



City of Bonner Springs

KANSAS

Tuesday, November 19, 2024

200 East Third Street, Bonner Springs, KS 66012
Bonner Springs City Hall
Council Chambers

PLANNING COMMISSION MEETING - 6:30 p.m.

The meeting is open to the public.

PLANNING COMMISSION MEETING - 6:30 PM

CALL TO ORDER - ROLL CALL

CONSENT AGENDA

1. Approval of the minutes of the October 15, 2024 meeting.

Action Make a motion to approve, amend or deny the minutes as presented

Recommendation Staff recommends approval of the minutes as presented

Documents:

1. 10.15.24 PC Minutes

OLD BUSINESS

NEW BUSINESS

1. Request for Rezoning - BSRZ-03-24 - Happy Hearts Working, Inc.

Action Make a motion to approve, amend or deny the requested rezoning.

Recommendation Staff recommends the Planning Commission approve the requested zoning change for 144 N. Nettleton Avenue from MC, Mixed-Commercial Use to MR, Mixed-Residential District.

Documents:

1. Complete Agenda Item - 144 N. Nettleton Ave - BSRZ-03-24 - Rezoning

2. Special Use Permit - SUP-03-24

Action Make a motion to approve, amend or deny the Special Use Permit as presented

Recommendation Staff recommends that the Planning Commission approve the Special Use Permit to allow for the construction of a monopole communication tower for Evergy, with staff recommendations.

Documents:

1. Complete Agenda Item - SUP-03-24- Evergy Monopole

3. Replat - FP-04-24 - Replat for The 120 on Oak

Action Make a motion to approve, amend or deny the replat

Recommendation Staff recommends that the Planning Commission approve the Replat of Lots 4, 5, 6, 18, 19 and 20 and a portion of Lots 3, 21, and a portion of Lots 7 through 17, and alley right-of-way adjacent to above said Lots, of Block 6 Tiblow with the stipulations listed in the Staff report

Documents:

1. Complete Agenda Item - Replat - FP-04-24 - The 120 on Oak

OPEN AGENDA

COMMUNITY DEVELOPMENT DIRECTOR'S REPORT

ADJOURNMENT



City of Bonner Springs

KANSAS

Planning Commission Minutes - Regular Meeting - October 15, 2024

PLANNING COMMISSION MEETING - 7:00 PM -

CALL TO ORDER - ROLL CALL - Sherri Neff was present via Zoom and Paul Zeps was absent.

CONSENT AGENDA -

Approval of the minutes from the September 17, 2024 meeting - Lloyd Mesmer had a concern about the BZA-06-24 Variance Request being tabled until this meeting and there is nothing on tonight. Mark Lee stated the applicant reached out via email and requested the item be moved to a later agenda due to some health concerns they were dealing with at the time. Mesmer says we have it on record now, and it is tabled.

Lloyd Mesmer moved Larry Clark seconded to approve the minutes of the September 17, 2024, Planning Commission Meeting as presented.

OLD BUSINESS -

NEW BUSINESS -

FP-03-24 - Replat - Consider the replat of Tract A of Deerfield Village - The property is currently zoned as MR mixed residential district and reserved for apartments on the recorded final plat of Deerfield Village approved and filed in 1987.

That area is vacant and the replat will subdivide the property into 2 lots, allowing construction of a 3-story senior living residential building on lot one. The building will consist of 48 dwelling units spread across three floors. The proposed replat includes two mixed residential lots with an average lot size of 4.3 acres and both of the lots once split will still remain mixed residential. The property abuts Kansas Ave on the north and 132nd Street to the west and east is True Value and Dollar Tree.

Larry Clark had a question about the use of the villas. Will they be subsidized housing, or will the rent be market rate?

Tom Solon of AMD Partners, representing the ownership development group, stated it is a tax credit deal through the State of Kansas and will be subsidized housing for 55 and older.

Larry Clark moved that it be approved subject to staff stipulations. Lloyd Mesmer seconded to approve FP-03-24 Replat of Tract A of Deerfield Village. Motion passed.

This will be at the City Council Meeting on November 11, 2024.

Consider Amendments to the By-Laws of the Planning Commission - Elections moved to January

Start time will be 6:30 unless Board of Zoning Appeals goes over.

Adjust the Order of Business to match the current agenda format

The Planning Commission Meeting will go no longer than 10:30 p.m.

Mark Lee will look into the end time for Board of Zoning Appeals and start time for the Planning Commission.

Chair Gebauer asked what maximum amount of time the Board of Zoning Appeals can go? Mark Lee stated there is no time limit on Board of Zoning Appeals meetings.

Mark Lee also stated that there are no Board of Zoning Appeals by-laws that he has found, but we should have something.

Chair Gebauer stated could they mirror the Planning Commissions with the addendum that they are for Board of Zoning Appeals by-laws? Mark Lee will look into it.

Lloyd Mesmer motioned Nick Perica seconded to approve the amendments to the By-Laws of the Planning Commission.

2024-2026 Application and Review Submittal Calendar - Planning Commission Meeting Dates -

OPEN AGENDA -

COMMUNITY DEVELOPMENT DIRECTORS REPORT - Review the updated submittal and meeting schedule

November meeting -

Special Use Permit and Variance Request - Evergy monopole communication tower at Nettleton and Metropolitan.

Replat 120 Oak St

Sandstone Townhomes opening has been delayed. Evergy is working on providing power to the site as well as throughout the neighborhood.

Apartments north of Academy Bank are still moving. They will still need to plat the property.

Mattel has not closed on the lots yet and is still working with the City on incentives. Still in discussions.

Quik Trip plans are approved and we are still talking about the sign. They will be sending it out for bid and start early next year.

ADJOURNMENT - 7:26 p.m.

Memorandum

Date: November 19, 2024
To: Mayor and City Council
From: Mark Lee

Subject: Request for Rezoning - BSRZ-03-24 - Happy Hearts Working, Inc.

Recommendation: Staff recommends the Planning Commission approve the requested zoning change for 144 N. Nettleton Avenue from MC, Mixed-Commercial Use to MR, Mixed-Residential District.

Action: Make a motion to approve, amend or deny the requested rezoning.

Background: Happy Hearts Working, Inc is a local organization that provides connections for adults with intellectual and developmental disabilities, to jobs and volunteer opportunities, along with programs designed for life skills and social skills development.

The current zoning of MC, Mixed-Use Commercial does not allow for “Group Homes” as a use but does allow for Multi-Family Dwellings. The building at 144 N. Nettleton has living spaces located on the upper floor which would work perfectly for providing a semi-independent living scenario for some of their associates. The request to rezone the property to MR. Mixed-Residential District allows for these living arrangements to occur, while also allowing for the continued operation of the Happy Hearts Working “day programs” to operate as they have for years.

Discussion: Staffs report is attached.

Financial Impact:

City of Bonner Springs

Agenda Item Cover Sheet

Agenda Item No. 4

BSRZ-03-24
REZONING

Topic: PUBLIC HEARING - Rezoning – BSRZ-03-24 – Happy Hearts Working, Inc. – 144 N. Nettleton Avenue - Consider a request for rezoning – the applicant is requesting a change in zoning for 144 N. Nettleton Avenue. The requested change is from MC (Mixed Commercial District) to MR (Mixed Residential District). The request is to allow for the organization Happy Hearts Working, Inc. to move operations to this new location while providing for semi-independent living options for some of their associates in the upper level.

Narrative:

Happy Hearts Working, Inc is a local organization that provides connections for adults with intellectual and developmental disabilities, to jobs and volunteer opportunities, along with programs designed for life skills and social skills development.

The current zoning of MC, Mixed-Use Commercial does not allow for “Group Homes” as a use but does allow for Multi-Family Dwellings. The building at 144 N. Nettleton has living spaces located on the upper floor which would work perfectly for providing a semi-independent living scenario for some of their associates. The request to rezone the property to MR. Mixed-Residential District allows for these living arrangements to occur, while also allowing for the continued operation of the Happy Hearts Working “day programs” to operate as they have for years.

Presented by: Mark Lee - Community Development Director

Staff Recommendation:

Staff recommends the Planning Commission approve the requested zoning change for 144 N. Nettleton Avenue from MC, Mixed-Commercial Use to MR, Mixed-Residential District.

Attachments:

Staff Report (5pgs)
Current zoning areas (included within staff’s report)
Introduction from the Director of HHW (2pgs)
Letter sent on behalf of the Director to neighbors (2pgs)

REQUEST FOR APPROVAL OF A ZONING CHANGE FROM MC (MIXED-COMMERCIAL DISTRICT) TO THE ZONING CATEGORY OF MR (MIXED-RESIDENTIAL DISTRICT) FOR 144 N. NETTLETON AVENUE.

MEETING DATE: November 19, 2024
REPORT WRITTEN: November 8, 2024
APPLICATION #: BSRZ-03-24

APPLICANT:

Carol Farnsworth, CEO (on behalf of Happy Hearts Working, Inc)
15091 158th Street
Bonner Springs, KS 66012

ENGINEER/SURVEYOR

NA

REQUEST:

The applicant is requesting approval to rezone 144 N. Nettleton Avenue from MC; Mixed-Commercial to MR; Mixed-Residential.

COMPREHENSIVE PLAN/FUTURE LAND USE MAP:

The Future Land Use Map currently designates this property as Office, this designation no longer exists within the Comprehensive Plan and was changed to Mixed-Use.

SURROUNDING ZONING:

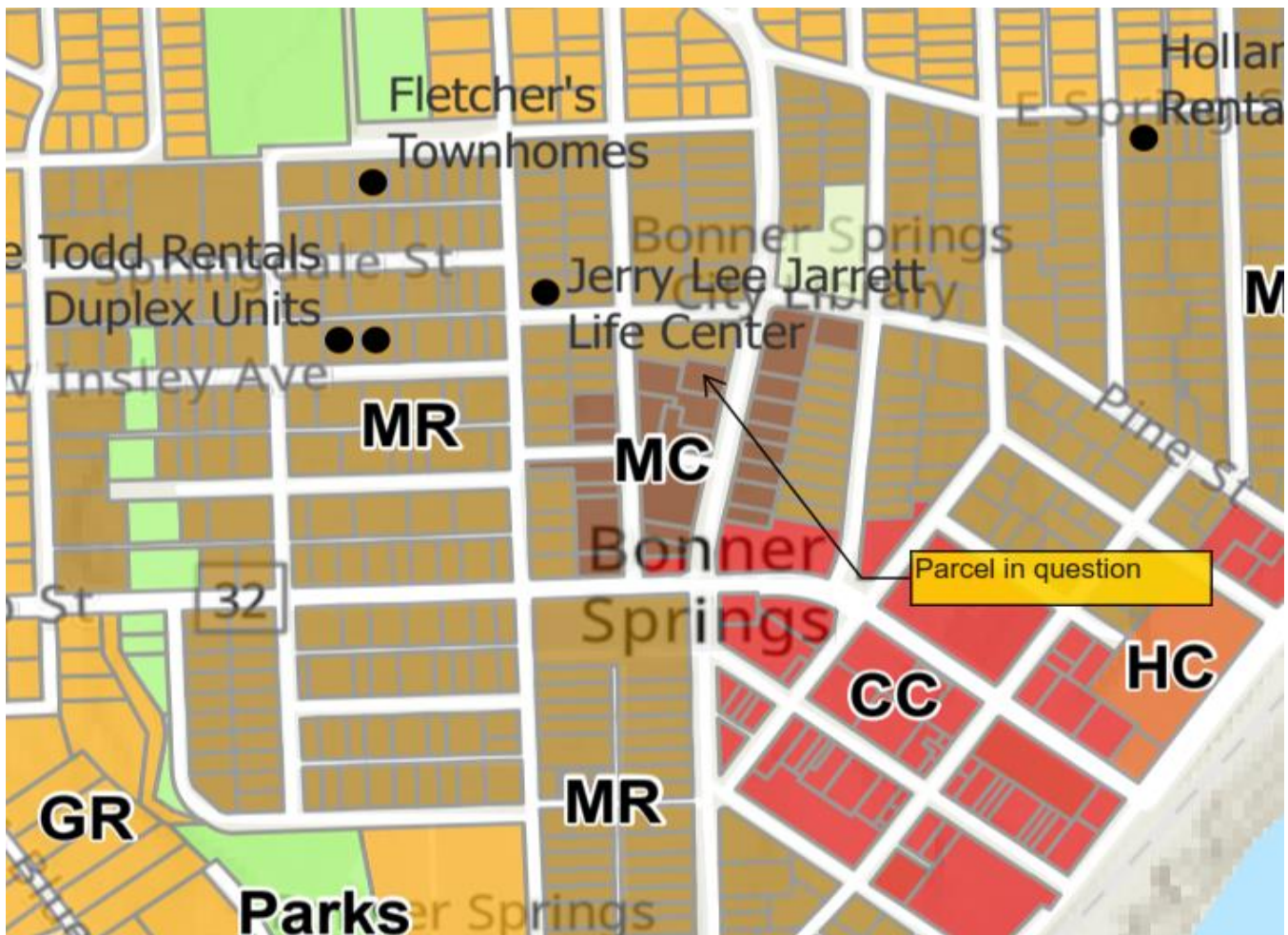
- North MR; Mixed-Residential District
- South MC; Mixed-Commercial District
- East MC; Mixed-Commercial District
- West MC and MR; Mixed-Commercial and Mixed-Residential District

BACKGROUND:

Happy Hearts Working, Inc is a local organization that provides connections for adults with intellectual and developmental disabilities, to jobs and volunteer opportunities, along with programs designed for life skills and social skills development.

The current zoning of MC, Mixed-Use Commercial does not allow for “Group Homes” as a use but does allow for Multi-Family Dwellings. The building at 144 N. Nettleton has living spaces located on the upper floor which would work perfectly for providing a semi-independent living scenario for some of their associates. The request to rezone the property to MR. Mixed-Residential District allows for these living arrangements to occur, while also allowing for the continued operation of the Happy Hearts Working “day programs” to operate as they have for years.

THE CURRENT ZONING CONFIGURATION:



THE ZONING AND USES OF THE PROPERTY NEARBY –

- North MR; Mixed-Residential District
- South MC; Mixed-Commercial District
- East MC and MR; Mixed-Commercial and Mixed-Residential District
- West MC; Mixed-Commercial District

REZONING:

Section 2.03.A.2.b 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:

- The compatibility of the existing and proposed zoning conditions to the Comprehensive Plan;
- The character of the neighborhood or built environment surrounding the affected property;
- The compatibility of the zoning and allowed uses of surrounding properties;
- The suitability of the affected property to its existing and proposed zoning conditions;
- The extent to which removal or Alteration of the existing zoning designation will negatively impact nearby property;
- The impact on the general health, safety, and welfare of the public caused by the existing and proposed zoning conditions;
- The professional recommendations of the City's staff and Development Review Team;
- The availability and adequacy of required public improvements to serve the existing and proposed zoning conditions.
- The impacts the proposed zoning condition will have on the built and natural environment, including but not limited to storm water runoff, water, air, and noise pollution, lighting, or other adverse impacts; and

- The ability of the affected Parcel to satisfy the subdivision regulations and Development Standards of these regulations under the proposed zoning conditions.

CHARACTER OF THE IMMEDIATE AREA –

The area surrounding the subject property is a mix of two zoning districts; both zoning districts allow for residential occupancy but only MR, Mixed-Residential allows for “group homes”. While a large portion of zoning surrounding this particular property is Mixed-Commercial, the vast majority of the area is residential in nature. Under the previous Zoning Ordinance, Group Homes were considered “Single Family Dwellings” and would have been allowed under those previous zoning regulations in the MX, Mixed Use District.

Previous Zoning Regulation language –

Group Home: Any dwelling occupied by not more than ten (10) persons, including eight (8) or fewer persons with a disability who need not be related by blood or marriage and not to exceed two (2) staff residents who need not be related by blood or marriage to each other or to the residents of the home, which dwelling is licensed by a regulatory agency of this state. For purposes of these regulations, group homes shall be considered single- family dwellings. (Revised, Ordinance No. 1630)



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

The property, is currently occupied by a vacant commercial structure that does allow for residential living in the upper story along with offering work space on the main (ground) level. The Future Land Use Map reflects this area as Office but this use did allow for residential living above. The rezoning of this property would adhere to that designation and surrounding zoning districts as well as current uses.

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

The zoning classification of which is being requested will remain commercial in nature and will mirror those properties in close proximity. It will more closely resemble those uses allowed within our downtown district but will remain a mix of commercial and residential uses.

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

The property has been vacant off and on for some time now but has consistently been utilized. The Mixed-Use zoning districts were recently divided between more residential mixed use; single family and multifamily combined with no commercial. While leaving a district for mixed use commercial that does allow for residential as well; in the past these residential and commercial uses were combined.

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

There would be no particular gain to the general public but it would be a valued asset and gain to the Happy Hearts Working group. The building would remain in its current form with little change to exterior or interior uses. This rezoning if denied would be a hardship upon the organization, as it would restrict their ability to grow and remain in Bonner Springs.

RECOMMENDATION OF PROFESSIONAL STAFF-

Staff would recommend approval of the requested rezoning from MC, Mixed-Commercial District to MR, Mixed-Residential.

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 Office, this use is no longer valid in our Comprehensive Plan and needs addressed. The Future Land Uses would designate this property as Mixed-Use which would coincide with the zoning district better.

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 MX districts. They should be reviewed for land use compatibility against the City's common planning principals and duly adopted Architectural Design Guidelines for Multi-family, Commercial and Industrial Zoning Districts. **Additional uses including live-work, and limited retail-commercial stores are permitted in this category under strict***

architectural and land use controls.

STAFF RECOMMENDATION:

Staff recommends the Planning Commission approve the requested zoning for 144 N. Nettleton from MC, Mixed-Commercial District to MR, Mixed-Residential District.

Staff would further recommend the following if the request is approved by the Commission.

1. If any remodeling or repairs are necessary then all construction drawings shall be submitted to the City for review and approval prior to improvements commencing
2. A building permit shall be issued for any necessary improvements.
3. In addition to the recommendations/stipulations listed within this staff report, the property owner agrees to abide by the Unified Development Ordinance of the City of Bonner Springs when applicable

If approved, this item will move to the Governing Body. The request will be presented at the December 16, 2024 regular meeting for final action.



October 8, 2024

Dear neighbors of 144 N. Nettleton,

I have been a Bonner Springs area resident my entire life, and I am a proud graduate of Bonner Springs High School (Class of 1981), along with my six McGraw siblings. Chris Wood has always been one of my favorite teachers 😊 and continues to teach me daily about "giving back!"

My parents, Gene and Helen McGraw, dedicated many hours of service within the Bonner Springs area, within the Bonner Springs Parks and Recreation Department and other departments and organizations within the city. My siblings and I always "tagged along" with our parents, learning about community service from a young age and also learning the invaluable benefits of being invested in your community.

I can remember receiving medical care as a child, in the "doctor's office" of Mitts, May and Waggoner (where the outdoor exercise area is now located), just south of 144 N. Nettleton. I can remember visiting my mom in the building of 144 N. Nettleton, when she began her career at Veterinary Medicine Publishing Company, initially in the mailroom and later as Circulation Manager. I can also remember helping my dad deliver Thanksgiving food baskets to area residents, from donations collected in the First Christian Church, and also helping collect canned goods and deliver them to First Christian Church as a student at Sacred Heart School. I can remember when Vaughn-Trent was located at South Park, by the horseshoe pits and league that my dad helped establish. I attended elementary school and attended church (Sacred Heart School and Parish) where the Bonner Springs Library is now located (Nancy Landers, who works at the Bonner Library and is a wonderful giver of her time and talent within the Bonner area, was our next-door neighbor, and is also a HHW Supervisor in our organization). HHW is blessed!

When I married my husband, Steve, in 1986, we settled in Bonner Springs and have never left the area. We've been blessed to have raised five children, some who are married now and raising children of their own. Our two youngest children, Nick and Jack (fraternal twins) are now approaching twenty-five years of age! Along with all of our children, Nick and Jack (who has Down Syndrome), have taught Steve and me the best "life lessons", with striving to be humble, kind and to be grateful for each day, as life is a precious gift, which is even more of a blessing to be shared together with others within our community. When Nick and Jack approached their junior year of high school, Nick began discussing his plans following high school; Jack asked "Where I going?" Steve and I didn't have an answer, and understood we needed to help Jack to determine his own plan following high school. With many "believers", Happy Hearts Working, Inc. was created and door opened in June, 2019, to support Jack and other HHW Associates and

families, providing opportunities for our Associates to benefit and flourish from support and guidance during activities of daily living, and live enriched, happy lives with everyone.

Our Happy Hearts Working, Inc. mission and vision is to provide an enriching Christian program for adults with intellectual and developmental disabilities. HHW is committed to implementing job connections, along with volunteer and skill-building opportunities for our Associates to lead a purposeful, joyful life shared with others!

Partnerships in the Community, where our Associates are employed, or complete volunteer work tasks and participate during activities:

Bonner Springs YMCA, Joe's Kansas City BBQ- Olathe location, St. James Academy, St. Joseph School, Bonner Springs Integrative Health, St. Ann Young Child Center, St. Ann Parish Office, Fairway Mortgage Corporation- Overland Park office location, Shawnee Golf and Country Club, Vaughn-Trent Community Services, Savior Pastoral Center, TurnStyles Thrift Store-Catholic Charities, CST Sweets/The Kansas City Brittle & Toffee Company, The Glass Cat restaurant, Holy Trinity School, Quentin's BBQ, Ten & Two Coffee Shop, Sacred Heart School, Feed His Lambs, Story Hair Salon, located just south of 144 N Nettleton 😊 and Genesis Health Club- Merriam (complimentary tennis sessions). HHW Associates partner with Bonner Springs Police Department, Parks and Recreation Department, Bonner Springs Chamber of Commerce and Basehor Chamber of Commerce to complete projects throughout the year, benefitting everyone in the community.

Our website link:

<https://www.happyheartsworking.org>

Our Facebook link:

Facebook.com/happyheartsworking

Our Intragram link:

@happyheartsworkinghq

If you'd like to visit further about Happy Hearts Working, you're welcome to email me at happyheartsworking@gmail.com, or call me at 913-706-2356.

Thank you! Have a blessed day!



Carol (McGraw) Farnsworth



10/8/2024

Hello!

My name is Carol Farnsworth, Director of Happy Hearts Working, Inc., HHW is an area organization, located just a few minutes west of Bonner Springs High School. HHW has been established for over five years and has community partnerships with businesses and programs in the Bonner Springs area like the Bonner Springs Police Department, Feed His Lambs, Vaughn Trent Community Services, Bonner Springs City Band, Bonner Springs YMCA, Quentin's BBQ, Ten & Two Coffee Shop, Story Hair Salon (just down the street), Dee Dee's (across the street), Bonner Springs Library, The Glass Cat, Lake of the Forest, just to name a few. HHW is a proud member of the Bonner Springs-Edwardsville Chamber of Commerce.

I'm informing you that a request is being submitted by HHW to the City of Bonner Springs Zoning Department, to rezone the building at 144 N. Nettleton, just south of First Christian Church. The purpose of this rezoning request is for HHW to obtain rezoning approval and to purchase 144 N. Nettleton for usage of our daily operations. Happy Hearts Working, Inc. is a nonprofit Christian-based organization, providing connections to job and volunteer opportunities, along with programs designed for life skills and social skills development, for nine adults with intellectual and developmental disabilities. HHW is currently operating at 15091 158th Street, Bonner Springs, and will be relocated to 144 N. Nettleton. All nine of our HHW Associates are actively involved with volunteering and supporting the above-noted businesses and programs in the Bonner Springs- Edwardsville and surrounding areas. Our HHW Associates would be thrilled to have the HHW headquarters located closer to their friends within the Bonner Springs community! HHW will also offer semi-independent living options on the upper level of 144 N. Nettleton, for up to four Associates in our program, with an onsite supervisor present at all times, to provide assistance as indicated to Associates throughout their day and evening activities.

HHW has an incredible staff of paid and volunteer Christian men and women supervisors, providing excellent job coaching and mentoring for our Associates, as well as fun! Our HHW supervisors actively support our Associates and believe in our HHW mission and vision "to provide an enriching Christian program for adults with intellectual and developmental disabilities. HHW is committed to implementing job connections, along with volunteer and skill-building opportunities for our Associates to lead a purposeful, joyful life shared with others!"

Happy Hearts Working "day program" will be operational for our Associates Monday through Friday, from 8:30 am to 3:30 pm, with designated days off throughout the year, including holiday observances. HHW "semi-independent residential program" will be operational for up to four Associates and a supervisor during evening hours and during weekend hours. HHW Associates will be transported by staff members to exercise, work and volunteer each day, at designated places in the community, away from our property. Essentially, HHW individuals will be away from 144 N. Nettleton during most of each day, returning to HHW for lunch, afternoon activities such as music, art/crafts, technology and continuing education sessions within our headquarters. HHW Associates will also be volunteering and actively participating in downtown Bonner activities, including attending church services during evening and weekend hours throughout the year. HHW is already "teaming up" with Bonner Springs Parks and Recreation

Department to hide candy canes for area youth in Centennial Park and also participate in the Christmas Parade on December 14th! HHW Associates would be thrilled to help friends at First Christian Church with any community projects, too!

The quiet neighborhood surroundings and landscape will remain unchanged. HHW will open at 8:30 am, with HHW individuals arriving via Tiblow Transit or RideKC public transportation, by parent vehicle or by HHW vehicle following morning rush hour; HHW will close at 3:30 pm, with HHW individuals departing our property at separate times from area schools that are dismissed in the afternoon; this alleviates concerns regarding increased traffic in our neighborhood. HHW Associates who reside in the upper level of our property will possibly be transported by a HHW supervisor in a HHW vehicle during evening/weekend activities. HHW Associates and their supervisor will enjoy walking to jobs, volunteer and social activities in downtown Bonner, weather permitting.

Our building will have a built-in alarm/security system, which alleviates safety concerns regarding foot traffic, as well as road and traffic conditions during HHW hours of operation. My 25+ years of experience as a Registered Nurse ensures that Emergency/Fire Safety measures are established and will be maintained on our property as per city, county and state codes.

Noise level changes will not be a factor, as HHW individuals will be out in the community and not on our property for most of the day and along with the onsite supervisor, will enjoy peace and quiet during evening hours. Outdoor equipment usage will not occur during HHW hours. Our building will operate using city utilities, dismissing any concern of smell/odor that could occur. Regarding chemical use, only cleaning products approved for city drainage systems will be utilized at HHW. HHW signage will be small, non-electronic and located near the entrance of our building. Water usage and dust control will not be a factor during HHW hours, since our HHW individuals are away from our property for most of the day. Alcohol and/or food services or deliveries at HHW will specifically occur during evening and weekend hours.

Parking space located along the street at the front of our property is adequate for transporting HHW individuals to and from our HHW building, ensuring a non-congested property. HHW Associates will be transported to and from the front entrance of our building during evening hours and weekends. If allowed by First Christian Church, HHW can have the option to transport Associates to and from the back entrance of our property during weekdays (Monday through Friday), which would not impede the parking lot and activities for First Christian Church members.

I'd be glad to answer any questions or concerns you may have about Happy Hearts Working, Inc. I can be reached at happyheartsworking@gmail.com. Thank you! Have a wonderful and blessed day!

Carol Farnsworth
CEO
Happy Hearts Working, Inc.
15091 158th Street
Bonner Springs, KS 66012
www.happyheartsworking.org

Memorandum

Date: November 19, 2024
To: Mayor and City Council
From: Mark Lee

Subject: Special Use Permit - SUP-03-24

Recommendation: Staff recommends that the Planning Commission approve the Special Use Permit to allow for the construction of a monopole communication tower for Evergy, with staff recommendations.

Action: Make a motion to approve, amend or deny the Special Use Permit as presented

Background: The subject property is located at 13100 Metropolitan Avenue, north of Metropolitan and west of Nettleton.

In the City's Unified Development Ordinance, Section 2.03.B states –

- (1) The purpose of this Section 2.03.B is to provide a process for reviewing and approving Special Use Permits (SUPs) when required by the Table of Allowed Uses established in Section 2.05 below.
- (2) Uses requiring a SUP are dissimilar to other uses permitted within a given zoning district, or are uses in which the product, process, mode of operation, or nature of the use may prove detrimental to the health, safety, or welfare of the surrounding built and natural environment.

Telecommunication Facilities are allowed via Special Use Permit within all zoning districts but carry Conditional Development Standards that must be adhered to. Special Use Permits are deviations from the typical uses allowed in the Unified Development Ordinance. These special uses typically have more stringent requirements placed upon them through the Unified Development Ordinance – Conditional Development Standards.

Discussion: Staff report is attached

Financial Impact:

City of
Bonner Springs
Agenda Item Cover Sheet

Agenda Item No. 5

CASE #: SUP-03-24
SPECIAL USE PERMIT

Topic: PUBLIC HEARING - Special Use Permit – SUP-03-24 – Evergy – Monopole Communication Tower– 13100 Metropolitan Avenue – Consider a request for a Special Use Permit the applicant is requesting a special use permit as required by the Unified Development Ordinance, to allow for the construction of a monopole communication tower at 13100 Metropolitan Avenue.

Narrative:

The subject property is located at 13100 Metropolitan Avenue, north of Metropolitan and west of Nettleton.

In the City’s Unified Development Ordinance, Section 2.03.B states –

- (1) The purpose of this Section 2.03.B is to provide a process for reviewing and approving Special Use Permits (SUPs) when required by the Table of Allowed Uses established in Section 2.05 below.
- (2) Uses requiring a SUP are dissimilar to other uses permitted within a given zoning district, or are uses in which the product, process, mode of operation, or nature of the use may prove detrimental to the health, safety, or welfare of the surrounding built and natural environment

Telecommunication Facilities are allowed via Special Use Permit within all zoning district but carry Conditional Development Standards that must be adhered to. Special Use Permits are deviations from the typical uses allowed in the Unified Development Ordinance, these special uses typically have more stringent requirements placed upon them through the Unified Development Ordinance – Conditional Development Standards.

Presented by: Mark Lee – Community Development Director

Staff Recommendation:

Staff recommends that the Planning Commission approve the Special Use Permit to allow for the construction of a monopole communication tower for Evergy, with staff recommendations.

Attachments:

Staff Report (5pgs)
Conditional Development Standards (2pgs)
Preliminary Zoning Drawings (5pgs)

CONSIDER APPROVAL OF A SPECIAL USE PERMIT TO ALLOW FOR THE CONSTRUCTION OF A MONOPOLE TELECOMMUNICATION FACILITY FOR EVERGY AS PERMITTED WITHIN THE UNIFIED DEVELOPMENT ORDINANCE AT 13100 METROPOLITAN AVENUE WITHIN THE RR, RURAL RESIDENTIAL ZONING DISTRICT.

MEETING DATE: November 19, 2024

REPORT WRITTEN: November 13, 2024

CASE NUMBER: SUP-03-24

APPLICANT:

- Selective Site Consultants on behalf of Evergy
7171 W. 95th Street; Suite 600
Overland Park KS 66212

REQUEST:

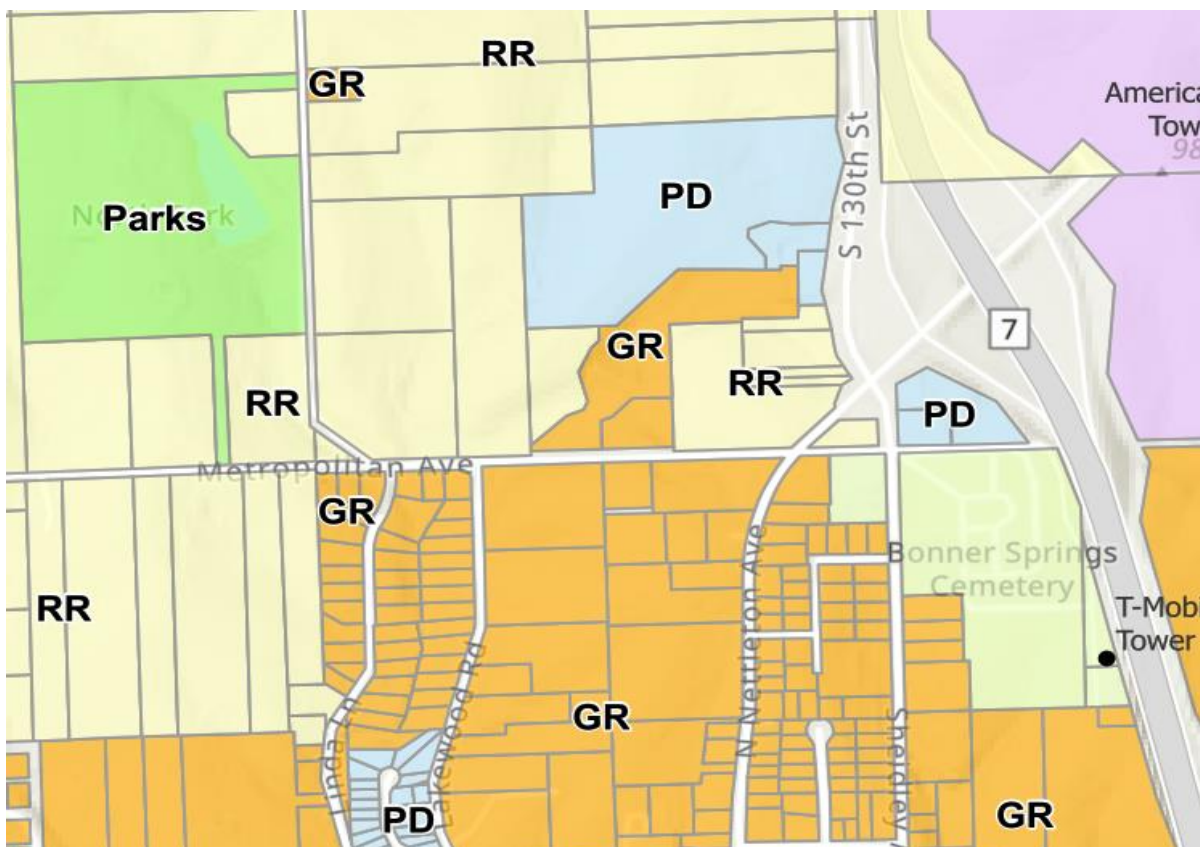
The applicant is requesting approval of a Special Use Permit to allow for the construction of a monopole telecommunications facility for Evergy as permitted within the Unified Development Ordinance.

ZONING:

The property is currently zoned “RR” Rural Residential District

SURROUNDING ZONING:

North	“RR and GR” Rural and General Residential
South	“GR” General Residential
East	“RR” Rural Residential
West	“GR” General Residential



BACKGROUND:

The subject property is located at 13100 Metropolitan Avenue, north of Metropolitan and west of Nettleton.

In the City's Unified Development Ordinance, Section 2.03.B states –

- (1) The purpose of this Section 2.03.B is to provide a process for reviewing and approving Special Use Permits (SUPs) when required by the Table of Allowed Uses established in Section 2.05 below.
- (2) Uses requiring a SUP are dissimilar to other uses permitted within a given zoning district, or are uses in which the product, process, mode of operation, or nature of the use may prove detrimental to the health, safety, or welfare of the surrounding built and natural environment

Telecommunication Facilities are allowed via Special Use Permit within all zoning district but carry Conditional Development Standards that must be adhered to. Special Use Permits are deviations from the typical uses allowed in the Unified Development Ordinance, these special uses typically have more stringent requirements placed upon them through the Unified Development Ordinance – Conditional Development Standards.

CONFORMANCE WITH THE COMPREHENSIVE PLAN:

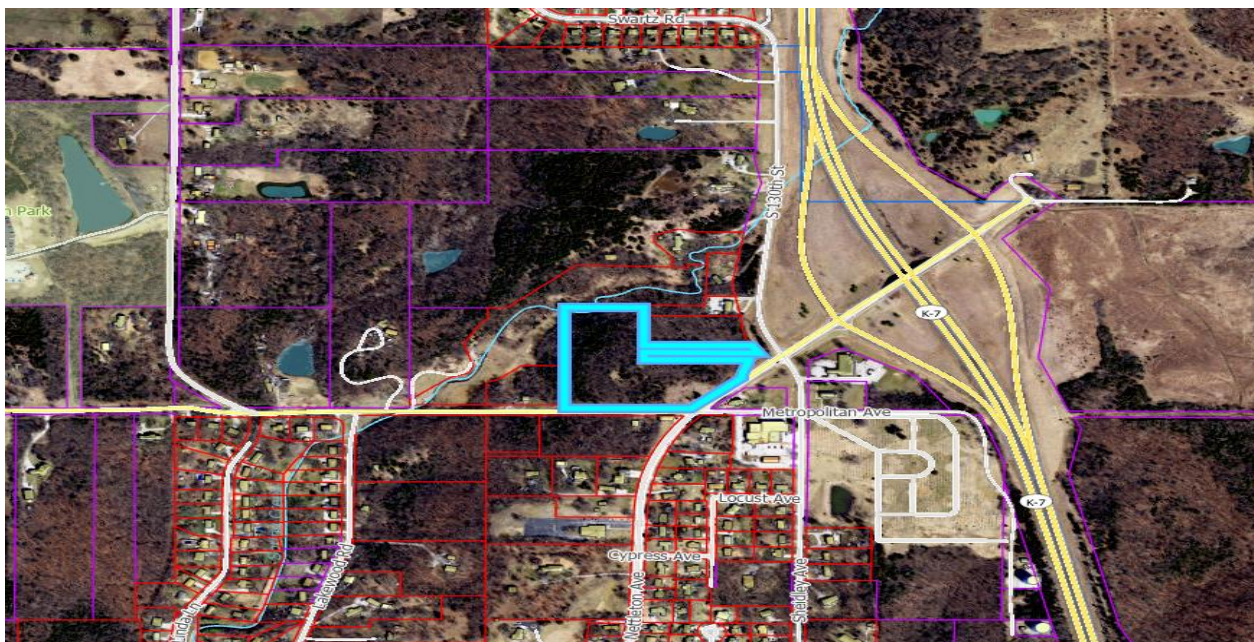
The Comprehensive Plan states that the role of the Planning Commission is to serve as an advisory board to the City Council; by conducting public hearings to obtain public opinion regarding each special use permit application. The Commission shall adopt recommendations that are forwarded to the City 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 Low Density Residential and states:

Low-Density Residential – typical residential density of 2 to 4 dwelling units per acre

This category is appropriate for single-family detached dwellings. It may also include planned public and semi-public uses considered compatible with residential uses, such as schools, religious institutions, and civic uses. This district may be modified as a 'Planned' district through the City Zoning Ordinance.



Requirements as enumerated in Section 2.03.B.2; 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;**

Telecommunication facilities are allowed in all zoning districts with the issuance of a Special Use Permit. There is list of criteria that must be adhered to in order to obtain the Special Use Permit. That list of criteria includes the following:

- Exempt Facilities
- General Requirements
- Operational Requirements
- Design Requirements

These major categories then have subsections that discuss the requirements in more depth, staff has provided them as an attachment to their report.

- 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 not contribute to and promote the welfare and/or convenience of the public. It is staff's understanding that this tower will be for Everygy communication purposes only and will not provide any service to the general public in the way of telecommunication. It may aid Everygy during emergencies or on a daily basis and be a contributing factor for their convenience, thus trickling down to promote the public welfare by aiding Everygy daily.

- 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 is currently vacant and zoned as a blanket Rural Residential. The proposed use will not cause injury to the value of any land located nearby as the tower sits on an eight (8) acre wooded parcel owned by Everygy. All associated equipment located on the ground shall be screened according to the Unified Development Ordinance.

- 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,**
All structures located at ground level will be required to be screened per the Unified Development Ordinance.

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

The property is currently vacant and would be required to adhere to the landscaping and screening requirements of the Unified Development Ordinance as listed for nonresidential, mixed-use and multi-family properties.

5. **Off-street parking and loading areas will be provided in accordance with the standards set forth in the Unified Development Ordinance, and such areas shall be screened from adjoining residential uses and located so as to protect such residential uses from any injurious effect;**

The site is accessed by an access road north of Metropolitan Avenue, any parking and loading areas should be out of site of the adjoining residential uses due to the lay of parcel.

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 and reviewed for conformance.

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 to this parcel from a new access road that will be constructed traveling north from Metropolitan, approximately two hundred and twenty-five (225') feet west of the Nettleton Avenue intersection.

STAFF RECOMMENDATIONS:

Staff recommends approval of the Special Use Permit; SUP-03-24 with the following conditions:

- 1) A site and Landscape Plan shall be submitted and reviewed for approval prior to building permits being issued.
- 2) Any area on the site used for ground equipment shall adhere to the requirements in the Unified Development Ordinance as listed in Sections 4.03 and 4.05, where applicable.
- 3) The site shall adhere to the Conditional Development Standards as listed in Section 2.06.B.27
 - a. Unless granted the appropriate height variance request
- 4) The owner/operator shall be responsible for all associated permit and review fees.
- 5) The Special Use Permit shall run in perpetuity with the parcel, unless revoked, amended or reapplied for by another user.
- 6) The Special Use Permit shall expire if the land on which the use is operated is sold, or if leased, upon termination of the lease; and
- 7) The Special Use Permit shall expire when the operation of the approved use is discontinued; and
- 8) The Special Use Permit shall not transfer to another person or to a different location; and
- 9) Special Use Permits 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.
- 10) The revocation of the Special Use Permit may occur for a violation of the Unified Development Ordinance as provided in Chapter 2; Section 2.03.B.3.d or a violation of any or all of the conditions set out in the Special Use Permit

COMMISSION 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.**

If approved this item will proceed to the December 16, 2024 City Council meeting for final action.

27. Telecommunications Facility a.

Exempt Facilities

- (1) The requirements of this **Section 2.06.B.27** shall not apply to a facility that is less than seventy (70) feet in height, and:
 - (a) Is operated by a federally-licensed amateur radio station operator; or
 - (b) Is used exclusively for receive-only antennas.
- (2) Towers owned and operated by the City shall not require approval of an SUP, but shall comply with the other requirement of this **Section 2.06.B.27**.

b. General Requirements

- (1) Telecommunications facilities shall comply with all federal regulations, including those issued by the Federal Aviation Administration (FAA) and the Federal Communications Commission (FCC).
- (2) Installation of a Telecommunication Facility, including any on-ground Improvements or towers, shall require a building permit, and must be found to meet the proper wind and structural requirements of the adopted Building Code.
- (3) Telecommunication facilities shall be inspected annually for structural and operational soundness.
 - (a) Inspections shall be made by a knowledgeable expert, as determined by the Chief Building Official.
 - (b) A copy of such annual inspection shall be provided to the City.
- (4) A Telecommunication Facility may be Attached to, or integrated with, an existing structure or detached as a standalone facility.
- (5) Co-location

All telecommunication facilities shall be designed with tower cabinets to accommodate co-location by other providers.
- (6) Removal of Abandoned Towers
 - (a) Any facility that is no longer in use or has not been used for a continuous period of twelve (12) months for its original communications purpose shall be removed at the owner's expense.
 - (b) In the case of co-location, a facility shall not be deemed abandoned until all users cease operations.

c. Operational Requirements

- (1) Telecommunications facilities shall be operated in a manner that does not cause interference with, or disruption to, public safety communications, including but not limited to police or fire departments.
- (2) In the event that the facility causes such an interference or disruption, the Applicant shall be responsible to:
 - (a) Remedy the problem within 24 hours of written notice by the City; or
 - (b) Cease operation of the facility until the problem is remedied.

d. Design Requirements

The application and approval of a Development Plan in accordance with **Section 1.04.A** above may be required by the Community Development Director in order to confirm compliance with this **Section 2.06.B.27**.

- (1) Height
 - (a) Ground components of a Telecommunication Facility, including but not limited to cabinets, housing structures, and screening walls, shall not exceed the maximum height permitted within the respective zoning district.
 - (b) Telecommunication tower height shall be restricted to the distance to the nearest property line, but shall not exceed 120 feet in height from Grade.
- (2) Lighting
 - (a) If required by federal regulations, tower lighting shall be reviewed with an application for a Special Use Permit to ensure the least amount of disturbance to surrounding views.
 - (b) Security lighting around the base of a tower and facility ground components may be provided in accordance with **Section 4.09**.
- (3) Locations and Separation
 - (a) Applications for a new Telecommunication Facility site shall include verification that all existing facilities have been approached for co-location opportunities.
 - (b) Telecommunication facilities shall not be located within one (1) mile of an existing facility without adequate proof of the need of the new facility to sufficiently serve the City.
- (4) Design Treatments
 - (a) Telecommunication facilities Attached to, or integrated with, a Building or structure shall be screened, constructed, and colored to match the structure to which they are Attached.
 - (b) Components mounted on the side of a Building or structure shall be painted to match the color of the Building or structure against which they are most commonly seen.
 - (c) Multiple antennas mounted on a single support structure should be coordinated in design, and spaced and balanced to give a planned and uncluttered appearance.
- (5) Ground equipment shall be screened from public view using a vantage point six (6) feet in height from Grade.
 - (a) Public view shall be considered the visibility of ground equipment areas from a public Right-of-Way or other public space, including but not limited to a dedicated or reserved park, plaza, mutual Access Easement, or other area intended for public gathering or use.
 - (b) Screening mechanisms shall meet the general requirements listed in **Section 4.05.C**.



APPLICANT SITE NAME:
BONNER SPRINGS

APPLICANT SITE NUMBER:
TBD

ENERGY PROJECT TYPE:
NSB

DRAWING DESCRIPTION: ZONING DRAWINGS

STAMP:

A red diagonal stamp with the text "PRELIMINARY ISSUE" in white, capital letters, oriented from the bottom-left towards the top-right.

ENGINEERING LICENSE: _____			
STATE OF <u>KANSAS</u>			
PE CERTIFICATE OF AUTHORIZATION # E-571			
ENGINEER:	PE#:	DISCIPLINE:	
KMV KEVIN M. VANMAELE	22105	CIVIL	CC
REJ ROBERT JENSEN	16096	CIVIL	CC
CG CHRISTOPHER GIANOTTI	26673	CIVIL	CC
SDK SHELTON D. KEISLING	13654	ELECTRICAL	EE
TMS TERRANCE M. SUPER	9250	ELECTRICAL	EE

[illegible]

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PLANS PREPARED FOR: 

PLANS PREPARED BY:



The logo of the Southern States Cooperative (SSC) is located in the center of the page. It features a stylized recycling symbol composed of three triangles (two blue, one orange) arranged in a circular pattern. Below the symbol, the letters "SSC" are written in a blue, sans-serif font.

DRAWING NOTICE:

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CLIPMATERIAL

SUBMITTALS:				
DESCRIPTION	DATE	BY	REV	
ISSUED FOR REVIEW	08/09/24	DSL	A	
REVISED MONOPOLE HEIGHT	09/06/24	DSL	B	

APPLICANT SITE NAME:

BONNER SPRINGS

APPLICANT SITE NUMBER: TBD

SITE ADDRESS: 13100 METROPOLITAN AVE
BONNER SPRING, KS 66012

SHEET DESCRIPTION:	SHEET #:
TITLE SHEET	T-1.0

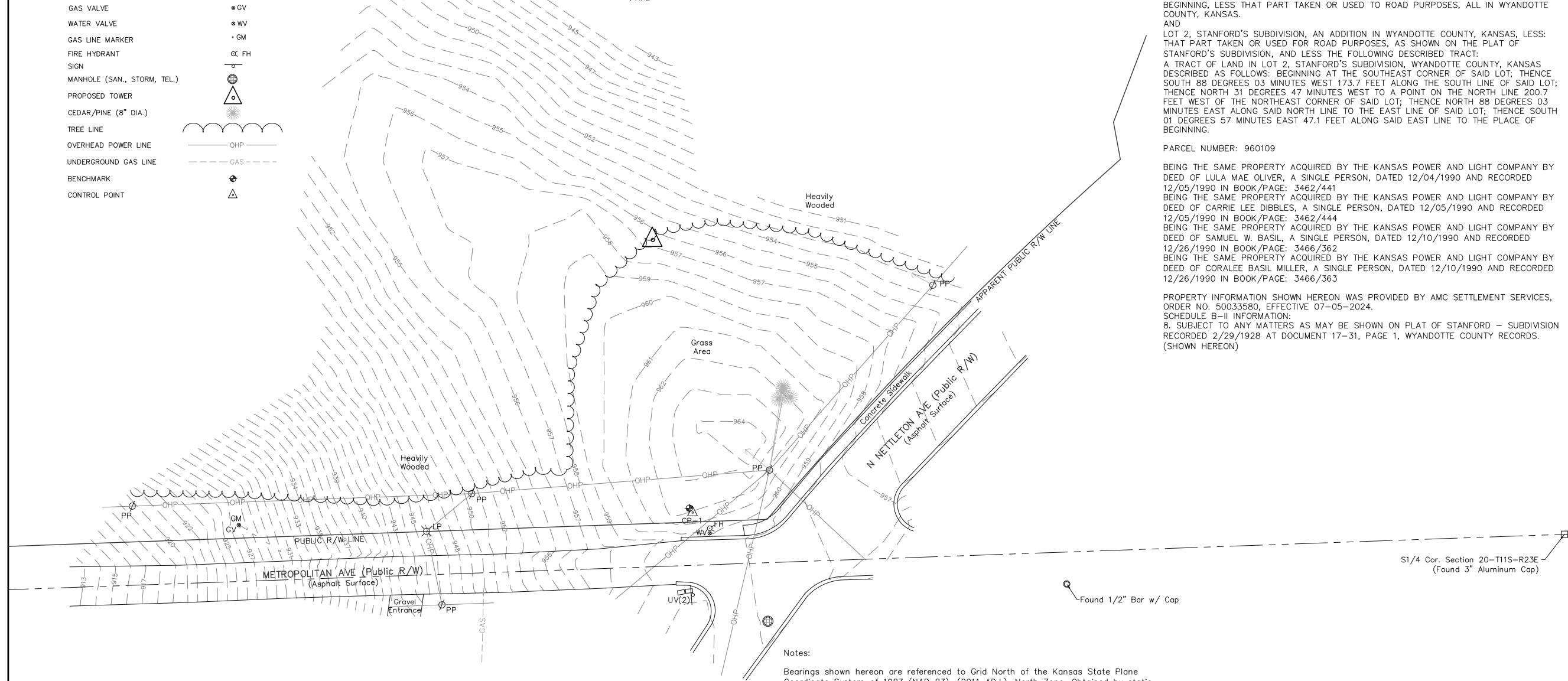
Lot 3, STANFORD SUBDIVISION,

Lot 2, STANFORD SUBDIVISION,
8. Doc. 17-31, Pg. 1

Lot 1, STANFORD SUBDIVISION,

PARENT PARCEL LINE

POWER POLE	PP
LIGHT POLE	LP
UTILITY VAULT	UV
ANCHOR	
GAS VALVE	GV
WATER VALVE	WV
GAS LINE MARKER	GM
FIRE HYDRANT	FH
SIGN	
MANHOLE (SAN., STORM, TEL.)	
PROPOSED TOWER	
CEDAR/PINE (8" DIA.)	
TREE LINE	
OVERHEAD POWER LINE	
UNDERGROUND GAS LINE	
BENCHMARK	
CONTROL POINT	



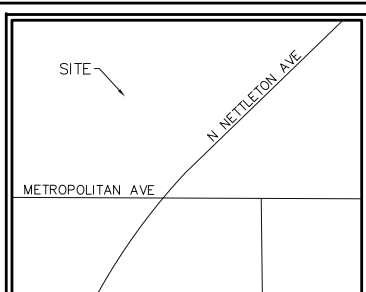
BENCH MARK
Top of 1/2" Iron Bar w/
Control Cap at CP-1
Elevation = 962.37ft

The utilities as shown on this drawing were developed from the information available (existing utility maps, aboveground observations and or surface markings placed on the ground by the utility company or a representative thereof). This company has made no attempt to excavate or go below surface to locate utilities and does not extend or imply a guaranty or warranty as to the exact location of or complete inventory of utilities in this area. It shall be the contractors responsibility to verify the location and depth of all utilities (whether shown or not) prior to excavation or construction and to protect said utilities from damage.

PROPERTY INFORMATION SHOWN HEREON WAS PROVIDED BY AMC SETTLEMENT SERVICES,
ORDER NO. 50033580, EFFECTIVE 07-05-2024.
SCHEDULE B-II INFORMATION:
8. SUBJECT TO ANY MATTERS AS MAY BE SHOWN ON PLAT OF STANFORD - SUBDIVISION
RECORDED 2/29/1928 AT DOCUMENT 17-31, PAGE 1, WYANDOTTE COUNTY RECORDS.
(SHOWN HEREON)

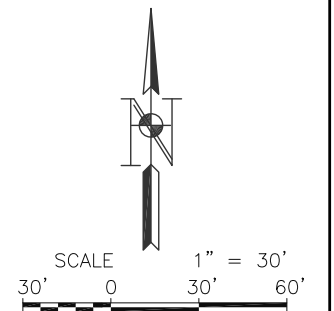
I HEREBY CERTIFY THAT A SURVEY WAS MADE BY ME, OR UNDER MY DIRECT SUPERVISION, ON THE GROUND OF THE LEASE AREA, AND ASSOCIATED EASEMENT PREMISES HEREIN DESCRIBED, AND THE RESULTS OF SAID SURVEY ARE REPRESENTED HEREON TO THE BEST OF MY PROFESSIONAL KNOWLEDGE AND BELIEF.

07-19-24: ADDED TITLE



LOVELACE & ASSOCIATES
Land Surveying - Land Planning
Telecommunications Surveys
929 SE 3rd Street Lee's Summit, Missouri 64063
Phone: (816) 347-9997 Fax: (816) 347-9979

SSC
7171 W. 95TH STREET,
SUITE 600
OVERLAND PARK, KS 66212
TELEPHONE: 913-438-7700

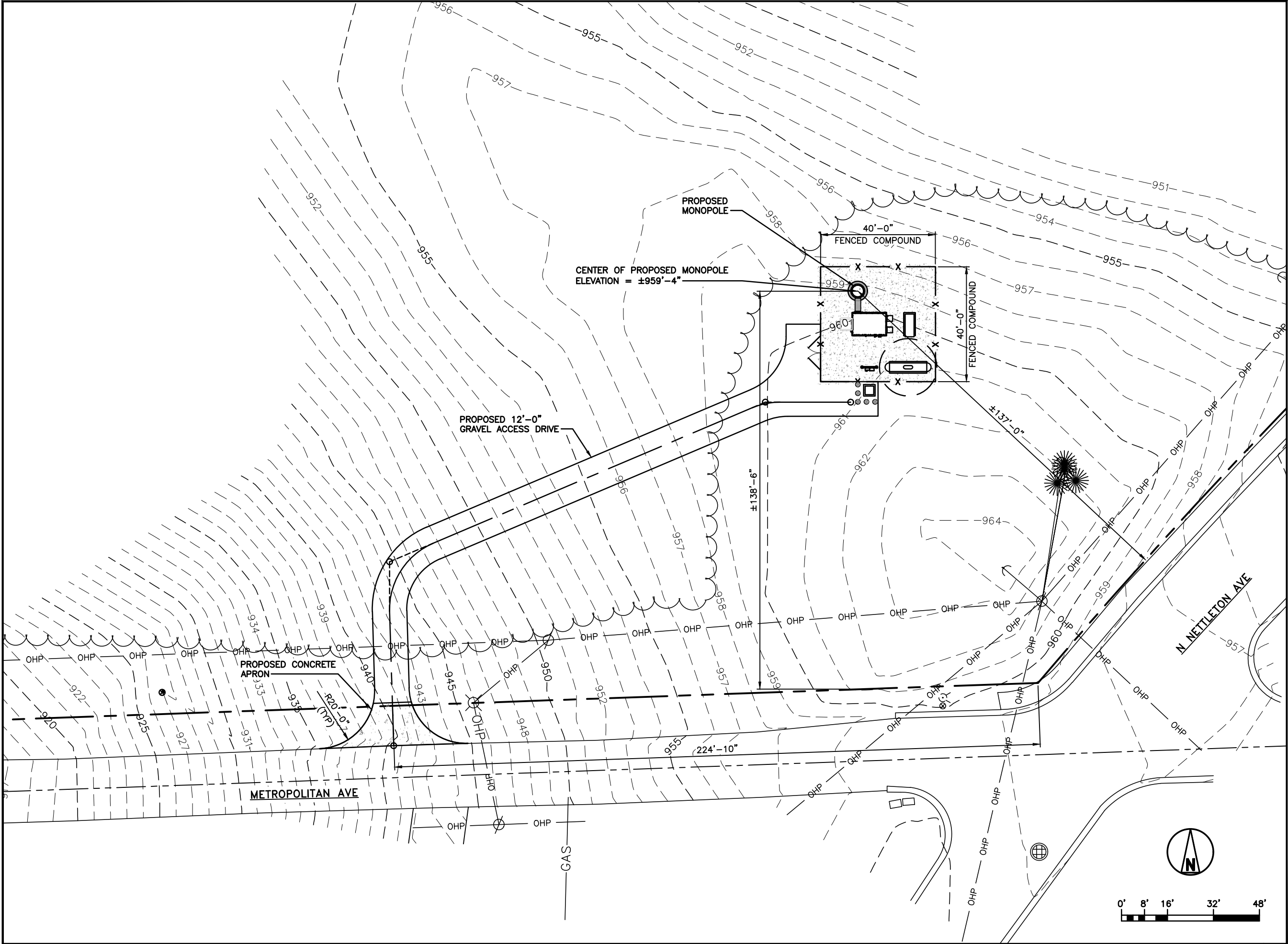


According to my interpretations of Community Panel No. 20209C0109E of the Flood Insurance Rate Map for Wyandotte County, Kansas, the subject property is in Flood Zone "X", ie. "areas determined to be outside the 0.2% annual chance floodplain".



CALL BEFORE YOU
DIG - DRILL - BLAST
CALL 811 WITHIN STATE
(DIG-SAFE)
kansasonecall.com

SHEET NUMBER
1 OF 1



STAMP:

PRELIMINARY ISSUE

ENGINEERING LICENSE:

STATE OF KANSAS

PE CERTIFICATE OF AUTHORIZATION # E-571

ENGINEER:	PE#:	DISCIPLINE:
KMV KEVIN M. VANMAELE	22105	CIVIL
REJ ROBERT E. JENSEN	16096	CIVIL
CG CHRISTOPHER GIANNOTTI	26673	CIVIL
SDK SHELTON D. KEISLING	13654	ELECTRICAL
TMS TERRANCE M. SUPER	9250	ELECTRICAL

PLANS PREPARED FOR:

PLANS PREPARED BY:

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SUBMITTALS:

DESCRIPTION	DATE	BY	REV
ISSUED FOR REVIEW	08/09/24	DSL	A
REVISED MONOPOLE HEIGHT	09/06/24	DSL	B

APPLICANT SITE NAME:

BONNER SPRINGS

APPLICANT SITE NUMBER:

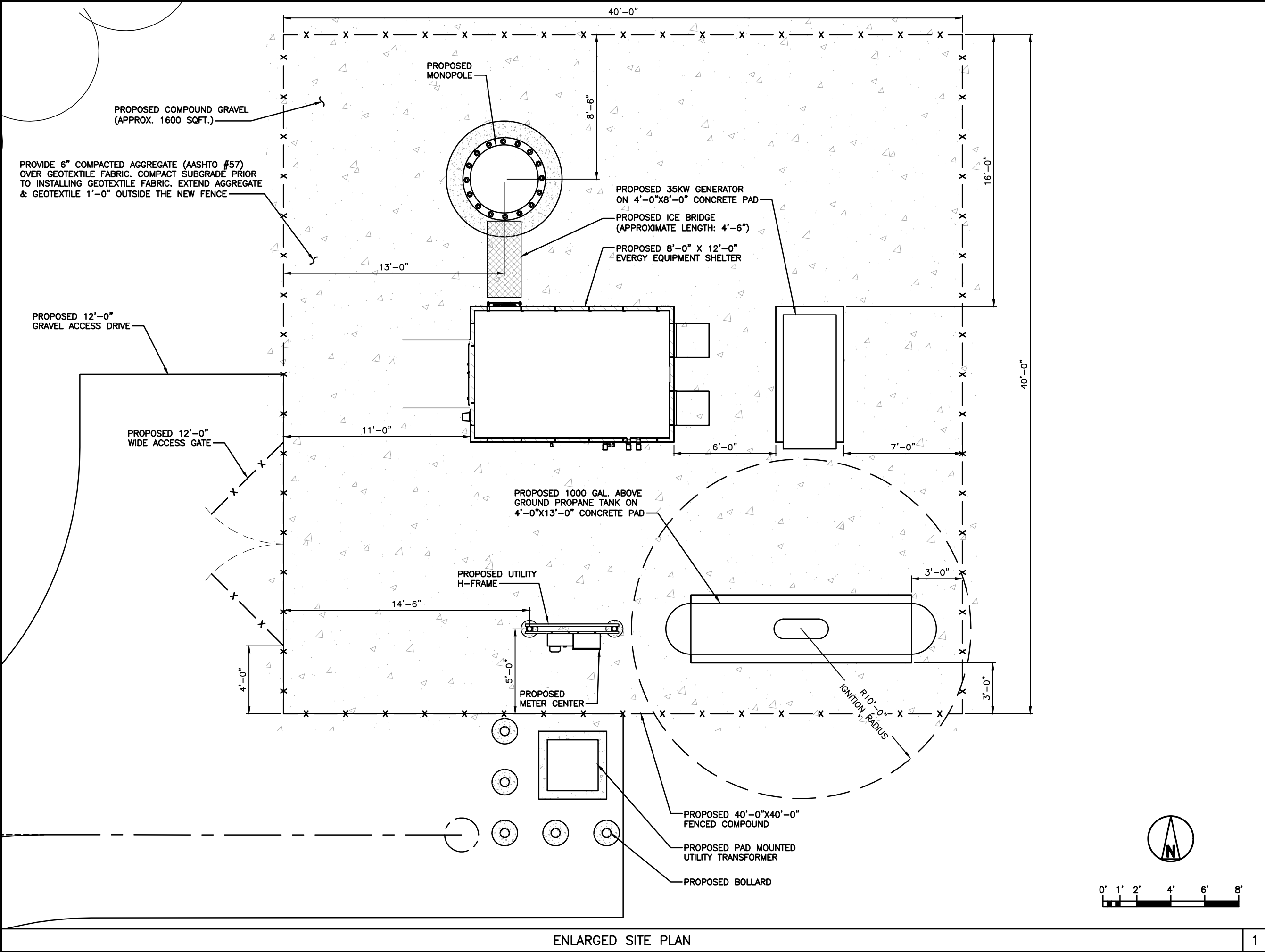
TBD

SITE ADDRESS:

13100 METROPOLITAN AVE
BONNER SPRING, KS 66012

SHEET DESCRIPTION:	SHEET #:
OVERALL SITE PLAN	A-1.0

OVERALL SITE PLAN



STAMP:

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PLANS PREPARED FOR:

evergy

PLANS PREPARED BY:

SSC

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SUBMITTALS:	DESCRIPTION	DATE	BY	REV
ISSUED FOR REVIEW		08/09/24	DSL	A
REVISED MONOPOLE HEIGHT		09/06/24	DSL	B

APPLICANT SITE NAME:

BONNER SPRINGS

APPLICANT SITE NUMBER:

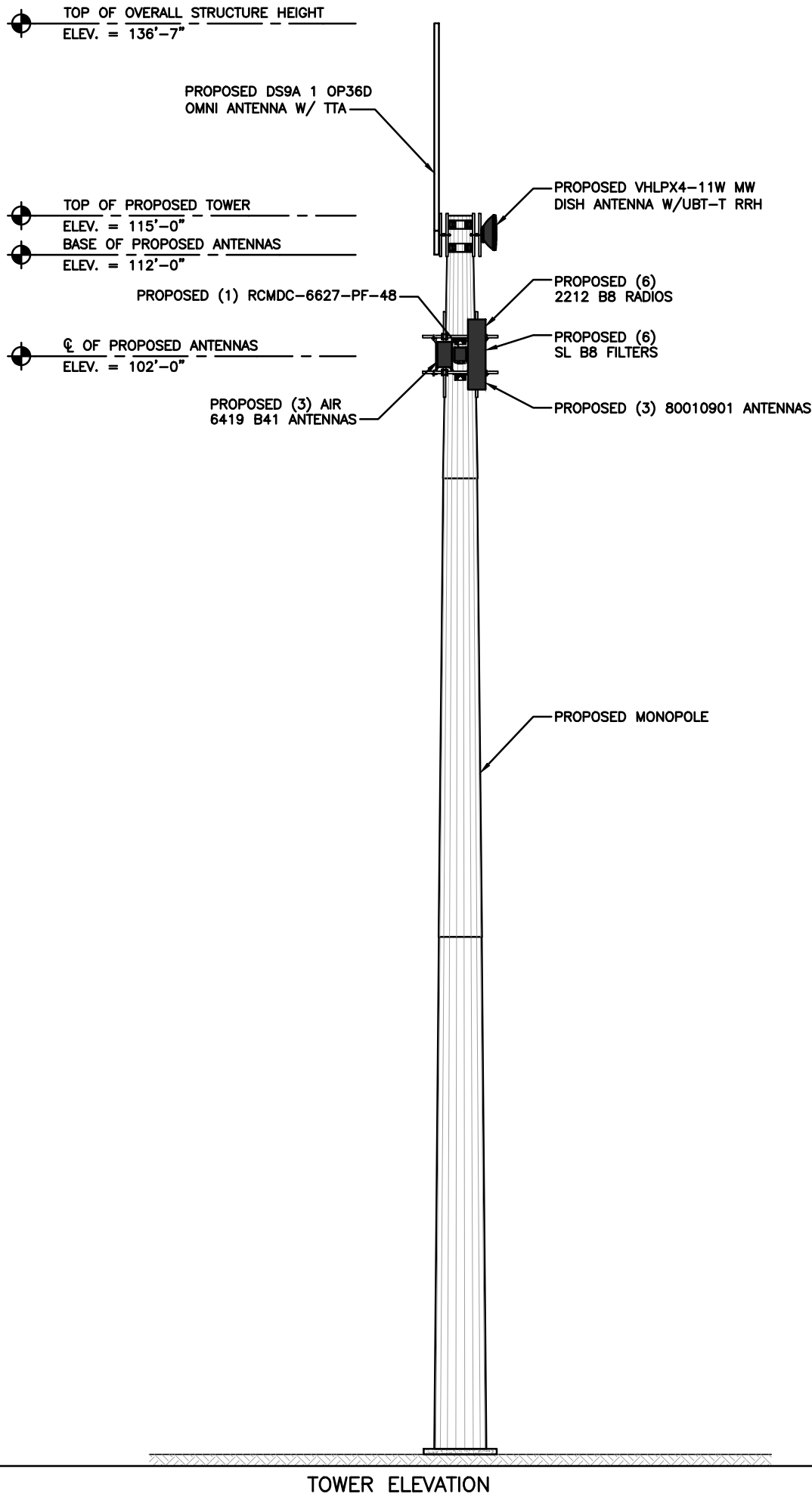
TBD

SITE ADDRESS:

**13100 METROPOLITAN AVE
BONNER SPRING, KS 66012**

SHEET DESCRIPTION:	SHEET #:
ENLARGED SITE PLAN	A-1.1

STRUCTURE INFORMATION IS SHOWN FOR ILLUSTRATIVE PURPOSES ONLY. STRUCTURAL INTEGRITY OF SUPPORTING STRUCTURE, ANTENNA MOUNTS, AND FOUNDATION SHALL BE VERIFIED AS ACCEPTABLE BY ENGINEER CERTIFIED STRUCTURAL ANALYSIS, UTILIZING THE LOADING REPRESENTED WITHIN THESE DRAWINGS PRIOR TO THE EXECUTION OF EQUIPMENT CHANGES CONTAINED IN THESE DRAWINGS. CONTRACTOR SHALL OBTAIN ALL STRUCTURAL REPORTS AND FOLLOW ALL RECOMMENDATIONS.



STAMP:

PRELIMINARY ISSUE

ENGINEERING LICENSE:				
STATE OF KANSAS				
PE CERTIFICATE OF AUTHORIZATION # E-571				
ENGINEER:	PE#:	DISCIPLINE:		
KMV KEVIN M. VANMAELE	22105	CIVIL	C	
REJ ROBERT E. JENSEN	16096	CIVIL	C	
CG CHRISTOPHER GIANNOTTI	26673	CIVIL	C	
SDK SHELTON D. KEISLING	13654	ELECTRICAL	E	
TMS TERRANCE M. SUPER	9250	ELECTRICAL	E	



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APPLICANT SITE NAME:

BONNER SPRINGS

APPLICANT SITE NUMBER:

TBD

SITE ADDRESS:

13100 METROPOLITAN AVE
BONNER SPRING, KS 66012

SHEET DESCRIPTION:	SHEET #:
TOWER ELEVATION	A-2.0

Memorandum

Date: November 19, 2024
To: Mayor and City Council
From: Mark Lee

Subject: Replat - FP-04-24 - Replat for The 120 on Oak

Recommendation: Staff recommends that the Planning Commission approve the Replat of Lots 4, 5, 6, 18, 19 and 20 and a portion of Lots 3, 21, and a portion of Lots 7 through 17, and alley right-of-way adjacent to above said Lots, of Block 6 Tiblow with the stipulations listed in the Staff report

Action: Make a motion to approve, amend or deny the replat

Background: The property is currently zoned CC (Central Commercial District) and has gone through Board of Zoning Appeals reviews and approvals along with staff approval of the Site and Landscape Plan.

The current area included in the recorded final plat is vacant, it was once home to a grocery store among other things. The proposed replat will combine several older lots into one lot allowing for the construction of The 120 on Oak apartment building. The building will consist of 100 dwelling units spread across four stories.

Variances were approved in August of 2023, with the Site and Landscape plan being approved in January of 2024.

Staff continues to work with the developers in progressing this project towards the finish line with minimal outstanding items to be reviewed and approved. Staff has furthermore been in discussions regarding the relinquishment of a small portion of public right of way along Oak Street in order to accommodate a retaining wall that will be installed with the development.

The proposed development will not change any lots outside of the proposed replat area.

Discussion: Staffs report is attached

Financial Impact:

City of Bonner Springs

Agenda Item Cover Sheet

Agenda Item No. 6

CASE #: FP-04-24

Topic: **Consider a Replat** - Consider a Replat of several lots and right-of-way in the Tiblow Subdivision for The 120 on Oak. The legal description of the plat encompasses of all of Lots 4, 5, 6, 18, 19 and 20 and a portion of Lots 3, 21, and a portion of Lots 7 through 17, and alley right-of-way adjacent to above said Lots, of Block 6 Tiblow.

Narrative: The property is currently zoned CC (Central Commercial District) and has gone through Board of Zoning Appeals reviews and approvals along with staff approval of the Site and Landscape Plan.

The current area included in the recorded final plat is vacant, it was once home to a grocery store among other things. The proposed replat will combine several older lots into one lot allowing for the construction of The 120 on Oak apartment building. The building will consist of 100 dwelling units spread across four stories.

Variances were approved in August of 2023, with the Site and Landscape plan being approved in January of 2024.

Staff continues to work with the developers in progressing this project towards the finish line with minimal outstanding items to be reviewed and approved. Staff has furthermore been in discussions regarding the relinquishment of a small portion of public right of way along Oak Street in order to accommodate a retaining wall that will be installed with the development.

The proposed development will not change any lots outside of the proposed replat area.

Presented by: Mark Lee – Community Development Director

Staff Recommendation: Staff recommends that the Planning Commission approve the Replat of Lots 4, 5, 6, 18, 19 and 20 and a portion of Lots 3, 21, and a portion of Lots 7 through 17, and alley right-of-way adjacent to above said Lots, of Block 6 Tiblow with the stipulations listed in the Staff report.

Attachments:

Staff Report (3pgs)

Aerial Image (1pg)

Copy of The 120 on Oak Replat (1pgs)

Copy of original Tiblow Plat (1pg)

Building Renderings (2pgs)

A REPLAT OF LOTS 4, 5, 6, 18, 19 AND 20 AND A PORTION OF LOTS 3, 21, AND A PORTION OF LOTS 7 THROUGH 17, AND ALLEY RIGHT-OF-WAY ADJACENT TO ABOVE SAID LOTS, OF BLOCK 6 TIBLOW. – REQUEST FOR APPROVAL OF THE REPLAT FOR THE 120 ON OAK.

MEETING DATE: November 19, 2024
REPORT WRITTEN: November 13, 2024
CASE #: FP-04-24

APPLICANT:

- Katfish Inc. (Chad Schimke)
PO Box 440
Bonner Springs, KS 66012

SURVEYOR/ENGINEER:

- George Butler Associates, Inc. (GBA)
9801 Renner Blvd.
Lenexa, KS 66219

REQUEST:

The applicant is requesting approval of a replat of Lots 4, 5, 6, 18, 19 and 20 and a portion of Lots 3, 21, and a portion of Lots 7 through 17, and alley right-of-way adjacent to above said Lots, of Block 6 Tiblow for The 120 on Oak apartments.

ZONING:

- The property is currently zoned “CC” Central Commercial District

SURROUNDING ZONING:

- North CC (Central Commercial District)
- South Front Street
- East CC (General Commercial)
- West MR (Mixed Residential District)

BACKGROUND:

The property is currently zoned CC (Central Commercial District) and has gone through several Board of Zoning reviews and approvals along with staff approval of the Site and Landscape Plan.

The current area included in the recorded final plat is vacant, it was once home to a grocery store among other things. The proposed replat will combine several older lots into one lot allowing for the construction of The 120 on Oak apartment building. The building will consist of 100 dwelling units spread across four stories.

Variances were approved in August of 2023, with the Site and Landscape plan being approved in January of 2024.

Staff continues to work with the developers in progressing this project towards the finish line with minimal outstanding items to be reviewed and approved. Staff has furthermore been in discussions regarding the relinquishment of a small portion of public right of way along Oak Street in order to accommodate a retaining wall that will be installed with the development.

The proposed development will not change any lots outside of the proposed replat area.



The typical replat procedure is being utilized for this application. The purpose of a Replat is to modify existing platted Lots without the need for a Vacating Plat and to ensure compliance with the Unified Development Ordinance of the City of Bonner Springs.

A Replat shall be required when altering the lot lines, lot identification number, block identification number, setbacks, or any easement or property dedicated to the City previously established by a lawful subdivision as determined by these regulations.

Traffic Impact/Transportation Excise Tax

Additional traffic will be created by the proposed replat and development itself. The increase in traffic created by the 100 new dwelling units will ingress and egress to and from Oak Street via Front Street and a private parking area located at the rear of the building with supplementary off-site parking being allowed.

A Traffic Impact Study shall be completed, submitted, reviewed and approved by the City Engineer and KDOT.

Stormwater Management

With the site currently being covered in asphalt and allowed to free flow in all directions any improvements to the site including landscaping should in fact decrease storm water run-off. No additional study was required by our City Engineer.

Utilities

New utilities are proposed with the subject plat. Utilities surround the site currently with easements in place. No new easements are being requested with this replat.

Utility providers have been notified of the replat and have been given an opportunity to comment.

Unified Development Ordinance Requirements

From staff's research the only outstanding item is a Traffic Impact Study. All other items to be submitted with and included on the replat per the Unified Development Ordinance requirements have been met and reviewed by UG Staff, the City Engineer and the Community Development Director.

STAFF RECOMMENDATION:

Staff recommends that the Planning Commission approve the Replat of Lots 4, 5, 6, 18, 19 and 20 and a portion of Lots 3, 21, and a portion of Lots 7 through 17, and alley right-of-way adjacent to above said Lots, of Block 6 Tiblow for The 120 on Oak apartments, with the stipulations listed below.

STAFF STIPULATIONS:

1. All comments made by the Wyandotte County Surveyor and UG Review Staff, the Bonner Springs City Engineer, City Staff and Utility providers shall be addressed prior to the release of the Replat for filing.
2. A Traffic Impact Study will be required; it shall be reviewed and approved by our City Engineer, KDOT and any other necessary parties.
3. All construction documents referencing Streets and Stormwater, Sanitary Sewer and other necessary utilities shall be submitted and approved by the City prior to construction beginning.
4. All necessary building permits and fees shall be paid prior to a permit being issued.
5. The Replat shall be filed with the Wyandotte County register of Deeds by the developer, with one copy being returned to the City of recording.
6. In addition to the stipulations in this report, the developer/property owner agrees to abide by all regulations contained in the Bonner Springs Unified Development Ordinance

If recommended for approval, this item will proceed to the Governing Body at the December 16, 2024 regular meeting.

FINAL PLAT OF
120 OAK,

A replat of All of Lots 4,5,6,18,19 and 20, and a portion of Lots 3, 21, and a portion of Lots 7 through 17, and alley Right-of-Way adjacent to above said Lots, Block 6, TIBLOW, a subdivision in the City of Bonner Springs, Wyandotte County, Kansas

BASIS OF BEARING:

South 54°29'20" East between existing monumentation, "+" cuts on a 5.0' offset, South Westerly of the Northerly line of Oak Street, being the Southwesterly line of Block 7, Tiblow Plat, via the Smartnet continuously operating GNSS Network.

DATUM:

Kansas Coordinate System of 1983, North zone. All dimensions match previously platted or deeded values unless otherwise noted. Distances shown hereon are ground distances in US Survey Feet. This Survey lies within the required minimum error of closure of 1:10,000. This field survey was completed on the ground by me or under my direct supervision and that said survey meets or exceeds the "Kansas Minimum Standards" for boundary surveys pursuant to K.A.R. 66-12-1.

Bearings are tied by GPS observation to NGS Monument WY48 2011 adjustment, having a combined adjustment factor of 0.99992580.

PUBLISHED:

N: 278,910.10
E: 2,189,978.30

FIELD VERIFIED:

N: 278,909.77
E: 2,189,978.41

STATE PLANE COORDINATES--U.S. Survey Feet:

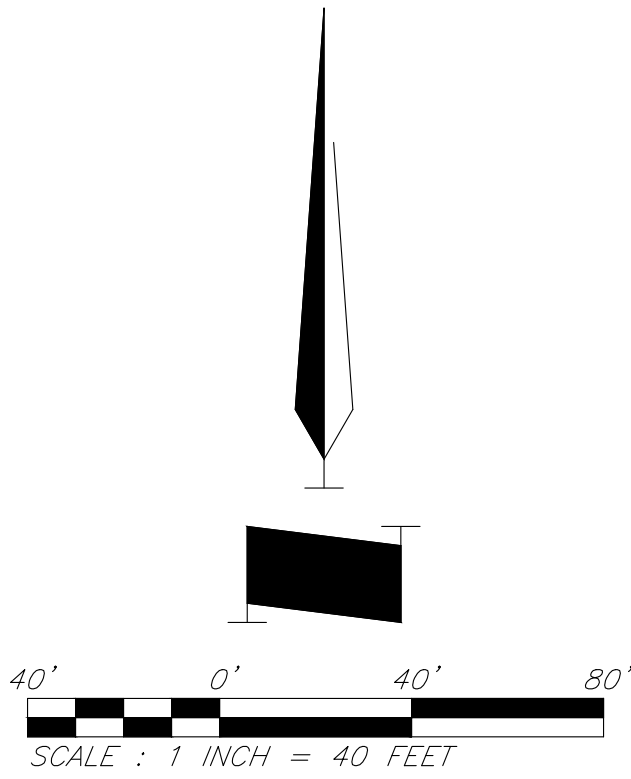
Divide by CAF: 0.99992911 to get to Ground Values

① N: 278,219.68
E: 2,197,195.83

② N: 278,443.05
E: 2,197,356.33

③ N: 278,184.57
E: 2,197,718.52

④ N: 277,960.52
E: 2,197,557.50



LEGEND

- Boundary Line
- Existing Lot Line
- Denotes set 1/2" Iron Bar with GBA Cap CLS 8 unless otherwise noted
- Denotes Property Corner found as noted
- Denotes Easement as noted
- R/W Right-of-Way
- O/S Denotes Property Corner Offset
- (P) Denotes Platted Dimension

Notes:

Deed:

Katfish, Inc. Warranty Deed
Document 2019R-18549

Easements:

Permanent Utility Easement Document 2009R-04336,
Bk. 5593 Pg. 682-687

Central West Utility Co. Easement Document 451378
Bk. 1147 Pg. 188

Warranty Deed Document 2019R-18549

Flood Plain Statement:

According to the FEMA Flood Insurance Rate Map (FIRM) Community Panel Number 200361 0117E, Effective September 2, 2015 the subject property is designated as Zone X - Area determined to be outside the 0.2% annual chance Floodplain.

OWNER/DEVELOPER:

KATFISH, INC.
120 OAK STREET
BONNER SPRINGS, KS 66012

Closure Summary Plat Boundary
Precision, 1 part in: 269,213.725"

Error distance: 0.004'

Error direction: N43°52'04"W

Certification:

I, Timothy Blair Wiswell, hereby certify that this Plat of 120 Oak is based on an actual survey performed by me or someone under my direct supervision and the results of said survey meets or exceeds the "Kansas Minimum Standards" for Boundary Surveys pursuant to K.A.R. 66-12-1. The field work was completed on 02/20/2024.

Job No. 16043.00

April 2nd, 2024

Drawn By: PSZ

Scale : 1"=2000'

VICINITY MAP
SECTION 32-11-23
BONNER SPRINGS, WYANDOTTE COUNTY, KANSAS

CONSULTING ENGINEERS / ARCHITECTS / LANDSCAPE ARCHITECTS / PLANNERS
ONE RENNER RIDGE, 9801 RENNER BLVD, LENEXA, KS 66219 / (913)492-0400
Surveyor Email: TWiswell@gbateam.com

GBA
GEORGE BUTLER ASSOCIATES, INC.

Legal Description:

All of Lots 4,5,6,18,19, and 20, and a portion of Lots 3, 21, and a portion of Lots 7 through 17, and alley Rights-of-Way adjacent to above said Lots, Block 6, Tiblow, a subdivision in the City of Bonner Springs, Wyandotte County, Kansas, recorded in Bk. 1 Pg. 13, being described on 04/20/2024, by Timothy Blair Wiswell, P.L.S. #1136 of GBA, CLS #8, lying in the Northwest 1/4 of Section 32, Township 11 South, Range 23 East, of the 6th Principal Meridian, Wyandotte County, Kansas, more particularly described as follows:

Commencing at the westerly corner of Lot 1 Block 7 Tiblow, as recorded in Bk. 1, Pg. 13, said corner lying on the Northerly Right-of-Way of Oak Street, as now established, being referenced by a "+" cut, both 5.00 feet Northwest and 5.00 feet Southwest of said corner, thence S54°29'20"E on the southerly line of said block, and on said Northerly Right-of-Way line, a distance of 109.98 feet, to the intersection of the Northeasterly extension of the Southeasterly line of the Northwestern 10.00 feet of Lots 3 and 21, Block 6, of said Tiblow thence S35°42'18"W leaving said Southerly and Northerly line on said Northeasterly extension, a distance of 60.00 feet, to a point on the South Right-of-Way line of Oak Street, said point being the Northeasterly corner of the Northwestern 10.00 feet of Lot 21, also being the POINT OF BEGINNING, thence S54°29'20"E on said Southerly Right-of-way line, a distance of 235.00 feet, thence S35°42'18"W, a distance of 5.00 feet, thence S54°29'20"E, a distance of 75.00 feet, to the Westerly Right-of-Way line of West Front Street, as now established in Document 785589, Bk. 2355 Pg. 266, thence S42°01'08"W on said West line, a distance of 45.45 feet, thence S54°28'04"E, a distance of 5.00 feet, thence S42°01'26"W, a distance of 227.14 feet, to the Northerly Right-of-Way line of Elm Street, as now established, thence N54°22'21"W on said Northerly Right-of-Way line, a distance of 285.00 feet, thence N35°42'18"E leaving said Northerly line, a distance of 275.26 feet, to the POINT OF BEGINNING, containing 1.89 acres, more or less.

Dedication:

The undersigned proprietor of the above described tract of land has caused the same to be subdivided in the manner as shown on the accompanying plat, which subdivision shall hereafter be known as "120 OAK."

The undersigned proprietor of said property shown on this plat does hereby dedicate for public use and public ways and thoroughfares, all parcels and parts of land indicated of said plat as streets, terraces, places, roads, drives, lanes, avenues, and alleys not heretofore dedicated, where prior easement rights have been granted to any person, utility or corporation of said parts of the land so dedicated, and any pipes, lines, poles and wires, conduits, ducts or cables heretofore installed thereupon and therein are required to be relocated, in accordance with proposed improvements as now set forth, the undersigned proprietors hereby absolve and agree to indemnify the City of Bonner Springs, Kansas, from any expense incident to the relocation of any such existing utility installations within said prior easement.

Execution:

IN TESTIMONY WHEREOF, undersigned proprietors has caused this instrument to be executed on this _____ day of _____, 2024. Katfish, Inc., Owner of record of described property.

By: _____
Chad Schimke, Manager

Acknowledgement:

STATE OF _____)
COUNTY OF _____) SS

BE IT REMEMBERED that on this _____ day of _____, 2024, before me, the undersigned, a Notary Public in and for said County and State, came to me personally known to be the same person who executed the foregoing instrument of writing, and duly acknowledged the execution of same. In testimony whereof, I have hereunto set my hand and affixed my notarial seal the day and year above-written.

Notary Public: _____ My Commission Expires: _____

Print Name: _____

Approval:

This plat of 120 OAK has been submitted to and approved by the Bonner Springs Planning Commission on this _____ day of _____, 20____.

By: _____ By: _____
Planning Commission Chair Planning Commission Secretary

These easements and rights-of-way accepted by the Governing Body of Bonner Springs, Kansas, this _____ day of _____, 20____.

By: _____ Attest: _____
Tom Stephens, Mayor Christina Brake, City Clerk

Approval:

This survey has been reviewed for filing pursuant to K.S.A. 53-2003, 58-2005, and 58-2011, for content only, and is in compliance with those provisions. No other warranties are extended or implied.

Reviewed By: _____
Brett Thompson, County Surveyor

This is to certify that this instrument was filed for record in the register of deeds office on this _____ day of _____, 2024, at _____ O'clock and is duly recorded.

By: _____ Attest: _____
Susan P. Nelson, Register of Deeds Margaret A. Orendac, Deputy

SHEET 1 OF 1

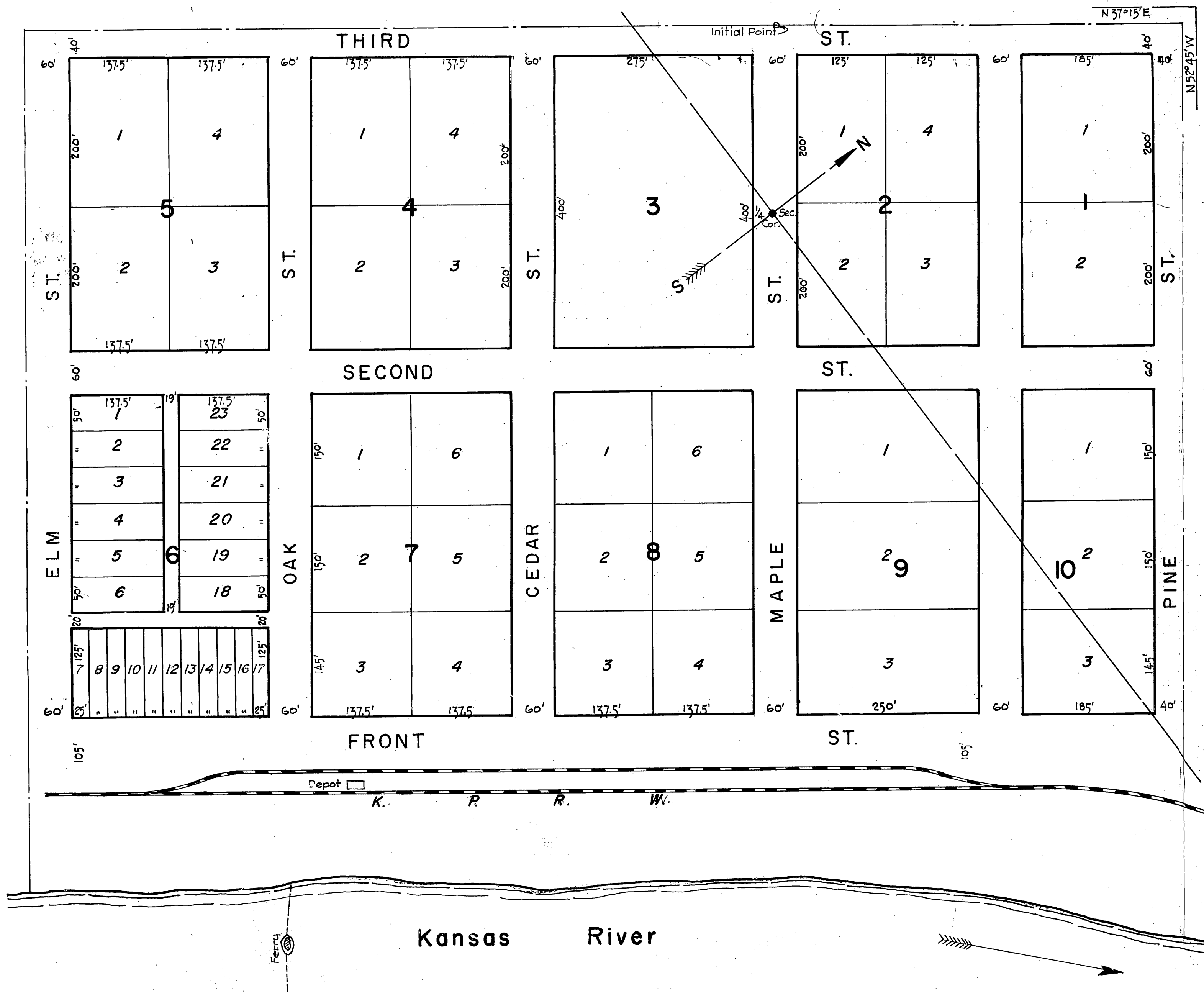
120 Oak, a subdivision in
Section 32, Township 11, Range 23,
City of Bonner Springs, Wynadotte County, Kansas

TIBLOW

KANSAS

Scale 100ft = 1 in.

State of Kansas, Wyandotte County, ss:
I, James A. Cruise, Register of Deeds,
do hereby certify that the foregoing is a true and correct copy of the
Original Plat to be made on this 10 day of
November, 1870.
Witness my hand and the seal of said County at
Topeka, Kansas, this 13 day of November, 1870.
James A. Cruise
Register of Deeds
Deputy
Geo. S.



The Townsite of which this is a correct Plat, hereby designated as TIBLOW, is located and described as follows:

Beginning at a point 257 feet (N 52° 45' W) from the 1/4 Corner on line between Sections 32 and 29 (Township 11, Range 23 E), marked on the map as an Initial Point, thence in a Southwesterly course at right angle with the Center Line of Maple Street 1035 feet, thence in a Southeasterly course 1180 feet to the bank of the Kaw River, thence along the bank of River in a Northeasterly course 1600 feet, thence in a Northwesterly course 1250 feet, thence in a Southwesterly course 565 feet to place of beginning, (the Initial point), all in the South half of Section 29 and North half of Section 32 Township 11S, Range 23 E, 6th P. M. and is subdivided in Lots, Blocks, Streets and Alleys as follows:

Streets—Front Street adjoins the right of way of the Kansas Pacific Railway Company and has a course N 57° 15' E and is 55 feet in width and extends from Pine to Elm Streets hereinafter described. Second Street runs parallel to Front Street distant 445 feet and extends from Pine to Elm Streets and is 60 feet in width. Third Street runs parallel to Second Street distant 400 feet therefrom and extends from Pine to Elm Streets and is 40 feet in width. Pine Street the Easterly line of which commences at a point N 57° 15' E and 565 feet from said initial point extends by a course N 52° 45' W to the right of way of the Kansas Pacific Railway Company and is 40 feet wide.

Walnut, Maple, Cedar, Oak and Elm Streets run parallel with Pine Street and respectively extend from Front to Third Streets and are each 60 feet wide and are distant from each other the width of the Blocks which are marked in feet thereon.

Alleys—An Alley 19 feet wide extends from Second Street parallel with Oak and Elm Streets 300 feet and distant 125 feet from Oak and Elm Sts, also an Alley 20 feet wide running parallel with Front and Second Streets extends from Oak to Elm Streets distant from Front Street 125 feet, all of which said Streets and Alleys are hereby dedicated to the use of the public as thoroughfares. Said Streets subdivide the Townsite into Blocks numbered from one to ten inclusive and all Blocks are subdivided into Lots except Block No. 5 which has a front of 275 feet on Second and Third Streets and 400 feet on Maple and Cedar Streets.

Lots intended for sale--the size of the Lots into which each Block is subdivided is marked in feet on each Lot and each of said Lots bears the number as marked on this Plat.

Tiblow, Wyandotte Co., Kansas, Nov. 2, 1870 (W. F. Goodhue, Surveyor)

John F. McDaniel
Ellen McDaniel

State of Kansas } ss.
County of Wyandotte }

On this tenth day of November 1870, personally came before me, the undersigned Register of Deeds in and for said County and State, John McDaniel and Ellen McDaniel, his wife, personally known to me to be the same persons who executed the foregoing certificate and dedication and duly acknowledged the execution of the same.

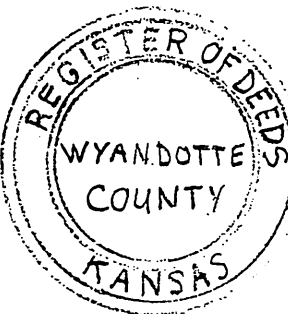
In testimony whereof I have hereto set my hand and affixed my official seal on this the day above written.

James A. Cruise
Register of Deeds

State of Kansas } ss.
County of Wyandotte }

Recorded November 10th, 1870.

James A. Cruise
Register of Deeds



The plat of record of Tiblow is deteriorated and I have caused this true copy of the Original Plat to be made on this 11 day of January 1958.

Howard C. Antin
County Engineer



