



City of Bonner Springs

PLANNING COMMISSION AGENDA

CITY HALL COUNCIL CHAMBERS

TUESDAY, SEPTEMBER 23, 2014

STUDY SESSION @ 6:00 P.M.

REGULAR MEETING @ 7:00 P.M.

PLANNING COMMISSION MEMBERS:

PLEASE CONTACT DON SLONE @ 667-1708

NO LATER THAN 12:00 NOON, TUESDAY, SEPTEMBER 23, 2014,

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, September 23, 2014**

Study Session 6:00 p.m.

- Planning Commissioner discussion and update on the "K-7 Corridor Management Plan".

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 July 22, 2014.

Motion: _____ Second: _____

1. Board Discussion

For: _____ #Against: _____

New Business:

ITEM NO. 2: Election of Officers:

Chairman: Nominations: _____

Motion: _____ Second: _____

For: _____ #Against: _____

Vice-Chairman: Nominations: _____

Motion: _____ Second: _____

For: _____ #Against: _____

Secretary: Nominations: _____

Motion: _____ Second: _____

For: _____ #Against: _____

ITEM NO. 3: Special Use Permit: SUP-132: "Holliday Sand & Gravel Plant", a request for a Special Use Permit in order to continue the sand and gravel operation on 75.5 acres of property zoned I-2, Heavy Industrial District. The property is platted as Lot 4, Bonner Springs Industrial Park East in the City of Bonner Springs, Johnson County, Kansas. Requested by Mike Odell, Holliday Sand & Gravel, property owners of record. The property is located at 21900 W. 43rd Street. *(This item will be forwarded to the Governing Body on October 13, 2014)*

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: Site Plan: ST-14-103: "CSM Bakery Compressor Building" Requested by Mike Brune, Corporate Engineer for CSM Bakery Products, property owners of record. This request is for a Site Plan to construct and enclose a new compressor building. The property is zoned I-2, Heavy Industrial District and located at 2410 S. Scheidt Lane.

1. Staff Presentation / Applicant Presentation
2. Public Comment

Motion: _____ Second: _____

3. Board Discussion

For: _____ #Against: _____

Adjournment Time: _____

ITEM NO. 1

Approval of Minutes of the July 22, 2014 Planning Commission Meeting

PLANNING COMMISSION AGENDA Tuesday, September 23, 2014 – 7:00 p.m.

PRESENT	Stephan	_____
	Yates	_____
	Neff	_____
& VOTE:	Kasselman	_____
	Parks	_____
	Krone	_____
	Mesmer	_____
	Pierce	_____

MOTION: _____

SECOND: _____

ACTION: Make a Motiuon to Approve

STAFF RECOMMENDATION: Staff recommends approval of the Planning Commission meeting Minutes.

NARRATIVE: The minutes of the July 22, 2014 meeting are attached.

PLANNING COMMISSION MEETING MINUTES

Tuesday, July 22, 2014 @ 7:00 p.m.

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

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

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

Chairman Parks introduced **Item No. 1: Approval of Minutes** and called for a motion to approve the minutes of the June 17, 2014 Planning Commission meeting. Commissioner Pierce made a motion to approve the minutes as written with a second from Commissioner Stephan. 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-14-101: "The Villages"**, a request is to replat all of Tract A, Tract B, Lot 10 and the north 100' of Lot 9, Country Hills Subdivision. The property is zoned R-3, Multi-Family Residential (Tract A), north 100' Lot 9 and Lot 10 (BSZ-127) and R-1, Single-Family Residential District (Tract B). Requested by Ed Schlager, P.E., P.L.S., Schlager & "Associates, P.A. for Guy Tiner, property owner of record. The request is in order to construct a 248 unit multi-family gated residential apartment project located at 700 S. 132nd Street.

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 if the applicant would like to address the Planning Commission. **Ed Schlager, P.E., P.L.S., Schlager & Associates, P.A.** stated that they were in agreement with all the conditions listed in the Staff Report. He would be happy to answer any questions from the Planning Commission.

Chairman Parks asked if the Planning Commission had any questions or comments. Commissioner Stephan asked Mr. Tiner, property owner of record, the timetable for the project to begin. Mr. Tiner stated that when he completed the apartments on Richland he would begin "The Villages". Mr. Tiner stated that "The Villages" project would be constructed in phases.

Commissioner Pierce asked if they were going to start at the north end of the project and work down. Mr. Tiner stated that was correct.

Commissioner Neff asked for a completion date and Mr. Tiner stated that he could not give her one at this time.

Commissioner Pierce asked how many units in the first phase and Mr. Tiner commented that there were five (5) buildings, the clubhouse and pool in the first phase.

Chairman Parks asked if the final location for the new road (Cheyenne Avenue) had been determined. Mr. Schlager stated the location was set by the City's Plan. The Planning Director stated that the location shown is in accordance with the City's adopted Transportation Plan and this new road will be constructed by KDOT as access for the residents along the gravel road that now access K-7 Hwy will be removed in the future.

Chairman Parks asked if there were any other questions or comments from the Planning Commission. Seeing none he called for a motion. Commissioner Stephan made a motion to approve with the conditions listed in the Staff Report with a second from Commissioner Pierce.

Chairman Parks asked if there were any further 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 August 11, 2014 with a Planning Commission recommendation of approval and requests the Governing Body to accept the dedication of easements and rights-of-way as shown on the Final Plat.

Chairman Parks introduced **Item No. 3: Special Use Permit: SUP-131: "Freedom Farm Riding Stable"** a request by Mark Yates, Freedom Farm and Kameron Kelly, property owner of record. This request is for a special use permit for a Riding Stable that requires a Special Use Permit. The property is located in the unincorporated area of Wyandotte County known as the "Loring Service Area". The property is zoned AG, Agricultural District located at 3601 S. 142nd Street.

Chairman Parks opened the public hearing at 7:09 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.

Chairman Parks asked if the applicant would like to address the Planning Commission. **Mark Yates, Freedom Farm**, wanted to thank the Planning Director for all of his help with the special use permit. Mr. Yates agrees with all of the conditions listed in the Staff Report and would be happy to answer any questions.

Chairman Parks asked if there were any questions or comments from the public. Seeing none he closed the public hearing at 7:16 p.m.

Chairman Parks asked if the Planning Commission had any questions or comments. Commissioner Stephan asked Mr. Yates about the number of people that would be there at any time. Mr. Yates stated that if they had a fund raiser they might have one hundred people. The day camp that they have at Freedom Farm is strictly during the day. Mr. Yates stated that he has about eight horses all of which are stabled and he does not plan on having any more than those eight.

Chairman Parks asked if there were any more questions or comments from the Planning Commission. Seeing none he called for a motion. Commissioner Kasselmann made a motion to approve with the conditions listed in the Staff Report with a second from Commissioner Pierce.

Chairman Parks asked if there were any further 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 August 11, 2014 with a Planning Commission recommendation of approval.

Chairman Parks asked if there was any further business. Seeing none, he adjourned the meeting at 7:18 p.m.

Don E. Slone, AICP, CFM, Secretary

ITEM NO. 2

ITEM NO. 2: Election of Officer

Chairman: Nominations: _____

Motion: _____ Second: _____

For: _____ #Against: _____

Vice-Chairman: Nominations: _____

Motion: _____ Second: _____

For: _____ #Against: _____

Secretary: Nominations: _____

Motion: _____ Second: _____

For: _____ #Against: _____

PLANNING COMMISSION AGENDA Tuesday, September 23, 2014 – 7:00 p.m.

PRESENT	Stephan	_____
	Yates	_____
	Neff	_____
& VOTE:	Kasselman	_____
	Parks	_____
	Krone	_____
	Mesmer	_____
	Pierce	_____

MOTION: _____

SECOND: _____

ITEM NO. 3

ITEM NO. 3: Special Use Permit: SUP-132: “Holliday Sand & Gravel Plant”, a request for a Special Use Permit in order to continue the sand and gravel operation on 75.5 acres of property zoned I-2, Heavy Industrial District. The property is platted as Lot 4, Bonner Springs Industrial Park East in the City of Bonner Springs, Johnson County, Kansas. Requested by Mike Odell, Holliday Sand & Gravel, property owners of record. The property is located at 21900 W. 43rd Street.

PLANNING COMMISSION AGENDA
Tuesday, September 23, 2014 – 7:00 p.m.

PRESENT	Stephan	_____
	Yates	_____
	Neff	_____
& VOTE:	Kasselman	_____
	Parks	_____
	Krone	_____
	Mesmer	_____
	Pierce	_____

MOTION: _____

SECOND: _____

ACTION: Make a motion to approve.

STAFF RECOMMENDATION: Staff recommends approval of this item as listed in the Staff Report.

NARRATIVE: A Staff Report is included in the agenda. Staff will be present to answer any questions. **This item will be forwarded to the Governing Body on October 13, 2014.**

SPECIAL USE PERMIT: "HOLLIDAY SAND & GRAVEL PLANT"**Case No.:** SUP-132**Applicant:** Mike Odell, Holliday Sand & Gravel Company**Owner:** Holliday Sand & Gravel Company**Location:** 21900 W. 43rd Street (Lot 4, Bonner Springs Industrial Park East)**Tract Size:** 75.51 acres**Zoning:** I-2, Heavy Industrial District – Special Use Permit**Exhibits:**

Applicant's Letter, SUP – Site Plan, Final Plat Bonner Springs Industrial Park East, Trust Agreement, Ordinance No. 1572, Ordinance No. 1902, City Attorney's letter dated May 23, 2003, Ordinance No. 2234 and the Affidavit (Proof of Publication).

Staff Recommendation:

Staff recommends approval of SUP-132: "Holliday Sand & Gravel Plant" with the conditions specified based upon the factors for consideration presented in the Staff Report and forward to the Governing Body with a recommendation of approval.

Subject to the following thirteen (13) conditions:

1. Provide the Planning Director a "date specific reclamation schedule" to complete all reclamation prior to the expiration of this Special Use Permit;
2. Provide the Planning Director with a "revised" SUP – Site Plan and Redevelopment Plan;
3. Submit all required Federal and State Permits to the Planning Director upon renewal;
4. No blasting allowed;
5. A land fill is prohibited under this Special Use Permit;
6. Dust control of all materials used within the sand and gravel plant;
7. All trucks leaving the plant shall be covered to eliminate the potential of spillage of material;
8. Maintain the "Tarp Law Signs" as required;
9. Once per calendar year, the Planning Director will conduct an inspection of the operations. City authorized personnel shall be allowed on the site to conduct these inspections or to participate in any other inspections deemed necessary by the City or any other local, state or federal agency;
10. Cooperate with the City of Bonner Springs to comply with all the terms of the Trust Agreement dated October 1, 1990 and all subsequent Amendments;
11. The revocation of the Special Use Permit may occur for a violation of the Zoning Ordinance as provided in Section 8, Article XXVII, Special Uses of the Zoning Ordinance or violation of any or all of the conditions set out in the Special Use Permit;
12. The Special Use Permit shall expire on December 31, 2019 unless:
 - a. The sand and gravel operation is sold, or
 - b. The operation of such use is discontinued for more than 12 months; and
13. The Special Use Permit may not be assigned, conveyed or transferred.

Background:

The request is to extend the SUP-120 approved on November 24, 2008 for five (5) year's for the existing sand and gravel operation. The subject property was rezoned to I-2, Heavy Industrial District on May 21, 1990 under Ordinance NO. 1572 for the sand pit operation. A Special Use Permit was then approved for an expansion to the sand pit operation on August 21, 2000 under Ordinance No. 1902.

As of May 23, 2003, all mining operations were completed for the "Bonner Pit"; however, sand and gravel remain to be dredged in the Shawnee Pit. River dredging on the Kansas River may continue until such time as the U.S. Army Corps Engineers no longer permits such operation. The "river dredging permit" is up for a five (5) year renewal this year as well.

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 by special use permit in the I-2, Heavy Industrial District and therefore, is an acceptable use under the use limitations thereof.

Specific provisions for this application are as follows:

1. Submission of all approved State and Federal Permits as required to the Planning Department:
 - a. KDHE (NPDES Phase II Permit No. G-KS06-0003)(Awaiting Permit)
 - b. KDA (Water Appropriation Permit No. 999059)(Expires March 1, 2015)
 - c. KCC (Mining Permit) (Registration No. 08-257)(Expires December 31, 2014)
 - d. U.S. Army Corps of Engineers (Permit No. 200301862 extended July 28, 2014)
 - e. Spill Prevention Control & Countermeasure (SPCC) Plan (Updated June 2014)
 2. No blasting or quarrying allowed;
 3. A land fill is prohibited under this Special Use Permit;
 4. Dust control of all materials used within the sand and gravel plant;
 5. All trucks leaving the site shall be covered to eliminate the potential of spillage of material on public roadways or damage to other property; and
 6. Maintain the “Tarp Law Signs” as required.
2. **The proposed special use at the specified location will contribute to and promote the welfare or convenience of the public** – Due to the fact that the property has been used for sand and gravel mining since 1990 and there are no conflicting land uses in the vicinity, the proposed special use will not harm the welfare or the convenience of the public.
 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** – There should be no injury to the value of surrounding property as long as the restrictions placed upon the Special Use Permit are enforced.
 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** – All buildings and structures currently located on the site will not change with this Special Use Permit.
 - b. **The nature and extent of landscaping and screening on the site** – No landscaping or screening is being proposed as with this Special Use Permit.
 5. **Off-street parking and loading areas will be provided in accordance with the standards set forth in these regulations, and such areas shall be screened from adjoining residential uses and located so as to protect such residential uses from any injurious effect** – All off-street parking and loading areas are currently provided.
 6. **Adequate utility, drainage, and other such necessary facilities have been or will be provided** – All utilities are currently provided to the site. No other services are required.



Holliday

SAND AND GRAVEL COMPANY

9660 LEGLER ROAD
LENEXA, KS 66219-1291

PH: (913) 492-5920

FAX (913) 438-0200

September 5, 2014

Don E. Slone, Planning Director
City of Bonner Springs
205 E. 2nd Street, P.O. Box 38
Bonner Springs, KS 66012-0038



RE: SUP -132

Dear Don:

Please include this letter with our SUP application documents. This additional letter serves to elaborate on our previous letter dated August 12, 2014, describing our mining plan.

Holliday Sand & Gravel Company requests a 5-year extension of SUP – 120, allowing the continued extraction of sand and gravel by hydraulic dredging along with its processing and commercial sale. Holliday plans to dredge in the pit and the river, and begin pit reclamation during the proposed SUP extension term.

Pit/Dredge Operation

Holliday expects to complete expansion of the pit on the Shawnee portion within a year. This process has lagged due to reduced demand in the last five years and recently because of equipment modifications. Once the pit has been dredged to its full extent, Holliday will resume reclamation. The backfilling, sloping and establishing vegetation could take several years.

Holliday plans to survey the pit bottom to determine if there are deposits that have been missed. If sufficient material is there Holliday may do additional pit dredging. It is estimated this cleanup dredging could take up to three years depending on deposit depths and location.

River/Dredge Operation

Holliday will be dredging in the Kansas River yet this year. Dredging in the River is less predictable as it depends on sufficient river flows to move in sand. We would like to continue dredging in the River as long as there is suitable material there.

Thank you again for your assistance and consideration of our request.

Sincerely,

A handwritten signature in black ink that reads "Michael R. Odell". The signature is written in a cursive style with a large initial 'M' and 'O'.

Mike Odell
Vice President - Production
Holliday Sand & Gravel Company
913-208-7309

**SITE PLAN & SPECIAL USE PERMIT APPLICATION
 HOLLIDAY SAND AND GRAVEL PLANT
 21900 WEST 43RD STREET
 BONNER SPRINGS, KANSAS**

PLANNER / ENGINEER:

BARTLETT & WEST

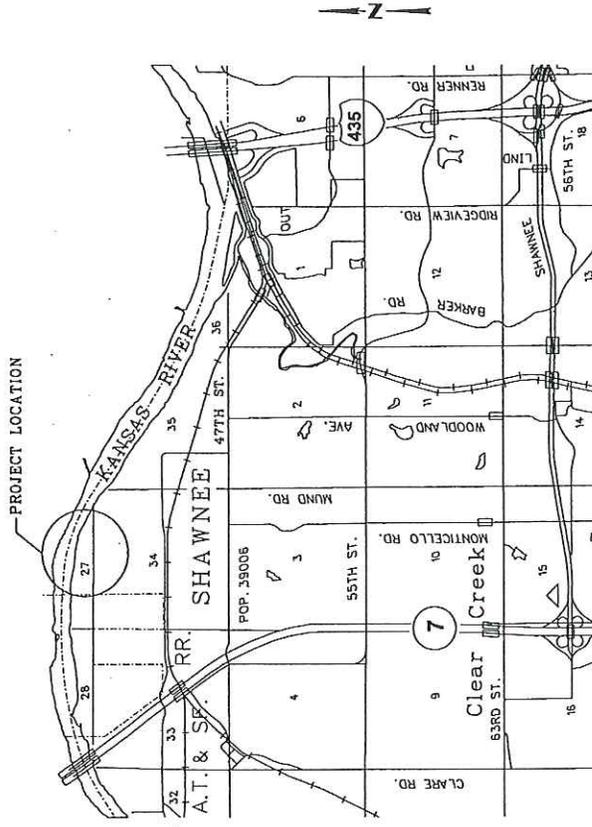
ENGINEERS
 608 WOODSTOCK AVENUE, SUITE 100
 BONNER SPRINGS, MO 64609
 PHONE: 660-337-1111 FAX: 660-337-1112
 WWW.BARTLETTWEST.COM

APPLICANT:

HOLLIDAY SAND AND GRAVEL COMPANY
 9660 IEGLER ROAD
 BONNER SPRINGS, KANSAS 66219
 CONTACT PERSON: MIKE ODELL

SHEET NO. DRAWING

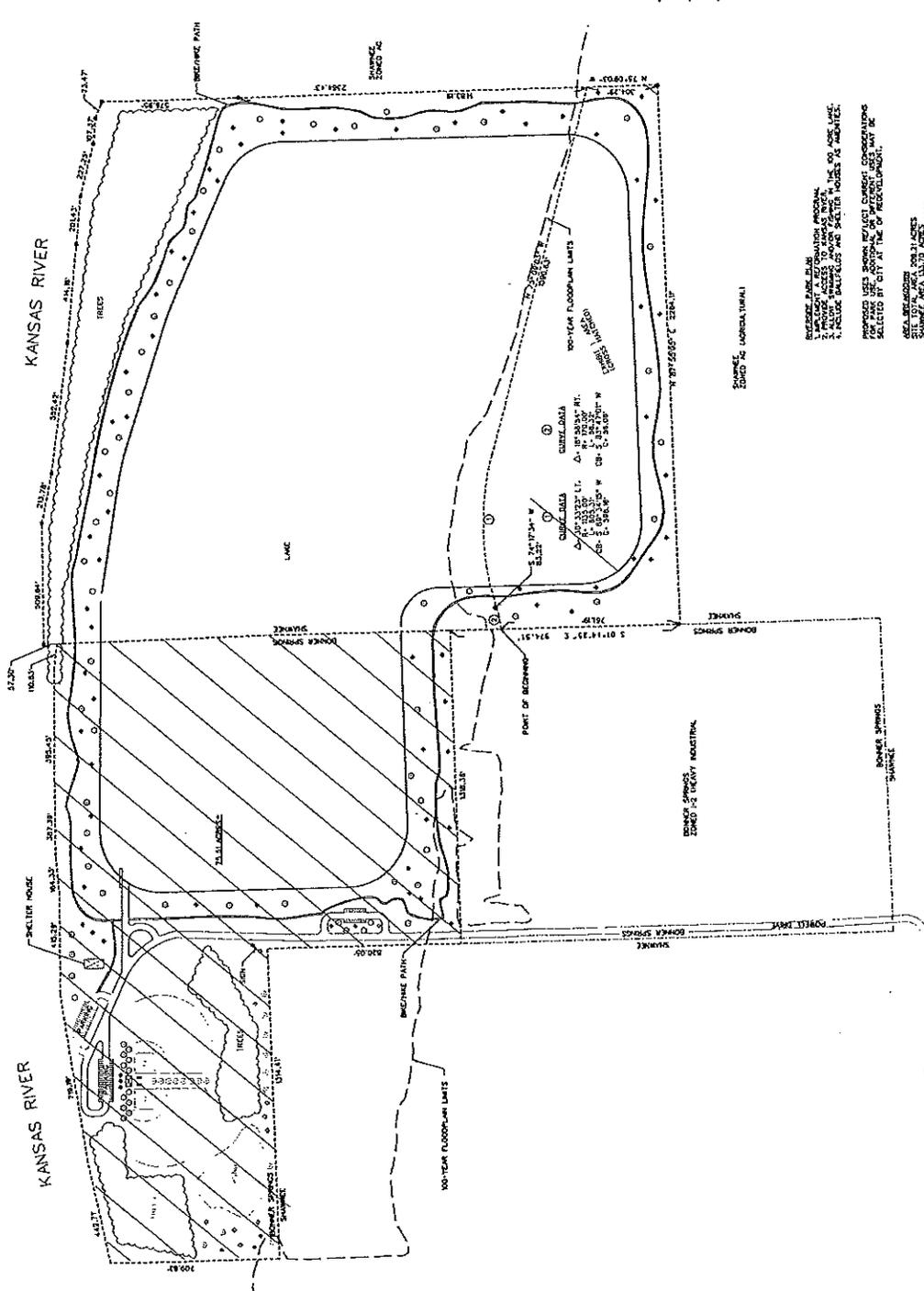
- 1 REDEVELOPMENT PLAN COVER SHEET
- 2 MASTER PLAN
- 3 RECLAMATION PLAN



LOCATION MAP
 1"=2000'



HOLLIDAY SAND AND GRAVEL CO. REDEVELOPMENT PLAN



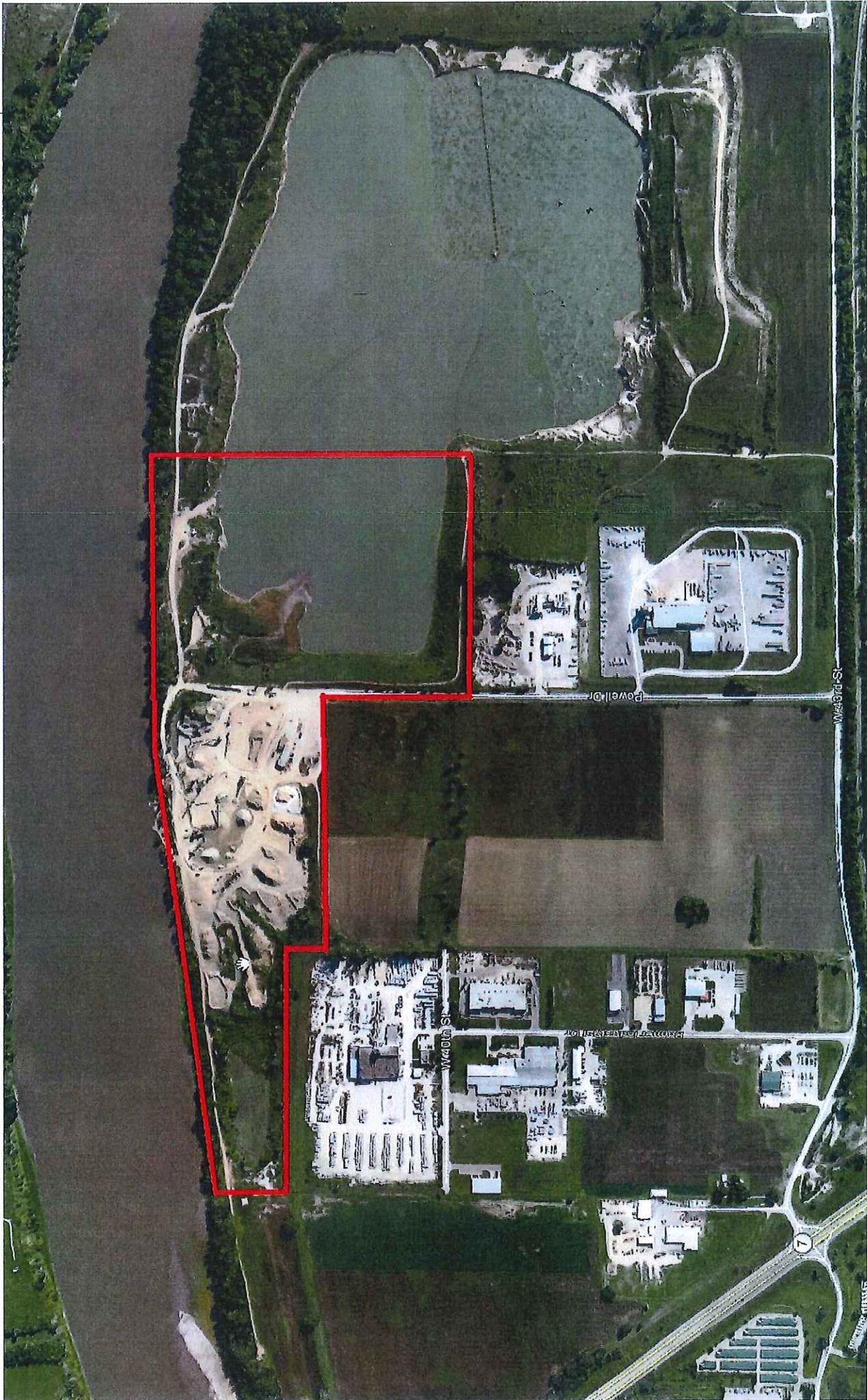
LEGEND

- PROPERTY LINE
- CITY LIMITS
- 100-YEAR FLOODPLAIN LIMITS

DEVELOPER: HOLLIDAY SAND & GRAVEL CO.
 1000 N. 10TH ST., SUITE 100
 BOONVILLE, MO 64608
 CONTACT: KATHLEEN WOOD, CIVIL
 PLS-681-9480

BARTLETT & WEST
ENGINEERS
 1000 N. 10TH ST., SUITE 100
 BOONVILLE, MO 64608
 CONTACT: KATHLEEN WOOD, CIVIL
 PLS-681-9480

PROPOSED USER SHOWS RELEVANT CURRENT CONCENTRATIONS
 SELECTED BY CITY AT THE TIME OF REDEVELOPMENT.
 AREA: 200 ACRES
 SURFACE AREA: 100 ACRES
 ESTIMATED LAKE VOLUME: 100,000,000 GALLONS
 ESTIMATED LAKE SURFACE AREA: 100,000 SQ. FT.
 PARTIAL IN BOONVILLE, MO 64608



TRUST AGREEMENT

The purposes of this Trust shall be to hold and manage the real and personal property hereby conveyed or agreed to be conveyed exclusively for charitable, educational and recreational purposes in the form of a park, or playground, for the use and benefit of the public and especially of the residents of the City of Bonner Springs, State of Kansas, and to prepare, equip, maintain and beautify such properties for charitable, educational and recreational purposes. The Trustees may grant the City of Bonner Springs utility easements across any land conveyed hereunder for the beneficial purposes of the City of Bonner Springs. The park shall be called George E. Powell Park.

Peter E. Powell and Builders Sand Company, herein jointly referred to as Trustors, create a Trust Fund of the property listed in Schedule A attached hereto and incorporated by this reference, which has been delivered today to the First National Bank of Bonner Springs in the City of Bonner Springs, State of Kansas, a national banking association, herein called Corporate Trustee.

Peter E. Powell hereby agrees to give, transfer and deliver the real property described in Schedule B (the "Land") to the Trustees in Trust for the purposes stated upon the cessation of mining operations upon the Land. During the calendar year 1990 the company mining the Land shall pay into the Trust the sum of ten cents (10¢) for every ton of material which was mined from the Land in 1990, if any. Beginning in 1991, the company mining the

Land shall pay into this Trust the greater of (a) the sum of ten cents (10¢) for every ton of material which was mined from the Land and which is sold in that calendar year or (b) Ten Thousand Dollars (\$10,000.00) each calendar year until cessation of mining operations.

Builders Sand Company hereby agrees to give, transfer and deliver the real property described in Schedule C to the Trustees in Trust for the purposes stated upon the cessation of mining operations upon the property listed in Schedule C. If at any time a majority of the three individual Trustees in their sole judgment determine that there are insufficient funds in the Trust Fund to carry out the purposes of this Trust, the said Trustees shall have the right to refuse to accept the conveyance of the real property into the Trust, including the property described on Exhibits B and C. In the event the Trustees exercise the above right of refusal, all money then in the Trust Fund shall, in the sole discretion and judgment of the three individual Trustees, be used to reclaim, restore and otherwise improve the real property to the extent of the funds available.

In order to effectuate the intent of this Trust, Trustors have executed the appropriate deeds to the property described in Schedules B and C to be held in escrow by the law firm of Swanson, Midgley, Gangwere, Clarke & Kitchin until such time as the cessation of mining operations has occurred on the property. Should the Deeds ever be transferred to a new custodian, Trustors agree to notify the Trustees and the City of Bonner Springs of such change. For the purposes of this Agreement, the phrase "cessation

of mining operations" shall mean after any twenty-four (24) month period passes without any material being mined from the Land. For the purposes of this Agreement, the phrase "cessation of mining operations" on the property described in Schedule C shall mean after any twenty-four (24) month period passes without any material being mined from the property described in Schedule C. Trustors shall also be able to cause cessation by giving notice thereof to the City of Bonner Springs.

This Trust Fund shall be known as the Peter E. Powell Bonner Springs Trust. Trustors and the First National Bank of Bonner Springs of the City of Bonner Springs, State of Kansas, as Corporate Trustee and Peter E. Powell, City of Kansas City, County of Jackson, State of Missouri, the then duly elected, qualified and serving Mayor of the City of Bonner Springs, Kansas, and Elmer Brunker of City of Bonner Springs, County of Wyandotte and State of Kansas as individual Trustees, hereby agree as follows:

Section 1. Transfer of Trust Funds: Trustors hereby give and transfer to Trustees the property described in the attached Schedule A, together with its income and profits and any other sums that may be transferred to Trustees or their successors, pursuant to the terms of this Agreement, to hold in trust for the uses and purposes set forth in this Agreement.

Section 2. Investment and Application of Trust Fund and Income: Trustees shall hold the Trust Fund and, in their discretion, invest it and parts of it in securities in which Trustees are permitted to invest under the laws of the State of Kansas, or

retain the fund in cash and collect the income. The Trust Fund may be placed in an account at the Corporate Trustee's bank or such other bank as the Trustees deem advisable. Upon the acceptance of the property in Schedule B or C into the Trust Fund, the Trustees shall, from time to time, and in such amounts as in their discretion Trustees shall deem proper, devote and apply the Trust Fund and income from the Trust Fund exclusively to make reclamation improvements, and such additional enhancements, and maintenance of the Land to insure its use for a public park. The funds will be so used until depleted.

Section 3. Restrictions on the Use of Trust Fund: The Trust Fund and the income of the Trust Fund shall be devoted exclusively for the purposes described above and shall in no part and in no event be given or contributed to or inure to the benefit of any private person or corporation except to the extent of the compensation of the Corporate Trustee. No part of the Trust Fund shall be used to carry on propaganda or otherwise attempt to influence legislation, or to participate in any political campaign.

Section 4. Additional Gifts to the Fund: Either Trustor or other persons may, from time to time, make additional gifts of money or property to Trustees to become part of the Trust Fund.

Section 5. Good Faith Duty of the Trustees: Trustees shall be chargeable only with the exercise of good faith in the carrying out of the provisions of the Trust. Trustees shall not, in the absence of bad faith, be responsible or accountable for errors of judgment in making the disbursements pursuant to the provisions of Section 2.

Section 6. Compensation of Trustees: The Corporate Trustee shall be entitled to such reasonable compensation for its services as may, from time to time, be agreed upon with the Trustees. Such compensation shall be paid out of and charged to the Trust Fund. The individual Trustees shall serve without compensation.

Section 7. Decision of the Majority of Trustees: The act of a majority of the individual Trustees on all matters pertaining to this Trust, including the investment and distribution of Funds, shall be conclusive. Evidence of such a majority action shall be in writing and shall be filed with the Corporate Trustee.

Section 8. Corporate Trustee Controls the Funds: The Corporate Trustee shall have exclusive custody of the securities, cash and other property of the Trust Fund. The Corporate Trustee shall have the right to register securities or other property held under and pursuant to this instrument in the name of its nominee.

Section 9. : The three individual Trustees herein shall have all powers conferred upon Trustees by the laws of the State of Kansas including those set out in the Uniform Trustees' Powers Act. Trustors agree that the three individual Trustees shall have the right to, but are not required to, appoint a qualified auditor to review quarterly and audit annually those books, records and accounts of Trustors and/or other companies performing mining operations on the Land to insure proper and full payment of funds required under the terms of this Trust. Such reviews shall be conducted at reasonable times. The cost of such audits and services shall be paid one-half by Trustors and one-half by Trustees from the funds available in the Trust and, if none, then

shall be paid in full by Trustors. The Trustees shall endeavor to keep the cost of any audit as low as practical.

Section 10. Appointment of Successor Trustees: The original Trustees of this Agreement were appointed by three separate entities. Trustors appointed one member, the Board of Directors for Monticello Drainage District appointed one member and the City Council of Bonner Springs, Kansas appointed one member. In the case of the death or resignation of any of the Trustees, the successor of each such Trustee may be appointed by the entity which appointed the leaving Trustee. Until such time as such successor Trustee is appointed, the remaining Trustees shall have the power to act under and pursuant to this instrument.

Section 11. Gifts Irrevocable: Gifts made in trust to Trustees under this Agreement shall be irrevocable except that the property listed on Schedules B and C are being conveyed subject to a contingent remainder interest in each respective granting Trustor causing the property to revert to the respective granting Trustor, his heirs, successors or assigns should the property be used for purposes other than those set out herein.

Section 12. Period of Trust: This Trust shall last for a period of fifty (50) years from the date hereof. At the expiration of this Trust, the Trust shall terminate and the Trustee shall pay, transfer and deliver the entire principal of the Trust, including title to all real estate, to the City of Bonner Springs, Kansas.

IN WITNESS WHEREOF, the parties hereto have signed this Agreement on this 1st day of October, 1990.



Peter E. Powell

Builders Sand Company

By:



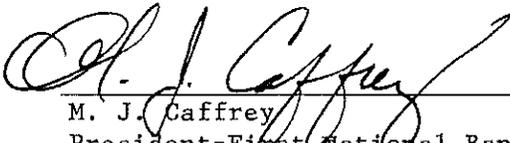
President

TRUSTORS

Agreed to and Accepted

October 1, 1990

CORPORATE TRUSTEE



M. J. Caffrey
President-First National Bank of Bonner Springs

TRUSTEES



Peter E. Powell



mayor.

SCHEDULE A

\$100.00

SCHEDULE B

All of the following described real estate situated in the County of Johnson and State of Kansas, to wit:

All of Lot 4 platted in Bonner Springs Industrial Park East except that portion of Lot 4 located in the S 1/2 of the SE1/4 of Section 28, Township 11, South Range 23 East.

SCHEDULE C

All of the following described real estate, situated in
the County of Johnson and State of Kansas

The South 1/2 of the Southeast 1/4 of Section 28,
Township 11, South Range 23 East containing 36.3
acres more or less.

ORDINANCE NO. 1572

AN ORDINANCE AMENDING ZONING BOUNDARIES IN THE CITY OF BONNER SPRINGS, KANSAS, FROM "A-1" AGRICULTURAL DISTRICT TO "I-2" HEAVY INDUSTRIAL FOR CERTAIN DESCRIBED PROPERTY NORTH OF 43RD STREET OWNED BY MR. PETER POWELL FOR USE AS A SAND QUARRY.

WHEREAS, the City of Bonner Springs, Kansas, is a legally constituted municipal corporation, a City of the Second Class, under the provisions of the laws of the State of Kansas, having a Mayor-Council-Manager form of City Government, and

WHEREAS, the Applicant, in the person of Mr. Peter Powell, has requested a change in zoning district boundaries, from "A-1" Agricultural to "I-2" Heavy Industrial for the described property:

The West half of Lot 1 of Fractional Section 28, Township 11 South, Range 23 East, in Johnson County, Kansas, together with all accretions thereto but subject to erosion therefrom, also the North 700 feet of the West half of the Northwest Quarter together with the West 80 feet of the South 550 feet of the North 1,250 feet of Section 34, Township 11 South, Range 23 East in Johnson County, Kansas, containing 2,058,660 square feet or 47.2 acres more or less.

WHEREAS, the Planning Commission met in their regularly scheduled meeting of March 27, 1990, and directed the Secretary of the Planning Commission to schedule a public hearing for April 24, 1990, at 7:30 p.m. per K.S.A. 12-708 for the above described request, and

WHEREAS, the Secretary did advertise in the official City paper and sent out proper notice of said public hearing, and

WHEREAS, the Planning Commission has met in said duly advertised public hearing at 7:30 p.m. on April 24, 1990 in the City Council Chambers of the City of Bonner Springs, Kansas, and

WHEREAS, the Planning Commission, after giving due consideration to comments from the Planning Staff and comments from both proponents and opponents of said zoning change request, made the following findings of fact:

1. The site is zoned "A-1" Agricultural District. Property owned by Mr. Powell contains 110 acres. The area requested to be rezoned to "I-2" for the sand quarry contains 47.5 acres.
2. The northern 40 acres are within the 100 year flood plain of the Kansas River.
3. The future land use plan indicates all the property

owned by Mr. Powell as appropriate for industrial development. The industrial designation in the future land use plan is based on the factors of location, existing characteristics, surrounding property, and the goals for future development.

4. Access to the property is provided from 43rd Street. The site plan indicates master street planning for an east west road to provide internal circulation. The roads are proposed to be privately maintained. Development on the south 50 acres would trigger improvement of the roads to city standards. The roads would not be accepted until constructed to city standards.
5. Mr. Powell's office and plant are to the west of the site. No structures are proposed to be located on the property in any phase.
6. The property is accessible from 43rd Street for public safety services. However, there currently is no water service for fire protection. A main is proposed to be extended from 40th Street in the Bonner Industrial Park to Mr. Powell's property. Fire hydrants will be added for development of the concrete plant and fish hatchery.
7. The property has remained under the agricultural designation of at least the past seven years since it entered the Bonner Springs city limits. Surrounding property is used for farming purposes. Due to the surrounding uses, compatibility with the Master Plan and Future Land Use Map, a more intense use of the site would be appropriate.

WHEREAS, the Planning Commission recommended by resolution, approval of said rezoning request, contingent upon:

1. Extension of the water main to the property with the cost for service provided by the developer.
2. Submittal to the city of copies of operating permits required by the State of Kansas for the sand quarry.
3. Submittal of a plat for the 110 acre property owned by Mr. Powell for dedication of easements.
4. Existing road to be privately maintained.
5. Property owner to enter into a consent to benefit district for the adjoining roads.
6. Location of fire hydrants as determined by the Fire Chief.
7. Berms with trees to be planted along 43rd Street and the interior east-west street within two years after approval.

8. The pit location on Lot 8 of the Builders Sand Company site development shall be filled to grade as follows:
 - A. A method and schedule shall be submitted for staff The approval prior to construction of the ready mix plant.
 - B. Method of fill to conform to 90% compaction.
9. Dust control for the operation of the sand quarry shall be provided.
10. Reclamation plan for the proposed sand pit and final use of the property to be submitted prior to startup of the sand pit operation.
11. All permits as required by the State of Kansas and the Army Corp of Engineers, to be submitted prior to startup of the operation.

WHEREAS, the Planning Commission has caused a copy of said resolution, an accurate written summary of said hearings and proceedings before said Commission, including all Staff reports, maps, drawings, and other evidence and testimony presented to the Commission, to be forwarded to this Governing Body, all of which documents, evidence, testimony, reports, maps and amendments be and the same are hereby made a part of these proceedings before the Governing Body by reference as though fully set out herein at length, and

WHEREAS, the Governing Body, after due consideration does approve and adopt the above stated findings of fact and conditions, and

WHEREAS, the Governing Body of the City of Bonner Springs, Kansas, does adopt the findings of the Planning and Zoning Commission and does hereby approve the recommendation of the City Planning Commission to amend the zoning district boundaries contingent as set out above.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF BONNER SPRINGS, KANSAS:

SECTION. 1:

That the zoning district boundaries of the City of Bonner Springs, Kansas be and are hereby amended to change from "A-1" Agricultural District to "I-2" Heavy Industrial District for the following described tract:

The West half of Lot 1 of Fractional Section 28, Township 11 South, Range 23 East, in Johnson County, Kansas, together will all accretions thereto but subject to erosion therefrom, also the North 700 feet of the West half of the Northwest Quarter together with the West 80 feet of the South 550 feet of the North 1,250 feet of Section 34, Township 11 South, Range 23 East in Johnson County, Kansas, containing 2,058,660

square feet or 47.2 acres more or less. Subject to the following conditions:

1. Extension of the water main to the property with the cost for service provided by the developer.
2. Submittal to the city of copies of operating permits required by the State of Kansas for the sand quarry.
3. Submittal of a plat for the 110 acre property owned by Mr. Powell for dedication of easements.
4. Existing road to be privately maintained.
5. Property owner to enter into a consent to benefit district for the adjoining roads.
6. Location of fire hydrants as determined by the Fire Chief.
7. The pit location on Lot 8 of the Builders Sand Company site development shall be filled to grade as follows:
 - A. A method and schedule shall be submitted for staff The approval prior to construction of the ready mix plant.
 - B. Method of fill to conform to 90% compaction.
8. Dust control for the operation of the sand quarry shall be provided.
9. Reclamation plan for the proposed sand pit and final use of the property to be submitted prior to startup of the sand pit operation.
10. All permits as required by the State of Kansas and the Army Corp of Engineers, to be submitted prior to startup of the operation.

SECTION 2:

That this Ordinance shall be in effect and in force from and after its passage and publication in the official City newspaper of the City of Bonner Springs, Kansas.

APPROVED BY THE MAYOR THIS 21 DAY OF MAY, 1990.


MAYOR

ATTEST:


CITY CLERK

#12 STATE OF KANSAS }
COUNTY OF JOHNSON } ss
FILED FOR RECORD

ORDINANCE NO. 1902 2000 SEP -7 P 4: 04.6

AN ORDINANCE OF THE PLANNING COMMISSION OF THE CITY OF BONNER SPRINGS, KANSAS APPROVING A SPECIAL USE PERMIT AND SITE PLAN FOR THE EXPANSION OF THE SAND PIT, AS REQUESTED BY HOLLIDAY SAND & GRAVEL COMPANY LOCATED AT 21900 WEST 43RD STREET.

WHEREAS, the City of Bonner Springs, Kansas, is a legally constituted municipal corporation, a City of the Second Class, under the provisions of the laws of the State of Kansas, having a Mayor-Council-Manager form of City Government, and

WHEREAS, the Planning Commission met on Tuesday, July 25, 2000, at 7:30 p.m. in a duly published public hearing and considered a Special Use Permit and Site Plan for the expansion of the sand pit, as requested by Holliday Sand and Gravel Company on property commonly known as 21900 West 43rd Street, Bonner Springs, Johnson County, Kansas, more particularly described as:

That part of Lot 4, Bonner Springs Industrial Park East, a subdivision in Bonner Springs, Johnson County, Kansas located in the South 1/2 of the Southeast 1/4 of Section 28, Township 11, South, Range 23 East.

WHEREAS, the Special Use Permit Application, Site Plan Application and accompanying documentation is in compliance with the requirements of the Zoning Ordinance, and

WHEREAS, the property is currently zoned I-2, Heavy Industrial District. The requested Special Use Permit for the expansion of the sand pit is a conditionally permitted use in this district, and

WHEREAS, the proposed use is in conformance with the Future Land Use Map as adopted in the Comprehensive Plan, and

WHEREAS, the Planning Commission recommended approval of the Site Plan as submitted for the Special Use Permit for the expansion of the sand pit on the above referenced property with the following conditions:

1. Future expansions and additions to the site not identified on the Site Plan will require submission of a revised Special Use Permit and Site Plan. Improvements not shown on the Site Plan are not a part of this approval.
2. Upon approval by the Governing Body and upon the effective date hereof, as defined below, the Special Use Permit shall be recorded with the Register of Deeds.

ret City of Bonner Springs
205 E 2nd St
Bonner Springs KS 66012
1200 ca

3. Revocation of the Special Use Permit may occur for a violation if City Ordinances, including any part of the Zoning Ordinance or violation of any or all of the conditions set out in the Special Use Permit.
4. Fencing to be permitted separately from the Special Use Permit or building permits.
5. Annual inspections of the site by appropriate City staff to insure continued compliance.
6. Dust control of all materials used within the sand quarry.
7. Consent to benefit district for future improvement of adjoining roads. A copy of this formal agreement shall be submitted to the City by August 14, 2000.
8. Holliday Sand shall privately maintain Powell Drive until the necessary improvements to City standards are made, as required, when additional development of the undeveloped land south of the pit to 43rd Street occurs.
9. Copies of all State permits for the dredging and pit operation shall be provided to the City.
10. Continue to address bank stabilization on the north side of the property (south bank of the Kansas River.)
11. The City of Bonner Springs shall finalize an interlocal agreement concerning future use of the park with the City of Shawnee. The terms of the agreement shall be negotiated by the City Attorney and approved by the City of Bonner Springs Governing Body, however, the City of Bonner Springs shall not be obligated to accept conveyance of the property for any reason.
12. Submission of corrected site plans showing the relocation of the proposed fence.
13. The Special Use Permit shall expire on January 19, 2014 or when the operation ceases, which occurs first.

NOW, THEREFORE BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF BONNER SPRINGS, KANSAS THAT:

SECTION I: The Site Plan as submitted by Holliday Sand & Gravel Co. for the Special Use Permit in conjunction with the expansion of the sand pit into the City of Shawnee is hereby approved with the following conditions:

1. Future expansions and additions to the site not identified on the Site Plan will require submission of a revised Special Use Permit and Site Plan. Improvements not shown on the Site Plan are not a part of this approval.

2. Fencing to be permitted separately from the Special Use Permit or building permits.
3. Annual inspections of the site by appropriate City staff to insure continued compliance.
4. Dust control of all materials used within the sand quarry.
5. Consent to benefit district for future improvement of adjoining roads. A copy of this formal agreement shall be submitted to the City by August 14, 2000.
6. Holliday Sand shall privately maintain Powell Drive until the necessary improvements to City standards are made, as required, when additional development of the undeveloped land south of the pit to 43rd Street occurs.
7. Copies of all State permits for the dredging and pit operation shall be provided to the City.
8. Continue to address bank stabilization on the north side of the property (south bank of the Kansas River.)
9. The City of Bonner Springs shall finalize an interlocal agreement concerning future use of the park with the City of Shawnee. The terms of the agreement shall be negotiated by the City Attorney and approved by the City of Bonner Springs Governing Body, however, the City of Bonner Springs shall not be obligated to accept conveyance of the property for any reason.
10. Submission of corrected site plans showing the relocation of the proposed fence.

SECTION II: The Special Use Permit shall expire on January 19, 2014 or when the operation ceases, whichever occurs first, or if:

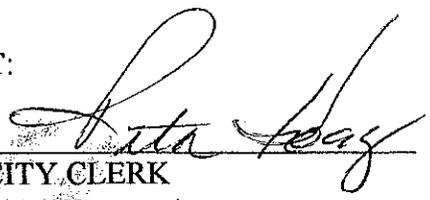
- a. The lease is sold.

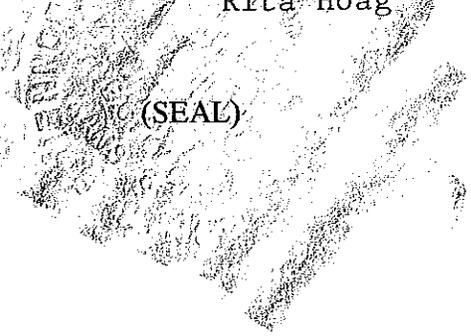
SECTION III: Revocation of the Special Use Permit may occur for a violation of City Ordinances, including, but not limited to, the Zoning Ordinance as provided in Section 8, Article XXVII of the Zoning Ordinance, or violation of any or all of the conditions established by the Special Use Permit.

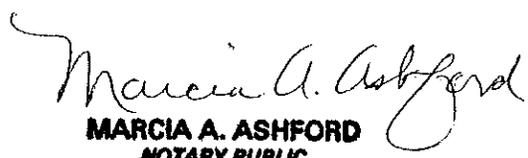
SECTION IV: Upon approval by the Governing Body, the Special Use Permit shall be recorded with the Register of Deeds.

PASSED AND APPROVED BY THE GOVERNING BODY OF THE CITY OF BONNER SPRINGS, KANSAS, THIS 21ST DAY OF AUGUST, 2000.


MAYOR
T.A. Stolfus D.V.M.

ATTEST:

CITY CLERK
Rita Hoag




MARCIA A. ASHFORD
NOTARY PUBLIC
STATE OF KANSAS
My Appointment Expires 3-5-2001
8-21-00

May 23, 2003 4:36PM

PERRY and TRENT, L.L.C.
ATTORNEYS AT LAW
13100 KANSAS AVENUE, SUITE C
BONNER SPRINGS, KANSAS 68012
(913) 441-3411
FAX (913) 441-3656

JOSEPH F. PERRY
DANNY C. TRENT

SHANE LILICH
MARK VAN BLARICUM

May 23, 2003

Mr. Mike Odell
Holliday Sand and Gravel Company
9660 Legler Road
Lenexa, KS 66219

FAX To:
Rita White
441-1366

Re: Sand Pit/Trust Agreement

Dear Mike:

This letter will confirm our conversation this date with regard to the existing Trust and royalty obligations. At our request, these provisions have not been included in the proposed agreement regarding the maintenance of Powell Drive currently being circulated.

We would propose that Holliday and the City of Bonner Springs, and if possible, the City of Shawnee sit down in the near future to discuss the short and long term plans with regard to the two cities' eventual development of a park facility when the pit operations cease. From our discussions it appears the following issues need to be addressed:

1. Discuss Holliday's continued operation of a dredge facility and plant once the pit operation is exhausted.
2. Discuss reclamation or restoration efforts already underway
3. The two cities may need to develop a long term park and management plan for the shared facility.
4. Timing issues with regard to mining on the Shawnee side of the pit, Holliday's continued operation of the dredge facility, and commencement of park improvements.

1/21/2004
\$5,008.00
paid for 2003

mining
complete for
Bonner side of
pit
No additional
royalties

23. 2003 4:36PM

Mr. Mike Odell
May 23, 2003
Page 2

With respect to the existing Trust Agreements, I have discussed with the City Manager the following issues:

A. In reading the documents it is my opinion that the \$10,000.00 minimum payment is applicable only until the cessation of pit mining operations within the City of Bonner Springs

B Bonner Springs is willing to consider an interpretation that would require that only the ten cents per ton royalty would be applicable during the final production year.

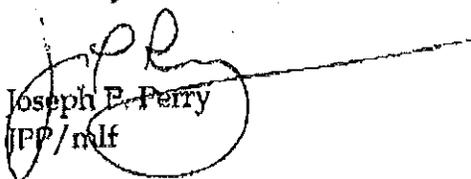
C. That the Bonner Springs royalty is attributable only to sand production from the Bonner Springs side of the pit.

D That no Bonner Springs royalty fee would be attributable to sand production from the Shawnee side of the pit.

E. That the Bonner Springs royalty would not be assessable on dredged sand production since the agreement was obviously targeted at pit reclamation issues.

I hope the above clarifies some of the issues we discussed this morning. If you have questions please contact me at your convenience. Thank you.

Sincerely,


Joseph E. Perry
(JP) / mlf

c: John Helin

ORDINANCE NO. 2234

An ordinance of the Governing Body of the City of Bonner Springs, Kansas, approving a Special Use Permit for Holliday Sand & Gravel Plant under SUP-120 to continue the sand and gravel operation on property zoned I-2, Heavy Industrial District, located on Lot 4, Bonner Springs Industrial Park East, also known as 21900 W. 43rd Street, Bonner Springs, Johnson County, Kansas

BE IT ORDAINED BY the Governing Body of the City of Bonner Springs, Kansas:

Section I: That the Official Zoning Map be amended by including a Special Use Permit for "Holliday Sand & Gravel Plant" approved under SUP-120, to continue the sand and gravel operation on property zoned I-2, Heavy Industrial District, located on Lot 4, Bonner Springs Industrial Park East, also known as 21900 W. 43rd Street, Bonner Springs, Johnson county, Kansas subject to the following conditions:

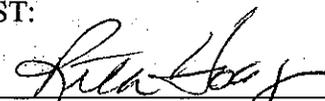
1. Submit all required Federal and State Permits to the Planning Department upon renewal;
2. Dust control of all materials used within the sand and gravel plant;
3. No blasting allowed;
4. A land fill is prohibited under this Special Use Permit;
5. Continued maintenance of Powell Drive until the necessary improvements to City standards are made in accordance with the "Agreement" dated May 23, 2003 and filed with the Johnson County Register of Deeds under Book 9096, Pages 440-454;
6. All trucks leaving the site shall be covered to eliminate the potential of spillage of material on public roadways or damage to other property;
7. Maintain the existing signage "Tarp Law Signs" as required;
8. Once per calendar year, the City will conduct an inspection of the operations. City authorized personnel shall be allowed on the site to conduct these inspections or to participate in any other inspections deemed necessary by the City or any local or state agency;
9. The revocation of the Special Use Permit may occur for a violation of the Zoning Ordinance as provided in Section 8, Article XXVII of the Zoning Ordinance or violation of any or all of the conditions set out in the Special Use Permit;
10. The Special Use Permit shall expire on December 31, 2014 unless:
 - a. The sand and gravel dredging operation is sold, or
 - b. The operation of such use by the applicant designated in the permit is discontinued for more than 12 months.

Section II: This ordinance shall be in full force and effect from and after its passage and publication in the official city newspaper.

APPROVED by the Governing Body and signed by the Mayor of the City of Bonner Springs, Kansas, this 24th day of November, 2008.


Clausie W. Smith, Mayor

ATTEST:


Rita Hoag, City Clerk

(SEAL)

Affidavit in Proof of Publication

STATE OF KANSAS
Wyandotte County

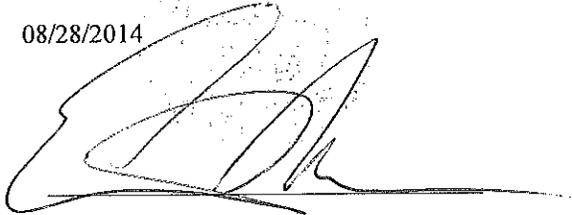
Eric Moore of the Legal Dept. of the Bonner Springs Chieftain being first duly sworn, deposes and says:

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

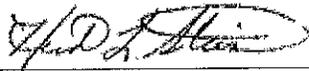
Said newspaper is published weekly 52 weeks a year; has been so published continuously and uninterruptedly in said county and state for a period of more than five years prior to the first publication of said notice and been admitted at the post office of Bonner Springs in said County as second class 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 08/28/2014 with publications being made on the following dates:

08/28/2014



Subscribed and sworn to before me this



Notary Public

My Appointment expires: March 15, 2015

Notary And Affidavit	\$0.00
Additional Copies	\$0.00
Publication Charges	\$30.20
	<u> </u>
	\$30.20

(Published in The Chieftain, August 28, 2014)

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

The Planning Commission will hold a public hearing on Tuesday, September 23, 2014 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:

Special Use Permit: SUP-132: "Holiday Sand & Gravel Plant", a request for a Special Use Permit in order to continue the sand and gravel operation on 75.5 acres of property zoned I-2, Heavy Industrial District. The property is platted as Lot 4, Bonner Springs Industrial Park East in the City of Bonner Springs, Johnson County, Kansas. Requested by Mike Odell, Holiday Sand & Gravel Company, property owners of record. The property is located at 21900 W. 43rd Street. No additions or alterations to the site are being proposed with this request. This request is in order to operate for an additional five (5) years that requires a new Special Use Permit. The complete legal description and application for the above items are available for public inspection at the Bonner Springs Planning Department, 205 E. 2nd Street, to Don E. Stone, AICP, CFM, Planning Director at (913) 667-1708.

ments at the public hearing.

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

Persons who wish to be heard will be given an opportunity to make com-



ITEM NO. 4

ITEM NO. 4: Site Plan: ST-14-103: “CSM Bakery Compressor Building” Requested by Mike Brune, Corporate Engineer for CSM Bakery Products, property owners of record. This request is for a Site Plan to construct and enclose a new compressor building. The property is zoned I-2, Heavy Industrial District and located at 2410 S. Scheidt Lane.

PLANNING COMMISSION AGENDA Tuesday, September 23, 2014 – 7:00 p.m.

PRESENT	Stephan	_____
	Yates	_____
	Neff	_____
& VOTE:	Kasselman	_____
	Parks	_____
	Krone	_____
	Mesmer	_____
	Pierce	_____

MOTION: _____

SECOND: _____

ACTION: Make a motion to approve.

STAFF RECOMMENDATION: Staff recommends approval of this item as listed in the Staff Report.

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

SITE PLAN: CSM BAKERY COMPRESSOR BUILDING

Case No.: ST-14-103

Applicant: Mike Brune, Senior Project Engineer, CSM Bakery Products, NA

Owner: CSM Bakery Products, NA

Location: 2410 S. Scheidt Lane (Tract C, Wolf Creek Industrial Park)

Zoning: I-2, Heavy Industrial District

Lot Size: 10.76 acres

Building Use: Bakery Products Manufacturing Facility

Parking: Minimum parking previously met

Exhibits:

Applicant's Letter of Request for the Material Waiver, Site Plan and copy of the Final Plat, Wolf Creek Industrial Park.

Staff Analysis:

The Site Plan is being submitted in order to construct a 1,250 square foot compressor building. The submitted Site Plan does meet the minimum submittal requirements for Site Plan in the Zoning Ordinance.

The submitted site plan does meet the minimum submittal requirements of the Zoning Ordinance with the exception of the building design for the east building elevation.

Note: The applicant requests a waiver for the north and east building elevation from the 70% material factor. This requirement is listed under the Zoning Ordinance, Section 10(5) Site Plan Review Criteria: The following factors shall be considered for any multi-family, office, commercial, industrial or Planned District development: Paragraph 3 "The building design shall include a variety of materials, with a maximum of 70% of any one material on all elevations of the structure".

Staff has reviewed the request for a waiver and recommends approval of the 70% material factor for the north and west elevations.

Staff Recommendation:

The Development Staff recommends approval of the Site Plan subject to the Standing Site Plan Conditions listed below.

Standing Site Plan Conditions:

1. Changes or deviations from the approved Site 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 Plans are valid for 180 days from the date of approval by the Planning Commission.

Review Comments Received from the Development Review Team:

Planning Director:	No objections and support the material waiver.
Building Official:	No objections and support the material waiver.
City Engineer:	No objections and support the material waiver.
Economic Development Director:	No objections and support the material waiver.
Public Works Director:	No objections and support the material waiver.
Utilities Director:	No objections and support the material waiver.



CSM Bakery Products

2410 S. Scheidt Lane
Bonner Springs, KS 66012
USA

T +1 (913) 441-6310
F +1 (913) 441-6314

info@csmbaking.com
August 29, 2014

Don E. Slone, AICP, CFM
Planning Director
City of Bonner Springs
205 E. 2nd Street, P.O. Box 38
Bonner Springs, KS 66012-0038

Dear Don;

As per our conversations concerning our intent to build a 25' x 50' building addition adjoining our existing building to house our air compressor equipment, CSM would like to request a "waiver" of Section 10: Site Plans, Paragraph 5, Site Plan Review Criteria, subparagraph 3, "The building design shall include a variety of materials, with a maximum of 70% of any one material on all elevations of the structure."

As the proposed structure will be attached to the existing building, it will be a minor addition to the much larger parent structure. The existing building is brown sheet steel above the 14 feet high white concrete wall. The proposed structure will set just above current grade level, and the roof will tie into the existing building a few feet above the white concrete. Our intent is to match the brown sheet steel as close as practical with currently available materials. This sheet steel will be used on the 3 new walls, with a light color on the roof and doors.

Thanks for your consideration.

Sincerely,

A handwritten signature in blue ink that reads "Mike Brune". The signature is fluid and cursive, with a long horizontal stroke at the end.

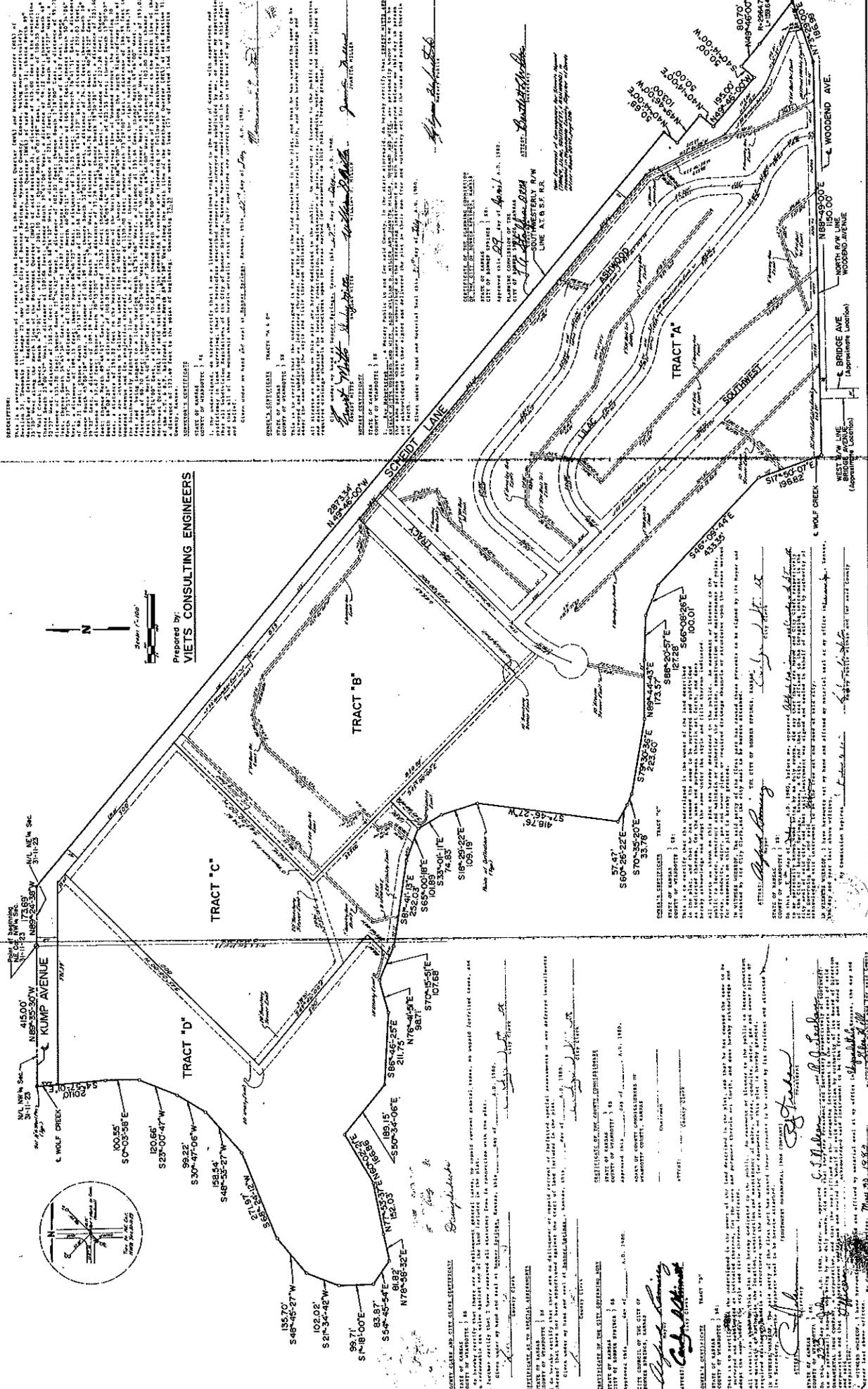
Mike Brune
Sr Corporate Engineer
CSM Bakery Products

WOLF CREEK INDUSTRIAL PARK

FINAL PLAT

Sub 24 Reg 26-5-187

June 1, 1960
S. J. Willem



Prepared by
VIETS CONSULTING ENGINEERS

GENERAL NOTES:
 1. This plat is a plat of land in the County of Adams, State of Kansas, and is subject to the provisions of the Act of the Legislature of the State of Kansas, approved March 23, 1909, and amended by the Act of the Legislature of the State of Kansas, approved March 23, 1911, and the Act of the Legislature of the State of Kansas, approved March 23, 1913, and the Act of the Legislature of the State of Kansas, approved March 23, 1915, and the Act of the Legislature of the State of Kansas, approved March 23, 1917, and the Act of the Legislature of the State of Kansas, approved March 23, 1919, and the Act of the Legislature of the State of Kansas, approved March 23, 1921, and the Act of the Legislature of the State of Kansas, approved March 23, 1923, and the Act of the Legislature of the State of Kansas, approved March 23, 1925, and the Act of the Legislature of the State of Kansas, approved March 23, 1927, and the Act of the Legislature of the State of Kansas, approved March 23, 1929, and the Act of the Legislature of the State of Kansas, approved March 23, 1931, and the Act of the Legislature of the State of Kansas, approved March 23, 1933, and the Act of the Legislature of the State of Kansas, approved March 23, 1935, and the Act of the Legislature of the State of Kansas, approved March 23, 1937, and the Act of the Legislature of the State of Kansas, approved March 23, 1939, and the Act of the Legislature of the State of Kansas, approved March 23, 1941, and the Act of the Legislature of the State of Kansas, approved March 23, 1943, and the Act of the Legislature of the State of Kansas, approved March 23, 1945, and the Act of the Legislature of the State of Kansas, approved March 23, 1947, and the Act of the Legislature of the State of Kansas, approved March 23, 1949, and the Act of the Legislature of the State of Kansas, approved March 23, 1951, and the Act of the Legislature of the State of Kansas, approved March 23, 1953, and the Act of the Legislature of the State of Kansas, approved March 23, 1955, and the Act of the Legislature of the State of Kansas, approved March 23, 1957, and the Act of the Legislature of the State of Kansas, approved March 23, 1959, and the Act of the Legislature of the State of Kansas, approved March 23, 1961, and the Act of the Legislature of the State of Kansas, approved March 23, 1963, and the Act of the Legislature of the State of Kansas, approved March 23, 1965, and the Act of the Legislature of the State of Kansas, approved March 23, 1967, and the Act of the Legislature of the State of Kansas, approved March 23, 1969, and the Act of the Legislature of the State of Kansas, approved March 23, 1971, and the Act of the Legislature of the State of Kansas, approved March 23, 1973, and the Act of the Legislature of the State of Kansas, approved March 23, 1975, and the Act of the Legislature of the State of Kansas, approved March 23, 1977, and the Act of the Legislature of the State of Kansas, approved March 23, 1979, and the Act of the Legislature of the State of Kansas, approved March 23, 1981, and the Act of the Legislature of the State of Kansas, approved March 23, 1983, and the Act of the Legislature of the State of Kansas, approved March 23, 1985, and the Act of the Legislature of the State of Kansas, approved March 23, 1987, and the Act of the Legislature of the State of Kansas, approved March 23, 1989, and the Act of the Legislature of the State of Kansas, approved March 23, 1991, and the Act of the Legislature of the State of Kansas, approved March 23, 1993, and the Act of the Legislature of the State of Kansas, approved March 23, 1995, and the Act of the Legislature of the State of Kansas, approved March 23, 1997, and the Act of the Legislature of the State of Kansas, approved March 23, 1999, and the Act of the Legislature of the State of Kansas, approved March 23, 2001, and the Act of the Legislature of the State of Kansas, approved March 23, 2003, and the Act of the Legislature of the State of Kansas, approved March 23, 2005, and the Act of the Legislature of the State of Kansas, approved March 23, 2007, and the Act of the Legislature of the State of Kansas, approved March 23, 2009, and the Act of the Legislature of the State of Kansas, approved March 23, 2011, and the Act of the Legislature of the State of Kansas, approved March 23, 2013, and the Act of the Legislature of the State of Kansas, approved March 23, 2015, and the Act of the Legislature of the State of Kansas, approved March 23, 2017, and the Act of the Legislature of the State of Kansas, approved March 23, 2019, and the Act of the Legislature of the State of Kansas, approved March 23, 2021, and the Act of the Legislature of the State of Kansas, approved March 23, 2023, and the Act of the Legislature of the State of Kansas, approved March 23, 2025.

STATE OF KANSAS
 COUNTY OF ADAMS
 APPROVED this 1st day of June, A.D. 1960.
 J. J. Willem, County Clerk