



City of Bonner Springs

KANSAS

Tuesday, September 19, 2023

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.

PLANNING COMMISSION MEETING - 7:00 PM

CALL TO ORDER - ROLL CALL

CONSENT AGENDA

1. Approval of the minutes from the August 15, 2023 meeting

Action Approve, Amend or Deny the minutes as presented.

Recommendation Staff recommends approval of the minutes as presented.

Documents:

1. PC Minutes 8.15.23 draft

UNFINISHED BUSINESS

NEW BUSINESS

1. PUBLIC HEARING – Request for Rezoning - BSRZ-01-23 - Consider a request for approval of a zoning change from A-1 (Agricultural District) to the zoning category of R-3 (Multi-family Residential District) for the eastern portion of 300 S. 130th Street as indicated on the provided and included site plan.

Action Approve, Amend or Deny the requested rezoning.

Recommendation Staff recommends the Planning Commission approve the requested zoning change for 300 S. 130th Street from A-1 (Agricultural District) to R-3 (Multi-family Residential) as indicated upon the provided site rendering(s).

Documents:

1. Agenda Item-300 S. 130th St-BSRZ-01-23

OPEN AGENDA

COMMUNITY DEVELOPMENT DIRECTORS REPORT

ADJOURNMENT

Memorandum

Date: September 19, 2023
To: Mayor and City Council
From: Mark Lee

Subject: Approval of the minutes from the August 15, 2023 meeting

Recommendation: Staff recommends approval of the minutes as presented.

Action: Approve, Amend or Deny the minutes as presented.

Background: Minutes are attached

Discussion: NA

Financial Impact: NA

MINUTES – 8.15.23 – DRAFT
BONNER SPRINGS PLANNING COMMISSION MEETING
Tuesday, August 15, 2023 – Regular Meeting – 7:00 p.m.

=====

1. Meeting **CALLED TO ORDER** by Vice-chair Clark at 7:00 p.m.

ROLL CALL

Planning Commissioners Present: Lloyd Mesmer; Vince Bombardier; Nick Perica; Larry Clark; Paul Zeps; Sherri Neff

Absent – Jason Cruse; Greg Gebauer

Quorum Established

Staff Present: Mark Lee, Community Development Director

2. **CONSENT AGENDA**

Item #2 – Approval of Minutes of July 18, 2023 Planning Commission meeting

Vice-chair Clark 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 Mesmer and seconded by Commissioner Perica.

Vice-chair Clark called for a vote.

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

NAY – None

MOTION PASSED 6 – 0

UNFINISHED BUSINESS

None

NEW BUSINESS

4. **Agenda Item #4 - Review of the Uniform Development Ordinance** – Dawn Warrick with Freese and Nichols will give a final update on the progress of the Uniform Development Ordinance. The adoption of the UDO should be coming within the next couple of months.

Dawn Warrick gave a virtual presentation to the Commission regarding the updates to the Unified Development Ordinance and where the project stood regarding completion and adoption.

Ms. Warrick stated that a link had been provided that would show all of the sections of the draft document.

Vice-chair Clark asked if there were any questions or comments, being none Vice-chair Clark thanked Ms. Warrick for the presentation and the work they had done thus far.

5. Agenda Item # 5 - PUBLIC HEARING – BSZO-01-23 – VISION 2025 AND BEYOND – Comprehensive Plan Update adoption.

Staff stated, that over the past few months they have worked with the Planning Commission to update and modify our current Comprehensive Plan through research and work sessions.

Staff explained they made necessary updates to the Comprehensive Plan from 2008, these updates were wide ranging; but included updated demographic information from the 2020 Census as well as the 5 year American Community Survey(s), updated property tax information, the addition of mapping elements from existing Master Plans, updates to information regarding City infrastructure and services, updated the incentive program listing for development/construction projects, as well as adding an introductory piece that provides some history of Bonner Springs.

Vice-chair Clark called for a MOTION to open the Public Hearing.

Commissioner Mesmer made a motion to **OPEN** the Public Hearing, Commissioner Zeps **SECONDED**, the hearing was opened at 7:29pm.

Vice-chair Clark asked if there were any members of the public wishing to speak in favor of the item. Being none; Vice-chair Clark asked if there were any members of the public that wished to speak against the item. Being none, Vice-chair Clark asked if there were any questions of staff. Being none, Vice-chair Clark called for a MOTION to close the Public Hearing.

Commissioner Zeps made a motion to **CLOSE** the Public Hearing, Commissioner Mesmer **SECONDED**. The hearing was **CLOSED** at 7:30pm.

Vice-chair Clark asked if there was a motion to approve, amend or deny. Commissioner Zeps made a motion to **APPROVE** the Comprehensive Plan as submitted. Commissioner Mesmer **SECONDED**.

Vice-chair Clark called for a Roll Call vote.

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

NAY – None

MOTION PASSED 6-0

6. Agenda Item #6 – Open Agenda

None at this time

7. Agenda Item # 7 – Community Development Directors Report

Staff spoke of the tabled item from the BZA meeting and how we would need to conduct a Board of Zoning Appeals meeting again at the September meeting to address this item.

September meeting will have a request for rezoning for 300 S. 130th Street – request from A-1 to R-3

Vice-chair Clark adjourned the meeting at 7:39pm.

Memorandum

Date: September 19, 2023
To: Mayor and City Council
From:

Subject: PUBLIC HEARING – Request for Rezoning - BSRZ-01-23 - Consider a request for approval of a zoning change from A-1 (Agricultural District) to the zoning category of R-3 (Multi-family Residential District) for the eastern portion of 300 S. 130th Street as indicated on the provided and included site plan.

Recommendation: Staff recommends the Planning Commission approve the requested zoning change for 300 S. 130th Street from A-1 (Agricultural District) to R-3 (Multi-family Residential) as indicated upon the provided site rendering(s).

Action: Approve, Amend or Deny the requested rezoning.

Background: The property at 300 S. 130th Street has had no large-scale development occur on the property in the past, it was the former site of a single-family residence many years ago. The Future Land Use Map indicates this area reserved for Mixed-Use; Residential and Commercial.

The property lacks utilities and would require the extension of services, including but not limited to sanitary sewer, water, electricity, natural gas, interior roadways, etc. Any necessary agreements will be put in place regarding extension of these services; they will need to work with City Staff, neighboring property owner(s), KDOT and others to accomplish their goal.

Discussions have occurred between the developer and city staff regarding sanitary sewer service and how this must be accomplished as well as the potential traffic impact. The developers are being required to complete a Traffic Impact Study/Analysis that shall be reviewed and approved by the City Engineer and KDOT.

Discussion: Staff report is attached

Financial Impact: NA

City of
Bonner Springs
Agenda Item Cover Sheet

Agenda Item No. 4

BSRZ-01-23

Topic: PUBLIC HEARING – Request for Rezoning - BSRZ-01-23 - Consider a request for approval of a zoning change from A-1 (Agricultural District) to the zoning category of R-3 (Multi-family Residential District) for the eastern portion of 300 S. 130th Street as indicated on the provided and included site plan.

Narrative:

The property at 300 S. 130th Street has had no large-scale development occur on the property in the past, it was the former site of a single-family residence many years ago. The Future Land Use Map indicates this area reserved for Mixed-Use; Residential and Commercial.

The property lacks utilities and would require the extension of services, including but not limited to sanitary sewer, water, electricity, natural gas, interior roadways, etc. Any necessary agreements will be put in place regarding extension of these services; they will need to work with City Staff, neighboring property owner(s), KDOT and others to accomplish their goal.

Discussions have occurred between the developer and city staff regarding sanitary sewer service and how this must be accomplished as well as the potential traffic impact. The developers are being required to complete a Traffic Impact Study/Analysis that shall be reviewed and approved by the City Engineer and KDOT.

Presented by: Mark Lee- Community Development Director

Staff Recommendation:

Staff recommends the Planning Commission approve the requested zoning change for 300 S. 130th Street from A-1 (Agricultural District) to R-3 (Multi-family Residential) as indicated upon the provided site rendering(s).

Attachments:

Staff Report (5pgs)

Current zoning areas (included within staff's report)

Site rendering (2pgs)

REQUEST FOR APPROVAL OF A ZONING CHANGE FROM A-1 (AGRICULTURAL DISTRICT) TO THE ZONING CATEGORY OF R-3 (MULTI-FAMILY RESIDENTIAL) FOR THE EASTERN PORTION OF 300 S. 130TH STREET.

MEETING DATE: September 19, 2023
REPORT WRITTEN: September 10, 2023
APPLICATION #: BSRZ-01-23

APPLICANT:
Cornerstone-Bonner Springs K-7 Partners, LP
209 S. 19th Street, Suite 100
Omaha, NE 68102

ENGINEER
BHC
7101 College Boulevard, Suite 400
Overland Park, KS 66210

REQUEST:

- The applicant is requesting approval to rezone the eastern portion of 300 S. 130th Street as represented on the included site plan, from A-1(Agricultural District) to R-3(Multi-family Residential District). The property in question is located west of Kansas Highway 7 and south of the Interstate 70 exit ramp to Speaker Road.

COMPREHENSIVE PLAN/FUTURE LAND USE MAP:

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

SURROUNDING ZONING:

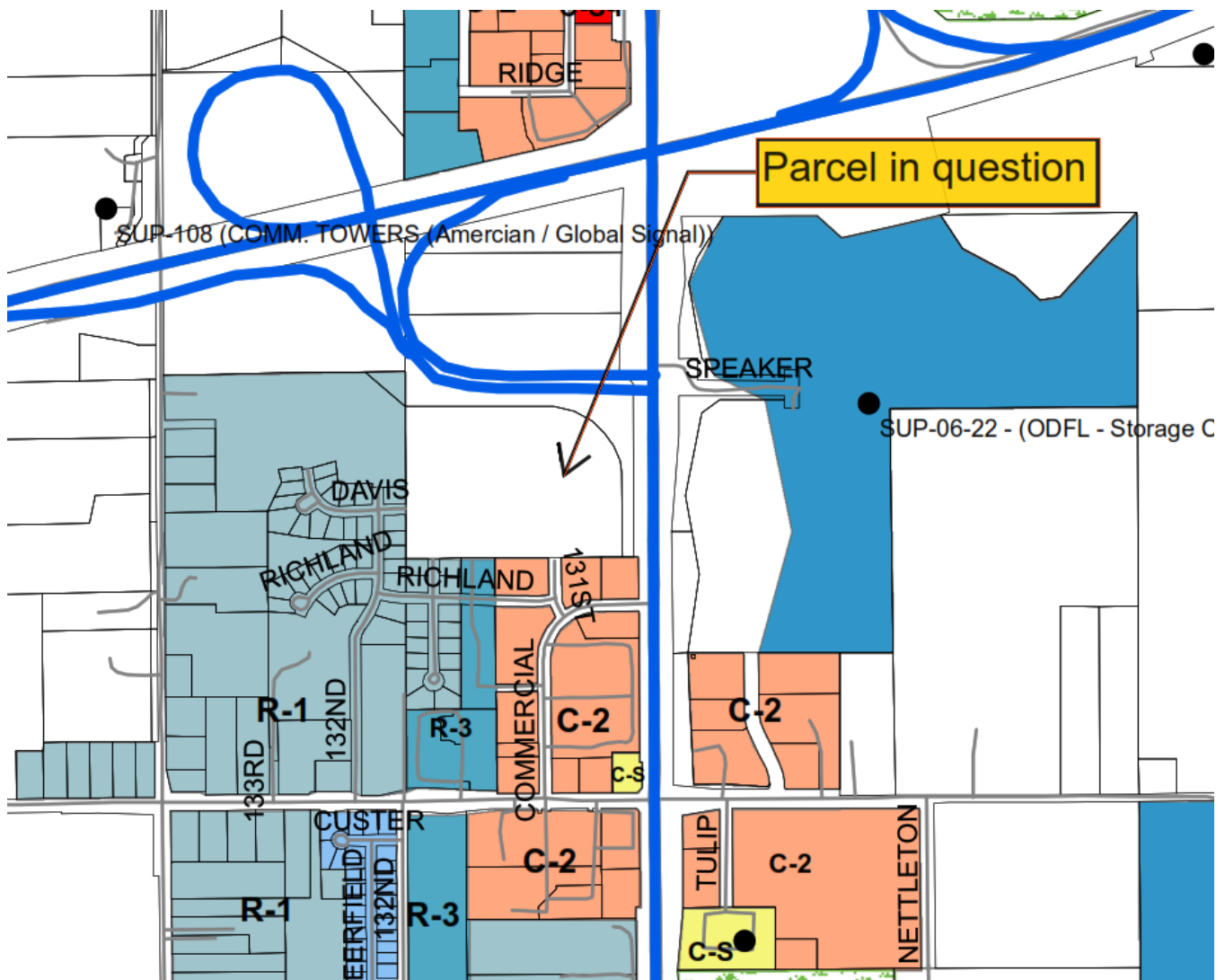
- North KDOT right of way
- South C-2 (General Business District)
- East KDOT right of way, A-1, I-1 (Agricultural and Light Industrial)
Agricultural zoning will more than likely change to C-2 (General Business)
- West the west half of the parcel will remain as A-1 for the time being, west of that is R-1 (Single Family Residential)

BACKGROUND:
The property at 300 S. 130th Street has had no large-scale development occur on the property in the past, it was the former site of a single-family residence many years ago. The Future Land Use Map indicates this area reserved for Mixed-Use; Residential and Commercial.

The property lacks utilities and would require the extension of services, including but not limited to sanitary sewer, water, electricity, natural gas, interior roadways, etc. Any necessary agreements will be put in place regarding extension of these services; they will need to work with City Staff, neighboring property owner(s), KDOT and others to accomplish their goal.

Discussions have occurred between the developer and city staff regarding sanitary sewer service and how this must be accomplished as well as the potential traffic impact. The developers are being required to complete a Traffic Impact Study/Analysis that shall be reviewed and approved by the City Engineer and 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 uses, from single family residences to the west, to commercial uses and existing multi-family units directly to the south of the parcel in question.

To the east is Kansas Highway 7 and the associated right of way, further to the east is the Old Dominion Freight Lines facility with soon to be commercial frontage along K-7.

Located directly south of the property in question are commercial uses and commercial zoning along with multi-family uses and zoning

To the west of the parcel are single family homes on traditional sized residential lots with single family residential zoning.

Directly north is vacant land that is owned and operated by KDOT and includes right of way for the on and off ramps of Interstate 70.



THE ZONING AND USES OF THE PROPERTY NEARBY –

- NORTH - vacant land – KDOT right of way
- SOUTH - C-2 (General Commercial)
- EAST - A-1 (Agricultural) the proposed rezoning does not extend to the far eastern edge of the property in question but is indicated as ending roughly 250 feet west of S.131st Street
- WEST- KDOT right of way for Kansas Highway 7

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

The property is currently vacant, the Future Land Use Map reflects a residential/commercial use with no existing plans for development. With the lack of past development interest, the property has remained zoned as A-1 (Agricultural District). Bonner Springs has envisioned this area as an additional commercial and residential hub but the lack of city utilities in the area greatly diminishes this possibility without significant investments in infrastructure. Traffic will be one major concern; a Traffic Impact Study/Analysis is being required of the developer. The intersection at Commercial Drive and Kansas Highway 7 is constructed as a right-in/right-out intersection allowing individuals to exit from and enter into the south bound lanes of K-7. While the zoning indicates the property is agricultural, the property is not actively farmed or used for those purposes.

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

With existing multi-family, commercial and single-family uses within close proximity, it is difficult to determine if the rezoning of this parcel to R-3(Multi-family Residential) will prove detrimental. With properties within the immediate area being a mix of residential and commercial uses, the requested use would align with other current in the area zoning. The increase in traffic will be one of the most significant impacts to the surrounding area.

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

The subject property has not seen development occur upon it to date and has remained vacant for almost two decades.

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 current zoning from the property and replacing it with multi-family residential there is little, to no gain, to the public health, safety and welfare. If the zoning change were not approved there could potentially be a financial hardship placed upon the current property owner, as this is one of few prospective developments of the parcel since being vacated.

RECOMMENDATION OF PROFESSIONAL STAFF-

Staff would recommend approval of the requested rezoning of 300 S. 130th Street from A-1 (Agricultural) to R-3 (Multi-family Residential) as indicated on the provided site renderings.

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

The Comprehensive Plan's Future Land Use Map currently identifies the subject property as Mixed-Use. The Mixed-Use zoning district is intended to provide a live-work-play scenario within close proximity or with the inclusion of residential living with a variety of types and styles. This live-work-play lifestyle is intended to provide retail and commercial uses within walking distance of the residents that live within the area. The requested zoning conforms to the Comprehensive Plan by providing residential living within close proximity of commercial uses.

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.

In contrast the Comprehensive Plan states:

MULTI-FAMILY RESIDENTIAL DISTRICT (R-3):

Multi-Family Residential District is considered High Density Residential consisting of multi-family dwellings. More than 6 units and up to 18 units per acre. The intent of this district is to create a transition between Two-Family Residential District (R-2) and Commercial District development patterns. In developed areas of the City, the scale and density of individual structures should be limited as necessary to maintain harmony with the surrounding area. However, retirement homes, rest homes, adult congregate living facilities and similar uses also may be appropriate in this category at higher densities and higher unit counts given that the impact of these types of dwellings units is often far less than a “standard” residential development. Multi-Family Residential Districts should be located close to arterial and collector streets. The neighborhoods should possess direct connections to work, shopping, and leisure activities, but settings where the only access provided consists of local streets passing through lower density neighborhoods should be avoided. To avoid monotonous streetscapes, the incorporation of a variety of housing models and sizes is strongly encouraged. Larger buildings shall be designed with a variety of wall planes and roof forms to create visual interest. Projects should be compatible with the established mass and scale of other buildings along the block.

STAFF RECOMMENDATION:

Staff recommends the Planning Commission approve the requested zoning change for 300 S. 130th Street from A-1 (Agricultural District) to R-3 (Multi-family Residential) as indicated on the provided site plan. Staff would further recommend the following if the request is approved by the Commission.

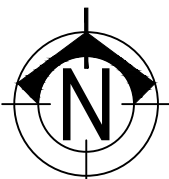
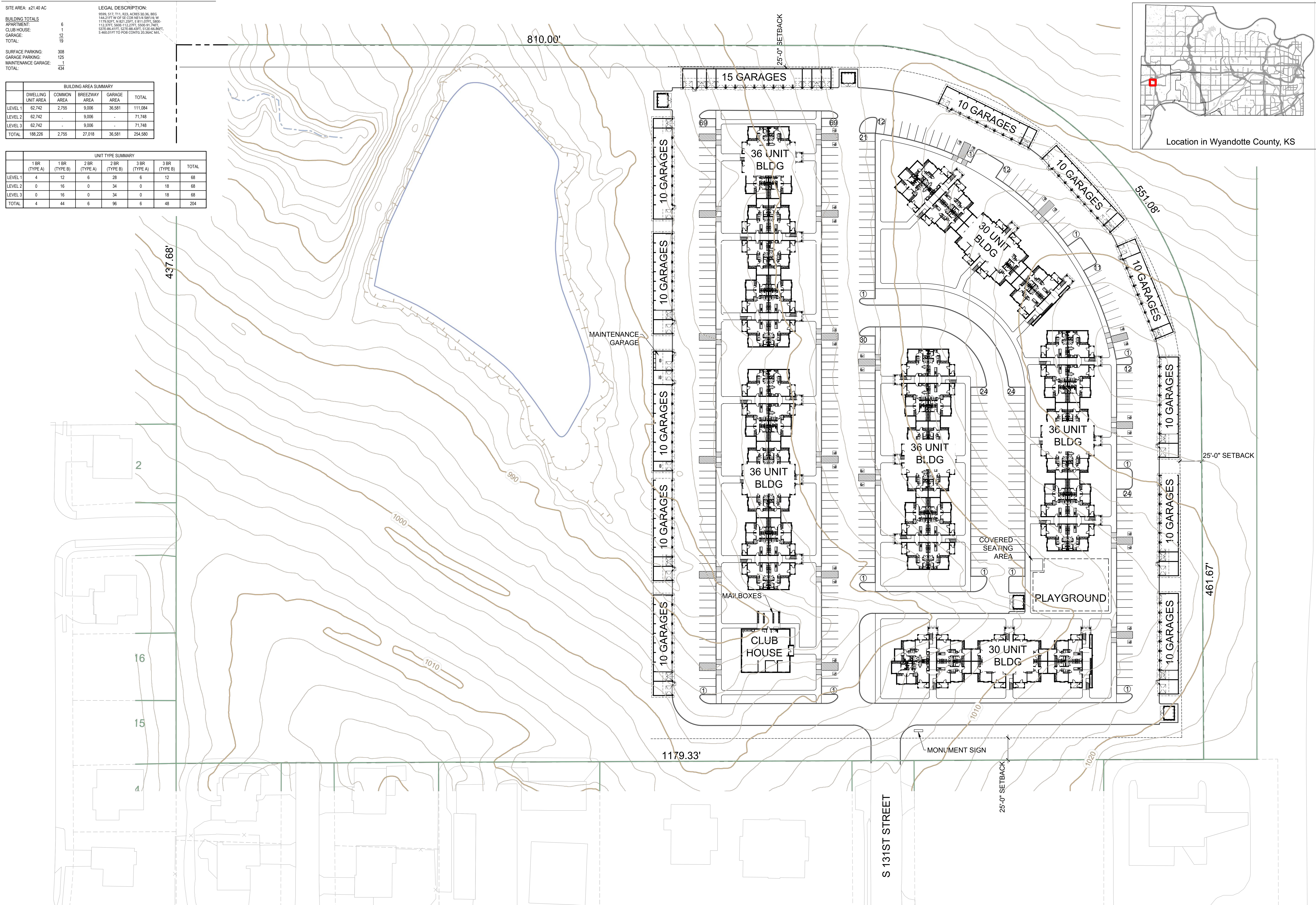
1. A Traffic Impact Study/Analysis shall be conducted by the applicant and submitted to the City, KDOT and others for review and approval prior to final approval of the project.
2. A Storm Water Management Study shall be prepared and provided to the City for review and approval prior to commencement of the project.
3. Developer shall be responsible for the extension of services including but not limited to, sanitary sewer, water and/or other public utilities as required by the City of Bonner Springs.
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 any utility or street infrastructure that the City of Bonner Springs shall ultimately maintain.
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

This item will move to the Governing Body if approved. The request will be presented at the October 9th, 2023 regular meeting.

SITE AREA: ±21.40 AC		LEGAL DESCRIPTION:	
BUILDING TOTALS		9599, 517, 711, R23, ACRES 20.36, REG	
APARTMENT: 6		144.21FT W OF SE COR NE1/4 SW1/4 W/	
CLUB HOUSE: 1		117.932FT, & N21.25FT, & E1.07FT, S80	
GARAGE: 12		112.37FT, S50.61 E12.27FT, S50.61 E12.37FT	
TOTAL: 19		S37E-86.41FT, S27E-88.43FT, S12E-66.80	
SURFACE PARKING: 308		S 460.01FT TO POB CONTG 20.36AC M/	
GARAGE PARKING: 125			
MAINTENANCE GARAGE: 1			
TOTAL: 434			

	BUILDING AREA SUMMARY				
	DWELLING UNIT AREA	COMMON AREA	BREEZWAY AREA	GARAGE AREA	TOTAL
LEVEL 1	62,742	2,755	9,006	36,581	111,084
LEVEL 2	62,742	-	9,006	-	71,748
LEVEL 3	62,742	-	9,006	-	71,748
TOTAL	188,226	2,755	27,018	36,581	254,580

	UNIT TYPE SUMMARY						
	1 BR (TYPE A)	1 BR (TYPE B)	2 BR (TYPE A)	2 BR (TYPE B)	3 BR (TYPE A)	3 BR (TYPE B)	TOTAL
LEVEL 1	4	12	6	28	6	12	68
LEVEL 2	0	16	0	34	0	18	68
LEVEL 3	0	16	0	34	0	18	68
TOTAL	4	44	6	96	6	48	204

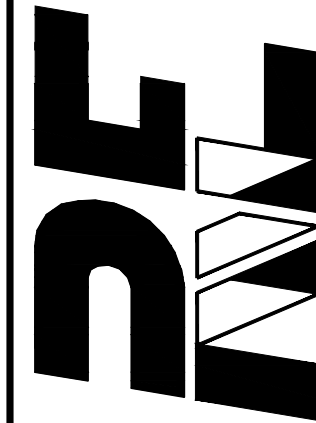


SITE PLAN
SCALE: 1/40" = 1'-0"

**PROGRESS
PRINT
(NOT FOR
CONSTRUCTION)**

CORNERSTONE APARTMENTS
BONNER SPRINGS, KANSAS

**ROBERT W. ENGEL AND
ASSOCIATES, ARCHITECTS**
2443 South 156th Circle
Omaha, NE 68130-2512
(402) 330-8287 Fax: (402) 330-8331
email: RWEArchitects@RWEArchitects.com



Issue Date: Month dd, yyyy

Revisions to the drawing set

No.	Date	Description
-----	------	-------------

--	--	--

--	--	--

--	--	--

[illegible]

--	--	--

[illegible]

--	--	--

[illegible]

--	--	--

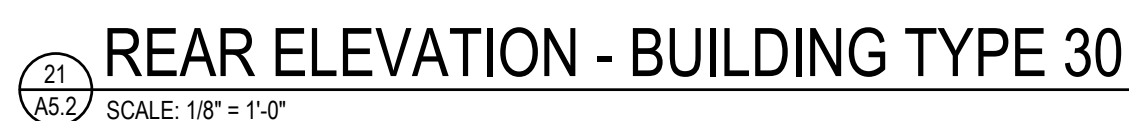
Project Number:	2309
-----------------	------

Project Number:	2309
Drawn by:	GS

Checked by:	RWE
-------------	-----

Sheet Name:

C1.1



Page