



City of Tonganoxie Planning Commission Agenda

June 6, 2024

7:00 Regular Meeting, City Council Chambers, 303 Bury Street, Tonganoxie, KS 66086

There may be an audio recording of the meeting which will be utilized to prepare meeting minutes and the meeting may be broadcast on the City of Tonganoxie YouTube Channel

Members: Monica Gee - Patti Bitler - John Kirk – Howie Brewington - Amanda Horner - Brianna Irvin -Kirsten Moreland

Open Regular Meeting – 7:00 p.m.

I. Call to Order

II. Approval of Minutes – Regular meeting dated May 2, 2024

III. Old Business

IV. Ex Parte Communication

V. New Business

a) Consider Approval of Site Plan for Addington Brewery located at 1601 Commerce Drive, Tonganoxie, Kansas 66086

b) Annual Business Meeting

1. Election of Officers

c) Reminder of Planning Commission Meeting for July being moved to July 3, 2024

VI. General Information

VII. Adjourn



TONGANOXIE PLANNING COMMISSION

Meeting Minutes
May 2, 2024 7:00 p.m.
303 S. Bury Street

CALL TO ORDER

- Chair Monica Gee opened the meeting at 7:00 p.m.

Roll Call: Planning Commission members present were Chair Monica Gee, Vice Chair Patti Bitler, Kirsten Moreland, John Kirk, Howie Brewington, Amanda Horner and Brianna Irvin were present. City Manager George Brajkovic, Assistant City Manager Dan Porter, City Attorney Anna Krstulic, Municipal Court Clerk Lindsay Huntington, and City Planner Chris Brewster were also present.

1. APPROVAL OF PC MINUTES – February 1, 2024

- **Ms. Bitler made a motion to approve the minutes from the February 1, 2024 Commission meeting.**
- **Ms. Moreland seconded the motion.**
- **Vote of all ayes, motion carried.**

2. OLD BUSINESS

3. EX PARTE COMMUNICATION

4. NEW BUSINESS

- a) Swearing in Planning Commission Member Monica Gee and Brianna Irvin
 - Ms. Huntington swore in reappointed Planning Commissioners Ms. Gee and Ms. Irvin.
- b) Consider Approval of Amended Special Use Permit for Tongie Tykes Daycare, LLC located at 707 E. 4th Street, Tonganoxie, KS 66086
 - Mr. Brewster with Multistudio delivered the staff report for the renewal and expansion of the Special Use Permit and recommended approval of the Special Use Permit for up to five years contingent upon conditions being met.
 - Ms. Heather Smith stated even with the additional space she plans to only have 24 children enrolled. Ms. Smith stated that the State regulation is 35 square feet per kid and she could have up to 70 or 80 kids in the space but does not plan to do more than 24. Ms. Smith stated that with the additional kids one additional employee will be added.
 - Mr. Brewster stated the Special Use Permit would be transferrable to a new owner as long as the use is continual and does not lapse for any period, and the use remains within the parameters of the existing Special Use Permit.
- **Mr. Brewington made a motion to approve the renewal and expansion of the Special Use Permit subject to the conditions identified by staff.**
- **Ms. Bitler seconded the motion.**
- **Roll call vote – All ayes, motion passed.**
- c) Consider Approval of Site Plan for Polished and Decorative Concrete located at 1201 State Avenue, Tonganoxie, Kansas 66086

- Mr. Brewster with Multistudio delivered the staff report for the Site Plan for Polished and Decorative Concrete. Mr. Brewster recommended approval subject to a few conditions.
- Mr. John Chambers, 25493 Kansas Ave., Tonganoxie, KS 66086 addressed the Commissioners regarding the details of the business.
 - **Mr. Kirk made a motion to approve the Site Plan for Polish and Decorative Concrete with staff recommendations.**
 - **Ms. Moreland seconded the motion.**
 - **Roll call vote – All ayes, motion passed.**

5. GENERAL INFORMATION

a) Home Builder's Association Reports

- Mr. Brajkovic provided a brief update on the modified timeline of the downtown plan.
- Ms. Gee requested a session with staff to review the vision plan and strategic plan for the City.
- Ms. Gee also requested the slides from the recent open meeting with the school district regarding enrollment analysis be shared with all of the Commissioners.
- Ms. Moreland stated the zoom training she attended was a very good introductory training and recommended it be shared with new Commissioners.

6. ADJOURN

- **Ms. Bitler made a motion to adjourn the meeting.**
- **Mr. Kirk seconded the motion.**
- **Vote of all ayes, motion carried.**
- **Meeting adjourned at 8:07p.m.**

Respectfully submitted,



Lindsay Huntington

Lindsay Huntington, Planning Clerk

SITE PLAN REVIEW APPLICATION

City of Tonganoxie, Kansas

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

Project Name: ADDINGTON BREWERY

Project Address/Location: 1601 COMMERCE DRIVE, TONGANOXIE, KS 66086

Description: New Construction Addition Exterior Remodel Tenant Finish

Other: INTERIOR REMODEL

Send Review Comments To:

Contact Person: RANDY AND SUZANNE ADDINGTON

Company Name: SUZRAN ENTERPRISES LLC

Address: [REDACTED]

City, State Zip:

Phone Number: [REDACTED] Fax Number: [REDACTED]

Owner/Developer (if different from above):

Contact Person: _____

Company: _____

Address: _____

City, State Zip: _____

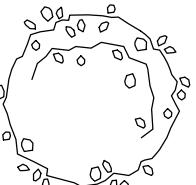
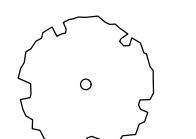
Phone Number: _____ Fax Number: _____

- 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: 2024-04-25 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.**

LEGAL DESCRIPTION: URBAN HESS BSNSS CNTR #1, S03, T11, R21E, LOT 2, ACRES 1.44

PLANTING SCHEDULE:				COPYRIGHT 2024 HOKE LEY LLC
<u>SYMBOL</u>	<u>COMMON NAME</u>	<u>BOTANICAL NAME</u>	<u>SIZE</u>	
SHADE TREES				
	SOMERSET MAPLE	ACER RUBRUM 'SUMERSET'	2" CAL	
ORNAMENTAL TREES				
	PRAIRIFIRE CRABAPPLE	MALUS 'PRAIRIFIRE'	6' HT	PROJECT:
EVERGREEN SHRUBS				
	ARMSTRONG JUNIPER	JUNIPERUS CHINESIS 'ARMSTRONGII'	18-24" SPREAD	BREWERY 1601 COMMERCE DR TONGANOXIE, KS 66086
GRASSES				
	LITTLE BLUESTEM	SCHIZACHYRIUM SCOPARIUM 'THE BLUES'	1 GAL	CLIENT: SUZRAN ENTERPRISES LLC 2716 E HICKORY COURT

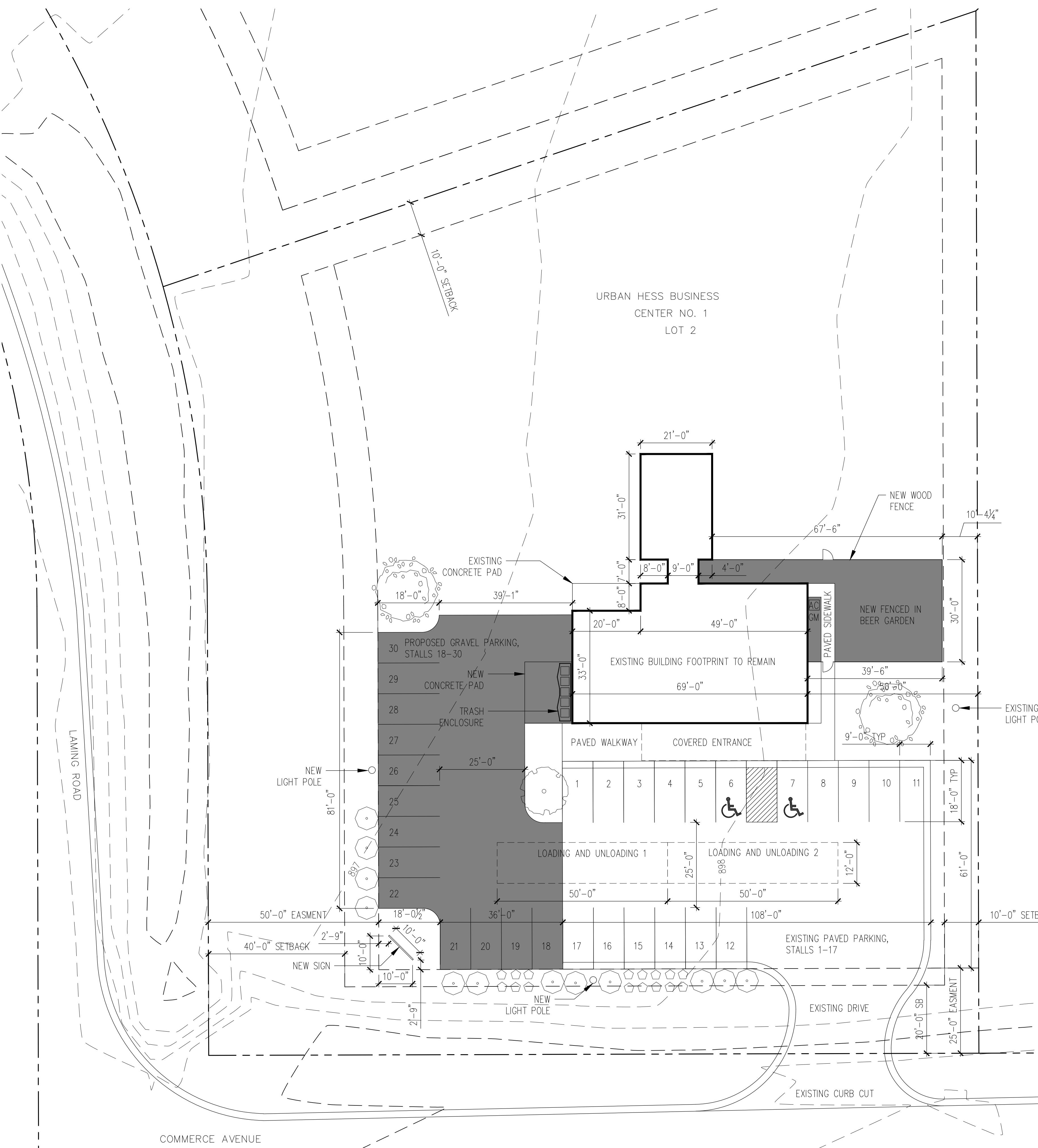
ISSUE:

DATE:

SHEET TITLE:

SHEET:

A1.0



April 24, 2024

City of Tonganoxie
Engineering Department
Attn: Brian Kingsley, P.E.,
526 E. 4th Street
Tonganoxie, KS 66086

Subject: 1601 Commerce Dr.–Stormwater Drainage Letter
Urban Hess Business Center No. 1, Lot 2

Mr. Kingsley,

This letter is to address drainage for the above referenced project. There was a previously approved drainage study that included the Urban Hess Business Center No. 1 area that was prepared by Landplan Engineering in 2002 titled Revised Drainage Study for Urban Hess Business Center Phase II. The revised drainage study included 17 lots which total 34.2 acres including two detention facilities located within the east and west drainage basins. The existing detention facilities were designed to meet the City of Tonganoxie drainage requirements and detain the 100-year storm event while meeting the pre vs post discharge flow rates.

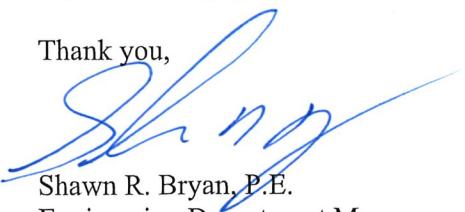
The proposed project is located on lot 2 of the Urban Hess Business Center No. 1 plat. The proposed project will add 13 additional parking stalls, and a new fenced in beer garden to the existing 1.40-acre site. These two proposed impervious areas would add approximately 6,217 sq. ft. to the existing 12,682 s.f. impervious area within the property. The existing 1.40-acre site will have a total developed area of 18,899 s.f., 0.434 acres, which will consist of gravel and concrete parking, building structure, concrete sidewalks, and a fenced beer garden area. This equates to an increase in impervious area from 21% to 31.0% with 69.0% being pervious area (open space).

The proposed site will drain as it does in the existing conditions to discharge point 1 detention area, Figure 7, of the approved drainage study. The proposed project will increase the impervious area from 21% to 31% or an increase of 6,217 s.f. The existing detention pond (discharge point 1) will not have to be modified for the increase in impervious area for the proposed project. The existing drainage study used the TR-55 method with a CN value of 94 with a coverage type of Urban Districts (commercial and business). This cover type uses an average percent impervious area of 85% for commercial and business with 0% open space area, Table 1- Composite CN Calculations. This would allow an additional 32,937 s.f. to be added to lot 2 before any detention or outfall structure modifications would need to be made to the existing detention facilities.

Based on the approved drainage study and the proposed improvements the increase in impervious area to the site (lot 2) should have minimal effect on the existing detention pond system or discharge rates for the 100-year storm event.

If you have any questions, feel free to contact me at 785-843-7530.

Thank you,


Shawn R. Bryan, P.E.
Engineering Department Manager





City of Tonganoxie, Kansas

PLANNING STAFF REPORT

Case#: 2024-04P –Addington Brewery Site Plan

Date of Report: May 30, 2024

Application: Site Plan

Date of Application: 4/25/24 (received by planning consultant via email)

Date of Meeting: June 6, 2024

Action: *A site plan requires review and approval by the Planning Commission. If the site meets the standards of the zoning district, and standards and criteria of the Site Plan Review Standards, the Planning Commission shall approve the site plan. Approval of a site plan makes the project eligible to apply for building permits.*

Applicant Name: Randy and Suzanne Addington, Suzran Enterprises LLC

Property Owner Name: LG4 LLC

Subject Property

Address: 1601 Commerce Drive

Property Size: 1.40 Acres

Zoning: I-LT Light Industrial

Legal Description: URBAN HESS BUSINESS CENTER 1, LOT 2

Surrounding Property – Zoning and Use:

West: I-MD - Moderate industrial; vacant land and outdoor storage

South: I-MD– Moderate Industrial; Leavenworth County Treasurer Annex

East: I-LT – Light Industrial; vacant land and laboratory and industrial services

North: I-LT – Light Industrial; veterinary clinic and industrial services

Staff Recommendation:

Recommend approval subject to specific conditions regarding parking surface and landscape materials.

PROJECT DESCRIPTION

A. Subject Property. The property is a 1.4-acre lot on the northeast side of Commerce Drive and Laming Road. The lot is zoned Light Industrial (I-LT), and includes an approximately 2,500 square foot building, built in 2001. The property has historically been used for light industrial activities. It abuts similar zoned property on the east boundary (abutting side) and north boundary (rear). The property on the west (across Laming Road) and south (across Commerce Drive) is zoned Moderate Industrial (I-MD). The lot is approximately 226-feet wide front by 222-feet to 306-feet deep and meets the minimum lot standards for I-MD zoning.

B. Proposal. The applicant proposes to use the existing site and building for a microbrewery including the brewing of beer and a retail component with indoor and outdoor areas to serve and consume beer. The use may be categorized as "Restaurant I or II" or "Retail Sales / Service I" – each of which are allowed in the I-LT district, subject to the generally applicable zoning standards. The Tonganoxie Zoning Ordinance and Site Plan Review Standards requires that all new construction or renovations in industrial zoning districts have a site plan reviewed and approved by the Planning Commission. In this case a new proposed use and parking area is being constructed. If the site meets the standards of the zoning district, and standards and criteria of the Site Plan Review Standards, the Planning Commission shall approve the site plan. Approval of a site plan makes the project eligible to apply for building permits, constructing permits and occupancy permits.

I. REVIEW CONSIDERATIONS

Site plans are reviewed according to all of the applicable zoning district standards as well as Article 9 of the subdivision regulations (Site Plan Review Standards). The following are the I-LT zoning standards:

	I-LT Standards	Proposed Project
<i>Lot Area</i>	1.0 acres	1.4 (existing)
<i>Lot Width</i>	100'	226' (existing)
<i>Lot Depth</i>	150'	222' – 306' (existing)
<i>Height</i>	3 stories / 50'	18' – 22' approx. / 1 story
<i>Front Setback</i>	50'	86' (existing)
<i>Side Setback</i>	25'	97' (west - existing); 50' (east - existing)
<i>Rear Setback</i>	25'	92' (existing)
<i>Parking</i>	1 space per 1,000 s.f. - industrial (22 required) 1 space per 2.5 seats – restaurant / tavern (## required)	n/a the site includes a large stabilized surface area for storage, vehicle circulation and parking, with undesignated parking spaces but has the capacity for sufficient vehicle storage.

	I-MD Standards	Proposed Project
Landscape	<p>Buffer planting (along residential property)</p> <ul style="list-style-type: none"> • 15' buffer • 6' architectural screen / fence • Large shade trees (40' on center) • Large shrubs (8' on center) • <p>Right-of-way Landscape Strip</p> <ul style="list-style-type: none"> • 20' buffer and landscape area along ROW • No specific planting requirements; performance standards <p>Other areas (storage, mechanical, screening):</p> <ul style="list-style-type: none"> • Performance standards with a combination of fence and landscape 	<ul style="list-style-type: none"> • Buffer - n/a; only applies to boarders of residential property • Right-of-way landscape strip - <ul style="list-style-type: none"> ◦ 25' – 50] ◦ No planting propose (plants focus on parking edges and building corner) • Other areas – none specified (see conditions)

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].** *Not applicable - This application proposes reuse of an existing building, and no new construction or additions are proposed.*
2. **Cladding and Roofing Materials [3.2].** *Not applicable - This application proposes reuse of an existing building, and no new construction or additions are proposed.*
3. **Visual Elements [3.3].** *Not applicable - This application proposes reuse of an existing building, and no new construction or additions are proposed.*
4. **Color / Patterns / Textures for Facades and Street Walls [3.4].** *Not applicable - This application proposes reuse of an existing building and no new construction or additions are proposed.*
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.

Trash enclosure is designated on the southwest side of the building in the parking area. The specific material of the enclosure is not included but the ordinance and site design standards requires a fence or wall compatible with the building or landscape materials or a combination. At or prior to Planning Commission, the applicant should provide details on the trash enclosure and demonstrate compliance with the ordinance prior to building permits.

No other mechanical equipment or loading areas are designated on the site. Should any be missing or be added to the plan in the future they shay be required to meet the ordinance screening requirements at that time.

The application also proposes a new fenced beer garden on the east side of the building. No materials or specifications are included for the fence. The zoning ordinance requires fences to be below 8-feet high in commercial and industrial districts and constructed out of wood, or other finished surface compatible with the building and site, and have the finished side out. At or prior to Planning Commission, the applicant should provide details on the fence plans and demonstrate compliance with the ordinance prior to building permits.

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 site, 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.).

The application includes the following landscape elements:

- 12 junipers (shade tree) on the south and west parking edges
- 16 blue stems (ornamental grass) on the south and west parking edges
- 1 crabapple tree (ornamental tree) on the southwest corner of the building
- 2 maple trees (shade tree) – one on the west and one on the east of the building near the fence beer garden

The parking edges correspond with the expansion of the existing parking area to the west on north.

The right-of-way buffer along Laming Road is approximately 50' and will be retained and the front buffer along Commerce Drive is approximately 25' and will be retained. No planting is provided in this area; however, consistent with the way staff has interpreted the landscape design criteria in Section 4.0 when applied to the Urban Hess Business Park we recommend large street trees be planted in this area (trees can be any size at planting but recommended specification is 1.5 to 2.5" caliper at planting.) Past applications along both Laming Road and Commerce drive have required 1 tree per 40' of frontage, and this would result in approximately 9 to 12 trees along the right-of-way buffer. Staff recommends the following species: Swamp White Oak, Sterling Silver Linden, Frontier Elm, State Street Miyabe Maple, or Col. Bald Cypress.

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 4 parking spaces per the industrial parking district standards, however the conversion of the use to a commercial use means that the retail / restaurant parking standards should apply. This requirement is 2.5 parking spaces per seat. This standard requires consideration of the maximum reasonable seating capacity. The application does not include a specific plan for interior space planning and seating; however, the applicant's correspondence has estimated that approximately 50 indoor seats and 25 outdoor seats would be utilized. Independently, staff used a metric based on approximately 50% of the floor area being planned for restaurant-type seating and an industry standard of 1 person for 18 square feet. For this calculation staff used the maximum indoor capacity since seasonal outdoor seating tends to result in "alternative seating" (i.e the option to sit outdoors during comfortable weather) and not necessarily additional capacity during ordinary business operations. Therefore, the required parking for this use has been calculated between 28 and 30 spaces.

The site plan indicates 17 parking spaces in the existing parking area and an additional 13 spaces in the expanded parking area to the west and north, which would exceed the calculated requirement and be in range with the appropriate parking for the proposed use. In addition to the required rate, the zoning ordinance allows the Planning Commission to evaluate and

determine that a lesser or greater amount of parking should be required. Staff feels that the 30 spaces is sufficient – particularly since the site includes room for parking expansion and it would be in the applicant's interest to accommodate that should parking be insufficient in the future.

The site plan does request that an exception to the requirement that the parking be paved. The ordinance allows the Planning Commission to grant exceptions to parking requirements in two situations – neither directly related to the current circumstance but collectively they may apply. First, the Planning Commission may defer some of the required parking until either a certain time when the Commission feels it should be required or until there is evidence of the parking being necessary. [20-010.1] Second, the Commission may grant exceptions to surfacing “such as low use parking areas such as fire safety lanes or overflow parking.” The former exception has not been frequently used but the latter has been used although typically in circulation areas or storage areas where ordinary customer traffic is not likely. In this case, the combination of the two situations could result in a deferral of the surfacing, although not the parking since it is being provided (a version of the first exception); but with a requirement that the surface be a dust-free application approved by staff and that the parking be paved according to the ordinance at the earlier of either (a) 2 years; or (b) that if frequent use or high traffic activity results in improper maintenance, dust, or other nuisance-like conditions.

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 applicant has provided a sealed letter to the City Engineer stating compliance with the previously approved drainage study that applies to this portion of the Urban Hess Business Center. This accounts for the addition of the 13 new parking stalls and the fenced beer garden. The City Engineer reviewed this project and had no comments on stormwater (See City Engineer memo dated May 16, 2024).

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.

Other than staff specific recommendations regarding the parking and right-of-way landscape buffer requirements, this application meets all other standards and does not need exceptions.

II. EFFECT OF DECISION

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

The Planning Commission may approve the site plan. However, staff recommends the following conditions or additional details prior to approval:

1. Prior to or at Planning Commission, the applicant should provide details on the trash enclosure and fence around the beer garden, and demonstrate compliance with the ordinance prior to building permits.
2. The landscape plan should be amended to include 9 to 12 street trees at the property edge (right-of-way or right-of-way buffer) and consistent with past applications on Laming Road and Commerce Drive the species should be: Swamp White Oak, Sterling Silver Linden, Frontier Elm, State Street Miyabe Maple, or Col. Bald Cypress.
3. The Planning Commission determine that the exception to the parking paving be considered, and if approved conditioned upon:
 - a. A stabilized, dust-free surface be utilized and approved by the City Engineer (see City Engineer memo dated May 16, 2024 for alternative surfaces that are acceptable); and
 - b. The exception defers the paving of the parking in compliance with the ordinance until the earlier of (1) 2 years; or (2) any occurrences of problems related to property maintenance, dust, or other nuisance type situations.



Chris Brewster
Contract City Planner

MEMO

To: George Brajkovic, City Manager
City of Tonganoxie

Cc: Dan Porter, Asst. City Manager
Kent Heskett, City Superintendent
John Zimbleman, Fire Chief
Chris Brewster, City Planner

From: Brian Kingsley, City Engineer

Date: May 16, 2024

Re: 1601 Commerce Site Plan Review
Site Plan Review
24-1001L

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

Site Plan Review (Site Plan dated: 4-25-24)

- 1) Section 20 of the Zoning Code – Off Street Parking and Loading Regulations requires off-street parking and/or loading spaces to be permanently surfaced with bituminous or concrete pavement. Pavement should be suitable for the proposed use and at a minimum meet the following criteria:
 - a. Four inches of reinforced Portland cement concrete, or
 - b. Five inches of granular rock base with two inches of asphaltic concrete, or
 - c. Seven inches of granular rock with double asphaltic prime and seal. Or
 - d. Five inches full depth asphaltic concrete

Recommended Action: We recommend that the City consider approval of the Site Plan after the applicant addresses comments to the satisfaction of the City.

--END

For questions or comments, please contact:

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

**(EXCERPT FROM PLANNING COMMISSION BYLAWS FOR REFERENCE FOR
ELECTION OF OFFICERS)**

OFFICERS

A. **Officers.** The Commission shall elect from its membership a Chair, Vice-Chair and Secretary at the regular meeting in June. Each officer shall serve for one (1) year and until a successor is elected. Any vacancy may be filled at a regular or special meeting after such vacancy.

1. Chair: The Chair shall preside at all meetings of the Commission and decide all points of order or procedure; sign all resolutions and other official papers and documents; appoint committees; and call special meetings and workshops; and perform such other duties specified in these bylaws.
2. Vice-Chair: The Vice-Chair shall perform the duties of the Chair during the absence or disability of the Chair. In the absence of both the Chair and the Vice-Chair, the members shall choose a Presiding Officer from among the members present, who shall have for the duration of the meeting all the authority and restrictions held by the Chair.
3. Secretary: The Secretary shall sign approved plats and perform the duties of the Chair during the absence or disability of the Chair and Vice-Chair.