

1 inch = 136 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

LEAVENWORTH COUNTY KANSAS
MAPPING DEPARTMENT

Property Radius Search:
ANGELL,KELLY E & TARA D
192-09-0-40-03-001.00-0
834 E 4TH ST, Tonganoxie, KS 66086

Requested By: **Joe Herring**

PID	QREF	OWNER	Site Address
192-09-0-10-12-001.00-0	R25978	TONGANOXIE CITY	00000 E 4TH ST, Tonganoxie, KS 6
192-09-0-10-12-003.00-0	R25980	BECKLEY, CHAD T	00000 E 4TH ST, Tonganoxie, KS 6
192-09-0-10-12-004.00-0	R25981	QUARLES, KENT	817 E 4TH ST, Tonganoxie, KS 660
192-09-0-10-11-002.00-0	R25977	STARCHER,VICKI & DOHRN,LESLIE B	907 E 4TH ST, Tonganoxie, KS 660
192-09-0-10-12-002.00-0	R25979	TONGANOXIE CITY	00000 E 4TH ST, Tonganoxie, KS 6
192-09-0-10-12-005.00-0	R25982	BECKLEY, CHAD T	821 E 4TH ST, Tonganoxie, KS 660
192-09-0-10-11-001.00-0	R25976	STARCHER,BILL; STARCHER,JERRY & MELAN	00000 E 4TH ST, Tonganoxie, KS 6
192-09-0-40-02-003.01-0	R26540	S&S OF TONGANOXIE INC	900 E 4TH ST, Tonganoxie, KS 660
192-09-0-40-03-002.00-0	R26551	MATTHEWS,ROBERT L	00000 E 4TH ST, Tonganoxie, KS 6
192-09-0-40-03-003.00-0	R26552	HILDEBRANDT, ALICE	00000 E 4TH ST, Tonganoxie, KS 6
192-09-0-40-03-005.00-0	R26554	HOOPER,JEFF & HOOPER,CHERYL	818 E 4TH ST, Tonganoxie, KS 660
192-09-0-40-03-006.00-0	R26555	HOOPER,JEFF & HOOPER,CHERYL	00000 PLEASANT ST, Tonganoxie,
192-09-0-40-03-018.00-0	R26567	SWAN,FERN	00000 E 4TH ST, Tonganoxie, KS 6
192-09-0-40-03-004.00-0	R26553	STINE,RICHARD M & RUBY C	822 E 4TH ST, Tonganoxie, KS 660
192-09-0-40-02-003.00-0	R26539	HANCOCK, LINDA; TRUST	00000 E 4TH ST, Tonganoxie, KS 6
192-09-0-40-03-017.00-0	R26566	UNDERWOOD,PAUL V & KATHY J	524 RIVER ST, Tonganoxie, KS 66C
192-09-0-40-03-014.00-0	R26563	NORBY,DAVID N & NANCY J	825 E 6TH ST, Tonganoxie, KS 660
192-09-0-40-03-015.00-0	R26564	NICKLE,ROBERT N & SUZZANNE D	833 E 6TH ST, Tonganoxie, KS 660

Leavenworth County GIS Department

300 Walnut Suite 212

Leavenworth, KS 66048

Ph(913)684-0448 FAX (913)680-2547

twehr@leavenworthcounty.org

Mailing Address	Property Desc
PO BOX 326 TONGANOXIE, KS 66086	Exempt
202 S GREEN ST TONGANOXIE, KS 66086-9502	Vacant
22950 HONEY CREEK RD TONGANOXIE, KS 66086	Residential
105 E 11TH STREET TER TONGANOXIE, KS 66086	Residential
PO BOX 326 TONGANOXIE, KS 66086	Exempt
202 S GREEN ST TONGANOXIE, KS 66086-5400	Residential
PO BOX 56 TONGANOXIE, KS 66086	Vacant
PO BOX 56 TONGANOXIE, KS 66086	Commercial & Industrial
4931 DASSCO CT SAN DIEGO, CA 92102	Vacant
Attn: FERNE SWANN 4835 ESCALON AVE LOS ANGELES, CA 90043-1621	Vacant
2712 PRINCETON AVE EDMOND, OK 73034-4103	Vacant
2712 PRINCETON AVE EDMOND, OK 73034-4103	Commercial & Industrial
4835 ESCALON AVE LOS ANGELES, CA 90043	Vacant
822 E 4TH ST TONGANOXIE, KS 66086	Residential
511 E 4TH ST TONGANOXIE, KS 66086-8921	Vacant
PO BOX 471 TONGANOXIE, KS 66086	Residential
225 E 6TH ST TONGANOXIE, KS 66086	Residential
833 E 6TH ST TONGANOXIE, KS 66086-9587	Residential

City of Tonganoxie, Kansas

PLANNING STAFF REPORT

Case#: 2019-005P – Site Plan and Special Use Permit for Day Care

Date of Report: January 31, 2020

Applicant Name: Desiree Kenney

Property Owner Name: Tots to Teens Childcare LLC

Subject Property Address: 702 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: HBD
Type of Approval Desired: Site Plan and Special Use Permit (Day Care)
Date of Application: August 16, 2019 (original); January 30, 2020 (revised)
Date of Meeting: September 5, 2019 (original); February 6, 2020 (revised)

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 a new building on approximately 0.25 acres on the southeast corner of 4th Street and Main Street. The property was recently rezoned from "I-LT" Light Industrial to "HBD" Historic Business District. (April 2019 Planning Commission recommendation; May 2019 City Council approval). The building will initially be used as a daycare facility, which requires a Special Use Permit in the HBD district. The day care operated previously had a special use permit approved for a similar use at 628 E. 4th Street, two blocks to the west. (June 2015 Planning Commission recommendation; July 2015 City Council approval). The application was originally submitted for the September Planning Commission meeting, but due to incomplete information on the building design and related to the Site Plan portion of the application, it was delayed and removed from the agenda. The application was rescheduled for the November Planning Commission meeting and continued. It was then rescheduled again for the January meeting, and continued to the February meeting. Revised site plan and building elevations were submitted to the City on January 30, 2020.

II.A. ANALYSIS – SITE PLAN FOR NEW BUILDING IN HBD DISTRICT

The City's Site Plan Review Standards are in Article 9 of the Subdivision Regulations. The site plan standards apply to new construction in commercial districts. [Article 9, Section 1.2.1.1.] These standards also require that the site plan be approved by the "Site Review Committee, which is interpreted to be the Planning Commission. [Article 9, Section 1.3.4.]

The site plan standards are grouped under the following main topics, and analysis of the application is included with each:

1. Building Design [Article 9, Sections 3.1. – 3.5]

The Site Design standards include several guidelines and performance standards that address the following topics:

- Articulation of Wall and Roof Planes
- Cladding and Roofing Materials
- Visual Elements (windows doors and other penetration of walls
- Colors, Patterns, Textures for Facades and Street Walls
- Auxiliary Elements (screening of utility components)

The proposed building is approximately 3,000 square feet. It is placed 25 feet off 4th street and oriented to South Main Street, and the on-street parking at that location. The corner and Main Street frontage is defined by a fenced area, adding some vertical definition to this streetscape. Although it is important to anchor this important corner, and ideally, a building would define both street edges in a downtown setting, this orientation of the building is acceptable for the following reasons:

- *The front of the building is oriented to Main Street for practical reasons related to the streets and site, and for functional reasons of the building and floor plans. Therefore, the Main Street elevation is going to be a secondary facade frontage, even if it is brought closer to the street.*
- *The street edge is defined by a low fenced area, and the enclosed area will be landscaped to enhance this corner. This condition is typical of civic and institutional uses in downtown settings.*
- *The area will be actively used and includes a building entrance into this space, so it is not "dead space," car-oriented, or utility space as is often the case when buildings are setback from the street in downtown settings.*

However, based on this orientation, two additionl items should be considered to improve the orientation of the building and site to 4th Street. First, the ornamental cornice on the front (Main Street) elevation should be continued around to the 4th Street side to continue the finished look of this facade. Second, some type of gate or pedestrian connection to the site and lawn area should be considered along the 100-foot frontage to limit the "barrier" effect of the fence. It is understood that security and safety is paramount while this area is used for a play area for children, and it is not intended for people to access the site here under the current plan. However, a controlled or locked entry, or some other aesthetic "gateway" detail could break up this long expanse of fencing and reduce the clear appearance as a side or lessor important frontage. Additionally, the fence at this location should be ornamental – either a wrought iron appearance or dark coated chain link to mute the prominence of the fence and enhance the streetscape.

The proposed building materials are a stucco finish with painted wood trim for ornamentation, including a prominent cornice on the front, pilasters to break the front elevation into vertical bays, and horizontal trim to define windows. All elevations have some degree of transparency creating good relationships to outside spaces and the streetscape, and the front (west) elevation has the highest degree of fenestration creating a clear and positive orientation of the building to Main Street. A fabric awning over the main entrance emphasizes the priority of this elevation and the main entry point of the building. The window areas are not dimensioned, but all elevations appear to be in the 25% to 50% range required by the design standards for side and front elevations.

The trash enclosure and utility area is to the rear of the site (north elevation) with adequate access and appropriate screening with a wood fence enclosure. This location and screening will minimize the impact of this feature on streetscapes and adjacent property.

2. *Landscape Requirements* [Article 9, Section 4.0 & Section 24-013]

There are no specific landscape standards in the zoning regulations for the HBD district, unless any site elements trigger a buffer or screening requirement (24-213). This reflects the principle that downtown has a compact, walkable pattern, and landscape and urban design elements should be concentrated in streetscapes.

The site design standards in Article 9.0, Section 4.2 include several totals and rules of thumb for planting plans on public and civic sites, which can be summarized as follows:

- Enhance community appearance and preserve neighborhood character.
- Safeguard the natural environment.
- Buffer and screen impacts from the neighborhood.

In general, the landscape plan accomplishes this. The sketch planting plan with the application includes the following:

- *Maintaining the 4 street trees along the 4th Street Frontage.*
- *1 shade tree, 1 ornamental tree, and 3 evergreen trees along the property line on the 4th street frontage.*
- *1 evergreen tree anchoring the parking bays in a landscape island at the south end of the Main Street frontage. Staff recommends that this tree be changed to a shade tree for greater long-term impact (a large canopy over the sidewalk and parking) and better urban design features (correspondence with other similarly situated street trees).*
- *1 shade tree at the south end of the lawn area, and 3 evergreen trees at this location.*

- *A combination of ornamental grasses along the edges (approximately 106 large and small, but a sufficient amount to define the perimeter of the lawn area).*

.

3. *Stormwater* [Article 9, Section 5.0]

See City Engineer report dated January 30, 2020 on applicability of stormwater provisions.

II.B. ANALYSIS – SPECIAL USE PERMIT FOR DAYCARE IN HBD DISTRICT

The application indicates that the proposed daycare will occupy a new 3,000 square feet building on a 10,885 square feet lot, include an outside play area of over 5,300 square feet, and use or provide at least 16 on-street parking spaces immediately abutting the street. The use anticipates service for 45 children with operating hours between 6AM and 6PM.

The Tonganoxie Zoning Ordinance has the following specific requirements for Licensed Daycares, Group Daycares**, and Child Care Centers.** (These do not supersede any State requirements that may apply.) [22-030.C.]

1. The property must have a minimum lot area of 6,000 square feet and a minimum lot width of 65 feet.

   The lot is approximately 10,886 square feet and has 108 feet of frontage on 4th Street. As a corner lot, it also has approximately 130 feet of frontage on South Main Street.

2. In any residential zoning, side setbacks must be at least 100% greater than the minimum side setback required in the district except where the interior side yard is attached to another residential unit.

   Not applicable, as this property is in the HBD district. Further, the HBD district is intended for small-scale, mixed-use retail, entertainment and services. The historic development patterns have no minimum lot requirement, and no setbacks to promote the compact walkable pattern of downtown.

3. At least 75 square feet of outdoor play space must be provided on the lot for each child using the space at a given time. The total outdoor space shall accommodate not less than one-half of the licensed capacity, or shall include a minimum of 750 square feet, whichever is greater.

   The site plan demonstrates over half of the lot (approximately 5,300 square feet) is designated for as a lawn area that can be used for play. At the anticipated capacity of children (45), there would be over 117 square feet per child, even if all were outside simultaneously. As proposed, at the required rate by zoning ordinance, the play area could accommodate over 70 children at one time.

4. All open play areas must be completely enclosed with a fence (chain link, wood, or vinyl) at least 4 feet in height and in good repair.

   The site plan shows a proposed fence around the entire play area, and for at least a portion of the plan it is indicated as chain link. This meets the requirement for enclosed paly areas, however in relation to the site plan issues discussed above, we recommend a decorative fence or dark coated chain link at least on the front corner (north portion of Main Street frontage, and

entier length of 4th Street frontage. At the time of building permits, the above materials shall be specified at the required heights..

5. The Council may impose additional requirements such as (but not limited to),
   - Limitations on the number of children
   - Additional fence requirements or setbacks
   - Hours of Operation
   - Other requirements that may affect the neighborhood or the health and safety of the children being cared for.

The original application states that up to 45 children may be accommodated and the hours of operation will be from 6AM to 6PM. State license requirements with respect to the building, employees and other operational features will likely control the number of children. According to the zoning standards (and specifically the outside space requirements) the site may accommodate more than proposed in the application. The HBD district is intended to have activity in a wide range of times, so hours of operation are not as great of a concern as in neighborhoods. Therefore, for the purposes of the SUP approvals and limits, and to accommodate potential growth of the business or operations, staff recommends the SUP be considered for up to 70 children and the hours of operation from 6AM to 8PM, provided nothing in the SUP would supersede any operational limits required through the State licensure.

Parking requirements are established in Section 20 of the Tonganoxie zoning ordinance and have the following regarding the HBD district and daycares:

"In the Historic Business District (HBD), for the purposes of minimizing disruptive curb cuts and driveways, and to encourage the consolidation of parking space in appropriate locations, accessory off- street parking is not required unless determined necessary by the Planning Commission with approval of a site plan." [20-111.W];

Daycares (Licensed Daycares), Group Daycares, **Child Care Centers**, and non-accessory use Preschools.	Net floor area of facility is greater than 2500 square feet.	8 spaces for the first 2,500 square feet, plus 1 space for every additional 5,000 square feet, plus 1 space for each provider on duty at any one time.

[20-011.X]

The zoning ordinance has a default that all parking spaces must be on site, but allows parking to within 200' of the site to be included in a Special Use Permit. In addition, planning and urban design policies for unique context of the HBD district promotes maximizing on-street parking along the site and on adjacent blocks as a shared resource so that sites and buildings can continue to be built in the historic, compact and walkable development pattern.

At this rate the proposed 3,000 square foot building would require 9 parking spaces, plus parking for each provider when used as a daycare. The number of employees is not provided on the application, but the site demonstrates at least 16 parking spaces immediately abutting the site, and on-street parking is prevalent on surrounding blocks. Therefore, even with up to 7 employees, the site appears well within the parking requirement with only the abutting off-site/on-street parking is counted. Despite the ability to waive any parking requirement in the HBD district to account for the unique walkable context, the site appears to have sufficient

parking, and importantly it is provided through on-street parking consistent with an overall parking and urban design strategy for downtown.

The Tonganoxie Zoning Ordinance also has the following general criteria to be considered for all special use permits. [22-011]

A. The location and size of the proposed use in relation to the site and to adjacent sites and uses of property, and the nature and intensity of operations proposed thereon.

The application is proposed in a new building within the Historic Business District (HBD), which is considered with the associated site plan review. The HBD is intended for "small-scale retail, entertainment, municipal and personal service uses that meet the regular needs of the City," and to promote the original character and integrity of the district. Adjacent uses reflect this mixed-use character.

B. Accessibility of the property to police, fire, and refuse collection and other municipal services; adequacy of ingress and egress to and within the site; traffic flow and control; and the adequacy of off-street parking and loading areas.

The subject property has good access for public safety and other municipal services along the abutting streets. As analyzed above with the parking requirements, the site can take advantage of a large amount of on-street parking on 4th Street and South Main Street, giving options for drop off and pick up from a variety of directions. The walkable nature of the site and area means that the building and site has primary ingress and egress from the public sidewalk (street-front building, accessed by on-street parking and pedestrians along the sidewalk).

C. Utilities and services, including water, sewer, drainage, gas and electricity, with particular reference to location, availability, capacity and compatibility.

The site is an infill location with access to existing utilities. Connection to utilities will be reviewed through the building permits, and it is anticipated there will be no or nominal impact to utility services in the area by the daycare use.

D. The location, nature and height of structures, walls, fences, and other improvements; their relation to adjacent property and uses; and the need for buffering or screening.

The application is proposed in association with a new building within the Historic Business District, and this criteria is reviewed in association with the site plan analysis in Section II.A above.

E. The adequacy of required yard and open space requirements and sign provisions.

The application is proposed in association with a new building within the Historic Business District, and this criteria is reviewed in association with the site plan analysis in Section II.A above. In addition, the daycare use has special yard requirements, which are met by the proposed application

F. The general compatibility with adjacent properties, other properties in the district, and the general safety, health and comfort and general welfare of the community and surrounding neighborhood.

Daycare / Child Care Centers are generally compatible in business districts. The Historic Business District is a unique district in the City and specifically is concerned with (a) preserving the small-scale,

compact and walkable patterns of downtown; (b) encourage a mix of uses that add vibrancy to the heart of the city; and (c) promoting long-term investments in buildings and uses that serve these goals. The use of this site for a daycare is consistent with these goals, particularly since the proposed building maintains the small-scale, compact pattern of the HBD district.

III. EFFECT OF DECISION

A. Site Plan.

- The Planning Commission decision is a final decision for Site Plans. The Planning Commission may take one of the following actions.
  - Approve the application.
  - Approve the application, subject to conditions, provided they directly relate to and further review criteria;
  - Deny the application, specific reasons for the denial or steps to correct the application are provided.
- Upon approval of a site plan, the applicant can submit building permits and construction documents, which are reviewed by staff for compliance with all applicable codes and any conditions of approval.
- This particular application may be conditioned on subsequent approval of the Special Use Permit by the City Council.

B. Special Use Permit.

- The Planning Commission decision is a recommendation to Governing Body for Special Use Permits; final approval of the City Council is required. Following the consideration of any additional input from the applicant, City Staff, or the public, and based on the application and testimony at the hearing, the Planning Commission may take one of the following actions.
  - Recommend approval of the application.
  - Recommend approval of the application, subject to conditions;
  - Recommend denial of the application, or
  - Continue the application to another date for further consideration and additional information. If continued to a specific date, time and location, no new notice will be required.
- The City Council considers the application at the next meeting after 14 days.
- If City Council may adopt the Planning Commission's recommendation by a majority; it may modify or override the Planning Commission's recommendation by a 2/3 vote of the membership of the governing body.
- If a valid protest petition is filed with the City of Tonganoxie City Clerk within 14 days from the conclusion of the Planning Commission hearing, the City Council must approve the application by a ¾ majority of the governing body.

IV. RECOMMENDATION.

Planning Staff recommends approval of the Site Plan subject to the following conditions:

1. The landscape plan be revised to substitute a large shade tree for the evergreen tree proposed in the island defining the south end of the on-street parking on Main Street, and species for all plants in that plan be submitted and reviewed by staff prior to permits..
2. The cornice be extended to the south elevation to provide a more finished appearance to the facade facing 4th Street.

3. The applicant consider a locked gate or some other type of "gateway" feature to break up the long expanse of fence along the 4th Street Sidewalk that minimizes the appearance as a lessor important side.

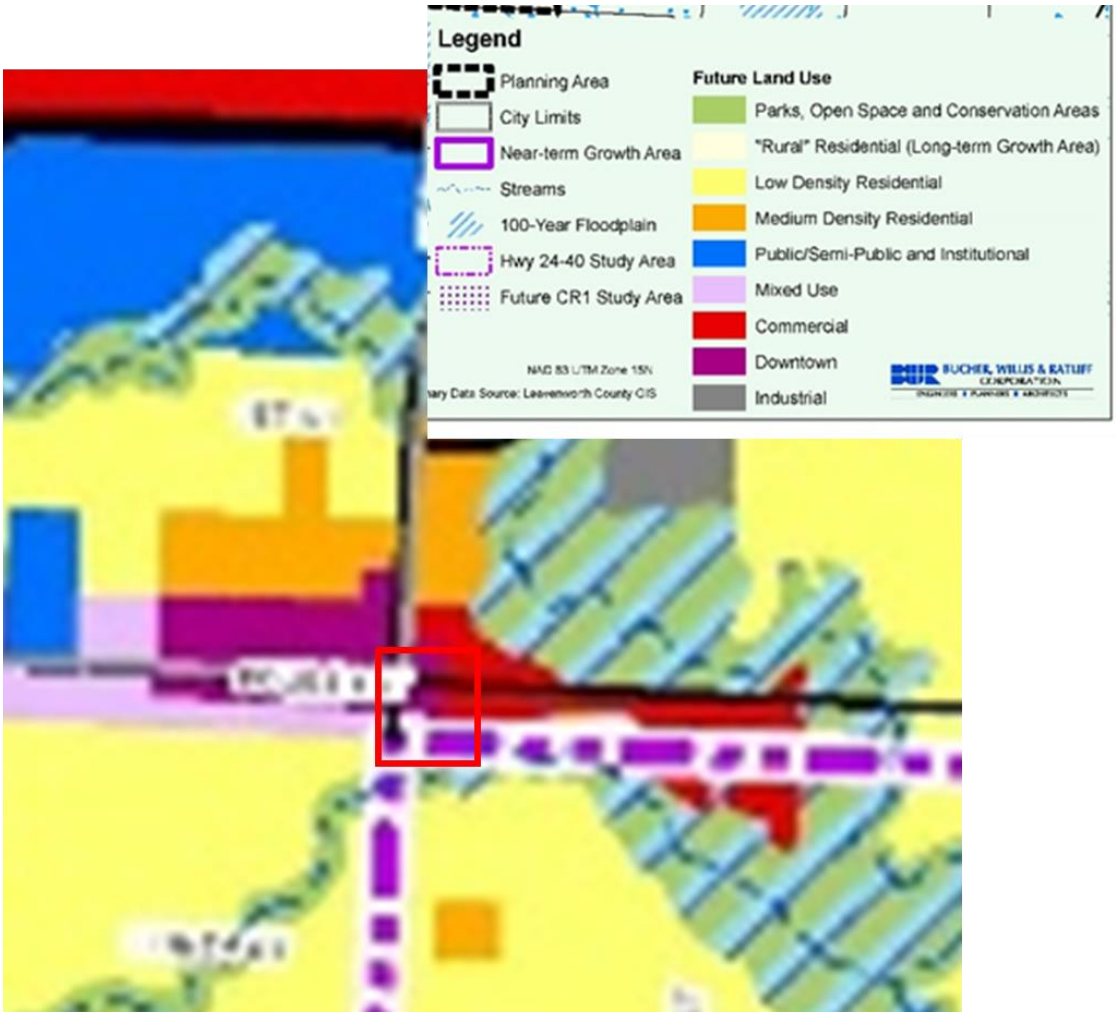
Planning Staff recommends approval of the Special Use Permit subject to the following condition:

1. The applicant submits final KDHE permit to the City, prior to any business license or certificate of occupancy in the building.
2. 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.
3. The operation is limited to up to 70 children, and operating hours between 6AM and 8PM, unless further limited by state license requirements.
4. The building and special use permit is subject to the associated site plan approval, and any recommended conditions identified with that approval.
5. The permit is valid for a period of two years from the date of approval by the City Council.
6. 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.

Chris Brewster
Contract City Planner

Current City Zoning *(property in red box now zoned HBD per April/May approvals)*

Property



Future Land Use (Tonganoxie Comprehensive Plan 2006)

BG CONSULTANTS
ENGINEERS · ARCHITECTS · SURVEYORS

MEMO

To: George Brajkovic, City Manager
City of Tonganoxie

Cc: Dan Porter, Asst. City Manager
Kent Heskett, City Superintendent
Chris Brewster, City Planner

From: Brian Kingsley, City Engineer

Date: January 30, 2020

Re: Tots to Teens
Site Plan Review
20-1001L

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

Storm Water Management Plan:

1) The applicant has submitted for an exception to providing detention for the site. The exception criteria include lot size (less than 1 acre) and a decrease in impervious area.

Recommendation: The City should consider approval without condition of the proposed storm water management for the site.

Site Plat:

1) I will defer setback requirements to the City Planner.
2) Proposed sanitary sewer and water service has not been shown on the site plan.
    a. Water and Sewer Services should be coordinated with the City Superintendent.

Recommendation: The City should consider approval contingent upon the above issues being addressed.

--END

For questions or comments, please contact:
Brian Kingsley, PE
President
T: 785.727.7261
E: brian.kingsley@bgcons.com

Author

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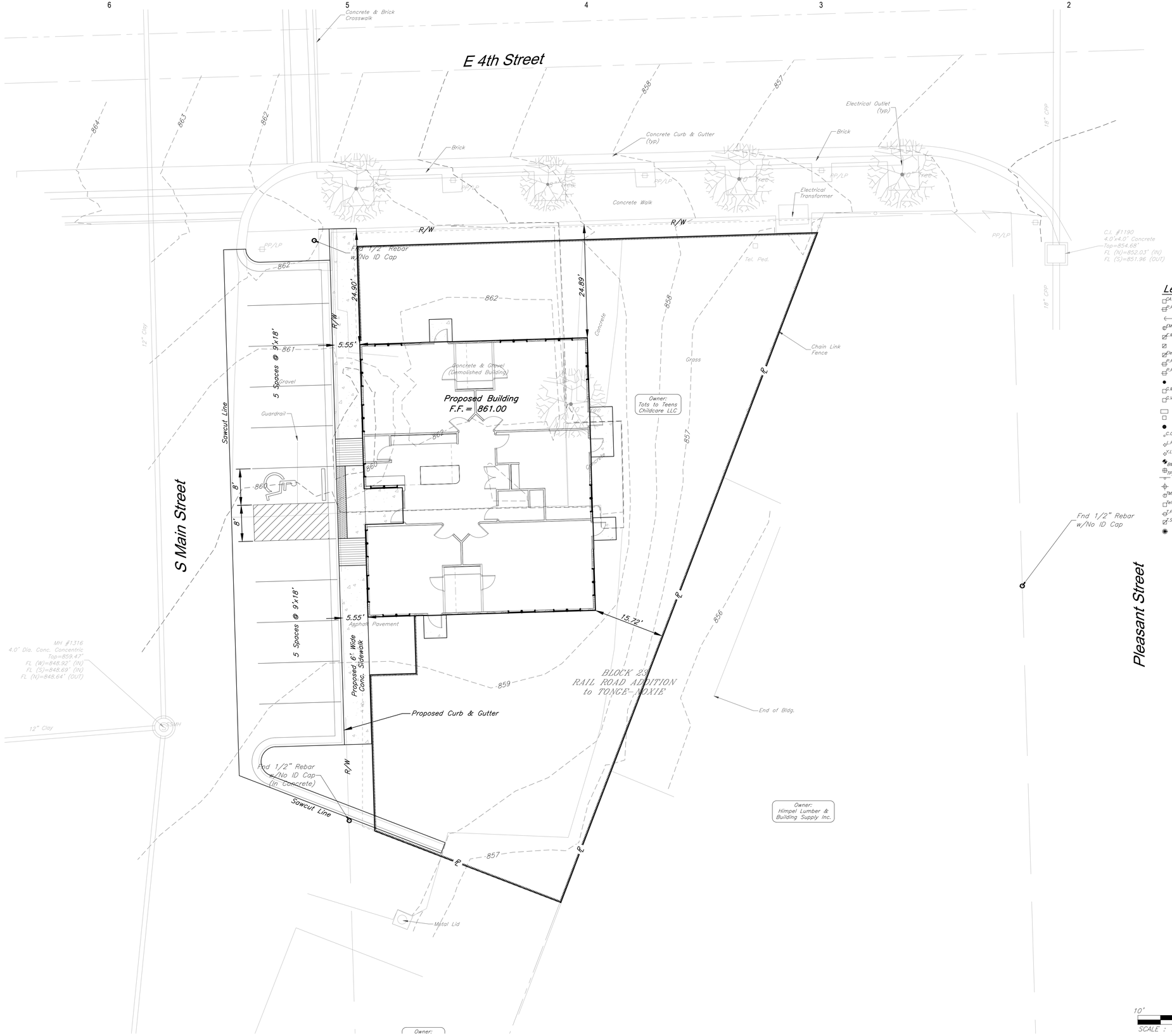
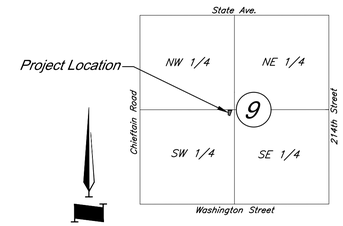
D C B A





VICINITY MAP
Section 9-T11S-R21E

Legend

CATV Ped.	Cable TV Pedestal		Barbed Wire Fence
P.P.	Power Pole		Centerline
	Guy Anchor		Fiber Optic Line
EMH	Electrical Manhole	G	Gas Line
E.M.	Electric Meter		Guard Rail
	Electrical Transformer		Over Head Electric
Elec. Ped.	Electric Pedestal		Over Head Telephone
P.P./T.P.	Power Pole/Telephone Pole		Over Head Cable TV
P.P./L.P.	Power Pole/Light Pole		Property Line
	Bollard/Guard Post	ROW	Right-of-Way Line
G.M.	Gas Meter		Sanitary Sewer Line
G.V.	Gas Valve		Stream
	Curb Inlet		Tree Line
	Junction Box		Underground Electric
	Sanitary Sewer Manhole		Underground Telephone
S.C.O.	Sanitary Cleanout		Underground Cable TV
L.P.	Light Pole		Water Line
Y.L.	Yard Light	1010	Proposed Grades
BM#21	Benchmark		Proposed Storm Sewers
TP#10	Test Pit		
	Sign	1008	Existing Grades
	Control Point		
TMH	Telephone Manhole		Existing Storm Sewers
Tel. Ped.	Telephone Pedestal		Tree Deciduous
T.P.	Telephone Pole	F.H.	Fire Hydrant
T.S.C.B.	Traffic Signal Controller Box	W.M.	Water Meter
	Tree Coniferous		

PROJECT BENCHMARK:

CP #101 – Set Plus Cut in the concrete sidewalk located on the North side of the intersection of E 4th Street and Pleasant Street.

Coordinates:
N: 295953.7830
E: 2139566.8390
EL: 855.294'

10' 0' 10' 20'
SCALE : 1 INCH = 10 FEET

CIVIL ENGINEERING BY:

GBA
9801 Renner Boulevard
Lenexa, Kansas 66219
913.492.0400
www.gbateam.com

PGAV ARCHITECTS
PECKHAM GUYTON ALBERS & VIETS, INC.
1900 W.47th Place, #300, Westwood, KS 66205
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#	DATE	DESCRIPTION

Tonganoxie Day Care

Tots 2 Teens
704 East 4th Street
Tonganoxie, KS

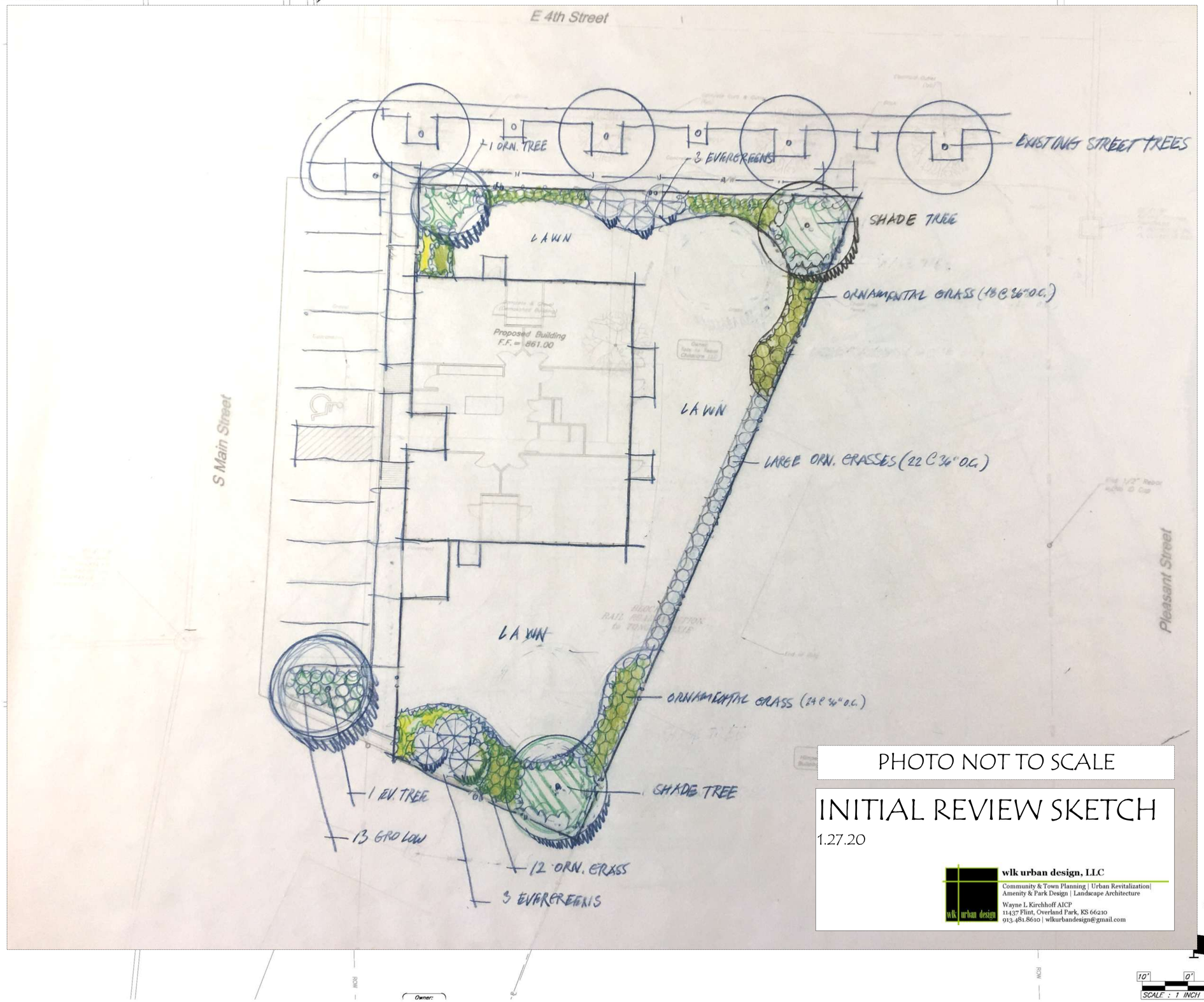
PLANNING DOCUMENTS

Original Size: 1 1/2" Drawing may have been reduced.
0" 1"

SITE PLAN

DATE: 2020-01-30	
DRAWN: Author	CHECKED: Checker
PGAV # 53566-00	CLIENT #
SHEET # C001	

1/22/2020 10:41:08 AM S:\53566-00 Tonganoxie Day Care\Revit\Tonganoxie Day Care.rvt



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#	DATE	DESCRIPTION

Tonganoxie Day Care

Tots 2 Teens
704 East 4th Street
Tonganoxie, KS

PLANNING DOCUMENTS

Original Size: 1 1/2" Drawing may have been reduced

LANDSCAPE PLAN

DATE: 2020-01-30
DRAWN: Author
CHECKED: Checker
PGAV # 53588-00
CLIENT #
SHEET #
L001

Author
1/22/2020 10:41:06 AM S:\53588-00 Tonganoxie Day Care\Revit\Tonganoxie Day Care.rvt

1. ALL PLANT MATERIAL SHALL BE FIRST CLASS REPRESENTATIVES OF SPECIFIED SPECIES, VARIETY OR CULTIVAR, IN HEALTHY CONDITION WITH NORMAL WELL DEVELOPED BRANCHES AND ROOT PATTERNS. PLANT MATERIAL MUST BE FREE OF OBJECTIONABLE FEATURES. PLANTS SHALL COMPLY IN ALL APPLICABLE RESPECTS WITH PROPER MOST RECENT STANDARDS AS SET FORTH IN THE AMERICAN ASSOCIATION OF NURSERYMEN'S "AMERICAN STANDARD OF NURSERY STOCK", ANSI Z60.1.

2. ORNAMENTALS AND SHRUBS SHALL BE CONTAINER GROWN AND WILL BE FREE OF DISEASE AND PESTS. ABSOLUTELY NO BARE ROOT MATERIALS. FERTILIZER OF 10-20-10: ONE PELLET OR 1-2 OZ. SHALL BE ADDED TO SOIL AT TIME OF PLANTING.

SHRUB BEDS TO BE MULCHED WITH 3" DEPTH HARDWOOD MULCH OR SMOOTH RIVER ROCK 1"-5" DIAMETER IN EARTH TONE COLORS. ROCK TO BE INSTALLER OVER PERMEABLE WEED BARRIER FABRIC. PLANTING BEDS ARE TO BE FREE OF WEEDS AND GRASS. TREAT BEDS WITH A PRE-EMERGENT HERBICIDE PRIOR TO PLANTING AND MULCH PLACEMENT. APPLY IN ACCORDANCE WITH STANDARD TRADE PRACTICE. DO NOT APPLY HERBICIDE IN PERENNIAL AREAS.

3. ALL TREES SHALL BE FERTILIZED WITH FERTILOME BRAND LIQUID ROOT STIMULATOR, 1.5 TABLESPOONS PER GAL. OF WATER. AS A SUBSTITUTE, 19-8-10 GRANULAR FERTILIZER, .75 LB. FOR 2" CAL. & 1.5 LBS. FOR 3" CAL., SHALL BE ADDED. INCORPORATE FERTILIZER INTO THE AMENDED PLANTING SOIL BEFORE PLANTING TREE. HOLE AREA FOR TREE TO BE TWICE (2x) THE DIAMETER OF THE ROOT BALL AND ROOT BALL SHALL BE MOUNDED. ALL TREES TO BE STAKED AND GUYED WITH A MINIMUM OF 3 POSTS AND PROTECTED W/ COVERING AT TREE W/ GUY WIRE.

4. ALL PLANT MATERIALS SHALL BE PROTECTED FROM THE DRYING ACTION OF THE SUN AND WIND AFTER BEING DUG, WHILE BEING TRANSPORTED, AND WHILE AWAITING PLANTING. BALLS OF PLANTS WHICH CANNOT BE PLANTED IMMEDIATELY SHALL BE PROTECTED FROM DRYING ACTION BY COVERING THEM WITH MOIST MULCH. PERIODICALLY, APPLY WATER TO MULCH-COVERED BALLS TO KEEP MOIST. IF PLANTING SHOULD OCCUR DURING GROWING SEASON, APPLY ANTI-DESICCANT TO LEAVES BEFORE TRANSPORT TO REDUCE THE LIKELIHOOD OF WINDBURN. REAPPLY ANTI- DESICCANT AFTER PLANTING TO REDUCE TRANSPIRATION.

5. AFTER PLANTING IS COMPLETED, REPAIR INJURIES TO ALL PLANTS AS REQUIRED. LIMIT AMOUNT OF PRUNING TO A MINIMUM TO REMOVE DEAD OR INJURED TWIGS AND BRANCHES. PRUNE IN SUCH A MANNER AS NOT TO CHANGE THE NATURAL HABIT OR SHAPE OF THE PLANT. MAKE CUTS FLUSH, LEAVING NO STUBS. CUTS OF ONE INCH OR MORE TO BE PAINTED WITH TREE PAINT. CENTRAL LEADERS SHALL NOT BE REMOVED.

6. DISTURBED LAWN AREAS TO BE SODDED IN LAWN LOCATIONS SHOWN ON PLANS, UNLESS SEEDED LAWN IS DESIRED BY OWNER, SEEDED LAWN TO BE HYDRO-SEEDED OR DRILLED. SOD AND SEED SHALL COMPLY WITH THE U.S. DEPT. OF AGRICULTURE RULES AND REGULATIONS UNDER THE FEDERAL SEED ACT AND EQUAL IN QUALITY TO STANDARDS FOR CERTIFIED SEED. LAWN SHALL BE: TURF-TYPE TALL FESCUE BLEND OF 3 TYPES OF TURF TYPE TALL FESCUE SEED BLEND:

TALL FESCUE TURF MIXTURE OR SIMILAR BLEND:

SEEDING RATE: 8 -10 LBS PER 1,000 SF
25% TITAN LTD FESCUE
25% FALCON IV TALL FESCUE
25% 2ND MILLENNIUM TALL FESCUE
25 % TURF PERENNIAL RYEGRASS

7. THE INSTALLATION OF ALL PLANT MATERIAL SHALL BE IN COMPLIANCE WITH THE REQUIREMENTS OF THE CITY OF TONGANOXIE, KANSAS

8. ALL LANDSCAPE AREAS TO BE FREE OF ALL BUILDING DEBRIS AND TRASH, BACK FILLED WITH CLEAN FILL SOIL AND TOP DRESSED WITH 6" OF TOPSOIL. TOPSOIL SHALL HAVE A pH RANGE OF 5.5 TO 7 AND A 4% ORGANIC MATERIAL MINIMUM, ASTM D5268.

9. ALL PLANT BED AREAS TO RECEIVE DAIRY COW MANURE SOIL CONDITIONER AT A RATE OF 4.5 CU. YDS. PER 1000 SF. AND ORGANIC COMPOST AT A RATE OF 4.5 CU. YDS. PER 1000 SF. TO DETERMINE THE AMOUNT OF PHOS-PHOROUS AND POTASSIUM THE CONTRACTOR SHALL PERFORM A SOIL TEST AND ADD THOSE FERTILIZERS ACCORDING TO THE TEST RESULTS. AFTER APPLYING SOIL CONDITIONER AND FERTILIZER, THOROUGHLY TILL AREA TO A DEPTH OF 12". CONTRACTOR TO INSTALL A PERMEABLE LANDSCAPE WEED CONTROL FABRIC, 3 OZ. PER SQ. YD. MIN. IN ALL PLANT BEDS EXCEPT IN AREAS OF GROUND COVER, PERENNIAL OR ANNUAL PLANTINGS. PLANT BEDS TO BE "MOUNDED" AS SHOWN ON DETAIL SHEET L2.00. ALL PLANT MATERIAL, PLANT BEDS, MULCH AND EDGING TO BE INSTALLED PER LANDSCAPE PLANS AND DETAILS.

MYKE PRO MYCCHORIZAE GRANUALS TO BE ADDED TO ALL PLANTINGS PER MANUFACTURERS RECOMMENDATIONS.

10. REESTABLISH FINISH GRADES TO WITHIN ALLOWABLE TOLERANCES ALLOWING 1-1/2" FOR SOD AND 3" FOR MULCH IN PLANT BEDS. HAND RAKE ALL AREAS TO SMOOTH EVEN SURFACES FREE OF DEBRIS, CLODS, ROCKS, AND VEGETATIVE MATTER GREATER THAN 1".

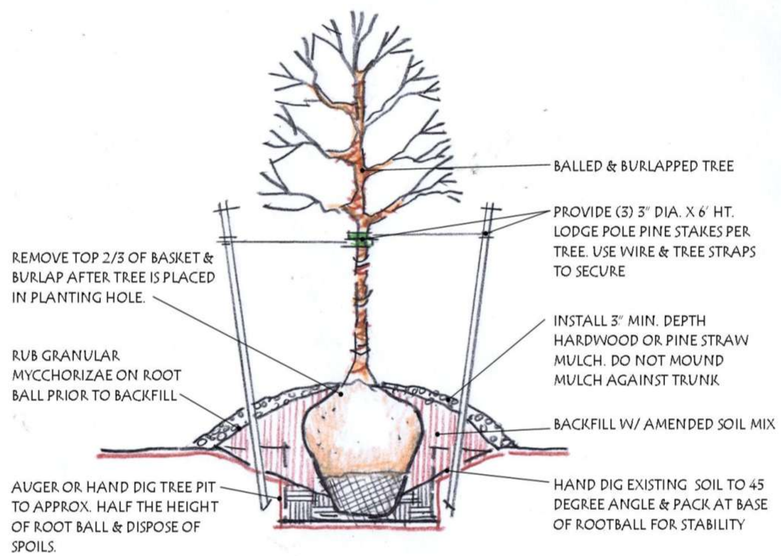
11. ALL PLANT BEDS TO BE SEPARATED FROM LAWN AREAS WITH A CULTIVATED LANDSCAPE EDGE.
STEEL LANDSCAPE EDGING MAY BE USED AS AN ADD ALTERNATE. A CULTIVATED EDGE SHALL BE INSTALLED TO SEPARATE GROUND COVER VEGETATION TYPES.

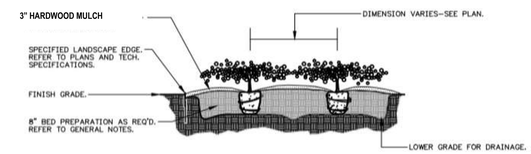
12. THE EXACT LOCATION OF ALL UTILITIES, STRUCTURES, AND UNDERGROUND UTILITIES SHALL BE DETERMINED AND VERIFIED ON SITE BY THE LANDSCAPE CONTRACTOR PRIOR TO INSTALLATION OF THE MATERIALS. DAMAGE TO EXISTING UTILITIES AND OR STRUCTURES SHALL BE REPLACED TO THEIR ORIGINAL CONDITION BY THE LANDSCAPE CONTRACTOR AT NO COST TO THE OWNER.

13. LANDSCAPE CONTRACTOR IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS AND REQ'D INSPECTIONS BY LEGAL AUTHORITIES. THE LANDSCAPE CONTRACTOR SHALL UNCONDITIONALLY GUARANTEE ALL PLANT MATERIAL FOR ONE CALENDAR YEAR.

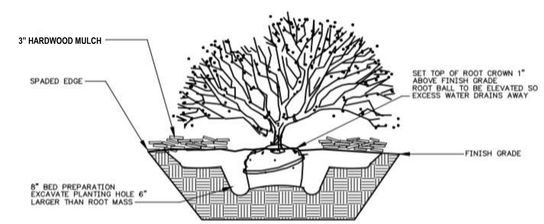
14. ANY SUBSTITUTIONS OF DEVIATIONS SHALL BE REQUESTED IN WRITING BY THE CONTRACTOR FOR APPROVAL BY THE OWNER, ENGINEER OR LANDSCAPE ARCHITECT.

15. EROSION CONTROL MAT TO BE NORTH AMERICAN SC 150-BN BIODEGRADABLE MAT OR EQUIVALENT .

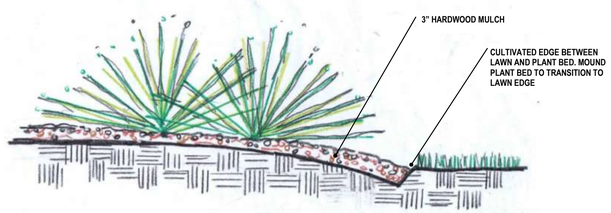




SHRUB / GROUNDCOVER MASS PLANTING
N.T.S.



TYPICAL SHRUB PLANTING
N.T.S.



CULTIVATED EDGE TYP.
N.T.S.

INITIAL REVIEW SKETCH
1.27.20

wlk urban design, LLC
Community & Town Planning | Urban Revitalization| Amenity & Park Design | Landscape Architecture
Wayne L Kirchhoff AICP
11437 Flint, Overland Park, KS 66210
913.481.8610 | wlkurbandesign@gmail.com

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#	DATE	DESCRIPTION

Tonganoxie Day Care

Tots 2 Teens
704 East 4th Street
Tonganoxie, KS

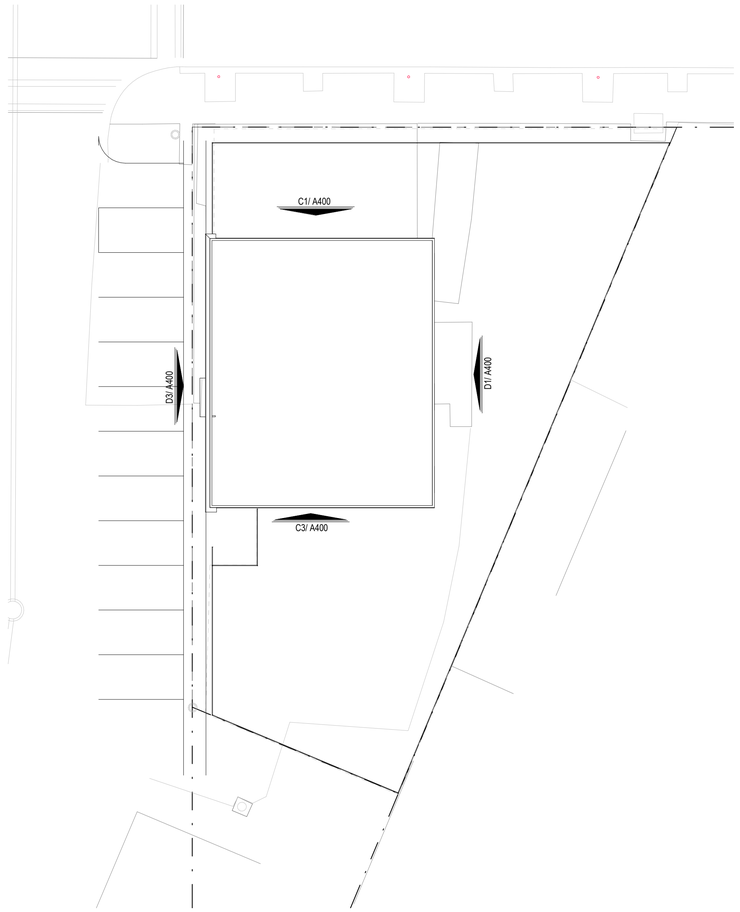
PLANNING DOCUMENTS

Original Size: 1 1/2" Drawing may have been reduced.

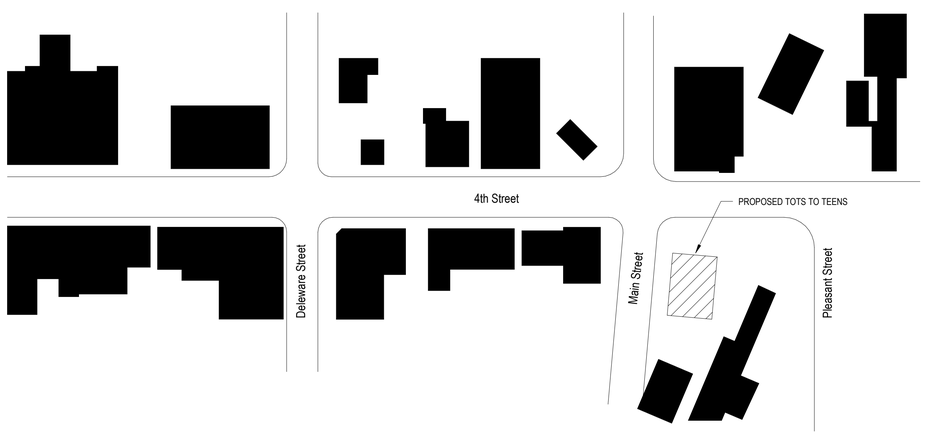
LANDSCAPE PLAN

DATE: 2020-01-30
DRAWN: Author
CHECKED: Checker
PGAV # 53588-00
CLIENT #
SHEET #: L001

1/22/2020 10:41:06 AM S:\53588-00 Tonganoxie Day Care\Revit\Tonganoxie Day Care.rvt
Author



ARCHITECTURAL SITE PLAN 2
1/16" = 1'-0"



DOWNTOWN BUILDINGS

NORTH

0 8' - 0" 16' - 0" 24' - 0"
SCALE: 1" = 8' - 0"

FLOOR PLAN 1
1/4" = 1'-0"

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704 East 4th Street
Tonganoxie, KS

PLANNING DOCUMENTS

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0" 1"

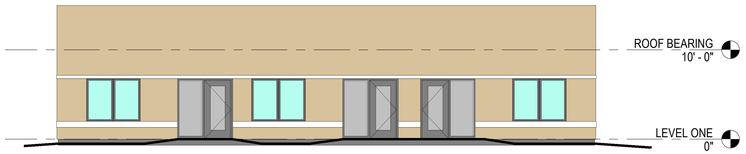
FLOOR PLAN

DATE: 2020-01-30	
DRAWN: DKW	CHECKED: SLT
PGAV # 53566-00	CLIENT #
SHEET #: **A300**	

DKW

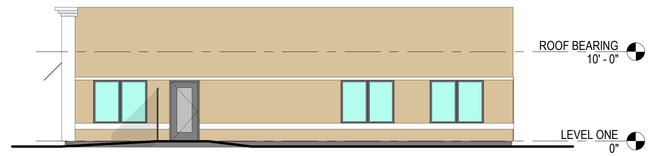
1/29/2020 5:07:57 PM C:\Users\dave.worthington\Desktop\Tonganoxie Day Care.rvt

WEST ELEVATION D3
1/8" = 1'-0"

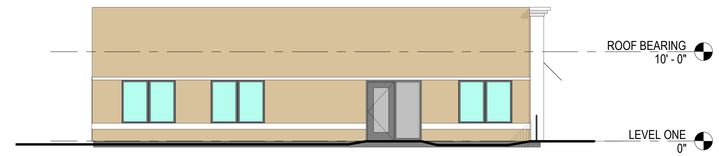


EAST ELEVATION D1
1/8" = 1'-0"

DOWNTOWN AWNINGS



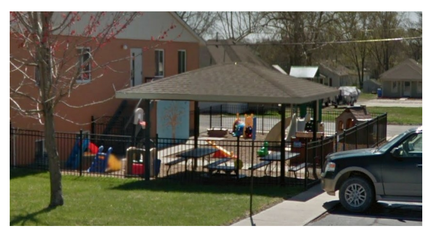
SOUTH ELEVATION C3
1/8" = 1'-0"



NORTH ELEVATION C1
1/8" = 1'-0"

DOWNTOWN MATERIALS

PERSPECTIVE FROM NW



DOWNTOWN FENCES

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#	DATE	DESCRIPTION

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Tots 2 Teens
704 East 4th Street
Tonganoxie, KS

PLANNING DOCUMENTS

Original Size: 1 1/2" Drawing may have been reduced.
0" 1"

ELEVATIONS & PERSPECTIVE

DATE: 2020-01-30
DRAWN: DKW
CHECKED: SLT
PGAV #: 53566-00
CLIENT #:
SHEET #: **A400**

DKW
1/29/2020 5:00:51 PM C:\Users\dave.worthington\Desktop\Tonganoxie Day Care.rvt

SPECIAL USE PERMIT APPLICATION

Filing Fee Required

In Accordance with Section 22-013, of the City of Tonganoxie's Zoning Ordinances, an application is hereby made for a Special Use Permit:

Date application filed: _____ Permit No.: _____

Applicant: Desiree Kenney- Tots to Teens Childcare LLC

Address: 22761 Hatchell Rd City: Tonganoxie State KS Zip 66086

Telephone #: 785-766-7570 (Home) _____ (Work)

_____ (Cell) dezleplaw3@yahoo.com (E-mail Address)

Property Owner(s): Desiree Kenney Phone 785-766-7570

Address: SAA City: _____ State _____ Zip _____

Name of business proposed: Tots To Teens Childcare LLC

Address of business: 704 E 4th Street

Description of business: Infant - 5yr old Child Care

Hours of operation: 6A - 6P Days: Mon Tue Wed Thu Fri Sat Sun

# of employee's ~~4-12~~ 10 Family members? Some Could Be. Live on site? NO

If business is to be operated by someone other than the applicant or owner, give name and address:

_____

_____

Briefly describe the present use and character of the property: Vacant

_____

_____

Briefly describe the requested/proposed use of the property Build a childcare center for up to 45 children.

_____

Briefly describe what effect the requested use will have on the property and the surrounding area:

This will Improve the downtown property. ~~[illegible]~~ This business will fill a need in this Community for Infant + Childcare. This business will Increase Awareness of other Businesses on this street.

Applicant Signature _____ Signature _____

Property Owner Signature if different from applicant _____

AFFIDAVIT

CITY OF TONGANOXIE
COUNTY OF LEAVENWORTH
STATE OF KANSAS

WE, Desiree Kenney AND _____
(Print)
AND _____ AND _____
(Print)
being duly sworn, depose and say that we are the owners of said property involved in this petition and that 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 16th day of August, 2019.

_____ _____

_____ _____

Subscribed and sworn to before me on this 16th day of August, 2019.

Notary Public in and for the County of Leavenworth, Kansas

JoAnn Ferguson

JO ANN FERGUSON
Notary Public - State of Kansas
My Appt. Expires 4-23-2020

My Commission Expires: 4-23-2020

Special Use Permit Applicant Checklist

Filing Fee _____

Parcel ID # 052-192-09-0-30-01-002.00-0

Parcel Size 10,885 Sq ft +/-

Current Zoning of Property Historic Business District

Deed with legal description attached ✓

Completed affidavit attached ✓

Building Sketch with room layout ✓

Outdoor Play Areas and Lot Dimensions ✓

Location of Parking ✓

State and/or County License _____

Number of Children Allowed 45

Local Business License _____

Fire Department Inspection _____

Police Department Inspection _____

City Building Inspection _____

Site plan attached with location of business indicated ✓

Outdoor Sign Permit if applicable _____

Doc #: 2019R04829
STACY R. DRISCOLL
REGISTER OF DEEDS
LEAVENWORTH COUNTY, KANSAS
RECORDED ON:
07/01/2019 09:09:36 AM
RECORDING FEE: 38.00
PAGES: 2

Continental Title Company: 19348919

Warranty Deed
(Individuals)

This indenture, Made this 19th day of June, 2019, between, **Benjamin Robbins and Natalie S. Robbins, husband and wife and Chris Gratton and Staci L. Gratton, husband and wife and Kay Soetaert, a single person,** of Leavenworth County, in the State of Kansas, party(ies) of the first part, and **Tots to Teens Childcare LLC,** of **Leavenworth** County, in the State of KS, party(ies) of the second part. WITNESSETH, that the said party(ies) of the first part, in Consideration of the sum of TEN Dollars and other valuable considerations, the receipt whereof is hereby acknowledged, does by these presents, grant, bargain, sell and convey unto said party(ies) of the second part, his/her/their successors and/or assigns, all of the following described real estate, situated in the County of **Leavenworth** and State of **Kansas** to wit:

Legal Description: **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 tract 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 degrees 20 feet 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.

Note: Subject to easements, reservations, restrictions, if any of record.

To have and to hold the same, together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in any wise appertaining forever.
And said party(ies) of the first part, for itself, and its successors and assigns, does hereby covenant, promise and agree, to and with said party(ies) of the second part, that at the delivery of these presents, it is lawfully seized in its own right of an absolute and indefeasible estate of inheritance, in fee simple, of and in all and singular the able granted and described premises, with the appurtenances; that the same are free, clear, discharged and unencumbered of and from all former and other grants, titles, charges, states,

judgments, taxes, assessments and encumbrances, of what nature and kind so ever, and that it will Warrant and Forever Defend the same unto said party(ies) of the second part, his/her/their heirs and assigns, and all and every person or persons whomsoever, lawfully claiming or to claim the same.

In Witness whereof, said party(ies) of the first part have hereunto set their hand the day and year last above written.

Chris Gratton

Staci L. Gratton

Kay Soetaert

Benjamin Robbins

Natalie S. Robbins

ACKNOWLEDGEMENT

State of Kansas)
) SS:
County of Leavenworth)

On this 19th day of June, 2019, before me personally appeared **Chris Gratton and Staci L. Gratton, husband and wife and Kay Soetaert, a single person and Benjamin Robbins and Natalie S. Robbins, husband and wife,** to me known to be the same person(s) described herein and who executed the foregoing instrument, and acknowledge that he/she/they executed the same as his/her/their free act and deed.

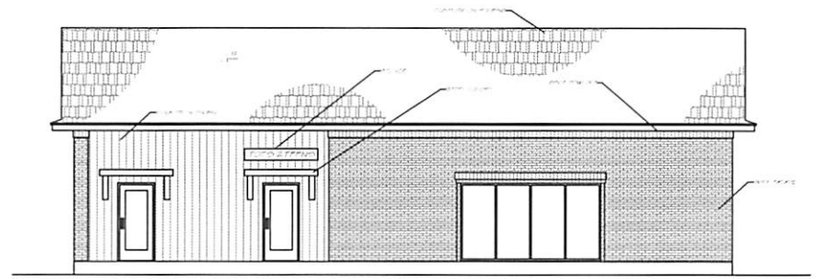
IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official notarial seal at my office, the day and year first above written.

Amber Lynn Revard - Notary Public

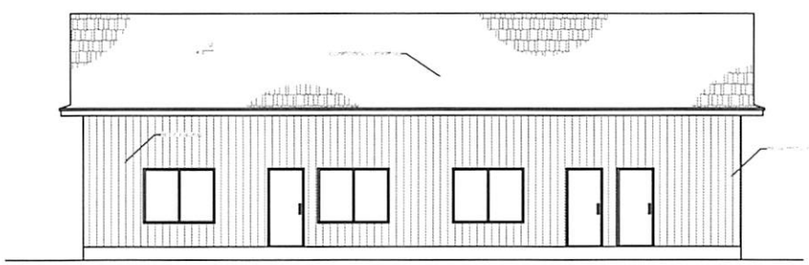
My Term Expires: **September 1, 2019**

AMBER LYNN REVARD
Notary Public, State of Kansas
My Appointment Expires
5-1-19

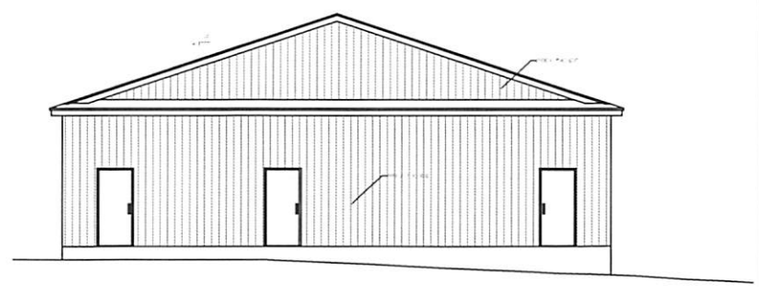
4TH STREET (NORTH ELEVATION)



MAIN STREET (WEST ELEVATION)



(EAST ELEVATION)



(SOUTH ELEVATION)

PRELIMINARY - NOT FOR CONSTRUCTION

TOTS 2 TEENS
ELEVATIONS
PRELIMINARY SKETCHES

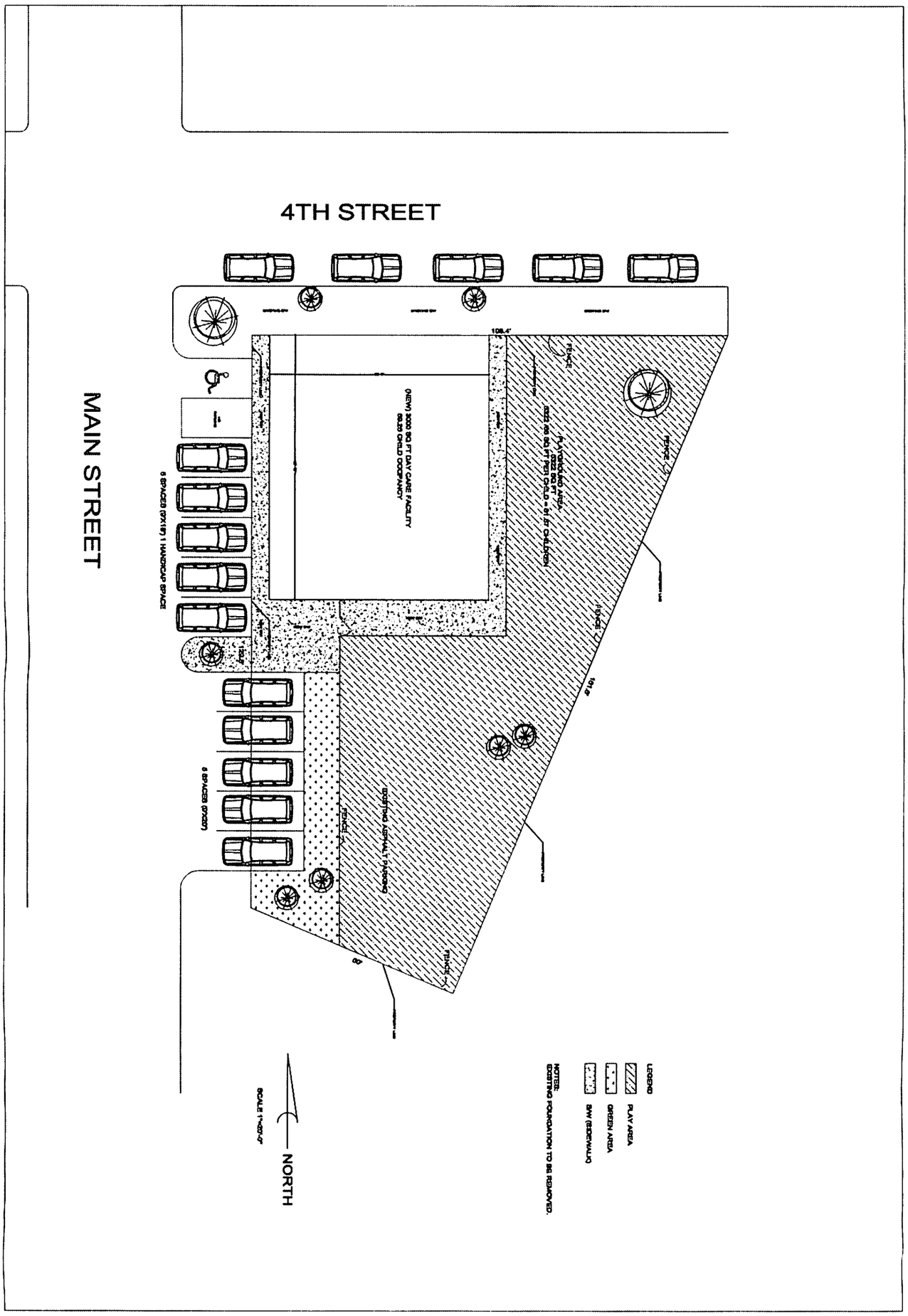
Crookham Construction, LLC

DRAWN

SCALE: DATE:

DRAWING NO.

A 2



DRAWN	
LENNOX	
SCALE: 1"=20'-0"	DATE: 5/23/2019
DRAWING NO.	
S	1

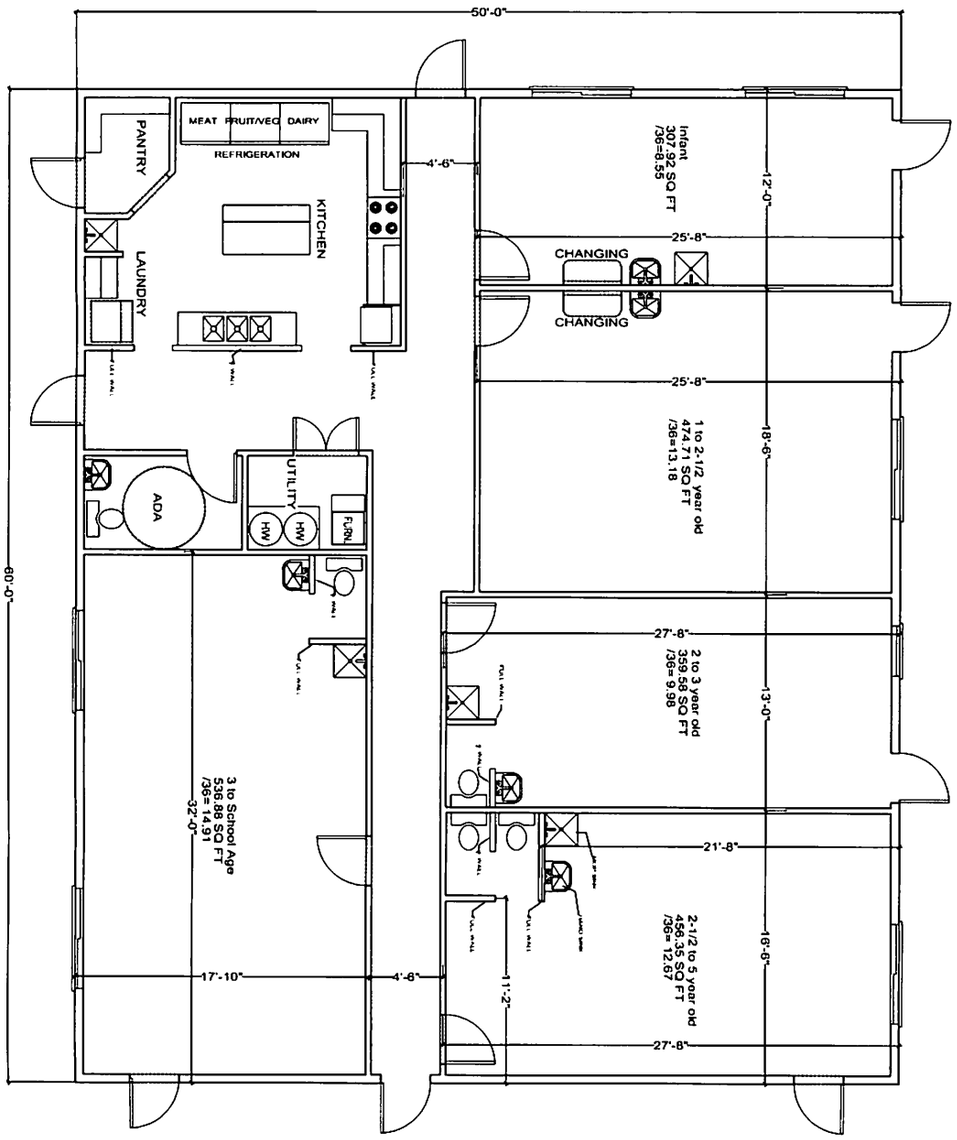
TOTS 2 TEENS CHILD CARE FACILITY

PLOT PLAN- R4
PRELIMINARY SKETCHES

Crookham Construction, LLC

GENERAL NOTES:

1. ALL CONTRACTORS SHALL BE IN COMPLIANCE TO ALL LOCAL, STATE AND FEDERAL CODES DURING CONSTRUCTION OF THIS PLAN.
2. ALL DIMENSIONS, JOIST, MICRO-LAMB, BEAM AND TRUSS SIZES TO BE REVIEWED BY THE GENERAL CONTRACTOR AND HIS SUB CONTRACTORS AND VERIFIED.
3. WINDOWS SHALL MEET ALL LOCAL AND STATE EGRESS CODES.
4. WINDOWS SIZES SPECIFIED ARE IN INCHES ACCORDING TO THE GLASS UNIT SIZE. THE CONTRACTOR AND HIS WINDOW SUPPLIER SHALL BE RESPONSIBLE FOR SIZING WINDOWS TO MATCH AS CLOSELY AS POSSIBLE TO THE MANUFACTURER OF THEIR CHOICE.
5. SUB-CONTRACTORS SHALL NOTIFY THE GENERAL CONTRACTOR IMMEDIATLEY OF ANY DISCREPANCY FOUND WITHIN THESE PLANS.



DRAWN	
LENNOX	
SCALE: 1/4"=1'-0"	DATE: 7/15/2019
DRAWING NO.	
A	1

TOTS 2 TEENS CHILD CARE FACILITY

REVISED 7/22 REV-3
PRELIMINARY SKETCHES

Crookham Construction, LLC

GENERAL NOTES

1. ALL CONTRACTORS SHALL BE IN COMPLIANCE TO ALL LOCAL STATE AND FEDERAL CODES DURING CONSTRUCTION OF THIS PLAN.
2. ALL DIMENSIONS, JOIST, MICRO-LAMS, BEAM AND TRUSS SIZES TO BE REVIEWED BY THE GENERAL CONTRACTOR AND HIS SUB CONTRACTORS AND VERIFIED
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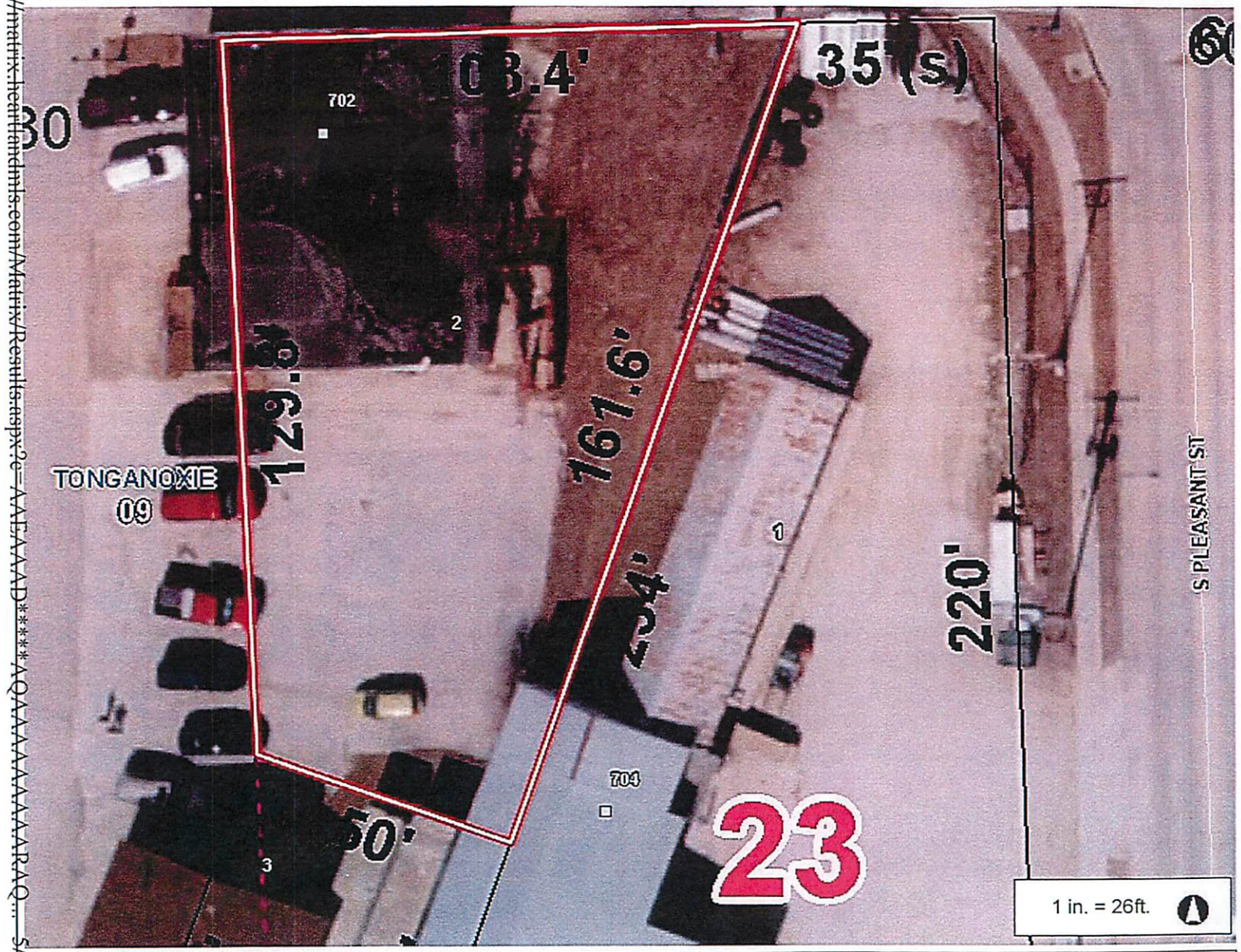
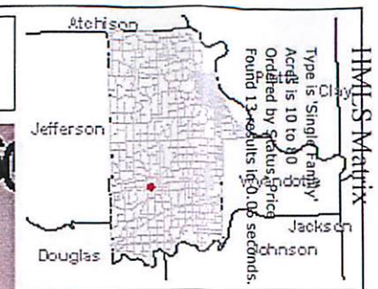
5. SUB-CONTRACTORS SHALL NOTIFY THE GENERAL CONTRACTOR IMMEDIATLEY OF ANY DISCREPANCY FOUND WITHIN THESE PLANS

704 E. 4th Street





Type is 'Single Family'
Acres is 10 to 30
Ordered by Status,Price
Found 13 results in 0.06 seconds.

Legend

- Address Point
- Parcel
- Parcel Number
- Lot Line
- City Limit Line
- Major Road
  - <all other values>
  - 70
- Road
- Railroad
- Section
- Section Boundaries
- County Boundary

Notes

52.9 0 26.46 52.9 Feet

This Cadastral Map is for informational purposes only. It does not purport to represent a property boundary survey of the parcels shown and shall not be used for conveyances or the establishment of property boundaries.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

DESCRIPTION OF THE SUBJECT PROPERTY

Location:	704 E. 4th Street, Tonganoxie, Kansas
Parcel I.D. #	052-192-09-0-30-01-002.00-0
Taxes:	$598.88 / Specials $720.18

Site Description

Tract Size:	10,885 Square Feet +/-
Configuration:	Irregular / See Attached Aerial Photo
Topography:	Generally Level
Current Land Use:	Vacant
Access:	Good / Frontage along 4th Street and South Main
Utilities:	All public available
Flood Plain:	None / See attached flood plain map
Zoning:	Light Industrial - Historic Business District
Improvements:	Concrete Pad

File No. 19060001

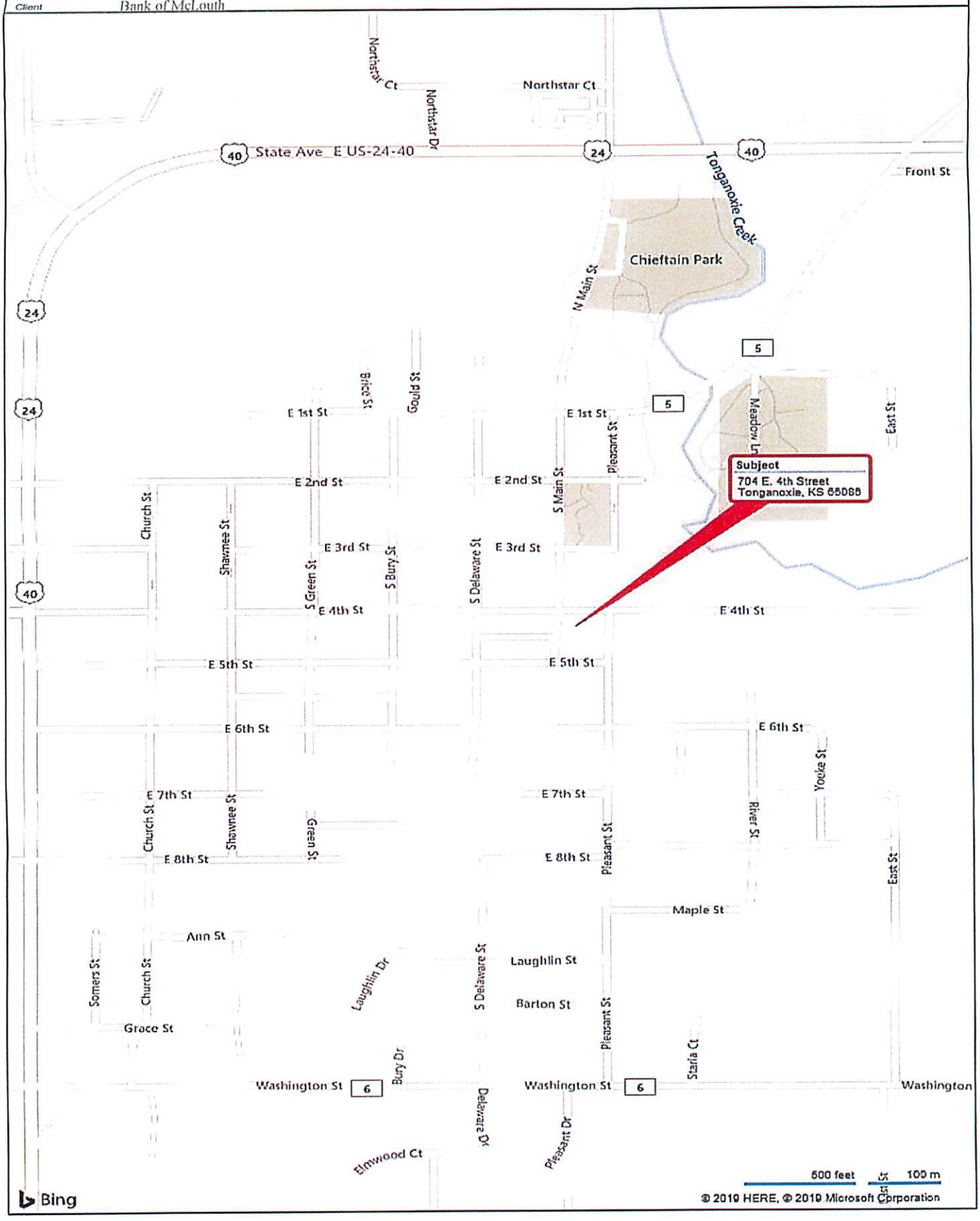
Location Map

Intended User

Property Address 704 E. 4th Street

City Tonganoxie County Leavenworth State Kansas Zip Code 66086

Client Bank of McLouth



9801 Renner Boulevard
Lenexa, KS 66219

January 30, 2020

City Planning and Development Department
City of Tonganoxie
526 E 4th Street
Tonganoxie, KS 66086

SUBJECT: Tonganoxie Day Care
Storm Drainage Analysis
GBA PN: 14425

To whom it may concern:

A new day care is to be constructed in Tonganoxie, Kansas, at the southeast corner of the intersection of E 4th Street and S Main Street. The proposed day care will be constructed partially within the footprint of an existing building on the site, with much of the site impervious surface being removed. Parking will remain on the west side of the building, and the site will continue to drain via overland flow.

Existing Site Drainage

The site generally drains to the southeast via overland flow. The site is generally covered by existing pavement and one building. Stormwater drains south and east where it is picked up by the existing enclosed public storm sewer system. No floodplain or U.S. Army Corps of Engineers jurisdictional waters existing on site. No stormwater management features exist on site.

Impervious Area

The majority of the project area is covered by impervious surface through pavement and building area. Within the project area approximately 7,808 SF of impervious surface are in place under existing conditions. The proposed site will decrease the impervious surface area to a total of 3,984 SF. The proposed site improvements will result in a net decrease in impervious area by 3,824 SF. Since the proposed site improvements reduce the impervious surface area, and the site is less than one acre, this project is not required to provide stormwater detention per Section 5 of Article 9 of the Tonganoxie Site Plan Review Standards.

Proposed Site Drainage

The proposed site will drain in the same manner as existing. The high point of the project area will remain at more or less the same location, at the northwest corner of the site. The site will drain via overland flow to the southeast, where stormwater is intercepted by the existing enclosed public storm sewer system. The reduction of impervious area will reduce the site peak runoff by approximately 0.58 CFS in the 10 year storm and 0.81 CFS in the 100 year storm. The disturbed area of the proposed construction is less than one acre (approximately 0.28 AC), and therefore is not subject to Missouri's Site Disturbance Permit requirements. Though no site disturbance permit is required, the site will be required to use good housekeeping and erosion control practices.

We believe that the site construction as proposed in this letter, and on the construction documents, provides adequate stormwater management and minimal site disturbance.

Sincerely,

GEORGE BUTLER ASSOCIATES, INC.

Clint Loumaster, P.E.

The site plan for 00000 West Street has been continued to a future planning meeting. Date TBD in the Council Chambers, located at 321 S Delaware Street.