

MINUTES – 4.18.23
BONNER SPRINGS PLANNING COMMISSION MEETING
Tuesday, April 18, 2023 – Regular Meeting – 7:00 p.m.

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1. Meeting **CALLED TO ORDER** by Chair Gebauer at 7:03 p.m.

ROLL CALL

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

2. **CONSENT AGENDA**

Item #2 – Approval of Minutes of March 21, 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 Neff.

Chair Gebauer called for a vote.

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

NAY – None

MOTION PASSED 7 – 0

3. **UNFINISHED BUSINESS**

None at this time

NEW BUSINESS

4. **Agenda Item # 4 – Lot Split – LS-01-23 – Consider a Lot Split** presented by Hahn Surveying; on behalf of the property owner, Sharon Spencer - The applicant is proposing to split an existing tract/parcel (13901 Archer Road), this shall be the final lot split allowed for these parcels; any subsequent request shall follow the procedures for platting property.

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 explained this would be the final time this parcel would be allowed to be split without being required to plat the property.

Chair Gebauer asked if there were any questions of staff.

Commissioner Mesmer asked about the “jogs” in the property lines along the south side and if those were being done in order to meet the 20-acre minimum lot size requirement. Staff stated, yes that was

the case. If the property lines had been drawn/surveyed straight, the lot sizes would not have met the minimum.

Chair Gebauer called for a motion on the request. Vice-Chair Clark made a motion to **APPROVE** the requested Lot Split with staff recommendations. Commissioner Bombardier **SECONDED** the motion.

Chair Gebauer asked staff for a Roll Call vote

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

NAY –

ABSTAIN - None

MOTION PASSED 7 - 0

5. Agenda Item # 5 - PUBLIC HEARING – SUP-04-23 - The applicant is requesting a Special Use Permit to allow for the installation and positioning of six (6) storage containers for contractor usage and one (1) storage container to serve as an office for the facility all to be located within the facilities fenced lot.

Staff introduced the item, explained the location of the project and the project itself. Staff noted the number of stipulations that were placed upon the approval and how the majority dealt with the placement of the containers, the condition they must be kept in and the number of containers that can be present on-site without prior special use permits being applied for and approved – prior to the placement of additional containers – if requested. Staff further stated that due to complaints from the general public, additional screening was also being required, the current screening is not indicative of what the zoning regulations require.

Staff explained that storage containers are not addressed within the Zoning Regulations but are addressed within the Municipal Code. That language states –

“The use of storage pods and similar metal containers used for the storage of materials, possessions, products or other items may be permitted for no more than two (2) months in any twelve (12) month period, which may be consecutive or non-consecutive. Containers must be positioned or located on private property on a driveway or other improved surface. Storage containers shall not be positioned or located in the yard and shall not be placed in the public right of way, easement, public street or any public property without prior written permission from the City. (Code 2014)”

Chair Gebauer requested a motion to open the Public Hearing – Commissioner Mesmer made a motion to **OPEN** the hearing; Vice-Chair Clark **SECONDED**.

The Public Hearing was opened at 7:17pm.

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, being none; Chair Gebauer asked if there where any questions of staff.

Commissioner Mesmer asked; “if this is passed does it mean there will be no more allowed on this site?” Staff stated; there is a stipulation included by staff that states, “Any increase in additional storage containers on-site shall initiate further Special Use Permit applications and hearings as required by the Zoning Regulations prior to the receipt and placement of said containers.”

Commissioner Mesmer asked if he would be allowed to request further special use permits to place more containers on-site. Staff stated that yes, he could in fact do this per staff’s stipulations. Staff further stated that if the applicant abides by the stipulations put in place, and the containers are moved and kept in a presentable manner, that this act would lend itself to further approvals but that nothing would guarantee approval and each special use request would be addressed on a case-by-case basis.

Commissioner Mesmer commented that he did not want to put the Planning Commission “between a rock and a hard place” when and if it came to approving or denying a future request.

Staff further stated if the Commission recommends approval and the Governing Body passes the Ordinance granting approval and the applicant does not abide by the stipulations, then they Governing Body has the authority to revoke the special use permit and the containers would then be on-site illegally and would be required to be removed from the site per the Municipal Code.

Commissioner Neff asked if the Commission were to recommend approval, are we setting some sort of precedent for others to want the same thing? Staff stated they needed to start addressing containers on a wider scale and come up with regulations for them. We spoke of how the uses of containers are becoming more varied and numerous and how this may lend itself to special use permits being issued for any use requesting storage containers, with strict stipulations being placed upon their uses along with standard regulations addressing appearance, location, etc.

Commission Bombardier asked how the storage containers came to be on the lot currently. The applicant was not present and staff did their best to explain what they believe occurred – the applicant allowed storage for a snow plow/landscape contractor – this contractor utilizes these containers during the winter months at various sites around the metro area. They take the containers and drop them in large parking lots for storage of various materials and equipment that is used during snow and/or ice removal at these sites, therefore eliminating the need to track items back and forth from numerous areas. Now that winter is over, they have all made their way back to the storage facility.

Staff further explained the initial discussions and plan that the applicant had and how those intentions seemed to wain as we got further into the process of his first special use request, this request never occurred though and the applicant proceeded with his storage yard construction as approved.

With no applicant or public in attendance, Chair Gebauer called for a motion to CLOSE the Public Hearing; a motion to **CLOSE** the Public Hearing was made by Commissioner Mesmer and **SECONDED** by Vice-Chair Clark.

Public Hearing was closed at 7:24pm

Commissioner Mesmer asked staff if the applicant had agreed to the stipulations placed on them by staff, and if the Commission needed to implement a timeline or timeframe in which the applicant had to abide by the stipulations. Staff stated they had not heard a reply from the applicant but that they did receive the staff report with the stipulations in it. Staff further stated that if the applicant chose not to abide by the stipulations, then they were in fact already in violation of the Municipal Code and the next step would be a violation notice stating that they must be removed and proceed through the violation process as any other code violation would.

There was debate on whether a timeframe should be included in the stipulations, staff felt this was not necessary as they felt the applicant was more than amicable to the scenario.

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

Chair Gebauer asked staff for a Roll Call vote

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

NAY –

ABSTAIN - None

MOTION PASSED 7 - 0

6. Agenda Item # 6 – Open Agenda

None at this time

7. Agenda Item # 7 – Community Development Directors Report

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

Request for Proposals and in-person presentations for the Planning Sustainable Places Downtown Master Plan were reviewed by a multi-member steering committee on April 28th. We had two firms reply to the RFP – Olsson and Lamar Johnson Collaborative, the steering committee chose LJC as the firm to work on and produce out Downtown Master Plan. Staff will keep the Commission updated as this progresses.

Chair Gebauer adjourned the meeting at 7:33pm.