



# *City of Bonner Springs*

## **PLANNING COMMISSION AGENDA**

CITY HALL COUNCIL CHAMBERS

**TUESDAY, MAY 24, 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, MAY 24, 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, May 24, 2011

Study Session 6:00 p.m.

- Planning Commission discussion on the 2011 Update to the Comprehensive Plan Vision 2025.

---

**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 April 26, 2011.

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

1. Board Discussion

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

**New Business:**

**ITEM NO. 2: Site Plan: ST-11-101, “Papa Bob’s Bar-B-Que Addition”**, 0.88 acres unplatted that is zoned C-S, Highway Service District. Requested by Robert Caviar, Caviar Enterprises, LLC, property owners of record. The site plan is being submitted in order to construct a covered entry on the front and side of the existing restaurant to control the inside environmental conditions of the restaurant. The property is located at 11610 Kaw Drive.

1. Staff Presentation / Applicants Presentation
2. Public Comment

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

3. Board Discussion

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

**ITEM NO. 3: Zoning Ordinance Amendment: BSZP-118: “Private Use of Public Parking Lots”:** The Governing Body requests the Planning Commission consider an amendment to the Zoning Ordinance to allow for Private Use of Public Parking Lots. The Planning Department recommends the amendment be placed under Section 5, Temporary Uses Permitted, Article XXII of the Zoning Ordinance to allow for private use of public parking lots. *(This item will be forwarded to the Governing Body on June 13, 2011)*

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

1. Staff Presentation
2. Public Comment

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

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

3. Board Discussion

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

**ITEM NO. 4: Planning Commission Discussion**, to direct Staff to publish for a Public Hearing in order for the Planning Commission to consider an amendment to the Future Land Use Map from a Commercial to an Industrial designation and a rezoning from C-S-P, Highway Service District Planned to an I-1, Light Industrial District classification for the KDOT Facility Bonner Springs located at 650 N. K-7 Hwy. *(The background on this item is loose in your packet)*

1. Staff Presentation

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

2. Board Discussion

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

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

# ITEM NO. 1

Approval of Minutes of Planning Commission Meeting April 26, 2011

**PLANNING COMMISSION AGENDA**  
**TUESDAY, May24, 2011, 7:00 P.M.**

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

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

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

**ACTION:** MAKE A MOTION TO APPROVE THE MINUTES OF THE PLANNING COMMISSION MEETING ON APRIL 26, 2011

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

**NARRATIVE:** The minutes of the April 26, 2011 meeting are attached.

**PLANNING COMMISSION MEETING MINUTES**  
**Tuesday, April 26, 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 March 22, 2011 Planning Commission meeting. Commissioner Stephan made a motion to approve the minutes as written and Commissioner Pierce 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.

**NEW BUSINESS**

Vice-Chairman Pierce introduced **Item No. 2: Site/Landscape Plan: ST-11-100, "First Pentecostal Church Addition"**, 1.6 acres platted as Lot 1, First Pentecostal Church Addition zoned R-1, Single-Family Residential District. Requested by Jim Denham, for the First Pentecostal Church, property owners of record. The site/landscape plan is being submitted in order to construct a new 700 square foot addition to front of the existing church facility. The property is located at 940 S. 130<sup>th</sup> Street.

Chairman Parks asked for a Staff presentation. Staff presented its recommendations to the Planning Commission. Staff recommended approval subject to the conditions listed in the Staff report. The Planning Director stated that he would be glad to answer any questions the Planning Commission may have. The Planning Director noted that all recommended conditions have been addressed on the Revised Site/Landscape Plan that was submitted on March 29, 2011.

Chairman Parks asked if the applicant would like to address the Planning Commission. **Jim Denham** stated that they were in agreement with all conditions listed in the Staff report. Mr. Denham also thanked the Planning Director for all of his help in getting the site/landscape plan completed in a timely manner.

Chairman Parks asked for any questions or comments from the audience. 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 the motion.

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

Chairman Parks introduced **Item No. 3: Floodplain Management Regulations:** A request by the Bonner Springs Planning Department to amend Chapter XVI: Zoning and Planning; Article 4, Floodplain Management Regulations of the City of Bonner Springs Code of Ordinances, by amending the Floodplain Management Regulations adopted on February 11, 2008 under Ordinance No. 2209. The reasons for this request are to update the Floodplain Management Regulations to incorporate the new FEMA Issued Flood Insurance Rate Maps (FIRM's) and the Flood Insurance Study (FIS) that will become effective on September 2, 2011. The language for Penalties for Non-Compliance under Article 3, Section C is amended to be consistent with the provisions of Kansas State Law, K.S.A. 12-761: Violations, Penalties and Actions.

Chairman Parks opened the public hearing at 7:07 p.m. and asked for a Staff presentation. Staff presented its recommendations to the Planning Commission. Staff recommended approval of the Floodplain Management Regulations 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 7:10 p.m. and asked for a motion. Commissioner Stephan made a motion to approve the item with a second from Commissioner Pierce.

Chairman Parks asked if the Planning Commission had any questions or concerns. Commissioner Stephan asked about increasing the freeboard from the one foot above base flood elevation as written and required by the State of Kansas to the two foot above base flood elevation as discussed in the Study Session. The Planning Director stated that the discussion about the possibility of increasing from one foot to the two foot above base flood elevation was for the purpose of reduced flood insurance. The Planning Director stated that as far as he knew, no other city in the KC Metro area has chosen to increase the freeboard to two foot. Commissioner Stephan stated that he did not want to amend his motion to include the two foot provision, but would rather go with the Planning Commission consensus and stay with the one foot provision as written in the Draft Floodplain Management Regulations.

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

The Planning Director will forward this item to the Governing Body upon approval by the Chief Engineer of the Division of Water Resources of the Kansas Department of Agriculture.

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

---

Planning Commission Secretary

# ITEM NO. 2

**ITEM NO. 2: Site Plan: ST-11-101, "Papa Bob's Bar-B-Que Addition", 0.88 acres unplatted that is zoned C-S, Highway Service District. Requested by Robert Caviar, Caviar Enterprises, LLC, property owners of record. The site plan is being submitted in order to construct a covered entry on the front and side of the existing restaurant to control the inside environmental conditions of the restaurant. The property is located at 11610 Kaw Drive.**

## PLANNING COMMISSION MEETING

**TUESDAY, MAY 24, 2011 at 7:00 P.M.**

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

**SITE PLAN: PAPA BOB'S BAR-B-QUE ADDITION**

**Case No.:** ST-11-101  
**Applicant:** Robert Caviar  
**Property Owner:** Caviar Enterprises, LLC  
**Location:** 11610 Kaw Dr.  
**Zoning:** C-S, Highway Service District  
**Lot Size:** 0.88 acres  
**Building Size:** 3,800 sq.ft.  
**Building Use:** Full-Service Restaurant  
**Parking:** No additional parking is being required for the building additions  
**Landscaping:** No additional landscaping is being required  
**Signage:** None shown  
**Site Lighting:** None shown

**Staff Analysis:**

The site plan is being submitted in order to construct a enclosed entry on the front and side of the existing restaurant to control the inside environmental conditions of the restaurant. The submitted site plan does meet the minimum submittal requirements listed under Article V, Section 10: Site Plans of the Zoning Ordinance.

**Note:** The entire property is located within the 100-year floodplain, therefore, a Floodplain Development Permit is required to be submitted and approved by the Floodplain Administrator in accordance with Article 4, Section A, of the current Floodplain Management Regulations adopted on February 11, 2008 under Ordinance No. 2209.

**Staff Recommendation:**

The Development Staff recommends approval of the Site/Landscape Plan subject to the following condition to include all Standing Conditions listed below:

1. The applicant shall submit a completed Floodplain Development Permit for review and approval by the Planning Director as the proposed building additions are located within the 100-year floodplain of West Mission Creek.

**Standing Site Plan Conditions:**

1. Changes or deviations from the approved site/landscape plan shall require resubmittal to the Planning Department for review and approval. If the changes are substantial, resubmittal to the Planning Commission for approval shall be required; and
2. Site/Landscape Plans are valid for 180 days from the date of approval.

**Review Comments Received from the Development Review Team:****Planning Director:**

1. The proposed building additions do not meet the definition of a Substantial Improvement in regard to the size and/or value of the addition as compared to the original value of the building. They are considered a Minimum Improvement;
2. The proposed building additions are not-habitable spaces but rather being constructed to control the environmental conditions inside the existing restaurant;
3. The proposed building additions are both within the conveyance shadow of the existing building and should not pose any additional flood risk downstream; and

4. The applicant shall submit a completed Floodplain Development Permit for review and approval by the Planning Director as the entire building is located within the 100-year floodplain of West Mission Creek.

**Building Official:**

1. The materials shown on the submitted construction plans meet the Flood Resistance requirements listed under the International Building Code, Section 1403.5.

**City Engineer:**

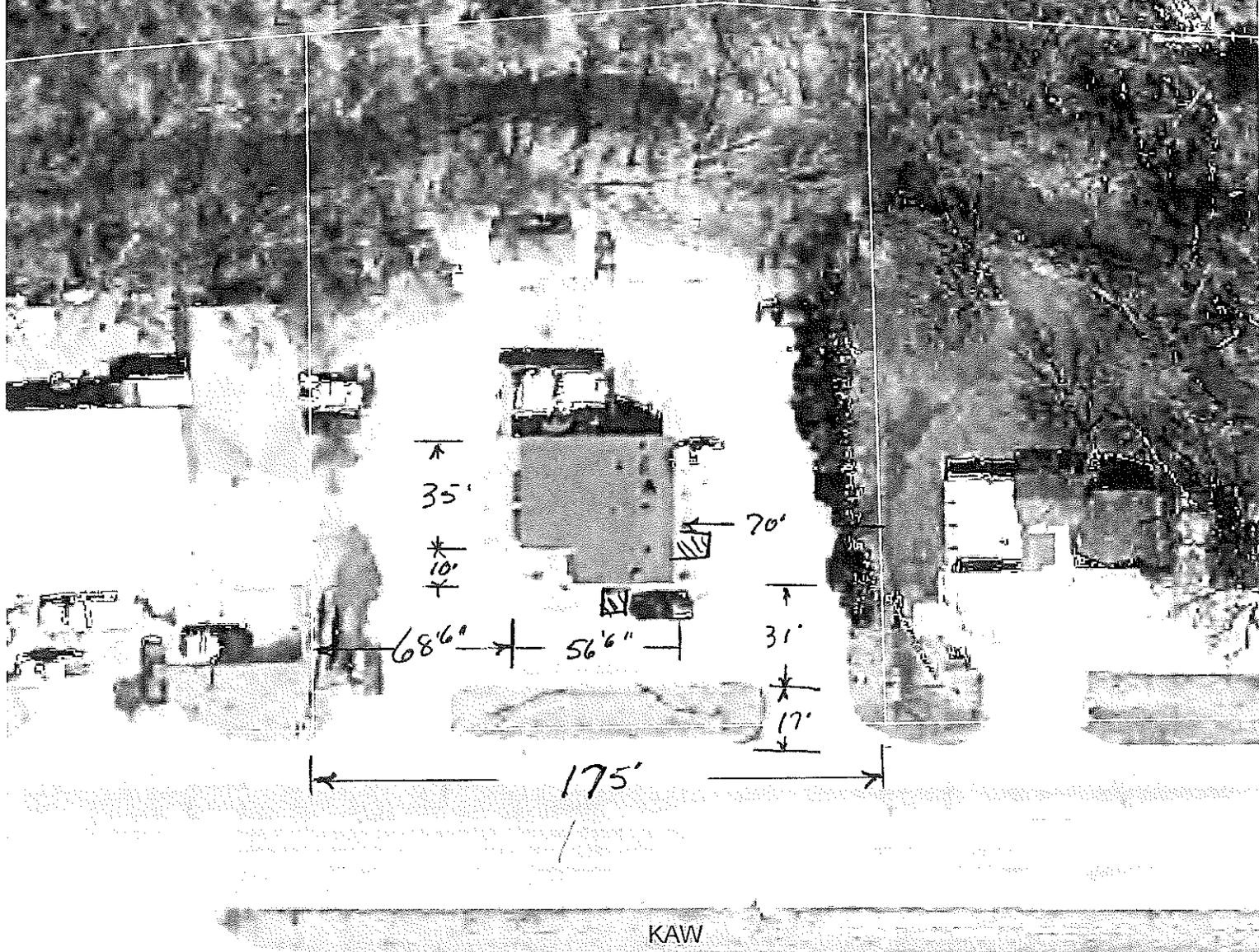
1. Concurs with the Planning Director and the Building Officials analysis of the proposed building additions that are within the 100-year floodplain of West Mission Creek.

**Economic Development Director:** No comments.

**Public Works Director:** No comments.

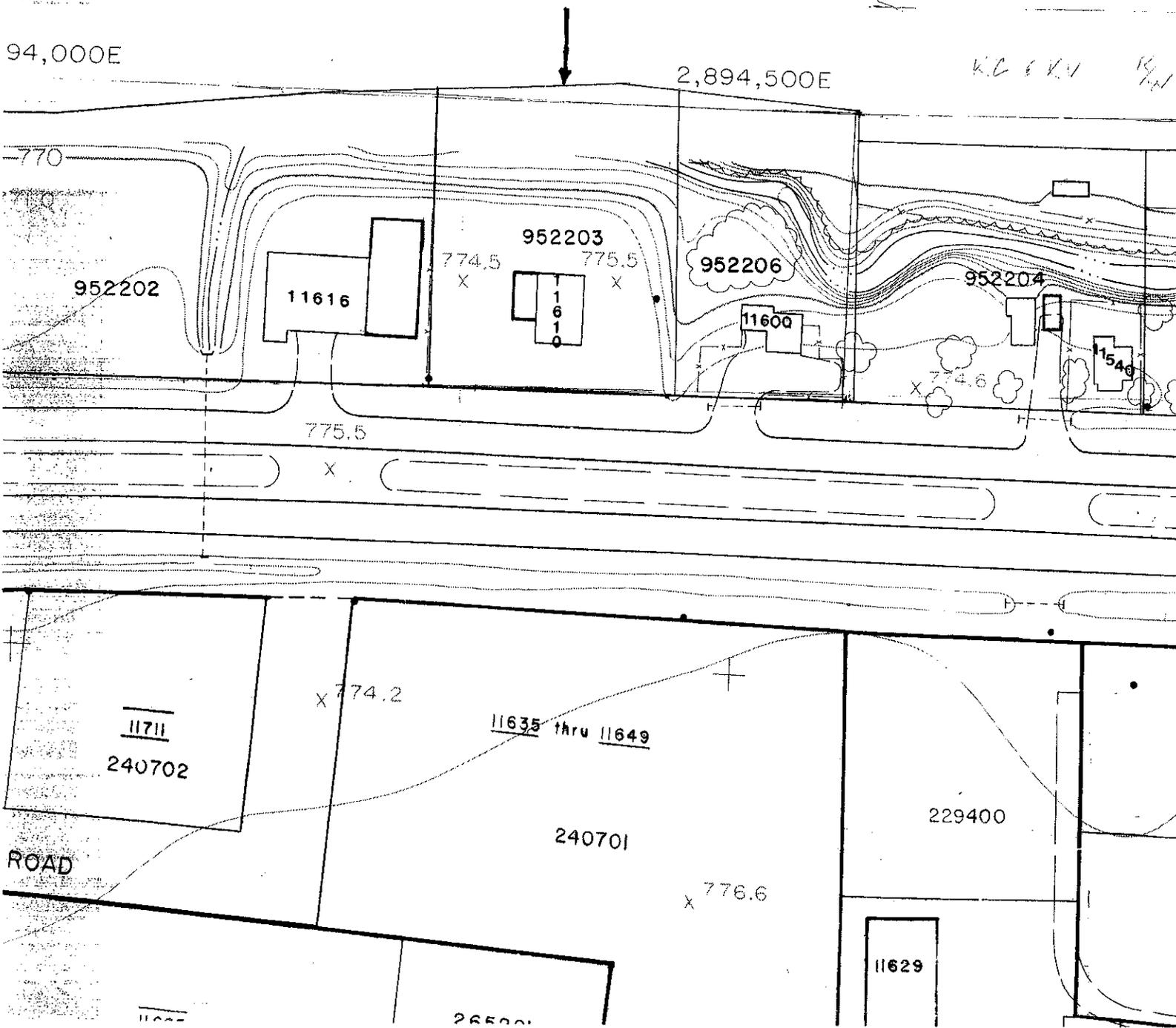
**Utilities Director:** No comments.

**PAPA BOB'S BAR-B-QUE**  
**11610 KAW DRIVE**  
**ST-11-101 SITE PLAN**

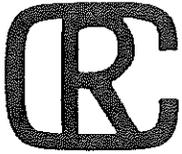


# PAPA BOB'S BAR-B-QUE 11610 KAW DRIVE

## ST-11-101 SITE PLAN



# REINWALD CONSTRUCTION



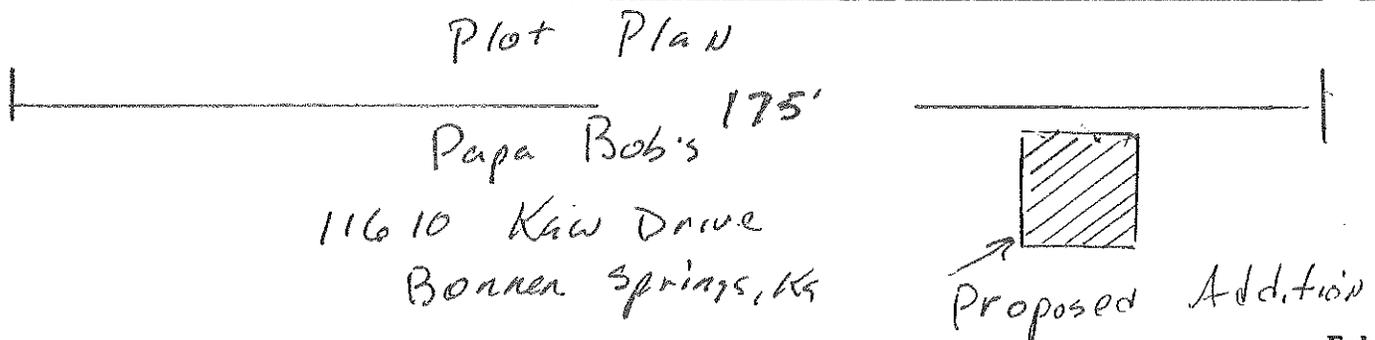
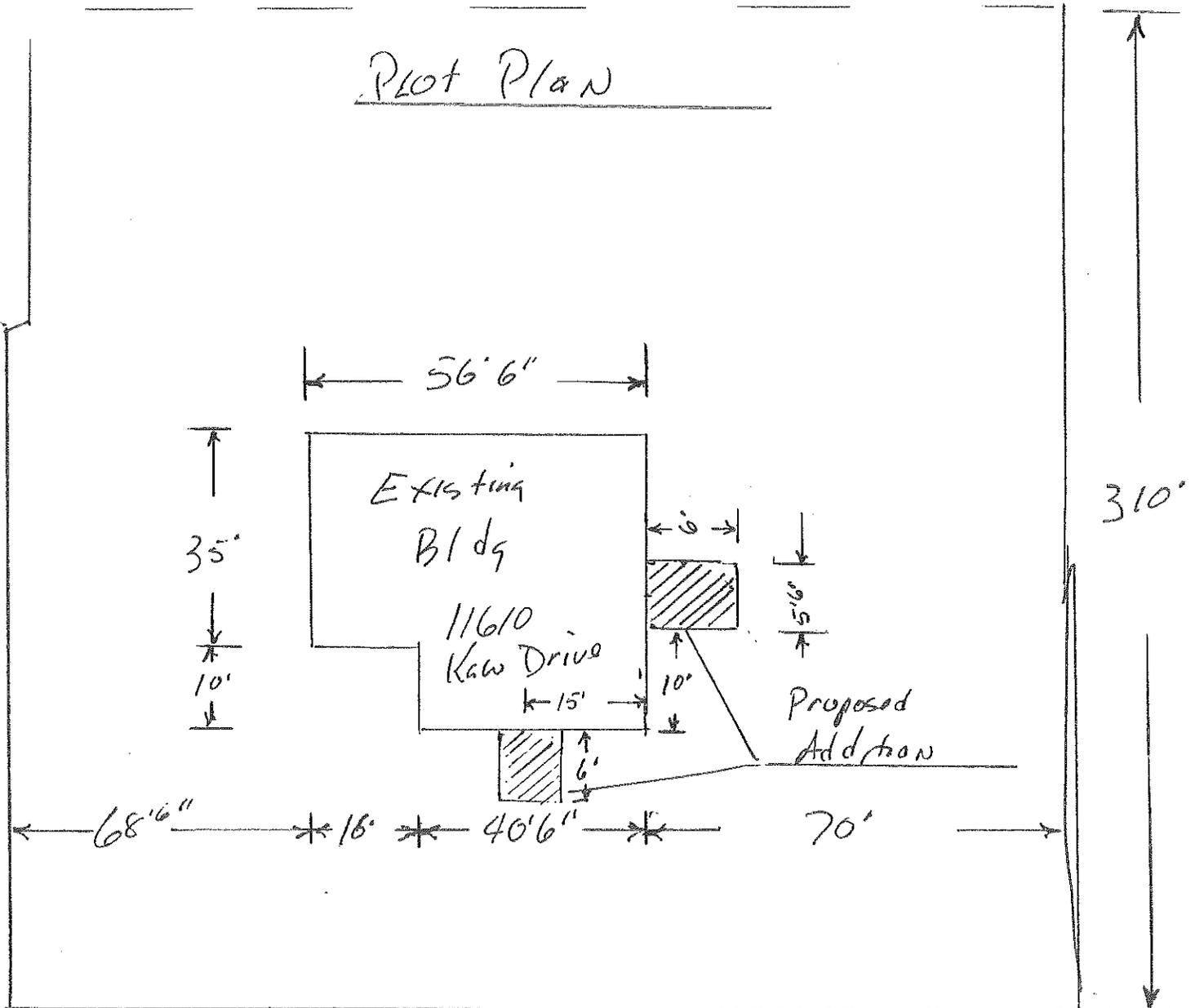
DICK  
(913) 207-1988

DICK REINWALD  
GENERAL CONTRACTOR  
13838 METROPOLITAN  
BONNER SPRINGS, KANSAS 66012

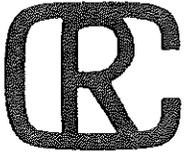
(913) 441-8853

4-22-11

QUINN  
(913) 207-1986



# REINWALD CONSTRUCTION



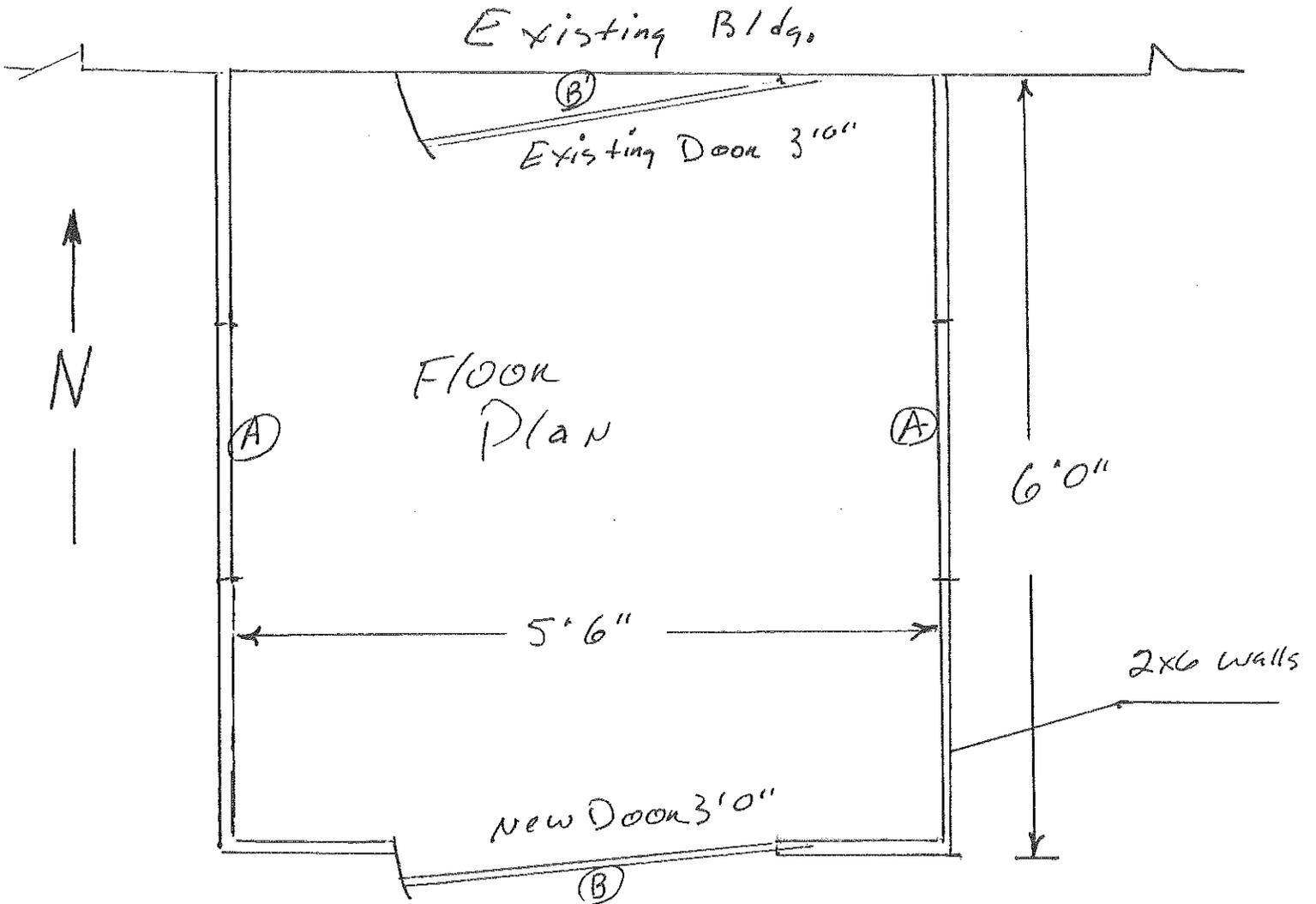
DICK  
(913) 207-1988

DICK REINWALD  
GENERAL CONTRACTOR  
13838 METROPOLITAN  
BONNER SPRINGS, KANSAS 66012

(913) 441-8853

April 20, 2011

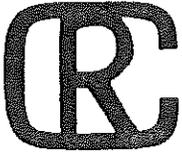
QUINN  
(913) 207-1986



- A - 2' x 3' Window  
Tempered Glass
  - B - 3'0" x 7'0"  
Commercial  
Outswing  
Door
- Proposed Addition  
Parking

Papa Bobs 11610 Kaw Dr Bonner Springs  
Kansas  
Highway Kansas # 32

# REINWALD CONSTRUCTION

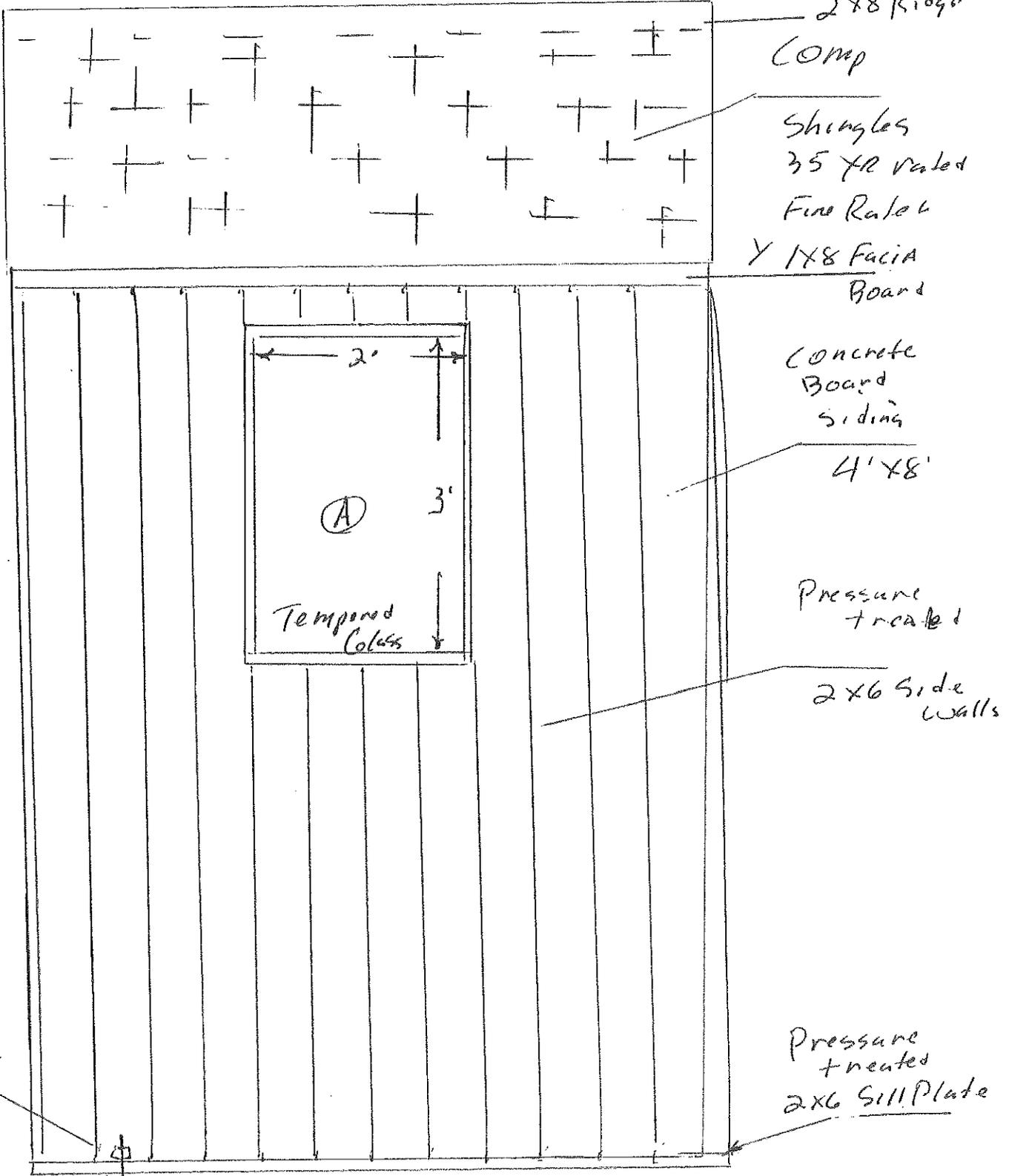


DICK  
(913) 207-1988

DICK REINWALD  
GENERAL CONTRACTOR  
13838 METROPOLITAN  
BONNER SPRINGS, KANSAS 66012

(913) 441-8853

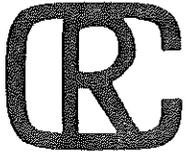
Papa Bob's  
11610 Kaw Dr.  
Bonner Springs,  
Kansas QUINN  
(913) 207-1986



1/2" x 8"  
Anchor  
Bolts  
2' O.C.

West and East Elevations

# REINWALD CONSTRUCTION



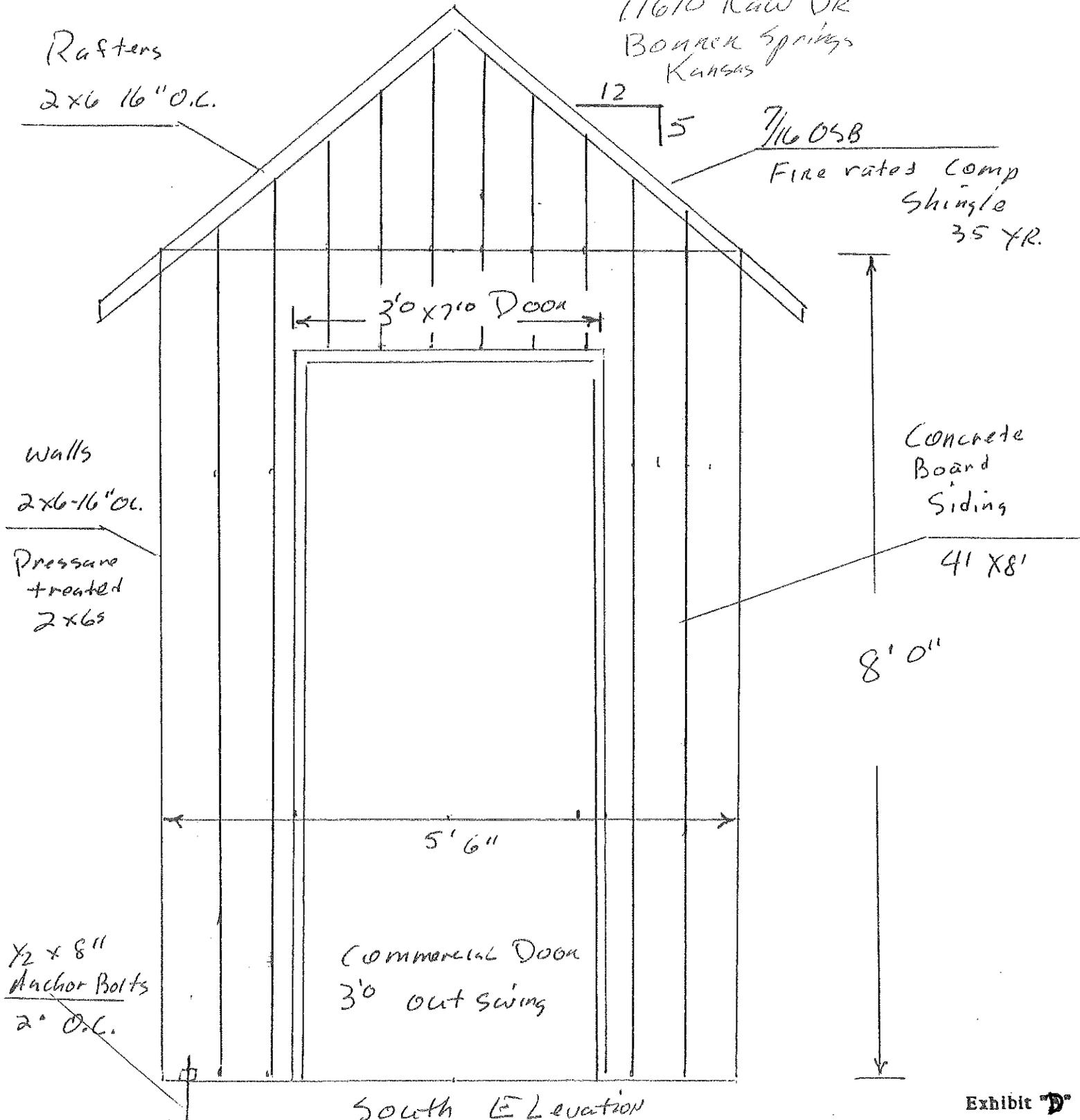
DICK REINWALD  
GENERAL CONTRACTOR  
13838 METROPOLITAN  
BONNER SPRINGS, KANSAS 66012

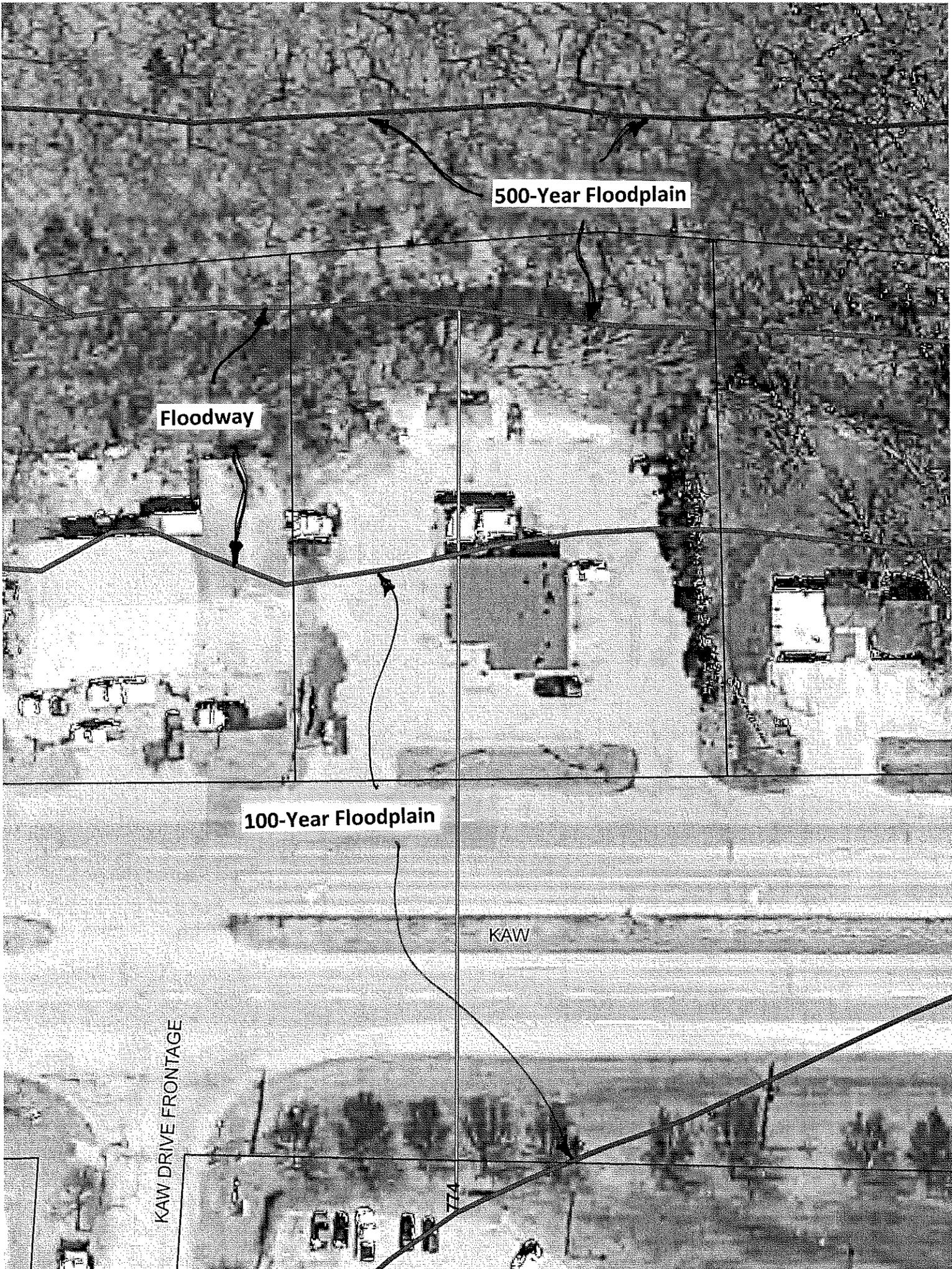
DICK  
(913) 207-1988

(913) 441-8853

Papa Bob's  
11610 Kaw DR  
Bonner Springs  
Kansas

QUINN  
(913) 207-1986





500-Year Floodplain

Floodway

100-Year Floodplain

KAW

KAW DRIVE FRONTAGE

774

accordance with ASTM E 331 under the following conditions:

- 2.1. *Exterior wall envelope* test assemblies shall include at least one opening, one control joint, one wall/eave interface and one wall sill. All tested openings and penetrations shall be representative of the intended end-use configuration.
- 2.2. *Exterior wall envelope* test assemblies shall be at least 4 feet by 8 feet (1219 mm by 2438 mm) in size.
- 2.3. *Exterior wall envelope* assemblies shall be tested at a minimum differential pressure of 6.24 pounds per square foot (psf) (0.297 kN/m<sup>2</sup>).
- 2.4. *Exterior wall envelope* assemblies shall be subjected to a minimum test exposure duration of 2 hours.

The *exterior wall envelope* design shall be considered to resist wind-driven rain where the results of testing indicate that water did not penetrate control joints in the *exterior wall* envelope, joints at the perimeter of openings or intersections of terminations with dissimilar materials.

3. Exterior insulation and finish systems (EIFS) complying with Section 1408.4.1.

**1403.3 Structural.** *Exterior walls*, and the associated openings, shall be designed and constructed to resist safely the superimposed loads required by Chapter 16.

**1403.4 Fire resistance.** *Exterior walls* shall be fire-resistance rated as required by other sections of this code with opening protection as required by Chapter 7.

**1403.5 Flood resistance.** For buildings in flood hazard areas as established in Section 1612.3, *exterior walls* extending below the design flood elevation shall be resistant to water damage. Wood shall be pressure-preservative treated in accordance with AWPA U1 for the species, product and end use using a preservative listed in Section 4 of AWPA U1 or decay-resistant heartwood of redwood, black locust or cedar.

**1403.6 Flood resistance for high-velocity wave action areas.** For buildings in flood hazard areas subject to high-velocity wave action as established in Section 1612.3, electrical, mechanical and plumbing system components shall not be mounted on or penetrate through exterior walls that are designed to break away under flood loads.

## SECTION 1404 MATERIALS

**1404.1 General.** Materials used for the construction of exterior walls shall comply with the provisions of this section. Materials not prescribed herein shall be permitted, provided that any such alternative has been *approved*.

**1404.2 Water-resistive barrier.** A minimum of one layer of No.15 asphalt felt, complying with ASTM D 226 for Type 1 felt or other *approved* materials, shall be attached to the studs or sheathing, with flashing as described in Section 1405.4, in such a manner as to provide a continuous *water-resistive barrier* behind the *exterior wall* veneer.

**1404.3 Wood.** Exterior walls of wood construction shall be designed and constructed in accordance with Chapter 23.

**1404.3.1 Basic hardboard.** Basic hardboard shall conform to the requirements of AHA A135.4.

**1404.3.2 Hardboard siding.** Hardboard siding shall conform to the requirements of AHA A135.6 and, where used structurally, shall be so identified by the *label* of an *approved* agency.

**1404.4 Masonry.** Exterior walls of masonry construction shall be designed and constructed in accordance with this section and Chapter 21. Masonry units, mortar and metal accessories used in anchored and adhered veneer shall meet the physical requirements of Chapter 21. The backing of anchored and adhered veneer shall be of concrete, masonry, steel framing or wood framing.

**1404.5 Metal.** Exterior walls of formed steel construction, structural steel or lightweight metal alloys shall be designed in accordance with Chapters 22 and 20, respectively.

**1404.5.1 Aluminum siding.** Aluminum siding shall conform to the requirements of AAMA 1402.

**1404.5.2 Cold-rolled copper.** Copper shall conform to the requirements of ASTM B 370.

**1404.5.3 Lead-coated copper.** Lead-coated copper shall conform to the requirements of ASTM B 101.

**1404.6 Concrete.** Exterior walls of concrete construction shall be designed and constructed in accordance with Chapter 19.

**1404.7 Glass-unit masonry.** Exterior walls of glass-unit masonry shall be designed and constructed in accordance with Chapter 21.

**1404.8 Plastics.** Plastic panel, apron or spandrel walls as defined in this code shall not be limited in thickness, provided that such plastics and their assemblies conform to the requirements of Chapter 26 and are constructed of *approved* weather-resistant materials of adequate strength to resist the wind loads for cladding specified in Chapter 16.

**1404.9 Vinyl siding.** Vinyl siding shall be certified and labeled as conforming to the requirements of ASTM D 3679 by an *approved* quality control agency.

**1404.10 Fiber-cement siding.** Fiber-cement siding shall conform to the requirements of ASTM C 1186, Type A, and shall be so identified on labeling listing an *approved* quality control agency.

**1404.11 Exterior insulation and finish systems.** Exterior insulation and finish systems (EIFS) and exterior insulation and finish systems (EIFS) with drainage shall comply with Section 1408.

# CITY OF BONNER SPRINGS

City Staff to complete this section

Case Number: FDP- 09

## FLOODPLAIN DEVELOPMENT PERMIT / APPLICATION

**TO THE FLOODPLAIN ADMINISTRATOR:** The undersigned hereby makes application for a permit to develop in the floodplain. The work to be performed, including flood protection works, is as described below and in attachments hereto. The undersigned agrees that all such work shall be done in accordance with the requirements of the City's Floodplain Management Regulations and applicable requirements of the State of Kansas as contained in K.S.A. 12-741 *et seq*; K.S.A. 12-766; and K.A.R. 5-44-1 through 5-44-6.

**PROJECT NAME:** Papa Bob's Bar-B-Que Addition

Robert Caviar 5/11/11  
Owner or Agent Date

Reinwald Construction 5/11/11  
Contractor Date

11610 Kaw Dr. Bonner Springs KS  
Address

13838 Metropolitan Bonner Springs, KS  
Address

(913) 422-4210  
Phone

(913) 441-8853  
Phone

### SITE DATA:

1. Location: 11610 Kaw Dr ¼ SW ¼ NW Section 27 Range 11 Township 23E

Street Address 11610 Kaw Dr

2. Type of Development: Filling \_\_\_\_\_ Grading \_\_\_\_\_ Excavation \_\_\_\_\_ Minimum Improvement X  
Routine Maintenance \_\_\_\_\_ Substantial Improvement \_\_\_\_\_ New Construction X Other \_\_\_\_\_

3. Description of Development: (2) 5'x8' Covered Entry's

4. Premises: Structure size 5 ft. x 8 ft. Area of Site 0.8 acres 37,705 sq.ft.

Principal use Full Service Restaurant Accessory uses (storage, parking, etc.) \_\_\_\_\_

5. Value of Improvement (fair market) \$ 6,000 Pre-Improvement/Assessed value of structure \$ 154,270

6. Property located in a designated FLOODWAY? Yes \_\_\_\_\_ No X

If answered YES, certification must be provided prior to the issuance of a permit to develop certifying that the proposed development will not result in an increase "No Rise" in the Base Flood (100 year) Elevation.

7. Property located in a designated FLOODPLAIN FRINGE? Yes X No \_\_\_\_\_

8. Elevation of the 100-year flood (ID source) 774 MSL/NGVD

9. Elevation of the proposed development site 775 MSL/NGVD

10. Elevation/Floodproofing requirement Yes to 776 (1 Foot) MSL/NGVD

11. Other floodplain elevation information (ID and describe source) Final DFIRM Sept 2, 2011

12. Other Permits required? U.S. Army Corps of Engineers Sec. 404 Permit: Yes \_\_\_\_\_ No X

Kansas Division of Water Resources (Stream Obstruction): Yes \_\_\_\_\_ No X

Kansas Division of Water Resources (Floodplain Fill/No Rise): Yes \_\_\_\_\_ No X

Kansas Department of Health & Environment (NPDES/NOI): Yes \_\_\_\_\_ No X

Other: N/A

13. All provisions of the City's Floodplain Management Regulations under Ordinance No. 2209 shall be in compliance.

14. Two (2) copies of any plans, specifications and approved permits for the proposed project are attached as required: Yes X No \_\_\_\_\_

**NOTICE: Read Carefully.** This permit is issued with the condition that the lowest floor (including basement) of any new or substantially-improved residential structure will be elevated at least one (1) foot above the base flood elevation. If the proposed development is a non-residential structure, this permit is issued with the condition that the lowest floor (including basement) of any new or substantially-improved non-residential structure will be elevated at least one (1) foot or floodproofed at least two (2) foot above the base flood elevation. This permit is issued with the condition that the developer/owner will provide certification by a registered engineer, architect, or land surveyor of the "as built" lowest floor elevation of any new or substantially-improved structure covered by the permit.

### PERMIT APPROVAL

Plans and Specifications are hereby approved this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

Robert Caviar  
Print Name and Title of Developer/Owner

Don E. Slone, Planning Director  
Print Name and title Authorizing Official

Signature of Developer/Owner

Signature of Authorizing Official

# ITEM NO. 3

**ITEM NO. 3: Zoning Ordinance Amendment: BSZP-118: “Private Use of Public Parking Lots”:** The Governing Body requests the Planning Commission consider an amendment to the Zoning Ordinance to allow for Private Use of Public Parking Lots. The Planning Department recommends the amendment be placed under Section 5, Temporary Uses Permitted, Article XXII of the Zoning Ordinance to allow for private use of public parking lots.

## PLANNING COMMISSION MEETING

**TUESDAY, MAY 24, 2011 at 7:00 P.M.**

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

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

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

**ACTION:** MAKE A MOTION TO APPROVE

**STAFF RECOMMENDATION:** STAFF IS RECOMMENDING APPROVAL OF THIS ITEM AS WRITTEN 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 June 13, 2011.**

To: Planning Commission

From: Don E. Slone, AICP, CFM, Planning Director



**RE: Zoning Ordinance Amendment: BSZP-118: "Private Use of Public Parking Lots":** The Governing Body requests the Planning Commission consider an amendment to the Zoning Ordinance to allow for Private Use of Public Parking Lots. The Planning Department recommends the amendment be placed under Section 5, Temporary Uses Permitted, Article XXII: Supplementary District Regulations of the Zoning Ordinance to include a new paragraph to allow for the private use of public parking lots. (*Attached are a copy of the Draft Ordinance and Ordinance No. 2304*)

**Recommendation:**

The Planning Director recommends an amendment to the Zoning Ordinance, Article XXII: Supplementary District Regulations; Section 5, Temporary Uses Permitted to include a new paragraph (9) Private Use of Public Parking Lots.

The recommended language for the new paragraph is:

9. **Private Use of Public Parking Lots:** The private use of public parking lots for Special Events shall be permitted when approved by the Governing Body per the provisions in Chapter XII: Public Property, Article 7 of the Code of Ordinances.

**Background:**

The Governing Body has over the past several months discussed the issue to allow private businesses the use of public parking lots for other than the parking of vehicles. The Governing Body approved Ordinance No. 2304 on April 25, 2011 to amend Chapter XII, Public Property to add Article 7, Private Use of Public Parking Lots to the Code of Ordinances. Ordinance No 2304, Section 12-704(G) states:

*No permit will be issued in conflict with any Zoning Ordinance, or other City Ordinance or regulation.*

In order to fulfill this stated requirement to allow for the private use of public parking lots, an amendment to the Zoning Ordinance is required. The proposed Zoning Ordinance amendment will meet that requirement.

**An Ordinance of the Governing Body to Amend the Zoning Ordinance, Article XXII: Supplementary District Regulations, Section 5: Temporary Uses Permitted to add Paragraph 9, Private Use of Public Parking Lots within the City of Bonner Springs, Kansas.**

---

**Be it Ordained by the Governing Body of the City of Bonner Springs, Kansas:**

**Section I:** The Zoning Ordinance, Article XXII: Supplementary District Regulations, Section 5: Temporary Uses Permitted is hereby repealed.

**Section II:** The Zoning Ordinance, Article XXII: Supplementary District Regulations, Section 5: Temporary Uses Permitted to add Paragraph 9: Private Use of Public Parking Lots is hereby amended as follows:

**SECTION 5. TEMPORARY USES PERMITTED:** No temporary structure or use shall be built, moved, remodeled, altered or enlarged unless the temporary structure or use is permitted by these regulations.

1. **Christmas Tree Sales:** Christmas tree sales are permitted in any business or industrial district for a period not to exceed sixty (60) days. There are no yard or setback requirements, provided that no trees shall be displayed within thirty (30) feet of the intersection of the curb line of any two streets.
2. **Temporary, Contractors, or Seasonal Business or Ticket Office and Equipment Sheds:** Contractors or other temporary and seasonal business offices and equipment sheds accessory to construction projects or other temporary or seasonal businesses are permitted and may continue only during the duration of such project, or, if a seasonal business, for a period of no longer than six (6) months. Such uses may not include sleeping or cooking accommodations. A permit shall be obtained from the Codes Department for such temporary structures.
3. **Real Estate Offices:** Real estate offices are permitted where they are located on-site and are incidental to a new housing development, provided that such uses continue only until the sale or lease of all dwelling units in the development. Such uses may not include sleeping or cooking accommodations unless located in a model dwelling unit and sales must be limited to housing within the new housing development.
4. **Seasonal Sales:** Seasonal sales of farm produce grown on the premises are permitted in an "AG" and "A-1" District. Front yard requirements are not applicable to structures incidental to such sales if the structures are removed or moved back of the required front yard setback line at the end of the season during which they are used. (Revised Ordinance No. 1636).
5. **Carnivals and Circuses:** Carnivals or circuses, in "C-1", "C-2", "C-S" and "I-1" Districts, permitted only for a period that does not exceed three (3) weeks. Front yard requirements are not applicable, provided that the location of structures or equipment shall conform to the requirements of the sight triangle as defined by these regulations.
6. **Garage, Porch, or Yard Sales:** The sale of used or second-hand merchandise shall be permitted in any residential district or by non-profit organizations, provided that such use shall not exceed three (3) consecutive days in duration nor shall it occur more than two (2) times in a consecutive twelve (12) month period at any particular location. Such sales shall be only for the purpose of disposing of personal property.
7. **Fireworks Sales:** The sale of fireworks, as set forth in local ordinance and all amendments thereto relating to the regulation of the storage, sale and discharge of fireworks, shall be permitted in "C-1", "C-2", "C-S", "I-1", and "I-2" Districts, only for the period permitted by City ordinance or State Statute, whichever is more restrictive.

8. **Portable Dressing Rooms:** The use of temporary portable dressing rooms is permitted, following a written request and application for a building permit. A building permit shall be issued for up to three portable dressing units for a fifteen day period for each unit per request, but shall not be issued more than twice within a calendar year (i.e. for not more than two requests per calendar year).
9. **Private Use of Public Parking Lots:** The private use of public parking lots for Special Events shall be permitted when approved by the Governing Body per the provisions in Chapter XII: Public Property, Article 7 of the Code of Ordinances.

**Section III:** This ordinance shall be in full force and effect after passage and publication in the official city newspaper.

**Approved by the Governing Body and signed by the Mayor on June 13, 2011.**

\_\_\_\_\_  
Clausie W. Smith, Mayor

ATTEST:

\_\_\_\_\_  
Rita Hoag, City Clerk

(SEAL)

Ordinance No. 2304

An Ordinance to Amend Chapter XII, Public Property to Add Article 7, Private Use of Public Parking Lots to the Code of Ordinances of the City of Bonner Springs, Kansas

---

Be it Ordained by the Governing Body of the City of Bonner Springs, Kansas:

Section 1: Chapter XII, Public Property of the Code of Ordinances is amended to add "Article 7, Private Use of Public Parking Lots" as follows:

Section 12-701: Permit Required: It shall be unlawful for any person, individual, organization or business to use public parking lot for any private purpose or special event without a permit approved by the Governing Body upon submission of an application per this Article to the City Clerk's office no later than two weeks prior to the City Council meeting before the planned event. "Special event" shall mean a temporary, short-term use of a public parking lot for uses, including but not limited to, the following:

- A. Fundraising or non-commercial events for nonprofit religious, educational or community service organizations.
- B. Promotional activities intended to attract attention to a specific place, business, organization, event or district, such as outdoor entertainment or display booths.
- C. Public events primarily for entertainment or amusement, such as concerts or festivities.

Section 12-702: Permit Fees: The City Council shall establish permit fees for special events permitted under this Article. Not-for-profit associations, organizations or individuals shall be exempt from payment of the established fees. The approved fee shall be published in the City Fee Schedule.

Section 12-703: Application: Any person, individual, organization, association or business that wishes to use a public parking lot for a special event shall make application to the City Clerk's office as provided in Section 12-701 on application forms provided by the City Clerk's office which requests the following information:

- A. The name of the applicant/sponsor of the event.
- B. The purpose of the event.
- C. The public parking lot(s) requested.
- D. A clear diagram of the area of the public parking lot to be used.
- E. The dates and times of the event.
- F. The need for Police, Fire, EMS or other municipal services.
- G. Security for the event.
- H. Certificate of Insurance that names the City as an additional insured.
- I. Statement that the applicant will clean the entire parking lot and surrounding area immediately following the end of the event.
- J. Not-for-profit organizations, association or individuals must provide proof of their non-profit status. A not-for-profit certificate of good standing from the Kansas Secretary of State is an acceptable proof for purposes of this subsection.
- K. Unincorporated associations, organizations or individuals not registered with the Kansas Secretary of State requesting use of a parking lot for a not-for-profit event or activity must provide certification of their not-for-profit status.

- L. All applicants must have or obtain all applicable business licenses and ensure vendors that participate in the event have or obtain an occupational license from the City.

Section 12-704 Restrictions:

- A. No more than four special event permits will be approved per calendar year to any individual, business, association, or organization for the use of a public parking lot.
- B. Any event or activity that a for-profit individual, business, association or organization co-sponsors, promotes or participates in any way with any not-for-profit qualified individual, business, association or organization as defined in Section 12-703, paragraph J or K of this ordinance, will count as an event for the for-profit entity.
- C. No permit will be approved for more than three consecutive days, except for the carnival for Tiblow Days.
- D. No permit will be issued for use of the Centennial Park Parking Lot that is within thirty (30) feet of Centennial Park.
- E. No permit will be approved that will conflict with the Annual Chamber of Commerce Tiblow Days, Marble Days or any other city approved celebration.
- F. Activities for any approved event shall not take place between the hours of 12 a.m. midnight and 6 a.m. of any day of the permitted event.
-  G. No permit will be issued in conflict with any Zoning Ordinance, or other City Ordinance or regulation.
- H. Sale, possession and/or consumption of alcoholic beverages or cereal malt beverages require separate permits per Chapter III Beverages, Article 1 General Provisions, Sections 3-104 and 3-105 and Chapter 8 Temporary Permits of this Code. Applications for these permits shall be submitted at the same time as the permit required in this Article.

Section 12-705. Display of Permit. Any applicant using a public parking lot pursuant to a valid permit pursuant to this Article shall prominently display the permit at the special event site, or have the permit available to display to any officer or employee of the City upon demand.

Section 12-706. Revocation of Permit. The City Manager or designee, may suspend or revoke a permit issued under this Article if:

- A. The permittee fails to meet the conditions imposed on the issuance of the permit.
- B. The permittee violates any provision of this Code or other ordinance of the City governing the activities permitted by the permit.
- C. The permit was obtained by fraud or misrepresentation.

Section 12-707. Hazard Prohibited. Notwithstanding that a permit may have been issued for the private use of the public parking lot pursuant to this Article, no person shall make any use of the public parking lot that constitutes an immediate hazard requiring immediate action to protect the public.

Section 12-708. Penalty.

- A. Any person who violates the requirements of this Article shall, upon conviction, be fined not less than \$20.00 nor more than \$500.00, or be imprisoned for not more than thirty (30) days, or be both so fined and imprisoned. Each day that a person violates the requirements of this Article shall constitute a separate offense.

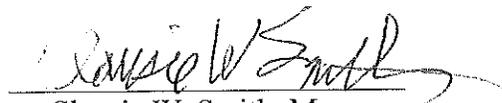
B. The violation of any condition imposed on the issuance of a permit shall constitute a violation of this Article.

Section 12-709. Appeal. Any person may appeal to the City Council from the denial, suspension or revocation of a public parking lot use permit or the conditions imposed on the issuance of a permit by the City Manager or designee. Notice of such appeal must be given in writing to the City Clerk within fifteen (15) days of the denial, suspension, revocation or conditional issuance of the permit.

Section II: This ordinance shall be in full force and effect from and after its passage and publication in the City's official newspaper.

Approved by the City Council and Signed by the Mayor on 4/25, 2011.

Attest:

  
Clausie W. Smith, Mayor

  
Rita Hoag, City Clerk

(Seal)

# Affidavit in Proof of Publication

(Published in the Bonner Springs Chieftain, Thursday, April 28, 2011)

STATE OF KANSAS  
Wyandotte County

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

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

The Planning Commission will hold a public hearing on Tuesday, May 24, 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:

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

**Zoning Ordinance Amendment: BSZP-118: "Private Use of Public Parking Lots":**  
The Governing Body requests the Planning Commission consider an amendment to the Zoning Ordinance to allow for Private Use of Public Parking Lots. The Planning Department recommends the amendment be placed under Section 5, Temporary Uses Permitted, Article XXII of the Zoning Ordinance to allow for private use of public parking lots and other text changes as recommended.

Questions or comments may be addressed to the Planning Department located at 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.

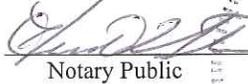
/s/ Don E. Slone, AICP, CFM  
Planning Commission Secretary

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.

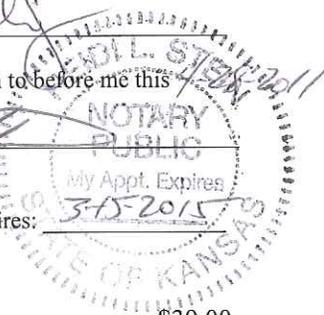
That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for 1 consecutive weeks the first publication thereof being made as aforesaid on 04/28/2011 with publications being made on the following dates:

04/28/2011

Subscribed and sworn to before me this

  
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>

RECEIVED  
11 APR 29 AM 10:05  
CITY OF BONNER SPRINGS

# ITEM NO. 4

**ITEM NO. 4: Planning Commission Discussion**, to direct Staff to publish for a Public Hearing in order for the Planning Commission to consider an amendment to the Future Land Use Map from a Commercial to an Industrial designation and a rezoning from C-S-P, Highway Service District Planned to an I-1, Light Industrial District classification for the KDOT Facility Bonner Springs located at 650 N. K-7 Hwy.

## PLANNING COMMISSION MEETING

**TUESDAY, MAY 24, 2011 at 7:00 P.M.**

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

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

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

**ACTION:** MAKE A MOTION TO DIRECT STAFF TO PUBLISH FOR A PUBLIC HEARING TO CONSIDER AN AMENDMENT TO THE FUTURE LAND USE MAP AND A REZONING FOR THE KDOT FACILITY BONNER SPRINGS.

**STAFF RECOMMENDATION:** AS LISTED ABOVE

**NARRATIVE:** The background to this item is loose in your packet.

To: Planning Commission

From: Don E. Slone, AICP, CFM, Planning Director

**RE: Planning Commission Discussion**, to direct Staff to publish for a Public Hearing in order for the Planning Commission to consider an amendment to the Future Land Use Map from a Commercial to an Industrial designation and a rezoning from C-S-P, Highway Service District Planned to an I-1, Light Industrial District classification for the KDOT Facility Bonner Springs located at 650 N. K-7 Hwy.

**Recommendation:**

Direct Staff to publish a Public Hearing Notice for a public hearing on June 28, 2011 @ 7:00 p.m. to consider an amendment to the Future Land Use Map and Rezoning for the KDOT Facility Bonner Springs located at 650 N. K-7 Hwy.

**Background:**

The subject property was initially rezoned from A-1, Agricultural District to I-1-P, Light Industrial District Planned under Ordinance No. 1651 on December 21, 1992. A subsequent ordinance rezoned the property to C-S-P, Highway Service District Planned under Ordinance No. 1718 on December 19, 1994.

On January 3, 1995 the Governing Body renewed the Preliminary Development Plan for the KDOT facility under Resolution No. 1995-01 acknowledging the adoption of Ordinance No. 1718 on December 19, 1994 that essentially rezoned the property from I-1-P, Light Industrial District Planned to C-S-P, Highway Service District Planned.

**Discussion:**

The Planning Commission may initiate an amendment to zoning of a specific property as specified under K.S.A. 12-757 as follows:

**12-757. Same; zoning; downzoning or rezoning, amendments and revisions; procedure; notice and hearing; protest petition; signs to notify of proposed rezoning.**

(a) The governing body, from time to time, may supplement, change or generally revise the boundaries or regulations contained in zoning regulations by amendment. A proposal for such amendment may be initiated by the governing body or the planning commission. If such proposed amendment is not a general revision of the existing regulations and affects specific property, the amendment may be initiated by application of the owner of property affected. Any such amendment, if in accordance with the land use plan or the land use element of a comprehensive plan, shall be presumed to be reasonable. The governing body shall establish in its zoning regulations the matters to be considered when approving or disapproving a rezoning request. The governing body may establish reasonable fees to be paid in advance by the owner of any property at the time of making application for a zoning amendment.

This recommendation is based upon the fact that "Public Uses with Limited Outdoor Storage" is currently permitted by right in the I-1, Light Industrial District and is more in line with the current KDOT uses. Public Uses with Limited Outdoor Storage in the C-S, Highway Service District requires the issuance of a Special Use Permit for any changes to additional uses.