



# *City of Bonner Springs*

## **PLANNING COMMISSION AGENDA**

CITY HALL COUNCIL CHAMBERS

**TUESDAY, JANUARY 24, 2012**

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, JANUARY 24, 2012,

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, January 24, 2012

Study Session 6:00 p.m.

- Planning Commission review Special Use Permit requirements for Telecommunication Towers; and
- Planning Commission discussion on the 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 December 13, 2011.

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

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

**New Business:**

**ITEM NO. 2: Comprehensive Plan Change: BSCP-21: "The Village at Deerfield"** A request to amend the Future Land Use Map of the Comprehensive Plan to change the land use designation for 8.4 acres from a Low-Density Residential designation to a High-Density Residential designation. The request is from Daniel Foster, Schlagel & Associates for Guy Tiner, property owner of record. This amendment is to support the change in zoning from R-1, Single-Family Residential District to R-3, Multi-Family Residential District to allow for the construction of a proposed 232 unit, gated apartment complex, to be located on the east side of 132<sup>nd</sup> Street, south side of Kansas Avenue and north of Heritage Drive. *(This item will be forwarded to the Governing Body on February 27, 2012)*

**Open Public Hearing** Time: \_\_\_\_\_

1. Staff Presentation / Applicants Presentation
2. Public Comment

**Close Public Hearing** Time: \_\_\_\_\_

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

3. Board Discussion

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

**ITEM NO. 3: Rezoning: BSZ-127: "The Village at Deerfield"** A request to rezone 8.4 acres from an R-1, Single-Family Residential District classification to an R-3, Multi-Family Residential District classification. The request is from Daniel Foster, Schlagel & Associates for Guy Tiner, property owner of record. This amendments is to change the zoning classification to allow for the construction of a proposed 232 unit, gated apartment complex, to be located on the east side of 132<sup>nd</sup> Street, south side of Kansas Avenue and north of Heritage Drive. *(This item will be forwarded to the Governing Body on February 27, 2012)*

**Open Public Hearing** Time: \_\_\_\_\_

1. Staff Presentation / Applicants Presentation
2. Public Comment

**Close Public Hearing** Time: \_\_\_\_\_

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

3. Board Discussion

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

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

# ITEM NO. 1

## Approval of Minutes of the December 13, 2011 Planning Commission Meeting

### PLANNING COMMISSION AGENDA

Tuesday, January 24, 2012, 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 DECEMBER 13, 2011

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

**NARRATIVE:** The minutes of the December 13, 2011 meeting are attached.

**PLANNING COMMISSION MEETING MINUTES**  
**Tuesday, December 13, 2011 AT 7:00 P.M.**

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

**MEMBERS ABSENT:** Robin Neal

**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 7:04 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 October 25, 2011 Planning Commission meeting. Commissioner Pierce made a motion to approve the minutes as written with a second from Commissioner Stephan. Chairman Parks asked if there were any questions or comments concerning the minutes. Seeing none, he called for the vote. The motion passed unanimously.

**NEW BUSINESS**

Chairman Parks introduced **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.

Chairman Parks disclosed that he had handled the foreclosure of this property for Union Bank & Trust but did not feel that would influence his decisions on this item.

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. The Planning Director gave the Planning Commission the background on the property that included the previous owner's actions in 2007 that rendered the property in violation of the Subdivision Regulations as well as State Law.

Chairman Parks asked if the applicant would like to address the Planning Commission. **Wil Anderson, L.S., BHC Rhodes**, stated that his clients were in agreement with all the conditions listed in the Staff Report and he would be happy to answer any questions.

Chairman Parks asked if the applicant had any further comments. Seeing none he called for a motion. Commissioner Pierce made a motion to approve with the two (2) conditions listed in the Staff Report with a second from Commissioner Krone.

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

Chairman Parks introduced **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.

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 again gave the Planning Commission all the background on the property that included the previous owner's actions in 2007 that rendered the property in violation of the Subdivision Regulations as well as State Law.

Chairman Parks asked if the applicant would like to address the Planning Commission. **Wil Anderson, L.S., BHC Rhodes**, stated that his clients were in agreement with all the conditions listed in the Staff Report.

Chairman Parks asked if anyone in the audience had any questions. Seeing none he called for a motion. Commissioner Stephan made a motion to approve with the nine (9) conditions listed in the Staff Report with a second from Commissioner Carter.

Chairman Parks asked if there were any questions from the Planning Commission. Commissioner Stephan asked if the final plat is approved and filed, will that allow for the sale and development of Lot 10. The Planning Director stated yes.

Chairman Parks asked if there were any more questions from the Planning Commission. 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 January 9, 2012 with a Planning Commission recommendation of approval and requests the Governing Body accept the dedication of easements as shown on the final plat.

Chairman Parks asked if there was any further discussion or other items. Seeing none, he adjourned the meeting at 7:17 p.m.

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Planning Commission Secretary

# ITEM NO. 2

**Comprehensive Plan Change: BSCP-21: “The Village at Deerfield”** A request to amend the Future Land Use Map of the Comprehensive Plan to change the land use designation for 8.4 acres from a Low-Density Residential designation to a High-Density Residential designation. The request is from Daniel Foster, Schlagel & Associates for Guy Tiner, property owner of record. This amendment is to support the change in zoning from R-1, Single-Family Residential District to R-3, Multi-Family Residential District to allow for the construction of a proposed 232 unit, gated apartment complex, to be located on the east side of 132<sup>nd</sup> Street, south side of Kansas Avenue and north of Heritage Drive.

## **PLANNING COMMISSION AGENDA**

**Tuesday, January 24, 2012, 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 February 27, 2012.

**COMPREHENSIVE PLAN CHANGE: "THE VILLAGE AT DEERFIELD"**

**Case No.:** BSCP-21  
**Project:** The Village at Deerfield  
**Applicant:** Daniel Foster, Schlager & Associates  
**Owner:** 708 S. 130<sup>th</sup> Street (Guy Tiner)  
811 S. 132<sup>nd</sup> Street (Under contract from Blevins & Bradbury, Inc.)  
**Developer:** Guy Tiner  
**Location:** 708 S. 130<sup>th</sup> Street (Lot 10 and the north 100' of Lot 9, Country Hills Subdivision)  
811 S. 132<sup>nd</sup> Street (Tract "B", Deerfield Village)  
**Tract Size:** 8.4 acres  
**Zoning:** R-1, Single-Family Residential District proposed change to R-3, Multi-Family Residential District (See Case No. BSZ-127)  
**Land Use Designation:** Low-Density Residential Designation to a High-Density Residential Designation

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**Exhibits:**

Future Land Use Map; Comprehensive Plan Change-Rezoning Plan; Concept Plan for The Village at Deerfield; Final plat of Deerfield Village; Final plat of Country Hills Subdivision and the Affidavit in Proof of Publication.

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**Staff Recommendation:**

Staff recommends approval of the request to change the Future Land Use Map of the Comprehensive Plan for 8.4 acres from a Low-Density Residential land use designation to a High-Density Residential land use designation based upon the Factors for Consideration presented in the staff report and to forward it to the Governing Body with a recommendation for approval.

**General Information:**

This request is to amend the Future Land Use Map of the Comprehensive Plan to change the land use designation for 8.4 acres from a Low-Density Residential land use designation to a High-Density Residential land use designation to support the change in zoning from R-1, Single-Family Residential District to R-3, Multi-Family Residential District zoning to allow for the construction of a proposed 232 unit, gated apartment complex, to be located on the east side of 132<sup>nd</sup> Street, south side of Kansas Avenue and north of Heritage Drive. The areas to be changed are shown as hatched on the attached Future Land Use Map from Low to High.

The Future Land Use Map attached reflects the two locations for the change in the land use designation that include the current single-family residence and barn located at 708 S. 130<sup>th</sup> Street (Lot 10 and the north 100' of Lot 9, Country Hills Subdivision) and the existing Detention Basin/Open Space located at 811 S. 132<sup>nd</sup> Street (Tract "B", Deerfield Village) that abuts the property currently zoned R-3, Multi-Family Residential District located at 700 S. 132<sup>nd</sup> Street (Tract "A", Deerfield Village) and is part of the overall development as shown on the Concept Plan for The Village at Deerfield.

**Factors for Consideration:**

The Future Land Use Map shows the subject property to have a Low-Density Residential land use designation assigned in 1973 when the property developed as a large lot single-family residential development platted as the Country Hill Subdivision. Construction of the majority of the homes along 130<sup>th</sup> Street that include the single-family residence located at 708 S. 130<sup>th</sup> Street occurred between 1973 and 1976.

**1. What has changed since the Comprehensive Plan was adopted to warrant this request?**

- Since the adoption of the Comprehensive Plan “Vision 2025” on March 24, 2008, there have been significant changes to the surrounding area with continued development at the intersection of K-7 Highway and Kansas Avenue. The Bonner Springs Pointe I development includes the Walgreens and Burger King constructed in 2009/2010 and a new street extension for future development. The former Cummins Tool Building and strip center that abuts the subject property to the north is in a Community Improvement District and is home to the new Nuts & Bolts Hardware Store and strip center that contains several commercial businesses that occurred in 2011.

**2. Traffic Counts and Pattern Changes?**

- The annual average 24 hour traffic counts in the area around K-7 Highway at Kansas Avenue were approximately 19,900 cars per day per KDOT’s Traffic Count Map dated June 30, 2010. This is a reduction of 2,900 from the 22,800 cars per day traffic count according to KDOT’s Traffic Count Map dated June 30, 2007.

**3. Utility/Infrastructure Changes?**

- All public utilities, including public sanitary sewer are available to the subject site at both 132<sup>nd</sup> Street and K-7 Highway.

**4. Status of Floodplain/Hydrology?**

- No portion of the subject property is within the 100-year Floodplain as indicated on the new Flood Insurance Rate Maps that became effective on September 2, 2011. The detention basin and open space located on Tract B of the Deerfield Village plat that is part of this request will be utilized for detention purposes and open space for the proposed gated apartment complex.

**5. Changes in Surrounding Land Use?**

- A significant change occurred in 2009 with the development of the Bonner Springs Pointe I project located on the east side of K-7 Highway and north of Kansas Avenue along 129<sup>th</sup> Street. The Planning Commission approved the property to be rezoned and platted with public improvements extended in 2009 to allow for the construction of the Walgreens and Burger King. The former Cummins Tool Building and strip center that abuts the subject property to the north is in a Community Improvement District and is home to the new Nuts & Bolts Hardware Store and strip center that contains several commercial businesses that occurred in 2011.

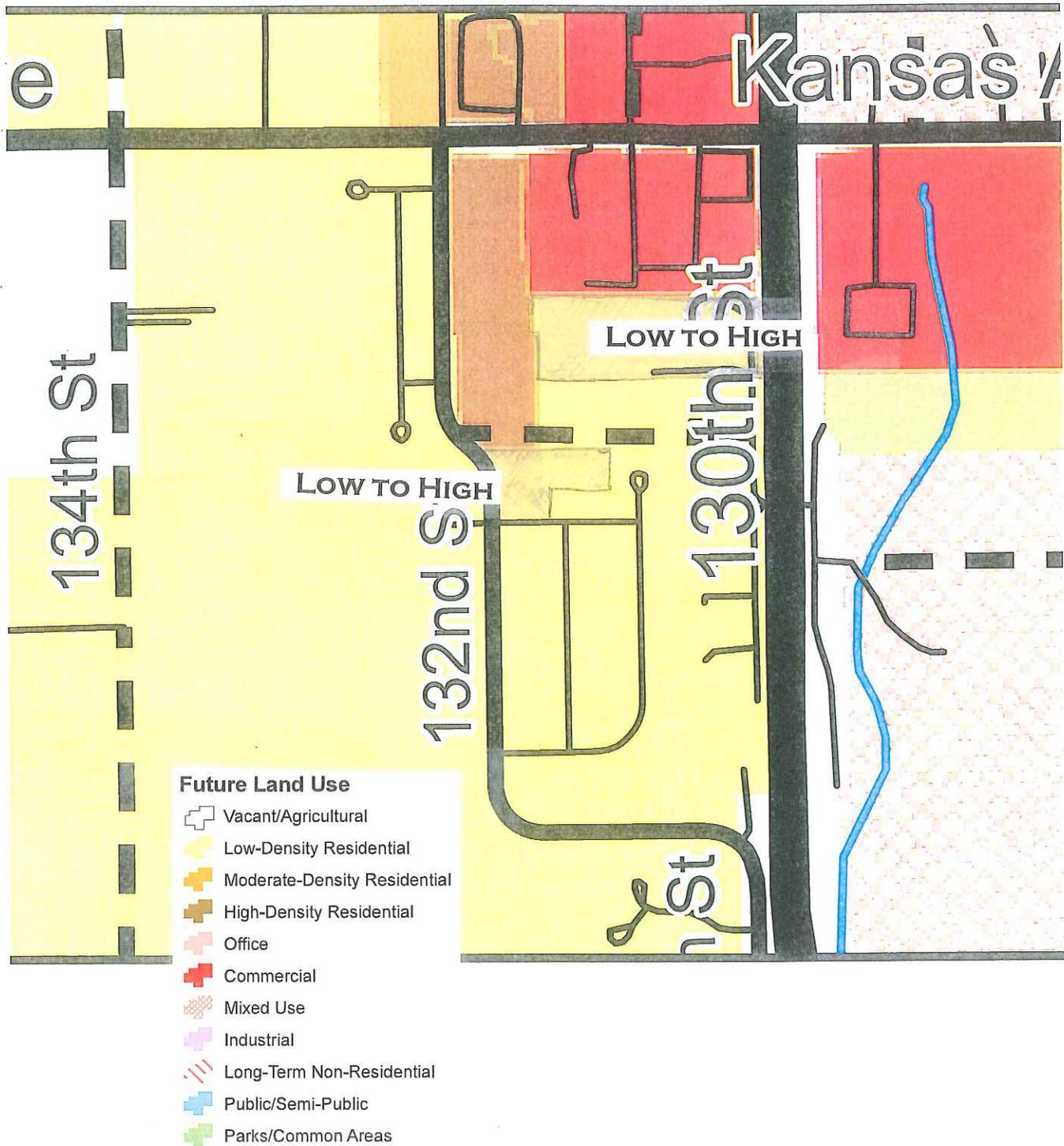
**Staff Recommendation:**

Staff recommends approval of the request to change the Future Land Use Map of the Comprehensive Plan for 8.4 acres from a Low-Density Residential land use designation to a High-Density Residential land use designation based upon the Factors for Consideration presented in the staff report and to forward it to the Governing Body with a recommendation for approval.

# THE VILLAGE AT DEERFIELD

## COMPREHENSIVE PLAN CHANGE: BSCP-21

### FUTURE LAND USE MAP



CURRENT ZONING: R-1  
 PROPOSED USE: APARTMENTS  
 PROPOSED DENSITY: 120 UNITS PER ACRE  
 PROPOSED TOTAL NUMBER OF UNITS: 120 UNITS  
 PROPOSED DENSITY COMPARED BY CITY CODE: 150% OF DENSITY  
 PROPOSED APPLICABLE CITY CODE: CITY CODE  
 PROPOSED APPLICABLE CITY CODE: CITY CODE  
 PROPOSED APPLICABLE CITY CODE: CITY CODE

ALSO TYPE	TOTAL	1 PER ACRE	2 PER ACRE
TYPE A UNIT	2	33	44
TYPE B UNIT	2	33	44
TYPE C UNIT	2	33	44
TOTAL	6	99	132

# The Village at Deerfield

## Comprehensive Plan Change: BSCP-21

### & Rezoning: BSZ-127

700 S. 132<sup>nd</sup> Street (Zoned: R-3)

708 S. 130<sup>th</sup> Street (Zoned: R-1)

811 S. 132<sup>nd</sup> Street (Zoned: R-1)

Comp Plan Change: Low to High Density Residential  
 Rezoned: from R-1 to R-3

SCHLAEGEL & ASSOCIATES, P.A.  
 Engineers, Surveyors, Architects  
 1000 W. 19th Street, Suite 100  
 Bonner Springs, Kansas 66005  
 (913) 492-5154 • Fax: (913) 492-4008  
 WWW.SCHLAEGELANDASSOCIATES.COM

THE VILLAGE AT DEERFIELD  
 CONCEPT PLAN  
 --- BONNER SPRINGS, KANSAS

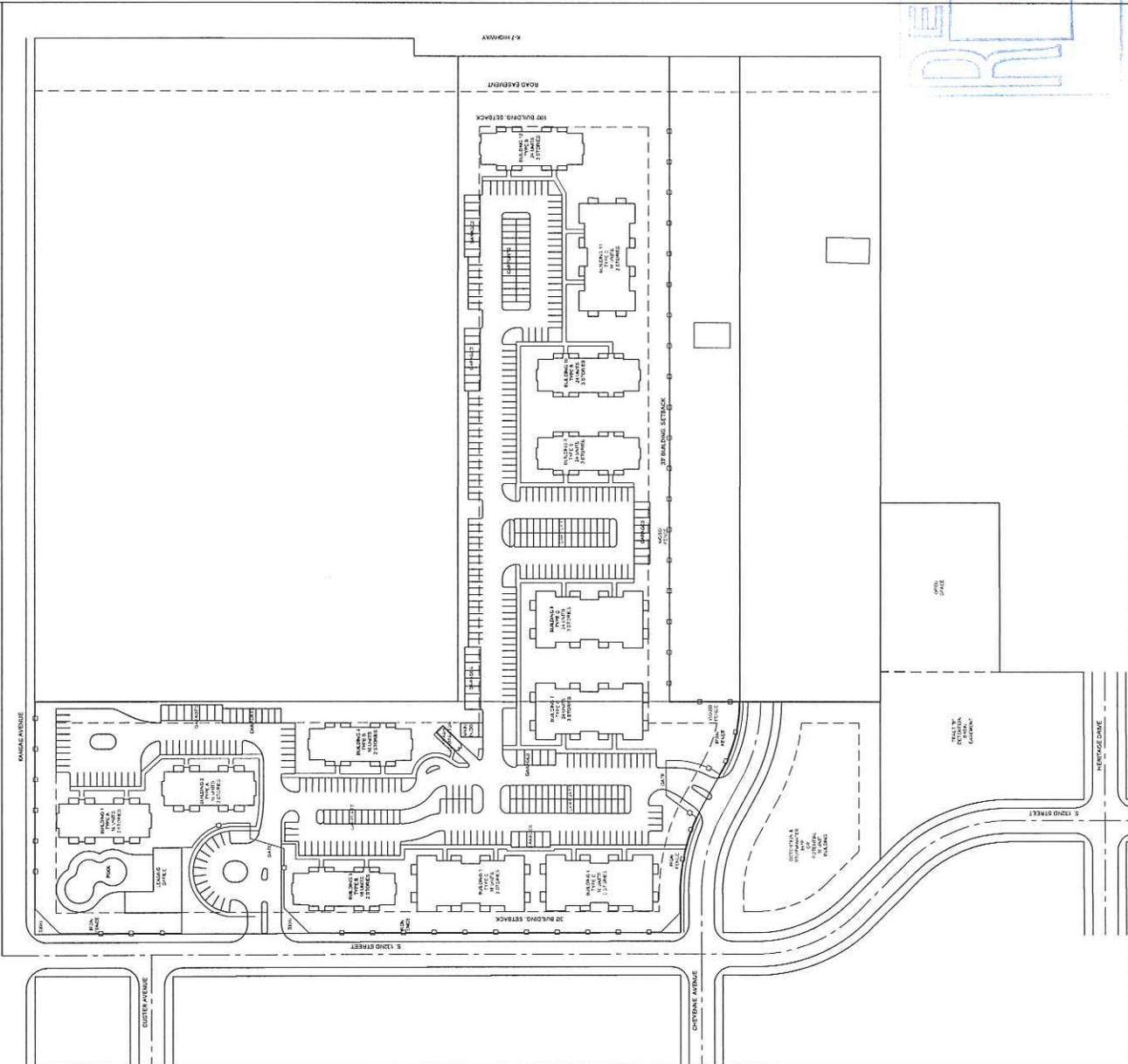


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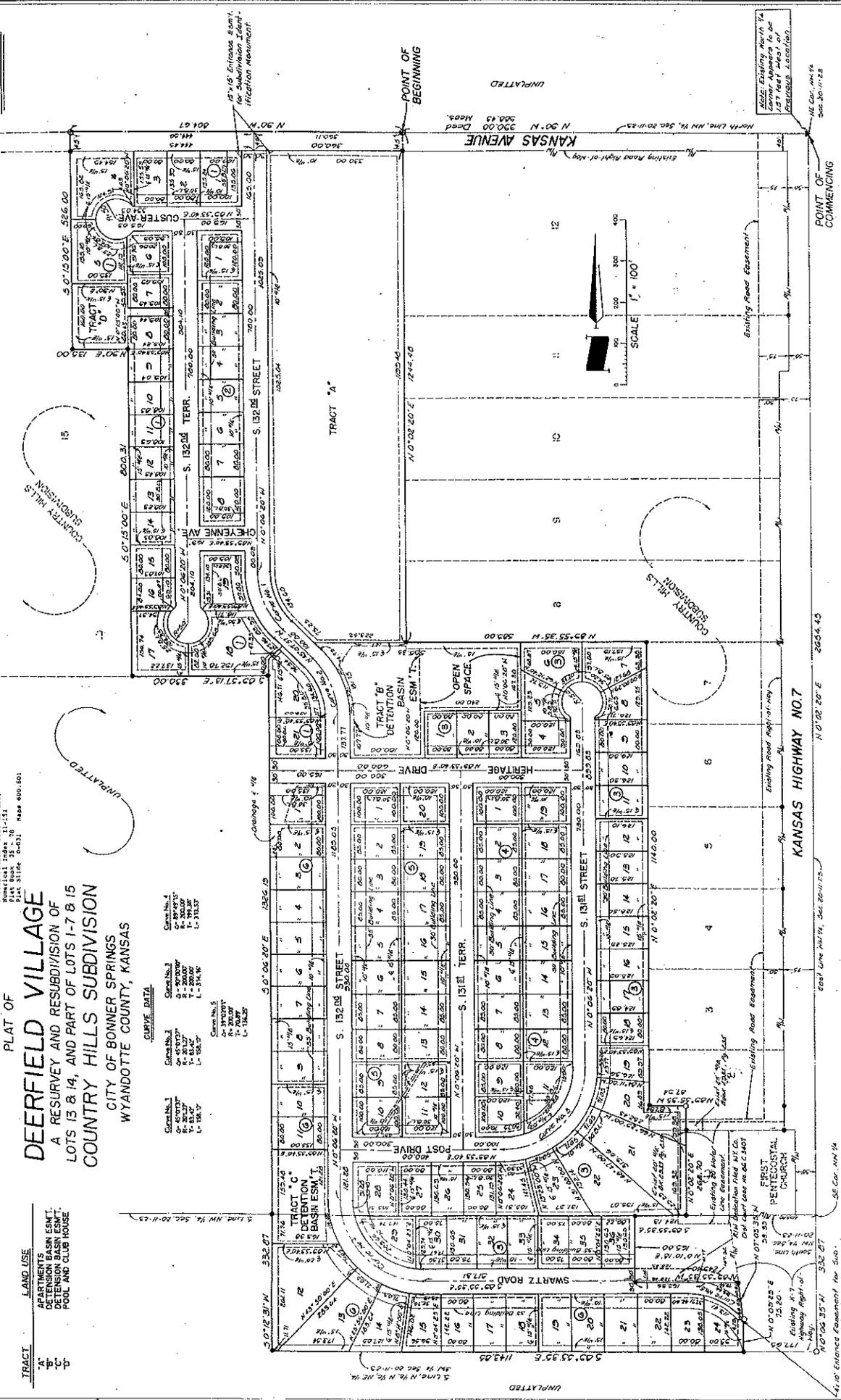
SHEET 1  
 OF 1

CURRENT ZONING: R-2  
 PROPOSED ZONING: APARTMENTS  
 PROPOSED USE: APARTMENTS  
 PROPOSED TOTAL NUMBER OF UNITS: 22 UNITS  
 PROPOSED TOTAL GROUND COVER: 10.5% (MINIMUM)  
 PROPOSED DENSITY: 22 UNITS PER ACRE  
 PROPOSED MINIMUM SITE AREA PER UNIT: 2,119 S.F.

BLDG TYPE	1 BRDM	2 BRDM
TOTAL UNITS	22	0
TOTAL GROUND COVER	10.5%	0%
TOTAL DENSITY	22 UNITS PER ACRE	0 UNITS PER ACRE
TOTAL	22	0



RECEIVED  
 DEC 21 2011



**PLAT OF**  
**DEERFIELD VILLAGE**  
 A RESURVEY AND RESUBDIVISION OF  
 LOTS 13, 14, AND PART OF LOTS 1-7 & 15  
 COUNTRY HILLS SUBDIVISION  
 CITY OF BONNER SPRINGS  
 WYANDOTTE COUNTY, KANSAS

**LAND USE**  
 APARTMENTS BASIN ESMT.  
 DETENTION BASIN ESMT.  
 POOL AND CLUB HOUSE

**CURVE DATA**

Curve No.	Stationing	Radius	Chord	Chord Bearing	Delta
Curve No. 1	1+00.00 to 1+100.00	100.00	100.00	S 45° 00' 00" E	90° 00' 00"
Curve No. 2	1+100.00 to 1+200.00	100.00	100.00	S 45° 00' 00" E	90° 00' 00"
Curve No. 3	1+200.00 to 1+300.00	100.00	100.00	S 45° 00' 00" E	90° 00' 00"
Curve No. 4	1+300.00 to 1+400.00	100.00	100.00	S 45° 00' 00" E	90° 00' 00"
Curve No. 5	1+400.00 to 1+500.00	100.00	100.00	S 45° 00' 00" E	90° 00' 00"

**OWNERS & DEVELOPERS:**  
 DEERFIELD VILLAGE  
 1200 W. 110th Street  
 Bonner Springs, Kansas 66208  
 Tel: 816-862-1100

**ALLENBRAND - DREWS & ASSOCIATES**  
 ENGINEERS - SURVEYORS  
 129 SOUTH PARKER  
 CLATHE, KANSAS 66601

**SURVEYOR:**  
 JOHN W. HAYES, L.S. #870  
 1200 W. 110th Street  
 Bonner Springs, Kansas 66601  
 816-862-1100

I HEREBY CERTIFY THIS IS A TRUE AND ACCURATE PLAT OF SURVEY.  
 BY: *[Signature]* DATE: 3-2-87

**UNPLATTED**

**UNPLATTED**

**UNPLATTED**

**UNPLATTED**

**UNPLATTED**







# Affidavit in Proof of Publication

STATE OF KANSAS  
Wyandotte County

(Published in the Bonner Springs Chieftain, Thursday, December 29, 2011)

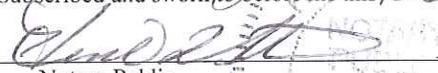
Erika Gray of the Legal Dept. of the Bonner Springs Chieftain being first duly sworn, deposes and says:

That this weekly newspaper printed in the State of Kansas, and published in and of general circulation in Wyandotte County, Kansas, with a general paid circulation on a weekly basis in Wyandotte County, Kansas, and that said newspaper is not a trade, religious or fraternal publication, and which newspaper has been admitted to the mails as periodicals class matter in said County, and that a notice of which is hereto attached, was published in the regular and entire issue of the Bonner Springs Chieftain

Said newspaper is published weekly 52 weeks a year; has been so published continuously and uninterruptedly in said county and state for a period of more than five years prior to the first publication of said notice and been admitted at the post office of Bonner Springs in said County as second class matter.

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for 1 consecutive weeks the first publication thereof being made as aforesaid on 12/29/2011 with publications being made on the following dates:

12/29/2011

  
Subscribed and sworn to before me this 12-29-2011  
  
Notary Public

My Appointment expires: 3-15-2015

Publication Charges	\$51.00
Notary And Affidavit	\$0.00
Additional Copies	\$0.00
	<u>\$51.00</u>

## NOTICE OF PUBLIC HEARING PLANNING COMMISSION CITY OF BONNER SPRINGS, KANSAS

The Planning Commission will hold a public hearing on Tuesday, January 24, 2012, at 7:00 p.m. at City Hall in the Council Chambers, 205 E. 2nd Street, Bonner Springs, Kansas. The purpose of the public hearing is to receive public comment for:

**Comprehensive Plan Change: BSCP-21: "The Village at Deerfield"** A request to amend the Future Land Use Map of the Comprehensive Plan to change the land use designation for 8.4 acres from a Low-Density Residential designation to a High-Density Residential designation; and

**Rezoning: BSZ-127: "The Village at Deerfield"** A request to rezone 8.4 acres from an R-1, Single-Family Residential District classification to an R-3, Multi-Family Residential District classification.

The requests are from Daniel Foster, Schlagel & Associates for Guy Tiner, property owner of record. These amendments are to change the current future land use designation and zoning classification to allow for the construction of a proposed 232 unit multi-family apartment complex to be located on the east side of 132nd Street, south of Kansas Avenue and north of Heritage Drive.

The complete legal description and application for the above items are available for public inspection at the Bonner Springs Planning Department, 205 E. 2nd Street, to Don E. Slone, AICP, CFM, Planning Director at (913) 667-1708.

Persons who wish to be heard will be given an opportunity to make comments at the public hearing.

/s/ Don E. Slone, AICP, CFM  
Planning Commission Secretary

RECEIVED  
11 DEC 30 AM 10:16  
CITY OF BONNER SPRINGS

# ITEM NO. 3

**Rezoning: BSZ-127: "The Village at Deerfield"** A request to rezone 8.4 acres from an R-1, Single-Family Residential District classification to an R-3, Multi-Family Residential District classification. The request is from Daniel Foster, Schlagel & Associates for Guy Tiner, property owner of record. This amendments is to change the zoning classification to allow for the construction of a proposed 232 unit, gated apartment complex, to be located on the east side of 132<sup>nd</sup> Street, south side of Kansas Avenue and north of Heritage Drive.

## PLANNING COMMISSION AGENDA

Tuesday, January 24, 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 February 27, 2012.

**REZONING: "THE VILLAGE AT DEERFIELD"****Case No.:** BSZ-127**Project:** The Village at Deerfield**Applicant:** Daniel Foster, Schlager & Associates**Owner:** 708 S. 130<sup>th</sup> Street (Guy Tiner)811 S. 132<sup>nd</sup> Street (Under contract from Blevins & Bradbury, Inc.)**Developer:** Guy Tiner**Location:** 708 S. 130<sup>th</sup> Street (Lot 10 and the north 100' of Lot 9, Country Hills Subdivision)811 S. 132<sup>nd</sup> Street (Tract "B", Deerfield Village)**Tract Size:** 8.4 acres**Zoning:** R-1, Single-Family Residential District to R-3, Multi-Family Residential District**Land Use****Designation:** High-Density Residential Designation (If BSCP-21 is approved)

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**Exhibits:**

Official Zoning Map; Comprehensive Plan Change-Rezoning Plan; Concept Plan for The Village at Deerfield; Final plat of Deerfield Village; Final plat of Country Hills Subdivision and the Affidavit in Proof of Publication.

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**Staff Recommendation:**

Staff recommends approval of the request to rezone 8.4 acres from R-1, Single-Family Residential District to R-3, Multi-Family Residential District based upon the staff findings presented in the staff report and to forward to the Governing Body with a recommendation for approval.

Subject to four (4) conditions:

1. Approval of the Comprehensive Plan Change: BSCP-21;
2. Platting of the subject property;
3. The Official Zoning Map shall not be amended until the final plat is approved by the City and filed with the County. The filing of the final plat shall be within a one (1) year period from the date of approval of the Zoning classification by the Governing Body; and
4. Upon completion of all the above conditions, the Planning Director shall amend the Future Land Use Map and Official Zoning Map to reflect the changes approved under BSCP-21 and BSZ-127.

**Background:**

This request is to amend the zoning classification to allow for the construction of a proposed 232 unit, gated apartment complex, to be located on the east side of 132<sup>nd</sup> Street, south side of Kansas Avenue and north of Heritage Drive.

The Official Zoning Map attached reflects the two locations for the change in zoning that include the current single-family residence located at 708 S. 130<sup>th</sup> Street (Lot 10 and the north 100' of Lot 9, Country Hills Subdivision) and the Detention Basin/Open Space located at 811 S. 132<sup>nd</sup> Street (Tract "B", Deerfield Village). The Detention Space and Open Space abuts the property to the north currently zoned R-3, Multi-Family Residential District located at 700 S. 132<sup>nd</sup> Street (Tract "A", Deerfield Village). Tract "A" was rezoned to R-2, Multi-Family Dwelling District in 1986 and later amended to R-3, Multi-Family Residential District with the Zoning Ordinance changes in 1987 that added the R-3 district. The original rezoning to R-2 included 21.40 acres which included the detention basin and open space as well as a large part of Deerfield Village south of Heritage Drive.

**General Information:**

Current Zoning and Land Use	R-1 (Single-Family Residential District); single-family residence (708 S. 130 <sup>th</sup> Street) and Detention Basin/Open Space (811 S. 132 <sup>nd</sup> Street);
Surrounding Zoning and Land Use	C-S (Highway Service District) to the east across K-7 Highway (Bonner Springs Ford); C-2 (General Business District) to the east across K-7 Highway (Prairie Meadows Retail Center); C-2 (General Business District) abuts the subject property the north (Nuts & Bolts + Strip Center and the old Wal-Mart center and the McDonald's Restaurant); R-3 (Multi-Family Residential District) to the west, vacant with agricultural uses; R-3 (Multi-Family Residential District) to the northwest multi-family apartment complex (Bonner Highlands; and R-1 (Single-Family Residential District) to the south and southwest with single-family residences (Deerfield Village subdivision).

- I. **CHARACTER OF THE NEIGHBORHOOD** – The character of the area is a mixture of various commercial uses that include the strip center, the Cummings Tools Building now the Nuts & Bolts Hardware Store, the old Wal-Mart center now Goodwill and the Dollar Tree and the McDonald's Restaurant. High-density residential uses to the north, Bonner Highlands, as well as low-density residential development to the south and southwest, Deerfield Village subdivision.
- **Staff Finding** – The character of the area is a mixture of various commercial uses to the north and east; high-density residential uses to the northwest; and low-density residential uses to the south and southwest.
- II. **ZONING AND USES OF PROPERTY NEARBY** – See the zoning and uses of the nearby properties as shown under General Information listed above.
- III. **SUITABILITY OF THE SUBJECT PROPERTY FOR THE USES TO WHICH IT HAS BEEN RESTRICTED** – The property currently contains a single-family residence and a barn constructed in 1973 at the same time as the plat for the Country Hills Subdivision. The zoning classification and land use designation were assigned to the property at that time. The second property contains a detention basin and open space platted under Deerfield Village in 1987 that was and is proposed to detain the storm water runoff from Tract "A", Deerfield Village. The detention basin and open space along with a large area south of Heritage Drive was rezoned to a Multi-Family Dwelling District in 1986. The subject property will support the proposed 232 unit apartment complex as the required public infrastructure, sewer and water abuts the property and will only require internal extensions to provide services to each building that will be reviewed and approved during the platting process.
- **Staff Finding** – The subject property will support the proposed 232 unit apartment complex as the required public infrastructure, sewer and water abuts the property and will only require internal extensions to provide services to each building that will be reviewed and approved during the platting process.

- IV. **EXTENT TO WHICH REMOVAL OF THE RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTY** – The removal of the present zoning should not have a detrimental effect on nearby properties as The Deerfield Village Concept Plan proposes a 30-foot setback from all single-family zoned areas with a wood screening fence that abuts the single-family residence to the south. The Village at Deerfield Concept Plan shows the overall development with access to 132<sup>nd</sup> Street which is a collector street that abuts an arterial street, Kansas Avenue and generally directs the activity spaces between the building and the parking areas to the north and the east toward the commercial center to the north and east of the overall development and away from the single-family residential areas to the south and west.
- **Staff Finding** – The Village at Deerfield Concept Plan shows the overall development with access to 132<sup>nd</sup> Street which is a collector street that abuts an arterial street, Kansas Avenue and generally directs the activity spaces between the building and the parking areas to the north and the east toward the commercial center to the north and east of the overall development and away from the single-family residential areas to the south and west.
- V. **LENGTH OF TIME THE SUBJECT PROPERTY HAS REMAINED VACANT AS ZONED** – The property under consideration for rezoning contains a single-family residence and barn constructed in 1973 as well as a detention basin/open space platted in 1988 with the Deerfield Village subdivision.
- **Staff Finding** – The property under consideration for rezoning contains a single-family residence and barn constructed in 1973 as well as a detention basin/open space platted in 1988 with the Deerfield Village subdivision.
- VI. **RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY AND WELFARE BY THE DESTRUCTION OF THE VALUE OF THE PETITIONER’S PROPERTY AS COMPARED TO THE HARDSHIP IMPOSED UPON THE INDIVIDUAL LANDOWNERS** – Denial of the request would not destroy the value of the petitioners property as it could continue to be used for residential purposes as well as the detention basin/open space.
- **Staff Finding** – Denial of the request would not destroy the value of the petitioners property as it could continue to be used for residential purposes as well as the detention basin/open space.
- VII. **AVAILABILITY AND ADEQUACY OF REQUIRED UTILITIES AND SERVICES TO SERVE THE PROPOSED USE** – All public utilities are available to the subject property. The owner/developer will be required to extend public services within the development and will be reviewed and approved during the platting process.
- **Staff Finding** – All public utilities are available to the subject property. The owner/developer will be required to extend public services within the development and will be reviewed and approved during the platting process.
- VIII. **CONFORMANCE WITH THE COMPREHENSIVE PLAN** – The current Future Land Use Map within the adopted Comprehensive Plan reflects a Low-Density Residential designation, however, if the BSCP-21 is approved, the property will have a High-Density Residential designation and will then be in conformance with the adopted Comprehensive Plan.
- **Staff Finding** – The current Future Land Use Map within the adopted Comprehensive Plan reflects a Low-Density Residential designation, however, if the BSCP-21 is approved, the property will have a High-Density Residential designation and will then be in conformance with the adopted Comprehensive Plan.

**IX. PROFESSIONAL STAFF RECOMMENDATION**

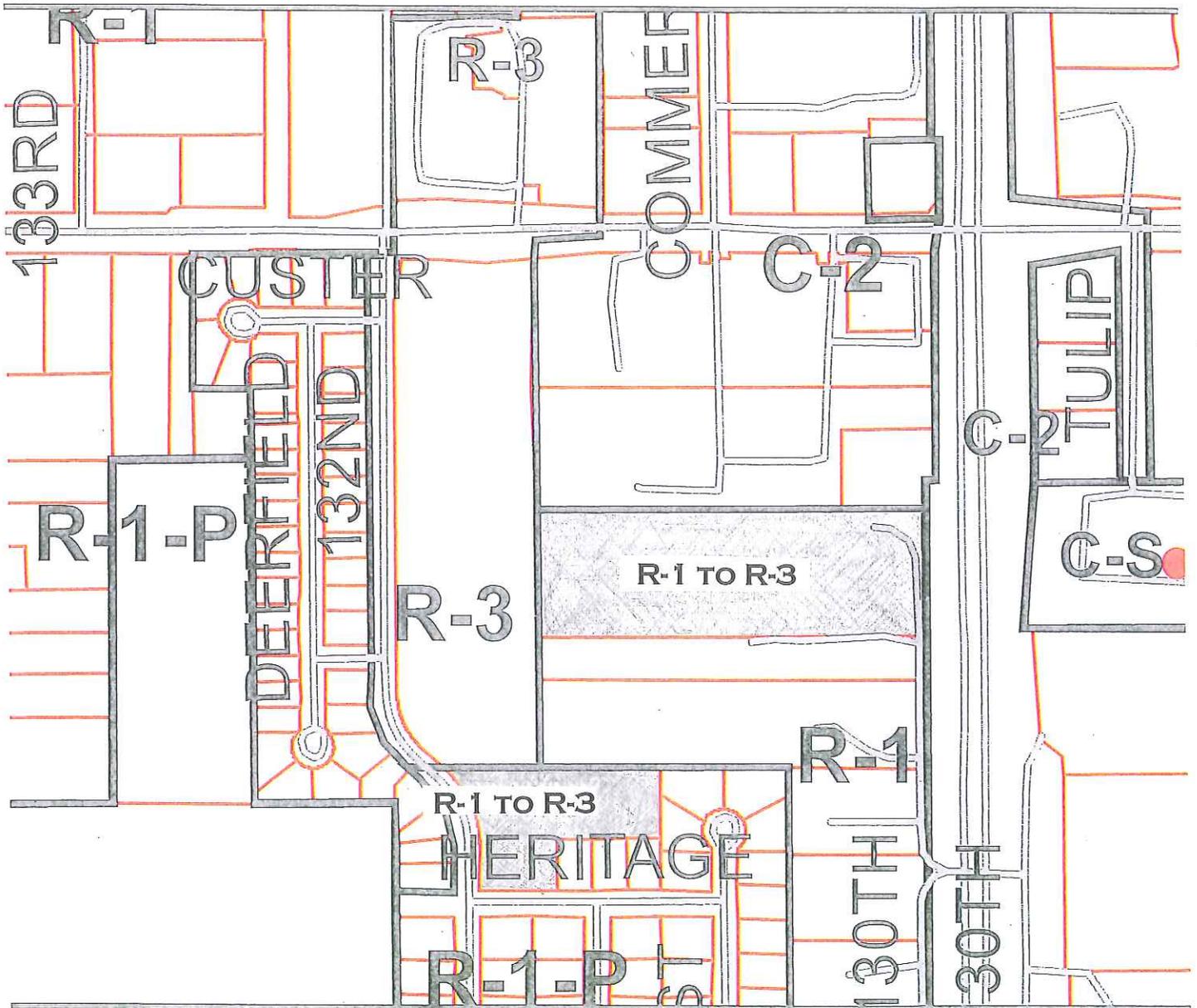
Staff recommends approval of the request to rezone 8.4 acres from R-1, Single-Family Residential District to R-3, Multi-Family Residential District based upon the staff findings presented in the staff report and to forward to the Governing Body with a recommendation for approval subject to four (4) conditions:

1. Approval of the Comprehensive Plan Change: BSCP-21;
2. Platting of the subject property;
3. The Official Zoning Map shall not be amended until the final plat is approved by the City and filed with the County. The filing of the final plat shall be within a one (1) year period from the date of approval of the Zoning classification by the Governing Body. If the final plat is not filed within the one (1) year period from date of approval, the Zoning classification shall revert back to the prior classification; and
4. Upon completion of all the above conditions, the Planning Director shall amend the Future Land Use Map and Official Zoning Map to reflect the changes approved under BSCP-21 and BSZ-127.

# THE VILLAGE AT DEERFIELD

REZONING: BSZ-127

OFFICIAL ZONING MAP



# The Village at Deerfield Comprehensive Plan Change: BSCP-21 & Rezoning: BSZ-127

700 S. 132<sup>nd</sup> Street (Zoned: R-3)

708 S. 130<sup>th</sup> Street (Zoned: R-1)

811 S. 132<sup>nd</sup> Street (Zoned: R-1)

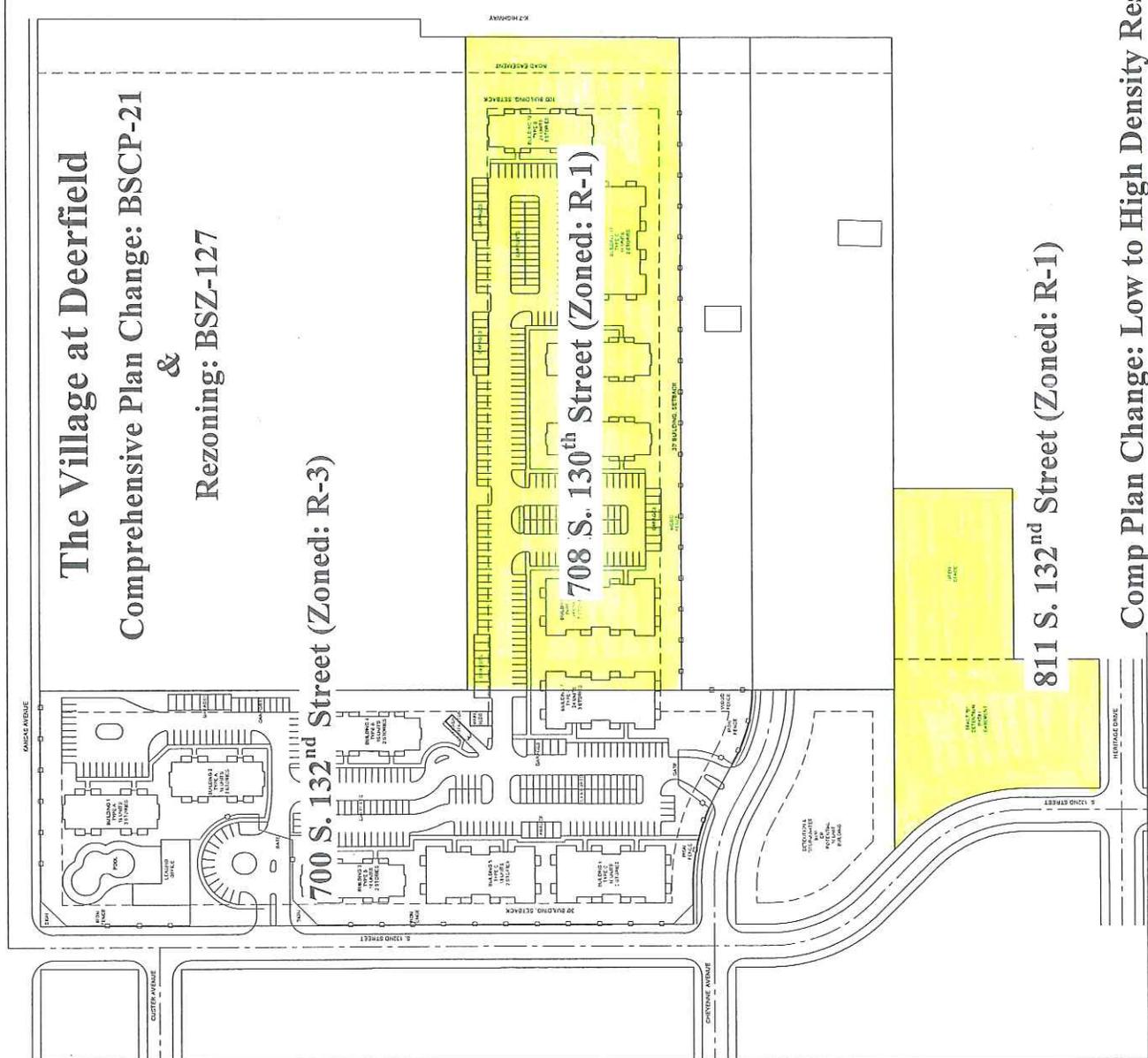
Comp Plan Change: Low to High Density Residential  
Rezoned: from R-1 to R-3

CURRENT ZONING: R-1, R-3  
PROPOSED ZONING: APARTMENTS  
PROPOSED USE: APARTMENTS  
PROPOSED TOTAL NUMBER OF UNITS: 518 UNITS  
PROPOSED TOTAL NUMBER OF UNITS ALLOWED BY CITY CODE: 518 UNITS  
PROPOSED DENSITY: 14.47 UNITS/ACRE  
PROPOSED MINIMUM LOT AREA: 2,912 SF  
PROPOSED MINIMUM LOT AREA PER UNIT: 2,912 SF

BLDG TYPE	1 BRSM	2 BRDM	3 BRDM
TOTAL NUMBER	1	22	46
TOTAL AREA	1	22	46
TOTAL GROSS	1	22	46
TOTAL GROSS	1	22	46
TOTAL	1	22	46

NO.	DESCRIPTION	DATE	BY	FOR
1	FINAL CONCEPT PLAN			

SHEET 1 OF 1



NO.	DATE	BY	REVISION
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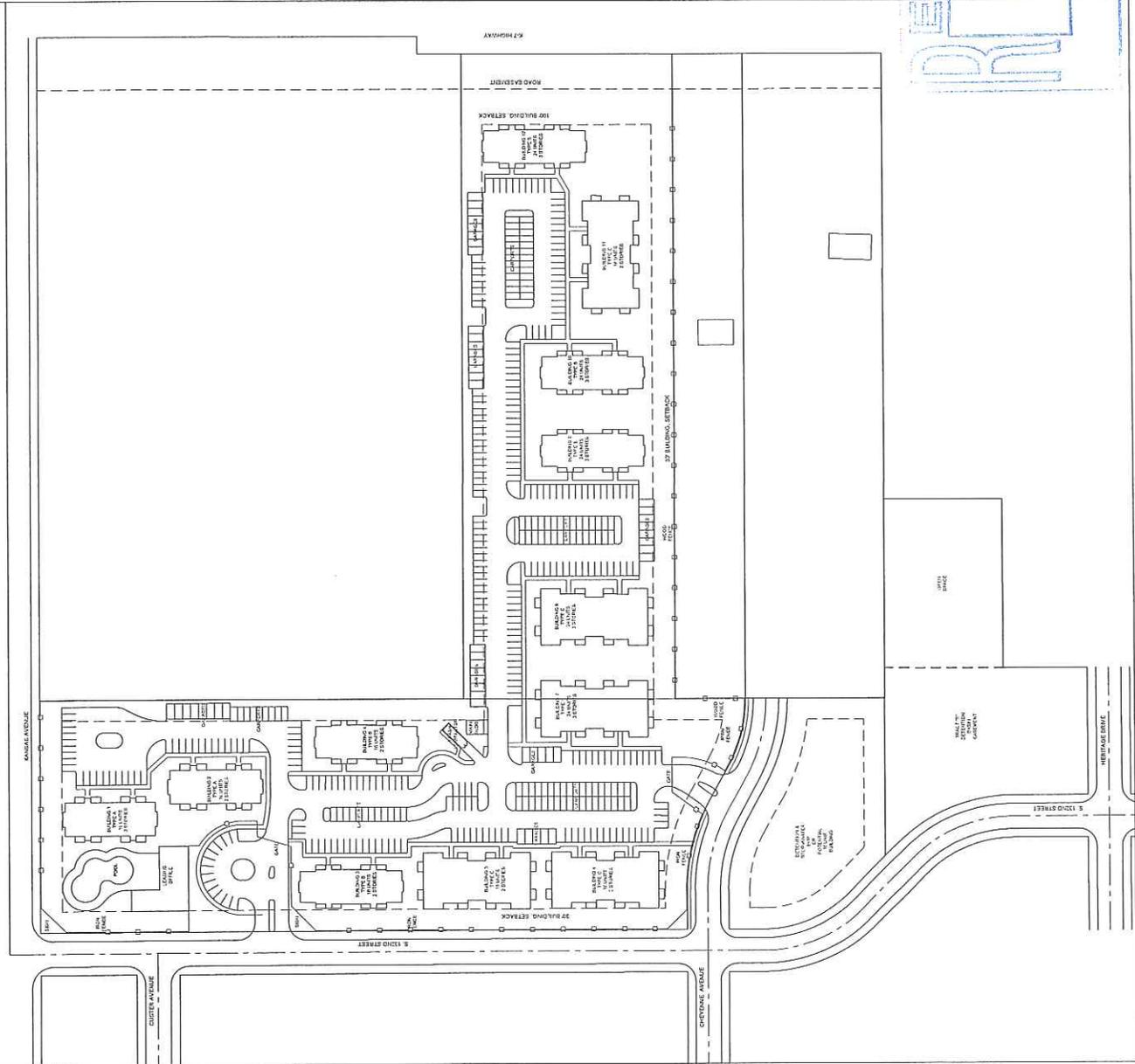
THE VILLAGE AT DEERFIELD  
CONCEPT PLAN  
BONNER SPRINGS, KANSAS

SCHLAGEL & ASSOCIATES, P.A.  
Engineers Planners Surveyors & Landscape Architects  
18200 West 20th Street, Suite 400, Bonner Springs, Kansas 66008  
(913) 838-8188 • Fax: (913) 838-8015  
WWW.SCHLAGELANDASSOCIATES.COM

PROJECT NO. 08-001  
DATE: 08/11/11  
SCALE: AS SHOWN  
PROJECT LOCATION: BONNER SPRINGS, KANSAS

CURRENT ZONING: R-1  
PROPOSED USE: APARTMENTS  
PROPOSED TOTAL NUMBER OF UNITS: 221 UNITS  
PROPOSED TOTAL NUMBER OF UNITS COVERED BY CITY CODE: 154 UNITS  
PROPOSED TOTAL NUMBER OF UNITS COVERED BY CITY CODE: 154 UNITS  
PROPOSED TOTAL NUMBER OF UNITS COVERED BY CITY CODE: 154 UNITS

BUILD TYPE	TOTAL NUMBER	1 BDRM	2 BDRM
TYPE A	2	22	0
TYPE B	2	22	0
TYPE C	2	22	0
TYPE D	2	22	0
TYPE E	2	22	0
TOTAL	12	110	48





# COUNTRY HILLS SUBDIVISION

NO. 2332 REC. 203

## BONNER SPRINGS, KANSAS

CONTINUED LOTS 8 THRU 13 SHEET #2

REV. 2332 REC. 203

J. DAVIS

R. MILLER

BUSINESS DEVELOPMENT CO.

2652.68  
 KANSAS AVENUE  
 (EXISTING 40' RIGHT OF WAY)  
 25' ADDITIONAL RIGHT OF WAY  
 940.00  
 356.22

30' BUILDING SETBACK LINE

125' BUILDING SETBACK LINE

75' ROAD EASEMENT

50' ROAD EASEMENT

2654.47' (N-00° 02' 20"-E)

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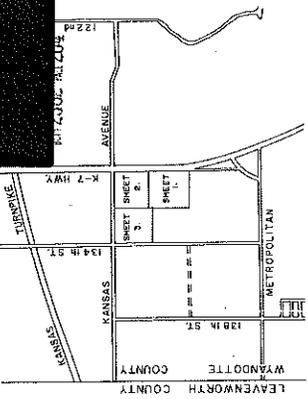
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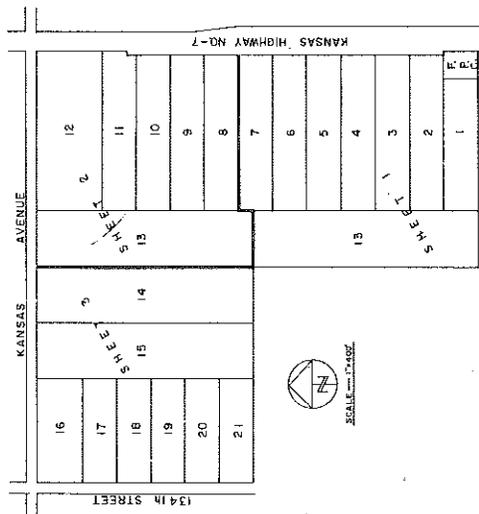
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VICINITY MAP



SUBDIVISION INDEX MAP



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# Affidavit in Proof of Publication

STATE OF KANSAS  
Wyandotte County

(Published in the Bonner Springs Chieftain, Thursday, December 29, 2011)

Erika Gray of the Legal Dept. of the Bonner Springs Chieftain being first duly sworn, deposes and says:

That this weekly newspaper printed in the State of Kansas, and published in and of general circulation in Wyandotte County, Kansas, with a general paid circulation on a weekly basis in Wyandotte County, Kansas, and that said newspaper is not a trade, religious or fraternal publication, and which newspaper has been admitted to the mails as periodicals class matter in said County, and that a notice of which is hereto attached, was published in the regular and entire issue of the Bonner Springs Chieftain

Said newspaper is published weekly 52 weeks a year; has been so published continuously and uninterruptedly in said county and state for a period of more than five years prior to the first publication of said notice and been admitted at the post office of Bonner Springs in said County as second class matter.

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for 1 consecutive weeks the first publication thereof being made as aforesaid on 12/29/2011 with publications being made on the following dates:

12/29/2011

*Erika Gray*  
Subscribed and sworn to before me this 12-29-2011  
*[Signature]*  
Notary Public

My Appointment expires: 3-15-2015  
*[Notary Seal: STATE OF KANSAS, My Appt. Expires 3-15-2015]*

Publication Charges \$51.00  
Notary And Affidavit \$0.00  
Additional Copies } \$0.00  
\$51.00

## NOTICE OF PUBLIC HEARING PLANNING COMMISSION CITY OF BONNER SPRINGS, KANSAS

The Planning Commission will hold a public hearing on Tuesday, January 24, 2012, at 7:00 p.m. at City Hall in the Council Chambers, 205 E. 2nd Street, Bonner Springs, Kansas. The purpose of the public hearing is to receive public comment for:

**Comprehensive Plan Change: BSCP-21: "The Village at Deerfield"** A request to amend the Future Land Use Map of the Comprehensive Plan to change the land use designation for 8.4 acres from a Low-Density Residential designation to a High-Density Residential designation; and

**Rezoning: BSZ-127: "The Village at Deerfield"** A request to rezone 8.4 acres from an R-1, Single-Family Residential District classification to an R-3, Multi-Family Residential District classification.

The requests are from Daniel Foster, Schlager & Associates for Guy Tiner, property owner of record. These amendments are to change the current future land use designation and zoning classification to allow for the construction of a proposed 232 unit multi-family apartment complex to be located on the east side of 132nd Street, south of Kansas Avenue and north of Heritage Drive.

The complete legal description and application for the above items are available for public inspection at the Bonner Springs Planning Department, 205 E. 2nd Street, to Don E. Slone, AICP, CFM, Planning Director at (913) 667-1788.

Persons who wish to be heard will be given an opportunity to make comments at the public hearing.

/s/ Don E. Slone, AICP, CFM  
Planning Commission Secretary

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CITY OF BONNER SPRINGS