



City of Bonner Springs

KANSAS

Tuesday, November 21, 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 September 19, 2023 Planning Commission meeting**

- | | |
|----------------|---|
| Action | Approve, Amend or Deny the minutes as presented |
| Recommendation | Staff recommends approval of the minutes as presented |
| Documents: | |
| 1. | PC Minutes 9.19.23 draft |

OLD BUSINESS - NONE AT THIS TIME

NEW BUSINESS

1. **PUBLIC HEARING - ZONING ORDINANCE AMENDMENT - BSZO-02-23 - Consider recommending for approval to the Governing Body the newly created Unified Development Ordinance.**

- | | |
|----------------|---|
| Action | Approve, Amend or Deny the Unified Development Ordinance |
| Recommendation | Staff recommends the Planning Commission approve the document, moving it forward to the Governing Body for formal adoption. |
| Documents: | |
| 1. | UDO Update Cover page |

2. **PUBLIC HEARING - SPECIAL USE PERMIT - SUP-05-23 - The applicant is requesting approval of a Special use Permit to allow for the installation of an Outdoor Advertising Sign (billboard) as allowed for in the I-1, Light Industrial zoning district at 14110 Minnesota Avenue.**

- | | |
|----------------|---|
| Action | Approve, Amend or Deny the Special Use Permit request |
| Recommendation | Staff recommends approval of the Special Use Permit; SUP-05-23 with the following conditions: |
1. 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 said outdoor advertising sign and a building permit application to the Communnity Development Department for review and approval;
 2. The sign shall not be placed within 1,500 feet of another outdoor advertising sign on the same side of the highway, with the distance being measured along the same side of the street;
 3. The sign shall not be constructed neared than 150-feet of a noncommercial use nor in any zoning district other than I-1 and I-2
 4. 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
 - 5.The Special Use Permit to be valid in perpetuity 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.

6. 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.

Documents:

1. Staff Report SUP-05-23- Ad Trend - 14110 Minnesota Ave

OPEN AGENDA

COMMUNITY DEVELOPMENT DIRECTOR'S REPORT

ADJOURNMENT

Memorandum

Date: November 21, 2023
To: Mayor and City Council
From: Mark Lee

Subject: Approval of the minutes from the September 19, 2023 Planning Commission meeting

Recommendation: Staff recommends approval of the minutes as presented

Action: Approve, Amend or Deny the minutes as presented

Background: Minutes are included within the packet

Discussion: NA

Financial Impact: NA

MINUTES – 9.19.23 – DRAFT
BONNER SPRINGS PLANNING COMMISSION MEETING
Tuesday, September 19, 2023 – Regular Meeting – 7:00 p.m.

=====

1. Meeting **CALLED TO ORDER** by Vice-chair Clark at 7:11 p.m.

ROLL CALL

Planning Commissioners Present: Lloyd Mesmer; Larry Clark; Paul Zeps; Sherri Neff; Jason Cruse
Absent – Greg Gebauer; Vince Bombardier; Nick Perica
Quorum Established
Staff Present: Mark Lee, Community Development Director

2. **CONSENT AGENDA**

Item #2 – Approval of Minutes of August 15, 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 Zeps.

Vice-chair Clark called for a vote.

AYE – Mesmer, Zeps, Clark, Neff; Cruse

NAY – None

MOTION PASSED 5 – 0

3. **UNFINISHED BUSINESS**

None

NEW BUSINESS

4. **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.

Vice-Chair Clark called for the Staff's report.

Staff explained the site location, the current use of the property – vacant and the request that was being presented. Staff read the following from their prepared report:

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.

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

Commissioner Zeps made a motion to **OPEN** the Public Hearing, Commissioner Neff **SECONDED**, the hearing was opened at 7:16pm.

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 in opposition of the item.

Bradley Landers – stated his number one concern was traffic and how it entered and exited the area. He further spoke about the current issues involving traffic congestion at the intersection of Commercial Drive and Kansas Avenue. He stated that the school system would be negatively affected because of the number of apartments that are proposed or under construction currently. Another concern he expressed was about public safety and what this might do to our Fire and Police Departments. He concluded his statement by reiterating his concern over the potential for traffic congestion.

Paul Reese – Mr. Reese stated he had some questions, the first was regarding the Traffic Impact Study and what intersections and streets it would address. Staff stated that the major intersections and streets are being taken into consideration along with pedestrian elements. He asked about the timeline that these items would be delivered and addressed, staff stated that even if the item were to pass this evening, it would not be able to reach final approval until all of the listed stipulations were met, including; review and approval of the Traffic Impact Study. Mr. Reese had questions regarding which part of the property, or was the entire property being rezoned to R-3. Staff indicated that via the renderings that had been submitted and the information provided in the packets, the area to be rezoned was the eastern side of the property. Mr. Reese asked if the developers were interested in the entire parcel or if their intent was only the eastern section. Staff stated that it was his understanding that they are interested in the entire parcel but do understand the need for less intense development abutting single family residential. Mr. Reese asked that if the developers own the entire parcel, is it easier for them to rezone it. Staff stated no, that is not the case, as the developer is not the current owner of the property, they must have the property owners sign the application stating they give the developer the rights to request rezoning, etc. He then asked is there any reason the Commission would decide to build multi-family versus single family in that area. Commissioner Zeps stated that is outside of the Commission's purview and would most likely be a financial matter on the developers' end.

Ron Johnson – stated he is against the zoning change.

Amy Reese – stated that they have apartments in their neighborhood already, there are also apartments located across the interstate, they are currently building some behind Feldman's, there are some proposed in downtown; she asked if there was a reason why. She further stated that apartments don't have to pay property taxes, staff stated that yes, in fact they do have to pay property taxes. It may not be the residents of said units but the developers or owners of them do. Commissioner Zeps discussed briefly the Golden Rules and how those must be utilized in rezoning cases. Mrs. Reese asked if the goal was to turn all of the areas around intersections into apartments. Staff stated that as a Planner, these are typically the areas that

do contain multi-family residential due to the nature of the area. It is a less desirable area to construct new single-family homes next to major interstates, highways or major intersections. Not only for ingress and egress reasons but for a multitude of other factors. Staff stated that with density come lots of other good things; shopping and dining opportunities as an example. Staff further explained that we currently have many, many vacant single-family lots available that are not being built on, partially due to costs. Staff used Cedar Ridge as an example, some building has taken place within the past year, but there are still vacant lots, that have been for many years, along with multiple other phases of that housing development that did not move forward because of the housing market.

Commissioner Mesmer spoke on the fact of why apartment buildings are being constructed today, it is that the vast majority of individuals today cannot afford a \$300,000 home. He spoke of the home in which he lives in currently that was bought for a modest price and is worth almost 20 times what he paid for it originally.

Staff explained the units being constructed north of Feldman's are technically considered townhomes, they will be three bedroom, two story units with attached garages and joined side-by-side and not stacked like typical apartments. Staff further explained that it was their understanding that it is always cheaper to go up than out and you provide multiple residences by going up. Staff further explained the cost of infrastructure associated with this project will be a significant investment within the community as well. Staff discussed the reasoning behind rezoning and what is taken into account when they are considered. Staff spoke of the amount of multi-family projects being constructed, not only in Bonner Springs but the entire Kansas City Metro area. Staff spoke of the availability of these residents to walk to certain commercial entities nearby and not rely on a vehicle necessarily. Mrs. Reese asked "like what", staff responded with Price Chopper, Wal-Mart, McDonalds and other establishments close by. The response to that was "we are not Olathe", staff stated no we are not and never will be without things like this occurring, not that we necessarily want to be, but that we need to grow in order to sustain ourselves as a City.

Commissioner Zeps spoke to the fact that almost every item that is approved by the Planning Commission is only a recommendation and those recommendations then proceed to the Governing Body to be voted either up or down.

Mrs. Reese spoke to the fact that once the rezoning is recommended for approval and approved, it is a done deal and any developer then could come in and construct multi-family dwellings and that this is the public's turn to voice the opinion.

Robin Simpson (representing her parents)— She referred to the Golden Rules, specifically the Relative gain to the public's health, safety and welfare vs. the hardship imposed upon the individual and that she was concerned about it being unclear. Stating that the property has been with the same owners for an extended amount of time, is denying this rezoning actually creating a hardship upon the owners by not being able to sell. She felt as though a hardship would not be imposed upon the owners. She further asked about the detrimental effects of the surrounding properties and referred to staff's report by stating, 'it is difficult to determine if the rezoning of this parcel will prove detrimental'— The statement in staff's report reads as follows - *"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."* She asked how can we expect individuals in this area to make a determination if they are comfortable with this if they do not know what will happen to their property values. She felt as though in looking at the criteria that they were not specified enough to make the public feel comfortable about the rezoning of the property.

Commissioner Zeps stated he felt as though the statements had been made that there is general opposition to any R-3 type of structures being constructed in this area, and that the conflict being faced regarding the seven Golden Factors is the rights, well-being, economic damage to the current land owner sitting on 20-25 acres that is currently zoned in a way that nothing can happen with it, except farming. Versus the damage development may cause to existing owners in the area.

Ms. Simpson asked why are they not farming it? Commissioner Zeps stated this is something that the Commission cannot address. Ms. Simpson asked if they were really experiencing a detriment because they are choosing not to farm it, and isn't that on them to use it in the manner it is zoned; Commissioner Cruse stated yes that is on them. She further stated then that in her opinion they were not actually experiencing a detriment they just don't want to farm it. Staff stated, the hardship would come in the manner of the marketing that they have undertaken throughout the years and how no offers have been made on the property they are attempting to sell and this would in fact create a hardship on the owners.

Staff stated there was more to the comment made about a detrimental effect to the neighboring properties – *"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."* And that staff's report does go on to state that an increase in traffic will be one of the main factors.

Commissioner Zeps stated then the main issue is that no form of R-3 zoning would be acceptable to those residents within close proximity. Ms. Simpson stated she felt that statement was correct and felt that any R-3 zoning would be something the public is not comfortable with given the fact that it is undetermined how it will affect property values.

Ron Johnson – made the statement that it he read into staff's report that "we have no idea what it is going to do to your property value". Then stated staff had made the statement that "this is less desirable"; staff corrected this comment by stating what they had said was "this area is less desirable for single-family home construction because of the location." He wanted to strongly urge individuals to drive around the Piper area and see what those townhomes have turned into.

Vice-Chair Clark asked if there were any other comments; being none he asked if there were any further 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 7:51pm. Vice-Chair Clark asked if there was any discussion amongst the Board.

Commissioner Zeps stated, he felt as though what we are looking at is the rights of the land owner to develop it in any manner versus the desires of the surrounding property owner. Commissioner Mesmer stated he felt individuals needed to understand that the City did not initiate this request and that in fact a developer came forward to the City with a plan that they wanted to implement. It is the Commissions job to see if it fits within the regulations that have been previously approved along with the Comprehensive Plan. Commissioner Zeps asked staff what it was indicated as on the Future Land Use Map, staff stated it was indicated as Mixed-Use which also includes multi-family housing along with commercial uses. Commissioner Zeps asked if R-3 zoning fits within the current Future Land Use Map as adopted by the Governing Body, staff stated yes it does. He further stated that the "rulebook" as approved the Governing Body allows for that use.

Commissioner Mesmer made a motion to **APPROVE** the requested zoning change with staff's stipulations. Commissioner Neff **SECONDED**.

Vice-chair Clark called for a Roll Call vote.

AYE – Mesmer, Neff, Zeps, Cruse and Clark

NAY – None

MOTION PASSED 5-0

6. Agenda Item #6 – Open Agenda

None at this time

7. Agenda Item # 7 – Community Development Directors Report

Currently there are no agenda items for the October meeting

November will see a request for variance (BZA) from the allowed accessory building size in the R-1 Zoning District

Vice-chair Clark adjourned the meeting at 7:57pm.

DRAFT

Memorandum

Date: November 21, 2023
To: Mayor and City Council
From: Mark Lee

Subject: PUBLIC HEARING - ZONING ORDINANCE AMENDMENT - BSZO-02-23 - Consider recommending for approval to the Governing Body the newly created Unified Development Ordinance.

Recommendation: Staff recommends the Planning Commission approve the document, moving it forward to the Governing Body for formal adoption.

Action: Approve, Amend or Deny the Unified Development Ordinance

Background: Staff has been working with Dawn Warrick, Connor Roberts and Erica Craycraft with Freese and Nichols on a Unified Development Ordinance. The UDO combines our Subdivision Regulations, Zoning Ordinance and other related planning documents and combines them into one document. The intent is not only to update some of the regulations but also to provide a single document in which the majority of planning regulations are housed. This document is easily searchable and easier to use in general. This evening we are bringing this document forward with a recommendation for approval.

Discussion: Staff report cover page includes a link to the documentation utilized in drafting the document, the process involved in developing the document; along with the complete draft document.

Financial Impact: Budgeted item - NA

City of
Bonner Springs
Agenda Item Cover Sheet

Agenda Item No. 4

Topic: Unified Development Ordinance approval

Narrative:

Staff has been working with Dawn Warrick, Connor Roberts and Erica Craycraft with Freese and Nichols on a Unified Development Ordinance. The UDO combines our Subdivision Regulations, Zoning Ordinance and other related planning documents and combines them in to one document. The intent is not only to update some of the regulations but also to provide a single document in which the majority of planning regulations are housed. This document is easily searchable and easier to use in general. This evening we are bringing this document forward with a recommendation for approval.

Presented by: Mark Lee – Community Development Director

Staff Recommendation:

Staff recommends the Planning Commission approve the document, moving it forward to the Governing Body for formal adoption.

Attachments:

The following web address will lead to the documentation regarding the development of the UDO as well as draft copies.

<https://freese.mysocialpinpoint.com/bonnerrsprings/documents>

Memorandum

Date: November 21, 2023
To: Mayor and City Council
From: Mark Lee

Subject: PUBLIC HEARING - SPECIAL USE PERMIT - SUP-05-23 - The applicant is requesting approval of a Special use Permit to allow for the installation of an Outdoor Advertising Sign (billboard) as allowed for in the I-1, Light Industrial zoning district at 14110 Minnesota Avenue.

Recommendation: Staff recommends approval of the Special Use Permit; SUP-05-23 with the following conditions:

1. 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 said outdoor advertising sign and a building permit application to the Communnity Development Department for review and approval;
2. The sign shall not be placed within 1,500 feet of another outdoor advertising sign on the same side of the highway, with the distance being measured along the same side of the street;
3. The sign shall not be constructed neared than 150-feet of a noncommercial use nor in any zoning district other than I-1 and I-2
4. 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
5. The Special Use Permit to be valid in perpetuity 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.
6. 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.

Action: Approve, Amend or Deny the Special Use Permit request

Background: The subject property is located along the south side of State Avenue and east of 142nd Street, the property is zoned as Light Industrial.

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.

Section 4. Additional Requirements, Subsection 6 states: Outdoor Advertising Signs (Billboards): (Revised Ordinance No. 2258)

- (a) Area: No sign shall exceed 300 square feet in area nor 30 feet in height;
- (b) Spacing: Spacing between signs shall be spaced no closer than 1,500 feet between signs as measured along the same side of the street;
- (c) Location: No sign shall be constructed nearer than 150 feet of a noncommercial use nor in any zoning district other than I-1 or I-2; and
- (d) Signs in the I-1 and I-2 Zoning Districts are permitted by special use.

Discussion: Staff report is included within the packet

Financial Impact: NA

City of
Bonner Springs
Agenda Item Cover Sheet

Agenda Item No. 5

CASE #: SUP-05-23

Topic: **Public Hearing-** The applicant is requesting approval of a Special use Permit to allow for the installation of an Outdoor Advertising Sign (billboard) as allowed for in the I-1, Light Industrial zoning district at 14110 Minnesota Avenue.

Narrative:

The subject property is located along the south side of State Avenue and east of 142nd Street, the property is zoned as Light Industrial.

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.

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- (c) Location: No sign shall be constructed nearer than 150 feet of a noncommercial use nor in any zoning district other than I-1 or I-2; and
- (d) Signs in the I-1 and I-2 Zoning Districts are permitted by special use.

Presented by: Mark Lee – Community Development Director

Staff Recommendation:

Staff recommends that the Planning Commission approve the Special Use Permit to allow for the installation of an Outdoor Advertising sign (billboard) as allowed for in Industrial Zoning Districts, with staff recommendations.

Attachments:

Staff Report (5pgs)

Image of proposed sign (1pg)

Proposed location (1pg)

CONSIDER A REQUEST FOR APPROVAL OF A SPECIAL USE PERMIT TO ALLOW FOR THE INSTALLATION OF AN OUTDOOR ADVERTISING SIGN (BILLBOARD) SIGN AT 14110 MINNESOTA AVENUE AS ALLOWED FOR IN THE I-1 ZONING DISTRICT.

MEETING DATE: November 21, 2023
REPORT WRITTEN: November 1, 2023
CASE NUMBER: SUP-05-23

APPLICANT:

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

REQUEST:

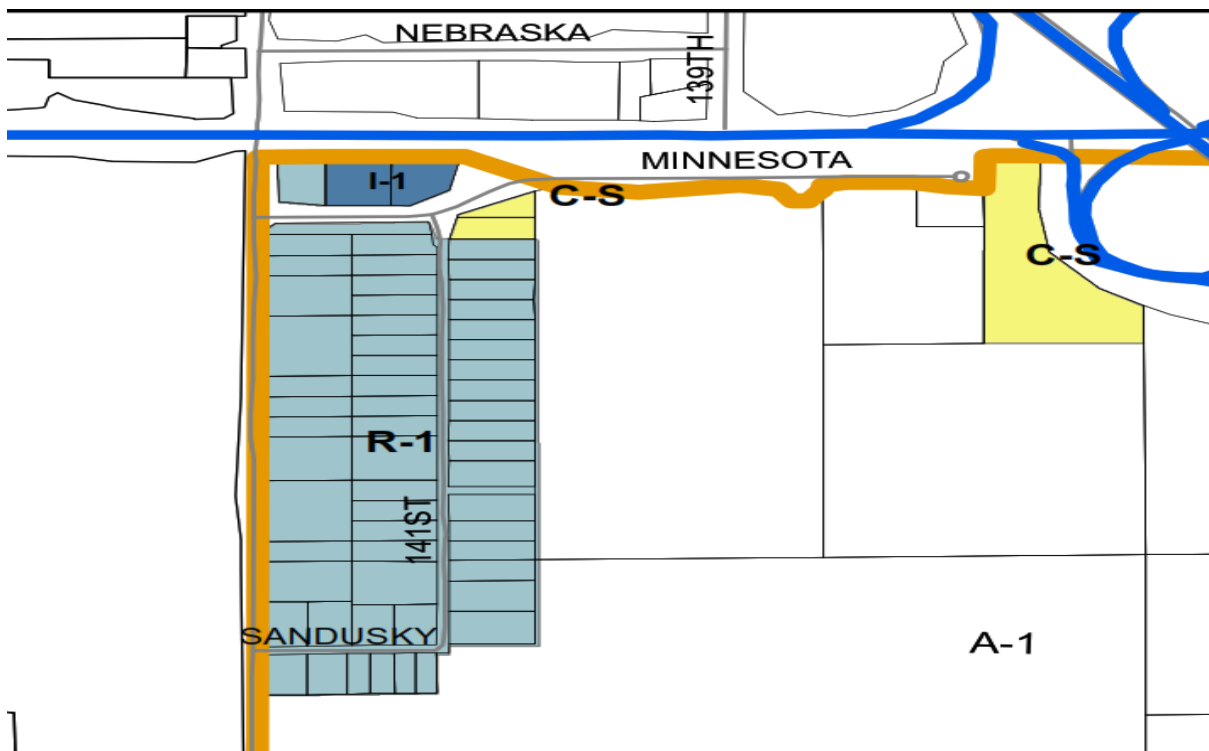
The applicant is requesting approval of a Special Use Permit to allow for the installation of an outdoor advertising sign (billboard) at 14110 Minnesota Avenue.

ZONING:

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

SURROUNDING ZONING:

North	State Avenue – Kansas City, KS
South	“R-1” Single Family Residential
East	No Zoning – no parcel
West	“I-1” Light Industrial



BACKGROUND:

The subject property lies on the south side of State Avenue and north of Minnesota Avenue, east of 142nd Street with a property address of 14110 Minnesota Avenue.

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. 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;**

Outdoor Advertising Signs (billboard) are allowed by special use permit in the I-1, Light Industrial District, it 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, shall evaluate the billboard location, the applicant shall 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 proposed special use will neither contribute to, nor have, a detrimental effect on the general public; per the requirements of the Special Use Permit the sign shall be located no nearer than 150 feet of a non-commercial use or Zoning District other than I-1 or I-2.

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 housing industrial type equipment and located directly adjacent to a regional highway (US 24/40 – State Avenue). In its current location it will not have an 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 fairly flat, there are no buildings present on the site, fencing is 6-foot chain link with a barbed wire top.

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

The site is in existence currently, is being utilized for storage of equipment associated with Pendergraft Erection Services, LLC. With no physical structure on-site, 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 entrance on Minnesota Avenue, through the property.

STAFF RECOMMENDATIONS:

Staff recommends approval of the Special Use Permit; SUP-05-23 with the following conditions:

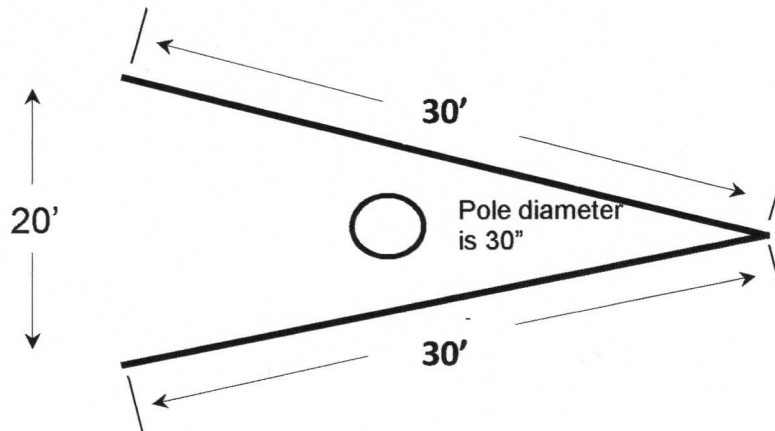
1. Provide a copy of an approved Sign Permit from the KDOT, Bureau of Right of Way, Outdoor Advertising, along with one (1) set of signed and sealed construction plans reflecting the the installation of said outdoor advertising sign and a building permit application to the Communnity Development Department for review and approval;
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5. The Special Use Permit to be valid in perpetuity 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.
6. 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.

**COMMISION
OPTIONS**

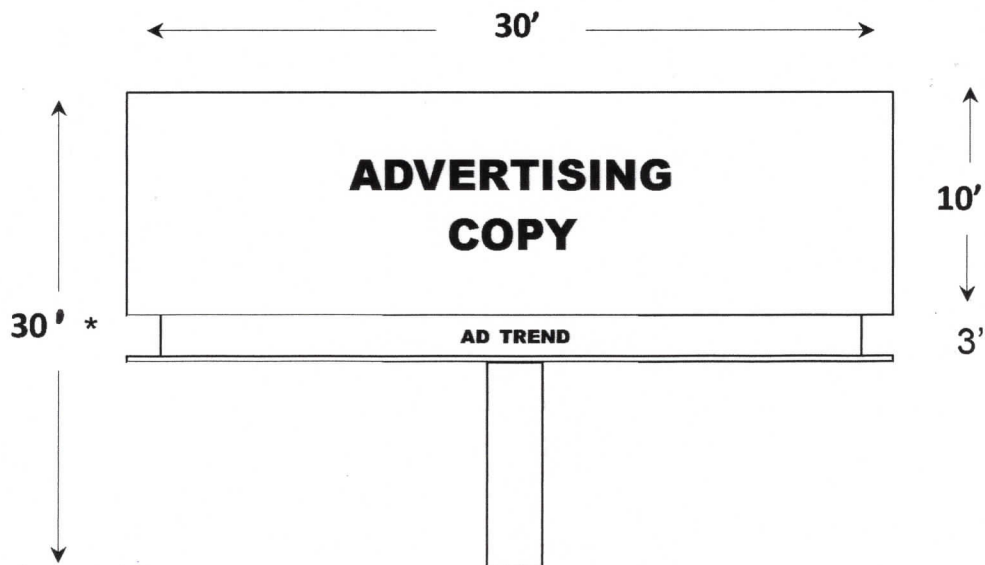
1. **Recommend approval to the City Council, with or without conditions.**
2. **Recommend denial to the City Council.**
3. **Continue the Public Hearing to another date, time and/or place.**



Birds Eye View



Side Profile



* Height to top of sign would be 30' above the right-of-way grade from which it would be viewed.