



# *City of Bonner Springs*

## **PLANNING COMMISSION AGENDA**

CITY HALL COUNCIL CHAMBERS

**TUESDAY, JULY 26, 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, JULY 26, 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, July 26, 2011

Study Session 6:00 p.m.

- Continue discussion on the 2011 Comprehensive Plan Vision 2025 Annual Update; and
- Discuss the request from the City Council to review the Sign Regulations and permit requirements for Sandwich Board Signs in front of businesses.

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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 June 28, 2011.

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

1. Board Discussion

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

**New Business:**

**ITEM NO. 2: Special Use Permit: SUP-127: “Church of the Nazarene”** A request for a Special Use Permit for the current church to comply with the requirements of Appendices A and B of the City’s Zoning Ordinance. The request is from Ronald Marshall for the Church of the Nazarene, property owners of record. The request is in order to combine the current church located at 742 N. Nettleton Avenue with the newly acquired single-family residence located at 748 N. Nettleton Avenue under the same special use permit. The adjacent single-family residence will be combined with the church on property zoned R-1, Single-Family Residential District located at 742 N. Nettleton Avenue. *(This item will be forwarded to the Governing Body on August 22, 2011)*

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

1. Staff Presentation / Applicant Presentation
2. Public Comment

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

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

3. Board Discussion

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

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

# ITEM NO. 1

Approval of Minutes of Planning Commission Meeting June 28, 2011

**PLANNING COMMISSION AGENDA**  
**TUESDAY, July 26, 2011, 7:00 P.M.**

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

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

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

**ACTION:** MAKE A MOTION TO APPROVE THE MINUTES OF THE PLANNING COMMISSION MEETING ON JUNE 28, 2011

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

**NARRATIVE:** The minutes of the June 28, 2011 meeting are attached.

**PLANNING COMMISSION MEETING MINUTES**  
**Tuesday, June 28, 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

Chairman Parks called the meeting to order at 7:00 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 May 24, 2011 Planning Commission meeting. Commissioner Pierce made a motion to approve the minutes as written 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.

**NEW BUSINESS**

Chairman Parks introduced **Item No. 2: ITEM NO. 2: Comprehensive Plan Change: BSCP-19: "KDOT Facility Bonner Springs"** A request to amend the Future Land Use Map of the Comprehensive Plan to change the land use designation for 9.63 acres from a Commercial to an Industrial designation. This request is from the Planning Commission on behalf of the Kansas Department of Transportation, property owners of record. This request is required in order to amend the current zoning classification to allow the current use as permitted under the Light Industrial District regulations. The property is located at 650 N. K-7 Hwy.

Chairman Parks opened the public hearing at 7:02 p.m. and asked for a Staff presentation. Staff presented its recommendations to the Planning Commission. Staff recommended approval. The Planning Director stated that he would be glad to answer any questions the Planning Commission may have and also reiterated to the Planning Commission that they are the applicant for the Comprehensive Plan Change and the following item to rezone the KDOT property.

Chairman Parks asked if anyone in the audience had any comments or questions. **Kenneth & Tina Neumann, 500 N. K-7 Hwy,** stated that they have no objections to the recommended changes. As the next door neighbor to KDOT, they stated that that they have not had any problems with the KDOT office and maintenance facility and that they have been very good neighbors.

Chairman Parks asked for any further questions or comments from the audience. Seeing none he closed the public hearing at 7:07 p.m. and called for a motion. Commissioner Stephan made a motion to approve. Commissioner Wallace seconded the motion.

Chairman Parks asked if the Planning Commission had any questions or concerns. Chairman Parks asked the Planning Director if KDOT leaves the location could a company come in there with some type of business that the City may not want. The Planning Director stated he does not see any problems with the light industrial zoning and he does not really see any potential undesirable uses being requested. The Planning Director stated that asphalt and concrete batch plants are not allowed in the I-1, Light Industrial District zoning and salvage yards would only be allowed with the issuance of a special use permit.

The Planning Director stated that changing the zoning to light industrial would alleviate the requirement for special use permits that had been issued in the past for KDOT.

Chairman Parks asked if the Planning Commission had any further 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 July 25, 2011 with a Planning Commission recommendation of approval.

Chairman Parks introduced **Item No. 3: Rezoning: BSZ-125: “KDOT Facility Bonner Springs”** A request to rezone 9.6 acres from a C-S-P, Highway Service District Planned to an I-1, Light Industrial District classification. This request is from the Planning Commission on behalf of the Kansas Department of Transportation, property owners of record. This request is to amend the current zoning classification to allow the current uses as permitted under the Light Industrial District regulations. The property is platted as “Final Plat of Kansas Department of Transportation District One-Area Three”. The property is located at 650 N. K-7 Hwy.

Chairman Parks opened the public hearing at 7:11 p.m. and asked for a Staff presentation. Staff presented its recommendations to the Planning Commission. Staff recommended approval of the rezoning as written in the Staff Report. The Planning Director stated that he would be glad to answer any questions.

Chairman Parks asked if anyone in the audience had any questions or concerns. Seeing none he closed the public hearing at 7:14 p.m. and asked for a motion. Commissioner Stephan made a motion to approve the item with a second from Commissioner Wallace.

Chairman Parks asked if there were any further questions. 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 July 25, 2011 with a Planning Commission recommendation of approval.

Chairman Parks and the Planning Commission thanked Malisa Wallace for her service on the Planning Commission and wished her well in her new endeavors.

Chairman Parks asked if there was any further discussion or other items. Seeing none, he adjourned the meeting at 7:15 p.m.

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Planning Commission Secretary

# ITEM NO. 2

**Special Use Permit: SUP-127: "Church of the Nazarene"** A request for a Special Use Permit for the current church to comply with the requirements of Appendices A and B of the City's Zoning Ordinance. The request is from Ronald Marshall for the Church of the Nazarene, property owners of record. The request is in order to combine the current church located at 742 N. Nettleton Avenue with the newly acquired single-family residence located at 748 N. Nettleton Avenue under the same special use permit. The adjacent single-family residence will be combined with the church on property zoned R-1, Single-Family Residential District located at 742 N. Nettleton Avenue.

## PLANNING COMMISSION MEETING

TUESDAY, July 26, 2011 at 7:00 P.M.

<b>PRESENT</b>	Gray	_____
	Carter	_____
	Pierce	_____
<b>&amp; VOTE:</b>	Neal	_____
	Parks	_____
	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 August 22, 2011.

**SPECIAL USE PERMIT: CHURCH OF THE NAZARENE****Case No.:** SUP-127**Applicant:** Ronald Marshall**Owner:** Church of the Nazarene**Location:** 742 N. Nettleton Avenue (Church)  
748 N. Nettleton Avenue (Single-Family Residence)**Zoning:** R-1, Single-Family Residential District**Tract Size:** 3.35 acres (Platted as Lot 13, Nettleton Alignment Replat) (Church)  
1.02 acres (Platted as Lot 14, Nettleton Alignment Replat) (Single-Family Residence)**Building(s):** Church and Single-Family Residence**Permit Type:** Church Facility**PROJECT DESCRIPTION:**

The applicant has submitted a request for a Special Use Permit for the current church to comply with the requirements of Appendices A and B of the City's Zoning Ordinance. The request is to combine the current church located at 742 N. Nettleton Avenue with the newly acquired single-family residence located at 748 N. Nettleton Avenue under the same special use permit. The adjacent single-family residence will be combined with the church facility on property zoned R-1, Single-Family Residential District located at 742 N. Nettleton Avenue. *(See the attached Exhibits including the diagrams for the On-Site Wastewater Treatment System)*

**STAFF RECOMMENDATION:** Staff recommends approval of SUP-127: Church of the Nazarene with the conditions specified based upon the factors for consideration presented in the staff report and forward it to the Governing Body with a recommendation of approval.

Subject to the following four (4) conditions:

1. Future expansions or additions to the site not identified on the Special Use Permit Site Plan will require the submission of a new Site Plan to be reviewed and approved by the Planning Commission;
2. The revocation of the Special Use Permit may occur for a violation of the Zoning Ordinance as provided in Section 8, Article XXVII of the Zoning Ordinance or violation of any or all of the conditions set out in the Special Use Permit;
3. The Special Use Permit shall be valid for an indefinite period unless:
  - a. The subject property is sold; or
  - b. The operation of such use is discontinued for more than 12 months; and
4. The Special Use Permit may not be assigned, conveyed or transferred.

**FACTORS FOR CONSIDERATION:**

1. **The proposed special use complies with all applicable provisions of these regulations, including intensity of use regulations, yard regulations, and use limitations, unless specifically exempted by the provisions of these regulations** – Churches are allowed in an R-1, Single-Family Residential District subject to an approved Special Use Permit. The requested special use permit application includes the church and the single-family residence. Both uses will comply with the R-1, Single-Family Residential District once the special use permit is approved.
2. **The proposed special use at the specified location will contribute to and promote the welfare or convenience of the public** – This application will allow the continuation of the church that will benefit the public at large for all those who attend as well as including the single-family residence.
3. **The proposed special use will not cause substantial injury to the value of other property in the neighborhood in which it is to be located** – The proposed special use will not cause substantial injury to the value of the neighborhood. The church was constructed at its current location in the early 1980's and has not caused any injury to neighboring properties since that time.

4. **The location and size of the special use, the nature and intensity of the operation involved in or conducted in connection with it, and the location of the site with respect to streets giving access to it are such that the special use will not dominate the immediate neighborhood so as to prevent development and use of neighboring property in accordance with the applicable zoning district regulations. In determining whether the special use will so dominate the immediate neighborhood, consideration shall be given to:**
  - a. **The location, nature and height of building, structures, walls and fences on the site** – The submitted site plan shows the existing site conditions for the church as well as the single-family residence to the north and is consistent with the neighboring properties.
  - b. **The nature and extent of landscaping and screening on the site** – No additional landscaping will be required until building additions are planned for the church in the future. At that time, all Landscaping shall be in accordance with the Landscape Ordinance Article XXX: Minimum Landscape Requirements.
5. **Off-street parking and loading areas will be provided in accordance with the standards set forth in these regulations, and such areas shall be screened from adjoining residential uses and located so as to protect such residential uses from any injurious effect** – The off-street parking requirements are calculated based upon the number of seats within meeting hall of the church. The requirement is for one (1) parking space for each five (5) seats based upon the maximum designed seating capacity, including choir lofts. Staff has not received any complaints about the lack of off-street parking for the current church.
6. **Adequate utility, drainage, and other such necessary facilities have been or will be provided** – All public services are currently provided to the church facility. The church and single-family residence are both currently utilize an On-Site Wastewater Treatment System (OWTS) and according to Wyandotte County Health Department, no problems have been noted for either system. *(WYCO Health Department documentation for both OWTS systems are attached)*
7. **Adequate access roads or entrance drives will be provided and shall be so designed to prevent traffic hazards and to minimize traffic congestion in public streets or alleys** – Two accesses are currently provided along Nettleton Ave. and will be maintained at this time. Access will be reevaluated if and when building additions are planned for the church.

SUTTON AVE.

269414

800

269415

812

269416

810

803

269413

748

G

NETTLETON AVE

269404

753

**SUP-127: "Church of the Nazarene"**

269412

CHURCH OF THE NAZARENE  
742

747

269405

737

269406

CYPRESS

738

269411

269407

727

721

269408

715

269409

269410

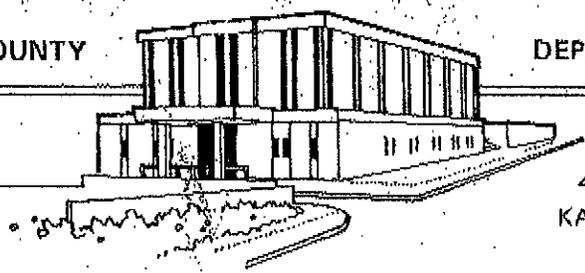
103





KANSAS CITY - WYANDOTTE COUNTY

DEPARTMENT OF HEALTH



619 ANN AVENUE

KANSAS CITY, KANSAS 66101

PHONE (913) 321-4803

ENVIRONMENTAL HEALTH SERVICES  
General Sanitation Section

The construction, alteration or extension of a private sewage disposal system at  
**800 North Nettleton** Kansas City, Kansas covered by permit  
number **3886** was inspected on **August 18,** 19 **80**, by **George Wendt**  
for compliance with the plans and the specifications detailed in the application.

The construction, alteration or extension was performed by **Gene Dodge**  
for the owner **Church of the Nazarene**, and was found to be:

ACCEPTABLE

UNACCEPTABLE

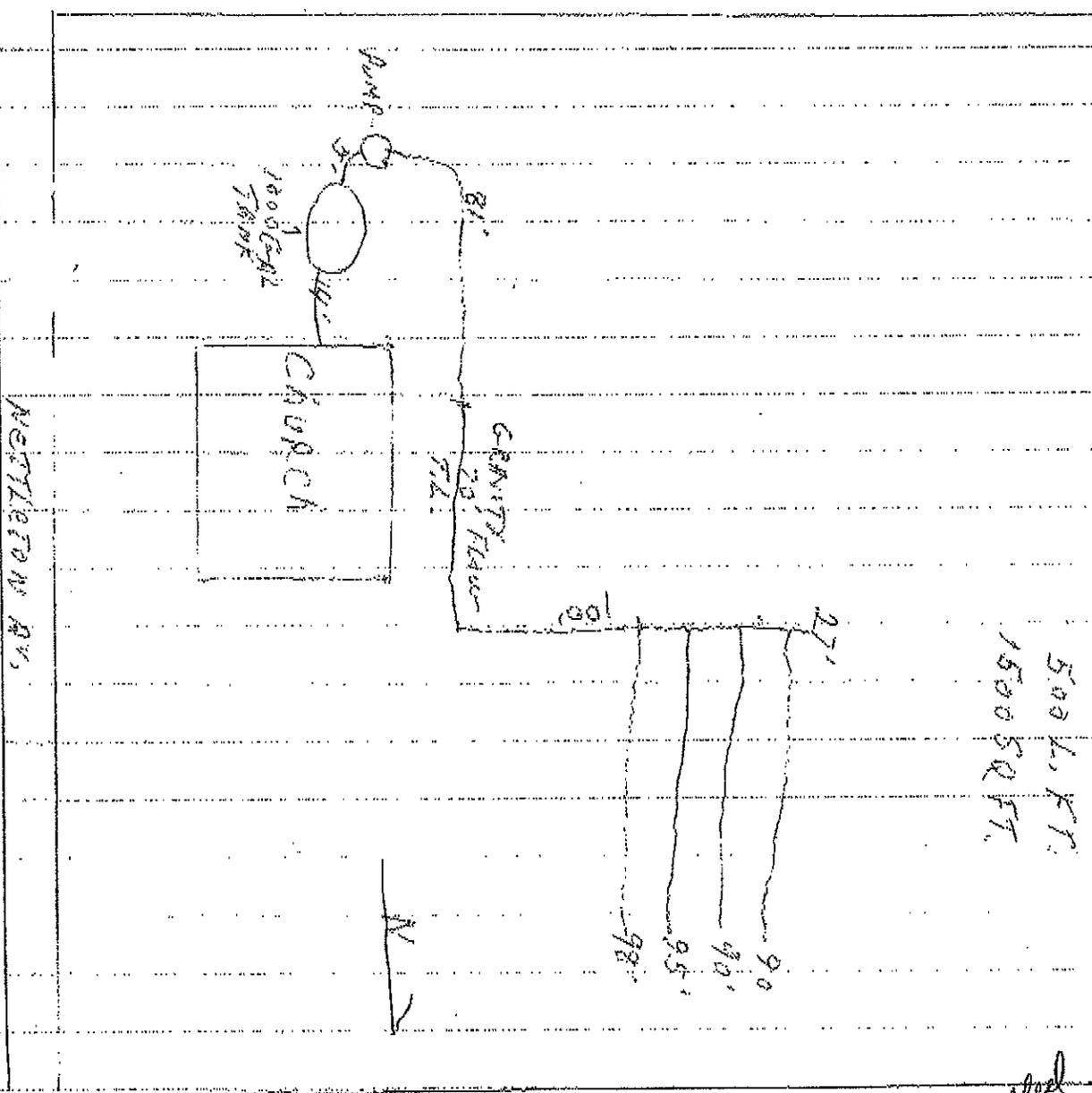
In unacceptable, the following changes must be made by:  
when reinspection will be made.

This is the notification required by Section 32-82, Code of Ordinances, Kansas City,  
Kansas.

Darrel D. Newkirk, M.D., M.P.H.,  
Director of Health  
Kansas City-Wyandotte County  
Department of Health

DDN/jmh

cc



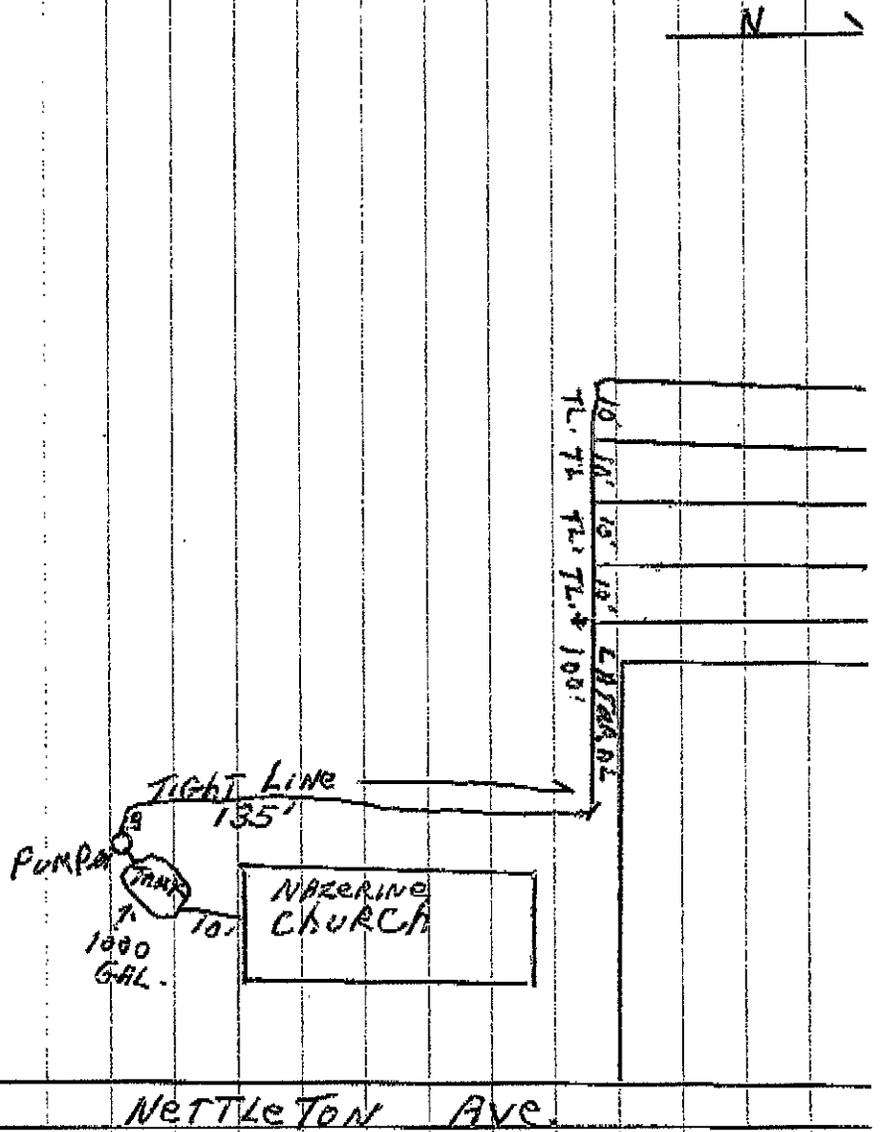
installed

NAZERINE CHURCH  
TON AV. BONNER SPRINGS  
By R-GENE F. DODGE

TANK- 1000 GAL- PRECAST  
- HANCOR- 3 hole

RAILS- 1500 SQ. FT.

- INSTALLED TO LIFT  
WATER 15' TO  
AL AREA.





Post-it* Fax Note	7671	Date	6-27-11	# of pages	3
To	Rick S.	From	Bruce A.		
Co./Dept.	Bonner S	Co.			
Phone #		Phone #			
Fax #	913-422-8947	Fax #			

619 Ann Avenue  
Kansas City, KS 66101-3038

Phone (913) 573-8855  
Fax (913) 321-7932

August 11, 2010

Mrs. Janet Shumway  
200 West Street  
Tonganoxie, KS 66086

RE: Home Loan Inspection on Septic System at 748 N. Nettleton Ave Bonner Spring, KS

Dear Mrs. Shumway:

At your request, a septic system evaluation was done to determine if the system is functioning as designed. At the time of my inspection the system appeared to be functioning as designed and there were no apparent signs of failure.

As with all cases, if in the future there are any failures to the system it will be the homeowners' responsibility to repair and/or replace the system. If you have any questions please feel free to contact me at any time at 913-573-6783.

Regards,

  
Tracie L. Diveley  
Environmental Health Specialist

CC: Joan Papineau

# Affidavit in Proof of Publication

(Published in the Bonner Springs Chieftain, Thursday, June 30, 2011)

STATE OF KANSAS  
Wyandotte County

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 06/30/2011 with publications being made on the following dates:

06/30/2011

Subscribed and sworn to before me this 6-30-2011

  
Notary Public

My Appointment expires; 3-15-2015

Publication Charges	\$39.00
Notary And Affidavit	\$0.00
Additional Copies	\$0.00
	<u>\$39.00</u>

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

The Planning Commission will hold a public hearing on Tuesday, July 26, 2011 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:

**Special Use Permit: SUP-127: "Church of the Nazarene"** A request for a Special Use Permit for the church facility to comply with the Zoning Ordinance from Ronald Marshall for the Church of the Nazarene, property owners of record. The request is in order to combine the current church facility with the newly acquired single-family residential property located at 748 N. Nettleton Avenue under the same special use permit. The adjacent single-family residence will be combined with the church facility on property zoned R-1, Single-Family Residential District located at 742 N. Nettleton Avenue.

The complete legal description and application for the above item is 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