

MINUTES – 3.21.23 – DRAFT
BONNER SPRINGS PLANNING COMMISSION MEETING
Tuesday, March 21, 2023 – Regular Meeting – 7:00 p.m.

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1. Meeting **CALLED TO ORDER** by Chair Gebauer at 7:00 p.m.

ROLL CALL

Planning Commissioners Present: Greg Gebauer; Lloyd Mesmer; Vince Bombardier; Sherri Neff; Nick Perica

Virtual: – Paul Zeps; Jason Cruse

Quorum Established

Staff Present: Mark Lee, Community Development Director

2. **CONSENT AGENDA**

Item #2 – Approval of Minutes of February 28, 2023 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 Mesmer and seconded by Commissioner Perica.

Chair Gebauer called for a vote.

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

NAY – None

MOTION PASSED 7 – 0

3. **UNFINISHED BUSINESS**

None

NEW BUSINESS

Agenda Items 4, 5 and 6 were requests that required Public Hearings, the items were from the same applicant and within the same general vicinity; staff suggested one Public Hearing for all 3 agenda items but requested each be introduced and heard separately. This replaced opening and closing 3 separate Public Hearings of each item.

4. **Agenda Item # 4 – PUBLIC HEARING: Special Use Permit - SUP-01-23 – 212 W. Kump Ave – Consider a request** for the approval of a special use permit to allow for the construction of one – single-family attached dwelling unit (duplex) – as allowed for in the R-1A (Residential Special District) at the listed address.

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

Staff introduced the item, explained the location of the project and the project itself. Staff further explained that area in which this request was being made was intended to provide for a variety of housing options and styles within close proximity to downtown. Staff explained the language within the Zoning Regulations that would allow for the Planning Commission to recommend approval of the requested Special Use Permit. Staff further stated that information provided within the Commissioners packets indicates the current number of multi-family residences and their location within the block, along with a site rendering showing the positioning of the dwelling on the lot.

Chair Gebauer requested a motion to open the Public Hearing – Commissioner Perica made a motion to the **OPEN** the hearing; Commissioner Bombardier **SECONDED**.

The Public Hearing was opened at 7:05pm.

Chair Gebauer asked if there were members of the public wishing to speak in favor of the request; being none Chair Gebauer asked if there were any members of the public that wished to speak against the request.

Mike Isabell (219 W. Kump) – Mr. Isabell stated he lived directly across Kump from the proposed site. He further stated there were two things wrong with the drawings provided, one was that the house located at 209 W. Kump was an abandoned house (the owner is deceased); that is full of nothing but feral cats and that they have been trying to get the City to do something about it for quite some time but nothing has ever been done about it. He further stated that if this was allowed to be constructed that they would then have 13 of them within the area. He further spoke about the City's trash service and how they allow the trash to blow around when emptying trash cans along the street and then leave it, he went on to state that then he and his neighbor have to go pick it up, sometimes from the vacant lot in question. Mr. Isabell further spoke about the condition of the neighborhood and how it had "become a Class A dump". Further stating; him and his wife were against all three proposed sites and at one a large tree would need to be cut down and how the City has 'bragged' about being a Tree City for years and couldn't believe we would allow that to happen.

Nyoka Isabell (219 W. Kump) – Mrs. Isabell clarified her husband's comments regarding the number of units, she stated that the majority of properties around them currently, are rental properties and how they only know of one rental owner that actually cares about their property. She spoke of how the majority of rental owners in the area do little to care for their property and that they are more worried about getting people in and out when needed. Mrs. Isabell stated she felt as though the size of the lot was not adequate enough to support the construction of a duplex unit. Mrs. Isabell spoke about the speeding cars along Kump during school zones, and how if more families and more cars are allowed it could prove to be dangerous. She further stated that of the houses along their side of Kump (north) that there were only two homes that were owner occupied and they feel as though they are being squeezed out by rental properties.

Alex Loeffler (211 W. Kump) – Mr. Loeffler began by relaying some historical information about the lot, regarding how there was a single family home on the parcel that had caught fire around 2016 and burned to the ground. Although he did not know who's hands the ownership had fallen into after that time but that it had always been a struggle to have the parcel maintained. Mr. Isabell stated that he, for years, has reached out to the former and current Code Enforcement Officer asking why the lot is being maintained as it had grass one foot tall on it, staff stated that by the Municipal Code it is not in violation until it is in excess of 12 inches. Mr. Loeffler stated that living directly across from the lot that it should be constructed as a single family home and not a duplex. He further agreed with the previous individuals that they feel as though there are too many multi-family residences currently in existence in the general area and no more should be allowed. Expressed concerns about 'another' rental not being maintained.

Lalo Salazar – Emerald Homes (Builder/Owner) – Mr. Salazar stated that he had grown up in this neighborhood, was from Bonner Springs and was still building homes within Bonner Springs up until recently. He expressed his joy in what he thought would bring something new to this area and neighborhood that he grew up in. He spoke to the fact that they pay an individual to mow that lot every two weeks and sometimes weather gets in the way of that happening. Mr. Salazar further spoke to the fact that builds a quality home and that these would be no different potentially bringing ‘good neighbors’ to the area. Their intent was to keep these structures up in appearance and make them a good addition to the area. Mr. Salazar brought a set of blueprints to indicate what the duplex would look like and showed them to the Commission and neighbors that were present.

Alex Loeffler – Asked if these were going to be low-income rentals.

Chair Gebauer stated some of the questions and concerns were not issues that the Planning Commission were tasked with and they were there today to determine if the request fit in to the Zoning District and if the request was applicable. But that the Commission sympathized with their concerns.

Staff explained that the intent behind the R-1A (Residential Special District) Zoning District was to provide for a wide variety of housing options, from single family detached, single family attached to multifamily. Staff presented a map and indicated where the differing housing styles were present currently, as well as the number of units in each.

Mr. Loeffler asked if we were not taking into consideration the number of low-income properties directly north of them on Insley Avenue.

Staff spoke to fact of what is required to be officially considered ‘low-income’ and how this owner had not proceeded down that path. Staff further stated that it was their understanding that these would be of moderate income rental potential.

Lesa Salazar – Emerald Homes (Owner) – Mrs. Salazar spoke to the fact they have three other rentals within Bonner Springs that have had the same tenants in them for many years (4-7) and that they did not want tenants in their units that were going to tear them up. She stated they run fairly thorough background checks as well. Mrs. Salazar stated to the neighbors that they should not be overly concerned with whom their tenants might be, because as the owners of the units they wanted them to remain a nice fixture for the neighborhood and not fall apart and become an issue.

Commissioner Zeps stated he was confused and needed some clarification – he asked if it was the applicants responsibility to have dealt with the burnt out house, the trash blowing around the neighborhood and the “cat urine house” and wondered if they (the applicants) were being blamed for these things? Commissioner Zeps further stated that the only reason he could see why these should not be allowed is if, in fact, the applicant was truly responsible for these items raised by the neighbors.

Staff stated these things are not the responsibility of the applicant. Staff further stated; he felt the neighbors were trying to express their concerns with the quality and condition of the neighborhood currently but that these items were not caused by nor the responsibility of the applicant. There was follow up discussions whether the applicant had been cited for any code violations regarding tall grass, staff could not verify that the applicant had ever been cited.

Commissioner Zeps stated that he was attempting to tie the items the public was unhappy about to anything the applicant had done or was responsible for, but that he could not come to that conclusion.

Mrs. Isabell approached the podium and clarified the comments that had been made by herself, her husband and the other neighbors. She stated their main issue was that, the existing landlords do not appear to care about, nor care for their properties and they are concerned that a new landlord/owner will fall into the same category and they will left with more of the same issues they currently deal with.

Chair Gebauer asked if there was anyone else from the public that wished to speak or if any of the Commissioners had questions or comments.

Commissioner Mesmer stated that he felt the Planning Commission did not have the ability to turn down the application based on the comments made by the public, trash blowing around, the condition of the surrounding neighborhood and other comments were not the fault of the applicant and they could not be held responsible for these complaints.

Commissioner Perica stated if the city is made aware of existing problems then the city needs to address them. He challenged the city to step up and rectify the violations in an appropriate manner.

Chair Gebauer called for a motion on the request. Commissioner Mesmer made a motion to **APPROVE** the requested Special Use Permit with staff recommendations. Commissioner Bombardier **SECONDED** the motion.

Chair Gebauer asked staff for a Roll Call vote

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

NAY –

ABSTAIN - None

MOTION PASSED 7 - 0

PUBLIC HEARING REMAINED OPEN

5. Agenda Item # 5 - Special Use Permit – SUP-02-23 – 209 Shadyside Avenue - Consider a request for the approval of a special use permit to allow for the construction of one – single-family attached dwelling unit (duplex) – as allowed for in the R-1A (Residential Special District) at the listed address.

Chair Gebauer introduced Item #5 and asked for staff's report.

Staff introduced the item, explained the location of the project and the project itself. Staff further explained that area in which this request was being made was intended to provide for a variety of housing options and styles within close proximity to downtown. Staff explained the language within the Zoning Regulations that would allow for the Planning Commission to recommend approval of the requested Special Use Permit. Staff further stated that information provided within the Commissioners packets indicates the current number of multi-family residences and their location within the block, along with a site rendering showing the positioning of the dwelling on the lot.

Chair Gebauer asked if there was anyone wishing to speak for or against the item. Staff stated to Commissioner Cruse and Commissioner Zeps that the public/neighbors had left and the only individuals left in the room were fellow Commissioners and the applicants.

Chair Gebauer called for a motion on the request. Commissioner Mesmer made a motion to **APPROVE** the requested Special Use Permit with staff recommendations. Commissioner Neff **SECONDED** the motion.

Chair Gebauer asked staff for a Roll Call vote

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

NAY –

ABSTAIN - None

MOTION PASSED 7 - 0

PUBLIC HEARING REMAINED OPEN

6. Agenda Item # 6 - Special Use Permit – SUP-03-23 – 224 Coronado Road - Consider a request for the approval of a special use permit to allow for the construction of one – single-family attached dwelling unit (duplex) – as allowed for in the R-1A (Residential Special District) at the listed address.

Chair Gebauer introduced Item #6 and asked for staff's report.

Staff introduced the item, explained the location of the project and the project itself. Staff further explained that area in which this request was being made was intended to provide for a variety of housing options and styles within close proximity to downtown. Staff explained the language within the Zoning Regulations that would allow for the Planning Commission to recommend approval of the requested Special Use Permit. Staff further stated that information provided within the Commissioners packets indicates the current number of multi-family residences and their location within the block, along with a site rendering showing the positioning of the dwelling on the lot.

Chair Gebauer asked if there was anyone wishing to speak for or against the item.

Chair Gebauer called for a motion on the request. Commissioner Mesmer made a motion to **APPROVE** the requested Special Use Permit with staff recommendations. Commissioner Bombardier **SECONDED** the motion.

Chair Gebauer asked staff for a Roll Call vote

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

NAY –

ABSTAIN - None

MOTION PASSED 7 - 0

Chair Gebauer asked for a **motion to close the Public Hearing** – Commissioner Mesmer made a motion to close the hearing, Commissioner Perica seconded. Public Hearing was closed at 7:55pm.

7. Agenda Item # 7 - Site Plan - ST-01-23 – Consider a site and landscape plan for 11733 Kaw Drive – Built to Fit, Inc.

Chair Gebauer introduced Item #7 and asked for staff's report.

Staff introduced the item, explained the location of the project and the project itself. Staff further explained that area in which this request was being made and the requirements of the Site and Landscape Plan.

Staff stated that as submitted, the plan did not meet the regulations as set forth and that the applicant had been made aware. Staff further stated that if the item were approved with staff stipulations, the application for building permits would not be issued until the incorrect items had been addressed by the stipulations.

Chair Gebauer asked if there were any questions from the Commission.

Commissioner Zeps stated that from the stipulations presented by staff, he felt as though they needed to be denied and required to bring forth a correct version. Staff explained that in the stipulations listed, there are only 3 or 4 items that were actually in error and the majority of the others are standard recommendations that go along with all Site and Landscape submittals.

Chair Gebauer called for a motion.

Motion to **APPROVE** the Site and Landscape Plan with staff stipulations was made by Commissioner Perica and **SECONDED** by Commissioner Mesmer.

Chair Gebauer asked staff for a Roll Call vote

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

NAY –

ABSTAIN - None

MOTION PASSED 7 - 0

8. Agenda Item # 8 - PUBLIC HEARING: Zoning Ordinance Amendment - BSZO-01-23 -

Accessory building size restrictions in the AG, A-1, R and R-S Zoning Districts.

Chair Gebauer introduced Item #8 and asked for staff's report.

Staff explained the unintended consequences that were brought about from the most recent iteration of the regulations and how it could pose undue or unnecessary harm or hardships upon large acreage owners and agricultural use area. Staff spoke of the worksessions we had concerning the regulations and how staff had incorporated recommendations into the revised set of regulations.

Chair Gebauer asked for a motion to **OPEN** the public hearing; motion was made by Commissioner Perica and **SECONDED** by Commissioner Bombardier. Public Hearing was opened at 8:13pm.

Chair Gebauer asked if there were any members of the public that would like to speak in favor or against the proposed revisions or questions from the Commission. Being none, Chair Gebauer asked for a motion to close the hearing; motion to **CLOSE** the hearing was made by Commissioner Neff and **SECONDED** by Commissioner Perica.

Chair Gebauer called for a motion.

Motion to **APPROVE** the revisions to the Zoning Regulations regarding accessory buildings was made by Commissioner Perica and **SECONDED** by Commissioner Bombardier.

Chair Gebauer asked staff for a Roll Call vote

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

NAY –

ABSTAIN - None

MOTION PASSED 7 - 0

9. Agenda Item #9 OPEN AGENDA – None

10. Agenda Item #10 COMMUNITY DEVELOPMENT DIRECTOR'S REPORT

April Meeting Agenda Items

1. Lot Split – 13901 Archer Road
2. Special Use Permit – 11845 Kaw Drive

May Meeting Agenda Item

1. Board of Zoning Appeals – 143 W. Insley
 - i. Request for Variance from the approved sign regulations
2. Vacation of Right of Way – 518 N. Nettleton Ave

Chair Gebauer adjourned the meeting at 8:17pm.