



City of Bonner Springs

PLANNING COMMISSION AGENDA

CITY HALL COUNCIL CHAMBERS

TUESDAY, NOVEMBER 15, 2016

STUDY SESSION @ 6:30 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, NOVEMBER 15, 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, November 15, 2016**

Study Session – 6:30 p.m.

- Planning Commission discussion on changes to the Landscape Regulations (Refer to Item No. 3)

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 September 20, 2016.

Motion: _____ Second: _____

1. Board Discussion

For: _____ #Against: _____

New Business:

ITEM NO. 2: Special Use Permit: SUP-138: “Overton’s Archery Center” a request to construct and operate an indoor and outdoor archery range and single-family residence on 6.16 acres. Requested by Leticia Cole, Paul Warner Architects, for Jon Overton, Overton’s Archery Center under contract from Mike & Kerry Hefton, property owners of record. The property is zoned A-1, Agricultural District and located at 46 N. 122nd Street. *(This item will be forwarded to the Governing Body on December 19, 2016)*

Open Public Hearing Time: _____

1. Staff Presentation / Applicant Presentation
2. Public Comment

Close Public Hearing Time: _____

Motion: _____ Second: _____

3. Board Discussion

For: _____ #Against: _____

ITEM NO. 3: Zoning Ordinance Amendment: BSZP-126: “Landscape Regulations – Minimum Planting Requirements” A request by the Planning Commission to consider an amendment to the Zoning Ordinance, Article XXX: Landscape Regulations, Section 5: Minimum Planting Requirements *(This item will be forwarded to the Governing Body on December 19, 2016)*

Open Public Hearing Time: _____

1. Staff Presentation
2. Public Comment

Close Public Hearing Time: _____

Motion: _____ Second: _____

3. Board Discussion

For: _____ #Against: _____

Adjournment Time: _____

ITEM NO. SS-1

PLANNING COMMISSION STUDY SESSION AGENDA

Tuesday, November 15, 2016 – 6:30 p.m.

Planning Commission Discussion:

Discuss changes to Article XXX: Landscape Regulations – Minimum Planting Requirements (Please refer to Item No. 3)

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

ACTION: No action required discussion only. (See Item No. 3)

ITEM NO. 1

PLANNING COMMISSION AGENDA
Tuesday, November 15, 2016 – 7:00 p.m.

Approval of Minutes: The regular Planning Commission meeting held September 20, 2016

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

MOTION: _____

SECOND: _____

ACTION: Make a Motioun to Approve

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

NARRATIVE: The minutes of the September 20, 2016 meeting are attached.

PLANNING COMMISSION MEETING MINUTES

Tuesday, September 20, 2016 @ 7:00 p.m.

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

Members Absent: Lew Kasselman

Staff Present: Don Slone, AICP, CFM, Planning Director

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 August 16, 2016 Planning Commission meeting. Commissioner Krone made a motion to approve the minutes with two corrections with a second from Commissioner Stephan. Chairman Parks stated that on page 2, 4th paragraph from the bottom, change Council to Commission and add Commissioner Mesmer as seconding Commissioner Stephan motion in the last paragraph also on page 2. The Planning Director stated those changes will be made. Commissioner Parks asked if there were any additional corrections. Seeing none, he called for the vote. The minutes were approved by a 7-0 vote.

New Business:

Chairman Parks introduced **Item No. 2: Comprehensive Plan Change: BSCP-26 “Wilkerson Crane Rental”** a request to amend the Future Land Use Map of the Comprehensive Plan changing the land use designation for 17.23 acres from Mixed Use designation to an Industrial designation. Requested by Kate Pfefferkorn-Mansker, Pfefferkorn Engineering & Environmental for Wilkerson Crane Rental Inc., property owners of record. These amendments are to change the current Future Land Use designation and Zoning classification to allow for the construction of a crane rental business located at 14101 Gibbs Road (K-32 Hwy).

Chairman Parks opened the public hearing at 7:05 p.m. and asked for Staff Presentation. The Planning Director presented the case with a Staff Recommendation to approve the Comprehensive Plan Change as presented in the Staff Report.

Chairman Parks asked if the applicant would like to address the Planning Commission. **Kate Pfefferkorn-Mansker**, Pfefferkorn Engineering & Environmental stated she had no additional comments and stated that she had a very pleasant experience working with Don, the Planning Director with his assistance with the City's development process. She then stated that she would be glad to answer any questions the Planning Commission might have.

Chairman Parks asked Ms. Pfefferkorn-Mansker if she was in agreement with all the listed conditions. Ms. Pfefferkorn-Mansker indicated they were in agreement with the listed conditions.

Chairman Parks asked if anyone in the audience had any questions or comments.

Jim Bishop, Vesta Lee Lumber, 2300 S. 138th Street stated that he was asked to attend and represent Leavenworth Rural Water District No. 7. As neighbors, he was asked to represent the Water District that was in favor of the project and had no objections.

Chairman Parks asked if anyone else in the audience had any questions or comments. Seeing none he closed the public hearing at 7:08 p.m. and asked for a motion. Commissioner Stephan made a motion to approve the Comprehensive Plan Change with a second from Commissioner Krone.

Chairman Parks asked if there were any questions from the Planning Commission. Commissioner Stephan stated that he thinks this is a good plan and it fits well with both Berkel & Company and the old Jones & Jones development which is now a landscape company.

Chairman Parks asked if there were any additional questions from the Planning Commission. 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 October 10, 2016 with a unanimous Planning Commission recommendation of approval.

Chairman Parks introduced **Item No. 3: Rezoning: BSZ-133: BSZ-133: "Wilkerson Crane Rental"** A request to rezone 17.39 acres from request to from a MX, Mixed Use District classification to an I-1, Light Industrial District classification. Requested by Kate Pfefferkorn-Mansker, Pfefferkorn Engineering & Environmental for Wilkerson Crane Rental Inc., property owners of record. These amendments are to change the current Future Land Use designation and Zoning classification to allow for the construction of a crane rental business located at 14101 Gibbs Road (K-32 Hwy).

Chairman Parks opened the public hearing at 7:11 p.m. and asked for Staff Presentation. The Planning Director presented the case with a Staff Recommendation to approve the Rezoning as presented in the Staff Report.

Chairman Parks asked if the applicant would like to address the Planning Commission. **Kate Pfefferkorn-Mansker**, Pfefferkorn Engineering & Environmental stated she would be glad to answer any questions the Planning Commission might have.

Chairman Parks asked if anyone in the audience had any questions or comments. Chairman Parks asked if Jim Bishop had any additional comments. Mr. Bishop stated he had no objections.

Chairman Parks then asked Ms. Pfefferkorn-Mansker if she was in agreement with all the listed conditions. Ms. Pfefferkorn-Mansker indicated she is in agreement with the listed conditions.

Chairman Parks asked if anyone else in the audience had any questions or comments. Seeing none he closed the public hearing at 7:13 p.m. and asked for a motion. Commissioner Mesmer made a motion to approve the Rezoning with the listed conditions with a second from Commissioner Stephan.

Chairman Parks asked the Planning Director if the applicant was considering extending the shoulder to incorporate the bike path that is recommended in the K-32 Tri-City Multimodal Redevelopment Plan. The Planning Director stated that he is currently working with the applicant and property owners to incorporate the Plan if possible and will be shown on the Site/Landscape Plan when submitted for Planning Commission consideration.

Chairman Parks asked if there were any additional questions from the Planning Commission. 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 October 10, 2016 with a unanimous Planning Commission recommendation of approval.

Chairman Parks introduced **Item No. 4: Rezoning: BSZ-134: "Quicksilver Readymix, LLC"** a request to rezone 14.74 acres from request to from an I-1, Light Industrial District classification to an I-2, Heavy Industrial District classification. Requested by Curtis M. Holland, Attorney-in-Fact, Polsinelli, for Quicksilver Readymix, LLC, under contract from Coleman Farm Properties, G.P., property owners of record. The property is generally located at the west end of 40th Street in the Bonner Springs Industrial Park specifically 23888 W. 40th Street.

Chairman Parks opened the public hearing at 7:15 p.m. and asked for Staff Presentation. The Planning Director presented the case with a Staff Recommendation to approve the Rezoning as presented in the Staff Report.

Chairman Parks asked if the applicant would like to address the Planning Commission. **Curtis M. Holland**, Polsinelli stated he would be glad to answer any questions the Planning Commission might have. He also stated that with him tonight was the project engineer, Greg Watson, Shafer, Kline & Warren along with the owners of Quicksilver Readymix, Dale Eason and Rick Rank, 15100 E. Courtney-Atherton Road, Sugar Creek, MO and Wally Rist, Kissinger Hunter.

Chairman Parks asked Mr. Holland if he was in agreement with all the listed conditions. Mr. Holland stated that they were in agreement with all the listed conditions.

Chairman Parks asked if anyone in the audience had any questions or comments. Seeing none he closed the public hearing at 7:18 pm and asked for a motion. Commissioner Stephan made a motion to approve the Rezoning with the listed conditions with a second from Commissioner Yates.

Chairman Parks asked if there were any additional questions from the Planning Commission. 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 October 10, 2016 with a unanimous Planning Commission recommendation of approval.

Chairman Parks introduced **Item No. 5: Special Use Permit: SUP-137: "Quicksilver Readymix, LLC"** a request to construct and operate a concrete, ready-mix plant on 14.74 acres. Requested by Curtis M. Holland, Attorney-in-Fact, Polsinelli, for Quicksilver Readymix, LLC, under contract from Coleman Farm Properties, G.P., property owners of record. The property is generally located at the west end of 40th Street in the Bonner Springs Industrial Park specifically 23888 W. 40th Street

Chairman Parks opened the public hearing at 7:20 p.m. and asked for Staff Presentation. The Planning Director presented the case with a Staff Recommendation to approve the Special Use Permit as presented in the Staff Report.

Chairman Parks asked if the applicant would like to address the Planning Commission. **Curtis M. Holland, Polsinelli** explained the site configuration with the building up front along 40th Street with the batch plant at the rear of the property with screening trees along the west side of the detention basin.

Chairman Parks asked Mr. Holland if he was in agreement with the listed conditions. Mr. Holland stated that they were in agreement with all the listed conditions.

Chairman Parks asked if anyone in the audience had any questions or comments. Seeing none he closed the public hearing at 7:24 pm and asked for a motion. Commissioner Pierce made a motion to approve the Special Use Permit with the listed conditions with a second from Commissioner Mesmer.

Chairman Parks asked if there were any questions from the Planning Commission. Commissioner Pierce stated that under condition No. 5 that "be" was missing between will and required.

Chairman Parks asked the Planning Director about the walking bridge over the Kansas River with the associated trail to the future City Park that was being considered with this project. The Planning Director stated that yes, it will be part of the project at the platting stage and that he was in communication with the property owner to show the walking trail along the top of the Monticello Drainage District Levee from the K-7 Bridge over the Kansas River to the future City Park.

Chairman Parks asked if there were any additional questions from the Planning Commission. 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 October 10, 2016 with a unanimous Planning Commission recommendation of approval.

Chairman Parks introduced **Item No. 6: Preliminary Plat: PT-16-100, "Woodend Road Estates"** this request is for a preliminary plat for a four (4) lot subdivision on 47.46 acres. Requested by Joe, Herring, Herring Surveying Company for Cindy L. Kreider, property owner of record. The subject property is zoned A-1, Agricultural District located at 13933 Woodend Road.

Chairman Parks asked for Staff Presentation. The Planning Director presented the case with a Staff Recommendation to approve the Preliminary Plat as presented in the Staff Report.

Chairman Parks asked if the applicant would like to address the Planning Commission. **Joe, Herring, Herring Surveying** stated he would be glad to answer any questions.

Chairman Parks asked Mr. Herring if he was in agreement with all the listed conditions. Mr. Herring stated that he has completed all the listed conditions.

Chairman Parks asked if anyone in the audience had any questions or comments. Seeing none he asked for a motion. Commissioner Krone made a motion to approve the Preliminary Plat with the listed conditions with a second from Commissioner Neff.

Chairman Parks asked if there were any additional questions from the Planning Commission. Seeing none he called for the vote. Motion passed 7-0.

Chairman Parks introduced **Item No. 7: Final Plat: PT-16-100, "Woodend Road Estates"** this request is to "plat" 47.46 acres consisting of a four (4) lot subdivision. Requested by Joe, Herring, Herring Surveying Company for Cindy L. Kreider, property owner of record. The subject property is zoned A-1, Agricultural District located at 13933 Woodend Road.

Chairman Parks asked for Staff Presentation. The Planning Director presented the case with a Staff Recommendation to approve the Final Plat as presented in the Staff Report and stated that all the conditions of approval have been completed. The Planning Director stated that he was awaiting final approval from the County Surveyor before the final plat could be filed.

Chairman Parks asked if the applicant would like to address the Planning Commission. **Joe, Herring,** Herring Surveying stated he did not have anything to add but would be glad to answer any questions.

Chairman Parks asked if anyone else in the audience had any questions or comments. Seeing none he asked for a motion. Commissioner Mesmer made a motion to approve the Final Plat with the listed conditions with a second from Commissioner Pierce.

Chairman Parks asked if there were any additional questions from the Planning Commission. 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 to accept the dedication of the easements and rights-of-way on October 10, 2016 with a unanimous Planning Commission recommendation of approval.

Chairman Parks asked if there was any further business. Seeing none, he adjourned the meeting at 7:33 p.m.

Don E. Slone, AICP, CFM, Secretary

ITEM NO. 2

PLANNING COMMISSION AGENDA
Tuesday, November 15, 2016 – 7:00 p.m.

Special Use Permit: SUP-138: “Overton’s Archery Center”, a request to construct and operate an indoor and outdoor archery range and single-family residence on 6.16 acres. Requested by Leticia Cole, Paul Warner Architects, for Jon Overton, Overton’s Archery Center under contract from Mike & Kerry Hefton, property owners of record. The property is zoned A-1, Agricultural District and located at 46 N. 122nd Street.

| | | |
|--------------------|------------|-------|
| PRESENT | Stephan | _____ |
| | Yates | _____ |
| | Neff | _____ |
| & VOTE: | Kasselmann | _____ |
| | Parks | _____ |
| | Krone | _____ |
| | Mesmer | _____ |
| | Pierce | _____ |

MOTION: _____

SECOND: _____

ACTION: Make a motion to approve.

STAFF RECOMMENDATION: Staff recommends approval of this item with the conditions 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 December 19, 2016.**

SPECIAL USE PERMIT: “OVERTON’S ARCHERY CENTER”**Case No.:** SUP-138**Applicant:** Leticia Cole, Paul Warner Architects**Developer:** Jon Overton, Overton’s Archery Center**Owners:** Mike & Kerry Hefton**Location:** 46 N. 122nd Street (Parcel No. 955711)**Tract Size:** 14.74 acres**Zoning:** A-1, Agricultural District**Building:** Indoor / Outdoor Archery Center with a Single-Family Residence**Staff Recommendation:**

Staff recommends approval of SUP-138 for Overton’s Archery Center to allow the construction and operation of an indoor/outdoor archery center with an attached single-family residence and to forward it to the Governing Body with a recommendation for approval, subject to four (4) conditions:

1. Provide a Boundary Survey to the Planning Department that includes the proposed access from 122nd Street. Access to the tract should be located completely north of the extended northerly property line of 36 N. 122nd Street;
2. The hours of operation will be allowed per the Applicant’s Letter dated October 10, 2016 attached with this request;
3. Submittal of a Site/Landscape Plan shall be required to be reviewed and approved by the Planning Commission;
4. 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
 - a. The Special Use Permit to be valid for an indefinite period of time unless: 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.

Exhibits: Applicant’s Letter, Concept Site Layout, Building Elevations and Floor Plan, City’s GIS Map, Interior photographs of the existing business and the Proof of Publication.

Project Description:

The applicant has submitted a request for a Special Use Permit in order to construct and operate an indoor/outdoor archery center with an attached single-family residence. The subject property is under contract for purchase by Overton’s Archery Center from Mike & Kerry Hefton.

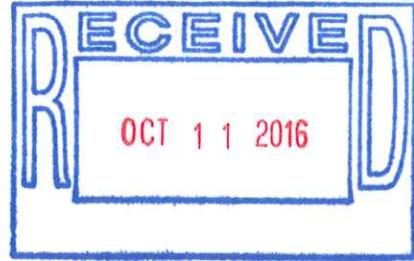
Factors for Consideration:

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 as a special use in the A-1, Agricultural District, therefore, would be an acceptable use under the use limitations thereof. The specific requirements noted for the requested indoor/outdoor archery center are as follows:
 1. Provide a Boundary Survey to the Planning Department which includes the proposed access from 122nd Street. Access to the tract should be located completely north of the extended northerly property line of 36 N. 122nd Street; and
 2. The hours of operation will be allowed per the Applicant’s Letter dated October 10, 2016 attached with this request.

2. **The proposed special use at the specified location will contribute to and promote the welfare or convenience of the public** – There appears to be no benefit to the public that would result in the denial of the special use permit. The proposed use abuts I-70 to the north as well as the Sunflower Hills Golf Course, Wyandotte County Park, and the Agricultural Hall of Fame.
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 proposed use is compatible with the current land uses to the north as this will be a relatively quiet business.
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** – submittal of a complete Site Plan will be required for approval by the Planning Commission prior to receiving any construction permits.
 - b. **The nature and extent of landscaping and screening on the site** – submittal of a complete Landscape Plan will be required for approval by the Planning Commission.
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** – The off-street parking will be reviewed and approved during the Site Plan review and approval process for the proposed facility. All off-street parking and loading areas are required to be an all-weather, dust free surface of asphalt or concrete.
6. **Adequate utility, drainage, and other such necessary facilities have been or will be provided** –
 - City water is available from a 4” waterline along the east side of 122nd Street, with electric and telephone also available to the site;
 - An On-site Wastewater Treatment System (OWTS) will be required to be approved and inspected by the Wyandotte County Health Department;
 - Since the tract is currently undeveloped, a drainage study and detention plans necessary for this development shall be submitted in conjunction with the Site/Landscape Plan; and
 - Access to the subject site will be provided from 122nd Street at Riverview Avenue.
7. **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 to the subject site will be provided from the newly rebuilt 122nd Street at Riverview Avenue. Access to the tract should be located completely north of the extended northerly property line of 36 N. 122nd Street.

October 10, 2016

City of Bonner Springs
Special Use Permit Application



RE: Overton's Archery Center

To Whom it may concern:

Overton's Archery Center is a small family owned business currently located in Lawrence, Kansas. We currently have an indoor range and rental/service facility. We offer lessons, a weekly youth program, leagues, equipment rental, birthday parties and team building events.

We are planning to build a larger facility with more range capacity and add an outdoor archery range as well as living quarter for my wife and I.

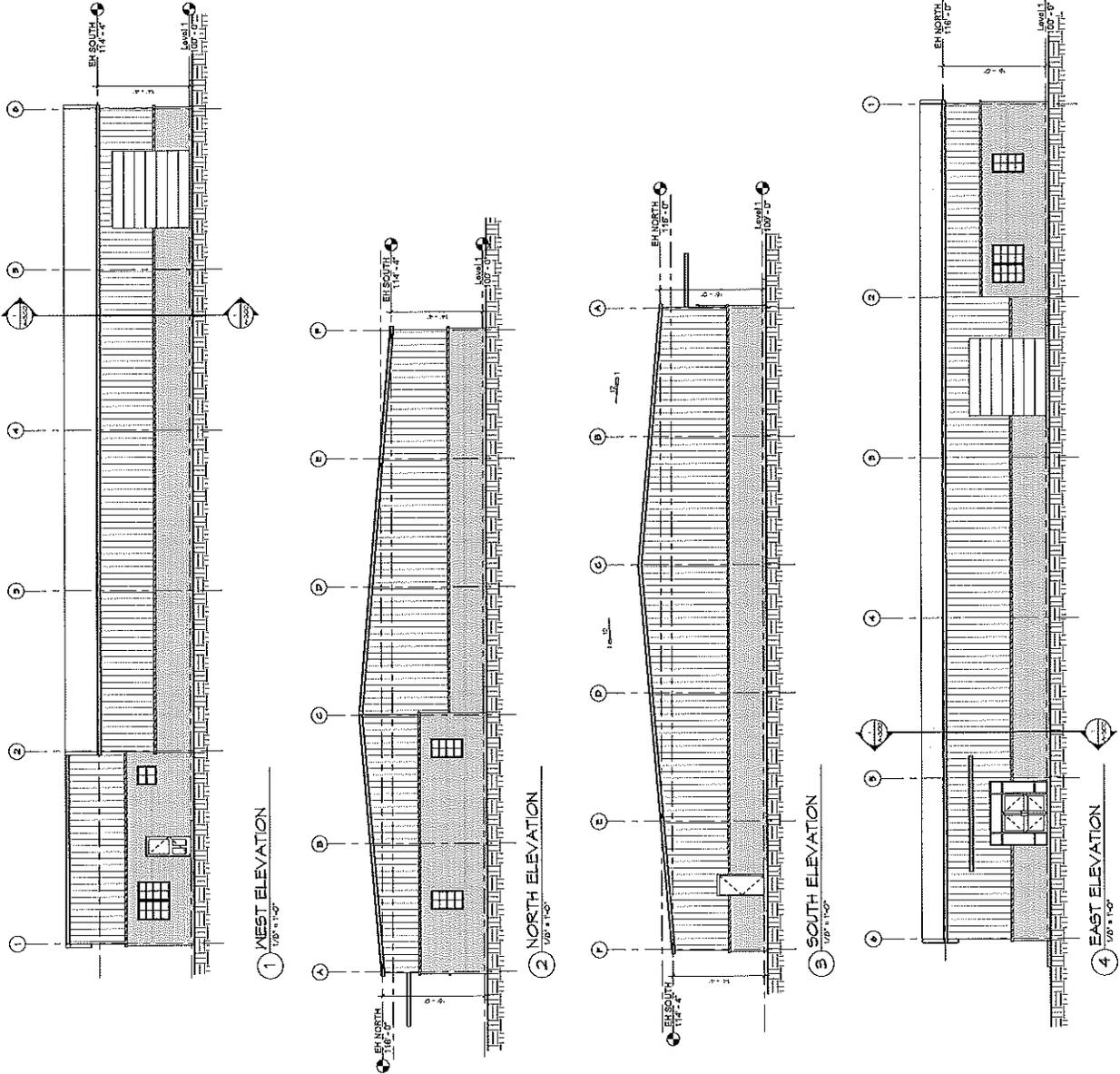
The hours of operation are 11AM - 8PM Tuesday through Friday, and 10AM - 6PM Saturday. We may expand that to 10AM - 9PM through the week and perhaps 1-5 on Sundays if we see a need.

Sincerely,

Handwritten signature of Jon Overton in blue ink.

Jon Overton

PRELIMINARY DOCUMENTS
NOT FOR CONSTRUCTION



paul werner
ARCHITECTS

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SUITE 2P
LAWRENCE, KS 66044
OFFICE: 785.832.0064
816.733.8282

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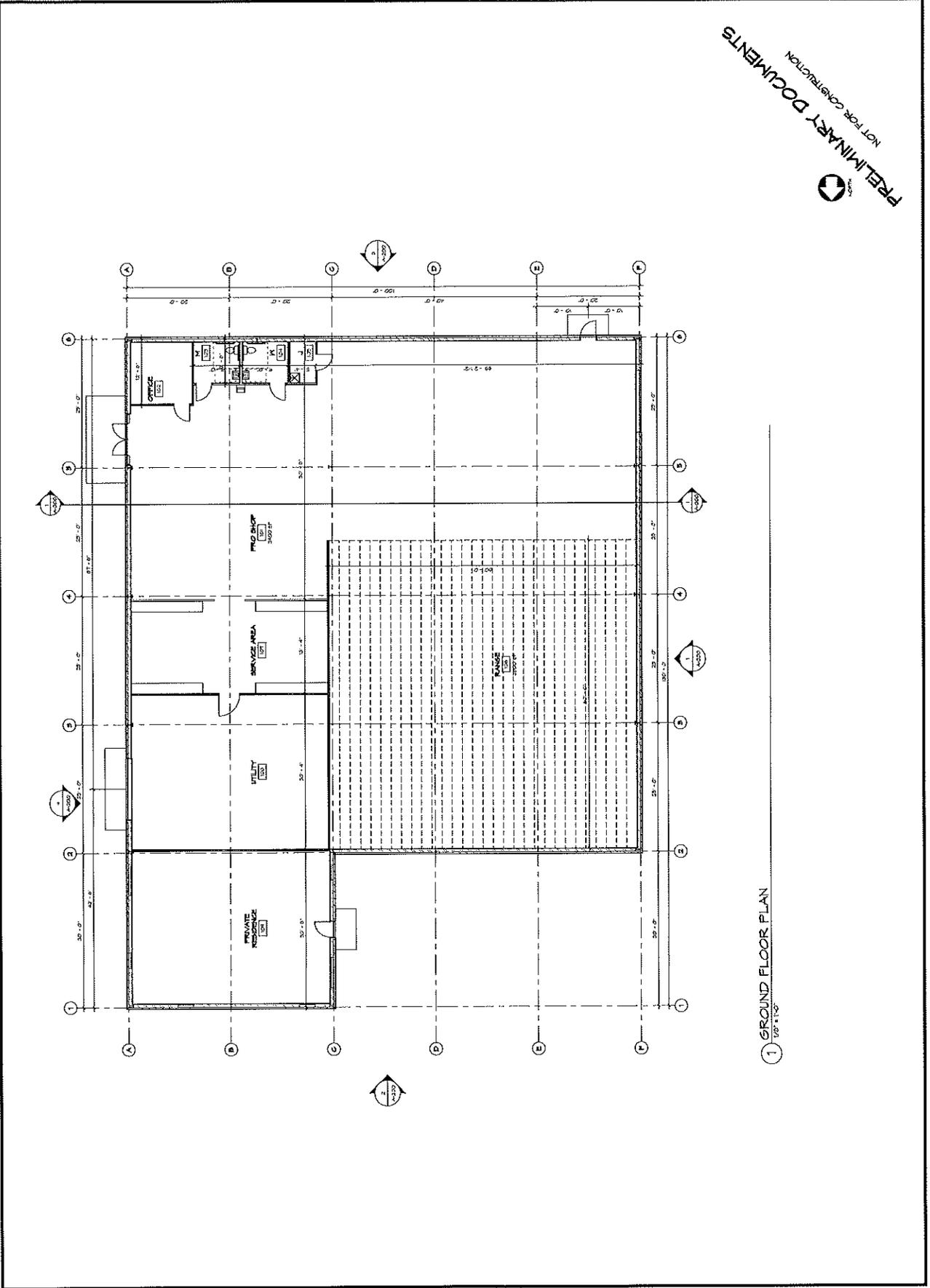
**OVERTON'S ARCHERY
CENTER**
BORNEN BRUNGS, KANSAS

EXTERIOR ELEVATIONS
PROJECT # 214-150
JUNE 20, 2016

DATE PLOTTED
SCALE

SHEET NO.
DATE

A-200



PRELIMINARY DOCUMENTS
 NOT FOR CONSTRUCTION

A-100

REVISION: DATE:

RELEASED: DATE:

PROJECT # 214-450

JUNE 20, 2016

OVERTON'S ARCHERY CENTER
 BONNER SPRINGS, KANSAS

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631

12200

11910

RIVERVIEW AVE

I-70 HWY

12335

12331

11941

N 422ND ST

12121

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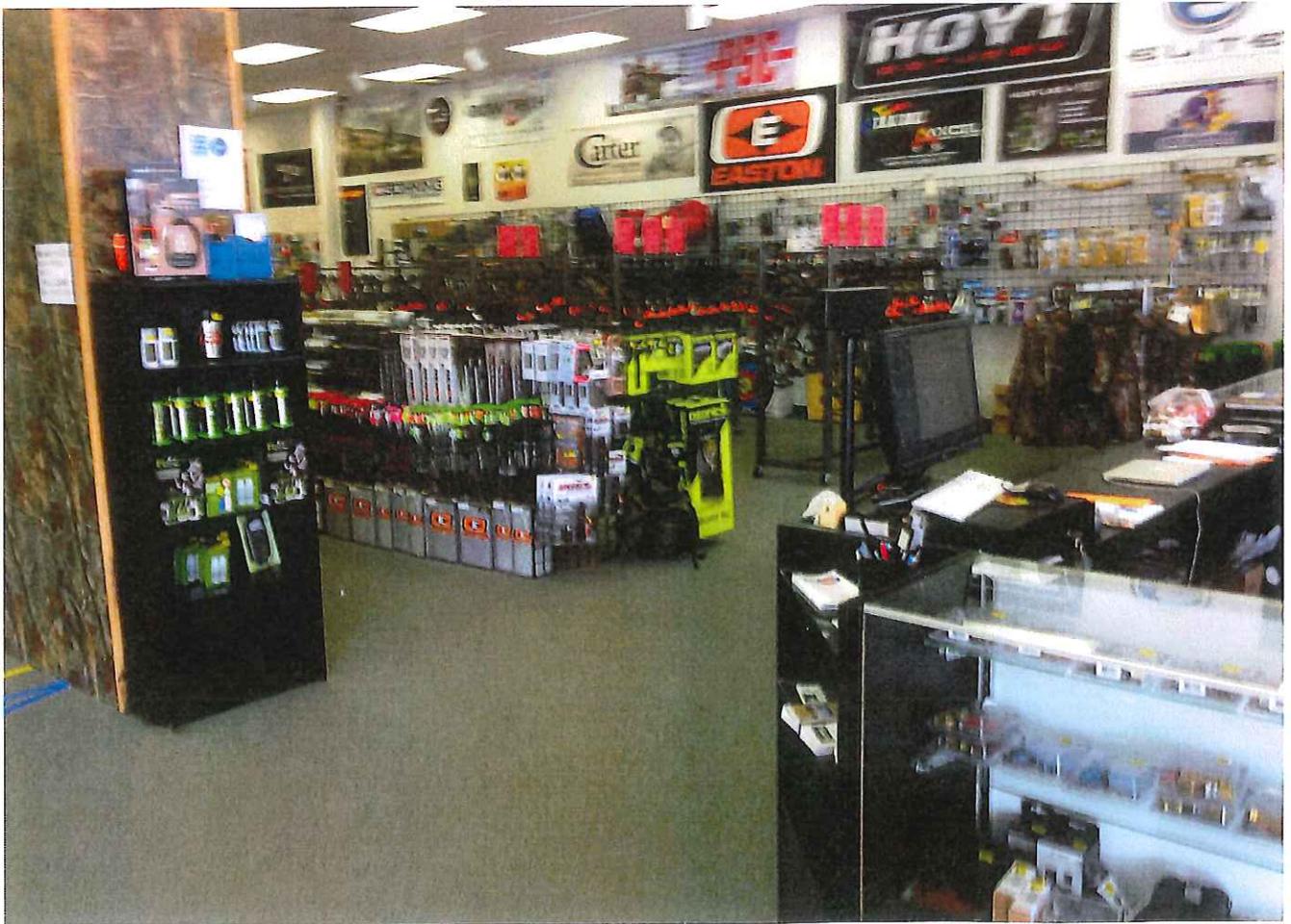
200

10 in #7

10 in #7

4 in PVC # 2091

3 in PVC - # 068





PROOF OF PUBLICATION

NOTICE

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

The Planning Commission will hold a public hearing on Tuesday, November 15, 2016 at 7:00 p.m. at City Hall in the Council Chambers, 205 E. 2nd Street, Bonner Springs, Kansas. The purpose of the public hearing is to receive public comment for:

Special Use Permit: SUP-138: "Overton's Archery Center" a request to construct and operate an indoor/outdoor archery center with attached single-family residence on 6.16 acres. Requested by Leticia Cole, Paul Warner Architects, for Jon Overton, Overton's Archery Center under contract from Mike & Kerry Hefton, property owners of record. The property is zoned A-1, Agricultural District and located at 46 N. 122nd Street.

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

(First published 10-20-16)

1t-The Wyandotte Echo-10-20-16

State of Kansas, Wyandotte County, ss:
Roberta M. Peterson, of lawful age, being duly sworn, says that she is the **PUBLISHER** of **The Wyandotte Echo**, a weekly newspaper, owned and operated by **M.R.P.P. Inc.**, printed and published in the city of Kansas City, Wyandotte County, State of Kansas, which said newspaper has a general circulation and has been admitted to the mails as second class matter in said county, and has been published therein during a period of more than five years prior to the first publication of the legal notice hereto annexed; that affiant, of her own knowledge, knows that the printed notice was published each and every issue of **The Wyandotte Echo** for 1 consecutive weeks as follows:

1st Publication was made on: OCTOBER 20, 2016

2nd Publication was made on: _____

3rd Publication was made on: _____

4th Publication was made on: _____

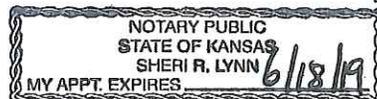
Printer Fees: \$ 26.25

Roberta M. Peterson

SUBSCRIBED AND SWORN TO before me on this:

20th day of OCTOBER, 2016

Notary Public: Sheri R. Lynn



ITEM NO. 3

PLANNING COMMISSION AGENDA
Tuesday, November 15, 2016 – 7:00 p.m.

Zoning Ordinance Amendment: BSZP-126: “Landscape Regulations – Minimum Planting Requirements” A request by the Planning Commission to consider an amendment to the Zoning Ordinance, Article XXX: Landscape Regulations, Section 5: Minimum Planting Requirements

| | |
|--------------------|-----------------|
| 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 with the conditions 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 December 19, 2016.**

To: Planning Commission

From: Don E. Slone, AICP, CFM, Planning Director

Subject: **Zoning Ordinance Amendment: BSZP-126: "Landscape Regulations, Article XXX"**

Recommendation:

The Planning Director recommends approval of several amendments to the Landscape Regulations, Article XXX, Section 4 and Section 5: Minimum Planting Requirements of the Zoning Ordinance by; removing the all references to six (6) feet in height trees; requiring all trees to me a minimum two (2) inch caliper; and remove all references to Conifers and Upright Evergreen Trees.

Discussion:

The Planning Commission discussed these amendments at their Study Session on July 19, 2016. After that discussion, the Planning Commission requested the Planning Director publish a notice for a Public Hearing on the next available Planning Commission meeting to consider the recommended change to the Landscape Regulations as shown below.

Background:

The Planning Director has noticed an increased use of "Small Deciduous or Ornamental Trees", "Conifers" and "Upright Evergreen Trees" by residential developers to meet the minimum "tree requirements" listed under Section 5(2)(3)(4).

These three sections only require the tree be a minimum of four (4) to six (6) feet in height rather than the minimum two (2) inch caliper required for "Medium and Large Deciduous Shade Trees" listed under Section 5(1). The stakes holding up the small deciduous or ornamental, conifer or upright evergreen trees are larger than the caliper of the tree itself. These trees more often than not die and require replanting which is left up to the new owner(s) who sometimes prefers not to replace the tree(s).

The Planning Director asked the Bonner Beautiful Commission for their recommendation. After three meetings held on April 12, May 10, and June 20, 2016, their final recommendation was to retain the use of small deciduous and ornamental trees, but add the two (2) inch caliper to be consistent with the medium and large deciduous trees. They also recommend the removal of the "Conifers" and "Upright Evergreen Trees" from the Minimum Planting Requirements list.

Attachments:

1. Landscape Regulations, Article XXX amended in legislative format; and
2. Proof of Publication.

ARTICLE XXX

LANDSCAPE REGULATIONS

SECTION 1. PURPOSE: The purpose of landscape improvements are: (a) to compliment architecture, provide shade, focus attention, add natural elements to paved surfaces, and improve the visual quality of site design; (b) to blend and replenish native tree stock where possible and, in all cases, to utilize low maintenance species common to this region; (c) to buffer and screen unsightly views and incompatible uses of the land and/or development; and (d) to maintain and improve the environment by air purification, oxygen regeneration, ground water recharge, storm water runoff retardation, and noise, glare and heat abatement.

SECTION 2. GENERAL PROVISIONS: All land areas which are to be unpaved or not covered by buildings shall be brought to finished grade and planted with turf or native grass or other appropriate ground cover and trees as specified in Section 5. In addition to the minimum number of trees to be planted, as set forth in Section 5, the appropriate number or amount of shrubs, ground cover, and/or turf area plantings that shall be included within each project shall be determined by the design criteria as they relate to visual safety, species used, and landscape function.

SECTION 3. LANDSCAPE PLAN REQUIRED: All plans submitted in support of a site plan, final development plan or residential subdivisions abutting a collector or arterial street, except for any individual residential lot or tract in the R, RS, R-1, R-1A Zoning Districts shall include a landscape plan signed by a registered architect or landscape architect. Property located within the AG or A-1 Agricultural Districts are exempt from these requirements. All landscape plans shall include the following information:

1. North arrow and scale;
2. Topographic information and final grading adequate to identify and properly specify planting for areas needing slope protection;
3. The location, size, and surface of materials of all structures and parking areas;
4. The location, size and type of all above-ground and underground utilities and structures with property notation, where appropriate, as to any safety hazards to avoid during landscape installation;
5. The location, type, size and quantity of all proposed landscape materials, along with common and botanical names of all plant species. The size, grading and condition shall be specified according to American Association of Nurserymen Standards;
6. The location, size and common name of all existing plant materials to be retained on the site;
7. Mature sizes of plant material shall be drawn to scale and called out on plan by common name or appropriate key;
8. Location of hose connections and other watering sources, and/or irrigation plan; and
9. The location of all trees, 12-inch caliper or larger measured at 4-1/2 feet above ground level on sites that are proposed for removal.

SECTION 4. MINIMUM TREE REQUIREMENTS PER ZONING DISTRICT:

1. **R, R-S, R-1, R-1A and R-2:** Two trees per dwelling unit shall be required within the landscape setback abutting said street frontage. All residential subdivisions abutting collector or arterial streets shall be required to provide one tree per forty (40) feet or

portion thereof of street frontage. Said trees may be clustered or arranged within the setback and need not be placed evenly at 40-foot intervals.

2. **R-3:** One tree per forty (40) feet or portion thereof of street frontage, public or private, shall be required within the landscape setback abutting said street frontage. Said trees may be clustered or arranged within the setback and need not be placed evenly at 40-foot intervals.

In addition to the required trees, based upon street frontage, one (1) tree shall also be required for every dwelling unit. These trees may include the trees required in parking lots, as set out in Section 6.

3. **M-P and M-H:** One tree for every forty (40) feet or portion thereof of street frontage, public or private, shall be required within the landscape setback abutting said street frontage. Said trees may be clustered or arranged within the setback and need not be placed evenly at 40-foot intervals.

In addition to the required trees, based upon street frontage, one tree shall also be required for every 3,000 square feet of landscape open space. These trees may include the trees required in parking lots, as set out in Section 6.

4. **MX, C-1, C-2 and C-S:** One tree for every forty (40) feet or portion thereof of street frontage, public or private, shall be required within the landscape setback abutting said street frontage. Said trees may be clustered or arranged within the setback and need not be placed evenly at 40-foot intervals.

In addition to the required trees, based upon street frontage, one tree shall also be required for every 3,000 square feet of landscape open space. These trees may include the trees required in parking lots, as set out in Section 6.

5. **I-1 and I-2:** One tree per forty (40) feet or portion thereof of street frontage, public or private, shall be required within the landscape setback abutting said street frontage. Said trees may be clustered or arranged within the setback and need not be placed evenly at 40-foot intervals.

In addition to the required trees, based upon street frontage, one tree shall also be required for every 4,000 square feet of landscape open space. These trees may include the trees required in parking lots, as set out in Section 6.

Supplementary to the minimum number of trees required, as outlined in this Section, existing trees saved on the site during construction may be credited toward the minimum number, as specified for each zoning category. Those existing trees shall be a minimum of four-inch caliper as measured 4-1/2 feet above ground for medium and large deciduous species. ~~Minimum size for ornamental and evergreen species shall be three (3) feet in height. All existing plant material saved shall be healthy and free of injury.~~

SECTION 5. MINIMUM PLANTING REQUIREMENTS: The minimum planting requirements shall be as follows:

1. Medium and Large Deciduous **Shade** Trees – Two (2) inch caliper, as measured 6 inches above the ground as specified by the American Association of Nurserymen.
2. Small Deciduous or Ornamental Trees – ~~Six (6) feet in height~~ Two (2) inch caliper, as measured 6 inches above the ground as specified by the American Association of Nurserymen, ~~with the exception of true dwarf species.~~
3. ~~Conifers—5 to 6 feet in height.~~

4. ~~Upright Evergreen Trees—4 feet in height as specified by the American Association of Nurserymen, except for true dwarf varieties.~~
5. Shrubs (Deciduous and Conifer Including Spreader and Globe Tree Forms) - Size optional as determined by applicant.
6. Ground Cover Plants - Crowns, plugs, containers in a number as appropriate by species to provide fifty percent (50%) surface coverage after two growing seasons.
7. Turf and Native Grass - Seed as appropriate to provide complete coverage within the first growing season.
8. Sod - As necessary to provide coverage and soil stabilization.

SECTION 6. PLANTING REQUIREMENTS WITHIN PARKING AND VEHICULAR USE AREAS: The intent of this section is to require site landscaping within vehicular parking areas, to provide relief from the reflected glare and heat and provide shade in large expanses of pavement or parking areas.

All parking areas in the R-3, MX, C-1, C-2, C-S, I-1, I-2 and Planned Districts shall include the following as minimum requirements:

1. Not less than six percent (6%) of the interior of a parking lot shall be landscaped and/or a minimum of one (1) tree per ten (10) parking spaces, whichever is greater;
2. The landscaping and planting areas shall be reasonably dispersed throughout the parking lots, with a minimum of sixty percent (60%) of the landscape in the front and side yards of the property;
3. The interior dimensions of any planting area or planting median shall be sufficient (in most cases not less than 36") to protect the landscaping materials planted therein and to insure proper growth. Each area shall be protected by concrete vertical curbs, or similar structures;
4. The primary landscaping materials used in parking lots shall be trees which provide shade or are capable of providing shade at maturity. Shrubbery, hedges and other planting material may be used to complement the tree landscaping, but shall not be the sole contribution to the landscaping. Effective use of earth berms and existing topography is also encouraged as a component of the landscaping plan;
5. In those instances where plant material exists on a parking lot site prior to its development, such landscape material may be used if approved as meeting the requirements in Section 5;
6. All landscape materials shall not be placed in zones of ingress or egress at street corners, or in the intersection of a public right of way that the Planning Department determines is an obstruction to visibility, extends into sight lines or is a traffic hazard and in compliance with Article XXII Supplementary District Regulations, Section 9, Minimum Sight Triangles; and
7. Parking Lot Setbacks - A minimum of four (4) foot setback from the property line shall be required.

SECTION 7. COMPLIANCE: All landscape material shall be healthy and in place prior to issuance of a Certificate of Occupancy. A temporary certificate may be issued without the installation, provided written assurances are given that the planting will take place when the proper season arrives.

SECTION 8. MAINTENANCE: The trees, shrubs and other landscape materials depicted on plans approved by the City shall be considered elements of the project in the same manner as parking, building materials and other details. The developer, his successor and/or subsequent owners and their agents, shall be responsible for maintenance of landscaping on property on a continuing basis for the life of the development. Plant material which exhibits evidence of insect pests, disease, and/or damage shall be appropriately treated, and dead plants promptly removed and replaced within the next planting season. Should landscaping not be installed, maintained and replaced as needed to comply with the approved landscape plan, the owner and their agent or agents shall be considered in violation of the terms of the Certificate of Occupancy. The Planning Department is empowered to enforce the terms of these regulations.

SECTION 9. DEFINITIONS:

1. **Deciduous Trees** - Generally those trees which shed their leaves annually, such as Ash, Sycamore, Willow, etc.
2. **Evergreen Trees** - Generally those trees which do not shed their leaves annually, such as Pine, Spruce, Juniper, etc.
3. **Ground Cover** - Landscape materials, or living low-growing plants other than turf grass, installed in such a manner so as to form a continuous cover over the ground surface.
4. **Landscape Material** - Shall consist of such living material as trees, shrubs, ground cover/vines, turf grasses, and nonliving material such as: rock, pebbles, sand, mulch, brick pavers, earth berms (excluding pavement), and/or other items of a decorative or embellishment nature such as: fountains, pools, walls, fencing, sculpture, etc.
5. **Landscape Open Space** - All land area within the property lines not covered by building or pavement.
6. **Large Trees** - Generally include those species of trees that reach a height of seventy feet or taller at maturity.
7. **Medium Trees** - Generally thirty to seventy feet in height at maturity.
8. **Native Grasses** - Species of perennial grass other than those designated as noxious weeds by the State of Kansas Department of Agriculture and Entomology.
9. **Private Street Setback** - That distance of open area between the curb line and the building setback line.
10. **Public Street Setback** - That distance of open area between the street right of way line and the building setback line.
11. **Shrubs** - Any self-supporting, woody plant of a species which normally grows to an overall height of less than fifteen (15) feet in this region.
12. **Small Trees** - Generally thirty feet or less in height at maturity, including ornamental flowering trees and "patio" trees.
13. **Trees** - Any self-supporting, woody plant of a species which normally grows to an overall minimum height of fifteen (15) feet in this region.
14. **Turf Grass** - A species of perennial grass grown as permanent lawns or for landscape purposes as distinguished from these species grown for agricultural or commercial used purposes.

SECTION 10. RECOMMENDED TREE / SHRUB LIST: A recommended list of trees and shrubs is available at the Planning Department.

PROOF OF PUBLICATION

NOTICE

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

The Planning Commission will hold a public hearing on Tuesday, November 15, 2016 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:

Zoning Ordinance Amendment: BSZP-126: "Landscape Regulations, Article XXX" A request by the Planning Commission to consider an amendment to the Landscape Regulations, Article XXX: Section 5: Minimum Planting Requirements, Paragraphs (1-4).

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

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

/s/ Don E. Slone, AICP, CFM

Planning Commission Secretary
(First published 10-20-16)
1t-The Wyandotte Echo-10-20-16

State of Kansas, Wyandotte County, ss:
Roberta M. Peterson, of lawful age, being duly sworn, says that she is the **PUBLISHER** of **The Wyandotte Echo**, a weekly newspaper, owned and operated by **M.R.P.P. Inc.**, printed and published in the city of Kansas City, Wyandotte County, State of Kansas, which said newspaper has a general circulation and has been admitted to the mails as second class matter in said county, and has been published therein during a period of more than five years prior to the first publication of the legal notice hereto annexed; that affiant, of her own knowledge, knows that the printed notice was published each and every issue of **The Wyandotte Echo** for 1 consecutive weeks as follows:

1st Publication was made on: OCTOBER 20, 2016

2nd Publication was made on: _____

3rd Publication was made on: _____

4th Publication was made on: _____

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Roberta M Peterson
SUBSCRIBED AND SWORN TO before me on this:

20th day of OCTOBER, 2016

Notary Public: Sheri R Lynn

