



City of Bonner Springs

KANSAS

Tuesday, October 21, 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 minutes from the August 19th, 2025 meeting

Action	Approve, Amend or Deny the draft minutes as presented
Recommendation	Staff recommends approval of the minutes with one revision — the case number should be changed to BSCP-01-25 as these amendments were to the Comprehensive Plan and not the Unified Development Ordinance. Staff had the item mislabeled on the agenda and in the staff report.

Documents:

1. 8.19.25 PC Minutes Draft

OLD BUSINESS

NEW BUSINESS

1. FP-02-25 - Consider a Final Plat for Spencer's Way, 3800 Loring Road.

Action	Make a motion to Approve, Amend or Deny the requested Final Plat.
Recommendation	Staff recommends that the Planning Commission approve the plat for Archer Meadows with staff stipulations

1. All comments made by the Wyandotte County Surveyor and UG Review Staff, the Bonner Springs City Engineer, City Staff and Utility providers shall be addressed prior to the release of the Replat for filing.
2. All necessary building permits and fees shall be paid prior to building permits being issued.
3. The plat shall be filed with the Wyandotte County Register of Deeds by the applicant, with one copy being returned to the City for recording.
4. In addition to the stipulations in this report, the developer/property owner agrees to abide by all regulations contained in the Bonner Springs Unified Development Ordinance

Documents:

1. Complete Staff Report - Final Plat - FP-02-25 - 3800 Loring Rd - Spencers Way

2. PUBLIC HEARING – Special Use Permit – SUP-02-25 – Evergy; Whippoorwill Electrical Substation

Action	Make a motion to Approve, Amend or Deny the Special Use Permit as presented.
Recommendation	Staff recommends approval of the Special Use Permit; SUP-02-25 with the following conditions:

1. All required federal, state, and local permits (e.g., grading, stormwater, environmental, FAA for tall structures) must be obtained prior to construction.
2. The applicant shall coordinate with Bonner Springs emergency services to ensure adequate access and safety protocols are in place for the facility.
3. Screening and lighting shall meet the requirements of the Unified Development Ordinance.
4. Future expansions and additions to the site not identified on the approved Site Plan will require submission of a revised Special Use Permit.
5. 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;
6. The term of the Special Use Permit shall be in perpetuity.
7. The Special Use Permit shall remain in effect on the property following the execution of a building permit in accordance with Section 1.04.E of the UDO, and shall then require a zoning action in accordance with Section 1.04.B of the UDO to repeal, update, or change the conditions of the SUP.

Documents:

1. Complete Staff Report SUP-02-25 - Evergy Substation

3. PUBLIC HEARING – Unified Development Ordinance Amendments – BSZO-01-25

Action	Make a motion to Approve, Amend or Deny the amendments to the Unified Development Ordinance as presented.
Recommendation	Staff recommends the Planning Commissions approve the amendments to the Unified Development Ordinance as provided.

Documents:

1. Complete Staff Report - BSZO-01-25 - UDO Amendments

OPEN AGENDA

COMMUNITY DEVELOPMENT DIRECTORS REPORT

1. New Staff Member

Action	None needed
Recommendation	NA

Documents:

ADJOURNMENT

Memorandum

Date: October 21, 2025
To: Mayor and City Council
From: Mark Lee

Subject: Approval of minutes from the August 19th, 2025 meeting

Recommendation: Staff recommends approval of the minutes with one revision — the case number should be changed to BSCP-01-25 as these amendments were to the Comprehensive Plan and not the Unified Development Ordinance. Staff had the item mislabeled on the agenda and in the staff report.

Action: Approve, Amend or Deny the draft minutes as presented

Background: NA

Discussion: Minutes are attached

Financial Impact:



City of Bonner Springs

KANSAS

Planning Commission Minutes - Regular Meeting – August 19, 2025

PLANNING COMMISSION MEETING - 6:30 PM -

CALL TO ORDER - ROLL CALL - Chairperson Greg Gebauer called the meeting to order at 6:30 P.M. The Community Development Director called roll and confirmed a quorum was present.

CONSENT AGENDA -

Minutes of the June 17, 2025 Planning Commission Meeting – Commissioner Mesmer moved and Commissioner Zeps seconded to approve the minutes of the June 17, 2025, Planning Commission Meeting as presented. The motion passed unanimously 7-0

OLD BUSINESS - None Presented

NEW BUSINESS -

PUBLIC HEARING - BSZO-01-25 - Recommend for approval revision to 2025 and Beyond – The Comprehensive Plan of Bonner Springs

- Zeps moved and Neff seconded to open the public hearing at 6:34 p.m. Unanimous approval. The Community Development Director reviewed the proposed changes to the Comprehensive Plan:

- Update the table of contents
- Update the numbering and formatting.
- Update zoning categories to match the UDO

Zeps moved and Mesmer seconded to close the public hearing at 6:35p.m. Unanimous approval.

Zeps moved and Mesmer seconded to approve the proposed changes and forward the item to the City Council for consideration at their September 19th meeting. Unanimous approval.

OPEN AGENDA - None presented

COMMUNITY DEVELOPMENT DIRECTOR'S REPORT –

The Community Development Director reported:

- The 120 on Oak and the Compass 70 project are progressing.
- The Sandstone Townhomes are filling as fast as the developer can build them.
- Tiblow Days is this weekend.
- The Commissioners asked clarifying questions about the storage container regulations.
- The American Community Survey has been updated.
- The 120 on Oak is anticipating being completed in August of next year

ADJOURNMENT- The Chair adjourned the meeting at 6:50 p.m.

Memorandum

Date: October 21, 2025
To: Mayor and City Council
From: Mark Lee

Subject: FP-02-25 - Consider a Final Plat for Spencer's Way, 3800 Loring Road.

Recommendation: Staff recommends that the Planning Commission approve the plat for Archer Meadows with staff stipulations

1. All comments made by the Wyandotte County Surveyor and UG Review Staff, the Bonner Springs City Engineer, City Staff and Utility providers shall be addressed prior to the release of the Replat for filing.
2. All necessary building permits and fees shall be paid prior to building permits being issued.
3. The plat shall be filed with the Wyandotte County Register of Deeds by the applicant, with one copy being returned to the City for recording.
4. In addition to the stipulations in this report, the developer/property owner agrees to abide by all regulations contained in the Bonner Springs Unified Development Ordinance

Action: Make a motion to Approve, Amend or Deny the requested Final Plat.

Background: The subject property is currently zoned LA – Loring Agriculture. The proposed plat will create a parcel that complies with all applicable requirements of the zoning district, including the minimum lot size of 20 acres, required road frontage, and other development standards. Utility easements have been provided around the perimeter of the property, and no additional dedication of public right-of-way is being requested. Access to the parcel will be provided via Loring Lane.

Over the past several years, five (5) parcels have been subdivided from the original ±140-acre parent tract through a combination of lot splits and, most recently, the Archer Meadows plat. The current proposal will further subdivide the remaining ±70-acre portion of the parent tract, resulting in a new parcel and leaving approximately 50 acres undeveloped.

The plat has been reviewed by City staff, the City Engineer, and relevant departments within the Unified Government.

This proposed plat will not alter any existing lots outside the boundaries of the proposed subdivision.

Discussion: Staff report is attached.

Financial Impact: NA

City of Bonner Springs

Agenda Item Cover Sheet

Agenda Item No. 4

CASE #: FP-02-25
Final Plat

Topic: Consider a Final Plat for 3800 Loring Lane – Consider a Final Plat for Spencer’s Way, 3800 Loring Lane.

Narrative:

The subject property is currently zoned LA – Loring Agriculture. The proposed plat will create a parcel that complies with all applicable requirements of the zoning district, including the minimum lot size of 20 acres, required road frontage, and other development standards. Utility easements have been provided around the perimeter of the property, and no additional dedication of public right-of-way is being requested. Access to the parcel will be provided via Loring Lane.

Over the past several years, five (5) parcels have been subdivided from the original ±140-acre parent tract through a combination of lot splits and, most recently, the Archer Meadows plat. The current proposal will further subdivide the remaining ±70-acre portion of the parent tract, resulting in a new parcel and leaving approximately 50 acres undeveloped.

The plat has been reviewed by City staff, the City Engineer, and relevant departments within the Unified Government.

This proposed plat will not alter any existing lots outside the boundaries of the proposed subdivision.

Presented by: Mark Lee – Community Development Director

Staff Recommendation: Staff recommends that the Planning Commission approve the plat for Spencer’s Way with staff stipulations.

Attachments:

- Staff Report (3pgs)
- Aerial Image (1pg)
- Copy of Final Plat (1pg)

A FINAL PLAT OF SPENCER’S WAY; 3800 LORING LANE – REQUEST FOR APPROVAL OF THE FINAL PLAT.

MEETING DATE: October 21, 2025
REPORT WRITTEN: September 22, 2025
CASE #: FP-02-25

APPLICANT:

- Sharon Spencer
13901 Archer Road
Bonner Springs, KS 66012

SURVEYOR/ENGINEER:

- Hahn Surveying
PO Box 186
Basehor, KS 66007

REQUEST:

Consider a Final Plat for Spencer’s Way. The request will take the current 70+/- acre tract and divide it into two tracts; one approximately 50 acres and the newly created parcel approximately 20 acres.

ZONING:

- The property is currently zoned “LA” Loring Agricultural District

SURROUNDING ZONING:

- North LR (Loring Residential District) and GR (General Residential)
- South LA (Loring Agricultural District)
- East LA (Loring Agricultural District)
- West LA (Loring Agricultural District)

BACKGROUND:

The subject property is currently zoned LA – Loring Agriculture. The proposed plat will create a parcel that complies with all applicable requirements of the zoning district, including the minimum lot size of 20 acres, required road frontage, and other development standards. Utility easements have been provided around the perimeter of the property, and no additional dedication of public right-of-way is being requested. Access to the parcel will be provided via Loring Lane.

Over the past several years, five (5) parcels have been subdivided from the original ±140-acre parent tract through a combination of lot splits and, most recently, the Archer Meadows plat. The current proposal will further subdivide the remaining ±70-acre portion of the parent tract, resulting in a new parcel and leaving approximately 50 acres undeveloped.

The plat has been reviewed by City staff, the City Engineer, and relevant departments within the Unified Government.

This proposed plat will not alter any existing lots outside the boundaries of the proposed subdivision.



The typical plat procedure is being utilized for this application. The purpose of a Final Plat is to:

- a. Confirm the dimensions, Access, and orientation of Lots established by a proposed subdivision are compliant with all standards of this Chapter 3. Subdivision Regulations and Chapter 2 Zoning Regulations above;
- b. Ensure required Improvements, including Right-of-Ways and public utilities such as water, wastewater, and stormwater facilities, are adequately located and installed to serve the proposed Lots;
- c. Provide the City with a means of accepting all required Right-of-Ways, Easements, and dedication of property as may be required by these regulations; and
- d. Provide a document to record the approved subdivision of property with the County.

Traffic Impact/Transportation Excise Tax

Little to no additional traffic will be created that amounts to a significant increase in services needed.

Stormwater Management

Stormwater management will not be needed for these parcels.

Utilities

As part of the plat appropriate utility easements are being put in place to accommodate utility service extensions.

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

Subdivision Regulations Requirements

The items to be submitted with and included on the plat per the Unified Development Ordinance requirements have been met and reviewed by UG Staff, the City Engineer and the Community Development Director. The plat is in an approvable form.

STAFF RECOMMENDATION:

Staff recommends that the Planning Commission approve the plat for Archer Meadows with staff stipulations

STAFF STIPULATIONS:

1. All comments made by the Wyandotte County Surveyor and UG Review Staff, the Bonner Springs City Engineer, City Staff and Utility providers shall be addressed prior to the release of the Replat for filing.
2. All necessary building permits and fees shall be paid prior to building permits being issued.
3. The plat shall be filed with the Wyandotte County Register of Deeds by the applicant, with one copy being returned to the City for recording.
4. In addition to the stipulations in this report, the developer/property owner agrees to abide by all regulations contained in the Bonner Springs Unified Development Ordinance

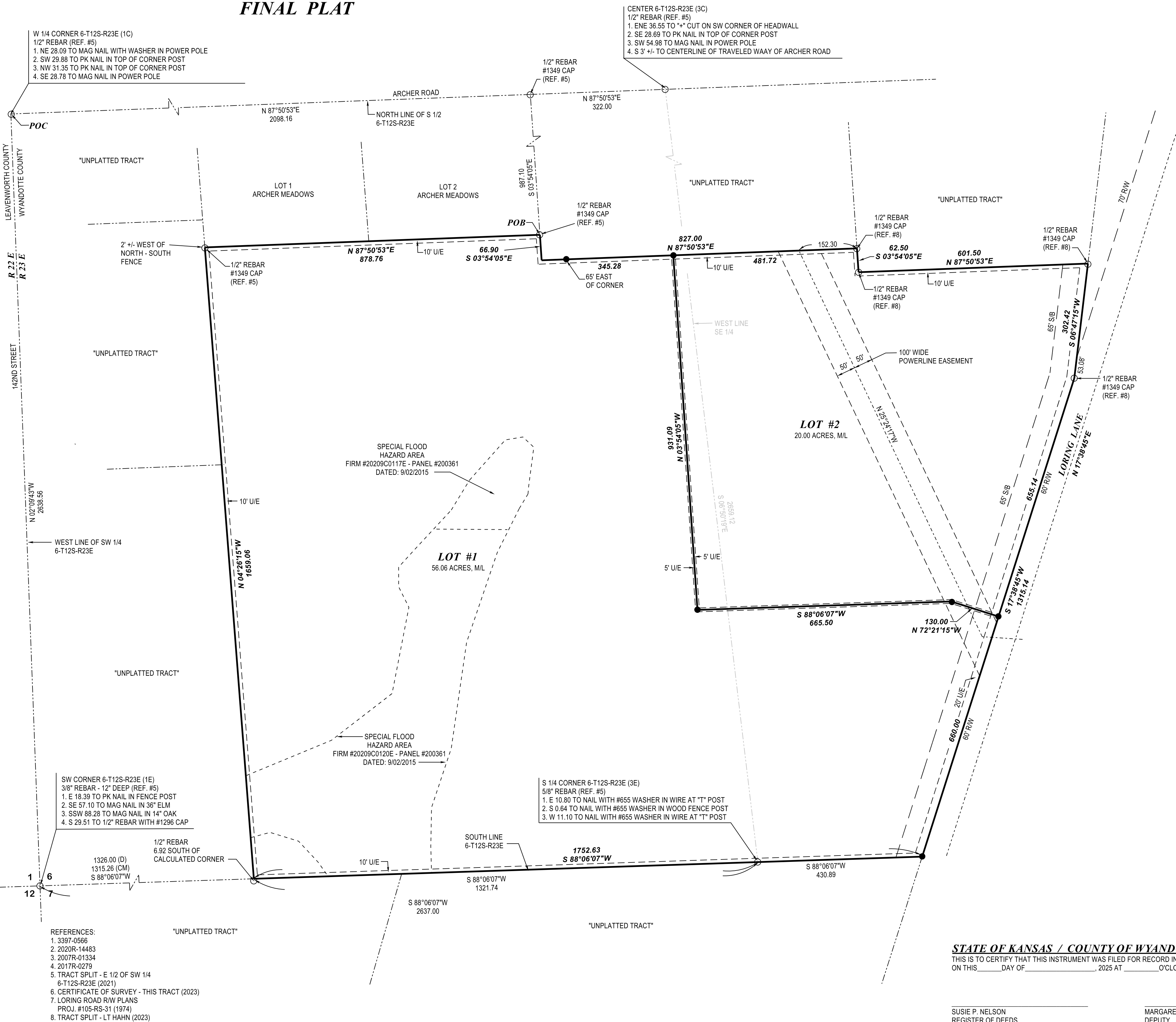
SPENCER'S WAY

A SUBDIVISION IN THE SOUTH HALF OF
FRACTIONAL SECTION 6-T12S-R23E OF THE 6TH P.M.,
WYANDOTTE COUNTY, KANSAS

FINAL PLAT



LOCATION MAP
NO SCALE



DEED DESCRIPTION: DOC. #2023R-11226

A TRACT OF LAND IN THE SOUTH HALF OF FRACTIONAL SECTION 6-T12S-R23E OF THE 6TH P.M., WYANDOTTE COUNTY, KANSAS, DESCRIBED AS FOLLOWS: COMMENCING AT THE WEST QUARTER CORNER OF SAID SECTION 6; THENCE, N 87°50'53"E, 2098.16 FEET ALONG THE NORTH LINE OF SAID SOUTH HALF; THENCE, S 03°54'05"E, 987.10 FEET TO THE POINT OF BEGINNING OF THIS TRACT; THENCE, S 03°54'05"E, 66.90 FEET; THENCE, N 87°50'53"E, 827.00 FEET; THENCE, S 03°54'05"E, 62.50 FEET; THENCE, N 87°50'53"E, 601.50 FEET; THENCE, S 06°47'15"W, 302.42 FEET TO THE WEST RIGHT OF WAY LINE OF LORING LANE; THENCE, S 17°38'45"W, 1315.14 FEET ALONG SAID RIGHT OF WAY LINE TO THE SOUTH LINE OF SAID SECTION 6; THENCE, S 88°06'07"W, 1752.63 FEET ALONG SAID SOUTH LINE; THENCE, N 04°26'15"W, 1659.06 FEET; THENCE, N 87°50'53"E, 878.76 FEET TO THE POINT OF BEGINNING. CONTAINS 76.06 ACRES, MORE OR LESS. AS SURVEYED BY LARRY T. HAHN, KS PS-1349, JANUARY, 2023. RELATIVE: 1:571,710

THE UNDERSIGNED PROPRIETOR STATES THAT ALL TAXES ON THE ABOVE DESCRIBED TRACT OF LAND HAVE BEEN PAID AND THAT SHE HAS CAUSED THE SAME TO BE SUBDIVIDED IN THE MANNER SHOWN ON THE ACCOMPANYING PLAT WHICH SHALL BE KNOWN AS "SPENCERS WAY".

CERTIFICATE AND DEDICATION

THIS SUBDIVISION SHALL BE KNOWN AS "SPENCERS WAY".

ALL STREET ON THE ACCOMPANYING PLAT AND NOT HERETOFORE DEDICATED TO PUBLIC USE ARE HEREBY SO DEDICATED.

EASEMENT DEDICATION

AN EASEMENT OR LICENSE TO ENTER UPON, LOCATE, CONSTRUCT AND MAINTAIN OR AUTHORIZE THE LOCATION, CONSTRUCTION OR MAINTAINANCE AND USE OF CONDUITS, WATER, GAS, SEWER PIPE, POLES, WIRES, DRAINAGE FACILITIES DUCTS, CABLES AND SIMILAR FACILITIES UPON, OVER AND UNDER THESE AREAS OUTLINED AND DESIGNATED ON THIS PLAT AS UTILITY EASEMENT OR U/E IS HEREBY GRANTED TO GOVERNMENTAL ENTITIES AND PUBLIC UTILITIES AS MAY BE AUTHORIZED BY STATE LAW TO USE SUCH EASEMENT FOR SAID PURPOSES.

IN TESTIMONY WHEREOF

I, THE UNDERSIGNED OWNER OF "SPENCERS WAY" HAVE SET MY HAND THIS _____ DAY OF _____, 2025.

SHARON L. SPENCER

STATE OF KANSAS / COUNTY OF WYANDOTTE

ON THIS _____ DAY OF _____, 2025, BEFORE ME APPEARED SHARON L. SPENCER, KNOWN TO ME TO BE THE SAME PERSON DESCRIBED HEREIN AND WHO EXECUTED THE SAME AS HER FREE ACT AND DEED. IN WITNESS THEREOF, I HAVE SET MY HAND AND AFFIXED MY NOTARIAL SEAL THE DAY AND YEAR ABOVE WRITTEN.

NOTARY PUBLIC

MY COMMISSION EXPIRES

APPROVAL

THIS PLAT OF "SPENCERS WAY" HAS BEEN SUBMITTED TO AND APPROVED BY THE BONNER SPRINGS PLANNING COMMISSION THIS _____ DAY OF _____, 2025.

CHAIRMAN / GREG GEBAUER

SECRETARY / LARISSA PHILLIPS

THESE EASEMENTS AND RIGHT OF WAY ACCEPTED BY THE GOVERNING BODY OF BONNER SPRINGS, KANSAS, THIS _____ DAY OF _____, 2025.

MAYOR / THOMAS A. STEPHENS

CITY CLERK / CHRISTINA BRAKE (ATTEST)

COUNTY SURVEYOR APPROVAL

THIS SURVEY HAS BEEN REVIEWED FOR FILING PURSUANT TO K.S.A. 58-2003, 58-2005 AND 58-2011, FOR CONTENT ONLY AND IS IN COMPLIANCE WITH THOSE PROVISIONS. NO OTHER WARRANTIES ARE EXTENDED OR IMPLIED.

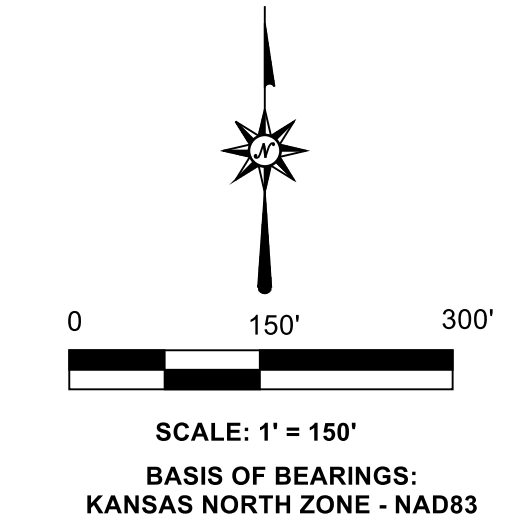
REVIEWED BY: _____ DATE: _____
BRENT E. THOMPSON, KS P.L.S. 1277

STATE OF KANSAS / COUNTY OF WYANDOTTE

THIS IS TO CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD IN THE REGISTER OF DEEDS OFFICE ON THIS _____ DAY OF _____, 2025 AT _____ O'CLOCK _____ AND IS DULY RECORDED.

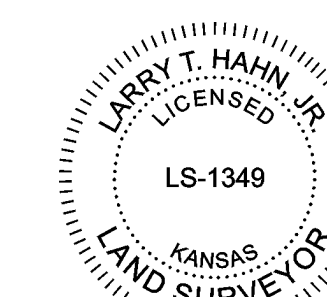
SUSIE P. NELSON
REGISTER OF DEEDS

MARGARET ORENDAC
DEPUTY



LEGEND

- 1/2" x 24" REBAR SET WITH #1349 CAP
- SURVEY MONUMENT FOUND (AS NOTED) ORIGIN UNKNOWN, UNLESS REFERENCED
- (D) DEEDED
- (M) MEASURED
- POC POINT OF COMMENCING
- POB POINT OF BEGINNING
- (NS) NO MONUMENT SET BY AGREEMENT WITH CLIENT
- S/B BUILDING SETBACK
- (CM) CALCULATED FROM MEASUREMENT



LARRY T. HAHN, PS #1349

THIS IS TO CERTIFY THAT IN THE MONTH OF AUGUST, 2025, THIS SURVEY WAS MADE UNDER MY DIRECT SUPERVISION AND THAT SAID SURVEY MEETS OR EXCEEDS THE "KANSAS MINIMUM STANDARDS" FOR BOUNDARY SURVEYS.



- REFERENCES:
- 3397-0566
 - 2020R-14483
 - 2007R-01334
 - 2017R-0279
 - TRACT SPLIT - E 1/2 OF SW 14 6-T12S-R23E (2021)
 - CERTIFICATE OF SURVEY - THIS TRACT (2023)
 - LORING ROAD R/W PLANS PROJ. #105-RS-31 (1974)
 - TRACT SPLIT - LT HAHN (2023)

Memorandum

Date: October 21, 2025
To: Mayor and City Council
From: Mark Lee

Subject: PUBLIC HEARING – Special Use Permit – SUP-02-25 – Evergy; Whippoorwill Electrical Substation

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

1. All required federal, state, and local permits (e.g., grading, stormwater, environmental, FAA for tall structures) must be obtained prior to construction.
2. The applicant shall coordinate with Bonner Springs emergency services to ensure adequate access and safety protocols are in place for the facility.
3. Screening and lighting shall meet the requirements of the Unified Development Ordinance.
4. Future expansions and additions to the site not identified on the approved Site Plan will require submission of a revised Special Use Permit.
5. 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;
6. The term of the Special Use Permit shall be in perpetuity.
7. The Special Use Permit shall remain in effect on the property following the execution of a building permit in accordance with Section 1.04.E of the UDO, and shall then require a zoning action in accordance with Section 1.04.B of the UDO to repeal, update, or change the conditions of the SUP.

Action: Make a motion to Approve, Amend or Deny the Special Use Permit as presented.

Background: The subject property is located in the Compass 70 Logistic Center with a current address of 120 S. 110th Street. The property in question is proposed to be further subdivided into two (2) separate parcels and is currently zoned as LI; Light Industrial. The requested special use will be located on the north side of Speaker Road and in the southern portion of the proposed new lot.

The area in question was rezoned to light industrial in 2018; and has gone through several planning processes including final platting; it has since begun to develop with two (2) buildings under construction or in the finishing stages.

The use of Utility Distribution is allowed special use in all zoning districts per the adopted Unified Development Ordinance. Utility Distribution is defined as - A facility or network used to distribute, transmit, transform, or reduce the pressure of gas, water, or electric current, including but not limited to electrical transmission lines, gas transmission lines, and metering stations. They must comply with the Conditional Development Standards listed; those are as follows:

Utility Distribution areas shall be screened from public view using a vantage point six (6) feet in height from Grade.

- a. Public view shall be considered the visibility of ground equipment areas from a public Right-of-Way or other public space, including but not limited to a dedicated or reserved park, plaza, mutual Access Easement, or other area intended for public gathering or use.
- b. Screening mechanisms shall meet the general requirements listed in Section 4.05.C of the UDO.

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.

Discussion: Staff's report is attached.

Financial Impact: NA

City of Bonner Springs Agenda Item Cover Sheet

Agenda Item No. 5

CASE #: SUP-02-25
SPECIAL USE PERMIT

Topic: Special Use Permit – SUP-02-25 – Evergy; Whipoorwill Electrical Substation - A request for a Special Use Permit to allow for the construction and operation of a utility distribution substation as allowed for by the Unified Development Ordinance (UDO) of Bonner Springs, Kansas.

Narrative:

The subject property is located in the Compass 70 Logistic Center with a current address of 120 S. 110th Street. The property in question is proposed to be further subdivided into two (2) separate parcels and is currently zoned as LI; Light Industrial. The requested special use will be located on the north side of Speaker Road and in the southern portion of the proposed new lot.

The area in question was rezoned to light industrial in 2018; and has gone through several planning processes including final platting; it has since begun to develop with two (2) buildings under construction or in the finishing stages.

The use of Utility Distribution is allowed special use in all zoning districts per the adopted Unified Development Ordinance. Utility Distribution is defined as - A facility or network used to distribute, transmit, transform, or reduce the pressure of gas, water, or electric current, including but not limited to electrical transmission lines, gas transmission lines, and metering stations. They must comply with the Conditional Development Standards listed; those are as follows:

- Utility Distribution areas shall be screened from public view using a vantage point six (6) feet in height from Grade.
- a. Public view shall be considered the visibility of ground equipment areas from a public Right-of-Way or other public space, including but not limited to a dedicated or reserved park, plaza, mutual Access Easement, or other area intended for public gathering or use.
 - b. Screening mechanisms shall meet the general requirements listed in Section 4.05.C of the UDO.

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.

Presented by: Mark Lee – Community Development Director

Staff Recommendation:

Staff recommends that the Planning Commission approve the Special Use Permit to allow for the construction of an electrical substation, with staff recommendations listed below.

Attachments:

Staff Report (5pgs)
Site Rendering (1pg)
SUP Application Packet from Evergy (15pgs including site rendering)
Unified Development Ordinance Industrial Land Use Table (1pg)
Unified Development Ordinance Section 2.03.B (3pgs)

CONSIDER A REQUEST FOR A SPECIAL USE PERMIT – THE APPLICANT IS REQUESTING A SPECIAL USE PERMIT AT 120 S. 110TH STREET.

MEETING DATE: October 21, 2025
REPORT WRITTEN: September 23, 2025
CASE NUMBER: SUP-02-25

APPLICANT:

Evergy
818 S. Kansas Avenue
Topeka, KS 66612

REQUEST:

The request for a Special Use Permit is to allow for the construction and operation of a utility distribution substation as allowed for by the Unified Development Ordinance of Bonner Springs, Kansas in the LI; Light Industrial Zoning District.

BACKGROUND:

The subject property is located in the Compass 70 Logistic Center with a current address of 120 S. 110th Street. The property in question is proposed to be further subdivided into two (2) separate parcels and is currently zoned as LI; Light Industrial. The requested special use will be located on the north side of Speaker Road and in the southern portion of the proposed new lot.

The area in question was rezoned to light industrial in 2018; and has gone through several planning processes including final platting; it has since begun to develop with two (2) buildings under construction or in the finishing stages.

The use of Utility Distribution is allowed special use in all zoning districts per the adopted Unified Development Ordinance. Utility Distribution is defined as - A facility or network used to distribute, transmit, transform, or reduce the pressure of gas, water, or electric current, including but not limited to electrical transmission lines, gas transmission lines, and metering stations. They must comply with the Conditional Development Standards listed; those are as follows:

Utility Distribution areas shall be screened from public view using a vantage point six (6) feet in height from Grade.

- a. Public view shall be considered the visibility of ground equipment areas from a public Right-of-Way or other public space, including but not limited to a dedicated or reserved park, plaza, mutual Access Easement, or other area intended for public gathering or use.
- b. Screening mechanisms shall meet the general requirements listed in Section 4.05.C of the UDO.

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.

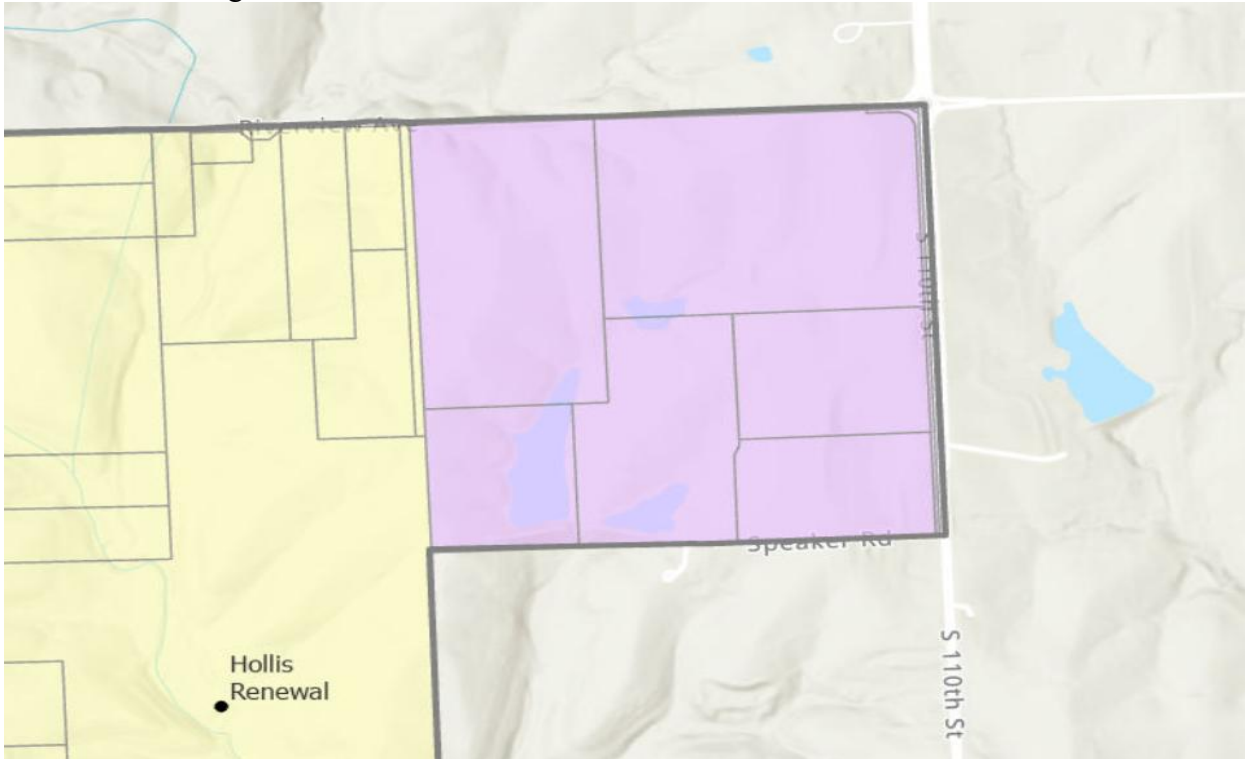
Special Use Permits can, and do, allow deviations from the approved Unified Development Ordinance by placing more stringent requirements upon them and upon recommendation by the Planning Commission and approval by the Governing Body.

ZONING:

The property is currently zoned “LI” Light Industrial District

SURROUNDING ZONING:

North LI – Light Industrial
South Speaker Road and Edwardsville Zoning of AG/R – Agricultural/Residential
East LI – Light Industrial
West LI – Light Industrial



Bonner Springs Zoning Map (above)



Edwardsville Zoning Map (above)

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 the following:

Industrial: This category accommodates land uses associated with activities such as assembly, manufacturing, warehousing, and limited office/commercial activities as defined in the city’s Unified Development Ordinance. Traffic generated by industrial uses should not pass through residential areas. Sites should have access to one or more major arterials or highways capable of handling heavy truck traffic. Railroad access is also beneficial to certain types of industrial uses. Light industrial uses can typically be located in areas that also contain some highway-oriented commercial uses, and might benefit from close proximity and better access to their local customer base. Storage, loading, and work operations should be screened from view along all industrial area boundaries (when Adjacent to nonindustrial uses) and along all public streets. This district corresponds to the ‘LI’ Light Industrial and HI’ Heavy Industrial districts of the cities Unified Development Ordinance



Requirements as enumerated in Section 2.03.B.2; Special Uses:

Special Uses produce unique and special impacts because of their location, design, life span, method of operation, traffic circulation, or other similar characteristics which may have an impact on available or provided public facilities so that each such use must be considered individually. A special use permit shall not be granted unless specific written findings of fact directly based upon the particular evidence presented support the following conclusions:

- 1. The proposed special use complies with all applicable provisions of these regulations, including intensity of use regulations, yard regulations and use limitations, unless specifically exempted by the provisions of these regulations;**

The use of a property zoned as LI – Light Industrial for Utility Distribution is allowed via Special Use Permit. The entirety of the Compass 70 Logistic Center property is zoned as light industrial.

Utility Distribution is defined as - *A facility or network used to distribute, transmit, transform, or reduce the pressure of gas, water, or electric current, including but not limited to electrical transmission lines, gas transmission lines, and metering stations.*

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

The distribution of electricity from this site will provide many opportunities to users throughout the Evergy service area, as well as local residents and the industrial development as a whole. The substation will address the community’s growing electrical needs and address the need to increase reliability, serviceability and useable electrical load.

- 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 zoned as light industrial; the proposed substation abuts public right of way for Speaker Road; just south of Speaker road are large lot residential uses. These properties will be impacted the most from this proposed substation. With industrial development located in the same area as the proposal, it would be difficult to determine if this proposed use would cause any injury to property values. The substation will be required to screen the facility per the Unified Development Ordinance. The screening requirements state “Utility Distribution areas shall be screened from public view using a vantage point six (6) feet in height from Grade.” The screening shall also meet the applicable requirements in Section 4.05.C

- 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 lend itself to light industrial zoning and uses allowed within that district. **Per Evergy’s supplemental information –** *“The electrical equipment will be in a fenced yard with a crushed rock surface. The substation will be accessed from an existing entrance off of South 110th Street. A 7-ft high 3/8” mesh fence plus 3 strands of barbed wire for a total height of 8-ft will be constructed around the substation, with dimensions of approximately 490-ft by 160-ft. The remainder of the property will be for buffer and green space. The tallest equipment is about 35-ft not including the poles that connect to the transmission lines and lightning protection masts. Yard lights will be switch operated and have light footprints focused at and inside the fence lines.”*
- (b) The nature and extent of landscaping and screening on the site.**
The applicants will be required to adhere to the screening requirements as indicated in **Section 2.03**, Conditional Development Standards; as well as those listed in **Section 4.05.C**.

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;** Little to no parking will occur onsite once initial construction is complete. Maintenance equipment will access the site via internal streets within the Compass 70 Logistic Center; they park and load/unload on the site.
6. **Adequate utility, drainage, and other such necessary facilities have been or will be provided; and;** There are currently stormwater facilities in place.
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. 110st Street and/or Riverview Avenue and the interior street network of the Compass 70 Logistic Center.

STAFF RECOMMENDATIONS:

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

1. All required federal, state, and local permits (e.g., grading, stormwater, environmental, FAA for tall structures) must be obtained prior to construction.
2. The applicant shall coordinate with Bonner Springs emergency services to ensure adequate access and safety protocols are in place for the facility.
3. Screening and lighting shall meet the requirements of the Unified Development Ordinance.
4. Future expansions and additions to the site not identified on the approved Site Plan will require submission of a revised Special Use Permit.
5. 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;
6. The term of the Special Use Permit shall be in perpetuity.
7. The Special Use Permit shall remain in effect on the property following the execution of a building permit in accordance with Section 1.04.E of the UDO, and shall then require a zoning action in accordance with Section 1.04.B of the UDO to repeal, update, or change the conditions of the SUP.

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 November 10, 2025 City Council meeting for final action

August 20, 2025

Mark Lee
Community Development Director, City of Bonner Springs
200 East Third Street
Bonner Springs, Kansas 66012

RE: Special Use Permit (SUP) Application
Proposed Whippoorwill Substation
Bonnor Springs, Kansas

Dear Mr. Lee,

Evergy is proposing to construct an electrical substation on a tract of land located west of the intersection of Speaker Road and South 110th Street, in Bonner Springs, Wyandotte County, Kansas (Parcel ID 105-045-15-0-10-01-002.00-0, referred to herein as the “Whippoorwill Substation”). Approximately 5 acres of this parcel will be used for the new Whippoorwill Substation site. The proposed Whippoorwill Substation will increase the reliability, serviceability, and load of Evergy’s electrical system in Bonner Springs, Wyandotte County, and the surrounding area.

Inside the new substation, the transformers lower the voltage. The new substation will contain equipment that function as switches and breakers that will allow personnel to perform maintenance on the transmission lines and substation equipment without subjecting customers to unnecessary outages. Evergy’s acquisition of the property is planned for later this year. Construction of the substation is anticipated to begin in early 2028 and in-service by the mid-2029.

The property subject to this SUP application is zoned as Light Industrial. An electrical substation may be constructed in this district with the approval of a SUP. Please see the following attached application materials:

- Special Use Permit Application
- Site Plan
- Legal Description
- Evergy Fire Pre-Plan

The following provides a narrative statement regarding the proposed substation:

SITE AND BUILDING DESIGN

The site is currently undeveloped. The area surrounding the substation site is used for residential or industrial purposes. The nearest residence is located approximately 215 feet south of the proposed substation location. The substation will be accessed from an existing entrance off of South 100th Street. A map showing the property location is enclosed.

All substation structures will be within the fence-line, which will be 490’ x 160’. The fence will be 7’ high 3/8” mesh plus 3 strands of barbed wire for a total height of 8’. The tallest equipment is about 35’ not including the poles that connect to the transmission lines and the lightning protection masts. Yard lights will be switch operated and have light footprints focused at and inside the fence lines.

We have consulted with the Kansas Department of Wildlife & Parks, the U.S. Fish & Wildlife Service, and the Kansas State Historical Society and asked them to assess the impact of our project on threatened or endangered species and nearby historical sites. No adverse impacts to threatened or endangered species, critical habitat, or historical sites are anticipated.

SUBSTATION OPERATIONS

Except during construction, the substation will be unmanned; employees will be on site only for maintenance and repairs as needed. Adequate space is available on the access drive and within the substation for maintenance vehicles to park off the roadways. The proposed substation will not impact pedestrian activity in the area. The substation will be readily accessible to public safety vehicles. Areas outside of the fenced substation will be seeded and maintained as needed.

A substation does not generate or produce a product, so it does not pollute air, land, or water. A substation does not produce dust, fumes, odors, smoke, or vibration. The humming sound many people associate with a substation comes from the transformer. Today's transformers are significantly quieter than older models, and the sound dissipates rapidly with distance. With the buffer areas provided the sound level on adjacent properties should be minimal.

Standard sediment and erosion control measures will be used during construction. Areas outside of the fenced substation will be graded and seeded.

With the exception of emergency maintenance and repairs, any work on the site property will be performed during normal business hours.

SUBSTATION AFFECT ON NEARBY PROPERTIES

Based on similar projects in several other counties, we have found that home builders and developers who know about the plans for a future substation in advance are consistently willing to build on the adjacent lots.

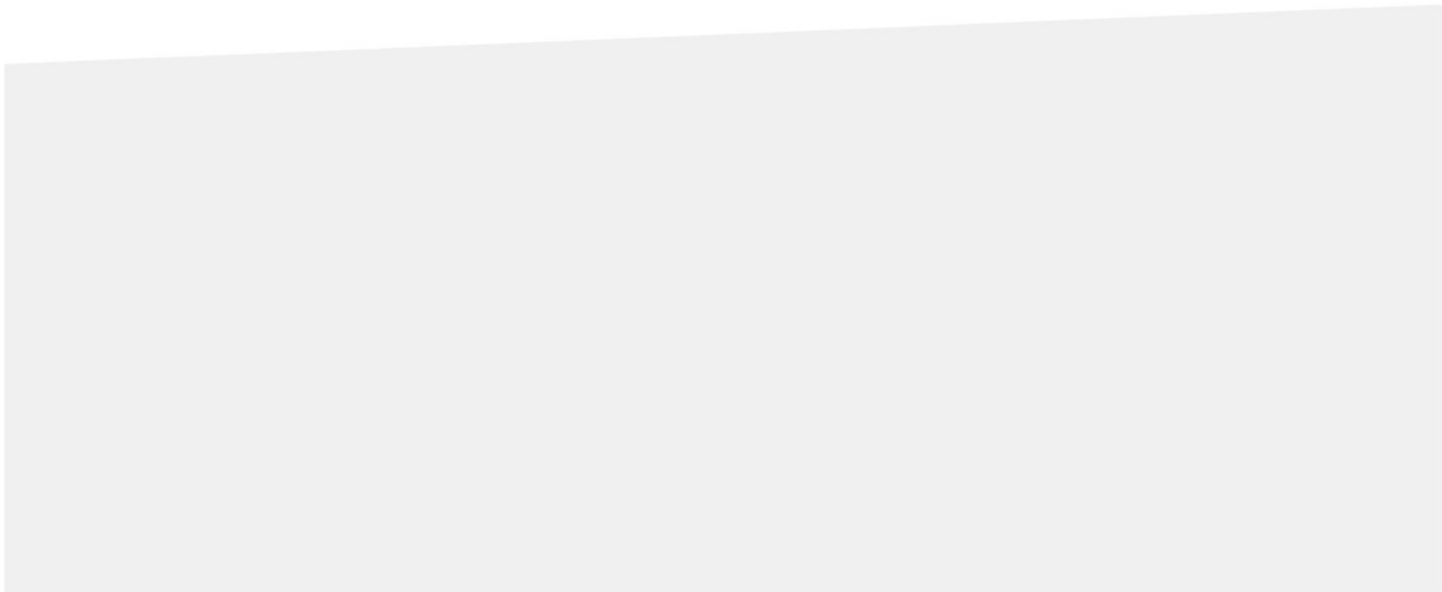
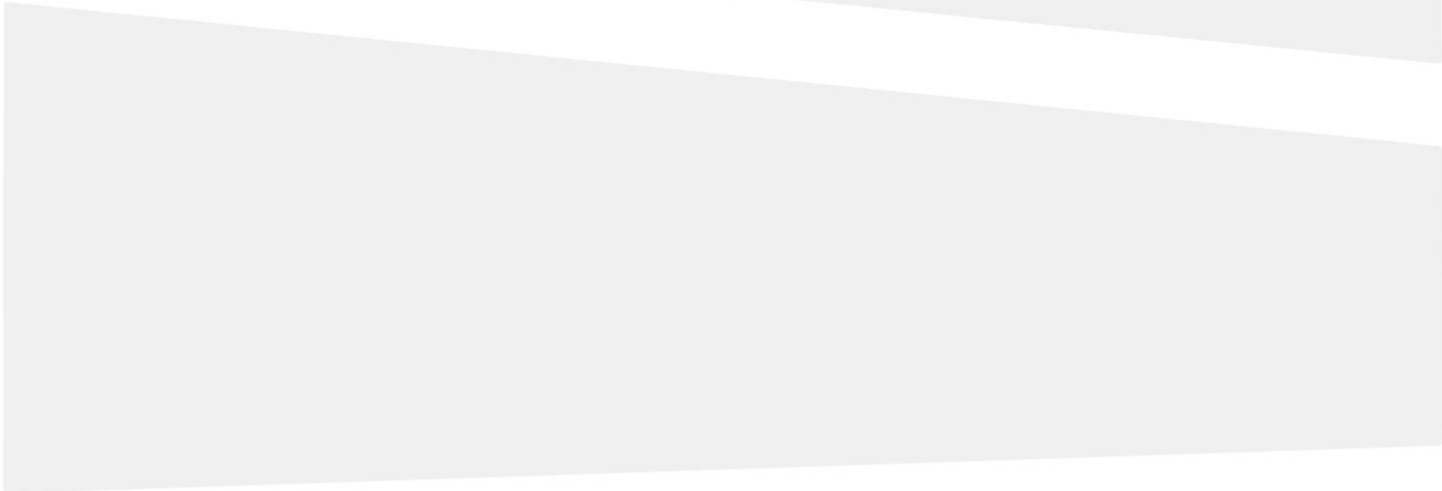
We appreciate your consideration of the proposed Whippoorwill Substation. Please direct any questions or concerns to me at 785-224-1804 or Tyler.Burton@evergy.com.

Sincerely,



Tyler Burton
Permitting and Compliance Analyst

Special Use Permit Application



Staff Use Only
SUP - _____
PC Date: _____
CC Date: _____
Date Rec'd: _____
Rec'd by: _____

SPECIAL USE PERMIT (SUP) APPLICATION

Date: _____

Subject Property Address: _____

Project Name (if applicable): _____

Applicant Name: _____ Phone: _____

Address: _____

E-mail (required): _____

Record Property Owner: _____ Phone: _____


Parcel No.: _____ Quarter Section: _____ Section/Township/Range: _____

Legal Description of the Tract: _____

Tract Acreage: _____ General Location/Cross-streets: _____

Zoning: _____ Present Use: _____ Requested Use: _____

I hereby certify that the information herein submitted is complete, true, and accurate. That I have been reviewed the development procedures and guidelines required, and I hereby grant the City permission to post a public notice sign on the subject property.

Applicant Signature:  _____ Date: _____

Applicant Name (Printed): _____

Does Applicant have Permission from the Owner(s) to Apply for an SUP and Authorize Permission to Post?
Yes ___ No ___

If Requested, Can the Applicant Provide a Letter of Consent from the Owner(s)?
Yes ___ No ___

=====

Special Use Permit (SUP) Application Process

A pre-application meeting with the Community Development Director is required prior to application submittal.
Call or email to set an appointment -- 913-667-1708

Applicants are encouraged to communicate with all adjacent property owners prior to beginning the special use permit process.

Submittal Requirements

_____ Completed and signed application – Signature of applicant and property owner’s consent are required

_____ Digital renderings of a scaled site plan or survey of the area for a special use permit

Site plan must be:

- drawn to scale,
- contain the legal description, and
- indicate buildings, parking, north arrow, etc.

_____ Check for \$300.00 – made payable to the City of Bonner Springs for application fee

_____ PDF copy of all drawings must be emailed to the Community Development Director

Additional fees

City staff generates a list of property owners within the 200’ radius of the exterior of the subject property and creates and mails notification of a public hearing for a Special Use Permit application.

- *Applicants will be billed \$12 for each unique property owner on the 200’ mailing list.*

City staff submits the required notification to the City newspaper for publication not less than 20 days prior to the public hearing.

- *Applicants will be billed for the publishing costs.*

City staff will prepare and post a Notice of Public Hearing sign.

- *Applicants will be billed \$25 for the first sign and \$10 for each additional sign, if applicable.*

Meetings

The Planning Commission holds a public meeting and votes to recommend approval or denial of the application.

- *Planning Commission meetings are typically on the third (3rd) Tuesday of each month at 6:30 PM*

The Governing Body will review the application for consideration and action at a regular City Council meeting.

- *The City Council typically meets on the second (2nd) and fourth (4th) Monday of each month at 7:30 PM.*

Reference

Lists of all Special Uses are located in the Zoning Ordinance Appendix A or Appendix B

Additional information on Special Uses is located in the Zoning Ordinance Article XXVII

https://www.bonnerrsprings.org/DocumentCenter/View/92/zoning_ordinance?bidId=

Questions? -- Contact the Community Development Director at 913-667-1708

=====

FEES

Application Fee: \$300	\$ _____
Notification: _____ x \$12 =	\$ _____
Publication:	\$ _____
Sign (first): \$25	\$ _____
Add'l Signs _____ x \$10 =	\$ _____

=====

Total Due: \$ _____

Invoice Date: _____
Payment Rec'd Date: _____
Check #: _____
Receipt #: _____

Legal Description

[Redacted text block]

[Redacted text block]

[Redacted text block]

LEGAL DESCRIPTION WHIPPOORWILL SUBSTATION

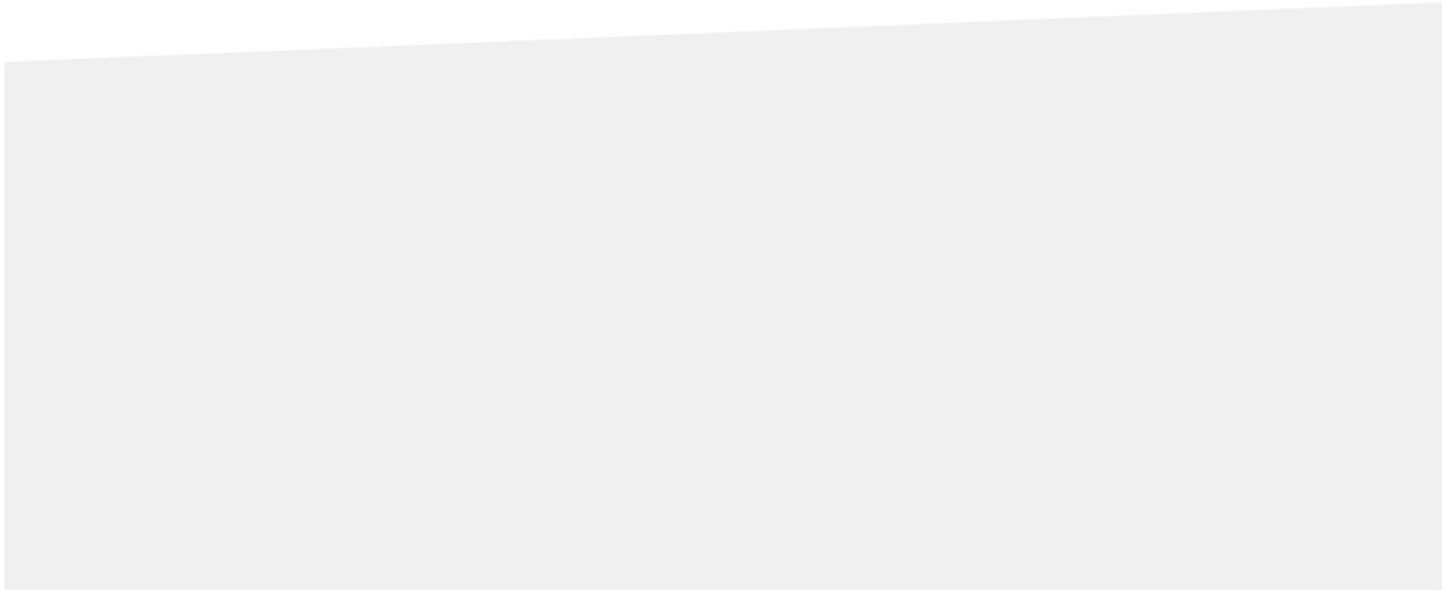
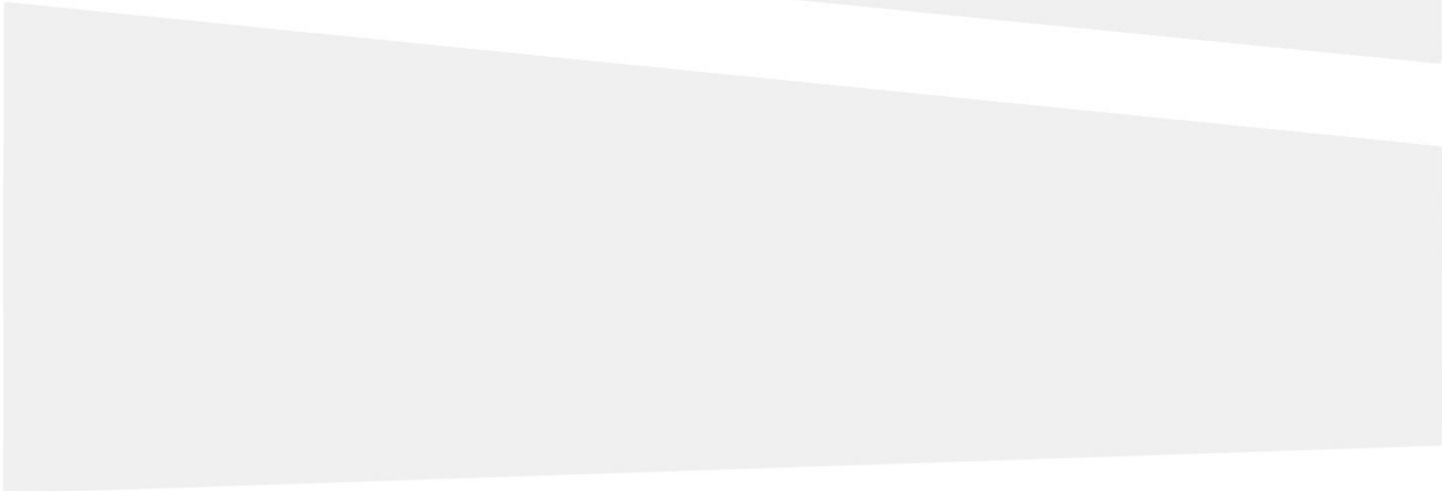
PARENT TRACT: LOT 4, COMPASS 70 LOGISTICS CENTER, INSTRUMENT #:2024R14654, PLAT BOOK: 47, PAGE: 62-63.

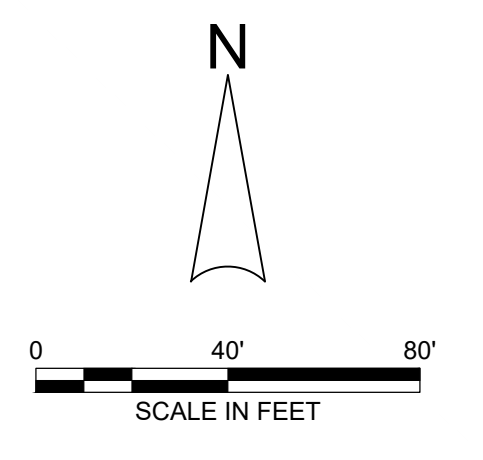
A PORTION OF LOT 4, COMPASS 70 LOGISTICS CENTER, RECORDED IN INSTRUMENT NUMBER 2024R-14654, IN THE OFFICE OF THE WYANDOTTE COUNTY REGISTER OF DEEDS, KANSAS CITY, KANSAS, PREPARED BY STEPHEN I. MARINO, II, PS 1380, ON JUNE 19, 2025, MORE PARTICULARLY DESCRIBED AS FOLLOWS; BEGINNING AT THE SOUTHWEST CORNER OF LOT 4, COMPASS 70 LOGISTICS CENTER, FILED IN INSTRUMENT NUMBER 2024R-14654, PLAT BOOK: 047, PAGE: 062, IN THE OFFICE OF THE REGISTER OF DEEDS, WYANDOTTE COUNTY, KANSAS, THENCE, COINCIDENT WITH THE WEST BOUNDARY OF SAID LOT 4, NORTH 02 DEGREES 18 MINUTES 48 SECONDS WEST FOR 265.00 FEET; THENCE, DEPARTING SAID WEST BOUNDARY, NORTH 87 DEGREES 57 MINUTES 12 SECONDS EAST FOR 794.47 FEET; THENCE, SOUTH 02 DEGREES 13 MINUTES 41 SECONDS EAST FOR 161.00 FEET; THENCE, NORTH 87 DEGREES 57 MINUTES 12 SECONDS EAST FOR 27.00 FEET TO THE EAST BOUNDARY OF SAID LOT 4; THENCE, COINCIDENT WITH SAID EAST BOUNDARY, SOUTH 02 DEGREES 13 MINUTES 41 SECONDS EAST FOR 104.00 FEET TO THE SOUTHEAST CORNER OF SAID LOT 4; THENCE, DEPARTING SAID EAST BOUNDARY AND COINCIDENT WITH THE SOUTH BOUNDARY OF SAID LOT 4, SOUTH 87 DEGREES 57 MINUTES 12 SECONDS WEST FOR 821.08 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED TRACT CONTAINS A TOTAL OF 4.90 ACRES OR 213,291 SQUARE FEET, MORE OR LESS AND IS SUBJECT TO ALL ROAD RIGHTS-OF-WAY, RESTRICTIONS, RESERVATIONS, COVENANTS AND EASEMENTS OF RECORD.

BASIS OF BEARINGS: ALL BEARINGS HEREON ARE BASED ON THE KANSAS STATE PLANE COORDINATE SYSTEM, NAD 83 NORTH ZONE. ALL DISTANCES SHOWN HEREON ARE SURFACE DISTANCES.

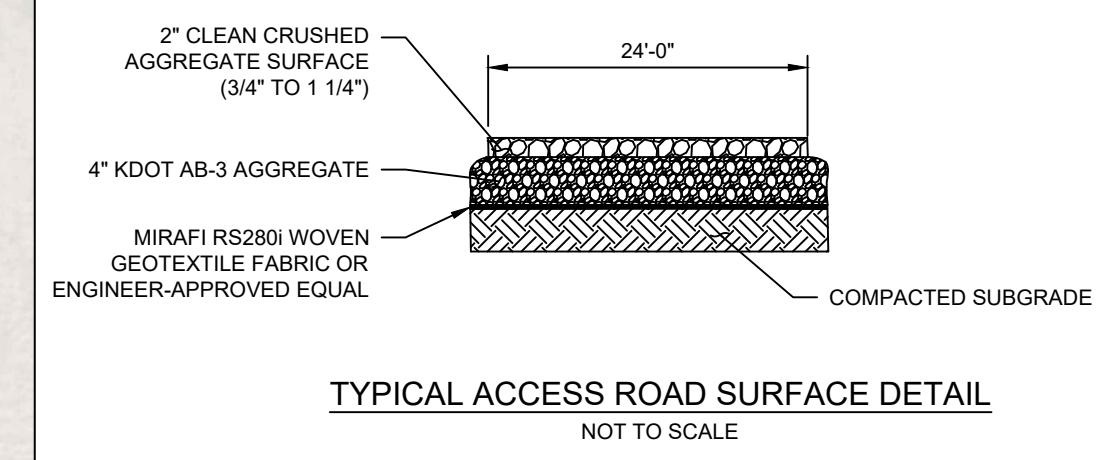
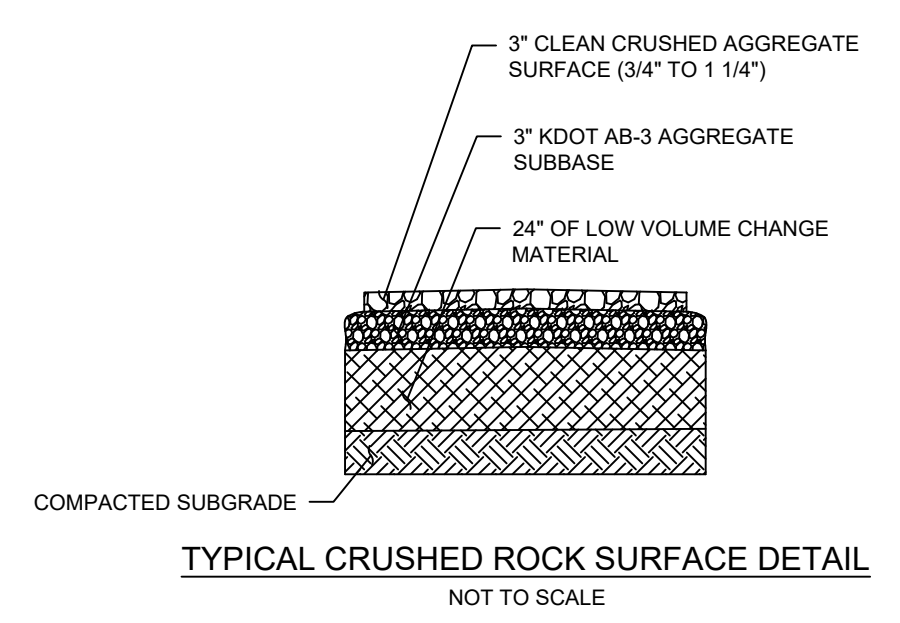
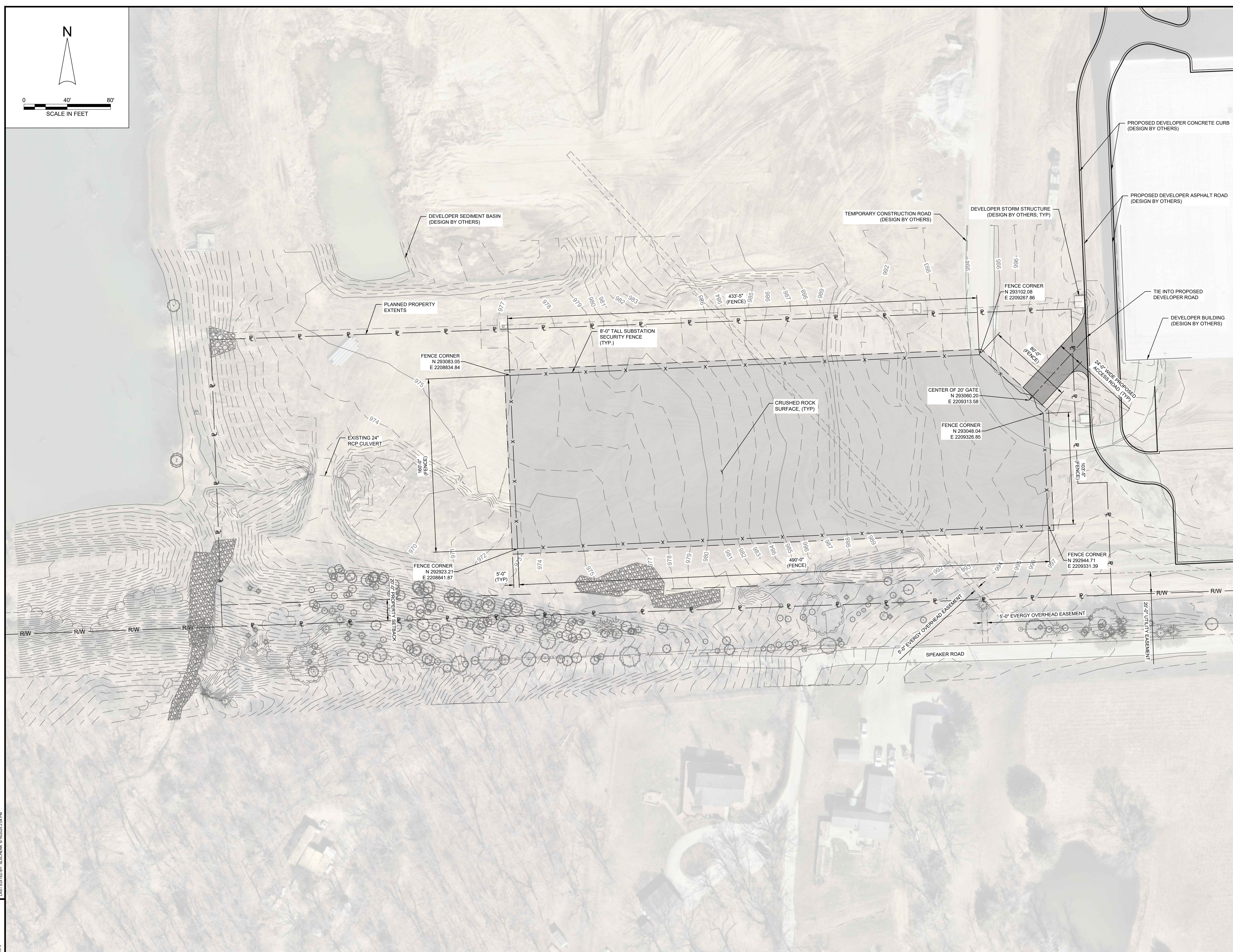
Site Plan and Maps





- NOTES:**
- HORIZONTAL AND VERTICAL CONTROL, BASIS OF BEARING, PROPERTY, LAND AND TOPOGRAPHIC INFORMATION OBTAINED FROM SURVEY 04-02-2025 PERFORMED BY BARTLETT & WEST 1200 SW EXECUTIVE DRIVE TOPEKA, KS 66615 PHONE: 785-272-2252
 - HORIZONTAL DATUM: NAD83, KANSAS STATE PLANES, NORTH ZONE, US FOOT.
 - VERTICAL DATUM: NORTH AMERICA VERTICAL DATUM OF 1988 (NVD88).
 - EXISTING SITE IS ZONED AS LIGHT INDUSTRIAL (LI)
 - SUBSTATION SECURITY FENCE SHALL BE 7'-0" HIGH CHAIN LINK FENCE PLUS 3 STRANDS OF BARBED WIRE FOR A TOTAL OF 8'-0". SUBSTATION PERIMETER SHALL BE SECURE AT ALL TIMES. ALL MATERIALS SHALL BE DOMESTICALLY MADE AND CERTIFIED "MADE IN THE USA".
 - PROPOSED AGGREGATE SURFACE SHALL EXTEND A MINIMUM OF 5 FEET BEYOND PROPOSED SUBSTATION SECURITY FENCE.
 - DEVELOPER LINENWORK PROVIDED FOR REFERENCE ONLY.
 - MINOR CONTOURS AND MAJOR CONTOURS INTERVALS SHOWN IN 1' AND 5' INTERVALS, RESPECTIVELY.
 - PROPERTY LINE IS NOT YET RECORDED FOR THE PLANNED SUBSTATION. FINAL PARCEL EXTENTS WILL BE PROVIDED VIA MINOR PLAT.

- LEGEND:**
- P — PROPERTY LINE
 - R/W — RIGHT OF WAY
 - - - - EASEMENT LINE
 - - - - SECTION LINE
 - x - x - PROPOSED SUBSTATION SECURITY FENCE
 - - - - EDGE OF PAD/TOP/TOE OF SLOPE
 - - - - ACCESS ROAD CENTERLINE
 - [Pattern] PROPOSED CRUSHED ROCK SURFACE
 - [Pattern] PROPOSED ACCESS ROAD SURFACE
 - [Pattern] EXISTING RIPRAP
 - - - - EXISTING MAJOR CONTOUR
 - - - - EXISTING MINOR CONTOUR
 - x - x - EXISTING BARBED WIRE FENCELINE
 - ⊙ EXISTING STUMP
 - ⊙ EXISTING FIRE HYDRANT
 - ⊙ EXISTING WATER VALVE
 - — — — PROPERTY SETBACK
 - — — — EXISTING TREE LINE
 - ⊙ EXISTING TREE
 - [Pattern] PROPOSED DEVELOPER STORM STRUCTURE (BY OTHERS)



FILE NAME: 100XXXD001A.DWG
 LAST EDITED BY: S.SCHENK 6/16/25 2:34 PM
 100XXXD001A

REV	REV DATE	REVISION & JOB NO.	BY	CK	APP	REV	REV DATE	REVISION & JOB NO.	BY	CK	APP

D	C	B	A

BURNS MEDONNELL
PROJECT # 135217

DRAWN	P. JABALI	DATE	---	APPROVED	J. BREED	DATE	---
DRAFT	P. JABALI	DATE	---	SCALE	1" = 40'		
ENGR	S. SCHENK	DATE	---	JOB NO.	---		

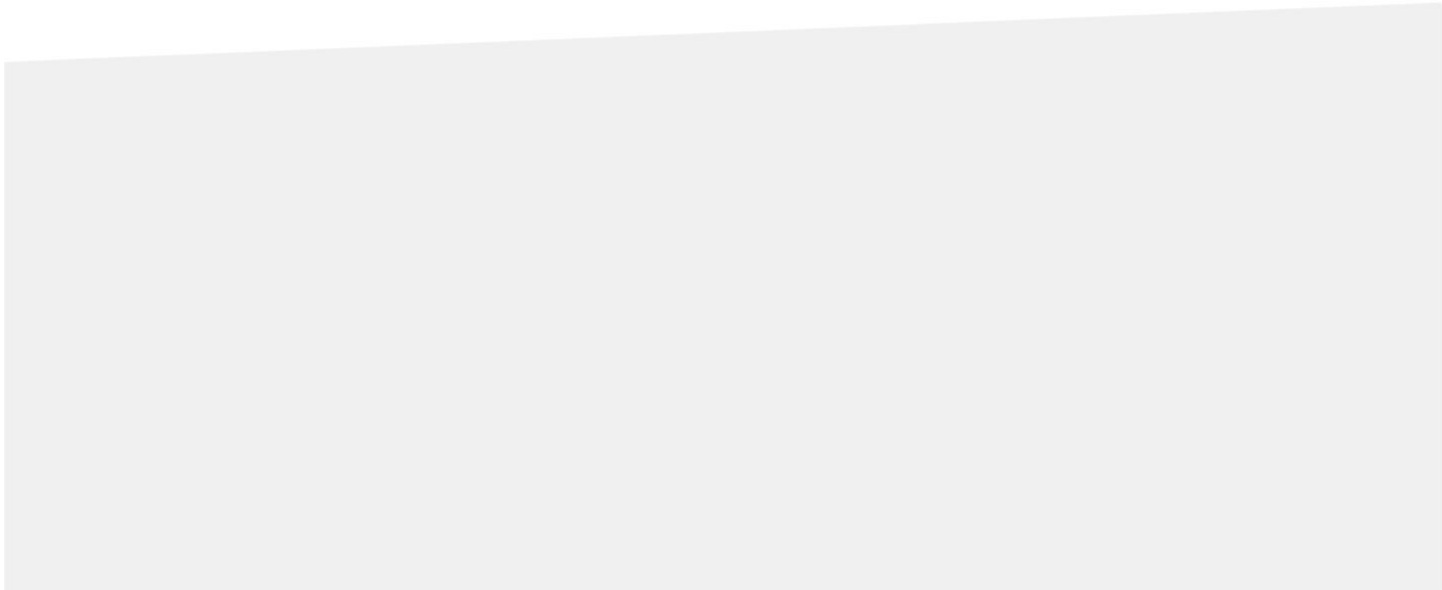
EVERGY
WHIPPOORWILL SUBSTATION (XXX)
161/12KV SUBSTATION
SITE PLAN

evergy

DWG NO: 100XXX/D001A Sht NO: 1 OF 1

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FAQs



Evergy's Whippoorwill Substation

FAQs

August 2025

This substation is necessary to increase the reliability of the electric distribution service in Bonner Springs, Wyandotte County, and the surrounding area. Here are the answers to some questions you might have about this project.

What is the problem?

As the community's electrical power needs have grown over time and are projected to continue increasing, Evergy must address the need to increase reliability, serviceability, and load of the electrical system in the City of Bonner Springs and the surrounding area.

What is the solution?

Evergy is proposing to construct the new Whippoorwill Substation on a property located west of the intersection of Speaker Road and South 110th Street in Bonner Springs, Kansas. Initial construction activities will address the concerns noted above, allow us to serve current and future customers, as well as increase the ability to perform maintenance on the power system without subjecting customers to unnecessary outages. It will also enhance reliability for customers in Bonner Springs, Wyandotte County, and the surrounding area, while strengthening the regional power grid.

Why build the substation at this location?

Several important factors led to the selection of the proposed substation site:

- The current landowner of the proposed site is aware of the end-use for the land and is open to selling it to Evergy for that use. Evergy prefers to deal with willing sellers when purchasing substation sites.
- The proposed substation site is approximately 5 acres and is situated in an area to be used for industrial purposes.
- The proposed size of the substation allows the accommodation of future power growth for businesses and housing developments that may want to come to the surrounding area.

What is the anticipated schedule for construction?

Construction is anticipated to begin in early 2028 and the substation is to be in-service by mid-2029.

What is the function of a substation?

The main purpose of this substation is to transform power from a higher voltage to a lower voltage and control the power flow to other substations in the area. Bulk power is transported most efficiently over long distances when it is at very high voltages, so substations like this one would serve as the point at which bulk power for the area is transformed to a lower voltage before being distributed to homes and businesses.

Inside the substation, the transformers lower the voltage. The switches and breakers are used to switch power to individual circuits off and on just like in a home but on a larger scale. The electronic devices at the substation are used for power system monitoring and remote switching.

What will it look like?

The electrical equipment will be in a fenced yard with a crushed rock surface. The substation will be accessed from an existing entrance off of South 100th Street. A 7-ft high 3/8" mesh fence plus 3 strands of barbed wire for a total height of 8-ft will be constructed around the substation, with dimensions of approximately 490-ft by 160-ft. The remainder of the property will be for buffer and green space.

The tallest equipment is about 35-ft not including the poles that connect to the transmission lines and lightning protection masts. Yard lights will be switch operated and have light footprints focused at and inside the fence lines.

Will the new substation impact the future use or development of adjacent properties?

On similar projects in several other cities and counties, we have not observed a reluctance to develop adjacent lots.

How will it affect public utilities and services?

The substation will not generate waste, increase traffic, etc., and does not require water or sewer, so no additional services will be necessary. Ample parking space for maintenance vehicles is available inside the substation.

Will there be a lot of traffic in and out of the substation?

Except during construction, the station will be unmanned. Equipment and operation checks are performed by Evergy personnel about once a month.

What should we do if there's an emergency at the substation?

Do the same thing you do for all other emergencies, call 911. Evergy will provide the fire department our emergency contact information and a fire preplan so they will be able to respond quickly and correctly.

What impact will the substation have on the environment?

A substation does not actually generate or produce a product, so it does not pollute air, land or water. A substation does not produce dust, fumes, odors, smoke or vibration.

The humming sound many people associate with a substation comes from the transformer. Today's transformers are significantly quieter than older models. As with any sound, it dissipates with distance from the source.

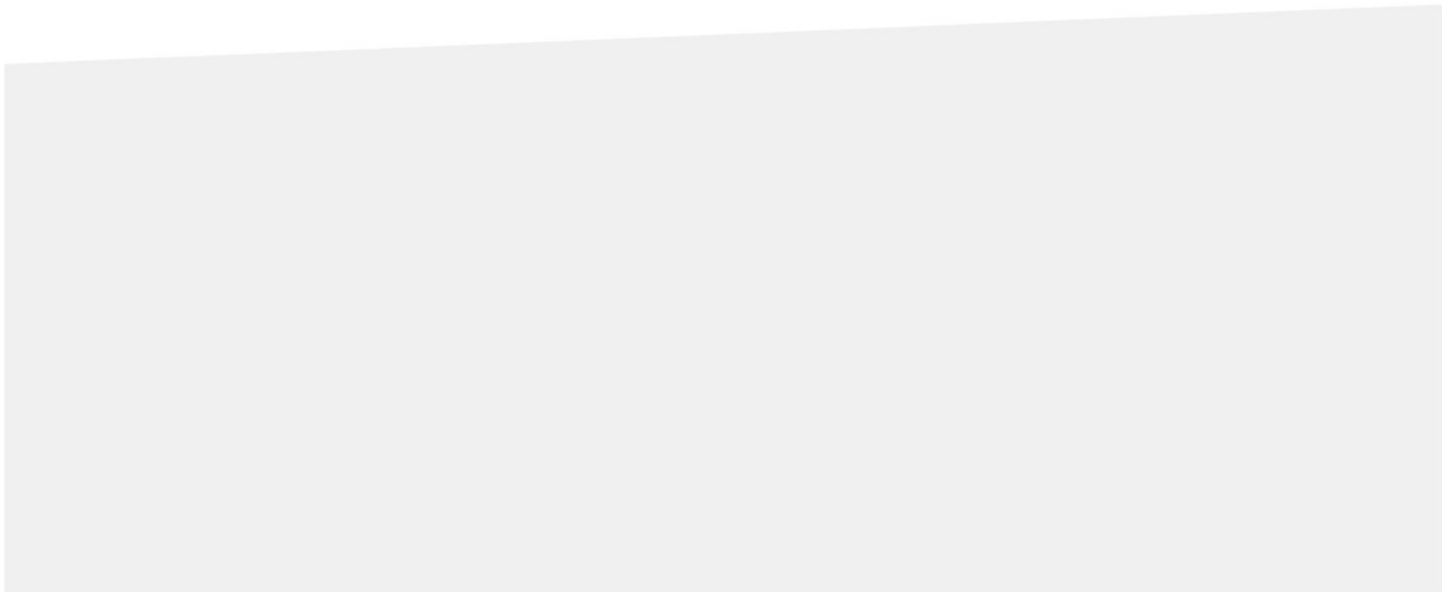
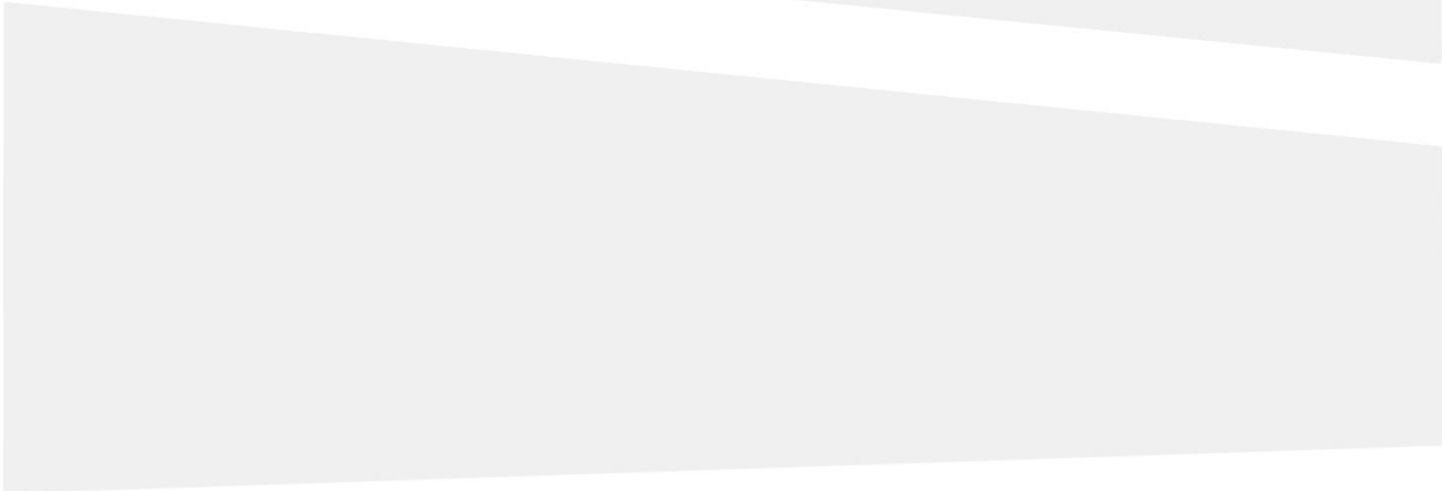
We have contacted the Kansas Department of Wildlife & Parks, the U.S. Fish & Wildlife Service and the Kansas State Historical Society and asked them to assess the impact of our project on threatened and endangered species and nearby historical sites. No adverse impacts to threatened or endangered species, critical habitat, or historical sites are anticipated.

Standard sediment and erosion control measures will be used during construction. Crushed rock inside the substation and grass outside will provide permanent erosion control.

Evergy is pleased that the location and design of the proposed substation will ensure an adequate supply of electricity to our customers while minimizing the impact on the surrounding area.

**You may direct any questions or concerns related to the project to:
SubstationProjects@evergy.com**

Fire Pre-Plan



Fire Pre-Plan

for Evergy's

Whippoorwill Substation

DRAFT

For Emergencies, Call 911

Substation Address: West of the Speaker Rd and S 110th Street Intersection in Bonner Springs, Kansas. Address to be assigned by the city.

Substation Fires

If a substation or transformer is burning, immediately contact Evergy, Inc. and wait for their personnel to arrive. Do NOT enter the substation. While you wait, take a defensive approach, and follow these steps:

- **Let the fire burn unless or until otherwise instructed by utility personnel.** Burning electric equipment is already ruined and will not be repaired. Do not risk injury to protect it as it will be replaced anyway.
- **Isolate the area with a radius of at least 300 feet.** Keep anyone unauthorized away from the area.
- **Be alert to explosion and toxic-smoke hazards.** Stay upwind and consider initial downwind evacuation for at least 1000 feet.
- **Follow the 30/30/100 rule:** Stay 30 feet away from energized objects and use a 30-degree fog spray at 100 psi to protect exposures and prevent fire from spreading.
- **Monitor for oil runoff.** Direct any oil away from catch basins and surface waters.

Extinguishing Substation Fires

Never enter a substation unless specifically directed to do so by your incident commander. If you have been told to suppress the fire, take the following precautions:

- **Position emergency vehicles at least 30 feet away from any power lines,** whether inside or outside of the substation.
- **Use only nonconductive ladders.** Do *not* use metal ladders.

Extinguishing Substation Fires, continued

- **Carry ladders parallel to the ground.** This helps you avoid contacting overhead facilities.
- **Never enter a substation until utility personnel have confirmed that the equipment is de-energized.**
- **Never use a solid stream of water on an oil fire; *always* use a fog stream.** Transformer oil fires can be extinguished with protein foam sprays and water fog sprays, but a solid stream of water can actually spread an oil fire.
- **Report all oil releases to the incident commander.** Follow standard tactics for a hazardous materials response.

This information can be found at:

<https://evergy-safety.com/firstresponder/topic/substation-fires/>

<https://evergy-safety.com/firstresponder/topic/extinguishing-substation-fires/>

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	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	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	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.

Memorandum

Date: October 21, 2025
To: Mayor and City Council
From: Mark Lee

Subject: PUBLIC HEARING – Unified Development Ordinance Amendments – BSZO-01-25

Recommendation: Staff recommends the Planning Commissions approve the amendments to the Unified Development Ordinance as provided.

Action: Make a motion to Approve, Amend or Deny the amendments to the Unified Development Ordinance as presented.

Background: Over the past couple of years working with the Unified Development Ordinance, staff has found a few items that were not transitioned over from our old Zoning Regulations. One of the major items that was left out was the long-approved residential living above commercial spaces in the Central Commercial zoning district, language has been added into Section 2.04.D as well as amending the Use Table to indicate those appropriate residential uses.

Staff also realized that setbacks were inadvertently left out of the Dimensional Standards of Section 2.04.E.4.

Over the past couple of years, we have issued “Camping” permits to Country Stampede for their weekend-long concert. The use of “Camping” has now been placed into the Use Table within four (4) zoning districts. Camping still requires a Special Use Permit and must adhere to our Municipal Code regarding said camping.

Along with this staff has researched the language associated with protest petitions and proposed amendments to Section 1.05.D.b(2). These are backed by discussions with the League of Kansas Municipalities.

Discussion: Staff's report is attached.

Financial Impact:

City of
Bonner Springs
Agenda Item Cover Sheet

Agenda Item No. 6
BSZO-01-25

Topic: PUBLIC HEARING – BSZO-01-25 - Unified Development Ordinance Amendment - Consider revisions to the Unified Development Ordinance regarding Protest Petitions, residential living on the upper floors within the CC; Central Commercial District, provide setback requirements for the RV; Recreational Vehicle Zoning District and amending the Table of Uses to include Camping as a Special Use Permit and the Residential living within the Central Commercial district.

Narrative: Over the past couple of years working with the Unified Development Ordinance, staff has found a few items that were not transitioned over from our old Zoning Regulations, one of the major items that was left out was the long approved residential living above commercial spaces in the Central Commercial zoning district, language has been added into Section 2.04.D as well as amending the Use Table to indicate those appropriate residential uses.

Staff also realized that setbacks were inadvertently left out of the Dimensional Standards of Section 2.04.E.4.

Over the past couple of years, we have issued “Camping” permits to Country Stampede for their weekend long concert, the use of “Camping” has now been placed into the Use Table within four (4) zoning districts, camping still requires a Special Use Permit and must adhere to our Municipal Code regarding said camping.

Along with this staff has researched the language associated with protest petitions and proposed amendments to Section 1.05.D.b(2). This are backed by discussions with the League of Kansas Municipalities.

Presented by: Mark Lee – Community Development Director

Staff Recommendation: Staff recommends the Planning Commissions approve the amendments to the Unified Development Ordinance as provided.

Attachments:

UDO Redline pages with proposed amendments

Pg 20

Pg 49

Pg 57

Pg 59

Pg 60

State Statute K.S.A. 12-757 (highlighted)

C. Notice of Public Hearings Required

When a public hearing is required by **Section 1.05.B** above, public notices shall be required according to **Table 1.3. Type of Notice Required**.

Table 1.3. Type of Notice Required

● = Public Hearing Notice Type Required			
Application/Item	Newspaper Notice	Mailed Notice	On-Site (Sign) Notice
Subdivision			
Preliminary Plat		●	
Vacation of public Easements and Right-of-Ways	●		
Zoning			
Text Amendment	●	●	
Zoning Map Amendment	●	●	●
Special Use Permit (SUP)	●	●	●
Planned Development District (PD)	●	●	●
Zoning Variance	●	●	●
Special Exception	●	●	●
Appeal of an Administrative Decision	●	●	

D. Types of Public Hearing Notices

1. Notice of Rezoning, Planned Development Districts, and Special Use Permits

a. Newspaper Notice (also referred to as “Published Notice”)

- (1) Notice of a public hearing to occur before the Planning Commission shall be published in accordance with Chapter 12, Article 7 of the Kansas Statutes Annotated (**KSA 12-756**).
- (2) The notice must include a general description of the request, identification of the property that is subject to the request, and the date, time, and location of the public hearing.

b. Mailed Notice (also referred to as “Written Notice”)

(1) General Procedures

Notice of a public hearing to occur before the Planning Commission shall be written and mailed in accordance with Chapter 12, Article 7 of the Kansas Statutes Annotated (**KSA 12-757**).

(2) **Protest Petition**

Whether or not the Planning Commission approves or disapproves a zoning amendment (**Zoning Change**), a protest petition may be filed in accordance with Chapter 12, Article 7 of the Kansas Statutes Annotated (**KSA 12-757**).

- D. Standard Commercial Districts
 - 1. CC, Central Commercial District
 - a. Description

The **CC, Central Commercial District** provides for a range of infill commercial Development and supporting uses downtown. Development is intended to be walkable and contiguous along all Block faces. Residential living is permitted on floors above street level within buildings located in the Central Commercial (CC) zoning district. Additionally, residential uses may be allowed on floors below street grade, provided that a Special Use Permit is obtained and all applicable building codes are met

- b. Dimensional Standards

Dimensional Standards		
General Lot Standards		
Minimum Lot Area		None
Minimum Lot Width		None
Minimum Lot Depth		None
Maximum Lot Coverage		None
Building Setback	Primary Structure	Accessory Structure
Minimum Front Setback	None	N/A
Minimum Interior Side Setback	None	N/A
Minimum Rear Setback	None	N/A
Building Standard	Primary Structure	Accessory Structure
Maximum Building Height	Greater of 3 stories or 45 feet	N/A
Build-to Zone	5 – 15 feet from the back-of-curb	N/A

- c. Development Standards
 - (1) See **Section 3.04 Subdivision Standards** for Lot and Block design criteria.
 - (2) See **Section 4.02 Parking, Circulation, and Loading**.
 - (3) See **Section 4.03 Landscaping and Buffering**.
 - (4) See **Section 4.04 Tree Preservation**.
 - (5) See **Section 4.05 Fences and Screening Walls**.
 - (6) See **Section 4.06 Signs**.
 - (7) See **Section 4.07 Parks, Trails, and Open Space**.
 - (8) See **Section 4.08 Architectural and Site Design**.
 - (9) See **Section 4.09 Outdoor Lighting**.
 - (10) See **Section 4.10 Stormwater and Floodplain Controls**.

3. PD, Planned Development District
 - a. Description and Purpose
 - (1) The **PD, Planned Development District** provides for innovative Development Standards that achieve the following purposes:
 - (a) Provide for flexibility from these regulations regarding design, placement, arrangement, bulk, and other considerations involved in designing a site;
 - (b) Provide a framework within which Buildings and uses may be interrelated with adjacent Development and areas; and
 - (c) Maintain the desired overall intensity of land use, desired population densities, and desired areas of Open Space throughout the City.
 - (2) The **PD, Planned Development District** does not provide a tool to deviate from the procedural requirements set forth by these regulations.
 - b. Requirements and Process

See **Section 2.03.C** above for process and general requirements for PD, Planned Development Districts.

4. RV, Recreational Vehicle Park District
 - a. Description and Purpose
 - (1) The **RV, Recreational Vehicle Park District** can contribute to the long-term economic and social well-being of the City if they are properly located, designed, and maintained to protect the health, safety, and general welfare of the RV park users, abutting properties, and the City as a whole.

Dimensional Standards		
General Lot Standards		
Minimum Lot Area	2 acres	
Maximum Lot Area	10 acres	
Minimum Separation Between Parks	1320 feet	
Minimum Space Area (individual)	1250 sqft (25 feet in width x 50 feet in depth)	
Building Setback	RV Space/Pad Setbacks from Property Lines	Accessory Structure
Minimum Front Setback	25 feet	Not allowed for individual spaces
Minimum Interior Side Setback	15 feet	
Minimum Rear Setback	25 feet	
RV Pad Standards		
Minimum Parking Pad Space (small RV pads)	10 feet in width x 24 feet in depth	
Minimum Park Pad Space (large RV pads)	12 feet in width x 36 feet in depth	

- a. Development Standards and Requirements and Process
 - (1) Development Standards

See **Section 2.03.D** above for process and general requirements for RV, Recreational Vehicle Parks.

Section 2.05. Table of Allowed Uses

A. Generally

1. The Table of Allowed Uses is contained in **Table 2.2. Table of Allowed Uses**.
2. Land and Buildings in each of the zoning districts may be used for any of the specified uses in Table 2.2. No land shall be used, and no Building or structure shall be erected, altered, or converted for any use other than those specified as a permitted use in the district in which the property is located.

Table 2.2. Table of Allowed Uses

Table Legend		Official Zoning Districts													Parking Space Requirements	
		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
P	Use is permitted in the district indicated															
	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		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	Parking Space Requirements
Accessory Land Uses																
Accessory Dwelling Unit (ADU)	P-1	P-1	P-1	P-1	P-1								P-1			1:dwelling (off-street)
Accessory Structure	P-2	P-2	P-2	P-2	P-2								P-2			None
Aerial Display															P	None
<u>Camping, Overnight per Municipal Code</u>	S	S	S	S												None
Construction Equipment Storage	P-3	P-3	P-3	P-3	P-3	P-3	P-3	P-3	P-3	P-3	P-3	P-3	P-3	P-3	P-3	None
Construction Field Office	P-4	P-4	P-4	P-4	P-4	P-4	P-4	P-4	P-4	P-4	P-4	P-4	P-4	P-4	P-4	None
Drive-Through						P-5	P-5	P-5	P-5					P-5	P-5	None
Electrified Fencing	S	S	S	S	S					S	S					None
Fuel Pumps						S-6	S-6	S-6	S-6	P-6	P-6			P-6	S-6	None
Garage Sale	P-7	P-7	P-7	P-7	P-7								P-7			None
Home Occupation	P-8	P-8	P-8	P-8	P-8								P-8	P-8		None
Outdoor Storage or Display						S-9	S-9	S-9	S-9	S-9	S-9			S-9	S-9	None
Personal Energy Production	P-10	P-10	P-10	P-10	P-10	P-10	P-10	P-10	P-10	P-10	P-10	P-10	P-10	P-10	P-10	None
Sports Court or Field	S-11	S-11	S-11	S-11	S-11	S-11	S-11	S-11	S-11	S-11	S-11	S-11	S-11	S-11	S-11	None
Agricultural Land Uses																
Agricultural Practices	P	P	P	P												None
Plant Nursery	P	P	P	S						S	P					None
Stable, Commercial	P	P	P	S												None
Stable, Private	P	P	P	P-12												None

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																

Residential Land Uses																	
Assisted Living or Nursing Facility				S	S				P					S	S		2 + 1: 500 SF
Bed & Breakfast			S	S	S									S			2 + 1: unit
Boarding or Lodging House			S	S	S									S			1: unit
Dwelling, Manufactured Home	P-13	P-13	P-13														2: dwelling
Dwelling, Mobile Home																	2: dwelling
Dwelling, Modular Home	S-14	S-14	S-14	S-14	S-14												2: dwelling
Dwelling, Multi-Family								P						P	P		1.5: unit
Dwelling, Single-Family Attached						P-15								P-15			2: dwelling
Dwelling, Single-Family Detached	P	P	P	P	P	P	P							P			2: dwelling
Dwelling, Single-Family Duplex						P	P							P			2: dwelling
Group Home				P	P	P		S						P			1.5: bed
Manufactured Home Park	S-16	S-16	S-16	S-16													2: dwelling
Rehabilitation Home			S	S													1: 400 SF
Civic, Institutional, and Special Land Uses																	
Airport or Helistop	S	S	S											S			1: 200 SF
Cemetery	S	S	S	S	S									S			1: unit
Club, Private			S	S	S												1: 400 SF
Community Garden	P	P	P	P	P	P	P							P			1: 400 SF accessible area
Community Gathering, Private	S-17	S-17	S-17	S-17	S-17	S-17	S-17	S-17	S-17	S-17	S-17	S-17	S-17	S-17	S-17		1: 3 attendees
Community Gathering, Public	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		1: 3 anticipated attendees
Day Care Center			S-18	S-18	S-18			S-18						S-18		S-18	1: 250 SF
Day Care Residence		S-19	S-19	S-19	S-19									S-19			None
Farmer's Market	S-20					S-20	S-20	S-20						S-20	S-20		4: booth
Library							P	P	P	P	S				P		1: 300 SF
Medical Clinic							P	P	P	P					P	P	1: 400 SF

12-757. Same; zoning; downzoning or rezoning, amendments and revisions; procedure; notice and hearing; protest petition; signs to notify of proposed rezoning. (a) The governing body, from time to time, may supplement, change or generally revise the boundaries or regulations contained in zoning regulations by amendment. A proposal for such amendment may be initiated by the governing body or the planning commission. If such proposed amendment is not a general revision of the existing regulations and affects specific property, the amendment may be initiated by application of the owner of property affected. Any such amendment, if in accordance with the land use plan or the land use element of a comprehensive plan, shall be presumed to be reasonable. The governing body shall establish in its zoning regulations the matters to be considered when approving or disapproving a rezoning request. The governing body may establish reasonable fees to be paid in advance by the owner of any property at the time of making application for a zoning amendment.

(b) All such proposed amendments first shall be submitted to the planning commission for recommendation. The planning commission shall hold a public hearing thereon, shall cause an accurate written summary to be made of the proceedings, and shall give notice in like manner as that required for recommendations on the original proposed zoning regulations provided in K.S.A. [12-756](#), and amendments thereto. Such notice shall fix the time and place for such hearing and contain a statement regarding the proposed changes in regulations or restrictions or in the boundary or classification of any zone or district. If such proposed amendment is not a general revision of the existing regulations and affects specific property, the property shall be designated by legal description or a general description sufficient to identify the property under consideration. In addition to such publication notice, written notice of such proposed amendment shall be mailed at least 20 days before the hearing to all owners of record of real property within the area to be altered and to all owners of record of real property located within at least 200 feet of the area proposed to be altered for regulations of a city and to all owners of record of real property located within at least 1,000 feet of the area proposed to be altered for regulations of a county. If a city proposes a zoning amendment to property located adjacent to or outside the city's limits, the area of notification of the city's action shall be extended to at least 1,000 feet in the unincorporated area. Notice of a county's action shall extend 200 feet in those areas where the notification area extends within the corporate limits of a city. All notices shall include a statement that a complete legal description is available for public inspection and shall indicate where such information is available. When the notice has been properly addressed and deposited in the mail, failure of a party to receive such notice shall not invalidate any subsequent action taken by the planning commission or the governing body. Such notice is sufficient to permit the planning commission to recommend amendments to zoning regulations which affect only a portion of the land described in the notice or which give all or any part of the land described a zoning classification of lesser change than that set forth in the notice. A recommendation of a zoning classification of lesser change than that set forth in the notice shall not be valid without republication and, where necessary, re-mailing, unless the planning commission has previously established a table or publication available to the public which designates what zoning classifications are lesser changes authorized within the published zoning classifications. At any public hearing held to consider a proposed rezoning, an opportunity shall be granted to interested parties to be heard.

(c) (1) Whenever five or more property owners of record owning 10 or more contiguous or noncontiguous lots, tracts or parcels of the same zoning classification initiate a rezoning of their property from a less restrictive to a more restrictive zoning classification, such amendment shall require notice by publication and hearing in like manner as required in subsection (b) of this section. Such zoning amendment shall not require written notice and shall not be subject to the protest petition provision of subsection (f) of this section.

(2) Whenever a city or county initiates a rezoning from a less restrictive to a more restrictive zoning classification of 10 or more contiguous or noncontiguous lots, tracts or parcels of the same zoning classification having five or more owners of record, such amendment shall require notice by publication and hearing in like manner as that required by subsection (b) of this section. In addition, written notice shall be required to be mailed to only owners of record of the properties to be rezoned and only such owners shall be eligible to initiate a protest petition under subsection (f) of this section.

(d) Except as provided in subsection (g) and unless otherwise provided by this act, the procedure for the consideration and adoption of any such proposed amendment shall be in the same manner as that required for the consideration and adoption of the original zoning regulations. A majority of the members of the planning commission present and voting at the hearing shall be required to recommend approval or denial of the amendment to the governing body. If the planning commission fails to make a recommendation on a rezoning request, the planning commission shall be deemed to have made a recommendation of disapproval. When the planning commission submits a recommendation of approval or disapproval of such amendment and the reasons therefor, the governing body may: (1) Adopt such recommendation by ordinance in a city or by resolution in a county; (2) override the planning commission's recommendation by a $\frac{2}{3}$ majority vote of the membership of the governing body; or (3) return such recommendation to the planning commission with a statement specifying the basis for the governing body's failure to

approve or disapprove. If the governing body returns the planning commission's recommendation, the planning commission, after considering the same, may resubmit its original recommendation giving the reasons therefor or submit new and amended recommendation. Upon the receipt of such recommendation, the governing body, by a simple majority thereof, may adopt or may revise or amend and adopt such recommendation by the respective ordinance or resolution, or it need take no further action thereon. If the planning commission fails to deliver its recommendation to the governing body following the planning commission's next regular meeting after receipt of the governing body's report, the governing body shall consider such course of inaction on the part of the planning commission as a resubmission of the original recommendation and proceed accordingly. The proposed rezoning shall become effective upon publication of the respective adopting ordinance or resolution.

(e) If such amendment affects the boundaries of any zone or district, the respective ordinance or resolution shall describe the boundaries as amended, or if provision is made for the fixing of the same upon an official map which has been incorporated by reference, the amending ordinance or resolution shall define the change or the boundary as amended, shall order the official map to be changed to reflect such amendment, shall amend the section of the ordinance or resolution incorporating the same and shall reincorporate such map as amended.

(f) (1) Except as provided in subsection (g), whether or not the planning commission approves or disapproves a zoning amendment, if a protest petition against such amendment is filed in the office of the city clerk or the county clerk within 14 days after the date of the conclusion of the public hearing pursuant to the publication notice, signed by the owners of record of 20% or more of any real property proposed to be rezoned or by the owners of record of 20% or more of the total real property within the area required to be notified by this act of the proposed rezoning of a specific property, excluding streets and public ways and property excluded pursuant to paragraph (2) of this subsection, the ordinance or resolution adopting such amendment shall not be passed except by at least a $\frac{3}{4}$ vote of all of the members of the governing body.

(2) For the purpose of determining the sufficiency of a protest petition, if the proposed rezoning was requested by the owner of the specific property subject to the rezoning or the owner of the specific property subject to the rezoning does not oppose in writing such rezoning, such property also shall be excluded when calculating the "total real property within the area required to be notified" as that phrase is used in paragraph (1) of this subsection.

(g) An ordinance or resolution adopting a zoning amendment for mining operations subject to K.S.A. 49-601 et seq., and amendments thereto, regardless of a protest petition or failure to recommend by the planning commission shall only require a majority vote of all members of the governing body.

(h) Zoning regulations may provide additional notice by providing for the posting of signs on land which is the subject of a proposed rezoning, for the purpose of providing notice of such proposed rezoning.

History: L. 1991, ch. 56, § 17; L. 1995, ch. 211, § 1; L. 1995, ch. 249, § 1; L. 2000, ch. 75, § 1; L. 2009, ch. 79, § 1; July 1.