

PLANNING COMMISSION MEETING MINUTES
Tuesday, April 22, 2014 @ 7:00 p.m.

MEMBERS PRESENT: Craig Stephan, Sherri Neff, Lew Kasselmann, Merle Parks, Jason Krone, Robin Neal and Dave Pierce

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

Chairman Parks called the meeting to order at 7:00 p.m. and asked for a roll call. Roll call listed above.

Chairman Parks introduced **Item No. 1: Approval of Minutes** and called for a motion to approve the minutes of the January 28, 2014 Planning Commission meeting. Commissioner Stephan made a motion to approve the minutes as written with a second from Commissioner Kasselmann. Chairman Parks asked if there were any questions or comments about the minutes. Seeing none, he called for a vote. The minutes were approved by unanimous vote.

NEW BUSINESS:

Chairman Parks introduced **Item No. 2: Final Plat(Replat): PT-14-100, "Country Hills Subdivision Second Plat"**, this request is to replat a portion of Lot C and All of Lot D divided into a 3 lot subdivision originally platted as "Country Hills Subdivision, Replat of Lots 11 and 12". The property is zoned C-2, General Business District. Requested by Sam Malinowsky, P.E., Kaw Valley Engineering, Inc. for Bonner Springs Partners II, LLC, property owners of record. The request is in order to construct a 5,000 square foot retail strip center to be located at 630 S. 130th St.

Chairman Parks asked for Staff presentation. Staff presented its recommendations to the Planning Commission. Staff recommended approval subject to the listed conditions in the Staff Report.

Chairman Parks asked the applicant if he would like to address the Planning Commission. **Sam Malinowsky, PE, Kaw Valley Engineering, Inc.,** stated that he would be happy to answer any questions and that they were in agreement with all the conditions listed in the Staff Report.

Chairman Parks asked if there were any questions or comments from the audience. Seeing none he asked for a motion. Commissioner Pierce 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 questions or concerns. Seeing none he called for a vote. Motion passed unanimously.

The Planning Director stated that he will forward this item to the Governing Body on May 12, 2014 with a Planning Commission recommendation of approval and requests the Governing Body accept the dedication of easements as shown on the final plat.

Chairman Parks introduced **ITEM NO. 3: Site/Landscape Plan: ST-14-102, "Bonner Springs Plaza"** Requested by Sam Malinowsky, P.E., Kaw Valley Engineering, Inc. for Bonner Springs Partners II, LLC, property owners of record. The Site/Landscape Plan was submitted in order to construct a 5,000 square foot retail strip center on Lot D, Country Hills Subdivision Replat of Lots 11 & 12 being platted as Lot 1, Country Hills Subdivision Second Plat. The property is zoned C-2, General Business District located at 630 S 130th St.

Chairman Parks asked for Staff Presentation. Staff presented its recommendations to the Planning Commission. Staff recommends approval of this item as listed in the Staff Report. The Planning Director briefed the Planning Commission and placed the letter of correspondence from John Molle, Attorney at Law for Bonner Springs Shops, LLC in regard to the filed Sign Easement Agreement for the current Sign located on Lot D, Country Hills Subdivision Replat of Lots 11 and 12.

Chairman Parks acknowledged receipt of the above correspondence and made it part of the official record.

Chairman Parks asked the applicant if he would like to address the Planning Commission. **Sam Malinowsky, PE, Kaw Valley Engineering, Inc.**, stated that he would be happy to answer any questions and that they were in agreement with all the conditions listed in the Staff Report.

Chairman Parks asked the Planning Commission if they had any questions or comments. Chairman Parks then asked about the drive-thru lane and the fact that they would lose five or six parking places as they would be blocked by the drive-thru traffic during peak times. **Dave Olson, Christie Development Associates, LLC**, stated that those parking places could be used by employees.

Commissioner Stephan asked why they could not move the building instead of the sign. Dave Olson stated that the sign needs upgrading and that development drives the sign. Dave Olson then stated that the sign agreement and the construction of the sign was a private agreement.

Chairman Parks asked if anyone in the audience would like to speak on this item.

John Molle, Molle Law Firm, LLC, attorney for Bonner Springs Shops, LLC stated that his clients wanted to protect the sign as it is listed in the Sign Easement Agreement; however, at the present time there is no written agreement between Christie Development and the Bonner Springs Shops, LLC.

Dave Olson does not want the site plan to be held up because they have no written agreement other than the agreement dated June 21, 2007.

Chairman Parks stated that he cannot recommend approval of the Site/Landscape Plan that "on its face" showed the removal of the current sign and in fact was in direct conflict with the filed Sign Easement Agreement that granted a perpetual and non-exclusive easement for the current sign.

Commissioner Pierce asked Mr. Olson how much the sign was going to cost and Mr. Olson stated he did not know because they were taking bids on the project.

Chairman Parks asked if there were any further questions or comments from the audience. Seeing none he asked for a motion. Commissioner Neal made a motion to approve with the conditions listed in the Staff Report and added an additional condition to address the filed Sign Easement Agreement.

Mr. Olson interrupted Commissioner Neal as she was making the motion. Commissioner Neal reiterated her motion and added the final condition to address the Sign Easement Agreement. Commissioner Stephan seconded the motion with the added condition as recommended by Commissioner Neal. The Planning Director asked Chairman Parks to read the added condition into the record as follows:

"Provide written consent, signed by all parties, or their successors, to the Sign Easement Agreement dated June 21, 2007 and recorded September 5, 2007 under Document No. 2007R-19425 in the Wyandotte County Register of Deeds Office, reconciling the location of the existing sign with the location of the proposed sign pursuant to the submitted site plan. Should written consent not be provided, applicant shall have the option of amending the site plan to provide for the continued existence of the current sign. Such amendment shall be approved by the Director so long as there are no substantial modifications to the submitted site plan."

Chairman Parks then asked both parties if they had any questions or concerns with the wording of the added condition. Mr. Molle and Mr. Olsen both agreed to the wording of the added condition. Mr. Molle expressed his appreciation to Mr. Slone and to the Planning Commission for protecting his client's interests in the current sign as well as the developers.

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

Chairman Parks introduced **Item No.4: Zoning Ordinance Amendment: BSZP-124: "O" Office District Amendments**, A request by the Bonner Springs Planning Commission to consider several amendments to the Zoning Ordinance, Article XIV: "O" Office District Regulations, Appendix A and Appendix B.

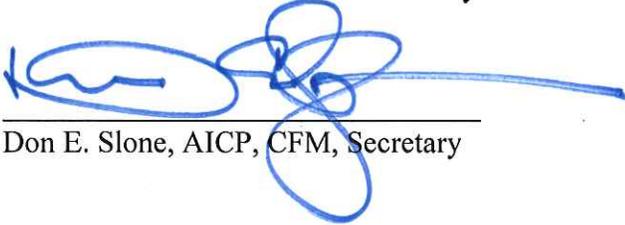
Chairman Parks opened the public hearing at 7:33 p.m. and asked for Staff Presentation. Staff presented its recommendations to the Planning Commission. Staff recommends approval of the item as listed in the Staff Report.

Chairman Parks asked if there were any questions from the Planning Commission. Seeing none he closed the public hearing at 7:35 p.m. and called for a motion. Commissioner Stephan made a motion to approve with the listed conditions in the Staff Report with a second from Commissioner Neal.

Chairman Parks asked if there were any questions or comments. Seeing none he called for a vote. Motion passed 7-0.

The Planning Director stated that he will forward this item to the Governing Body on May 12, 2014 with a Planning Commission recommendation of approval as written.

Chairman Parks asked if there was any further business. Seeing none, he adjourned the meeting at 7:38 p.m.

A handwritten signature in blue ink, consisting of several loops and a long horizontal stroke extending to the right.

Don E. Slone, AICP, CFM, Secretary