

City of Bonner Springs
Planning Commission Agenda
Tuesday, March 22, 2011

Study Session 6:00 p.m.

- Planning Commissioner training on Kansas Foreclosure Procedures (Merle Parks); and
- Planning Commission discussion on the 2011 Comprehensive Plan Vision 2025 Update.

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 January 25, 2011.

Motion: _____ Second: _____

1. Board Discussion

For: _____ #Against: _____

New Business:

ITEM NO. 2: Lot Split: 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 Ave.

1. Staff Presentation / Applicants Presentation
2. Public Comment

Motion: _____ Second: _____

3. Board Discussion

For: _____ #Against: _____

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. *(This item will be forwarded to the Governing Body on April 11, 2011)*

Open Public Hearing Time: _____

1. Staff Presentation / Applicant Presentation
2. Public Comment

Close Public Hearing Time: _____

Motion: _____ Second: _____

3. Board Discussion

For: _____ #Against: _____

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 St.

1. Staff Presentation / Applicants Presentation
2. Public Comment

Motion: _____ Second: _____

3. Board Discussion

For: _____ #Against: _____

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. *(This item will be forwarded to the Governing Body on April 11, 2011)*

Open Public Hearing Time: _____

1. Staff Presentation
2. Public Comment

Close Public Hearing Time: _____

Motion: _____ Second: _____

3. Board Discussion

For: _____ #Against: _____

Adjournment Time: _____



City of Bonner Springs

PLANNING COMMISSION AGENDA

CITY HALL COUNCIL CHAMBERS

TUESDAY, MARCH 22, 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, MARCH 22, 2011,

IF YOU WILL BE UNABLE TO ATTEND

PREPARED BY:

DON E. SLONE, AICP, CFM
PLANNING DIRECTOR

PEOPLE

PLANNING

PROGRESS

ITEM NO. 1

Approval of Minutes of Planning Commission Meeting January 25, 2011

PLANNING COMMISSION AGENDA
TUESDAY, MARCH 22, 2011, 7:00 P.M.

PRESENT	Gray	_____
	Carter	_____
	Pierce	_____
& VOTE:	Neal	_____
	Parks	_____
	Wallace	_____
	Stephan	_____
	Krone	_____

MOTION: _____

SECOND: _____

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

STAFF RECOMMENDATION: STAFF RECOMMENDS APPROVAL OF THE MINUTES

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

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

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

MEMBERS ABSENT: Robin Neal

STAFF PRESENT: Don Slone, AICP, CFM, City Planner/Floodplain Administrator

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 November 23, 2010 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 and Chairman Parks, Commissioner Pierce and Commissioner Wallace abstained as they were absent from the meeting.

NEW BUSINESS

Chairman Parks introduced **Item No. 2: Special Use Permit: SUP-125: "Primp My Pup Pet Spa & Hotel"** The applicant requested a Special Use Permit for a kennel operation to allow a place for owners of cats and dogs to take their animals for the day or night. Services include: grooming, overnight boarding and short term care for people who travel and obedience courses with or without owner's participation. The applicants are Brian and Theresa Costello, Primp My Pup, LLC, under contract from James and Linda Armbrust, property owners of record. The property contains approximately 6.0 acres zoned A-1, Agricultural District that is the location of the former Walker School located at 115 N. 134th Street.

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 subject to the six (6) conditions listed in the Staff Report. The City Planner stated that he would be glad to answer any questions the Planning Commission may have.

Chairman Parks asked if the applicant would like to address the Planning Commission. **Brian Costello, Primp My Pup, LLC**, stated they he did not have a presentation but would be happy to answer any questions from the public or the Planning Commission.

Chairman Parks asked for any questions or comments from the audience. **Daniel Warne, 131 N. 134th St.**, stated that he was in favor of the project but had a question about the location of the outside kennels as he lives to the north of the subject property. The City Planner stated that the outside kennels are to be located on the south side of the building and then referred the question to Mr. Costello for any further comments. Mr. Costello stated the outside kennels would be located on the south side of the building as shown on the Exhibit. Mr. Warne also asked about the 20' right-of-way to be dedicated and where it was located. The City Planner provided his copy of the Exhibit for the site to Mr. Warne and stated that the 20 feet of right-of-way would align with the right-of-way along his property to the north for a future street improvement, new sanitary sewer and waterlines. Mr. Warne also asked how many dogs would be boarded on the property at any one time and Mr. Costello stated that they anticipate 15 to 20 dogs as maximum number.

Chairman Parks asked for any other questions or comments from the audience. Seeing none, he closed the public hearing at 7:14 p.m. and called for a motion. Commissioner Pierce made a motion to approve the item with the six (6) listed conditions in the Staff Report to include the outside kennel runs be located on the south side of the building. Commissioner Stephan seconded the motion.

Chairman Parks asked Mr. Costello if he was okay with the listed conditions. Mr. Costello stated that they were in agreement with the listed conditions and added the requirement for the outside kennels to be located on the south side of the building.

Chairman Parks then asked the City Planner if a septic system would be approved for new construction in this location. The City Planner stated that staff would probably support the request as public sanitary sewer is not available to this location. Chairman Parks asked the City Planner if this special use would produce a significantly increase in traffic along 134th Street and he said he did not think that this type of use would generate a significant amount of traffic in comparison to the current traffic along 134th Street.

Commissioner Carter asked the applicants about the owners that drop off their animals as stated in paragraph 3 of his letter. Mr. Costello stated that it is like Doggie Day Care where you can drop your pet off for the day for structured play time with staff.

Commissioner Pierce asked how many employees they will have and Mrs. Costello stated that they usually have five (5) employees at any one time with a maximum of ten (10).

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

The City Planner stated that the Governing Body will consider this item on February 14, 2011 with a Planning Commission recommendation of approval.

Chairman Parks introduced **Item No. 3: Zoning & Subdivision Amendments: BSZP-116: "Penalties for Zoning and Subdivision Violations"** The City Planner requested on behalf of the Planning Commission to consider an amendment to the Zoning Ordinance, Article XXIX, Section 5: Violation and Penalty; Article XXXI: Sign Regulations, Section 5: Penalties; and the Subdivision Regulations, Article XI, Section 5, Penalty to amend the language for penalties to be consistent with the provisions of State Law under K.S.A. 12-761: Violations, Penalties and Actions that apply to penalties for violations of the Zoning Ordinance, Sign Regulations and Subdivision Regulations.

Chairman Parks opened the public hearing at 7:20 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 City Planner stated that he would be glad to answer any questions.

Chairman Parks asked for any questions or comments from the audience. Seeing none, he closed the public hearing at 7:22 p.m. and called for a motion. Commissioner Stephan made a motion to approve the item as recommended by staff with a second from Commissioner Carter.

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

The City Planner stated that the Governing Body will consider this item on February 14, 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 7:25 p.m.

Planning Commission Secretary

ITEM NO. 2

Lot Split: 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 Ave.

PLANNING COMMISSION MEETING

TUESDAY, MARCH 22, 2011 at 7:00 P.M.

PRESENT	Gray	_____
	Carter	_____
	Pierce	_____
& VOTE:	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.

LOT SPLIT: "SPARTAN LOT SPLIT"

Case No.: LS-112
Applicant: Jim Story, Story Surveying, Inc.
Surveyor: Jim Story, Story Surveying, Inc.
Property Owners: Stephen and Karen Spartan
Location: 12430 Kansas Ave.
Zoning: A-1, Agricultural District
Overall Tract Size: 58.98 acres
Tract A: 3.19 acres (12520 Kansas Ave., Parcel No. 955803)
Tract B: 55.78 acres (12430 Kansas Ave., Parcel No. 955815)

Staff Analysis:

The requested lot split for the 58.98 acres of unplatted ground zoned A-1, Agricultural District is being requested by Jim Story, Story Surveying, for Stephen and Karen Spartan, property owners of record. Tract A is 3.19 acres with an existing single-family residence and Tract B is 55.78 acres which also contains an existing single-family residence. The request is in order to change the boundaries of the two existing parcels. The property is located at 12430 and 12520 Kansas Ave.

Staff Recommendation:

The Development Staff recommends approval of the submitted lot split subject to the following conditions:

1. Add "Spartan" to the title: "Spartan Lot Split";
2. Add LS-112 Spartan Lot Split to the lower right hand corner of the drawing;
3. The Utility Information is incorrect. Either change the Electrical from KCP&L to Westar Energy with their contact information or remove the Utility Information altogether;
4. Change the Planning Commission signature blocks and add Merle E. Parks, Chairman and Don E. Slone, AICP, CFM, Secretary in the signature blocks as shown on the Lot Split Application;
5. Change the Unified Government Surveyor's signature block as shown on the Lot Split Application;
6. Provide the mathematical Error in Closure to legal descriptions for both Tract A and Tract B;
7. Correct the Surveyor's phone number on the Title Block;
8. Provide and dedicate an additional twenty (20) feet of right-of-way by separate instrument for future street widening, waterline and sanitary sewer line improvements along Kansas Avenue to the Planning Department in order for the city to file with the Register of Deeds;
9. AT&T has no objections to proposed lot split. However, any relocation of AT&T facilities to accommodate this proposed lot split will be billable to the property owner;
10. The surveyor shall furnish two (2) original signed/sealed mylars along with the filing fee of \$20.00 made payable to the Register of Deeds; the "Section Corner(s) Tie Report" and fee as required by KSA-58-2003; and
11. The Planning Department will file the Lot Split and provide an electronic copy of the filed Lot Split to the surveyor for his clients.

Review Comments Received from Other Departments/Agencies**City Planner:**

1. Add "Spartan" to the title: "Spartan Lot Split";
2. Add LS-112 Spartan Lot Split to the lower right hand corner of the drawing;
3. The Utility Information is incorrect. Either change the Electrical from KCP&L to Westar Energy with their contact information or remove the Utility Information altogether;
4. Change the Planning Commission signature blocks and add Merle E. Parks, Chairman and Don E. Slone, AICP, CFM, Secretary in the signature blocks as shown on the Lot Split Application;
5. Change the Unified Government Surveyor's signature block as shown on the Lot Split Application;
6. Provide the mathematical Error in Closure to legal descriptions for both Tract A and Tract B;
7. Correct the Surveyor's phone number on the Title Block;

8. Provide and dedicate an additional twenty (20) feet of right-of-way by separate instrument for future street widening, waterline and sanitary sewer line improvements along Kansas Avenue to the Planning Department in order for the city to file with the Register of Deeds;
9. The surveyor shall furnish two (2) original signed/sealed mylars along with the filing fee of \$20.00 made payable to the Register of Deeds; the "Section Corner(s) Tie Report" and fee as required by KSA-58-2003; and
10. The Planning Department will file the Lot Split and provide an electronic copy of the filed Lot Split to the surveyor for his clients.

City Engineer: No comments.

Building Official: No comments.

Economic Development: No comments.

Public Works:

1. The only comment I have is regarding the Right-of-Way for Tract B. I think that all Rights-of-Way should be dedicated to the City. (See City Planner's Condition No. 8)

Utilities: No comments.

WYCO Mapping: No comments.

Westar Energy: No objections.

Atmos Energy: Atmos Energy has no gas service in the area.

AT&T:

1. AT&T has no objections to proposed lot split. However, any relocation of AT&T facilities to accommodate this proposed lot split will be billable to the property owner.

Time Warner: No objections.

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.

PLANNING COMMISSION MEETING

TUESDAY, MARCH 22, 2011 at 7:00 P.M.

PRESENT	Gray	_____
	Carter	_____
	Pierce	_____
& VOTE:	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. **This item will be forwarded to the Governing Body on April 11, 2011.**

SPECIAL USE PERMIT: FIRST PENTECOSTAL CHURCH**Case No.:** SUP-126**Applicant:** Jim Denham**Owner:** First Pentecostal Church**Location:** 940 S. 130th Street**Zoning:** R-1, Single-Family Residential District**Tract Size:** 1.6 acres (Platted as Lot 1, First Pentecostal Church)**Building(s):** Existing Church and Activity Center**Permit Type:** Church**PROJECT DESCRIPTION:**

The applicant has submitted 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. *(See the attached Exhibits)*

STAFF RECOMMENDATION: Staff recommends approval of SUP-126: First Pentecostal Church 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 five (5) conditions:

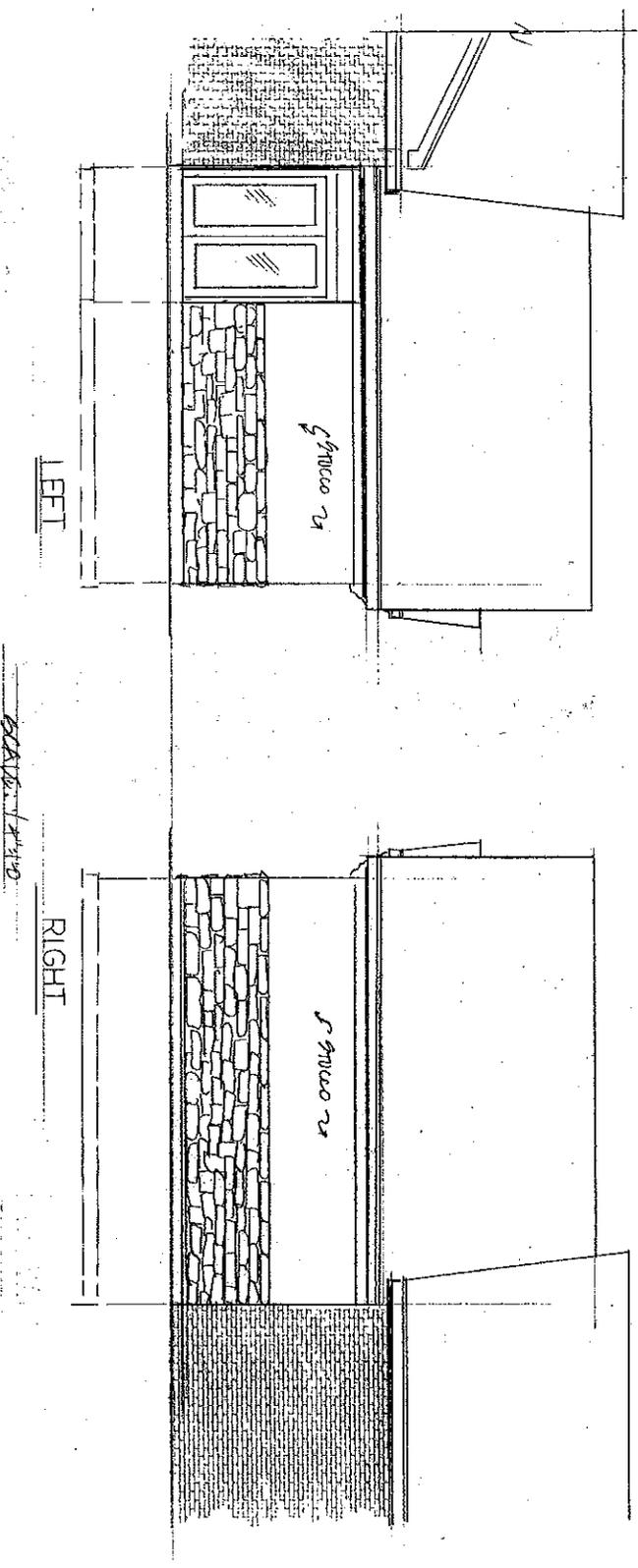
1. Revise the submitted Special Use Permit Site Plan to show the correct existing site conditions and the proposed building addition in accordance with the Site Plan Procedures listed under Article V, Section 10: Site Plans;
2. Future expansions or additions to the site not identified on the Special Use Permit Site Plan will require the submission of a new Site Plan to be reviewed and approved by the Planning Commission;
3. 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;
4. 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
5. 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 the approval of a Special Use Permit. The requested special use permit includes the new addition to the existing church facility.
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 facility that will benefit the public at large for all those who attend.
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.

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 does not correctly show the existing site conditions for the church facility. A new scaled site plan will need to be submitted for this special use permit.
 - b. **The nature and extent of landscaping and screening on the site** – Landscaping to 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 parking requirements are assumed to be calculated on the number of seats within the church facility previously submitted.

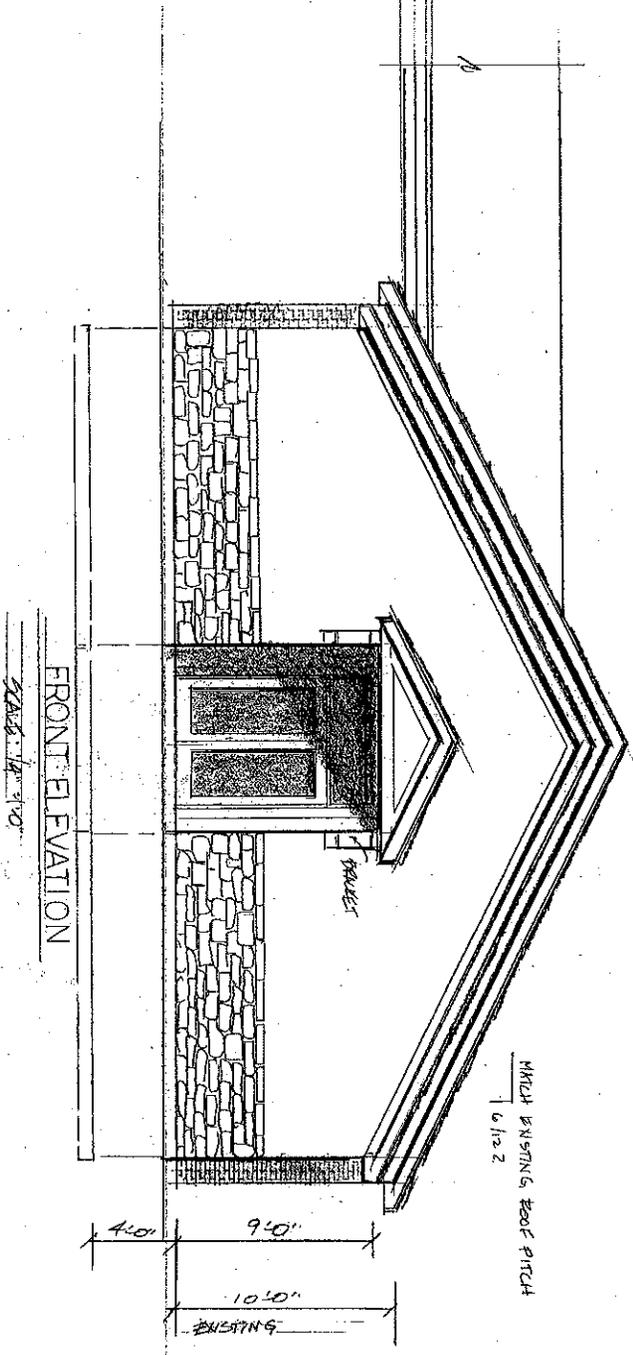
Adequate utility, drainage, and other such necessary facilities have been or will be provided – All public services are currently provided to the church facility.



LEFT

RIGHT

SCALE: 1/4" = 1'-0"



FRONT ELEVATION

SCALE: 1/4" = 1'-0"

4'-0"
9'-0"
10'-0"
WINDOWS

MAJOR EXISTING ROOF PITCH
6/12

Affidavit in Proof of Publication

STATE OF KANSAS
Wyandotte County

(Published in the Bonner Springs Chieftain, Thursday, February 24, 2011)

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, March 22, 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

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.

The complete legal description and application for the above item is available for public inspection at the Planning Department located at 205 E. 2nd Street from Don E. Slone, AICP, CFM, City Planner/Floodplain Administrator 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 02/24/2011 with publications being made on the following dates:

02/24/2011

Subscribed and sworn to before me this 2-24-2011

Notary Public

My Appointment expires: 3-15-2011

Publication Charges	\$36.00
Notary And Affidavit	\$0.00
Additional Copies	\$0.00
	<u>\$36.00</u>

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 St.

PLANNING COMMISSION MEETING

TUESDAY, MARCH 22, 2011 at 7:00 P.M.

PRESENT	Gray	_____
	Carter	_____
	Pierce	_____
& VOTE:	Neal	_____
	Parks	_____
	Wallace	_____
	Stephan	_____
	Krone	_____

MOTION: _____

SECOND: _____

ACTION: MAKE A MOTION TO APPROVE

STAFF RECOMMENDATION: STAFF IS RECOMMENDING DENIAL OF THIS ITEM

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

LOT SPLIT: "COUNTRY HILLS LOT SPLIT"

Case No.: LS-113

Applicant: James Anderson, Anderson Survey Company

Developer: David J. Christie, Christie Development Associates, LLC

Surveyor: James Anderson, Anderson Survey Company

Property Owners: Lot B: Bonner Springs Shops LLC
Lot C/Lot D: Ted Green Company (Maizlish, Irvin B. (Trust) ETAL)

Location: 610 S. 130th St. (New Address)

Zoning: C-2, General Business District

Overall Tract Size: 11.14 acres
Tract A-1: 0.699 acres (Proposed for future parking)
Lot B: 5.298 acres
Lot C: 5.14 acres

Staff Analysis:

The requested lot split for 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 0.699 acre tract for future parking for the Bonner Springs McDonalds located at 606 S. 130th St.

Staff Recommendation:

The City Planner, City Engineer and Building Official recommend denial of the Lot Split due to the location of the south split line of Tract A-1 that overlays the existing storm water inlet box and associated storm water lines. The subject inlet box and associated storm water lines convey the storm water from Lot B, Lot C and Lot D and need to be protected for this reason.

The City Planner, City Engineer and Building Official can recommend approval if the south line of the subject lot split is moved 18.11 feet north to coincide with the Lot B and Lot C property lines. This movement will protect the existing storm water system. If the south lot line for Tract A-1 is moved north as recommended, Staff recommends approval subject to the following conditions:

1. The surveyor shall furnish two (2) original signed/sealed mylars along with the filing fee of \$20.00 made payable to the Register of Deeds; the "Section Corner(s) Tie Report" and fee as required by KSA-58-2003; and
2. The Planning Department will file the Lot Split and provide an electronic copy of the filed Lot Split to the surveyor for his clients.

Review Comments Received from Other Departments/Agencies

City Planner:

The City Planner cannot recommend approval of the Lot Split due to the location of the south split line of Tract A-1 that overlays the existing storm water inlet box and associated storm water lines. The subject inlet box and associated storm water lines convey the storm water from Lot B, Lot C and Lot D and need to be protected for this reason.

The City Planner can recommend approval if the south line of the subject lot split is moved 18.11 feet north to coincide with the Lot B and Lot C property lines. This movement will protect the existing storm water system. If the south lot line for Tract A-1 is moved north as recommended, Staff recommends approval subject to the following conditions:

1. The surveyor shall furnish two (2) original signed/sealed mylars along with the filing fee of \$20.00 made payable to the Register of Deeds; the "Section Corner(s) Tie Report" and fee as required by KSA-58-2003; and
2. The Planning Department will file the Lot Split and provide an electronic copy of the filed Lot Split to the surveyor for his clients.

City Engineer:

1. The City Engineer concurs with the City Planner's and Building Official's comments on the location of the lot split line and storm water conveyance system.

Building Official:

1. I am concerned with the storm water boxes and lines located on separate property from where all the runoff is from adjoining property created by this lot split. Future plans show construction of a building over this line.

Economic Development: No comments.

Public Works: No comments.

Utilities: No comments.

WYCO Mapping: No comments (amended drawing).

Westar Energy: No objections.

Atmos Energy:

1. Atmos Energy has gas service lines in the area. Locates need to be done if any earth movement is to be done.

AT&T:

1. AT&T has no objections to proposed lot split. However, any relocation of AT&T facilities to accommodate this proposed lot split will be billable to the property owner.

Time Warner: No objections.

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.

PLANNING COMMISSION MEETING

TUESDAY, MARCH 22, 2011 at 7:00 P.M.

PRESENT	Gray	_____
	Carter	_____
	Pierce	_____
& VOTE:	Neal	_____
	Parks	_____
	Wallace	_____
	Stephan	_____
	Krone	_____

MOTION: _____

SECOND: _____

ACTION: MAKE A MOTION TO APPROVE

STAFF RECOMMENDATION: STAFF IS RECOMMENDING APPROVAL OF THIS ITEM AS 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 April 11, 2011.**

To: Planning Commission

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

RE: Zoning Ordinance Amendment: BSZP-117: "Sign Regulations: Banners, Temporary Promotional Business Signs": The City Planner 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.

Recommendation:

The Planning Director recommends 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 (12) month period and other text changes for the number of signs and the placement of signs as shown below in legislative format.

Discussion:

I have received several requests from business owners with requests for additional periods to display their banners and temporary promotional business signs over the past couple of years. I have attached a letter of request dated December 30, 2010 from Rick Grimm from Grand Master Kim's Taekwondo located here in Bonner Springs to consider increasing the number of times to be able to display banners and temporary promotional business signs. His letter is requesting the City consider an amendment to change the allowance from two (2) to four (4) banners within a twelve (12) month period. *(Copy of Letter attached)*

Background:

This issued was discussed at our Study Session on January 25, 2011 with a recommendation for the Planning Director to publish the public hearing notice in order for the Planning Commission to consider this amendment and include other text changes as recommended.

I recommend changes to the number of signs as new technology has produced "feather signs" that are only about ten (10) square feet each and are used in groups of two (2), three (3) or four (4) signs. I also recommend removal of subparagraph 8(d), location as it is already addressed in subparagraph 8(b) and removal of subparagraph 8(e), wind design standards as banners and temporary promotional business signs are generally not posed by the applicants during high wind periods.

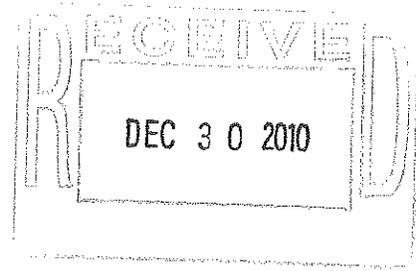
The recommended changes to Section 7 and Section 8 are shown in legislative format:

7. **Banners, Temporary Promotional Business Signs:** a sign permit is required for all Banner or Temporary Promotional Business Signs prior to displaying the Banner or Temporary Promotional Business Signs. ~~Sign permits shall be valid for up to two (2) periods specified in increments of not more than thirty (30) days and used within twelve (12) months from the date the Banner or Temporary Promotional Business Sign is first displayed. In no event may such sign(s) be allowed to remain for more than thirty (30) days under the same permit. Only one (1) Banner or Temporary Promotional Business Sign is allowed per period.~~
8. **Duration and Location:**
 - (a) A Banner or Temporary Promotional Business Sign(s) shall be permitted only as provided herein, and such permits should be limited to no more than **four (4) two (2) periods per calendar year. twelve (12) month period for any single business.** Such Banner or Temporary Promotional Business Sign may be used for a period of no more than thirty (30) days on any one occasion;
 - (b) No Banner or Temporary Promotional Business Sign(s) shall be placed in a manner, which will interfere with the flow of vehicular and/or pedestrian traffic, or create traffic visibility hazards such as being placed in the sight triangles of the intersection of two (2) streets or the intersection of streets and driveways. Banner or Temporary Promotional Business Signs must be anchored to the selected location sufficient to keep it from being moved by wind or storm;

- (c) No Banner or Temporary Promotional Business Sign(s) shall be permitted to be located upon public street right-of-way or within any required parking spaces or loading berths, nor shall it otherwise be located in such a manner to obstruct vehicular and/or pedestrian access or circulation;
- (d) ~~Except for Standard Public Signs, no Banner or Temporary Promotional Business Sign shall be located within thirty five (35) feet of the point of intersection of the right of way of two or more public streets, nor within fifty five (55) feet of the intersection of a public street right of way and a private street or driveway;~~
- (e) ~~Regardless of any other provisions to the contrary, all Banner or Temporary Promotional Signs shall be designed and constructed to withstand a wind pressure of not less than forty (40) pounds per square foot of area, or of materials which may become dangerous projectiles when propelled by windstorms;~~
- (f) Except for Standard Public Signs, Banner or Temporary Promotional Business Signs shall not exceed forty-eight (48) square feet of display surface area; and
- (g) All new or relocating businesses within the City will be allowed to post for a maximum of **thirty (30)** days, by permit, no charge **for** a grand opening banner and three (3) temporary off-premise directional signs with written approval from the property owner(s). These temporary off-premise directional signs shall be a maximum of eight (8) square feet. No signs shall be allowed within street rights-of-way.

Thursday, December 30, 2010

Grand Master Kim's Taekwondo
608 Tulip Dr. Suite A
Bonner Springs, Ks 66012
(913) 441-9100



Don E. Slone, AICP, CFM
City of Bonner Springs
205 E. 2nd St
Bonner Springs, Ks 66012

Mr. Slone,

As a local business owner in Bonner Springs, Grand Master Kim's Taekwondo is requesting consideration for an exception or amendment to the "2 banners per year" rule. Our business thrives with different promotions throughout the year; at Christmas, immediately following the New Year, at the start of summer and the onset of fall when school goes back in session and the weather starts to turn. We respectfully request the right to hang four banners per year, non-consecutively.

The banners we use will be within regulation, professionally printed and securely mounted to the side of our building located at 608 Tulip Dr. We appreciate your giving attention to this matter sir, and look forward to a long business relationship with the City of Bonner Springs.

Sincerely,

A handwritten signature in black ink, appearing to read "Rick Grimm". The signature is fluid and cursive, with a long horizontal stroke at the end.

Rick Grimm
Vice President, Executive Director and Master Instructor
GMKTKD, Inc
(816) 739-7436 (m)

Affidavit in Proof of Publication

STATE OF KANSAS
Wyandotte County

(Published in the Bonner Springs Chieftain, Thursday, February 24, 2011)

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, March 22, 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-117: "Sign Regulations: Banners, Temporary Promotional Business Signs": The City Planner 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.

Questions or comments may be addressed to the Planning Department located at 205 E. 2nd Street to Don E. Slone, AICP, CFM, City Planner/Floodplain Administrator 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.

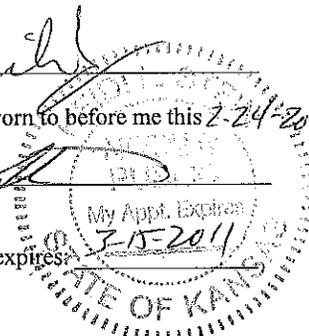
That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for 1 consecutive weeks the first publication thereof being made as aforesaid on 02/24/2011 with publications being made on the following dates:

02/24/2011

Subscribed and sworn to before me this 2-24-2011


Notary Public

My Appointment expires



Publication Charges	\$36.00
Notary And Affidavit	\$0.00
Additional Copies	\$0.00
	<hr/>
	\$36.00