



# City of Bonner Springs

## PLANNING COMMISSION AGENDA

CITY HALL COUNCIL CHAMBERS

TUESDAY, JUNE 16, 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, JUNE 16, 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, June 16, 2015**

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

- Planning Commission discussion of the new Digital Flood Insurance Rate Map's (DFIRM's) and Flood Insurance Study (FIS) adoption on September 2, 2015; and
- Planning Commission discussion on Parking Innovations – Planning Magazine – May 2015.

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

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

**Roll Call:**

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

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

1. Board Discussion

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

**New Business:**

**ITEM NO. 2: Floodplain Management Regulations – 2015 Edition:** A request by the Bonner Springs Planning Department to amend Chapter XVII: Zoning and Planning; Article 4, Floodplain Management Regulations of the City of Bonner Springs Code of Ordinances, by amending the Floodplain Management Regulations adopted June 13, 2011 under Ordinance No. 2313. This request is to incorporate the Flood Insurance Rate Maps and Flood Insurance Study for Wolf Creek and its tributaries completed under the Lower Kansas Watershed RiskMAP project. The Flood Insurance Rate Maps and Flood Insurance Study are scheduled to be effective on September 2, 2015. *(This item will be forwarded to the Governing Body on July 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: Final Plat: PT-15-101, “McDaniel’s Resurvey Blocks 5 & 6”** this request is to “replat” 2.43 acres for part of Block 5 & Block 6; John W. McDaniel’s Subdivision. Requested by Larry Hahn, Hahn Surveying, for Carol Benz, Julie Finger and Michael and Sara Niemann, property owners of record. The subject property is zoned R-1, Single-Family Residential District and is located at 626 and 622 N. Nettleton Ave. and 145 Tiblow Lane. This request is to amend the boundaries between the three (3) existing lots of record. *(This item will be forwarded to the Governing Body on July 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 March 24, 2015 Planning Commission Meeting

### PLANNING COMMISSION AGENDA Tuesday, June 16, 2015 – 7:00 p.m.

<b>PRESENT</b>	Stephan	_____
	Yates	_____
	Neff	_____
<b>&amp; VOTE:</b>	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 March 24, 2015 meeting are attached.

## PLANNING COMMISSION MEETING MINUTES

Tuesday, March 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 7:01 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 February 24, 2015 Planning Commission meeting. Commissioner Stephan made a motion to approve the minutes as written with a second from Commissioner Kasselmann. Chairman Parks asked if there were any questions or comments about the minutes. Seeing none, he called for the vote. The minutes were approved by unanimous vote.

### **NEW BUSINESS:**

Chairman Parks introduced **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.

Chairman Parks opened the public hearing at 7:03 p.m. and asked for Staff presentation. Staff recommends approval as listed in the Staff Report.

Chairman Parks asked if there were any questions or comments from the audience. Seeing none he closed the public hearing at 7:05 p.m. and called for a motion. Commissioner Mesmer made a motion to approve with a second from Commissioner Stephan.

Chairman Parks asked if the Planning Commission had any questions or comments. Seeing none he called for a vote. Motion passed 8-0.

The Planning Director stated that he will forward this item to the Governing Body on April 13, 2015 with a Planning Commission recommendation of approval as written.

Chairman Parks introduced **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 5.29 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. 130<sup>th</sup> Street.

Chairman Parks opened the public hearing at 7:06 p.m. and asked for Staff presentation. Staff recommends approval as listed in the Staff Report.

Chairman Parks asked if the applicant would like to address the Planning Commission. **Wil Anderson, BHC Rhodes** stated that they were in agreement with all the conditions listed in the Staff Report.

Chairman Parks asked if there were any questions or comments from the audience. Seeing none he closed the public hearing at 7:08 p.m. and called for a motion. Commissioner Stephan made a motion to approve with a second from Commissioner Krone.

Chairman Parks asked if the Planning Commission had any questions or comments.

Chairman Parks asked about an entrance from the self-storage facility to 130<sup>th</sup> Street. The Planning Director stated “yes” the owners plan to have an entrance onto 130<sup>th</sup> Street and will reflect that on the Site Plan.

Chairman Parks asked if there were any further questions or comments. Seeing none he called for a vote. Motion passed 8-0.

The Planning Director stated that he will forward this item to the Governing Body on April 13, 2015 with a Planning Commission recommendation of approval.

Chairman Parks introduced **Item No. 4: Rezoning: BSZ-130: "Triangle Self Storage"** a request to rezone 5.29 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. 130<sup>th</sup> Street.

Chairman Parks opened the public hearing at 7:11 p.m. and asked for Staff presentation. Staff recommends approval as listed in the Staff Report.

Chairman Parks asked if the applicant would like to address the Planning Commission. **Wil Anderson, BHC Rhodes** stated that they were in agreement with all the conditions listed in the Staff Report.

Chairman Parks asked if there were any questions or comments from the audience. Seeing none he closed the public hearing at 7:12 p.m. and called for a motion. Commissioner Kasselmann made a motion to approve with a second from Commissioner Pierce.

Chairman Parks asked if the Planning Commission had any questions or comments.

Chairman Parks asked if there were any further questions or comments. Seeing none he called for a vote. Motion passed 8-0.

The Planning Director stated that he will forward this item to the Governing Body on April 13, 2015 with a Planning Commission recommendation of approval.

Chairman Parks introduced **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 5.29 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. 130<sup>th</sup> Street.

Chairman Parks asked for Staff presentation. Staff recommends approval of this item with the conditions listed in the Staff report.

Chairman Parks asked if the applicant would like to address the Planning Commission. **Wil Anderson, BHC Rhodes** stated that they were in agreement with all the conditions listed in the Staff Report.

Chairman Parks asked if the Planning Commission had any questions or comments. Seeing none he called for a motion. Commissioner Pierce made a motion to approve with a second from Commissioner Neff.

Chairman Parks asked if there were any further questions or comments. Seeing none he called for a vote. Motion passed 8-0.

Chairman Parks introduced **Item No. 6: Final Plat: PT-15-100, "Ensign Commercial Second Plat"** this request is both a "replat" of 5.85 acres and platting of 5.29 acres for an 11.14 acre 1 lot commercial subdivision. 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. 130<sup>th</sup> Street.

Chairman Parks asked for Staff presentation. Staff recommends approval of this item with the conditions listed in the Staff report.

Chairman Parks asked if the applicant would like to address the Planning Commission. **Wil Anderson, BHC Rhodes** stated that they were in agreement with all the conditions listed in the Staff Report.

Chairman Parks asked if the Planning Commission had any questions or comments. Seeing none he called for a motion. Commissioner Kasselmann made a motion to approve with a second from Commissioner Yates.

Chairman Parks asked if there were any further questions or comments. Seeing none he called for a vote. Motion passed 8-0.

The Planning Director stated that he will forward this item to the Governing Body on April 13, 2015 with a Planning Commission recommendation of approval.

Chairman Parks asked if there was any further business. Seeing none, he adjourned the meeting at 7:17 p.m.

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Don E. Slone, AICP, CFM, Secretary

# ITEM NO. 2

**Floodplain Management Regulations – 2015 Edition:** A request by the Bonner Springs Planning Department to amend Chapter XVII: Zoning and Planning; Article 4, Floodplain Management Regulations of the City of Bonner Springs Code of Ordinances, by amending the Floodplain Management Regulations adopted June 13, 2011 under Ordinance No. 2313. This request is to incorporate the Flood Insurance Rate Maps and Flood Insurance Study for Wolf Creek and its tributaries completed under the Lower Kansas Watershed RiskMAP project. The Flood Insurance Rate Maps and Flood Insurance Study are scheduled to be effective on September 2, 2015.

## **PLANNING COMMISSION AGENDA**

**Tuesday, June 16, 2015 – 7:00 p.m.**

<b>PRESENT</b>	Stephan	_____
	Yates	_____
	Neff	_____
<b>&amp; VOTE:</b>	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 July 13, 2015.

To: Planning Commission

From: Don E. Slone, AICP, CFM, Planning Director – Floodplain Manager

RE: Floodplain Management Regulations – 2015 Edition

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**Recommendation:**

Approve the attached Floodplain Management Regulations – 2015 Edition and forward the same to the Governing Body with a Planning Commission recommendation of approval. This includes the adoption of an ordinance to amend the Code of Ordinances, Chapter XVII: Zoning and Planning; Article 4, Floodplain Management Regulations.

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**Exhibits:**

“Letter of Final Determination” from FEMA dated March 2, 2015 to the Honorable Jeff Harrington, a Letter to the Planning Director – Floodplain Manager from the Kansas Department of Agriculture; Division of Water Resources with the Chief Engineer’s approval of the “Draft” Floodplain Management Regulations as recommended by the City’s Floodplain Manager and the Affidavit in Proof of Publication.

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**Background:**

The Lower Kansas Watershed Project began with a “Discovery Meeting” on April 11, 2012 to determine “if” and “what” outcomes could be expected by studying the Lower Kansas Watershed which included several counties including Johnson, Wyandotte and Leavenworth Counties. The Lower Kansas Watershed including “Wolf Creek and its tributaries” was selected by FEMA to be re-studied and determine new base flood elevations (BFE’s) up the reach from the Kansas River through Bonner Springs into Leavenworth and Wyandotte Counties that included the Cities of Basehor and Kansas City, Kansas. Several other creeks within Wyandotte County were studied in both the City of Edwardsville and Kansas City, Kansas and were incorporated into the Flood Insurance Rate Maps (FIRM’s) and Flood insurance Study (FIS).

Through the RiskMAP process, it was determined to that re-mapping several creeks including “Wolf Creek” would really benefit several communities. Through that process both FEMA and the Division of Water Resources determined that new FIRM’s needed to be generated. On May 2, 2013, “Draft” Flood Insurance Rate Maps were produced followed by “Preliminary” Maps on May 30, 2014. On August 21, 2014, the City received the official notice of the 90 Day Appeal Period. There were no appeals to the maps and on March 2, 2015, the City received the “Letter of Final Determination” that on September 2, 2015 the Flood Insurance Rate Maps would become effective.

**Discussion:**

The City received new Flood Insurance Rate Maps and the Flood Insurance Study from FEMA on March 2, 2015 that will become effective on September 2, 2015. This request is to incorporate the Flood Insurance Rate Maps and Flood Insurance Study for “Wolf Creek and its tributaries” completed under the Lower Kansas Watershed RiskMAP project. The “Draft” Floodplain Management Regulations are required to be approved by the Chief Engineer of the Division of Water Resources of the Kansas Department of Agriculture prior to adoption by the Governing Body. I submitted the regulations and received approval from the Chief Engineer on March 10, 2015. The approved and signed “Draft” Regulations are attached.

The reasons behind amending our existing Floodplain Management Regulations are as follows:

1. Federal Emergency Management Agency (FEMA) sent to the Honorable Jeff Harrington, Mayor a letter dated March 2, 2015 that states the requirement to adopt or show evidence of adoption of Floodplain Management Regulations that meet the standards of Paragraph 60.3(d) of the NFIP regulations (44 CFR 59, etc.) by the effective date of the FIRM which is September 2, 2015;

2. Incorporate changes completed for the Wolf Creek watershed in the City of Bonner Springs completed under the RiskMAP for the Lower Kansas Watershed Project;
3. Incorporate and adopt the Flood Insurance Rate Maps (FIRM's) and the Flood Insurance Study (FIS) that reflect the new Base Flood Elevations (BFE's) for Wolf Creek;
4. Incorporate an additional one (1) foot of "freeboard" (total of 2') for all new residential development within the Special Flood Hazard Area and additional two (2) foot of "freeboard (total of 3') above the BFE for all Critical Facilities (Additional Community Rating System Credits for these "freeboard" changes);
5. Add wording that requires all Mechanical and HVAC equipment to be protected or elevated to the same level as the lowest floor; and
6. Change my title to "Floodplain Manager" from "Floodplain Administrator".



# Federal Emergency Management Agency

Washington, D.C. 20472

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

IN REPLY REFER TO:  
115-I

March 2, 2015

The Honorable Jeff Harrington  
Mayor, City of Bonner Springs  
Post Office Box 38  
Bonner Springs, Kansas 66012

Community: City of Bonner Springs,  
Wyandotte County, Kansas  
Community No.: 200361  
Map Panels Affected: See FIRM Index

Dear Mayor Harrington:

On August 21, 2014, you were notified of proposed modified flood hazard determinations (FHDs) affecting the Flood Insurance Rate Map (FIRM) and Flood Insurance Study (FIS) report for the City of Bonner Springs. The statutory 90-day appeal period that was initiated on September 4, 2014, when the Department of Homeland Security's Federal Emergency Management Agency (FEMA) published a notice of proposed FHDs for your community in the *The Chieftain*, has elapsed.

FEMA received no valid requests for changes in the FHDs. Therefore, the determination of the Agency as to the FHDs for your community is considered final. The final FHDs will be published in the *Federal Register* as soon as possible. The modified FHDs and revised map panels, as referenced above, will be effective as of September 2, 2015, and revise the FIRM that was in effect prior to that date. For insurance rating purposes, the community number and new suffix code for the panels being revised are indicated above and on the maps and must be used for all new policies and renewals.

The modifications are pursuant to Section 206 of the Flood Disaster Protection Act of 1973 (Public Law 93-234) and are in accordance with the National Flood Insurance Act of 1968, as amended (Title XIII of the Housing and Urban Development Act of 1968, Public Law 90-448), 42 U.S.C. 4001-4128, and 44 CFR Part 65. Because of the modifications to the FIRM and FIS report for your community made by this map revision, certain additional requirements must be met under Section 1361 of the 1968 Act, as amended, within 6 months from the date of this letter. Prior to September 2, 2015, your community is required, as a condition of continued eligibility in the National Flood Insurance Program (NFIP), to adopt or show evidence of adoption of floodplain management regulations that meet the standards of Paragraph 60.3(d) of the NFIP regulations. These standards are the minimum requirements and do not supersede any State or local requirements of a more stringent nature.

It must be emphasized that all the standards specified in Paragraph 60.3(d) of the NFIP regulations must be enacted in a legally enforceable document. This includes the adoption of the effective FIRM and FIS report to which the regulations apply and the modifications made by this map revision. Some of the standards should already have been enacted by your community. Any additional requirements can be met by taking one of the following actions:

1. Amending existing regulations to incorporate any additional requirements of Paragraph 60.3(d);
2. Adopting all the standards of Paragraph 60.3(d) into one new, comprehensive set of regulations; or

3. Showing evidence that regulations have previously been adopted that meet or exceed the minimum requirements of Paragraph 60.3(d).

Communities that fail to enact the necessary floodplain management regulations will be suspended from participation in the NFIP and subject to the prohibitions contained in Section 202(a) of the 1973 Act as amended.

A Consultation Coordination Officer (CCO) has been designated to assist your community with any difficulties you may be encountering in enacting the floodplain management regulations. The CCO will be the primary liaison between your community and FEMA. For information about your CCO, please contact:

Mr. Michael R. Scott  
Director, Federal Insurance and Mitigation Division  
Federal Emergency Management Agency, Region VII  
9221 Ward Parkway, Suite 300  
Kansas City, MO 64114-3324  
(816) 283-7002

To assist your community in maintaining the FIRM, we have enclosed a Summary of Map Actions to document previous Letter of Map Change (LOMC) actions (i.e., Letters of Map Amendment (LOMAs), Letters of Map Revision (LOMRs)) that will be superseded when the revised FIRM panels referenced above become effective. Information on LOMCs is presented in the following four categories: (1) LOMCs for which results have been included on the revised FIRM panels; (2) LOMCs for which results could not be shown on the revised FIRM panels because of scale limitations or because the LOMC issued had determined that the lots or structures involved were outside the Special Flood Hazard Area as shown on the FIRM; (3) LOMCs for which results have not been included on the revised FIRM panels because the flood hazard information on which the original determinations were based is being superseded by new flood hazard information; and (4) LOMCs issued for multiple lots or structures where the determination for one or more of the lots or structures cannot be revalidated through an administrative process like the LOMCs in Category 2 above. LOMCs in Category 2 will be revalidated through a single letter that reaffirms the validity of a previously issued LOMC; the letter will be sent to your community shortly before the effective date of the revised FIRM and will become effective 1 day after the revised FIRM becomes effective. For the LOMCs listed in Category 4, we will review the data previously submitted for the LOMA or LOMR request and issue a new determination for the affected properties after the revised FIRM becomes effective.

The FIRM panels have been computer-generated. Once the FIRM and FIS report are printed and distributed, the digital files containing the flood hazard data for the entire county can be provided to your community for use in a computer mapping system. These files can be used in conjunction with other thematic data for floodplain management purposes, insurance purchase and rating requirements, and many other planning applications. Copies of the digital files or paper copies of the FIRM panels may be obtained by calling our FEMA Map Information eXchange (FMIX), toll free, at 1-877-FEMA-MAP (1-877-336-2627). In addition, your community may be eligible for additional credits under our Community Rating System if you implement your activities using digital mapping files.

If you have any questions regarding the necessary floodplain management measures for your community or the NFIP in general, we urge you to call the Director, Federal Insurance and Mitigation Division of FEMA in Kansas City, Missouri, at (816) 283-7002 for assistance. If you have any questions concerning mapping issues in general or the enclosed Summary of Map Actions, please call our FMIX at the number

shown above. Additional information and resources your community may find helpful regarding the NFIP and floodplain management, such as *The National Flood Insurance Program Code of Federal Regulations*, *Answers to Questions About the NFIP*, *Use of Flood Insurance Study (FIS) Data as Available Data*, *Frequently Asked Questions Regarding the Effect that Revised Flood Hazards have on Existing Structures*, and *National Flood Insurance Program Elevation Certificate and Instructions*, can be found on our website at <http://www.floodmaps.fema.gov/lfd>. Paper copies of these documents may also be obtained by calling our FMIX.

Sincerely,

A handwritten signature in black ink, appearing to read 'Luis Rodriguez', with a stylized flourish at the end.

Luis Rodriguez, P.E., Chief  
Engineering Management Branch  
Federal Insurance and Mitigation Administration

Enclosure:

Final Summary of Map Actions

cc: Community Map Repository  
Mr. Don Slone, Planning Director – Floodplain, City of Bonner Springs

## FINAL SUMMARY OF MAP ACTIONS

Community: BONNER SPRINGS, CITY OF

Community No: 200361

To assist your community in maintaining the Flood Insurance Rate Map (FIRM), we have summarized below the previously issued Letter of Map Change (LOMC) actions (i.e., Letters of Map Revision (LOMRs) and Letters of Map Amendment (LOMAs)) that will be affected when the revised FIRM becomes effective on September 2, 2015.

**1. LOMCs Incorporated**

The modifications effected by the LOMCs listed below will be reflected on the revised FIRM. In addition, these LOMCs will remain in effect until the revised FIRM becomes effective.

LOMC	Case No.	Date Issued	Project Identifier	Old Panel	New Panel
			NO CASES RECORDED		

**2. LOMCs Not Incorporated**

The modifications effected by the LOMCs listed below will not be reflected on the revised FIRM panels because of scale limitations or because the LOMC issued had determined that the lot(s) or structure(s) involved were outside the Special Flood Hazard Area, as shown on the FIRM. These LOMCs will remain in effect until the revised FIRM becomes effective. These LOMCs will be revalidated free of charge 1 day after the revised FIRM becomes effective through a single revalidation letter that reaffirms the validity of the previous LOMCs.

LOMC	Case No.	Date Issued	Project Identifier	Old Panel	New Panel
LOMA	10-07-0354A	04/01/2010	LOTS 1-4, BLOCK 1, ELLENDALE SUBDIVISION -- 103 NORTH GARFIELD STREET	2003610005A	20209C0117F
LOMA	12-07-1490A	02/28/2012	WOLF CREEK DEVELOPMENT, LOT 1 --- 13947 GIBBS ROAD, BUILDINGS B, C & D	20209C0117D	20209C0117F
LOMA	12-07-1491A	02/28/2012	WOLF CREEK DEVELOPMENT, LOT 1 -- 13947 GIBBS ROAD	20209C0117D	20209C0117F
LOMA	13-07-1182A		Lot 77, The Lake of The Forest Club (Resurvey) Subdivision - 908 Lake Forest Drive	20209C0129D	20209C0129F

**3. LOMCs Superseded**

The modifications effected by the LOMCs listed below have not been reflected on the Final revised FIRM panels because they are being superseded by new detailed flood hazard information or the information available was not sufficient to make a determination. The reason each is being superseded is noted below. These LOMCs will no longer be in effect when the revised FIRM becomes effective.

LOMC	Case No.	Date Issued	Project Identifier	Reason Determination Will be Superseded
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## FINAL SUMMARY OF MAP ACTIONS

Community: BONNER SPRINGS, CITY OF

Community No: 200361

LOMC	Case No.	Date Issued	Project Identifier	Reason Determination Will be Superseded
			NO CASES RECORDED	

1. Insufficient information available to make a determination.
2. Lowest Adjacent Grade and Lowest Finished Floor are below the proposed Base Flood Elevation.
3. Lowest Ground Elevation is below the proposed Base Flood Elevation.
4. Revised hydrologic and hydraulic analyses.
5. Revised topographic information.

**4. LOMCs To Be Redetermined**

The LOMCs in Category 2 above will be revalidated through a single revalidation letter that reaffirms the validity of the determination in the previously issued LOMC. For LOMCs issued for multiple lots or structures where the determination for one or more of the lots or structures has changed, the LOMC cannot be revalidated through this administrative process. Therefore, we will review the data previously submitted for the LOMC requests listed below and issue a new determination for the affected properties after the effective date of the revised FIRM.

LOMC	Case No.	Date Issued	Project Identifier	Old Panel	New Panel
			NO CASES RECORDED		

1320 Research Park Drive  
Manhattan, Kansas 66502  
(785) 564-6700



900 SW Jackson, Room 456  
Topeka, Kansas 66612  
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

March 11, 2015

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

Subject: Floodplain Regulations Approval for City of Bonner Springs, Kansas

Dear Mr. Slone,

The floodplain management regulations submitted for City of Bonner Springs, Kansas were received for review on March 9, 2015. The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, acting under terms of K.S.A. 12-766, and the administrative regulations adopted pursuant thereto (K.A.R. 5-44-1 through 7) approved your regulations on March 9, 2015. An approved draft copy of the regulation is returned for action by the governing body.

When the updated regulation has been officially adopted by the governing body, please send a signed copy of the adoption document to me. I will send the documentation to FEMA for you. Please call me at 785-296-4622 if you have any questions.

Using adoption by reference may save money on publication costs. The League of Kansas Municipalities can advise you on adoption by reference. I can show you a format another community used for their own adoption.

Sincerely,

A handwritten signature in cursive script that reads "Steve Samuelson".

Steve Samuelson, CFM  
NFIP Specialist

Enclosures: Approved Draft Regulations

## ARTICLE 4. FLOODPLAIN MANAGEMENT REGULATIONS

### 2015 EDITION

#### ARTICLE 1 STATUTORY AUTHORIZATION, FINDINGS OF FACT, AND PURPOSES

##### SECTION A. STATUTORY AUTHORIZATION

1. *Approval of Draft Regulations by Kansas Chief Engineer Prior to Adoption*

The following Floodplain Management Regulations, as written, were approved in draft form by the Chief Engineer of the Division of Water Resources of the Kansas Department of Agriculture on March 9, 2015.

2. *Kansas Statutory Authorization*

The Legislature of the State of Kansas has in K.S.A. 12-741 *et seq.*, and specifically in K.S.A. 12-766, delegated the responsibility to local governmental units to adopt Floodplain Management Regulations designed to protect the health, safety, and general welfare.

##### SECTION B. FINDINGS OF FACT

1. *Flood Losses Resulting from Periodic Inundation*

The special flood hazard areas of the City of Bonner Springs, Kansas and the unincorporated portion of Wyandotte County, are subject to inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base; all of which adversely affect the public health, safety and general welfare.

2. *General Causes of the Flood Losses*

These flood losses are caused by (1) the cumulative effect of development in any delineated floodplain causing increases in flood heights and velocities; and (2) the occupancy of flood hazard areas by uses vulnerable to floods, hazardous to others, inadequately elevated, or otherwise unprotected from flood damages.

3. *Methods Used To Analyze Flood Hazards*

The Flood Insurance Study (FIS) that is the basis of this ordinance uses a standard engineering method of analyzing flood hazards, which consist of a series of interrelated steps.

- a. Selection of a base flood that is based upon engineering calculations, which permit a consideration of such flood factors as its expected frequency of occurrence, the area inundated, and the depth of inundation. The base flood selected for this ordinance is representative of large floods, which are characteristic of what can be expected to occur on the particular streams subject to this ordinance. It is in the general order of a flood which could be expected to have a one percent chance of occurrence in any one year as delineated in most current Flood Insurance Study;
- b. Calculation of water surface profiles that are based on a standard hydraulic engineering analysis of the capacity of the stream channel and overbank areas to convey the regulatory flood;
- c. Computation of a floodway required to convey this flood without increasing flood heights more than one (1) foot at any point;
- d. Delineation of floodway encroachment lines within which no development is permitted that would cause any increase in flood height; and
- e. Delineation of floodway fringe, i.e., that area outside the floodway encroachment lines, but still subject to inundation by the base flood.

Topeka Field Office

## SECTION C. STATEMENT OF PURPOSE

It is the purpose of this ordinance to promote the public health, safety, and general welfare; to minimize those losses described in Article 1, Section B(1); to establish or maintain the community's eligibility for participation in the National Flood Insurance Program (NFIP) as defined in 44 Code of Federal Regulations (CFR) 59.22(a)(3); and to meet the requirements of 44 CFR 60.3(d) and K.A.R. 5-44-4 by applying the provisions of this ordinance to:

1. Restrict or prohibit uses that are dangerous to health, safety, or property in times of flooding or cause undue increases in flood heights or velocities;
2. Require uses vulnerable to floods, including public facilities that serve such uses, be provided with flood protection at the time of initial construction; and
3. Protect individuals from buying lands that are unsuited for the intended development purposes due to the flood hazard.

## ARTICLE 2 GENERAL PROVISIONS

### SECTION A. LANDS TO WHICH ORDINANCE APPLIES

This ordinance shall apply to all lands within the jurisdiction of the City of Bonner Springs and the unincorporated portion of Wyandotte County identified as numbered and unnumbered A Zones, AE, AO, and AH Zones, on the Index Map dated September 2, 2015 of the Flood Insurance Rate Map (FIRM) as amended, and any future revisions thereto. In all areas covered by this ordinance, no development shall be permitted except through the issuance of a floodplain development permit, granted by the Floodplain Manager.

### SECTION B. COMPLIANCE

No development located within the special flood hazard areas of this community shall be located, extended, converted, or structurally altered without full compliance with the terms of this ordinance and other applicable regulations.

### SECTION C. ABROGATION AND GREATER RESTRICTIONS

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail. All other ordinances inconsistent with this ordinance are hereby repealed to the extent of the inconsistency only.

### SECTION D. INTERPRETATION

In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements, shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by Kansas statutes.

### SECTION E. WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions or the flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This ordinance does not imply that areas outside the floodway and flood fringe or land uses permitted within such areas will be free from flooding or flood damage. This ordinance shall not create a liability on the part of the City of Bonner Springs, any officer or employee thereof, for any flood damages that may result from reliance on this ordinance or any administrative decision lawfully made thereunder.

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## SECTION F. SEVERABILITY

If any section; clause; provision; or portion of this ordinance is adjudged unconstitutional or invalid by a court of appropriate jurisdiction, the remainder of this ordinance shall not be affected thereby.

## ARTICLE 3 ADMINISTRATION

### SECTION A. FLOODPLAIN DEVELOPMENT PERMIT

A floodplain development permit shall be required for all proposed construction or other development, including the placement of manufactured homes, in areas described in Article 2, Section A. No person, firm, corporation, or unit of government shall initiate any development or substantial-improvement or cause the same to be done without first obtaining a separate floodplain development permit for each structure or other development.

### SECTION B. DESIGNATION OF FLOODPLAIN MANAGER

The Planning Director is hereby appointed to administer, enforce, and implement the provisions of these regulations.

### SECTION C. DUTIES AND RESPONSIBILITIES OF FLOODPLAIN MANAGER

Duties of the Floodplain Manager shall include, but not be limited to:

1. Review all applications for development permits to assure that sites are reasonably safe from flooding and that the floodplain development permit requirements of this ordinance have been satisfied;
2. Review of all applications for floodplain development permits for proposed development to assure that all necessary permits have been obtained from Federal, State, or local governmental agencies from which prior approval is required by Federal, State, or local law;
3. Review all subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, to determine whether such proposals will be reasonably safe from flooding;
4. Issue floodplain development permits for all approved applications;
5. Notify adjacent communities and the Division of Water Resources, Kansas Department of Agriculture, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency (FEMA);
6. Assure that the flood-carrying capacity is not diminished and shall be maintained within the altered or relocated portion of any watercourse;
7. Verify and maintain a record of the actual elevation (in relation to mean sea level) of the lowest floor, including basement, of all new or substantially improved structures;
8. Verify and maintain a record of the actual elevation (in relation to mean sea level) that the new or substantially improved non-residential structures have been floodproofed; and
9. When floodproofing techniques are utilized for a particular non-residential structure, the Floodplain Manager shall require certification from a registered professional engineer or architect.

### SECTION D. APPLICATION FOR FLOODPLAIN DEVELOPMENT PERMIT

To obtain a floodplain development permit, the applicant shall first file an application in writing on a form furnished for that purpose. Every floodplain development permit application shall:

1. Describe the land on which the proposed work is to be done by lot, block and tract, house and street address, or similar description that will readily identify and specifically locate the proposed structure or work;

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2. Identify and describe the work to be covered by the floodplain development permit;
3. Indicate the use or occupancy for which the proposed work is intended;
4. Indicate the assessed value of the structure and the fair market value of the improvement;
5. Specify whether development is located in designated flood fringe or floodway;
6. Identify the existing base flood elevation and the elevation of the proposed development;
7. Give such other information as reasonably may be required by the Floodplain Manager ;
8. Be accompanied by plans and specifications for proposed construction; and
9. Be signed by the permittee or his authorized agent who may be required to submit evidence to indicate such authority.

## **ARTICLE 4 PROVISIONS FOR FLOOD HAZARD REDUCTION**

### **SECTION A. GENERAL STANDARDS**

1. No permit for floodplain development shall be granted for new construction, substantial-improvements, and other improvements, including the placement of manufactured homes, within any numbered or unnumbered A zones, AE, AO, and AH zones, unless the conditions of this section are satisfied;
2. All areas identified as unnumbered A zones on the FIRM are subject to inundation of the 100-year flood; however, the base flood elevation is not provided. Development within unnumbered A zones is subject to all provisions of this ordinance. If Flood Insurance Study data is not available, the community shall obtain, review, and reasonably utilize any base flood elevation or floodway data currently available from Federal, State, or other sources;
3. Until a floodway is designated, no new construction, substantial improvements, or other development, including fill, shall be permitted within any unnumbered or numbered A zones, or AE zones on the FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community;
4. All new construction, subdivision proposals, substantial-improvements, prefabricated structures, placement of manufactured homes, and other developments shall require:
  - a. Design or adequate anchorage to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
  - b. Construction with materials resistant to flood damage;
  - c. Utilization of methods and practices that minimize flood damages;
  - d. All electrical, heating, ventilation, plumbing, air-conditioning equipment, and other service facilities be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
  - e. New or replacement water supply systems and/or sanitary sewage systems be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and on-site waste disposal systems be located so as to avoid impairment or contamination; and
  - f. Subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, located within special flood hazard areas are required to assure that:
    - (1) All such proposals are consistent with the need to minimize flood damage;
    - (2) All public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage;

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- (3) Adequate drainage is provided so as to reduce exposure to flood hazards; and
- (4) All proposals for development, including proposals for manufactured home parks and subdivisions, of five (5) acres or fifty (50) lots, whichever is lesser, include within such proposals base flood elevation data.

5. *Storage, Material, and Equipment*

- a. The storage or processing of materials within the special flood hazard area that are in time of flooding buoyant, flammable, explosive, or could be injurious to human, animal, or plant life is prohibited; and
- b. Storage of other material or equipment may be allowed if not subject to major damage by floods, if firmly anchored to prevent flotation or if readily removable from the area within the time available after a flood warning.

6. *Nonconforming Use*

A structure, or the use of a structure or premises that was lawful before the passage or amendment of the ordinance, but which is not in conformity with the provisions of this ordinance, may be continued subject to the following conditions:

- a. If such structure, use, or utility service is discontinued for twelve consecutive months, any future use of the building shall conform to this ordinance; and
- b. If any nonconforming use or structure is destroyed by any means, including flood, it shall not be reconstructed if the cost is more than fifty (50) percent of the pre-damaged market value of the structure. This limitation does not include the cost of any alteration to comply with existing state or local health, sanitary, building, safety codes, regulations or the cost of any alteration of a structure listed on the National Register of Historic Places, the State Inventory of Historic Places, or local inventory of historic places upon determination.

7. *Agricultural Structures*

Structures used solely for agricultural purposes in connection with the production, harvesting, storage, drying, or raising of agricultural commodities, including the raising of livestock, may be constructed at-grade and wet-floodproofed provided there is no human habitation or occupancy of the structure; the structure is of single-wall design; there is no permanent retail, wholesale, or manufacturing use included in the structure; a variance has been granted from the floodplain management requirements of this ordinance; and a floodplain development permit has been issued.

8. *Critical Facilities*

- a. All new or substantially improved critical facilities including, but not limited, to governmental buildings, police stations, fire stations, hospitals, orphanages, penal institutions, communication centers, water and sewer pumping stations, water and sewer treatment facilities, transportation maintenance facilities, places of public assembly, emergency aviation facilities, and schools shall be elevated above the .2 percent annual chance flood event, also referred to as the 500-year flood level or together with attendant utility and sanitary facilities, be floodproofed so that below the 500-year flood level the structure is water tight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the Floodplain Manager as set forth in Article 3, Section C(7)(8)(9);
- b. All critical facilities shall have access routes that are above the elevation of the 500-year flood; and
- c. No critical facilities shall be constructed in any designated floodway.

9. *Hazardous Materials*

All hazardous material storage and handling sites shall be located out of the special flood hazard area.

## 10. *Cumulative Improvement*

A structure may be improved (remodeled or enlarged) without conforming to current requirements for elevation so long as the cumulative value of all work done within the last five calendar years does not exceed fifty (50) percent of the structure's current market value. If the cumulative value of the improvement exceeds fifty (50) percent of the structure's current market value, the structure must be brought into compliance with Article 4, Section B(1) which requires elevation of residential structures to two (2) foot above the base flood elevation or the elevation/floodproofing of non-residential structures to three (3) foot above the base flood elevation.

## SECTION B. SPECIFIC STANDARDS

In all areas identified as numbered and unnumbered A zones, AE, and AH Zones, where base flood elevation data have been provided, the following provisions are required:

### 1. *Residential Construction*

New construction or substantial-improvement of any residential structures, including manufactured homes, shall have the lowest floor, including basement, elevated a minimum of two (2) foot above base flood elevation. Mechanical and HVAV equipment to be protected or elevated to the same level as the lowest floor. The elevation of the lowest floor shall be certified by a licensed land surveyor or licensed professional engineer.

### 2. *Non-Residential Construction*

New construction or substantial-improvement of any commercial, industrial, or other non-residential structures, including manufactured homes, shall have the lowest floor, including basement, elevated a minimum of two (2) foot above the base flood elevation or, together with attendant utility and sanitary facilities, be floodproofed so that below two (2) foot above the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Mechanical and HVAV equipment to be protected or elevated to the same level as the lowest floor. The elevation of the lowest floor shall be certified by a licensed land surveyor or licensed professional engineer. Such certification shall be provided to the Floodplain Manager as set forth in Article 4, Section C.

### 3. *Fully Enclosed Areas Below Lowest Floor*

Require, for all new construction and substantial-improvements that fully enclosed areas below lowest floor used solely for parking of vehicles, building access, or storage in an area other than a basement and that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

- (1) A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided; and
- (2) The bottom of all opening shall be no higher than one (1) foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of flood waters.

## SECTION C. MANUFACTURED HOMES

1. All manufactured homes to be placed within all unnumbered and numbered A zones, AE, and AH zones, on the community's FIRM shall be required to be installed using methods and practices that minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist

flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors;

2. Require manufactured homes that are placed or substantially improved within unnumbered or numbered A zones, AE, and AH zones, on the community's FIRM on sites:
  - a. Outside of a manufactured home park or subdivision;
  - b. In a new manufactured home park or subdivision;
  - c. In an expansion to and existing manufactured home park or subdivision; or
  - d. In an existing manufactured home park or subdivision on which a manufactured home has incurred substantial-damage as the result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated a minimum of two (2) foot above the base flood elevation and be securely attached to an adequately anchored foundation system to resist flotation, collapse, and lateral movement. The elevation of the lowest floor shall be certified by a licensed land surveyor or licensed professional engineer.
3. Require that manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within all unnumbered and numbered A zones, AE and AH zones, on the community's FIRM, that are not subject to the provisions of Article 4, Section C(2) of this ordinance, be elevated so that either:
  - a. The lowest floor of the manufactured home is a minimum of two (2) foot above the base flood level; or
  - b. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty-six (36) inches in height above grade and be securely attached to an adequately anchored foundation system to resist flotation, collapse, and lateral movement. The elevation of the lowest floor shall be certified by a licensed land surveyor or licensed professional engineer.

#### SECTION D. AREAS OF SHALLOW FLOODING (AO and AH zones)

Located within the areas of special flood hazard as described in Article 2, Section are areas designated as AO zones. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate. The following provisions apply:

1. *AO Zones*
  - a. All new construction and substantial-improvements of residential structures, including manufactured homes, shall have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two (2) feet if no depth number is specified);
  - b. All new construction and substantial-improvements of any commercial, industrial, or other non-residential structures, including manufactured homes, shall have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community FIRM (at least two (2) feet if no depth number is specified) or together with attendant utilities and sanitary facilities be completely floodproofed to that so that the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
  - c. Adequate drainage paths shall be required around structures on slopes, in order to guide floodwaters around and away from proposed structures.

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2. *AH Zones*

- a. The specific standards for all areas of special flood hazard where base flood elevation has been provided shall be required as set forth in Article 5, Section C; and
- b. Adequate drainage paths shall be required around structures on slopes, in order to guide floodwaters around and away from proposed structures.

SECTION E. FLOODWAY

Located within areas of special flood hazard established in Article 2, Section A, are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters that carry debris and potential projectiles, the following provisions shall apply:

1. The community shall select and adopt a regulatory floodway based on the principle that the area chosen for the regulatory floodway must be designed to carry the waters of the base flood without increasing the water surface elevation of that flood more than one (1) foot at any point;
2. The community shall prohibit any encroachments, including fill, new construction, substantial improvements, and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge;
3. If Article 4, Section E(2), is satisfied, all new construction and substantial-improvements shall comply with all applicable flood hazard reduction provisions of Article 4; and
4. In unnumbered A zones, the community shall obtain, review, and reasonably utilize any base flood elevation or floodway data currently available from Federal, State, or other sources as set forth in Article 4, Section A(2).

SECTION F. RECREATIONAL VEHICLES

Require that recreational vehicles placed on sites within all unnumbered and numbered A Zones, AE, AH, and AO Zones on the community's FIRM either:

1. Be on the site for fewer than 180 consecutive days, *or*
2. Be fully licensed and ready for highway use\*; *or*
3. Meet the permitting, elevation, and anchoring requirements for manufactured homes of these regulations.

\*A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanently attached additions.

SECTION G. CONDITIONS FOR APPROVING AGRICULTURAL STRUCTURES

Any permit granted for an agricultural structure shall be decided individually based on a case by case analysis of the building's unique circumstances. In order to minimize flood damages during the 100-year flood and the threat to public health and safety, the following conditions shall be included for any permit issued for agricultural structures that are constructed at-grade and wet-floodproofed:

1. All proposed agricultural structures shall demonstrate that no other alternate location outside of the special flood hazard area exists for the agricultural structure. Residential structures, such as farm houses, cannot be considered agricultural structures;
2. Use of the structures must be limited to agricultural purposes in any special flood hazard area only as identified on the community's Flood Insurance Rate Map (FIRM);

3. For any new or substantially damaged agricultural structures, the exterior and interior building components and elements (i.e., foundation, wall framing, exterior and interior finishes, flooring, etc.) below the base flood elevation, must be built with flood-resistant materials in accordance with Article 4, Section A (4)(b) of this ordinance;
4. The agricultural structures must be adequately anchored to prevent flotation, collapse, or lateral movement of the structures in accordance with Article 4, Section A (4)(a) of this ordinance. All of the building's structural components must be capable of resisting specific flood-related forces including hydrostatic, buoyancy, and hydrodynamic and debris impact forces;
5. Any mechanical, electrical, or other utility equipment must be located one (1) foot above the base flood elevation or floodproofed so that they are contained within a watertight, floodproofed enclosure that is capable of resisting damage during flood conditions in accordance with Article 4, Section A (4)(d) of this ordinance. The elevation shall be certified by a licensed land surveyor or professional engineer;
6. The agricultural structures must meet all National Flood Insurance Program (NFIP) opening requirements. The NFIP requires that enclosure or foundation walls, subject to the one percent annual chance flood event, also referred to as the 100-year flood, contain openings that will permit the automatic entry and exit of flood waters in accordance with Article 4, Section B (1)(c) of this ordinance;
7. The agricultural structures must comply with the floodplain management floodway encroachment provisions of Article 4, Section E(2) of this ordinance. No permits may be issued for agricultural structures within any designated floodway, if any increase in flood levels would result during the one percent annual chance flood event, also referred to as the 100-year flood;
8. Major equipment, machinery, or other contents must be protected from any flood damage;
9. No disaster relief assistance under any program administered by any Federal agency shall be paid for any repair or restoration costs of the agricultural structures; and
10. Wet-floodproofing construction techniques must be reviewed and approved by the community. The community may request approval by a registered professional engineer or architect prior to the issuance of any floodplain development permit for construction. Cost for any required professional certification to be paid by the developer.

## **ARTICLE 5 FLOODPLAIN MANAGEMENT VARIANCE PROCEDURES**

### **SECTION A. ESTABLISHMENT OF APPEAL BOARD**

The Board of Zoning Appeals as established by the Zoning Ordinance, Article XXVI of the City of Bonner Springs shall hear and decide appeals and requests for variances from the floodplain management requirements of this ordinance.

### **SECTION B. RESPONSIBILITY OF APPEAL BOARD**

Where an application for a floodplain development permit is denied by the Floodplain Manager, the applicant may apply for such floodplain development permit directly to the Board of Zoning Appeals, as defined in Article 5, Section A.

The Board of Zoning Appeals shall hear and decide appeals when it is alleged that there is an error in any requirement, decision, or determination made by the Floodplain Manager in the enforcement or administration of this ordinance.

### **SECTION C. FURTHER APPEALS**

Any person aggrieved by the decision of the Board of Zoning Appeals or any taxpayer may appeal such decision to the District Court as provided in K.S.A. 12-759 and 12-760.

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#### SECTION D. FLOODPLAIN MANAGEMENT VARIANCE CRITERIA

In passing upon such applications for variances, the Board of Zoning Appeals shall consider all technical data and evaluations, all relevant factors, standards specified in other sections of this ordinance, and the following criteria:

1. Danger to life and property due to flood damage;
2. Danger that materials may be swept onto other lands to the injury of others;
3. Susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
4. Importance of the services provided by the proposed facility to the community;
5. Necessity to the facility of a waterfront location, where applicable;
6. Availability of alternative locations, not subject to flood damage, for the proposed use;
7. Compatibility of the proposed use with existing and anticipated development;
8. Relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
9. Safety of access to the property in times of flood for ordinary and emergency vehicles;
10. Expected heights, velocity, duration, rate of rise and sediment transport of the flood waters, if applicable, expected at the site; and,
11. Costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems; streets; and bridges.

#### SECTION E. CONDITIONS FOR APPROVING FLOODPLAIN MANAGEMENT VARIANCES

1. Generally, variances may be issued for new construction and substantial-improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items two (2) through six (6) below have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases;
2. Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places, the State Inventory of Historic Places, or local inventory of historic places upon determination, provide the proposed activity will not preclude the structure's continued historic designation;
3. Variances shall not be issued within any designated floodway if any increase in flood discharge would result;
4. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief;
5. Variances shall only be issued upon: (a) showing of good and sufficient cause, (b) determination that failure to grant the variance would result in exceptional hardship to the applicant, and (c) determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances; and
6. The City of Bonner Springs shall notify the applicant in writing over the signature of the Floodplain Manager that: (a) the issuance of a variance to construct a structure below base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25.00 for \$100.00 of insurance coverage and (b) such construction below the base flood level increases risks to life and property. Such notification shall be maintained with the record of all variance actions as required by this ordinance.

## ARTICLE 6 VIOLATION AND PENALTY

Any person, firm or corporation who shall violate any of the provisions of these Regulations or fail to comply herewith, or with any of the requirements thereof; or who shall build or alter any building in violation of any plan submitted and approved hereunder shall be guilty of a misdemeanor; and, upon conviction thereof, shall be liable to a fine of not more than five hundred dollars (\$500.00) and/or imprisonment for not more than six (6) months for each offense and each day such violation shall be permitted to exist shall constitute a separate offense.

## ARTICLE 7 AMENDMENTS

The regulations, restrictions, and boundaries set forth in this ordinance may from time to time be amended, supplemented, changed, or appealed to reflect any and all changes in the National Flood Disaster Protection Act of 1973, provided, however, that no such action may be taken until after a public hearing in relation thereto, at which parties of interest and citizens shall have an opportunity to be heard. Notice of the time and place of such hearing shall be published in a newspaper of general circulation in the City of Bonner Springs. At least twenty (20) days shall elapse between the date of this publication and the public hearing. A copy of such amendments will be provided to the FEMA Region VII office. The regulations of this ordinance are in compliance with the NFIP regulations.

## ARTICLE 8 DEFINITIONS

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the same meaning they have in common usage and to give this ordinance its most reasonable application.

"**100-year Flood**" *see "base flood."*

"**Accessory Structure**" means the same as "*appurtenant structure.*"

"**Actuarial Rates**" *see "risk premium rates."*

"**Agricultural Commodities**" means agricultural products and livestock.

"**Agricultural Structure**" means any structure used exclusively in connection with the production, harvesting, storage, drying, or raising of agricultural commodities.

"**Appeal**" means a request for review of the Floodplain Manager's interpretation of any provision of this ordinance or a request for a variance.

"**Appurtenant Structure**" means a structure that is on the same parcel of property as the principle structure to be insured and the use of which is incidental to the use of the principal structure.

"**Area of Shallow Flooding**" means a designated AO or AH zone on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one (1) to three (3) feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

"**Area of Special Flood Hazard**" is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year.

"**Base Flood**" means the flood having a one percent chance of being equaled or exceeded in any given year.

"**Basement**" means any area of the structure having its floor subgrade (below ground level) on all sides.

"**Building**" *see "structure."*

"**Chief Engineer**" means the Chief Engineer of the Division of Water Resources, Kansas Department of Agriculture.

"**Chief Executive Officer**" or "**Chief Elected Official**" means the official of the community who is charged with the authority to implement and administer laws, ordinances, and regulations for that community.

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**"Community"** means any State or area or political subdivision thereof, which has authority to adopt and enforce Floodplain Management Regulations for the areas within its jurisdiction.

**"Development"** means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, levees, levee systems, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

**"Elevated Building"** means for insurance purposes, a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

**"Elevation Certificate"** means a certificate that verifies the elevation data of a structure on a given property relative to the ground level. The Elevation Certificate is used by local communities and builders to ensure compliance with local Floodplain Management Regulations and is also used by insurance agents and companies in the rating of flood insurance policies.

**"Eligible Community" or "Participating Community"** means a community for which the Administrator has authorized the sale of flood insurance under the National Flood Insurance Program (NFIP).

**"Existing Construction"** means for the purposes of determining rates, structures for which the *"start of construction"* commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. *"existing construction"* may also be referred to as *"existing structures."*

**"Existing Manufactured Home Park or Subdivision"** means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the Floodplain Management Regulations adopted by a community.

**"Expansion to an Existing Manufactured Home Park or Subdivision"** means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

**"Flood" or "Flooding"** means a general and temporary condition of partial or complete inundation of normally dry land areas from: (1) the overflow of inland waters; (2) the unusual and rapid accumulation or runoff of surface waters from any source; and (3) the collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood, or by some similarly unusual and unforeseeable event which results in flooding as defined above in item (1).

**"Flood Boundary and Floodway Map (FBFM)"** means an official map of a community on which the Administrator has delineated both special flood hazard areas and the designated regulatory floodway.

**"Flood Elevation Determination"** means a determination by the Administrator of the water surface elevations of the base flood, that is, the flood level that has a one percent or greater chance of occurrence in any given year.

**"Flood Elevation Study"** means an examination, evaluation and determination of flood hazards.

**"Flood Fringe"** means the area outside the floodway encroachment lines, but still subject to inundation by the regulatory flood.

**"Flood Hazard Boundary Map (FHBM)"** means an official map of a community, issued by the Administrator, where the boundaries of the flood areas having special flood hazards have been designated as (unnumbered or numbered) A zones.

**"Flood Hazard Map"** means the document adopted by the governing body showing the limits of: (1) the floodplain; (2) the floodway; (3) streets; (4) stream channel; and (5) other geographic features.

**"Flood Insurance Rate Map (FIRM)"** means an official map of a community, on which the Administrator has delineated both the special flood hazard areas and the risk premium zones applicable to the community.

**"Flood Insurance Study (FIS)"** means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations.

**"Floodplain" or "Flood-prone Area"** means any land area susceptible to being inundated by water from any source (*see "flooding"*).

**"Floodplain Management"** means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, and floodplain management regulations.

**"Floodplain Management Regulations"** means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as floodplain and grading ordinances) and other applications of police power. The term describes such state or local regulations, in any combination thereof that provide standards for the purpose of flood damage prevention and reduction.

**"Floodproofing"** means any combination of structural and nonstructural additions, changes, or adjustments to structures that reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, or structures and their contents.

**"Floodway" or "Regulatory Floodway"** means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

**"Floodway Encroachment Lines"** means the lines marking the limits of floodways on Federal, State and local floodplain maps.

**"Freeboard"** means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. *"Freeboard"* tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as bridge openings and the hydrological effect of urbanization of the watershed.

**"Functionally Dependent Use"** means a use that cannot perform its intended purpose unless it is located or carried out in close proximity to water. This term includes only docking facilities and facilities that are necessary for the loading and unloading of cargo or passengers, but does not include long-term storage or related manufacturing facilities.

**"Highest Adjacent Grade"** means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

**"Historic Structure"** means any structure that is (a) listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or (d) individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either (1) by an approved state program as determined by the Secretary of the Interior or (2) directly by the Secretary of the Interior in states without approved programs.

**"Lowest Floor"** means the lowest floor of the lowest enclosed area, including basement. An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access, or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable floodproofing design requirements of this ordinance.

**"Manufactured Home"** means a structure, transportable in one or more sections, that is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term *"manufactured home"* does not include a *"recreational vehicle."*

**"Manufactured Home Park or Subdivision"** means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

**"Map"** means, the Flood Insurance Rate Map (FIRM) for a community issued by the Federal Emergency Management Agency (FEMA).

**"Market Value" or "Fair Market Value"** means an estimate of what is fair, economic, just and equitable value under normal local market conditions.

**"Mean Sea Level"** means, for purposes of the National Flood Insurance Program (NFIP), the North American Vertical Datum of 1988 (NAVD88) to which base flood elevations shown on a community's Flood Insurance Rate Map (FIRM) are referenced.

**"New Construction"** means, for the purposes of determining insurance rates, structures for which the *"start of construction"* commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, *"new construction"* means structures for which the *"start of construction"* commenced on or after the effective date of the Floodplain Management Regulations adopted by a community and includes any subsequent improvements to such structures.

**"New Manufactured Home Park or Subdivision"** means a manufactured home park or subdivision for which the construction of facilities for servicing the lot on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of Floodplain Management Regulations adopted by the community.

**"(NFIP)"** means the National Flood Insurance Program (NFIP).

**"Participating Community"** also known as an *"eligible community,"* means a community in which the Administrator has authorized the sale of flood insurance.

**"Permit"** means a signed document from a designated community official authorizing development in a floodplain, including all necessary supporting documentation such as: (1) the site plan; (2) an elevation certificate; and (3) any other necessary or applicable approvals or authorizations from local, state or federal authorities.

**"Person"** includes any individual or group of individuals, corporation, partnership, association, or any other entity, including Federal, State, and local governments and agencies.

**"Principally Above Ground"** means that at least 51 percent of the actual cash value of the structure, less land value, is above ground.

**"Reasonably Safe From Flooding"** means base flood waters will not inundate the land or damage structures to be removed from the SFHA and that any subsurface waters related to the base flood will not damage existing or proposed buildings.

**"Recreational Vehicle"** means a vehicle which is (a) built on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projections; (c) designed to be self-propelled or permanently able to be towed by a light-duty truck; and (d) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

**"Remedy A Violation"** means to bring the structure or other development into compliance with Federal, State, or local floodplain management regulations; or, if this is not possible, to reduce the impacts of its noncompliance.

**"Risk Premium Rates"** means those rates established by the Administrator pursuant to individual community studies and investigations, which are undertaken to provide flood insurance in accordance with Section 1307 of the National Flood Disaster Protection Act of 1973 and the accepted actuarial principles. *"Risk premium rates"* include provisions for operating costs and allowances.

**"Special Flood Hazard Area"** see *"area of special flood hazard."*

**Topeka Field Office**

**MAR 09 2015**

**"Special Hazard Area"** means an area having special flood hazards and shown on an FHBM, FIRM or FBFM as zones (unnumbered or numbered) A, AO, AE, or AH.

**"Start of Construction"** includes substantial-improvements, and means the date the building permit was issued provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvements were within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, any work beyond the stage of excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, the installation of streets and/or walkways, excavation for a basement, footings, piers, foundations, the erection of temporary forms, nor installation on the property of accessory structures, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial-improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

**"State Coordinating Agency"** means the Division of Water Resources, Kansas Department of Agriculture, or other office designated by the governor of the state or by state statute at the request of the Administrator to assist in the implementation of the National Flood Insurance Program (NFIP) in that state.

**"Structure"** means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. *"Structure"* for insurance purposes, means a walled and roofed building, other than a gas or liquid storage tank that is principally above ground and affixed to a permanent site, as well as a manufactured home on a permanent foundation. For the latter purpose, the term includes a building while in the course of construction, alteration or repair, but does not include building materials or supplies intended for use in such construction, alteration or repair, unless such materials or supplies are within an enclosed building on the premises.

**"Substantial-Damage"** means damage of any origin sustained by a structure whereby the cost of restoring the structure to pre-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

**"Substantial-Improvement"** means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before *"start of construction"* of the improvement. This term includes structures, which have incurred *"substantial-damage,"* regardless of the actual repair work performed. The term does not, however, include either (1) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications that have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or (2) any alteration of a *"historic structure,"* provided that the alteration will not preclude the structure's continued designation as a *"historic structure."*

**"Temporary Structure"** means a structure permitted in a district for a period not to exceed 180 days and is required to be removed upon the expiration of the permit period. Temporary structures may include recreational vehicles, temporary construction offices, or temporary business facilities used until permanent facilities can be constructed, but at no time shall it include manufactured homes used as residences.

**"Variance"** means a grant of relief by the community from the terms of a floodplain management regulation. Flood insurance requirements remain in place for any varied use or structure and cannot be varied by the community.

**"Violation"** means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required by this ordinance is presumed to be in violation until such time as that documentation is provided.

**"Water Surface Elevation"** means the height, in relation to the North American Vertical Datum of 1988 (NAVD88) of floods of various magnitudes and frequencies in the floodplain.

Topeka Field Office

MAR 09 2015

**ARTICLE 9 REPEAL OF CURRENT ORDINANCE**

The Floodplain Management Regulations adopted June 16, 2011 under Ordinance No. 2313 be and the same is hereby repealed.

**ARTICLE 10 CERTIFICATE OF ADOPTION**

This Floodplain Management Regulations for the City of Bonner Springs, Kansas and the unincorporated portion of Wyandotte County.

APPROVED AND ADOPTED by the Governing Body of the City of Bonner Springs, Kansas,  
on \_\_\_\_\_, 2015.

\_\_\_\_\_  
Jeff Harrington, Mayor

ATTEST:

\_\_\_\_\_  
Amber McCullough, City Clerk

(seal)

**APPROVED**  
This 10<sup>th</sup> day of March, 2015  
Tom Merry for  
**DAVID W. BARFIELD, P.E.**  
Chief Engineer  
Division of Water Resources  
Kansas Department of Agriculture

\_\_\_\_\_  
Chief Engineer, Division of Water Resources  
Kansas Department of Agriculture

(First published in the  
Chieftain May 21, 2015)

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

The Planning Commission will hold a public hearing on Tuesday, June 16, 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:

**Floodplain Management Regulations:** A request by the Bonner Springs Planning Department to amend Chapter XVII: Zoning and Planning; Article 4, Floodplain Management Regulations of the City of Bonner Springs Code of Ordinances, by amending the Floodplain Management Regulations adopted June 13, 2011 under Ordinance No. 2313.

This request is to incorporate the Flood Insurance Rate Maps and Flood Insurance Study for Wolf Creek and its tributaries completed under the Lower Kansas Watershed RiskMAP project. The Flood Insurance Rate Maps and Flood Insurance Study are scheduled to be effective on September 2, 2015.

Questions or comments may be addressed to Don E. Slone, AICP, CFM, Planning Director-Floodplain Manager at (913) 667-1708 or by email to [dslone@bonnersprings.org](mailto: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

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# ITEM NO. 3

**Final Plat: PT-15-101, “McDaniel’s Resurvey Blocks 5 & 6”** this request is to “replat” 2.43 acres for part of Block 5 & Block 6; John W. McDaniel’s Subdivision. Requested by Larry Hahn, Hahn Surveying, for Carol Benz, Julie Finger and Michael and Sara Niemann, property owners of record. The subject property is zoned R-1, Single-Family Residential District and is located at 626 and 622 N. Nettleton Ave. and 145 Tiblow Lane. This request is to amend the boundaries between the three (3) existing lots of record.

## PLANNING COMMISSION AGENDA

Tuesday, June 16, 2015 – 7:00 p.m.

<b>PRESENT</b>	Stephan	_____
	Yates	_____
	Neff	_____
<b>&amp; VOTE:</b>	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 July 13, 2015.

**FINAL PLAT: McDANIELD'S RESURVEY BLOCKS 5 & 6****Case No.:** PT-15-101**Applicant:** Larry Hahn, LS, Hahn Surveying**Engineer:** None Required – No Construction Proposed**Owners:** Carol Benz, Julie Finger and Michael & Sara Niemann**Location(s):** 626 N. Nettleton Avenue (Parcel No. 188804)  
622 N. Nettleton Avenue (Parcel No. 188805)  
145 Tiblow Lane (Parcel No. 217102)**Zoning:** R-1, Single-Family Residential District**Land Use Summary:****Total Acreage:** 2.43 acres**Number of Lots:** 3**Easements Dedicated:** As shown on the Final Plat (Sanitary Sewer Only)**Dedicated Rights-of-Way:** No additional Right-Of-Way dedicated with this plat**Staff Recommendation:**

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

1. Add the Final Plat Title and Case No. to the lower right hand corner of the plat drawing;
2. Correct the spelling of the Chairman's first name from MERIE to MERLE;
3. Correct the spelling of maintenance under Dedication, on row 9 and row 14;
4. Address the County Surveyor's comments on the "verbiage under the title of the plat "A Replat of Lot C..." will match the preamble of the description for the plat. I would suggest making these two read the same";
5. Also address the County Surveyor's comments on "the title ...Blocks 5 & 6, John W. McDaniel' is called out as "tracts 5 & 6 in the description and on the face of 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 surveyor shall furnish two (2) original signed/sealed mylars along with the filing fee of \$23.00 made payable to the Register of Deeds Office; the "Section Corner(s) Tie Report" and fee as required by KSA-58-2003;
8. The Planning Department will file the Final Plat and provide a digital copy of the filed Final Plat to the applicant; and
9. Kansas Warranty Deeds will need to be filed against all three (3) new lots of record in order to complete the platting process.

**Exhibits:** Final Plat Exhibit – Original Lot 626 N. Nettleton Avenue; and  
Final Plat – McDaniel's Resurvey Blocks 5 & 6

**Background:** This request is to amend the boundaries between the three (3) lots of record.

**Planning Director's Comments:**

1. Add the Final Plat Title and Case No. to the lower right hand corner of the plat drawing;
2. Resubmit one (1) digital copy of the "revised" Final Plat to the Planning Department that addresses all the above conditions for the Planning Director's review and approval prior to submission of the mylars;
3. All 2014 property taxes are required to be "paid in full" for all three (3) lots of record prior to filing the final plat per KSA 19-1207 (Paid in Full);

4. The surveyor shall furnish two (2) original signed/sealed mylars along with the filing fee of \$23.00 made payable to the Register of Deeds Office; the "Section Corner(s) Tie Report" and fee as required by KSA-58-2003; and
5. The Planning Department will file the Final Plat and provide a digital copy of the filed Final Plat to the applicant;
6. Kansas Warranty Deeds will need to be filed against all three (3) new lots of record in order to complete the platting process.

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

**Building Official:** No objections.

**City Engineer:** No objections, looks good.

**Economic Development Director:**

1. The "L" is MERLE is spelling with an I; and
2. Under Dedication, maintenance is misspelled twice – row 9 and row 14.

**Public Works Director:** No objections.

**Utilities Director:** No objections.

**County Surveyor:**

1. Usually the verbiage under the title of the plat "A Replat of Lot C..." will match the preamble of the description for the plat. I would suggest making these two read the same; and
2. Also in the title ...Blocks 5 & 6, John W. McDaniel' is called out as "tracts 5 & 6 in the description and on the face of the plat".

**WYCO Mapping:** No objections.

**Atmos Energy:** No comments received.

**AT&T:** No objections.

**Time Warner:** No objections.

**Westar Energy:** No objections.



