



City of Bonner Springs

PLANNING COMMISSION AGENDA

CITY HALL COUNCIL CHAMBERS

TUESDAY, MARCH 24, 2015

STUDY SESSION @ 6:00 P.M.

REGULAR MEETING @ 7:00 P.M.

PLANNING COMMISSION MEMBERS:

PLEASE CONTACT DON SLONE @ (913) 667-1708

NO LATER THAN 12:00 NOON, TUESDAY, MARCH 24, 2015,

IF YOU WILL BE UNABLE TO ATTEND

PREPARED BY:

DON E. SLONE, AICP, CFM
PLANNING DIRECTOR – FLOODPLAIN MANAGER

PEOPLE

PLANNING

PROGRESS

**City of Bonner Springs
Planning Commission Agenda
Tuesday, March 24, 2015**

Study Session 6:00 p.m.

- Planning Commissioner Training on the "Planning and Development Process".

Planning Commission Meeting – 7:00 p.m.

Call to Order: Time: _____

Roll Call:

ITEM NO. 1: Approval of Minutes: The regular Planning Commission meeting held February 24, 2015.

Motion: _____ Second: _____

1. Board Discussion

For: _____ #Against: _____

New Business:

ITEM NO. 2: Zoning Ordinance Amendment: BSZP-125: "Board of Zoning Appeals" A request by the Planning Commission to consider an amendment to the Zoning Ordinance, Article XXVI: Board of Zoning Appeals, Section 1: Appointments to consider the appointment of five (5) members of the Planning Commission to assume the duties of the Board of Zoning Appeals. *(This item will be forwarded to the Governing Body on April 13, 2015)*

Open Public Hearing Time: _____

1. Staff Presentation
2. Public Comment

Close Public Hearing Time: _____

Motion: _____ Second: _____

3. Board Discussion

For: _____ #Against: _____

ITEM NO. 3: Comprehensive Plan Change: BSCP-23: "Triangle Self Storage" a request to amend the Future Land Use Map of the Comprehensive Plan to change the Land Use designation for 5.82 acres from a Public/Semi-Public designation to a Commercial designation. Requested by Wil Anderson, BHC Rhodes for Charles Woodard, Triangle Self Storage LLC, property owners of record. This amendment is to support the change in zoning from A-1, Agricultural District to C-S, Highway Service District to allow for the construction of additional self-storage located at 399 N. 130th Street. *(This item will be forwarded to the Governing Body on April 13, 2015)*

Open Public Hearing Time: _____

1. Staff Presentation / Applicants Presentation
2. Public Comment

Close Public Hearing Time: _____

Motion: _____ Second: _____

3. Board Discussion

For: _____ #Against: _____

ITEM NO. 4: Rezoning: BSZ-130: "Triangle Self Storage" a request to rezone 5.82 acres from an A-1, Agricultural District to a C-S, Highway Service District classification. Requested by Wil Anderson, BHC Rhodes for Charles Woodard, Triangle Self Storage LLC, property owners of record. This amendment is to change the zoning classification to allow for the construction of additional self-storage located at 399 N. 130th Street. *(This item will be forwarded to the Governing Body on April 13, 2015)*

Open Public Hearing Time: _____

1. Staff Presentation / Applicants Presentation
2. Public Comment

Close Public Hearing Time: _____

Motion: _____ Second: _____

3. Board Discussion

For: _____ #Against: _____

ITEM NO. 5: Preliminary Plat: PT-15-100, "Ensign Commercial Second Plat" this request is to amend the preliminary plat for Ensign Commercial approved on April 13, 2005 that consisted of two (2) lots. This request is in order to plat an additional 5.82 acres acquired from the AG Hall of Fame. Requested by Wil Anderson, BHC Rhodes for Charles Woodard, Triangle Self Storage LLC, property owners of record. The subject property is zoned C-S, Highway Service District under Case No. BSZ-130 located at 399 N. 130th Street.

1. Staff Presentation / Applicants Presentation
2. Public Comment

Motion: _____ Second: _____

3. Board Discussion

For: _____ #Against: _____

ITEM NO. 6: Final Plat: PT-15-100, "Ensign Commercial Second Plat" this request is to "replat" 5.32 acres and "plat" 5.82 acres for a one lot subdivision containing 11.14 acres. Requested by Wil Anderson, LS, BHC Rhodes for Charles Woodard, Triangle Self Storage LLC, property owners of record. The subject property is zoned C-S, Highway Service District and is located at 399 N. 130th Street. *(This item will be forwarded to the Governing Body on April 13, 2015)*

1. Staff Presentation / Applicants Presentation
2. Public Comment

Motion: _____ Second: _____

3. Board Discussion

For: _____ #Against: _____

Adjournment Time: _____

ITEM NO. 1

Approval of Minutes of the February 24, 2015 Planning Commission Meeting

PLANNING COMMISSION AGENDA

Tuesday, March 24, 2015 – 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 the Planning Commission meeting Minutes.

NARRATIVE: The minutes of the February 24, 2015 meeting are attached.

PLANNING COMMISSION MEETING MINUTES
Tuesday, February 24, 2015 @ 7:00 p.m.

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

PRESENT: Don Slone, AICP, CFM, Planning Director – Floodplain Manager

Chairman Parks called the meeting to order at 7:07 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 September 23, 2014 Planning Commission meeting. Commissioner Stephan made a motion to approve the minutes as written with a second from Commissioner Mesmer. Chairman Parks asked if there were any questions or comments about the minutes. Seeing none, he called for the vote. The minutes were approved by unanimous vote.

NEW BUSINESS:

Chairman Parks introduced **Item No. 2: Lot Split: LS-117: “Benz Lot Split”**, is for 1.416 acres platted as Part of Tracts 5 and 6, John W. McDaniels Subdivision zoned R-1, Single-Family Residential District. Requested by Larry T. Hahn, LS, Hahn Surveying for Carol A. Benz, property owner of record. The property is located at 626 N. Nettleton Avenue.

Chairman Parks asked for Staff presentation. The Planning Director stated that this item has been withdrawn by the applicant at the request of the property owner. No further action required.

Chairman Parks introduced **Item No. 3: Lot Split: LS-118: “Hopkins Lot Split”**, is for 0.76 acres platted as Part of Lot 1, East Grandview zoned R-1, Single-Family Residential District. Requested by Larry T. Hahn, LS, Hahn Surveying for Mark D. Hopkins, property owner of record. The property is located at 541 W. Morse Avenue.

Chairman Parks asked for Staff presentation. The Planning Director stated that this item has been tabled by the applicant at the request of the property owner. No further action required at this time.

Chairman Parks asked if there was any further business. Seeing none, he adjourned the meeting at 7:08 p.m.

Don E. Slone, AICP, CFM, Secretary

ITEM NO. 2

Zoning Ordinance Amendment: BSZP-125: "Board of Zoning Appeals" A request by the Planning Commission to consider an amendment to the Zoning Ordinance, Article XXVI: Board of Zoning Appeals, Section 1: Appointments to consider the appointment of five (5) members of the Planning Commission to assume the duties of the Board of Zoning Appeals.

PLANNING COMMISSION AGENDA

Tuesday, March 24, 2015 – 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 April 13, 2015.

To: Planning Commission
From: Don E. Slone, AICP, CFM, Planning Director – Floodplain Manager
Subject: **Zoning Ordinance Amendment: BSZP-125: “Board of Zoning Appeals (BZA)”**

Exhibits: K.S.A. 12-759: Board of Zoning Appeals and Affidavit in Proof of Publication.

Recommendation:

The Planning Director recommends the Planning Commission consider an amendment to the Zoning Ordinance, Article XXVI, Board of Zoning Appeals, Section 1: Appointments for the purpose of selecting five (5) members of the Planning Commission to assume the duties of the Board of Zoning Appeals. Furthermore, the Planning Director recommends that five (5) members serve on both the Planning Commission and Board of Zoning Appeals. The amendments recommended to Article XXVI, Section 1: Appointments are shown below in Legislative Format.

Background:

The Zoning Ordinance, Article XXVI: Board of Zoning Appeals (BZA) was last revised on January 6, 1992. Since that time, the BZA has operated independently with members appointed by the Mayor with the approval of the City Council.

The BZA is a separate body from the Planning Commission. The BZA consists of five (5) members who act in a quasi-judicial capacity to consider variances, appeals or interpretations. Over the past 10 years, the BZA met only nine times, with seven of those meetings to consider a variance. The last meeting was held on July 24, 2012. Due to the limited number of meetings with the BZA, it is very difficult to schedule a meeting for training purposes only.

Discussion:

Due to the fact the BZA meets so little, it is very difficult to retain proficient members and provide the “necessary training” for them to remain proficient. The City of Kansas City, Kansas had some of the same issues with their BZA and recently incorporated the duties of the BZA into selected members of the Planning Commission.

To consolidate the duties of the BZA with members selected from the Planning Commission makes sense as it will allow for better training opportunities as well as BZA meeting coordination.

I contacted all five (5) members of the BZA and they all thought it was a very good idea to select members of the Planning Commission to assume the duties of the BZA “as long as they meet separately from the Planning Commission”.

The Planning Commission discussed the recommended changes to the Board of Zoning Appeals and gave unanimous consent during their Study Session on February 24, 2015 and directed the publication for a Public Hearing Notice to amend the Zoning Ordinance for their next meeting on March 24, 2015.

I solicited five (5) volunteers from the Planning Commission to be considered for appointment to the BZA if the amendments to the Zoning Ordinance are recommended for approval after the Public Hearing with final approval by the Governing Body to assume the duties as both Planning Commissioner and BZA member. I received the following five (5) volunteers: Lloyd Mesmer, Sherri Neff, Merle Parks, Craig Stephan and Mark Yates.

State Law specifically states that the Planning Commission may be designated as a Board of Zoning Appeals under K.S.A. 12-759(g) states: “A planning commission also may be designated as a board of zoning appeals under this section.” (*See attached*)

If this amendment is approved, and five (5) members of the Planning Commission are appointed to assume the duties of the BZA, the training for the BZA will improve significantly as they will be able to meet at least once a year. The BZA will also meet the requirement for annual elections to elect a chairman, vice-chairman and secretary.

The Planning Director recommends the following amendments to Article XXVI, Section 1 as shown below in legislative format:

ARTICLE XXVI

BOARD OF ZONING APPEALS

SECTION 1. APPOINTMENTS: A Board of Zoning Appeals is hereby created. The term 'Board' when used in this Ordinance shall mean and refer to the Board of Zoning Appeals. The Board shall consist of five (5) ~~but not more than seven (7)~~ members of the Planning Commission to be appointed by the Mayor with the approval of the City Council. The members of the Board shall serve without compensation. All of the members of the Board shall be residents of the City of Bonner Springs. However, if the Governing Body enacts zoning regulations which affect land outside the corporate limits of the City, at least one (1) member of the Board shall be a resident of the area outside the City's Limits. ~~None of the members shall hold any other public office of the City, except that one member shall be a member of the Bonner Springs Planning Commission.~~ The members shall be appointed for a term of three (3) years to coincide with their term on the Planning Commission. ~~It is specifically provided, however, that on the effective date of this ordinance the members of the existing Board of Zoning Appeals now in existence immediately prior to this date shall be and are hereby constituted as the Board of Zoning Appeals hereby created, and the terms of the then members of said Board shall expire on the same dates as were established at the time of the most recent appointment of each such members or until their successors are duly appointed and qualified. Thereafter, all appointments shall be made for a term of three (3) years. (Revised, Ordinance No. 1630)~~

~~One member of the Planning Commission shall be appointed to the Board in the same manner as other members of the Board. In the event such member's term on the Planning Commission shall expire prior to the expiration of the term on the Board, and in the event such member is not reappointed on the Planning Commission, his or her position on the Board shall become vacant simultaneously with the expiration of his or her appointment to the Planning Commission.~~

While the members shall serve on both the Planning Commission and the Board of Zoning Appeals they shall hold a separate meeting, which may be a time of their choosing, as the Board of Zoning Appeals.

A member of such Board, once qualified, can thereafter be removed during the term of office, only for cause and after public hearing. In the event of the death, resignation or removal of any such member before the expiration of the term, a successor shall be appointed by the Mayor and confirmed by the City Council to serve the unexpired term.

12-759: Same; board of zoning appeals; membership; vacancies; powers; fees; variances; exceptions. (a) Any governing body which has enacted a zoning ordinance or resolution shall create a board of zoning appeals by adoption of the appropriate ordinance or resolution. Such board shall consist of not less than three nor more than seven members. If a city enacts zoning regulations which affect land outside the corporate limits of such city, at least one member of the board shall be a resident of the area outside the city's limits. The members first appointed shall serve respectively for terms of one, two and three years, divided equally or as nearly equally as possible among the members. Thereafter the terms of the members may be changed to either three or four years, whichever is deemed to be in the best interest of the city or county. Vacancies shall be filled by appointment for the unexpired terms. The members of such board shall serve without compensation. The board annually shall elect one of its members as chairperson, and shall appoint a secretary who may be an officer or an employee of the city or county. The board shall adopt rules in accordance with the provisions of the ordinance or resolution creating the board. Meetings of the board shall be held at the call of the chairperson and at such other times as the board may determine. The board shall keep minutes of its proceedings, showing evidence presented, findings of fact by the board, decisions of the board and the vote upon each question. Records of all official actions of the board shall be filed in its office and shall be a public record. The governing body, in the ordinance or resolution creating such board, may establish a scale of reasonable fees to be paid in advance by the party appealing. Any two or more cities or counties which have established a joint planning commission may establish a joint board of zoning appeals.

(b) Any board of zoning appeals in existence on the effective date of this act shall continue in existence, but shall be governed by the provisions of this act.

(c) The board of zoning appeals shall administer the details of appeals from or other matters referred to it regarding the application of the zoning ordinance or resolution as hereinafter provided. The board shall fix a reasonable time for the hearing of an appeal or any other matter referred to it. Notice of the time, place and subject of such hearing shall be published once in the official city newspaper in the case of a city and in the official county newspaper in the case of a county at least 20 days prior to the date fixed for hearing. A copy of the notice shall be mailed to each party to the appeal and to the appropriate planning commission.

(d) Appeals to the board of zoning appeals may be taken by any person aggrieved, or by any officer of the city, county or any governmental agency or body affected by any decision of the officer administering the provisions of the zoning ordinance or resolution. Such appeal shall be taken within a reasonable time as provided by the rules of the board, by filing a notice of appeal specifying the grounds thereof and the payment of the fee required therefor. The officer from whom the appeal is taken, when notified by the board or its agent, shall transmit to the board all the papers constituting the record upon which the action appealed from was taken. The board shall have power to hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of the zoning ordinance or resolution. In exercising the foregoing powers, the board, in conformity with the provisions of this act, may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination, and to that end shall have all the powers of the officer from whom the appeal is taken, may attach appropriate conditions, and may issue or direct the issuance of a permit.

(e) When deemed necessary by the board of zoning appeals, the board may grant variances and exceptions from the zoning regulations on the basis and in the manner hereinafter provided: (1) To authorize in specific cases a variance from the specific terms of the regulations which will not be contrary to the public interest and where, due to special conditions, a literal enforcement of the provisions of the regulations, in an individual case, results in unnecessary hardship, and provided that the spirit of the regulations shall be observed, public safety and welfare secured, and substantial justice done. Such variance shall not permit any use not permitted by the zoning regulations in such district. A request for a variance may be granted in such case, upon a finding by the board that all of the following conditions have been met: (A) That the variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone or district; and is not created by an action or actions of the property owner or the applicant; (B) that the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents; (C) that the strict application of the provisions of the zoning regulations of which variance is requested will constitute unnecessary hardship upon the property owner represented in the application; (D) that the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare; and (E) that granting the variance desired will not be opposed to the general spirit and intent of the zoning regulations; and (2) to grant exceptions to the provisions of the zoning regulation in those instances where the board is specifically authorized to grant such exceptions and only under the terms of the zoning regulation. In no event shall exceptions to the provisions of the zoning regulation be granted where the use or exception contemplated is not specifically listed as an exception in the zoning regulation. Further, under no conditions shall the board of zoning appeals have the power to grant an exception when conditions of this exception, as established in the zoning regulation by the governing body, are not found to be present.

(f) Any person, official or governmental agency dissatisfied with any order or determination of the board may bring an action in the district court of the county to determine the reasonableness of any such order or determination. Such appeal shall be filed within 30 days of the final decision of the board.

* (g) A planning commission also may be designated as a board of zoning appeals under this section.

(h) The provisions of this section shall become effective on and after January 1, 1992.

History: L. 1991, ch. 56, § 20; July 1.

Affidavit in Proof of Publication

STATE OF KANSAS
Wyandotte County

(First published in the
Bonner Springs Chieftain,
Thursday, February 26,
2015)

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

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

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

The Planning Commission
will hold a public hearing
on Tuesday, March 24, 2015
at 7:00 p.m. at City Hall in
the Council Chambers, 205
E. 2nd Street, Bonner
Springs, Kansas. The pur-
pose of the public hearing
is to receive public com-
ment for:

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.

**Zoning Ordinance Amend-
ment: BSZP-125: "Board
of Zoning Appeals"**, A re-
quest by the Planning
Commission to consider
an amendment to the Zon-
ing Ordinance, Article
XXVI; Board of Zoning Ap-
peals, Section 1: Appoint-
ments to consider the ap-
pointment of five (5) mem-
bers of the Planning Com-
mission to assume the du-
ties of the Board of Zoning
Appeals.

That the attached notice is a true copy thereof and was
published in the regular and entire issue of said newspaper for
1 consecutive weeks the first publication thereof being made as
aforesaid on 02/26/2015 with publications being made on the
following dates:

Questions or comments
may be addressed to Don
E. Stone, AICP, CFM, Plann-
ing Director at (913)
667-1708 or by email to
dslone@bonnersprings.org

02/26/2015

Persons who wish to be
heard will be given an op-
portunity to make com-
ments at the public hear-
ing.

Subscribed and sworn to before me this

/s/ Don E. Stone, AICP, CFM
Planning Commission Sec-
retary

Notary Public

My Appointment expires: March 15, 2015

Notary And Affidavit	\$0.00
Additional Copies	\$0.00
Publication Charges	\$37.40
	<hr/>
	\$37.40



ITEM NO. 3

Comprehensive Plan Change: BSCP-23: "Triangle Self Storage" a request to amend the Future Land Use Map of the Comprehensive Plan to change the Land Use designation for 5.82 acres from a Public/Semi-Public designation to a Commercial designation. Requested by Wil Anderson, BHC Rhodes for Charles Woodard, Triangle Self Storage LLC, property owners of record. This amendment is to support the change in zoning from A-1, Agricultural District to C-S, Highway Service District to allow for the construction of additional self-storage located at 399 N. 130th Street.

PLANNING COMMISSION AGENDA Tuesday, March 24, 2015 – 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 April 13, 2015.

COMPREHENSIVE PLAN CHANGE: “TRIANGLE SELF STORAGE”

Case No.: BSCP-23
Applicant: Wil Anderson, LS, BHC Rhodes
Owners: Charles Woodard, Triangle Self Storage LLC
Location: 399 N. 130th Street
Tract Size: 5.82 acres
Zoning: A-1, Agricultural District to C-S, Highway Service District (Case No. BSZ-130)
Land Use Designation: Public/Semi-Public Designation to a Commercial Designation

Exhibits: Future Land Use Map, Comp. Plan Change Exhibit and Affidavit in Proof of Publication.

Staff Recommendation:

Staff recommends approval of the change to the Future Land Use Map of the Comprehensive Plan for 5.82 acres from a Public/Semi-Public designation to a Commercial designation based upon the Factors for Consideration presented below and forward it to the Governing Body with a recommendation for approval.

General Information:

The applicant requested a change in the Land Use Designation on the Future Land Use Map in order to rezone the subject property from A-1, Agricultural District to C-S, Highway Service District. In order to approve the rezoning request, the Future Land Use Map for the subject property should be in conformance with the Comprehensive Plan.

In view of the fact the ownership of the subject property changed now renders the Public/Semi-Public designation no longer appropriate, the Future Land Use map must be changed to accommodate the new land use.

Factors For Consideration:

The Future Land Use Map of the Comprehensive Plan was last adopted in 2008. After reviewing the adopted Future Land Use Map, the Land Use Designation for the subject property is Public/Semi-Public.

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

- For reference purposes, the original development for this property known as “Ensign Commercial” was originally designed for a mini-storage facility (Ensign Storage), a car wash (Buggy Bath Car Wash) and a convenience store (QuikTrip) in the 2005-2006 timeframe; and
- Since the adoption of the Comprehensive Plan “Vision 2025” on March 24, 2008, there have been no significant changes to the surrounding area other than the K-7 and I-70 Interchange project for Phases 1-3.

2. Traffic Counts and Pattern Changes?

- 130th Street was improved to a four lane road in 1997 that has allowed better access and visibility that is needed for commercial type developments.; and
- The annual average 24 hour traffic counts in the area around K-7 Highway at 130th Street was approximately 23,100 cars per day per KDOT’s Traffic Count Map dated June 30, 2010.

3. Utility/Infrastructure Changes?

- A new sanitary sewer force main was installed in 2005 to support the Ensign Commercial Development; and
- All public utilities are currently available to the subject property.

4. Status of Floodplain/Hydrology?

- No portion of the subject property is within the 100-year Floodplain as indicated on the current effective Flood Insurance Rate Maps effective on September 2, 2011.

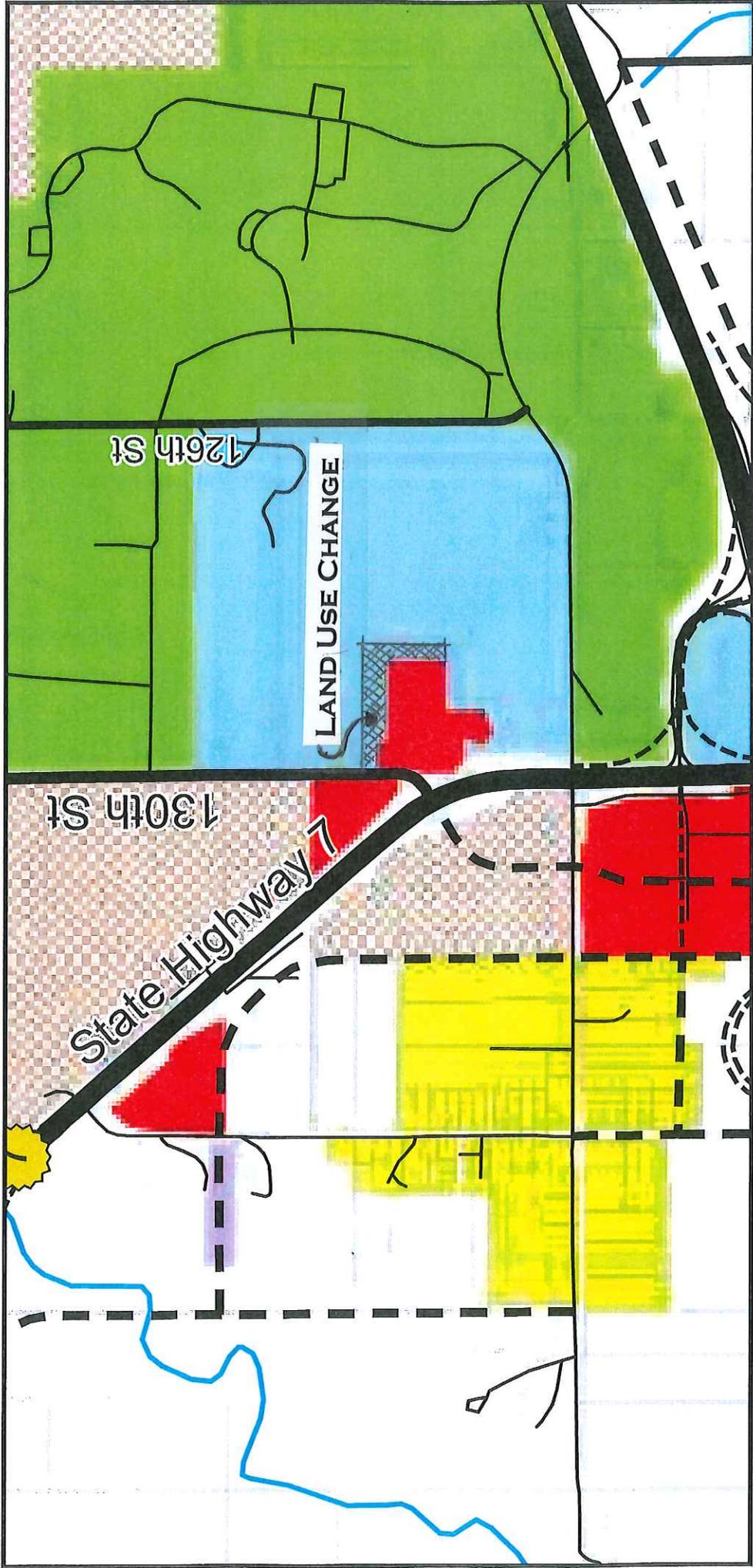
5. Changes in Surrounding Land Use?

- The only changes in the surrounding land use are Phases 1- 3 of the K-7 & I-70 Interchange.

TRIANGLE SELF STORAGE

COMPREHENSIVE PLAN CHANGE: BSCP-23

FUTURE LAND USE MAP



Affidavit in Proof of Publication

STATE OF KANSAS
Wyandotte County

Shanice Varnado 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 02/26/2015 with publications being made on the following dates:

02/26/2015

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	\$46.20
	<hr/>
	\$46.20

(First published in the Bonner Springs Chieftain, Thursday, February 26, 2015)

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

The Planning Commission will hold a public hearing on Tuesday, March 24, 2015 at 7:00 p.m. at City Hall in the Council Chambers, 205 E. 2nd Street, Bonner Springs, Kansas. The purpose of the public hearing is to receive public comment for:

Comprehensive Plan Change: BSCP-23:

"Triangle Self Storage" Request to amend the Future Land Use Map of the Comprehensive Plan changing the land use designation for 5.82 acres from Public/Semi-Public designation to a Commercial designation; and

Rezoning: BSZ-130:

"Triangle Self Storage" A request to rezone 5.82 acres from an A-1, Agricultural District classification to a C-S, Highway Service District classification.

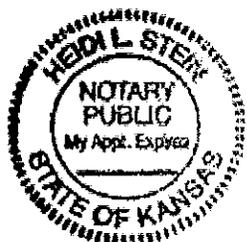
Requested by Wil Anderson, LS, BHC Rhodes for Charles Woodward, Triangle Self Storage, LLC, property owners of record. These amendments are to change the current Future Land Use designation and Zoning classification to allow for the future expansion of the existing self-storage facility located at 399 N. 130th Street.

The complete legal description and application for the above items are available for public inspection

at the Bonner Springs Planning Department, 205 E. 2nd Street, to Don E. Slone, AICP, CFM, Planning Director at (913) 667-1708 or by email to ds lone@bonnersprings.org

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

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



ITEM NO. 4

Rezoning: BSZ-130: "Triangle Self Storage" a request to rezone 5.82 acres from an A-1, Agricultural District to a C-S, Highway Service District classification. Requested by Wil Anderson, BHC Rhodes for Charles Woodard, Triangle Self Storage LLC, property owners of record. This amendment is to change the zoning classification to allow for the construction of additional self-storage located at 399 N. 130th Street.

PLANNING COMMISSION AGENDA

Tuesday, March 24, 2015 – 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 April 13, 2015.

REZONING: "TRIANGLE SELF STORAGE"

Case No.: BSZ-130
Applicant: Wil Anderson, LS, BHC Rhodes
Owners: Charles Woodard, Triangle Self Storage LLC
Location: 399 N. 130th Street
Tract Size: 5.82 acres
Zoning: A-1, Agricultural District to C-S, Highway Service District
Land Use
Designation: Commercial Designation (See Case No. BSCP-23)

Exhibits: Official Zoning Map; Rezoning Exhibit and the Affidavit in Proof of Publication.

Staff Recommendation:

Staff recommends approval of the request to rezone 5.82 acres from A-1, Agricultural District to C-S, Highway Service District based upon the Staff Findings presented below and to forward it to the Governing Body with a recommendation for approval, subject to four (4) conditions:

1. Approval of the Comprehensive Plan Change: BSCP-23;
2. Platting of the subject property;
3. 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 Land Use designation and Zoning classification shall revert back to the prior designation and classification; and
4. Upon completion of all the above conditions, the Planning Director shall amend the Future Land Use Map and Official Zoning Map to reflect the changes approved under BSCP-23 and BSZ-130.

General Information:

Current Zoning and Land Use: A-1 (Agricultural District) vacant, agricultural uses;

Surrounding Zoning and Land Use: A-1 (Agricultural District) to the north and east with a special use permit for the AG Hall of Fame, Cricket Wireless Amphitheater, KC Renaissance Festival and Sunflower Hills Golf Course; and

C-S (Highway Service District) to the south and west with Ensign Storage, Buggy Bath Car Wash, QuikTrip Convenience Store and Feldman’s Farm & Home Store.

Staff Findings:

- I. **CHARACTER OF THE NEIGHBORHOOD** – This area transitioned from a rural setting in the past to a commercial highway node. The Feldman’s Farm & Home, Sunflower Hills Golf Course, AG Hall of Fame, Cricket Wireless Amphitheater, Ensign Storage, Buggy Bath Car Wash and the QuikTrip Convenience Store brought about a major change to character to this entire area.
 - **Staff Finding** – This area is remains in transition to commercial uses to support the adjacent attractions that have been constructed over the past several years.
- II. **ZONING AND USES OF PROPERTY NEARBY** – The zoning and uses of the nearby properties are listed above under General Information.
 - **Staff Finding** – The zoning and uses of the nearby properties are listed above under General Information.

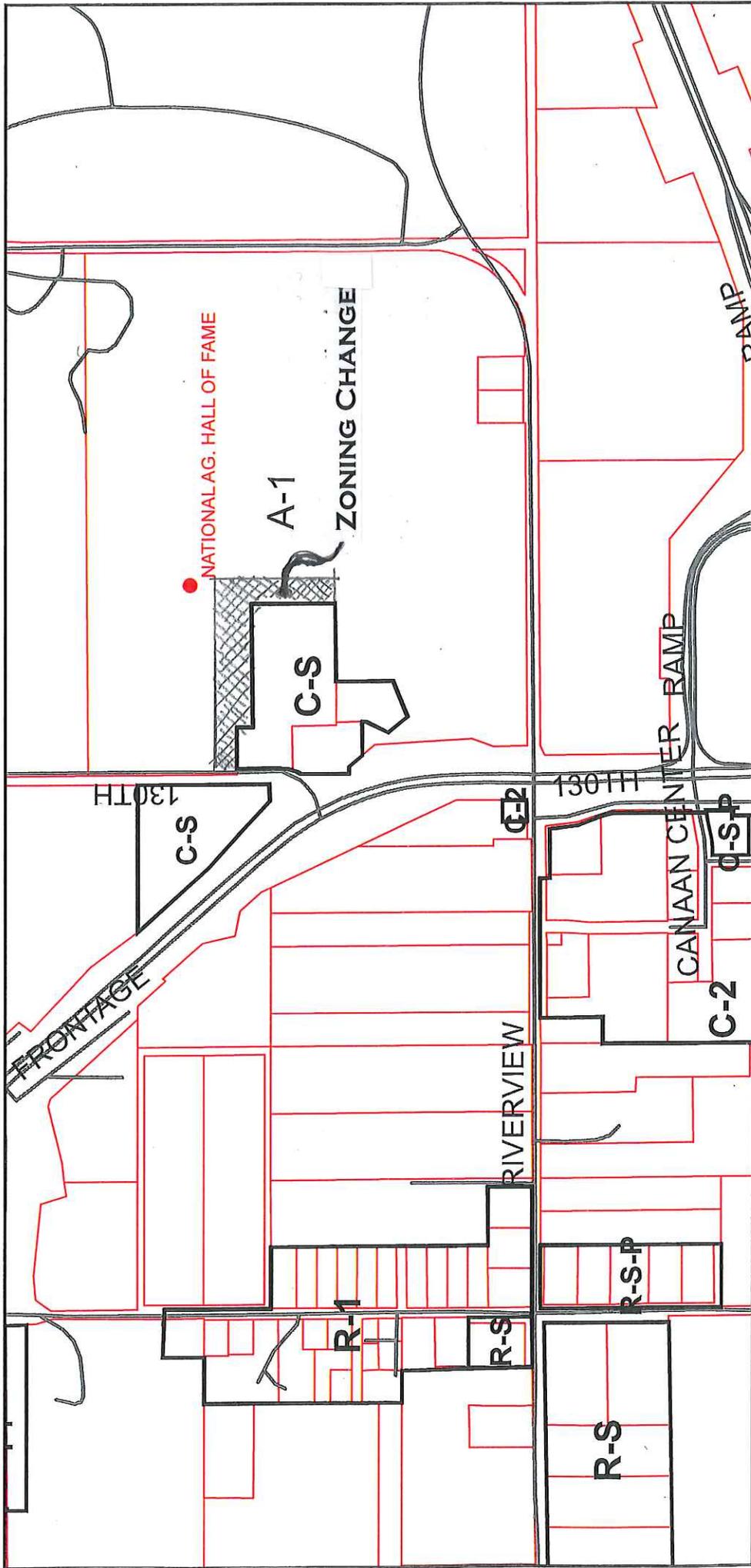
- III. **SUITABILITY OF THE SUBJECT PROPERTY FOR THE USES TO WHICH IT HAS BEEN RESTRICTED** – The property is currently vacant and was under the AG Hall of Fame’s Special Use Permit granted prior to purchase. The proposed uses are not allowed with the Public/Semi-Public designation; however, rezoning of the subject property to the abutting zoning for the existing mini-storage facility to the south is the appropriate action.
- **Staff Finding** – The proposed uses are not allowed by Special Use Permit; therefore, rezoning the subject property is the appropriate action.
- IV. **EXTENT TO WHICH REMOVAL OF THE RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTY** – The removal of the present zoning will not have a detrimental effect on nearby properties as the subject property is bound commercial zoning to the south and west with agricultural zoning to the north and east that was acquired from the AG Hall of Fame by the property owners.
- **Staff Finding** – The surrounding area is used for commercial purposes, therefore the change in zoning will not detrimentally effect nearby properties.
- V. **LENGTH OF TIME THE SUBJECT PROPERTY HAS REMAINED VACANT AS ZONED** – The subject property has never been developed except for agricultural uses by the AG Hall of Fame.
- **Staff Finding** – The subject property has never been developed except for agricultural uses.
- 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 this application could destroy the value of the petitioner’s property as it could not be used for agricultural purposes due to its location and size. In staff’s opinion, there is no measurable benefit to the public health, safety and welfare to deny this application.
- **Staff Finding** – Denial of this application could destroy the value of the petitioner’s property as it could not be used for agricultural purposes due to its size and location.
- VII. **AVAILABILITY AND ADEQUACY OF REQUIRED UTILITIES AND SERVICES TO SERVE THE PROPOSED USE** – All public utilities are available to the subject property. The owner/developer will be required to extend public services within the development if the land use is different from proposed mini-storage expansion and will be reviewed and approved during the site plan process.
- **Staff Finding** – All public utilities are available to the subject property. The owner/developer will be required to extend public services within the development and will be reviewed and approved during the site plan process.
- VIII. **CONFORMANCE WITH THE COMPREHENSIVE PLAN** – This property is currently Public/Semi-Public with commercial uses allowed by special use permit for the AG Hall of Fame prior to purchase by the owners.
- **Staff Finding** – If BSCP-23 is approved, then the rezoning will be in conformance with the Comprehensive Plan changing the land use designation from Public/Semi-Public to Commercial. If BSCP-23 is denied, this request will not be in conformance.

IX. **PROFESSIONAL STAFF RECOMMENDATION**

Staff recommends approval of the request to rezone 5.82 acres from A-1, Agricultural District to C-S, Highway Service District based upon the Staff Findings presented above and to forward it to the Governing Body with a recommendation for approval, subject to four (4) conditions listed above.

TRIANGLE SELF STORAGE

REZONING: BSZ-130
OFFICIAL ZONING MAP



Affidavit in Proof of Publication

STATE OF KANSAS
Wyandotte County

Shanice Varnado 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 02/26/2015 with publications being made on the following dates:

02/26/2015

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	\$46.20
	<hr/>
	\$46.20

(First published in the Bonner Springs Chieftain, Thursday, February 26, 2015)

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

The Planning Commission will hold a public hearing on Tuesday, March 24, 2015 at 7:00 p.m. at City Hall in the Council Chambers, 205 E. 2nd Street, Bonner Springs, Kansas. The purpose of the public hearing is to receive public comment for:

Comprehensive Plan Change: BSCP-23: "Triangle Self Storage" Request to amend the Future Land Use Map of the Comprehensive Plan changing the land use designation for 5.82 acres from Public/Semi-Public designation to a Commercial designation; and
Rezoning: BSZ-130: "Triangle Self Storage" A request to rezone 5.82 acres from an A-1, Agricultural District classification to a C-S, Highway Service District classification. Requested by Wil Anderson, LS, BHC Rhodes for Charles Woodward, Triangle Self Storage, LLC, property owners of record. These amendments are to change the current Future Land Use designation and Zoning classification to allow for the future expansion of the existing self-storage facility located at 399 N. 130th Street.

The complete legal description and application for the above items are available for public inspection

tion at the Bonner Springs Planning Department, 205 E. 2nd Street, to Don E. Slone, AICP, CFM, Planning Director at (913) 667-1708 or by email to dslone@bonnersprings.org

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

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



ITEM NO. 5

Preliminary Plat: PT-15-100, "Ensign Commercial Second Plat" this request is to amend the preliminary plat for Ensign Commercial approved on April 13, 2005 that consisted of two (2) lots. This request is in order to plat an additional 5.82 acres acquired from the AG Hall of Fame. Requested by Wil Anderson, BHC Rhodes for Charles Woodard, Triangle Self Storage LLC, property owners of record. The subject property is zoned C-S, Highway Service District under Case No. BSZ-130 located at 399 N. 130th Street.

PLANNING COMMISSION AGENDA Tuesday, March 24, 2015 – 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.

PRELIMINARY PLAT: ENSIGN COMMERCIAL SECOND PLAT**Case No.:** PT-15-100**Applicant:** Wil Anderson, LS, BHC Rhodes**Developers:** Triangle Self Storage LLC**Engineer:** BHC Rhodes**Owners:** Triangle Self Storage LLC**Location:** 399 N. 130th Street**Zoning:** C-S, Highway Service District (Case No. BSZ-130)**Land Use Summary:****Total Acreage:** 11.14 acres**Number of Lots:** 1**Easements Dedicated:** As shown on the Preliminary Plat**Dedicated Rights-of-Way:** No additional Right-Of-Way dedicated with this plat**Exhibits:** Preliminary Plat – Ensign Commercial Second Plat and Preliminary Plat – Ensign Commercial**Staff Recommendation:**

The Development Staff recommends approval of the Preliminary Plat subject to (7) conditions:

1. Add the property address under the Lot Number: 399 N. 130th Street;
2. Add a "Easement Dedication Statement" to the face of the final plat drawing as provided by the Planning Department;
3. Provide documentation to address the "Mutual Access Easement" issues identified by the City Engineer as noted below;
4. Provide documentation to address the "Utility Easement" issues identified by the City Engineer as noted below;
5. Provide documentation to address the "Storm Water Detention" issues identified by the City Engineer as noted below;
6. Under the Zoning Block, correct the Current zoning for this current zoning for this property is A-1 – AG Hall to A-1, Agricultural District; and
7. Resubmit two (2) signed sealed full sized paper copies and (1) digital copy of the "revised" Preliminary Plat to the Planning Department that addresses the above conditions.

Background:

This request is to amend the preliminary plat for Ensign Commercial approved on April 13, 2005 that consisted of two (2) lots. This request is to plat an additional 5.82 acres of unplatted vacant ground acquired from the AG Hall of Fame on August 15, 2014 under Document No. 2014R-13072 (3 Pages).

Planning Director's Comments:

1. Add the property address under the Lot Number: 399 N. 130th Street;
2. Add a "Easement Dedication Statement" to the face of the final plat drawing as provided by the Planning Department; and
3. Resubmit two (2) signed sealed full sized paper copies and (1) digital copy of the "revised" Preliminary Plat to the Planning Department that addresses the listed conditions.

Review Comments Received from Other Departments/Agencies**Building Official:** No objections.

City Engineer:

1. I was unable to determine any information regarding the “Mutual Access Easement”. It is not included or identified in the Dedication of the original plat of “Ensign Commercial”. Unless there is an easement granting this “mutual access easement” to the storage unit property, it does not have access;
2. This “Mutual Access Easement” appears to include utility easement uses, however there is no language regarding the existence of the easement or it’s uses;
3. The storm water detention necessary for the storage unit property appears to belong to the Agriculture Hall of Fame property; and
4. These issues need to be resolved before PT-15-100 “Ensign Commercial Second Plat” is approved.

Economic Development Director:

1. Under the Zoning Block, the current zoning is A-1 – AG Hall should be corrected to A-1, Agricultural District.

- | | |
|-------------------------------|-----------------------|
| Public Works Director: | No objections. |
| Utilities Director: | No objections. |
| County Surveyor: | No objections. |
| WYCO Mapping: | No objections. |
| Atmos Energy: | No objections. |
| AT&T: | No objections. |
| Time Warner: | No comments received. |
| Westar Energy: | No objections. |

ITEM NO. 6

Final Plat: PT-15-100, "Ensign Commercial Second Plat" this request is to "replat" 5.32 acres and "plat" 5.82 acres for a one lot subdivision containing 11.14 acres. Requested by Wil Anderson, LS, BHC Rhodes for Charles Woodard, Triangle Self Storage LLC, property owners of record. The subject property is zoned C-S, Highway Service District and is located at 399 N. 130th Street.

PLANNING COMMISSION AGENDA

Tuesday, March 24, 2015 – 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 April 13, 2015.

FINAL PLAT: ENSIGN COMMERCIAL SECOND PLAT**Case No.:** PT-15-100**Applicant:** Wil Anderson, LS, BHC Rhodes**Developers:** Triangle Self Storage LLC**Engineer:** BHC Rhodes**Owners:** Triangle Self Storage LLC**Location:** 399 N. 130th Street**Zoning:** C-S, Highway Service District (Case No. BSZ-130)**Land Use Summary:****Total Acreage:** 11.14 acres**Number of Lots:** 1**Easements Dedicated:** As shown on the Final Plat**Dedicated Rights-of-Way:** No additional Right-Of-Way dedicated with this plat

Exhibits: Final Plat – Ensign Commercial Second Plat, Final Plat – Ensign Commercial, Replat of Lot 2, Ensign Commercial and Lot Split of Lot 1 Ensign Commercial

Staff Recommendation:

The Development Staff recommends approval of the submitted Final Plat subject to (9) conditions:

1. Add a new Note 5: Zoning: C-S, Highway Service District under the General Notes;
2. Add the property address: 399 N. 130th Street under the Lot Number;
3. Add a "Easement Dedication Statement" to the face of the final plat drawing as provided by the Planning Department;
4. Provide documentation to address the "Mutual Access Easement", "Utility Easement" and Storm Water Detention" issues identified by the City Engineer as noted below;
5. Provide the County Surveyor with Section corner ties to his office prior to signing off on the plat;
6. Resubmit one (1) digital copy of the "revised" Final Plat to the Planning Department that addresses all the above conditions for the Planning Director's review and approval prior to submission of the mylars;
7. The 2014 property taxes are required to be paid in full prior to filing the final plat per KSA 19-1207;
8. The surveyor shall furnish two (2) original signed/sealed mylars along with the filing fee of \$20.00 made payable to the Register of Deeds; the "Section Corner(s) Tie Report" and fee as required by KSA-58-2003; and
9. The Planning Department will file the Final Plat and provide a digital copy of the filed Final Plat to the applicant.

Background:

This request is to plat an additional 5.82 acres of unplatted vacant ground acquired from the AG Hall of Fame on August 15, 2014 under Document No. 2014R-13072 (3 Pages).

Planning Director's Comments:

1. Add the property address under the Lot Number: 399 N. 130th Street;
2. Add a "Easement Dedication Statement" to the face of the final plat drawing as provided by the Planning Department; and
3. Add the property zoning, C-S, Highway Service District as a new Note 5 under the General Notes.

Review Comments Received from Other Departments/Agencies

Building Official: No objections.

City Engineer:

1. I was unable to determine any information regarding the "Mutual Access Easement". It is not included or identified in the Dedication of the original plat of "Ensign Commercial". Unless there is an easement granting this "mutual access easement" to the storage unit property, it does not have access;
2. This "Mutual Access Easement" appears to include utility easement uses, however there is no language regarding the existence of the easement or it's uses;
3. The storm water detention necessary for the storage unit property appears to belong to the Agriculture Hall of Fame property; and
4. These issues need to be resolved before PT-15-100 "Ensign Commercial Second Plat" is approved.

Economic Development Director: No objections.

Public Works Director: No objections.

Utilities Director: No objections.

County Surveyor:

1. I found the plat to be satisfactory. I will need Section corner ties submitted by BHC Rhodes to this office prior to me signing off on the plat.

WYCO Mapping: No objections.

Atmos Energy: No objections.

AT&T: No objections.

Time Warner: No comments received.

Westar Energy: No objections.

