



City of Bonner Springs

KANSAS

Tuesday, April 15, 2025

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 February 18, 2025 meeting.

Action

Recommendation

Documents:

1. 2.18.25 Draft PC Minutes

OLD BUSINESS

NEW BUSINESS

1. Public Hearing - SUP-02-25 – Country Stampede -The applicant is requesting approval of a Special Use Permit to allow for overnight camping as allowed on private property as allowed by the Municipal Code of Bonner Springs, Chapter XII; Article 3 – Camping Permits. The overnight camping is associated with the Country Stampede music festival and is to occur on property owned by the Unified Government of Wyandotte County (Azura Amphitheater – 633 N. 130th Street) and the Agricultural Hall of Fame (630 Hall of Fame Drive).

Action

Approve, Amend or Deny the Special Use Permit with Staff recommendations.

Recommendation

Staff recommends approval of the Special Use Permit; SUP-02-25 with the following conditions:

1. All information provided by the applicant in the “Country Stampede Camping Site Plan for Bonner Springs, KS” shall be adhered to.
2. A “Camp Host” shall be present at each camping location entrance for the duration of the event.
3. All spaces shown on the plan shall be labeled, with wayfinding signs provided.
4. The site(s) shall be returned in the condition in which they were provided to the applicant, all temporary trash receptacles shall be emptied and removed, any temporary structures shall be removed, all temporary restroom facilities shall be removed, and general site clean-up shall occur.
5. The Special Use Permit shall be valid for three (3) years as related to the Country Stampede Music Festival, allowing for camping on private property, to occur on specific dates in

June of each year, with written permission and proper permitting through the City.

6. If said dates, times or camping locations change or if the ownership of Country Stampede changes, the Special Use Permit shall become null and void and expire as approved.
7. 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; and
8. Special Use Permit may be revoked by the Governing Body for violation of and/or non-compliance with the Municipal Code of Ordinances of the City of Bonner Springs, Kansas.

Documents:

1. Complete Agenda Item - SUP-02-25- Country Stampede
2. **PUBLIC HEARING- Special Use Permit – SUP-01-25 – 1800 S. 121st Street and 800 S. 118th Street – APAC – Kansas, Inc. - Bonner Springs Quarry – Consider a request for renewal of a Special Use Permit – the applicant is requesting renewal of SUP-103 as required by the Unified Development Ordinance, This Special Use Permit will allow for the continuance of the APAC Quarry and the ‘Extraction of Energy Resources’ as listed within the UDO and the HI, Heavy Industrial Zoning District.**

Action Make a motion to Approve, Amend or Deny the requested Special Use Permit with Staff Stipulations.

Recommendation Staff recommends approval of the Special Use Permit; SUP-01-25 with the following conditions:

1. Future expansions and additions to the site not identified on the Site Plan will require submission of a revised Special Use Permit and Phasing Plan. Improvements not shown on the Phasing Plan are not a part of this approval;
2. The revocation of the Special Use Permit may occur for a violation of the Unified Development Ordinance or violation of any or all of the conditions set out in the Special Use Permit;
3. The term of the Special Use Permit shall be for a ten (10) year period of time and only for Phase I, Stages II, III and Phase II;
4. Subsurface mining shall be allowed via this Special Use Permit. Prior to this action, detailed plans, including but not limited to; engineering, internal layout and other detailed plans or studies as requested by the City shall be provided prior to work commencing.
5. All subsurface mining operations shall maintain a minimum of two-hundred (200') feet from the nearest property boundary.
6. Complete storm drainage calculations for Phase I, Stage III shall be submitted to the city within six (6) months of the approval of this Ordinance, and subsequently approved by the City Engineer and

constructed by the applicant as deemed necessary;

7. The hours of operation shall be as follows, subject to the filing of written public complaints on any of the individual operations:

Removal of rock – 6 a.m. to 6 p.m. – Monday through Saturday;

Rock Crushing – 6 a.m. to 6 p.m. Monday through Saturday;

Blasting – 9 a.m. to 3 p.m. – Monday through Friday; and

Any blasting after 3 p.m. may be permitted only to meet Federal Blasting Requirements or for emergency situations with notification to and approval by the City Manager or his/her designated employee.

8. Plans and specifications shall be submitted on each occurrence for each temporary use of a portable crusher, portable asphalt plant and portable concrete ready-mix plant. Such plans, specifications and operation of the temporary uses on each individual basis shall conform to all federal, state and local requirements necessary to obtain any necessary permits prior to operation, but shall not require a revision to the Amended Special Use Permit. Hours of operation shall conform to those observed by the quarrying operation;

9. Reports of all inspections required by the Kansas Department of Health and Environment, U.S. Environmental Protection Agency, the State Board of Agriculture-Division of Water Resources, the Bureau of Mines, including insurance inspections or any other agency requirements shall be provided to the City as they occur and are received;

10. The applicant shall conform to all dust, noise, air or any other environmental regulations applicable and shall conform to the stated methods of control and operation contained in the application and Environmental Impact Study. These shall include, but not be limited to, the watering of internal roadways for dust control;

11. Once per calendar year, the City will conduct an inspection of the operations. City-authorized personnel shall be allowed on the site to conduct these inspections or to participate in any other inspections deemed necessary by the City or any other local, state or federal agency;

12. Quarrying equipment shall not be visible from adjoining properties or from K-32 Highway;

13. All reclamation areas identified on the prior special use permit(s) and approved Reclamation Plan, including the southwest portion of the property and the east central portion of the property, shall be maintained to blend with the terrain surrounding the quarry. The trees in the reclamation areas shall be properly maintained and all dead, dying or diseased trees shall be replaced as soon as possible to coincide with a planting season(s);

14. The lowest elevation of the surface mine shall not be less than 735 feet above mean sea level;

15. An annual report on the quarry operation shall be provided no later than March of each year following the approval of the amended Special Use Permit. The Annual Report shall include the status of the

quarrying operation and the progress of reclamation;

16. An annual blasting permit shall be obtained from the City and violation of the blasting requirements may constitute justification to revoke the Special Use Permit;

17. All trucks leaving the site shall be covered to eliminate the potential of spillage of rock on public roadways or damage to other property; and

18. Storm inlets on the east side of 121st Street shall be cleaned out to prevent accumulated silt from proceeding further into the storm sewer system.

19. Public right of way that exists on the property currently may be vacated via appropriate action through the UDO. The public right of way shall be rededicated at a future time that allows for the extension of S. 122nd St or Steventon Drive through the property.

20. The site shall not be utilized in the future as a municipal or private landfill.

21. The applicant shall contract with a local weather service to provide wind speed/direction and temperature inversion information to ensure that the timing of blasting occurs when the weather conditions are the most conducive to reduced blasting effects such as air pressure vibrations and dust issues for the surrounding residents.

22. No blasting shall occur within six hundred (600') feet of a structure not owned or managed by the applicant.

Documents:

1. Complete Staff Report SUP-01-25- 1800 S. 121st St and 800 S. 118th St - APAC Quarry revised for 4

OPEN AGENDA

COMMUNITY DEVELOPMENT DIRECTOR'S REPORT

ADJOURNMENT



City of Bonner Springs

KANSAS

Planning Commission Minutes - Regular Meeting - February 18, 2025

PLANNING COMMISSION MEETING - 6:30 PM - The February 18, 2025, meeting was postponed due to a snow storm and rescheduled for February 25, 2025. The meeting was called to order at 6:39 p.m.

CALL TO ORDER - ROLL CALL - Larry Clark and Sherri Neff were present via Teams video call. Jason Cruse arrived late. Lloyd Mesmer was absent.

CONSENT AGENDA -

Approval of minutes from the January 21, 2025 meeting - Paul Zeps motioned, Nick Perica seconded, to approve the minutes of the January 21, 2025 Planning Commission Meeting Minutes.

The motion passed unanimously 6-0

OLD BUSINESS - None

NEW BUSINESS -

FP-01-25 - Replat of 1715 and 1725 S. 138th Street - Paul Zeps motioned, Nick Perica seconded, to approve the request to replat FP-01-25 of 1715 and 1725 S 138th Street.

The motion passed unanimously 6-0

PUBLIC HEARING - Special Use Permit - SUP-01-25 - 1800 S. 121st Street - APAC - Kansas, Inc. - Bonner Springs Quarry - Nick Perica motioned Vincent Bombardier seconded to open the Public Hearing for SUP-01-25 Special Use Permit for APAC Quarry 1800 S 121st Street at 6:48 p.m. Commissioner Paul Zeps recused himself.

Paul Zeps 533 MacGrantwood, stated he was in favor of reissuing the permit for the gravel company but not for the aerial operations occurring on the property. He had a night video and stated that a CH47 Heavy lift helicopter's flashing lights are seen in the video. He also wanted to play a PowerPoint but was unable to view it. He spoke about adding 2 stipulations to the special use permit. 1. They are required to give 48-hour notice for any rail operations that will block K32. It needs to be posted openly on a website for everyone to see. 2. To not have any airfield, air drone, heliport, aerial training, airborne training, helicopter training, sling load training and any other aerial operations be prohibited from operating on this property. These are scheduled, approved and recurring operations. The Special Use permit covers mining. Not aerial operations, subleasing any of the property for flight operations, or an airport. Recommended consequences for violations. First violation suspends permit for 7 days. Second violation permit gone.

Paul Barrett, 309 Oak Street, serves on the Chamber of Commerce Board. Apac is owned by CRH and Holiday Sand and Stone. They are a Chamber member and largest financial sponsor of Tiblow Days. They support multiple fundraisers and are good partners with the community and other businesses. I would recommend the renewal of the special use permit with consideration to what Paul Zeps said.

Greg Gebauer asked if anyone would like to speak against this issue.

Julia Parker 12520 Kansas Ave, stated she previously sent documentation to the City of Bonner Springs documenting damage to my home. They purchased their home in December 2018. "We had a home inspection that did not note any significant foundation issues or structural issues with the house. In early 2019, we started experiencing larger blasting at our home, contributing to damage at our home. Doors no longer close, the staircase is twisting". They contacted two separate foundation repair companies as well as structural engineers with APACs structural engineers. "We found out that we have significant damage to our home". The quarry told them that they were in legal rights with the blasting and placed a seismograph in their yard. Their home was built in 1909 and about the same time as the quarry and has lasted over 100 years structurally sound. "In the course of 4 years, we have invested over \$43,000 to put over 25 piers surrounding our property to support the foundation deficits". This is above and beyond normal wear and tear of our property. They tried to deal with Apac directly but were told it wasn't possible that the blasting was causing the damage because they are in the legal limits of blasting. "I have been at my home when they did the blasting, and it shakes my entire home. This may have been appropriate in the past, but whatever type of blasting they are doing is causing significant damage. Secondly, helicopter flights need to stop. They are flying directly over our house and directly over the tree line, and it's usually at

night."

Mark Hopkins 12348 Kansas Ave, on the hill. It's a new house built in 2018-2019 and has a lot of concrete. "This is the most cracks in concrete and all his flatwork. No phone calls or emails about when the blasting will be. The blasting shakes your entire house. You know it's a problem, and you already have problems. Why would you approve this? Who is responsible for the damage if you approve this knowing the damage it's causing?"

Josh Pittman 12300 Kansas Ave, broke ground on his home in 2018 and in the framing phase it was like an earthquake. "My wife, who is a nurse, works at night, and it shakes the house and wakes her up. Pictures fall off the wall. My front patio and back patio have cracks. The retaining wall is pulling away from the house. The dust is constantly everywhere. Can there be an air quality test done?"

Cindy George 12348 Kansas Ave, New house with an inground pool. "The surrounding concrete is cracked. Set the alarm off on my Jeep sitting in the driveway. Picture falling off the walls. The blasts are big. We met with the quarry, and they put a seismograph on our property. I've never seen any of the results."

Mark Blesma 540 S 122nd St, He can see into the quarry from his back deck. "He was notified by one of his neighbors. Which is concerning since I live so close. I mirror the concerns of the other neighbors. We built a new house in September 2024, and I have concerns over this. Heavy equipment moving as early as 5:30 - 6 a.m. I have power washed my house multiple times. We have a well, and I am concerned about water quality. The document is for the well-being of the community and I would not be in favor of that. I oppose the extension and renewal of the special use permit."

Kevin Strathman 12430 Kansas Ave, "Had to pier the foundation of my house in the last 4 years, twice. The house was built in 1984 and no issues until now. I spent \$30,000 on Piers. They are going to say this isn't their issue but you can't say that when we all have the same issues. It is a dust bowl. I don't know how in good consciousness you can approve the blasting. I would vote no on the blasting."

Apac presented information regarding their operation as well as information from their seismographs.

Dan Jones, Environmental Permit Manager for Apac, He introduced people here to speak for the company. Kevin Fouts President, Kyle Gurstang Vice President Operations Manager, Dennis Heaton Quarry Supervisor, Bobbie Hipenbacker 3rd Party Blasting vibration company, John Olson with Buckley which are doing the blasting for us.

He addressed the trains from Buzzi Cement. "We are not the owners of the property. Waste Management owns the property. We own the mineral rights, the right to mine there. We have no control over the scheduling of trains and have no knowledge of how Waste Management and Buzzi cement operate together or any of their arrangements. Next, the helicopter situation. Again, we only own the mineral rights. We do not have any type of contract with the Army or the Army Reserves. If there is a contract, it would be with Waste Management. We do not schedule any trips. They will call us and ask if we will be putting off a shot. That is the only contact we have had. We have seen them in the evening. We are currently in negotiations with Waste Management to purchase the property. We expect to have that completed by the end of the year. That being said, we would be happy to work with Buzzi on the train scheduling. We become the owners of the property we have no problem telling the army that we can't practice helicopter operations at all. We do use drones to measure our stockpiles. We have licensed pilots for the drones. We would ask that we still be able to use our drone quality control to measure stockpiles. The dust has been brought up by several neighbors. We are regulated by 3 different entities: Kansas Department of Health and Environment, Wyandotte County, and AMSHA - Mind Safety Health Association. We get inspected by Kansas and Wyandotte County yearly, and they do dust testing. AMSHA when they come out 4 times a year, they inspect us for dust emissions and measure that. There are limitations and we are allowed to have some dust come off your property. We also do internal testing when we change the blasting. We do our own testing to ensure the dust, noise and multiple other things, are in compliance to ensuring the safety and health of our employees and the surrounding community."

Mark Lee asked him to elaborate on the trains. "You don't work with Buzzi and you don't use the trains?" Dan said, "Correct", we do not have anything to do with the train operations. Our materials are strictly by truck.

Bobbie Hipenbacker - Fibrotech Engineers - Seismograph Presentation. "Fibrotech has been in business for 76 years. We are an independent third party and we are vibration consultants. All the seismograph equipment is calibrated yearly. Quarry personnel do not have access to the equipment or the data from the seismographs out in the field. During the timeframe between January 1, 2024 and February 10, 2025 we had 95 blasts. For those 95 blasts there were 95 triggers at one or more seismographs. There are 5 seismographs surrounding all the blasting in the quarry. There are 2 measurements to monitor vibrations. One is particle velocity, and we are looking for the peak particle velocity during that blast. The seismograph measures the speed of the particle as the energy is passing through the ground. As we measure that, we look at the peak speed of that particle from the time it moves away from its original resting place to when it comes back to its original resting place. The second measure that we look at is frequency and that is the number of complete cycles that a particle cycles in one second. A frequency is a cycle of motion. The seismograph picks that up along with the speed of that cycle of motion. Those two factors together are what we look at as to what could cause structural damage from blasting."

Nick Perica asked, Did they change the level or amount or method of blasts? Do they vary?

John Olson with Buckley said, "Yes, they do vary."

Dan Jones - Apac said they used to do quarterly meetings with the neighbors but have not done so recently. Would be happy to start those again.

Mark Lee asked Dan if they were done blasting on the northern end of property?

Kyle Gurstang said they will be finishing up blasting in the north by end of the year and just doing clean-up. Will be moving more east towards Camp Naish. The seismographs have to move with the blasting.

Paul Zeps then asked Dan Jones to please ask the owners of the property what the agreement is with the Army and the helicopters. He also asked that they not fly their drones over his property.

Greg Gebauer asked if third party monitoring is a state statute? Dan said no, most quarries have their own testing but APAC uses 3rd party monitoring.

Kevin Strathman 12430 Kansas Ave, asked that the city come to a residence house when they are blasting and see what happens.

Julia Parker 12520 Kansas Ave spoke again as well that if this is going to push north, it would be right across the street from our house.

Paul Barrett 309 Oak St asked, if the Waste Management owns it now and the sale doesn't go through, will it become a dump?

Mark Hopkins 12348 Kansas Ave said, they are blasting too much.

Jason Cruse stated that the Planning Commission is there to vote on the Special use permit and it is a permitted use in that area. We do understand the ramifications.

Mark Lee stated there are 18 stipulations to this Special Use Permit.

Josh Pittman 12300 Kansas Ave asked if an air quality stipulation could be added.

Vincent Bombardier asked if they water down the site before they blast or during a blast to help with dust? Dan Jones answered no.

Larry Clark motioned, Jason Cruse seconded, to approve the Special Use Permit SP-01-25 for Apac Quarry

The vote passed unanimously with 6-0 vote. With Nick Perica voting yes with reservations.

OPEN AGENDA - None

COMMUNITY DEVELOPMENT DIRECTORS REPORT - Country Stampede may be coming forward in March for their Special Use Permit, but we currently have no agenda items but would like to have a work session.

ADJOURNMENT - 8:50 p.m.

Memorandum

Date: April 15, 2025
To: Mayor and City Council
From: Mark Lee

Subject: Public Hearing - SUP-02-25 – Country Stampede -The applicant is requesting approval of a Special Use Permit to allow for overnight camping as allowed on private property as allowed by the Municipal Code of Bonner Springs, Chapter XII; Article 3 – Camping Permits. The overnight camping is associated with the Country Stampede music festival and is to occur on property owned by the Unified Government of Wyandotte County (Azura Amphitheater – 633 N. 130th Street) and the Agricultural Hall of Fame (630 Hall of Fame Drive).

Recommendation: Staff recommends approval of the Special Use Permit; SUP-02-25 with the following conditions:

1. All information provided by the applicant in the “Country Stampede Camping Site Plan for Bonner Springs, KS” shall be adhered to.
2. A “Camp Host” shall be present at each camping location entrance for the duration of the event.
3. All spaces shown on the plan shall be labeled, with wayfinding signs provided.
4. The site(s) shall be returned in the condition in which they were provided to the applicant, all temporary trash receptacles shall be emptied and removed, any temporary structures shall be removed, all temporary restroom facilities shall be removed, and general site clean-up shall occur.
5. The Special Use Permit shall be valid for three (3) years as related to the Country Stampede Music Festival, allowing for camping on private property, to occur on specific dates in June of each year, with written permission and proper permitting through the City.
6. If said dates, times or camping locations change or if the ownership of Country Stampede changes, the Special Use Permit shall become null and void and expire as approved.

7. 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; and
8. Special Use Permit may be revoked by the Governing Body for violation of and/or non-compliance with the Municipal Code of Ordinances of the City of Bonner Springs, Kansas.

Action: Approve, Amend or Deny the Special Use Permit with Staff recommendations.

Background: The request is associated with the Country Stampede Music Festival, being the festivals second year in Bonner Springs and the Azura Amphitheater, several items have been taken into consideration once again. With the success of the 2024 event, city staff expects nothing but continued success and has worked with the promoters to ensure this happens. The applicant is again, requesting the use of a portion of the Azura Amphitheater's parking lot for large recreational vehicle parking; along with a portion of the Agricultural Hall of Fame property for recreational vehicles and primitive camping. These areas are designated on the included site layouts. The Unified Government of Wyandotte County along with the Agricultural Hall of Fame have provided letters of consent granting permission for camping to occur upon their respective properties.

The event promoters have worked with Staff, Police Department, Fire Department and Public Works Department during this process. Police and Fire have been in contact with surrounding agencies to ensure smooth operations from an emergency service perspective. While this request is in conjunction with a large music festival, the ultimate authority of the Planning Commission lies within the land use aspect only. Recently, amendments were made to the camping regulations allowing for camping on private property, with proper permits for a period of up to ninety-six (96) hours.

In the City's Unified Development Ordinance, Section 2.03.B-- SPECIAL USES--Sections 1 & 2, the Planning Commission and the Governing Body are authorized to recommend and to approve Special Use Permits in accordance with the Special Uses by Zoning District when required by the Table of Allowed Uses.

Discussion: Staff's report is attached.

Financial Impact:

City of Bonner Springs Agenda Item Cover Sheet

Agenda Item No. 4

CASE #: SUP-02-25
SPECIAL USE PERMIT

Topic: **Public Hearing-** The applicant is requesting approval of a Special Use Permit to allow for overnight camping as allowed on private property as allowed by the Municipal Code of Bonner Springs, Chapter XII; Article 3 – Camping Permits. The overnight camping is associated with the Country Stampede music festival and is to occur on property owned by the Unified Government of Wyandotte County (Azura Amphitheater – 633 N. 130th Street) and the Agricultural Hall of Fame (630 Hall of Fame Drive).

Narrative:

The request is associated with the Country Stampede Music Festival, being the festivals second year in Bonner Springs and the Azura Amphitheater, several items have been taken into consideration once again. With the success of the 2024 event, city staff expects nothing but continued success and has worked with the promoters to ensure this happens. The applicant is again, requesting the use of a portion of the Azura Amphitheater's parking lot for large recreational vehicle parking; along with a portion of the Agricultural Hall of Fame property for recreational vehicles and primitive camping. These areas are designated on the included site layouts. The Unified Government of Wyandotte County along with the Agricultural Hall of Fame have provided letters of consent granting permission for camping to occur upon their respective properties.

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Presented by: Mark Lee – Community Development Director

Staff Recommendation:

Staff recommends that the Planning Commission approve the Special Use Permit to allow for overnight camping to occur at 633 N. 130th Street and 630 Hall of Fame Drive, with staff recommendations.

Attachments:

Staff Report (4pgs)
Country Stampede Site Layout and descriptions (7pgs)
Unified Government Letter of Consent (1pg)
Agricultural Hall of Fame Letter of Consent (1pg)

CONSIDER APPROVAL OF A SPECIAL USE PERMIT TO ALLOW FOR OVERNIGHT CAMPING ON PRIVATE PROPERTY AS ALLOWED BY THE MUNICIPAL CODE OF BONNER SPRINGS, CHAPTER XII; ARTICLE 3 FOR THE COUNTRY STAMPEDE MUSIC FESTIVAL.

MEETING DATE: April 15, 2025
REPORT WRITTEN: April 3, 2025
CASE NUMBER: SUP-02-25

APPLICANT:

- Matt Tholen (Promoter)
6366 College Blvd.
Overland Park, KS 66211

REQUEST:

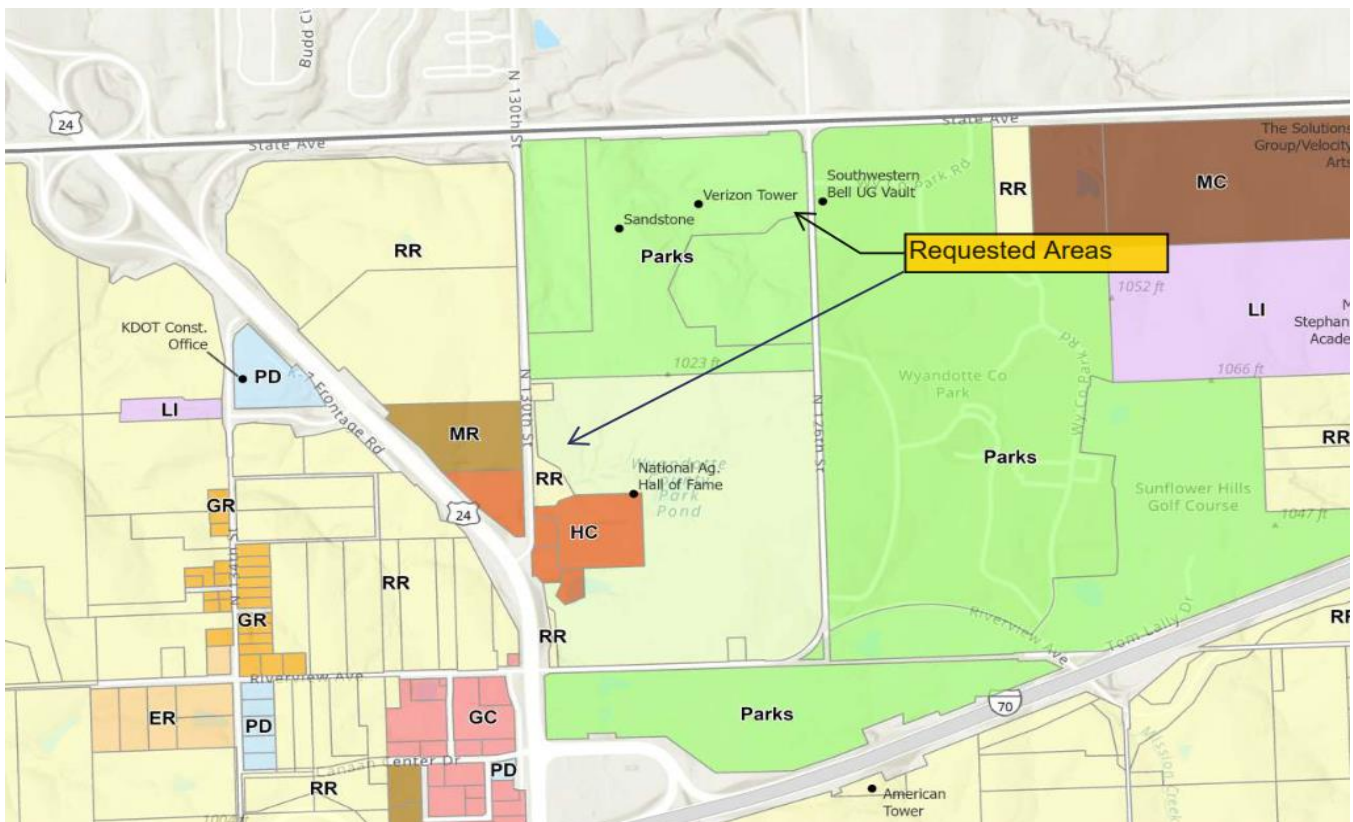
The applicant is requesting approval of a Special Use Permit to allow for overnight camping on private property as allowed by the Municipal Code of Bonner Springs, Chapter XII; Article 3.

ZONING:

The property is currently zoned “RR” Rural Residential District

SURROUNDING ZONING:

North	State Avenue – Kansas City, KS
South	HC – Highway Commercial
East	RR – Rural Residential; Wyandotte County Park
West	MR and RR – Rural Residential (vacant parcels) Mixed Residential (Sandstone Townhomes)



BACKGROUND:

The request is associated with the Country Stampede Music Festival, being the festivals second year in Bonner Springs and the Azura Amphitheater, several items have been taken into consideration once again. With the success of the 2024 event, city staff expects nothing but continued success and has worked with the promoters to ensure this happens. The applicant is again, requesting the use of a portion of the Azura Amphitheater's parking lot for large recreational vehicle parking; along with a portion of the Agricultural Hall of Fame property for recreational vehicles and primitive camping. These areas are designated on the included site layouts. The Unified Government of Wyandotte County along with the Agricultural Hall of Fame have provided letters of consent granting permission for camping to occur upon their respective properties.

The event promoters have worked with Staff, Police Department, Fire Department and Public Works Department during this process. Police and Fire have been in contact with surrounding agencies to ensure smooth operations from an emergency service perspective. While this request is in conjunction with a large music festival, the ultimate authority of the Planning Commission lies within the land use aspect only. Recently amendments were made to the camping regulations allowing for camping on private property, with proper permits for a period of up to ninety-six (96) hours.

In the City's Unified Development Ordinance, Section 2.03.B--SPECIAL USES--Sections 1 & 2, the Planning Commission and the Governing Body are authorized to recommend and to approve Special Use Permits in accordance with the Special Uses by Zoning District when required by the Table of Allowed Uses.



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 compatibility of the existing and proposed zoning conditions to 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. This use is temporary in nature and shall have no effect on the current zoning or Comprehensive Plan.

2. The ability of the affected Parcel to satisfy the subdivision regulations and Development Standards of these regulations, including any conditional Development Standards required by Section 2.06 below, under the proposed use;

Staff has worked with the festival promoter, emergency services and additional staff to ensure the location will not have a detrimental effect on the surrounding properties. With the special use permit being issued for a limited amount of time, development standards do not play a role.

3. The location of the proposed use, and if the location will contribute to the welfare or convenience of the public;

The proposed special use will neither contribute to, nor have, a detrimental effect on the general public. The allowance of this special use permit will benefit those festival goers that wish to stay onsite.

4. The impact of the proposed use to the value and enjoyment of surrounding property owners and users;

The property is currently zoned as rural residential but plays host to a variety of music concerts and other entertainment options. The proposed special use will not have any impact on the surrounding property owners' parcels. The majority of which, at this time are vacant.

5. The scale and intensity of the proposed use in relation to the surrounding built and natural environment;

There are sixty-three (63) spaces indicated as being located in the Azura parking lot just west of north 126th Street, designated as "Gold Parking" and an additional 140 spaces located in the northwest corner of the Ag Hall of Fame property, or immediately east of N. 130th Street, designated as "Silver Camping".

The properties in question are large enough to support this temporary use.

6. The impact of the proposed use on the developability of surrounding properties;

The request for camping is temporary in nature and shall have no effect on the developability of the surround properties.

7. **The availability and adequacy of required public improvements to serve the proposed use;**
The festival organizers have worked diligently with the City to ensure adequate facilities are present. These include portable restrooms, trash receptacles, security lighting towers, wayfinding signage and the stationing of “Camp Hosts” at each camping area.
8. **The professional recommendations of the City’s staff and Development Review Team.**
Staff recommends the Special Use Permit be approved, with staff recommendations.

STAFF RECOMMENDATIONS:

Staff recommends approval of the Special Use Permit; SUP-02-25 with the following conditions:

1. All information provided by the applicant in the “Country Stampede Camping Site Plan for Bonner Springs, KS” shall be adhered to.
2. A “Camp Host” shall be present at each camping location entrance for the duration of the event.
3. All spaces shown on the plan shall be labeled, with wayfinding signs provided.
4. The site(s) shall be returned in the condition in which they were provided to the applicant, all temporary trash receptacles shall be emptied and removed, any temporary structures shall be removed, all temporary restroom facilities shall be removed, and general site clean-up shall occur.
5. The Special Use Permit shall be valid for three (3) years as related to the Country Stampede Music Festival, allowing for camping on private property, to occur on specific dates in June of each year, with written permission and proper permitting through the City.
6. If said dates, times or camping locations change or if the ownership of Country Stampede changes, the Special Use Permit shall become null and void and expire as approved.
7. 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; and
8. Special Use Permit may be revoked by the Governing Body for violation of and/or non-compliance with the Municipal Code of Ordinances of the City of Bonner Springs, Kansas.

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.**



2025

COUNTRY STAMPEDE
CAMPING SITE PLAN
BONNER SPRINGS, KS

Country Stampede camping is Located in two separate locations at or near Azura Amphitheater

- Location 1: Gold Camping
 - Approximately 63 RV sites.
 - Each site is 25' wide x 45' long.
 - A 25' wide drive is surrounding all RV sites. Allowing easy access for all vehicles and emergency vehicles.
 - There is 55' between each row. Allowing easy access for all vehicles and emergency vehicles.
 - Each site will have 50-amp power supplied by commercial generators provided by a local third-party vendor. United Rental has historically supplied and maintained all generators. UR is licensed, insured and bonded.
 - Water fill and dump service is provided by ORI.
 - All RV parking will be fenced off with three vehicle entrances and exits. One is a primary entrance/exit. Others are for egress and as an emergency exits.
 - Two man-gates are on the west side.
 - A dedicated camp host (employee) is on site 24/7.
 - Host will assist campers with all issues. They will be in direct contact with CS management, security and emergency services.
 - Each site will be marked.
 - Each RV is required to have a placard displayed in the windshield.
 - Gold Camping is located in the Azura Amphitheater Northwest paved parking lot.
 - Campers will enter/exit from 126th Street.
 - Camp Security personnel will be located at each man gate. There will be two roaming Camp Security personnel in addition to the onsite host starting Wednesday 6/25/25 9:00 am and through Sunday 6/29/25 12:00 pm. Bonner Springs Police Department will have officers driving campgrounds overnight.
 - Trash service will be provided daily. Campers will set trash bags alongside the inner camp roads and Country Stampede staff will pick up twice daily. Trash will be disposed of in the onsite dumpster marked on the map.
 - Portable toilets and hand washing stations are noted on the map.

GOLD CAMPING MAP



- Location 2: Silver Camping
 - Approximately 140 Camping spots.
 - Each site is 25' wide x 45' long.
 - A minimum 50' between each row. Allowing easy access for all vehicles and emergency vehicles.
 - Sites 1-32 will have 50-amp power supplied by commercial generators provided by a local third-party vendor. United Rental has historically supplied and maintained all generators. UR is licensed, insured and bonded.
 - The rest of Silver is "dry" camping area.
 - Water fill and dump service is provided by ORI.
 - All campsites will be fenced off by actual fencing or tree line with three vehicle entrances/exits. One is a primary entrance off 130th. One is an exit only with access to either 130th or 126th based on traffic patterns. The third is for egress and for an emergency exit.
 - Two man-gates on the north side.
 - A dedicated camp host (employee) will be on site 24/7.
 - The Host will assist campers with all issues. They will be in direct contact with CS management, security and emergency services.
 - Each site will be marked.
 - Each site will have a laminated number marking the camp site.
 - Each camper is required to have their placard displayed in their windshield.
 - Silver Camping is located at Northwest corner of Agriculture Hall of Fame.
 - Campers will enter from 130th Street.
 - Each day at 12:00 pm (noon) 130th Street will be closed north of the Silver Entrance gate. Campers will enter from the South entrance only after 12:00 pm (noon) each day. Campers will exit into the General Admission parking area and exit to 126th after 12pm (noon) each day.
 - Country Stampede will have 1 person by the camping entrance on 130th ensuring only campers turn into Silver Camping area.
 - Country Stampede will work with PD on coning off the far right north bound lane on 130th and placing signs stating "SILVER CAMPING RIGHT LANE ONLY"
 - Camp Security personnel will be located at each man gate. There will be two roaming Camp Security personnel in addition to the camp host starting Wednesday 6/25/25 9:00 am and through Sunday 6/29/25 12:00 pm. Bonner Springs Police Department will have officers driving campgrounds overnight.
 - Trash service will be provided daily. Campers will set trash bags alongside the inner camp roads and Country Stampede staff will pick up twice daily. Trash will be disposed of in the onsite dumpster marked on the map.
 - Portable toilets and hand washing stations are noted on the map.

SILVER CAMPING MAP



Camping Rules for all campsites

- Each campsite is allowed one sleeping unit and one support (or tow) vehicle.
 - Each campsite is allowed one steering wheel. Motorhomes count as both, the sleeping unit and the support vehicle.
 - One additional support vehicle parking permit is available for purchase.
 - This must remain at the campsite.
 - **Camper's belongings, including camper, tents and vehicles, are required to stay within the 25'x45' camp site. Any items, vehicles, etc. not within the camp site will be removed and secured by camp security.**
- Absolutely **NO** open fires of any kind are allowed.
 - This includes, but not limited to campfires, fire rings, smokeless fire pits and etc.
- BBQ grills are allowed but must be attended when in use. Grills must be attended at all times until cool to the touch. All ashes must be stored in an appropriate container and removed from the site.
- Pets are prohibited in camping, exclusion service animals. ADA Guidelines will be followed.
- **NO** unauthorized aircraft, including drones.
- **NO** weapons are permitted in camping or the festival area.
- **All individuals entering the campground must have a valid ticket to Country Stampede. Anyone found in any camping areas without valid ticket will be removed immediately and are subject to trespassing charges.**
- **NO** ATVs, golf carts, motorcross motorcycles or recreational vehicles are allowed. All non-vehicle machines will be impounded.
- All campers are required to be courteous and respectful to other campers. Anyone deemed abusive or troublesome will be removed immediately from the campgrounds and banned from the festival.
- Minors must be accompanied by at least one parent or legal guardian, campgrounds included.
- Campsites must be kept clean throughout the weekend. All trash and refuse must be bagged and place it alongside the inner camp road for pick up each morning or deposited in waste dumpsters.
- All campsites must be cleaned, and all camping equipment removed by Sunday 12:00 pm. All garbage in trash bags and leave along the road for pick up or deposited in waste dumpsters. **Country Stampede will assess a cleanup fee of \$100 to an individual(s) if site is not found clean and not damaged. The charged will be to the credit/debit card on file.**
- Do not park vehicles on the campground roads. Illegally parked vehicles will be towed, and assessed an impound fee. All campers are asked to observe the NO PARKING and ONE-WAY signs, as well as a 5 mph speed limit. **No incoming traffic allowed after 10pm and before 7am, excluding security, police and emergency services.**
- Unauthorized vending is strictly prohibited inside and outside of the festival, including camping areas.
- **No fireworks and lasers allowed.**
- No overnight parking or camping in Azura parking areas. Vehicles in must be removed by 1:00 am. Vehicles left overnight may be towed and impounded. Vehicle owners are responsible for all tow and impound fees.
- Third party dump and fill services are available at an additional cost. Absolutely no dumping of waste tanks (Grey or Black). **Any person found dumping will be prosecuted,**

removed immediately and banned from the festival.

- Two additional camp security will roam campgrounds by UTV. Security will patrol all areas to ensuring that patrons do not enter Renaissance Festival area and AG Hall of fame property outside of Silver Camping.
- **IF ANY RV AND/OR VEHICLES EXCEEDING THE CAMPSITE DIMENSIONS WILL REQUIRE CAMPER TO PURCHASE AN ADDITIONAL SITE (IF AVAILABLE).**

All patrons camping at Country Stampede will do so at their own risk. Country Stampede, Azura Amphitheater and Agriculture Hall of Fall reserves the right to refuse admission, eject any person violating the facility, local, state, or federal laws or anyone's conduct deemed illegal, disorderly, or offensive by management and or law enforcement. Country Stampede, Kustom Entertainment, Digital Ally, Azura Amphitheater, Agriculture Hall of Fame, Unified Government of Wyandotte County, City of Bonner Springs assume no responsibility of any patrons and visitors.

NO REFUNDS, EXCHANGES OR RETURNS, ALL SALES ARE FINAL



701 North 7th St., Suite 945
Kansas City, Kansas 66101-3064

County Administrator's Office

David W. Johnston, County Administrator

Phone: (913) 573-5030
Fax: (913) 573-5540

February 1, 2024

Mark Lee, CPM
Community Development Director
City of Bonner Springs
200 E. 3rd Street
PO Box 38
Bonner Springs, KS 66012

Re: Letter of Consent for Camping

Dear Mr. Lee:

The Unified Government was delighted to hear that Country Stampede was coming to Azura Amphitheater. I understand that part of the amenities that will be offered to concertgoers will be camping. Specifically, RVs and campers will be in the paved reserved lot of Azura Amphitheater off 126th Street as outlined in the attachments.

Please consider this a letter of consent to allow camping to take place in the reserved lot of Azura Amphitheater from June 27, 2024, up to and including June 30, 2024, as outlined in the attachments and as part of the Country Stampede event. We are hopeful that this event will be highly successful and will make Bonner Springs its permanent home.

Sincerely,

David Johnston
County Administrator

Cc: Angel Ferrara, Director of Parks and Recreation



The National Agricultural Center and Hall of Fame

630 North 126th St., Bonner Springs, KS 66012

April 8, 2025

Mark Lee, CPM
Community Development Director
City of Bonner Springs
200 E. 3rd Street
Bonner Springs, KS 66012

Dear Mr. Lee,

The board of directors of the National Agricultural Center and Hall of Fame consent to the use of the northwest portion of our grounds to be used for overnight camping in conjunction with the Country Stampede Concert event June 25-28, 2025. We have had discussions with the owner of Country Stampede and have reached a mutually beneficial agreement.

If there are any further questions, please reach out to me, Mike Fergus, president of the board, or Kerry Mueller, secretary of the board.

Regards,

Dave Hurrelbrink
Chairman, Board of Governors
dhurrelbrink1953@gmail.com
913.645.1755

Mike Fergus
President, Board of Directors
mfergus@bpu.com
913.645.1451

Kerry Mueller
Secretary, Board of Directors
kerry.aghall@gmail.com
913.238.3014

Memorandum

Date: April 15, 2025
To: Mayor and City Council
From: Mark Lee

Subject: PUBLIC HEARING- Special Use Permit – SUP-01-25 – 1800 S. 121st Street and 800 S. 118th Street – APAC – Kansas, Inc. - Bonner Springs Quarry – Consider a request for renewal of a Special Use Permit – the applicant is requesting renewal of SUP-103 as required by the Unified Development Ordinance, This Special Use Permit will allow for the continuance of the APAC Quarry and the ‘Extraction of Energy Resources’ as listed within the UDO and the HI, Heavy Industrial Zoning District.

Recommendation: Staff recommends approval of the Special Use Permit; SUP-01-25 with the following conditions:

1. Future expansions of surface mining operations and additions to the site not identified on the Site Plan will require submission of a revised Special Use Permit and Phasing Plan. Improvements not shown on the Phasing Plan are not a part of this approval;
2. Subsurface mining shall be allowed via this Special Use Permit. Prior to this action, detailed plans, including but not limited to; engineering, internal layout and other detailed plans or studies as requested by the City shall be provided prior to work commencing.
3. * All subsurface mining operations shall maintain, at a minimum, ~~two-hundred (200') feet from the nearest property boundary.~~ the current setbacks listed upon the approved phasing plan. Access to underground mining operations from Phase I, Stages I or II shall not be required to adhere to the internal setbacks indicated on the plan, in order to reach Phase I, Stage III.
4. Revise and update the existing approved stormwater reports for Phase I, Stage III. These shall be submitted to the city within six (6) months of the approval of this Ordinance; and subsequently approved by the City Engineer and constructed by the applicant as deemed necessary;
5. The hours of operation shall be as follows, subject to the filing of written public complaints on any of the individual operations:
 - Removal of Rock – 6 a.m. to 6 p.m. – Monday through Saturday;
 - Rock Crushing – 6 a.m. to 6 p.m. Monday through Saturday;
 - Blasting – 9 a.m. to 3 p.m. – Monday through Friday; andAny blasting after 3 p.m. may be permitted only to meet Federal Blasting Requirements or for emergency situations with notification to and approval by the City Manager or his/her designated employee.
6. Plans and specifications shall be submitted on each occurrence for each temporary use of a portable crusher, portable asphalt plant and portable concrete ready-mix plant. Such plans, specifications and operation of the temporary uses on each individual basis shall conform to all federal, state and local requirements necessary to obtain any necessary permits prior to operation, but shall not require a revision to the

Amended Special Use Permit. Hours of operation shall conform to those observed by the quarrying operation;

7. Reports of all inspections required by the Kansas Department of Health and Environment, U.S. Environmental Protection Agency, the State Board of Agriculture-Division of Water Resources, the Bureau of Mines, including insurance inspections or any other agency requirements shall be provided to the City as they occur and are received;
8. The applicant shall conform to all dust, noise, air or any other environmental regulations applicable and shall conform to the stated methods of control and operation contained in the application and Environmental Impact Study. These shall include, but not be limited to, the watering of internal roadways for dust control and all applicable dust control methods relating to the use of rock crushing equipment;
9. Quarrying equipment shall not be visible from adjoining properties or from K-32 Highway;
10. All reclamation areas identified on the prior special use permit(s) and approved Reclamation Plan, including the southwest portion of the property and the east central portion of the property shall be maintained to blend with the terrain surrounding the quarry. The trees in the reclamation areas shall be properly maintained and all dead, dying or diseased trees shall be replaced as soon as possible to coincide with a planting season(s);
11. The lowest elevation of the surface mine shall not be less than 735 feet above mean sea level;
12. Once per calendar year, the City will conduct an inspection of the operations. City authorized personnel shall be allowed on the site to conduct these inspections or to participate in any other inspections deemed necessary by the City or any other local, state or federal agency;
13. An annual report on the quarry operation shall be provided no later than March of each year following the approval of the amended Special Use Permit. The Annual Report shall include the status of the quarrying operation and the progress of reclamation;
14. An annual blasting permit shall be obtained from the City and violation of the blasting requirements may constitute justification to revoke the Special Use Permit;
15. All trucks leaving the site shall be covered to eliminate the potential of spillage of rock on public roadways or damage to other property; and
16. Storm inlets on the east side of 121st Street shall be cleaned out to prevent accumulated silt from proceeding further into storm sewer system.
17. Public right of way that exists on the property currently may be vacated via appropriate action through the UDO. The public right of way shall be rededicated at a future time that allows for the extension of S. 122nd St or Steventon Drive through the property.
18. The site shall not be utilized in the future as a municipal or private landfill.
19. * The applicant shall contract with a local weather service to provide wind speed/direction

and temperature inversion information to ensure that the timing of blasting occurs when the weather conditions are the most conducive to reduced blasting effects such as air pressure vibrations and dust issues for the surrounding residents.

20. * No blasting for surface extraction shall occur within ~~six hundred (600')~~ one-thousand (1000') feet of a dwelling not owned or managed by the applicant.

21. * APAC – KS, Inc. will conduct pre-blast engineering surveys 12-months after a Certificate of Occupancy is issued. These inspections will be conducted via third-party provider, for dwellings that receive Certificate of Occupancy after January 1, 2024. Said dwellings must be within one-thousand (1000') feet of the established setbacks.

22. The revocation of the Special Use Permit may occur for a violation of the Unified Development Ordinance or violation of any or all of the conditions set out in the Special Use Permit;

23. * The term of the Special Use Permit shall be for a ten (10) year period of time and only for Phase I, Stages II, III and Phase II, unless said operation ceases for a period longer than 6 months or the property is sold.

Action: Make a motion to Approve, Amend or Deny the requested Special Use Permit with Staff Stipulations.

Background: The subject property is located at 1800 S. 121st Street and 800 S. 118th Street, abutting the Boy Scouts of America - Camp Naish to the east, vacant light industrial ground and single-family residential to the west and large lot residential to the north.

This item was presented to the Governing Body at the March 24th regular meeting; realizing there was public concerns and a protest petition filed, the Governing Body approved SUP-01-25 for a period of twelve (12) months. The Governing Body requested that staff reissue the public hearing notification to residents within one-thousand (1,000') feet. In an effort to gather more public input, address those concerns as best as possible and move the project forward, staff had already begun the process to bringing this back before the Planning Commission and the public for another hearing.

The area in question has been utilized as a quarrying operation since 1907. In the Special Use Permit application from 1993, Shawnee Rock – operator at the time – stated, *“Under the surface within the area of reserve rock is an extremely large quantity of rock suitable for cement manufacturing and construction. Although the quantity of rock available is largely undetermined, it is thought that the property could have a 120-year life as a quarry. This timeframe, however, is speculative and will depend upon actual geologic conditions, production, and demand. The rock is considered by industry experts as some of the finest and best rock for these purposes.”*

APAC-KS held a public information meeting at City Hall on the evening of April 10th to understand and address the public's concerns. ~~While this particular staff report may not capture all or any new proposed stipulations, any that do arise from that meeting will be presented at the Public Hearing and included for the Commission's consideration.~~ The stipulations attached to this revised version have been updated and provided at the Planning

Commission members at the meeting held on April 15, 2025. Staff read all 23 stipulations aloud during the meeting as well. Four additional stipulations came out from the public information meeting held on Thursday, April 10, 2025, and were added to staff's report and recommendation for the meeting on the 15th.

There is a request from the applicant that the lowest elevation of the quarry be increased to a depth of 735 feet above mean sea level from the existing 820 feet. An explanation for this request is provided within the applicant's Renewal Cover Letter, dated January 25th, 2025 and supplied within this packet and stated as *"This will allow us to mine the entire ledge of rock in the current west pit and the developing east pit. The lower ledge that we are currently mining sits on a large and very thick layer of Lane shale. It is believed and supported by test drilling that at the original start of the quarry the bottom elevation where the rock meets the shale has the elevation of 820'. However, the floor of the rock has started to dive deeper as the quarrying operation has progressed to the north and east thus leaving significant resources below the 820' elevation. We are currently staying at this 820' elevation in compliance with our SUP. This proposed elevation change in the new SUP will not affect any of the current reclamation plans that specify the mined acres to be reclaimed for commercial/industrial use."*

APAC is further requesting that underground mining below the requested 735-foot quarry floor is allowed to occur, though no specific depth was provided at this time. Test drilling conducted around the site has indicated there is more "high quality" material below a layer of Lane shale that runs throughout the site. In the SUP renewal letter provided by the applicant, it is explained as *"Mining of this rock strata would have the benefit of providing long-term resources for the surrounding communities. Mining below ground reduces blasting concerns since the rock is much deeper and blasting shots are much smaller, creating less noise and vibration for the surrounding community. Underground mining would not affect the above-specified reclamation of the surface mine (paragraph 2) nor would it affect in any way the existing waterway and associated flood plain areas. Typical post-mining uses and reclamation of underground operations include underground storage, underground business and office space similar to the current Hunt Midwest Subtropolis and Park College underground storage operations in the Kansas City Area."*

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.

Special Use Permits can, and do, allow deviations from the approved Unified Development Ordinance by placing more stringent requirements upon them and upon recommendation by the Planning Commission and approval by the Governing Body. The area in question has been utilized as a "mining operation" for many, many years and would continue its operations with the approval of this Special Use Permit.

Discussion: Staff's report is attached.

Financial Impact:

Memorandum

Date: April 15, 2025
To: Mayor and City Council
From: Mark Lee

Subject: PUBLIC HEARING- Special Use Permit – SUP-01-25 – 1800 S. 121st Street and 800 S. 118th Street – APAC – Kansas, Inc. - Bonner Springs Quarry – Consider a request for renewal of a Special Use Permit – the applicant is requesting renewal of SUP-103 as required by the Unified Development Ordinance, This Special Use Permit will allow for the continuance of the APAC Quarry and the ‘Extraction of Energy Resources’ as listed within the UDO and the HI, Heavy Industrial Zoning District.

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Amended Special Use Permit. Hours of operation shall conform to those observed by the quarrying operation;

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- (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.

Special Use Permits can, and do, allow deviations from the approved Unified Development Ordinance by placing more stringent requirements upon them and upon recommendation by the Planning Commission and approval by the Governing Body. The area in question has been utilized as a "mining operation" for many, many years and would continue its operations with the approval of this Special Use Permit.

Discussion: Staff's report is attached.

Financial Impact:

City of Bonner Springs

Agenda Item Cover Sheet

Agenda Item No. 5

CASE #: SUP-01-25
SPECIAL USE PERMIT

Topic: PUBLIC HEARING- Special Use Permit – SUP-01-25 – 1800 S. 121st Street and 800 S. 118th Street – APAC – Kansas, Inc. - Bonner Springs Quarry – Consider a request for renewal of a Special Use Permit – the applicant is requesting renewal of SUP-103 as required by the Unified Development Ordinance, This Special Use Permit will allow for the continuance of the APAC Quarry and the ‘Extraction of Energy Resources’ as listed within the UDO and the HI, Heavy Industrial Zoning District.

Narrative: The subject property is located at 1800 S. 121st Street and 800 S. 118th Street, abutting the Boy Scouts of America - Camp Naish to the east, vacant light industrial ground and single family residential to the west and large lot residential to the north.

This item was presented to the Governing Body at the March 24th regular meeting; realizing there was public concerns and a protest petition filed, the Governing Body approved SUP-01-25 for a period of twelve (12) months. The Governing Body requested that staff reissue the public hearing notification to residents within one-thousand (1,000’) feet. In an effort to gather more public input, address those concerns as best as possible and move the project forward staff had already began the process to bring this back before the Planning Commission and public for another hearing.

The area in question has been utilized as a quarrying operation since 1907. In the Special Use Permit application from 1993, Shawnee Rock – operator at the time – stated *“Under the surface within the area of reserve rock is an extremely large quantity of rock suitable for cement manufacturing and construction. Although the quantity of rock available is largely undetermined, it is thought that the property could have a 120-year life as a quarry. This time frame, however, is speculative and will depend upon actual geologic conditions, production, and demand. The rock is considered by industry experts as some of the finest and best rock for these purposes.”*

APAC-KS held a public information meeting at City Hall on the evening of April 10th to understand and address the public concerns. While this particular staff report may not capture all or any new proposed stipulations, any that do arise from that meeting will be presented at the Public Hearing and included for the Commissions consideration.

There is a request from the applicant that the lowest elevation of the quarry be increased to a depth of 735 feet above mean sea level from the existing 820 feet, explanation for this request is provided within the applicants Renewal Cover Letter, dated January 25th, 2025 and supplied within this packet and stated as *“This will allow us to mine the entire ledge of rock in the current west pit and the developing east pit. The lower ledge that we are currently mining sits on a large and very thick layer of Lane shale. It is believed and supported by test drilling that at the original start of the quarry the bottom elevation where the rock meets the shale has the elevation of 820’. However, the floor of the rock has started to dive deeper as the quarrying operation has progressed to the north and east thus leaving significant resources below the 820’ elevation. We are currently staying at this 820’ elevation in compliance with our SUP. This proposed elevation change in the new SUP will not affect any of the current reclamation plans that specify the mined acres to be reclaimed for commercial/industrial use.”*

APAC is further requesting that underground mining below the requested 735-foot quarry floor is allowed to occur, though no specific depth was provided at this time. Test drilling conducted around the site has indicated there is more “high quality” material below a layer of Lane shale that runs throughout the site. In the SUP renewal letter provided by the applicant, it is explained as *“Mining of this rock strata would have the benefit of providing long term resources for the surrounding communities. Mining below ground reduces blasting concerns since the rock is much deeper and blasting shots are much smaller creating less noise and vibration for the surrounding community. Underground mining would not affect the above specified reclamation of the surface mine (paragraph 2) nor would it affect in any way the existing water way and associated flood plain areas. Typical post mining uses and reclamation of underground operations include underground storage, underground business and office space similar to the current Hunt Midwest Subtropolis and Park College underground storage operations in the Kansas City Area.”*

Agenda Item No. 5

CASE #: SUP-01-25
SPECIAL USE PERMIT

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.

Special Use Permits can, and do, allow deviations from the approved Unified Development Ordinance by placing more stringent requirements upon them and upon recommendation by the Planning Commission and approval by the Governing Body. The area in question has been utilized as a “mining operation” for many, many years and would continue its operations with the approval of this Special Use Permit.

Presented by: Mark Lee – Community Development Director

Staff Recommendation:

Staff recommends that the Planning Commission approve the Special Use Permit to allow for continued operation of the quarry, with staff recommendations listed below.

Attachments:

Staff Report (6pgs)
Site Rendering (1pg)
SUP Renewal Cover Letter (2pgs)
Phasing and Stage Plan – 2005 (1pg)
Ordinance 2089 approving SUP-103 (2pgs)
Citizen Letter and Comparison (2pgs)
Staff Review of Comparison (1pg)
Response from APAC-KS (2pgs)
Unified Development Ordinance Industrial Land Use Table (1pg)
Unified Development Ordinance Section 2.03.B (3pgs)

CONSIDER A REQUEST FOR RENEWAL OF A SPECIAL USE PERMIT – THE APPLICANT IS REQUESTING RENEWAL OF SUP-103 AS REQUIRED BY THE UNIFIED DEVELOPMENT ORDINANCE, THIS SPECIAL USE PERMIT WILL ALLOW FOR THE CONTINUANCE OF THE APAC QUARRY AND THE ‘EXTRACTION OF ENERGY RESOURCES’ AS LISTED WITHIN THE UDO AND THE HI, HEAVY INDUSTRIAL ZONING DISTRICT.

MEETING DATE: April 15, 2025
REPORT WRITTEN: January 24, 2025 revised April 1, 2025
CASE NUMBER: SUP-01-25

APPLICANT:

APAC – Kansas, Inc.
PO Box 23910
Overland Park, KS 66283

REQUEST:

Consider a request for renewal of a Special Use Permit – the applicant is requesting renewal of SUP-103 as required by the Unified Development Ordinance, This Special Use Permit will allow for the continuance of the APAC Quarry and the ‘Extraction of Energy Resources’ as listed within the UDO and the HI, Heavy Industrial Zoning District.

BACKGROUND:

The subject property is located at 1800 S. 121st Street and 800 S. 118th Street, abutting the Boy Scouts of America - Camp Naish to the east, vacant light industrial ground and single family residential to the west and large lot residential to the north.

This item was presented to the Governing Body at the March 24th regular meeting; realizing there was public concerns and a protest petition filed, the Governing Body approved SUP-01-25 for a period of twelve (12) months. The Governing Body requested that staff reissue the public hearing notification to residents within one-thousand (1,000’) feet. In an effort to gather more public input, address those concerns as best as possible and move the project forward staff had already began the process to bring this back before the Planning Commission and public for another hearing

The area in question has been utilized as a quarrying operation since 1907. In the Special Use Permit application from 1993, Shawnee Rock – operator at the time – stated *“Under the surface within the area of reserve rock is an extremely large quantity of rock suitable for cement manufacturing and construction. Although the quantity of rock available is largely undetermined, it is thought that the property could have a 120-year life as a quarry. This time frame, however, is speculative and will depend upon actual geologic conditions, production, and demand. The rock is considered by industry experts as some of the finest and best rock for these purposes.”*

APAC-KS held a public information meeting at City Hall on the evening of April 10th to understand and address the public concerns. While this particular staff report may not capture all or any new proposed stipulations, any that do arise from that meeting will be presented at the Public Hearing and included for the Commissions consideration.

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APAC is further requesting that underground mining below the requested 735-foot quarry floor is allowed to occur, though no specific depth was provided at this time. Test drilling conducted around the site has indicated there is more “high quality” material below a layer of Lane shale that runs throughout the site. In the SUP renewal letter provided by the applicant, it is explained as *“Mining of this rock strata would have the benefit of providing long term resources for the surrounding communities. Mining below ground reduces blasting concerns since the rock is much deeper and blasting shots are much smaller creating less noise and vibration for the surrounding community. Underground mining would not affect the above specified reclamation of the surface mine (paragraph 2) nor would it affect in any way the existing water way and associated flood plain areas. Typical post mining uses and reclamation of underground operations include underground storage, underground business and office*

space similar to the current Hunt Midwest Subtropolis and Park College underground storage operations in the Kansas City Area.”

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.

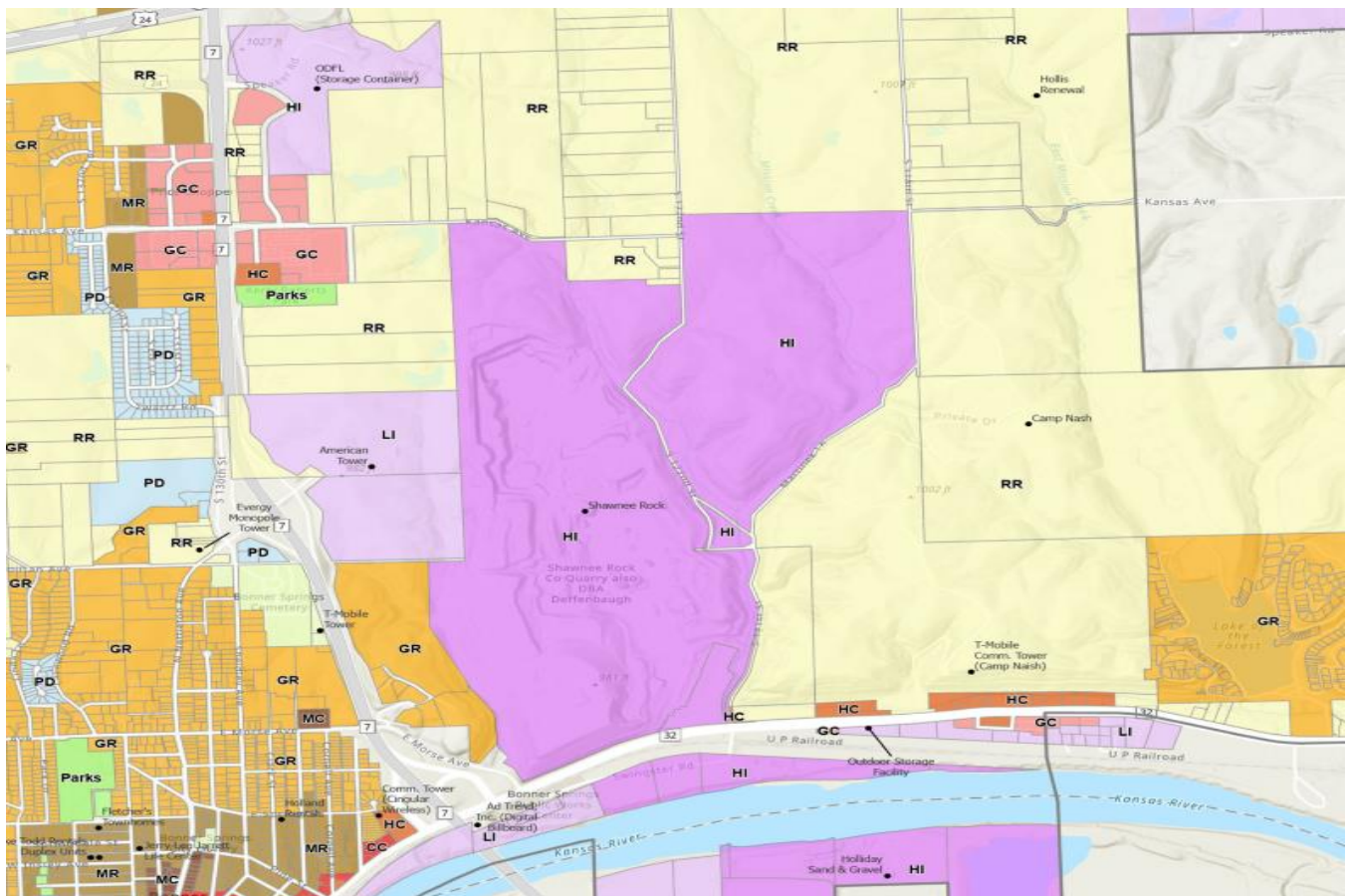
Special Use Permits can, and do, allow deviations from the approved Unified Development Ordinance by placing more stringent requirements upon them and upon recommendation by the Planning Commission and approval by the Governing Body. The area in question has been utilized as a “mining operation” for many, many years and would continue its operations with the approval of this Special Use Permit.

ZONING:

The property is currently zoned “HI” Heavy Industrial District

SURROUNDING ZONING:

North	RR – Rural Residential
South	HI – Heavy Industrial
East	RR – Rural Residential
West	GR – General Residential, LI – Light Industrial and RR – Rural Residential



CONFORMANCE WITH THE COMPREHENSIVE PLAN:

The Comprehensive Plan states that the role of the Planning Commission is to serve as an advisory board to the City Council; by conducting public hearings to obtain public opinion regarding each special use permit application. The Commission shall adopt recommendations that are forwarded to the City Council on each special use permit application request. In viewing requested special use permits the Commission shall consider compatibility and compliance with the Comprehensive Plan.

No specific language within the Comprehensive Plan address's locations of special uses.

The Comprehensive Plan does indicate the area as being Industrial and states:

Industrial: This category accommodates land uses associated with industrial activities such as assembly, manufacturing, warehousing, and limited office/commercial activities as defined in the city's Unified Development Ordinance. This district corresponds to the 'HI' Heavy Industrial district of the city UDO.



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;**

The use of a property zoned as HI - Heavy Industrial for Energy Resource Extraction is allowed via Special Use Permit. The extension of the existing Special Use Permit would allow for the continuance of operations at the quarry's current location. The entirety of the property is zoned as heavy industrial and has been incorporated into the expansion plans for years. The additional request for underground mining is not limited by the zoning district and the use as defined does not preclude this use either. **Energy Resource Extraction** is defined as - *An establishment engaged in the extraction, using drilling, pumping, mining, or similar means, of raw materials from the Earth for distribution or refinement, including but not limited to oil and natural gas extraction, and mining.*

- 2. The proposed special use at the specified location will contribute to and promote the welfare or convenience of the public;**

While the proposed special use does not contribute to, nor promote, the welfare and/or convenience of the general public, the extraction of materials from this site provides many opportunities to others throughout the Kansas City metro area and beyond, as well as local residents. The materials extracted from this site provide materials such as salt products, crushed limestone, rip rap, concrete rock and bedding material for underground piping to name a few. As stated above in the narrative, this quarry has been producing stone and other aggregates for over 115 years; providing materials for many construction jobs throughout the Kansas City Metro area and points beyond.

- 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 utilized as a rock quarry and has been for over 115 years. The property is zoned as heavy industrial and has been since its inception. The proposed special use has not proven to show injury to neighboring property values and is not expected to.

- 4. The location and size of the special use, the nature and intensity of the operation involved in or conducted in connection with it, and the location of the site with respect to streets giving access to it are such that the special use will not dominate the immediate neighborhood so as to prevent development and use of neighboring property in accordance with the applicable zoning district regulations. In determining whether the special use will so dominate the immediate neighborhood, consideration shall be given to:**

- a) The location, nature and height of buildings, structures walls and fences on the site,**
The location and size of the requested Special Use Permit lends itself to heavy industrial zoning and uses allowed within that district. No new buildings, structures or facilities are being constructed with this request.

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

The applicants have provided the following in regards to landscaping and screening – “APAC-Kansas proposes and will adhere to a 200-foot set back from the eastern property line. This will also include leaving the existing trees and ridge line on the eastern side alongside 121st street, essentially blocking the future mining line of sight from the traveling public. As 121st street moves north, the road elevation and existing elevation of the hill side nearly level out. To ensure a continued blocked line of sight in this area along 121st Street, APAC proposes to construct a 25-foot high, vegetated and treed berm as the mining operations move to the north.”

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;** Parking and loading areas are confined to the parcel and within the building sites and are screened from the public view.
6. **Adequate utility, drainage, and other such necessary facilities have been or will be provided; and;** There are currently stormwater facilities in place; staff is requesting though that the initial stormwater plan that was reviewed and approved be revisited and updated as needed with mining operations beginning in Phase I, Stage III.
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 the parcel via S. 121st Street and the existing entrance to APAC quarry.

STAFF RECOMMENDATIONS:

Staff recommends approval of the Special Use Permit; SUP-01-25 with the following conditions:

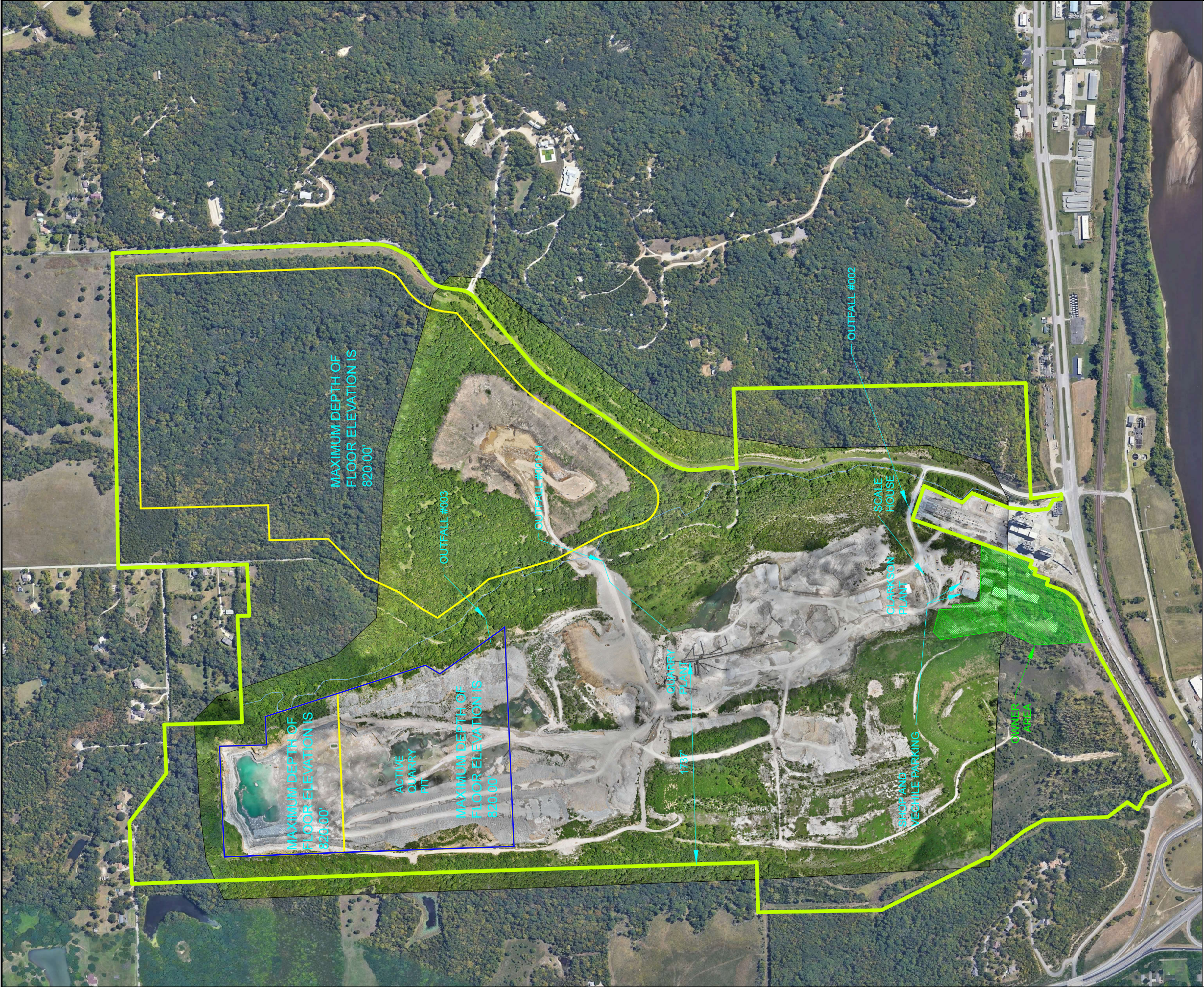
1. Future expansions and additions to the site not identified on the Site Plan will require submission of a revised Special Use Permit and Phasing Plan. Improvements not shown on the Phasing Plan are not a part of this approval;
2. The revocation of the Special Use Permit may occur for a violation of the Unified Development Ordinance or violation of any or all of the conditions set out in the Special Use Permit;
3. The term of the Special Use Permit to be for a ten (10) year period of time and only for Phase I, Stages II, III and Phase II;
4. Subsurface mining shall be allowed via this Special Use Permit, prior to this action; detailed plans, including but not limited to; engineering, internal layout and other detailed plans or studies as requested by the City shall be provided prior to work commencing.
5. All subsurface mining operations shall maintain a minimum two-hundred (200') feet from the nearest property boundary.
6. Complete storm drainage calculations for Phase I, Stage III shall be submitted to the city within six (6) months of the approval of this Ordinance; and subsequently approved by the City Engineer and constructed by the applicant as deemed necessary;
7. The hours of operation shall be as follows, subject to the filing of written public complaints on any of the individual operations:
 - Removal of Rock – 6 a.m. to 6 p.m. – Monday through Saturday;
 - Rock Crushing – 6 a.m. to 6 p.m. Monday through Saturday;
 - Blasting – 9 a.m. to 3 p.m. – Monday through Friday; and
 - Any blasting after 3 p.m. may be permitted only to meet Federal Blasting Requirements or for emergency situations with notification to and approval by the City Manager or his/her designated employee.
8. Plans and specifications shall be submitted on each occurrence for each temporary use of a portable crusher, portable asphalt plant and portable concrete ready-mix plant. Such plans, specifications and operation of the temporary uses on each individual basis shall conform to all federal, state and local requirements necessary to obtain any necessary permits prior to operation, but shall not require a revision to the Amended Special Use Permit. Hours of operation shall conform to those observed by the quarrying operation;

9. Reports of all inspections required by the Kansas Department of Health and Environment, U.S. Environmental Protection Agency, the State Board of Agriculture-Division of Water Resources, the Bureau of Mines, including insurance inspections or any other agency requirements shall be provided to the City as they occur and are received;
10. The applicant shall conform to all dust, noise, air or any other environmental regulations applicable and shall conform to the stated methods of control and operation contained in the application and Environmental Impact Study. These shall include, but not be limited to, the watering of internal roadways for dust control;
11. Once per calendar year, the City will conduct an inspection of the operations. City authorized personnel shall be allowed on the site to conduct these inspections or to participate in any other inspections deemed necessary by the City or any other local, state or federal agency;
12. Quarrying equipment shall not be visible from adjoining properties or from K-32 Highway;
13. All reclamation areas identified on the prior special use permit(s) and approved Reclamation Plan, including the southwest portion of the property and the east central portion of the property shall be maintained to blend with the terrain surrounding the quarry. The trees in the reclamation areas shall be properly maintained and all dead, dying or diseased trees shall be replaced as soon as possible to coincide with a planting season(s);
14. The lowest elevation of the surface mine shall not be less than 735 feet above mean sea level;
15. An annual report on the quarry operation shall be provided no later than March of each year following the approval of the amended Special Use Permit. The Annual Report shall include the status of the quarrying operation and the progress of reclamation;
16. An annual blasting permit shall be obtained from the City and violation of the blasting requirements may constitute justification to revoke the Special Use Permit;
17. All trucks leaving the site shall be covered to eliminate the potential of spillage of rock on public roadways or damage to other property; and
18. Storm inlets on east side of 121st Street shall be cleaned out to prevent accumulated silt from proceeding further into storm sewer system.
19. Public right of way that exists on the property currently may be vacated via appropriate action through the UDO. The public right of way shall be rededicated at a future time that allows for the extension of S. 122nd St or Steventon Drive through the property.
20. The site shall not be utilized in the future as a municipal or private landfill.
21. The applicant shall contract with a local weather service to provide wind speed/direction and temperature inversion information to ensure that the timing of blasting occurs when the weather conditions are the most conducive to reduced blasting effects such as air pressure vibrations and dust issues for the surrounding residents.
22. No blasting shall occur within six hundred (600') feet of a structure not owned or managed by the applicant

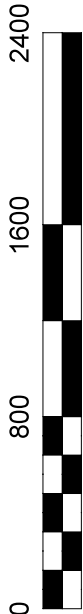
COMMISSION OPTIONS

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 May 12, 2025 City Council meeting for final action



- = BONDED AREA
- = LEASED LINES
- = OWNER AREA
- = BLUE LINE STREAM
- = PLANNED PHASE LINES



1" = 800'

BONNER SPRINGS QUARRY

1800 SOUTH 121st. STREET
BONNER SPRINGS, KS. 66012
SECTIONS 21,28, AND 29,
TOWNSHIP11 SOUTH, RANGE 23 EAST

DRAWN BY: TMS 23OCT2015
REVISED BY: TMS 16JAN2024
REVISED BY:
REVISED BY:

NOTES:



APAC-KANSAS INC.
LAND SURVEYING DEPARTMENT
7355 WEST 162nd TERRACE
STILWELL, KANSAS 66085
PHONE: 913-238-7820

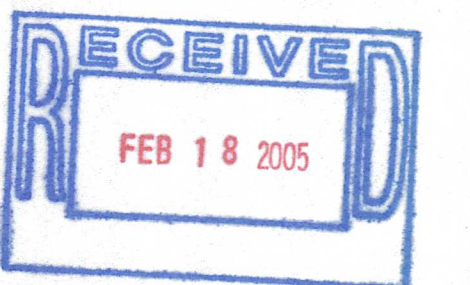
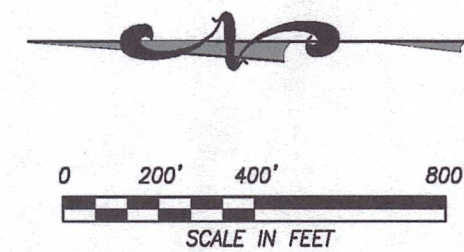


AREA	ACREAGE
PHASE I, STAGE I	143 Ac.
PHASE I, STAGE II	57 Ac.
PHASE I, STAGE III	179 Ac.
PHASE II	25 Ac.

LEGEND	
	EXISTING TOPOGRAPHIC CONTOUR (10' INTERVAL)
	TREELINE
	RAILROAD TRACKS
	EXISTING ROAD
	EXISTING LAKE/STREAM
	STAGE BOUNDARY
	EXCAVATION BOUNDARY
	APPROXIMATE PROPERTY LINE
	PHASE LINE
	SETBACK

NOTES:
EXISTING MIXTURE OF HARDWOOD & EVERGREEN LANDSCAPING
WILL BE PRESERVED.

REVISED BY SHAWNEE ROCK COMPANY ON 02/08/05 *SLR*



AQUATERRA
ENVIRONMENTAL SOLUTIONS, INC.
6980 West 153rd Street
Overland Park, Kansas 66223

SHAWNEE ROCK COMPANY
PHASING PLAN
BONNER SPRINGS, KANSAS

Project Mgr.	SLR	Drawn By	DBN	Designed By	SLR	Project No.	01021085
Scale	1"=400'	Date	12/28/02	File Name	01021085_PHASING-F2.dwg	Drawing No.	2



Daniel Jones, MS, MOLO

Operations Manager
Environmental
APAC – Kansas City
PO Box 23910
Overland Park, KS 66283
Tel: 913-238-9908
dsjones@apac.com

January 25, 2025

City of Bonner Springs
c/o Mark Lee
Community Development
PO Box 38
Bonner Springs, Kansas 66012

RE: SUP Renewal Supplemental Information

Mr. Mark Lee,

Per our meeting last week, APAC Kansas, Inc. is providing additional information to support our SUP renewal application.

1. See the attached Purchase Agreement In-Principal between APAC-Kansas (dba Holliday Sand and Stone Company) and Waste Management, Inc. Based on the requirement for a renewed SUP to secure the capital funds for purchase, APAC plans to execute this agreement as soon as the SUP renewal is completed. Once this agreement is executed, APAC will provide a copy of the executed agreement to the City of Bonner Springs. It should be noted that APAC will become the responsible party for mine reclamation and not Waste Management, formerly Shawnee Rock owned by Deffenbaugh Industries, after purchase.
2. APAC-Kansas requests that the bottom floor elevation specified in the current SUP of 820' be changed to 735' feet. This will allow us to mine the entire ledge of rock in the current west pit and the developing east pit. The lower ledge that we are currently mining sits on a large and very thick layer of Lane shale. It is believed and supported by test drilling that at the original start of the quarry the bottom elevation where the rock meets the shale has the elevation of 820'. However, the floor of the rock has started to dive deeper as the quarrying operation has progressed to the north and east thus leaving significant resources below the 820' elevation. We are currently staying at this 820' elevation in compliance with our SUP. This proposed elevation change in the new SUP will not affect any of the current reclamation plans that specify the mined acres to be reclaimed for commercial/industrial use.
3. For continued mining on the east section, APAC-Kansas proposes and will adhere to a 200-foot set back from the eastern property line. This will also include leaving the existing trees and ridge line on the eastern side alongside 121st street, essentially blocking the future mining line of sight from the traveling public. As 121st street moves north, the road elevation and existing elevation of the hill side nearly level out. To ensure a continued blocked line of sight in this area along 121st Street, APAC proposes to construct a 25-foot high, vegetated and treed berm as the mining operations move to the north.

Safety First *Always*



Daniel Jones, MS, MOLO

Operations Manager
Environmental
APAC – Kansas City
PO Box 23910
Overland Park, KS 66283
Tel: 913-238-9908
dsjones@apac.com

4. Based on test drilling, APAC-Kansas has identified significant high quality rock reserves below the Lane shale layer. APAC requests that permission be granted to underground mine within the existing mine plan be included in this SUP. Prior to any underground mining, APAC would provide detailed plans and any other information that the city might require. Mining of this rock strata would have the benefit of providing long term resources for the surrounding communities. Mining below ground reduces blasting concerns since the rock is much deeper and blasting shots are much smaller creating less noise and vibration for the surrounding community. Underground mining would not affect the above specified reclamation of the surface mine (paragraph 2) nor would it affect in any way the existing water way and associated flood plain areas. Typical post mining uses and reclamation of underground operations include underground storage, underground business and office space similar to the current Hunt Midwest Subtropolis and Park College underground storage operations in the Kansas City Area.
5. APAC-Kansas requests that the term of this SUP be for 20 years as in the previous SUP stipulations.
6. APAC-Kansas agrees that it will not conduct municipal landfilling operations as a post mining, reclamation use.

Please let me know if you have any questions, comments or further information is needed.

Regards,

Dan Jones

Attachment(s): 1

ORDINANCE NO. 2089

An ordinance of the Governing Body of the City of Bonner Springs, Kansas, approving a Special Use Permit (Amended) under SUP-103, "Shawnee Rock Company" for a rock quarry operation on property located at 1800 S. 121st St., Bonner Springs, Wyandotte County, Kansas

BE IT ORDAINED BY the Governing Body of the City of Bonner Springs, Kansas:

Section I: That the Official Zoning Map classification for the Shawnee Rock Company is amended for a Special Use Permit (Amended) and revised Phasing Plan for the Shawnee Rock Company located on I-2, Heavy Industrial District located at 1800 S. 121st St., Bonner Springs, Kansas subject to the following conditions:

1. Future expansions and additions to the site not identified on the Site Plan will require submission of a revised Special Use Permit and Phasing Plan. Improvements not shown on the Phasing Plan are not a part of this approval;
2. The revocation of the Special Use Permit may occur for a violation of the Zoning Ordinance as provided in Section 8, Article XXVII of the Zoning Ordinance or violation of any or all of the conditions set out in the Special Use Permit;
3. The term of the Special Use Permit to be for a twenty (20) year period of time and only for Phase I, Stages II, III and Phase II. No other Phases or stages are approved as part of this Special Use Permit;
4. Complete storm drainage calculations for Phase I, Stages III and Phase II shall be submitted to the city and approved by the City Engineer prior to mining in these areas;
5. The hours of operation shall be as follows, subject to the filing of written public complaints on any of the individual operations:

Removal of Rock – 6 a.m. to 6 p.m. – Monday through Saturday;

Rock Crushing – 6 a.m. to 6 p.m. Monday through Saturday;

Blasting – 9 a.m. to 3 p.m. – Monday through Saturday; and

Blasting after 3 p.m. may be permitted only to meet Federal Blasting Requirements or for emergency situations with notification to and approval by the City Manager or his/her designated employee.

6. Plans and specifications shall be submitted on each occurrence for each temporary use of a portable crusher, portable asphalt plant and portable concrete ready mix plant. Such plans, specifications and operation of the temporary uses on each individual basis shall conform to all federal, state and local requirements necessary to obtain any necessary permits prior to operation, but shall not require a revision to the Amended Special Use Permit. Hours of operation shall conform to those observed by the quarrying operation;
7. Reports of all inspections required by the Kansas Department of Health and Environment, U.S. Environmental Protection Agency, the State Board of Agriculture-Division of Water Resources, the Bureau of Mines, including insurance inspections or any other agency requirements shall be provided to the City as they occur and are received;

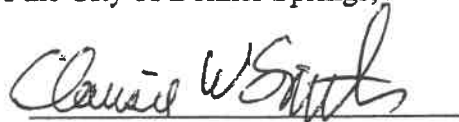
8. The applicant shall conform to all dust, noise, air or any other environmental regulations applicable and shall conform to the stated methods of control and operation contained in the application and Environmental Impact Study. These shall include, but not be limited to, the watering of internal roadways for dust control;
9. Once per calendar year, the City will conduct an inspection of the operations. City authorized personnel shall be allowed on the site to conduct these inspections or to participate in any other inspections deemed necessary by the City or any other local, state or federal agency;
10. Quarrying equipment shall not be visible from adjoining properties or from K-32 Highway;
11. All reclamation areas identified on the prior special use permit, including the southwest portion of the property and the east central portion of the property shall be maintained to blend with the terrain surrounding the quarry. The trees in the reclamation areas shall be properly maintained and all dead, dying or diseased trees shall be replaced as soon as possible to coincide with a planting season(s);
12. The lowest elevation of the mine shall not be less than 820 feet above mean sea level;
13. An annual report on the quarry operation shall be provided no later than March of each year following the approval of the Amended Special Use Permit. The Annual Report shall include the status of the quarrying operation and the progress of reclamation;
14. An annual blasting permit shall be obtained from the City and violation of the blasting requirements may constitute justification to revoke the Special Use Permit;
15. All trucks leaving the site shall be covered to eliminate the potential of spillage of rock on public roadways or damage to other property; and
16. Storm inlets on east side of 121st Street shall be cleaned out to prevent accumulated silt from proceeding further into storm sewer system.

Section II: The term of the Special Use Permit shall be for a twenty (20) year indefinite period of time unless:

1. The operation ceases, or
2. The property is sold, whichever occurs first.

Section III: This ordinance shall be in full force and effect from and after its passage and publication in the official city newspaper.

PASSED AND APPROVED by the Governing Body of the City of Bonner Springs, Kansas, this 11th day of April, 2005.


Clausie W. Smith, Mayor

ATTEST:


Rita Hoag, City Clerk

(SEAL)

Dear Council Member:

I am writing to you as a follow up to my previous letter regarding concerns with the SUP extension for the rock quarry operated by APAC-Kansas, Inc. I've spent some time researching stipulations placed upon other local mines, including one in Olathe that was previously operating by APAC, and one in DeSoto, Kansas. Both appear to be similarly situated next to residential areas as is the APAC Bonner Springs quarry.

A chart comparing the key differences is shown below. The APAC Olathe quarry stipulations were found on the Olathe government website, AGENDA, OLATHE CITY COUNCIL REGULAR SESSION, Tuesday, April 17, 2018 6:15 p.m. At the time APAC operated the quarry. It appears it is now operated by another company. The Sunflower Quarry in DeSoto stipulations were found on the Johnson County government website, Staff Report, January 17, 2020, To: Northwest Consolidated Zoning Board. **My overall take away from this comparison is that the stipulations on the Bonner Springs quarry are much more lax than those found in the other two area quarries.**

Blast limits: The Bonner Springs quarry SUP does not have any additional restrictions on blasting limits. APAC in Bonner Springs follows the USBM safe blasting levels limit. The largest blast reported by the APAC third-party expert was only 36.67% of the allowable limit at .75 inches/second at 13.5 Hz. However, that is **150% higher** than the limit they agreed to at their Olathe quarry, and is **50% higher** than the limit at the DeSoto quarry. Additionally, under the current proposed SUP, **the Bonner Springs quarry could set off a blast 3 times larger than the largest blast recorded last year and still be within the allowable limit.** A stipulation limiting the blast size to something comparable to what is in place at the Olathe quarry seems prudent.

Mining set backs: Both the Olathe and DeSoto quarries have **set back limits of 1,000 feet** to the nearest residence **and 750 feet** to the nearest residential property line. The **Bonner Springs SUP only has a 200-foot limit...** less than a football field.

Term: **The terms at the other two sites are for 2 and 5 years, not the 20 years that Bonner Springs SUP is being requested for.** A lot can happen in 20 years, why does the SUP need to be this long?

As you can see, there is much more the city can do to protect the neighbors of the quarry. APAC has agreed to much tighter restrictions in the past at another facility. In exchange for allowing the APAC to mine deeper, the city should limit the size of the blasting, provide for a further set back from neighboring residences, and shorten the term so that we can revisit how its going in a few years versus two decades later.

I strongly urge you to turn this SUP back to the planning commission for further revisions to the SUP to come in line with the stipulations that neighboring quarries are required to conform to.

Regards,

Kevin Strathman
12430 Kansas Avenue
Cell: (913) 486-2945

Area Quarry SUP stipulations

Quarry	# of Stipulations	SUP term	Blast limits	Mining Set backs	Preblast surveys/residential monitoring	Dust control
APAC - KC - Bonner Springs	18	20 years	Not specified - follow the USBM safe levels of blasting vibrations for houses established in a 1980 study. Largest blast reporting by the APAC third-party expert was on March 4, 2024, and was .75 inches/second at 13.5 Hz measured at a distance of 1,003 feet	200 feet from property line	n/a, although an APAC has a third-party monitor seismic activity at some neighboring residences	Applicant shall conform to all dust, noise, air or any other environmental regulations applicable... including, but not limited to, watering of internal roadways for dust control (Stipulation #7)
APAC - KC - Olathe	28	2 years	blasting will not exceed 0.30 inches per second PPV (peak particle velocity) at any property line that is residentially zoned	one thousand (1,000) foot setback from the residential home, Seven hundred fifty (750) feet from an existing residence or residentially zoned property line	The quarry operator will hire an independent third party to install, monitor, and maintain a monitoring device on any residential property within 1,500 of the property line of the quarry property , at the request of the residential property owner	The operator will minimize dust particles by the regular application of water (or calcium chloride during dry periods) on haul roads, stockpiles and in active quarry. A description of efforts being undertaken so that dust emissions to adjacent properties are controlled, including a comprehensive report of all sources of dust from quarrying, and a plan to control dust consistent with applicable state requirements, which includes a description of how dust emanating from stockpiles, roads, equipment, operation of vehicles, blasting and other sources of dust will be controlled.
Sunflower Quarry - DeSoto	38	5 years	Ground vibration at residential structures beyond the CUP boundary will be restricted to vibration levels below the KSFM 495 limit: Above 20 Hz - 1.0 in/s and below 20 Hz - 0.5 in/s	750 feet to the nearest property line of adjoining rural or residentially zoned property and not less than 1,000 feet to the nearest residence	Preblast surveys will be used to document the existing condition of structures within ½-mile of the CUP Property Limits	Applicant establish a reporting mechanism so residents who notice dust can inform the mine operator so that appropriate short-term and long-term mitigation measures can be taken (Stipulation #21).

APAC - KS - Olathe -

- This came before the Commission and the Governing Body and was approved in 2022 with a 7 year approval.
- Olathe has also said they are attempting to eliminate all quarrying operations within their city limits
- This facility also includes a construction debris landfill which is very contentious use.
- They further more altered the setbacks to the following -
- Setbacks will be as follows and will be measured from the current property lines:
 - 1) 150 feet from 159th Street.
 - 2) 150 feet from Old 56 Highway/Clare Road.
 - 3) For above ground operations, 750 feet from any residence or residentially zoned property.
 - 4) 400 feet from any commercial or industrial zoning district boundary of any property not owned or operated by the applicant or their successor.
 - 5) 25 feet along the east property line where adjacent to the Asphalt Sales property.

APAC - KS - Olathe -

- This came before the Commission and the Governing Body and was approved in 2022 with a 7-year approval.
- Olathe has also said they are attempting to eliminate all quarrying operations within their city limits
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 - 4) 400 feet from any commercial or industrial zoning district boundary of any property not owned or operated by the applicant or their successor.
 - 5) 25 feet along the east property line where adjacent to the Asphalt Sales property.

Sunflower Quarry - De Soto

- This came before the Johnson County Board of County Commissioners in January of 2025 and was approved for a 10-year period.

Below is the synopsis from the JoCo BOCC Resolution 010-25

- On January 24, 1991, the BOCC approved Resolution No. 011-91 for surface quarry and mining, which approval included, among other things, a term of 10 years; and on January 24, 2001, the term expired; and
- On June 23, 2005, the BOCC approved Resolution No. 018-05 for surface quarry and mining, which approval included, among other things, a term of 5 years; and on June 23, 2010, the term expired; and
- On May 27, 2010, the BOCC approved Resolution No. 028-10 for surface quarry and mining, which approval included, among other things, an initial term of 5 years and a provision for a 5-year renewal; and on May 27, 2015, the term expired; and
- On April 16, 2015, the BOCC approved Resolution No. 016-15 for surface quarry and mining, which approval included, among other things, an initial term of 5 years and a provision for a 5-year renewal; and on June 23, 2020, the initial 5-year term will expire; and
- On February 27, 2020, the BOCC approved Resolution No. 008-20 for surface quarry and mining, which approval included, among other things, an initial term of 5 years and a provision for a 5-year renewal; and will expire on February 27, 2025; and
- The West Consolidated Zoning Board, after duly publishing notice of a public hearing on said application, did on December 18, 2024, conduct a public hearing on the application; and
- The West Consolidated Zoning Board thereafter submitted its recommendation and report to the BOCC recommending approval of the application subject to the stipulations listed in the staff report.

is hereby approved by the Board of County Commissioners based upon the evidence in the record of the proceedings supporting the decision, and with further approval subject to the following stipulations also recommended by the Zoning Board or required by the Board of County Commissioners, to wit:

1. Term. The term of the permit shall be for a period not to exceed ten (10) years commencing from the date of approval of this resolution by the Board of County Commissioners

Mark Lee

From: [REDACTED]
Sent: Thursday, March 20, 2025 5:04 PM
To: Mark Lee
Subject: [External sender] Additional Special Conditions

Caution: This email originated from outside the organization and may contain suspicious content! Only click on links or open attachments if you trust this email.

Here you go...for your review. You may want to word them differently... Based on the comments from the last two meetings, and my conversations with residents including Rob Richardson who represents Kevin Strathman,CFO of Dairy Farmers of America.

1. Reduction in SUP timeframe from 20 years to 10 years.
 - a. I think it prudent to mention to the council that there is a mechanism that no matter the length of the term, that there are remedies for the City if the applicant is not meeting the stipulations and they can revoke the SUP if deemed necessary.
 - b. I also think it prudent to mention that all of APAC's other quarry locations in Johnson County and Wyandott County do NOT have any SUP time limits. These locations are: Johnson County Aggregates in Olathe (no Sunset Clause in the SUP – mine until all the rock is gone), Stanley West Quarry in Overland Park is an approved non-conforming grandfathered use and has no expiration, Gardner Quarry in Johnson County also does not have a SUP that has a limiting time frame. Our most recent SUP renewal (2024) with a time limit is our Bates City Quarry in Lafayette County Missouri and our SUP is good for 50 years.
 - c. The 2 year time limit mentioned by a neighbor in the public comment period refers to an old APAC site in Olathe. This two year time limit was similar to what you are doing with our 1 year SUP. Olathe was updating their regulations and issued a 2 year permit as an extension while the regulations were updated. The ensuing re-issue of the permit was for a 7 year time frame and that continues now that Hamm/Summit is the owners of that quarry.
2. Remove blasting times from Saturday. Blasting will not be conducted on Saturdays.
 - a. I think it prudent to mention to the council that since our purchase of the mineral rights from waste management/Shawnee rock in around 2007, we have never blasted on a Saturday. We have all the records to prove that.
3. APAC has contracted with a local weather service to provide wind speed/direction and temperature inversion information to ensure that the timing of blasting occurs when the weather conditions are the most conducive to reduced blasting effects such as air pressure vibrations and dust issues for the surrounding residents.
 - a. This is the same weather service Martin Marrietta Quarries uses currently to help them with their blasting and being good neighbors.
4. Upon request, APAC agrees to work with adjacent neighbors to place additional seismographs to ensure that all blasting meets the federal and state safe blasting regulations. APAC currently has

5 seismographs placed in strategic areas in line with the blasting area and the nearest property lines.

5. APAC agrees to conduct blasting no closer than 600 ft from any un-owned dwelling.
 - a. We feel the existing set backs are just fine with the addition of the above clause. This will put an additional buffer around any of the current and possibly future dwellings.

We also agree to work on the Helicopter and Train issues if and once we complete the purchase of the property from Waste Management. I do not feel that this should be put in the permit, but we are committed to improving both of those situations.

OK, Mark. That should cover it all. Let me know if you have any thoughts. See you Monday evening.

Regards,

Dan Jones
Environmental Manager
APAC-Kansas City

Table Legend		Official Zoning Districts														Parking Space Requirements
P	Use is permitted in the district indicated	LA, Loring Agricultural District	LR, Loring Residential District	RR, Rural Residential District	ER, Estate Residential District	GR, General Residential District	CC, Central Commercial District	LC, Local Commercial District	GC, General Commercial District	HC, Highway Commercial District	LI, Light Industrial District	HI, Heavy Industrial District	MR, Mixed-Residential District	MC, Mixed-Use Commercial District	ENT, Entertainment / Amusement Park District	
	Use is prohibited in the district indicated															
S	Use is permitted in the district indicated following approval of a Special Use Permit															
#	Use is permitted (P-#) or permitted with a Special Use Permit (S-#), and must comply with conditional standards in the indicated end note															
Land Uses																
Industrial Land Uses																
Crematorium											S				1: 500 SF	
Energy Production, Commercial	S	S	S												4	
Energy Resource Extraction	S	S	S								S				4	
General Appliance Repair						S	S	S		P	P		S		1: 400 SF	
Hazardous Material Storage or Handling											P				1: 1,000 SF	
Heavy Machinery Storage and Sale			S					S	S		P				1: 400 SF	
Manufacturing or Industrial Practices, Heavy										S	P				1: 1,000 SF	
Manufacturing or Industrial Practices, Light								S		P	P				1: 1,000 SF	
Salvage Operation or Junk Yard											S				1: 400 SF	
Telecommunications Facility	S-27	S-27	S-27	S-27	S-27	S-27	S-27	S-27	S-27	S-27	S-27	S-27	S-27	S-27	None	
Utility Distribution	S-28	S-28	S-28	S-28	S-28	S-28	S-28	S-28	S-28	S-28	S-28	S-28	S-28	S-28	None	
Vehicle Repair, Major									S	S	P		S		1: bay + 1:400 SF of office and waiting area	
Vehicle Repair, Minor									P	P	P		P		1: bay + 1:400 SF of office and waiting area	
Vehicle Tow or Storage Lot											S-29				1: 400 SF of office	
Warehouse and Distribution										S	S				1: 1,000 SF	
Water or Wastewater Treatment Facility	S	S	S	S	S	S	S	S	S	S	S	S	S		1: employee at busiest anticipated shift	

B. Special Use Permit (SUP)

1. Generally

a. Purpose

- (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.

- b. Applications for SUPs shall comply with the universal application process outlined in **Section 1.03.C** above, and shall be subject to the general zoning regulation application procedures and requirements outlined in **Section 1.04.B** above.
 - (1) Applications for SUPs shall be initiated by a property owner or authorized representative.
 - (2) SUPs shall not be conveyed or transferred between different properties, and shall remain in effect on the affected Parcel, unless otherwise stated by **Section 2.03.B.3** below, regardless of changes in ownership.
- 2. Action Required
 - a. Action will be taken on an application for a SUP by the approval authority outlined in **Section 1.02.F** above.
 - b. Consideration

When considering an application for a SUP, the approval authority shall consider:

 - (1) The compatibility of the existing and proposed zoning conditions to the Comprehensive Plan;
 - (2) The ability of the affected Parcel to satisfy the subdivision regulations and Development Standards of these regulations, including any conditional Development Standards required by **Section 2.06** below, under the proposed use;
 - (3) The location of the proposed use, and if the location will contribute to the welfare or convenience of the public;
 - (4) The impact of the proposed use to the value and enjoyment of surrounding property owners and users;
 - (5) The scale and intensity of the proposed use in relation to the surrounding built and natural environment;
 - (6) The impact of the proposed use on the developability of surrounding properties;
 - (7) The availability and adequacy of required public improvements to serve the proposed use; and
 - (8) The professional recommendations of the City's staff and Development Review Team.
- 3. Expiration and Revocation
 - a. Approval of an application for a SUP shall be accompanied by an expiration timeframe ranging from five (5) years to perpetuity from the date of approval by the approval authority unless one of the following has occurred:
 - b. Upon expiration or revocation of an approved SUP, the Community Development Director shall initiate a public hearing before the responsible bodies outlined in **Section 1.02.F** above to review the conditions associated with the initial approval for consistency with the intent of these regulations, as amended.
 - (1) If found deficient, the SUP will be deemed expired or revoked, as applicable.
 - (2) The City Council, following recommendation from the Community Development Director and Planning Commission, shall revert the property affected by the SUP to its prior zoning.
 - c. An approved SUP shall remain in effect on a property following the execution of a Building Permit in accordance with **Section 1.04.E** above, and shall then require a zoning action in accordance with **Section 1.04.B** above to repeal, update, or change the conditions of the SUP.

d. Revocation

- (1) A SUP may be revoked by the City Council for the following reasons:
 - (a) Violation of any regulation adopted by the City, including these regulations; or
 - (b) Violation or non-compliance with the conditions, limitations or requirements contained in the SUP application and ordinance.
- (2) Prior to revocation of a SUP, the City shall notify the affected property owner no less than thirty (30) days prior to the hearing on the revocation and reassignment process outlined in **Section 2.03.B.3.b** above.
 - (a) The City shall specify the observed violation within such written notice.
 - (b) The City may grant the affected property owner the ability to rectify any violation within a prescribed timeframe.

City of Bonner Springs

Agenda Item Cover Sheet

Agenda Item No. 5

CASE #: SUP-01-25
SPECIAL USE PERMIT

Topic: PUBLIC HEARING- Special Use Permit – SUP-01-25 – 1800 S. 121st Street and 800 S. 118th Street – APAC – Kansas, Inc. - Bonner Springs Quarry – Consider a request for renewal of a Special Use Permit – the applicant is requesting renewal of SUP-103 as required by the Unified Development Ordinance, This Special Use Permit will allow for the continuance of the APAC Quarry and the ‘Extraction of Energy Resources’ as listed within the UDO and the HI, Heavy Industrial Zoning District.

Narrative: The subject property is located at 1800 S. 121st Street and 800 S. 118th Street, abutting the Boy Scouts of America - Camp Naish to the east, vacant light industrial ground and single family residential to the west and large lot residential to the north.

This item was presented to the Governing Body at the March 24th regular meeting; realizing there was public concerns and a protest petition filed, the Governing Body approved SUP-01-25 for a period of twelve (12) months. The Governing Body requested that staff reissue the public hearing notification to residents within one-thousand (1,000’) feet. In an effort to gather more public input, address those concerns as best as possible and move the project forward staff had already began the process to bring this back before the Planning Commission and public for another hearing.

The area in question has been utilized as a quarrying operation since 1907. In the Special Use Permit application from 1993, Shawnee Rock – operator at the time – stated *“Under the surface within the area of reserve rock is an extremely large quantity of rock suitable for cement manufacturing and construction. Although the quantity of rock available is largely undetermined, it is thought that the property could have a 120-year life as a quarry. This time frame, however, is speculative and will depend upon actual geologic conditions, production, and demand. The rock is considered by industry experts as some of the finest and best rock for these purposes.”*

APAC-KS held a public information meeting at City Hall on the evening of April 10th to understand and address the public concerns. While this particular staff report may not capture all or any new proposed stipulations, any that do arise from that meeting will be presented at the Public Hearing and included for the Commissions consideration.

There is a request from the applicant that the lowest elevation of the quarry be increased to a depth of 735 feet above mean sea level from the existing 820 feet, explanation for this request is provided within the applicants Renewal Cover Letter, dated January 25th, 2025 and supplied within this packet and stated as *“This will allow us to mine the entire ledge of rock in the current west pit and the developing east pit. The lower ledge that we are currently mining sits on a large and very thick layer of Lane shale. It is believed and supported by test drilling that at the original start of the quarry the bottom elevation where the rock meets the shale has the elevation of 820’. However, the floor of the rock has started to dive deeper as the quarrying operation has progressed to the north and east thus leaving significant resources below the 820’ elevation. We are currently staying at this 820’ elevation in compliance with our SUP. This proposed elevation change in the new SUP will not affect any of the current reclamation plans that specify the mined acres to be reclaimed for commercial/industrial use.”*

APAC is further requesting that underground mining below the requested 735-foot quarry floor is allowed to occur, though no specific depth was provided at this time. Test drilling conducted around the site has indicated there is more “high quality” material below a layer of Lane shale that runs throughout the site. In the SUP renewal letter provided by the applicant, it is explained as *“Mining of this rock strata would have the benefit of providing long term resources for the surrounding communities. Mining below ground reduces blasting concerns since the rock is much deeper and blasting shots are much smaller creating less noise and vibration for the surrounding community. Underground mining would not affect the above specified reclamation of the surface mine (paragraph 2) nor would it affect in any way the existing water way and associated flood plain areas. Typical post mining uses and reclamation of underground operations include underground storage, underground business and office space similar to the current Hunt Midwest Subtropolis and Park College underground storage operations in the Kansas City Area.”*

Agenda Item No. 5

CASE #: SUP-01-25
SPECIAL USE PERMIT

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.

Special Use Permits can, and do, allow deviations from the approved Unified Development Ordinance by placing more stringent requirements upon them and upon recommendation by the Planning Commission and approval by the Governing Body. The area in question has been utilized as a “mining operation” for many, many years and would continue its operations with the approval of this Special Use Permit.

Presented by: Mark Lee – Community Development Director

Staff Recommendation:

Staff recommends that the Planning Commission approve the Special Use Permit to allow for continued operation of the quarry, with staff recommendations listed below.

Attachments:

Staff Report (6pgs)
Site Rendering (1pg)
SUP Renewal Cover Letter (2pgs)
Phasing and Stage Plan – 2005 (1pg)
Ordinance 2089 approving SUP-103 (2pgs)
Citizen Letter and Comparison (2pgs)
Staff Review of Comparison (1pg)
Response from APAC-KS (2pgs)
Unified Development Ordinance Industrial Land Use Table (1pg)
Unified Development Ordinance Section 2.03.B (3pgs)

Staff stipulations were revised April 10, 2025 – 8:15am – revisions are shown as underlined.

Staff stipulations were again revised after the Public Information Meeting that was held on Thursday, April 10, 2025. Revisions are shown as underlined.

*Asterisks * represent items brought forth from the Public Information meeting and/or brought forth by APAC – KS, Inc..*

CONSIDER A REQUEST FOR RENEWAL OF A SPECIAL USE PERMIT – THE APPLICANT IS REQUESTING RENEWAL OF SUP-103 AS REQUIRED BY THE UNIFIED DEVELOPMENT ORDINANCE, THIS SPECIAL USE PERMIT WILL ALLOW FOR THE CONTINUANCE OF THE APAC QUARRY AND THE ‘EXTRACTION OF ENERGY RESOURCES’ AS LISTED WITHIN THE UDO AND THE HI, HEAVY INDUSTRIAL ZONING DISTRICT.

MEETING DATE: April 15, 2025
REPORT WRITTEN: January 24, 2025 revised April 1, 2025
CASE NUMBER: SUP-01-25

APPLICANT:
APAC – Kansas, Inc.
PO Box 23910
Overland Park, KS 66283

REQUEST:
Consider a request for renewal of a Special Use Permit – the applicant is requesting renewal of SUP-103 as required by the Unified Development Ordinance, This Special Use Permit will allow for the continuance of the APAC Quarry and the ‘Extraction of Energy Resources’ as listed within the UDO and the HI, Heavy Industrial Zoning District.

BACKGROUND:
The subject property is located at 1800 S. 121st Street and 800 S. 118th Street, abutting the Boy Scouts of America - Camp Naish to the east, vacant light industrial ground and single family residential to the west and large lot residential to the north.

This item was presented to the Governing Body at the March 24th regular meeting; realizing there was public concerns and a protest petition filed, the Governing Body approved SUP-01-25 for a period of twelve (12) months. The Governing Body requested that staff reissue the public hearing notification to residents within one-thousand (1,000’) feet. In an effort to gather more public input, address those concerns as best as possible and move the project forward staff had already began the process to bring this back before the Planning Commission and public for another hearing

The area in question has been utilized as a quarrying operation since 1907. In the Special Use Permit application from 1993, Shawnee Rock – operator at the time – stated *“Under the surface within the area of reserve rock is an extremely large quantity of rock suitable for cement manufacturing and construction. Although the quantity of rock available is largely undetermined, it is thought that the property could have a 120-year life as a quarry. This time frame, however, is speculative and will depend upon actual geologic conditions, production, and demand. The rock is considered by industry experts as some of the finest and best rock for these purposes.”*

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space similar to the current Hunt Midwest Subtropolis and Park College underground storage operations in the Kansas City Area.”

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.
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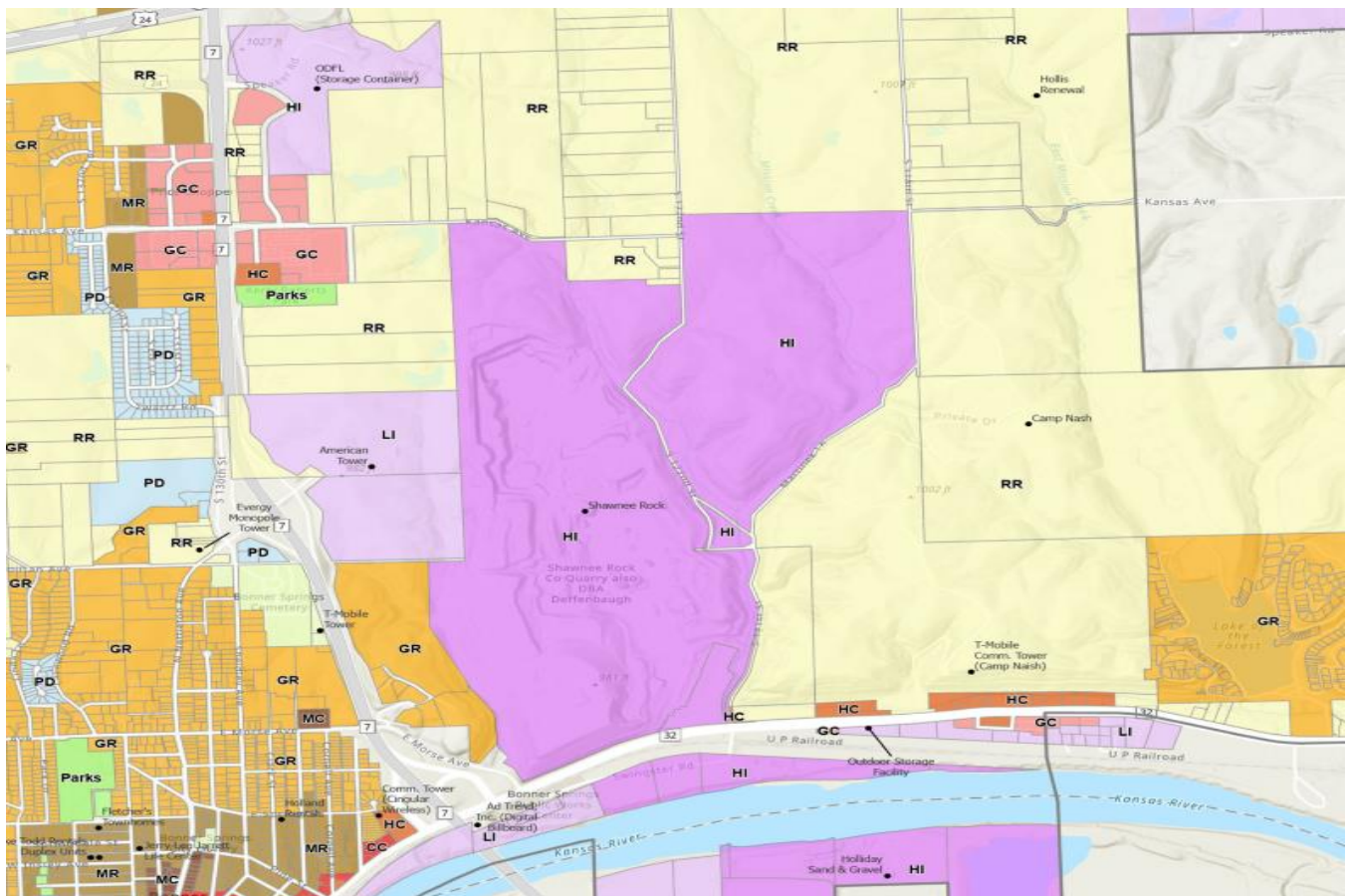
Special Use Permits can, and do, allow deviations from the approved Unified Development Ordinance by placing more stringent requirements upon them and upon recommendation by the Planning Commission and approval by the Governing Body. The area in question has been utilized as a “mining operation” for many, many years and would continue its operations with the approval of this Special Use Permit.

ZONING:

The property is currently zoned “HI” Heavy Industrial District

SURROUNDING ZONING:

North	RR – Rural Residential
South	HI – Heavy Industrial
East	RR – Rural Residential
West	GR – General Residential, LI – Light Industrial and RR – Rural Residential



CONFORMANCE WITH THE COMPREHENSIVE PLAN:

The Comprehensive Plan states that the role of the Planning Commission is to serve as an advisory board to the City Council; by conducting public hearings to obtain public opinion regarding each special use permit application. The Commission shall adopt recommendations that are forwarded to the City Council on each special use permit application request. In viewing requested special use permits the Commission shall consider compatibility and compliance with the Comprehensive Plan.

No specific language within the Comprehensive Plan address's locations of special uses.

The Comprehensive Plan does indicate the area as being Industrial and states:

Industrial: This category accommodates land uses associated with industrial activities such as assembly, manufacturing, warehousing, and limited office/commercial activities as defined in the city's Unified Development Ordinance. This district corresponds to the 'HI' Heavy Industrial district of the city UDO.



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;**

The use of a property zoned as HI - Heavy Industrial for Energy Resource Extraction is allowed via Special Use Permit. The extension of the existing Special Use Permit would allow for the continuance of operations at the quarry's current location. The entirety of the property is zoned as heavy industrial and has been incorporated into the expansion plans for years. The additional request for underground mining is not limited by the zoning district and the use as defined does not preclude this use either. **Energy Resource Extraction** is defined as - *An establishment engaged in the extraction, using drilling, pumping, mining, or similar means, of raw materials from the Earth for distribution or refinement, including but not limited to oil and natural gas extraction, and mining.*

- 2. The proposed special use at the specified location will contribute to and promote the welfare or convenience of the public;**

While the proposed special use does not contribute to, nor promote, the welfare and/or convenience of the general public, the extraction of materials from this site provides many opportunities to others throughout the Kansas City metro area and beyond, as well as local residents. The materials extracted from this site provide materials such as salt products, crushed limestone, rip rap, concrete rock and bedding material for underground piping to name a few. As stated above in the narrative, this quarry has been producing stone and other aggregates for over 115 years; providing materials for many construction jobs throughout the Kansas City Metro area and points beyond.

- 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 utilized as a rock quarry and has been for over 115 years. The property is zoned as heavy industrial and has been since its inception. The proposed special use has not proven to show injury to neighboring property values and is not expected to.

- 4. The location and size of the special use, the nature and intensity of the operation involved in or conducted in connection with it, and the location of the site with respect to streets giving access to it are such that the special use will not dominate the immediate neighborhood so as to prevent development and use of neighboring property in accordance with the applicable zoning district regulations. In determining whether the special use will so dominate the immediate neighborhood, consideration shall be given to:**

- a) The location, nature and height of buildings, structures walls and fences on the site,**

The location and size of the requested Special Use Permit lends itself to heavy industrial zoning and uses allowed within that district. No new buildings, structures or facilities are being constructed with this request.

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

The applicants have provided the following in regards to landscaping and screening – “APAC-Kansas proposes and will adhere to a 200-foot set back from the eastern property line. This will also include leaving the existing trees and ridge line on the eastern side alongside 121st street, essentially blocking the future mining line of sight from the traveling public. As 121st street moves north, the road elevation and existing elevation of the hill side nearly level out. To ensure a continued blocked line of sight in this area along 121st Street, APAC proposes to construct a 25-foot high, vegetated and treed berm as the mining operations move to the north.”

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;** Parking and loading areas are confined to the parcel and within the building sites and are screened from the public view.
6. **Adequate utility, drainage, and other such necessary facilities have been or will be provided; and;** There are currently stormwater facilities in place; staff is requesting though that the initial stormwater plan that was reviewed and approved be revisited and updated as needed with mining operations beginning in Phase I, Stage III.
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 the parcel via S. 121st Street and the existing entrance to APAC quarry.

STAFF RECOMMENDATIONS:

Staff recommends approval of the Special Use Permit; SUP-01-25 with the following conditions:

1. Future expansions of surface mining operations and additions to the site not identified on the Site Plan will require submission of a revised Special Use Permit and Phasing Plan. Improvements not shown on the Phasing Plan are not a part of this approval;
2. Subsurface mining shall be allowed via this Special Use Permit, prior to this action; detailed plans, including but not limited to; engineering, internal layout and other detailed plans or studies as requested by the City shall be provided prior to work commencing.
3. * All subsurface mining operations shall maintain, at a minimum, ~~of two-hundred (200') feet from the nearest property boundary.~~ the current setbacks listed upon the approved phasing plan. Access to underground mining operations from Phase I, Stages I or II shall not be required to adhere to the internal setbacks indicated on the plan, in order to reach Phase I, Stage III.
4. Revise and update the existing approved storm water reports for Phase I, Stage III. These shall be submitted to the city within six (6) months of the approval of this Ordinance; and subsequently approved by the City Engineer and constructed by the applicant as deemed necessary;
5. The hours of operation shall be as follows, subject to the filing of written public complaints on any of the individual operations:
 - Removal of Rock – 6 a.m. to 6 p.m. – Monday through Saturday;
 - Rock Crushing – 6 a.m. to 6 p.m. Monday through Saturday;
 - Blasting – 9 a.m. to 3 p.m. – Monday through Friday; and
 - Any blasting after 3 p.m. may be permitted only to meet Federal Blasting Requirements or for emergency situations with notification to and approval by the City Manager or his/her designated employee.
6. Plans and specifications shall be submitted on each occurrence for each temporary use of a portable crusher, portable asphalt plant and portable concrete ready-mix plant. Such plans, specifications and operation of the temporary uses on each individual basis shall conform to all federal, state and local requirements necessary to obtain any necessary permits prior to operation, but shall not require a revision to the Amended Special Use Permit. Hours of operation shall conform to those observed by the quarrying operation;
7. Reports of all inspections required by the Kansas Department of Health and Environment, U.S. Environmental Protection Agency, the State Board of Agriculture-Division of Water Resources, the

Bureau of Mines, including insurance inspections or any other agency requirements shall be provided to the City as they occur and are received;

8. The applicant shall conform to all dust, noise, air or any other environmental regulations applicable and shall conform to the stated methods of control and operation contained in the application and Environmental Impact Study. These shall include, but not be limited to, the watering of internal roadways for dust control and all applicable dust control methods relating to the use of rock crushing equipment;
9. Quarrying equipment shall not be visible from adjoining properties or from K-32 Highway;
10. All reclamation areas identified on the prior special use permit(s) and approved Reclamation Plan, including the southwest portion of the property and the east central portion of the property shall be maintained to blend with the terrain surrounding the quarry. The trees in the reclamation areas shall be properly maintained and all dead, dying or diseased trees shall be replaced as soon as possible to coincide with a planting season(s);
11. The lowest elevation of the surface mine shall not be less than 735 feet above mean sea level;
12. Once per calendar year, the City will conduct an inspection of the operations. City authorized personnel shall be allowed on the site to conduct these inspections or to participate in any other inspections deemed necessary by the City or any other local, state or federal agency;
13. An annual report on the quarry operation shall be provided no later than March of each year following the approval of the amended Special Use Permit. The Annual Report shall include the status of the quarrying operation and the progress of reclamation;
14. An annual blasting permit shall be obtained from the City and violation of the blasting requirements may constitute justification to revoke the Special Use Permit;
15. All trucks leaving the site shall be covered to eliminate the potential of spillage of rock on public roadways or damage to other property; and
16. Storm inlets on the east side of 121st Street shall be cleaned out to prevent accumulated silt from proceeding further into storm sewer system.
17. Public right of way that exists on the property currently may be vacated via appropriate action through the UDO. The public right of way shall be rededicated at a future time that allows for the extension of S. 122nd St or Steventon Drive through the property.
18. The site shall not be utilized in the future as a municipal or private landfill.
19. * The applicant shall contract with a local weather service to provide wind speed/direction and temperature inversion information to ensure that the timing of blasting occurs when the weather conditions are the most conducive to reduced blasting effects such as air pressure vibrations and dust issues for the surrounding residents.
20. * No blasting for surface extraction shall occur within ~~six hundred (600')~~ one-thousand (1000') feet of a dwelling not owned or managed by the applicant.
21. * APAC – KS, Inc. will conduct pre-blast engineering surveys 12-months after a Certificate of Occupancy is issued. These inspections will be conducted via third-party provider, for dwellings that receive Certificate of Occupancy after January 1, 2024. Said dwellings must be within one-thousand (1000') feet of the established setbacks.
22. The revocation of the Special Use Permit may occur for a violation of the Unified Development Ordinance or violation of any or all of the conditions set out in the Special Use Permit;

23. * The term of the Special Use Permit shall be for a ten (10) year period of time and only for Phase I, Stages II, III and Phase II, unless said operation ceases for a period longer than 6 months or the property is sold.

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 May 12, 2025 City Council meeting for final action