



City of Bonner Springs

PLANNING COMMISSION AGENDA

CITY HALL COUNCIL CHAMBERS

TUESDAY, JANUARY 19, 2016

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, JANUARY 19, 2016,

IF YOU WILL BE UNABLE TO ATTEND

PREPARED BY:

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

PEOPLE

PLANNING

PROGRESS

City of Bonner Springs
Planning Commission Agenda
Tuesday, January 19, 2016

Study Session 6:00 p.m.

- Planning Commissioner training on Ex-Parte Communications and Conflicts of Interest; and
- Planning Commission discussion to update the Comprehensive Plan – Vision 2025.

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 November 24, 2015.

Motion: _____ Second: _____

1. Board Discussion

For: _____ #Against: _____

New Business:

ITEM NO. 2: Special Use Permit: SUP-133: “A Step Above Academy”, a request for a special use permit in order to continue the day care center last approved under Ordinance No. 2137 on August 14, 2006. Requested by Crystal Wenger under contract from James and Nancy Thomas, A Step Above Academy of Wyandotte County, LLC, property owners of record. The property is located at 600 N. 118th Street on 1.4 acres of property zoned A-1, Agricultural District. No additions or alterations are being proposed with this request. The property is being purchased by the applicant and requires the issuance of a new special use permit. *(This item will be forwarded to the Governing Body on February 8, 2016)*

Open Public Hearing Time: _____

1. Staff Presentation / Applicant Presentation
2. Public Comment

Close Public Hearing Time: _____

Motion: _____ Second: _____

3. Board Discussion

For: _____ #Against: _____

Adjournment Time: _____

ITEM NO. 1

PLANNING COMMISSION AGENDA

Tuesday, January 19, 2016 – 7:00 p.m.

Approval of Minutes: The regular Planning Commission meeting held November 24, 2015

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

MOTION: _____

SECOND: _____

ACTION: Make a Motiuon to Approve

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

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

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

Members Present: Craig Stephan, Mark Yates, Lew Kasselmann, Merle Parks, Jason Krone, Lloyd Mesmer and Dave Pierce

Members Absent: Sherri Neff

Staff Present: Don Slone, AICP, CFM, Planning Director – Floodplain Manager

Chairman Parks called the meeting to order at 7:02 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 October 27, 2015 Planning Commission meeting. Commissioner Pierce made a motion to approve the minutes as written with a second from Commissioner Mesmer. Chairman Parks asked if there were any questions or comments about the minutes. Seeing none, he called for the vote. The minutes were approved by unanimous vote.

New Business:

Chairman Parks introduced **Item No. 2: Vacation: EV-103: “Santa Fe Subdivision to Saratoga Park, Block 56”** A petition was filed by Jason and Christine Slinkard requesting a vacation of part of the right-of-way of Santa Fe Road, Linwood Avenue and the 15’ wide alley as dedicated in Block 56 of Santa Fe Subdivision to Saratoga Park. This request is to vacate the platted right-of-way for Santa Fe Road, Linwood Road and the 15’ wide alley generally located at the northwest corner of Santa Fe Road and Loring Lane.

Chairman Parks opened the public hearing at 7:04 p.m. and asked for Staff Presentation. The Planning Director presented the case including the original platting in 1889. Staff’s recommendation is to approve the vacation subject to the four (4) conditions listed in the Staff Report. The Planning Director stated the first two conditions were completed by the applicant’s surveyor.

Chairman Parks asked if the applicant’s would like to address the Planning Commission. **Jason and Christine Slinkard** stated that they had nothing to add but would be glad to answer any questions.

Chairman Parks asked if anyone in the audience had any questions or comments. Seeing none he closed the public hearing at 7:07 p.m. and asked for a motion. Commissioner Stephan made a motion to approve the requested vacation subject to the four (4) listed conditions with a second from Commissioner Mesmer.

Chairman Parks asked if the right-of-way being vacated could be used for part of the City’s trail system. The Planning Director stated the right-of-way being vacated was not part of the any trail system but rather the old Santa Fe Road alignment that was never constructed. The trail system the Chairman referenced was proposed along the old railroad right-of-way of the Atchison Topeka Santa Fe Railroad that went up Wolf Creek.

Chairman Parks asked if the Planning Commission had any comments or questions. Seeing none he called for the vote. Motion passed 7-0.

The Planning Director stated that he will forward this item to the Governing Body on December 14, 2015 with a Planning Commission recommendation of approval.

Chairman Parks introduced **Item No. 3: “Planning Commission & Board of Zoning Appeals 2016 Meeting Schedule”** and asked for Staff Presentation. The Planning Director discussed the meeting schedule as presented and recommended that all meetings be changed to the third Tuesday each month from the current fourth Tuesday. This change would reduce the number of conflicts the Planning Commission has had over the past several years as well as provide a significant reduction in the applicant’s wait time between the Planning Commission meeting and the Governing Body’s meeting. This change would remove the periodic member conflicts as well as reduce the wait time required for the 14 day Statutory Protest Period under State Law. This change would be very beneficial to our applicant’s for those months in conflict. Commissioner Mesmer stated that he thought this was a very good idea. He went to state that anything they can do to assist development the better it was for the City.

Chairman Parks asked if the Planning Commission had any further questions or comments. Seeing none he asked for a motion. Commissioner Yates made the motion to approve the change to the 2016 meeting schedule to the third Tuesday of each month unless otherwise amended with a second from Commissioner Kasselmann.

Chairman Parks asked if the Planning Commission had any comments or questions. Seeing none he called for the vote. Motion passed 7-0.

Chairman Parks asked if there was any further business. Seeing none, he adjourned the meeting at 7:20 p.m.

Don E. Slone, AICP, CFM, Secretary

ITEM NO. 2

PLANNING COMMISSION AGENDA

Tuesday, January 19, 2016 – 7:00 p.m.

Special Use Permit: SUP-133: “A Step Above Academy”, a request for a special use permit in order to continue the day care center last approved under Ordinance No. 2137 on August 14, 2006. Requested by Crystal Wenger under contract from James and Nancy Thomas, A Step Above Academy of Wyandotte County, LLC, property owners of record. The property is located at 600 N. 118th Street on 1.4 acres of property zoned A-1, Agricultural District. No additions or alterations are being proposed with this request. The property is being purchased by the applicant and requires the issuance of a new special use permit.

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

MOTION: _____

SECOND: _____

ACTION: Make a motion to approve.

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

NARRATIVE: A Staff Report is included in the agenda. Staff will be present to answer any questions. **This item will be forwarded to the Governing Body on February 8, 2016.**

SPECIAL USE PERMIT: A STEP ABOVE ACADEMY**Case No.:** SUP-133**Applicant:** Crystal Wenger**Owners:** James and Nancy Thomas, A Step Above Academy of Wyandotte Co., LLC**Location:** 600 N. 118th Street (Parcel No. 952906)**Zoning:** A-1, Agricultural District**Lot Size:** 1.40 acres - Unplatted**Building Use:** Day Care Center

Exhibits:

Applicant's Letter, SUP Exhibit, Property Photos, Ordinance No. 2137, Dumpster Enclosure Detail and the Affidavit in Proof of Publication.

Staff Recommendation:

Staff recommends approval of SUP-133: "A Step Above Academy" with the conditions specified below based upon the Factors for Consideration presented and forward to the Governing Body with a recommendation of approval.

Subject to the following six (6) conditions:

1. Provide the Planning Department with a copy of the filed Warranty Deed;
2. Provide the Planning Department with a copy of the Kansas Department of Health and Environment's State License for the new owner's;
3. The trash enclosure and approach shall be reconstructed to bring it into compliance with the adopted Screening Requirements;
4. Future expansions or additions to the site not identified with the Special Use Permit shall require the submission of a new Site Plan to be reviewed and approved by the Planning Commission;
5. The revocation of the Special Use Permit may occur for a violation of the Zoning Ordinance as provided in Article XXVII of the Zoning Ordinance or violation of any or all of the conditions set out in the Special Use Permit; and
6. The Special Use Permit to be valid for an indefinite period of time unless:
 - a. The subject property is sold, or
 - b. The operation of such use is discontinued for more than 12 months.

Project Description:

The property is currently under contract by the applicant who is requesting a new Special Use Permit to retain its day care center use.

The submitted request is in accordance with the Zoning Ordinance; Article XXVII: Special Uses, Section 4(1) Day Care Centers with an approved Special Use Permit. Section 5(1) requires approval of a new special use permit if the property is sold.

Property History:

A Special Use Permit was issued to Miss Stephanie's Academy in March, 1998 for the operation of a day care center from the property located at 600 N. 118th Street. Prior to that time, the property had been home to the West Side Friends Church and Mission School. However, the Special Use Permit was revoked in 2003 due to a violation of the Zoning Ordinance as provided in Section 5(2) of the Zoning Ordinance as the day care center use was discontinued. The last license that was issued by the Kansas Department of Health and Environment indicates a licensed capacity of eighty-four (84) children. Therefore, the day care can have no more than 84 children present at any one time. The City approved a new Special Use Permit on May 24, 2004 under Ordinance No. 2043 and again on August 14, 2006 under Ordinance No. 2137.

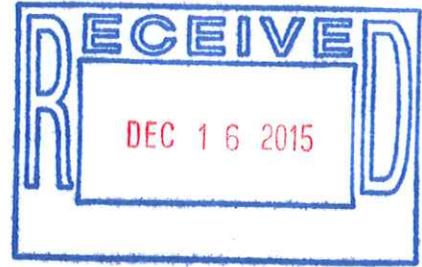
Factors for Consideration:

1. **The proposed special use complies with all applicable provisions of these regulations, including intensity of use regulations, yard regulations, and use limitations, unless specifically exempted by the provisions of these regulations** – The proposed use is allowed by Special Use Permit in the A-1, Agricultural District and therefore, is an acceptable use under the use limitations stated below. The current building meets all required setbacks for the A-1, zoning district. However, the trash enclosure does not meet the current standard and needs to be brought up to current code (See attached photo). Staff is requiring the trash enclosure be reconstructed and enclosed on all four sides to bring it into compliance with the Screening Requirements.
2. **The proposed special use at the specified location will contribute to and promote the welfare or convenience of the public** – The day care center has operated since 1998 and provides a valuable service to the community.
3. **The proposed special use will not cause substantial injury to the value of other property in the neighborhood in which it is to be located** – The property was used for a church school and day care center for a number of years. The continued use as a day care center will not cause injury to the value of adjoining properties.
4. **The location and size of the special use, the nature and intensity of the operation involved in or conducted in connection with it, and the location of the site:**
 - a. **The location, nature and height of buildings, structures, walls and fences on the site** – There are no additions or modifications proposed by the applicants for this site.
 - b. **The nature and extent of landscaping and screening on the site** – No new landscaping will be required.
5. **Off-street parking and loading areas will be provided in accordance with the standards set forth in these regulations, and such areas shall be screened from adjoining residential uses and located so as to protect such residential uses from any injurious effect** – There will be no increase in traffic in excess of the current traffic load as a result of the approval of the special use permit. There is currently sufficient parking for the number of employees. If the day care center is ever expanded, a new site plan shall be required to be approved by the Planning Commission.
6. **Adequate utility, drainage, and other such necessary facilities have been or will be provided** – Adequate water, power, and gas are provided to the site. The applicant has indicated that an inspection was conducted on the septic system. The last inspection provided to the Planning Department is dated June 28, 2006. Staff is requiring the septic system re-inspection report to ensure that it is functioning correctly for the demand.

Adequate access roads or entrance drives will be provided and shall be so designed to prevent traffic hazards and to minimize traffic congestion in public streets or alleys – Access has been provided by an existing access to 118th Street. No changes are being requested with this special use permit. The day care center has been operating at or near the licensed capacity since February 1998 with no known traffic problems and no increase in traffic is expected to occur as a result of approval of this Special Use Permit.

A Step Above Academy
600 N. 118th Street
Bonner Springs, KS 66012

December 16, 2015



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

Dear Mr. Slone:

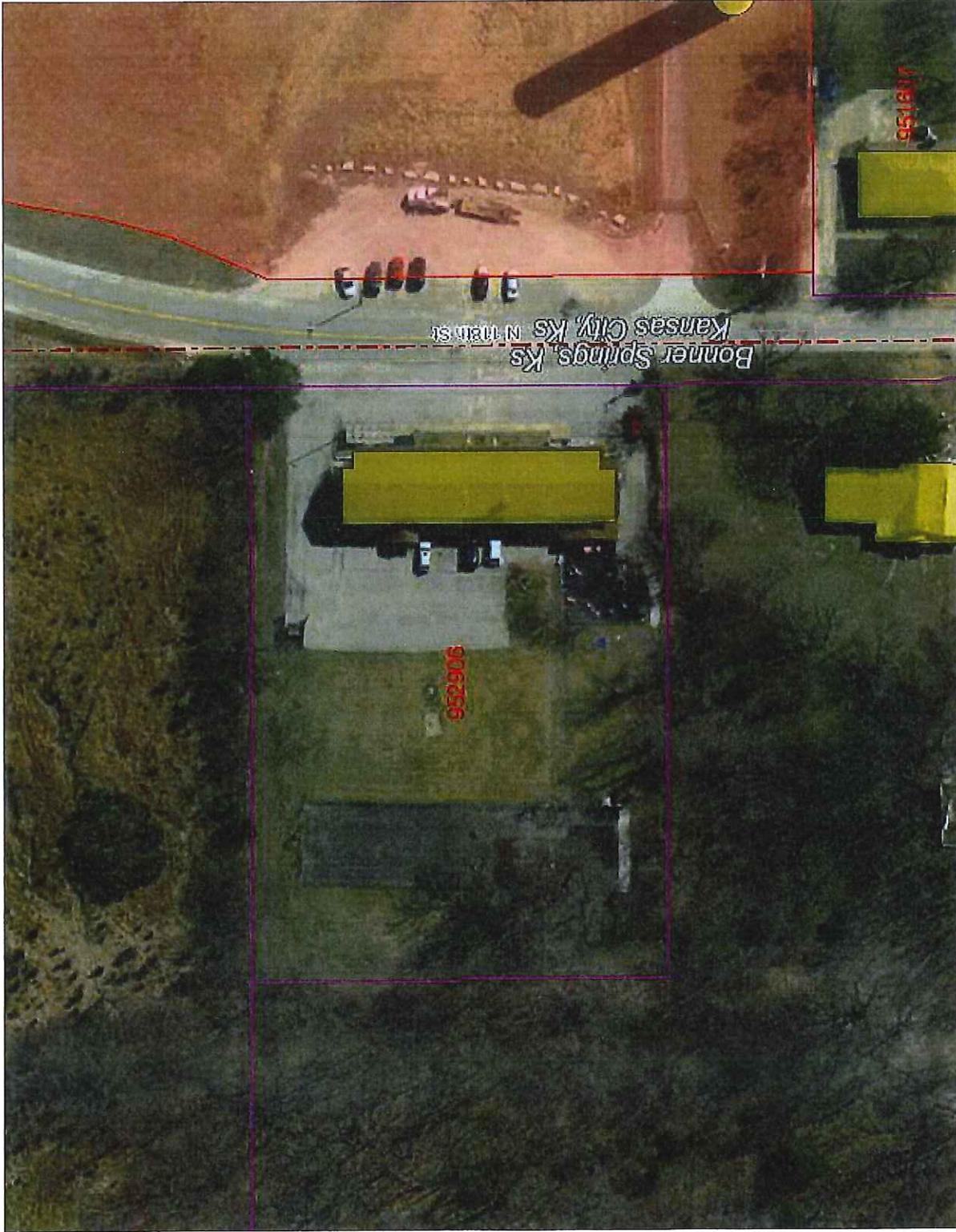
Please accept my application for a Special Use Permit for the existing day care facility in Bonner Springs. We are currently under contract to purchase the already licensed daycare facility located at 600 N. 118th Street, currently operating under the name of "A Step Above of Wyandotte County".

Our intent is to establish the licensing under our own name and continue to operate it as a child care facility with no changes to the current operation. We are working with KDHE to ensure a seamless transition.

Please let me know if you have any questions.

Sincerely,

Crystal Wenger
997 S. Clearwater Creek Dr.
Olathe, KS 66061
913-406-9014



Legend

- Buildings
- Points of Interest
- Lakes
- Rivers
- Streams
- Parks*
- Platted Parcel
- Unplatted Parcel
- ROW Parcel
- Municipal Boundaries
- + Railroads

Locator Map



Notes

Map Print Date: 12/18/2015 1:46 PM



DISCLAIMER OF WARRANTY AND ACCURACY: Unified Government of Wyandotte Co./Kansas City, KS (UG) makes no representations or warranties about this map or its content, including, without limitation, accuracy, completeness, or fitness for any purpose. Users of this map document do so at their own risk; UG will not be liable to any such user for any loss or damage whatsoever.





ORDINANCE NO. 2137

An ordinance of the Governing Body of the City of Bonner Springs, Kansas, approving a Special Use Permit under SUP-110, "Miss Stephanie's Academy" for property located at 600 N. 118th Street, Bonner Springs, Kansas

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

Section I: That the Official Zoning Map classification for Miss Stephanie's Academy for a Special Use Permit located on A-1, Agricultural District zoned property located at 600 N. 118th Street, Bonner Springs, Wyandotte County, Kansas to wit:

Beginning at the Northeast corner of the Southeast Quarter of Section 9, Township 11, Range 23, thence West along the East and West center line of said Section 313.05 feet. Thence South 208.7 feet. Thence East 313.05. Thence North 208.70 feet to the point of beginning, less that part taken or used for road purposes, in Bonner Springs, Wyandotte County, Kansas.

Section II: The Official Zoning Map shall be amended to reflect the approved Special Use classification with the following conditions:

1. Future expansions or additions to the site not identified on the Special Use Permit Site Plan will require the submission of a new Site Plan to be reviewed and approved by the Planning Commission;
2. The revocation of the Special Use Permit may occur for a violation of the Zoning Ordinance as provided in Section 8, Article XXVII of the Zoning Ordinance or violation of any or all of the conditions set out in the Special Use Permit; and
- * 3. The Special Use Permit to be valid for an indefinite period of time unless:
 - a. The subject property is sold, or
 - b. The operation of such use by the owner designated in the permit is discontinued for more than 12 months.

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

PASSED AND APPROVED by the Governing Body of the City of Bonner Springs, Kansas, this 14th day of August, 2006.

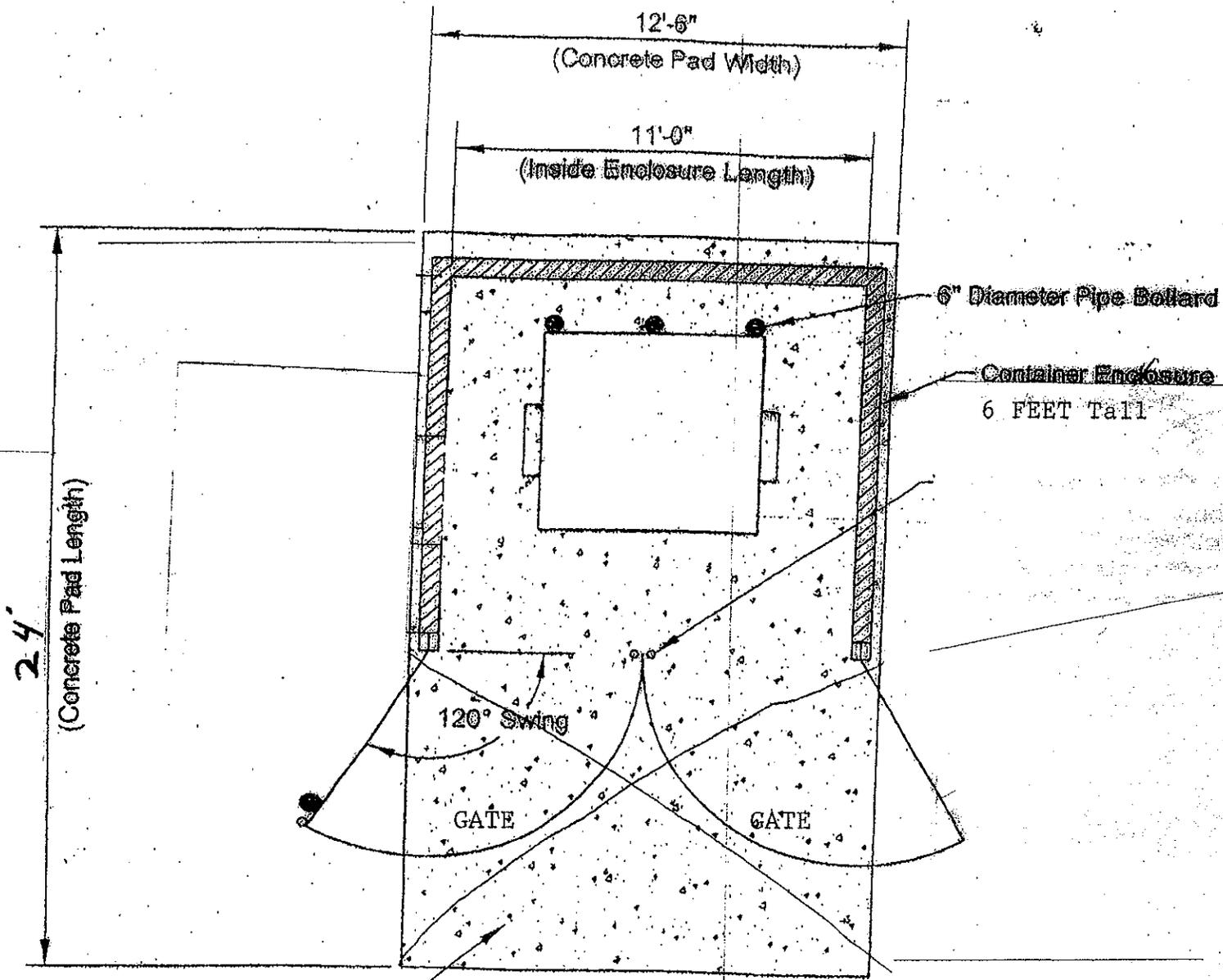

Clausie W. Smith, Mayor

ATTEST:


Rita Hoag, City Clerk

(SEAL)

DUMPSTER ENCLOSURE DETAIL



Design Concrete Pad to Withstand 10,000# Single Wheel Loads

CONTAINER ENCLOSURE PLAN

SCALE: 1/4" = 1'-0"

Affidavit in Proof of Publication

STATE OF KANSAS
Wyandotte County

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

That this weekly newspaper printed in the State of Kansas, and published in and of general circulation in Wyandotte County, Kansas, with a general paid circulation on a weekly basis in Wyandotte County, Kansas, and that said newspaper is not a trade, religious or fraternal publication, and which newspaper has been admitted to the mails as periodicals class matter in said County, and that a notice of which is hereto attached, was published in the regular and entire issue of the Bonner Springs Chieftain

Said newspaper is published weekly 52 weeks a year; has been so published continuously and uninterruptedly in said county and state for a period of more than five years prior to the first publication of said notice and been admitted at the post office of Bonner Springs in said County as second class matter.

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for 1 consecutive weeks the first publication thereof being made as aforesaid on 12/24/2015 with publications being made on the following dates:

12/24/2015

Subscribed and sworn to before me this



Notary Public

My Appointment expires: March 15, 2019

Notary And Affidavit	\$0.00
Additional Copies	\$0.00
Publication Charges	\$35.80
	\$35.80

(First published in the Bonner Springs Chieftain December 24, 2015)

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

The Planning Commission will hold a public hearing on Tuesday, January 19, 2016 at 7:00 pm at City Hall in the Council Chambers, 205 E. 2nd Street, Bonner Springs, Kansas. The purpose of the public hearing is to receive public comment for:

Special Use Permit: SUP-133: "A Step Above Academy" a request for a special use permit in order to continue the day care center last approved under Ordinance No. 2137 on August 14, 2006. Requested by Crystal Wenger under contract from James and Nancy Thomas, A Step Above Academy of Wyandotte County, LLC, property owners of record. The property is located at 600 N. 118th Street on 1.4 acres of property zoned A-1, Agricultural District. No additions or alterations are being proposed with this request. The property is being purchased by the applicant and requires the issuance of a new special use permit.

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

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

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

RECEIVED
 15 DEC 28 PM 12:29
 CITY OF BONNER SPRINGS

