

PLANNING COMMISSION MEETING MINUTES
Tuesday, March 22, 2011 AT 7:00 P.M.

MEMBERS PRESENT: Tom Gray, Dan Carter, Dave Pierce, Robin Neal, Merle Parks, Malisa Wallace, Craig Stephan and Jason Krone

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.

Chairman Parks introduced **Item No. 1: Approval of Minutes** and called for a motion to approve the minutes of the January 25, 2011 Planning Commission meeting. Commissioner Stephan made a motion to approve the minutes as written and Commissioner Krone seconded the motion. Chairman Parks asked if there were any questions or comments concerning the minutes. Seeing none, he called for the vote. The motion passed unanimously with Commissioner Neal abstaining as she was absent from the meeting.

Chairman Parks excused himself at 7:02 p.m. from the next item due to a conflict.

NEW BUSINESS

Vice-Chairman Pierce introduced **Item No. 2: LS-112: “Spartan Lot Split”**, 58.98 acres of unplatted property. The property is zoned A-1, Agricultural District. Requested by Jim Story, Story Surveying for Stephen and Karen Spartan, property owners of record. The request is in order to change the boundaries of the two existing parcels located at 12430 and 12520 Kansas Avenue.

Vice-Chairman Pierce asked for a Staff presentation. Staff presented its recommendations to the Planning Commission. Staff recommended approval subject to the eleven (11) conditions listed in the Staff Report. The Planning Director stated that he would be glad to answer any questions the Planning Commission may have.

Vice-Chairman Pierce asked if the applicant would like to address the Planning Commission. **Jim Story, 2300 Hutton Road, Story Surveying**, stated that the lot split was in order to sell the house located at 12520 Kansas Avenue and they were in agreement with all the conditions listed in the Staff report. Mr. Story stated that he would be happy to answer any questions from the Planning Commission.

Vice-Chairman Pierce asked for any questions or comments from the audience. Seeing none he called for a motion. Commissioner Stephan made a motion to approve with the eleven (11) conditions listed in the Staff report. Commissioner Neal seconded the motion.

Vice-Chairman Pierce asked if the Planning Commission had any questions or concerns. Seeing none he called for a vote. Motion passed unanimously.

Chairman Parks returned to the meeting at 7:09 p.m.

Chairman Parks introduced **Item No. 3: Special Use Permit: SUP-126: “First Pentecostal Church”** A request to revise the Special Use Permit approved on November 19, 2001 under Ordinance No. 1941 for the existing church facility from the First Pentecostal Church, property owners of record. The request is in order to construct an addition to the existing church facility on property zoned R-1, Single-Family Residential District located at 940 S. 130th Street.

Chairman Parks opened the public hearing at 7:10 p.m. and asked for a Staff presentation. Staff presented its recommendations to the Planning Commission. Staff recommended approval of this item as written in the Staff Report. The Planning Director stated that he would be glad to answer any questions.

Chairman Parks asked if the applicant would like to address the Planning Commission. **Jim Denham** stated that the church had some setbacks the last year but they were ready to start the new addition and were in agreement with all the conditions listed in the Staff report. He stated that he was aware of the sanitary sewer issues and will be addressing that issue. He stated he would have the changes made that were listed in the Staff report and would have the site plan to the Planning Director the next day with the corrections.

Chairman Parks asked for any questions or comments from the audience. Seeing none, he closed the public hearing at 7:13 p.m. and called for a motion. Commissioner Pierce made a motion to approve the item as recommended by staff with a second from Commissioner Krone.

Chairman Parks asked if the Planning Commission had any questions or comments. Commissioner Stephan asked about the site plan issue regarding the septic system. The Planning Director stated that according to Mr. Denham, the septic tank was removed and the existing building was connected to the public sanitary sewer when the new building was built. The site plan issues with regard to the existing site conditions will be addressed with the revised site plan that is a requirement under Condition No. 1.

Chairman Parks asked if the Planning Commission had any further questions or comments. Seeing none, he called for the vote. The motion was approved unanimously.

The Planning Director stated that the Governing Body will consider this item on April 11, 2011 with a Planning Commission recommendation of approval.

Chairman Parks introduced **Item No. 4: Lot Split: LS-113: "Country Hills Lot Split"**, 11.14 acres platted as Country Hills Subdivision, Replat of Lots 11 and 12. The property is zoned C-2, General Business District. Requested by James Anderson, Anderson Surveying Company for David J. Christie, Christie Development Associates, LLC under contract from Bonner Springs Shops LLC and Ted Green Company, property owners of record. The request is in order to lot split Lot B and Lot C to provide an additional 0.7 acre tract for future parking for the Bonner Springs McDonalds located at 606 S. 130th Street.

Chairman Parks asked for a Staff presentation. Staff presented its recommendations to the Planning Commission. The Staff report is recommending denial, however, the Planning Director stated since he was in receipt of a letter from Thomas J. Dobski, The Thomas J. Dobski Trust stating that they were aware of the storm sewer issue located at the south end of the property, the City Engineer, Building Official and the Planning Director are now in support of a recommendation of approval. The Planning Director stated that he would be happy to answer any questions the Planning Commission may have.

Chairman Parks asked if the applicant would like to address the Planning Commission. **David N. Olson, Director of Design and Construction, Christie Development Associates, LLC**, stated that they were in agreement with the conditions listed in the Staff report and they commended the Planning Director on all the help he has given them during this process.

Chairman Parks asked that since Mr. Tom Dobski was present, could he address the storm sewer issue as discussed by the Planning Director. **Thomas J. Dobski, Trustee, McDonald's Office, Dobski & Associates**, stated they were in agreement with the conditions in the Staff report and they had sent a letter to the Planning Director confirming that the Trust was aware of the existing storm sewer system and improvements under the southern portion of the subject lot split and the storm sewer improvements are a private improvement benefiting the entire shopping center. They also understand that if they disturb the storm sewer improvements they will be solely responsible financially for making the modifications and alterations to the storm sewer system to maintain the required drainage necessary for the entire retail development.

Chairman Parks asked if there were any questions or comments from the audience. Seeing none he called for a vote. Commissioner Stephan asked if the motion should be for denial. The Planning Director stated "no" since they had received the letter from Mr. Dobski, Staff's recommendation was now for approval.

Commissioner Stephan made a motion to approve with the conditions listed in the Staff report. Commissioner Wallace seconded the motion.

Chairman Parks asked if the Planning Commission had any questions or comments. Commissioner Neal asked about the issue with the 18.11' line that was addressed in the Staff report. The Planning Director stated if the applicant would move the lot split line 18.11' north, the storm sewer system would not be an issue.

Commissioner Parks had a question about the lot split line. Commissioner Parks also was concerned about the liability the City may have concerning the storm sewer. The Planning Director reiterated that the storm sewer issue has been addressed and any proposed buyer of Tract A-1 will be required to be made aware of the storm issue and the City, City Staff and the Planning Commission cannot be held liable for this issue.

The City Engineer, Bill Legge stated to the Planning Commission that this is a simple lot split and nothing more. When the applicant submits the site plan then changes and comments can be made before it is approved by the Planning Commission.

Chairman Parks asked if there was any further discussion from the Planning Commission. Seeing none he called for a vote. The motion was approved unanimously.

Chairman Parks introduced **Item No. 5: Zoning Ordinance Amendment: BSZP-117: "Sign Regulations: Banners, Temporary Promotional Business Signs"**: The Planning Director requests on behalf of the Planning Commission to consider an amendment to the Zoning Ordinance, Article XXXI, Sign Regulations, Section 6, Subparagraph 7 and Subparagraph 8 to increase the number of display periods for Banners or Temporary Promotional Business Signs during a twelve month period and other text changes.

Chairman Parks opened the public hearing at 7:37 p.m. and asked for a Staff presentation. Staff presented its recommendations to the Planning Commission. Staff is recommending approval of this item as written in the Staff Report. The Planning Director stated that he would be happy to answer any questions.

The Planning Commission discussed the issues of banners and human directional's that stand on the corner of Kansas Ave. and K-7 Highway. After some discussion, Chairman Parks asked if there were any questions or comments from the audience. Since there was no audience, Chairman Parks closed the public hearing at 7:46 p.m. and called for a motion. Commissioner Pierce made a motion to approve with a second from Commissioner Stephan.

Chairman Parks asked if there were any questions or comments from the Planning Commission. Commissioner Neal asked about the time frame between banners, can you take them down one day and put them up the next. The Planning Director stated that they could remove the banner for a day or two and then put them back up. The Planning Director stated that if the applicant wants to utilize all four (4) banner display periods back to back, that it should be their choice as long as there is a short period of no display. Once the four (4) display periods have been used, no others will be allowed during the calendar year,

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

The Planning Director stated that the Governing Body will consider this item on April 11, 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 7:53 p.m.



Planning Commission Secretary