

City of  
Bonner Springs  
Agenda Item Cover Sheet

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**Agenda Item No. 4**

CASE #: SUP-02-21

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**Topic: Public Hearing- The applicant is requesting** approval of a Special Use Permit to allow for the placement of a temporary/portable/pre-manufactured building for other than residential, sleeping or overnight accommodations as allowed by the Zoning regulations of the City of Bonner Springs. This request is to allow for a temporary office facility.

**Narrative:**

The subject property is approximately 8.195 acres. The Site and Landscape Plan was approved at the May 18, 2021 regular meeting of the Planning Commission. The item before you this evening is in regards to a temporary office structure.

In the City's Zoning Ordinance, **Article XXVII--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 located in Appendices A & B.

Located in Article XXVII; Section 4; Subsection 5, there are allowances for "Temporary, Portable, Pre-manufactured buildings for other than residential, sleeping or overnight accommodations". Within this section are four (4) specific requirements pertaining to these types of facilities.

**Presented by:** Mark Lee-Planning & Zoning Director

**Staff Recommendation:**

Staff recommends that the Planning Commission approve the Special Use Permit to allow for the installation/placement of a temporary structure to be utilized as a temporary office facility as allowed in Article XXVII; Section 4(5).

**Attachments:**

Staff Report (4pgs)  
Special Use Permit Layout (1pg)  
Application (2pgs)

**Projector needed for this item?**

Yes



**CONSIDER SPECIAL USE PERMIT TO ALLOW FOR THE PLACEMENT OF A TEMPORARY/PORTABLE/PRE-MANUFACTURED BUILDING AS ALLOWED IN THE ZONING REGULATIONS OF BONNER SPRINGS.**

**MEETING DATE:** June 15, 2021  
**REPORT WRITTEN:** May 12, 2021  
**CASE NUMBER:** SUP-02-21

**APPLICANT:**  
• Teague Lumber  
300 Duck Road  
Grandview MO 69030

**ENGINEER**  
• Storm Engineering Group  
5719 Westfield Drive  
Lawrence KS 66049

**REQUEST:**  
The applicant is requesting approval of a Special Use Permit to allow for the placement of a temporary/portable/pre-manufactured building for other than residential, sleeping or overnight accommodations as allowed by the Zoning regulations of the City of Bonner Springs.

This request is to allow for a temporary office facility to be located upon Lot 2 of the Coleman Industrial Park Phase 1; 4120 Bonner Industrial Drive.

**ZONING:**  
The property is currently zoned “I-1” Light Industrial District

**SURROUNDING ZONING:**  
North “I-1” Light Industrial District.  
South “I-1” Light Industrial District.  
East “I-1” Light Industrial District.  
West “I-1” Light Industrial District

**BACKGROUND:**  
The subject property is approximately 8.195 acres. The Site and Landscape Plan was approved at the May 18, 2021 regular meeting of the Planning Commission. The item before you this evening is in regards to a temporary office structure.

In the City’s Zoning Ordinance, **Article XXVII--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 located in Appendices A & B.

Located in Article XXVII; Section 4; Subsection 5, there are allowances for “Temporary, Portable, Pre-manufactured buildings for other than residential, sleeping or overnight accommodations”. Within this section are four (4) additional requirements pertaining to these types of facilities, they are as follows:

(a) The maximum time for which a facility may be allowed to operate, either with a single permit or series of renewable permits, is three years (provided, however, that public facilities, such as temporary, overflow classroom additions, may be extended beyond the three-year period upon approval of the Governing Body);

(b) All such facilities shall be inspected annually by both the Bonner Springs Fire Chief and Building Official;

(c) A schedule identifying the installation of permanent facilities and removal of temporary facilities shall be submitted together with the Request for a Special Use Permit; and

(d) A completed building permit application shall be filed with the Codes Administrator and submitted to the Planning Commission as a final development plan six months prior to the beginning of construction of the permanent facility. (Revised, Ordinance No. 1515)

Article XXVII, Special Uses; state: *Special uses are those type of uses which, due to their nature, are dissimilar to the normal uses permitted within a given zoning district or where product, process, mode of operation, or nature of business may prove detrimental to the health, safety, welfare or property values of the immediate neighborhood and its environs.*

#### **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 addresses 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 zoning regulations. This district corresponds to the 'I-1', and 'I-2' districts of the city zoning regulations.



**Requirements as enumerated in Article XXVII; 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 proposed use is considered an allowed special use in the I-1, Light Industrial District, therefore, would be an acceptable use under the use limitations thereof.*
2. The proposed special use at the specified location will contribute to and promote the welfare or convenience of the public;  
*The proposed special use will allow the applicant to begin operations once the site is prepared by providing a temporary office facility.*
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 proposed use will not cause any injury to the value of the property in the neighborhood. These structures are allowed via special use permits for the reason of providing temporary office facilities.*
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 requested special use will consist of a typical "job trailer" and will not prove detrimental to the surrounding area.*
  - (b) The nature and extent of landscaping and screening on the site.  
*The Site/Landscape Plan was approved at the May 18, 2021 regular Planning Commission meeting. Site landscaping and screening shall not be required for this specific special use.*
5. Off-street parking and loading areas will be provided in accordance with the standards set forth in these regulations, and such areas shall be screened from adjoining residential uses and located so as to protect such residential uses from any injurious effect;  
*All employee/customer parking areas will be on concrete or asphalt. There are no residential areas nearby that would require screening.*
6. Adequate utility, drainage, and other such necessary facilities have been or will be provided; and  
*Review by the Design Review Team has been completed; comments from the City Engineer have been addressed by the applicant's engineer. An Earth Change Permit will not be issued until all comments have been addressed adequately.*

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.

*Adequate access roads as well as ingress and egress drives are indicated on the proposed site plan. The proposed temporary office facility is located within the lot and will create no traffic congestion outside of the site.*

**STAFF RECOMMENDATIONS:**

Staff recommends approval of the Special Use Permit; SUP-02-21 with the following five (5) conditions:

- 1) Special Use Permit shall be valid for a period not to exceed twelve (12) months; and
- 2) If the Special Use Permit exists for longer than the twelve (12) month period stated above, the owner/operator shall request an extension from the Planning Commission as allowed in the Zoning Regulations.
- 3) Special Use Permit shall expire if the land on which the use is operated is sold, or if leased, upon termination of the lease; and
- 4) Special Use Permit shall expire when the operation of the approved use is discontinued; and
- 5) Special Use Permit shall not transfer to another person or to a different location; and
- 6) 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.**