



# *City of Bonner Springs*

## **PLANNING COMMISSION AGENDA**

CITY HALL COUNCIL CHAMBERS

**TUESDAY, MAY 15, 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, MAY 15, 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, May 15, 2012**

Study Session 6:00 p.m.

- Planning Commissioner Training continued.

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**Planning Commission Meeting – 7:00 p.m.**

**Call to Order:** Time: \_\_\_\_\_

**Roll Call:**

**ITEM NO. 1: Approval of Minutes:** The regular Planning Commission meeting held February 28, 2012.

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

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

**New Business:**

**ITEM NO. 2: Preliminary Plat “Amended”:** PT-12-100, “Bonner Springs Pointe”, The request is to amend the preliminary plat for Bonner Springs Pointe approved on June 24, 2008 that consisted of six (6) lots that has been reduced to five (5) lots. The two (2) lots that remain will contain 6.78 acres. This request is in order to plat and convey Lot 4; Bonner Springs Pointe II to AutoZone, Inc. for the construction of a new Auto Parts Store No. 3784 directly across the street from Walgreens. Requested by Eric Ramer, PLS, Weiskirch & Parks Engineers, Inc. for K.A.V.E., Inc., property owners of record. The subject property is zoned C-2, General Business District and is located at 12850 Kansas Avenue.

1. Staff Presentation / Applicants Presentation
2. Public Comment

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

3. Board Discussion

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

**ITEM NO. 3: Final Plat:** PT-12-100, “Bonner Springs Pointe II”, This request to “replat” 6.78 acres into a 2 lot subdivision on 6.78 acres and convey the new Lot 4 of Bonner Springs Pointe II to AutoZone, Inc. for the new auto parts Store No. 3784. Requested by Eric Ramer, PLS, Weiskirch & Parks Engineers, Inc. for K.A.V.E., Inc., property owners of record. The subject property is zoned C-2, General Business District and is located at 12850 Kansas Avenue. *(This item will be forwarded to the Governing Body on June 11, 2012)*

1. Staff Presentation / Applicants Presentation
2. Public Comment

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

3. Board Discussion

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

**ITEM NO. 4: Site/Landscape Plan:** ST-12-100, “AutoZone @ The Pointe” located at 545 S. 129<sup>th</sup> Street being platted as Lot 4, Bonner Springs Pointe II. Requested by Matt Murphy, PE, Treanor Architects for the Auto Zone, Inc., under contract from KAVE, Inc. property owners of record. The site/landscape plan is being submitted in order to construct a 6,446 square foot auto parts retail store and associated off-street parking on 1.24 acres zoned C-2, General Business District.

1. Staff Presentation / Applicants Presentation
2. Public Comment

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

3. Board Discussion

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

**ITEM NO. 5: Comprehensive Plan Change: BSCP-22: "Richland Apartments"** A request to amend the Future Land Use Map of the Comprehensive Plan to change the land use designation for 1.36 acres from a Commercial designation to a High-Density Residential designation. Requested by Daniel Foster, Schlager & Associates for Guy Tiner, developer, under contract from Constance S. Djajich, Trustee for Shibley Living Trust, property owners of record. This amendment is to support the change in zoning from C-2, General Business District to R-3, Multi-Family Residential District to allow for the construction of a proposed 24 unit, one and two bedroom apartment complex to be located on Lot 10, Tiblow Centre, 13100 Richland Avenue. *(This item will be forwarded to the Governing Body on June 11, 2012)*

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

1. Staff Presentation / Applicants Presentation
2. Public Comment

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

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

3. Board Discussion

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

**ITEM NO. 6: Rezoning: BSZ-128: "Richland Apartments"** A request to rezone 1.36 acres from a C-2, General Business District classification to an R-3, Multi-Family Residential District classification. Requested by Daniel Foster, Schlager & Associates for Guy Tiner, developer, under contract from Constance S. Djajich, Trustee for Shibley Living Trust, property owners of record. This amendment is to change the zoning classification to allow for the construction of a proposed 24 unit, one and two bedroom apartment complex to be located on Lot 10, Tiblow Centre, 13100 Richland Avenue. *(This item will be forwarded to the Governing Body on June 11, 2012)*

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

1. Staff Presentation / Applicants 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 February 28, 2012 Planning Commission Meeting

### PLANNING COMMISSION AGENDA

Tuesday, May 15, 2012, 7:00 P.M.

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

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

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

**ACTION:** MAKE A MOTION TO APPROVE THE MINUTES OF THE PLANNING COMMISSION MEETING ON FEBRUARY 28, 2012

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

**NARRATIVE:** The minutes of the February 28, 2012 meeting are attached.

**PLANNING COMMISSION MEETING MINUTES**  
**Tuesday, February 28, 2012 at 7:00 P.M.**

**MEMBERS PRESENT:** Craig Stephan, Sherri Neff, Dan Carter, Merle Parks, Jason Krone, Robin Neal, and Dave Pierce

**STAFF PRESENT:** Don Slone, AICP, CFM, Planning Director  
Terry Barlow, Departmental Administrative Assistant

Chairman Parks called the meeting to order at 7:04 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 January 24, 2012 Planning Commission meeting. Commissioner Stephan made a motion to approve the minutes as written with a second from Commissioner Neal. Chairman Parks asked if there were any questions or comments about the minutes. Seeing none, he called for a vote. The minutes were approved as written.

**NEW BUSINESS**

Chairman Parks introduced **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. 138<sup>th</sup> 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 one hundred-fifty (150) foot telecommunications tower facility that requires a special use permit.

Chairman Parks asked that all the Planning Commissioners disclose any contact with anyone on the item that is up for consideration.

Chairman Parks declared that he is sometimes a contract attorney for the school board but that would not influence his decision.

Commissioner Neal stated that her father is on the school board but that would not influence her decision.

Chairman Parks opened the public hearing at 7:07 p.m. and asked for Staff presentation. Staff presented its recommendations to the Planning Commission. Staff recommended approval subject to the listed conditions in the Staff report.

Commissioner Pierce stated that since he is a member of the School Board he needed to excuse himself from the proceedings due to a conflict of interest as he has already voted on this item at the School Board meeting. Commissioner Pierce left the meeting at 7:10 p.m.

Chairman Parks asked if the applicant would like to address the Planning Commission. **Justin Anderson, SSC, Inc. on behalf of Verizon Wireless:**

- His client's are in agreement with all the conditions.
- This will be a one hundred-fifty foot telecommunication tower facility for Verizon Wireless.
- The telecommunications tower facility allows for additional carriers as well as ground space for the associated equipment cabinets.
- 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 telecommunications tower facility will include a ten (10') foot high cement masonry unit screening wall and gate with security lock.

Questions and comments from the Planning Commission:

- Commissioner Stephan asked if there was room for multiple carriers on this tower and Mr. Anderson stated that yes there would be enough room in the complex for more carriers.

- Commissioner Neff asked if this was the original site for the tower. Mr. Anderson stated that no they had originally wanted it closer to the residential properties located on Bluegrass Drive.
- Commissioner Neff asked why they decided to relocate the tower. Mr. Anderson answered that the telecommunications tower would have been too close to the residential homes and they could not expand the tower if needed. Moving the tower makes it easier to add on to and they are now as far as they can be from residential properties as they are located on the south parcel of the property. The school board gave them the idea for screening.
- Commissioner Krone asked how tall the wall was going to be that surrounded the telecommunications tower and also about any problems that they have had with other telecommunications towers located around schools. Mr. Anderson answered that they would be putting in a 10 foot high wall around the entire telecommunications tower compound and no they have had no problems with other towers located near schools.
- Commissioner Neal asked about the security around the compound and Mr. Anderson stated that they have a secure padlock system that they use and no one has entered the compound that was not authorized.
- Commissioner Krone asked if the project would be completed by the beginning of the school year and Mr. Anderson stated that they should be completed before the school year begins.
- Commissioner Krone stated that he is the Director of the YMCA and is concerned about the safety of the residents and students coming and going from the YMCA during construction. Mr. Anderson stated that the site will be marked off for safety and the construction company for Verizon will work with the YMCA and the school district to ensure the safety of everyone.

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

**Herman McConico, 632 W. Kump Avenue, Bonner Springs, KS**, stated that he is very much in favor of the tower as his cell phone service will be much better as he constantly has call drop due to the lack of cell towers.

Chairman Parks asked if there were any further questions or comments from the audience or the Planning Commission. Seeing none he closed the public hearing at 7:27 p.m. and asked for a motion. Commissioner Stephan made a motion to approve with the conditions listed in the Staff report with a second from Commissioner Krone.

Chairman Parks asked if the Planning Commission had any further questions or concerns. Seeing none he called for a vote. Motion passed by a vote of 6 to 1. Commissioner Neff voted no due to the tower location.

The Planning Director stated that he will forward this item to the Governing Body on March 26, 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 7:29 p.m.

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Planning Commission Secretary

# ITEM NO. 2

**Preliminary Plat "Amended": PT-12-100, "Bonner Springs Pointe"**, The request is to amend the preliminary plat for Bonner Springs Pointe approved on June 24, 2008 that consisted of six (6) lots that has been reduced to five (5) lots. The two (2) lots that remain will contain 6.78 acres. This request is in order to plat and convey Lot 4; Bonner Springs Pointe II to AutoZone, Inc. for the construction of a new Auto Parts Store No. 3784 directly across the street from Walgreens. Requested by Eric Ramer, PLS, Weiskirch & Parks Engineers, Inc. for K.A.V.E., Inc., property owners of record. The subject property is zoned C-2, General Business District and is located at 12850 Kansas Avenue.

## **PLANNING COMMISSION AGENDA** **Tuesday, May 15, 2012, 7:00 P.M.**

<b>PRESENT</b>	Stephan	_____
	Neff	_____
<b>&amp; VOTE:</b>	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.

**PRELIMINARY PLAT "AMENDED": "BONNER SPRINGS POINTE"****Case No.:** PT-12-100**Applicant:** Eric Ramer, PLS, Weiskirch & Parks Engineers, Inc.**Developers:** K.A.V.E., Inc.**Engineer:** Fred Byam, PE, LS, Byam Engineering**Surveyor:** Eric Ramer, PLS, Weiskirch & Parks Engineers, Inc.**Owners:** K.A.V.E., Inc.**Location:** 12850 Kansas Avenue**Zoning:** C-2, General Business District**Land Use Summary:****Total Tract Acreage:** 6.78 acres**Number of Lots:** 2**Easements Dedicated:** As shown on the Preliminary Plat**Dedicated Rights-of-Way:** No additional Right-Of-Way dedicated with this plat**Exhibits:** Preliminary Plat "Amended" Bonner Springs Pointe and the approved Preliminary Plat of Bonner Springs Pointe (for reference purposes).**Staff Recommendation:**

The Development Staff recommends approval of the Preliminary Plat subject to three (3) conditions:

1. The legal description as written does not close. The second call in the legal description appears to be missing an initial tangent bearing to the curve of 15' radius. Provide the initial bearing for the first curve;
2. Provide two (2) full size and one (1) PDF copy of the signed/sealed Detention Calculations, Construction Documents and Grading Plans for the proposed storm water line and detention basin for Lot 5; and
3. Resubmit two (2) signed sealed full sized paper copies and one (1) digital copy of the "revised" Preliminary Plat to the Planning Department that addresses the above conditions.

**Background:**

The request is to amend the preliminary plat for Bonner Springs Pointe approved on June 24, 2008 that consisted of six (6) lots that was reduced to five (5) lots. The two (2) lots that remain will contain 6.78 acres. This request is in order to plat and convey Lot 4; Bonner Springs Pointe II to AutoZone, Inc. for the construction of a new Auto Parts Store No. 3784 directly across the street from Walgreens.

**Planning Director's Comments:**

1. Provide two (2) full size and one (1) PDF copy of the signed/sealed Detention Calculations, Construction Documents and Grading Plans for the proposed storm water line and detention basin for Lot 5; and
2. Resubmit two (2) signed sealed full sized paper copies and one (1) digital copy of the "revised" Preliminary Plat to the Planning Department that addresses the above conditions.

**Note:** The proposed storm water lines and junction box will be constructed in conjunction with the site development by the property owners for the future development of Lot 5.

**Review Comments from Other Departments/Agencies:**

**Building Official:** No objections.

**City Engineer:**

1. In the approved Drainage Study for Bonner Springs Pointe I, the detention basin located on Tract A was designed to provide storm water detention for both Lot 4 and Lot 5. The current proposal for AutoZone does not provide detention for Lot 5. Where will the detention requirement for Lot 5 be provided? Please provide the detention calculations, location and size and grading plan for the proposed detention basin that will be necessary for Lot 5; and
2. The legal description as written does not close. The second call in the legal description appears to be missing an initial tangent bearing to the curve of 15' radius. Provide the initial bearing for the first curve.

**Economic Development:** No objections.

**Public Works:** No objections.

**Utilities:** No objections.

**Atmos Energy:**

1. Atmos Energy has no objections to the proposed plat. We see no conflicts with our 2" plastic gas main that runs on eastside of 129<sup>th</sup> Street.

**AT&T:**

1. AT&T has no objections to proposed plat. Per our plant records, there does not appear to be any AT&T facilities in conflict with the proposed plans, however, any relocation of AT&T facilities to accommodate this development it would be billable to the developer.

**Time Warner:** No objections.

**Westar Energy:** No objections.

**WYCO Mapping:** No objections.

**WYCO Surveyor:**

1. Provide the curve data for the initial bearing for the first curve of 15' radius.





# ITEM NO. 3

**Final Plat:** PT-12-100, "Bonner Springs Pointe II", This request to "replat" 6.78 acres into a 2 lot subdivision on 6.78 acres and convey the new Lot 4 of Bonner Springs Pointe II to AutoZone, Inc. for the new auto parts Store No. 3784. Requested by Eric Ramer, PLS, Weiskirch & Parks Engineers, Inc. for K.A.V.E., Inc., property owners of record. The subject property is zoned C-2, General Business District and is located at 12850 Kansas Avenue.

## PLANNING COMMISSION AGENDA

Tuesday, May 15, 2012, 7:00 P.M.

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

**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 June 11, 2012.

**FINAL PLAT: "BONNER SPRINGS POINTE II"****Case No.:** PT-12-100**Applicant:** Eric Ramer, PLS, Weiskirch & Parks Engineers, Inc.**Developers:** K.A.V.E., Inc.**Engineer:** Fred Byam, P.E., LS, Byam Engineering**Surveyor:** Eric Ramer, PLS, Weiskirch & Parks Engineers, Inc.**Owners:** K.A.V.E., Inc.**Location:** 12850 Kansas Avenue**Zoning:** C-2, General Business District**Land Use Summary:****Total Tract Acreage:** 6.78 acres**Number of Lots:** 2**Easements Dedicated:** As shown on the Final Plat**Dedicated Rights-of-Way:** No additional Right-Of-Way dedicated with this plat**Exhibits:** Final Plat and amended Preliminary Plat (for reference purposes)**Staff Recommendation:**

The Development Staff recommends approval of the submitted Final Plat subject to five (5) conditions:

1. Completion of all approved conditions listed on the Preliminary Plat;
2. The legal description as written does not close. The second call in the legal description appears to be missing an initial tangent bearing to the curve of 15' radius. Provide the initial bearing for the first curve;
3. Resubmit one (1) digital copy of the "revised" Final Plat to the Planning Department that addresses all the above conditions for the Planning Director's review and approval prior to submission of the mylars;
4. 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
5. The Planning Department will file the Final Plat and provide a digital copy of the filed Final Plat to the surveyor for his clients.

**Background:**

This request to "replat" 6.78 acres into a 2 lot subdivision on 6.78 acres. This request is to plat Lots 4 and 5 and convey the Lot 4; Bonner Springs Pointe II to AutoZone, Inc. for the new auto parts Store No. 3784.

**Planning Director's Comments:**

1. Add the following addresses to the plat: 545 S. 129<sup>th</sup> Street to Lot 4 and 535 S. 129<sup>th</sup> Street to Lot 5;
2. Resubmit one (1) digital copy of the "revised" Final Plat to the Planning Department that addresses all the above conditions for the Planning Director's review and approval prior to submission of the mylars;
3. 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
4. The Planning Department will file the Final Plat and provide a digital copy of the filed Final Plat to the surveyor for his clients.

**Review Comments Received from Other Departments/Agencies**

**Building Official:** No objections.

**City Engineer:**

1. The legal description as written does not close. The second call in the legal description appears to be missing an initial tangent bearing to the curve of 15' radius. Provide the initial bearing for the first curve.

**Economic Development:** No objections.

**Public Works:** No objections.

**Utilities:** No objections.

**Atmos Energy:** No objections.

**AT&T:**

1. AT&T has no objections to proposed plat. Per our plant records, there does not appear to be any AT&T facilities in conflict with the proposed plans, however, any relocation of AT&T facilities to accommodate this development it would be billable to the developer.

**Time Warner:** No objections.

**Westar Energy:** No objections.

**WYCO Mapping:** No objections.

**WYCO Surveyor:**

1. Provide the curve data for the initial bearing for the first curve (15' radius).





# ITEM NO. 4

**Site/Landscape Plan: ST-12-100, "AutoZone @ The Pointe"** located at 545 S. 129<sup>th</sup> Street being platted as Lot 4, Bonner Springs Pointe II. Requested by Matt Murphy, PE, Treanor Architects for the Auto Zone, Inc., under contract from KAVE, Inc. property owners of record. The site/landscape plan is being submitted in order to construct a 6,446 square foot auto parts retail store and associated off-street parking on 1.24 acres zoned C-2, General Business District.

## PLANNING COMMISSION AGENDA

**Tuesday, May 15, 2012, 7:00 P.M.**

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

**ACTION:** MAKE A MOTION TO APPROVE

**STAFF RECOMMENDATION:** STAFF IS RECOMMENDING APPROVAL OF THIS ITEM SUBJECT TO THE CONDITIONS LISTED IN THE STAFF REPORT

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

**SITE/LANDSCAPE PLAN: AUTOZONE @ THE POINTE****Case No.:** ST-12-100**Applicant:** Matt Murphy, P.E., Treanor Architects, P.A.**Engineer:** Matt Murphy, P.E., Treanor Architects, P.A.**Architect:** None shown (AutoZone Corporate Design)**Property Owner:** K.A.V.E., Inc. (Under Contract by AutoZone, Inc.)**Location:** 545 S. 129<sup>th</sup> Street (Lot 4, Bonner Springs Pointe II) (New address to be assigned)**Zoning:** C-2, General Business District**Lot Size:** 1.24 acres (53,968 sq.ft.)**Building Size:** 6,446 sq.ft.**Building Use:** Retail Auto Parts Store No. 3784**Parking:**

Parking required: 1 space/300 sq.ft. = 21 spaces + 1 handicapped space = 22 spaces

Parking provided: 30 spaces + 2 handicapped spaces = 32 spaces

**Landscaping:**

Trees required: 1 tree/40' lineal feet of Street frontage (449 lineal feet = 11 trees)

1 tree/10 Parking Spaces (32 spaces = 3 trees)

1 tree/3,000 sq.ft. Open Space (21,852 sq.ft. = 7 trees)

Trees provided: 23 trees provided

Shrubs provided: 25 Bloomerang Lilacs

Groundcover: 108 Dragon's Blood Sedum

**Signage:** 20' freestanding monument sign and wall signs as shown on the Building Elevations**Site Lighting:** Utilized the "Fixture Height Standard" with 16' light poles along the west property line and a 20' light pole on the north property line as shown.**Staff Analysis:**

The site/landscape plan is submitted in order to construct a 6,446 square foot auto parts retail store and associated off-street parking. The submitted Site/Landscape Plan does meet the minimum submittal requirements of the Zoning Ordinance listed under Article V, Section 10: Site Plans and under Article XXX: Landscape Regulations.

**Staff Recommendation:**

The Development Staff recommends approval of the Site/Landscape Plan subject to the six (6) listed conditions to include all Standing Conditions listed below:

1. Submit a copy of the KDHE approved NPDES, NOI (Notice of Intent) along with an Earth Change Permit application and Fee to the Planning Department for approval prior to any site excavation;
2. The preliminary storm water information (letter of 4/24/2012) did not contain the supporting design calculations. Please provide this information;
3. What size stone will be used in the "gravel strip" and how will the stone be held in place. Please provide this information;
4. Resubmit three (3) full size copies and one (1) PDF copy of the revised Site/Landscape Plans to the Planning Department to address all the above conditions;
5. Provide a copy of the Warranty Deed to show the property transfer to AutoZone, Inc.; and
6. The Site/Landscape Plan shall not receive final approval by the Planning Director until the final plat for Bonner Springs Pointe II is filed with the County after all conditions of approval of the Preliminary Plat are completed.

**Standing Site Plan Conditions:**

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

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

1. Revise Sheet 1: Site Plan and Sheet 2: Landscape Plan to move the "Proposed 20' Tall Monument Sign" north 20' to clear the "sight triangle";
2. Revise Sheet 2: Landscape Plan to add a new Note 4: "Stake all trees with a minimum of two (2) t-posts to be removed after one (1) year of installation";
3. Submit a copy of the KDHE approved NPDES, NOI (Notice of Intent) along with an Earth Change Permit application and Fee to the Planning Department for approval prior to any site excavation;
4. Resubmit three (3) full size copies and one (1) PDF copy of the revised Site/Landscape Plans to the Planning Department to address all the above conditions;
5. Provide a copy of the Warranty Deed to show the property transfer to AutoZone, Inc.; and
6. The Site/Landscape Plan shall not receive final approval by the Planning Director until the final plat for Bonner Springs Pointe II is filed with the County after all conditions of approval of the Preliminary Plat are completed.

**Building Official:** No objections.

**City Engineer:**

1. The preliminary storm water information (letter of 4/24/2012) did not contain the supporting design calculations. Please provide this information; and
2. What size stone will be used in the "gravel strip" and how will the stone be held in place. Please provide this information.

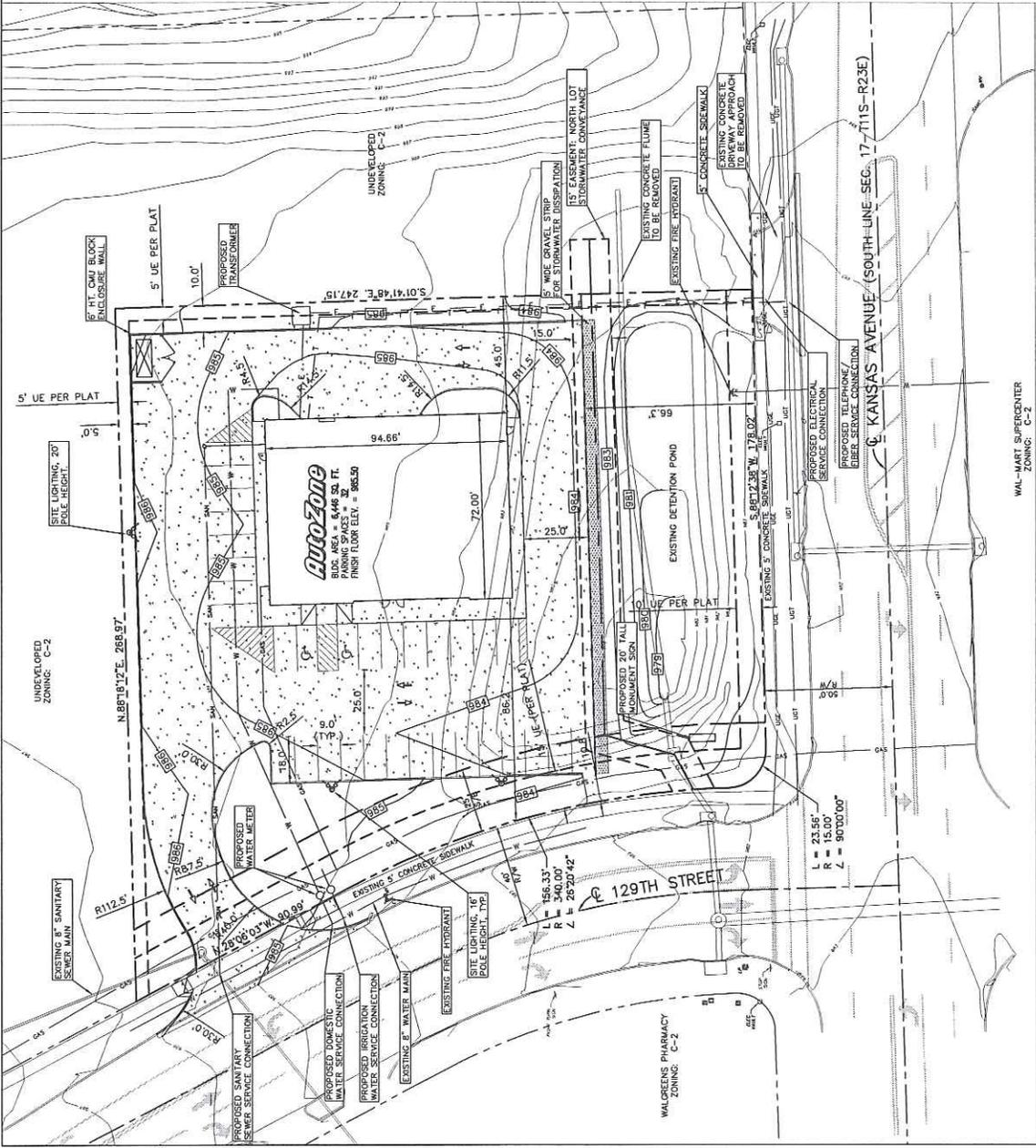
**Economic Development Director:**

1. It would be nice to see some landscaping around the monument sign located.

**Public Works Director:**

1. Depending upon the type of sign, the monument sign could cause a site distance (triangle) problem.

**Utilities Director:** No objections.

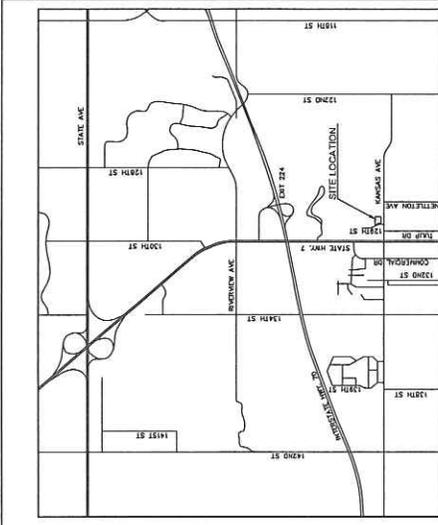


**SITE PLAN NOTES:**

- PARKING LOT LIGHTING SHALL BE 16' POLES ALONG THE WEST PARKING LOT EDGE AND 20' POLES ALONG THE NORTH, BASED ON THE CITY FIXTURE HEIGHT STANDARD.

**SITE SUMMARY TABLE:**

REQUIRED	PROVIDED
PARKING STALLS	32
ADA PARKING	2
FLOOR TO LOT AREA	11,944
BUILDING HEIGHT	45' MAX
	21'



VICINITY MAP - BONNER SPRINGS, KANSAS  
1" INCH = 2000 FEET

**PROPERTY DESCRIPTION:**

LOT 4, BONNER SPRINGS POINTS II, A SUBDIVISION IN THE CITY OF BONNER SPRINGS, WYANDOTTE COUNTY, KANSAS (PLAT PENDING)

OR MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A TRACT OF LAND IN THE SOUTHEAST QUARTER OF SECTION 17, TOWNSHIP 11 SOUTH, RANGE 23 EAST OF THE 6TH PRINCIPAL MERIDIAN IN THE CITY OF BONNER SPRINGS, WYANDOTTE COUNTY, KANSAS;

COMMENCING AT THE SOUTHWEST CORNER OF SAID SOUTHEAST QUARTER;

THENCE NORTH 88°42'28" EAST ALONG THE SOUTH LINE OF SAID SOUTHEAST QUARTER, 924.16 FEET;

THENCE NORTH 01°45'22" WEST, 50.00 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF KANSAS AVENUE, AS NOW ESTABLISHED, AND THE POINT OF BEGINNING;

THENCE SOUTH 88°43'30" WEST ALONG SAID NORTH RIGHT-OF-WAY LINE, 178.02 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF 129TH STREET, AS NOW ESTABLISHED;

THENCE NORTHWARD ALONG SAID EAST RIGHT-OF-WAY LINE ON A 15.00 FOOT RADIUS CURVE TO THE POINT OF BEGINNING TO THE SUD DESCRIBED CORNER WITH A CENTRAL ANGLE OF 99°00'00"; AN ARC DISTANCE OF 23.56 FEET;

THENCE CONTINUING ALONG SAID EAST RIGHT-OF-WAY LINE ON A 340.00 FOOT RADIUS CURVE TO THE LEFT HAVING A COMMON TANGENT WITH THE LAST DESCRIBED COURSE, WITH A CENTRAL ANGLE OF 28°20'42", AN ARC DISTANCE OF 156.33 FEET;

THENCE NORTH 28°03'03" WEST, CONTINUING ALONG SAID EAST RIGHT-OF-WAY LINE, 90.89 FEET;

THENCE SOUTH 88°18'12" EAST, 243.15 FEET TO THE POINT OF BEGINNING.

CONTAINS 53,986 SQUARE FEET OR 1.24 ACRES, MORE OR LESS.

- LEGEND:**
- \_\_\_\_\_ W \_\_\_\_\_ DOMESTIC WATER SERVICE
  - \_\_\_\_\_ GAS \_\_\_\_\_ GAS SERVICE
  - \_\_\_\_\_ SAN \_\_\_\_\_ SANITARY SEWER SERVICE
  - \_\_\_\_\_ T \_\_\_\_\_ UNDERGROUND POWER
  - \_\_\_\_\_ E \_\_\_\_\_ UNDERGROUND TELEPHONE/FIBER SERVICE
- GRAVEL STRIP, STORMWATER DISSIPATION

**REVISIONS**

NO.	DATE	DESCRIPTION
1	11/11/12	1. CITY COMMENTS
2		
3		
4		
5		
6		
7		

ENGINEER: MUM  
DRAWN BY: MUM  
CHECKED BY: MUM  
DATE: 11/14/12  
PROJECT NO.: 12-0000000000  
7/2

**SITE PLAN**

SHEET 1 OF 3

SCALE: 1" = 20'

RECEIVED  
MAY - 1 2012

TREANOR ARCHITECTS P.A.  
1000 W. 120th St., Suite 100  
Bonner Springs, MO 64608  
Phone: 816.234.1234  
www.treanorarchitects.com

OWNER:  
**AutoZone, Inc.**  
123 S. FRONT STREET, 3rd FLOOR  
MEMPHIS, TENNESSEE 38103

PREPARED FOR:  
**AutoZone STORE DEVELOPMENT**  
545 SOUTH 129TH STREET  
BONNER SPRINGS  
KS 66012

SCALE: 1" = 20'  
CITY COMMENTS: 11/11/12  
NO. 1  
NO. 2  
NO. 3  
NO. 4  
NO. 5  
NO. 6  
NO. 7

CITY PLANNING # 91-12-100 AUTOZONE AT THE POINTS

OWNER:  
**AutoZone, Inc.**  
 123 S. FRONT STREET, 3rd FLOOR  
 MEMPHIS, TENNESSEE 38103

PREPARED FOR:  
**AutoZone STORE DEVELOPMENT**  
 545 SOUTH 129TH STREET  
 BONNER SPRINGS  
 KS 66012

SCALE: 1"=20'-0"

NO.	REVISIONS	DATE
1	ISSUE FOR PERMITS	12/14/2012
2		
3		
4		
5		
6		
7		

**LANDSCAPE PLAN**

SHEET 2 OF 3

**PLANT SCHEDULE:**

SYMBOL	QTY	REF	NAME	SIZE	ORIG	SPACING
(1) BT	1		BRUCE SPRUCE	12"	BT	45' DIA
(3) AG	3		AGAVE	12"	AG	45' DIA
(3) SS	3		SPRING SPURGE	12"	SS	45' DIA
(3) SB	3		SPRING BELL	12"	SB	45' DIA
(3) SC	3		SPRING CACTUS	12"	SC	45' DIA
(3) SD	3		SPRING DORIS	12"	SD	45' DIA
(3) SE	3		SPRING ECHO	12"	SE	45' DIA
(3) SF	3		SPRING FERN	12"	SF	45' DIA
(3) SG	3		SPRING GARDEN	12"	SG	45' DIA
(3) SH	3		SPRING HONEY	12"	SH	45' DIA
(3) SI	3		SPRING IRIS	12"	SI	45' DIA
(3) SJ	3		SPRING JASMINE	12"	SJ	45' DIA
(3) SK	3		SPRING KENTUCKIA	12"	SK	45' DIA
(3) SL	3		SPRING LILY	12"	SL	45' DIA
(3) SM	3		SPRING MIMULUS	12"	SM	45' DIA
(3) SN	3		SPRING NASTURTIUM	12"	SN	45' DIA
(3) SO	3		SPRING ORCHID	12"	SO	45' DIA
(3) SP	3		SPRING PANSY	12"	SP	45' DIA
(3) SQ	3		SPRING QUINCE	12"	SQ	45' DIA
(3) SR	3		SPRING RHODODENDRON	12"	SR	45' DIA
(3) SS	3		SPRING SWEETWOOD	12"	SS	45' DIA
(3) ST	3		SPRING TULIP	12"	ST	45' DIA
(3) SU	3		SPRING URTI	12"	SU	45' DIA
(3) SV	3		SPRING VIBURNUM	12"	SV	45' DIA
(3) SW	3		SPRING WILLOW	12"	SW	45' DIA
(3) SX	3		SPRING YEW	12"	SX	45' DIA

**LANDSCAPE REGULATIONS - ARTICLE XXX**

1. ALL PLANTING SHALL BE IN ACCORDANCE WITH THE LATEST EDITION OF "AMERICAN STANDARD FOR NURSERY STOCK".

2. PLANT MATERIAL SHALL COMPLY WITH ALL SIZING AND GRADING STANDARDS OF THE LATEST EDITION OF "AMERICAN STANDARD FOR NURSERY STOCK".

3. LOCATE ALL UTILITIES PRIOR TO DIGGING. CONTRACTOR SHALL BE RESPONSIBLE FOR ALL DAMAGES.

4. ALL DISTURBED AREAS NOT DESIGNATED AS PAVED OR GRADED SHALL BE RESTORED TO ORIGINAL OR BETTER CONDITION WITHIN 90 DAYS OF COMPLETION OF THE PROJECT. RESTORATION SHALL BE DONE TO THE SATISFACTION OF THE CITY ENGINEER AND SHALL BE SUBJECT TO A MINIMUM 8" THICKNESS TOPSOIL. TREE OF PLANTING STOCKS OF BODIES IN EXCESS OF 1" IN DIAMETER ALL MEET FINISH GRADES AND CREATE POSITIVE DRAINAGE AWAY FROM BUILDINGS.

5. IRRIGATION IS PLANNED FOR THIS SITE AND SHALL BE IN SEPARATE METER.

6. STAKE ALL TREES WITH A MINIMUM OF TWO (2) T-POSTS TO BE REMOVED AFTER ONE (1) YEAR OF INSTALLATION.

**LANDSCAPE NOTES:**

1. PLANT MATERIAL SHALL COMPLY WITH ALL SIZING AND GRADING STANDARDS OF THE LATEST EDITION OF "AMERICAN STANDARD FOR NURSERY STOCK".

2. PLANT MATERIAL SHALL COMPLY WITH ALL SIZING AND GRADING STANDARDS OF THE LATEST EDITION OF "AMERICAN STANDARD FOR NURSERY STOCK".

3. LOCATE ALL UTILITIES PRIOR TO DIGGING. CONTRACTOR SHALL BE RESPONSIBLE FOR ALL DAMAGES.

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5. IRRIGATION IS PLANNED FOR THIS SITE AND SHALL BE IN SEPARATE METER.

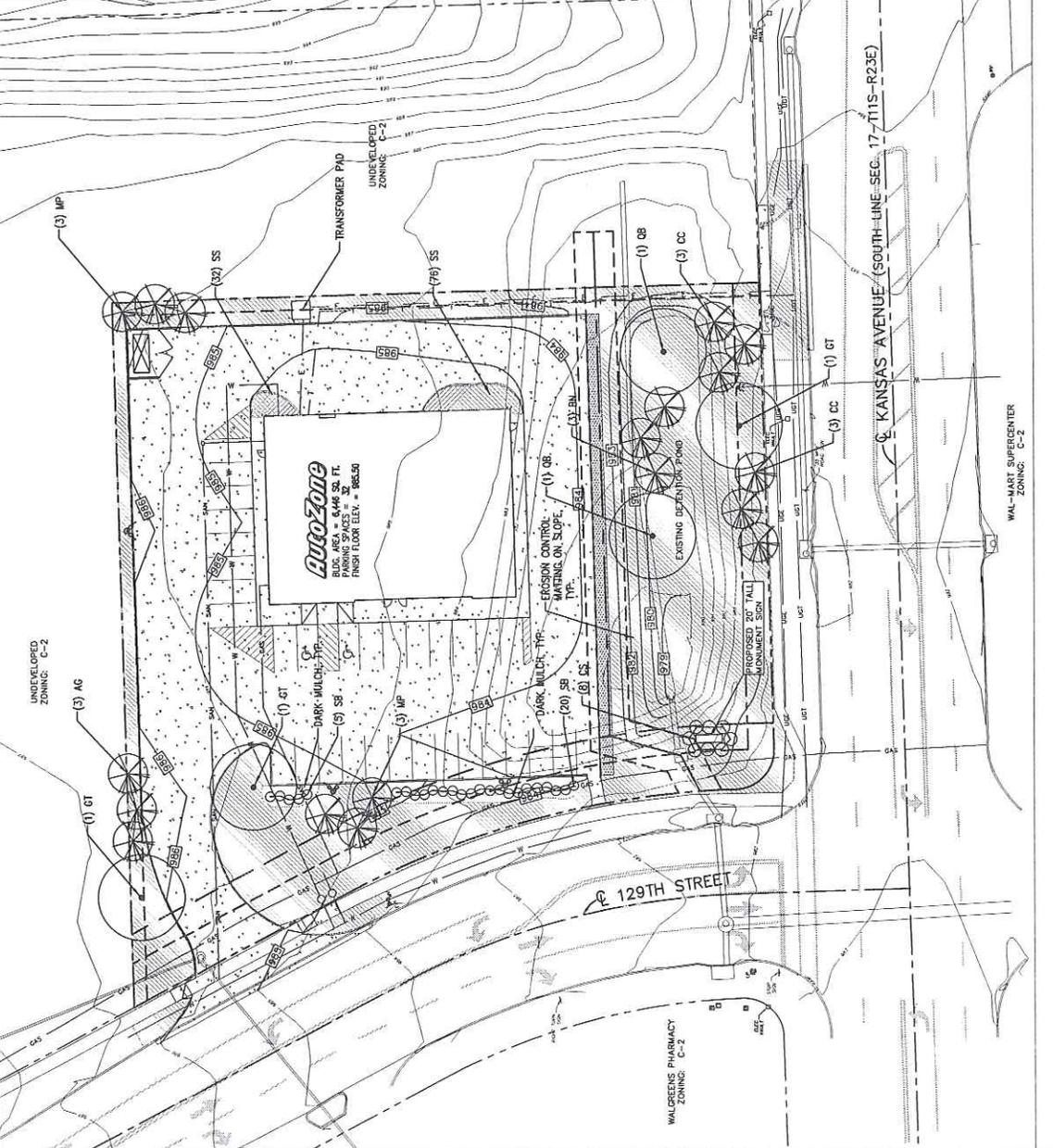
6. STAKE ALL TREES WITH A MINIMUM OF TWO (2) T-POSTS TO BE REMOVED AFTER ONE (1) YEAR OF INSTALLATION.



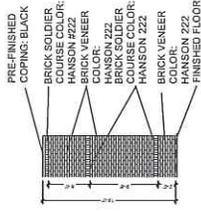
- LEGEND:**
- W — DOMESTIC WATER SERVICE
  - GC — GAS SERVICE
  - SW — SANITARY SEWER SERVICE
  - T — UNDERGROUND POWER (120/208V-3) SERVICE
  - E — UNDERGROUND TELEPHONE/FIBER SERVICE
  - P — CONCRETE PAVEMENT, 5.0" FOR PARKING STALLS, 6.0" FOR DRIVES
  - G — GRAVEL STRIP, STORMWATER DISSIPATION

**TREANOR ARCHITECTS P.A.**  
 101 West 23rd Street, Suite 400  
 Oklahoma City, Oklahoma 73101  
 Phone: (405) 521-1111  
 Fax: (405) 521-1112  
 www.treanorarchitects.com

SCALE: 1" = 20'  
 0 10 20 30 40

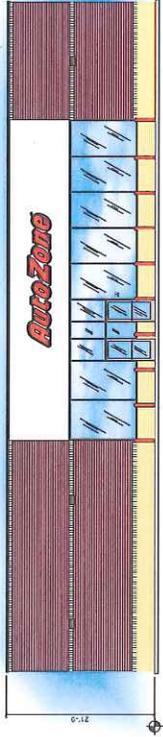


NOTE: CENTER ALL WALL SIGNAGE VERTICALLY ON THE PAINTED ORANGE STRIPE OR THE TOP TWO BRICK SOLDIER COURSES. PAINT ORANGE STRIPE TO WITHIN 2' OF WALL SIGN. DO NOT PAINT ORANGE STRIPE BEHIND SIGN. CONTINUE ORANGE STRIPE ON E.I.F.S. ABOVE STOREFRONT.

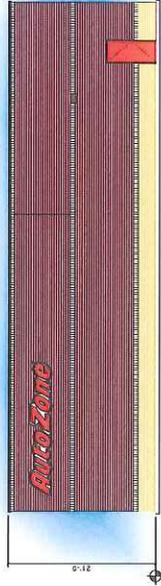


AWES1  
3 EXTERIOR WALL COLOR SCHEME

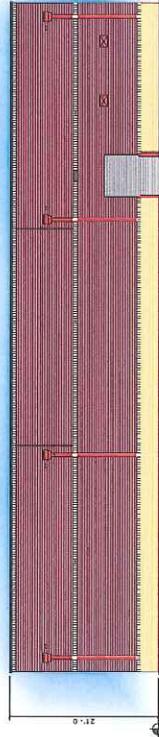
FRONT WALL (HIGH SIDE)



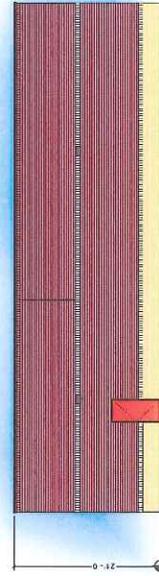
RIGHT SIDE WALL



REAR WALL (LOW SIDE)



LEFT SIDE WALL



Color Elevation  
AutoZone Store #3784  
BONNER SPRINGS KS

APRIL 17, 2012



## FEATURES & SPECIFICATIONS

**INTENDED USE** — Ideal for parking areas, street lighting, walkways and car lots.

**CONSTRUCTION** — Rugged, die-cast, soft corner aluminum housing with 0.12" nominal wall thickness. Extruded 4" soft corner arm for pole or wall mounting is standard. Die-cast door frame has impact-resistant, tempered, glass lens that is fully gasketed with one-piece tubular silicone.

**FINISH** — Standard finish is dark bronze (DDB) polyester powder finish, with other architectural colors available.

**OPTICAL SYSTEM** — Anodized, aluminum hydroformed reflectors: IES full cutoff distributions R2 (asymmetric), R3 (asymmetric), R4 (forward throw) and R5S (square). High-performance anodized, segmented aluminum reflectors IES full cutoff distributions SR2 (asymmetric), SR3 (asymmetric) and SR4SC (forward throw, sharp cutoff). Segmented reflectors attach with tool-less fasteners and are rotatable and interchangeable.

**ELECTRICAL SYSTEM** — High reactance, high power factor ballast for 100W/150W. Constant-wattage autotransformer for 175-400W. Super CWA Pulse Start ballast required for 200W, 320W and 350W (must order SCWA option). Ballast is copper-wound and 100% factory-tested. Porcelain, horizontal, position-oriented, socket with copper alloy, nickel-plated screw shell and center contact. Medium-base socket used with 100W & 150W, mogul-base socket used with 175-400W. UL listed 1500W-600V.

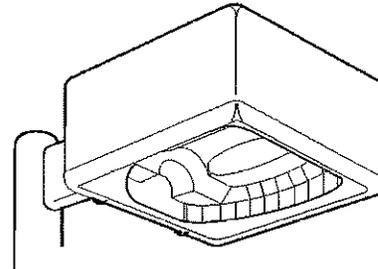
**LISTING** — UL Listed (standard). CSA Certified (see Options). UL listed for wet locations. IP65 rated in accordance with standard IEC 529.

Catalog Number	
Notes	Type

### Soft Square Cutoff Lighting

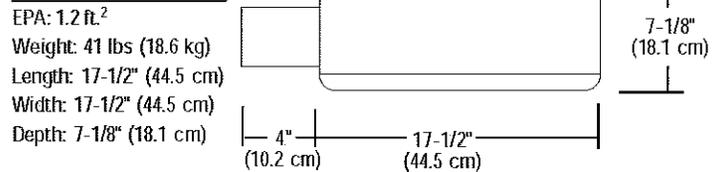
**CONTOUR**  
SERIES

# KAD



METAL HALIDE  
100W, 150W, 175W, 200W,  
250W, 320W, 350W, 400W  
20' to 35' Mounting

#### Standard Dimensions



## ORDERING INFORMATION

Example: **KAD 400M R2 120 SPD04 LPI**

Choose the boldface catalog nomenclature that best suits your needs and write it on the appropriate line. Order accessories as separate catalog number.

Series	Voltage	Mounting	Options
KAD 100M	120	SPD04 Square pole (4" arm) (standard)	<b>Shipped Installed In Fixture</b> SF Single fuse (120, 277, 347V, n/a TB) DF Double fuse (208, 240, 480V, n/a TB) PER NEMA twist-lock receptacle only (no photocontrol) LPI Lamp included as standard L/LP Less lamp PD Power Tray <sup>10</sup> WTB Terminal Wiring Block <sup>10</sup> QRS Quartz restrike system (250W maximum, lamp not included) <sup>7</sup> CSA CSA Certified SCWA Super CWA Pulse Start Ballast (n/a 100W & 175W)
KAD 150M	200 <sup>3</sup>	SPD09 Square pole (9" arm) <sup>5</sup>	KADVG Vandal guard KADW/G Wire guard KADWBA Decorative wall bracket
KAD 175M	240 <sup>3</sup>	RPD04 Round pole (4" arm)	<b>Architectural Colors<sup>9</sup></b> <b>Standard Colors</b> DDB Dark bronze (standard) DWH White DBL Black
KAD 200M	277	RPD09 Round pole (9" arm) <sup>5</sup>	<b>Classic Colors</b> DMB Medium bronze DNA Natural aluminum DSS Sandstone DGC Charcoal gray DTG Tennis green DBR Bright red DSB Steel blue
KAD 250M	347	WWD04 Wood pole or wall (4" arm)	
KAD 320M <sup>1</sup>	480 <sup>3</sup>	WWD09 Wood pole or wall (9" arm) <sup>5,6</sup>	
KAD 350M <sup>1</sup>	TB <sup>4</sup>	WBD04 Wall bracket (4" arm) <sup>6</sup>	
KAD 400M <sup>1</sup>		WBD09 Wall bracket (9" arm) <sup>6</sup>	
		L/Arm (When ordering KMA, DAD12)	
		<b>Shipped Separately</b> KMA Mast arm adapter KTMB Twin mounting bar DAD12P Degree Arm (pole) DAD12WB Degree Arm (wall)	
			PE1 NEMA twist-lock PE (120, 208, 240V) PE3 NEMA twist-lock PE (347V) PE4 NEMA twist-lock PE (480V) PE7 NEMA twist-lock PE (277V) HS House-side shield (R2, R3, R4) (SR2, SR3)

#### NOTES:

- 1 Reduced jacket ED28 lamp must be used with SR2, SR3 & SR4SC optics.
- 2 House-side shield available.
- 3 Consult factory for availability in Canada.
- 4 Optional multi-tap ballast (120, 208, 240, 277V).
- 5 The SPD09, RPD09 or WWD09 must be used when two or more luminaires are oriented on a 90° drilling pattern.
- 6 May be ordered as accessory.
- 7 QRSTD available in select wattages; consult factory.
- 8 Additional architectural colors available; please see Architectural Colors brochure, form no. 794.3.
- 9 Must use RPD09.
- 10 Only available with SR2, SR3, and SR4SC optics.

#### Accessories: Tenon Mounting Slipfitter

Order as separate catalog number.

Tenon O.D.	Number of fixtures					
	One	Two@180°	Two@90°	Three@120°	Four@90°	Four@90°
2-3/8"	T20-190	T20-280	T20-290 <sup>9</sup>	T20-320 <sup>9</sup>	T20-390 <sup>9</sup>	T20-490 <sup>9</sup>
2-7/8"	T25-190	T25-280	T25-290 <sup>9</sup>	T25-320	T25-390 <sup>9</sup>	T25-490 <sup>9</sup>
4"	T35-190	T35-280	T35-290 <sup>9</sup>	T35-320	T35-390 <sup>9</sup>	T35-490 <sup>9</sup>

# ITEM NO. 5

**Comprehensive Plan Change: BSCP-22: "Richland Apartments"** A request to amend the Future Land Use Map of the Comprehensive Plan to change the land use designation for 1.36 acres from a Commercial designation to a High-Density Residential designation. Requested by Daniel Foster, Schlagel & Associates for Guy Tiner, developer, under contract from Constance S. Djajich, Trustee for Shibler Living Trust, property owners of record. This amendment is to support the change in zoning from C-2, General Business District to R-3, Multi-Family Residential District to allow for the construction of a proposed 24 unit, one and two bedroom apartment complex to be located on Lot 10, Tiblow Centre, 13100 Richland Avenue.

## PLANNING COMMISSION AGENDA

Tuesday, May 15, 2012, 7:00 P.M.

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

**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 go before the Governing Body on June 11, 2012.

**COMPREHENSIVE PLAN CHANGE: "RICHLAND APARTMENTS"**

**Case No.:** BSCP-22  
**Applicant:** Daniel Foster, Schlager & Associates  
**Owners:** Constance S. Djajich, Trustee for Shibley Living Trust  
**Developer:** Guy Tiner  
**Location:** 13100 Richland Avenue (Lot 10, Tiblow Centre)  
**Tract Size:** 1.36 acres  
**Zoning:** C-2, General Business District to R-3, Multi-Family Residential District (BSZ-128)  
**Land Use Designation:** Commercial Designation to a High-Density Residential Designation

---

**Exhibits:**

Future Land Use Map; Richland Apartments Preliminary Plan; Final plat of Tiblow Centre and Affidavit in Proof of Publication.

---

**Staff Recommendation:**

Staff recommends approval of the request to change the Future Land Use Map of the Comprehensive Plan for 1.36 acres from a Commercial to a High-Density Residential land use designation based upon the Factors for Consideration presented in the staff report and to forward it to the Governing Body with a recommendation for approval.

**Note:** The above recommendation is not unanimous. One staff member provided the following in **opposition** to this request as well as the change in zoning:

"Lot #10 serves as the literal keystone to the commercially zoned area consisting of Lots 5, 6, 7, 10, 11 and 12. This area is correctly zoned to reflect the highest and best use of these properties along **Commercial Drive** and across the street from the Evergreen Restaurant, Price Chopper and the Commercial Car Wash. To insert high density residential structures on this property breaks the flow and pattern of commercially developable properties. It would also interfere with the flow for potential commercial development directly to the north of this lot. The three story apartments would visually separate future commercial use to the north, making it less visible and break a connection for any future businesses in those tracts. Its current zoning reflects 'the zoning and uses of properties nearby' as well as the 'suitability of the subject property for the uses to which it has been restricted'.

"The fact that the area has not developed over the past twenty plus years is an insufficient reason to change the zoning and would set a bad precedent for all other zoned areas that have not yet developed. Due to the nature, size and location of our community, development will continue to be slow and sporadic. Patience and sticking to a vision of best and highest uses of property is the best course of action for the City and will ultimately pay off in time. It would be dangerous and foolish to try and use a time period to determine a change in zoning. As we have seen, development has come slowly to our community and should we fall back on the time a property has remained undeveloped as a criteria, we could logically rezone vast areas of the City."

---

**General Information:**

This request is to amend the Future Land Use Map of the Comprehensive Plan to change the land use designation for 1.36 acres from a Commercial designation to a High-Density Residential designation. This amendment is to support the change in zoning from C-2, General Business District to R-3, Multi-Family Residential District to allow for the construction of a proposed 24-unit, one and two bedroom apartment complex.

**Factors for Consideration:**

The Future Land Use Map shows the subject property to have a Commercial land use designation (see attached exhibit) assigned in July 1986 with the rezoning approved under Ordinance No. 1438. The subject property platted as Tiblow Centre in March 1987 for an office and retail center. Lots 1-5 and Lot 12 are developed and Lots 6, 7, 10 and 11 remain vacant as zoned.

**1. What has changed since the Comprehensive Plan was adopted to warrant this request?**

- The adopted K-7 Corridor Plans from I-70 south along K-7 Hwy to Kansas Avenue will remove direct Commercial Drive access to K-7 in the future that may render the subject property less likely to be developed commercially. Commercial developments usually desire direct access to a primary street for view ability and access.
- The former Cummins Tool Building and strip center to the south of Kansas Avenue underwent façade and parking area improvements due to its placement in a Community Improvement District (CID) and is the new home for Nuts & Bolts Hardware Store and strip center that contains several commercial businesses that occurred in late 2011.

**2. Traffic Counts and Pattern Changes?**

- No changes to the traffic counts occurred at or along the subject property. As noted above, direct access to K-7 Hwy from Commercial Drive will be removed in the future with the scheduled improvements to K-7 in Phase Five of KDOT's Ten Phase Improvement Plan. The annual average 24-hour traffic count in the area around K-7 Highway at Kansas Avenue were approximately 22,000 cars per day per KDOT's Traffic Count Map dated Calendar Year 2011. This is a reduction of 800 from the 22,800 cars per day traffic count per KDOT's Traffic Count Map dated June 30, 2007.

**3. Utility/Infrastructure Changes?**

- All public utilities to include public sanitary sewer and water are available on the site.

**4. Status of Floodplain/Hydrology?**

- No portion of the subject property is within the 100-year Floodplain as indicated on the new Flood Insurance Rate Maps that became effective on September 2, 2011. The detention basin and open space shown on the Preliminary Plan will be utilized for detention purposes and open space for the proposed development.

**5. Changes in Surrounding Land Use?**

- The only land use change was the approval of The Village @ Deerfield which is a planned 232-unit apartment project located to the south of the subject site along Kansas Avenue.
- The only other change was the redevelopment of the former Cummins Tool Building and strip center that abuts the subject property to the north is in a Community Improvement District. This property is the new home for Nuts & Bolts Hardware Store and strip center.

**Staff Recommendation:**

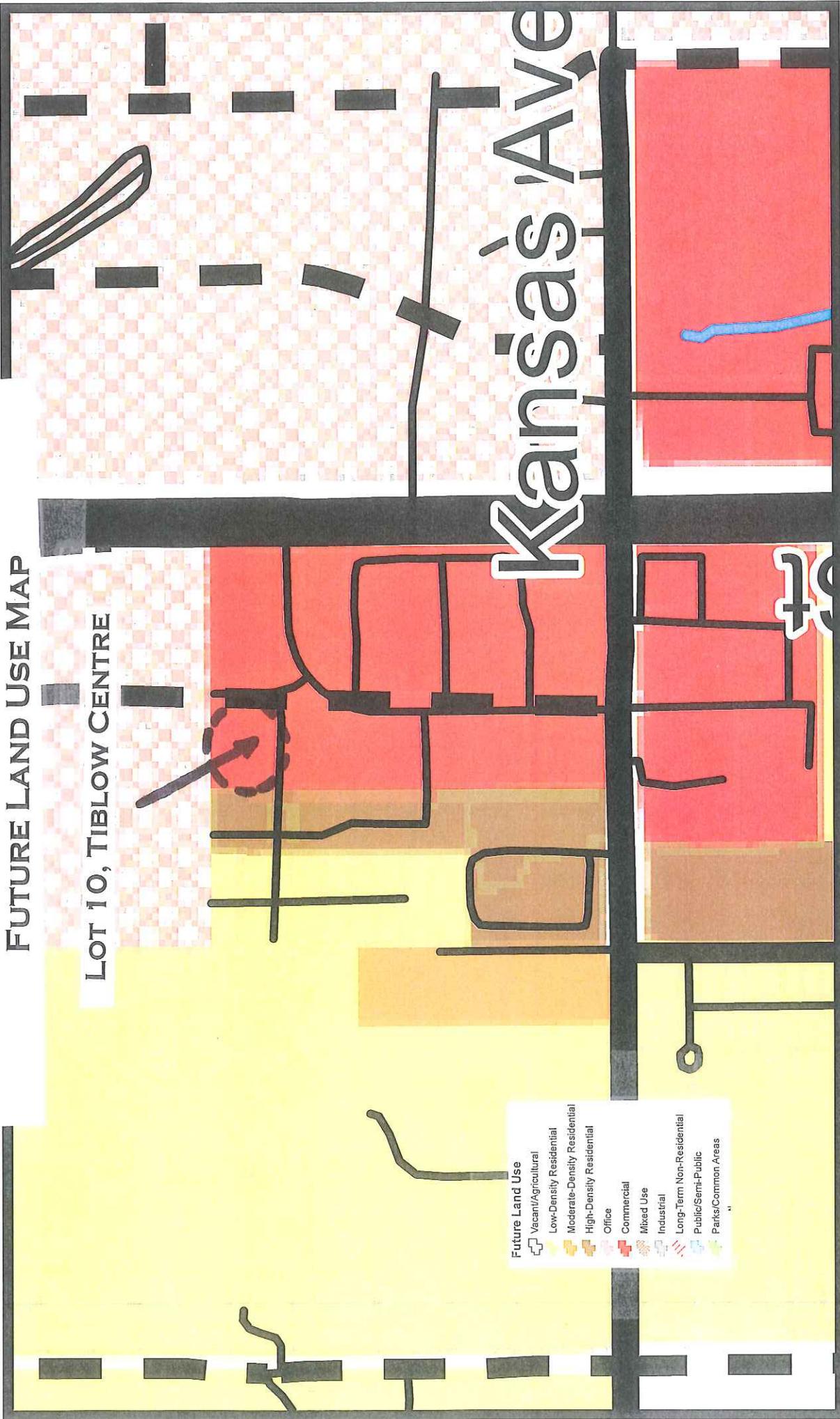
Staff recommends approval of the request to change the Future Land Use Map of the Comprehensive Plan for 1.36 acres from a Commercial land use designation to a High-Density Residential land use designation based upon the Factors for Consideration presented in the staff report and to forward it to the Governing Body with a recommendation for approval with one noted exception listed above.

# RICHLAND APARTMENTS

## COMPREHENSIVE PLAN CHANGE: BSCP-22

### FUTURE LAND USE MAP

LOT 10, TIBLOW CENTRE



Kansas Ave

st





# Affidavit in Proof of Publication

(Published in the Bonner Springs Chieftain, Thursday, April 19, 2012)

STATE OF KANSAS  
Wyandotte County

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

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

The Planning Commission will hold a public hearing on Tuesday, May 15, 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

**Comprehensive Plan Change: BSCP-22: "Richland Apartments"** A request to amend the Future Land Use Map of the Comprehensive Plan to change the land use designation for 1.36 acres from a Commercial designation to a High-Density Residential designation; and

**Rezoning: BSZ-128: "Richland Apartments"** A request to rezone 1.36 acres from a C-2, General Business District classification to an R-3, Multi-Family Residential District classification.

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.

Requested by Daniel Foster, Schlagel & Associates for Guy Tiner, developer, under contract from Constance S. Djajich, Trustee for Shiber Living Trust, property owners of record. These amendments are to change the current future land use designation and zoning classification to allow for the construction of a proposed 27 unit, one and two bedroom apartment complex to be located on Lot 10, Tiblow Centre, 13100 Richland Avenue.

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.

/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 04/19/2012 with publications being made on the following dates:

04/19/2012

Subscribed and sworn to before me this

Notary Public

My Appointment expires:



Publication Charges	\$51.00
Notary And Affidavit	\$0.00
Additional Copies	\$0.00
	<hr/>
	\$51.00

# ITEM NO. 6

**Rezoning: BSZ-128: "Richland Apartments"** A request to rezone 1.36 acres from a C-2, General Business District classification to an R-3, Multi-Family Residential District classification. Requested by Daniel Foster, Schlagel & Associates for Guy Tiner, developer, under contract from Constance S. Djajich, Trustee for Shibley Living Trust, property owners of record. This amendment is to change the zoning classification to allow for the construction of a proposed 24 unit, one and two bedroom apartment complex to be located on Lot 10, Tiblow Centre, 13100 Richland Avenue.

## PLANNING COMMISSION AGENDA

Tuesday, May 15, 2012, 7:00 P.M.

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

**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 go before the Governing Body on June 11, 2012.

**REZONING: "RICHLAND APARTMENTS"**

**Case No.:** BSZ-128  
**Applicant:** Daniel Foster, Schlagel & Associates  
**Owners:** Constance S. Djajich, Trustee for Shibley Living Trust  
**Developer:** Guy Tiner  
**Location:** 13100 Richland Avenue (Lot 10, Tiblow Centre)  
**Tract Size:** 1.36 acres  
**Zoning:** C-2, General Business District to R-3, Multi-Family Residential District  
**Land Use Designation:** High-Density Residential Designation (If BSCP-22 is approved)

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**Exhibits:**

Official Zoning Map; Richland Apartments Preliminary Plan; Final plat of Tiblow Centre and the Affidavit in Proof of Publication.

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**Staff Recommendation:**

Staff recommends approval of the request to rezone 1.36 acres from C-2, General Business District to R-3, Multi-Family Residential District based upon the Staff Findings presented in the staff report and to forward it to the Governing Body with a recommendation for approval.

Subject to four (4) conditions:

1. Approval of the Comprehensive Plan Change: BSCP-22;
2. Planning Commission approval of the site/landscape plan and the issuance of a building permit;
3. The Official Zoning Map shall not be amended until approval of the site/landscape plan by the Planning Commission and the issuance of a building permit. The issuance of a building permit shall be within a one (1) year period from the date of approval of the change in Land Use designation and Zoning classification by the Governing Body; and
4. Upon completion of all the above conditions, the Planning Director shall amend the Future Land Use Map and Official Zoning Map to reflect the changes approved under BSCP-22 and BSZ-128.

**Note:**

The above recommendation is not unanimous. One staff member is in opposition to the request to amend the Future Land Use Map of the Comprehensive Plan under BSCP-22 as well as this change in zoning.

If the Planning Commission recommends denial of the Future Land Use Map Change and the Governing Body concurs with their recommendation, this rezoning should not be approved as the City places a "high value" and "strong position" to uphold the adopted Comprehensive Plan and only approve those amendments determined to be appropriate for the City.

**Background:**

This amendment is to change the zoning classification to allow for the construction of a 24-unit, one and two-bedroom apartment complex. Ordinance No. 1438 rezoned the subject property from "R-2", Multi-Family Dwelling District and "C" Neighborhood Shopping District to "C-P" in July 1986. The subject property was platted as Tiblow Centre in March 1987 as a twelve (12) lot subdivision.

**General Information:**

Current Zoning and Land Use	C-2 (General Business District) vacant, agricultural uses;
Surrounding Zoning and Land Use	A-1 (Agricultural District) vacant with agricultural uses to the north;
	C-2 (General Business District) both a vacant commercial lot and various commercial uses to the east and southeast;
	C-2 (General Business District) vacant commercial lots to the south with agricultural uses; and
	R-3 (Multi-Family Residential District) apartment complex to the west and southwest.

- I. **CHARACTER OF THE NEIGHBORHOOD** – The character of the area is a mixture of various commercial uses that include Commerce Bank, Finish Line Car Wash, Price Chopper, Evergreen Restaurant and an office strip center. High-Density Residential uses abut the subject property with a future land use designation of “Mixed Use” to the north.
- **Staff Finding** – The character of the area is a mixture of commercial and high-density residential uses with Mixed Use proposed for the area to the north of the subject property.
- II. **ZONING AND USES OF PROPERTY NEARBY** – See the zoning and uses of the nearby properties as shown under General Information listed above.
- III. **SUITABILITY OF THE SUBJECT PROPERTY FOR THE USES TO WHICH IT HAS BEEN RESTRICTED** – The property was initially zoned “R-2” Multi-Family Dwelling District and “C” Neighborhood Shopping District in 1973. The property never developed and was later rezoned to “C-P” Commercial Unit Planned District in July 1986. The proposed use is considered a “compatible adjacent land use” and would allow for the development of a 24-unit apartment complex if the rezoning is approved.
- **Staff Finding** – The proposed use is considered a “compatible adjacent land use” and would allow for the development of a 24-unit apartment complex if the rezoning is approved.
- IV. **EXTENT TO WHICH REMOVAL OF THE RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTY** – The removal of the present zoning should not have a detrimental effect on nearby properties as the properties are developed as high-density residential apartments or with various commercial uses. The property to the north is vacant and zoned A-1, Agricultural District; however, the Future Land Use designation is “Mixed Use” which allows for commercial, office and high-density residential greater than six (6) units per acre.
- **Staff Finding** – The removal of the present zoning should not have a detrimental effect on nearby properties as the properties are developed as high-density residential apartments or with various commercial uses.
- V. **LENGTH OF TIME THE SUBJECT PROPERTY HAS REMAINED VACANT AS ZONED** – The subject property was initially zoned “R-2” Multi-Family Dwelling District and “C” Neighborhood Shopping District in 1973 and later rezoned to “C-P” Commercial Unit Planned District in July 1986 and remained vacant since that time.
- **Staff Finding** – The subject property was initially zoned “R-2” Multi-Family Dwelling District and “C” Neighborhood Shopping District in 1973 and later rezoned to “C-P” Commercial Unit Planned District in July 1986 and remained vacant since that time.

**VI. RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY AND WELFARE BY THE DESTRUCTION OF THE VALUE OF THE PETITIONER'S PROPERTY AS COMPARED TO THE HARDSHIP IMPOSED UPON THE INDIVIDUAL**

**LANDOWNERS** – Denial of the request would not destroy the value of the petitioner's property as it could continue to be marketed for a variety of commercial uses allowed under the current commercial zoning classification.

- **Staff Finding** – Denial of the request would not destroy the value of the petitioner's property as it could continue to be marketed for a variety of commercial uses allowed under the current commercial zoning classification.

**VII. AVAILABILITY AND ADEQUACY OF REQUIRED UTILITIES AND SERVICES TO SERVE THE PROPOSED USE** – All public utilities that will be required are both adequate and currently available to the subject property for the proposed use.

– All public utilities that will be required are both adequate and currently available to the subject property for the proposed use.

- **Staff Finding** – All public utilities that will be required are both adequate and currently available to the subject property for the proposed use.

**VIII. CONFORMANCE WITH THE COMPREHENSIVE PLAN** – The current Future Land Use Map within the adopted Comprehensive Plan reflects a Commercial designation, however, if the BSCP-22 is approved, the property will have a High-Density Residential designation and will then be in conformance with the adopted Comprehensive Plan.

- **Staff Finding** – The current Future Land Use Map within the adopted Comprehensive Plan reflects a Commercial designation, however, if the BSCP-22 is approved, the property will have a High-Density Residential designation and will then be in conformance with the adopted Comprehensive Plan.

**IX. PROFESSIONAL STAFF RECOMMENDATION**

**Staff Recommendation:**

Staff recommends approval of the request to rezone 1.36 acres from C-2, General Business District to R-3, Multi-Family Residential District based upon the Staff Findings presented in the staff report and to forward it to the Governing Body with a recommendation for approval with one noted exception listed above.

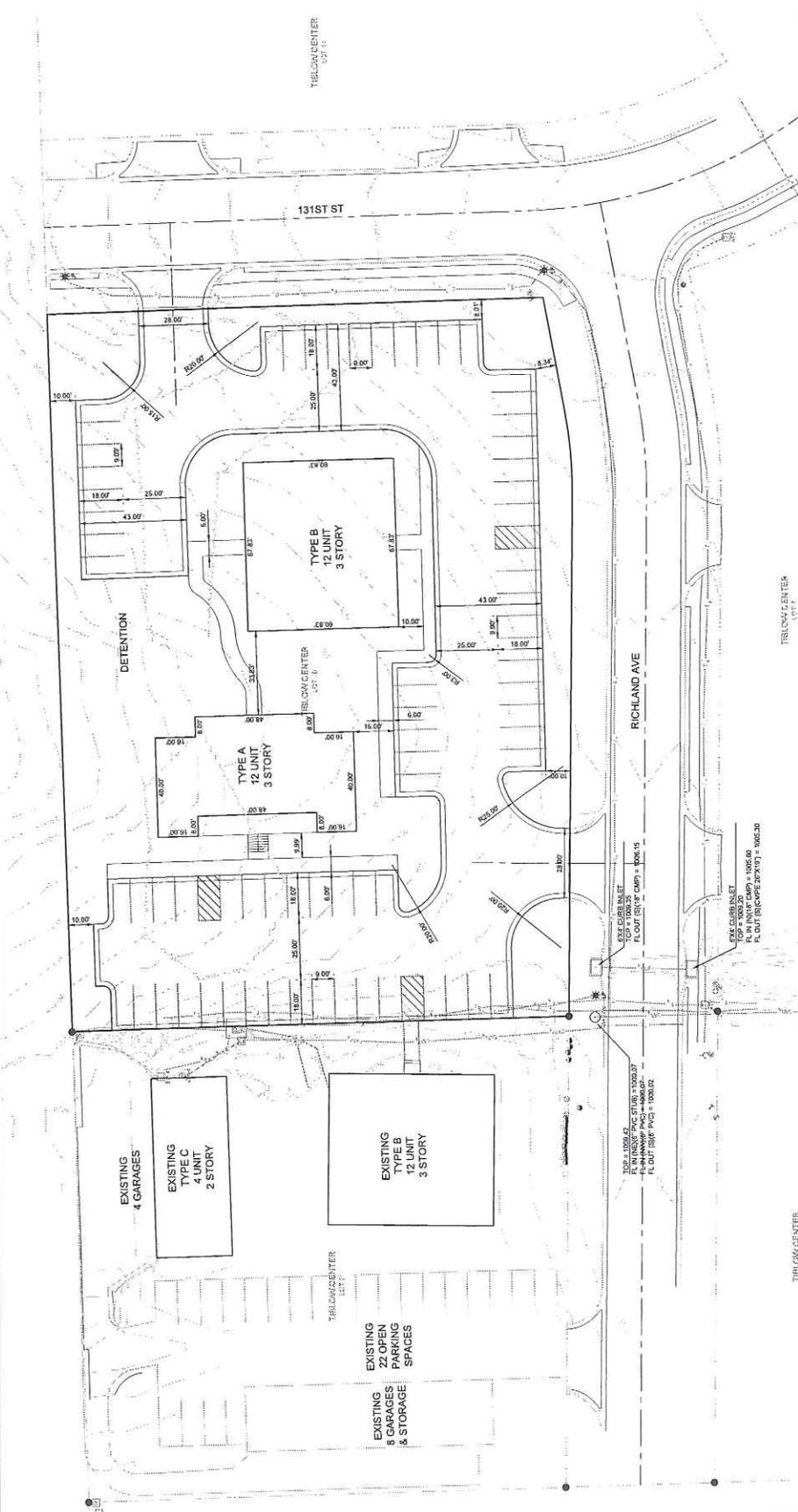
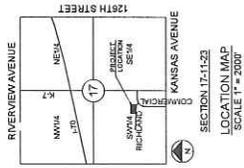
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3. The Official Zoning Map shall not be amended until approval of the site/landscape plan by the Planning Commission and the issuance of a building permit. The issuance of a building permit shall be within a one (1) year period from the date of approval of the change in Land Use designation and Zoning classification by the Governing Body; and
4. Upon completion of all the above conditions, the Planning Director shall amend the Future Land Use Map and Official Zoning Map to reflect the changes approved under BSCP-22 and BSZ-128.



NO.	DATE	DESCRIPTION
1	11-15-11	PRELIMINARY DEVELOPMENT PLAN
2	11-15-11	REVISIONS
3	11-15-11	REVISIONS
4	11-15-11	REVISIONS
5	11-15-11	REVISIONS
6	11-15-11	REVISIONS
7	11-15-11	REVISIONS
8	11-15-11	REVISIONS
9	11-15-11	REVISIONS
10	11-15-11	REVISIONS
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12	11-15-11	REVISIONS
13	11-15-11	REVISIONS
14	11-15-11	REVISIONS
15	11-15-11	REVISIONS
16	11-15-11	REVISIONS
17	11-15-11	REVISIONS
18	11-15-11	REVISIONS
19	11-15-11	REVISIONS
20	11-15-11	REVISIONS

OWNER/DEVELOPER:  
 THREE DEVELOPMENT COMPANY  
 DUTY FREE  
 13100 RICHLAND AVENUE  
 BONNER SPRINGS, KANSAS 66902  
 (913) 422-6622

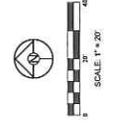


RECEIVED  
 APR 19 2012

C-2 APARTMENTS  
 1.38 ACRES (88,383 S.F.)  
 18 DWG (25 UNITS)  
 2,000 S.F. AC  
 2,475 S.F. PER UNIT  
 75 SPACES  
 24,172 S.F.  
 1,594 S.F. PER UNIT  
 21,451 S.F. (25%)

BLDG TYPE	TOTAL NUMBER BLDGS	1 BDRM	2 BDRM
TYPE A12	1	12	12
TYPE B12	1	12	12
TOTAL	2		

EXISTING ZONING: C-2  
 PROPOSED ZONING: C-2  
 SITE AREA: 1.38 ACRES (88,383 S.F.)  
 MAXIMUM DENSITY PERMITTED BY CITY CODE: 18 DWG (25 UNITS)  
 PROPOSED DENSITY PER UNIT REQUIRED BY CITY CODE: 2,475 S.F.  
 PROPOSED MINIMUM SITE AREA PER UNIT: 2,000 S.F. AC  
 PARKING PROVIDED: 75 SPACES  
 BIOWALKWAY AREA: 24,172 S.F.  
 OPEN SPACE AREA: 1,594 S.F.  
 OTHER SPACE AREA: 21,451 S.F. (25%)





# Affidavit in Proof of Publication

STATE OF KANSAS  
Wyandotte County

(Published in the Bonner Springs Chieftain, Thursday, April 19, 2012)

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

That this weekly newspaper printed in the State of Kansas, and published in and of general circulation in Wyandotte County, Kansas, with a general paid circulation on a weekly basis in Wyandotte County, Kansas, and that said newspaper is not a trade, religious or fraternal publication, and which newspaper has been admitted to the mails as periodicals class matter in said County, and that a notice of which is hereto attached, was published in the regular and entire issue of the Bonner Springs Chieftain

Said newspaper is published weekly 52 weeks a year; has been so published continuously and uninterruptedly in said county and state for a period of more than five years prior to the first publication of said notice and been admitted at the post office of Bonner Springs in said County as second class matter.

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for 1 consecutive weeks the first publication thereof being made as aforesaid on 04/19/2012 with publications being made on the following dates:

04/19/2012

Subscribed and sworn to before me this

Notary Public

My Appointment expires:

Publication Charges	\$51.00
Notary And Affidavit	\$0.00
Additional Copies	\$0.00
	<hr/>
	\$51.00

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

The Planning Commission will hold a public hearing on Tuesday, May 15, 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:

**Comprehensive Plan Change: BSCP-22: "Richland Apartments"** A request to amend the Future Land Use Map of the Comprehensive Plan to change the land use designation for 1.36 acres from a Commercial designation to a High-Density Residential designation; and

**Rezoning: BSZ-128: "Richland Apartments"** A request to rezone 1.36 acres from a C-2, General Business District classification to an R-3, Multi-Family Residential District classification.

Requested by Daniel Foster, Schlaegel & Associates for Guy Tiner, developer, under contract from Constance S. Djajich, Trustee for Shabler Living Trust, property owners of record. These amendments are to change the current future land use designation and zoning classification to allow for the construction of a proposed 27 unit, one and two bedroom apartment complex to be located on Lot 10, Tiblow Centre, 13100 Richland Avenue.

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. Stone, AICP, CFM, Planning Director at (913) 667-1708.

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

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

