

**City of Bonner Springs  
Planning Commission Agenda**

**Tuesday, August 24, 2010**

**Study Session 6:00 p.m.**

- Planning Commission update on the "Preliminary" Flood Insurance Rate Maps;
- Planning Commission update on the K-7 / I-70 Interchange; and
- Planning Commission discussion on possible changes to the Zoning Ordinance under Special Use Permits.

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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 April 27, 2010.

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

1. Board Discussion

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

**New Business:**

**ITEM NO. 2: Special Use Permit: SUP-123: "CSM Bakery Products Locker Facility"**, a request for a Special Use Permit in order to allow the placement of a temporary/portable/pre-manufactured locker room facility. A Special Use Permit was approved by the City on January 11, 2010 under Ordinance No. 2274 for Best Brands Corporation that has been sold to CSM Bakery Products that requires a new permit for the existing facility. The property is platted as Tract C, Wolf Creek Industrial Park and is zoned I-2, Heavy Industrial District. Requested by Mike Brune, Corporate Engineer for CSM Bakery Products Corporation, property owners of record. The property is located at 2410 S. Scheidt Lane. The property is located at 2410 S. Scheidt Lane. *(This item will be forwarded to the Governing Body on September 13, 2010)*

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

1. Staff Presentation / Applicant Presentation
2. Public Comment

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

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

3. Board Discussion

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

**ITEM NO. 3: Comprehensive Plan Change: BSCP-18: "Dollar General"** a request to amend the Future Land Use map of the Comprehensive Plan by changing the land use designation for 2.3 acres from a Low-Density Residential to a Commercial designation; Requested by Bob Gage, GBT Realty Corporation for Westar Energy, property owners of record. This request is in order to construct a new Dollar General store. The property is located at 900 N. Nettleton Ave. *(This item will be forwarded to the Governing Body on September 13, 2010)*

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

1. Staff Presentation / Applicant Presentation
2. Public Comment

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

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

3. Board Discussion

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

**ITEM NO. 4: Rezoning: BSZ-124: "Dollar General"** a request to rezone 2.3 acres from an A-1, Agricultural District to a C-2, General Business District classification. Requested by Bob Gage, GBT Realty Corporation for Westar Energy, property owners of record. This request is in order to construct a new Dollar General store. The property is located at 900 N. Nettleton Ave. *(This item will be forwarded to the Governing Body on September 13, 2010)*

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



# *City of Bonner Springs*

## **PLANNING COMMISSION AGENDA**

CITY HALL COUNCIL CHAMBERS

**TUESDAY, AUGUST 24, 2010**

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, AUGUST 24, 2010,

IF YOU WILL BE UNABLE TO ATTEND

### **PREPARED BY:**

DON E. SLONE, AICP, CFM  
CITY PLANNER / FLOODPLAIN ADMINISTRATOR

**PEOPLE**

**PLANNING**

**PROGRESS**

# ITEM NO. 1

**Agenda Item: Minutes of Planning Commission Meeting April 27, 2010**

**PLANNING COMMISSION AGENDA**  
**TUESDAY, AUGUST 24, 2010, 7:00 P.M.**

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

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

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

**ACTION:** MAKE A MOTION TO APPROVE THE MINUTES OF THE PLANNING COMMISSION MEETING ON APRIL 27, 2010.

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

**NARRATIVE:** The minutes of the April 27, 2010 meeting are attached.

**PLANNING COMMISSION MEETING MINUTES**  
**Tuesday, April 27, 2010 AT 7:00 P.M.**

**MEMBERS PRESENT:** Tom Gray Robin Neal Merle Parks Dave Pierce  
Malisa Wallace Jason Krone Craig Stephan

**MEMBERS ABSENT:** Doug Clements

**STAFF PRESENT:** Don Slone, AICP, CFM, City Planner/Floodplain Administrator  
Terry Barlow, Administrative Secretary  
Bill Legge, P.E., City Engineer

Chairman Parks called the meeting to order at 7:02 p.m. and asked for a roll call to be taken. Commissioners Gray, Pierce, Neal, Parks, Wallace, Stephan and Krone were present. Commissioner Clements was absent.

Chairman Parks introduced **Item No. 1: Approval of Minutes** and called for a motion to approve the minutes from the December 15, 2009 Planning Commission meeting. Commissioner Stephan made a motion to approve the minutes as written, seconded by Commissioner Neal. Chairman Parks asked if there were any questions or comments concerning the minutes. Seeing none he called for the vote. The motion passed 6-1 with Commissioner Pierce abstaining.

**NEW BUSINESS**

Chairman Parks introduced **Item No. 2: Lot Split: LS-110: "14130 Minnesota Ave."**, 3.75 acres unplatted property. The property is zoned I-1, Light Industrial District. Requested by Will Anderson, BHC Rhodes for Weston Associates, property owners of record. The request is in order to lot split the property and convey the existing industrial building and maintain the remaining property for other light industrial purposes. The property is located at 14130 Minnesota Avenue.

Chairman Parks asked for Staff presentation. Staff presented its recommendations to the Planning Commission. Staff recommends approval of this item subject to the conditions listed in the Staff Report. Mr. Slone stated that he would be glad to answer any questions the Planning Commission may have.

Chairman Parks asked if the applicant would like to address the Planning Commission. **Will Anderson, BHC Rhodes**, stated they are in agreement with all the listed conditions and all the conditions have been met. He would be happy to answer any questions.

Chairman Parks asked for any further questions or comments from the audience. Seeing none, and called for a motion. Commissioner Pierce made a motion to approve the item with the conditions listed in the Staff Report. Commissioner Stephan seconded the motion.

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

Chairman Parks introduced **Item No. 3: Annual Review of the Comprehensive Plan Vision 2025**: A request by the Planning Department to have the Planning Commission review and consider any changes or amendments if required to the City's adopted Comprehensive Plan *Vision 2025*. This review is required by the Planning and Zoning Laws of the State of Kansas K.S.A. 12-747(d).

Chairman Parks asked for Staff presentation. Staff presented its recommendations to the Planning Commission. Staff recommends acceptance by the Planning Commission.

Chairman Parks asked for any questions or comments from the audience. Seeing none, he called for a motion. Commissioner Stephan made a motion to approve the item as recommended in the Staff Report. Commissioner Wallace seconded the motion.

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

Chairman Parks asked if there was any further discussion or other items. Seeing none, he adjourned the meeting at 7:07 p.m.

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Planning Commission Secretary

# ITEM NO. 2

**ITEM NO. 2: Special Use Permit: SUP-123: “CSM Bakery Products Locker Facility”**, a request for a Special Use Permit in order to allow the placement of a temporary/portable/pre-manufactured locker room facility. A Special Use Permit was approved by the City on January 11, 2010 under Ordinance No. 2274 for Best Brands Corporation that has been sold to CSM Bakery Products that requires a new permit for the existing facility. The property is platted as Tract C, Wolf Creek Industrial Park and is zoned I-2, Heavy Industrial District. Requested by Mike Brune, Corporate Engineer for CSM Bakery Products Corporation, property owners of record. The property is located at 2410 S. Scheidt Lane. The property is located at 2410 S. Scheidt Lane.

## PLANNING COMMISSION MEETING

**TUESDAY, AUGUST 24, 2010 at 7:00 P.M.**

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

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

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

**ACTION:** MAKE A MOTION TO APPROVE

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

**NARRATIVE:** A staff report is included in the agenda. Staff will be present to answer any questions. This item will be forwarded to the Governing Body on September 13, 2010.

**SPECIAL USE PERMIT: CSM BAKERY PRODUCTS LOCKER FACILITY****Case No.:** SUP-123**Applicant:** Mike Brune, Corporate Engineer**Owner:** CSM Bakery Products**Location:** 2410 S. Scheidt Lane**Zoning:** I-2, Heavy Industrial District**Lot Size:** 10.76 acres (Tract C, Wolf Creek Industrial Park)**Building:** Existing bakery product manufacturing facility**PROJECT DESCRIPTION:**

The applicant has submitted a request for a Special Use Permit in order to allow the placement of a temporary/portable/pre-manufactured locker facility. A Special Use Permit was approved by the City on January 11, 2010 under Ordinance No. 2274 for Best Brands Corporation that has been sold to CSM Bakery Products that requires a new permit for the existing facility.

**STAFF RECOMMENDATION:** Staff recommends approval of SUP-123 for CSM Bakery Products Locker Facility for a temporary/portable/pre-manufactured locker facility based upon the factors for consideration presented in the staff report and forwarding it to the Governing Body with a recommendation of approval.

Subject to the following conditions:

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

**FACTORS FOR CONSIDERATION:**

1. **The proposed special use complies with all applicable provisions of these regulations, including intensity of use regulations, yard regulations, and use limitations, unless specifically exempted by the provisions of these regulations** – The proposed use is allowed as a special use in the I-2, Heavy Industrial District and therefore, is an acceptable use under the use limitations thereof. The specific requirements to be considered for a temporary/portable/pre-manufactured building for other than residential, sleeping or overnight accommodations are modified as follows:
  - The request is for a three (3) year period. This request is the maximum time for which a temporary/portable/pre-manufactured building for other than residential, sleeping or overnight may be allowed on site.
2. **The proposed special use at the specified location will contribute to and promote the welfare or convenience of the public** – The existing bakery product manufacturing facility has been in operation since about 1978. There appears to be no benefit to the public that would result in the denial of the special use permit for the temporary uniform locker facility.

3. **The proposed special use will not cause substantial injury to the value of other property in the neighborhood in which it is to be located** – The property has been used as a bakery product manufacturing facility since 1978. The addition of a temporary uniform locker facility should not cause injury to the value of adjoining properties.
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** – There are no additions to the site being proposed other than what is shown for the location of the temporary locker facility. Any future additions to the facility will require submittal and approval of a site plan by the Planning Commission prior to receiving construction permits.
  - b. **The nature and extent of landscaping and screening on the site** – Two (2) new street trees have been planted along Scheidt Lane. No other changes to the landscaping or screening are being recommended at this time.
5. **Off-street parking and loading areas will be provided in accordance with the standards set forth in these regulations, and such areas shall be screened from adjoining residential uses and located so as to protect such residential uses from any injurious effect** – The off-street parking and loading areas will not increase from the current facility and the existing off-street parking and loading areas have been repaired that was required under the previous permit.
6. **Adequate utility, drainage, and other such necessary facilities have been or will be provided** – All utilities have been provided to the existing bakery product manufacturing facility.
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** – One access has been provided along the south end of the property along Scheidt Lane.

**Legal Description**

RECEIVED  
JUL 21 2010

**ALTA/ACSM Land Title Survey**

**Multi Foods Project Multi Foods**

Bock & Clark's National Surveyors Network  
National Coordinators of ALTA/ACSM Land Title Surveys  
537 North Cleveland-Lexington Road Akron, Ohio 44333  
Phone: (330) 537-5000 Fax: (330) 537-5000 www.bockandclark.com

**Bock & Clark Surveyors**

**Statement of Encroachments**

**General Notes**

**Notes Corresponding to Schedule B**

**Zoning:**

**Legend of Symbols & Abbreviations**

**FLOOD NOTE:**

**SCALE: 1" = 60'**

SITE PLAN DRAWING  
11-6-09

# Affidavit in Proof of Publication

STATE OF KANSAS  
Wyandotte County

(Published in the Bonner Springs Chieftain, Thursday, July 29, 2010)

**NOTICE OF PUBLIC HEARINGS  
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:

A public hearing will be held by the Planning Commission of the City of Bonner Springs, Kansas, on Tuesday, August 24, 2010, beginning at 7:00 p.m. in the City Hall Council Chambers, 205 E. 2nd Street, Bonner Springs, Kansas. The purpose of the public hearing is to receive public comment on the following item:

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-123: "CSM Bakery Products Locker Facility"**, a request for a Special Use Permit in order to allow the placement of a temporary/portable/pre-manufactured locker room facility. A Special Use Permit was approved by the City on January 11, 2010, under Ordinance No. 2274 for Best Brands Corporation that has been sold to CSM Bakery Products that requires a new permit for the existing facility. The property is platted as Tract C, Wolf Creek Industrial Park and is zoned I-2, Heavy Industrial District. Requested by Mike Brune, Corporate Engineer for CSM Bakery Products Corporation, property owners of record. The property is located at 2410 S. Scheidt Lane.

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.

The complete legal description and application for the above item is available for public inspection at the Bonner Springs Planning Department, 205 E. 2nd Street, to Don E. Slone, AICP, CFM, City Planner/Floodplain Administrator, at (913) 667-1708.

All persons desiring to be heard will be given an opportunity to make comments at the public hearing.

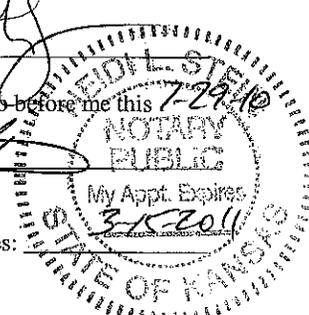
/s/ Don E. Slone, AICP, CFM  
Planning Commission Secretary

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 07/29/2010 with publications being made on the following dates:

07/29/2010

Subscribed and sworn to before me this 7-29-10

*[Signature]*  
Notary Public



My Appointment expires:

Publication Charges	\$42.00
Notary And Affidavit	\$0.00
Additional Copies	\$0.00
	<hr/>
	\$42.00

RECEIVED  
10 JUL 30 AM 9:42  
CITY OF BONNER SPRINGS

# ITEM NO. 3

**ITEM NO. 3: Comprehensive Plan Change: BSCP-18: "Dollar General"** a request to amend the Future Land Use map of the Comprehensive Plan by changing the land use designation for 2.3 acres from a Low-Density Residential to a Commercial designation; Requested by Bob Gage, GBT Realty Corporation for Westar Energy, property owners of record. This request is in order to construct a new Dollar General store. The property is located at 900 N. Nettleton Ave.

## PLANNING COMMISSION MEETING

**TUESDAY, AUGUST 24, 2010 at 7:00 P.M.**

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

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

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

**ACTION:** MAKE A MOTION TO APPROVE

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

**NARRATIVE:** A staff report is included in the agenda. Staff will be present to answer any questions. This item will be forwarded to the Governing Body on September 13, 2010.

**COMPREHENSIVE PLAN CHANGE: "DOLLAR GENERAL"****Case No.:** BSCP-18**Project:** Dollar General**Applicant:** Bob Gage, GBT Realty Corporation**Owner:** Westar Energy (Kansas Power & Light Co.)**Location:** 900 N. Nettleton Ave.**Zoning:** A-1, Agricultural District, proposed zoning change to C-2, General Business District (See Case No. BSZ-124)**Land Use****Designation:** Low-Density Residential designation to a Commercial designation**GENERAL INFORMATION:**

The applicant has requested a change to the Future Land Use Map for 2.3 acres from Low-Density Residential to a Commercial designation in order to rezone the subject property from A-1, Agricultural District to a C-2, General Business District to construct a new 10,640 sq.ft. Dollar General store. GBT Realty Corporation has a contract to purchase all 7.76 acres, not just the 2.3 acres from Westar Energy (Kansas Power & Light) as shown on the Comprehensive Plan Change and Rezoning Exhibit. The 4.899 acre unplatted tract to the west of the subject tract and the platted Lot 2 of Stanford Subdivision will retain the Low-Density Residential designation.

**STAFF RECOMMENDATION:** Staff recommends approval of the request to change the Future Land Use Map for 2.3 acres from a Low-Density Residential designation to a Commercial designation based upon the Factors for Consideration presented in the staff report and forwarding it to the Governing Body with a recommendation of approval.

Subject to the following condition:

1. The Future Land Use Map shall not be amended until the zoning change and the final plat are approved by the City and filed with the County. The filing of the final plat shall be within a one (1) year period from the date of approval of the Land Use designation and the Zoning classification by the Governing Body. If the final plat is not filed within the one (1) year period from date approval, the Land Use designation and Zoning classification shall revert back to the prior designation and classification.

**FACTORS FOR CONSIDERATION:**

The Future Land Use Map shows the subject property to have a Low-Density Residential land use designation.

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

- This area is in transition with the construction of the Professional Center located on the southeast corner Nettleton and 130<sup>th</sup> Street in 1993. The proximity to the K-7 Highway corridor is placing pressure on the surrounding areas that are not currently developed, that could be developed into office and commercial uses. The primary reason for not changing the land use designation in 2008 when the Comprehensive Plan Vision 2025 was adopted was the absence of public sanitary sewer for the subject tract and surrounding tracts being purchased by the applicant.

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

- The annual average traffic counts that pass the subject property is approximately 5, 475 cars per day according to KDOT's Traffic Count Map obtained in Fiscal Year 2007 ending on June 30, 2007. The traffic counts for K-7 Highway north of Nettleton Ave. was 22,800 and 19,200 cars per day south of Nettleton Ave. along K-7 Highway.

**3. Utility/Infrastructure Changes?**

- Nettleton Ave. which fronts the subject site was reconstructed in 2004 and in early 2005 the City installed a new 12" waterline along Nettleton Ave. and Metropolitan Ave. to loop the water system in that area.

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

- There have been no changes in the Spring Creek floodplain other than the remapping of the floodplain in 2004 that is currently under review by the City. No portion of the subject property is within the 100-year floodplain.

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

- The property that currently houses Blessed Trinity Home Health Care was rezoned in 2005 for its current use. The Professional Center located at the southeast corner of Nettleton and 130<sup>th</sup> St. was rezoned and constructed in 1993.



# Affidavit in Proof of Publication

STATE OF KANSAS  
Wyandotte County

(Published in the Bonner Springs Chieftain, Thursday, July 29, 2010)

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 07/29/2010 with publications being made on the following dates:

07/29/2010

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

Notary Public

My Appointment expires: \_\_\_\_\_

Publication Charges

Notary And Affidavit

Additional Copies

\$42.00

\$0.00

\$0.00

\$42.00

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

A public hearing will be held by the Planning Commission of the City of Bonner Springs, Kansas, on Tuesday, August 24, 2010, beginning at 7:00 p.m. in the City Hall Council Chambers, 205 E. 2nd Street, Bonner Springs, Kansas. The purpose of the public hearing is to receive public comment on the following items:

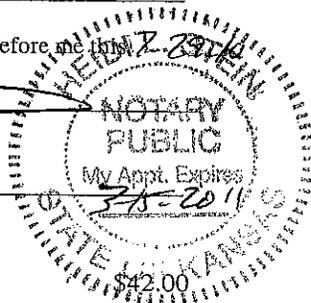
**Comprehensive Plan Change: BSCP-18: "Dollar General"** A request to amend the Future Land Use map of the Comprehensive Plan by changing the land use designation for 2.3 acres from a Low-Density Residential to a Commercial designation; and

**Rezoning: BSZ-124: "Dollar General"** A request to rezone 2.3 acres from an A-1, Agricultural District to a C-2, General Business District classification. Requested by Bob Gage, GBT Realty Corporation for Westar Energy, property owners of record. This request is in order to construct a new Dollar General store. The property is located at 900 N. Nettleton Ave.

The complete legal description and application for the above item is available for public inspection at the Bonner Springs Planning Department, 205 E. 2nd Street, to Don E. Slone, AICP, CFM, City Planner/Floodplain Administrator, at (913) 667-1708.

All persons desiring to be heard will be given an opportunity to make comments at the public hearings.

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



RECEIVED  
10 JUL 30 AM 9:42  
CITY OF BONNER SPRINGS

# ITEM NO. 4

**ITEM NO. 4: Rezoning: BSZ-124: "Dollar General"** a request to rezone 2.3 acres from an A-1, Agricultural District to a C-2, General Business District classification. Requested by Bob Gage, GBT Realty Corporation for Westar Energy, property owners of record. This request is in order to construct a new Dollar General store. The property is located at 900 N. Nettleton Ave.

## PLANNING COMMISSION MEETING

**TUESDAY, AUGUST 24, 2010 at 7:00 P.M.**

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

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

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

**ACTION:** MAKE A MOTION TO APPROVE

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

**NARRATIVE:** A staff report is included in the agenda. Staff will be present to answer any questions. This item will be forwarded to the Governing Body on September 13, 2010.

**REZONING: "DOLLAR GENERAL"**

**BSZ-124: Dollar General,** A request to rezone 2.341 acres of unplatted property from A-1, Agricultural District to C-2, General Business District. Requested by Bob Gage, GBT Realty Corporation under contract from Westar Energy (Kansas Power & Light Co.), property owners of record. The request is in order to construct a new 10,640 sq.ft. retail store. The property is located at 900 N. Nettleton Ave. The current Future Land Use Map shows the property to have a Low-Density Residential designation. (See Case No. BSCP-18)

**Note:** GBT Realty Corporation has a contract to purchase all 7.76 acres, not just the 2.3 acres from Westar Energy as shown on the Comprehensive Plan Change and Rezoning Exhibit. The 4.899 acre unplatted tract to the west of the subject tract and the platted Lot 2 of Stanford Subdivision will remain zoned A-1 Agricultural District. Both the 2.3 acre, Dollar General tract and the adjacent 4.899 acre tract will be required to be platted in order to provide the required right-of-way, utility easements and public sanitary sewer to serve the Dollar General store.

**STAFF RECOMMENDATION:** Staff recommends approval of the request to rezone 2.341 acres from A-1 (Agricultural District) to C-2 (General Business District) based upon the staff findings presented in the staff report and forwarding it to the Governing Body with a recommendation of approval.

Subject to the following conditions:

1. Approval of the Comprehensive Plan Change under BSCP-18;
2. The applicant will be required to bring public sanitary sewer to the subject property during the subdivision design and construction process;
3. The applicant will be required to provide four (4) copies of the "Traffic Impact Study" prior to or concurrently with the submittal of the preliminary plat;
4. The applicant will be required to plat the subject property including the adjacent 4.899 acre tract to the west; and
5. The Official Zoning Map shall not be amended until the final plat has been approved by the City and filed with the County. The filing of the final plat shall be within a one (1) year period from the date of approval of the Zoning classification by the Governing Body. If the final plat is not filed within the one (1) year period from date approval, the Zoning classification shall revert back to the prior classification.

**GENERAL INFORMATION:**

Current Zoning and Land Use	A-1 (Agricultural District) that is vacant with dense groves of trees.
Surrounding Zoning and Land Use	R-1 (Single-Family District); to the south; with single family homes and a legal non-conforming building. A-1 (Agricultural District); to the west and north; vacant with agricultural uses. O (Office District) to the north east rezoned in 2005 (Blessed Trinity Hone Health Care); C-2 (General Business District) to the east with the K-7 Highway Right-of-Way abutting the subject tract to the east.

- I. **CHARACTER OF THE NEIGHBORHOOD** – The general character of the area is a mixture of low-density residential uses as well as office and commercial uses. This area is in a transition to office/commercial uses due to its close proximity to the K-7 Highway corridor.

- **Staff Finding** – The general character of the area is a mixture of low-density residential uses as well as office and commercial uses. This area is in a transition to office/commercial uses due to its close proximity to the K-7 Highway corridor.
- II. **ZONING AND USES OF PROPERTY NEARBY** – To the west and north the zoning is A-1, Agricultural District that is vacant with agricultural uses. To the south the zoning is R-1, Single-Family Residential District with single family homes. The property to the east and southeast is zoned C-2, General Business District being used as a professional office center.
- **Staff Finding** – To the south the zoning is R-1, Single-Family Residential with single-family residences. To the north and west the zoning is A-1, Agricultural District which is vacant. The property to the east and southeast is zoned C-2, General Business District being used as a professional office center.
- III. **SUITABILITY OF THE SUBJECT PROPERTY FOR THE USES TO WHICH IT HAS BEEN RESTRICTED** – The property is currently vacant with a dense grove of trees. The use restrictions have been in place since the property became part of the City.
- **Staff Finding** – The property is currently vacant with a dense grove of trees. The use restrictions have been in place since the property became part of the City.
- 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. This area is in a transition to commercial uses due to its close proximity to the K-7 Highway corridor.
- **Staff Finding** – The removal of the present zoning will not have a detrimental effect on nearby properties. This area is in a transition to commercial uses due to its close proximity to the K-7 Highway corridor.
- V. **LENGTH OF TIME THE SUBJECT PROPERTY HAS REMAINED VACANT AS ZONED** – The subject property has been utilized for agricultural purposes and has remained vacant since it was annexed into the City.
- **Staff Finding** – The subject property has been utilized for agricultural purposes and has remained vacant since it was annexed into the City.
- 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 petitioners as it could be used for agricultural purposes. In Staff's opinion, however, there is no measurable benefit to the public health, safety, and welfare from denial of this rezoning request.
- **Staff Finding** – Denial of the request would not destroy the value of the petitioners as it could be used for agricultural purposes.
- VII. **AVAILABILITY AND ADEQUACY OF REQUIRED UTILITIES AND SERVICES TO SERVE THE PROPOSED USE** – City water along with gas, electric and phone is available to the subject property; however public sanitary sewer is not. A gravity sanitary sewer line will be required to be extended from the Springs Creek Interceptor to the subject property in order to provide public sanitary sewer to the new Dollar General store. The Spring Creek Interceptor is within 50' of the north boundary on the 4.88 acre tract that abuts the subject property to the west that will be required to be platted along with the subject property as shown on the Comprehensive Plan Change and Rezoning Exhibit.

- **Staff Finding** – City water along with gas, electric and phone is available to the subject property; however public sanitary sewer is not. A gravity sanitary sewer line will be required to be extended from the Springs Creek Interceptor to the subject property in order to provide public sanitary sewer to the new Dollar General store.

VIII. **CONFORMANCE WITH THE COMPREHENSIVE PLAN** – The current Future Land Use Map within the adopted Comprehensive Plan Vision 2025 shows the property to have a Low-Density Residential designation, however, if the BSCP-18 is approved changing the subject property to a Commercial designation, the property will be in conformance with the adopted Comprehensive Plan.

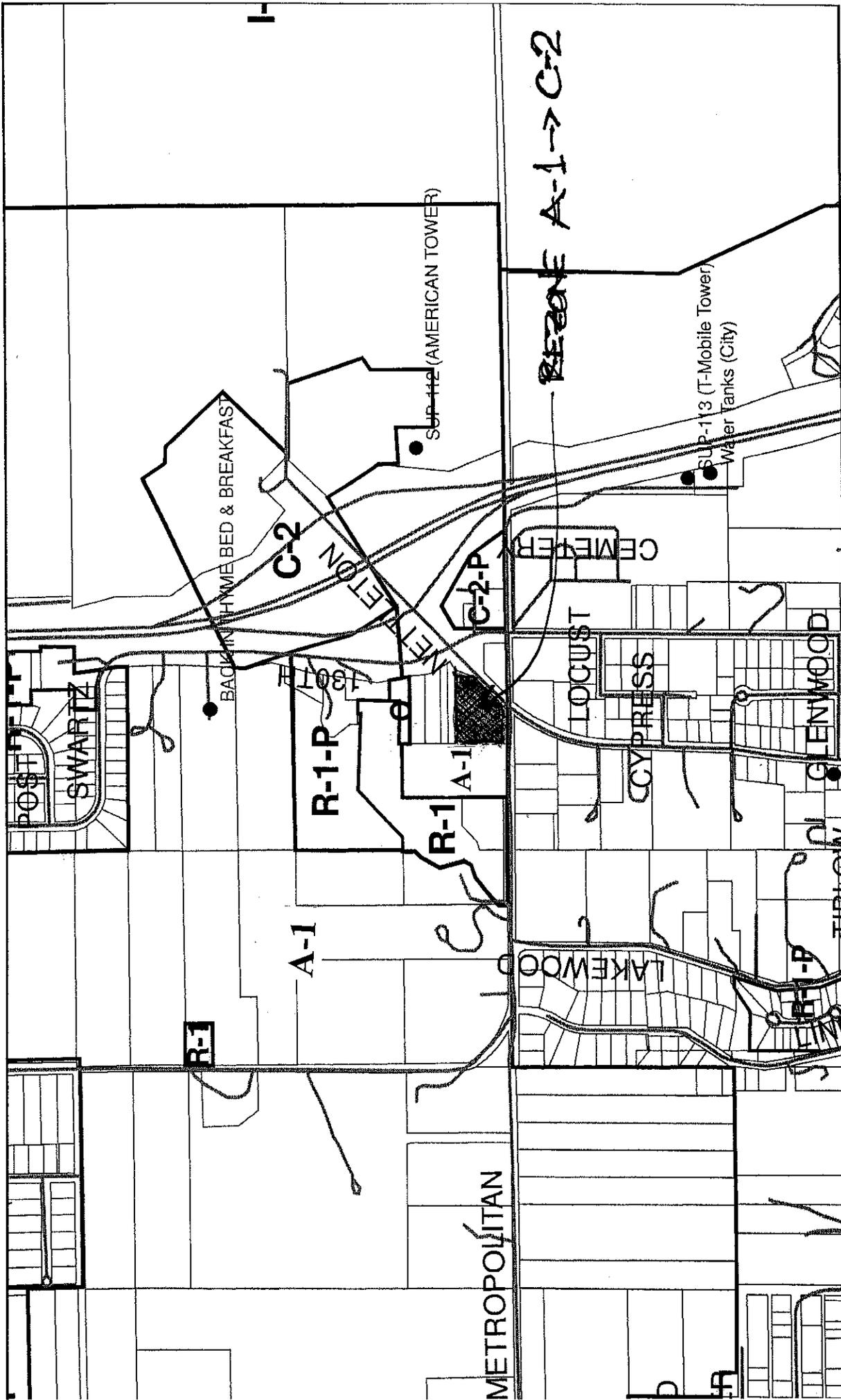
- **Staff Finding** – The requested zoning change will be in conformance with the Comprehensive Plan if BSCP-18 is approved changing the land use designation from Low-Density Residential to a Commercial designation.

IX. **PROFESSIONAL STAFF RECOMMENDATION**

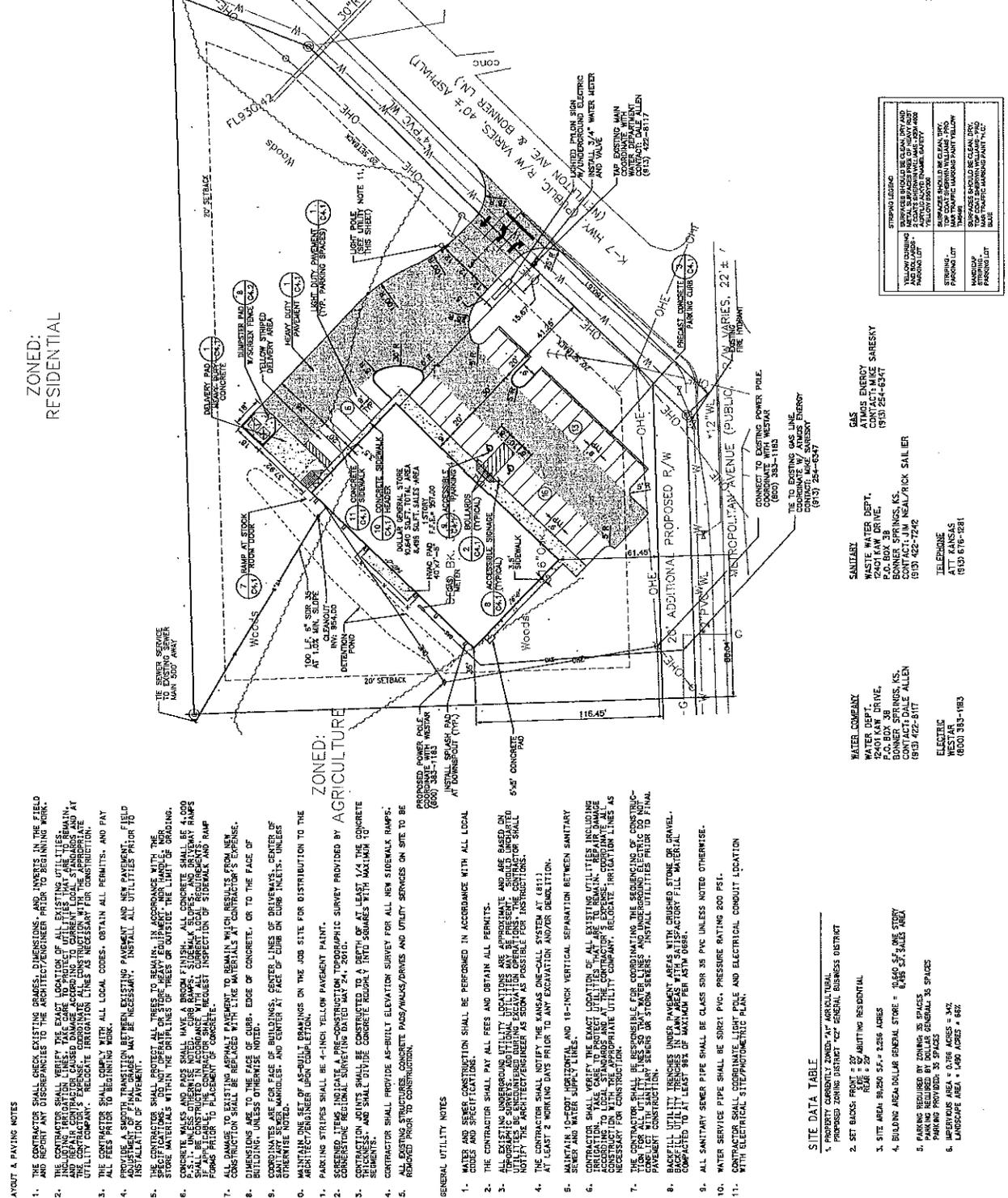
Staff recommends approval of the request to rezone 2.341 acres from A-1 (Agricultural District) to C-2 (General Business District) and forwarding it to the Governing Body with a recommendation of approval subject to the following conditions and based upon the following findings of fact:

1. Approval of the Comprehensive Plan Change under BSCP-18;
2. The applicant will be required to bring public sanitary sewer to the subject property during the subdivision design and construction process;
3. The applicant will be required to provide four (4) copies of the “Traffic Impact Study” prior to or concurrently with the submittal of the preliminary plat;
4. The applicant will be required to plat the subject property including the adjacent 4.899 acre tract to the west; and
5. The Official Zoning Map shall not be amended until the final plat has been approved by the City and filed with the County. The filing of the final plat shall be within a one (1) year period from the date of approval of the Zoning classification by the Governing Body. If the final plat is not filed within the one (1) year period from date approval, the Zoning classification shall revert back to the prior classification.

# BSZ-124: Dollar General







ZONED:  
RESIDENTIAL

ZONED:  
AGRICULTURE

LAYOUT & PAVING NOTES

1. THE CONTRACTOR SHALL CHECK EXISTING GRADES, DIMENSIONS, AND INVERTS IN THE FIELD AND REPORT ANY DISCREPANCIES TO THE ARCHITECT/ENGINEER PRIOR TO BEGINNING WORK.
2. THE CONTRACTOR SHALL VERIFY THE EXACT LOCATION OF ALL EXISTING UTILITIES, MAIN, AND REPAIR CONTRACTOR CAUSED DAMAGE TO EXISTING UTILITIES, MAINS, AND AT THE UTILITY COMPANY'S REQUEST THROUGHOUT THE PROJECT PER CONSTRUCTION.
3. THE CONTRACTOR SHALL COMPLY WITH ALL LOCAL CODES, OBTAIN ALL PERMITS, AND PAY ALL FEES PRIOR TO BEGINNING WORK.
4. PROVIDE A SMOOTH TRANSITION BETWEEN EXISTING PAVEMENT AND NEW PAVEMENT. FIELD INSTALLATION OF PAVEMENT.
5. THE CONTRACTOR SHALL PROTECT ALL TREES TO REMAIN, IN ACCORDANCE WITH THE SPECIFICATIONS. DO NOT OPERATE OR STORE HEAVY EQUIPMENT, HANDS, OR STORE MATERIALS WITHIN THE DRIPPLING OF TREES OR OUTSIDE THE LIMIT OF GRADING.
6. EXISTING TREES TO REMAIN SHALL BE PROTECTED BY INSTALLING 4" X 4" BRUSHWOOD RINGS SHALL BE CONSTRUCTED IN ACCORDANCE WITH ALL CURRENT LOCAL REQUIREMENTS. FORMS PRIOR TO ALL GRADING AND CONSTRUCTION OF SIDEWALK AND RAMP.
7. ALL DAMAGE TO EXISTING ASPHALT PAVEMENT TO REMAIN WHICH RESULTS FROM NEW CONSTRUCTION SHALL BE REPLACED WITH LIKE MATERIALS AT CONTRACTOR'S EXPENSE.
8. DIMENSIONS ARE TO THE FACE OF CURB, EDGE OF CONCRETE, OR TO THE FACE OF SIDEWALK.
9. SANITARY SEWER MAINS, CENTER LINE OF CURB OR CURB INLETS, UNLESS OTHERWISE NOTED.
10. MAINTAIN ONE (1) FOOT CLEARANCE FROM THE FACE OF CURB TO THE FACE OF SIDEWALK.
11. PARKING STRIPES SHALL BE 4-INCH YELLOW PAINTED STRIPES.
12. CONSTRUCTION SHALL BE CONSTRUCTED TO A DEPTH OF AT LEAST 1/4 THE CONCRETE THICKNESS, AND SHALL DIVIDE CONCRETE INTO SQUARES WITH MAXIMUM 10' DIMENSIONS.
13. CONTRACTOR SHALL NOTIFY THE KANSAS ONE-CALL SYSTEM AT (811) AT LEAST 2 WORKING DAYS PRIOR TO ANY EXCAVATION AND/OR DEBRIELING.
14. CONTRACTOR SHALL PROVIDE AS-BUILT ELEVATION SURVEY FOR ALL NEW SIDEWALK RAMP. REMOVED PRIOR TO CONSTRUCTION.

GENERAL UTILITY NOTES

1. WATER AND SEWER CONSTRUCTION SHALL BE PERFORMED IN ACCORDANCE WITH ALL LOCAL CODES AND SPECIFICATIONS.
2. THE CONTRACTOR SHALL PAY ALL FEES AND OBTAIN ALL PERMITS.
3. ALL EXISTING UNDERGROUND UTILITIES LOCATIONS ARE APPROXIMATE AND ARE BASED ON RECORD DRAWINGS AND FIELD SURVEY. UTILITIES ARE NOT TO BE EXCAVATED UNLESS NOTIFIED BY THE ARCHITECT/ENGINEER AS SHOWN AS POSSIBLE FOR INSTRUCTIONS.
4. THE CONTRACTOR SHALL NOTIFY THE KANSAS ONE-CALL SYSTEM AT (811) AT LEAST 2 WORKING DAYS PRIOR TO ANY EXCAVATION AND/OR DEBRIELING.
5. MAINTAIN 10-FOOT HORIZONTAL AND 18-INCH VERTICAL SEPARATION BETWEEN SANITARY SEWER AND WATER SUPPLY LINES.
6. CONTRACTOR SHALL VERIFY THE EXACT LOCATION OF ALL EXISTING UTILITIES INCLUDING TELEPHONE, CABLE, AND FIBER OPTIC LINES. CONTRACTOR SHALL VERIFY THE EXACT LOCATION OF ALL EXISTING UTILITIES INCLUDING TELEPHONE, CABLE, AND FIBER OPTIC LINES. CONTRACTOR SHALL VERIFY THE EXACT LOCATION OF ALL EXISTING UTILITIES INCLUDING TELEPHONE, CABLE, AND FIBER OPTIC LINES.
7. THE CONTRACTOR SHALL VERIFY THE EXACT LOCATION OF ALL EXISTING UTILITIES INCLUDING TELEPHONE, CABLE, AND FIBER OPTIC LINES.
8. BACKFILL UTILITIES TRENCHES IN LAWN AREAS WITH SATISFACTORY FILL MATERIAL. COMPACT TO AT LEAST 95% OF MAXIMUM PER ASTM D698.
9. ALL SANITARY SEWER PIPE SHALL BE CLASS SR8 38 PVC UNLESS NOTED OTHERWISE.
10. WATER SERVICE PIPE SHALL BE SDR21 PVD, PRESSURE RATING 200 PSI.
11. CONTRACTOR SHALL SUBMIT THE LIGHT POLE AND ELECTRICAL CIRCUIT LOCATION WITH ELECTRICAL SITE PHOTO MOUNTING PLAN.

SITE DATA TABLE

1. PROPERTY CORRECTLY ZONED "A" AGRICULTURE	2. SET BACKS PER 2018 ZONING ORDINANCE
3. 517' AREA 24'20' 54" X 22'6" AREAS	4. BUILDING AREA 14,000 SQ. FT. 28' X 50' STORY
5. PARKING PROVIDED BY ZONING 30 SPACES	6. LANDSCAPE AREA 4,190 SQ. FT.
7. PARKING PROVIDED BY ZONING 30 SPACES	8. LANDSCAPE AREA 4,190 SQ. FT.
9. LANDSCAPE AREA 4,190 SQ. FT.	

- WATER COMPANY  
WATER DEPT. 1111 W. 11TH AVE.  
P.O. BOX 38  
BONNER SPRINGS, KS.  
CONTACT: DALE ALLEN  
(913) 422-8117
- WASTE WATER DEPT.  
WASTE WATER DEPT. 1111 W. 11TH AVE.  
P.O. BOX 38  
BONNER SPRINGS, KS.  
CONTACT: JIM NEAL/PRICK SAUER  
(913) 422-7242
- TELEPHONE  
ATTN: KANSAS  
(913) 676-2281
- GAS  
KANSAS ENERGY  
CONTACT: MIKE SARESKY  
(913) 254-6347
- ELECTRIC  
WESTAR  
(800) 383-1183

STIPEND LEADER  
YELLOW MARKING  
PARKING LOT  
STRIKING  
PARKING LOT  
HANDICAP  
PARKING LOT  
TRAFFIC MARKING  
PAINT LOT

STIPEND LEADER  
YELLOW MARKING  
PARKING LOT  
STRIKING  
PARKING LOT  
HANDICAP  
PARKING LOT  
TRAFFIC MARKING  
PAINT LOT

CONNECT TO EXISTING POWER POLE  
COORDINATE WITH WESTAR  
(800) 383-1183

TIE TO EXISTING GAS LINE  
COORDINATE WITH WESTAR  
(800) 383-1183

100' LE. 5" SIPR 38  
ALUMINUM  
AND BRASS  
DETENTION  
POND

10' CONCRETE SIDEWALK  
10' CONCRETE SIDEWALK  
10' CONCRETE SIDEWALK

10' CONCRETE SIDEWALK  
10' CONCRETE SIDEWALK  
10' CONCRETE SIDEWALK

10' CONCRETE SIDEWALK  
10' CONCRETE SIDEWALK  
10' CONCRETE SIDEWALK



# Affidavit in Proof of Publication

STATE OF KANSAS  
Wyandotte County

(Published in the Bonner Springs Chieftain, Thursday, July 29, 2010)

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 07/29/2010 with publications being made on the following dates:

07/29/2010

Subscribed and sworn to before me this

Notary Public

My Appointment expires:

Publication Charges	\$42.00
Notary And Affidavit	\$0.00
Additional Copies	\$0.00
	<hr/>
	\$42.00

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

A public hearing will be held by the Planning Commission of the City of Bonner Springs, Kansas, on Tuesday, August 24, 2010, beginning at 7:00 p.m. in the City Hall Council Chambers, 205 E. 2nd Street, Bonner Springs, Kansas. The purpose of the public hearing is to receive public comment on the following items:

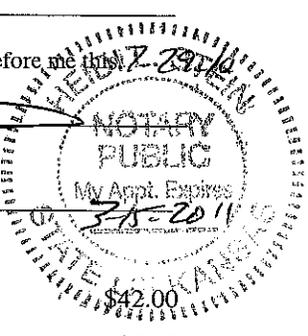
**Comprehensive Plan Change: BSCP-18: "Dollar General"** A request to amend the Future Land Use map of the Comprehensive Plan by changing the land use designation for 2.3 acres from a Low-Density Residential to a Commercial designation; and

**Rezoning: BSZ-124: "Dollar General"** A request to rezone 2.3 acres from an A-1, Agricultural District to a C-2, General Business District classification. Requested by Bob Gage, GBT Realty Corporation for Westar Energy, property owners of record. This request is in order to construct a new Dollar General store. The property is located at 900 N. Nettleton Ave.

The complete legal description and application for the above item is available for public inspection at the Bonner Springs Planning Department, 205 E. 2nd Street, to Don E. Slone, AICP, CFM, City Planner/Floodplain Administrator, at (913) 667-1708.

All persons desiring to be heard will be given an opportunity to make comments at the public hearings.

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



RECEIVED  
10 JUL 30 AM 9:42  
CITY OF BONNER SPRINGS