

MINUTES – 1.18.2022 – DRAFT
BONNER SPRINGS PLANNING COMMISSION MEETING
Tuesday, January 18, 2022 – Regular Meeting – 7:00 p.m.

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1. Meeting **CALLED TO ORDER** by Chair Gebauer at 7:04 p.m.

ROLL CALL

Planning Commissioners Present: Paul Zeps; Lloyd Mesmer; Sherri Neff; Nick Perica; Larry Clark (via GoToMeeting); Greg Gebauer

Absent: – Vince Bombardier; Jason Cruse

Quorum Established

Staff Present: Mark Lee, City Planner

2. **CONSENT**

Item #1 – Approval of Minutes of November 16, 2021 Planning Commission meeting

Chair Gebauer introduced the Consent Agenda Item #2. Commissioners were awarded time to comment or ask questions.

Commissioner Clark asked why the minutes were so detailed and contained so much of the general discussion. Staff relayed the fact that the City Council wanted to more of the discussions behind the agenda items and detailed minutes provided this.

Motion to **APPROVE the Consent Agenda** was made by Commissioner Mesmer and seconded by Vice-Chair Zeps.

Chair Gebauer asked for those in favor of the motion to state “aye”.

AYE – Zeps, Mesmer, Neff, Perica, Bombardier, Clark, Gebauer

NAY – None

MOTION PASSED 7 – 0

3. **UNFINISHED BUSINESS**

Tabled item from the November 16, 2021 meeting:

Agenda Item # 3– LS-03-21 – Lot Split – Copher –

Commissioner Mesmer made a **motion to reopen** the tabled item, Commissioner Neff **seconded**; the item was reopened for discussion.

Staff stated that the recommendations had remained the same and the request for dedication of public right of way was still included. Staff further stated that it was within the authority of the Planning Commission to alter, amend or remove any Staff recommendation as they deemed fit.

Staff further explained that one of the requirements for approval of Lot Splits, number four (4), states: ‘There is less street right of way than required by these regulations or the Comprehensive Plan’; and that it was not within Staff’s authority to remove or change the regulations as written.

Vice-Chair Zeps stated that he would abstain from voting due to the relationship with the applicant, but would not recuse himself from discussion. Vice-Chair Zeps continued by asking where the item had progressed to over the past month and if there was any new information that should be discussed.

Mr. Keith Roberts stated he no longer owned the property but was previous owner in 2021. He proceeded to speak about how this was merely straightening up a parcel of land that had an odd corner that was owned by the same individuals. He described how all the other parcels along S. 138th Street where 1320' feet deep and that this particular parcel was cut out at some point in time. Mr. Roberts spoke to the fact that he could not figure out why the City was requesting additional right of way when we did not know when or if the street improvements would happen. Mr. Roberts stated he felt that someone at the City should have let the applicant know this information prior to having all of the work done to survey and split the lot. He continued to speak about how the addresses of the two parcels were flipped, how the fence line of all the properties up and down S. 138th Street were in a line and that they were wanting to construct a new fence in the same location and how if the right of way was dedicated they would have to move the fence back ten (10') feet and then maintain the right of way which is dangerous, he further stated that S. 138th Street was a dangerous street and that he agreed with that. He then stated "I know how to fix this without anybody." He then proceeded to talk about he could make this happen without City input.

Vice-Chair Zeps spoke about how he had given this a lot of thought and how we may be able to make things work. Vice-Chair Zeps asked how could a stipulation be put in place that would make the applicant adhere to the requested additional right of way if and when the street was to be built.

Commissioner Mesmer spoke to Mr. Roberts, if we (the Commission) made a decision the initial evening this was discussed; Mr. Roberts may not have liked that outcome. He stated that he appreciated Mr. Roberts' patience in allowing the Commission to go home and think about the issue.

Vice-Chair Zeps spoke on the fact that if and when S. 138th is to be improved the City would need to secure land for easements and rights of way up and down the street. Staff stated, that may not be the case, there are several areas of developable ground around the vicinity and if those areas were to come forward, the right of way would be obtained through the platting process.

Commissioner Mesmer made a motion to **APPROVE** agenda item #3 with the removal of Staff stipulations 1 and 2 requiring the dedication of additional right of way along S. 138th and Metropolitan Avenue, stating that he felt it was premature to request the property owners dedicate that right of way at this time. Commissioner Neff **SECONDED**.

Chair Gebauer restated the motion for clarification. Commissioner Mesmer concurred it was correct.

Chair Gebauer called for a roll call vote.

AYE – Mesmer, Neff, Perica, Clark, Gebauer

NAY – None

ABSTAIN - Zeps

MOTION PASSED 5 – 0 – 1

4. NEW BUSINESS

Agenda Item # 4– ST-07-21 – Site and Landscape Plan (Lot 3 of the Compass 70 Logistics Center) -
The applicant is requesting approval of a Site and Landscape plan for the above mentioned lot.

Chair Gebauer introduced New Business Item #4 and called for a staff report.

Staff reviewed the report stating that the applicant was requesting approval of the site and landscape plan as submitted. Staff explained the location of Lot 3 within the entirety of the Compass 70 Logistic Center. Staff further stated they had reviewed the site and landscape plan and that it met all criteria as stated within the regulations. Staff stated the recommendation for approval was coming forward with ten (10) conditions, some of which were ‘standing recommendations’.

Chair Gebauer asked if any Commissioners had questions of Staff, being none Chair Gebauer asked if there were any questions of the applicant or if the applicant wished to speak. Cam Duff, introduced himself to the Planning Commission, he is the local representative of Scannell Properties.

With no further questions or comments; Chair Gebauer called for a motion to approve, amend or deny the request for approval. Commissioner Clark made a motion to **APPROVE** the site and landscape application with Staff’s recommendations. Vice-Chair Zeps **SECONDED** the motion.

Chair Gebauer called for a roll call vote.

AYE – Mesmer, Neff, Perica, Clark, Zeps and Gebauer

NAY – None

ABSTAIN - None

MOTION PASSED 6 – 0

Agenda Item # 5– BSCP-01-21 – PUBLIC HEARING - Comprehensive Plan Amendment (Future Land Use Map) – BK Properties LLC (c/o Ken Block) – 1401 S. 130th Street

Chair Gebauer introduced New Business Item #5 and called for a staff report.

Staff reviewed the report and explained the requested amendment to the Future Land Use Map (FLUM); the applicant is requesting the FLUM be amended from the current Mixed Use to Industrial.

The applicant’s request initially was for two parcels, 1401 S. 130th Street and 1209 S. 130th Street, through discussions regarding the conflict in building layout to the intended Nettleton Avenue extension it was agreed upon by the applicant and staff to remove 1209 S. 130th from the discussion at this time.

Staff spoke of how Comprehensive Plan FLUM changes and Rezoning requests go hand-in-hand. Staff discussed the previous amendments to the FLUM from 2007 and how those changes were not acted upon at that time. Staff spoke of the current zoning configuration upon the two lots and how they were part of a proposed larger commercial and multifamily development. Staff spoke of the preliminary design that is completed for Nettleton and how this interacted with the KDOT K-7 Master Plan.

Chair Gebauer asked for a motion to open the Public Hearing – Vice-Chair Zeps made a motion to **OPEN** the Public Hearing; Commissioner Mesmer **SECONDED**.

Chair Gebauer asked if there were any questions of Staff; Vice-Chair Zeps asked for clarification regarding the agenda item. Staff stated that this particular meeting was to only discuss the southern parcel and that the northern parcel had been removed from this evening’s discussion.

Vice-Chair Zeps went on the record stating that he lived within close proximity of the project and that his neighbor had land that adjoined the parcel in question, but at this time he felt impartial to the proposal.

Ryan Denk, with Mcenany, Vancleave and Phillips – Attorney retained by Block Real Estate Services – spoke about the requests being made by the applicant – Comprehensive Plan amendment and Rezoning.

Mr. Denk spoke at the beginning of the presentation and introduced the Block Real Estate Services team; he then proceeded to introduce Mr. Ken Block.

Mr. Ken Block approached the podium and introduced himself to the Commission. Mr. Block spoke about how he has been focusing his efforts along the K-7 corridor recently and in his travels discovered the parcel in question. Mr. Block began his presentation by speaking of the company's history and current holdings.

Staff will place the presentation as an addendum to the minutes.

Mr. Block spoke of how their industrial buildings contained a little more glass and a little more detail than the standard industrial building. He further discussed the multifamily projects that they currently have going. Mr. Block stated that he felt this particular area could have a business park atmosphere with multifamily placed within the development in the correct area to ensure it works within their plan. Mr. Block spoke of the development challenges of the site, mostly revolving around the amount and thickness of rock that is just under the surface. Mr. Block spoke of how his team thought the design of the Nettleton Avenue extension was not thoroughly vetted and that the amount of rock his team had discovered would prove to be very challenging to KDOT. He further explained that the roadway would most likely have to be cut through the rock, leaving twenty-five (25') foot tall rock abutments on both sides of the roadway and leaving the land on either side difficult to access. He then explained how their design of the Nettleton Avenue extension would parallel K-7 and traversed the outer perimeter of their proposed development. Mr. Block spoke of how his team and Staff were working together to develop a layout that would suffice both their needs and those of Bonner Springs and its residents, that is why the northern parcel was pulled from discussions.

Chair Gebauer asked if there were any questions of the applicant at this time. Vice-Chair Zeps asked about the potential addition of multifamily residential being included and how that would interact with the proposed industrial. Mr. Block stated that they did not currently own the property north of the proposed parcels but they laid out their entire design to see how it would all interact with the land and each use. Mr. Block spoke of how their proposal indicated multifamily residences east of the Wal-Mart site and have access directly off of Kansas Avenue. Mr. Zeps asked what the intent of the proposed building would be. Mr. Block stated it would be approximately a 40 bay cross dock logistic center that would be similar to what Scannell is constructing in the Compass 70 Logistic Center (referring to the site plan approved prior to this agenda item).

Chair Gebauer asked if anyone from the public wished to speak about the item.

Robert Chadwick – 642 Macgrantwood Street - spoke to the fact that he owned the property directly south of the proposed development. Mr. Chadwick stated he was been a local real estate agent for 34 years. Mr. Chadwick spoke of the public meetings that had been held over the years regarding future land uses and how things could grow and expand in Bonner Springs. He did not think that Bonner Springs was ready for large warehouse buildings at one of the entrances to Bonner Springs. Mr. Chadwick stated the decision to go industrial must be made with caution and that it should be beneficial to the community. He further spoke about traffic issues that have come to light with the addition of the Amazon and FedEx distribution hubs south of the river and in Edwardsville and how those facilities impact K-7 and K-32.

Mr. Chadwick spoke about the size of the proposed building and how it compared to some of the surrounding structures, east and west of K-7 south of the river. He stated this proposed building is 2 ½ times larger than any of those buildings. He then asked the Commissioners to take a good look at what the potential impact of this rezoning may have on the immediate area and what other types of industrial businesses may come in after.

Ken Block approached the podium to address some of Mr. Chadwick's comments. Mr. Block stated that an additional 2.5 million square feet planned in that area. He went on to explain why he liked this area so much and how it could play into a 'business park' atmosphere and potentially bring businesses looking at surrounding cities. Mr. Block then spoke briefly about the challenges Gardner and Edgerton, Kansas had when it came to the Multi-Modal facility in Johnson County. How Gardner did not want industrial development in that area and Edgerton was in favor, Edgerton eventually annexed the land in question and began to work with the developers to bring that facility to the area. He spoke on how the same amount of traffic was now being funneled through Gardner but they were not receiving the benefits of having these businesses within their city limits. Block stated and from Olathe along K-7 all the north to Bonner Springs is potentially going to be industrial in nature with traffic going up and down K-7 regardless of the rezoning. Mr. Block stated it was more feasible to construct a large building on this rocky parcel as compared to smaller buildings. Mr. Block spoke to the fact they have had several retail analysts work on scenarios to see if any retail would work in this area, they all came back stating they would not. One, due to the retail markets as a whole the other due to its lack of proximity to I-70.

Wes Willet – 926 S. 130th Street – Mr. Willet had received the public hearing notice that indicated both lots were being looked at this evening. It had not been determined until after publication of hearing notice and mailings sent out that the northern lot would be removed at this time. He is speaking on behalf of himself and his brother; they are not against something that stands to benefit the residents of Bonner Springs. Their property has been in their family for over eighty (80) years. He further spoke on some of the history of the property. Mr. Willet then proceeded to speak about the past strategic plans of Bonner Springs and how this proposal differed; he hoped that the Planning Commission would take into account these properties and what the past visions represented making sure this project would represent those qualities.

Chair Gebauer asked if there was any other member of the public wishing to speak for or against the proposal, being none Chair Gebauer called for a motion to close the public hearing. Commissioner Mesmer made a motion to CLOSE the public hearing, Commissioner Perica **SECONDED**. The public hearing was closed.

Chair Gebauer asked the Commissioners if there was a motion to approve, amend or deny the requested Comprehensive Plan amendment – BSCP-01-21. Vice-Chair Zeps made a motion to **APPROVE** the Comprehensive Plan change with Staff recommendations. Commissioner Mesmer **SECONDED**.

Vice-Chair Zeps began discussions by relating this proposal to that of Old Dominion Freight Line and how that proposal did not match the Future Land Use Map when presented either and after several long public hearing meetings they had rejected the proposal only to have Council overturn that decision. He further spoke to the fact that this zoning request appeared to resemble spot zoning and that the K-7 corridor was slowly being changed from what the duly adopted plan indicated, as retail and multi-family, to more of an industrial corridor.

Commission Mesmer stated that looking at the past, the parcel was vacant fifty (50) years ago and remains that way today. He did agree with comments made by Vice-Chair Zeps but he further understood that the Bonner Springs had no more industrial ground to develop. He spoke of the age of the Comprehensive Plan and how plans are sometimes meant to change.

Chair Gebauer asked if any other Commissioners had discussion topics, Commissioner Clark stated he was concerned about the increase in traffic and how it seems as though the Staff recommendation of a Traffic impact Study being conducted could aid in that area.

A question was raised by a member of the public as to why the Nettleton Avenue extension has never been completed. He stated we have known for years that growth is coming and could not understand why the street was never completed. Staff stated it was their opinion that it was because of a lack of funding. The Nettleton Avenue extension is a part of the K-7 Corridor Masterplan and that KDOT would most likely be looking to utilize Nettleton as a detour around future construction along K-7 from Speaker past Kansas Avenue and back to K-7 via the completed extension. Staff explained that constructing Nettleton Avenue with no development along it would not be beneficial; but when you have a developer come in looking to develop ground in an area like this, you place the burden of constructing roadways upon them, you further supply them the plans that have been put in place and let them know that this was or is the intent of said area or roadway.

A member of the public had not spoken during the Public Hearing portion, wanting to give all members of the public an opportunity to speak the motion made by Vice-Chair Zeps and the Second by Commissioner Mesmer were **RECEDED** at this time and the Public Hearing was reopened to allow for further public input.

Rod Phillips – 1134 S. 130th St – Spoke of growing up in Baldwin, KS and how he understands the struggles of the ‘small town’ environment. He spoke on his concerns of the increase in traffic and how that may play into future bridge or roadway improvements. Mr. Phillips stated he thought this proposal would be an eyesore to Bonner Springs as this is one of two entrances into downtown. He further spoke about the quality of construction that Block produces but he still felt as though this was not the appropriate place for light industrial. In his thoughts, if the Bonner Springs keeps going the way it is it will not be a community of families but a community of industrial parks.

Mr. Block approached the podium and spoke about the heavy industrial use of the quarry and how that negatively impacts this area. He further spoke to the fact that through their market study, the 2007 retail plan will not work due to the costs of infrastructure and because ‘big-box’ retailers are not constructing new stores nationwide. Mr. Block then began to speak of what they thought the appropriate land uses would be in that area and how the majority of those uses do not work due to demographics and economics. Mr. Block stated as a developer coming into the community, he wants to do the right thing and build something nice; He does not want to go into a place where the city does not see this type of development occurring. He would like to make this area a business park type community. Mr. Block referenced the utility extensions that would be necessary to have any development occur in that area, at this time there is none, essentially devaluing these adjacent properties for development. Mr. Block reference the lack of sanitary sewer infrastructure in the development area. *Staff comment – while there is a 12” sewer main under K-7, it runs south through the heart of Bonner springs and is currently at 60% capacity not accounting for I & I (inflow and infiltration).*

Chair Gebauer asked if anyone else from the public wished to speak, being none he called for a motion to close the public hearing. Vice-Chair Zeps made the motion to **CLOSE** the public hearing, Commissioner Mesmer **SECONDED**.

Vice-Chair Zeps restated his initial motion, Zeps moved to **APPROVE** with staff recommendations BSCP-01-21, Commissioner Mesmer **SECONDED**. Vice-Chair Zeps reiterated the fact that he felt we were spot zoning things up and down K-7 and it had no true plan behind it. Vice-Chair Zeps asked Staff what the timeline was for moving forward with the Comprehensive Plan updates. Staff stated that as of

this evenings meeting we had no agenda items coming forward in February or March and these should be key months in working on an updated Future land Use Map.

Staff spoke about the difficulties the rock quarry posed for this particular site and how future development of the area was being negatively affected because of this use. Staff spoke of how the brick and mortar retail industry is dying and moving towards internet based sales. Staff stated they have been working diligently with Block in order to bring forward a development that would fit the City's needs and interests, along with maintaining the Mixed-Use feel, albeit industrial and multi-family and not retail necessarily.

Commissioner Neff stated she felt as though Bonner Springs was running out of industrial sites and saw this proposal as filling that need. Commissioner Neff also stated that if we were going forward with changes to the Comprehensive Plan then she wanted to know how the community viewed these land uses. Staff stated the intent was to get as public involvement as possible but that unfortunately we can only make the public get as involved as they wanted.

Chair Gebauer called for a roll call vote on the motion.

AYE – Zeps, Clark, Mesmer, Neff, Perica, Gebauer

NAY – None

MOTION PASSED 6 – 0

Agenda Item # 6– PUBLIC HEARING - BSRZ-03-21 – Rezoning – K-7 and Nettleton Ave – 1401 S. 130th Street

Chair Gebauer introduced New Business Item #6 and called for a staff report.

Staff explained the location of the requested rezoning and how the project tied into the previous discussions of the Comprehensive Plan amendment. Staff explained that the rezoning request was from the blanket zoning of A-1, Agricultural and C-2, General Business to that of I-1, Light Industrial District. Staff stated the property was currently vacant and had been that way for quite some time.

Chair Gebauer asked for a motion to open the Public Hearing, Vice-Chair Zeps made a motion to **OPEN** the Public Hearing with Commissioner Mesmer **SECONDING**.

Chair Gebauer asked if there were any questions of Staff. Vice-Chair Zeps asked if this was the companion zoning for the previous item. Staff stated yes.

Chair Gebauer asked if there was anyone from the public wishing to speak for or against the requested rezoning. Being none he called for a motion to close the Public Hearing. Commissioner Mesmer made a motion to **CLOSE** the hearing, Vice-Chair Zeps **SECONDED**.

Chair Gebauer called for a motion on the rezoning, Vice-Chair Zeps made a motion to **APPROVE** the requested rezoning with Staff recommendations, with Commissioner Perica **SECONDING**.

Chair Gebauer asked for a Roll Call vote.

AYE – Zeps, Clark, Mesmer, Neff, Perica, Gebauer

NAY – None

MOTION PASSED 6 – 0

Agenda Item #7 a, b and c – PUBLIC HEARING – BSZO-02-21 – Zoning Ordinance Amendments

Chair Gebauer introduced New Business Item #7 and called for a staff report.

Staff explained that the following items were those that we had addressed over the course of two workshops in October and November. Three amendments are being proposed:

1. Accessory Building Size limitations
2. Accessory Dwelling Units
3. Architectural Design Standards

Staff spoke on how the new regulations would be blended into the current regulations. Accessory building size requirements would be placed into each zoning category. That way an individual within a specific zoning district could find the majority of information regarding their specific zoning district in one area. Accessory Dwelling Units will become their own section within Article XXII, Supplementary District Regulations along with the Architectural Design Standards.

Chair Gebauer asked for a motion to open the Public Hearing, Vice-Chair Zeps made the motion to **OPEN** the hearing, Commissioner Mesmer **SECONDED**.

Chair Gebauer asked if there was any member of the public wishing to speak on the item, being none a request to close the Public Hearing was requested. Commissioner Perica made a motion to **CLOSE** the hearing, Vice-Chair Zeps **SECONDED**.

Chair Gebauer called for a motion to approve, amend or deny the Zoning Ordinance amendments. Vice-Chair Zeps made a motion to **APPROVE** BSZO-01-21 as written, Commissioner Perica **SECONDED**. Chair Gebauer then asked for a roll call vote.

AYE – Zeps, Clark, Mesmer, Neff, Perica, Gebauer
NAY – None

MOTION PASSED 6 – 0

Agenda Item #8 - CITY PLANNER’S REPORTS

- a. Welcome our new Planning Commissioner – Mr. Jason Cruse, Mr. Cruse will be one of two individuals that represent the Loring Service Area. – Mr. Cruse was not present
- b. In February, we will begin to review our Comprehensive Plan, beginning with the Future Land Use Map
 - i. As we work through this there will be several “Open House” type events to allow for public input. These will lead up to the formal adoption of a revised FLUM.
 - ii. Staff will make small adjustments to the Comprehensive Plan leading up to adoption – items such as demographic information, population information and other graphic information.

Chair Gebauer asked if mailers would be sent out regarding the Comprehensive Plan updates, Vice-Chair Zeps followed that question up by stating that we should do a “little more” than the basics regarding this

issue. Staff stated they would utilize the City's Social Media outlets, possibly post fliers as well as email and other publications.

Chair Gebauer adjourned the meeting at 9:00pm.