



# *City of Bonner Springs*

## **PLANNING COMMISSION AGENDA**

CITY HALL COUNCIL CHAMBERS  
**TUESDAY, DECEMBER 13, 2011**

STUDY SESSION @ 6:00 P.M.  
REGULAR MEETING @ 7:00 P.M.

### **PLANNING COMMISSION MEMBERS:**

PLEASE CONTACT TERRY BARLOW @ 667-1710  
NO LATER THAN 12:00 NOON, TUESDAY, DECEMBER 13, 2011,  
IF YOU WILL BE UNABLE TO ATTEND

#### **PREPARED BY:**

DON E. SLONE, AICP, CFM  
PLANNING DIRECTOR

**PEOPLE**

**PLANNING**

**PROGRESS**

**City of Bonner Springs**  
**Planning Commission Agenda**  
**Tuesday, December 13, 2011**

Study Session 6:00 p.m.

- Planning Commission/Board of Zoning Appeals discussion and approval of the 2012 meeting schedule;
- Planning Commission review and discussion of Special Use Permit requirements for Telecommunication Towers; and
- Planning Commission discussion on the proposed 2012 updates to the Comprehensive Plan Vision 2025.

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Planning Commission Meeting – 7:00 p.m.

Call to Order: Time: \_\_\_\_\_

Roll Call:

**ITEM NO. 1: Approval of Minutes:** The regular Planning Commission meeting held October 25, 2011.

Motion: \_\_\_\_\_ Second: \_\_\_\_\_

# For: \_\_\_\_\_ #Against: \_\_\_\_\_

New Business:

**ITEM NO. 2: Preliminary Plat: PT-11-100, “Canaan Center - Lot 10”, 0.70 acre, one lot commercial subdivision, zoned C-2, General Business District. Requested by Wil Anderson, L.S., BHC Rhodes for Union Bank & Trust Company, property owners of record. The property is located at 10 N. 130<sup>th</sup> Terrace.**

1. Staff Presentation / Applicants Presentation
2. Public Comment

Motion: \_\_\_\_\_ Second: \_\_\_\_\_

3. Board Discussion

# For: \_\_\_\_\_ #Against: \_\_\_\_\_

**ITEM NO. 3: Final Plat: PT-11-100, “Canaan Center - Lot 10”, 0.70 acre, one lot commercial subdivision, zoned C-2, General Business District. Requested by Wil Anderson, L.S., BHC Rhodes for Union Bank & Trust Company, property owners of record. The property is located at 10 N. 130<sup>th</sup> Terrace. *(This item will be forwarded to the Governing Body on January 9, 2012)***

1. Staff Presentation / Applicants Presentation
2. Public Comment

Motion: \_\_\_\_\_ Second: \_\_\_\_\_

3. Board Discussion

# For: \_\_\_\_\_ #Against: \_\_\_\_\_

Adjournment Time: \_\_\_\_\_

# ITEM NO. 1

## Approval of Minutes of the October 25, 2011 Planning Commission Meeting

### PLANNING COMMISSION AGENDA Tuesday, December 13, 2011, 7:00 P.M.

<b>PRESENT</b>	Carter	_____
	Pierce	_____
<b>&amp; VOTE:</b>	Neal	_____
	Parks	_____
	Neff	_____
	Stephan	_____
	Krone	_____

**MOTION:** \_\_\_\_\_

**SECOND:** \_\_\_\_\_

**ACTION:** MAKE A MOTION TO APPROVE THE MINUTES OF THE PLANNING COMMISSION MEETING ON OCTOBER 25, 2011

**STAFF RECOMMENDATION:** STAFF RECOMMENDS APPROVAL OF THE MINUTES

**NARRATIVE:** The minutes of the October 25, 2011 meeting are attached.

**PLANNING COMMISSION MEETING MINUTES**  
**Tuesday, October 25, 2011 AT 7:00 P.M.**

**MEMBERS PRESENT:** Dave Pierce, Robin Neal, Merle Parks, Sherri Neff, Craig Stephan and Jason Krone

**MEMBERS ABSENT:** Dan Carter

**STAFF PRESENT:** Don Slone, AICP, CFM, Planning Director  
Terry Barlow, Departmental Administrative Assistant  
Bill Legge, P.E., City Engineer

Chairman Parks called the meeting to order at 7:02 p.m. and asked for a roll call. Roll call is listed above.

Chairman Parks introduced **Item No. 1: Approval of Minutes** and called for a motion to approve the minutes of the August 23, 2011 Planning Commission meeting. Commissioner Pierce made a motion to approve the minutes with the corrections and Commissioner Stephan seconded the motion. Chairman Parks asked if there were any questions or other comments concerning the minutes. Seeing none, he called for the vote. The motion passed unanimously.

Commissioner Tom Gray resigned from the Planning Commission effective immediately.

Commissioner Stephan wanted the Planning Commission to recognize Tom Gray for his service to the City of Bonner Springs as a Planning Commissioner.

**NEW BUSINESS**

Chairman Parks introduced **Item No. 2: Site/Landscape Plan: ST-11-102, "Sterling Screen Printing Addition"** located at 23825 W. 40<sup>th</sup> Street. Requested by Chris Herre, AIA, Rose Design Group, Inc. for Chris Routh, Sterling Screen Printing, Inc. property owners of record. The site/landscape plan is being submitted in order to construct a 14,700 square foot building addition and associated parking.

Chairman Parks asked for Staff presentation. Staff presented its recommendations to the Planning Commission. Staff recommends approval with the conditions listed in the Staff report.

Chairman Parks asked if the applicant would like to address the Planning Commission. **Chris Herre, AIA, Rose Design Group, Inc.**, stated that they are in agreement with all conditions except the 70% rule and are asking for a waiver concerning Section 10, Article 5.3. Mr. Herre also stated that he did not agree with the Planning Director's comments on seeing the west and south elevations if you are driving north on K-7 Hwy. If you are looking at the road, you will not see the buildings at all and if you are looking at the buildings you are not looking at the road. The Planning Director stated that he was a passenger when he was able to see the building.

Chairman Parks asked if the owner would like to address the Planning Commission. **Chris Routh, Sterling Screen Printing, Inc.** stated that he is asking for the variance on the 70% rule because of the cost. It would put a great burden on the company. His employees are skilled laborers and with the economy the way it is, would greatly affect his business if he had to put additional money into the building. He cannot afford the 70% rule without affecting his market shares and business plan. He feels that the building looks good.

Chairman Parks asked if the applicant had any further comments. Seeing none he called for a motion. Commissioner Stephan made a motion to approve with the conditions listed in the Staff report. His motion does not include the waiver of the 70% rule. Commissioner Pierce seconded.

Chairman Parks asked if the Planning Commission had any questions or comments. Commissioner Krone asked about the timeline for the final addition. Chairman Parks also asked about expansion in the future. Mr. Routh stated that they are planning on buying out another business in a few years when the economy is better and adding on to the south side of the building.

Commissioner Pierce asked if they could use a different type of material and Mr. Routh stated that would not be any more cost effective than the material they already have on the building.

Commissioner Stephan asked if the Planning Commission could table the item and have Staff look at a new proposal. Mr. Slone said there was no reason to table the item as the submitted Site/Landscape Plan does meet the minimum submittal requirements of the Zoning Ordinance listed under Article V, Section 10: Site Plans and Article XXX: Landscape Regulations except for the 70% Material Rule. It is up to the Planning Commission to determine if they want to approve the item with the waiver or not.

Chairman Parks again asked about the future expansion to the south. The south and west elevations do not meet the 70% rule and do not match the other elevations on the existing building or the elevations on the submitted site plan. The east side of the building is not visible from K-7 Hwy but still does not meet the 70% rule.

Chairman Parks asked Mr. Routh if he was requesting to have the waiver of the 70 % rule on the east elevation as well as the west and south elevations. Mr. Routh stated yes he would like the waiver and would remove the material changes from the east elevation as well.

Chairman Parks asked if there were any further questions or comments from the Planning Commission. Seeing none he called for a vote. It was clarified that the motion made was to approve the item with the conditions listed in the Staff report and did not include approval of the waiver.

Commissioner Pierce voted no as he thought the applicant and Planning Commission could work something out.

Commissioner Neal voted yes stating they needed to comply with regulations even with the economy.

Chairman Parks voted yes stating that with even more expansion it all needs to look alike.

Commissioner Neff voted yes with no comment.

Commissioner Stephan voted yes stating that if they allow this to pass with the waiver then any other business will expect the same.

Commissioner Krone voted yes stating staff might want to look at the 70% rule. The applicant needs to stay with the standards that are in place.

Motion passed 5-1.

Chairman Parks introduced **Item No. 3: Landscape Plan: LP-11-100, “McDonald’s”** located at 606 S. 130<sup>th</sup> Street. Requested by David Hertz, Dobski & Associates for the McDonald’s Corporation, property owners of record. The landscape plan is being submitted to amend the Landscape Plan approved on March 22, 2004. The request is in order to relocate trees that were required and address the locations of those trees that will be removed as part of the K-7 Highway Corridor improvements.

Chairman Parks asked for Staff presentation. Staff presented its recommendations to the Planning Commission. Staff recommended approval subject to the listed conditions. The Planning Director stated that all the conditions of approval have been met and the new trees have been planted.

Chairman Parks asked if anyone in the audience had any questions. Seeing none he called for a motion. Commissioner Pierce made a motion to approve with the conditions listed in the Staff report. Commissioner Stephan seconded.

Chairman Parks asked if there were any questions or comments from the Planning Commission. Seeing none he called for a vote. Motion passed unanimously.

Chairman Parks introduced **Item No. 4: Zoning Ordinance Amendment: BSZP-119: “Sandwich Board Signs/Special Event Signs”**: The Governing Body requests the Planning Commission consider an amendment to Article XXXI: Sign Regulations of the Zoning Ordinance to allow Sandwich Board Signs without the requirement to issue a Sign Permit.

Chairman Parks opened the public hearing at 7:59 p.m. and asked for Staff presentation. Staff presented its recommendations to the Planning Commission. Staff recommended approval. The Planning Director stated that the Planning Commission had discussed this issue during our Study sessions on July 26<sup>th</sup> and again on August 23<sup>rd</sup>. The Planning Director stated these changes are “business friendly” changes to our Sign Regulations and that he would be glad to answer any questions the Planning Commission may have.

Chairman Parks asked if anyone in the audience had any questions or comments. Seeing none he closed the public hearing at 8:04 p.m. and asked for a motion. Commissioner Stephan made a motion to approve with a second from Commissioner Neal.

Chairman Parks asked if the Planning Commission had any questions or comments. Seeing none he called for a vote. Motion passed unanimously.

The Planning Director stated that he will forward this item to the Governing Body on November 28, 2011 with a Planning Commission recommendation of approval.

Chairman Parks asked if there was any further discussion or other items. Seeing none, he adjourned the meeting at 8:06 p.m.

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Planning Commission Secretary

# ITEM NO. 2

**Preliminary Plat: PT-11-100, "Canaan Center - Lot 10"**, 0.70 acre, one lot commercial subdivision, zoned C-2, General Business District. Requested by Wil Anderson, L.S., BHC Rhodes for Union Bank & Trust Company, property owners of record. The property is located at 10 N. 130<sup>th</sup> Terrace.

## PLANNING COMMISSION MEETING

**Tuesday, December 13, 2011 at 7:00 P.M.**

<b>PRESENT</b>	Carter	_____
	Pierce	_____
<b>&amp; VOTE:</b>	Neal	_____
	Parks	_____
	Neff	_____
	Stephan	_____
	Krone	_____

**MOTION:** \_\_\_\_\_

**SECOND:** \_\_\_\_\_

**ACTION:** MAKE A MOTION TO APPROVE

**STAFF RECOMMENDATION:** STAFF IS RECOMMENDING APPROVAL OF THIS ITEM SUBJECT TO THE CONDITIONS LISTED IN THE STAFF REPORT

**NARRATIVE:** A staff report is included in the agenda. Staff will be present to answer any questions.

**PRELIMINARY PLAT: "CANAAAN CENTER - LOT 10"****Case No.:** PT-11-100**Applicant:** Wil Anderson, L.S., BHC Rhodes**Engineer:** Brett Carlgren, P.E., BHC Rhodes**Surveyor:** Wil Anderson, LS, BHC Rhodes**Owners:** Union Bank & Trust Company**Location:** 10 N. 130<sup>th</sup> Terrace (New address to be assigned)**Zoning:** C-2, General Business District**Land Use Summary:****Total Tract Acreage:** 13.28 acres (See attached map of the Original Tract-Prior to July 16, 2007)**Number of Tracts:** 3 (See attached map of the Tract Configuration-After July 16, 2007 Split)**Lot 10:** 0.708 acres**Size of Lot:** 30,526 sq.ft.**Easements Dedicated:** As shown on the Preliminary Plat**Dedicated Rights-of-Way:** No additional Right-Of-Way being dedicated with this plat**Exhibits:** Preliminary Plat; map of the Original Tract; map of the Tract Configuration-After July 16, 2007 Split and the background documentation.**Staff Recommendation:**

The Development Staff recommends approval of the Preliminary Plat subject to these conditions:

1. Under the General Notes, add a new Note 4 to read: Zoning: C-2, General Business District; and
2. Resubmit three (3) signed sealed full sized paper copies and (1) digital copy of the "revised" Preliminary Plat to the Planning Department that addresses the above condition.

**Background:**

This request is to plat the corner tract, shown as Tract 3 (10 N. 130<sup>th</sup> Terrace) on the attached map of the Tract Configuration-After July 16, 2007. The other two tracts shown as Tract 1 (12 S. 130<sup>th</sup> Street) and Tract 2 (13040 Ridge Drive) will then be in conformance for lot split purposes after they file the final plat with the County. The actions taken by the previous owner on July 16, 2007 violated the City's Subdivision Regulations as the Planning Commission did not approve the tract split in accordance with Article V: Lot Splits of the Subdivision Regulations prior to the sale of the property. The previous owner filed the Warranty Deed with the County which was a violation of the Subdivision Regulations. (*See Warranty Deed, Quit Claim Deed, violation letter and documentation attached*)

This action, if approved, will allow the Planning Director to issue a letter to recognize the two (2) tracts to be in conformance for tax purposes as desired by the current property owners. The previous owner sold Tract 2 to HIE of Bonner Springs, LLC on July 16, 2007 and a Quit Claim Deed was filed on June 10, 2009 to Sunflower Hotels, LLC the current owner.

**Planning Director's Comments:**

1. Under the General Notes, add a new Note 4 to read: Zoning: C-2, General Business District.

**Note:** The Proposed Curb Inlet and Future Sewer and Drainage lines will be constructed in conjunction with the site development and are not part of this plat and are shown for reference purposes only. The comments listed below from the Utilities Department, Atmos Energy and AT&T is noted for future reference and is part of this approval.

**Review Comments from Other Departments/Agencies:**

**City Engineer:** No objections.

**Building Official:** No objections.

**Economic Development:** No objections.

**Public Works:** No objections.

**Utilities:**

1. The Utilities Department has no objections to the proposed plat. Eight-inch (8") water service is available on Ridge Drive and 130<sup>th</sup> Terrace and eight-inch (8") gravity sanitary sewer is available on the east side of 130<sup>th</sup> Terrace.

**Atmos Energy:**

1. Atmos Energy has no objections to the proposed plat. We have gas service on the south side of Ridge Drive and on the east side of 130<sup>th</sup> Terrace.

**AT&T:**

1. AT&T has no objections to proposed plat. Per our plant records, there does not appear to be any AT&T facilities in conflict with the proposed plans, however, any relocation of AT&T facilities to accommodate this development it would be billable to the developer.

**Time Warner:** Outside their service area.

**Westar Energy:** No objections.

**WYCO Mapping:** No objections.

**WYCO Surveyor:** No objections.





(Original Tract-Prior to July 16, 2007)  
13.28 acres  
12 S. 130<sup>th</sup> Street

131ST

CANAAN CENTER

130TH

130TH

RIDGE

I-70

I-70





TREE CITY USA

# City of Bonner Springs



July 31, 2007

James A. Denham, President  
Canaan Development, Inc.  
4851 S. 13<sup>th</sup> St.  
Leavenworth, KS 66048

## Re: Violation of the Subdivision Regulations of the City of Bonner Springs

Dear Mr. Denham:

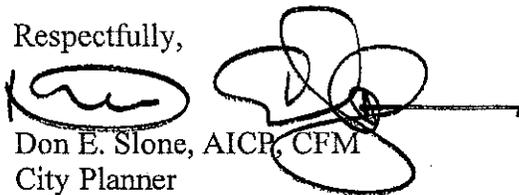
I am writing to inform you that the split and sale of part of your property located in the unplatted portion of the Canaan Center Development to HEI of Bonner Springs, LLC, under parcel # 959807, filed under Kansas Corporation Warranty Deed in Wyandotte County; Book 5409, Pages 886-848 on July 16, 2007 is in violation of the Subdivision Regulations, Article V, Lots Splits adopted by the City of Bonner Springs. This split is also in violation of the Kansas Statutes, KSA-12-752. Wyandotte County has contacted us and will not split the property as it is in violation of not only our regulations but also violates how they divide parcels as well.

I have spoken to you on numerous occasions to have the property platted in order to convey any tracts within the remaining unplatted property. The County has indicated that since they cannot split the parcel the property tax bill will continue to be sent to you as they will not recognize this Deed of Transfer as they cannot divide this parcel.

No building permits will issued in accordance with the Subdivision Regulations, Article V, Section 6, Building Permit, for any tract(s) within the unplatted portion until the preliminary and final plats have been approved by the City and filed with the County.

If you have any questions, please do not hesitate to contact me at 913.667.1708.

Respectfully,



Don E. Slone, AICP, CFM  
City Planner

Cc: Brian Hunt, CBO, Building Official

Scott Hinz  
HIE of Bonner springs, LLC  
c/o Comfort Suites  
3000 N. 103<sup>rd</sup> Terrace  
Kansas City, KS 66109



\* 2 0 0 7 R - 1 5 3 8 7 3 \*

2007R-15387

REGISTER OF DEEDS  
WYANDOTTE COUNTY, KS  
RECORDED ON

07/16/2007 02:56:35PM

DEED FEE: 10.00

TECHNOLOGY FEE: 6.00

PAGES: 3

Bk:5409 Pg:846 848

389

PARCEL #	959807
MAILING ADDRESS FOR TAX STATEMENTS:	
Grantee	
13031 Ridge Ave	
Bonner Springs KS 66012	

Old Republic Title  
2100 Hutton Road Ste 101.  
Kansas City, KS 66109  
913-788-9800

File # 07060312

Parcel No. 959807

### KANSAS CORPORATION WARRANTY DEED

THIS INDENTURE, Made this 11<sup>th</sup> day of July 2007, AD, by and between

Canaan Development, Inc., a Kansas Corporation, GRANTOR

a corporation, duly organized, incorporated and existing under and by virtue of the laws of the State of Kansas and having its principal place of business as 4851 S 13<sup>th</sup> St Leavenworth Kansas 66048, party of the first part, and

HIE of Bonner Springs, LLC., a Kansas Limited Liability Company, GRANTEE

of the County of Johnson, State of Kansas, party of the second part.

WITNESSETH: THAT SAID PARTY OF THE FIRST PART, in consideration of the sum of TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION, the receipt of which is hereby acknowledged, does by these presents, GRANT, BARGAIN, SELL AND CONVEY, unto the said party of the second part, his heirs and assigns, all the following described real estate, situated in the County of Wyandotte and State of Kansas, to-wit:

See attached exhibit A Parcel # 959807

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

TO HAVE AND TO HOLD THE SAME, Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in any wise appertaining, forever. And said corporation, for itself, its successors and assigns, does hereby covenant, promise and agree to and with said party of the second part, that at the delivery of these presents it is lawfully seized in its own right of an absolute and indefeasible estate of inheritance, in fee simple, of and in all and singular the above granted and described premises, with the appurtenances, that the same are free, clear, discharged and unincumbered of and from all former and other grants, titles, charges, estates, judgments, taxes, assessments and incumbrances, of what nature or kind soever:

12 S. 130<sup>th</sup> St  
Bonner Springs, KS  
66012-9144

and that it will warrant and forever defend the same unto the said party of the second part, his heirs and assigns, against said party of the first part, its successors and assigns, and all and every person or persons whomsoever, lawfully claiming or to claim the same, except as hereinbefore stated and except all taxes, general and special, not now due and payable.

IN WITNESS WHEREOF, The said party of the first part has herunto caused this Deed to be signed on its behalf of its President, thereunto duly authorized so to do, the day and year last above written.

**Canaan Development, Inc., a Kansas Corporation**

[Signature]  
By: James A. Denham, President

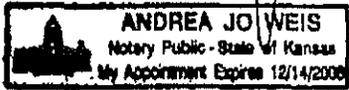
**ACKNOWLEDGMENT**

STATE OF Kansas  
COUNTY OF Wyandotte )ss.

BE IT REMEMBERED, That on this 11<sup>th</sup> day of July 2007 AD, before me, the undersigned, a Notary Public, in and for the County and State aforesaid, came **James A. Denham, President of Canaan Development, Inc., a Kansas Corporation**, personally known by me to be the same person(s) who executed the within instrument of writing and duly acknowledged the execution of the same on behalf of said corporation.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal on the day and year last above written.

[Signature]  
Notary Public



12-14-2008

## Exhibit "A" Attachment

A tract of land in the Northwest Quarter of Section 17, Township 11 South, Range 23 East of the 6th Principal Meridian, Bonner Springs, Wyandotte County, Kansas, lying Southwest of LOTS 7 AND 8 CANAAN CENTER and West of LOT 9 CANAAN CENTER, both subdivisions of land in the City of Bonner Springs, Wyandotte County, Kansas, being described as follows: Beginning at the Southwest corner of Lot 7, LOTS 7 AND 8 CANAAN CENTER; thence South 88 degrees 19 minutes 57 seconds West, along the South line of Lot 8, LOTS 7 AND 8 CANAAN CENTER and its Westerly extension, 331.98 feet; thence South 01 degrees 11 minutes 57 seconds East, 296.95 feet, to a point on the North right of way line of Ridge Drive as said right of way is now established; thence North 88 degrees 15 minutes 10 seconds East, along said North right of way line, 334.80 feet, to the point of intersection of said North right of way line and the Southerly extension of the West line of LOT 9 CANAAN CENTER, a subdivision of land in the City of Bonner Springs, Wyandotte County, Kansas; thence North 01 degrees 44 minutes 39 seconds West, along said West line of LOT 9 CANAAN CENTER and its Southerly extension, 296.48 feet, to the point of beginning.

LOTS 7 AND 8 CANAAN CENTER

LOT 8

PARKING

LOT 7



FND. 1/2" REBAR

SET 1/2" REBAR

S 88°19'57" W 331.98'

S 01°11'57" E 296.95'

TRACT A  
UNPLATTED

CONTAINS:

98,920.641 SQ. FT. OR 2.27 ACRES

NOTE: THE MAJORITY OF THIS TRACT IS  
HEAVILY WOODED

N 01°44'39" W 296.48'

LOT 9 CANAAN  
CENTER

UNPLATTED

130TH ST. TERR.  
130TH ST. TERR.  
H101

SET 1/2" REBAR

60.00

SET 1/2" REBAR

N 88°15'10" E 334.80'

RIDGE DRIVE RIDGE DRIVE

PARKING

CANAAN CENTER HOTELS

POINT OF BEGINNING  
Fnd. 1/2" Iron Bar w/KSI S

PARKING



2009R-08335

REGISTER OF DEEDS  
WYANDOTTE COUNTY, KS  
RECORDED ON

06/10/2009 02:40:05PM

QUIT CLAIM FEE: 8.00

TECHNOLOGY FEE: 4.00

PAGES: 2

Bk:5612 Pg:388 389

PARCEL #	Mapping
MAILING ADDRESS FOR TAX STATEMENTS:	
% Scott Hinz	
9920 Skyview Lane	
Lenexa KS 66220	

QUIT CLAIM DEED - GENERAL

THIS INDENTURE, made this 8<sup>th</sup> day of June, 2009, between HIE OF BONNER SPRINGS, LLC, a Kansas limited liability company, (hereinafter referred to as "Grantor"), and SUNFLOWER HOTELS, LLC, a Kansas limited liability company, (hereinafter referred to as "Grantee"). Tax Statement shall be mailed to c/o Scott Hinz, 9920 Skyview Lane, Lenexa, KS 66220.

WITNESSETH, that said Grantor, for and in consideration of the sum of ONE DOLLAR (\$1.00) to Grantor duly paid, the receipt whereof is hereby duly acknowledged, has sold, and by these presents does GRANT, BARGAIN, SELL, RELEASE AND FOREVER QUIT CLAIM unto the said Grantee, Grantee's heirs and assigns forever, all of the following described tract, piece, and parcel of land, situated in Wyandotte County, Kansas, to-wit:

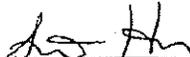
SEE EXHIBIT "A" ATTACHED, Parcel #959807.

TO HAVE AND TO HOLD THE SAME, together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, forever.

Pursuant to K.S.A. 79-1437, a real estate validation questionnaire is not required due to exemption number 4.

IN WITNESS WHEREOF, Grantor has hereunto set Grantor's hands and seals the day and year first above written.

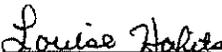
HIE OF BONNER SPRINGS, LLC

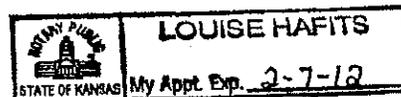
  
BY: SCOTT HINZ, Chief Executive Officer

STATE OF KANSAS        )  
                                  ) ss.  
COUNTY OF JOHNSON    )

BE IT REMEMBERED, that on this 8<sup>th</sup> day of June, 2009, before me, the undersigned, a notary public in and for the County and State aforesaid, came HIE OF BONNER SPRINGS, LLC, by SCOTT HINZE, Chief Executive Officer, who is personally known to me to be the same person who executed the foregoing instrument, and duly acknowledged the execution of the same.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my notary seal of the day and year last above written.

  
NOTARY PUBLIC



## Exhibit "A" Attachment

A tract of land in the Northwest Quarter of Section 17, Township 11 South, Range 23 East of the 6th Principal Meridian, Bonner Springs, Wyandotte County, Kansas, lying Southwest of LOTS 7 AND 8 CANAAN CENTER and West of LOT 9 CANAAN CENTER, both subdivisions of land in the City of Bonner Springs, Wyandotte County, Kansas, being described as follows: Beginning at the Southwest corner of Lot 7, LOTS 7 AND 8 CANAAN CENTER; thence South 88 degrees 19 minutes 57 seconds West, along the South line of Lot 8, LOTS 7 AND 8 CANAAN CENTER and its Westerly extension, 331.98 feet; thence South 01 degrees 11 minutes 57 seconds East, 296.95 feet, to a point on the North right of way line of Ridge Drive as said right of way is now established; thence North 88 degrees 15 minutes 10 seconds East, along said North right of way line, 334.80 feet, to the point of intersection of said North right of way line and the Southerly extension of the West line of LOT 9 CANAAN CENTER, a subdivision of land in the City of Bonner Springs, Wyandotte County, Kansas; thence North 01 degrees 44 minutes 39 seconds West, along said West line of LOT 9 CANAAN CENTER and its Southerly extension, 296.48 feet, to the point of beginning.

# ITEM NO. 3

**Final Plat:** PT-11-100, "Canaan Center - Lot 10", 0.70 acre, one lot commercial subdivision, zoned C-2, General Business District. Requested by Wil Anderson, L.S., BHC Rhodes for Union Bank & Trust Company, property owners of record. The property is located at 10 N. 130<sup>th</sup> Terrace.

## PLANNING COMMISSION AGENDA Tuesday, December 13, 2011, 7:00 P.M.

<b>PRESENT</b>	Carter	_____
	Pierce	_____
<b>&amp; VOTE:</b>	Neal	_____
	Parks	_____
	Neff	_____
	Stephan	_____
	Krone	_____

**MOTION:** \_\_\_\_\_

**SECOND:** \_\_\_\_\_

**ACTION:** MAKE A MOTION TO APPROVE

**STAFF RECOMMENDATION:** STAFF IS RECOMMENDING APPROVAL OF THIS ITEM SUBJECT TO THE CONDITIONS LISTED IN THE STAFF REPORT

**NARRATIVE:** A staff report is included in the agenda. Staff will be present to answer any questions. This item will be forwarded to the Governing Body on January 9, 2012.

**FINAL PLAT: "CANAAAN CENTER - LOT 10"****Case No.:** PT-11-100**Applicant:** Wil Anderson, L.S., BHC Rhodes**Engineer:** Brett Carlgren, P.E., BHC Rhodes**Surveyor:** Wil Anderson, LS, BHC Rhodes**Owners:** Union Bank & Trust Company**Location:** 10 N. 130<sup>th</sup> Terrace (New address to be assigned)**Zoning:** C-2, General Business District**Land Use Summary:****Total Tract Acreage:** 13.28 acres (See attached map of the Original Tract-Prior to July 16, 2007)**Number of Tracts:** 3 (See attached map of the Tract Configuration-After July 16, 2007 Split)**Lot 10:** 0.708 acres**Size of Lot:** 30,526 sq.ft.**Easements Dedicated:** As shown on the Final Plat**Dedicated Rights-of-Way:** No additional Right-Of-Way being dedicated with this plat**Exhibits:** Final Plat; Preliminary Plat (for reference purposes); map of the Original Tract; map of the Tract Configuration-After July 16, 2007 Split and the background documentation.**Staff Recommendation:**

The Development Staff recommends approval of the submitted Final Plat subject to these conditions:

1. Change all year date blocks from 2011 to 20\_\_ as the Final Plat will be approved in 2011 and acceptance of the dedications in early 2012;
2. Under the Tax and Assessment Certificate statement remove the City Clerk signature line;
3. Under Easement Dedication statement, change the Unified Government of WYCO /KCK to City of Bonner Springs, Kansas;
4. Under the General Notes, add a new Note 5 to read: Zoning: C-2, General Business District;
5. Add the Flood Statement under the General Notes as shown on the Preliminary Plat;
6. The property owners shall pay for one (1) new Street Sign @ \$135.00 (130<sup>th</sup> Terrace and Ridge Drive). A check in the amount of \$135.00 payable to the City of Bonner Springs to be paid to the Planning Department prior to filing the Final Plat;
7. Resubmit one (1) digital copy of the "revised" Final Plat to the Planning Department that addresses all the above conditions for the Planning Director's review and approval prior to producing the mylars;
8. The surveyor shall furnish two (2) original signed/sealed mylars along with the filing fee of \$20.00 made payable to the Register of Deeds; the "Section Corner(s) Tie Report" and fee as required by KSA-58-2003; and
9. The Planning Department will file the Final Plat and provide a digital copy of the filed Final Plat to the surveyor for his clients.

**Background:**

This request is to plat the corner tract, shown as Tract 3 (10 N. 130<sup>th</sup> Terrace) on the attached map of the Tract Configuration-After July 16, 2007. The other two tracts shown as Tract 1 (12 S. 130<sup>th</sup> Street) and Tract 2 (13040 Ridge Drive) will then be in conformance for lot split purposes after they file the final plat with the County. The actions taken by the previous owner on July 16, 2007 violated the City's Subdivision Regulations as the Planning Commission did not approve the tract split in accordance with Article V: Lot Splits of the Subdivision Regulations prior to the sale of the property. The previous owner filed the Warranty Deed with the County which was a violation of the Subdivision Regulations. *(See Warranty Deed, Quit Claim Deed, violation letter and documentation attached)*

This action, if approved, will allow the Planning Director to issue a letter to recognize the two (2) tracts to be in conformance for tax purposes as desired by the current property owners. The previous owner sold Tract 2 to HIE of Bonner Springs, LLC on July 16, 2007 and a Quit Claim Deed was filed on June 10, 2009 to Sunflower Hotels, LLC the current owner.

**Planning Director's Comments:**

1. Change all year date blocks from 2011 to 20\_\_ as the final plat will be approved in 2011 and acceptance of the dedications in early 2012;
2. Under the Tax and Assessment Certificate statement remove the City Clerk signature line;
3. Under the General Notes, add a new Note 5 to read: Zoning: C-2, General Business District;
4. Add the Flood Statement under the General Notes as shown on the Preliminary Plat;
5. The property owners shall pay for one (1) new Street Sign @ \$135.00 (130<sup>th</sup> Terrace and Ridge Drive). A check in the amount of \$135.00 payable to the City of Bonner Springs to be paid to the Planning Department prior to filing the final plat;
6. The surveyor shall furnish two (2) original signed/sealed mylars along with the filing fee of \$20.00 made payable to the Register of Deeds; the "Section Corner(s) Tie Report" and fee as required by KSA-58-2003; and
7. The Planning Department will file the Final Plat and provide a digital copy of the filed Final Plat to the surveyor for his clients.

**Review Comments Received from Other Departments/Agencies**

**City Engineer:** No objections.

**Building Official:** No objections.

**Economic Development:**

1. Under Easement Dedication, Unified Government of WYCO /KCK should be changed to City of Bonner Springs, Kansas.

**Public Works:** No objections.

**Utilities:** No objections.

**Atmos Energy:** No objections.

**AT&T:** No objections.

**Time Warner:** Outside their service area.

**Westar Energy:** No objections.

**WYCO Mapping:** No objections.

**WYCO Surveyor:**

1. Per Kansas Minimum Standards, there needs to be mention of the 100-year Floodplain on the face of the plat. (See the Planning Director's Condition No. 4)







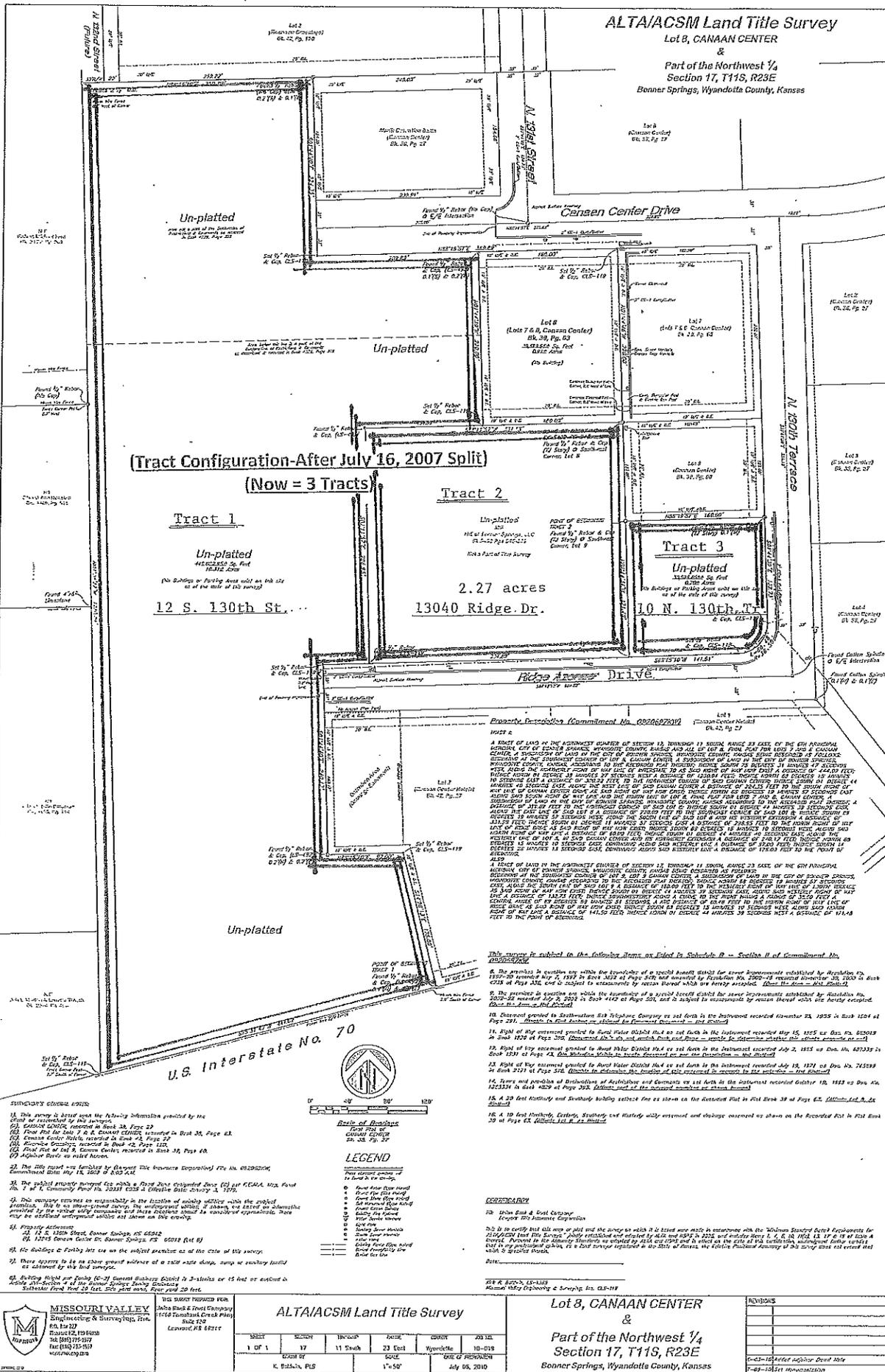
(Original Tract-Prior to July 16, 2007)  
13.28 acres  
12 S. 130<sup>th</sup> Street

CANAAN CENTER

RIDGE

I-70

I-70



**ALTA/ACSM Land Title Survey**

Lot 8, CANAAN CENTER  
&  
Part of the Northwest 1/4  
Section 17, T11S, R23E  
Bonner Springs, Wyandotte County, Kansas

**(Tract Configuration-After July 16, 2007 Split)**  
**(Now = 3 Tracts)**

**Tract 1**  
Un-platted  
44,652.56 Sq. Feet  
16,312.00 Acres  
(No Buildings or Other Structures on this site as of the date of this survey)

**Tract 2**  
Un-platted  
154,200.00 Sq. Feet  
4.42 Acres  
2.27 acres  
13040 Ridge Dr.

**Tract 3**  
Un-platted  
1,200.00 Sq. Feet  
0.03 Acres  
10 N. 130th St.

U.S. Interstate No. 70



**LEGEND**

- 1. Lot or Block
- 2. Survey Line
- 3. Survey Point
- 4. Survey Station
- 5. Survey Line
- 6. Survey Point
- 7. Survey Station
- 8. Survey Line
- 9. Survey Point
- 10. Survey Station

This survey is subject to the following items or filed by Subtitle B - Section II of Commission No. 0828062310

- The premises in question are within the boundaries of a recorded easement established by Resolution No. 17838 recorded July 18, 2007 in Book 23 of Page 438 of the Official Public Records of Wyandotte County, Kansas.
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**MISSOURI VALLEY**  
Surveying & Mapping, Inc.  
P.O. Box 212  
Bonner Springs, MO 64609  
Tel: (816) 755-9177  
Fax: (816) 755-9167  
www.mvsurvey.com

THIS SURVEY PREPARED FOR:  
Johna Block & David Company  
1024 Founders Creek Blvd.  
Suite 210  
Lawrence, MO 66044

ALTA/ACSM Land Title Survey						
SHEET	SECTION	TOWNSHIP	RANGE	COUNTY	STATE	DATE
1 OF 1	17	11 South	23 East	Wyandotte	Kansas	10-01-10
SCALE						1"=50'
DATE OF PREPARATION						July 06, 2010

Lot 8, CANAAN CENTER  
&  
Part of the Northwest 1/4  
Section 17, T11S, R23E  
Bonner Springs, Wyandotte County, Kansas

PROVISIONS	
0-43-10	Refer neighbor deed file
7-43-10	Refer neighbor deed file



TREE CITY USA

# City of Bonner Springs



July 31, 2007

James A. Denham, President  
Canaan Development, Inc.  
4851 S. 13<sup>th</sup> St.  
Leavenworth, KS 66048

**Re: Violation of the Subdivision Regulations of the City of Bonner Springs**

Dear Mr. Denham:

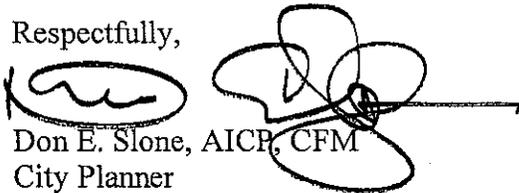
I am writing to inform you that the split and sale of part of your property located in the unplatted portion of the Canaan Center Development to HEI of Bonner Springs, LLC, under parcel # 959807, filed under Kansas Corporation Warranty Deed in Wyandotte County; Book 5409, Pages 886-848 on July 16, 2007 is in violation of the Subdivision Regulations, Article V, Lots Splits adopted by the City of Bonner Springs. This split is also in violation of the Kansas Statutes, KSA-12-752. Wyandotte County has contacted us and will not split the property as it is in violation of not only our regulations but also violates how they divide parcels as well.

I have spoken to you on numerous occasions to have the property platted in order to convey any tracts within the remaining unplatted property. The County has indicated that since they cannot split the parcel the property tax bill will continue to be sent to you as they will not recognize this Deed of Transfer as they cannot divide this parcel.

No building permits will issued in accordance with the Subdivision Regulations, Article V, Section 6, Building Permit, for any tract(s) within the unplatted portion until the preliminary and final plats have been approved by the City and filed with the County.

If you have any questions, please do not hesitate to contact me at 913.667.1708.

Respectfully,

  
Don E. Slone, AICP, CFM  
City Planner

Cc: Brian Hunt, CBO, Building Official

Scott Hinz  
HIE of Bonner springs, LLC  
c/o Comfort Suites  
3000 N. 103<sup>rd</sup> Terrace  
Kansas City, KS 66109



2007R-15387

REGISTER OF DEEDS  
WYANDOTTE COUNTY, KS  
RECORDED ON

07/16/2007 02:56:35PM

DEED FEE: 10.00

TECHNOLOGY FEE: 6.00

PAGES: 3

Bk:5409 Pg:846 848

389

PARCEL # 959807
MAILING ADDRESS FOR TAX STATEMENTS:
Grantee
13031 Ridge Ave
Bonner Springs KS 66012

Old Republic Title  
2100 Hutton Road Ste 101.  
Kansas City, KS 66109  
913-788-9800

File # 07060312

Parcel No. 959807

### KANSAS CORPORATION WARRANTY DEED

THIS INDENTURE, Made this 11<sup>th</sup> day of July 2007, AD, by and between

Canaan Development, Inc., a Kansas Corporation, GRANTOR

a corporation, duly organized, incorporated and existing under and by virtue of the laws of the State of Kansas and having its principal place of business as 4851 S 13<sup>th</sup> St Leavenworth Kansas 66048, party of the first part, and

HIE of Bonner Springs, LLC., a Kansas Limited Liability Company, GRANTEE

of the County of Johnson, State of Kansas, party of the second part.

WITNESSETH: THAT SAID PARTY OF THE FIRST PART, in consideration of the sum of TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION, the receipt of which is hereby acknowledged, does by these presents, GRANT, BARGAIN, SELL AND CONVEY, unto the said party of the second part, his heirs and assigns, all the following described real estate, situated in the County of Wyandotte and State of Kansas, to-wit:

See attached exhibit A Parcel # 959807

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

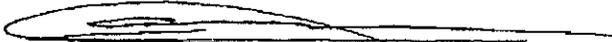
TO HAVE AND TO HOLD THE SAME, Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in any wise appertaining, forever. And said corporation, for itself, its successors and assigns, does hereby covenant, promise and agree to and with said party of the second part, that at the delivery of these presents it is lawfully seized in its own right of an absolute and indefeasible estate of inheritance, in fee simple, of and in all and singular the above granted and described premises, with the appurtenances, that the same are free, clear, discharged and unincumbered of and from all former and other grants, titles, charges, estates, judgments, taxes, assessments and incumbrances, of what nature or kind soever:

12 S. 130<sup>th</sup> St  
Bonner Springs, KS  
66012-9144

and that it will warrant and forever defend the same unto the said party of the second part, his heirs and assigns, against said party of the first part, its successors and assigns, and all and every person or persons whomsoever, lawfully claiming or to claim the same, except as hereinbefore stated and except all taxes, general and special, not now due and payable.

IN WITNESS WHEREOF, The said party of the first part has hereunto caused this Deed to be signed on its behalf of its President, thereunto duly authorized so to do, the day and year last above written.

**Canaan Development, Inc., a Kansas Corporation**

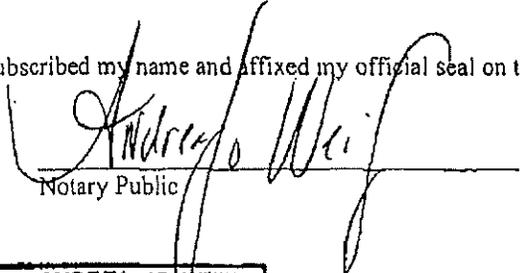
  
By: James A. Denham, President

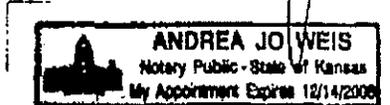
**ACKNOWLEDGMENT**

STATE OF Kansas )  
COUNTY OF Wyandotte )ss.

BE IT REMEMBERED, That on this 11<sup>th</sup> day of July 2007 AD, before me, the undersigned, a Notary Public, in and for the County and State aforesaid, came **James A. Denham, President of Canaan Development, Inc., a Kansas Corporation**, personally known by me to be the same person(s) who executed the within instrument of writing and duly acknowledged the execution of the same on behalf of said corporation.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal on the day and year last above written.

  
Notary Public



12-14-2008

## Exhibit "A" Attachment

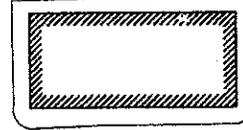
A tract of land in the Northwest Quarter of Section 17, Township 11 South, Range 23 East of the 6th Principal Meridian, Bonner Springs, Wyandotte County, Kansas, lying Southwest of LOTS 7 AND 8 CANAAN CENTER and West of LOT 9 CANAAN CENTER, both subdivisions of land in the City of Bonner Springs, Wyandotte County, Kansas, being described as follows: Beginning at the Southwest corner of Lot 7, LOTS 7 AND 8 CANAAN CENTER; thence South 88 degrees 19 minutes 57 seconds West, along the South line of Lot 8, LOTS 7 AND 8 CANAAN CENTER and its Westerly extension, 331.98 feet; thence South 01 degrees 11 minutes 57 seconds East, 296.95 feet, to a point on the North right of way line of Ridge Drive as said right of way is now established; thence North 88 degrees 15 minutes 10 seconds East, along said North right of way line, 334.80 feet, to the point of intersection of said North right of way line and the Southerly extension of the West line of LOT 9 CANAAN CENTER, a subdivision of land in the City of Bonner Springs, Wyandotte County, Kansas; thence North 01 degrees 44 minutes 39 seconds West, along said West line of LOT 9 CANAAN CENTER and its Southerly extension, 296.48 feet, to the point of beginning.

LOTS 7 AND 8 CANAAN CENTER

LOT 8

PARKING

LOT 7



FND. 1/2" REBAR

SET 1/2" REBAR

S 88°19'57" W 331.98'

S 01°11'57" E 296.95'

TRACT A  
UNPLATTED

CONTAINS:  
98,920.641 SQ. FT. OR 2.27 ACRES

NOTE: THE MAJORITY OF THIS TRACT IS  
HEAVILY WOODED

N 01°44'39" W 296.48'

LOT 9 CANAAN  
CENTER

UNPLATTED

SET 1/2" REBAR

60.00

SET 1/2" REBAR

N 88°15'10" E 334.80'

RIDGE DRIVE RIDGE DRIVE

130TH ST. TERR.  
130TH ST. TERR.  
1101

PAI

CANAAN CENTER HOTELS

PARKING

POINT OF BEGINNING  
/ Fnd. 1/2" Iron Bar w/KSI \$

PARKING



2009R-08335

REGISTER OF DEEDS  
WYANDOTTE COUNTY, KS

RECORDED ON

06/10/2009 02:40:05PM

QUIT CLAIM FEE: 8.00

TECHNOLOGY FEE: 4.00

PAGES: 2

Bk:5612 Pg:388 389

PARCEL # <u>Mapping</u>
MAILING ADDRESS FOR TAX STATEMENTS: <u>% Scott Hinz</u>
<u>9920 Skyview Lane</u>
<u>Lenexa KS 66220</u>

QUIT CLAIM DEED - GENERAL

THIS INDENTURE, made this 8<sup>th</sup> day of June, 2009, between HIE OF BONNER SPRINGS, LLC, a Kansas limited liability company, (hereinafter referred to as "Grantor"), and SUNFLOWER HOTELS, LLC, a Kansas limited liability company, (hereinafter referred to as "Grantee"). Tax Statement shall be mailed to c/o Scott Hinz, 9920 Skyview Lane, Lenexa, KS 66220.

WITNESSETH, that said Grantor, for and in consideration of the sum of ONE DOLLAR (\$1.00) to Grantor duly paid, the receipt whereof is hereby duly acknowledged, has sold, and by these presents does GRANT, BARGAIN, SELL, RELEASE AND FOREVER QUIT CLAIM unto the said Grantee, Grantee's heirs and assigns forever, all of the following described tract, piece, and parcel of land, situated in Wyandotte County, Kansas, to-wit:

SEE EXHIBIT "A" ATTACHED, Parcel #959807.

TO HAVE AND TO HOLD THE SAME, together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, forever.

Pursuant to K.S.A. 79-1437, a real estate validation questionnaire is not required due to exemption number 4.

IN WITNESS WHEREOF, Grantor has hereunto set Grantor's hands and seals the day and year first above written.

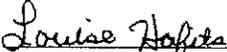
HIE OF BONNER SPRINGS, LLC

  
BY: SCOTT HINZ, Chief Executive Officer

STATE OF KANSAS        )  
                                  ) ss.  
COUNTY OF JOHNSON    )

BE IT REMEMBERED, that on this 8<sup>th</sup> day of June, 2009, before me, the undersigned, a notary public in and for the County and State aforesaid, came HIE OF BONNER SPRINGS, LLC, by SCOTT HINZE, Chief Executive Officer, who is personally known to me to be the same person who executed the foregoing instrument, and duly acknowledged the execution of the same.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my notary seal of the day and year last above written.

  
NOTARY PUBLIC



## Exhibit "A" Attachment

A tract of land in the Northwest Quarter of Section 17, Township 11 South, Range 23 East of the 6th Principal Meridian, Bonner Springs, Wyandotte County, Kansas, lying Southwest of LOTS 7 AND 8 CANAAN CENTER and West of LOT 9 CANAAN CENTER, both subdivisions of land in the City of Bonner Springs, Wyandotte County, Kansas, being described as follows: Beginning at the Southwest corner of Lot 7, LOTS 7 AND 8 CANAAN CENTER; thence South 88 degrees 19 minutes 57 seconds West, along the South line of Lot 8, LOTS 7 AND 8 CANAAN CENTER and its Westerly extension, 331.98 feet; thence South 01 degrees 11 minutes 57 seconds East, 296.95 feet, to a point on the North right of way line of Ridge Drive as said right of way is now established; thence North 88 degrees 15 minutes 10 seconds East, along said North right of way line, 334.80 feet, to the point of intersection of said North right of way line and the Southerly extension of the West line of LOT 9 CANAAN CENTER, a subdivision of land in the City of Bonner Springs, Wyandotte County, Kansas; thence North 01 degrees 44 minutes 39 seconds West, along said West line of LOT 9 CANAAN CENTER and its Southerly extension, 296.48 feet, to the point of beginning.