



City of Bonner Springs

PLANNING COMMISSION AGENDA

CITY HALL COUNCIL CHAMBERS

TUESDAY, FEBRUARY 28, 2012

STUDY SESSION @ 6:00 P.M.

REGULAR MEETING @ 7:00 P.M.

PLANNING COMMISSION MEMBERS:

PLEASE CONTACT TERRY BARLOW @ 667-1710

NO LATER THAN 12:00 NOON, TUESDAY, FEBRUARY 28, 2012,

IF YOU WILL BE UNABLE TO ATTEND

PREPARED BY:

DON E. SLONE, AICP, CFM
PLANNING DIRECTOR

PEOPLE

PLANNING

PROGRESS

City of Bonner Springs
Planning Commission Agenda
Tuesday, February 28, 2012

Study Session 6:00 p.m.

- Planning Commission discussion on renaming the Zoning Ordinance to the Zoning Regulations;
- Planning Commission discussion on possible changes to the Off-Street Parking and Loading Regulations for R-3, Multi-Family Residential District zoning; and
- Planning Commission Training.

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 24, 2012.

Motion: _____ Second: _____

For: _____ #Against: _____

New Business:

ITEM NO. 2: Special Use Permit: SUP-128: Verizon Tower @ The High School: a request for a special use permit on property zoned R-1, Single-Family Residential District to be located at 2301 S. 138th Street. Requested by Justin Anderson, SSC, Inc. on behalf of Verizon Wireless for the Bonner Springs Unified School District (U.S.D. 204), property owners of record. This request is to in order to construct a one hundred-fifty (150) foot telecommunication tower facility that requires a special use permit. *(This item will be forwarded to the Governing Body on March 26, 2012)*

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 the January 24, 2012 Planning Commission Meeting

PLANNING COMMISSION AGENDA
Tuesday, February 28, 2012, 7:00 P.M.

PRESENT	Stephan	_____
	Neff	_____
& VOTE:	Carter	_____
	Parks	_____
	Krone	_____
	Neal	_____
	Pierce	_____

MOTION: _____

SECOND: _____

ACTION: MAKE A MOTION TO APPROVE THE MINUTES OF THE PLANNING COMMISSION MEETING ON JANUARY 24, 2012

STAFF RECOMMENDATION: STAFF RECOMMENDS APPROVAL OF THE MINUTES

NARRATIVE: The minutes of the January 24, 2012 meeting are attached.

PLANNING COMMISSION MEETING MINUTES

Tuesday, January 24, 2012 at 7:00 P.M.

MEMBERS PRESENT: Dan Carter, Dave Pierce, Robin Neal, Merle Parks, Sherri Neff, 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. Roll call listed above.

Chairman Parks introduced **Item No. 1: Approval of Minutes** and called for a motion to approve the minutes of the December 13, 2011 Planning Commission meeting. Commissioner Stephan made a motion to approve the minutes as written with a second from Commissioner Pierce. Chairman Parks asked if there were any questions or comments about the minutes. Seeing none, he called for a vote. The minutes were approved. Commissioner Neal abstained.

NEW BUSINESS

Chairman Parks introduced **Item No. 2: Comprehensive Plan Change: BSCP-21: "The Village at Deerfield"** A request to amend the Future Land Use Map of the Comprehensive Plan to change the land use designation for 6.24 acres from a Low-Density Residential designation to a High-Density Residential designation. The request is from Daniel Foster, Schlagel & Associates for Guy Tiner, property owner of record. This amendment is to support the change in zoning from R-1, Single-Family Residential District to R-3, Multi-Family Residential District to allow for the construction of a proposed 232 unit, gated apartment complex, to be located on the east side of 132nd Street, south side of Kansas Avenue and north of Heritage Drive.

Chairman Parks welcomed everyone to the meeting and explained the procedure that they will follow. The procedure is that the Planning Director, Don Slone, will make his presentation, then the applicant will make his presentation to explain the plans and then the audience may make comments. We ask that this done in an orderly fashion. Any comments will need to be made from the podium so we have a proper record of what is said. There is a sign in sheet for your name and address that you will need to fill out before you speak. The meeting will be recorded. This is sort of like a court hearing but not quite. Some of you may have contacted us on this matter and we may not have always been very receptive to talk to you. The reason for that is that we are charged with the responsibility to make a decision on the issue based on what we hear tonight and not on outside influences. So before we actually get into the issue tonight, I will ask all of the Planning Commissioners to declare any contacts whether pro or con that they have had and whether that contact would be detrimental to their vote. When I open the meeting for public comment I would direct you to the podium to sign your name and address and make your comments. Your comments should be directed to us and this is not a question and answer period for you to ask questions of the applicant. You can raise issues and we want to have all the issues explored. Once I close the public comment, we will ask questions of whomever we deem necessary to make our decision. I am not sure who is pro or con and that does not make any difference right now. There are issues that need to be made but not ten or twelve times.

Commissioner Pierce asked if Chairman Parks would explain both of the items to the public. Chairman Parks stated that there are two items. The one item is to change the land use plan and the second is to change the zoning to R-3. The issues are similar so I would assume that all the comments made on the first issue would be the same as for the second part of this. Regardless of our vote, the issues will be on the City Council Agenda for February 27, 2012. Per state law, we are required to hold the public hearing but there will be not another hearing at the City Council meeting. You need to make your comments heard tonight and the City Council will have access to the meeting minutes.

Chairman Parks asked if the Planning Director had any comments before he opened the public hearing. The Planning Director asked if there were any more handouts over by the door and then he explained that the signs were modified yesterday. The applicant removed the detention basin/open space from consideration. The only piece left to be considered for the comprehensive plan change and rezoning is in yellow on the map.

Chairman Parks asked that all the Planning Commissioners disclose if they had been in contact with anyone on the items that are up for consideration.

Chairman Parks declared that he was contacted by Mr. and Mrs. Mike Jones and talked about it outside this room. My wife received an email from Tammy Dooley and I had conversations with a few residents; but he did not feel that any of this would have an effect on his vote.

Commissioner Neff stated that she had no contact with anyone about the items.

Commissioner Stephan stated he was contacted by emails that were going around his neighborhood and a meeting was held but that they would not affect his vote.

Commissioner Krone stated that his wife received emails but he did not receive any.

Commissioner Neal stated that she received information via email but it would not affect her vote.

Commissioner Pierce stated he had conversations with Judy Cox and some of the residents and explained the Planning Commission process but that these conversations would have no affect on his vote.

Commissioner Carter stated he had no contact with anyone about these items.

Chairman Parks opened the public hearing at 7:12 p.m. and asked for Staff presentation. Staff presented the recommendations for the Comprehensive Plan Change and the Rezoning as they are tied together. If the Comprehensive Plan Change does not pass, then the Rezoning becomes a moot point. In 1986 the City Council changed the zoning on the piece for the apartments from a commercial zoning to high-density residential. Deerfield Village was down zoned to a low-density residential in 1987. There were funding problems and Mr. Tiner came in and built homes in that subdivision. The existing detention basin/open space located at 811 S. 132nd Street (Tract "B", Deerfield Village) that abuts the property is zoned R-3, was removed from consideration but will be part of the overall development. With the removal of the detention basin/open space, this now becomes 6.24 acres to be changed in the Comprehensive Plan. Staff recommends approval of the Comprehensive Plan Change and Rezoning with the conditions listed in the Staff Report.

Chairman Parks asked if the applicant would like to address the Planning Commission. **Daniel Foster, Schlagel & Associates, 19920 W. 107th, Lenexa, KS** made comments as follows:

- His client was in agreement with all the conditions for both the Comprehensive Plan Change and Rezoning.
- Mr. Tiner has been a resident of Bonner Springs for a long time and a builder in Bonner Springs.
- Since the detention basin (that is not included any longer in this application) was built the rules and regulations for storm water detention have changed dramatically; therefore, we removed it from the application.
- The City's Comprehensive Plan is to keep up with the housing demand for the City and have a mixture of housing in the City.
- It is common practice to have a transitional zoning from commercial to low-density residential, you have commercial, multi-family and single-family residential. To bring this quality of apartments to this area we are talking about marketing a certain type of residents to this community.
- We are trying to attract high quality people to this area so we will need to have high quality apartments with all the amenities.
- Things have changed quite a bit in this area in the last few years. This gives us an opportunity for growth in your community. The valuation of multi-family dwelling will also help property values.
- Presented a drawing of the proposed apartment complex that explains the amenities, construction phases and the type of residents that they hope to have in the development.
- He would be happy to answer any questions the Planning Commission might have for him. This is a high quality project and we have a strong incentive to maintain the quality of the gated community.
- The builder wants to maintain the values that will keep the property values up in the residential neighborhood. The community will be fenced and this will help with the crime problems that the residents in Deerfield are concerned about, the project will be managed by a management company with

a set of rules and regulations and they will screen the residents before they are allowed to occupy the premises and the buildings are arranged on the site plan so that the buildings are closer to the street with the parking lots behind.

Questions and comments from the Planning Commission:

- Commissioner Stephan asked if they thought this would impact the property values and he thought it needed more open space. Mr. Foster stated that these would be high end apartments with a gated community, clubhouse and pool which would keep property values where they currently are or increase values. They would use trees as a buffer between the apartments and the residential community along with the fence that will surround the entire project.
- Chairman Parks asked about the construction phases. Mr. Foster stated that all the public improvements will be constructed first, then site work and then construction of the buildings on the site.
- Chairman Parks asked if the timeframe for the construction would it be in phases or would they start the project and finish. Mr. Foster stated that they intended to start at Kansas Avenue and 132nd Street and work their way down to Cheyenne Street and would continue until the project was completed.
- Commissioner Krone asked if the gates would open and closed with a keypad entry and Mr. Foster stated that it would.
- Commissioner Neal asked if sidewalks would be required on 132nd Street and Mr. Foster stated yes.
- Commissioner Pierce asked Mr. Foster what type of people they want to attract. Mr. Foster stated that they hope for professional people. With the Cerner Corporation building their new headquarters at the Legends, the racetrack and the new casino, they hope to attract young professional people. Mr. Foster stated they want this to be a higher level of living for individuals. Commissioner Pierce also asked about the wood fence around the property and Mr. Foster indicated that the fence would be at least six feet high.

Chairman Parks asked if anyone in the audience had any questions or comments. Public comments include:

Bill Bezek, 802 S. 130th Street, Bonner Springs, KS

I am not a planning and zoning expert but did some homework and see two separate items, a comprehensive plan change and a rezoning. In the R-3 zoning something else could go there. For forty years we have been R-1 in this area so why change now. This is one man's idea and why should we go with that. The Comprehensive 2025 plan says that this area is R-1. The growth area has been defined somewhere else on the comprehensive plan than this area. Chairman Parks stated to Mr. Bezek that he pointed at Leavenworth County. Mr. Bezek then stated that this was not the best place to build these apartments. Mr. Bezek drove down this area and the traffic will increase dramatically. Does anyone want to head to Kansas Avenue during rush hour? The health and safety of the area is not being thought about. The growth rate in Bonner Springs has been 37 people per year in the past sixteen years. How do you know that you will get people from other areas to come and live here? This will mean noise, traffic etc. for the area. The apartments that were built across the street are Section 8 apartments and how do we know that won't happen here. Commissioner Stephan stated that Bonner Highlands came into the city as Section 8 apartments and that is not the case here. Why is one man's initiative more important than the rest of the community? These apartments are not good for the surrounding community. The traffic impact for the surrounding residential housing will be greatly impacted. The Dooley's will lose their land with the road is put through. We are going to impose on them a structure because one person owns the land. There are no guarantees that this project will look the way they say it will. What about fire, health and safety? This is way too dense to mention all the other problems. I'm really surprised about all of this and no one wants to stand up and say stop. This can be done somewhere else without disrupting this area that has been fine for forty years. If the plat is not filed within one year the property goes back to R-1 so why change. R-1 is acceptable the way it is. It serves as a buffer today between commercial and residential. This is a public trust decision. The golden factors states that there is no analysis as to why this decision was made, there is nothing that says why this exists. In one part it says that nothing can go wrong but if you choose to do something the impacts will be great. The traffic is going to increase greatly and all I see are kids in the streets when going through this

neighborhood. They can do this somewhere else and be quite successful. I have seen nothing but pretty pictures and I don't see any assurances to the young professionals. This is a small town but this is the wrong time to do this. I guess here are the choices and tell the Dooley's sorry that your house and pond are gone. I have spent a lot of time reading through Kansas Statutes and it says you need to have analysis before you can make a decision. The population growth is minimal as this is a small town. There are no guarantees that this project will be what it says it will be and this is just not a good place for the project. This is a project looking for a solution. This is a reactionary decision and not a good planning decision. I am asking that you remediate and show that the trust you were given when you took this office. Give me the reason and the specifics of why this is a good thing.

Chairman Parks asked Mr. Bezek if he had any questions directed to the specific project. This is a zoning issue not a project. I'm only asking that if you approve this that you stand up and state why you are voting the way you are.

Commissioner Stephan stated that they are volunteers on the Planning Commission and are not being paid. Commissioner Stephan stated that he has pride in his town and is happy to volunteer because he believes in the town. Mr. Bezek stated they are all here tonight on their time.

Chairman Parks asked the Planning Director if the new road extension has anything to do with this project. The Planning Director stated no as it is part of the KDOT project to remove access to the K-7 Highway and construct a new road for access to 132nd Street.

Commissioner Stephan asked if the new road will be going through the Dooley's property or house and the Planning Director stated the road will probably be going through their property but not their house.

Jackie Ewan, 730 S. 130th Street said she came to City Hall and saw a drawing of the new road. The new road was not going through Dooley's property or our pond. Now it will take our homes and our pond. What changed all of this? Is this KDOT or is this a Tiner road? The Planning Director stated this is a KDOT project and any questions can be answered at the meeting KDOT meeting to be held this Thursday night at the High School from 5:00 – 7:00 pm. Mrs. Ewan stated why they moved to the area and now their pond will be gone.

Gary Pflumm, 901 S. 131st Street stated he is in the plumbing business and his only concern is that they build these apartments in a timely fashion and not stop and start the project.

Bob White, 815 Lake Forest Drive stated he has concerns about the wastewater and asked if the current sewer line is large enough to handle this project. Can the current water line handle the project? If the answer is negative when and where will the sewers go and who will pay the cost? Will the homeowners have to pay?

Holly Tinberg, 913 S. 131st Street stated there will be more traffic through the area and there are a lot of children. She asked about the fire hydrants in the neighborhood that are not functional and asked if the City will make sure they work.

Greg Gibson, 13116 Heritage Drive stated that he lives in the second house up from the detention basin. When I saw that the ideas for the project two concerns came to me. I called Mr. Tiner and asked him about my concerns. I am employed by the KCK Housing Authority. The housing authority provides Section 8 housing payments to homes/apartments in both KCK and Bonner Springs. Bonner Highlands is one of the apartment complexes that receive Section 8 payments. What type of housing is this going to be? The housing on the north side of Kansas Avenue (Bonner Highlands is a Section 8 project). This project is fourteen units on 6.24 acres. Density issue is of a great concern. I knew that the property was zoned R-3 when I moved into the neighborhood. We have all known that apartments would be built on this property. The other issue again is the Section 8 housing. Mr. Tiner and Mr. Foster both indicated that this would be a higher end apartment complex. Bonner Highlands is between \$650-750. Mr. Gibson stated that he thought they financed for Section 8. Any landlord can lease their apartment to a Section 8 participant. If Mr. Tiner has difficulty filling the apartments he can fill them with Section 8 participants.

Commissioner Stephan asked Mr. Gibson that if he was eligible for Section 8 can he go to any complex, Johnson County, Wyandotte County, Leavenworth County. Can go and they have to take my voucher for Section 8. Mr. Gibson stated that would be the landlords choice but yes he could do that. This could be a house or apartment. You can take a voucher anywhere in the United States and use that voucher for rent.

Chairman Parks reiterated the property running north and south on 132nd Street is currently zoned R-3 and the part that is highlighted yellow that runs east and west is the part to be rezoned. Mr. Foster indicated that they would be building apartments so you basically have a choice would you rather have apartments with amenities or just apartment building. Mr. Gibson stated that he doesn't like the density.

Mr. Gibson asked if Mr. Tiner was going to build on the R-3 property if they other property does not get rezoned. Mr. Tiner stated that he would build apartments on the R-3 but there would not be a pool or any type of clubhouse etc.

Michael Jones, 824 S. 132nd Street stated that he lives southwest of the storm water basin. Every year during the rainy season we have river water coming down the street and into our backyard from the storm drain. I think the design is incorrect. Heavy rains fill up our back yard. We have had dirt brought in but that has had no effect on helping the situation. Anytime you are going to build something with this much concrete there has to be some alignments or study to do so this does not continue to happen on my property.

Commissioner Stephan stated that he has seen the pond overflow. We have changed the regulations in the last ten years (Planning Director said they changed in 1999). The regulations are much stricter and the storm water problems will be addressed later in the process of the development.

Commissioner Neal asked the Planning Director about the detention basin on 132nd Street. If the detention basin on 132nd Street that is shown on the R-3 property enough to meet the new storm water standards? The Planning Director stated that it may take both properties to meet the detention requirements.

Sharon Green, 626 S. Deerfield Drive stated that the area that is already zoned R-3 is in her backyard. Most people move to Bonner to get out of the City. When my husband purchased our home the realtor told him that the lot in question could not be built on. Keep the density to a level that the community needs. Mr. Foster made a comment about the upper scale apartment and Ms. Green stated that she can't see 250 families or 250 single people living in this area.

Joe Dooley, 740 S. 130th Street stated I'm a homeowner whose property is locked in.

Patricia Welkel, 414 Allecutt Avenue stated that she is against building the apartments. The City needs to leave these people alone. This is just wrong.

Jordan M. Mackey, 125 Arthur Avenue stated that he worked with Mr. Tiner for the last few years. When he first started working here in Bonner Springs, he was told that no apartments would work where he put them on Richland Avenue. They are very nice apartments there now and they are well kept.

Connie Swafford, 901 S. 131st Street stated she is against building the apartments but would be in favor of patio homes built in that area.

Larry Atchison, 725 S. Deerfield Drive stated that one of his concerns is that everything is not disclosed on the plans that they are being shown tonight. You will see what is on the architect plans and then the design plans. Chairman Parks clarified that this is the zoning change only and on down the road there would be a preliminary plat, a final plat and then the site plan.

Greg Ochoa, 13100 Swartz Road is concerned about the traffic on the road especially on Swartz Road. There is not enough police presence as it is and this will bring more traffic and the speed of the traffic. We live on a blind spot on the curve and this will just bring more speeders and traffic.

Mark Hoduski, 13108 Swartz Road thanked the Planning Commission for letting the residents speak. He thinks that the density is not appropriate, too many apartments in too small of a space and that crime would be higher in this area than it is now.

Chairman Parks asked if there were any further comments or questions. Seeing none he closed the public hearing at 9:24 p.m. and called for a motion. Commissioner Pierce made a motion to approve with the listed conditions in the Staff Report with a second from Commissioner Stephan.

Commissioner Stephan informed the audience that they cannot have a negative motion. It has to be positive in order for them to open discussions.

Chairman Parks asked if there were any further questions or comments from the Planning Commission.

The Planning Director again stated that he asked the applicants to remove the detention basin/open area from consideration and further stated that every project that has gone through this Planning Commission since the Planning Director has been here was built according to what was approved.

Commissioner Stephan asked at what point a traffic study would be done, at the preliminary plat or site plan stage. The Planning Director stated that the traffic study would be done after the rezoning is approved.

Commissioner Stephan stated that the fire hydrant issue needs to be addressed through the Public Works department and not just this development. Public Works dropped the ball on the hydrant not working and that should not happen again.

Commissioner Stephan stated that if we don't change our ways of thinking and make changes we would not have a Walgreens or Burger King and if we don't accept change and adapt accordingly this town would die. You have to have growth and change in order to stay alive. Cerner and the new casino have made development happen here in Bonner Springs. We need to consider all kinds of things when we make our decision.

Chairman Parks asked if what they were seeing on the drawing that was presented by Mr. Foster is what the City would see after the complex was built. I thought I asked but will ask again, the wood fence, the gated community, the interior road to the north away from the Ewan property, the additional setback from the Ewan property will remain and won't be changed? Mr. Foster stated that all those things will remain the same as they are on the Concept Plan as currently shown.

Mr. Foster stated they turned the buildings sideways for the noise level, lighting, garages etc for the best view for everyone. The detention basin question is something that we will have to take into consideration when we are building. Sewer capacity was determined to be adequate. Traffic pattern seems to be the most commonly asked question and we will work with staff on that issue. The traffic problem exists today so who knows how much that will change. The density problem is really not a problem as we meet the standards set out by the City requirements.

Commissioner Krone asked if the Planning Director could answer the sewer questions. The Planning Director stated that the Utilities Director sent in no comments and did not object to this project. The system for Deerfield Village was built to handle all of this.

Commissioner Pierce asked Mr. Tiner if this item is denied would he build on the R-3 property anyway. Mr. Tiner stated that he would still build apartments on the property zoned R-3 but it would not be a gated community. There would be no pool or clubhouse and they would not be higher end apartments. Mr. Tiner states that there are no Section 8 housing north of Bonner Highlands. He did state that he has two elderly ladies who have rented from him for years and they came to him with the Section 8 information and he does have the two of them renting from him. Keep it on a level that the City needs. We need apartments that are of a higher quality that will bring in professional people.

Chairman Parks asked if the Planning Commission had any further questions or comments. Seeing none he called for a vote.

Commissioner Carter voted yes.

Commissioner Pierce voted no stating that he had a problem with the stormwater runoff problems at 824 S. 134th Street and the amount of traffic and the density. I know 132nd Street is a collector road but kids should not play on it anyway. Mr. Tiner can build on the property zoned R-3 but I think the other is overkill.

Commissioner Neal stated that she found some of the comments personally offensive. She also stated that there is no checkbook large enough to sway any of us. I am a Deerfield resident and I don't want the property values to go down. I am going to vote no because of the frontage road going around Swartz Road and additional cars will compound the problem on that road. The area zoned R-3 is already zoned for apartments.

Commissioner Parks voted yes but he did have concerns about the project. I understand the Dooley's and Ewan's concerns. Part of that has nothing to do with this project but the road will probably go through anyway but that is up to KDOT. I think the placement is a good buffer between R-3 and R-1 and with the amenities it will be a good project. I would rather have the gated community.

Commissioner Neff voted yes but stated that she would like to ask for a traffic study.

Commissioner Stephan stated this is a very emotional night. This is a very tough decision. Look at the Dooley's, would I want this going through my yard but who knows if it will or not. Will KDOT still take the pond, we don't know that. I was always fearful knowing that there was zoning for apartments. I have pride in this town. We have the race track, the casino. The area around us is going crazy; and if we do not become part of it, we will become like Parsons or Pittsburg, Kansas. Traffic is a major concern. Right now I am looking at is a vision of what I want in this town. The apartment complex is coming and I would rather have a gated community rather than a crummy looking apartment complex.

Commissioner Krone thanked everyone for their time and comments. I agree with the other commissioners' comments. The traffic heading north will become more and the public's comments cannot be ignored, so my vote is no.

Motion passed 4-3. The Planning Director stated that he will forward this item to the Governing Body on February 27, 2012 with a Planning Commission recommendation of approval.

Chairman Parks introduced **Item No. 3: Rezoning: BSZ-127: "The Village at Deerfield"** A request to rezone 6.24 acres from an R-1, Single-Family Residential District classification to an R-3, Multi-Family Residential District classification. The request is from Daniel Foster, Schlager & Associates for Guy Tiner, property owner of record. This amendments is to change the zoning classification to allow for the construction of a proposed 232 unit, gated apartment complex, to be located on the east side of 132nd Street, south side of Kansas Avenue and north of Heritage Drive.

Chairman Parks opened the public hearing at 9:53 p.m. and asked for Staff presentation. Staff presented its recommendations to the Planning Commission. Staff recommended approval subject to the listed conditions and the Planning Director added the Traffic Study as an additional condition of approval.

Chairman Parks asked if the applicant would like to address the Planning Commission. **Daniel Foster, Schlager & Associates, 19920 W. 107th, Lenexa, KS** stated that he had no additional information that has not been discussed but would be glad to answer any questions the Planning Commission might have.

Chairman Parks asked if anyone in the audience had any questions. Seeing none he closed the public hearing at 9:59 p.m. and called for a motion. Commissioner Stephan made a motion to approve with the conditions listed in the Staff Report and included the Traffic Study with a second from Commissioner Krone.

Chairman Parks asked if there were any questions from the Planning Commission.

Commissioner Krone asked about the traffic study and if there were guidelines. The Planning Director stated yes.

Chairman Parks asked if the traffic study comes up that there are a real problems then what. The Planning Director states they will have to see where the problem stems from and then go from there.

Commissioner Stephan asked Mr. Foster if the outcome of a traffic study ever stopped a project and Mr. Foster stated that yes he has seen that happen.

Chairman Parks asked if there is a way to encourage people to come in and out from the north. Mr. Foster stated you could ask but that does not mean that they will; however it is something they can look at.

Commissioner Stephan says that traffic study needs to be looked at very closely.

Chairman Parks asked the Planning Director about the sidewalks along 132nd Street. The Planning Director stated they would be required to install a 4' sidewalk along the east side of 132nd Street that will be outside the proposed fence.

Chairman Parks asked if there were any questions from the Planning Commission. Seeing none he called for a vote.

Commissioner Pierce voted no stating that he had a problem with the storm water runoff problems at 824 S. 132th Street and the amount of traffic and the density and that Mr. Tiner can build on the property that is already zoned R-3.

Commissioner Neal voted no stating that she was concerned about the traffic and just because it is a collector road it has too much traffic already.

Commissioner Parks voted yes for the same reasons as he voted for the first item.

Commissioner Neff voted yes.

Commissioner Stephan stated that he is really concerned about the traffic and it is really hard to decide if this can work but he voted yes stating that this has been a tough decision. The apartment complex is coming and I would rather have a gated community rather than a crummy looking apartment complex. Bonner Springs is a great town and this type of apartment project would be a good thing.

Commissioner Krone voted no with the same reasons as the first item.

Commissioner Carter voted yes. This has been an interesting evening. I think this represents the largest audience that I have seen. While I voted yes, I think it is something that our builder does an excellent job. How do we make this fit with the City's growth? We can't be behind the economic wheel and we need to have people with a vision. Is this a project or a vision of just one person? We need find out how to do this vision together but could we have done a focus study with our neighbors before we got to this meeting.

Motion passed 4-3.

The Planning Director stated that he will forward this item to the Governing Body on February 27, 2012 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 10:12 p.m.

Planning Commission Secretary

ITEM NO. 2

Special Use Permit: SUP-128: Verizon Tower @ The High School: a request for a special use permit on property zoned R-1, Single-Family Residential District to be located at 2301 S. 138th Street. Requested by Justin Anderson, SSC, Inc. on behalf of Verizon Wireless for the Bonner Springs Unified School District (U.S.D. 204), property owners of record. This request is to in order to construct a one hundred-fifty (150) foot telecommunication tower facility that requires a special use permit.

PLANNING COMMISSION AGENDA

Tuesday, February 28, 2012, 7:00 P.M.

PRESENT	Stephan	_____
	Neff	_____
& VOTE:	Carter	_____
	Parks	_____
	Krone	_____
	Neal	_____
	Pierce	_____

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 March 26, 2012.

SPECIAL USE PERMIT: VERIZON TOWER @ THE HIGH SCHOOL**Case No.:** SUP-128**Applicant:** Justin Anderson, SSC, Inc. for Verizon Wireless**Owner:** Bonner Springs Unified School District (U.S.D. 204)**Location:** 2301 S. 138th Street (New Address)**Zoning:** R-1, Single-Family Residential District**Lot Size:** 39.20 acres (High School Site) with the Leased Area = 1,600 square foot**Project Type:** Telecommunication Tower**Exhibits:**

Applicant's Letter, the Existing and Proposed Coverage Maps, the Site Plan for the Special Use Permit and the Affidavit (Proof of Publication).

Staff Recommendation:

Staff recommends approval of SUP-128: Verizon Tower at The High School with the conditions specified based upon the factors for consideration presented in the staff report to forward to the Governing Body with a recommendation of approval.

Subject to the following nine (9) conditions:

1. Revise the Utilities – Electrical contact listing shown on Sheet T-1 from KCPL to Westar Energy;
2. The Surveyor needs to sign and seal Sheet 2 of 2 on the Site Plan;
3. Address the two (2) conditions listed above and provide the Planning Department with three (3) copies of the revised Site Plan complete with all sheets along with a PDF copy;
4. Post an Emergency Contact Placard with all providers' contact information on the gate of the new facility;
5. Allow for the placement of city and/or county owned communications equipment on the apex of the telecommunications tower;
6. Future expansions or additions to the site not identified on the Site Plan shall require the submission of a new Site Plan to be reviewed and approved by the Planning Commission if there are plans to enlarge the footprint;
7. The revocation of the Special Use Permit may occur for a violation of the Zoning Ordinance as provided in Section 4(11) Telecommunication Towers, Article XXVII, Special Uses of the Zoning Ordinance or violation of any or all of the conditions set out in the Special Use Permit;
8. The Special Use Permit to be valid for an indefinite period of time unless:
 - a. The subject property is sold, or
 - b. When the operation of such use by the owner designated in the permit is discontinued for more than 12 months; and
9. The Special Use Permit may not be assigned, conveyed or transferred.

Background:

The applicant submitted a request for approval of a Special Use Permit for a new one-hundred fifty (150) foot telecommunication tower facility for Verizon Wireless. The submitted application and site plan associated with this Special Use Permit reflects the proposed site layout and are in accordance with the Zoning Ordinance subject to the listed conditions. The telecommunications tower facility allows for additional carriers as well as ground space for the associated equipment cabinets. The applicant's letter, the existing and proposed coverage maps and site plan show the details of the project.

Factors For Consideration:

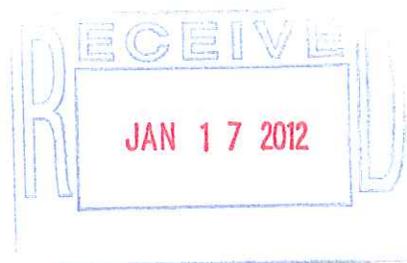
1. **The proposed special use complies with all applicable provisions of these regulations, including intensity of use regulations, yard regulations, and use limitations, unless specifically exempted by the provisions of these regulations** – The approval of a special use permit in the R-1, Single-Family Residential District allows the proposed use; and therefore, is an acceptable use under the use limitations thereof. The submitted site plan meets the specific requirements for the requested telecommunication tower facility that are as follows:
 1. Federal Requirements: All towers must meet or exceed current standards and regulations of the Federal Aviation Administration (FAA), the Federal Communications Commission (FCC) and any other agency of the federal government with the authority to regulate towers and antennas;
 2. Building Codes/Safety Standards: The owner of a tower shall ensure that the tower is constructed and maintained in compliance with standards contained in applicable local building and electrical codes, as amended from time to time;
 3. Inspection: The tower shall be inspected, at least every twenty four (24) months, by an expert who is regularly involved in the maintenance, inspection and/or erection of communication towers. A copy of such inspection record shall be provided to the City;
 4. Underground Placement of Cables, Wires and Facilities: Operators shall also place all cables, wires, or other similar facilities underground;
 5. Interference with Public Safety Communications: The communication tower and antennas shall be operated in a manner that shall not cause interference with or disruption to public safety communications, including but not limited to police or fire departments. In the event that the communication tower or antennas approved by the Special Use Permit cause such interference or disruption, the owner shall be the responsible party to remedy the problem within 24 hours or cease operation of the communication tower and antennas until such time as the problem is remedied;
 6. Visual Impact: All towers and accessory facilities shall be sited to have the least practical adverse visual affect on the environment. Facility colors and designs should be architecturally compatible with surrounding buildings and/or land uses in the area or those likely to exist in the area as shown on the Comprehensive Plan and should prevent the facility from dominating the surrounding area;
 7. Lighting: Towers shall not be lighted except to assure human safety as required by the Federal Aviation Administration (FAA) or Federal Communication Commission (FCC). Towers shall be designed and sited so as to avoid, whenever possible, application of FAA lighting requirements. If tower lighting is required, the Planning Commission and City Council may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding views. Security lighting around the base of a tower may be provided if the lighting is shielded so that no light is directed towards adjacent properties or rights-of-way;
 8. Removal of Abandoned Towers: Any tower that is no longer in use or has not been used for a continuous period of twelve (12) months for its original communications purpose shall be removed at the owner's expense and the Special Use Permit revoked. The owner shall provide the City with a copy of the notice to the FCC of intent to cease operations and shall be given ninety (90) days from the date of ceasing operations to remove the obsolete tower and accessory structures. In the case of multiple operators sharing use of a single tower, this provision shall not become effective until all users cease operations; and
 9. Post an Emergency Contact Placard with all providers contact information on the gate of the new facility.
2. **The proposed special use at the specified location will contribute to and promote the welfare or convenience of the public** – The added tower will improve cellular telecommunications throughout the western and southern side of the City and lessen the requirement for additional towers within the City. The Existing and Proposed Coverage Maps shows the benefit of the improved coverage with the addition of the new telecommunications tower that will allow multiple carriers.

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** – This request will not cause substantial injury to the value of other properties in the neighborhood. The site located near K-32 Highway has industrial uses and zoning classifications to the west and south of the subject property.
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:**
 - a. **The location, nature and height of buildings, structures, walls and fences on the site** – The telecommunication tower facility will be compatible with the adjacent industrial uses as it will be located away from residential uses. Future expansions or additions to the site not identified on the Site Plan shall require the submission of a new Site Plan to be reviewed and approved by the Planning Commission if there are plans to enlarge the footprint.
 - b. **The nature and extent of landscaping and screening on the site** – The application included a 10-foot high Cement Masonry Unit (CMU) wall and gate shown on Sheet Z-1 and Sheet Z-2 respectfully. The masonry wall and gates shall be maintained in accordance with the approval of the special use permit.
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** – There will be no increase in traffic in excess of the current traffic load as a result of the approval of the special use permit.
6. **Adequate utility, drainage, and other such necessary facilities have been or will be provided** – Westar Energy is the provider of power and shall be placed underground to the telecommunications tower facility. No additional stormwater run-off will occur for the subject site.
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** – Access will be provided by a paved parking lot with a 20' grant of access drive as shown on Sheet 2 of 2 to the telecommunications tower facility from public right-of-way along 138th Street.

Staff Recommendation:

Staff recommends approval of SUP-128, Special Use Permit for Verizon Wireless for a communication tower facility to be located at 2301 S. 138th Street subject to the following conditions:

1. Revise the Utilities – Electrical contact listing shown on Sheet T-1 from KCPL to Westar Energy;
2. The Surveyor needs to sign and seal Sheet 2 of 2 on the Site Plan;
3. Address the two (2) conditions listed above and provide the Planning Department with three (3) copies of the revised Site Plan complete with all sheets along with a PDF copy;
4. Post an Emergency Contact Placard with all providers' contact information on the gate of the new facility;
5. Allow for the placement of city and/or county owned communications equipment on the apex of the telecommunications tower;
6. Future expansions or additions to the site not identified on the Site Plan shall require the submission of a new Site Plan to be reviewed and approved by the Planning Commission if there are plans to enlarge the footprint;
7. The revocation of the Special Use Permit may occur for a violation of the Zoning Ordinance as provided in Section 4(11) Telecommunication Towers, Article XXVII, Special Uses of the Zoning Ordinance or violation of any or all of the conditions set out in the Special Use Permit;
8. The Special Use Permit to be valid for an indefinite period of time unless:
 - a. The subject property is sold, or
 - b. When the operation of such use by the owner designated in the permit is discontinued for more than 12 months; and
9. The Special Use Permit may not be assigned, conveyed or transferred.



January 13, 2012

City of Bonner Springs
Don E. Slone, AICP, CFM, Planning Director
205 E. 2nd Street, P.O. Box 38
Bonner Springs, KS 66012
Phone: (913) 667-1708
dslone@bonnersprings.org

RE: Verizon (KCYC Wolf Creek) application for approval of Special Use Permit for the installation of a 150' monopole wireless communications facility located at 2301 S. 138th Street, commonly known as Bonner Springs Unified School District #204("School District")

To Whom It May Concern:

Verizon Wireless is applying for 150' monopole at the referenced location to provide extended services for existing and new wireless customers. The new facility will not only provide additional coverage but will more importantly provide more users a greater ability to use their wireless device services with greater capacity. The enclosed coverage maps show the before and after for the proposed location. The lease area for the site is 40' x 40' (enclosed by matching brick veneer 10' CMU wall)

Coverage Maps

Please see the enclosed propagation study for coverage / capacity explanation as well as alternate site consideration. This site will provide additional coverage and reliable service to this area.

- Red - Optimal Coverage
- Green - Some Coverage
- Yellow - Marginal Coverage

Site Design

Tower design – This site will employ a 150' monopole that will be capable of co-locating multiple carriers.

Lighting – All lighting will be installed in accordance with Federal Aviation Administration (FAA) standards / review.

Interference – Verizon frequencies are proprietary and licensed through the Federal Communications Commission.

Fenced Area – Verizon has entered into lease agreements with the Bonner Springs School District for a 40'x40' lease area. The proposed lease area will be enclosed by a 10' tall CMU wall with brick veneer that will match the existing construction of the school. The compound will have a 12' wide gate for entrance on the north side of the site. The Verizon equipment shelter dimensions are 11'6" x 30' (345 ft²).

Access – The existing parking / access will provide access to the compound and will be gained from the north side of the fenced area.

Setbacks

Property Lines

Northeast -	+/- 255'
South -	>300'
East -	>300'
West -	+/- 170'

Removal

Verizon Wireless will remove the tower within 90 days of termination or expiration of lease. This clause is specified in the lease agreement between the School District and Verizon Wireless.

Other Conditions

Location

There are residences across the street from the tower. Although the site will be in view of these properties, it will provide consumer and emergency services to many more people than the immediate vicinity. The proposed locations will not impede on any future use of the property. This location is also set closer to existing commercial and industrial use properties and farther away from the subdivisions to the north and east.

Co-location

There are no other suitable sites within 1 mile for this coverage objective that Verizon isn't already located or that would provide the necessary service.

Public Service

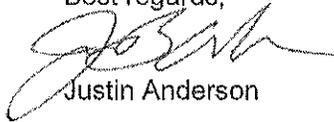
It will provide increased services for personal, public and emergency services. The proposed site will not affect any public facilities and will use minimal utilities.

A community requires new infrastructure and technology to grow. This wireless site will allow businesses, citizens and emergency / police / fire personnel to operate their daily tasks and duties on a dependable network.

This proposed location meets or exceeds the setbacks required by the Bonner Springs Zoning Ordinance.

If there are any further questions or requirements please direct them to Justin Anderson. He will be attending public hearings for these projects.

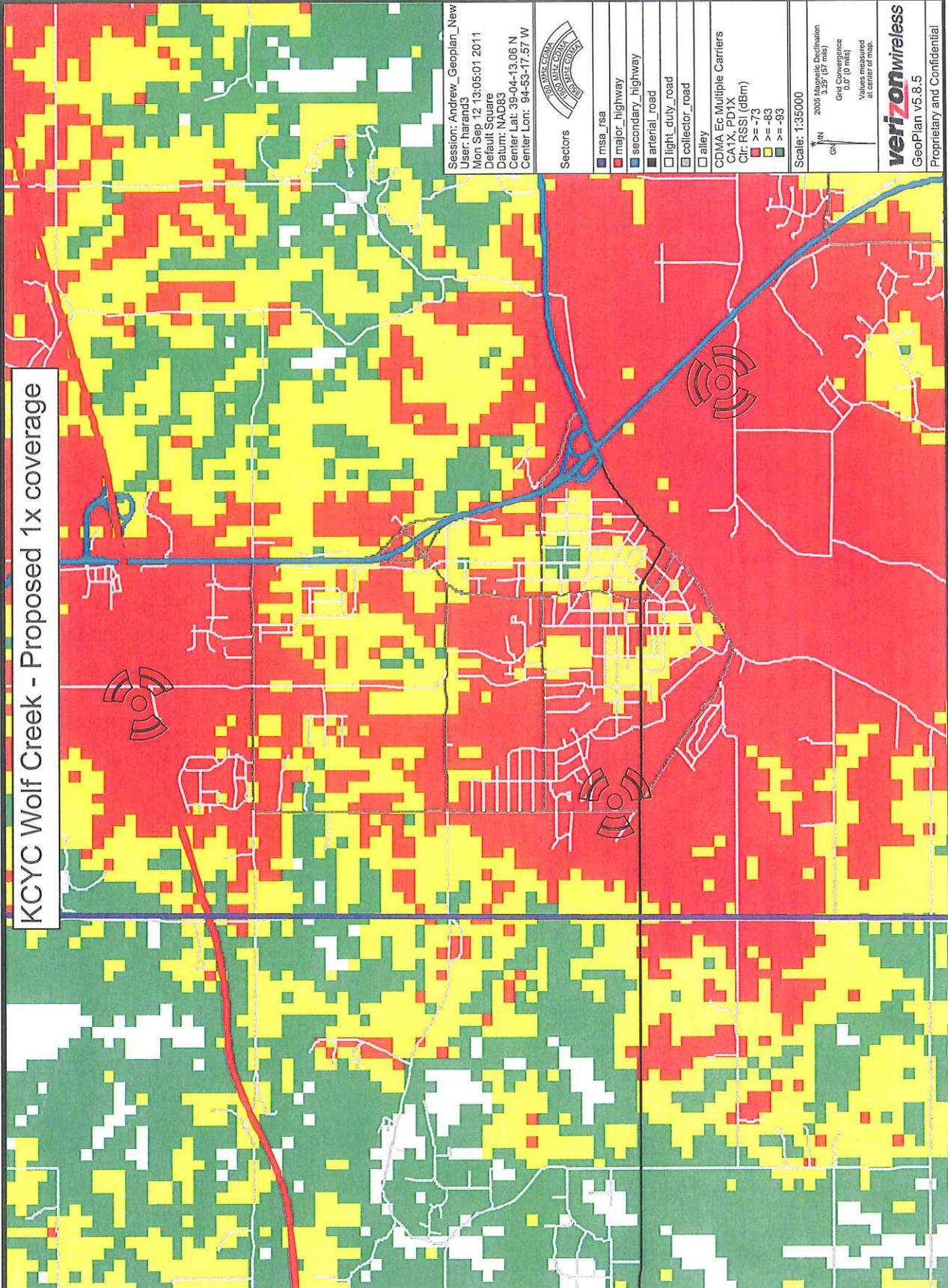
Best regards,



Justin Anderson

Encl; Application
Propagation study
Cover letter
Legal descriptions
Site plan
Photos
Application Fee

KCYC Wolf Creek - Proposed 1x coverage



Session: Andrew_Geoplan_New
 User: harand3
 Mon Sep 12 13:05:01 2011
 Default Square
 Datum: NAD83
 Center Lat: 39-04-13.06 N
 Center Lon: 94-53-17.57 W

Sectors

- rnsa_rsa
- major_highway
- secondary_highway
- arterial_road
- light_duty_road
- collector_road
- alley

CDMA Es Multiple Carriers
 CA: 1X, 1X
 Ch: RSSI (dbm)

- > -73
- > -83
- > -93

Scale: 1:35000
 2000 Meters Declination
 Grid: UTM
 Grid: 10 meters
 Values measured at center of map.



REFERENCE ONLY

DATE	12/27/11
DESIGNED FOR	TRINITY ATOP
PROJECT NO.	
SCALE	
REVISIONS	
NO. 1	
NO. 2	
NO. 3	
NO. 4	
NO. 5	
NO. 6	
NO. 7	
NO. 8	
NO. 9	
NO. 10	

THE DRAWING IS CONSIDERED VOID IF THE PROJECT OR PROPERTY IS THE SUBJECT OF ANY OTHER PROJECT OR PROPERTY OF THE DRAWING OR THE CONTRACTOR. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE PROJECT AND THE PROPERTY OF THE CLIENT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE PROJECT AND THE PROPERTY OF THE CLIENT.

DRAWN BY: JVS
CHECKED BY: JPV

SEE NAME: **KCYC WOLF CREEK**

LOCATION: 250573

PROJECT: 2410558487

SHEET NUMBER: 13944 STREET, BONNER SPRINGS, KS 66912

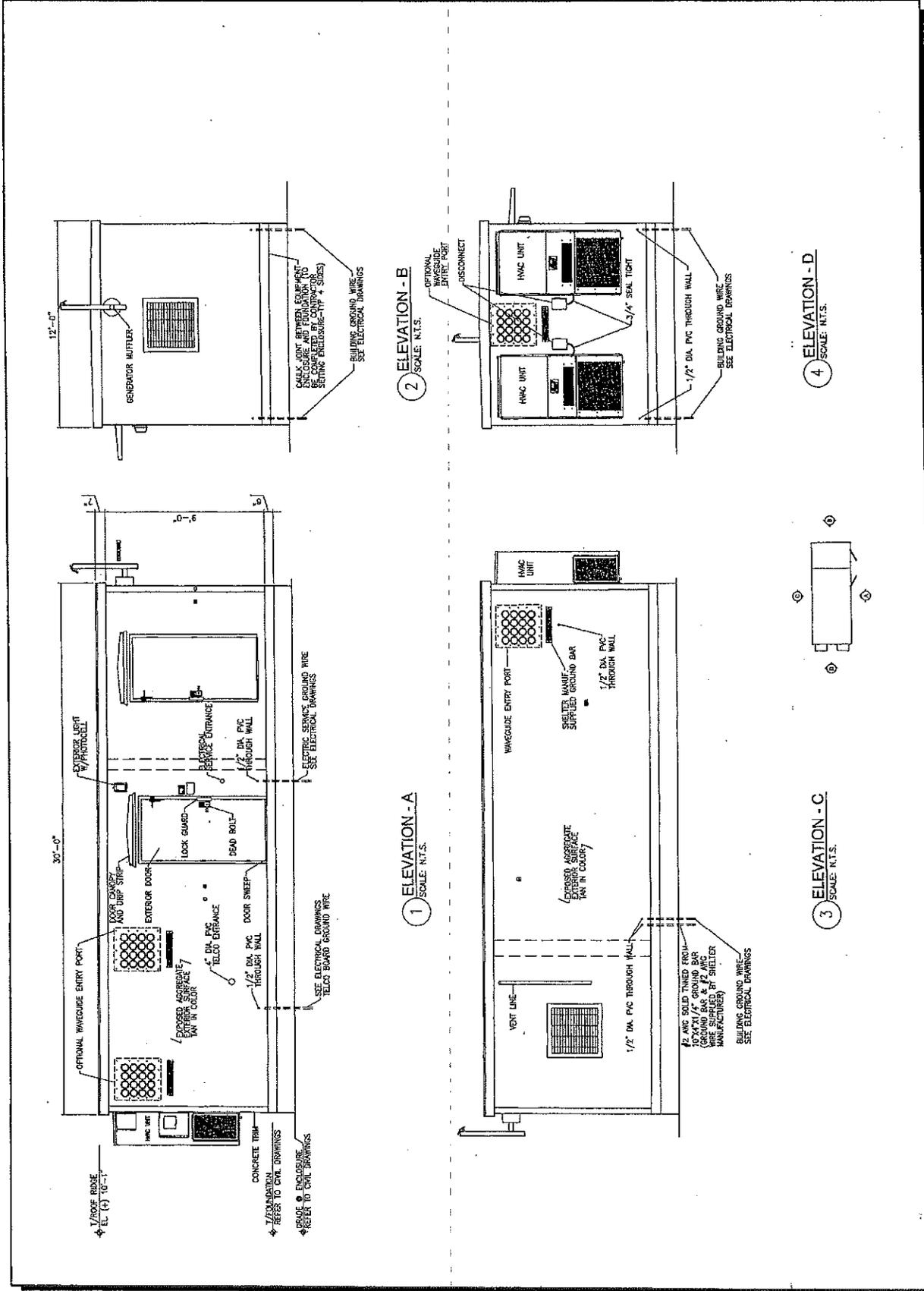
SHEET TITLE: SHELTER DETAILS

SCALE: PROJECT P&I

SCALE: SHEET

Z-3

DO NOT SCALE DRAWINGS



Affidavit in Proof of Publication

STATE OF KANSAS
Wyandotte County

(Published in the Bonner Springs Chieftain, Thursday, February 2, 2012)

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, February 28, 2012, at 7:00 p.m. at City Hall in the Council Chambers, 205 E. 2nd Street, Bonner Springs, Kansas. The purpose of the public hearing is to receive public comment for:

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-128: Verizon Tower @ The High School: a request for a special use permit on property zoned R-1, Single-Family Residential District to be located at 2301 S. 138th Street. Requested by Justin Anderson, SSC, Inc. on behalf of Verizon Wireless for the Bonner Springs Unified School District (U.S.D. 204), property owners of record. This request is in order to construct a 150 foot monopole telecommunication tower facility that requires a special use permit.

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

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

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.

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

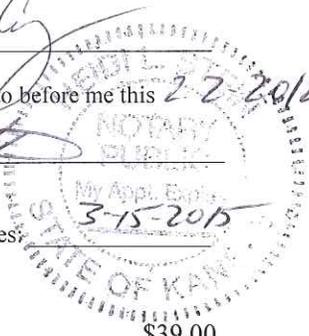
That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for 1 consecutive weeks the first publication thereof being made as aforesaid on 02/02/2012 with publications being made on the following dates:

02/02/2012

Erika Gray
Subscribed and sworn to before me this 22 2012

Charles
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
12 FEB -3 AM 10:21
CITY OF BONNER SPRINGS