



## **TONGANOXIE PLANNING COMMISSION**

**Agenda**

**January 5, 2017**

**7:00 p.m.**

**City Council Chambers**

**321 S. Delaware St.**

- 1. CALL TO ORDER**
- 2. APPROVAL OF MINUTES** – December 1, 2016
- 3. OLD BUSINESS**
  - a) Discussion – Comprehensive & Strategic Plan Update – Worksession – Thursday, 1/19/2017 @ 7:00 p.m.
- 4. NEW BUSINESS**
  - a.) Site Plan Application – LMH Family Medicine Bldg Addition @ 410 Woodfield Dr. submitted by Matthew Murphy with Treanor HL
  - b.) Site Plan Application – Pendergraft Erection Services – Lot 14 & 15 in Urban Hess Business Park submitted by Leticia Cole with Paul Werner Architects
  - c.) Site Plan Application – Wirenuts @ 304 West St
  - d.) Rezone Application – 1601 Commerce Dr. submitted by Eric & Karen Finkbiner with CIRE, LLC
- 5. OPEN AGENDA**
- 6. GENERAL INFORMATION**
  - a.) November Home Builders Association Permit Statistics
  - b.) November Market Share Report
- 7. ADJOURN**

TONGANOXIE  
PLANNING COMMISSION  
MEETING MINUTES  
DECEMBER 1, 2016

Call to Order – The Planning Commission met on December 1, 2016. John Morgan called the meeting to order at 7:00 pm. Members present were Commissioners Grant Watson, Jacob Dale, John Morgan, Monica Gee, Steve Ashley & Patti Gabel. Commissioner Steve Gumm was absent. A quorum was met. Also present were Chris Brewster, Gould Evans Planning Consultant, Jamie Shockley, Interim City Manager and Recording Secretary Patty Hagg.

Approval of Planning Commission Minutes–Monica Gee moved to approve the minutes from 11/03/16. Steve Ashley seconded the motion. All Ayes. Motion carried (6-0).

Old Business – None

New Business – Agenda Item 4a – Rezone Application – Submitted by KCRVR

Planning Consultant, Chris Brewster, presented a staff report. The written report is dated 11/28/2016. He reviewed the application for rezoning the southern portion of the property from R-Rural to GBD-General Business District. He also reviewed the long range plans from the Hwy 24/40 Corridor Plan, KDOT Transportation Plan and Vision 2020-Tonganoxie Comprehensive Plan. He discussed the annexation of the property and conditions of approval with the preliminary plat. He reviewed the mandatory rezoning considerations and recommended a provisional approval of the rezone request contingent on meeting the conditions of the preliminary plat, special use permit conditions and receiving an overall development plan and detailed site plan. Also discussed was a letter dated 11/30/16 from Stumbo Hanson Law Firm, attorney for Rural Water District #9. They had concerns regarding the extension of future 206<sup>th</sup> Street and their wells that are in the vicinity. Mr. Brewster stated the conditions in the letter would be addressed when the Site Plan and Landscape plan for the resort is submitted.

The applicant Derek Sinclair, President KCRVR, was present. A letter dated 11/22/16 from Mr. Sinclair was included in the planning commission packet. Mr. Sinclair also spoke to the planning commissioners regarding the goals for a high quality design resort that will benefit the community.

Attorney Todd Luckman, Stumbo Hanson Law Firm, representing RWD #9 was present and stated he would like the conditions in his letter to be included in a motion for rezone. Frank Hurla, 20263 219<sup>th</sup> St., Tonganoxie KS, representative of RWD #9, was present and also had concerns regarding the extension of 206<sup>th</sup> St. and the water wells and the 100' protective easement around the wells.

Leo Shoemaker, 18731 206<sup>th</sup> St., Tonganoxie KS, Patti Woodhead, 20441 State Ave., Tonganoxie KS., Richard Frank, 2110 Rock Creek Dr., Tonganoxie KS., Jim Cunningham, 20029 State Ave., Tonganoxie KS., Mike Towel, 2620 E Stone Creek Ave., Tonganoxie KS., Doug Woodhead, 20441 State Ave., Tonganoxie KS., Susan Bogart, 18750 207<sup>th</sup> St. Tonganoxie KS., Scott Fladung, 2606 E Stone Creek Ave., Tonganoxie KS, spoke during the public hearing against the rezone citing the parkway plan, the rezone to GBD instead of LBD, the Woodfield Dr frontage road access, the existing empty lots within city limits, local businesses who would be affected by the rezone, the 206<sup>th</sup> St extension to Parallel Rd., increase in traffic as some of the reasons they are opposed to the resort and rezoning of the property.

The commissioner's also heard from Susan Freemyer, 206 W 2<sup>nd</sup> St., Tonganoxie KS, Andy Pierce, Hidden Valley Dr., Tonganoxie KS, Curtis Oroke, 105 S Village St. Tonganoxie KS and received a letter from Mike Bronson, 496 E 13<sup>th</sup> Terr., Tonganoxie KS in favor of the rezone citing the development would be an asset to the community, traffic impact would be minimal, would provide an increase in sales and property taxes for the city.

The Public Hearing was closed. The commissioner's discussed the zoning districts LBD-Limited Business District and GBD-General Business District and design standards for new businesses. They also discussed the responsibilities of the developer for the infrastructure. They also discussed Site Plan regulations and the development of the resort property.

Steve Ashely made a motion to recommend denial of the rezone to the city council. Patti Gabel seconded the motion. Roll call vote Grant Watson, no; Jacob Dale, no; John Morgan, yes; Monica Gee, no; Steve Ashely, yes; Patti Gabel, yes. Vote ended in a 3 to 3 tie. Mr. Brewster explained that the tie vote would be a recommendation of denial to the council for the rezone.

After additional discussion regarding the zoning of GDB General Business District vs LBD Limited Business District, Jacob Dale made a motion to amend the application to LBD zoning and recommend approval of the amended application with conditions of the preliminary plat, and subject to contingencies provided by the planning and engineering consultants and with recommendation of items 1-3 from RWD #9 with further discussion on item #4 from RWD #9 resolved before a final plat is submitted. Grant Watson seconded the motion. Roll Call vote Grant Watson, yes; Jacob Dale, yes; John Morgan, no; Monica Gee, yes; Steve Ashley, no; Patti Gable, no. Vote ended in a 3 to 3 tie. The recommendation to deny the rezone application stands. The City Council will hear the recommendation at the regular meeting on December 19, 2016 at 7:00 p.m. This allows for a 14-day protest period.

The planning commissioners took a 5 minute break from 8:40 – 8:45

Agenda Item 4b – Comprehensive & Strategic Plan Update

The commissioner's set a work session for January 19, 2017, at 7:00 p.m. in the City Council Chambers to discuss land uses, streetscapes, building appearances along the Hwy 24/40 Corridor and the area east of the schools off Washington St.

Open Agenda – None

With no further business to discuss John Morgan moved to adjourn. Seconded by Grant Watson. All ayes. Meeting adjourned at 9:25 p.m.

Minutes Approved: \_\_\_\_\_

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Submitted by: Patty Hagg

SITE PLAN REVIEW APPLICATION  
City of Tonganoxie, Kansas

**Please complete all of the following information (type or print):**

Project Name: LMH Tonganoxie Expansion  
Project Address/Location: 410 Woodfield Dr. Tonganoxie, KS 66086  
Description: \_\_\_ New Construction X Addition \_\_\_ Exterior Remodel \_\_\_ Tenant Finish  
Other: \_\_\_\_\_

**Send Review Comments To:**

Contact Person: Matthew Murphy  
Company Name: Treanor HL  
Address: 1040 Vermont St.  
City, State Zip: Lawrence, KS 66044  
Phone Number: 7850842-4858 Fax Number: \_\_\_\_\_

**Owner/Developer** (If different from above):

Contact Person: Rich Webb, MBA  
Company: Lawrence Memorial Hospital  
Address: 325 Maine St.  
City, State Zip: Lawrence, KS 66044  
Phone Number: 785-505-3011 Fax Number: \_\_\_\_\_

- Site Plan--buildings, walls, fences, exterior equipment, refuse disposal
- Landscape plan w/schedule
- Drainage calculations for City Engineer (see attached cover letter)
- Elevations showing materials, colors, textures, etc.

Date Submitted: 12/12/16 Fee Paid: \$100 Received by \_\_\_\_\_

**\*It is the responsibility of the Applicant to read and comply with all of the regulations contained in the Site Review Ordinance. Applicant should anticipate a minimum 2 week review period by City staff. Any revisions required will require additional review time.**

# TREANORHL

December 12, 2016

BG Consultants  
Mr. Brian Kingsley, P.E.  
1405 Wakarusa Drive  
Lawrence, KS 66049

Re: LMH Tonganoxie – Family Medical Clinic Expansion  
Project #HC16.010.0B

Dear Mr. Kinglsey:

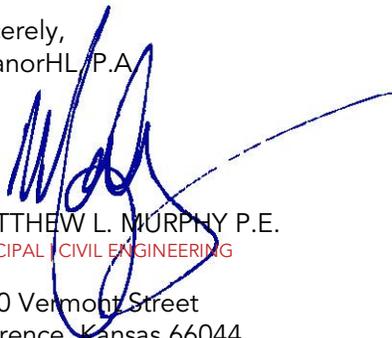
On behalf of our client, Lawrence Memorial Hospital, we, TreanorHL, P.A., are submitting a site plan for an addition to the existing Family Medicine Clinic, located at 410 Woodfield Drive, legally described as Lot 2, of Block 2, in the Sunflower Plains Subdivision, in Tonganoxie, Kansas.

As a result of the addition and associated site improvements, there will be a minimal increase in the storm water drainage from this lot to the existing detention pond constructed to serve Sunflower Plains Subdivision (located to north of the project site). Per the approved drainage study performed by Landplan Engineering, P.A. dated September 2000 for this subdivision, the pond was designed to accommodate the storm water flow created with a proposed CN of 94, for the entire subdivision. With the addition to the building and associated parking improvements on this lot, we are increasing the CN from 82 to 87.5, which is well below the allowed CN in the drainage study. This development will likely never utilize the full allowance for detention, as granted in the approved drainage study.

Additionally, the sanitary sewer discharge will increase slightly from this site, as the proposed building addition includes installation of 5 sinks, 2 drinking fountains, and 2 toilets. The existing facility contains 10 sinks and 3 toilets, which are used between the hours of 9am and 5pm Monday through Friday. This is a non-intensive use, with respect to sanitary sewer, so this addition should not create any problems with sewer capacity. Further analysis of the flow created by the existing and proposed fixtures can be completed if necessary, however, it seems unwarranted given the limited use hours and minimal number of fixtures at this facility.

Please do not hesitate to call or email us if any additional information is needed for the review of this project: 785.727.2407 (direct dial) or [mmurphy@treanorHL.com](mailto:mmurphy@treanorHL.com). Thank you for your expeditious review of this project and we look forward to hearing from you soon.

Sincerely,  
TreanorHL, P.A.



MATTHEW L. MURPHY P.E.  
PRINCIPAL CIVIL ENGINEERING

1040 Vermont Street  
Lawrence, Kansas 66044

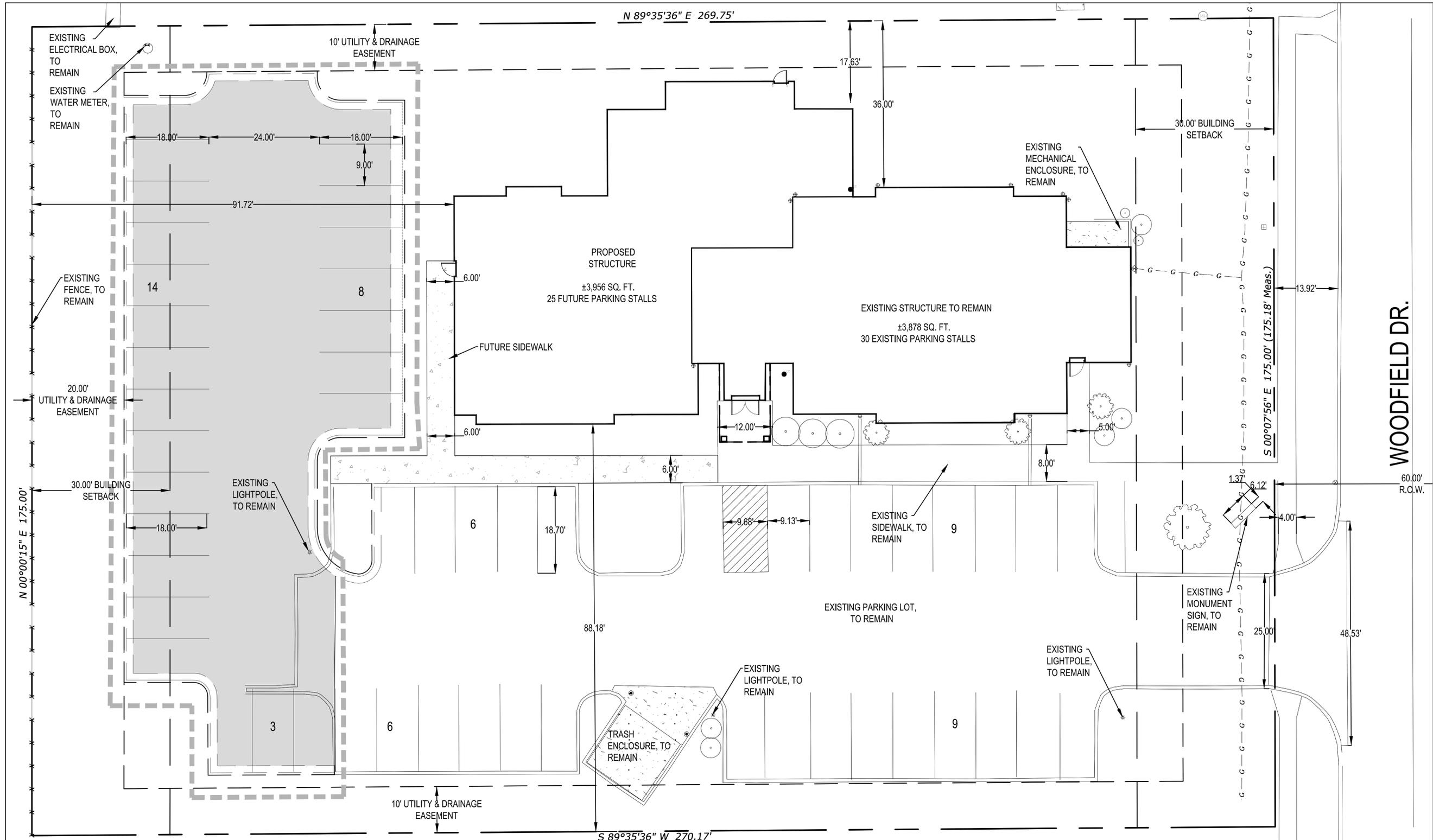
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**LMH TONGANOXIE EXPANSION**  
410 Woodfield Dr.  
Tonganoxie, KS 66086

**TREANORHL**  
1040 Vermont Street  
Lawrence, Kansas 66044-2920  
Office: 785.842.4858  
Fax: 785.842.7536  
www.treanorarchitect.com  
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CHECKED BY: AB/ MLM  
REVISIONS  
NO. DESCRIPTION DATE



**LEGAL DESCRIPTION**

LOT B, BLOCK 2 SUNFLOWER PLAINS SUBDIVISION, CITY OF TONGANOXIE, LEAVENWORTH COUNTY, KS

**PAVEMENT LEGEND**

- PROPOSED CONCRETE PAVEMENT
- FUTURE ASPHALT PAVEMENT
- FUTURE PARKING LOT LIMITS

**SITE SUMMARY:**

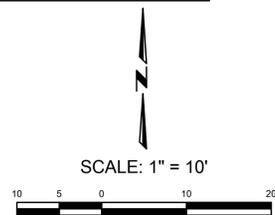
EXISTING ZONING:	GBD - GENERAL BUSINESS DISTRICT
PROPOSED ZONING:	GBD - GENERAL BUSINESS DISTRICT
TOTAL LAND AREA (S.F./AC.)	47,242 S.F./1.08 AC.
PROPOSED USE OR USES OF EACH BUILDING AND STRUCTURE	FAMILY MEDICINE PRACTICE
HEIGHT/NUMBER OF FLOORS	1 FLOOR
GROSS FLOOR AREA	3,857 S.F.
FLOOR AREA RATIO	8.16%
REQUIRED PARKING (5 SPACES REQ. PER DOCTOR)	2 DOCTORS= 10 STALLS
EXISTING PARKING	29 STALLS, 2 ACCESSIBLE STALLS
PROPOSED PARKING	29 STALLS, 2 ACCESSIBLE STALLS
FUTURE PARKING	51 STALLS, 4 ACCESSIBLE STALLS

**GROUND COVER INFORMATION**

ITEM	EXISTING	PROPOSED	FUTURE
IMPERVIOUS AREA	16,217 S.F./0.38ACRES (34%)	20,981 S.F./0.63 ACRES (44%)	28,509 S.F./0.63 ACRES (60%)
PERVIOUS AREA	31,025 S.F./0.70 ACRES (66%)	26,261 S.F./0.46 ACRES (56%)	18,733 S.F./0.46 ACRES (40%)
TOTAL SITE AREA	47,242 S.F./1.08 ACRES (100%)	47,242 S.F./1.08 ACRES (100%)	47,242 S.F./1.08 ACRES (100%)

**CURRENT OWNER**  
RICH WEBB, MBA  
FACILITY DIRECTOR  
LAWRENCE MEMORIAL HOSPITAL  
325 MAINE ST.  
LAWRENCE, KANSAS 66044  
(785) 505-3011

**THIS SITE PLAN IS FOR PLANNING PURPOSES ONLY  
NOT FOR CONSTRUCTION**



LMH TONGANOXIE EXPANSION

410 Woodfield Dr.  
Tonganoxie, KS 66086

TREANORHL

1040 Vermont Street  
Lawrence, Kansas 66044-2920  
Office: 785.842.4858  
Fax: 785.842.7536  
www.treanorhl.com

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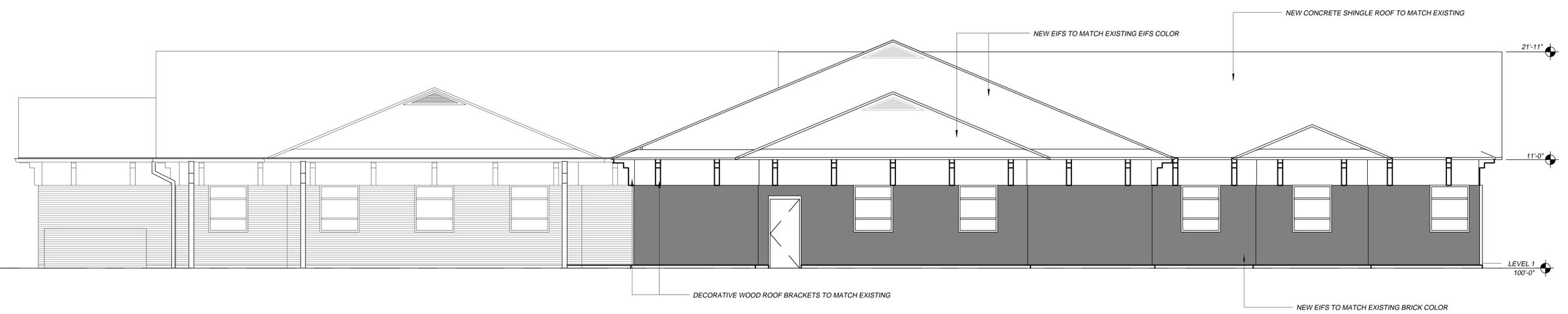
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REVISIONS		
NO.	DESCRIPTION	DATE

BUILDING ELEVATIONS

SHEET 4 OF 5

TREANOR NO. HC16.010.0B



NORTH BUILDING ELEVATION



SOUTH BUILDING ELEVATION

THIS SITE PLAN IS FOR  
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# LMH TONGANOXIE EXPANSION

410 Woodfield Dr.  
Tonganoxie, KS 66086

## TREANORHL

1040 Vermont Street  
Lawrence, Kansas 66044-2920  
Office: 785.842.4858  
Fax: 785.842.7536  
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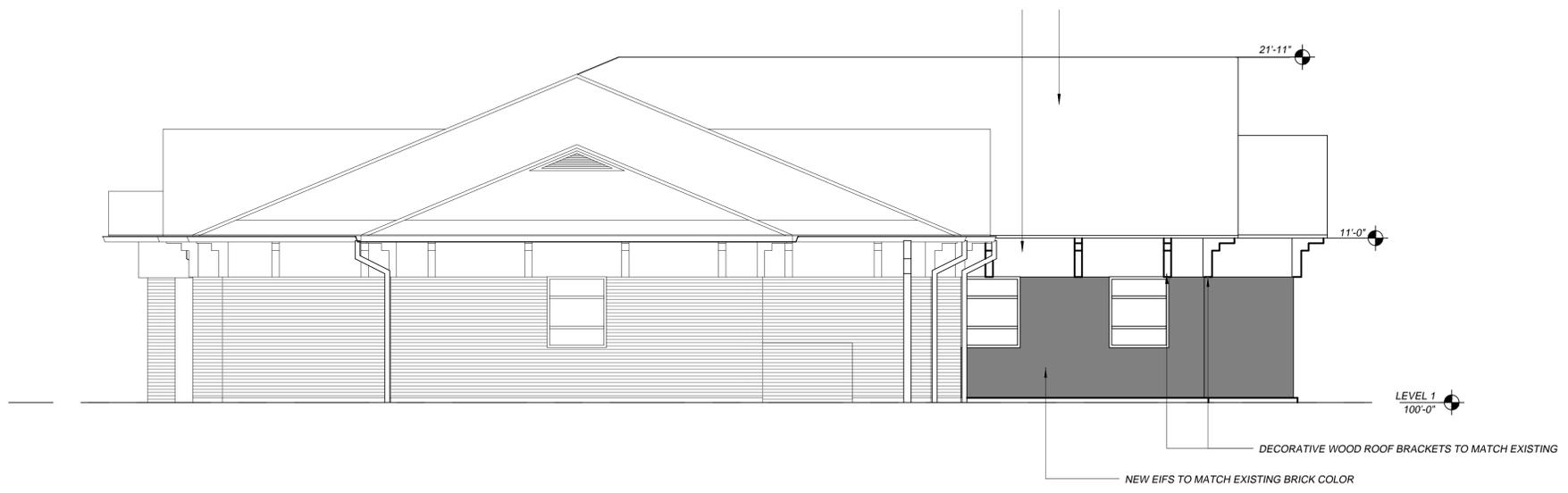
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REVISIONS

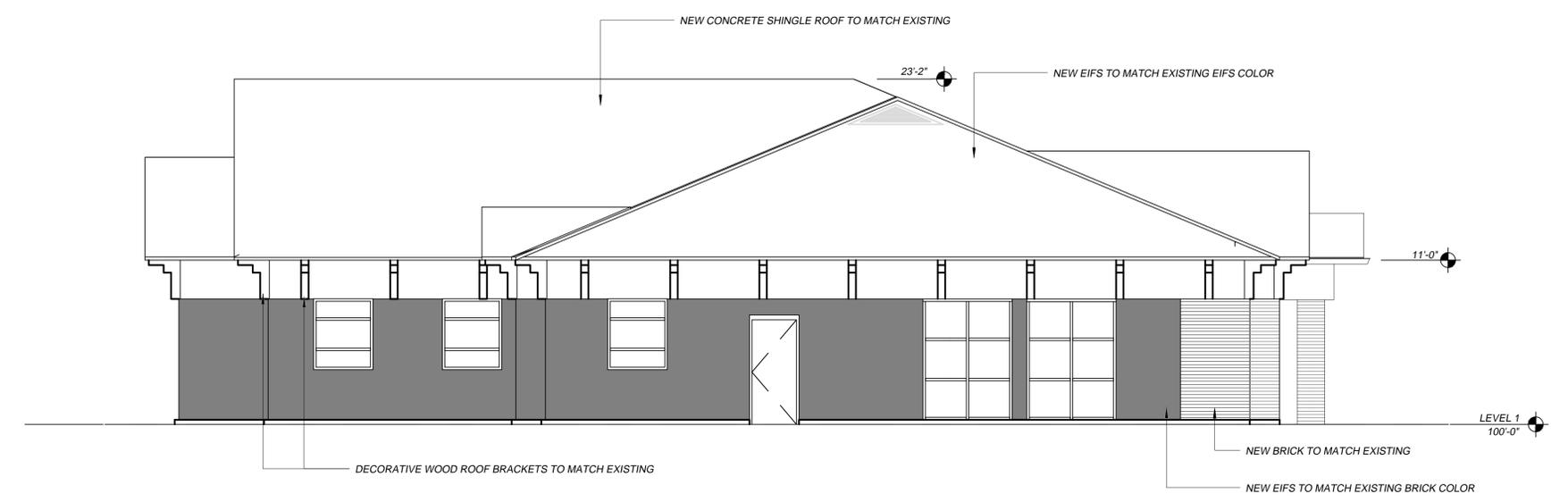
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### BUILDING ELEVATIONS

SHEET 5 OF 5



EAST BUILDING ELEVATION



WEST BUILDING ELEVATION

**THIS SITE PLAN IS FOR  
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FILE NAME: P:\\_Civil\HC16.010.00B LMH Family Medicine\Drawings\Sheets\Planning\Building Elevations E-W.dwg LAST SAVED BY: Andy Buchwitz SAVED DATE: 12/9/2016 3:06 PM PLOTTED: 12/9/2016 3:24 PM

# LMH TONGANOXIE EXPANSION

410 Woodfield Dr.  
Tonganoxie, KS 66086

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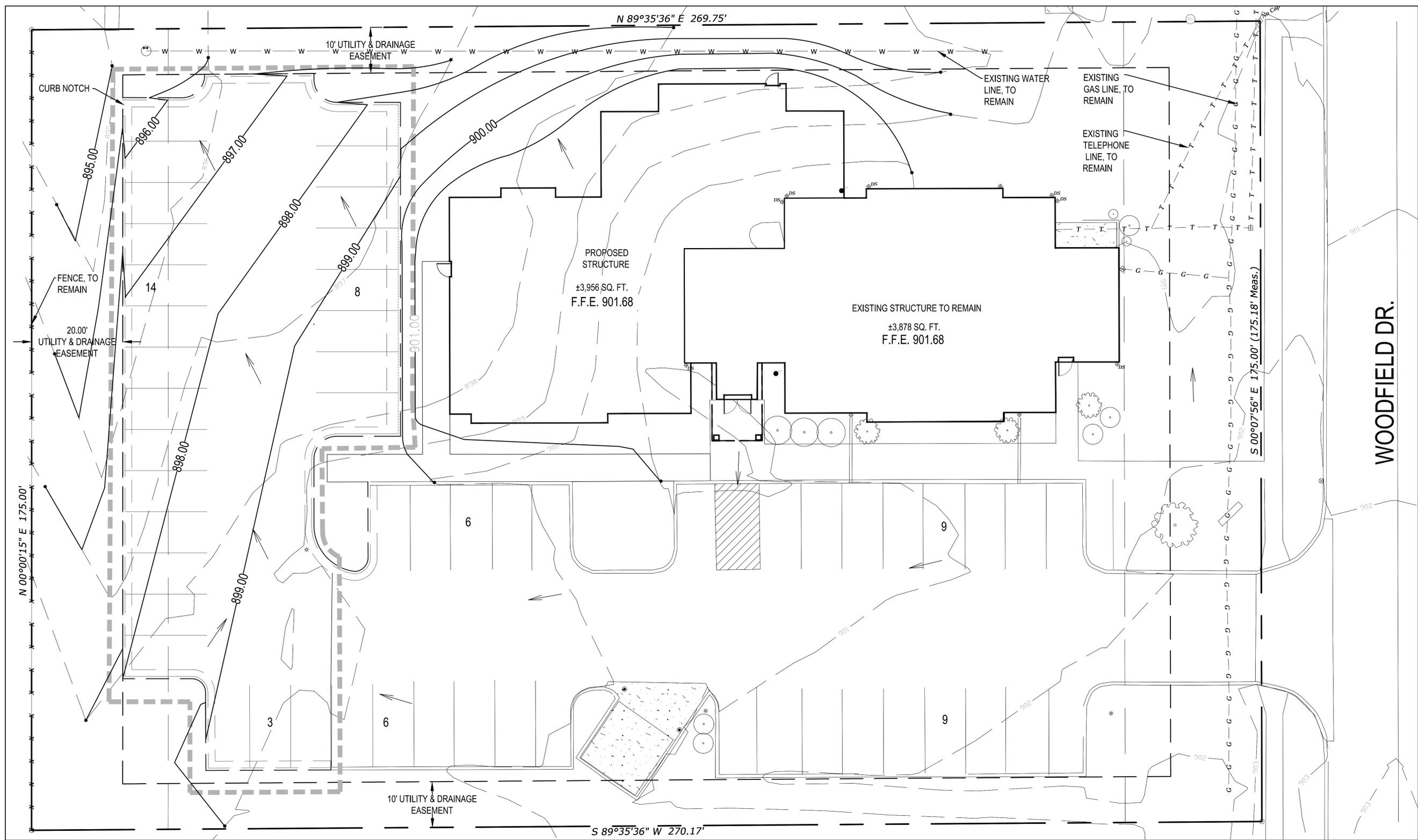
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CHECKED BY: AB/MLM

REVISIONS		
NO.	DESCRIPTION	DATE

### GRADING & UTILITY PLAN

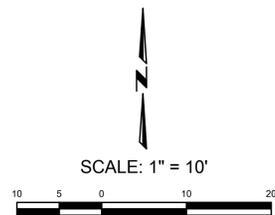
SHEET 2 OF 5

TREANOR NO. HC16.010.0B



- GRADING LEGEND**
- 900 — EXISTING CONTOUR LINES
  - 900 — PROPOSED CONTOUR LINES
  - FLOW LINES
  - G- EXISTING GAS LINE
  - W- EXISTING WATER LINE
  - T- EXISTING TELEPHONE LINE

**THIS SITE PLAN IS FOR PLANNING PURPOSES ONLY  
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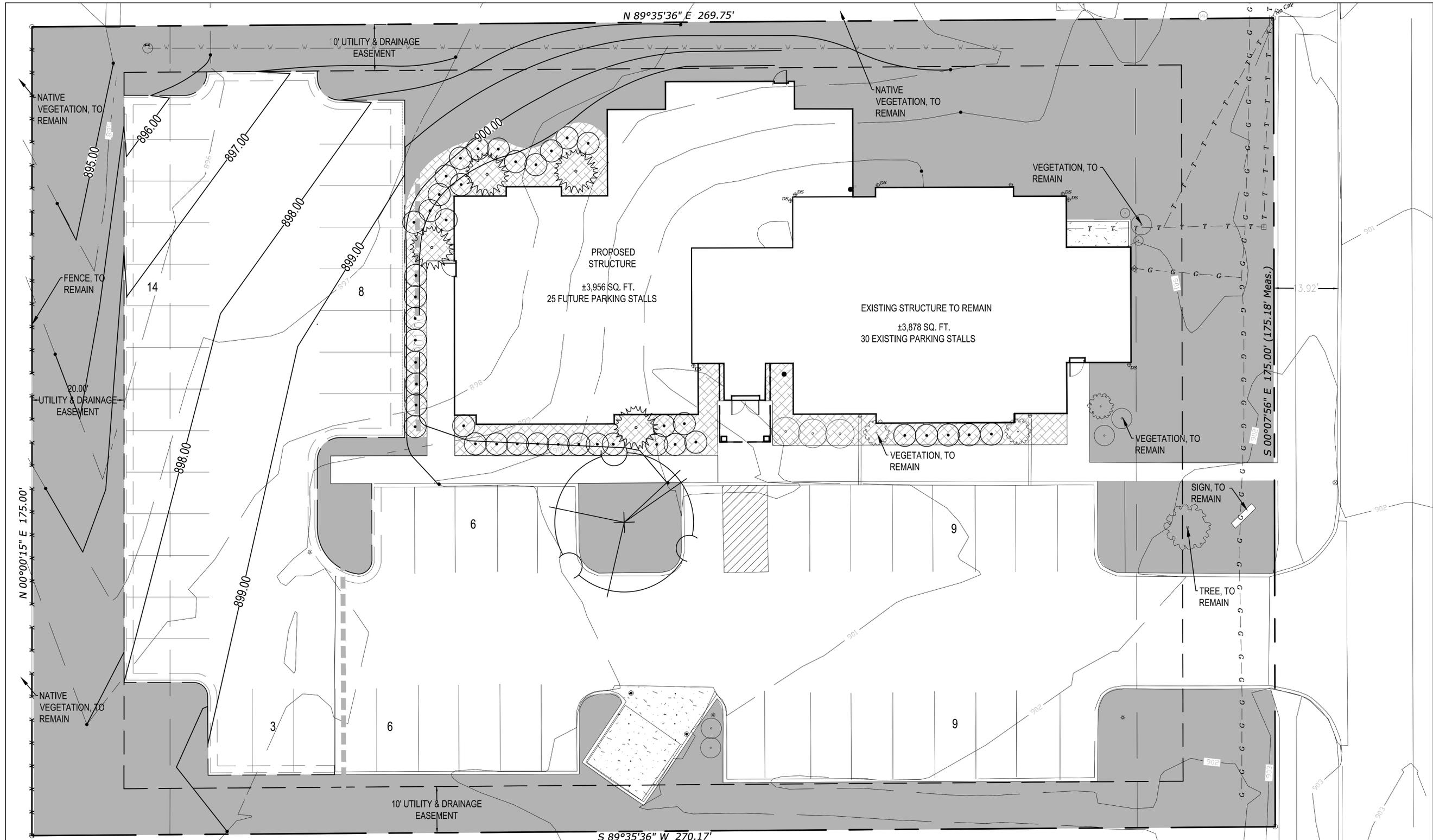


**LMH TONGANOXIE EXPANSION**  
410 Woodfield Dr.  
Tonganoxie, KS 66086

**TREANORHL**  
1040 Vermont Street  
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Office: 785.842.4858  
Fax: 785.842.7536  
www.treanorhl.com  
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REVISIONS		
NO.	DESCRIPTION	DATE



**PLANTING REQUIREMENTS**

24-013 DISTRICT REQUIREMENTS	NO RESIDENTIAL ZONES ARE ADJACENT TO THIS LOT
DISTRICT GBD AND LBD: A 6' FENCE ALONG ANY PROPERTY LINE ADJACENT (OR ACROSS THE ALLEY FROM) TO ANY RESIDENTIAL	

**BULK AREA REQUIREMENTS**

LOCATION: 710 WOODFIELD DRIVE  
TONGANOXIE, KANSAS,  
LEAVENWORTH, KS

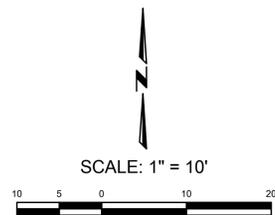
ZONE: GBD

USE: MEDICAL FAMILY PRACTICE

ITEM	REQUIREMENTS	PROVIDED
MINIMUM LOT AREA	10,000 SF MINIMUM	47,242 S.F.
MINIMUM LOT WIDTH	75 FT MINIMUM	175 FT
RIGHT-OF-WAY SETBACK	30 FT	30 FT.
MINIMUM SIDE SETBACK	10 FT	10 FT
MINIMUM REAR SETBACK	20 FT	20 FT
MAXIMUM BUILDING HEIGHT	35 FT	15 FT
PER CITY OF TONGANOXIE, KS CITY CODE		

SYMBOL	NAME	CONDITION	SIZE
	Pacific Sunset Maple - Acer Rubrum 'Pacific Sunset'	B&B	2" CAL.
	Shamrock Inkberry Holly - Ilex Glabra 'Shamrock'	CONT.	36" HT.
	Canadale Gold Wintercreeper - Euonymus Fortunei 'Canadale Gold'		
	Rheingold Arborvitae - Thuja Occidentalis 'Rheingold'		
	Goldmound Spirea - Spiraea japonica 'Goldmound'	CONT.	36" HT.
	Dwarf Korean Lilac - Syringa meyeri		
	Turf		
	Mulch		

**THIS SITE PLAN IS FOR PLANNING PURPOSES ONLY  
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FILE NAME: P:\\_Civil\HC16.010.00B.LMH.Family.Medicine\Drawings\Sheets\Planning\Landscape Plan.dwg LAST SAVED BY: Miranda Schmidt SAVED DATE: 12/12/2016 12:13 PM PLOTTED: 12/12/2016 12:16 PM



## City of Tonganoxie, Kansas

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### PLANNING STAFF REPORT

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**Case#:** 2017-001P

**Date of Report:** December 23, 2016

**Applicant Name:** Matthew Murphy, Treanor HL

**Property Owner Name:** Rich Webb, MBA, Lawrence Memorial Hospital

**Subject Property Address:** 410 Woodfield Drive, Tonganoxie, KS 66086

**Application:**

*Zoning District:* GBD – General Business District

*Type of Approval Desired:* Site Plan Approval for an addition to an existing building and additional parking spaces.

*Date of Application:* December 12, 2016

*Date of Meeting:* January 5, 2017

**Surrounding Property – Zoning and Use:**

*West:* “I-MD” Moderate Industrial; medical supply warehouse/distribution

*South:* “GBD” General Business District; undeveloped lot

*East:* “GBD” General Business District; Bank

*North:* “GBD” General Business District; undeveloped lot

*Vicinity:* The property in question lies a commercial strip along the north and south sides of Highway 24/40. Light industrial and moderate industrial zoning surrounds the commercial to the north and west.

**Staff Recommendation:**

Staff recommends approval.

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**COMMENTS:**

The applicant is requesting site plan approval for an addition of approximately 4,000 square feet and 25 parking spaces to an existing development that includes approximately 3,900 square feet of building and 30 parking spaces. The lot is located north of Highway 24/40, on the west side of Woodfield Drive and does not have frontage on Highway 24/40. The property is currently zoned "GBD" General business District.

The proposed addition is to the west of the existing building to the back of the lot. The site is bounded by a bank and a vacant parcel to the east, a warehouse/distribution facility to the west and vacant parcels to the north and south. The lot on which the addition is proposed is compatible with the commercial uses allowed by the "GBD" and the industrial uses allowed by the "I-MD" zoning districts in the area.

*Building Design and Placement*

The proposed building addition meets the development regulations for height and setbacks within the GBD zoning district. The height of the addition is proposed to be consistent with the existing building at 21 feet 11 inches tall. The addition, being to the back of the existing building and lot, will not affect the front setback of the building which is in conformance with the regulation of 30 feet. The proposed addition will align with southern side of the existing building, well within the required setback of 10 feet from the south property line. The addition does extend the north edge of the building significantly, however it is still within the setback requirements of 10 feet from the north property line. The rear yard setback for development is 20 feet and the proposed addition will be more the 90 feet from the rear property line.

*Parking and Access*

The 25 additional parking spaces proposed brings the total on-site parking number to 54, sufficient to accommodate the total square footage proposed, existing and new. According to Section 20, Off-Street Parking and Loading Regulations medical clinics require 5 parking spaces per doctor. Two doctors are proposed to be housed in the expanded facility, requiring 10 total parking spaces. Access to the site is from Woodfield Drive and remains unchanged to accommodate the addition and new parking spaces. The new parking will be within the setbacks prescribed by the zoning ordinance.

*Building Materials*

The building materials proposed are consistent in material and color with the existing building. The proposed materials include a combination of brick, wood, EIFS, glass and concrete shingles in the same pattern and application as the existing building. The materials and their application generally adhere to the overall intent of the Design Standards in Section 3.0 of the Subdivision Regulations.

*Landscape and Screening*

The existing industrial use to the west is buffered by a stand of trees, that will be retained, and creates a semi-transparent screening of the use. The existing site landscape is comprised mostly of foundation plantings along the front (south side) of the building. An ornamental tree near the entry drive and shrubs adjacent to the dumpster enclosure will remain. New landscaping is intended to replicate the location, material and look of the existing landscape, with additional foundation plantings along the front and side (west side) of the building addition. An existing dumpster will remain on-site with the proposed building addition and parking spaces. The dumpster is screened from view by a solid wood fence on all sides. The landscaping proposed and its application generally adhere to the overall intent of the Landscaping Requirements in Section 4.0 of the Subdivision Regulations.

*Signage*

No new signs are proposed with the building addition.

*Utilities*

The applicant has provided a summary of the impacts to the stormwater and sanitary sewer caused by the proposed addition and its use. The result of the addition and associated site improvements will be a minimal increase in the storm water drainage from this lot to the existing detention pond constructed to serve Sunflower Plains Subdivision (located to north of the project site). The pond was designed to accommodate the storm water flow created with a proposed CN of 94, for the entire subdivision. The proposed improvements will increase the CN from 82 to 87.5, which is well below the allowed CN in the drainage study.

1. ***Recommendations of professional staff:***

[see below]

***Effect of Decision***

The Site Review Committee reviews Site Plan Review Requests. Based on the record and other findings of any testimony, the Site Review Committee may:

1. Recommend approval,
2. Recommend approval with conditions
3. Recommend denial.

If an application for Site plan Review is denied, an applicant can request a review by the City Council.

***Recommendation***

Staff recommends APPROVAL of the Site Plan Review of 410 Woodfield Drive for the addition to an existing building and parking lot, with the following conditions:

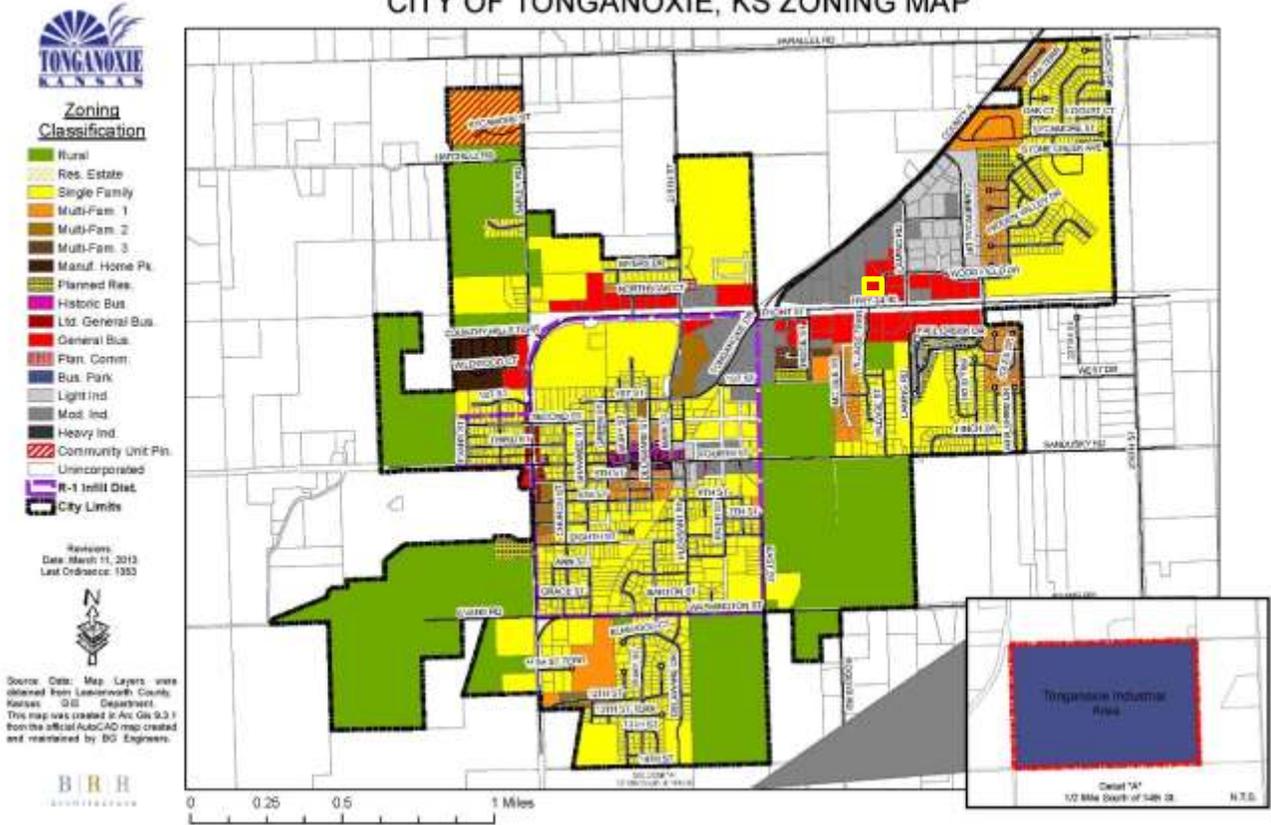
1. All plant materials to be healthy specimens with maintenance or replacement for a minimum of two years.



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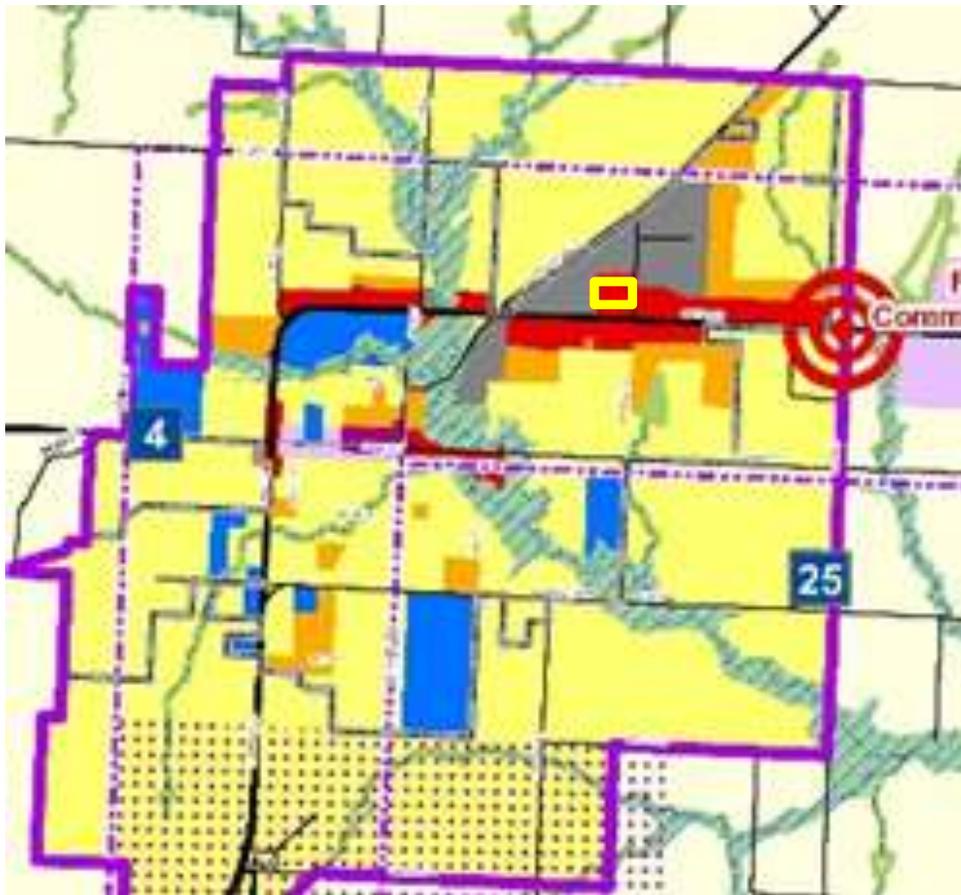
Chris Brewster  
Contract City Planner

# CITY OF TONGANOXIE, KS ZONING MAP

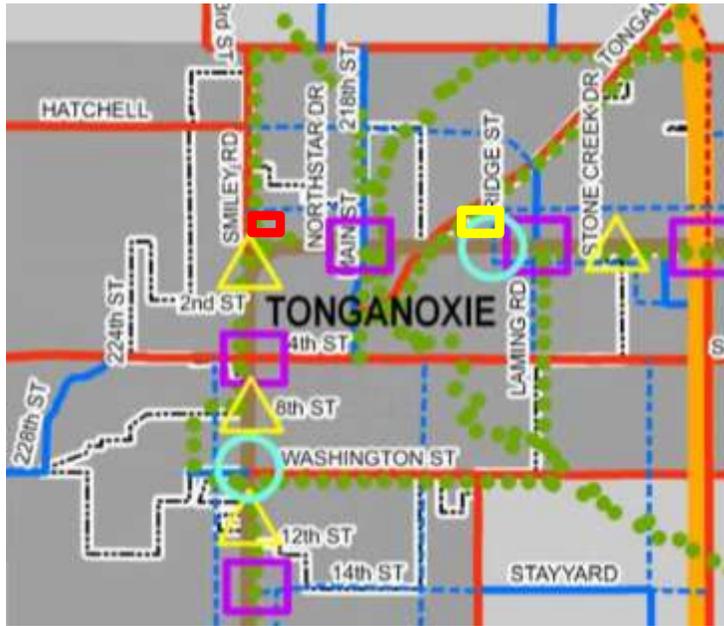


*Current City Zoning (property in red box zoned GBD)*





*Future Land Use* (Tonganoxie Comprehensive Plan 2006)



*Future Transportation* (US 24-40 Corridor Study 2009)



**TO:** Jamie Shockley, City Administrator

**CC:** Kent Heskett, City Superintendent  
Chris Brewster, City Planner

**FROM:** Brian Kingsley, City Engineer, BG Consultants, Inc.

**DATE:** December 30, 2016

**RE:** LMH Tonganoxie Expansion Site Plan Review  
Site Plan Review  
16-1001L

The following are the City Engineer and staff review comments:

**Site Plan Review:**

**Issues that need to be addressed for Approval:**

- 1) No Engineering related issues were observed with the submitted site plan and supporting documents. We recommend approval of the site plan as submitted.

--End

SITE PLAN REVIEW APPLICATION  
City of Tonganoxie, Kansas

**Please complete all of the following information (type or print):**

Project Name: PES shop  
Project Address/Location: Commerce Avenue and North Industrial Drive  
Description:  New Construction     Addition     Exterior Remodel     Tenant Finish  
Other: \_\_\_\_\_

**Send Review Comments To:**

Contact Person: Leticia Cole  
Company Name: Paul Werner Architects  
Address: 123 W 8th Street, Suite B2  
City, State Zip: Lawrence, KS 66044  
Phone Number: 785-832-0804 Fax Number: \_\_\_\_\_

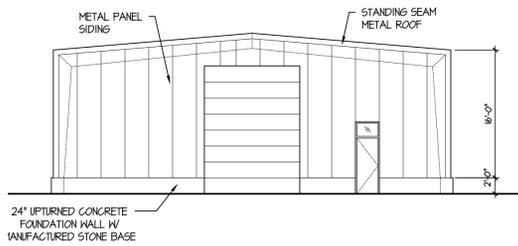
**Owner/Developer** (If different from above):

Contact Person: Dale Pendergraft  
Company: Pendergraft Erection Services (PES)  
Address: \_\_\_\_\_  
City, State Zip: \_\_\_\_\_  
Phone Number: 913-683-0454 Fax Number: \_\_\_\_\_

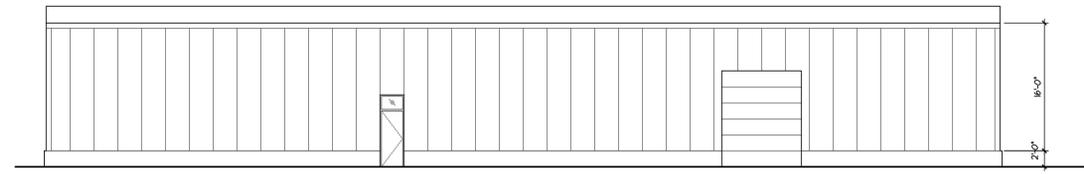
- Site Plan--buildings, walls, fences, exterior equipment, refuse disposal
- Landscape plan w/schedule
- Drainage calculations for City Engineer
- Elevations showing materials, colors, textures, etc.

Date Submitted: \_\_\_\_\_ Fee Paid: \_\_\_\_\_ Received by \_\_\_\_\_

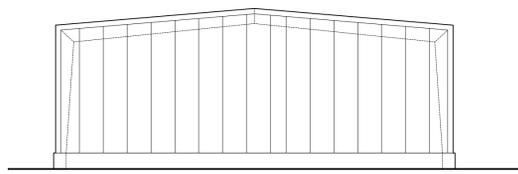
**\*It is the responsibility of the Applicant to read and comply with all of the regulations contained in the Site Review Ordinance. Applicant should anticipate a minimum 2 week review period by City staff. Any revisions required will require additional review time.**



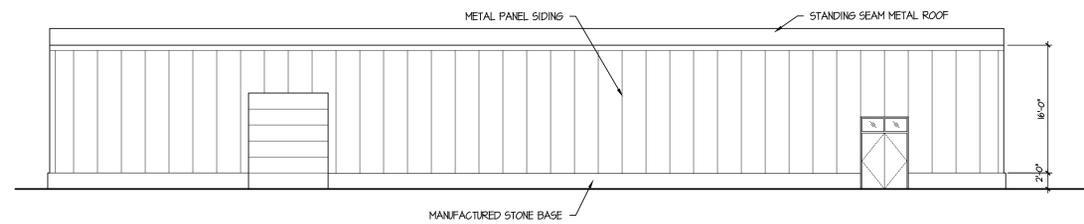
**SHOP - EAST ELEV.**  
SCALE: 3/32" = 1'-0"



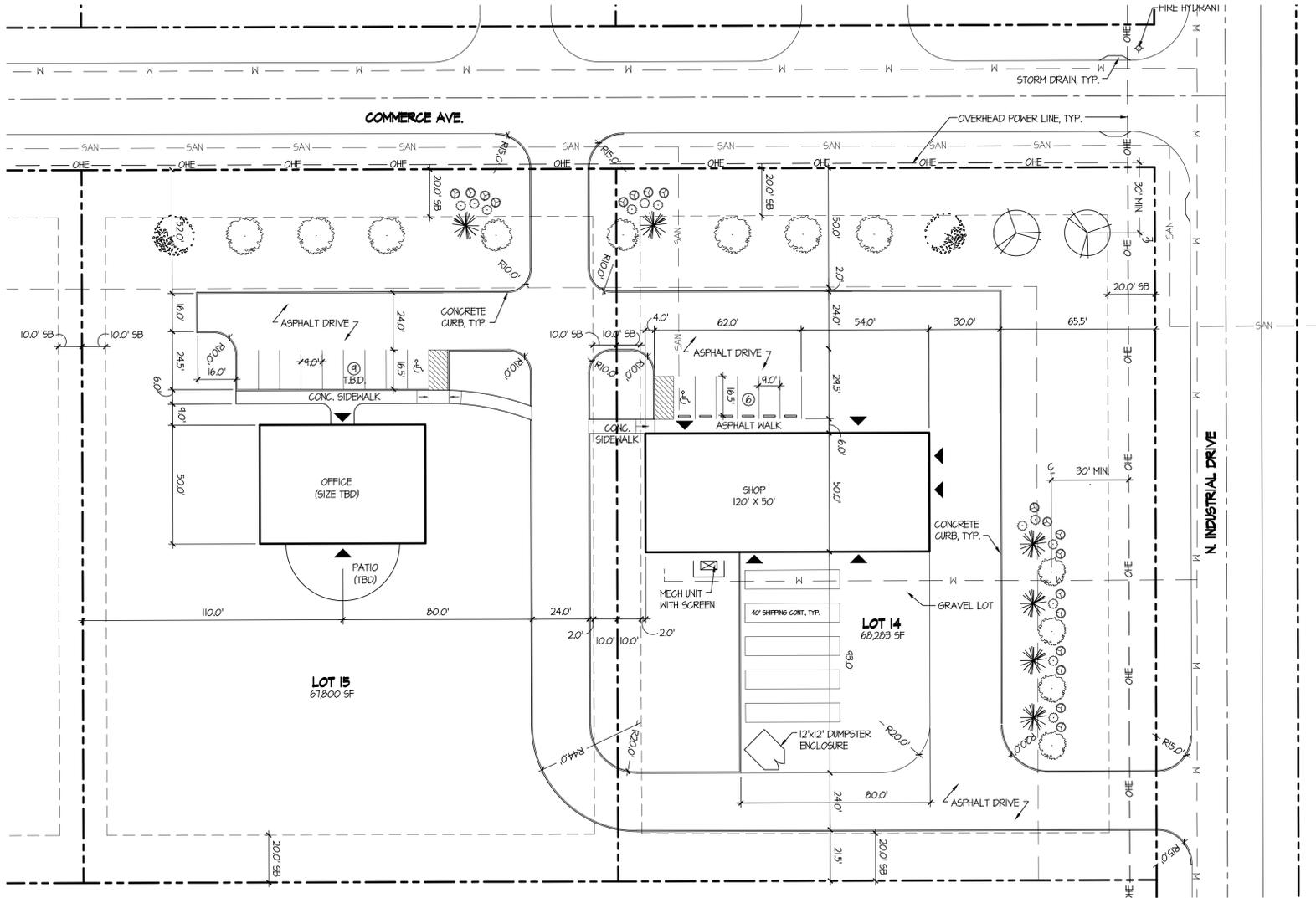
**SHOP - SOUTH ELEV.**  
SCALE: 3/32" = 1'-0"



**SHOP - WEST ELEV.**  
SCALE: 3/32" = 1'-0"



**SHOP - NORTH ELEV.**  
SCALE: 3/32" = 1'-0"



**SITE PLAN**  
SCALE: 1" = 30'-0"  
NORTH

**LEGAL DESCRIPTION:**

LOTS 14 AND 15 OF URBAN HES6 BUSINESS CENTER, A FINAL PLAT IN THE CITY OF TONGANOXIE, LEAVENWORTH COUNTY, KANSAS

**PROJECT SUMMARY:**

- 1.1 CURRENT ZONING: I-LT LIGHT INDUSTRIAL
- 1.2 CURRENT USE: UNDEVELOPED
- 1.3 PROPOSED USE: TRADESMAN'S WORKSHOP PARKING: ONE SPACE PER 1000 SQ. FT. = 6 SPACES REQUIRED FOR LOT 14. BUILDING AREA FOR LOT 15 T.B.D.
- 1.4 LAND AREA: LOT 14 = 1567 ACRES (68,283 SQ. FT. +/-)  
LOT 15 = 1556 ACRES (61,800 SQ. FT. +/-)

**GENERAL NOTES:**

- 2.1 ALL GROUND MOUNTED MECHANICAL UNITS SHALL BE SCREENED IN ACCORDANCE WITH SECTION 20-14A04.
- 2.2 ALL ACCESSIBLE SIDEWALK RAMP BY A.D.A. STANDARDS.
- 2.3 SITE PLAN HAS BEEN DESIGNED TO COMPLY WITH THE PROVISIONS OF THE AMERICANS WITH DISABILITIES ACT ACCESSIBILITY GUIDELINES (ADAAG) FOR BUILDINGS AND FACILITIES, APPENDIX A TO 28CFR PART 36.
- 2.4 NO PROPOSED PARKING LOT LIGHTS AT THIS TIME.
- 2.5 PLAN FOR CITY APPROVAL ONLY CONSTRUCTION DOCUMENTS TO BE FURNISHED AT THE REQUEST OF OWNER.
- 2.6 INFORMATION TAKEN FROM AERIAL PHOTOS, AVAILABLE DOCUMENTS AND ON SITE INVESTIGATIONS.
- 2.7 SIGN APPROVAL AND PERMITTING IS NOT PART OF THE SITE PLAN APPROVAL.
- 2.8 NOTE: STORMWATER DRAINAGE PER 'REVISED DRAINAGE STUDY PROPOSED CONDITIONS' BY LANDPLAN ENGINEERING PROJ. #2002012

**PARKING INFORMATION:**

LOT	TYPE	REQUIRED	PROVIDED	LOT	TYPE	REQUIRED	PROVIDED
14	REGULAR	5	5	15	REGULAR	7	8
	ACCESSIBLE	1	1		ACCESSIBLE	1	1
	TOTAL	6	6		TOTAL	8	9

- 3.2 TYPICAL DIMENSIONS: R' SPACES - 9' X 18' (6.5' + 1.5' OVERHANG AT SIDEWALKS)  
SIDEWALKS SHALL BE 4' CONCRETE - 5' OR 6.5' WIDE DEPENDING UPON THE LOCATION.  
H' SPACES - 8' X 20' (5' OR 6' AISLE)
- 3.3 PAVEMENT: APPROACHES: T' - 4000 PSI CONCRETE W/ #5 BARS 12" O.C.B.W.  
DRIVES: MIN. 6" ASPHALT ON 4" GRAVEL OR 5" CONCRETE  
PARKING AREAS: MIN. 5" ASPHALT ON 4" GRAVEL OR 4" CONCRETE
- 3.4 24" CURB & GUTTER AT ENTRANCE.

**LANDSCAPING NOTES:**

SYM.	QTY.	APPROVED TYPES	BOTANICAL NAMES	SIZE	COND.
(Symbol)	13	SHANTUNG MAPLE	ACER TRUNCATUM	20'-25' HT.	B & B
(Symbol)	13	GOLDENRAIN	KOELREUTERIA PANICULATA	20'-30' HT.	B & B
(Symbol)	4	REDBUD	CERCIS CANADENSIS	25' HT.	B & B
(Symbol)	4	GREEN GIANT ARBORVITAE	THUJA	25'-30' HT.	B & B
(Symbol)	38	JAPANESE BARBERRY	BERBERIS THUNDERGH	18"-24" HT.	CONT.
(Symbol)	14	ARMSTRONG JUNIPER	JUNIPERUS CHINENSIS	48"-60" HT.	CONT.

4.1 ALL TURF AREAS TO BE SEEDDED WITH K-31 FESCUE

**IMPERVIOUS SURFACE SUMMARY:**

PROJECT SITE: 1.094 ACRES (46)IT SQ. FT. +/-		LOT 14:		LOT 15:	
LAND AREA	SQ. FT.	AC	LAND AREA	SQ. FT.	AC
BUILDING FOOTPRINT:	6,000	0.138	BUILDING FOOTPRINT:	1,745	0.041
PAVEMENT AREAS:	2,844	0.061	PAVEMENT AREAS:	4,375	0.100
TOTAL IMPERVIOUS:	4,644	0.100	TOTAL IMPERVIOUS:	6,120	0.141
TOTAL PERVIOUS:	41,423	0.951	TOTAL PERVIOUS:	34,941	0.918

**pauwerner**  
ARCHITECTS

123 W. 8th STREET  
SUITE B2  
LAWRENCE, KS 66044  
OFFICE: 785.832.0804  
FAX: 785.832.0890

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**PENDERGRAFT**  
**ERECTION SERVICES**  
COMMERCE AVE.  
TONGANOXIE, KS

PROJECT # 216-500  
SEPTEMBER 07, 2016

RELEASE: 1.0 DATE: 12.15.16



## City of Tonganoxie, Kansas

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### PLANNING STAFF REPORT

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**Case#:** 2017-003P

**Date of Report:** December 23, 2016

**Applicant Name:** Leticia Cole, Paul Werner Architects

**Property Owner Name:** Dale Pendergraft, Pendergraft Erection Services

**Subject Property Address:** Southwest Corner of Commerce Avenue and North Industrial Drive,  
Tonganoxie, KS 66086

**Application:**

*Zoning District:* "I-LT" Light Industrial District

*Type of Approval Desired:* Site Plan Approval for the construction of two new buildings and associated site improvements.

*Date of Application:* December 12, 2016

*Date of Meeting:* January 5, 2017

**Surrounding Property – Zoning and Use:**

*West:* "I-LT" Light Industrial; vacant

*South:* "I-LT" Light Industrial; vacant

*East:* "I-LT" Light Industrial; vacant

*North:* "I-LT" Light Industrial and "I-MD" Moderate Industrial; industrial uses

*Vicinity:* The property in question lies within an industrial park setting with a mix of light and moderate industrial zoning, adjacent to the north of General Business zoning along US 24 / 40. Approximately ½ of the area described is developed with the rest vacant.

**Staff Recommendation:**

Staff recommends approval.

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**COMMENTS:**

The applicant is requesting site plan approval for the construction of two new buildings and associated site improvements for two lots within the Urban Hess Business Park. The development proposes approximately 6,000 square feet of “shop” space to be constructed on Lot 14 (east lot) and approximately 1,800 of office space on Lot 15 (west lot). The site plan also include 9 parking spaces on Lot 15 to support the office use and 6 parking spaces on Lot 14 to support the shop uses. In addition to the office and shop uses proposed, the plan proposes the placement of five, 40-foot long shipping containers toward the rear of Lot 14 behind the shop.

The lots are located at the southwest corner of Commerce Avenue and N. Industrial Drive. The property is currently zoned “I-LT” Light Industrial District. The site is bounded by industrial uses on the north and vacant parcels to the east, south and west. The use of the buildings proposed is compatible with the industrial uses allowed by the “I-LT” Light Industrial and “I-MD” Moderate Industrial zoning districts in the area.

There are few details provided for the “office” structure to be built on Lot 15. The plans lack the height and design details provided for the shop use on the adjacent lot, so it is assumed it will be a similar design and all height standards will need to be confirmed and meet the standards at the time of building permit.

*Building Design and Placement*

The proposed shop building on Lot 14 meets the development regulations for height within the I-LT district at 16 feet, well within the required height maximum of 50 feet. The height of the office building proposed is not indicated on the site plan. The site plan indicates that the proposed buildings and parking areas will be located within the required setbacks for development within the I-LT District, with one exception. The setbacks for the I-LT District are 35’ in the front yard, 20 feet in the side yards and 25 feet in the rear yards. Each building is proposed to be more than 100 feet from the front parcel line along Commerce Avenue. The buildings proposed meet all the side yard setbacks within the I-LT District, except in relationship to the western lot line of Lot 14. The shop building proposed sets approximately 12 feet from the property line, encroaching into the side yard by 8 feet. These lots are in common ownership and this is developed as a single project, so this encroachment is not an immediate concern. However, if these lots were to be split and sold independently it would be non-conforming. That split and sale would therefore require a discretionary public process, whereas if each lot is conforming independently, it would not. The parking and internal driveways are setback from the property lines in all applicable yards more than the required setback defined in the I-LT District.

Five shipping containers are proposed for use on Lot 14. Shipping containers are generally prohibited as they are a non-permanent structure, however outdoor storage within the I-LT District is allowed as long as it well screened. The location of the shipping containers, behind the building and well screened by substantial landscaping from N. Industrial Avenue, make their use in this instance acceptable.

*Parking and Access*

The site plan identifies 9 parking spaces to support the office use on Lot 15, which is in conformance with the parking requirements for office use, at 1 parking space per 200 feet of building space. The site plan also identifies 6 parking spaces to support the shop use of Lot 14. This is in conformance with the I-LT parking requirements, Section 16-016, to provide 1 space for every 1,000 square feet of building.

Two new access points will be provided with this development. A single access point is provided to Lot 15 from Commerce Avenue and to Lot 14 from N. Industrial Drive. Cross access driveways are provided to allow internal access between the two lots.

### *Building Materials*

The building materials proposed include manufactured stone and metal. The base of the structure is proposed to be faced with manufactured stone and the siding of the building is proposed as metal, with a standing seam metal roof. The use of metal material in the I-LT is acceptable and the use of the structure as a shop, accessory to the office use proposed on Lot 15, has influenced the design of this building. The design while not strictly adhering to the Design Standards set forth in Section 3 of the Subdivision Regulations will complement the future design of the office use to accommodate the accessory use of the building.

### *Landscape and Screening*

Significant landscaping is provided with this development. The I-LT District requires a 20 foot landscape strip be maintained along all rights-of-way. The site plan indicates a 30 foot deep space along Commerce Avenue and N. Industrial Drive that contains most of the landscape for both lots. This space sets behind a 20 foot deep setback from the public right-of-way. A variety of trees are identified along Commerce Avenue and a significant grouping of trees and shrubs are proposed along N. Industrial Drive. This grouping of material will also provide an adequate screen for the space behind the shop on Lot 14. The dumpster is proposed to be enclosed by a solid structure screened from view on all sides. The landscaping proposed and its application generally adhere to the overall intent of the Landscaping Requirements in Section 4.0 of the Subdivision Regulations.

### *Signage*

No signage is proposed with the development.

### *Utilities*

The applicant has not provided a summary of the impacts to the stormwater and sanitary sewer caused by the proposed addition and its use.

### 1. **Recommendations of professional staff:**

[see below]

### ***Effect of Decision***

The Site Review Committee reviews Site Plan Review Requests. Based on the record and other findings of any testimony, the Site Review Committee may:

1. Recommend approval,
2. Recommend approval with conditions
3. Recommend denial.

If an application for Site plan Review is denied, an applicant can request a review by the City Council.

### ***Recommendation***

Staff recommends APPROVAL of the Site Plan Review of Lots 14 and 15 of the Urban Hess Business Center #2, at the Southwest corner of Commerce Avenue and North Industrial Drive for construction of two new buildings and associated site improvements, subject to the following conditions:

1. The “office” building on Lot 15 when developed should adhere to the site design conveyed on this site plan and all the applicable standards of the “I-LT” Light Industrial District and Sections 3, 4 and 5 of Article 9 of the Subdivision Regulations for site and building design.

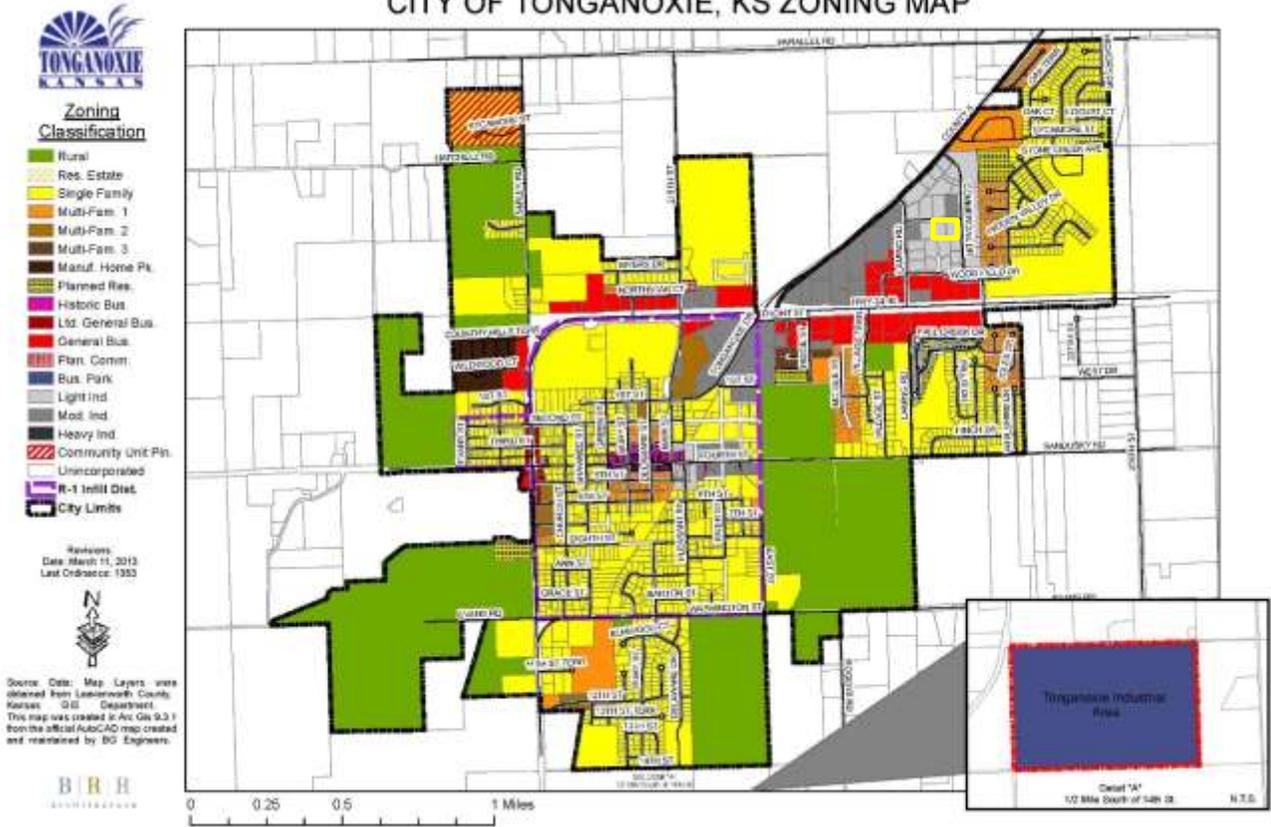
2. Relocate the "Shop" building to not encroach into the west property line side yard setback on Lot 14. This would better facilitate a potential future split or independent sale of these lots in the future.
3. The applicant shall provide an understanding of the storm water and sanitary sewer impacts cause by the development to the City Engineer, for approval, prior to the starting of construction.
4. All plant materials to be healthy specimens with maintenance or replacement for a minimum of two years.



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Chris Brewster  
Contract City Planner

# CITY OF TONGANOXIE, KS ZONING MAP



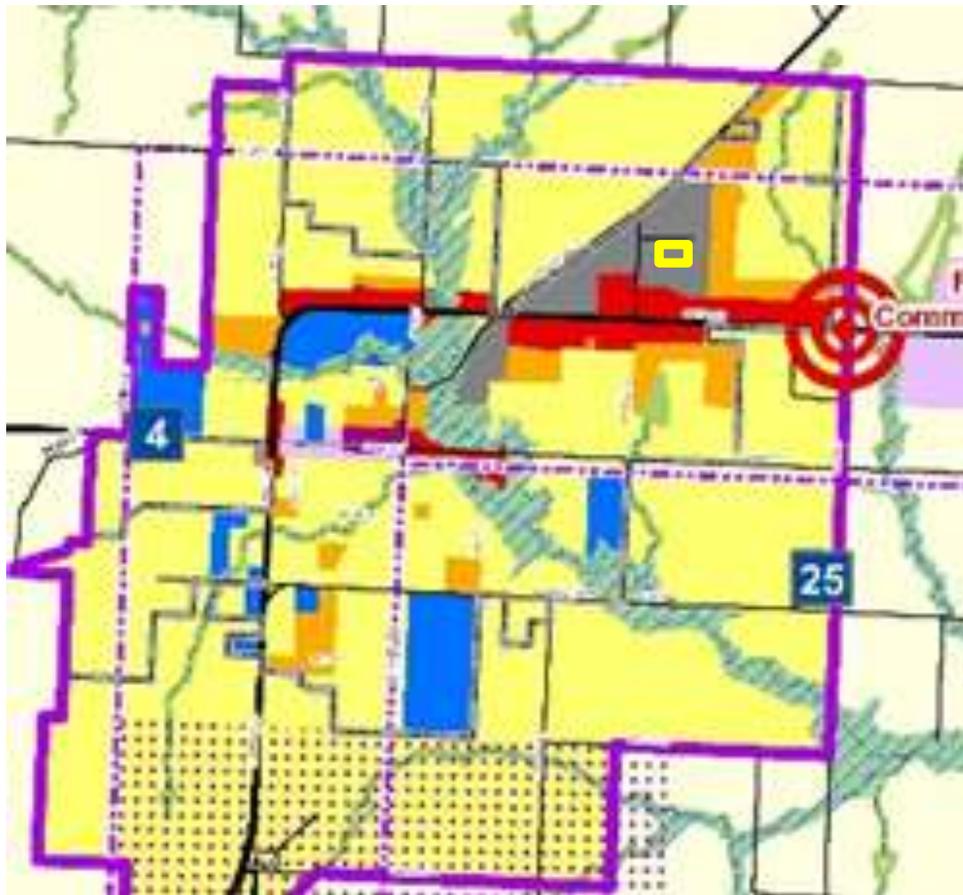
**Current City Zoning (property in red box zoned GBD)**



**Vicinity**



*Area*



*Future Land Use* (Tonganoxie Comprehensive Plan 2006)





**TO:** Jamie Shockley, City Administrator

**CC:** Kent Heskett, City Superintendent  
Chris Brewster, City Planner

**FROM:** Brian Kingsley, City Engineer, BG Consultants, Inc.

**DATE:** December 30, 2016

**RE:** Pendergraft Site Plan Review  
Site Plan Review  
16-1001L

The following are the City Engineer and staff review comments:

**Site Plan Review:**

**Issues that need to be addressed for Approval:**

- 1) The Site Plan includes proposed gravel surfacing for a lot to the rear of the proposed Shop building. I don't believe gravel surfacing is allowed in the zoning regulations for off street parking and loading regulations.
- 2) The site plan does not include existing and proposed contours. I understand that the site is relatively level. An acceptable grading plan allowing for positive drainage should be submitted prior to the beginning of construction.
- 3) Proposed utilities (potable water and sanitary sewer) should be coordinated with the City superintendent prior to the start of construction.

Issue no 1 should be decided by the City prior to approval of the site plan. Conditional approval of the site plan related to issues 2 and 3 can be considered at the City's discretion. We recommend approval of the site plan after the above issues have been addressed.

--End

SITE PLAN REVIEW APPLICATION  
City of Tonganoxie, Kansas

Please complete all of the following information (type or print):

Project Name: WIRENUTS LLC  
Project Address/Location: 304 WEST ST.  
Description: \_\_\_ New Construction \_\_\_ Addition X Exterior Remodel \_\_\_ Tenant Finish  
Other: \_\_\_\_\_

**Send Review Comments To:**

Contact Person: KELLY SHOEMAKER  
Company Name: WIRENUTS LLC  
Address: PO BOX 442  
City, State Zip: TONGANOXIE, KS 66086  
Phone Number: 913.417.7233 Fax Number: \_\_\_\_\_

**Owner/Developer** (If different from above):

Contact Person: \_\_\_\_\_  
Company: \_\_\_\_\_  
Address: \_\_\_\_\_  
City, State Zip: \_\_\_\_\_  
Phone Number: \_\_\_\_\_ Fax Number: \_\_\_\_\_

- Site Plan--buildings, walls, fences, exterior equipment, refuse disposal
- Landscape plan w/schedule
- Drainage calculations for City Engineer
- Elevations showing materials, colors, textures, etc.

Date Submitted: 12/22/16 Fee Paid: 100<sup>00</sup> Received by Patty Hays

**\*It is the responsibility of the Applicant to read and comply with all of the regulations contained in the Site Review Ordinance. Applicant should anticipate a minimum 2 week review period by City staff. Any revisions required will require additional review time.**



CITY OF TONGANOXIE  
Site Review Checklist

- Application and fee
- Projected review period and process--proposed meeting date(s) January
- Goals of the Site Review Board: (**Section 1.1**)
  - Compatibility both on the site and in the neighborhood--building arrangement and appearance, parking, access, lighting, & landscaping
  - Traffic--streets & sidewalks designed for safe movement of vehicles and pedestrians?
  - Landscaping--does the site present a pleasant public appearance, is sufficient screening & buffering provided? Location?
  - Drainage--will the improvements to the site affect the amount of water leaving the site during and after a storm? If so, how do you plan to mitigate this problem?

Preliminary Planning Meeting (Section 1.3.1)

- Site sketch
- Information concerning site and adjacent areas--contours, topography, floodplain, existing and proposed improvements, streets, driveways, drainage areas, fire hydrants

Submittal Materials (Sections 2.0, 3.0, 4.0)

- Completed application form and fee
- Engineered Stormwater Plan (**Section 1.4.5**)
- Sufficient drawings to clearly depict all requirements of plan
- Projected timeline

Stormwater Plan - Contact Brian Kingsley at BG Consultants, (785) 749-4474 for city standards concerning stormwater calculations.

Drawings (may be separate or combined)

- Site Plan (**Section 2.0**)
  - Site boundary dimensions/bearings
  - Legal description
  - On-site and adjacent streets, drives, entrances, sidewalks, medians, turning lanes, etc with widths and curb cuts.
  - Existing and proposed structures/improvements and significant vegetation (dimension)
  - Label all improvements
  - Stormwater detention areas
  - Exterior refuse and mechanical equipment locations
  - Signs--size and location
  - Loading and service areas
- Grading Plan showing finish grades/contours at 2 foot intervals (**Section 2.1.3**)
- Exterior lighting and sound--location, height and intensity of fixtures/lamps/speakers (**Section 2.1.8-9**)
- Landscaping Plan--location & schedule of landscaping materials (plants, structures, fences, walls, etc.) (**4.0**)
  - Contributes to the aesthetic appearance of site
  - Plan safeguards the natural environment
  - Provides sufficient buffering and screening
- Elevations--materials, dimensions, design, windows, doors (**Section 3.0**)
- Material samples (**Section 3.4**)
- CBD/Downtown Design Standards (**Section 3.8**)

**NOTE: This is not a comprehensive list. Please refer to the Site Review Regulations for a complete explanation of the above items. Normally, bid drawings will contain all the needed information except for stormwater calculations**

Kelly & Lynn Shoemaker  
WIRENUTS LLC  
304 West Street  
Tonganoxie, Ks 66086

December 21, 2016

Tonganoxie Zoning Commission,

We have operated our business in Tonganoxie since 2004. In an effort to better serve the community, we have purchased a larger building for our business. On November 4, 2016 we submitted an application to remodel this building at 304 West Street. On this application we indicated that we would be replacing the siding on the building. This application was approved and a building permit was issued.

At this time we also requested, from Tonganoxie City Hall, information on zoning regulations for this building. We were given a 31 page document on signs (Section 25). We were also given a 2 page document on the Limited General Business District (Section 13).

In Section 13-011, G. it states that all buildings "shall be of sound structural quality, be maintained in good repair, have a clean and neat appearance..." No reference is made to additional Sections that pertain to building materials. Please note that Sections 13-016 (Parking) and 13-017 (Signs) both make reference to other pertinent Sections.

We removed one layer of dated vinyl siding that was falling, had holes in it and some pieces were missing altogether. We then removed a layer of wood siding that was older and in worse condition. We began collecting bids for replacement siding. Our vision was a maintenance free siding that would give this building the look of a commercial business, rather than that of a house.

Bids to stucco the walls of this building (with a single color) were \$15,000 - \$20,000. This did not include the fascia or soffits of the building. The stucco contractors preferred to do this work in warmer weather. Bids to cover the entire building, except the new roof, with architectural steel (using two colors) were half this amount. Architectural steel can be installed this winter. We chose to proceed with architectural steel and the contractor we chose is ready to begin the job at this time.

On Monday December 12<sup>th</sup> we met Kent Heskett at the property to have our temporary power pole inspected, in preparation for the siding to begin. It was at this meeting that we first learned that architectural steel is not a preferred material for siding a building in the Limited General Business District.

Given this information, we are requesting permission to proceed with cladding 304 West Street in architectural steel. We believe this would give the building a clean, maintenance free, commercial appearance.

Thank you for your consideration,  
Kelly & Lynn Shoemaker

wirenutsllc@gmail.com

Google Maps 304 West St



Image capture: Mar 2016 © 2016 Google

Tonganoxie, Kansas

Street View - Mar 2016



# Google Maps 304 West St



Image capture: Mar 2016 © 2016 Google

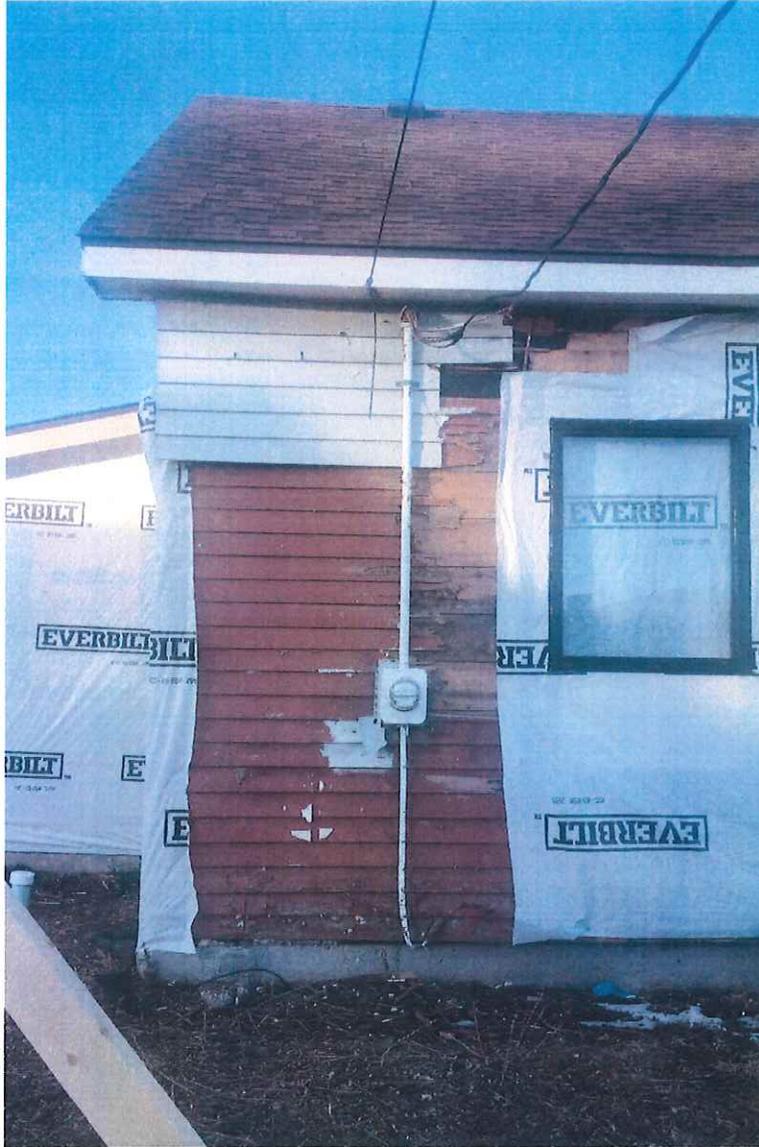
Tonganoxie, Kansas

Street View - Mar 2016



New roof  
→

Old vinyl  
over wood  
siding  
→



New windows  
with bronze  
metal  
frames  
←

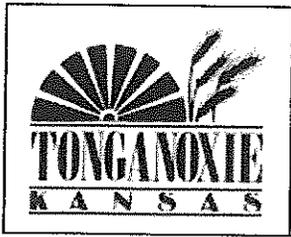
New door  
with bronze  
metal frame  
→



ARCHITECTURAL  
STEEL COLOR  
SECTION  
TAN ON TOP  
3/4 (APPROX) OF  
WALLS  
BRONZE ON  
BOTTOM 1/4  
(APPROX) OF  
WALLS  
BRONZE FACIA  
AND SOFFITS



Same colors - Different BUILDING



CITY OF TONGANOXIE
CHANGE OF ZONE REQUEST AND PROCEDURES

Date Received: 12/9/16
Fee Paid: 350.00
CR # 6137
Received By: PCH

ZONE CHANGE APPLICATION

REZONING FROM: Light Industrial

TO: General Business

SITE ADDRESS OR PROPERTY LOCATION: 1601 Commerce Drive

SIZE OF SITE (ACRE/SQUARE FEET: Lot 1.44 acres, building 1200 sq ft

ASSESSOR'S TAX PARCEL NUMBER: Tax ID 28701, Parcel ID Cama 192-03-0-00-00-017.08-0

APPLICANT: CIRE, LLC (Eric and Karen Finkbiner)

MAILING ADDRESS: 825 E. 8th St, Tonganoxie, KS 66086

PHONE NUMBER : 845-2024 (daytime) 909-9794 (cell) N/A(fax)

EMAIL ADDRESS: ekfinkbiner@gmail.com

LANDOWNER OF RECORD (if different than applicant): N/A

ADDRESS: \_\_\_\_\_

PHONE NUMBER : \_\_\_\_\_ (daytime) \_\_\_\_\_ (cell) \_\_\_\_\_ (fax)

EMAIL ADDRESS: \_\_\_\_\_

AGENT or ARCHITECT/ENGINEER /LAND PLANNER: N/A

BUSINESS ADDRESS: \_\_\_\_\_

PHONE NUMBER : \_\_\_\_\_ (daytime) \_\_\_\_\_ (cell) \_\_\_\_\_ (fax)

EMAIL ADDRESS: \_\_\_\_\_

Required materials needed to file this application:

- Application and fee
A signed affidavit
A copy of the current deed for the property and an electronic copy (Microsoft Word)
Site plan drawn to scale showing the dimensions of the property (See attached)
The existing streets and utilities serving the area (See attached)
New proposed streets and/or utilities (See attached)
Any improvements proposed, (See attached)
Surrounding property owners list (Told City would provide)
Four (4) folded copies of all plans
One (1) reduced copy (11"x17") of all plans
One (1) electronic copy of all plans (PDF)

**In accordance with Section 27-011 of the City of Tonganoxie Zoning Ordinance, please describe how the requested application is consistent with the following considerations for approving or disapproving a rezoning application:**

Briefly describe the present use and character of this property and the surrounding neighborhood:

The property is currently vacant. The majority of the neighborhood is undeveloped. The county Annex is across the street.

Briefly describe the compatibility with the zoning and uses of properties nearby:

There are two light industrial businesses in the area. Other nearby properties: county Annex, Post Office, veterinary clinic, medical clinic, bank, convenience store, and storage facility.

Briefly describe the suitability of this property for uses to which it has been restricted:

The property is well suited for light industrial use, but almost ten years of marketing has failed to attract a buyer for this purpose.

Briefly describe the extent to which the removal the restrictions will detrimentally affect nearby property.

The Kaw Valley Church of Christ would like to lease and then purchase the property. This would not seem detrimental to the area. Prolonged vacancy could be detrimental.

Briefly describe the length of time the subject property has remained vacant as zoned:

Five of the past ten years.

Briefly describe why you feel that the proposed change is suitable for this property and is the best use of this land:

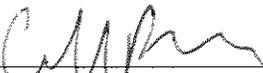
We would like for the property to be occupied, and for the area to be developed.

Briefly describe the adequacy of public utilities and infrastructure:

The public utilities and infrastructure are completely adequate.

Briefly describe how the requested change is in conformance to the adopted or recognized comprehensive plan of Tonganoxie KS

As citizens of Tonganoxie, we would to see more commercial development and occupancy of the Urban Hess Business District.

  
\_\_\_\_\_  
Signatures of owner(s):

  
\_\_\_\_\_  
Print Name

  
\_\_\_\_\_  
Signatures of owner(s):

  
\_\_\_\_\_  
Print Name

### **Change of Zone Request Required Materials**

Existing streets and utilities serving the area: The property is at the intersection of Commerce Avenue and Laming Road. Utilities currently serving the property include Westar Energy, Kansas Gas, and the City of Tonganoxie.

New proposed streets and/or utilities: None.

Any improvements proposed: None.

### **Additional Information about the Property**

We purchased this property approximately ten years ago, with the intent to open a durable medical equipment store that would serve Tonganoxie and the surrounding area. Due to changes in federal regulations shortly after the purchase, the store never opened. During the first few years we owned the property, the American Legion used the building for meetings. They were not charged any rent, but did pay utilities and maintained the building and the lot. Approximately, five years ago, the property was leased to D&G Cycles for an amount roughly equivalent to the property taxes owed. The tenant did pay for utilities and maintained the building and the lot. We have continued to pay the loan acquired to purchase the building since 2006. The property has been for sale off and on for the majority of the past ten years (even while occupied). It has been occasionally shown to prospective buyers, but no serious negotiations have ever occurred. Upon reaching a recent lease agreement with the Kaw Valley Church of Christ, we were surprised to learn of the zoning restrictions for the property. While the property is in an area with two industrial businesses, it was a retail location (plant nursery and garden store) when we purchased it with the intent to open a retail business. Additionally, this area of town is much more residential now than it was ten years ago, with many non-industrial services in the near vicinity.

We are asking for the property to be rezoned to the General Business classification as this would allow the church to move forward with their plan to purchase the property within the next three years. The congregation feels that the building and lot are ideally suited for their needs. Based on the lack of interest in the property over the past ten years, we are concerned that it will likely remain vacant for a prolonged time if zoned only for industrial use. From a personal standpoint, we will be forced to continue to pay the loan, insurance, taxes, and utilities. The agreement with the Kaw Valley Church of Christ would reduce our financial burden and benefit Tonganoxie.

# OWNERSHIP AFFIDAVIT

City of Tonganoxie  
County of Leavenworth  
State of Kansas

We, Eric Finkbiner and Karen Finkbiner being duly sworn depose and say that we are the owners of said property involved in this petition and the foregoing signatures.

Statements and answers herein contained in the information herewith submitted are in all respects true and correct to the best of our knowledge and belief.

Signed and entered this 8<sup>th</sup> day of December, 20 2016.

Eric Finkbiner 825 E 8<sup>th</sup> St Tonganoxie, KS 66086 913 848-2024  
Print Name Address Phone No.

Signature

Karen Finkbiner 825 E 8<sup>th</sup> St, Tonganoxie 848-2024  
Print Name Address Phone No.

Signature

Subscribed and sworn to before me on this 8<sup>th</sup> day of December, 2016.

Jill M. Jordan  
Notary Public Signature

Jill M. Jordan  
Notary Public Print Name

My commission expires:

3-18-17



Coffelt Land Title  
221 E. 24-40 Highway  
Tonganoxie, KS 66086  
Mailing: P. O. Box 478  
Basehor, KS 66007

C/CO  
11  
√2

6-44011

### LIMITED LIABILITY COMPANY WARRANTY DEED

THIS INDENTURE, Made on the 10-6-2006 by Greenhouse, L.L.C. (GRANTOR) duly organized under the laws of the State of Kansas of the first part, and Cire, LLC (GRANTEES), party of the second part, whose mailing address is : 825 E. 8th St., Tonganoxie-KS 66086

**WITNESSETH:** THAT THE SAID PARTIES OF THE FIRST PART, in consideration of the sum of TEN DOLLAR AND OTHER GOOD AND VAUABLE CONSIDERATION to it paid by said parties of the second part (the receipt and of which is hereby acknowledged), does by these presents, Grant, Bargain and Sell, Convey and Confirm unto the said parties of the second part, their heirs and assigns, the following described lots, tracts or parcels of land, to-wit:

LOT 2, URBAN HESS BUSINESS CENTER NO. 1, IN THE CITY OF TONGANOXIE, ACCORDING TO THE RECORDED PLAT THEREOF, IN LEAVENWORTH COUNTY, KANSAS

Subject to easements, restrictions and reservations of record, if any.

**TO HAVE AND TO HOLD** The premises aforesaid with all and singular, the rights, privileges, appurtenances and immunities thereto belonging or in any wise appertaining unto the said parties of the second part and unto their heirs and assigns forever; the said first party hereby covenanting that it is lawfully seized of an indefeasible estate in fee of the premises herein conveyed; that it has good right to convey the same; that the said premises are free and clear from any encumbrance done or suffered by it or those under whom it claims; and that it will warrant and defend the title to the said premises unto the said parties of the second part and unto their heirs and assigns forever, against the lawful claims and demands of all persons whomsoever.

IN WITNESS WHEREOF, The said party(ies) of the first part has/have caused these presents to be signed by its Member, the day and year first above written.

Greenhouse, LLC

By *Twila M. Hickman*  
Twila M. Hickman, Member

*James V. Hickman*  
James V. Hickman

ACKNOWLEDGMENT

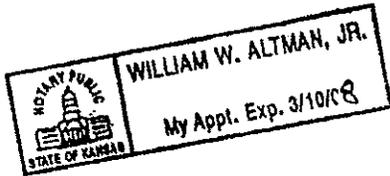
*Kansas Leavenworth 10/6/06*  
In the State of *Kansas*, County of *Leavenworth*, on this, before me, the undersigned, a Notary Public in and for said County and State, personally appeared, Twila M. Hickman\*, to me personally known to be the person(s) who executed the within Limited Liability Company Warranty Deed in behalf of said limited liability company and who, being by me duly sworn, did acknowledge to me that s/he/they executed the same as the free act and deed of said Limited Liability Company.

*\*and James V. Hickman*

WITNESS my hand and Notarial Seal subscribed and affixed in said County and State, the day and year in this certificate above written.

*William W. Altman, Jr.*  
Notary Public

MY TERM EXPIRES: *03-20-2008*



STATE OF KANSAS  
COUNTY OF LEAVENWORTH-SS  
FILED FOR RECORD

2006 OCT 17 P 2:41 8

STACY R. DRISCOLL  
REGISTER OF DEEDS

Entered in the transfer record in my office this  
*17th* day of *October*, 20 *06*  
*Stacy R. Driscoll*  
County Clerk





## City of Tonganoxie, Kansas

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### PLANNING STAFF REPORT

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**Case#:** 2017-002P

**Date of Report:** December 23, 2016

**Applicant Name:** CIRE, LLC (Eric and Karen Finkbiner)

**Property Owner Name:** CIRE, LLC (Eric and Karen Finkbiner)

**Subject Property Address:** 1601 Commerce Drive, Tonganoxie, KS 66086

**Application:**

*Zoning District:* I-LT – Light Industrial

*Type of Approval Desired:* Rezoning from “I-LT” Light Industrial to “GBD” General Business District

*Date of Application:* December 12, 2016

*Date of Meeting:* January 5, 2017

**Surrounding Property – Zoning and Use:**

*West:* I-MD Moderate Industrial; undeveloped lot

*South:* I-MD Moderate Industrial; developed lot

*East:* I-LT Light Industrial; undeveloped lot

*North:* RR – I-LT Light Industrial; undeveloped lot

*Vicinity:* The property in question lies within an industrial park setting with a mix of light and moderate Industrial zoning, adjacent to the north of General Business zoning along US 24 / 40. Approximately ½ of the area described is developed with the rest vacant.

**Staff Recommendation:**

Recommend denial.

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**SUMMARY:**

This application proposes to rezone approximately 1.44 acres from “I-LT” Light Industrial District to “GBD” General Business district. The property is part of a larger area in Northeast Tonganoxie that has been developing as the Urban Hess Business Center. The parcel in question, is zoned “I-LT” Light Industrial and the surrounding area is a mix of “I-LT” and “I-MD” Moderate Industrial Zoning. The property is currently developed with a metal building of approximately 2,500 square feet. This application is for the reuse of the property by the Kaw Valley Church of Christ. Religious Institutions are not an allowed use in the “I-LT” Light Industrial District. A religious institution is an allowable use in the “GBD” General Business District.

**ANALYSIS:**

This rezoning is requested for a developed parcel of land that currently has a vacant building on it. This property is located at the Northeast corner of Laming Road and Commerce Drive and is approximately 1.44 acres in size. The parcel was originally platted as part of the Urban Hess Business Center, which developed primarily as an industrial park, however several parcels remain vacant today.

The rezoning of the property to the General Business District open the property to wide variety of uses as defined by the Zoning Regulations. The Planning Commission must consider all potential development that could occur under the GBD zoning district. The General Business District enables a wide range of highway-oriented commercial uses. It is the City’s most intensive commercial district and does not include very extensive site design, building design or landscape standards. The proposed use of the property meets the basic development standards (10,000 s.f. lot minimum; 20-30’ setbacks, 2.5 story/35’ building heights) but they also enable a wide range of future development patterns, building types and uses.

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

**1. Character of the neighborhood.**

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

**2. Zoning and uses of properties nearby:**

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

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

The property was originally platted in 1997. The property has been developed for more than 14 years and in its current configuration for at least the past 8 years. The property was originally developed as part of the Urban Hess Business Park, designed to cluster industrial uses. Three parcels of the original 7 platted are developed today with the remaining parcels vacant. The subject property has direct access to US 24/40 through Laming Road which is adjacent to the property on the west. This access is attractive to industrial uses for delivery of goods.

The Urban Hess Business Park is one of 4 current locations within the City of Tonganoxie that are zoned for industrial uses. The other locations are immediately south of US24/40, along Tonganoxie Drive, along E. 4<sup>th</sup> Street east of Downtown Tonganoxie and the Tonganoxie Industrial Area south of town. The subject property, the second location, south of US 24/40, and the Tonganoxie Industrial Area provide larger parcels for development of industrial uses, and the Downtown location provides smaller lots for small scale industrial development. The Tonganoxie Industrial Area is a planned industrial park that has yet to see any improvements or development.

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

The rezoning of the subject property to “GBD” could detrimentally affect adjacent industrial uses by allowing incompatible uses within the business park. The park was intended to, and currently accommodates light and moderate industrial uses. Uses that can cause noise, vibration, odor, traffic and other impacts to adjacent properties. Allowing less-intensive uses in proximity to those uses could have a detrimental impact to current uses and the future development of the business park.

The development of industrial uses within a community can be difficult because of the impacts associated with that type of development. The development of the Urban Hess Business Park has defined the development pattern in this area of Tonganoxie for several years. As the community grows the need for industrial development space will be necessary. The comprehensive plan states as an industrial development principle:

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

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

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

**6. *Relative gain to the public health, safety and welfare by the destruction of the value of the landowner’s property as compared to the hardship imposed upon the landowner:***

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

warehousing. Future industrial development of the Business Park is likely to occur as the community grows.

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

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

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

- Industrial Principle: The arrangement, size, and location of industrial areas is intended to provide sufficient area for expansion of individual operations, be conveniently sited to draw from a local and regional labor pool, and be located to minimize any negative impacts that might be generated (e.g., noise, smoke, dust, toxic spills, odor, etc.).
- Industrial Policies:
  - Industrial development should be concentrated on land zoned for industrial use, promoting the proper mix of light to moderate industrial development.
  - Traffic arteries should serve as boundaries between industrial and other uses.

**8. *Recommendations of professional staff:***  
[see below]

***Effect of Decision***

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

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

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

***Recommendation***

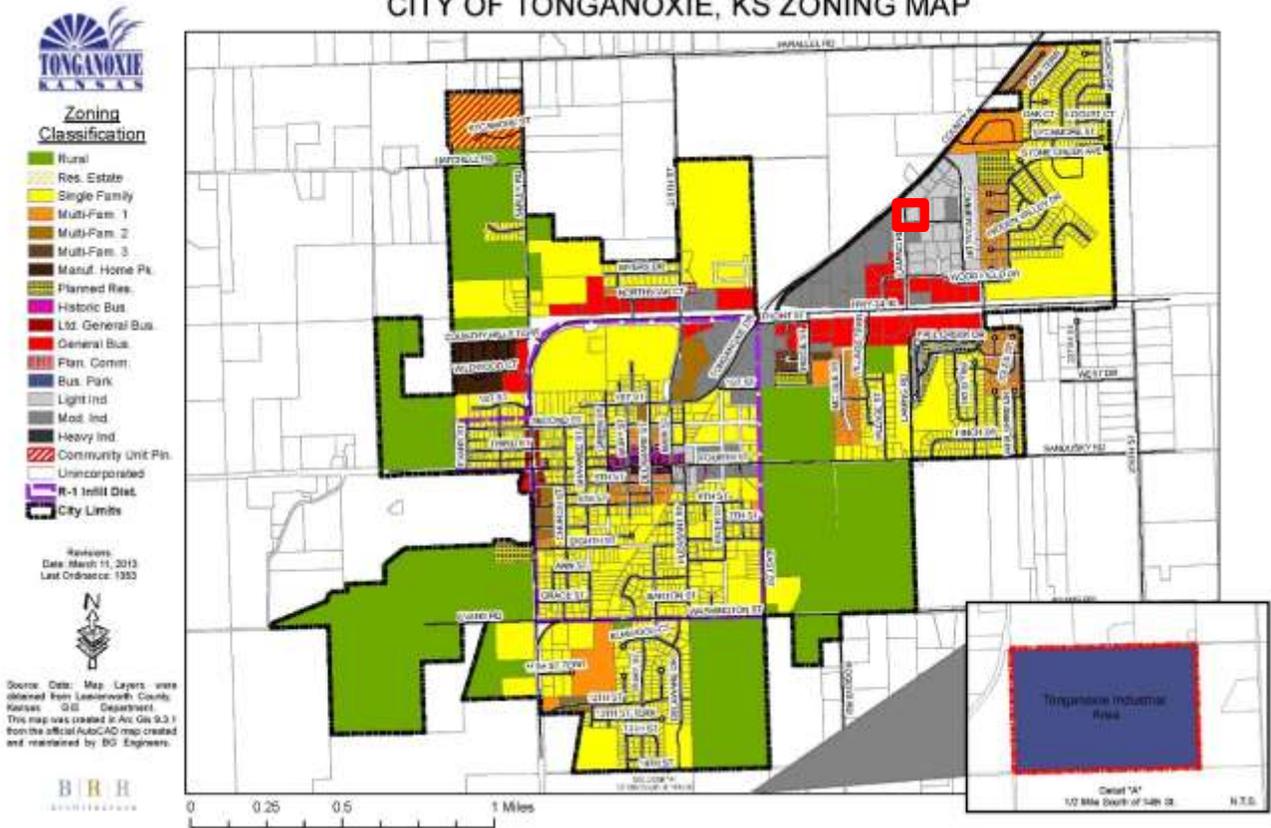
Staff recommends denial of the rezoning from "I-LT" Light industrial District to "GBD" General Business District, for the following reasons.

1. Potential uses and incompatibility – the rezoning to GBD broadens the potential uses that would be allowed in the area and would allow uses that are incompatible with the established industrial uses in the area.

- Impact to the future development of industrial uses in the city – rezoning of the parcel would reduce the amount of land available in the city for future industrial uses. The development of the Business Park is an attempt to congregate similar uses to reduce their impact to adjacent properties throughout the city.



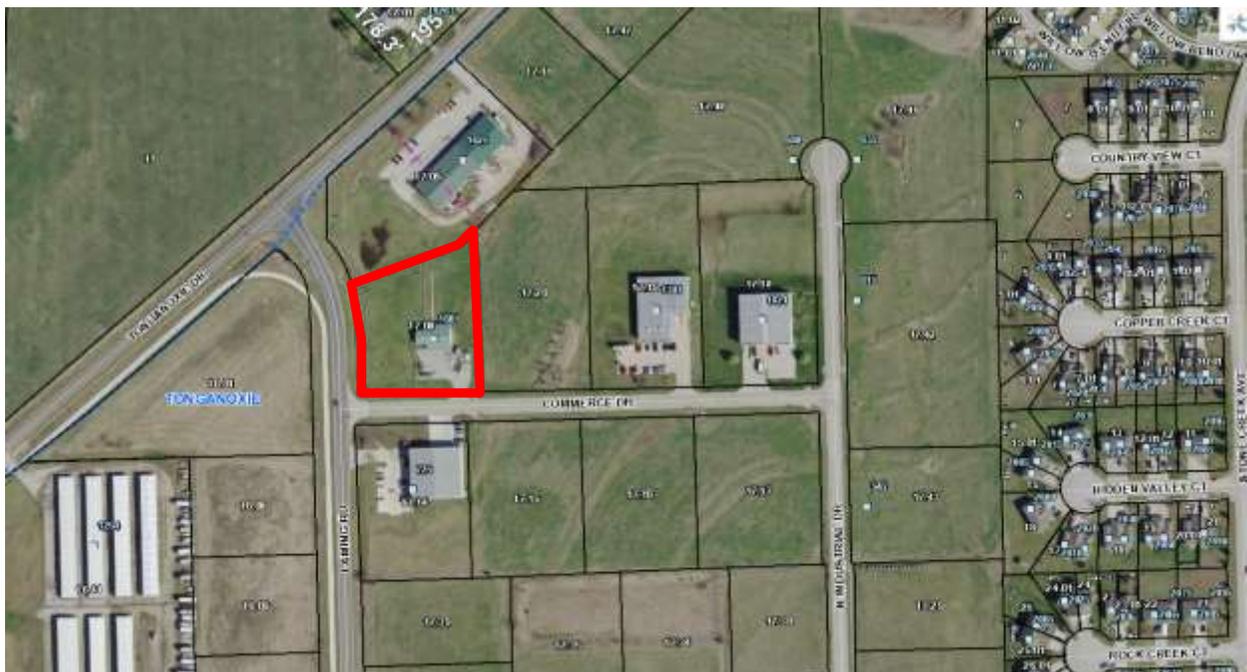
Chris Brewster  
Contract City Planner



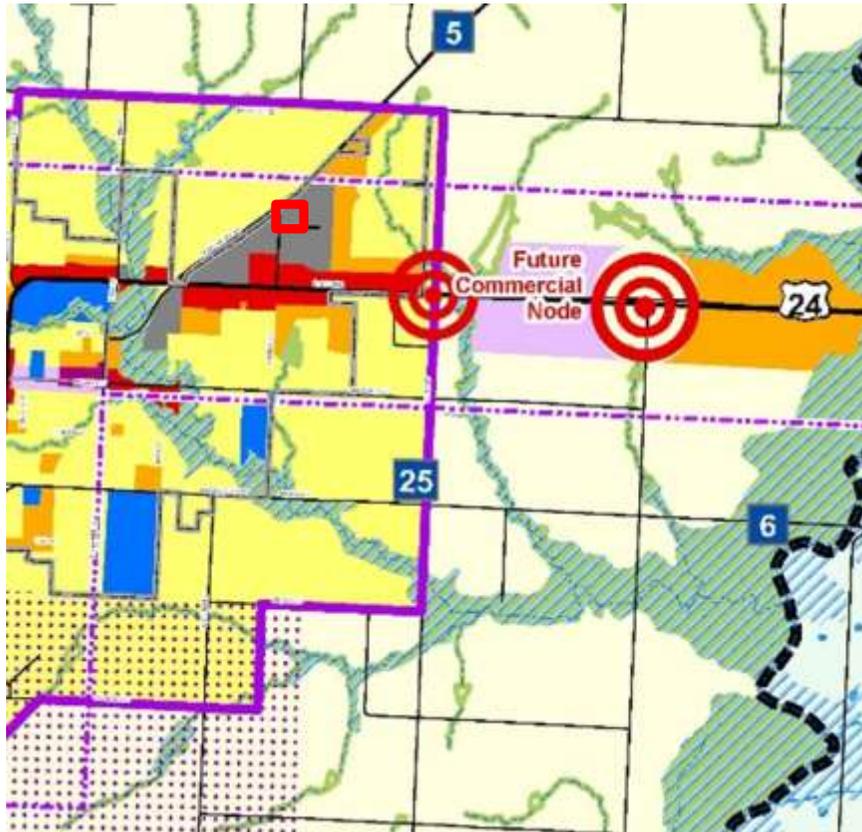
*Current City Zoning (property in red box now zoned I-LT)*



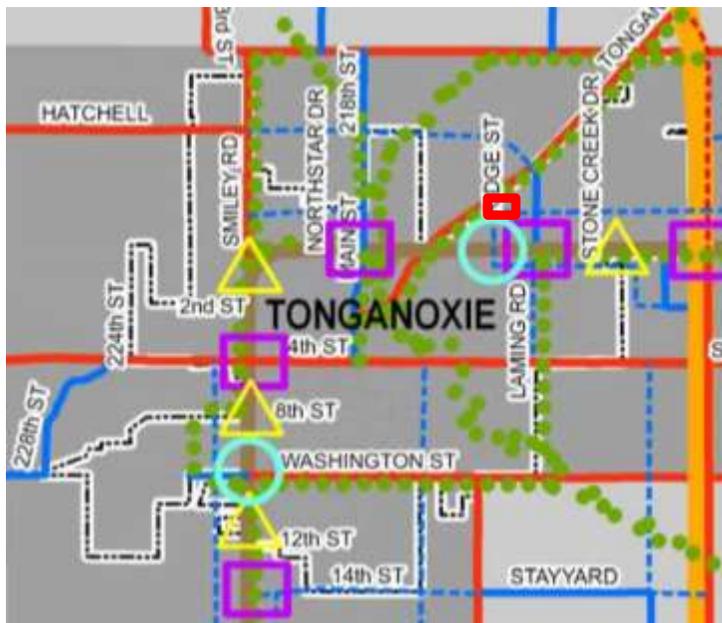
*Vicinity*



*Area*



*Future Land Use* (Tonganoxie Comprehensive Plan 2006)

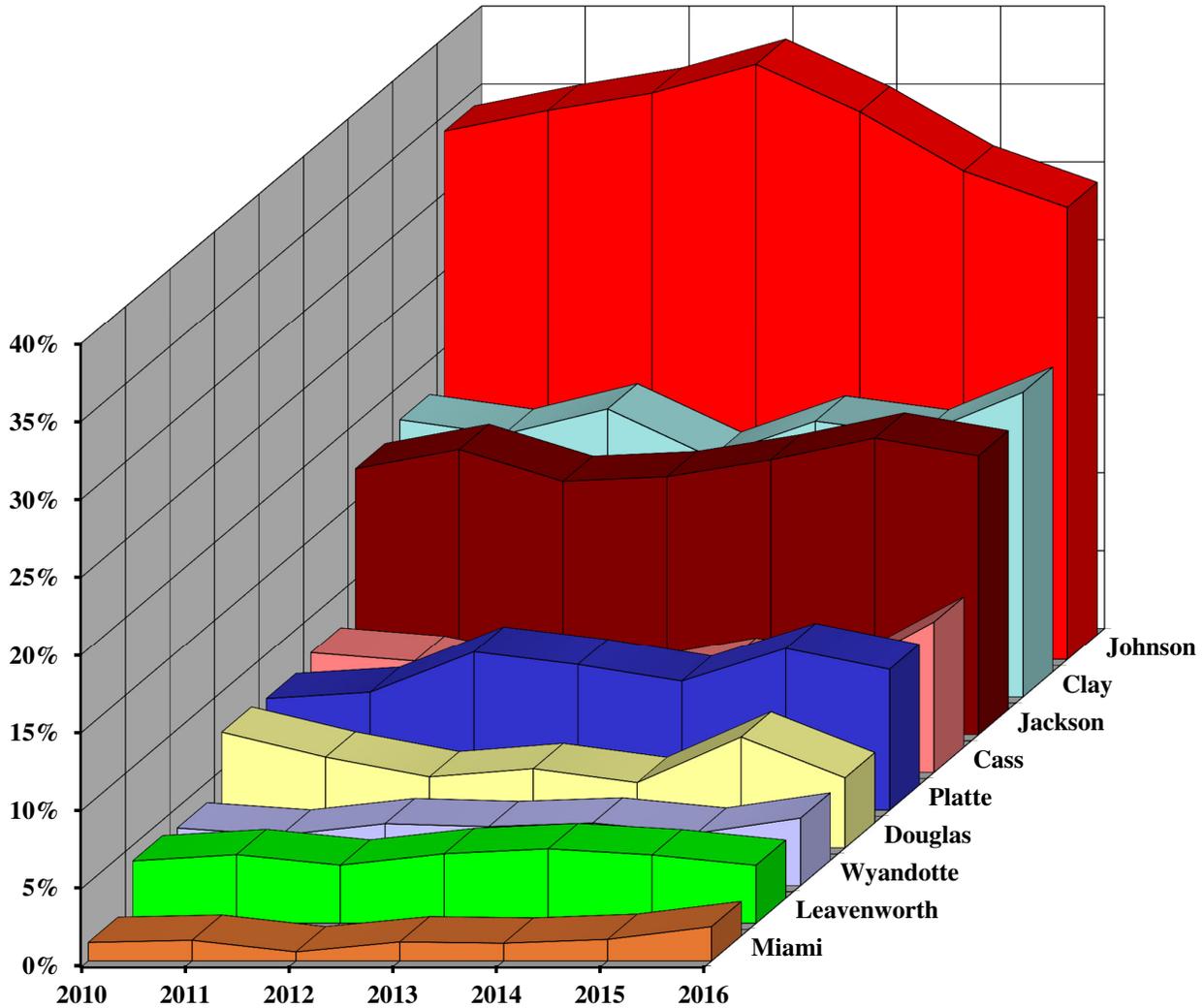


*Future Transportation* (US 24-40 Corridor Study 2009)

# Kansas City Metro, KS and MO (9 Counties)

## Market Share by County

(Based on Building Permits Issued)



County	2010	2011	2012	2013	2014	2015	2016
Johnson	33.99%	35.32%	36.43%	38.29%	35.23%	31.43%	29.09%
Clay	17.82%	16.88%	18.51%	15.40%	17.73%	16.84%	19.57%
Jackson	17.09%	18.33%	16.28%	16.58%	17.66%	19.06%	17.92%
Cass	7.68%	7.15%	5.81%	5.85%	7.02%	6.09%	9.67%
Platte	7.14%	7.55%	10.15%	9.34%	8.27%	10.37%	9.03%
Douglas	7.41%	5.81%	4.55%	5.07%	4.18%	7.10%	4.48%
Wyandotte	3.69%	3.23%	3.96%	3.77%	4.00%	3.35%	4.32%
Leavenworth	3.99%	4.40%	3.73%	4.46%	4.77%	4.38%	3.72%
Miami	1.19%	1.33%	0.59%	1.23%	1.14%	1.39%	2.20%
	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%



**November 2016**

	Single Family Units <sup>^</sup>	Multi-Family Units <sup>%</sup>	Total Units	S-F Units YTD	M-F Units YTD	Total Units YTD
<b>CASS COUNTY</b>						
Archie	0	0	0	3	0	3
Belton	2	0	2	102	0	102
Cass County	0	0	0	40	0	40
Cleveland	0	0	0	1	0	1
Drexel	0	0	0	0	0	0
Garden City	0	0	0	0	0	0
Harrisonville	0	0	0	52	0	52
Lake Winnebago	3	0	3	8	0	8
Lee's Summit	1	0	1	11	0	11
Peculiar	8	0	8	76	0	76
Pleasant Hill	6	0	6	67	0	67
Raymore	27	0	27	193	12	205
Village of Loch Lloyd	0	0	0	11	0	11
	<b>47</b>	<b>0</b>	<b>47</b>	<b>564</b>	<b>12</b>	<b>576</b>
<b>CLAY COUNTY</b>						
Clay County	9	0	9	60	0	60
Excelsior Springs	0	0	0	6	0	6
Gladstone	1	0	1	33	0	33
Kansas City	34	0	34	703	387	1090
Kearney	10	0	10	95	0	95
Lawson	0	0	0	0	0	0
Liberty	0	0	0	25	48	73
North Kansas City	4	0	4	11	0	11
Pleasant Valley	0	0	0	0	0	0
Smithville	10	0	10	111	12	123
	<b>68</b>	<b>0</b>	<b>68</b>	<b>1044</b>	<b>447</b>	<b>1491</b>
<b>JACKSON COUNTY</b>						
Blue Springs	12	0	12	161	43	204
Buckner	0	0	0	0	0	0
Grain Valley	4	0	4	100	0	100
Grandview	0	0	0	0	0	0
Greenwood	3	0	3	26	0	26
Independence	5	0	5	74	0	74
Jackson County	0	0	0	66	0	66
Kansas City	4	410	414	73	1188	1261
Lake Lotawana	0	0	0	4	0	4
Lee's Summit	27	50	77	348	66	414
Oak Grove	1	0	1	45	0	45
Raytown	0	0	0	0	0	0
Sugar Creek	0	0	0	0	0	0
	<b>56</b>	<b>460</b>	<b>516</b>	<b>897</b>	<b>1297</b>	<b>2194</b>
<b>PLATTE COUNTY</b>						
Edgerton	0	0	0	0	0	0
Kansas City	17	0	17	248	346	594
Parkville	11	0	11	53	0	53
Platte City	0	0	0	0	0	0
Platte County	7	0	7	121	0	121
Riverside	0	0	0	27	0	27
Weatherby Lake	1	0	1	15	0	15
Weston	0	0	0	0	0	0
	<b>36</b>	<b>0</b>	<b>36</b>	<b>464</b>	<b>346</b>	<b>810</b>
<b>JOHNSON COUNTY</b>						
De Soto	2	0	2	14	0	14
Edgerton	0	0	0	1	0	1
Fairway	0	0	0	6	0	6
Gardner	4	0	4	86	0	86
Johnson County	8	0	8	52	0	52
Leawood	0	0	0	45	18	63
Lenexa	18	0	18	194	459	653
Merriam	0	0	0	3	0	3
Mission Hills	0	0	0	1	0	1
Olathe	43	0	43	555	214	769
Overland Park	34	0	34	399	798	1197
Prairie Village	3	0	3	28	0	28
Shawnee	8	0	8	142	288	430
Spring Hill	14	0	14	42	0	42
Westwood	1	0	1	3	0	3
	<b>135</b>	<b>0</b>	<b>135</b>	<b>1571</b>	<b>1777</b>	<b>3348</b>

	Single Family Units <sup>^</sup>	Multi-Family Units <sup>%</sup>	Total Units	S-F Units YTD	M-F Units YTD	Total Units YTD
<b>LEAVENWORTH COUNTY</b>						
Basehor	14	0	14	95	0	95
Lansing	2	0	2	18	0	18
Leav. County	4	0	4	68	0	68
Leavenworth	0	0	0	14	0	14
Tonganoxie	13	0	13	40	0	40
	<b>33</b>	<b>0</b>	<b>33</b>	<b>235</b>	<b>0</b>	<b>235</b>
<b>WYANDOTTE COUNTY</b>						
Bonner Springs	13	0	13	22	0	22
Edwardsville	1	0	1	2	0	2
KCK/Wyandotte Co	14	0	14	227	0	227
	<b>28</b>	<b>0</b>	<b>28</b>	<b>251</b>	<b>0</b>	<b>251</b>
<b>MIAMI COUNTY</b>						
Louisburg	1	0	1	46	0	46
Miami County	8	0	8	61	0	61
Osawatomie	0	0	0	0	0	0
Paola	0	0	0	6	0	6
Spring Hill	0	0	0	5	124	129
	<b>9</b>	<b>0</b>	<b>9</b>	<b>118</b>	<b>124</b>	<b>242</b>
<b>Totals</b>	<b>412</b>	<b>460</b>	<b>872</b>	<b>5144</b>	<b>4003</b>	<b>9147</b>

**Comparison of Single Family Building Units for Greater Kansas City**  
(Cass, Clay, Jackson, Platte, Johnson, Leavenworth, Miami, Wyandotte Counties)

Month/Year	2009	2010	2011	2012	2013	2014	2015	2016
January	96	137	90	188	273	287	240	274
February	129	145	121	182	224	216	260	408
March	131	252	180	270	335	362	393	542
April	184	228	210	277	444	439	437	523
May	189	213	230	294	337	385	395	503
June	204	239	262	268	333	364	438	578
July	196	180	204	288	409	375	399	494
August	207	243	205	260	354	352	425	530
September	219	173	202	379	384	383	462	418
October	226	279	205	331	369	468	459	462
November	192	173	185	283	340	312	360	412
December	182	209	207	279	288	328	432	
<b>Annual Total</b>	<b>2,155</b>	<b>2,471</b>	<b>2,301</b>	<b>3,299</b>	<b>4,090</b>	<b>4,271</b>	<b>4,700</b>	<b>5,144</b>

**Comparison of Permits By Units Issued Year to Date**

	2009 - 2016		
	S-F Units	M-F Units	Total Units
2009	1973	692	2665
2010	2262	253	2515
2011	2094	600	2694
2012	3020	1749	4769
2013	3802	2768	6570
2014	3943	3627	7570
2015	4268	3605	7873
2016	5144	4003	9147

<sup>^</sup>The Single Family number is units and includes both attached and detached units.  
<sup>%</sup>Multi-Family units are in buildings with 5 or more units.  
 # Not available at time of report

Permit information reflects the most recent data at time of publication. In order to ensure accurate recording of residential building permit statistics, the HBA may revise monthly and year-to-date figures when updated data is made available. Copyright 2016 Home Builders Assoc of Greater Kansas City. All rights reserved.