

PLANNING COMMISSION MEETING MINUTES

Tuesday, May 16, 2017 @ 7:00 p.m.

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

Staff Present: Don E. Slone, AICP, CFM, City Planner

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** from the April 18, 2017 Planning Commission meeting. Commissioner Mesmer made a motion to approve the minutes with a second from Commissioner Stephan. Chairman Parks asked if there were any questions or comments. Seeing none, he called for the vote. The minutes were approved by a 8-0 vote.

New Business:

Chairman Parks introduced **Item No. 2: Comprehensive Plan Change: BSCP-30: "Lei Valley V-VI"** a request to amend the Future Land Use Map of the Comprehensive Plan changing the Land Use designation from a Vacant/Agricultural to a Low-Density Residential designation on 18.42 acres. Requested by Daniel Foster, Schlager & Associates, P.A. for Guy Tiner, Lei Valley Redevelopment LLC, under contract from Bill Knipp, property owner of record. This amendment is to allow the property to be platted as an extension of the Lei Valley Subdivision. The property is located along the north side of Kansas Avenue west of Lei Valley at 138th Street.

Chairman Parks opened the public hearing at 7:03 p.m. and asked for staff presentation. The City Planner presented the case with a staff recommendation to approve the Comprehensive Plan Change subject to the listed conditions.

Chairman Parks asked if the applicant would like to address the Planning Commission. **Daniel Foster, Schlager & Associates, P.A.** stated that they are in agreement with staff's recommendation.

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

David Mouille, 13776 Valleyview Way, stated that he is speaking in opposition to the reclassification. I did download the report from the staff to the committee. My main concern is No. VI: relative gain to the public health, safety and welfare by the destruction of the value of the petitioner's property as compared to the hardship imposed upon the individual landowners. My property value has dropped since I purchased it last summer. I recommend the commission table this proposal for at least six months and look at all of this again.

Chairman Parks informed Mr. Mouille that the item number he was referring to was under the "Rezoning" Staff Findings. Chairman Parks asked Mr. Mouille why he thought the rezoning and comprehensive plan change would decrease his land value.

Mr. Mouille stated that if the Comprehensive Plan Change and Rezoning are approved, they will not have the facilities to take on the burden of more residents in the area. One facility that is not always available is the Club House. There are very few available times for use of the Club House and extra residents will make it even harder to schedule time for its use. They don't plan on adding another Club House but they are adding residents.

I also pay \$30.00 per month for the Homeowner's Association and it is basically non-existent. It is being run against Kansas law. The Homeowner's Association will remain the same for another twenty years. I can't see that the situation will improve if the property is rezoned.

Chairman Parks asked if Mr. Mouille believed the future of this land was for residential use. Mr. Mouille stated he was not qualified to make that decision. He has no objection for it to be residential. If they approve this in the near future and Mr. Tiner will take possession of the land and that is part of the problem. He has proven over the past ten years that he will not live up to the promises that he has made to the residents that live in the area.

Sheldon Frain, 13721 Berger Avenue, stated that they have issues with the traffic that will be increasing with this rezoning along with the drainage issues in the area. As far as the pond area, I have concerns that the pond area already looks bad and is not kept as it should be. It is overgrown. The pool is very busy on the weekends and with more residents it will be worse. We were told by Mr. Tiner that the Homeowner's Association would be put in control of the residents after Phase I was completed and that has not happened.

Commissioner Krone asked the City Planner if they were only there to approve or deny the Comprehensive Plan Change and the Rezoning. The City Planner stated that was correct.

Bruce Chladny, 503 S. 138th Street, stated that Knipp Street ends at his driveway. He is not there to speak against the request to change the zoning as it would actually benefit him. That would give us another two roads and the extra traffic should turn at the new street instead of coming up into the subdivision. If the request for this rezoning is denied what happens next? He doesn't have a problem with the property being zoned R-1.

Chairman Parks stated that the only question is whether this should be Agricultural or Residential.

Barb Burk, 13718 Berger Avenue, stated that she has lived in Bonner Springs a very short period of time. I have the opportunity to look out and see the cows and trees and I would hate to see that all gone. I would like to see the land remain agricultural.

Kevin Harkins, 496 S. 138th Street, stated that on the notice it stated that people impacted within 200' of the impacted zone received notice. Can a broader notice be sent out to the residents?

Chairman Parks stated that the 200' is by State law. We can send notice to anyone if they request it and put their name and address on the sign-up sheet.

The City Planner stated that he would notify the residents that request to be notified on the sign-up sheet as well as the resident's within 200' when the Preliminary Plat is submitted for Planning Commission consideration.

Seeing no further comments he closed the public hearing at 7:36 p.m. and asked for a motion. Commissioner Stephan made a motion to approve the Comprehensive Plan Change with the listed conditions with a second from Commissioner Krone.

Chairman Parks asked if there were any questions from the Planning Commission.

Commissioner Pierce stated that he didn't think the residents had heard what the plan was for Lei Valley V-VI when it was going to be started, and what the plan was going to be.

Daniel Foster stated that Phase V takes in part of Phase IV. Phase IV is split in half and part will be Phase IV and then the other half would be part of Phase V. Phase IV would be first to be developed within the next year. Mr. Foster indicated to the Planning Commission how the sewer system would be built and continued from the existing phases. The infrastructure has to be completed before the next phase can be constructed.

Chairman Parks asked the City Planner how many lots are in the development. The City Planner stated there were 284 total lots approved for the original four phases. There are currently 194 lots in Lei Valley I, II, and III.

Chairman Parks asked if there were any additional questions from the Planning Commission. Seeing none he called for a vote. Motion passed 7-0-1; Commissioner Neff abstained as she lives in the subdivision.

The City Planner stated that he will forward this item to the Governing Body on June 12, 2017 with a Planning Commission recommendation for approval.

Chairman Parks introduced **Item No. 3: Rezoning: BSZ-139: "Lei Valley V-VI"** a request to amend the Official Zoning Map changing the zoning classification from an A-1, Agricultural District to an R-1, Single-Family Residential District on 18.42 acres. Requested by Daniel Foster, Schlagel & Associates, P.A. for Guy Tiner, Lei Valley Redevelopment LLC, under contract from Bill Knipp, property owner of record. This amendment is to allow the property to be platted as an extension of the Lei Valley Subdivision. The property is located along the north side of Kansas Avenue west of Lei Valley at 138th Street.

Chairman Parks opened the public hearing at 7:42 p.m. asked for staff presentation. The City Planner presented the case with a staff recommendation to approve the Rezoning with the conditions listed in the Staff Report.

Chairman Parks asked if the applicant would like to address the Planning Commission. **Daniel Foster, Schlagel & Associates, P.A.** stated that they are in agreement with the conditions listed in the Staff Report.

Chairman Parks asked if anyone in the audience had any questions or comments. Seeing none he closed the public hearing at 7:44 p.m. and asked for a motion. Commissioner Krone made a motion to approve the Rezoning with the four (4) listed conditions with a second from Commissioner Stephan.

Chairman Parks asked if there were any additional questions from the Planning Commission. Seeing none he called for a vote. Motion passed 7-0-1; Commissioner Neff abstained as she lives in the subdivision.

The City Planner stated that he will forward this item to the Governing Body on June 12, 2017 with a Planning Commission recommendation for approval.

Chairman Parks introduced **Item No. 4: Final Plat: PT-17-104, "Bonner Springs B-20, Lots 14-15"** Requested by Larry Hahn, Hahn Surveying, for Craig R. & Kelly L. Owsley, property owners of record. This replat will subdivide 0.35 acres into two (2) new single family lots platted as Bonner Springs Block 20, Lots 14-15. The subject property is zoned R-1, Single-Family Residential District and is located at 203 E. Morse Avenue.

Chairman Parks asked for staff presentation. The City Planner presented the case with a staff recommendation to approve the Final Plat with the listed conditions in the Staff Report.

Chairman Parks asked if the applicant would like to address the Planning Commission. **Larry Hahn, Hahn Surveying**, the applicant, was unable to make the meeting but the City Planner stated that he was in agreement with the listed conditions.

Chairman Parks asked if anyone in the audience had any comments or questions. Seeing none, Chairman Parks asked if the Planning Commission had any questions or comments. Seeing none he asked for a motion. Commissioner Stephan made a motion to approve the Final Plat with the (11) 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 a vote. Motion passed 8-0.

The City Planner stated that he will forward this item to the Governing Body on June 12, 2017 with a unanimous Planning Commission recommendation for approval.

Chairman Parks introduced **Item No. 5: Preliminary Plat: PT-17-105, "Coleman Industrial Park III"** Requested by Jim Story, Story Surveying, for Bruce Coleman, Coleman Farm Properties, G.P. and Mitch and Michelle Mitchener, property owners of record. This plat consists of a one (1) lot, industrial subdivision on 42.94 acres zoned I-1, Light Industrial District located at 23889 W. 40th Street.

Chairman Parks asked for staff presentation. The City Planner presented the case with a staff recommendation to approve the Preliminary Plat with the listed conditions.

Chairman Parks asked if the applicant would like to address the Planning Commission. **Jim Story, Story Surveying**, stated he had nothing to add and was in agreement with the listed conditions.

Chairman Parks asked if the Planning Commission had any questions or comments. Seeing none he asked for a motion. Commissioner Mesmer made a motion to approve the Preliminary Plat with the three 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 a vote. Motion passed 8-0.

Chairman Parks introduced **Item No. 6: Final Plat: PT-17-105, "Coleman Industrial Park III"** Requested by Jim Story, Story Surveying, for Bruce Coleman, Coleman Farm Properties, G.P. and Mitch and Michelle Mitchener, property owners of record. This plat consists of a one (1) lot, industrial subdivision on 42.94 acres zoned I-1, Light Industrial District located at 23889 W. 40th Street.

Chairman Parks asked for staff presentation. The City Planner presented the case with a staff recommendation to approve the Final Plat with the conditions listed in the Staff Report.

Chairman Parks asked if the applicant would like to address the Planning Commission. **Jim Story, Story Surveying,** stated he had nothing to add and was in agreement with the listed conditions.

Chairman Parks asked if the Planning Commission had any questions or comments. Seeing none he asked for a motion. Commissioner Stephan made a motion to approve the Final Plat with the six (6) 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 a vote. Motion passed 8-0.

The City Planner stated that he will forward this item to the Governing Body on June 12, 2017 with a unanimous Planning Commission recommendation for approval.

Chairman Parks introduced **Item No. 7: Site/Landscape Plan: ST-17-101, "Midwest Bus – Kincaid Coach Lines"** Requested by Larry McPhee, Al J. Muller Design/Build Construction, for the Kincaid Group, under contract from Bruce Coleman, Coleman Farm Properties, G.P., property owner of record. The Site/Landscape Plan was submitted in order to construct a 69,391 square foot building to house a bus sales and service business on 42.94 acres, zoned I-1, Light Industrial District located at 23889 W. 40th Street.

Chairman Parks asked for staff presentation. The City Planner presented the case with a staff recommendation to approve the Site/Landscape Plan subject to the listed conditions.

Chairman Parks asked if the applicant would like to address the Planning Commission. **Larry McPhee, Al J. Muller Design/Build Construction,** stated he had nothing to add and was in agreement with the listed conditions.

Chairman Parks asked if anyone in the audience had any questions or comments. Seeing none he asked for a motion. Commissioner Stephan made a motion to approve the Site/Landscape Plan with the (19) listed conditions with a second from Commissioner Neff.

Chairman Parks asked if there would be bus parking on the west and if it would all be paved. The City Planner stated yes.

Chairman Parks asked if there were any additional questions from the Planning Commission. Seeing none he called for a vote. Motion passed 8-0.

Chairman Parks introduced **Item No. 8: Site/Landscape Plan: ST-17-102, "Leavenworth County RWD-7"** Requested by James Challis, P.E., Ponzer-Youngquist, for Leavenworth County Rural Water District No. 7, property owners of record. The Site/Landscape Plan was submitted in order to construct a 4,800 square foot office/maintenance facility on 4.0 acres, zoned MX, Mixed Use District located at 2451 S. 142nd Street.

Chairman Parks asked for staff presentation. The City Planner presented the case with a staff recommendation to approve the Site/Landscape Plan subject to the listed conditions.

Chairman Parks asked if the applicant would like to address the Planning Commission. **James Challis, Ponzer-Youngquist,** stated that he had contacted Justin Klaudt, City Engineer and can complete his conditions. He then stated that they are in agreement with all the conditions.

Chairman Parks asked if anyone in the audience had any questions or comments. Seeing none he asked for a motion. Commissioner Stephan made a motion to approve the Site/Landscape Plan with the (23) listed conditions with a second from Commissioner Neff.

Chairman Parks asked if there were any additional questions from the Planning Commission.

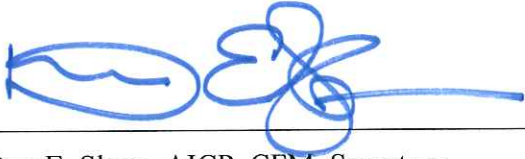
Commissioner Mesmer asked about the turnaround is out there that has been used for Basehor-Linwood School District to turn their buses around and if it will disappear when you build this. I think you should write the School District a letter explaining what will happen with the bus turn around.

Jim Bishop, Vice-President Leavenworth Rural Water District 7, stated that they were aware the buses have used the turn around for years. He then stated that they would be glad to send a letter to the School District.

Commissioner Mesmer then asked where you are going to get the dirt for the lateral field. The District owns four acres and they are not developing all the acres so the soil may come from there. Commissioner Mesmer didn't think that the soil would pass the perk test; however, that decision will be made by the County and not the Planning Commission. Mr. Bishop then stated that they will notify the School District that the buses will be allowed to use the District's new parking lot for the bus turnaround.

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

Chairman Parks adjourned the meeting at 8:05 p.m.

A handwritten signature in blue ink, consisting of a series of loops and a long horizontal stroke extending to the right.

Don E. Slone, AICP, CFM, Secretary