

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

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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 Commissions 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 determinate 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.