



City of Bonner Springs

KANSAS

Tuesday, October 18, 2022

200 East Third Street, Bonner Springs, KS 66012
Bonner Springs City Hall
Council Chambers

PLANNING COMMISSION MEETING - 7:00 p.m.

The meeting is open to the public.

We will follow safety precautions recommended by the Centers for Disease Control and Prevention, the Kansas Department of Health and Environment, and local health officers.

Attendees are strongly encouraged to wear masks.

PLANNING COMMISSION MEETING - 07:00 PM

CALL TO ORDER - ROLL CALL

CONSENT AGENDA

1. Approval of the minutes from the September 20, 2022 regular meeting

Action	Approve, Amend or Deny
Recommendation	Staff recommends approval as presented
Documents:	
1.	PC Minutes 9.20.22 draft

OLD BUSINESS

NEW BUSINESS

1. Lot Split - LS-03-22 – 328 Clark St

Action	Consider a Lot Split presented by Hahn Surveying; on behalf of the property owner(s), Vitt Properties, LLC
Recommendation	Staff recommends approval of the Lot Split application, with the following stipulations:

- Any further division of this lot or the parent parcel shall be done via the platting process as outlined within the Zoning Regulations of Bonner Springs.
- After approval, resubmit (2) 24" x 36" signed/sealed paper copies of the revised Lot Split drawings for Planning Commission signatures for filing;
- The Applicant shall file the Lot Split with the Register of Deeds and provide a paper copy and/or electronic (PDF) copy of the filed Lot Split to close the file; and
- No building permits shall be issued until the City of Bonner Springs has received a copy of the filed Lot Split.

Documents:	
1.	Complete agenda item LS-03-22 - Vitt Properties LLC

2. Special Use Permit - SUP-07-22 – Ad Trend Billboard K7 and K32

Action	Consider approval of a revision to Special Use Permit – 109 to allow for the installation of a digital display on the south facing side of the current sign, 12700 Kaw Drive.
Recommendation	Staff recommends that the Planning Commission approve the Special Use Permit to allow for a south facing digital billboard to be located at Kansas Highway 7 and Kansas Highway 32 (12700 Kaw Drive) upon the existing billboard, with staff recommendations.

Documents:	
1.	Complete agenda item SUP-07-22- Ad Trend

3. Comprehensive Plan Amendment – BSCP-01-22 – Nettleton Logistic Center (1209 S. 130th St.)

Action	Consider a request to amend the Bonner Springs Future Land Use Map as currently indicated within the Comprehensive Plan for the property address of 1209 S. 130th Street.
Recommendation	Staff recommends that the Future Land Use Map be amended to reflect the proposed industrial use for the parcel, 1209 S. 130 th

Street.

In Staff's opinion the existing industrial use to the east makes development of that area east of the proposed Nettleton Avenue a logical area for more intense land uses while the change in elevations moving westward and north would protect those less intense uses (multifamily and commercial) from the proposed industrial uses.

Documents:

1. Complete Agenda Item - BSCP-01-22 - Nettleton Logistic Center

4. Rezoning – BSRZ-02-22 – Nettleton Logistic Center

Action **Consider a request** for approval of a zoning change from R-3 (Multi-Family Residential) and C-2 (General Business District) to the zoning category of I-1 (Light Industrial)

Recommendation Staff recommends the Planning Commission approve the requested zoning change from C-2 and R-3 to I-1 (Light Industrial) with staff recommendations.

Documents:

1. Complete Agenda Item-K7 and Nettleton-ReZone

5. goDotte Presentation

Action None at this time

Recommendation None

Documents:

OPEN AGENDA

CITY PLANNERS REPORT

1. Planner's Report

Action Board of Zoning Appeals meeting for the November meeting, review of the revised Comprehensive Plan.

Recommendation None

Documents:

ADJOURNMENT

MINUTES – 9.20.2022 – DRAFT
BONNER SPRINGS PLANNING COMMISSION MEETING
Tuesday, September 20, 2022 – Regular Meeting – 7:00 p.m.

=====

1. Meeting **CALLED TO ORDER** by Chair Gebauer at 6:59 p.m.

ROLL CALL

Planning Commissioners Present: Sherri Neff; Larry Clark; Greg Gebauer; Lloyd Mesmer; Nick Perica; Jason Cruse, Vince Bombardier

Absent: – Paul Zeps

Quorum Established

Staff Present: Mark Lee, City Planner

2. **CONSENT AGENDA**

Item #2 – Approval of Minutes of August 16, 2022 Planning Commission meeting

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

Motion to **APPROVE** the Consent Agenda was made by Commissioner Messmer and seconded by Commissioner Perica.

Chair Gebauer called for a vote.

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

NAY – None

MOTION PASSED 7 – 0

3. **UNFINISHED BUSINESS**

None

4. **NEW BUSINESS**

Agenda Item # 4– Site Plan – ST-05-22 approval of site plan for Whale Tail RV and Boat Storage – 13829 Gibbs Rd.

Chair Gebauer introduced Item #4 and asked for staff's report.

Staff introduced the item as the complete buildout of the facility. Staff spoke of the length of time the facility had been in operation and how the applicants had been able to secure more funding for the expansion as the current facility is approximately 80% occupied.

Staff showed images of what is currently constructed onsite and what the additions would entail. Staff stated that the detention pond was already in place and would remain, the City Engineer has reviewed the submitted stormwater plan and gave approval. Staff stated that representatives from the Whale Tail were present if they had any questions of them, there were none.

Chair Gebauer asked if anyone had questions of staff, Commissioner Bombardier asked if this was all exterior parking with no structures, staff stated that was correct. Chair Gebauer asked if there were any other questions of staff or the applicant; being none Chair Gebauer called for a motion.

Vice-Chair Clark made a motion to **APPROVE** the site plan with Staff's recommendations. Commissioner Bombardier **SECONDED**, the motion.

Chair Gebauer called for a Roll Call vote.

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

NAY – None

ABSTAIN - None

MOTION PASSED 7 – 0

Agenda Item #5 – Community for All Ages Presentation – Presentation on the Mid-America Regional Council’s program of Community for All Ages – presentation was given by Recreation Manger Justin Spease.

No action necessary on this item

Agenda Item # 6 – Open Agenda

None at this time

Agenda Item #7 - CITY PLANNER’S REPORTS

- a. 11939 Kaw Drive – rezoning request pulled from the agenda, discussion as to why and discussion between staff and the owner.
- b. K-7 & Nettleton Comp Plan Change and Rezoning request
- c. Special Use Permit alteration for the billboard east of K-7 and north of the river – owners would like to digitize the billboard
- d. At the October 18th meeting we will host staff members from the Unified Government’s Planning Department – they will present on the County Wide Mobility Plan - goDotte

Chair Gebauer adjourned the meeting at 7:28pm.

Memorandum

Date: October 18, 2022
To: Mayor and City Council
From: Mark Lee

Subject: Lot Split - LS-03-22 – 328 Clark St

Recommendation: Staff recommends approval of the Lot Split application, with the following stipulations:

- Any further division of this lot or the parent parcel shall be done via the platting process as outlined within the Zoning Regulations of Bonner Springs.
- After approval, resubmit (2) 24" x 36" signed/sealed paper copies of the revised Lot Split drawings for Planning Commission signatures for filing;
- The Applicant shall file the Lot Split with the Register of Deeds and provide a paper copy and/or electronic (PDF) copy of the filed Lot Split to close the file; and
- No building permits shall be issued until the City of Bonner Springs has received a copy of the filed Lot Split.

Action: Consider a Lot Split presented by Hahn Surveying; on behalf of the property owner(s), Vitt Properties, LLC

Background: The parcel in question is composed of six (6) – twenty-five (25') foot wide lots platted in 1902. Since the platting took place, the lots in question have been combined under one parcel number and parcel in general.

This split will create 2 parcels, each being comprised of three of the original 25' wide lots. The proposed lot split would create two tracts consisting of the same dimensions (75' wide x 134' deep). Both tracts conform to the minimum lot size required as well as the required road frontage.

The surrounding area consists of single-family residences.

Discussion: REQUIREMENTS FOR LOT SPLITS:

The Zoning Regulations lay out eight requirements used to determine if a lot shall be split and ensure they meet the necessary criteria. Those requirements are stated below and followed by Staff's justification.

1. A new street or alley or other public improvement is needed;

The lots will gain ingress and egress from Clark Street. No new streets shall be needed.

1. A vacation of streets, alleys, setback lines, access control or easements is required or proposed;

No vacation of any of the above will be necessary.

3. Such action will result in significant increases in service requirements (e.g. utilities, schools, traffic control, streets, etc.); or will interfere with maintaining existing service levels (e.g., additional curb cuts, repaving, etc.);

Utilities are currently provided to the lots, no significant increase in service requirements shall be required.

4. There is less street right-of-way than required by these regulations or the Comprehensive Plan;

No additional road right of way is being requested.

5. All easement requirements have not been satisfied;

No future easements are required.

6. Such split will result in a tract without direct access to a street (i.e., property must abut a street and meet minimum lot width requirements);

The parcels front along Clark Street and do have direct access.

7. A substandard-sized lot or parcel will be created; and

No substandard lot shall be created.

8. The lot has been previously split in accordance with these regulations.

The lot has not been previously split per the Subdivision Regulations, any further division of this parcel or the parent parcel shall result in the lots being platted per the Subdivision Regulations.

Financial Impact: NA

City of
Bonner Springs
Agenda Item Cover Sheet

Agenda Item No. 4

LS-03-22

Topic: **Consider a Lot Split-** Consider a Lot Split presented by Hahn Surveying; on behalf of the property owner(s), Vitt Properties, LLC - The applicant is proposing to split an existing tract/parcel (328 Clark Street) into two separate parcels for the purpose of constructing two single family homes.

Narrative:

The parcel in question is composed of six (6) – twenty-five (25') foot wide lots platted in 1902. Since the platting took place the lots in question have been combined under one parcel number and parcel in general.

This split will create 2 parcels, each being comprised of three of the original 25' wide lots. The proposed lot split would create two tracts consisting of the same dimensions (75' wide x 134' deep). both Tracts conform to the minimum lot size required as well as the required road frontage.

The surrounding area consists of single-family residences.

Presented by: Mark Lee-City Planner

Staff Recommendation: Staff recommends the Planning Commission approve the Lot Split with the stipulations listed in the Staff report.

DRT Review Comments: Included within staff report

Attachments:

Staff Report (3pgs)

Aerial Image (1pg)

Copy of Lot Split (1pg)

Application (1pgs)

LOT SPLIT – Consider a Lot Split- Consider a Lot Split presented by Hahn Surveying; on behalf of the property owner(s), Vitt Properties, LLC - The applicant is proposing to split an existing tract/parcel (328 Clark Street) into two separate parcels for the purpose of constructing two single family homes.

MEETING DATE: **October 18, 2022**
REPORT WRITTEN: **October 4, 2022**
CASE NUMBER: **LS-03-22**

APPLICANT:

- Vitt Properties, LLC
345 S. 132nd Terrace
Bonner Springs, KS

OWNER:

- Vitt Properties, LLC

SURVEYOR

- Hahn Surveying
PO Box 186
Basehor KS 66007

REQUEST:

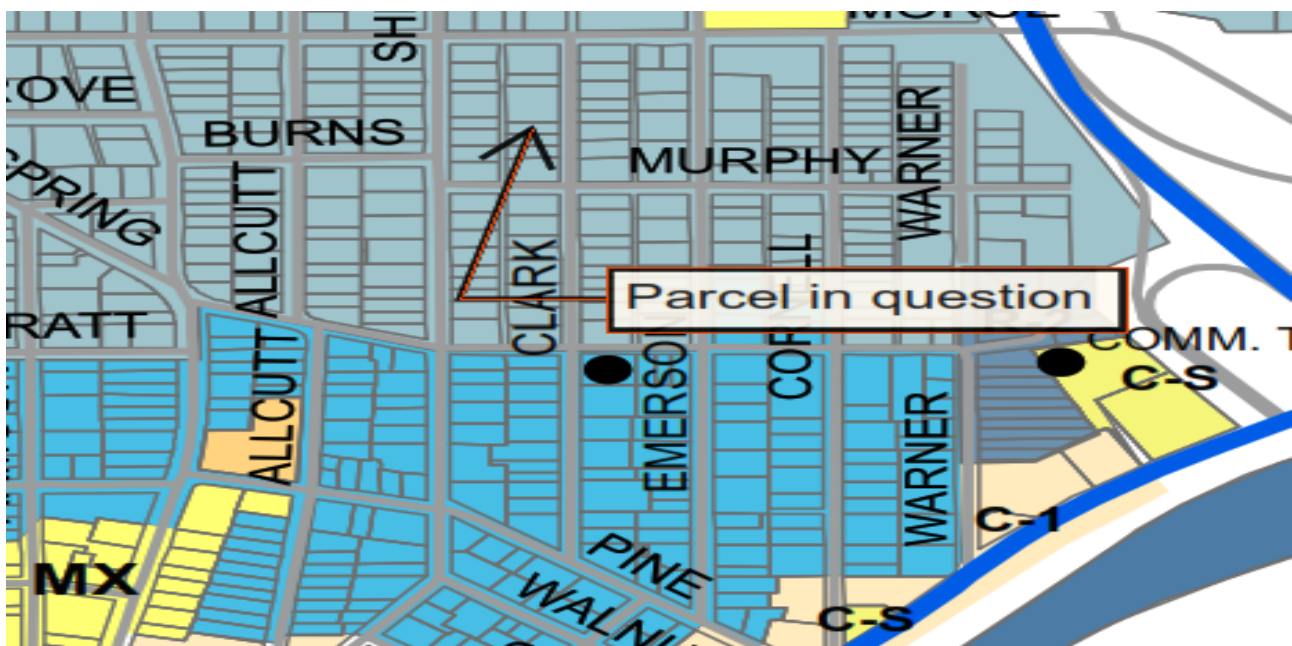
The applicant is requesting approval of the lot split as submitted.

ZONING:

- The property is zoned as R-1 (Single Family Residential District)

SURROUNDING ZONING:

- North “R-1” Single Family Residential District
- South “R-1” Single Family Residential District
- East “R-1” Single Family Residential District
- West “R-1” Single Family Residential District



SUBDIVISION REGULATIONS:

ARTICLE V; Lot Splits; Section 1-General states:

The intent of this section is to provide for the issuance of building permits in lots divided into not more than two tracts without having to plat or replat said parcel, provided that the resulting tracts shall not again be divided without platting or replatting. However, lots zoned for industrial purposes may be divided into two or more tracts without replatting such lot. The Building Official may issue building permits for such lots in accordance with the regulations that follow.



REQUIREMENTS FOR LOT SPLITS:

The Zoning Regulations lay out eight requirements used to determine if a lot shall be split and ensure they meet the necessary criteria. Those requirements are stated below and followed by Staff's justification.

1. A new street or alley or other public improvement is needed;
The lots will gain ingress and egress from Clark Street, no new streets shall be needed
2. A vacation of streets, alleys, setback lines, access control or easements is required or proposed;
No vacation of any of the above will be necessary.
3. Such action will result in significant increases in service requirements (e.g. utilities, schools, traffic control, streets, etc.); or will interfere with maintaining existing service levels (e.g., additional curb cuts, repaving, etc.);
Utilities are currently provided to the lots, no significant increase in service requirements shall be required.

4. There is less street right-of-way than required by these regulations or the Comprehensive Plan;

No additional road right of way is being requested

5. All easement requirements have not been satisfied;

No future easements are required

6. Such split will result in a tract without direct access to a street (i.e., property must abut a street and meet minimum lot width requirements);

The parcels front along Clark Street and do have direct access.

7. A substandard-sized lot or parcel will be created; and

No substandard lot shall be created.

8. The lot has been previously split in accordance with these regulations.

The lot has not been previously split per the Subdivision Regulations, any further division of this parcel or the parent parcel shall result in the lots being platted per the Subdivision Regulations.

DESIGN REVIEW TEAM (DRT) COMMENTS:

Building Official:

1. None at this time

City Engineer:

1. None at this time

Public Works Director:

1. None at this time

County Staff:

1. None at this time

STAFF RECOMMENDATION:

Staff recommends approval of the Lot Split application, with the following stipulations:

1. Any further division of this lot or the parent parcel shall be done via the platting process as outlined within the Zoning Regulations of Bonner Springs.
2. After approval, resubmit (2) 24" x 36" signed/sealed paper copies of the revised Lot Split drawings for Planning Commission signatures for filing;
3. The Applicant shall file the Lot Split with the Register of Deeds and provide a paper copy and/or electronic (PDF) copy of the filed Lot Split to close the file; and
4. No building permits shall be issued until the City of Bonner Springs has received a copy of the filed Lot Split.

COMMISSION OPTIONS

Approve the request, with or without conditions/changes.

Amend the Staff Recommendations as deemed necessary.

Deny the request



Memorandum

Date: October 18, 2022
To: Mayor and City Council
From: Mark Lee

Subject: Special Use Permit - SUP-07-22 – Ad Trend Billboard K7 and K32

Recommendation: Staff recommends that the Planning Commission approve the Special Use Permit to allow for a south facing digital billboard to be located at Kansas Highway 7 and Kansas Highway 32 (12700 Kaw Drive) upon the existing billboard, with staff recommendations.

Action: Consider approval of a revision to Special Use Permit – 109 to allow for the installation of a digital display on the south facing side of the current sign, 12700 Kaw Drive.

Background: The subject property is located within the Union Pacific Railroad right of way and leased by Ad Trend, Inc.

In the City's Zoning Ordinance, **Article XXVII--SPECIAL USES--Sections 1 & 2**, the Planning Commission and the Governing Body are authorized to recommend and to approve Special Use Permits in accordance with the Special Uses by Zoning District located in Appendices A & B.

Billboards are allowed via Special Use Permit within the I-1 "Light Industrial" Zoning District. This applicant currently operates under SUP-109. While requirements for digital display billboards are not located within the Zoning Regulations currently, Special Use Permits can allow deviations from the approved Zoning Regulations by placing more stringent requirements upon them and upon recommendation by the Planning Commission and approval by the Governing Body.

Discussion: Requirements as enumerated in Article XXVII; Special Uses:

Special Uses produce unique and special impacts because of their location, design, life span, method of operation, traffic circulation, or other similar characteristics which may have an impact on available or provided public facilities, so that each such use must be considered individually. A special use permit shall not be granted unless specific written findings of fact directly based upon the particular evidence presented support the following conclusions:

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 current use (billboard) is allowed by special use permit in the I-1, Light Industrial District. The addition of a digital face would be an allowed use under the use limitations stated below.

Outdoor Advertising Signs:

1. **Height:** No billboard shall exceed twenty (20) feet in height unless additional setbacks, measured from the ultimate right-of-way line on a one (1) foot vertical to a two (2) foot horizontal basis, to a maximum of thirty (30) feet);

2. *Billboards or Advertising Signs in the I-1 and I-2 Zoning Districts are permitted by special use.*
3. *All other conditions of approval for the outdoor advertising sign (billboard) have been addressed with the previously approved location.*

New: *The Kansas Department of Transportation, Bureau of Right of Way, Outdoor Advertising, has evaluated the billboard location and is requiring the applicant to submit a Kansas Department of Transportation, Sign Application for approval prior to any construction. The Kansas Highway Advertising Control Act was amended on July 1, 2006 now requires all outdoor advertising companies to submit an application and shall receive an approved permit approval prior to commencing construction of any new sign (billboard) after that date. Due to this new KDOT requirement, a Sign Application must be submitted and a permit must be issued by KDOT, Bureau of Right of Way, Outdoor Advertising, prior to releasing a construction permit by the City.*

KDOT review comments are included within staff's recommendation

The proposed special use at the specified location will contribute to and promote the welfare or convenience of the public;

The proposed special use will neither contribute to, nor have, a detrimental effect on the general public.

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, in its current state, is impracticable for most uses due to size, location and right of way requirements and lack of access to the area in question. In its current location it will not have an impact on surrounding properties or neighborhoods.

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 with respect to streets giving access to it are such that the special use will not dominate the immediate neighborhood so as to prevent development and use of neighboring property in accordance with the applicable zoning district regulations. In determining whether the special use will so dominate the immediate neighborhood, consideration shall be given to:

(a) The location, nature and height of buildings, structures, walls and fences on the site,*The existing grade at the subject site is 28' below the K-7 Highway Bridge surface making the viewability of the outdoor advertising sign (billboard) a significant problem. Therefore, the applicant was granted a variance to the height requirement via SUP-019 to 40' in height to alleviate this problem.*

(b) The nature and extent of landscaping and screening on the site.

The site is in existence currently, due to its location and lack of street frontage no landscaping is required.

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;*None is required, as no staff nor visitors should be on-site unless the sign is*

being installed or repaired.

Adequate utility, drainage, and other such necessary facilities have been or will be provided; and

All of the above will be or currently are provided

Adequate access roads or entrance and exit drives will be provided and shall be so designed to prevent traffic hazards and to minimize traffic congestion in public streets and alleys.

Access is provided by an existing access from K-32 Highway (Kaw Drive).

Financial Impact: NA

City of
Bonner Springs
Agenda Item Cover Sheet

Agenda Item No. 5

CASE #: SUP-07-22

Topic: **Public Hearing-** The applicant is requesting approval of a revision to Special Use Permit – 109 to allow for the installation of a digital display on the south facing side of the current sign, 12700 Kaw Drive.

Narrative:

The subject property is located within the Union Pacific Railroad right of way and leased by Ad Trend, Inc.

In the City's Zoning Ordinance, **Article XXVII--SPECIAL USES--Sections 1 & 2**, the Planning Commission and the Governing Body are authorized to recommend and to approve Special Use Permits in accordance with the Special Uses by Zoning District located in Appendices A & B.

Billboards are allowed via Special Use Permit within the I-1 "Light Industrial" Zoning District. This applicant currently operates under SUP-109. While requirements for digital display billboards are not located within the Zoning Regulations currently; Special Use Permits can allow deviations from the approved Zoning Regulations by placing more stringent requirements upon them and upon recommendation by the Planning Commission and approval by the Governing Body.

Presented by: Mark Lee-Planning & Zoning Director

Staff Recommendation:

Staff recommends that the Planning Commission approve the Special Use Permit to allow for a south facing digital billboard to be located at Kansas Highway 7 and Kansas Highway 32 (12700 Kaw Drive) upon the existing billboard, with staff recommendations.

Attachments:

Staff Report (5pgs)
SUP-109 Staff Report dated April 24, 2007 (2pgs)
Ordinance approving SUP-109 (1pg)
Image of proposed sign (1pg)
Application (2pgs)

CONSIDER APPROVAL OF A REVISION TO SPECIAL USE PERMIT – 109 TO ALLOW FOR THE INSTALLATION OF A DIGITAL DISPLAY ON THE SOUTH FACING SIDE OF THE CURRENT SIGN, 12700 KAW DRIVE WITHIN THE I-1 ZONING DISTRICT.

MEETING DATE: October 18, 2022
REPORT WRITTEN: October 4, 2022
CASE NUMBER: SUP-07-22

APPLICANT:

- Ad Trend, Inc.
14450 S. 71 Highway
Kansas City, MO 64147

REQUEST:

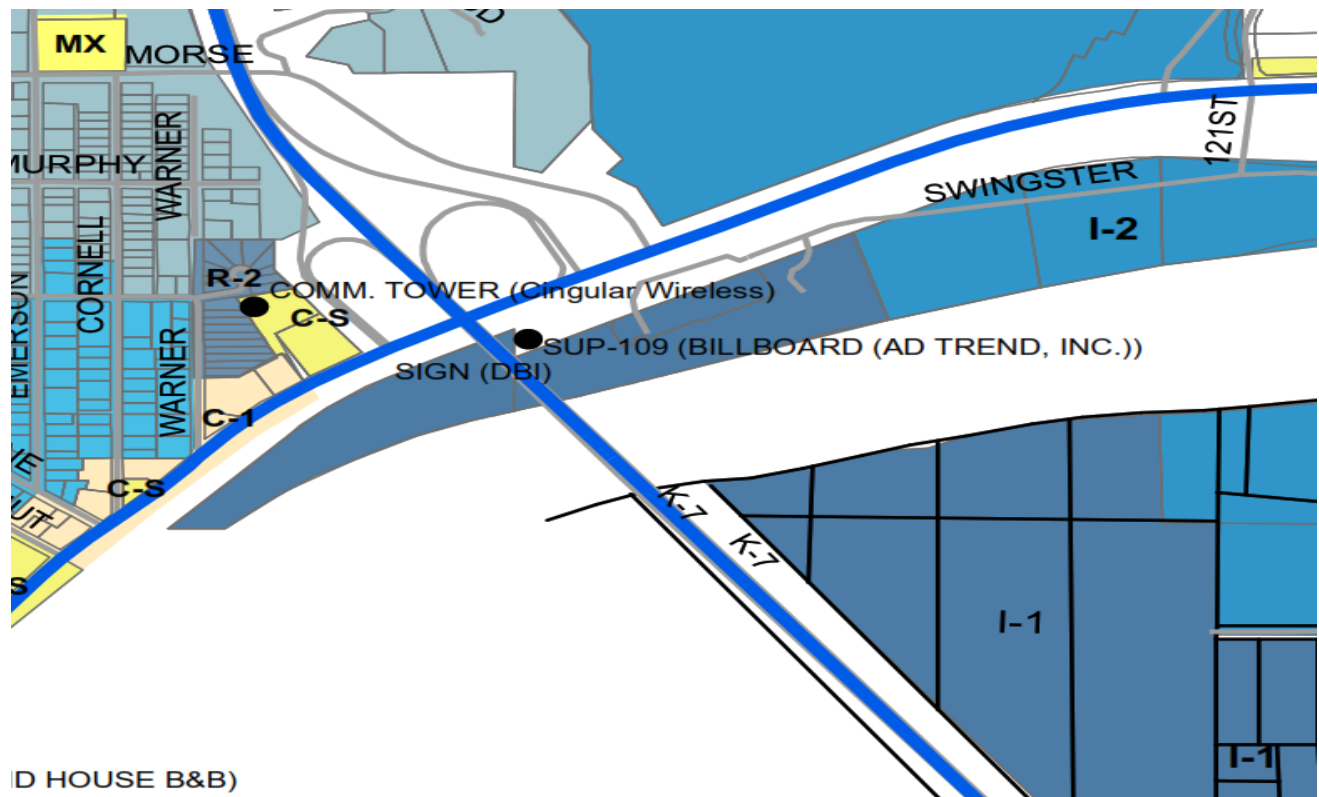
The applicant is requesting approval to amend their current Special Use Permit to allow for the installation of a digital face on the south facing display area of the sign currently on location.

ZONING:

The property is currently zoned “I-1” Light Industrial District

SURROUNDING ZONING:

North	Kansas Highway 32 – no zoning
South	Kansas River – south of that “I-1” Light Industrial
East	“I-1” Light Industrial
West	“I-1” Light Industrial



BACKGROUND:

The subject property lies within the Union Pacific Railroad right of way and has no defined parcel area nor dimensions.

The subject property is located within the Union Pacific Railroad right of way and leased by Ad Trend, Inc.

In the City's Zoning Ordinance, **Article XXVII--SPECIAL USES--Sections 1 & 2**, the Planning Commission and the Governing Body are authorized to recommend and to approve Special Use Permits in accordance with the Special Uses by Zoning District located in Appendices A & B.

Billboards are allowed via Special Use Permit within the I-1 "Light Industrial" Zoning District. This applicant currently operates under SUP-109. While requirements for digital display billboards are not located within the Zoning Regulations currently; Special Use Permits can allow deviations from the approved Zoning Regulations by placing more stringent requirements upon them and upon recommendation by the Planning Commission and approval by the Governing Body.

Article XXVII, Special Uses; state: *Special uses are those type of uses which, due to their nature, are dissimilar to the normal uses permitted within a given zoning district or where product, process, mode of operation, or nature of business may prove detrimental to the health, safety, welfare or property values of the immediate neighborhood and its environs.*

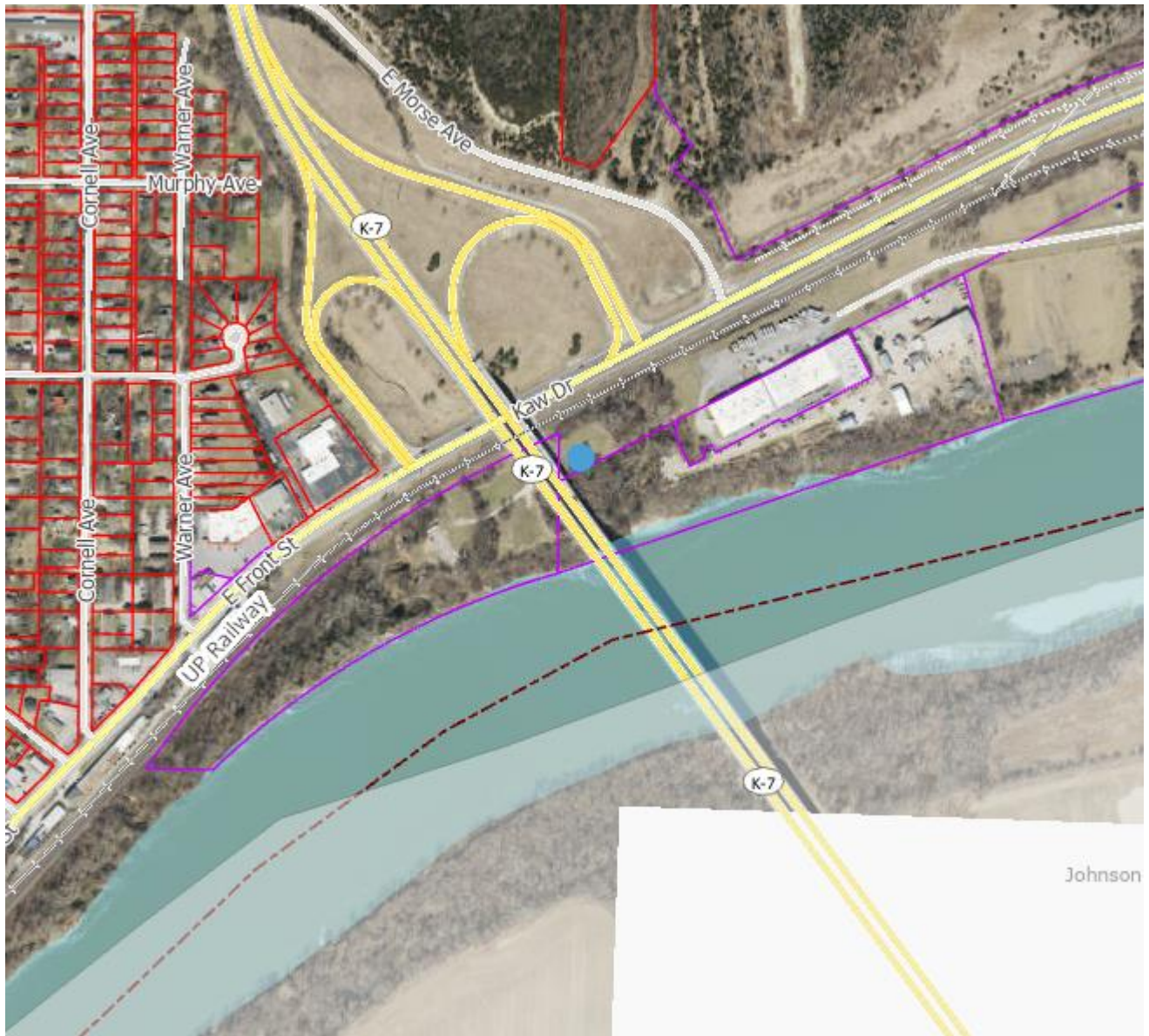
CONFORMANCE WITH THE COMPREHENSIVE PLAN:

The Comprehensive Plan states that the role of the Planning Commission is to serve as an advisory board to the City Council; by conducting public hearings to obtain public opinion regarding each special use permit application. The Commission shall adopt recommendations that are forwarded to the City Council on each special use permit application request. In viewing requested special use permits the Commission shall consider compatibility and compliance with the Comprehensive Plan.

No specific language within the Comprehensive Plan address's locations of special uses.

The Comprehensive Plan does indicate the area as being Industrial and states:

Industrial: This category accommodates land uses associated with industrial activities such as assembly, manufacturing, warehousing, and limited office/commercial activities as defined in the city's zoning regulations. This district corresponds to the 'I-1', and 'I-2' districts of the city zoning regulations.



Requirements as enumerated in Article XXVII; Special Uses:

Special Uses produce unique and special impacts because of their location, design, life span, method of operation, traffic circulation, or other similar characteristics which may have an impact on available or provided public facilities so that each such use must be considered individually. A special use permit shall not be granted unless specific written findings of fact directly based upon the particular evidence presented support the following conclusions:

- 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 current use (billboard) is allowed by special use permit in the I-1, Light Industrial District, the addition of a digital face would be an allowed use under the use limitations stated below.

Outdoor Advertising Signs:

- (a) **Height:** No billboard shall exceed twenty (20) feet in height unless additional setbacks, measured from the ultimate right-of-way line on a one (1) foot vertical to a two (2) foot horizontal basis, to a maximum of thirty (30) feet);
- (b) Billboards or Advertising Signs in the I-1 and I-2 Zoning Districts are permitted by special use.
- (c) All other conditions of approval for the outdoor advertising sign (billboard) have been addressed with the previously approved location.

New: The Kansas Department of Transportation, Bureau of Right of Way, Outdoor Advertising, has evaluated the billboard location and is requiring the applicant to submit a Kansas Department of Transportation, Sign Application for approval prior to any construction. The Kansas Highway Advertising Control Act was amended on July 1, 2006 now requires all outdoor advertising companies to submit an application and shall receive an approved permit approval prior to commencing construction of any new sign (billboard) after that date. Due to this new KDOT requirement, a Sign Application must be submitted and a permit must be issued by KDOT, Bureau of Right of Way, Outdoor Advertising, prior to releasing a construction permit by the City.

KDOT review comments are included within staff's recommendation

- 2. The proposed special use at the specified location will contribute to and promote the welfare or convenience of the public;**

The proposed special use will neither contribute to, nor have, a detrimental effect on the general public.

- 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, in its current state, is impracticable for most uses due to size, location and right of way requirements and lack of access to the area in question. In its current location it will not have impact on surrounding properties or neighborhoods.

- 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 with respect to streets giving access to it are such that the special use will not dominate the immediate neighborhood so as to prevent development and use of neighboring property in accordance with the applicable zoning district regulations. In determining whether the special use will so dominate the immediate neighborhood, consideration shall be given to:**

- a) The location, nature and height of buildings, structures walls and fences on the site,**
The existing grade at the subject site is 28' below the K-7 Highway Bridge surface making the viewability of the outdoor advertising sign (billboard) a significant problem. Therefore the applicant was granted a variance to the height requirement via SUP-019 to 40' in height to alleviate this problem.

- (b) The nature and extent of landscaping and screening on the site.**

The site is in existence currently, due to its location and lack of street frontage no landscaping is 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;**

None is required, as no staff nor visitors should be on-site unless the sign is being installed or repaired.

6. Adequate utility, drainage, and other such necessary facilities have been or will be provided; and

All of the above will be or currently are provided

7. Adequate access roads or entrance and exit drives will be provided and shall be so designed to prevent traffic hazards and to minimize traffic congestion in public streets and alleys.

Access is provided by an existing access from K-32 Highway (Kaw Drive).

STAFF RECOMMENDATIONS:

Staff recommends approval of the Special Use Permit; SUP-07-22 with the following conditions:

1. All requirements of the currently approved SUP-019 shall apply where applicable.
2. Provide a copy of an approved Sign Permit from the KDOT, Bureau of Right of Way, Outdoor Advertising, along with one (1) set of signed and sealed construction plans reflecting the the installation of the digital display and a building permit application to the Planning Department for the City Planner and Building Officials review and approval;
3. The digital sign may not contain or display flashing, intermittent or moving lights, including animated or scrolling advertising.
4. The images appearing on said digital display must remain in a fixed position for a minimum of eight (8) seconds. (KDOT)
5. If a message is changed electronically, it must be accomplished within an interval of two seconds or less; (KDOT)
6. The sign is not placed within 1,000 feet of another automatic changeable facing sign on the same side of the highway, with the distance being measured along the nearest edge of the pavement and between points directly opposite the signs along each side of the highway; (KDOT)
7. If the sign is a legal conforming structure it may be modified to an automatic changeable facing sign upon compliance with these standards and approval by the department. A nonconforming structure shall not be modified to create an automatic changeable facing sign; (KDOT)
8. The sign contains a default design that will freeze the sign in one position if a malfunction occurs (KDOT)
9. 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
10. 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 then 12 months.
11. Special Use Permit may be revoked by the Governing Body for violation of and/or non-compliance with the Municipal Code of Ordinances of the City of Bonner Springs, Kansas.

COMMISSION OPTIONS

1. **Recommend approval to the City Council, with or without conditions.**
2. **Recommend denial to the City Council.**
3. **Continue the Public Hearing to another date, time and/or place.**



received
8/29/22

Staff Use Only

SUP: 07-22

PC Date: 10/18/22

CC Date: Nov.

Date Rec'd: 8/29/22

Rec'd by: MSZ

SPECIAL USE PERMIT (SUP) APPLICATION

Date: rec. 8/29

12700 KAW Drive

Subject Property Address: SE Corner K-7 + K-32

Project Name (if applicable): Ad Trend Existing Billboard Upgrade

Applicant Name: AD TREND Inc Phone: 816-283-0600

Address: 14450 S. 71 HWY KCMO 64147

E-mail (required): jimb@AD-TREND.COM

Record Property Owner: Union Pacific Railroad Phone: _____

Parcel No.: _____ Quarter Section: _____ Section/Township/Range: 28/11S/3E

Legal Description of the Tract: See Attached

Tract Acreage: 3.5 General Location/Cross-streets: K-7 + K-32

Zoning: I-1 Present Use: Railroad Ind. Requested Use: Same

I hereby certify that the information herein submitted is complete, true, and accurate. That I have been reviewed the development procedures and guidelines required, and I hereby grant the City permission to post a public notice sign on the subject property.

Applicant Signature: Jim Boeh Date: rec: 8/29

Applicant Name (Printed): Jim Boeh

Does Applicant have Permission from the Owner(s) to Apply for an SUP and Authorize Permission to Post?

Yes ☒ No ☐

If Requested, Can the Applicant Provide a Letter of Consent from the Owner(s)?

Yes ☒ No ☐

Special Use Permit (SUP) Application Process

A pre-application meeting with the City Planner is required prior to application submittal. Call or email to set an appointment -- 913-667-1708

Applicants are encouraged to communicate with all adjacent property owners prior to beginning the special use permit process.

Submittal Requirements

- ✓ Completed and signed application – Signature of applicant and property owner's consent are required
- ✓ Digital renderings of a scaled site plan or survey of the area for a special use permit

Site plan must be:

- drawn to scale,
- contain the legal description, and
- indicate buildings, parking, north arrow, etc.

✓ Check for \$300.00 – made payable to the City of Bonner Springs for application fee

✓ PDF copy of all drawings must be emailed to the City Planner

Additional fees

City staff generates a list of property owners within the 200' radius of the exterior of the subject property and creates and mails notification of a public hearing for a Special Use Permit application.

- *Applicants will be billed \$12 for each unique property owner on the 200' mailing list.*

City staff submits the required notification to the City newspaper for publication not less than 20 days prior to the public hearing.

- *Applicants will be billed for the publishing costs.*

City staff will prepare and post a Notice of Public Hearing sign.

- *Applicants will be billed \$25 for the first sign and \$10 for each additional sign, if applicable.*

Meetings

The Planning Commission holds a public meeting and votes to recommend approval or denial of the application.

- *Planning Commission meetings are typically on the third (3rd) Tuesday of each month at 7:00 PM*

The Governing Body will review the application for consideration and action at a regular City Council meeting.

- *The City Council typically meets on the second (2nd) and fourth (4th) Monday of each month at 7:30 PM.*

Reference

Lists of all Special Uses are located in the Zoning Ordinance Appendix A or Appendix B

Additional information on Special Uses is located in the Zoning Ordinance Article XXVII

https://www.bonnerrsprings.org/DocumentCenter/View/92/zoning_ordinance?bidId=

Questions? -- Contact the City Planner at 913-667-1708

FEES

Application Fee: \$300 \$ 300.00
Notification: 4 x \$12 = \$ 48.00
Publication: \$ 25.-
Sign (first): \$25 \$ 25.-
Add'l Signs X x \$10 = \$ 25.-

Total Due: \$

325.00
+48
\$373.00 pd 8/29/ma

Invoice Date: _____
Payment Rec'd Date: _____
Check #: _____
Receipt #: _____

SPECIAL USE PERMIT (REVISED): AD TREND, INC. BILLBOARD**Case No.:** SUP-109**Applicant:** Jim Boeh, Ad Trend, Inc.**Surveyor:** Derek J. Klinkenborg, PLS, Larkin Group, Inc.**Owner:** Union Pacific Railroad (Agent: Clear Channel Outdoor)**Location:** 12700 Kaw Drive**Zoning:** I-1, Light Industrial District**Lot Size:** Variable**PROJECT DESCRIPTION:**

The applicant has submitted a request to revise the Special Use Permit approved under Ordinance No. 2128 on May 22, 2006 for a 30' high, 300 square feet Outdoor Advertising Sign (Billboard). The revision requested is to increase the height of the outdoor advertising sign (billboard) from the approved 30' to 40' to be located on the south side of Kaw Drive, east of the K-7 Highway Bridge on Union Pacific Railroad property. The previously approved location has not changed.

The applicant is requesting the Planning Commission and Governing Body grant a variance to the Zoning Ordinance; Article XXVII: Special Uses, Section 4(7) Outdoor Advertising Signs and the Sign Regulations under Article XXXI which only allow signs up to 30' with the proper setback. The applicant is requesting a forty (40) foot high outdoor advertising sign (billboard) as the approved height of thirty (30) feet is not viewable from the K-7 Highway Bridge that is 28' from grade to the top of the bridge. The Board of Zoning Appeals normally rules on variances to the Zoning Ordinance; however they do not have the authority to vary the requirements of a Special Use Permit. The Planning Commission and Governing Body do have the authority based upon special circumstances of the special use.

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 I-1, Light Industrial District and therefore, is an acceptable use under the use limitations stated below.

Outdoor Advertising Signs:

- (a) **Height:** No billboard shall exceed twenty (20) feet in height unless additional setbacks, measured from the ultimate right-of-way line on a one (1) foot vertical to a two (2) foot horizontal basis, to a maximum of thirty (30) feet);
- (b) Billboards or Advertising Signs in the I-1 and I-2 Zoning Districts are permitted by special use.
- (c) All other conditions of approval for the outdoor advertising sign (billboard) have been addressed with the previously approved location.

New: The Kansas Department of Transportation, Bureau of Right of Way, Outdoor Advertising, has evaluated the billboard location and is requiring the applicant to submit a Kansas Department of Transportation, Sign Application for approval prior to any construction. The Kansas Highway Advertising Control Act was amended on July 1, 2006 now requires all outdoor advertising companies to submit an application and shall receive an approved permit approval prior to commencing construction of any new sign (billboard) after that date. Due to this new KDOT requirement, a Sign Application must be submitted and a permit must be issued by KDOT, Bureau of Right of Way, Outdoor Advertising, prior to releasing a construction permit by the City.

2. **The proposed special use at the specified location will contribute to and promote the welfare or convenience of the public** – The outdoor advertising sign (billboard) will not necessarily contribute or promote to the general welfare or convenience; however it will not have a detrimental affect either.
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 is unusable due to location, size and right-of-way requirements for K-7 Highway, K-32 Highway and property owned by the City of Bonner Springs. The proposed special use revision 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** – The existing grade at the subject site is 28' below the K-7 Highway Bridge surface making the view ability of the outdoor advertising sign (billboard) a significant problem. The applicant is requesting the change in height to 40' to alleviate this problem.
 - b. **The nature and extent of landscaping and screening on the site** – None 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.
6. **Adequate utility, drainage, and other such necessary facilities have been or will be provided** – Electrical service is available and is the only utility required.
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 has been provided by an existing access from K-32 Highway (Kaw Drive).

Staff Recommendation:

Staff recommends approval of SUP-109, Special Use Permit (Revised) for a forty (40) foot high outdoor advertising sign (billboard) located at 12700 Kaw Drive subject to the following conditions:

1. Provide a copy of an approved Sign Permit from the KDOT, Bureau of Right of Way, Outdoor Advertising, along with three (3) "revised" sets of engineered, signed and sealed construction plans reflecting the skirting requirement from grade to the base of the display area and for the increased height to 40' along with a new building permit application to the Planning Department for the City Planner and Building Officials review and approval;
2. The outdoor advertising sign, skirting requirement and the property shall be properly maintained as all times. If the sign, skirting or the property surrounding the sign goes into disrepair or an obvious lack of maintenance, the special use permit shall be revoked by the City and the outdoor advertising sign shall be removed;
3. 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
4. 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.

Note: If the revision to the previously approved Special Use Permit is not granted by the Governing Body, the conditions approval for the Special Use Permit under Ordinance No. 2128 shall apply. However, the requirement for an approved KDOT Sign Permit shall apply and be submitted to the Planning Department prior to any construction, as construction has not commenced.

ORDINANCE NO. _____

An ordinance of the Governing Body of the City of Bonner Springs, Kansas, approving a Special Use Permit under SUP-109, “Ad Trend, Inc. Billboard” for property located at 12700 Kaw Drive, 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 the Ad Trend, Inc. Billboard for a Special Use Permit located on I-1, Light Industrial District zoning located at 12700 Kaw Drive, Bonner Springs, Kansas subject to the following conditions:

1. The outdoor advertising sign, skirting requirement and the property shall be properly maintained as all times. If the sign, skirting or the property surrounding the sign goes into disrepair or an obvious lack of maintenance, the special use permit shall be revoked by the City and the outdoor advertising sign shall be removed;
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 then 12 months.

Section II: 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 22nd day of May, 2006.

Clausie W. Smith, Mayor

ATTEST:

Rita Hoag, City Clerk

(SEAL)

Memorandum

Date: October 18, 2022
To: Mayor and City Council
From: Mark Lee

Subject: Comprehensive Plan Amendment – BSCP-01-22 – Nettleton Logistic Center (1209 S. 130th St.)

Recommendation: Staff recommends that the Future Land Use Map be amended to reflect the proposed industrial use for the parcel, 1209 S. 130th Street.

In Staff's opinion the existing industrial use to the east makes development of that area east of the proposed Nettleton Avenue a logical area for more intense land uses while the change in elevations moving westward and north would protect those less intense uses (multifamily and commercial) from the proposed industrial uses.

Action: Consider a request to amend the Bonner Springs Future Land Use Map as currently indicated within the Comprehensive Plan for the property address of 1209 S. 130th Street.

Background: The property at 1209 S. 130th Street has gone through several planning processes over the past ten plus years but no significant development has occurred upon the property. The Future Land Use Map was amended initially in 2007, with the proposed use designation of Mixed-Use Residential and Commercial. In January of 2022, a proposal to change this parcel along with one to the south, 1401 S. 130th St, to industrial was presented. While 1209 was removed from that initial proposal, approval was granted for 1401. The removal of 1209 was in regards to the alignment of Nettleton Avenue as it traversed the site and ongoing discussions with staff.

Along with the approved Future Land Use Map amendment in 2007 and 2022, were approved rezoning applications.

There are currently two (2) distinct zoning districts located on this parcel, R-3 (Multi-family Residential), and C-2 (General Business).

The property lacks utilities and would require the extension of services, including but not limited to sanitary sewer, water, electricity, roadways, etc. Nettleton Avenue is proposed to extend throughout the entire site and is indicated within the Comprehensive Plan as a future collector street as well as within the K-7 Corridor Master Plan as an arterial. There is currently a preliminary design completed through KDOT. In ongoing discussions with the applicant, their design team and the City Engineer, a redesign and/or realignment of Nettleton Avenue may suit the site better and provide easier access to and from potential future development within the entire area. Through these discussion the applicant has proposed a location and design of the Nettleton extension.

Discussion: The Comprehensive Plan which includes the Future Land Use Map has been amended several times over the years. As requests are reviewed and approved by the Planning Commission and Governing Body, the Future Land Use Map is updated. The current Future Land Use Map reflects approximately 180.5 +/- acres of mixed use land use

designation on and around the subject property abutting Heavy Industrial District zoning (Rock Quarry) on the east which is much less desirable for residential development.

The Comprehensive Plan states:

Mixed Use : (Primarily Commercial; and if residential, more than 6

dwelling units per acre): The Mixed Use category includes a variety of office, small-scale retail, and general business uses that are service-commercial oriented, located in centers that can accommodate related uses. Such nonresidential uses are intended to provide services primarily to residents of the surrounding area and placed in locations with a design character that blends into the district and the neighborhood. If a Mixed Use-Residential component is proposed, it must be designed in a manner to promote pedestrian activity through a system of interconnected streets and varied streetscapes that also provide safe and efficient movement of vehicular traffic. This category promotes a variety of high-density residential land uses including a variety of commercial and mixed use-residential/commercial land uses if approved by the City; and would be limited to townhouse, condominium, and multifamily apartment dwellings. They would be designated M-U districts. They should be reviewed for land use compatibility against the City's core Guiding Principles and Neighborhood Design Policies, and the Multifamily Design Guidelines for any multifamily developments proposed within mixed use districts (Reference Appendix B). Additional uses including live-work, and limited retail commercial stores are permitted in this category under strict architectural and land use controls.

Industrial: This category accommodates land uses associated with industrial activities such as assembly, manufacturing, warehousing, and limited office/commercial activities as defined in the city's zoning regulations. This district corresponds to the 'I-1', and 'I-2' districts of the city zoning regulations.

Per the Bonner Springs Zoning Regulations there are five (5) factors that used when considering amendments to the Future Land Use Map, those factors follow with staff responses.

Responses from the applicant are shown in bold italics

1. **What has changed since the Comprehensive Plan was adopted to warrant this request?**

The land uses that were initially changed in 2007 did not materialize and the parcels have been vacant since. The traditional brick and mortar retail industry is suffering and has for years; therefore the originally proposed large-scale commercial development is less appealing to developers in the current market.

While the need for housing still remains strong within Bonner Springs the close proximity to other industrial land uses makes residential development on the eastern side of the property, as proposed in 2007, less desirable. Grade changes on the site though do provide the

opportunity for high to medium density residential to be located along the western side of the property.

The extension of Nettleton Avenue, to serve as an collector street, is still a viable project and is indicated within the Future Transportation Map as meeting these needs. The extension of Nettleton Avenue will allow citizens within the core of Bonner Springs a more direct route to commercial necessities at Kansas Avenue and K-7 without needing to access K-7 directly, thus reducing local traffic on that route.

The existing Comprehensive Plan designation for the subject property as identified on the Future Land Use Map (Mixed-Use) is no longer feasible given current and long-term market conditions. The land lies adjacent to a large rock quarry which creates significant development impacts (noise, dust, vibration, etc.). The subject property also has severe grade changes, with the eastern third of the land falling off more than 60' in elevation. This causes significant challenges for mixed-use development, such as multi-family and retail. The retail market was already in severe decline even before the COVID-19 pandemic. There is no market today for building new big-box retail in today's e-commerce environment, or even traditional retail (in-line, pad site, fast-food, and specialty) on the subject property. There are still several available but undeveloped/unleased retail opportunities near this site, that are in locations that retailers consider to be better if the market changes. See attached retail analysis letter from Elevate Property Advisors, a major retail broker in the KC market. The best use for the property is Industrial, as presented by the Applicant. Some flex office/warehouse would likely be feasible on the adjoining lands to the north. Given its location further away from the rock quarry operations, there may even be a market for multi-family to the east of the existing Wal-Mart along Kansas Ave.

2. Traffic Counts and Pattern Changes?

As Nettleton Avenue does not connect to the north through the property currently, the traffic patterns and counts on that section of roadway have not changed and cannot be adequately addressed. The traffic counts and pattern changes would need to be looked at along K-7. Traffic counts have steadily increased over the past fourteen (14) years; the included map indicates a significant number of additional vehicle traffic between Nettleton Avenue and I-70; approximately 6,600 vehicles. A large portion of these can be attributed to additional traffic from Nettleton headed northbound. The extension of Nettleton would alleviate local traffic impacts on the K-7 Corridor by providing access to one of our largest commercial nodes via the planned major arterial connection.

2022 traffic counts (map produced in 2021) as indicated by KDOT show and Annual Average Daily Traffic:

- 26,000 total vehicles (including 1695 Heavy Commercial vehicles) between Nettleton and

Kansas Avenue

- **Versus 2006 counts**
- 19,400 total vehicles (including 1515 Heavy Commercial vehicles) between Nettleton and

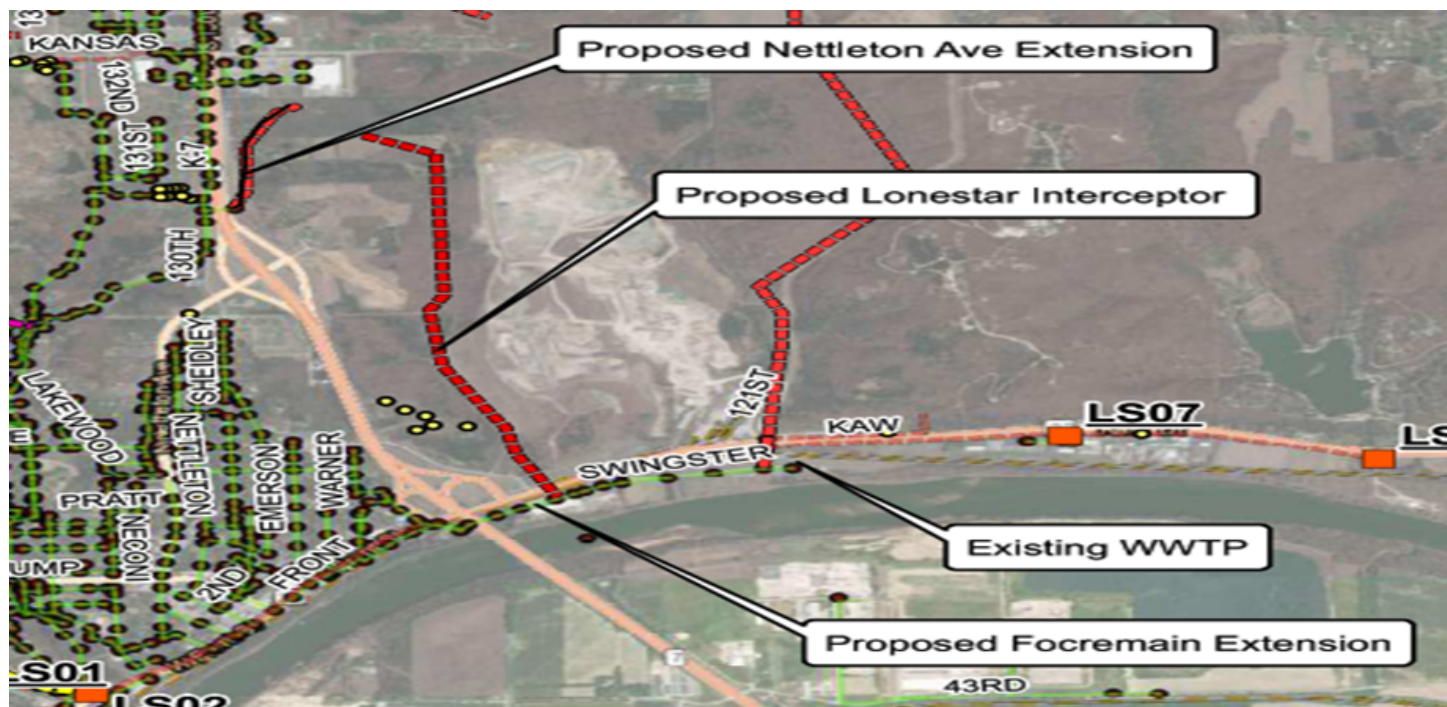
Kansas Avenue

The Nettleton interchange is designed in a manner that it can handle large amounts of

vehicular traffic from various styles and types of development with limited to no improvements.

Changes to traffic counts and patterns correlate with proposed industrial development, which is anticipated to generate considerably less traffic than the land uses anticipated in the Comprehensive Plan. Nettleton Ave. will need to be extended and realigned to accommodate truck/vehicle traffic from the new development. Most truck and vehicle traffic will access the property and exit via K-7 and Nettleton interchange. The Applicant will work with the City and KDOT to ensure that traffic patterns and volumes generated by the proposed redevelopment are appropriately accounted for in accordance with City code.

3. Utility/Infrastructure Changes? There are currently inadequate utilities upon the site and surrounding area. Infrastructure improvements would need to be undertaken in order to make the site developable. Per the 2019 Sanitary Sewer Mater Plan; the site is expected to receive its sanitary sewer services through the planned Lonestar Interceptor line that traverses the eastern side of the property and extends to approximately the midpoint of the entire developable area.



Infrastructure improvements will be needed to support development of the subject property into its highest and best use. But no changes to anticipated and planned infrastructure are needed for industrial uses.

4. Status of Floodplain/Hydrology?

The site lies on top of a large ridge that runs north to south, there is no floodplain located within the site. Stormwater run-off will need to be addressed with development of the site. No improvements are proposed in the floodplain, and a stormwater management study will be provided with the site plan submittal.

5. Changes in Surrounding Land Use?

Until recently there has been no change to the surrounding land uses; other than the growth of the rock quarry that lies to the east expanding further north and north east within their property.

In January of 2022 approval was granted to the developer to amend the Future Land Use Map and subsequently rezone the property directly to the south to light industrial, this would constitute the latest change.

The area to the north was developed for retail uses approximately 15 years ago, but no other development has occurred in or around the surrounding area. Areas to the immediate east (rock quarry), south (vacant) and west (K-7) have not had any changes in decades. The highest and best use of the subject property is industrial.

Financial Impact: NA

City of
Bonner Springs
Agenda Item Cover Sheet

Agenda Item No. 6

BSCP-01-22

Topic: PUBLIC HEARING- Consider a request to amend the Bonner Springs Future Land Use Map as currently indicated within the Comprehensive Plan for the property address of 1209 S. 130th Street.

Narrative:

The property at 1209 S. 130th Street has gone through several planning processes over the past ten plus years but no significant development has occurred upon the property. The Future Land Use Map was amended initially in 2007, with the proposed use designation of Mixed-Use Residential and Commercial. In January of 2022, a proposal to change this parcel along with one to the south, 1401 S. 130th St, to industrial was presented. While 1209 was removed from that initial proposal, approval was granted for 1401. The removal of 1209 was in regards to the alignment of Nettleton Avenue as it traversed the site and ongoing discussions with staff.

Along with the approved Future Land Use Map amendment in 2007 and 2022, were approved rezoning applications.

There are currently two (2) distinct zoning districts located on this parcel, R-3 (Multi-family Residential), and C-2 (General Business).

The property lacks utilities and would require the extension of services, including but not limited to sanitary sewer, water, electricity, roadways, etc. Nettleton Avenue is proposed to extend throughout the entire site and is indicated within the Comprehensive Plan as a future collector street as well as within the K-7 Corridor Master Plan as an arterial, there is currently a preliminary design completed through KDOT. In ongoing discussions with the applicant, their design team and the City Engineer; a redesign and/or realignment of Nettleton Avenue may suit the site better and provide easier access to and from potential future development within the entire area. Through these discussion the applicant has proposed a location and design of the Nettleton extension.

Presented by: Mark Lee- City Planner

Staff Recommendation:

Staff recommends that the Future Land Use Map be amended to reflect the proposed industrial use for the parcel, 1209 S. 130th Street.

In Staff's opinion the existing industrial use to the east makes development of that area east of the proposed Nettleton Avenue a logical area for more intense land uses while the change in elevations moving westward and north would protect those less intense uses (multifamily and commercial) from the proposed industrial uses.

Attachments:

Staff Report (5pgs); Application with Q&A (4pgs); Owner Authorization (1pg); Survey (8.5x11); Legal Description (1pg); Retail viability letter (2pgs); Site rendering (1pg); KDOT Traffic Counts 2006 vs. 2020 (1pg); Aerial Image 8.5x11)

REQUEST FOR APPROVAL TO AMEND THE FUTURE LAND USE MAP AS INDICATED IN THE COMPREHENSIVE PLAN OF BONNER SPRINGS; REQUESTED AMENDMENT IS FROM MIXED-USE TO INDUSTRIAL WITH A LOCATION OF 1209 S. 130th STREET.

MEETING DATE: October 18, 2022
REPORT WRITTEN: October 6, 2022
APPLICATION #: BSCP-01-22

APPLICANT:

Nettleton Seven North Associates, LLC
4622 Pennsylvania Avenue, Suite 700
Kansas City MO 64112

ENGINEER

McClure
11031 Stang Line Road
Lenexa KS 66215

REQUEST:

- The applicant is requesting to amend the Future Land Use Map (FLUM) as indicated in the Comprehensive Plan; the requested amendment will be from Mixed-Use to Industrial. The property in question is located east of K-7 and northeast of the current Nettleton Avenue.

BACKGROUND:

The applicant reached out in October of 2021 regarding two parcels, 1209 and 1401 S. 130th Street, and the potential for industrial use upon those parcels. Through ongoing discussions with the applicant regarding the Nettleton Avenue extension and the uses designated within our Comprehensive Plan currently; the applicant had withdrawn their request to change the northern parcel (1209 S. 130th Street). The applicant has been working to develop a plan that would provide a layout of Nettleton Avenue that was amicable to staff.

Staff has expressed to the applicant how the potential realignment/redesign of Nettleton Avenue has an effect on not only the entirety of the development area but the City as a whole and should be taken into consideration.

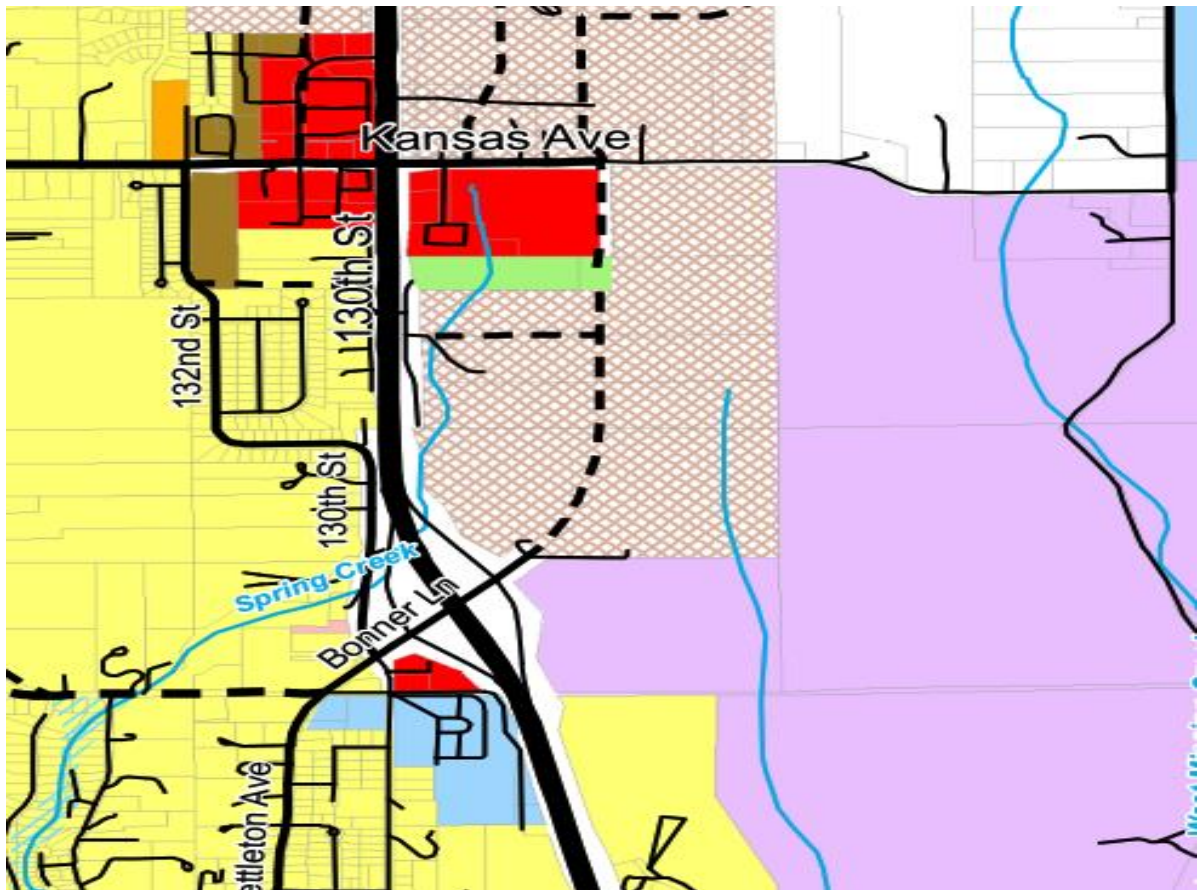
The property at 1209 S. 130th Street has gone through several planning processes over the past ten plus years but no significant development has ever occurred upon the property. The Future Land Use Map was amended initially in 2007 with the proposed use designation as Mixed-Use Residential and Commercial. Along with the approved Future Land Use Map amendment in 2007, was an approved rezoning application. In January of 2022, the parcel to the south (1401) was given approval to amend the Future Land Use Map and subsequently granted rezoning.

There are currently two (2) distinct zoning districts located on the parcel, C-2 “General Business” zoning (48 acres +/-), and R-3 “Multifamily Residential” (20 acres +/-).

The property lacks utilities and would require the extension of services, including but not limited to sanitary sewer via the proposed Lonestar Interceptor, water, electricity, roadways, etc. Nettleton Avenue is proposed to extend through the property and is indicated within the Comprehensive Plan as a future collector street as well as within the K-7 Corridor Master Plan as an arterial street, there is currently a preliminary design completed through KDOT. In ongoing discussions with the applicant, their design team and the City Engineer; a redesign and/or realignment of Nettleton Avenue

may suit the site better and provide easier access to and from potential future development within the entire area.

THE CURRENT FUTURE LAND USE MAP DESIGNATION:



FACTORS FOR CONSIDERATION:

The Comprehensive Plan which includes the Future Land Use Map has been amended several times over the years. As requests are reviewed and approved by the Planning Commission and Governing Body, the Future Land Use Map is updated. The current Future Land Use Map reflects approximately 180.5 +/- acres of mixed use land use designation on and around the subject property abutting Heavy Industrial District zoning (Rock Quarry) on the east which is much less desirable for residential development.

The Comprehensive Plan states:

Mixed Use : (Primarily Commercial; and if residential, more than 6 dwelling units per acre): The Mixed Use category includes a variety of office, small-scale retail, and general business uses that are service-commercial oriented, located in centers that can accommodate related uses. Such nonresidential uses are intended to provide services primarily to residents of the surrounding area and placed in locations with a design character that blends into the district and the neighborhood. If a Mixed Use-Residential component is proposed, it must be designed in a manner to promote pedestrian activity through a system of interconnected streets and varied streetscapes that also provide safe and efficient movement of vehicular traffic. This category promotes a variety of high-density residential land uses including a variety of commercial and mixed use-residential/commercial land uses if approved by the City; and would be limited to townhouse, condominium, and multifamily apartment dwellings. They would be designated M-U districts. They should be reviewed for land use compatibility against the City's core Guiding Principles and Neighborhood Design Policies, and the Multifamily Design

Guidelines for any multifamily developments proposed within mixed use districts (Reference Appendix B). Additional uses including live-work, and limited retail commercial stores are permitted in this category under strict architectural and land use controls.

Industrial: This category accommodates land uses associated with industrial activities such as assembly, manufacturing, warehousing, and limited office/commercial activities as defined in the city's zoning regulations. This district corresponds to the 'I-1', and 'I-2' districts of the city zoning regulations.

Per the Bonner Springs Zoning Regulations there are five (5) factors that used when considering amendments to the Future Land Use Map, those factors follow with staff responses.

Responses from the applicant are shown in bold italics

1. What has changed since the Comprehensive Plan was adopted to warrant this request?

The land uses that were initially changed in 2007 did not materialize and the parcels have been vacant since. The traditional brick and mortar retail industry is suffering and has for years; therefore the originally proposed large-scale commercial development is less appealing to developers in the current market.

While the need for housing still remains strong within Bonner Springs the close proximity to other industrial land uses makes residential development on the eastern side of the property, as proposed in 2007, less desirable. Grade changes on the site though do provide the opportunity for high to medium density residential to be located along the western side of the property.

The extension of Nettleton Avenue, to serve as an collector street, is still a viable project and is indicated within the Future Transportation Map as meeting these needs. The extension of Nettleton Avenue will allow citizens within the core of Bonner Springs a more direct route to commercial necessities at Kansas Avenue and K-7 without needing to access K-7 directly, thus reducing local traffic on that route.

The existing Comprehensive Plan designation for the subject property as identified on the Future Land Use Map (Mixed-Use) is no longer feasible given current and long-term market conditions. The land lies adjacent to a large rock quarry which creates significant development impacts (noise, dust, vibration, etc.). The subject property also has severe grade changes, with the eastern third of the land falling off more than 60' in elevation. This causes significant challenges for mixed-use development, such as multi-family and retail. The retail market was already in severe decline even before the COVID-19 pandemic. There is no market today for building new big-box retail in today's e-commerce environment, or even traditional retail (in-line, pad site, fast-food, and specialty) on the subject property. There are still several available but undeveloped/unleased retail opportunities near this site, that are in locations that retailers consider to be better if the market changes. See attached retail analysis letter from Elevate Property Advisors, a major retail broker in the KC market. The best use for the property is Industrial, as presented by the Applicant. Some flex office/warehouse would likely be feasible on the adjoining lands to the north. Given its location further away from the rock quarry operations, there may even be a market for multi-family to the east of the existing Wal-Mart along Kansas Ave.

2. Traffic Counts and Pattern Changes?

As Nettleton Avenue does not connect to the north through the property currently, the traffic patterns and counts on that section of roadway have not changed and cannot be adequately addressed. The traffic counts and pattern changes would need to be looked at along K-7.

Traffic counts have steadily increased over the past fourteen (14) years; the included map indicates a significant number of additional vehicle traffic between Nettleton Avenue and I-70; approximately 6,600 vehicles. A large portion of these can be attributed to additional traffic from Nettleton headed northbound. The extension of Nettleton would alleviate local traffic impacts on the K-7 Corridor by providing access to one of our largest commercial nodes via the planned major arterial connection.

2022 traffic counts (map produced in 2021) as indicated by KDOT show and Annual Average Daily Traffic:

- 26,000 total vehicles (including 1695 Heavy Commercial vehicles) between Nettleton and Kansas Avenue
 - **Versus 2006 counts**
- 19,400 total vehicles (including 1515 Heavy Commercial vehicles) between Nettleton and Kansas Avenue

The Nettleton interchange is designed in a manner that it can handle large amounts of vehicular traffic from various styles and types of development with limited to no improvements.

Changes to traffic counts and patterns correlate with proposed industrial development, which is anticipated to generate considerably less traffic than the land uses anticipated in the Comprehensive Plan. Nettleton Ave. will need to be extended and realigned to accommodate truck/vehicle traffic from the new development. Most truck and vehicle traffic will access the property and exit via K-7 and Nettleton interchange. The Applicant will work with the City and KDOT to ensure that traffic patterns and volumes generated by the proposed redevelopment are appropriately accounted for in accordance with City code.

3. Utility/Infrastructure Changes?

There are currently inadequate utilities upon the site and surrounding area. Infrastructure improvements would need to be undertaken in order to make the site developable. Per the 2019 Sanitary Sewer Mater Plan; the site is expected to receive its sanitary sewer services through the planned Lonestar Interceptor line that traverses the eastern side of the property and extends to approximately the midpoint of the entire developable area.



Infrastructure improvements will be needed to support development of the subject property into its highest and best use. But no changes to anticipated and planned infrastructure are needed for industrial uses.

4. Status of Floodplain/Hydrology?

The site lies on top of a large ridge that runs north to south, there is no floodplain located within the site. Stormwater run-off will need to be addressed with development of the site.

No improvements are proposed in the floodplain, and a stormwater management study will be provided with the site plan submittal.

5. Changes in Surrounding Land Use?

Until recently there has been no change to the surrounding land uses; other than the growth of the rock quarry that lies to the east expanding further north and north east within their property. In January of 2022 approval was granted to the developer to amend the Future Land Use Map and subsequently rezone the property directly to the south to light industrial, this would constitute the latest change.

The area to the north was developed for retail uses approximately 15 years ago, but no other development has occurred in or around the surrounding area. Areas to the immediate east (rock quarry), south (vacant) and west (K-7) have not had any changes in decades. The highest and best use of the subject property is industrial.

STAFF RECOMMENDATION:

Staff recommends that the Future Land Use Map be amended to reflect the proposed industrial use for the parcel, 1209 S. 130th Street. The alignment proposed by the developer of the Nettleton Avenue extension, has been viewed by KDOT, the DRT and Staff, the addition of a roundabout east of Kansas Highway 7 should enable traffic to continuously flow through the site and beyond. The proposed alignment of Nettleton Avenue is appears acceptable to all parties. Design, alignment and discussions will continue until agreed upon by all parties involved.

In Staff's opinion the existing industrial use to the east makes development of that area east of the proposed Nettleton Avenue a logical area for more intense land uses while the change in elevations moving westward and north would protect those less intense uses (multifamily and commercial) from the proposed industrial uses.

If recommended for approval to the Governing Body; Staff recommends the following stipulations:

1. A Traffic Impact Study shall be conducted by the applicant and submitted to the City and KDOT for review prior to platting of the property.
2. A rezoning of the property in question shall take place prior to the Future Land Use Map being officially amended
3. Developer shall be responsible for the extension of services including but not limited to, sanitary sewer per the Sanitary Sewer Masterplan (2019), water, other public utilities as well as the extension of Nettleton Avenue.
4. A preliminary and final plat adhering to the requirements of the Bonner Springs Subdivision Regulations shall be submitted and approved by the City prior to building permits being issued.
5. Any and all construction drawings shall be submitted to the City for review and approval prior to site improvements commencing
6. A Privately Funded Public Improvements construction agreement shall be prepared and approved by all parties prior to commencement of construction on such improvements.
7. The final plat shall be recorded with the Wyandotte County Register of Deeds.
8. In addition to the recommendations/stipulations listed within this staff report, the developer/property owner agrees to abide by all Zoning Ordinances and Subdivision Regulations of the City of Bonner Springs.

If **APPROVED** this item will move to the Governing Body; the request will be presented at the November 14th, 2022 regular meeting.

CITY OF BONNER SPRINGS

COMPREHENSIVE PLAN AMENDMENT

City Staff to complete this section

Case Number: BSCP- _____

Date: August 15, 2022

Project Name: Nettleton Logistics Centre – Building 2

WHO SHOULD APPLY: The owner, applicant or developer shall submit a request to change adopted Comprehensive Plan in order to amend the Future Land Use Map.

PRE SUBMITTAL CONFERENCE: A pre-submittal meeting with the City Planner is required prior to submittal.

APPLICATION COST: The filing fee is \$200.00 + \$25.00 for the first Public Notice Sign, and \$10.00 for each additional sign. The City Planner will bill the applicant for all publishing costs associated with this request. (If submitted with a rezoning application, the Public Notice Signs will be incorporated with that action).

REVIEW AND APPROVAL: All applications shall be reviewed by the Planning Commission during the Public Hearing. Their recommendation will then be submitted to the Governing Body for final action.

SUBMITTAL REQUIREMENTS: All applicants for amendments shall provide in writing statements addressing all five (5) questions listed below that have occurred since the adoption of the Comprehensive Plan. Fourteen (14) full size copies, 11" x 17" maximum, and an electronic PDF copy of all drawings is required at time of submission. The electronic PDF copy may be emailed to the City Planner.

Name of Applicant (Print): Nettleton Seven North Associates, LLC Phone: 816-756-1400

Address: 4622 Pennsylvania Avenue, Suite 700, Kansas City, Missouri 64112

E-mail (Required): cholland@polsinelli.com ; pdaly@polsinelli.com

Property Owner (Print): Nettleton Seven North Associates, LLC Phone: _____

Property Address: 1209 S 130th St Bonner Springs, KS Zip Code: 66012

Parcel No.: 956600 Quarter Section: _____ Section/Township/Range: Sec 20, Twp 11, Rge 23

Legal Description of the Tract (May be attached): See attached.

Tract Acreage: +/- 68.56 acres General Location: K-7, North Side of Nettleton Avenue

Existing Designation: Mixed-Use Proposed Designation: Light Industrial Existing Zoning/Use: Vacant

Proposed Zoning/Use: Light Industrial Flood Zone: _____

I HEREBY CERTIFY THAT THE INFORMATION HEREIN SUBMITTED IS COMPLETE, TRUE AND ACCURATE AND THAT I/WE HAVE BEEN NOTIFIED ON THE DEVELOPMENT PROCEDURES AND GUIDELINES, INCLUDING PLATTING AND SITE PLAN REVIEWS.

SIGNATURE OF APPLICANT: Curtis M. Holland Date: 8/15/2022

(Please type or print name of applicant): Curtis Holland, agent for Nettleton Seven North Associates, LLC

SIGNATURE OF PROPERTY OWNER: See attached ownership affidavit. Date: 8/15/2022

(Please type or print name of owner): Applicant is granting this right by signing the application and authority given under affidavit.
(By signing this application, you are hereby granting the City authority to post a public notice sign on your property)

DO NOT WRITE BELOW THIS LINE

Date Received: _____ Received By: _____

Total Fee: _____ Receipt #: _____

**FACT SHEET FOR AMENDING THE COMPREHENSIVE PLAN
FUTURE LAND USE PLAN APPLICATIONS
CITY OF BONNER SPRINGS, KANSAS**

1. All petitions shall be accompanied by a legal description of the area to be amended;
2. The property owner of record must sign the application;
3. All requests to amend the Comprehensive Plan shall be accompanied by a detailed explanation in writing addressing all five (5) Items listed as follows: **Please see attached Exhibit C.**
 1. What has changed since the Comprehensive Plan was adopted to warrant this request?
 2. Traffic Counts and Pattern Changes?
 3. Utility/Infrastructure Changes?
 4. Status of Floodplain/Hydrology?
 5. Changes in Surrounding Land Use?
4. Each application for amending the Future Land Use Map of the Comprehensive Plan requires publication of a legal notice in the City newspaper not less than 20 days prior to the public hearing established by the City Planner. Publication arrangements will be made by the City Planner and the applicants will be billed for all publishing costs associated with this request.

Note: For additional information, please contact the City Planner @ (913) 667-1708.

EXHIBIT C

Application Q&A

1. What has changed since the Comprehensive Plan was adopted to warrant this request?

The existing Comprehensive Plan designation for the subject property as identified on the Future Land Use Map (Mixed-Use) is no longer feasible given current and long-term market conditions. The land lies adjacent to a large rock quarry which creates significant development impacts (noise, dust, vibration, etc.). The subject property also has severe grade changes, with the eastern third of the land falling off more than 60' in elevation. This causes significant challenges for mixed-use development, such as multi-family and retail. The retail market was already in severe decline even before the COVID-19 pandemic. There is no market today for building new big-box retail in today's e-commerce environment, or even traditional retail (in-line, pad site, fast-food, specialty) on the subject property. There are still several available but undeveloped/unleased retail opportunities near this site, that are in locations that retailers consider to be better if the market changes. See attached retail analysis letter from Elevate Property Advisors, a major retail broker in the KC market. The best use for the property is Industrial, as presented by the Applicant. Some flex office/warehouse would likely be feasible on the adjoining lands to the north. Given its location further away from the rock quarry operations, there may even be a market for multi-family to the east of the existing Wal-Mart along Kansas Ave.

2. Traffic Counts and Pattern Changes?

Changes to traffic counts and patterns correlate with proposed industrial development, which is anticipated to generate considerably less traffic than the land uses anticipated in the Comprehensive Plan. Nettleton Ave. will need to be extended and realigned to accommodate truck/vehicle traffic from the new development. Most truck and vehicle traffic will access the property and exit via K-7 and Nettleton interchange. The Applicant will work with the City and KDOT to ensure that traffic patterns and volumes generated by the proposed redevelopment are appropriately accounted for in accordance with City code.

3. Utility/Infrastructure Changes?

Infrastructure improvements will be needed to support development of the subject property into its highest and best use. But no changes to anticipated and planned infrastructure are needed for industrial uses.

4. Status of Floodplain/Hydrology?

No improvements are proposed in the floodplain, and a stormwater management study will be provided with the site plan submittal.

5. Changes in Surrounding Land Use?

The area to the north was developed for retail uses approximately 15 years ago, but not other development has occurred in or around the surrounding area. Areas to the immediate east (rock quarry), south (vacant) and west (K-7) have not had any changes in decades. The highest and best use of the subject property is industrial.

OWNER AUTHORIZATION AFFIDAVIT

STATE OF Missouri)
)ss.
COUNTY OF Jackson)

I, Kenneth G. Block, as Trustee of the Kenneth G. Block Trust, dated January 11, 1991, as amended, which is the Manager of BK Properties, LLC, which is the Manager of Nettleton Seven North Associates LLC ("Owner"), being first duly sworn upon their oaths, deposes and states as follows:

1. Owner is the fee simple owner of land located at the northeast corner of K-7 Highway and Nettleton Ave., with a property situs address of 1209 S. 130th Street, Bonner Springs, KS 66012 (the "Property"); and
2. Owner has authorized Polsinelli PC to file any, and all, applications with the City of Bonner Springs necessary for the development of the Property including, but not limited to, change of use, rezoning, preliminary development and final development site plans, preliminary and final plats, and related applications and permits.
3. The undersigned on behalf of the Owner has in fact the authority to bind the Owner to the terms and statements contained within this instrument.

In witness hereof, the undersigned have set their hands and seal below.

Owner:

**NETTLETON SEVEN NORTH
ASSOCIATES LLC**, a Kansas limited
liability company

By: BK Properties, LLC, Manager

By: [Signature]
Kenneth G. Block, as Trustee of the
Kenneth G. Block Trust, dated
January 11, 1991, as amended,
Manager

Subscribed and sworn to before me this day of 11th day of August, 2022.

3.1.2026

[Signature]

Notary Public



NETTLETON LOGISTICS CENTRE – BUILDING 2
LEGAL DESCRIPTION

The North 1/2 of the Southeast 1/4 of Section 20, Township 11, Range 23, Wyandotte County, Kansas, except that part taken or used for public road purposes, also except that part taken for highway described as follows: A tract of land in the North half of the Southeast Quarter of Section 20, Township 11 South, Range 23 East of the 6th P.M., described as follows:

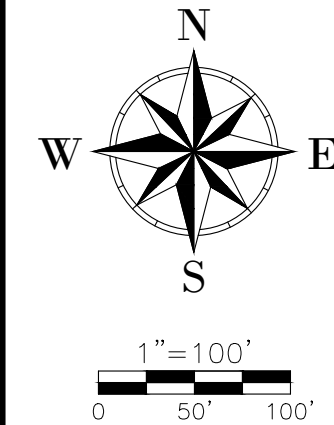
Beginning at the Northwest corner of said Quarter Section; FIRST COURSE; thence North 88 degrees 11 minutes East, 202.3 feet along the North line of said Quarter Section; SECOND COURSE, thence South 13 degrees 30 minutes East, 276.6 feet; THIRD COURSE, thence South 01 degrees 41 minutes East, 329.1 feet; FOURTH COURSE, thence South 37 degrees 35 minutes East 247.4 feet; FIFTH COURSE, thence South 21 degrees 50 minutes East, 309.3 feet; SIXTH COURSE, thence South thence South 52 degrees 25 minutes East, 343.0 feet; SEVENTH COURSE, thence North 44 degrees 17 minutes East, 225.0 feet; EIGHTH COURSE, thence South 45 degrees 43 minutes East to a point on the South line, 1103.9 feet East of the Southwest corner of said North Half of the Southeast Quarter Section; NINTH COURSE; thence South 88 degrees 14 minutes West, 1103.9 feet along said South line to the West line of said Quarter Section; TENTH COURSE, thence North 01 degree 57 minutes West along said West line to the place of beginning.

Being more fully described as follows:

Beginning at the Northeast corner of the Southeast Quarter of Section 20, Township 11 South, Range 23 East of the Sixth Principal Meridian in the City of Bonner Springs, Wyandotte County, Kansas; thence South 88 degrees 11 minutes 14 seconds West 2473.37 feet to a point on the North line of the said Southeast 1/4, being 202.30 feet East of the Northwest corner of the said Southeast Quarter, also being on the Westerly right of way line of K-7 Highway; thence South 13 degrees 30 minutes East 276.60 feet, along the said right of way line; thence South 01 degrees 41 minutes East 329.10 feet, along the said right of way line; thence South 37 degrees 35 minutes East 247.40 feet, along the right of way line; thence South 21 degrees 50 minutes East 309.30 feet, along the said right of way line; thence South 52 degrees 25 minutes East 343.00 feet, along the said right of way line; thence North 44 degrees 17 minutes East 225.00 feet, along the said right of way line; thence South 45 degrees 43 minutes East 247.75 feet, along the said right of way line to a point on the South line of the North 1/2 of the said Southeast 1/4, being 1103.90 feet East of the Southwest corner of the said North 1/2; thence North 88 degrees 13 minutes 44 seconds East 1569.18 feet to the Southeast corner of the said North 1/2; thence North 01 degrees 50 minutes 18 seconds West 1332.62 feet to the point of beginning, except any part thereof in public roads.

(Legal description take from ALTA survey prepared by Michael J. Schmidtberger, and dated 11-08-21)

ALTA/NSPS LAND TITLE SURVEY
NETTLETON ROAD & K-7 (NORTH TRACT) ALTA SURVEY
CITY OF BONNER SPRINGS, WYANDOTTE COUNTY,
KANSAS



Prepared For:
Block Real Estate Services, Inc.
700 West 47th Street, Suite 200
Kansas City, Missouri 64112
816-932-5563

NO.	BY	DATE	REVISION
1.	WM	M/S	8/9/21
2.	WM	M/S	11/14/21
			Revised, Added
			Surveyors Description
			Original Submission

MJS CONSULTING, LLC
2224 CONDOLEA TERRACE
LEAWOOD, KANSAS 66209
913.354.8075 mjschmidtberger@kc.rr.com

LAND SURVEYING AND PLANNING

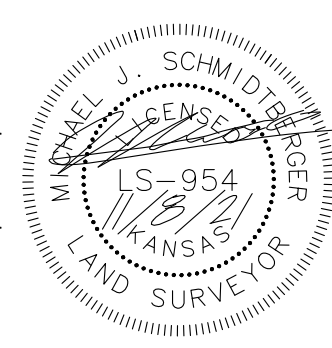
ALTA/NSPS CERTIFICATION:
To: BK PROPERTIES, LLC, a Kansas limited liability company; BONNER SPRINGS BANCSHARES, INC.; CHICAGO TITLE INSURANCE COMPANY and ASSURED QUALITY TITLE COMPANY:

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2021 Minimum Standard Detail Requirements for ALTA/NSPS land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 2, 3, 4, 6(b), 7(a), 7(b)(1), 7(c), 8, 9, 11, 13, 16, 17, 18, and 19 of Table A thereof. The fieldwork was completed on July, 2021.

Mike Schmidtberger, PLS #954
mjschmidtberger@kc.rr.com

Printed Name

Title



LEGAL DESCRIPTION (PER Title Commitment KW117350):

The land referred to in this Commitment is described as follows:

The North 1/2 of the Southeast 1/4 of Section 20, Township 11, Range 23, Wyandotte County, Kansas, except that part taken or used for public road purposes, also except that part taken for highway described as follows: A tract of land in the North half of the Southeast Quarter of Section 20, Township 11 South, Range 23 East of the 6th P.M., described as follows: Beginning at the Northwest corner of said Quarter Section; FIRST COURSE; thence North 88 degrees 11 minutes East, 202.3 feet along the North line of said Quarter Section; SECOND COURSE, thence South 13 degrees 30 minutes East, 276.6 feet; THIRD COURSE, thence South 01 degrees 41 minutes East, 329.1 feet; FOURTH COURSE, thence South 37 degrees 35 minutes East 247.4 feet; FIFTH COURSE, thence South 21 degrees 50 minutes East, 309.3 feet; SIXTH COURSE, thence South thence South 52 degrees 25 minutes East, 343.0 feet; SEVENTH COURSE, thence North 44 degrees 17 minutes East, 225.0 feet; EIGHTH COURSE, thence South 45 degrees 43 minutes East to a point on the South line, 1103.9 feet East of the Southwest corner of said North Half of the Southeast Quarter Section; NINTH COURSE; thence South 88 degrees 14 minutes West, 1103.9 feet along said South line to the West line of said Quarter Section; TENTH COURSE, thence North 01 degree 57 minutes West along said West line to the place of beginning.

Being more fully described as follows:

Beginning at the Northeast corner of the Southeast Quarter of Section 20, Township 11 South, Range 23 East of the Sixth Principal Meridian in the City of Bonner Springs, Wyandotte County, Kansas; thence South 88 degrees 11 minutes 14 seconds West 2473.37 feet to a point on the North line of the said Southeast 1/4, being 202.30 feet East of the Northwest corner of the said Southeast Quarter, also being on the Westerly right of way line of K-7 Highway; thence South 13 degrees 30 minutes East 276.60 feet, along the said right of way line; thence South 01 degrees 41 minutes East 329.10 feet, along the said right of way line; thence South 37 degrees 35 minutes East 247.40 feet, along the right of way line; thence South 21 degrees 50 minutes East 309.30 feet, along the said right of way line; thence South 52 degrees 25 minutes East 343.00 feet, along the said right of way line; thence North 44 degrees 17 minutes East 225.00 feet, along the said right of way line; thence South 45 degrees 43 minutes East 247.75 feet, along the said right of way line to a point on the South line of the North 1/2 of the said Southeast 1/4, being 1103.90 feet East of the Southwest corner of the said North 1/2; thence North 88 degrees 13 minutes 44 seconds East 1569.18 feet to the Southeast corner of the said North 1/2; thence North 01 degrees 50 minutes 18 seconds West 1332.62 feet to the point of beginning, except any part thereof in public roads.

BRUCE W. WILLETT
1050442001001006000

BONNER SPRINGS BANCSHARES INC.
1050442001001000

SURVEYED PROPERTY
3,028,125 Square Feet or 69.516 Acres

SURVEYORS NORTH TRACT DESCRIPTION:

A Tract of land in the Southeast Quarter of Section 20, Township 11 South, Range 23 East of the Sixth Principal Meridian in Wyandotte County, Kansas, lying East of K-7 Highway, as more particularly described as follows, by Michael J Schmidtberger, Kansas PS #954, November 8, 2021.

Beginning at the Northeast Corner of said Southeast Quarter, thence South 88°10'47" West along the North line of said Quarter Section a distance of 2472.82 feet to the easterly Right of Way of K-7 Highway as now established; thence along said Right of Way for the next seven (7) courses; thence South 13°30'46" East, a distance of 276.60 feet; thence South 1°41'46" East, a distance of 329.10 feet; thence South 37°35'46" East, a distance of 247.40 feet; thence South 21°50'46" East, a distance of 309.30 feet; thence South 52°25'46" East, a distance of 343.00 feet; thence North 44°16'14" East, a distance of 225.00 feet; thence South 45°43'46" East, a distance of 247.75 feet to the South line of the North Half of said Quarter Section; thence North 88°12'53" East along said South Line a distance of 1567.93 feet to the Southeast corner of the North Half of the said Quarter Section; thence North 1°49'14" West, a distance of 1332.35 feet to the Point of Beginning. Containing 3,028,125 square feet or 69.52 acres

CITY OF BONNER SPRINGS

K-7 NORTH BOUND ON RAMP

All Right of Access.
Book 2912, Page 726 ⑩

NOTES:

1. Basis of bearings for survey based on the Kansas State Plane Coordinate System, NAD83, North Zone.
2. Property is located in "Zone X = area of minimal flood hazard"; property is not located within 100 year flood plain as shown on firm map no. 20209C0109E, map revised September 2, 2015.
3. This survey was made on the ground as per title commitment no. KW117350 dated June 25, 2021, provided by Chicago Title Insurance Company.
4. The property abuts a dedicated public street (N. Nettleton Avenue) or rights-of-way providing means for access to the property.
5. Dimensional tolerance of improvements herein on plat: +/-1.0'.
6. Measured land area: = 69.516 acres more or less, 3,028,125 sq. ft. more or less
7. Zoning information for property was not provided to surveyor.
8. There was no observed evidence of site use as a solid waste dump, sump or sanitary landfill.
9. There is no fill construction presently on site.

LEGEND:

- FOUND MONUMENT AS NOTED
- SET 1/2" X 24" REBAR WITH M/S KSCLS234 CAP
- U/E UTILITY EASEMENT
- (D) DESCRIBED
- (M) MEASURED
- ⊠ ELECTRICAL BOX
- ⊙ ELECTRIC METER
- GAS GAS LINE
- GAS METER
- ⊠ GAS VALVE
- ⊙ STREET LIGHT
- OHP OVERHEAD POWER
- X- FENCE LINE

ALTA COMMITMENT FOR TITLE INSURANCE
SCHEDULE B PART II
ISSUED BY: CHICAGO TITLE INSURANCE COMPANY
File No.: KW117350, DATED JUNE 25, 2021 at 8:00 A.M.

- ⑦ Right of Way Easement granted to the Southwestern Bell Telephone Company as set forth in instrument dated April 10, 1962, filed June 8, 1962 in Book 1806, Page 223, as Document no. 642527, and as set forth in agreement dated July 25, 1962, filed July 30, 1962 in Book 1807, Page 506, as Document No. 644619. **(As Shown)**
- ⑧ Right of Way Easement granted to Rural Water District No. 4, as set forth in instrument dated January 15, 1965 filed for record May 25, 1965 in Book 1929, Page 575, as Document No. 685496. **(Affect Property - As Laid) (Not located as of 11-8-21)**
- ⑨ Temporary Easement granted to The City of Bonner Springs, Kansas, as set forth in instrument dated September 17, 1982 filed October 8, 1982 in Book 2912, Page 729, as Document No. 941002. **(Easement has Expired - Not Shown)**
- ⑩ All Right of Access, to and from abutting highway, as conveyed to The City of Bonner Springs, Kansas, a municipal corporation, as set forth in instrument dated September 17, 1982, filed October 8, 1982 in Book 2912, Page 726, as Document No. 941001. **(As Shown)**
- ⑪ Terms and provisions of Ordinance No. 1701, an Ordinance of the Governing Body of the City of Bonner Springs, Kansas, Approving a Special Use Permit and Site Plan for the Cencall Phone Tower Site to be located on Tract 1, a portion of property known as 1209 South 130th Street, filed September 8, 1994 in Book 3707, Page 28, as Document No. 1185498. **(As Shown)**
- ⑫ Terms and provisions of a lease between George Ventura and Jan D. Ventura, husband and wife, lessor and Cencall, Inc., a Delaware corporation, lessee, dated June 8, 1994, notice of which is given by an instrument denominated Memorandum of Lease filed for record October 15, 1996 in Book 3849, Page 744, as Document No. 1231265, demising and leasing for an initial term of five years and four subsequent optional extension terms of five years each, with a term commencement date of no later than August 1, 1994. **(Non Survey Item - Lease has Expired)**



October 20, 2021

Mr. Ken Block
Mr. William Block
Block Real Estate Services, LLC
4622 Pennsylvania Avenue, Suite 700
Kansas City, Missouri

Dear Ken and William,

At your request I evaluated the viability of retail development in the area near K-7 and Nettleton in Bonner Springs, Kansas. Unfortunately, I don't believe retail development (of any size or scope) is practical here for the foreseeable future (at least 10-year time horizon). My reasoning is below:

General Market Demand

I've been in the retail commercial real estate business since 1993, and have represented nearly every type of retailer - ranging from big box retailers like Costco, Target, Dick's Sporting Goods, PetSmart, Staples, At Home and others - to small pad users such as Chick fil A, JP Morgan Chase Bank, Whataburger, and Culver's. In that nearly 30-year span, I have never had a tenant indicate this would be a viable location, nor have I successfully placed a tenant in this area.

The overwhelming consensus is that the best way to serve residents of this area is to (a) locate along I-70 to benefit from the freeway visibility and traffic counts, or (b) locate as close as possible to Walmart to draw from their base, or (c) to a lesser extent - locate closer to the residential base near the Kansas River. I would note that even with the Walmart draw, the retail projects along K-7 near Kansas Ave. are considered less-than-successful.

There is no instance in which I can foresee a retailer or restaurant deciding to locate in "tweener" site (Nettleton Ave.) that has no other draw. I understand that a power center may have been proposed for this site nearly 15 years ago, at the height of the retail market at that time. Large format retail centers are no longer viable - here or at just about any other location in the country. Construction costs have increased, but space demand and rents have decreased dramatically. For example, a power center proposed for more than 5 years at a very desirable intersection in Shawnee, KS (much higher incomes and growth, and already has a Target, Lowe's Walmart, Kohl's Home Depot, etc.) is now dead. Even huge financial incentives offered by the City were not sufficient to overcome high costs, low demand and low rent.

Even a small drive-thru restaurant concept will likely indicate that traffic counts will be too low, and they will not locate here because it means foreclosing the opportunity for a more desirable opportunity I-70 location instead.



Jeff Berg, Partner
7121 W. 79th Street
Overland Park, KS 66204

O: 913-914-7065
C: 816-769-5996
E: jeff@elevatecres.com
W: elevatepropertyadvisors.com



Specific Site Issues

Even if retailers might consider the Nettleton interchange as a viable geographic location, the specific features of this site will preclude retail development. First, today's retailers are very cost conscious and need to minimize development expenses to cope with challenges posed by internet sales, etc. The topography and lack of infrastructure make this site too expensive to develop. These physical barriers (lack of direct K-7 access, lack of visibility due to distance and setbacks from K-7) cannot be overcome.

Very few retailers want to be a pioneer. They will consider the lack of other retail development near Nettleton as a strong negative – especially since there is abundant available ground in already established areas along I-70 or near Walmart.

I apologize for being so negative, but it's best to set expectations early in the process so you don't spend more time and effort in a futile attempt to lure retailers to this site.

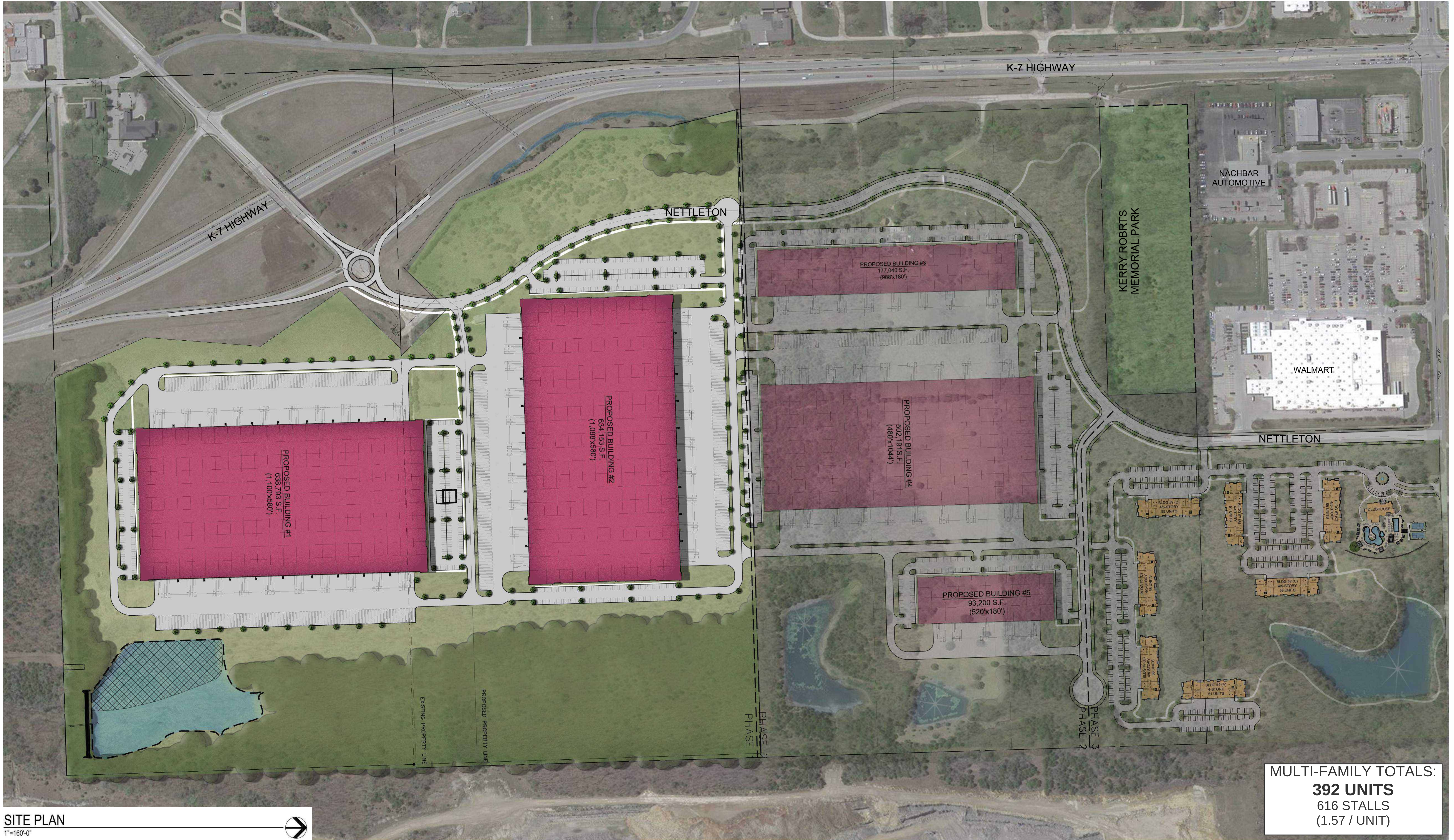
Sincerely,

Jeffrey Berg, Partner
Elevate Property Advisors



Jeff Berg, Partner
7121 W. 79th Street
Overland Park, KS 66204

O: 913-914-7065
C: 816-769-5996
E: jeff@elevatecres.com
W: elevatepropertyadvisors.com



SITE PLAN
1"=160'-0"

Memorandum

Date: October 18, 2022
To: Mayor and City Council
From: Mark Lee

Subject: Rezoning – BSRZ-02-22 – Nettleton Logistic Center

Recommendation: Staff recommends the Planning Commission approve the requested zoning change from C-2 and R-3 to I-1 (Light Industrial) with staff recommendations.

Action: Consider a request for approval of a zoning change from R-3 (Multi-Family Residential) and C-2 (General Business District) to the zoning category of I-1 (Light Industrial)

Background: The property has gone through several planning processes over the past ten to twenty years but no significant development has occurred upon the property. Originally the property was occupied by a farm house and its surrounding acreage. An approved 2007 rezoning plan indicated the area to become a retail/commercial center with multi-family residential to the east; this layout is indicated in the current zoning configuration.

There are currently two distinct zoning districts located on the parcel, R-3 multi-family (20 acres +/-) and C-2 General Business (48 acres +/-).

The property lacks utilities and would require the extension of services, including sanitary sewer, water, electricity, etc. Nettleton Avenue is proposed to extend through the property and is indicated within the Comprehensive Plan as a future collector street and within the K-7 Corridor Master Plan as an arterial street. Staff understands there currently is a preliminary design completed through KDOT.

Discussion: REZONING:

According to Article XXV, Section 1 of the Bonner Springs Zoning Regulations and the *Golden* case, the factors to be used in determining approval or denial of an application for rezoning are as follows:

CHARACTER OF THE IMMEDIATE AREA –

The area surrounding the subject property is a mix of highway use to the west, with residential beyond that. To the east is zoned industrial (I-2) and consists of 490 acres owned by Deffenbaugh Industries which is currently utilized as a rock quarry. To the north lies the Kerry Roberts Park, an occupied single family residence and a retail center anchored by the Walmart store. To the south is the recently rezoned light industrial parcel, beyond that is a vacant residential parcel consisting of 45+/- acres, this parcel abuts a 7 lot residential subdivision.

THE ZONING AND USES OF THE PROPERTY NEARBY –

- C-2 (General Business) and R-3 (Multi-family Residential) – current zoning - vacant.
- I-2 (Heavy Industrial) - rock quarry
- R-1 (Single Family Residential) – vacant
- A-1 (Agricultural District) – single family residence to the north – vacant to the south
- C-2 (General Business) and C-S (Highway Service) Districts – strip center and large

retailer along with other commercial uses

THE SUITABILITY OF THE SUBJECT PROPERTY FOR THE USES TO WHICH IT HAS BEEN RESTRICTED –

The property is currently vacant with a majority of zoning reflecting a retail/commercial development (C-2), and a smaller portion reserved for multi-family residential (R-3), with no recent plans for development. The property has had at least two different mixed-use designs laid out, presented to the City and approved in the past. Bonner Springs has long envisioned this area as an additional commercial hub similar to K-7 and Kansas Avenue.

THE EXTENT TO WHICH REMOVAL OF THE PRESENT ZONING WILL DETRIMENTALLY AFFECT NEARBY PROPERTY –

Rezoning the majority of the area to I-1, Light Industrial could potentially remove a viable sales tax generating retail/commercial development area along a heavily traveled route. With an already existing heavy industrial zoning directly to the east it is difficult to determine if the rezoning of this property will prove detrimental. The property directly north of the intended rezoning, while under individual ownerships; is utilized as residential and could continue to develop as such. Locating light industrial in the area may decrease the potential value of these properties as a residential development. While these residential properties are abutted by a heavy industrial use to the east, they are buffered by the significant elevation change and wooded area between the two.

THE LENGTH OF TIME THE PROPERTY HAS REMAINED VACANT AS ZONED –

The subject property has not seen significant development occur upon it to date, the parcel in question contains a vacant farmhouse and a cell phone tower operating under SUP-112.

THE 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

By removing the commercial and multi-family residential zoning from the property and replacing it with light industrial there is little, to no gain, to the public health, safety and welfare. There will potentially be gains in job creation, but this has not been signified by the developer. With the future extension of Nettleton Avenue, citizens will see an increase in the ease of travel from the core of Bonner Springs to a large commercial area. With the lack of residential development occurring within the city currently though; the property could potentially prove more beneficial to the community as a mixed use of retail/commercial and multifamily residential.

As the property is currently zoned C-2 General Business and R-3 Multi-family residential it has been anticipated to be utilized in a residential-retail-commercial configuration. There would be limited, to no hardship, placed upon the individual if the property were to remain in its current zoning configuration and utilized in that manner.

THE CONFORMANCE OF THE REQUESTED REZONING TO THE DULY ADOPTED COMPREHENSIVE PLAN –

The Comprehensive Plan's Future Land Use Map identifies the subject property as Mixed Use. The Mixed Use zoning district is intended to provide a work-live-play scenario within close proximity or with the inclusion of residential living with a variety of types and styles. This work-live-play lifestyle is meant to provide retail and commercial uses within walking distance of the residents that live within the area. Page 4-12 of the current Comprehensive Plan discusses Future Land Uses and states the following:

The magnitude of commercial and industrial development is not feasible to project, given the unique setting of Bonner Springs in the UG metropolitan area.

- The development trends of non-residential growth projected for the Bonner Springs area; and*
- The public policy of promoting commercial and industrial uses in close-in, contiguous Designated Growth Areas.*

One potential site for a business/industrial park would be the Nettleton Road interchange development area, which should be mixed use shared with retail. Another is the expansion of the city industrial park south of the Kansas River. The site offers an opportunity to expand business park activities that are more intense in size and land use type.

The Comprehensive Plan further states:

Mixed Use : (Primarily Commercial; and if residential, more than 6

dwelling units per acre): The Mixed Use category includes a variety of office, small-scale retail, and general business uses that are service-commercial oriented, located in centers that can accommodate related uses. Such nonresidential uses are intended to provide services primarily to residents of the surrounding area and placed in locations with a design character that blends into the district and the neighborhood. If a Mixed Use-Residential component is proposed, it must be designed in a manner to promote pedestrian activity through a system of interconnected streets and varied streetscapes that also provide safe and efficient movement of vehicular traffic. This category promotes a variety of high-density residential land uses including a variety of commercial and mixed use-residential/commercial land uses if approved by the City; and would be limited to townhouse, condominium, and multifamily apartment dwellings. They would be designated M-U districts. They should be reviewed for land use compatibility against the City's core Guiding Principles and Neighborhood Design Policies, and the Multifamily Design Guidelines for any multifamily developments proposed within mixed use districts (Reference Appendix B). Additional uses including live-work, and limited retail commercial stores are permitted in this category under strict architectural and land use controls.

In contrast the Comprehensive Plan states:

Industrial: This category accommodates land uses associated with industrial activities such as assembly, manufacturing, warehousing, and limited office/commercial activities as defined in the city's zoning regulations. This district corresponds to the 'I-1', and 'I-2' districts of the city zoning regulations.

RECOMMENDATION OF PROFESSIONAL STAFF-

Staff recommends approval of the requested rezoning of the parcel from C-2 (General Business), R-3 (Multi-family Residential) to I-1 (Light Industrial). Staff would further state, that the overall plan provided by the developer indicates a mix of building sizes and provisions for multifamily residential living in future phases. The mix of building sizes have the potential to lend itself to limited commercial uses with industrial background uses, i.e. warehousing, light manufacturing of products sold onsite, etc.

Financial Impact: NA

City of
Bonner Springs
Agenda Item Cover Sheet

Agenda Item No. 7

BSRZ-02-22

Topic: PUBLIC HEARING - Consider a request for approval of a zoning change from R-3 (Multi-Family Residential) and C-2 (General Business District) to the zoning category of I-1 (Light Industrial)

Narrative:

The property has gone through several planning processes over the past ten to twenty years but no significant development has occurred upon the property. Originally the property was occupied by a farm house and its surrounding acreage. An approved 2007 rezoning plan indicated the area to become a retail/commercial center with multi-family residential to the east; this layout is indicated in the current zoning configuration.

There are currently two distinct zoning districts located on the parcel, R-3 multi-family (20 acres +/-) and C-2 General Business (48 acres +/-).

The property lacks utilities and would require the extension of services, including sanitary sewer, water, electricity, etc. Nettleton Avenue is proposed to extend through the property and is indicated within the Comprehensive Plan as a future collector street and within the K-7 Corridor Master Plan as an arterial street. Staff understands there currently is a preliminary design completed through KDOT.

Presented by: Mark Lee- City Planner

Staff Recommendation:

Staff recommends the Planning Commission approve the requested zoning change from C-2 and R-3 to I-1 (Light Industrial) with staff recommendations.

Attachments:

Staff Report (5pgs)

Current zoning areas (included in report)

Application (2pgs)

Owner Affidavit (1pg)

Legal Description (1pg)

Proposed building and Nettleton Ave layout (1pg)

Building Renderings (3pgs)

REQUEST FOR APPROVAL OF A ZONING CHANGE FROM R-3 (MULTI-FAMILY RESIDENTIAL) AND C-2 (GENERAL BUSINESS DISTRICT) TO I-1 (LIGHT INDUSTRIAL)

MEETING DATE: October 18, 2022
REPORT WRITTEN: October 6, 2022
APPLICATION #: BSRZ-02-22

APPLICANT:

- Nettleton Seven North Associates, LLC
4622 Pennsylvania Avenue, Suite 700
Kansas City MO 64112

ENGINEER

- McClure
11031 Stang Line Road
Lenexa KS 66215

REQUEST:

- The applicant is requesting approval to rezone 1209 S. 130th Street from R-3 and C-2 to I-1. The properties in question are located east of K-7 and at the end of the current Nettleton Avenue.

COMPREHENSIVE PLAN/FUTURE LAND USE MAP:

- The Future Land Use Map currently designates this property as Mixed Use.

SURROUNDING ZONING:

- North A-1 Agricultural District
- South I-1 Light Industrial
- East I-2 Heavy Industrial
- West Kansas Highway 7, mix of zoning districts west of K-7

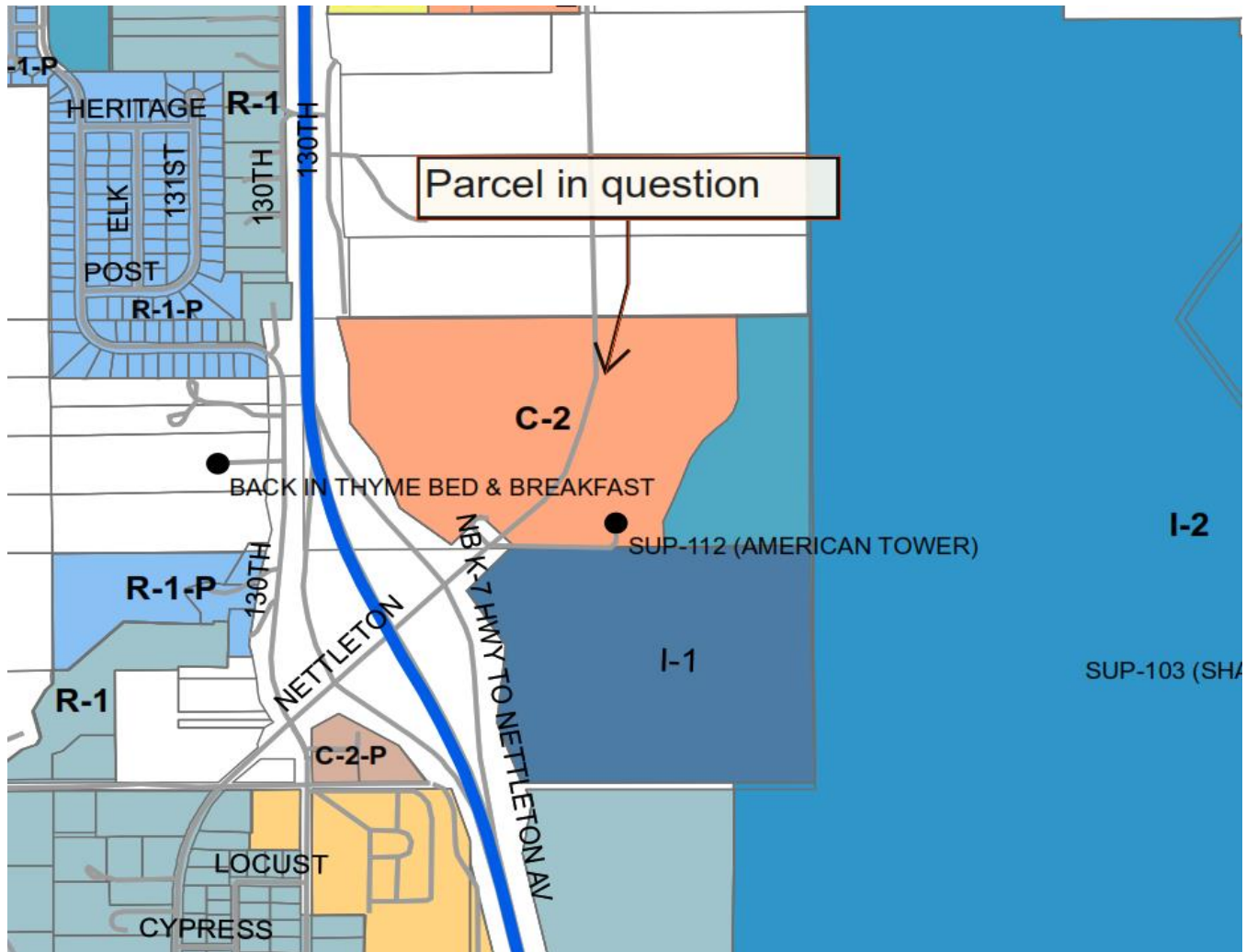
BACKGROUND:

The property has gone through several planning processes over the past ten to twenty years but no significant development has occurred upon the property. Currently the property is occupied by a vacant farm house and its surrounding acreage and a cell phone tower operating under SUP-112, it was also slated to become a retail/commercial center with multi-family residential to the east; this layout is indicated in the current zoning configuration.

There are currently two distinct zoning districts located on the parcels, R-3 multi-family (21+/- acres) and C-2 General Business (48+/- acres).

The property lacks utilities and would require the extension of services, including sanitary sewer per the sewer masterplan (2019), water, electricity, etc. Nettleton Avenue is proposed to extend through the property and is indicated within the Comprehensive Plan as a future collector street and within the K-7 Corridor Master Plan as an arterial street. Staff understands there currently is a partial design completed through KDOT.

THE CURRENT ZONING CONFIGURATION:



REZONING:

According to Article XXV, Section 1 of the Bonner Springs Zoning Regulations and the *Golden* case, the factors to be used in determining approval or denial of an application for rezoning are as follows:

CHARACTER OF THE IMMEDIATE AREA –

The area surrounding the subject property is a mix of highway use to the west, with residential beyond that. To the east is zoned industrial (I-2) and consists of 490 acres owned by Deffenbaugh Industries which is currently utilized as a rock quarry. To the north lies the Kerry Roberts Park, an occupied single family residence and a retail center anchored by the Walmart store. To the south is the recently rezoned light industrial parcel, beyond that is a vacant residential parcel consisting of 45+/- acres, this parcel abuts a 7 lot residential subdivision.

THE ZONING AND USES OF THE PROPERTY NEARBY –

- C-2 (General Business) and R-3 (Multi-family Residential) – current zoning - vacant.
- I-2 (Heavy Industrial) - rock quarry
- R-1 (Single Family Residential) – vacant
- A-1 (Agricultural District) – single family residence to the north – vacant to the south
- C-2 (General Business) and C-S (Highway Service) Districts – strip center and large retailer along with other commercial uses

THE SUITABILITY OF THE SUBJECT PROPERTY FOR THE USES TO WHICH IT HAS BEEN RESTRICTED –

The property is currently vacant with a majority of zoning reflecting a retail/commercial development (C-2), and a smaller portion reserved for multi-family residential (R-3), with no recent plans for development. The property has had at least two different mixed-use designs laid out, presented to the City and approved in the past. Bonner Springs has long envisioned this area as an additional commercial hub similar to K-7 and Kansas Avenue.

THE EXTENT TO WHICH REMOVAL OF THE PRESENT ZONING WILL DETRIMENTALLY AFFECT NEARBY PROPERTY –

Rezoning the majority of the area to I-1, Light Industrial could potentially remove a viable sales tax generating retail/commercial development area along a heavily traveled route. With an already existing heavy industrial zoning directly to the east it is difficult to determine if the rezoning of this property will prove detrimental. The property directly north of the intended rezoning, while under individual ownerships; is utilized as residential and could continue to develop as such. Locating light industrial in the area may decrease the potential value of these properties as a residential development. While these residential properties are abutted by a heavy industrial use to the east, they are buffered by the significant elevation change and wooded area between the two.

THE LENGTH OF TIME THE PROPERTY HAS REMAINED VACANT AS ZONED –

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By removing the commercial and multi-family residential zoning from the property and replacing it with light industrial there is little, to no gain, to the public health, safety and welfare. There will potentially be gains in job creation, but this has not been signified by the developer. With the future extension of Nettleton Avenue, citizens will see an increase in the ease of travel from the core of Bonner Springs to a large commercial area. With the lack of residential development occurring within the city currently though; the property could potentially prove more beneficial to the community as a mixed use of retail/commercial and multifamily residential.

As the property is currently zoned C-2 General Business and R-3 Multi-family residential it has been anticipated to be utilized in a residential-retail-commercial configuration. There would be limited, to no hardship, placed upon the individual if the property were to remain in its current zoning configuration and utilized in that manner.

THE CONFORMANCE OF THE REQUESTED REZONING TO THE DULY ADOPTED COMPREHENSIVE PLAN –

The Comprehensive Plan's Future Land Use Map identifies the subject property as Mixed Use. The Mixed Use zoning district is intended to provide a work-live-play scenario within close proximity or with the inclusion of residential living with a variety of types and styles. This work-live-play lifestyle is meant to provide retail and commercial uses within walking distance of the residents that live within the area. Page 4-12 of the current Comprehensive Plan discusses Future Land Uses and states the following:

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One potential site for a business/industrial park would be the Nettleton Road interchange development area, which should be mixed use shared with retail. Another is the expansion of the city industrial park south of the Kansas River. The site offers an opportunity to expand business park activities that are more intense in size and land use type.

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Mixed Use : (Primarily Commercial; and if residential, more than 6 dwelling units per acre): The Mixed Use category includes a variety of office, small-scale retail, and general business uses that are service-commercial oriented, located in centers that can accommodate related uses. Such nonresidential uses are intended to provide services primarily to residents of the surrounding area and placed in locations with a design character that blends into the district and the neighborhood. If a Mixed Use-Residential component is proposed, it must be designed in a manner to promote pedestrian activity through a system of interconnected streets and varied streetscapes that also provide safe and efficient movement of vehicular traffic. This category promotes a variety of high-density residential land uses including a variety of commercial and mixed use-residential/commercial land uses if approved by the City; and would be limited to townhouse, condominium, and multifamily apartment dwellings. They would be designated M-U districts. They should be reviewed for land use compatibility against the City's core Guiding Principles and Neighborhood Design Policies, and the Multifamily Design Guidelines for any multifamily developments proposed within mixed use districts (Reference Appendix B). Additional uses including live-work, and limited retail commercial stores are permitted in this category under strict architectural and land use controls.

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RECOMMENDATION OF PROFESSIONAL STAFF-

Staff recommends approval of the requested rezoning of the parcel from C-2 (General Business), R-3 (Multi-family Residential) to I-1 (Light Industrial). Staff would further state, that the overall plan provided by the developer indicates a mix of building sizes and provisions for multifamily residential living in future phases. The mix of building sizes have the potential to lend itself to limited commercial uses with industrial background uses, i.e. warehousing, light manufacturing of products sold onsite, etc.

STAFF RECOMMENDATION:

Staff recommends approval of the requested rezoning from C-2 (General Business) and R-3 (Multi-family Residential) to I-1 (Light Industrial) with the following Staff recommendations.

- A Traffic Impact Study shall be conducted by the applicant and submitted to the City and KDOT for review prior to platting of the property.
- Developer shall be responsible for the extension of services including but not limited to, sanitary sewer per the Sanitary Sewer Masterplan, water, other public utilities as well as the extension of Nettleton Avenue.
- A preliminary and final plat adhering to the requirements of the Bonner Springs Subdivision Regulations shall be submitted and approved by the City prior to building permits being issued.
- Any and all construction drawings shall be submitted to the City for review and approval prior to site improvements commencing
- The final plat shall be recorded with the Wyandotte County Register of Deeds.
- In addition to the recommendations/stipulations listed within this staff report, the developer/property owner agrees to abide by all Zoning Ordinances and Subdivision Regulations of the City of Bonner Springs

This item will move to the Governing Body if approved. The request will be presented at the November 14th, 2022 regular meeting.

CITY OF BONNER SPRINGS, KS
Community and Economic Development Department

REZONING APPLICATION

Date: 8/15/2022

Staff Use Only
BSRZ -
PC Date: _____
CC Date: _____
Date Rec'd: _____
Rec'd by: _____

Subject Property Address: 1209 S. 130th Street Bonner Springs, KS 66012

Project Name (if applicable): Nettleton Logistics Centre - Building 2

Applicant Name: Nettleton Seven North Associates, LLC c/o Ken Block Phone: 816-756-1400

Address: 4622 Pennsylvania Avenue, Suite 700 Kansas City, Missouri 64112

E-mail (required): cholland@polsinelli.com ; pdaly@polsinelli.com

Record Property Owner: Nettleton Seven North Associates, LLC Phone: 816-756-1400

Parcel No.: 956600 Section/Township/Range: Section 20, Township 11, Range 23

Legal Description of the Tract: See attached.

Current Zoning: A-1, C-2 Present Land Use: Vacant Future Land Use Designation: Mixed-Use

Proposed Zoning: I-1 Proposed Use: Light Industrial Future Land Use Designation: Light Industrial

I hereby certify that the information herein submitted is complete, true, and accurate. That I have reviewed the application, development procedures, and guidelines required, and I hereby grant the City permission to post a public notice sign on the subject property.

Applicant Signature: Curtis M. Holland Date: 8/15/2022

Applicant Name (Printed): Curtis Holland, agent for Nettleton Seven North Associates, LLC

Does Applicant have Permission from the Owner(s) to Apply for Rezoning and Authorize Permission to Post?

Yes X No _____

If Requested, Can the Applicant Provide a Letter of Consent from the Owner(s)?

Yes X No _____

=====

Rezoning Application Process

A pre-application meeting with the City Planner is required prior to application submittal. Call or email to set an appointment -- 913-667-1708

Applicants are encouraged to communicate with all adjacent property owners prior to beginning the rezoning application process.

All applications are subject to a public hearing at a Planning Commission meeting where a recommendation to approve or deny will be forwarded to the Governing Body.

Submittal Requirements

- X Completed and signed application – (Owner’s consent may be required)
- X Eight (8) 11” x 17” copies of a scaled site plan or survey of the area to be rezoned
 - Site plan must be:
 - ✓ drawn to scale,
 - ✓ contain the legal description, and
 - ✓ indicate buildings, parking, north arrow, etc.
- X Check for \$300.00 – made payable to the City of Bonner Springs for application fee
- X PDF copy of all drawings must be emailed to the City Planner

Additional fees

- City staff generates a list of property owners within the 200’ radius of the exterior of the subject property and creates and mails notification of a public hearing for a Rezoning application.
- ✓ Applicants will be billed \$12 for each unique property owner on the 200’ mailing list.
- City staff submits the required notification to the City newspaper for publication not less than 20 days prior to the public hearing.
- ✓ Applicants will be billed for the publishing costs.
- City staff will prepare and post a Notice of Public Hearing sign.
- ✓ Applicants will be billed \$25 for the first sign and \$10 for each additional sign, if applicable.

Meetings

- The Planning Commission holds a public meeting and votes to recommend approval or denial of the application.
- ✓ Planning Commission meetings are typically on the 3rd Tuesday of each month at 7:00 PM
- The Governing Body will review the application for consideration and action at a regular City Council meeting.
- ✓ The City Council typically meets on the 2nd and 4th Monday of each month at 7:30 PM.

=====

FEES	
Application Fee: \$300	\$ _____
Notification: ____ x \$12 =	\$ _____
Publication:	\$ _____
Sign (first): \$25	\$ _____
Additional Signs ____ x \$10 :	\$ _____
Total Due: \$ _____	

Invoice Date: _____
Payment Rec'd Date: _____
Check #: _____
Receipt #: _____
Comments: _____

OWNER AUTHORIZATION AFFIDAVIT

STATE OF Missouri)
)ss.
COUNTY OF Jackson)

I, Kenneth G. Block, as Trustee of the Kenneth G. Block Trust, dated January 11, 1991, as amended, which is the Manager of BK Properties, LLC, which is the Manager of Nettleton Seven North Associates LLC ("Owner"), being first duly sworn upon their oaths, deposes and states as follows:

1. Owner is the fee simple owner of land located at the northeast corner of K-7 Highway and Nettleton Ave., with a property situs address of 1209 S. 130th Street, Bonner Springs, KS 66012 (the "Property"); and
2. Owner has authorized Polsinelli PC to file any, and all, applications with the City of Bonner Springs necessary for the development of the Property including, but not limited to, change of use, rezoning, preliminary development and final development site plans, preliminary and final plats, and related applications and permits.
3. The undersigned on behalf of the Owner has in fact the authority to bind the Owner to the terms and statements contained within this instrument.

In witness hereof, the undersigned have set their hands and seal below.

Owner:

NETTLETON SEVEN NORTH
ASSOCIATES LLC, a Kansas limited
liability company

By: BK Properties, LLC, Manager

By: [Signature]
Kenneth G. Block, as Trustee of the
Kenneth G. Block Trust, dated
January 11, 1991, as amended,
Manager

Subscribed and sworn to before me this day of 11th day of August, 2022.

3.1.2026

Notary Public



NETTLETON LOGISTICS CENTRE – BUILDING 2
LEGAL DESCRIPTION

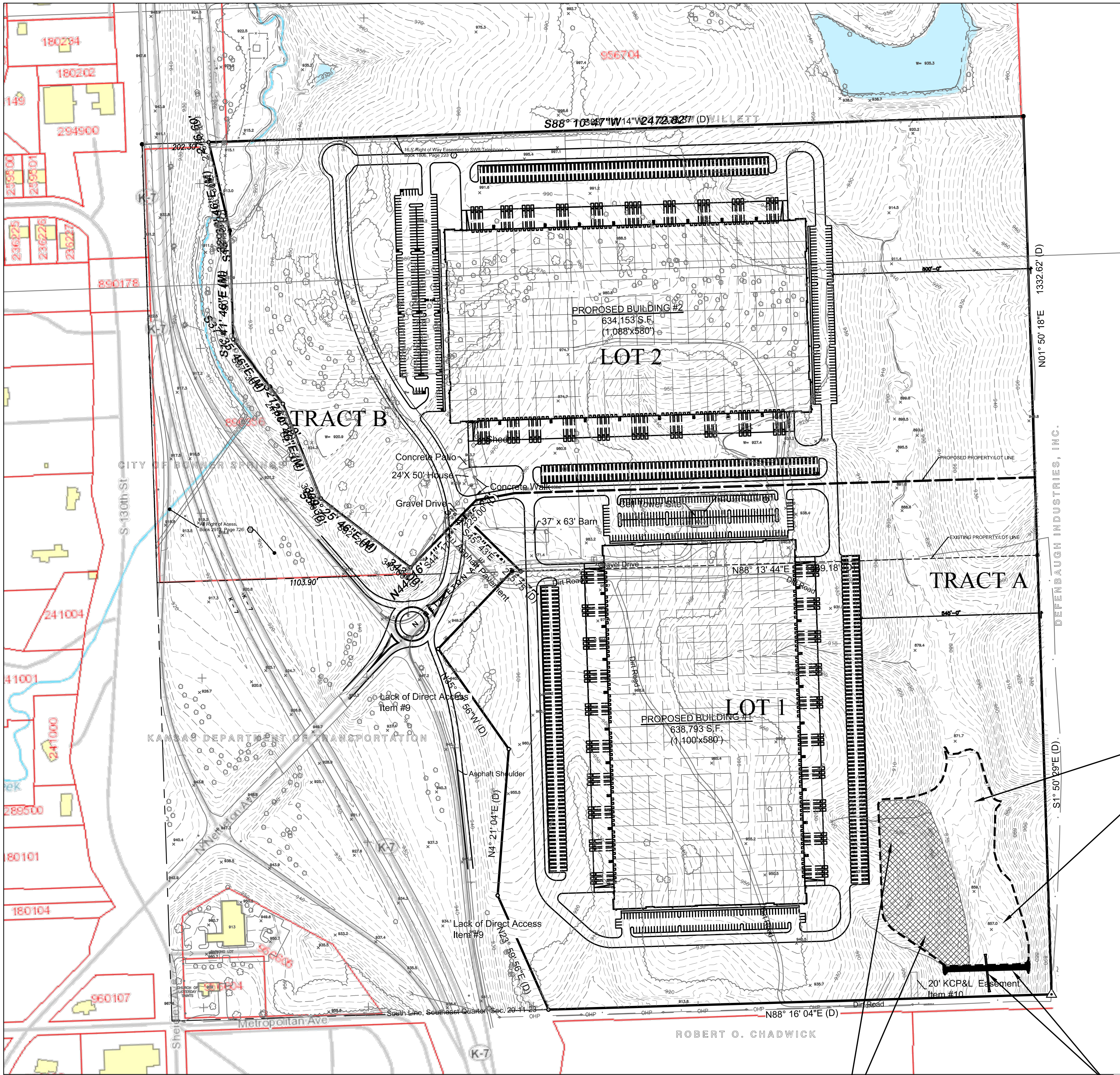
The North 1/2 of the Southeast 1/4 of Section 20, Township 11, Range 23, Wyandotte County, Kansas, except that part taken or used for public road purposes, also except that part taken for highway described as follows: A tract of land in the North half of the Southeast Quarter of Section 20, Township 11 South, Range 23 East of the 6th P.M., described as follows:

Beginning at the Northwest corner of said Quarter Section; FIRST COURSE; thence North 88 degrees 11 minutes East, 202.3 feet along the North line of said Quarter Section; SECOND COURSE, thence South 13 degrees 30 minutes East, 276.6 feet; THIRD COURSE, thence South 01 degrees 41 minutes East, 329.1 feet; FOURTH COURSE, thence South 37 degrees 35 minutes East 247.4 feet; FIFTH COURSE, thence South 21 degrees 50 minutes East, 309.3 feet; SIXTH COURSE, thence South thence South 52 degrees 25 minutes East, 343.0 feet; SEVENTH COURSE, thence North 44 degrees 17 minutes East, 225.0 feet; EIGHTH COURSE, thence South 45 degrees 43 minutes East to a point on the South line, 1103.9 feet East of the Southwest corner of said North Half of the Southeast Quarter Section; NINTH COURSE; thence South 88 degrees 14 minutes West, 1103.9 feet along said South line to the West line of said Quarter Section; TENTH COURSE, thence North 01 degree 57 minutes West along said West line to the place of beginning.

Being more fully described as follows:

Beginning at the Northeast corner of the Southeast Quarter of Section 20, Township 11 South, Range 23 East of the Sixth Principal Meridian in the City of Bonner Springs, Wyandotte County, Kansas; thence South 88 degrees 11 minutes 14 seconds West 2473.37 feet to a point on the North line of the said Southeast 1/4, being 202.30 feet East of the Northwest corner of the said Southeast Quarter, also being on the Westerly right of way line of K-7 Highway; thence South 13 degrees 30 minutes East 276.60 feet, along the said right of way line; thence South 01 degrees 41 minutes East 329.10 feet, along the said right of way line; thence South 37 degrees 35 minutes East 247.40 feet, along the right of way line; thence South 21 degrees 50 minutes East 309.30 feet, along the said right of way line; thence South 52 degrees 25 minutes East 343.00 feet, along the said right of way line; thence North 44 degrees 17 minutes East 225.00 feet, along the said right of way line; thence South 45 degrees 43 minutes East 247.75 feet, along the said right of way line to a point on the South line of the North 1/2 of the said Southeast 1/4, being 1103.90 feet East of the Southwest corner of the said North 1/2; thence North 88 degrees 13 minutes 44 seconds East 1569.18 feet to the Southeast corner of the said North 1/2; thence North 01 degrees 50 minutes 18 seconds West 1332.62 feet to the point of beginning, except any part thereof in public roads.

(Legal description take from ALTA survey prepared by Michael J. Schmidtberger, and dated 11-08-21)



LEGAL DESCRIPTION:
The North 1/2 of the Southeast 1/4 of Section 20, Township 11, Range 23, Wyandotte County, Kansas, except that part taken or used for public road purposes, also except that part taken for highway described as follows: A tract of land in the North half of the Southeast Quarter of Section 20, Township 11 South, Range 23 East of the 6th P.M., described as follows: Beginning at the Northwest corner of said Quarter Section; FIRST COURSE; thence North 88 degrees 11 minutes East, 202.3 feet along the North line of said Quarter Section; SECOND COURSE; thence South 13 degrees 30 minutes East, 276.6 feet; THIRD COURSE; thence South 01 degrees 41 minutes East, 329.1 feet; FOURTH COURSE; thence South 37 degrees 35 minutes East 247.4 feet; FIFTH COURSE; thence South 21 degrees 50 minutes East, 309.3 feet; SIXTH COURSE; thence South thence South 52 degrees 25 minutes East, 343.0 feet; SEVENTH COURSE; thence North 44 degrees 17 minutes East, 225.0 feet; EIGHTH COURSE; thence South 45 degrees 43 minutes East to a point on the South line, 1103.9 feet East of the Southwest corner of said North Half of the Southeast Quarter Section; NINTH COURSE; thence South 88 degrees 14 minutes West, 1103.9 feet along said South line to the West line of said Quarter Section; TENTH COURSE; thence North 01 degree 57 minutes West along said West line to the place of beginning.

Being more fully described as follows:
Beginning at the Northeast corner of the Southeast Quarter of Section 20, Township 11 South, Range 23 East of the Sixth Principal Meridian in the City of Bonner Springs, Wyandotte County, Kansas; thence South 88 degrees 11 minutes 14 seconds West 2473.37 feet to a point on the North line of the said Southeast 1/4, being 202.30 feet East of the Northwest corner of the said Southeast Quarter, also being on the Westerly right of way line of K-7 Highway; thence South 13 degrees 30 minutes East 276.60 feet, along the said right of way line; thence South 01 degrees 41 minutes East 329.10 feet, along the said right of way line; thence South 37 degrees 35 minutes East 247.40 feet, along the right of way line; thence South 21 degrees 50 minutes East 309.30 feet, along the said right of way line; thence South 52 degrees 25 minutes East 343.00 feet, along the said right of way line; thence North 44 degrees 17 minutes East 225.00 feet, along the said right of way line; thence South 45 degrees 43 minutes East 247.75 feet, along the said right of way line to a point on the South line of the North 1/2 of the said Southeast 1/4, being 1103.90 feet East of the Southwest corner of the said North 1/2; thence North 88 degrees 13 minutes 44 seconds East 1569.18 feet to the Southeast corner of the said North 1/2; thence North 01 degrees 50 minutes 18 seconds West 1332.62 feet to the point of beginning, except any part thereof in public roads.

And also,
A tract of land being the South One-Half of the Southeast Quarter of Section 20 Township 11 South Range 23 East of the Sixth Principal Meridian in Wyandotte County, Kansas, lying East of K-7 Highway and North of Metropolitan Avenue, more particularly described as follows:

Beginning at the Southeast corner of Section 20, said point being monumented by a smooth 1 inch iron bar in concrete; Thence South 88° 16' 04" West, along the South line of the Southeast Quarter of Section 20, 1526.87 feet to the East right-of-way line of State Highway K-7; Thence North 23° 59' 56" West 379.30 feet, along said right-of-way; Thence North 04° 21' 04" East 445.50 feet, along said right-of-way; Thence North 35° 07' 56" West 371.70 feet, along said right-of-way; Thence North 43° 37' 04" East 323.27 feet, along said right-of-way to the North line of the South One-Half of the Southeast Quarter of Section 20; Thence North 88° 13' 29" East 1595.47 feet, along said North line of the South One-Half of the Southeast Quarter of Section 20 to the midpoint of the East line of the Southeast Quarter; Thence South 01° 50' 29" East 1332.71 feet, to the point of beginning, except that part in roads.

(Legal description take from ALTA survey prepared by Michael J. Schmidtberger,, and dated 11-08-21)

PROPOSED STORMWATER
DETENTION STORAGE WITHIN
EXISTING STREAM CHANNEL (TO
REMAIN UNDISTURBED)

PROPOSED STORMWATER
DETENTION DAM & OUTLET
CONTROL STRUCTURE

EXCAVATE HATCHED AREA ABOVE THE
ORDINARY HIGH WATER MARK AS NEEDED
TO ACHIEVE REQUIRED STORAGE VOLUME
FOR STORMWATER DETENTION

REVISIONS		
No.	Date	Description

REGISTRATION

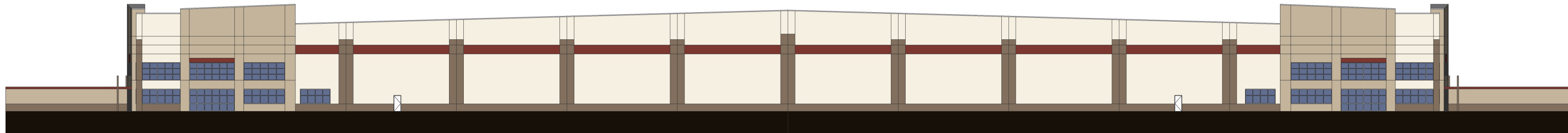
PROJECT TEAM	
ARCHITECT	FINKLE+WILLIAMS ARCHITECTURE
CIVIL	McCLURE
LANDSCAPE	J & H LANDSCAPE COMPANY, INC.
STRUCTURAL	
PLUMBING	
MECHANICAL	
ELECTRICAL	
FIRE PROTECTION	
CONTRACTOR	



NETTLETON LOGISTICS CENTRE BUILDING 1 - PERSPECTIVE VIEW
(NOT TO SCALE)



NETTLETON LOGISTICS CENTRE BUILDING 1 - FRONT ELEVATION
(NOT TO SCALE)



NETTLETON LOGISTICS CENTRE BUILDING 1 - SIDE ELEVATION
(NOT TO SCALE)



COLOR PALETTE:

PAINT 1
SW7562 ROMAN COLUMN

PAINT 2
SW7509 TIKI HUT

PAINT 3
SW7528 WINDSOR GREIGE

PAINT 4
SW6328 FIREWEED

METAL COPING
FIRESTONE BONE WHITE

NETTLETON LOGISTICS CENTRE BUILDING 1 -
MATERIALS AND ELEVATIONS
(NOT TO SCALE)

Nettleton Logistics
Centre

K-7 HIGHWAY &
NETTLETON ROAD
BONNER SPRINGS, KANSAS



Project No.:	21064
Date:	08/15/2022
Issued For:	PDP SUB.

REVISIONS		
No.	Date	Description

REGISTRATION

PROJECT TEAM

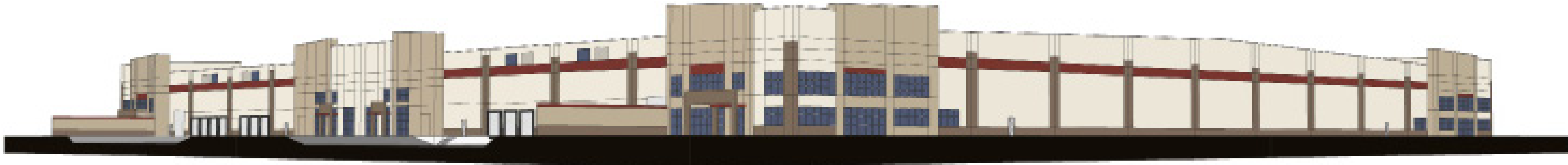
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CIVIL	MCCLURE
LANDSCAPE	J&H LANDSCAPING
STRUCTURAL	
PLUMBING	
MECHANICAL	
ELECTRICAL	
FIRE PROTECTION	
CONTRACTOR	

SHEET TITLE

BUILDING 1
CONCEPT
ELEVATIONS

SHEET NUMBER

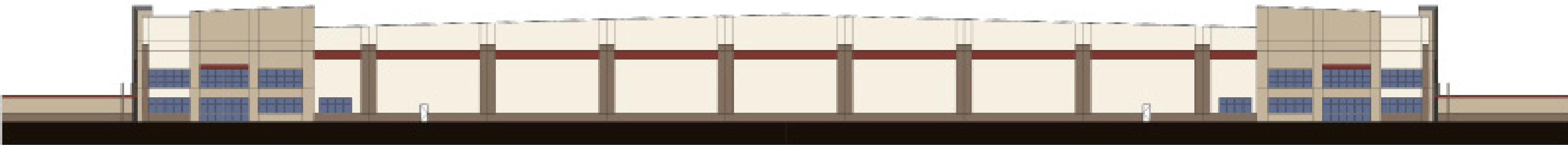
A4.01



NETTLETON LOGISTICS CENTRE BUILDING 2 - PERSPECTIVE VIEW
(NOT TO SCALE)



NETTLETON LOGISTICS CENTRE BUILDING 2 - FRONT ELEVATION
(NOT TO SCALE)



NETTLETON LOGISTICS CENTRE BUILDING 2 - SIDE ELEVATION
(NOT TO SCALE)

COLOR PALETTE:

PAIN T 1
SW7562 ROMAN COLUMN

PAIN T 2
SW7509 TIKI HUT

PAIN T 3
SW7528 WINDSOR GREIGE

PAIN T 4
SW6328 FIREWEED

METAL COPING
FIRESTONE BONE WHITE

T.O. PANEL: 48'-2"

PAIN TED CONCRETE
PANEL, PAIN T-1

PAIN TED CONCRETE
PANEL, PAIN T-3

PAIN TED CONCRETE
PANEL, PAIN T-4

PAIN TED CONCRETE
PANEL, PAIN T-2

1" INSULATED GLAZING IN
CLEAR ANODIZED ALUMINUM
STOREFRONT FRAMES

NETTLETON LOGISTICS CENTRE BUILDING 2 -
MATERIALS AND ELEVATIONS
(NOT TO SCALE)

Nettleton Logistics
Centre

K-7 HIGHWAY &
NETTLETON ROAD
BONNER SPRINGS, KANSAS



Project No.:	21064
Date:	08/15/2022
Issued For:	PDP SUB.

REVISIONS		
No.	Date	Description

REGISTRATION

PROJECT TEAM

ARCHITECT	FINKLE+WILLIAMS ARCHITECTURE
CIVIL	MCCLURE
LANDSCAPE	J&H LANDSCAPING
STRUCTURAL	
PLUMBING	
MECHANICAL	
ELECTRICAL	
FIRE PROTECTION	
CONTRACTOR	

SHEET TITLE

BUILDING 2
CONCEPT
ELEVATIONS

SHEET NUMBER

A4.02



Project No.: 21064
Date: 08/15/2022
Issued For: PDP SUB.

REVISIONS		
No.	Date	Description

REGISTRATION

PROJECT TEAM

ARCHITECT FINKLE+WILLIAMS
ARCHITECTURE

CIVIL MCCLURE

LANDSCAPE J&H LANDSCAPING

STRUCTURAL

PLUMBING

MECHANICAL

ELECTRICAL

FIRE PROTECTION

CONTRACTOR

SHEET TITLE

MONUMENT SIGN
CONCEPT
ELEVATIONS

SHEET NUMBER

A4.03

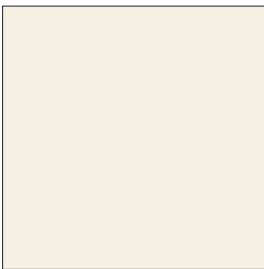


NETTLETON LOGISTIC CENTRE MONUMENT SIGN - PERSPECTIVE VIEW
(NOT TO SCALE)

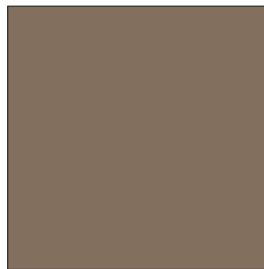


NETTLETON LOGISTICS CENTRE MONUMENT SIGN - FRONT ELEVATION
(NOT TO SCALE)

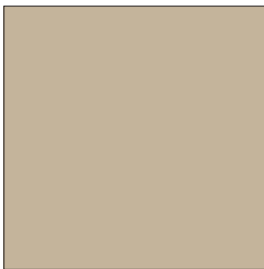
COLOR PALETTE:



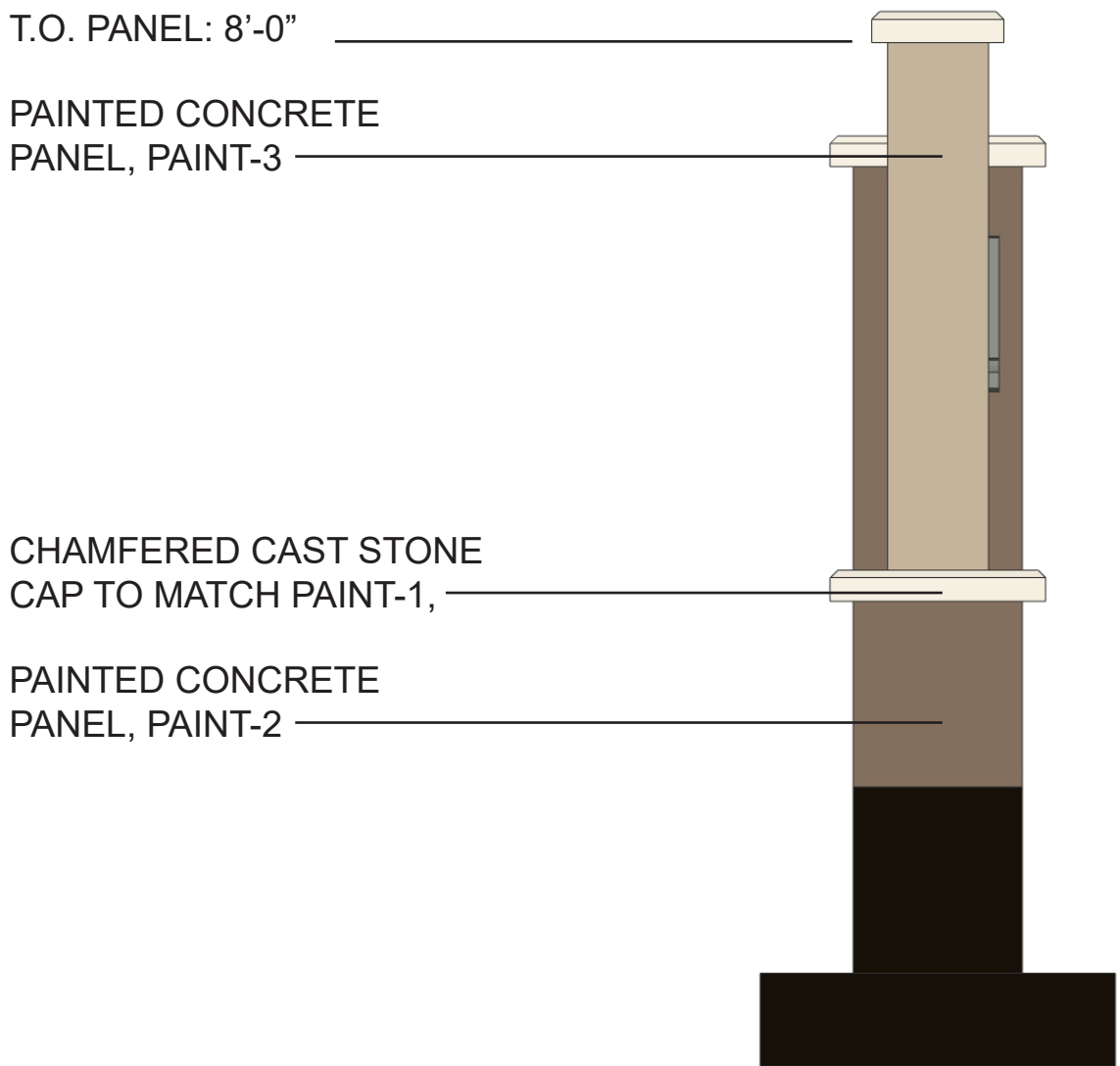
PAINT 1
SW7562 ROMAN COLUMN



PAINT 2
SW7509 TIKI HUT



PAINT 3
SW7528 WINDSOR GREIGE



NETTLETON LOGISTICS CENTRE MONUMENT SIGN - SIDE ELEVATION AND MATERIALS
(NOT TO SCALE)

Memorandum

Date: October 18, 2022
To: Mayor and City Council
From: Mark Lee

Subject: goDotte Presentation

Recommendation: None

Action: None at this time

Background: Presentation of the goDotte County-wide Mobility Plan, presentation will be given by members of the Unified Government Planning Department.

<https://dashboards.mysidewalk.com/godotte-68d5ebff55f3/resources>

The link above will take you to an informational site about the goDotte Strategic Mobility Plan.

Discussion: NA

Financial Impact: NA