



City of Bonner Springs

KANSAS

Tuesday, November 16, 2021

200 East Third Street, Bonner Springs, KS 66012

The meeting is open to the public. Online or phone observation is available but does not enable participation in the meeting.

We will follow safety precautions recommended by the Centers for Disease Control and Prevention, the Kansas Department of Health and Environment, and local health officers. Attendees are required to wear masks and observe proper social distancing. If you are exhibiting symptoms of illness, think you may have been exposed to illness or would prefer to listen online please use the instructions below.

PLANNING COMMISSION WORKSHOP - 06:00 PM

1. Accessory Structure size limitations

Action	Discussion only - no official action
Recommendation	Staff recommends the Planning Commission discuss the proposed regulation changes and proceed with adoption at the next regularly scheduled meeting date. Due to publication timeframes this meeting will be held on January 18, 2022

Documents:

1. Accessory Buildings V2

2. Accessory Dwelling Unit Regulations

Action	Discussion only
Recommendation	Staff recommends the Planning Commission discuss the proposed regulations, address staff's questions with any feedback and proceed with adoption at the next regularly scheduled meeting date. Due to publication timeframes, this meeting will be held on January 18, 2022.

Documents:

1. Accessory Dwelling Units V2

3. Architectural Design Standards for Multifamily, Commercial, Industrial and Downtown District

Action	Discussion only
Recommendation	Staff recommends the Planning Commission discuss the potential adoption of Appendix B from the Comprehensive Plan as a regulation that shall be incorporated into our Zoning Regulations and enforced as other regulations are currently. Due to publication timeframes, this meeting will be held on January 18, 2022.

Documents:

1. Arch Guidelines - Planning Principals and Design Guidelines V2 with Revisions

PLANNING COMMISSION REGULAR MEETING - 7:00PM

CALL TO ORDER - ROLL CALL

CONSENT AGENDA

1. Approval of the previous meetings minutes

Action	Approve or amend the regular meeting minutes from the September 21, 2021 meeting.
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Recommendation

Documents:

1. PC Minutes 9.21.21 draft

OLD BUSINESS - None at this time

NEW BUSINESS

1. Lot Split - LS-03-21

Action	Consider a Lot Split presented by Atlas Land Consulting; on behalf of the property owners, Keith L. Roberts Revocable Trust (Copher's) - The applicant is proposing to split an existing tract/parcel (Tract 2) and create a new parcel (Tract 1).
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Recommendation Staff recommends the Planning Commission approve the Lot Split with the stipulations listed in the Staff report.

Documents:

1. LS-03-21 agenda item

2. PUBLIC HEARING - SUP-05-21 - SPECIAL USE PERMIT

Action The applicant is requesting approval of a Special Use Permit to allow for the construction of two – two family attached dwelling units (townhome/duplex) as allowed for in the R-1A (Residential Special District) at 231 and 233 West Insley Avenue.

Recommendation Staff recommends that the Planning Commission approve the Special Use Permit to allow for the construction of two (2) – two family attached dwelling units (townhome/duplex) as allowed for in the R-1A (Residential Special District) at 231 and 233 West Insley Avenue., with staff recommendations.

Documents:

1. SUP-05-21 Complete packet item

3. PUBLIC HEARING – BSRZ-02-21 - Rezoning Request

Action Consider a request for approval of a zoning change from A-1 (Agricultural District) to R-3 (Multifamily Residential District) at 546 N. 130th Street.

Recommendation Staff recommends approval of the requested rezoning from A-1 (Agricultural District) to R-3 (Multifamily Residential District). The approval shall include any specific stipulations stated in the attached staff report.

Documents:

1. Agenda Item-BSRZ-02-21-Sandstone Townhomes

REPORTS

1. CITY PLANNERS REPORT

Action Discussion only

Recommendation Discussion only

Documents:

City of Bonner Springs

Work Session Agenda Item Cover Sheet

Agenda Item No. 1

Topic: Accessory Structure maximum size limitations.

Narrative: Currently the zoning regulations state that an accessory building occupies no more than 30% of the required rear yard of a property, there are no maximum size restrictions that in staff experiences can and does lead to large buildings that no longer meet the intent of an accessory structure as they may potentially be larger than the principal structure.

Staff is bringing forward discussion items and potential regulations for the Commission to discuss.

In researching requirements, staff looked at seven (7) surrounding communities and their current regulations. Those seven communities were, Lenexa, Shawnee, Kansas City (MO), Lansing, Olathe, Lee's Summit (MO) and Overland Park. Taking from those regulations currently in place and taking into consideration agricultural areas of Bonner Springs and the Loring Service Area, staff has come up with a set of regulations that they feel fits best

Presented by: Mark Lee-City Planner

Staff Recommendation: Staff recommends the Planning Commission discuss the proposed regulation changes and proceed with adoption at the next regularly scheduled meeting date. Due to publication timeframes this meeting will be held on December 14, 2021

Attachments:

Staff research and recommendations (8pgs), changes, additions and alterations are shown in red

City of Bonner Springs Current Regulations for all zoning districts

SECTION 4. ACCESSORY BUILDINGS: No accessory building shall be erected in the front of the house with the exception of gazebos or similar decorative structures. Also, no accessory building shall be erected in the any required yard, and shall not be erected closer than five (5) feet to any other building. Accessory buildings may be located in the rear yard, but shall not be closer than five (5) feet to the rear lot line and shall not be closer to the side lot line than the required side yard setback of the district. No accessory building shall cover more than thirty (30) percent of the required rear yard. No accessory building shall be erected on or over a utility easement. No accessory structure or use as defined in these regulations shall be built, moved or remodeled, altered or enlarged unless such structure or use is permitted by these regulations. Accessory buildings shall not be erected on properties where no main structure exists, except in Agricultural zoning districts for the storage of agricultural products or equipment or for shelter of livestock. Accessory buildings which are erected on property where no main building exists shall not have sewer facilities within the accessory structure.

Current Definitions for Accessory

Accessory Building: A subordinate building which serves as a function clearly incidental to or customarily found in connection with and located on the same lot as that of the main use. Customary accessory buildings include garages, carports, and small storage sheds. (Revised Ordinance No. 1884)

Accessory Use: A subordinate use which serves an incidental function to or customarily found in connection with and on the same lot as the main use of the premises. Customary accessory uses include tennis courts, swimming pools, air conditioners, barbecue ovens, and fireplaces.

LENEXA

Floor Area: Unless otherwise provided in this brochure, the total floor area of any 1 accessory building or structure, with the exception of bonafide agricultural structures, which includes buildings and structures used strictly for the housing of farm equipment, cattle or horse, hay, etc., shall not exceed the total ground floor area of the dwelling unit, inclusive of any attached garages. The total ground floor area of all accessory buildings and structures shall be in compliance with zoning district open space requirements.

Appearance: Residential accessory buildings and structures larger than 200 sq. ft. in area shall be constructed of quality materials and compatible in design and character with the dwelling unit.

ADDITIONAL ZONING REQUIREMENTS FOR AG, RE AND RP-E DISTRICTS

Setbacks for Residential Accessory Buildings and Structures in AG, RE and RP-E Zoning Districts							
Zoning District	Open Space	Buildings/Structures > 200 sq. ft. and/or > 10 ft. ht.			Buildings/Structures ≤ 200 sq. ft. and ≤ 10 ft. ht.		
		Street Side Yard	Interior Side Yard	Rear Yard	Street Side Yard	Interior Side Yard	Rear Yard
AG	90%	50'	50'	50'	50'	10'	10'
RE/RP-E	75%	50' perimeter streets 35' internal streets	25'	25'	50' perimeter streets 35' internal streets	10'	10'

ADDITIONAL ZONING REQUIREMENTS FOR R-1, RP-1, AND RP-2 DISTRICTS

Setbacks for Residential Accessory Buildings and Structures in R-1, RP-1 and RP-2 Zoning Districts							
Zoning District	Open Space	Buildings/Structures > 200 sq. ft. and/or > 10 ft. ht.			Buildings/Structures ≤ 200 sq. ft. and ≤ 10 ft. ht.		
		Street Side Yard	Interior Side Yard	Rear Yard	Street Side Yard	Interior Side Yard	Rear Yard
R-1/RP-1	60%	20'	7'	20'	20'	5'	5'
RP-2	60%	25'	7'	20'	25'	5'	5'

Note: If the accessory building is no larger than 200 square feet and taller than 10 feet, the setback shall be at least equal to the height of the structure, but need not exceed the minimum yard setback requirements for the zoning district in which it is located, unless otherwise required by this Chapter.

Maximum total ground floor area permitted for all accessory buildings and structures in R-1(Residential Single Family), RP-1(Planned Residential-Low Density), and RP-2(Planned Residential-Intermediate Density):

- Lots less than 1 acre: The maximum allowed total ground floor area for all accessory buildings and structures shall not exceed 250 sq. ft. in area for each 3,000 sq. ft. of lot area up to a maximum of 1,500 square feet.
- Lots at least 1 acre but less than 2 acres: The maximum allowed total ground floor area of all accessory buildings and structures shall be 2,000 square feet.
- Lots at least 2 acres but less than 5 acres: The maximum allowed total ground floor area of all accessory buildings and structures shall increase from 1,500 sq. by 1,000 sq. ft. for each full acre of lot size greater than 1 acre and on a pro rata basis for each fraction of a full acre.
- Lots 5 acres or larger: The total ground floor coverage for all accessory buildings and structures shall not be limited if the structures comply with the zoning district setback and open space requirements of this Chapter.

SHAWNEE

No accessory building or structure may be erected on a vacant lot. Agricultural parcels used for the production of grains, fruits or trees are not considered vacant. The maximum allowable size of an accessory building in residentially zoned areas is dependent on the lot size, the size of the "required rear yard", and the finished area of the house on that lot. A more detailed description of this regulation is given below under Maximum Size of Accessory Buildings. There is no size limit on accessory buildings in agriculturally zoned districts.

In residential zoning districts there may be only one accessory building or structure on the lot. This restriction does not apply in agricultural zoning districts. Accessory buildings and structures shall be placed in the rear yard only.

Maximum Size of Accessory Buildings

Condition 1. Residential lots one acre (43,560 square feet) in size, or smaller: There are four ordinance restrictions, described below, that act to limit the size of an accessory structure. The most restrictive of these governs:

1. Accessory structure size shall not exceed 250 square feet per 3,000 square feet of lot area.
2. Accessory structures may not take up more than 30% of the "required rear yard" on a lot.
3. The size of the accessory structure may not exceed the total finished area within the house on that lot.
4. The accessory structure may not exceed 1000 square feet in total floor area.

Condition 2. Residential lots larger than one acre (43,560 square feet) in size, but smaller than 4.99 acres (and zoned other than agricultural):

The size of the accessory structure may not exceed the total finished area within the house on that lot.

Accessory structures may not take up more than 30% of the "required rear yard" on a lot.

An accessory structure may be larger than 1000 square feet in total floor area, provided the size may increase only 250 square feet for each full acre in lot size over one acre, and may be increased on a pro rata basis for each fraction of a full acre over one acre in lot size.

Condition 3. Residential lots larger than five acres:

The only limitation on size for an accessory structure for a lot of this size is that the accessory structure may not exceed the finished area of the house on the lot.

Setbacks for Accessory Buildings

For Up To 250 square feet the setback requirement for buildings is 5 ft. (minimum) from rear and side property line.

For Over 250 square feet (in total floor area) shall meet the bulk setbacks of the zoning district for side or rear yards.

Setbacks for Animals Pets, Shelters, Stables, Etc. The Shawnee Municipal Code Section 6.08.020 has additional setback requirements for animal shelters.

KANSAS CITY, MO

Accessory buildings and structures must be set back at least 1.5 feet from interior side property lines, except that buildings and structures designed to contain animals must be set back at least 30 feet from interior property lines.

Accessory buildings and structures may not exceed 10 feet in height, except that detached garages may be up to 16 feet in height and allowed carriage houses may be up to 28 feet or 2 stories in height. In Districts AG-R and R-80, an accessory building may be up to 35 feet in height.

The building footprint (ground level building coverage) of an individual, detached accessory building may not exceed 200 square feet, except that:

1. the building footprint of a detached accessory garage may be up to 800 square feet or one square foot of building footprint area for each 10 square feet of lot area, whichever is greater; and
2. the building footprint of a carriage house may be up to 1,500 square feet.
3. in Districts AG-R and R-80, an accessory building may be up to 8,000 square feet.

88-305-02-E. BUILDING COVERAGE

The total combined footprint area of all detached accessory buildings and structures may not exceed 40% of the actual rear yard area.

LANSING

No accessory building shall cover more than 30% of the rear yard.

2. Small Sheds. Accessory buildings 120 square feet or less and less than 10 feet tall shall be limited to one per lot, located behind the rear building line of the principal building, and be no closer than 5 feet from the rear or side property line.

Detached Building. Accessory buildings over 120 square feet shall meet the following:

- a. No more than one per lot.
- b. Located behind the front building line.
- c. Be at least five feet from the rear or side lot line, except that any accessory building providing garage access off a rear alley may be located within three feet of the rear lot line.
- d. Be no more than one and one-half stories, or no higher than the principal building, whichever is less.
- e. Be limited to no more than 30% of the required rear yard.
- f. Be constructed with materials, architectural details and style, and roof forms that are compatible with the principal structure. Any accessory building larger than 120 square feet not meeting this criteria shall meet the setback requirements for the principal structure.

OLATHE

Detached garages, carports and sheds:

Shall not exceed thirty (30) percent coverage within a required rear yard either as single or cumulative structures.

Detached Garages and Carports

1. Any single-family dwelling is permitted one (1) detached garage or covered carport. I
2. Detached garage or carport areas shall not exceed two hundred fifty (250) square feet for each three thousand (3,000) square feet of lot area, up to a total of one thousand two hundred (1,200) square feet.
3. A detached garage or carport is subject to the same required setback as the main structure.

In all residential districts, the design and construction of any garage or carport shall be similar to or compatible with the design and construction of the main building. The exterior building materials and colors shall be similar to the main building or shall be commonly associated with residential construction.

Maximum size of a shed is based on lot area, as follows:

- a. For lots under seven thousand (7,000) square feet:

Two hundred ten (210) square feet,

- b. For lots between seven thousand (7,000) - thirteen thousand (13,000) square feet:

Three (3) percent of lot area,

- c. For lots exceeding thirteen thousand (13,000) square feet:

Four hundred (400) square feet.

LEE'S SUMMIT, MO

The following general requirements apply to all residential sheds and storage buildings:

Floor Area: The maximum size shall not exceed 250 square feet. Sheds and storage buildings in the AG District have no limit on size.

Height: Maximum height is 25 feet from ground level. No maximum height in the Agricultural (AG) District and Rural Density Residential (RDR) District.

Appearance: Design and construction of any shed or storage building larger than 120 square feet shall be similar to or compatible with the design and construction of the main building. The exterior building materials and colors shall be similar to the main building or shall be commonly associated with residential construction.

	Required Front Yard Setback	Required Side Yard Setback	Required Rear Yard Setback
Sheds and Storage Buildings in AG District	Same as principal building	35 feet	35 feet
Sheds and Storage Buildings in Residential Districts	Not Allowed	10 feet	10 feet

OVERLAND PARK

For any one-family or two-family dwelling, there shall be permitted one detached garage or covered carport. Detached garage or carport spaces shall not exceed 250 square feet for each 3,000 square feet of lot area; provided, that in no event shall such areas exceed a total of 1,200 square feet. An attached garage or carport shall be subject to the same required setbacks as the main structure. A detached garage or carport shall be subject to the setbacks required for detached accessory buildings.

2. For any multi-family residential development, all detached garages or carports shall be subject to the setbacks required for detached accessory buildings. If the applicable district regulations do not contain separate provisions for accessory structures, then the setback requirements for the main structure shall apply.

3. In all residential districts, the design and construction of any garage, carport or storage building shall be similar to or compatible with the design and construction of the main building. The exterior building materials and colors shall be similar to the main building or shall be commonly associated with residential construction.

STAFF RECOMMENDATIONS

Repeal Article XXII; Section 4 the new regulations shall be placed within each specific zoning district

Residential Zoning Districts

Material in italics is for reference purpose only

Maximum size of an accessory structure is based on lot area and zoning district, they are as follows:

R-1 (Single Family Residential) – 7,000sqft (min. lot size)

R-1A (Residential Special District) – 7,000sqft (min. lot size)

R-2 (Duplex Residential District) – 7,000/8,000sqft (min. lot size)

M-H (Manufactured Home Subdivision District) – 7,000sqft (min. lot size)

All accessory structures larger than 200 sq. ft. in area shall be constructed of quality materials and

architecturally similar ~~compatible~~ in design and character with the principal dwelling unit. The exterior building materials and colors shall be similar to the main building or shall be commonly associated with residential construction.

250 square feet of accessory structure for each 3000sqft of lot area; or fraction thereof

In no instance shall an accessory structure occupy more than 30% of the "required rear yard" on a lot.

Accessory structures may not exceed the square footage of the principal structure

Only one accessory structure per lot this includes detached garages and sheds unless noted otherwise

No accessory structure shall be located within the required front yard

Setbacks are as follows:

Rear yard – 5 feet

Side Yard – as required by the zoning district in which it is located

No closer than 5 feet to another structure

Accessory buildings shall not be erected on properties where no main structure exists, except in agricultural zoning districts for the storage of agricultural products or equipment or for shelter of livestock. Accessory buildings which are erected on property where no main building exists shall not have sewer facilities within the accessory structure.

a. For lots under seven thousand (7,000) square feet:

Five hundred (500) square feet, maximum

b. For lots ~~exceeding~~ thirteen thousand (13,000) square feet to one acre (43560sqft):

One thousand (1000) square feet, maximum

c. For lots from one acre (43,560sqft) to three acres (130,680sqft)

Maximum two (2) accessory buildings shall be allowed with a maximum combined square footage of 1500sqft.

d. For lots from three acres (130,680sqft) to five acres (217,800sqft)

Maximum three (3) accessory buildings shall be allowed with a maximum combined square footage of 2000sqft

e. For lots over five acres (217,800sqft):

Maximum three (3) accessory buildings with a maximum combined square footage of 3000sqft

Areas zoned as M-P (Manufactured Home Park) shall be limited to an accessory structure size of 120 square feet

Agricultural/Large Lot Residential Districts

No one single accessory structure shall be greater in size than the primary structure.

In no instance shall an accessory structure occupy more than 30% of the "required rear yard" on a lot.

No accessory structure shall be located within the required front yard except within the AG, A-1 and R zoning districts and shall maintain the same setbacks as required of the principal structure for the zoning district in which it is located.

Rear yard – 5 feet

Side Yard – as required by the zoning district in which it is located

No closer than 5 feet to another structure

Accessory buildings shall not be erected on properties where no main structure exists, except in Agricultural zoning districts for the storage of agricultural products or equipment or for shelter of livestock. Accessory buildings which are erected on property where no main building exists shall not have sewer facilities within the accessory structure.

Maximum size of an accessory structure located within the zoning districts of:

AG (Agricultural District) – 20 acres or 871,200sqft (min. lot size)

No size limit, other than, no one single structure shall be larger than the primary structure

Total of all buildings shall not exceed 5,000sqft

A-1 (Agricultural District) – 3 acres or 130,680sqft (min. lot size)

No size limit, other than, no one single structure shall be larger than the primary structure

Total of all buildings shall not exceed ~~1,500~~2000sqft

R (Rural Residential District) - 5 acres or 217,800sqft (min. lot size)

No size limit, other than, no one single structure shall be larger than the primary structure

Total of all buildings shall not exceed 3,000sqft

R-S (Suburban Residential District) – 1 acre or 43560sqft (min. lot size)

One thousand (1000) square feet, maximum

An accessory structure may be larger than 1000 square feet in total floor area, provided the size may increase only 250 square feet for each full acre in lot size over one acre and up to three acres.

City of Bonner Springs

Work Session Agenda Item Cover Sheet

Agenda Item No. 2

Topic: Accessory Dwelling Units

Narrative: Accessory Dwelling Units are becoming a very popular way to increase housing supply without changing the physical character of neighborhoods. According to AARP; ADU's can be utilized by the owners in many different ways, including;

- EMPTY NESTERS can build an ADU and move into it, then rent out the main house for supplemental income or make it available to their adult children.
- FAMILIES WITH YOUNG CHILDREN can use an ADU as housing for a nanny or au pair or even a grandparent or two, who can then help raise their grandkids and be assisted themselves as they age.
- INDIVIDUALS IN NEED OF CARE can reside in an ADU to be near family members, or they can use the ADU to house a live-in aide. (In fact, ADUs can be an affordable and more comforting alternative to an assisted-living facility or nursing home.)
- HOME BUYERS can look forward to the rental income from an ADU to help pay their mortgage or finance home improvements, especially in expensive housing markets.

among others. ADU's can come in many shapes, styles and varieties. Staff has researched the surrounding communities that have regulations in place currently along with information provided by AARP "The ABCs of ADUs" and the Urban Institute "Designing Accessory Dwelling Unit Regulations" as prepared for the City of Alexandria, Virginia.

Staff has drafted regulations as well proposed a series of questions for the Commissioners

Presented by: Mark Lee-City Planner

Staff Recommendation: Staff recommends the Planning Commission discuss the proposed regulations, address staff's questions with any feedback and proceed with adoption at the next regularly scheduled meeting date. Due to publication timeframes this meeting will be held on December 14, 2021.

Attachments:

Staff research and recommendations (2pgs), changes, additions and alterations shown in red Designing Accessory Dwelling Unit Regulations (28pgs) via web link

<https://www.urban.org/sites/default/files/publication/103275/designing-accessory-dwelling-unit-regulations.pdf>

The ABCs of ADUs – AARP (20pgs) via web link

<https://www.aarp.org/content/dam/aarp/livable-communities/livable-documents/documents-2019/ADU-guide-web-singles-071619.pdf>

Johnson County KS ADU Regulations (24pgs) via web link

<https://jocogov.org/sites/default/files/documents/PLN/ADU%20REGULATIONS%20APPROVED%20BY%20THE%20BOCC%20Revised%2004%2015%202020.pdf>

Johnson County ADU General Information (2pgs)

City of Olathe, Kansas ADU Regulations (2pgs)

City of Lawrence, KS ADU Regulations (2pgs)

ACCESSORY DWELLING UNITS (ADU's)

Staff questions/comments/thoughts:

- ~~Minimum lot size~~, from research, staff determined that ADU's are meant to fill a gap in the housing market, either by "having the potential to increase housing supply in single-family neighborhoods without drastically altering the character of those neighborhoods." Or "ADUs can also provide a wealth-building opportunity for cost-burdened homeowners." (Urban Institute, Christina Stacy, Eleanor Noble, Jorge Morales-Burnett, and Lydia Lo November 2020)
- ~~Specific Zoning Districts vs. Minimum Lot Size~~—AG, A-1, R, R-S, R-1, R-1A, so long as the structure meets the required setbacks then it is allowed and approvable?
- ~~Minimum dwelling size~~, since they are anticipated to be 'Accessory' to the main dwelling they should not be larger in size than the principal structure—but how does this interact with our potentially revised Accessory Building regulations?
- Should they ~~only be allowed as a secondary structure~~—several scenarios indicate them in many fashions, interior, attached and detached. "An interior ADU could be an attic, a basement, or an internal carve-out on a main floor. An attached ADU, sometimes called a "bump-out," is an addition to the primary home. A detached ADU is a separate building in the side or back yard. Some detached ADUs are apartments above garages." (Urban Institute, Christina Stacy, Eleanor Noble, Jorge Morales-Burnett, and Lydia Lo November 2020)
- ~~Owner occupancy requirements~~—these may pose issues with lenders, be difficult to track or verify
- ~~Parking Requirements~~—only require one spot? One spot per X square footage? Parking allowed on the street where allowed currently?
- **ADU's as STR's** – Staff feels as though Accessory Dwelling Units could become a viable Short Term Rental, therefore STR regulations should be addressed quickly if ADU regulations are approved. Staff further recommends that any STR's shall be required to be owner occupied, the owner shall live on the premise.

STAFF RECOMMENDATIONS:

Add the definition of ADU's into the Zoning Regulations

Accessory Dwelling Units (ADU) - An ADU is a dwelling unit that is accessory to a principal single-family dwelling unit on the same lot. ADU's shall be constructed to ensure they do not change the residential character of the principal use or surrounding area. ADU's are buildings or part of a buildings that provide complete independent living facilities for one or more people, including a kitchen, living room, bathroom, and bedroom, and that is -

- a. Attached to the principal dwelling, or
- b. A detached building on the same lot.
- c. Within an existing structure (internally, i.e. finished basement, single floor)

-
- Accessory Dwelling Units shall be allowed within the following zoning districts
 - AG – Agricultural District – Loring Area
 - A-1 – Agricultural District
 - R – Rural Residential District – Loring Area
 - R-S – Rural Suburban District
 - R-1 – Single Family Residential District
 - R-1A – Residential Special District
 - Recreational vehicles do not constitute an Accessory Dwelling Unit
 - ADU's are limited to no more than 1,000 square feet, and
 - No Accessory Dwelling Unit shall be larger in total living area than that of the principal structure, this does not included lower level garages of detached ADU's
 - ADU's shall contain no more than two (2) bedrooms
 - All ADU's require the owner of the primary dwelling or ADU be a permanent resident of the parcel in which it was constructed (Owner/Occupancy)
 - An ADU may be:
 - constructed as a new building
 - created by renovating and/or adding on to an existing accessory structure currently located on the same lot
 - created by constructing an addition to an existing home
 - created by converting a portion of the existing home, an entire floor, an attic or basement
 - If said ADU is constructed by converting a portion of an existing home, said area shall be required to provide a means of emergency egress per the adopted building code
 - ADU's constructed above detached garages shall be required to provide mechanical equipment separate from the garage, and;
 - They shall be required to provide a means of emergency egress directly to the ground via an exterior stairway, no emergency egress shall exit through the garage
 - Only one ADU is allowed per lot, regardless of lot size
 - The architectural styling of the ADU shall be architecturally similar in design to the principal structure – premanufactured metal clad buildings do not meet this standard
 - Setbacks shall adhere to those required of other accessory buildings within the zoning district in which they are located when constructed as an accessory building

- An ADU shall not exceed two (2) stories in height or twenty-five feet (25')
- Any structure to be utilized as an ADU shall conform to the current Building Code as adopted, including permit requirements
- ADU's will be issued an address of the principal structure with ½ at the end (ex. 212 ½ W. Kump Ave.)
- The ADU shall provide a minimum of one off street parking space, with access to a public street system, this space may be located on the public street as allowed by law or located within the lot of said ADU
- ADU's shall not be constructed over or upon any public or private utility, drainage or access easement
- An ADU constructed as an addition to an existing home, must meet the same setbacks as required within the zoning district in which it is located
- A "tiny home" shall be considered an ADU if it is permanently anchored to the ground per code and any wheels and tires removed

City of Bonner Springs

Work Session Agenda Item Cover Sheet

Agenda Item No. 3

Topic: Architectural Design Standards for Multifamily, Commercial and Industrial facilities located within highly visible and heavily traveled corridors.

Narrative: Several municipalities have instituted some sort of building design guidelines to insure that a certain architectural character is upheld. Some municipalities have chosen to regulate residential, multi-family, commercial, office and industrial. In staffs opinion regulating the design of single family or duplex homes can become burdensome and time consuming and is best handled through private Home Owners Associations.

Staff is bringing forward discussion items and potential regulations for the Commission to discuss. These regulations would provide certain architectural standards for the following zoning districts:

C-1 (Central Business Dist – other than downtown) C-2 (General Business Dist.)
C-S (Highway Service Dist.) I-1 (Light Industrial) I-2 (Heavy Industrial)
R-3 (Multi-family Residential Dist.) As well as any of these districts carrying the designation of
“Planned”
MX (Mixed Use) – these would regulate business facades and multi-family dwellings

Within the Comprehensive Plan of Bonner Springs is Appendix B, “Planning Principles and Design Guidelines”. These guidelines layout standards for street networks, preservation of greenspace, incorporation of different housing styles and densities, among other elements that pertain to site development. They further provide architectural guidelines for multi-family residential development and commercial development; the Appendix does not address industrial buildings or development. Staff has taken portions of Appendix B and created a document that addresses building form as well as limited site layout concepts. If given favorable opinion by the Planning Commission; staff would blend this document into Article XXII - Supplementary Regulations.

In researching requirements, staff looked at seven (7) surrounding communities and their current regulations. Those seven communities were Lenexa, Shawnee, Basehor, Olathe, Lee’s Summit (MO) and Overland Park. Liberty (MO) was looked at as well; their design standards focus on the historic downtown district.

Presented by: Mark Lee-City Planner

Staff Recommendation: Staff recommends the Planning Commission discuss the potential adoption of Appendix B from the Comprehensive Plan as a regulation that shall be incorporated into our Zoning Regulations and enforced as other regulations are currently. Due to publication timeframes this meeting will be held on December 14, 2021

Attachments:

Planning Principals and Architectural Design Guidelines (15pgs)

City of Shawnee Design Guideline Brochures (4pgs)

City of Liberty, MO – “Design in the Liberty Square Historic District” (2pgs)

City of Basehor Architectural Design Standards – web link

<https://www.cityofbasehor.org/DocumentCenter/View/1191/Architectural-Design-Standards-PDF>

City of Overland Park Architectural Design Standards – web link

<http://online.encodeplus.com/regs/overlandpark-ks/doc-viewer.aspx#secid-6935>

City of Lenexa Architectural Design Standards (2pgs)

Planning Principals and Architectural Design Guidelines

for Multi-Family, Commercial and
Industrial Zoning Districts within
Bonner Springs, Kansas



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The Bonner Springs Comprehensive Plan advocates the use of land planning principles and design guidelines to act as the basic framework for creating high quality environments to live, work, shop, and play. This document is intended to provide guidelines for the quality of development desired within our community and was derived from Appendix B of the Plan. These guidelines provide guidance and direction to the development and construction within certain ~~areas and~~ Zoning Districts of the City. This Section of the Zoning Ordinance shall regulate the design and characteristics of building forms with in the following zoning districts:

R-3 (Multi-family Residential Dist.)
MX (Mixed Use) – including business facades and multi-family dwellings
C-1 (Central Business Dist., except those located within the downtown core)
C-1 (Downtown Business District)
C-2 (General Business Dist.)
C-S (Highway Service Dist.)
I-1 (Light Industrial)
I-2 (Heavy Industrial)
Any of the above districts carrying the designation of “Planned”

~~Future land use and development decisions, including individual zoning changes, subdivision plans and plats, site planning, infill development, annexations, and capital improvement programming should be coordinated with the Guiding Principles and recommendations set forth by the Comprehensive Plan of Bonner Springs.~~

These design guidelines are derived from public input, through the Community Involvement process and workshops coinciding with the adoption of *Vision 2025*, the Comprehensive Plan of Bonner Springs.

The Community

1. ~~Future d~~Development and redevelopment ~~should~~shall respect the historical patterns, and precedents of Bonner Springs, including downtown.
2. Development of land in the planning area ~~should~~shall respect the natural environment and retain its natural and visual character derived from topography, woodlands, and riparian corridors. Engineering techniques requiring significant amounts of cut and fill should not be used to force-fit development into the environment.
3. The physical organization of the community should be supported by a framework of transportation alternatives, including improved pedestrian access and mobility while continuing to invest in automobile routes, such as managed access to K-7.
4. ~~Future t~~Transportation updates should be planned and reserved in coordination with planned future land uses.
5. New stormwater management standards require new improvements to natural drainage areas, floodplains, and wooded areas, and should be used to define and serve urbanized areas of the community.
6. The Downtown and its surrounding neighborhoods comprise the historic core of Bonner Springs and should be targeted for revitalization and future growth of higher intensity development, destination retail and entertainment, and higher density housing to maintain the area as the center focus of the community.
7. ~~Civic, institutional, and mid-sized commercial uses serving the larger community should be embedded in downtown and the city core area, rather than isolated in remote single-use complexes.~~

The Block, the Street, and the Building

1. Individual developments and buildings should be seamlessly integrated to their surroundings.
2. Accommodations for automobiles should be accomplished in ways that respect the pedestrian and the form of public space.
3. Buildings and landscaping should contribute to the physical definition of thoroughfares as civic spaces.
4. Streets and public spaces should be safe, comfortable, and interesting pedestrian environments. Properly configured, such spaces should encourage walking and enable neighbors to know each other and protect their neighborhoods.
5. Civic buildings and public gathering places should be placed on important sites and developed with one (1) distinctive form to reinforce the community's identity



Multifamily Residential Design Guidelines

FOR ZONING DISTRICTS R-3 (MULTIFAMILY) AND MX (MIXED USE)



Open Space and Amenities

New multifamily areas are expected to provide common open space or contribute to the public open space for the use and enjoyment of the development's residents. Open space ~~should~~shall be provided in useful, quality spaces integrated purposefully into the overall development design—particularly if access to the Kansas River Corridor is obtainable—such as an expansion of a community park. Views of the river ~~should~~shall be incorporated into site design. Residual areas left over after buildings and parking lots are sited are not considered acceptable open space. Open space may be active and passive. However, a minimum percentage of formal active open space should be provided—a minimum ten (10) percent of the net land area is preferred for such space.



- Priority should be given to preserving areas of significant natural features, such as floodplains and drainage channels, mature trees and vegetation, stream corridors, wetlands, prominent bluffs and steep slope areas. Such features should be preserved through common open space or public dedication. Buildings, parking areas, other structures, and grading should be set back from such features a sufficient distance to ensure their continued quality and natural functions.

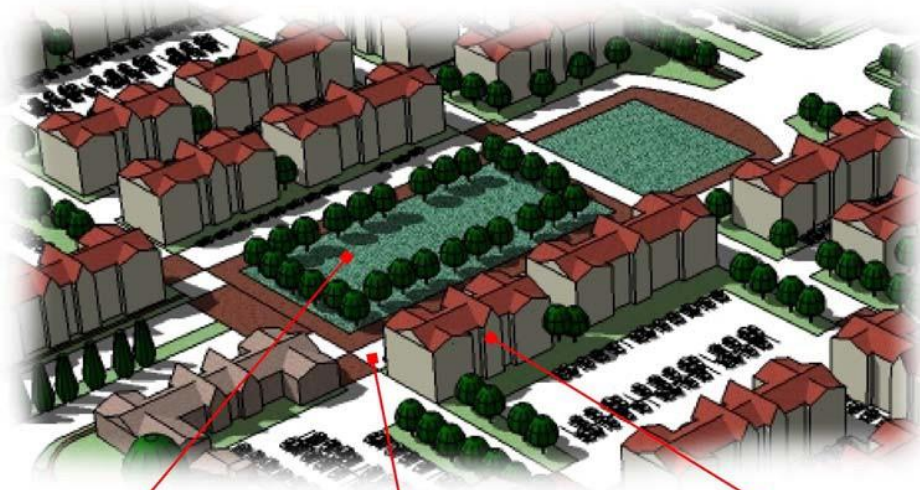


- Multifamily areas should provide “neighborhood greens” of at least 1-acre in total size, in centrally located areas that are easily accessible for residents within the development. The quantity and size of such open space areas depends on the overall density and design of the development. Neighborhood greens should include the following design elements:

- Neighborhood greens should be mostly open and visible to residents, rather than secluded behind buildings or surrounded by parking lots. Buildings adjacent to a green should front onto the space and include entrances and windows rather than rear facades.
- The perimeter of a neighborhood green should front entirely to the street/drive curb on at least two sides. Buildings should not abut more than two sides of the green's perimeter.
- Neighborhood greens should be landscaped and provide amenities such as walkways, plazas, seating, recreational facilities, gazebos or other similar decorative shelters, pedestrian scale lighting, or other similar features for the use and enjoyment of residents.



- Multifamily areas are expected to provide active recreational amenities within the development site, or submit a comparable donation to the City for park and recreation purposes when such amenities are not feasible for the development site.
- Paved walking trail through common open space areas, minimum 8-feet in width, or wider if a joint venture with an approved public trail.
- Tot lot and play equipment.
- Other recreation facilities such as ball fields, swimming pool, etc. may be incorporated if in the city's judgment the facility is an enhancement for the development and the residents of the community.



Provide a neighborhood "green" / park in neighborhoods if located more than a quarter-mile walking distance from an existing or planned park area. Such neighborhood "greens" / parks should typically be owned and maintained by a neighborhood homes association, but may be public if determined appropriate by the city.

A neighborhood green / park / plaza should be surrounded predominately by public streets, rather than located behind development or on remnant tracts of land.

Incentives to allow higher density development may be granted if the size of the park and its amenities benefit the city at large.



Parking Location and Layout

- Design and locate surface parking areas and freestanding parking structures (detached garages or carports) as follows:
 - Parking areas and parking structures (detached garages or carports) shall occupy no more than thirty (30) percent of a perimeter street frontage.
 - Locate parking structures (detached garages or carports) perpendicular to a perimeter street to minimize the visual impact.
 - Locate parking areas behind or between buildings, not between a building and the street / drive. Any parking lots along a street /drive shall be screened from view along the street.
 - Arrange parking areas in small "blocks" of parking spaces, generally no more than twenty (20) spaces per block, and no closer than thirty (30) feet to a street right-of-way.
 - Separate parking blocks with a landscape area at least ten (10) feet in width.
 - Detached garages or carport structures ~~should~~shall not exceed 120 feet in length, with no more than two such structures placed end-to-end.
- Parking along a street or drive ~~should~~shall be parallel to the street, rather than angled or perpendicular, to avoid the appearance of a parking lot.
- Provide lighting in parking lots with individual decorative poles and fixtures, rather than building mounted fixtures. Any building mounted light fixtures ~~should~~shall be decorative in nature and used primarily at entrances, rather than for site or parking lot lighting purposes.

Building Design

The design of multifamily buildings, either large or small, ~~should~~shall contribute to a sense of “neighborhood” and add to the visual interest of Bonner Springs’s streets.

Building designs ~~should~~shall be compatible with adjacent development and use building materials that are durable and attractive to maintain lasting value.



- The massing and use of exterior materials on small multifamily buildings such as duplexes, triplex, fourplex, etc. should be arranged to give the appearance of a large single-family dwelling (“big house”) to the extent possible. When such a design is not practical, small multifamily buildings should be designed with an appearance of individuality between dwelling units including varied rooflines, varied colors, and varied façade depths to create variety and individuality. “Mirror image” design structures with the same general design repeated or flipped between units are not desired.



- Multifamily buildings should generally be limited to 2 stories in height for areas designated on the Future Land Use Map as “Residential”, while buildings of more than 3 stories in height should be directed to areas designated as “Mixed Use – Residential” or “Mixed Use-Commercial” or the zoning District R-3 “Multifamily Residential.”

- All sides of a multifamily building ~~should~~shall display a similar level of quality and architectural interest, rather than limiting a majority of a building’s architectural features and interest to a single façade.



- Building elevations oriented toward the street shall be articulated through the use of bays, insets, balconies, porches, or stoops related to entrances and windows.

- A prominent front entry with a porch or stoop ~~should~~shall be provided on all facades facing the street.

- Any rear walls of multifamily buildings that back onto a perimeter street ~~should~~shall be articulated with features similar to the front façade to avoid a “rear” appearance.

- Attached garages for multifamily buildings should be integrated into the building design and should not dominate the appearance of the structure, and should comply with the following:
 - Attached garages should be provided for at least a portion of dwelling units in apartment buildings. Garages should not project in front of the habitable living space.
 - Most or all of attached garages for small multifamily buildings such as town homes and row houses should be located on the sides or rear of the structure, rather than oriented toward the street.
 - Attached garages on the street side of any multifamily building should not comprise more than fifty (50) percent of the overall length of the front façade, and every two single-bay garage doors or every double garage door should be offset by at least four (4) feet from the plane of an adjacent garage door(s).
 - Attached garages recessed back from the front façade or accessed from the rear or side are preferred over garages projecting toward the street/drive. Any attached garages oriented toward the street/drive should not project in front of habitable living space more than 5-feet. Side-loaded garages should comply with all exterior articulation and treatment, maximum length of front façade, and garage door appearance guidelines if visible from the street.
 - Attached garages with two or more bays oriented toward the street/drive should be designed with one-door per bay or incorporate doors with features to give the appearance of individual doors.
 - Any side rear walls of detached garages and carports that back onto a perimeter street should be articulated with features such as windows, a trellis, and a variety of roof planes.



- A variety of exterior building materials and colors should be used to create visual interest and to avoid monotony. An amount no less than forty (40) percent of the total net exterior wall area of each elevation should be finished with brick or stone, excluding gables, windows, doors, and related trim. The balance of the net exterior wall area may be lap siding (excluding vinyl lap siding) and/or stucco (excluding pre-manufactured stucco panels or EIFS on the lower four feet if in proximity to sidewalks or off-street parking areas).



- Predominate roofing materials should be high quality and durable. Preferred materials include 40-year or longer composition shingles, clay tiles, or concrete tiles. Other materials will be considered on a case-by-case basis.
- Detached garages, carports and other accessory structures including but not limited to grouped mailboxes, storage and maintenance facilities, clubhouses, recreational facility structures, and gazebos, should incorporate compatible materials, scale, colors, architectural details, and roof slopes as the primary multifamily buildings, except that flat and shed roofs are prohibited.
- Colors of structures should maintain an earth tone pallet and compliment the surrounding area.



Commercial Design Guidelines

**FOR ZONING DISTRICTS C-1(CENTRAL BUSINESS, EXCEPT THOSE LOCATED WITHIN DOWNTOWN)
C-2(GENERAL BUSINESS) C-S(HIGHWAY SERVICE), MX (MIXED USE)**

The intent of the Commercial Design Guidelines is to improve the visual appearance and overall quality of development in Bonner Springs. Commercial development should contribute to the “sense of community” desired in Bonner Springs and be more than a collection of corporate, generic architectural styles that do not reflect the image and character of the community. New commercial development should remain compatible with surrounding land uses, particularly residential neighborhoods, and should foster a pedestrian experience that encourages nearby residents to walk or ride as an alternative to driving by creating a balance between the needs of the vehicle and the pedestrian.



Site Layout and Development Pattern

Appropriately sited buildings will greatly enhance the formation of the public streetscape. Buildings should be sited to provide a “sense of place” and to create a cohesive visual identity and attractive street scene. All primary and freestanding buildings should be arranged and grouped to create a distinct street edge.

Building location and orientation:

Buildings should be sited to:

- front onto a street or major access drive to define a clear edge. Buildings should provide at least fifty percent (50%) of the building’s “active wall” oriented toward the street. An “active “wall is considered the side of the building containing the majority of the storefronts, customer entrances, and windows.
- frame the corner of an adjacent street or entrance drive intersection.
- frame and enclose parking areas on at least three sides. Parking should not be located between the building and the street. However, on-street parking may be permitted in order to create a “main street”. A majority of the frontage along an arterial street or other major roadway should be occupied by buildings or other structures such as decorative architectural walls (not to exceed 3-feet in height).
- cluster individual freestanding buildings to define the street edge and create amenity areas between buildings. The even dispersal of freestanding buildings in a widely spaced pattern is not desirable.
- create a focal point at the four corners of major street intersections. A focal point may consist of a building with exceptional architectural design, a vertical architectural feature, public art, and/or exceptional designed public plaza or landscape amenities. However, parking areas should not be located within a minimum 200-foot radius of the center point of the intersection.



Vehicle and Pedestrian Circulation: Internal circulation for both vehicles and pedestrians should be safe and convenient, and provide connectivity within and between developments. The pedestrian network and the experience of the pedestrian within the development should be considered with the same or higher priority as that of the automobile. Walkways should be designed and buffered in a manner that encourages their use.

- Create a network of pedestrian walkways to link the entrances of every commercial building to each other and to the public sidewalk system along perimeter streets, as well as to adjacent neighborhoods. Walkways should be at least five (5) feet in width and wider in areas with higher levels of pedestrian activity.
- Provide walkways along entrance or internal access drives and setback at least six(6) feet from drive or parking lot curbs, unless designed as a “main street” with on-street parking.

Vehicle and Pedestrian Circulation (cont.):



- Walkways should be setback several feet from a building wall to incorporate building foundation landscape plantings. In “main street” environments sidewalks may not be setback from the building wall but should be wider and should include a “transition zone” of pedestrian amenities along the street/drive such as street trees, landscape planters, pedestrian lighting, and other streetscape amenities.
- At each point where a walkway crosses a paved area in a parking lot or internal street or driveway, the crosswalk should be clearly delineated through the use of change in paving materials distinguished by color, texture, or height.



Parking Layout and Design: The intent of these guidelines is to create developments that focus on creating quality places and move away from the conventional suburban development pattern of predominant and highly-visible parking areas. Parking lots should be effectively screened from the surrounding street network and adjacent incompatible uses.



- A distinct system of internal circulation drives should be provided for access to parking areas. Such circulation drives should not be located along the facades of buildings that contain primary customer entrances in order to minimize pedestrian conflict.
- Developments designed as a “main street” may include directly-accessing parking spaces and may be located along building facades that contain primary entrances. Otherwise, directly accessing parking spaces and the number of parking aisle intersections with the internal circulation drives should be limited.
- Parking areas should be distributed into smaller parking blocks generally containing no more than 40 spaces. Each parking block should be separated by buildings, landscaping, access drives or streets, or pedestrian walkways.
- Where parking blocks cannot be easily defined, interior landscape islands should be provided at a ratio of at least one island (180 square feet) for every ten (10) parking spaces, or an equivalent amount of interior landscape area as defined by the Zoning Regulations (Article V; Section 10 and Article XXX).
- Parking and circulation drive connections should be provided between adjacent nonresidential developments. Connections with adjacent residential areas should be planned and incorporated wherever possible to provide convenient access for nearby neighborhoods, without encouraging cut-through traffic from the commercial center to access a major roadway.



Open Space and Amenities for Commercial Developments

A key element of new commercial developments is the creation of public gathering space with site amenities and pedestrian-scale features to enhance the overall development quality and to contribute to the character of the area. Neighborhood center developments are expected to integrate with nearby residential areas and offer attractive places for nearby residents to gather and interact. Larger commercial developments may incorporate gathering spaces when located in near proximity to residential or as urban design elements at key intersections for developments where public gathering spaces may not be suitable due to the nature of the land use.

- Priority should be given to preserving areas of significant natural features, such as floodplains and drainage channels, mature trees and vegetation, stream corridors, wetlands, prominent bluffs and steep slope areas. Such features should be preserved through common open space or public dedication.



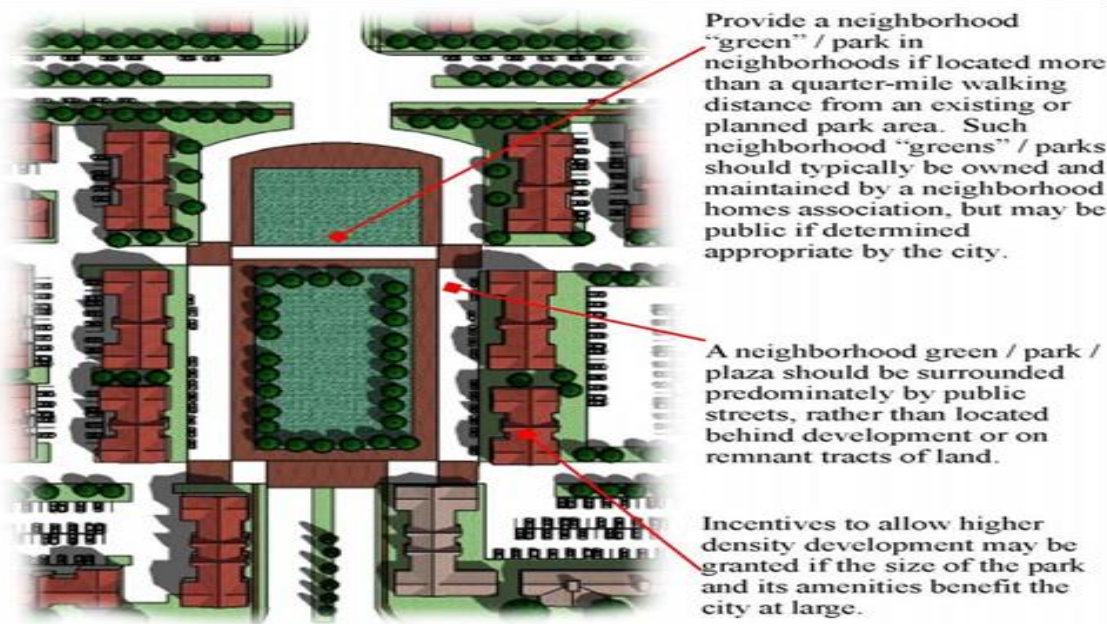
- Buildings, parking areas, other structures, and grading should be set back from such features a sufficient distance to ensure their continued quality and natural functions. However, the preservation of such areas generally will not be considered a site amenity unless they comply with the remaining guidelines in this section.
- Site amenities such as public plazas or open landscaped gathering spaces should generally be provided in commercial developments at a ratio of 15 square feet for each 10 parking spaces.
- Desired site amenities include the following.



- Public plaza with seating;
- Landscaped mini-park, neighborhood green, or square;
- Water feature;
- Public art feature or clock tower;
- Other similar area of focal feature that in the city's judgment is an appropriate public gathering space or urban design enhancement.



- Site amenities for neighborhood centers may be aggregated with required open space of adjacent residential development to create a neighborhood.
- All site amenities should be an integral part of the overall development design, rather than an undevelopable remnant parcel, storm water facility, or an unusable perimeter buffer.
- Public gathering spaces should have direct access to the public sidewalk network.
- Open storm drainage and detention areas visible to the public should be incorporated into the design of the development as an attractive water feature amenity or focal point. Such an area may be considered a site amenity provided it meets the spirit and intent of these guidelines to serve as a development amenity or public gathering space.



Building Design

The design and treatment of commercial buildings plays an important role in the visual identity of Bonner Springs. The purpose of these guidelines is to ensure the function, quality, and appearance of new structures is compatible in the context of the surrounding area.

- Consistent architectural design, including building materials and colors, should be carried throughout the development. Designs that provide visual interest and variety, yet are consistent with the theme, are required.
- Buildings should be designed to create a human scale with elements such as canopies or porticos, arcades, colonnades, raised landscape planters, pedestrian level lighting, and special building material treatments at the base of the building.
- Each building should have similar qualities and architectural elements that contribute to the overall theme and should include some of the following; arched windows, covered walkways, open courtyards, tile roofs, ornamental wrought iron, tile inlays, vertical towers, etc.
- Buildings near residential uses should be compatible in design, scale, and massing.
 - Buildings near residential uses should include sloped roofs, or the appearance of sloped roofs (mansard and gables) to maintain a residential appearance, unless other architectural features and site design provide residential compatibility.
 - Nonresidential sites designed to “back up” to residential rather than integrate with residential uses are subject to buffers with greater setbacks and landscape requirements. Setbacks and landscape buffers for buildings and parking/paved areas should be further increased for developments with loading docks, overhead doors, parking, or nonresidential buildings more than one story in height adjacent to residential zoning.
- All buildings should have architectural interest and variety to avoid the effect of long or massive walls with no relation to human scale. Building walls facing a street, pedestrian walkway, or adjacent development should meet the following:
 - Incorporate architectural features such as columns, ribs, pilaster or piers, changes in plane, changes in texture or masonry pattern, or an equivalent element that subdivides the wall into human scale proportions.
 - Incorporate a building bay or structural building system for walls exceeding 30 feet in width. Bays should be visually established by architectural features such as columns, ribs or pilasters, piers, changes in wall planes, changes in texture or materials and fenestration pattern no less than twelve inches (12”) in width.
 - Incorporate at least one change in wall plane, such as projections or recesses, having a depth of at least three (3) percent of the entire length of the façade and extending at least twenty (20) percent of the entire length of the façade.
 - Incorporate features into ground level walls such as windows, entrances, arcades, arbors, awnings, trellises, or alternative architectural detail that defines human scale to subdivide façade along no less than sixty (60%) percent of the façade. Windows should be recessed and include visually prominent sills or other forms of framing.



- The sides and rear of the nonresidential buildings should be treated with the same level of design quality and appearance as the front facades where such elevations are visible from a street or parking lots.
- Any business with drive-through lanes should be oriented so the drive-through areas are not readily visible from street right-of-way.
- Window canopies/awnings should be canvas with a matte finish, tile, slate, or decorative metal and should be compatible with the overall color scheme of the facade from which it projects. Awnings with a high gloss finish or illuminated plastic canopies/awnings are not desirable.
- All exterior building wall signs facing toward or visible from residential dwellings should be either non-illuminated or indirectly illuminated. No internally illuminated wall signs ~~should~~shall be permitted in any location where visible from residential dwellings.
- Decorative architectural accent lighting and landscape lighting ~~should~~shall be required.

Building Materials / Colors: Building materials and colors used in a commercial development are expected to be durable, attractive, and have low maintenance requirements. Individual “corporate image” design elements and colors should be incorporated only as secondary elements to the development. Such elements should be consistent and blend with the larger development area.

- Colors of structures should maintain an earth tone pallet when at all possible and compliment the surrounding area.
- A variety and well-proportioned mixture of exterior building materials and colors should be used to create visual interest and to avoid monotony, but should be consistent with a pallet of materials approved for the development area. No one material and color should dominate a building or a development. Corporate materials and colors should only be used to create variety if incorporated as secondary elements.
- Exterior building materials should consist of those that are durable, economically- maintained, and of a quality that will retain their appearance over time, including but not limited to, natural or synthetic stone; brick; stucco; integrally-colored, textured, or glazed concrete masonry units; high-quality prestressed concrete systems; or glass. Water-managed Exterior Installation Finish Systems (EIFS) may also be incorporated as a decorative accent material.
- Materials considered not acceptable include: vinyl siding; smooth-faced gray concrete block, painted or stained concrete block, tilt-up concrete panels; barrier-type EIFS; standard single- or double-tee concrete systems; split shakes, rough-sawn or board and batten wood; or field-painted or pre-finished standard corrugated metal siding.

Commercial Design Guidelines **FOR ZONING DISTRICT C-1 (Downtown Area)**

The area in which these design standards are intended to encompass are from Front Street to South Nettleton and Cedar Avenue to Elm Street, with focus on Oak Street.

Located within downtown are several different architectural styles; creating an eclectic downtown area that spans old world architecture with mid-century modernism. The intent of the Commercial Design Guidelines for the downtown area is to maintain visual appearance and quality of redevelopment and new development that may occur. While downtown Bonner Springs is not considered historical, it has several architectural features that the community sees as valuable assets.

Commercial development and redevelopment should contribute to the “sense of community” desired for the downtown area and be more than a collection of generic architectural styles that do not reflect the image and character of the area. New commercial development should remain compatible with the surrounding area, and should foster a pedestrian experience that encourages nearby residents to walk or ride as an alternative to driving by creating a balance between the needs of the vehicle and the pedestrian.

Ground floor levels of buildings are oriented to pedestrians, with large display windows designed to showcase the merchandise and services offered for sale inside. Recessed entries are typical and transom windows above entry doors and display windows let in natural light. A horizontal band of molding is commonly found separating the ground floor from the upper floors, and the roofline is often capped with a decorative cornice.

Site Layout and Development Pattern

Appropriately sited buildings will greatly enhance the formation of the public streetscape. Buildings should be sited to provide a “sense of place” and to create a cohesive visual identity and attractive street scene.



- Buildings and sites shall promote vibrant streetscapes with active uses and attractions located in storefronts of buildings, frequent windows, and a repetitive pattern of doors which are the primary entrance.
- Facades visible from the public right-of-way should be architecturally emphasized through the arrangement of windows, entrance treatments and details.
- Buildings must incorporate architectural styles, design features, building materials and accents that are compatible with original materials used throughout the surrounding block. For alterations or expansions, the materials and design should be consistent with the original building elements and characteristic of the building period, and should not cover, destroy or otherwise minimize original architectural elements.
- Light fixtures attached to the exterior of buildings should be compatible with the style, materials, colors and details of the building and the character of the district.
- Owners are encouraged to use historically appropriate colors schemes and contrasts, including use of primary building colors with trim, doors, awnings and other accents in complimentary colors.

Building Design

The design and treatment of buildings within downtown plays an important role in the visual identity of Bonner Springs. The purpose of these guidelines is to ensure the function, quality, and appearance of remodeled and new structures is compatible in the context of the surrounding area.



- Nothing contained within these design guidelines shall prohibit the use of modern materials, so long as any street level portions of new construction abide by these regulations
- Select materials that are appropriate to the storefronts; wood, cast iron, and glass are usually appropriate replacement materials
- All buildings shall have a primary entry feature on the street and any pedestrian alley or open space. Multi-tenant and larger mixed-use buildings shall have an entrance at least every fifty (50) feet of street frontage. Entry features shall be clearly defined and emphasized with combinations of the following:
 - Awnings, porticos, or overhangs.



- Transoms and/or display windows.
- Architectural details such as tile work and moldings, lintels, pediments, pilasters or columns.
- Integral planters or wing walls that incorporate landscaping and/or places for sitting, statues, or public art.
- Recessed entry doors

- Respect the horizontal separation between the storefront and the upper stories. Utilization of cornices or transoms should be considered as an acceptable separation piece. A transom traditionally contained the store's sign.
- The location, orientation, size and proportion of openings establish a relationship of the building to the public realm. All buildings shall meet the following transparency requirements:

- Commercial and mixed-use buildings shall have between sixty percent (60%) and ninety percent (90%) transparency on the first story, which shall be measured between two (2) feet and eight (8) feet above the street level. Upper stories shall have between twenty percent (20%) and fifty percent (50%) transparency on front facades measured between the floor level and ceiling of each story.

- Massing creates the relationship of the building to the streetscape and public spaces. To ensure human-scale massing, large masses shall be broken up to relate better to public spaces.

- The first floor shall be level with the sidewalk as will allow.
- The first story shall be between ten (10) feet and twenty (20) feet high. Any upper stories shall be between eight (8) feet and twelve (12) feet high.
- Buildings greater than two (2) stories or wider than one hundred (100) feet shall use massing that breaks down the components of the main mass.
- No single wall plane shall be longer than one hundred (100) feet without having off-sets of at least one (1) foot to add depth and proportion to the wall.
- Use structural bays, projections, balconies, cantilevered floors or step backs from the main mass to break up larger wall planes and relate the building scale to nearby buildings.
- Whenever possible, preserve windows, sashes, doors, transoms, signs, and decorative features in order to retain the historic character of the building.
- Where an original or early storefront no longer exists or is too deteriorated to save, the commercial character of the building should, nonetheless, be preserved -- either through an accurate restoration based on historic research and physical evidence, or a contemporary design that is compatible in scale, design, materials, color, and texture of the historic building.

INDUSTRIAL DESIGN GUIDELINES

FOR ZONING DISTRICTS I-1 (LIGHT INDUSTRIAL) AND I-2 (HEAVY INDUSTRIAL)



The intent of the Industrial Design Guidelines is to ensure high quality design of large industrial facilities constructed within the City of Bonner Springs and improve the visual appearance and overall quality of development. New Industrial facilities shall create less of a visual impact on the surrounding land uses; ensure building designs are compatible throughout the site and to establish acceptable exterior construction materials, and designs.

Site Layout and Development Pattern

Appropriately designed buildings shall use scale, proportion and building forms in appropriate manners. Buildings should incorporate architectural features that distinguish the building from others in order to alleviate monotony and provide diversity within the area.

Building Design

Due to the anticipated size of industrial facilities, the design and treatment of industrial buildings play an important role in the visual identity of Bonner Springs. The purpose of these guidelines is to ensure the function, quality, and appearance of new structures is compatible in the context of the surrounding area.

- All buildings ~~should~~shall have architectural interest and variety to avoid the effect of long or massive walls with no relation to human scale.
- Incorporate a building bay or structural building system for walls exceeding 50 feet in width. Bays ~~should~~shall be visually established by architectural features listed below:
 - Offset of the horizontal wall plane by at least four (4) feet extending for the full height of the primary façade.
 - A setback or notch in the horizontal wall plane that is at least four (4) feet deep and eight (8) feet wide for the full height of the primary façade.
 - Projection or wall molding that is at least four (4) inches deep and one (1) foot wide for the full height of the primary façade.
 - A variation in building or parapet height of at least four (4) feet
 - A difference in roof pitch or roof form
- Incorporate at least one change in wall plane, such as projections or recesses, having a depth of at least three (3) percent of the entire length of the façade and extending at least twenty (20) percent of the entire length of the façade.
- Incorporate features into ground level walls such as windows, entrances, arcades, arbors, awnings, trellises, or alternative architectural detail that defines human scale to subdivide façade



along no less than sixty (60%) percent of the façade.
Windows ~~should~~shall be recessed and include visually prominent sills or other forms of framing.

- Garage and overhead doors may only face a local or collector public street, unless completely screened from view. If visible, street-facing doors must include a three (3) foot deep canopy or overhang above the doorway, be recessed a minimum of two (2) feet from the building façade line, and the door be architecturally treated.
- Buildings less than three (3) stories in height must include tower elements or similar special vertical articulation to bookend the building or to anchor the main entry or building corner.



Building Materials / Colors: Building materials and colors used in an industrial development are expected to be durable, attractive, and have low maintenance requirements. Individual “corporate image” design elements and colors ~~should~~shall be incorporated only as secondary elements to the development. Such elements should be consistent and blend with the larger development area.

- Colors of structures shall maintain an earth tone pallet when at all possible and compliment the surrounding area.
- It is expected that the materials selected will be used from the base of the building to the roof line. The same building materials will be used on front and side building facades. The rear of the building may provide a different finish provided similar materials are used, and provided the rear façade is not visible from surrounding streets. All building facades shall be constructed entirely or with a combination of the following:



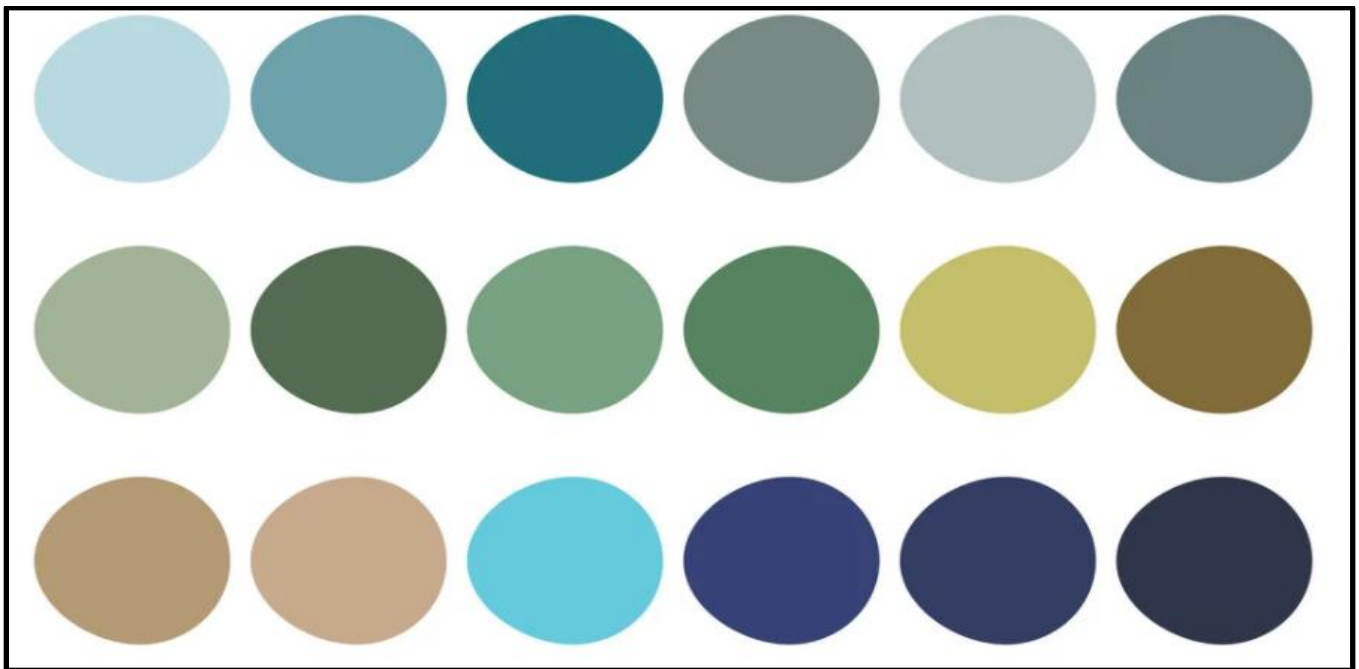
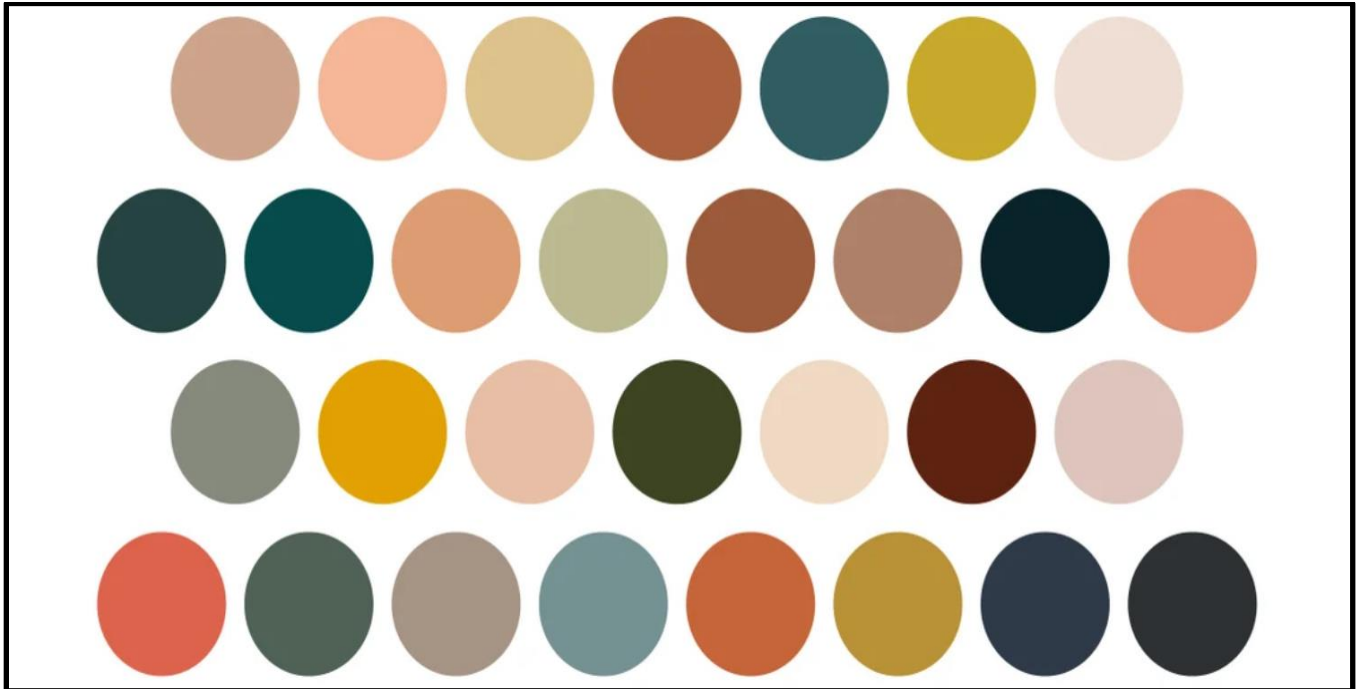
Primary and Secondary Wall Surfaces

- Solid brick masonry veneer;
 - Masonry block, pre-tinted, rough-hewn or ground face;
 - Colored and textured architectural pre-cast concrete panels that incorporate rustication joints or inlaid brick, stone (including limestone, sandstone, granite, slate, marble, or other hard and durable all weather stone) or tile;
 - Glass;
 - Limited amounts of wood.
- If changes in roof pitch are utilized that include angled roofs visible from the public street system, the following materials shall be utilized:
 - Pre-finished Standing Seam Metal
 - Pre-tinted concrete tile
 - Metal Panel
 - Simulated metal roofing – appearance of standing seam
 - Architectural asphalt shingles
 - Living/Green roof – rooftop plantings if the pitch allows

Established Industrial Districts

- Pre-finished flat metal wall panels may be used in industrial areas where the current predominant building material is metal. The metal panel may not be used on facades with street frontage and sides of the buildings will be expected to be constructed of the materials mentioned above on no less than one-quarter of the depth of the side elevations. All metal walls shall be provided with a 20-year finish and shall be of at least a 26 gauge metal.
- No corrugated or flat metal panels which do not meet the above Standards above shall be submitted for site plan approval.
- When metal panels are used, no exposed or semi-exposed connectors shall be allowed.
- The industrial areas that fall into this category are: Bonner Industrial Park and industrial zoned areas within the Prairie Plaza Estates and the Loring Service Area.

SUGGESTED EARTHTONE PALETS



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MINUTES – 9.21.2021 – DRAFT
BONNER SPRINGS PLANNING COMMISSION MEETING
Tuesday, September 21, 2021 – Regular Meeting – 7:00 p.m.

1. Meeting **CALLED TO ORDER** by Chair Gebauer at 7:01 p.m.

ROLL CALL

Planning Commissioners Present: Paul Zeps; Lloyd Mesmer; Sherri Neff; Nick Perica; Vince Bombardier; Larry Clark, Greg Gebauer

Absent: – none

Quorum Established

Staff Present: Mark Lee, City Planner

2. **CONSENT**

Item #1 – Approval of Minutes of August 17, 2021 Planning Commission meeting

Chair Gebauer introduced the Consent Agenda Item #2. Commissioners were awarded time to comment or ask questions. There were no comments or questions.

Motion to **APPROVE the Consent Agenda** was made by Commissioner Zeps and seconded by Commissioner Mesmer.

Chair Gebauer asked for those in favor of the motion to state “aye”.

AYE – Zeps, Mesmer, Neff, Perica, Bombardier, Clark, Gebauer

NAY – None

MOTION PASSED 7 – 0

3. **UNFINISHED BUSINESS**

None at this time

4. **NEW BUSINESS**

Agenda Item # 4– SUP-04-21 – Public Hearing - Special Use Permit – Mission Trucks, LLC - The applicant is requesting approval of a Special Use Permit to allow for sale of commercial size/grade vehicles along with Motor Freight Garaging and Equipment Maintenance. Chair Gebauer introduced New Business Item #4 and called for a staff report.

Staff reviewed the report stating that the applicant Mission Trucks was wishing to open and operate a facility that would utilize the existing R.V and boat storage facility to perform maintenance on commercial size/grade vehicles along with the sales of said vehicles on-site.

Chair Gebauer called for a motion to open the public hearing – motion was made by Commissioner Clark and seconded by Commissioner Perica. Commissioners voted 7-0 to open the hearing.

Chair Gebauer asked if any Commissioners had questions of Staff; Commissioner Zeps asked about the staff recommendation of allowing a maximum of thirty (30) vehicles for sale on-site at one time. Commissioner Zeps asked if there was any one reason why Staff did not delineate any specific size of vehicles. Staff stated that limited thought was given to the size of vehicles sold on-site as the site was used for the storage of large

recreational vehicles and boats and in theory could only sustain so-many vehicles as it sat today. Commissioner Zeps was concerned that thirty semi-trucks and trailers would pose an issue but would more than likely become a “physics issue” and not allow for that many vehicles as is. Staff spoke to fact that limiting the number of vehicles was meant to curb unsightly conditions which have occurred in the past at similar automotive retail sites. Staff further referred to the “numbered” spaces that were currently provided at the site and how that would affect the maximum number kept for sale. Commissioner Bombardier asked if those 30 vehicles included parking for any facility staff; Staff stated the site provides separate parking for their office staff as well as visitor’s; the 30 vehicles for sale should be in the lot behind the building. Commissioner Bombardier asked if vehicles brought in for sale would arrive on transport trucks and these trucks would be offloaded, Staff could not answer that question. Chair Gebauer asked if anyone from the public wished to speak for or against the requested Special Use Permit. There were no individuals present from the public, Staff stated proper notification was sent via mail, a sign had been posted on the property and publication had placed in the newspaper.

Chair Gebauer asked if the applicant had any questions or comments regarding their request, Commissioner Zeps asked the applicant about the size of vehicles he intended on selling. The applicant stated he was anticipating having a mix of different size vehicles, from small box trucks and sprinter vans up to semi-trucks. The applicant stated he did not anticipate having more than ten (10) semi-trucks at a given time. The applicant went on to discuss the way in which most vehicles would arrive at the site. The majority of the vehicles would be driven in; sometimes they may do a ‘boom load’ in which two vehicles are delivered, one piggy-backed on the other. The applicant further stated that most of his sales were conducted over the internet and he did not foresee much foot traffic coming to the site.

Commissioner Bombardier asked about the maintenance portion of the facility and what type/scale of work would be taking place. Commissioner Bombardier asked about possible large engine swaps and regular maintenance. The applicant stated it would be a full service shop for most of the smaller vehicles and the larger semi-truck repairs would most likely be sent off-site, further adding the facility was not equipped for that type of service. Commissioner Bombardier asked if any salvage vehicles would be on-site, the applicant stated no, he purchases them in good order, details them, makes any small repairs and turns them back around for sale. Commissioner Bombardier asked how the sales would take place, would customers be able to visit the property or would the sales mainly take place online.

Commissioner Mesmer stated that his question had been answered; the size of the lot will truly depict the number and size of vehicles that can be on-site. The applicant stated his intent is to have a business that does not become an eyesore and they would like to be a ‘good neighbor’ with a clean appearance.

Chair Gebauer asked if there were any further questions or comments, there being none; Chair Gebauer asked for a motion to close the public hearing. Commissioner Zeps made a motion to close the hearing, Commissioner Clark seconded. Commissioners voted 7-0 to close the hearing.

Chair Gebauer asked for a motion to approve, deny or amend the Special Use Permit. Commissioner Clark made a motion to **APPROVE SUP-04-21** subject to Staff stipulations, Commissioner Mesmer **SECONDED**. Chair Gebauer asked if there was any further discussion amongst the Board, being none, Chair Gebauer asked for a roll call vote.

AYE – Zeps, Mesmer, Neff, Perica, Bombardier, Clark, Gebauer

NAY – None

MOTION PASSED 7 – 0

Agenda Item # 5– ST-06-21 - Site/Landscape Plan – Consider a site and landscape plan for Lot 2 of the Compass 70 Logistics Center.

Chair Gebauer introduced New Business Item #5 and called for a staff report.

Staff reviewed the report and explained that the redesigned final plat for Compass 70 Logistic Center was approved at the last regular meeting and this lot was the driving force behind that redesign. Staff spoke of the size of the structure and the zoning of the property as I-1, Light Industrial. Staff further spoke about the review process and how this plan had been sent to Edwardsville for review as well and the applicant is working with them to address their concerns as well. Chair Gebauer asked if any Commissioners had questions of Staff, Staff stated they had attempted to provide enough images of the facility and the landscape plan so that the Commissioners could make an informed decision. Staff stated that the applicant had met the requirements of the Zoning Code.

Chair Gebauer asked if there were any questions of the applicant, there were none; Chair Gebauer asked if the applicant's representative had any questions or comments for the Commission. The applicant's representative requested clarification on two of the staff stipulations.

- One was a comment made by the City Engineer regarding “permanent traffic control” at 110th and Riverview. The applicant felt as though this should have read “temporary” instead of permanent. Clarification was sought by Staff –
- The other comment was made by the City of Edwardsville regarding a median cut/access point, the applicants representative stated they are in the process of working with Edwardsville to align the median cut with the anticipated driveway entrance into the Medline facility.

Chair Gebauer asked the Commissioners if they had any specific questions of the applicant's representative. Commissioner Zeps asked Staff if they had any input on changing the language used by the City Engineer regarding permanent vs. temporary. Staff stated he agreed with the applicant's statement regarding temporary but wanted to get clarification from the City Engineer before making that decision. Commissioner Zeps suggested getting clarification. Discussion progressed further on how the motion would be made that would allow the project to progress forward.

Chair Gebauer asked if there were any other questions, comments or concerns from the Commissioners, being none, Commissioner Zeps made a motion to **APPROVE ST-06-21** with an amendment to Staff stipulation number 11 changing permanent to temporary subject to City Engineers clarification.

- Clarification was received on September 28, 2021, the comment was meant to address traffic control measures at the intersections of the two access drives and 110th and the northern one at Riverview. This clarification was sent to the applicant's representative on the date mentioned above.

Motion was **SECONDED** by Commissioner Bombardier.

Chair Gebauer asked for a roll call vote.

AYE – Zeps, Clark, Mesmer, Neff, Perica, Bombardier, Gebauer

NAY – None

MOTION PASSED 7 – 0

Agenda Item #6 – Open Agenda

None at this time

Agenda Item #7 - CITY PLANNER'S REPORTS

Staff discussed the following seven (7) items with the Commissioners in an effort to gain input into potential pursuing these additions and changes to the Zoning Regulations and the potential updates to the Bonner Springs Comprehensive Plan

- a. Staff would like to conduct a work session at next month's meeting; October 19th
 - i. Items to discuss
 - 1. Accessory building size restrictions
 - 2. Architectural design guidelines for commercial and industrial buildings centered around certain highly visible areas or streets/roads
 - 3. Fences in front yards
 - 4. Rules/definition of what is considered "Attached"
 - 5. Short-Term Rentals
 - 6. Accessory Dwelling Units
 - 7. Comprehensive Plan updates – in particular the Future Land Use Map

Agenda Item # 8 - ADJOURNMENT

Chair Gebauer adjourned the meeting at 7:53pm.

Memorandum

Date: November 16, 2021
To: Mayor and City Council
From: Mark Lee

Subject: Lot Split - LS-03-21

Recommendation: Staff recommends the Planning Commission approve the Lot Split with the stipulations listed in the Staff report.

Action: Consider a Lot Split presented by Atlas Land Consulting; on behalf of the property owners, Keith L. Roberts Revocable Trust (Copher's) - The applicant is proposing to split an existing tract/parcel (Tract 2) and create a new parcel (Tract 1).

Background: ARTICLE V; Lot Splits; Section 1-General states:

The intent of this section is to provide for the issuance of building permits in lots divided into not more than two tracts without having to plat or replat said parcel, provided that the resulting tracts shall not again be divided without platting or replatting. However, lots zoned for industrial purposes may be divided into two or more tracts without replatting such lots. The Building Official may issue building permits for such lots in accordance with the regulations that follow

Discussion: The Zoning Regulations lay out eight requirements used to determine if a lot shall be split and ensure they meet the necessary criteria. Those requirements are stated below and followed by Staff's justification.

1. A new street or alley or other public improvement is needed;

The lot will gain ingress and egress from South 138th. No new streets shall be needed.

2. A vacation of streets, alleys, setback lines, access control or easements is required or proposed;

No vacation of any of the above will be necessary.

3. Such action will result in significant increases in service requirements (e.g. utilities, schools, traffic control, streets, etc.); or will interfere with maintaining existing service levels (e.g., additional curb cuts, repaving, etc.);

Utilities are currently provided to the lots, and no significant increase in service requirements shall be required.

4. There is less street right-of-way than required by these regulations or the Comprehensive Plan;

Additional public street right of way is being required and shall provide for the future expansion and widening of South 138th Street and Metropolitan Avenue on the south.

5. All easement requirements have not been satisfied;

No future easements are required.

6. Such split will result in a tract without direct access to a street (i.e., property must abut a street and meet minimum lot width requirements);

All lots shall maintain the current access provided to South 138th Street.

7. A substandard-sized lot or parcel will be created; and

No substandard lot shall be created.

8. The lot has been previously split in accordance with these regulations.

The lot has not been previously split per the Subdivision Regulations, any further division of this parcel or the parent parcel shall result in the lots being platted per the Subdivision Regulations.

Financial Impact: NA

City of
Bonner Springs
Agenda Item Cover Sheet

Agenda Item No. 4

LS-03-21

Topic: **Consider a Lot Split-** Consider a Lot Split presented by Atlas Land Consulting; on behalf of the property owners, Keith L. Roberts Revocable Trust (Copher's) - The applicant is proposing to split an existing tract/parcel (Tract 2) and create a new parcel (Tract 1).

Narrative:

The properties in question are addressed as 1201 S. 138th Street and 1133 S. 138th Street.

The surrounding area consists of vacant agricultural land, large lot single-family residences and North Park (City of Bonner Springs).

The proposed lot split would create a new parcel consisting of 16.8 +/- acres or 731,817.89 sqft.; the parent parcel shall consist of approximately 43.87 +/- acres or 1911210.10 +/-sqft. The dedication of additional public right of way along S. 138th Street and Metropolitan Avenue is being requested as a Staff stipulation.

Presented by: Mark Lee-City Planner

Staff Recommendation: Staff recommends the Planning Commission approve the Lot Split with the stipulations listed in the Staff report.

DRT Review Comments: Included within staff report

Attachments:

Staff Report (3pgs)

Aerial Image (1pg)

Copy of Lot Split (1pg)

Application (2pgs)

LOT SPLIT – CONSIDER A LOT SPLIT Consider a Lot Split presented by Atlas Land Consulting; on behalf of the property owners, Keith L. Roberts Revocable Trust (Copher’s) - The applicant is proposing to split an existing tract/parcel (Tract 2) and create a new parcel (Tract 1).

MEETING DATE: November 16, 2021
REPORT WRITTEN: November 1, 2021
CASE NUMBER: LS-03-21

APPLICANT:

- Atlas Land Consulting
Andrea Weishaubt (on behalf of owners)
2300 Hutton Rd, Suite 108
Kansas City KS 66109

SURVEYOR:

Same as above

REQUEST:

The applicant is requesting approval of the lot split as submitted.

ZONING:

- The property is zoned as A-1 (Agricultural District)

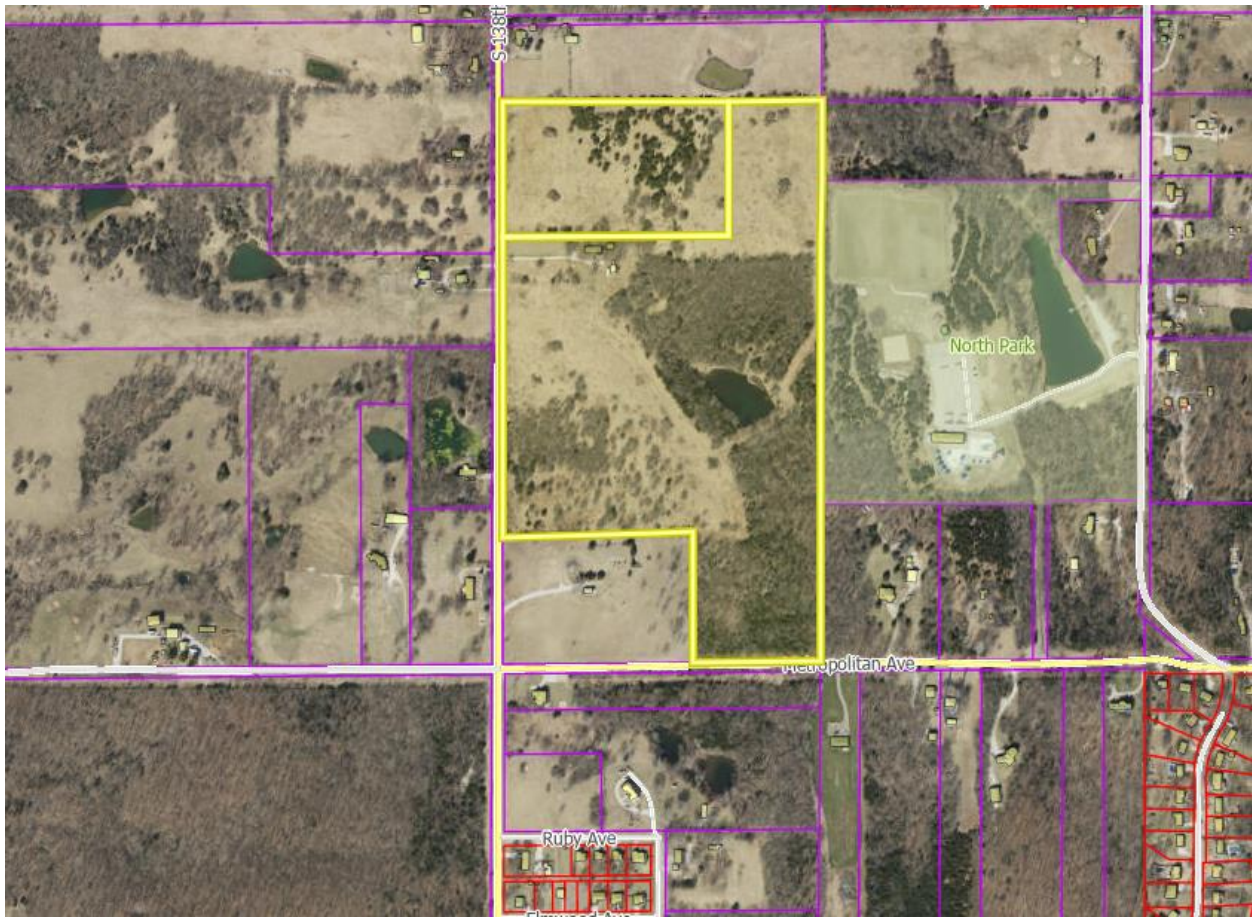
SURROUNDING ZONING:

- North “A-1” Agricultural District
- South “A-1” Agricultural District
- East “A-1” Agricultural District
- West “A-1” Agricultural District

SUBDIVISION REGULATIONS:

ARTICLE V; Lot Splits; Section 1-General states:

The intent of this section is to provide for the issuance of building permits in lots divided into not more than two tracts without having to plat or replat said parcel, provided that the resulting tracts shall not again be divided without platting or replatting. However, lots zoned for industrial purposes may be divided into two or more tracts without replatting such lot. The Building Official may issue building permits for such lots in accordance with the regulations that follow.



Properties highlighted in yellow represent the lots in question

REQUIREMENTS FOR LOT SPLITS:

The Zoning Regulations lay out eight requirements used to determine if a lot shall be split and ensure they meet the necessary criteria. Those requirements are stated below and followed by Staff's justification.

1. A new street or alley or other public improvement is needed;
The lot will gain ingress and egress from South 138th, no new streets shall be needed
2. A vacation of streets, alleys, setback lines, access control or easements is required or proposed;
No vacation of any of the above will be necessary.
3. Such action will result in significant increases in service requirements (e.g. utilities, schools, traffic control, streets, etc.); or will interfere with maintaining existing service levels (e.g., additional curb cuts, repaving, etc.);
Utilities are currently provided to the lots, no significant increase in service requirements shall be required.
4. There is less street right-of-way than required by these regulations or the Comprehensive Plan;
Additional public street right of way is being required and shall provide for the future expansion and widening of South 138th Street and Metropolitan Avenue on the south.

5. All easement requirements have not been satisfied;

No future easements are required

6. Such split will result in a tract without direct access to a street (i.e., property must abut a street and meet minimum lot width requirements);

All lots shall maintain the current access provided to South 138th Street.

7. A substandard-sized lot or parcel will be created; and

No substandard lot shall be created.

8. The lot has been previously split in accordance with these regulations.

The lot has not been previously split per the Subdivision Regulations, any further division of this parcel or the parent parcel shall result in the lots being platted per the Subdivision Regulations.

DESIGN REVIEW TEAM (DRT) COMMENTS:

Building Official:

1. None at this time, building plans to be submitted upon approval

City Engineer:

1. Additional right of way should be dedicated along S. 138th Street and Metropolitan to allow for the future expansion and widening of both roadways

Public Works Director:

1. Expressed the same requirement as the City Engineer

County Staff:

1. Ownership has changed and should be reflected as such
a. Keith L. Roberts Trust as per Document 2021R-18251 recorded on October 4, 2021.

STAFF RECOMMENDATION:

Staff recommends approval of the Lot Split application, with the following stipulations:

1. Ten (10') feet of additional right of shall be dedicated along South 138th Street, for future expansion and widening.
2. Twenty (20') feet of additional right of way shall be dedicated along Metropolitan Avenue, for future expansion and widening.
3. Any further division of this lot or the parent parcel shall be done via the platting process as outlined within the Zoning Regulations of Bonner Springs.
4. After approval, resubmit (2) 24" x 36" signed/sealed paper copies of the revised Lot Split drawings for Planning Commission signatures for filing;
5. The Applicant shall file the Lot Split with the Register of Deeds and provide a paper copy and electronic (PDF) copy of the filed Lot Split to close the file; and
6. No building permits shall be issued until the City of Bonner Springs has received a copy of the filed Lot Split.



GeoSpatial Services
710 N 7th St, Suite 200 | Kansas City, KS 66101
Ph: 913-573-2941 | gss@wycokck.org
www.wycokck.org/gss

1201 - 1133 S. 138th St



Legend

- Parks
- Buildings
- POI Labels
- POI
- Street Labels
- Kansas Regional Counties
- Missouri Regional Counties
- Municipal Labels
- Municipal Boundaries
- Railroads
- MAIN
- SPUR
- YARD
- Roads
- INTERSTATE
- HIGHWAY
- MAJOR ARTERIAL
- MINOR ARTERIAL

Locator Map

Notes

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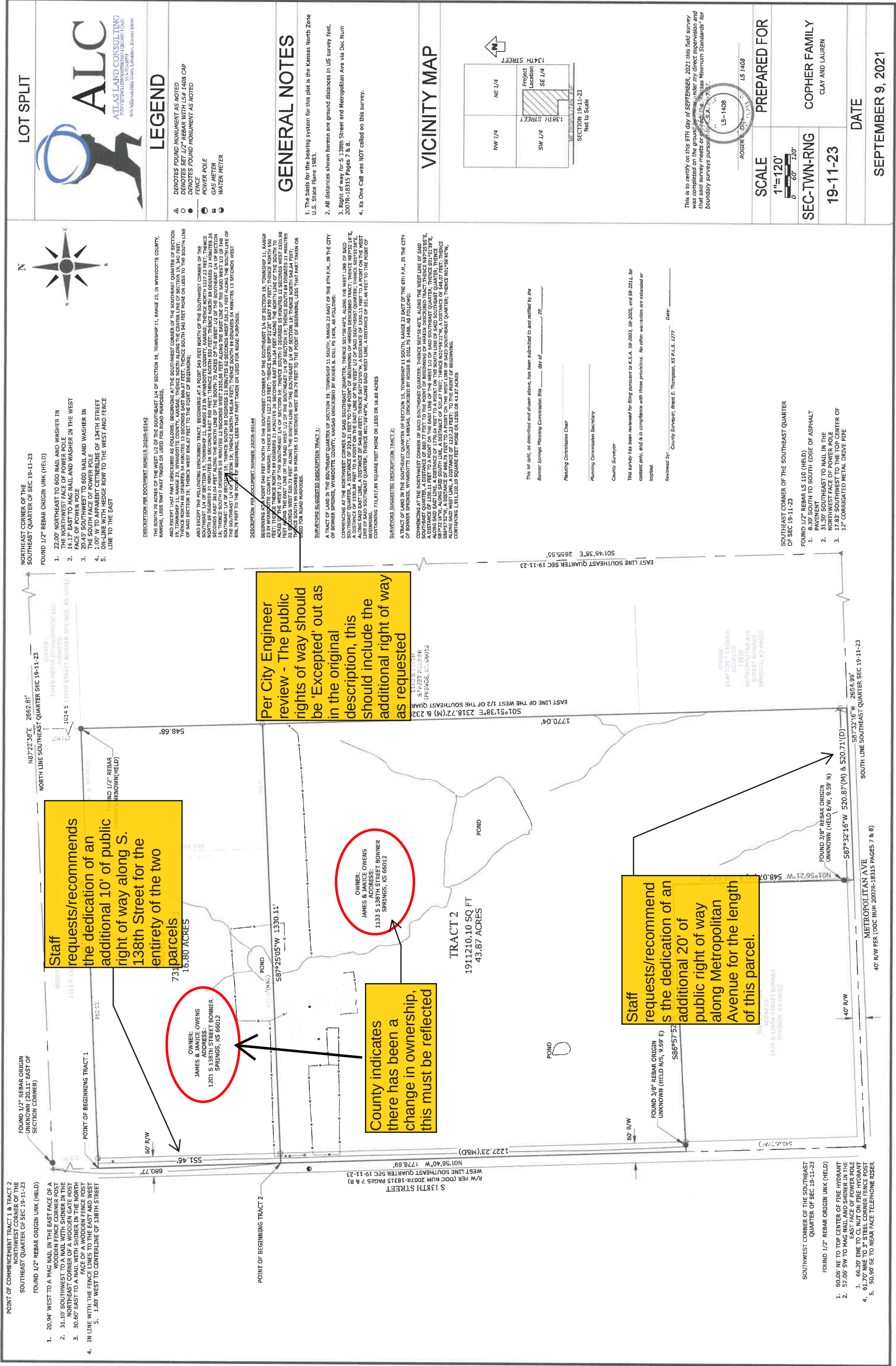


Map Scale
1: 14,672



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Memorandum

Date: November 16, 2021
To: Mayor and City Council
From: Mark Lee

Subject: PUBLIC HEARING - SUP-05-21 - SPECIAL USE PERMIT

Recommendation: Staff recommends that the Planning Commission approve the Special Use Permit to allow for the construction of two (2) – two family attached dwelling units (townhome/duplex) as allowed for in the R-1A (Residential Special District) at 231 and 233 West Insley Avenue., with staff recommendations.

Action: The applicant is requesting approval of a Special Use Permit to allow for the construction of two – two family attached dwelling units (townhome/duplex) as allowed for in the R-1A (Residential Special District) at 231 and 233 West Insley Avenue.

Background: The subject properties are .29+/- acres, 12520sqft +/- (231 W. Insley Ave) and .28+/- acres, 12339sqft +/- (233 W. Insley Ave).

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.

The use of "Dwelling, Two-Family" is a Special Use that is allowed under the Zoning Regulations. The R-1A Zoning District is meant to provide a diversity of housing options, including those uses which support and encourage residential neighborhoods. Staff has visited the area to assess what uses are in close proximity and if this use would fit amongst those. To the east and west are single family dwellings; to the north is a religious institute, to the south is a multifamily dwelling. With the mix of uses within the immediate area, staff felt as though the two-family dwellings would fit in to the character of the neighborhood.

Discussion: 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 indicated as an allowed special use in the R-1A, Residential Special District; Staff feels as though this use is aligned with other similar uses within the neighborhood. The proposed uses shall meet all zoning regulations regarding setbacks, yard regulations and use limitations.

1. 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 construct two attached two-family dwelling units on vacant parcels, thus allowing new or relocating families to join the Bonner Springs area.

1. 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 injury to the value of the property in the neighborhood. The Residential Special District is meant to consist of a variety of housing options and act as an infill district.

1. 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:

1. The location, nature and height of buildings, structures, walls and fences on the site,

The requested special use will not change the physical character of the neighborhood as there are currently several different styles of housing in the area, including multifamily and single family residences.

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

There are currently a few sporadic trees located on the two lots and no landscaping. Per Article V; Section 10, the owners of properties in which a Special Use Permit has been issued are required to submit a site and landscape plan. Article XXX, Section 4 further states:

R, R-S, R-1, R-1A and R-2: Two trees per dwelling unit shall be required within the landscape setback abutting said street frontage. All residential subdivisions abutting collector or arterial streets shall be required to provide one tree per forty (40) feet or portion thereof of street frontage. Said trees may be clustered or arranged within the setback and need not be placed evenly at 40-foot intervals.

1. 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 parking shall occur off-street and on areas that are concrete or asphalt per the Zoning Regulations.

1. Adequate utility, drainage, and other such necessary facilities have been or will be provided; and

Adequate site utilities are present. As infill development lots, drainage facilities will not be required of the lots but drainage shall not negatively impact nearby residents.

1. 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 ingress and egress drives will be constructed with the units. The impact to traffic should be minimal.

Financial Impact: NA

City of
Bonner Springs
Agenda Item Cover Sheet

Agenda Item No. 5

CASE #: SUP-05-21

Topic: **PUBLIC HEARING-** The applicant is requesting approval of a Special Use Permit to allow for the construction of two – two family attached dwelling units (townhome/duplex) as allowed for in the R-1A (Residential Special District) at 231 and 233 West Insley Avenue.

Narrative:

The subject properties are .29+/- acres, 12520sqft +/- (231 W. Insley Ave) and .28+/- acres, 12339sqft +/- (233 W. Insley Ave).

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.

The use of "Dwelling, Two-Family" is a Special Use that is allowed under the Zoning Regulations. The R-1A Zoning District is meant to provide a diversity of housing options, including those uses which support and encourage residential neighborhoods. Staff has visited the area to assess what uses are in close proximity and if this use would fit amongst those. To the east and west are single family dwellings; to the north is a religious institute, to the south is a multifamily dwelling. With the mix of uses within the immediate area, staff felt as though the two-family dwellings would fit in to the character of the neighborhood.

Presented by: Mark Lee-Planning & Zoning Director

Staff Recommendation:

Staff recommends that the Planning Commission approve the Special Use Permit to allow for the construction of two (2) – two family attached dwelling units (townhome/duplex) as allowed for in the R-1A (Residential Special District) at 231 and 233 West Insley Avenue., with staff recommendations.

Attachments:

Staff Report (5pgs)
Aerial Image (2pg)
Application (2pgs)

Projector needed for this item?

Yes

CONSIDER SPECIAL USE PERMIT TO ALLOW FOR THE CONSTRUCTION OF TWO – TWO FAMILY ATTACHED DWELLING UNITS (TOWNHOMES/DUPLEXES), WITHIN THE R-1A ZONING DISTRICT.

MEETING DATE: November 16, 2021
REPORT WRITTEN: October 25, 2021
CASE NUMBER: SUP-05-21

APPLICANT:

- Mike Todd – Mikes Rentals LLC
6836 Kansas Avenue
Kansas City KS 66111

SURVEYOR

- Herring Surveying Company
315 N. 5th Street
Leavenworth KS 66048

REQUEST:

The applicant is requesting approval of a Special Use Permit to allow for the construction of two – two family attached dwelling units (townhome/duplex) as allowed for in the R-1A (Residential Special District) at 231 and 233 West Insley Avenue.

.

ZONING:

The property is currently zoned “R-1A” Residential Special District

SURROUNDING ZONING:

North	“R-1A” Residential Special District
South	“R-1A” Residential Special District
East	“R-1A” Residential Special District
West	“R-1A” Residential Special District

BACKGROUND:

The subject properties are .29+/- acres, 12520sqft +/- (231 W. Insley Ave) and .28+/- acres, 12339sqft +/- (233 W. Insley Ave).

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.

The use of “Dwelling, Two-Family” is a Special Use that is allowed under the Zoning Regulations. The R-1A Zoning District is meant to provide a diversity of housing options, including those uses which support and encourage residential neighborhoods. Staff has visited the area to assess what uses are in close proximity and if this use would fit amongst those. To the east and west are single family dwellings; to the north is a religious institute, to the south is a multifamily dwelling. With the

mix of uses within the immediate area, staff felt as though the two-family dwellings would fit in to the character of the neighborhood.

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.

While this does not mirror the current zoning district and development patterns, the Comprehensive Plan does indicate the area as being Low-Density Residential and states:

Low-Density Residential (Generally 2 to 4 dwelling units per acre): This category is appropriate for single-family detached dwellings. It may also include planned public and semi-public uses considered compatible with residential uses, such as schools, religious institutions, and civic uses. This district may be modified with cluster development and ‘PUD’ districts of the City Zoning Ordinance.





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 indicated as an allowed special use in the R-1A, Residential Special District; Staff feels as though this use is aligned with other similar uses within the neighborhood. The proposed uses shall meet all zoning regulations regarding setbacks, yard regulations and use limitations.

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 construct two attached two-family dwelling units on vacant parcels, thus allowing new or relocating families to join the Bonner Springs area.

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 injury to the value of the property in the neighborhood. The Residential Special District is meant to consist of a variety of housing options and act as an infill district.
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 not change the physical character of the neighborhood as there are currently several different styles of housing in the area including multifamily and single family residences.
 - b) The nature and extent of landscaping and screening on the site.
There are currently a few sporadic trees located on the two lots and no landscaping. Per Article V; Section 10, the owner of properties in which a Special Use Permit has been issued are required to submit a site and landscape plan. Article XXX, Section 4 further states:

R, R-S, R-1, R-1A and R-2: Two trees per dwelling unit shall be required within the landscape setback abutting said street frontage. All residential subdivisions abutting collector or arterial streets shall be required to provide one tree per forty (40) feet or portion thereof of street frontage. Said trees may be clustered or arranged within the setback and need not be placed evenly at 40-foot intervals.
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 parking shall occur off-street and on areas that are concrete or asphalt per the Zoning Regulations.
6. Adequate utility, drainage, and other such necessary facilities have been or will be provided; and
Adequate site utilities are present. As infill development lots drainage facilities will not be required of the lots but drainage shall not negatively impact nearby residents.
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 ingress and egress drives will be constructed with the units. The impact to traffic should be minimal.

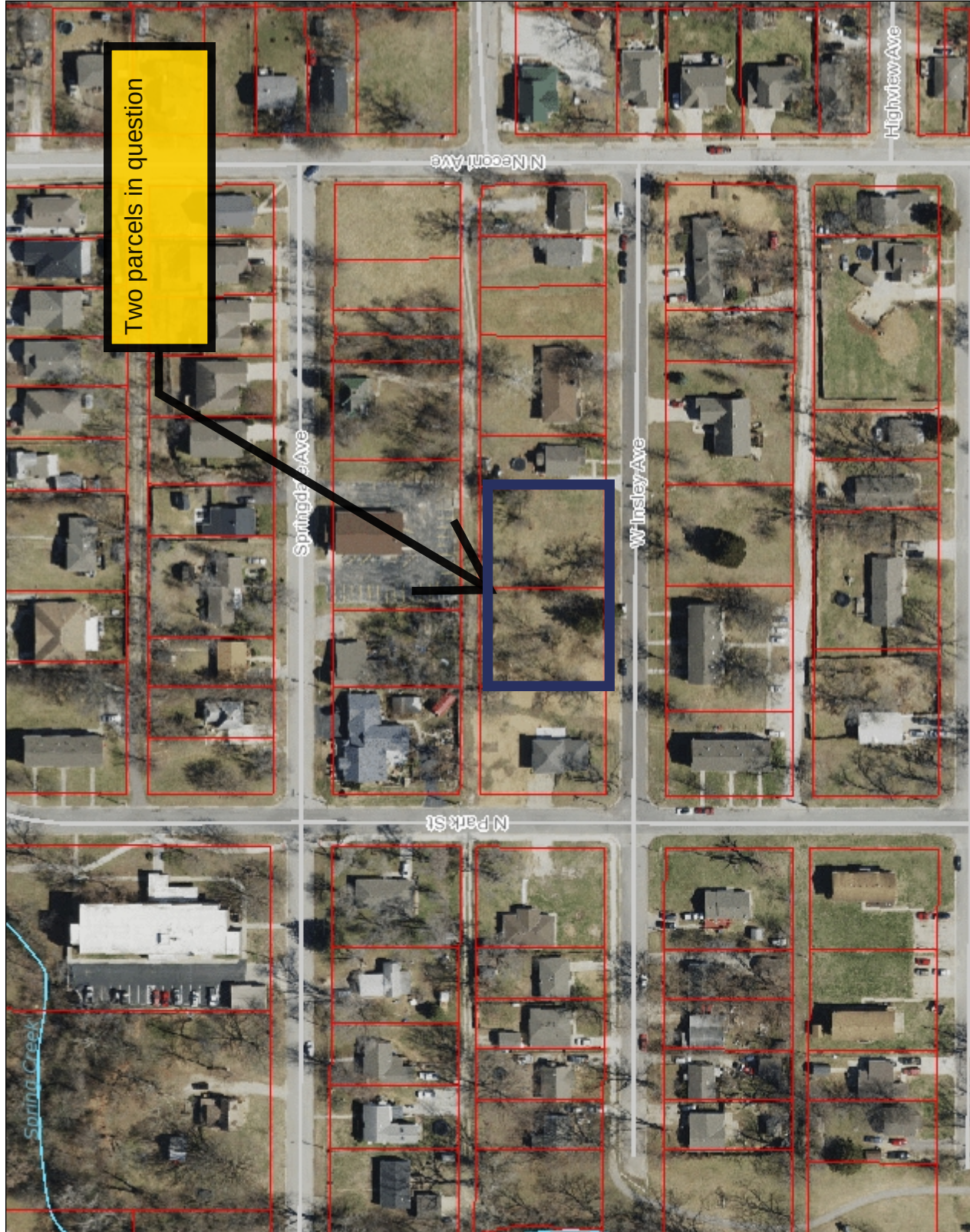
STAFF RECOMMENDATIONS:

Staff recommends approval of the Special Use Permit; SUP-05-21 with the following conditions:

- 1) Developer/builder shall be responsible for the construction of sidewalks along West Insley Avenue as indicated in the Future Sidewalks and Trails Mater Plan.
- 2) Developer/builder shall be responsible for all fees associated with building permits.
- 3) Special Use Permit shall be valid in perpituity
- 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 wihtout notification being sent to the Community Development Department 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 Ordianaces of the City of Bonner Springs, Kansas.

COMMISION 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.**



Legend

- Points of Interest
- Lakes
- Rivers
- Streams
- Parks*
- Platted Parcel
- Unplatted Parcel
- ROW Parcel
- Municipal Boundaries
- Railroads

Locator Map



Notes

Map Print Date: 10/25/2021 12:36 PM

313

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156

313

Map Scale
1: 1,878



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Legend

- Points of Interest
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- Railroads

Locator Map



Notes

Map Print Date: 10/25/2021 12:37 PM

156

0

78

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Map Scale
1: 939



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CITY OF BONNER SPRINGS, KS
Community and Economic Development Department
SPECIAL USE PERMIT (SUP) APPLICATION

Staff Use Only

SUP-05-21

PC Date: 11/16/21
CC Date: 12/20/21
Date Rec'd: 9/13
Rec'd by: MJL

Date: 9-12-2021

Subject Property Address: 231 & 233 West Insley

Project Name (if applicable):

Applicant Name: MIKE TODD - MIKES RENTALS LLC Phone: 913-915-9666

Address: 6836 KANSAS AVE., KANSAS CITY, KS 66111

E-mail (required): MIKE@BRIARWOODCONSTRUCTIONKC.COM

Record Property Owner: MIKE'S RENTALS, LLC Phone: 913-915-9666

Parcel No.: 189621 (231) Quarter Section: Section/Township/Range:

Legal Description of the Tract: LOTS 5-8, BL 7, SUNNYSIDE TO SARATOGA PARK

Tract Acreage: 0.56 General Location/Cross-streets: N. PARK ST

Zoning: R1-A Present Use: VACANT Requested Use: DUPLEX - MULTIFAMILY

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: Michael Todd Date: 9.13.2021

Applicant Name (Printed): Michael Todd - Mikes Rentals LLC

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 City Planner 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

✓ Eight (8) 11" x 17" copies 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 City Planner

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 7:00 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 City Planner at 913-667-1708

FEES

Application Fee: \$300 \$ 300.5 pd 9/13
Notification: 14 x \$12 = \$ 168.5
Publication: \$ _____
Sign (first): \$25 \$ 25.5
Add'l Signs _____ x \$10 = \$ _____

Total Due: \$ _____

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

Memorandum

Date: November 16, 2021
To: Mayor and City Council
From: Mark Lee

Subject: PUBLIC HEARING – BSRZ-02-21 - Rezoning Request

Recommendation: Staff recommends approval of the requested rezoning from A-1 (Agricultural District) to R-3 (Multifamily Residential District). The approval shall include any specific stipulations stated in the attached staff report.

Action: Consider a request for approval of a zoning change from A-1 (Agricultural District) to R-3 (Multifamily Residential District) at 546 N. 130th Street.

Background: The property has been vacant and remains that way today; it is bordered on the southern side by the Feldman's Farm and Home Store and vacant ground to the north. The Azure Amphitheater and Ag Hall of Fame border the property to the east and Kansas Highway 7 borders it to the west.

Initial discussions were begun in April of 2021 in regards to the potential rezoning and uses of the property. The area west of 130th Street from the intersection at K-7 north to State Avenue is indicated as being Mixed Use; within our Comprehensive Plan, commercial development exists in the area currently and the development of multifamily residences falls within the mixed use categorization.

Discussion: REZONING:

According to Article XXV, Section 1 of the Bonner Springs Zoning Regulations and the *Golden* case, the factors to be used in determining approval or denial of an application for rezoning are as follows:

CHARACTER OF THE IMMEDIATE AREA –

The area surrounding the subject property includes the 140+/- acre Agricultural Hall of Fame ground, the 107+/- acre Azure Amphitheater and Kansas City Renaissance property, directly abutting the southern border of this parcel is the 6.38+/- Feldman's Farm and Home Store property and directly north is a 50+/- acre vacant parcel. To the west is Kansas Highway 7.

THE ZONING AND USES OF THE PROPERTY NEARBY –

The zoning that surrounds the subject property is A-1 with Special Use Permits granted on two parcels, as well as C-S (Highway Service District-Commercial). Areas to the southeast are zoned as C-S also.

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

The property is currently vacant with no past plans submitted for development, to staff's knowledge. No persons have come forward with any requests to rezone; therefore, the parcel carries the blanket zoning of A-1 (Agricultural District).

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

Removal of the present zoning will not have a detrimental effect on nearby property. The nearby properties are commercial in nature and the area in question was expected to develop in a similar fashion to what is proposed.

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

The property has not seen development occur upon it and has been vacant since its inception.

THE RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY, AND WELFARE BY THE DESTRUCTION OF THE VALUE OF THE PETITIONER'S PROPERTY AS COMPARED TO THE HARDSHIP IMPOSED UPON THE INDIVIDUAL LANDOWNERS –

Denial of the request could destroy the potential value of the petitioner's property as it may only be utilized for agricultural purposes. Currently, the property is owned by the Unified Government and therefore no property taxes are assessed to the property. Development upon the lot would begin to generate property tax flow. The potential gain from allowing multifamily townhome residences is an increase in and options of housing units, which Bonner Springs is currently lacking, as well as the potential for more commercial and residential growth within the area.

RECOMMENDATION OF PROFESSIONAL STAFF-

Staff recommends approval of the requested rezoning of 546 N. 130th Street from A-1 (Agricultural District) to R-3 (Multifamily Residential District).

THE CONFORMANCE OF THE REQUESTED REZONING TO THE DULY ADOPTED COMPREHENSIVE PLAN –

The Comprehensive Plan's Future Land Use Map identifies the subject property and the surrounding area as Mixed Use. The Mixed Use zoning district is intended to provide a work-live-play scenario within close proximity or with the inclusion of residential living with a variety of types and styles. This work-live-play lifestyle is meant to provide retail and commercial uses within walking distance of the residents that live within the area.

Financial Impact: NA

City of
Bonner Springs
Agenda Item Cover Sheet

Agenda Item No. 6

BSRZ-02-21

Topic: PUBLIC HEARING - Consider a request for approval of a zoning change from A-1 (Agricultural District) to R-3 (Multifamily Residential District) at 546 N. 130th Street.

Narrative: The property has been vacant and remains that way today; it is bordered on the southern side by the Feldman's Farm and Home Store and vacant ground to the north. The Azure Amphitheater and Ag Hall of Fame border the property to the east and Kansas Highway 7 borders it to the west.

Initial discussions were begun in April of 2021 in regards to the potential rezoning and uses of the property. The area west of 130th Street from the intersection at K-7 north to State Avenue is indicated as being Mixed Use; within our Comprehensive Plan, commercial development exists in the area currently and the development of multifamily residences falls within the mixed use categorization.

Presented by: Mark Lee- City Planner

Staff Recommendation: Staff recommends approval of the requested rezoning from A-1 (Agricultural District) to R-3 (Multifamily Residential District). The approval shall include any specific stipulations stated in the attached staff report.

Attachments:

Staff Report (5pgs)
Site Plan (1pg)
Legal Description (1pg)
Aerial View (2pgs)
Application (2pgs)

**REQUEST FOR APPROVAL OF A ZONING CHANGE FROM A-1
(AGRICULTURAL DISTRICT) TO R-3 (MULTIFAMILY RESIDENTIAL
DISTRICT) FOR 546 N. 130TH STREET**

MEETING DATE: November 16, 2021
REPORT WRITTEN: October 20, 2021
APPLICATION #: BSRZ-02-21

APPLICANT:
Alex Howe
5601 Norwood
Fairway, KS 66205

ENGINEER
Consulting Engineers
Robert Wessel

REQUEST:

- The applicant is requesting approval to rezone a 15.43+/- acre vacant parcel located at 546 N. 130th Street from A-1 (Agricultural District) to R-3 (Multifamily Residential District) for the purposes of constructing 140 attached townhome residences.

COMPREHENSIVE PLAN/FUTURE LAND USE MAP:

- The Future Land Use Map designates this property as Mixed Use.

SURROUNDING ZONING:

- North A-1 Agricultural District – Vacant Parcel
- South C-S Highway Service District – Feldman’s Farm and Home
- East A-1 Agricultural District – Ag Hall of Fame
- West K-7 Highway, west of the highway A-1 Agricultural District

BACKGROUND:
The property has been vacant and remains that way today, it is bordered on the southern side by the Feldman’s Farm and Home Store and vacant ground to the north. The Azure Amphitheater and Ag Hall of Fame border the property to the east and Kansas Highway 7 borders it to the west.

Initial discussions were begun in April of 2021 in regards to the potential rezoning and uses of the property. The area west of 130th Street from the intersection at K-7 north to State Avenue is indicated as being Mixed Use; within our Comprehensive Plan, commercial development exists in the area currently and the development of multifamily residences falls within the mixed use categorization.

THE CURRENT ZONING CONFIGURATION:



REZONING:

According to Article XXV, Section 1 of the Bonner Springs Zoning Regulations and the *Golden* case, the factors to be used in determining approval or denial of an application for rezoning are as follows:

CHARACTER OF THE IMMEDIATE AREA –

The area surrounding the subject property includes the 140+/- acre Agricultural Hall of Fame ground, the 107+/- acre Azure Amphitheater and Kansas City Renaissance property, directly abutting the southern border of this parcel is the 6.38+/- Feldman's Farm and Home Store property and directly north is a 50+/- acre vacant parcel. To the west is Kansas Highway 7.

THE ZONING AND USES OF THE PROPERTY NEARBY –

The zoning that surrounds the subject property is A-1 with Special Use Permits granted on two parcels, as well as C-S (Highway Service District-Commercial). Areas to the southeast are zoned as C-S also.

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

The property is currently vacant with no past plans submitted for development, to staff's knowledge. No persons have come forward for any requests to rezone; therefore the parcel carries the blanket zoning of A-1 (Agricultural District).

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

Removal of the present zoning will not have a detrimental effect on nearby property. The nearby properties are commercial in nature and the area in question was expected to develop in a similar fashion to what is proposed.

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

The property has not seen development occur upon it and has been vacant since its inception.

THE RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY, AND WELFARE BY THE DESTRUCTION OF THE VALUE OF THE PETITIONER'S PROPERTY AS COMPARED TO THE HARDSHIP IMPOSED UPON THE INDIVIDUAL LANDOWNERS –

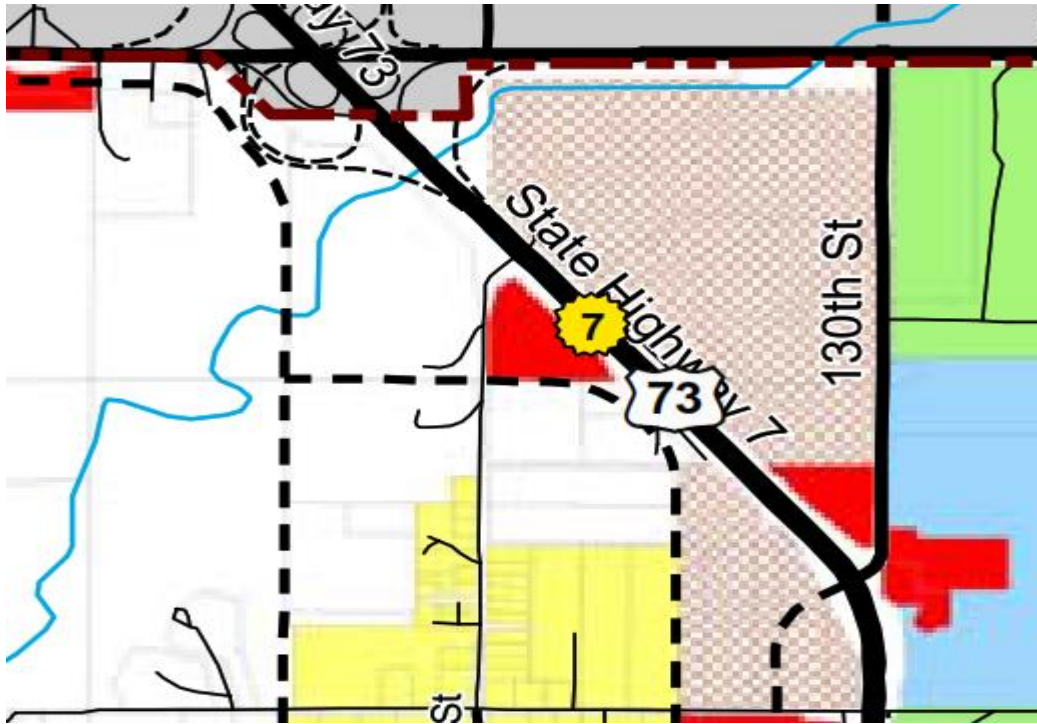
Denial of the request could destroy the potential value of the petitioner's property as it may only be utilized for agricultural purposes. Currently the property is owned by the Unified Government and therefore no property taxes are assessed to the property. Development upon the lot would begin to generate property tax flow. The potential gain from allowing multifamily townhome residences is an increase in and options of housing units; which Bonner Springs is currently lacking, as well as the potential for more commercial and residential growth within the area.

RECOMMENDATION OF PROFESSIONAL STAFF-

Staff recommends approval of the requested rezoning of 546 N. 130th Street from A-1 (Agricultural District) to R-3 (Multifamily Residential District).

THE CONFORMANCE OF THE REQUESTED REZONING TO THE DULY ADOPTED COMPREHENSIVE PLAN –

The Comprehensive Plan's Future Land Use Map identifies the subject property and the surrounding area as Mixed Use. The Mixed Use zoning district is intended to provide a work-live-play scenario within close proximity or with the inclusion of residential living with a variety of types and styles. This work-live-play lifestyle is meant to provide retail and commercial uses within walking distance of the residents that live within the area.



The Comprehensive Plan states:

Mixed Use : (Primarily Commercial; and if residential, more than 6 dwelling units per acre): The Mixed Use category includes a variety of office, small-scale retail, and general business uses that are service-commercial oriented, located in centers that can accommodate related uses. Such nonresidential uses are intended to provide services primarily to residents of the surrounding area and placed in locations with a design character that blends into the district and the neighborhood. If a Mixed Use-Residential component is proposed, it must be designed in a manner to promote pedestrian activity through a system of interconnected streets and varied streetscapes that also provide safe and efficient movement of vehicular traffic. This category promotes a variety of high-density residential land uses including a variety of commercial and mixed use-residential/commercial land uses if approved by the City; and would be limited to townhouse, condominium, and multifamily apartment dwellings. They would be designated M-U districts. They should be reviewed for land use compatibility against the City's core Guiding Principles and Neighborhood Design Policies, and the Multifamily Design Guidelines for any multifamily developments proposed within mixed use districts (Reference Appendix B). Additional uses including live-work, and limited retail commercial stores are permitted in this category under strict architectural and land use controls.

STAFF RECOMMENDATION:

Staff recommends **approval** of the requested rezoning of the indicated property from A-1 (Agricultural District) to R-3 (Multifamily Residential District) with the stipulations listed below

1. A Traffic Impact Study shall be conducted and submitted to the city for approval
2. A final plat adhering to the requirements of the Bonner Springs Subdivision Regulations shall be submitted and approved by the City prior to building permits being issued.
3. The final plat shall be recorded with the Wyandotte County Register of Deeds.
4. Any and all construction drawings shall be submitted to the City for review and approval prior to site improvements commencing
5. In addition to the recommendations/stipulations listed within this staff report, the developer/property owner agrees to abide by all Zoning Ordinances and Subdivision Regulations of the City of Bonner Springs

If **APPROVED** this item will move to the Governing Body at the December 20th regular meeting

EMERGENCY ACCESS

N42°41'33"E
94.20'
N47°11'38"W
70.09'

SHELTER

PLAYGROUND
SHELTER

1.1 ACRES COMMON

N88°21'33"E 1,257.47'

SHELTER

0.13 ACRES

432.42'
N48°36'33"W

K-7 HIGHWAY

SUBJECT PROPERTY
546 N 130TH STREET
15.43 ACRES
672,285 SF

PLAYGROUND
SHELTER

3.0 ACRES COMMON

SHELTER

N37°57'21"W
303.49'

S88°25'01"W 748.77'

748.92' (P)

S01°20'02"E 652.66'

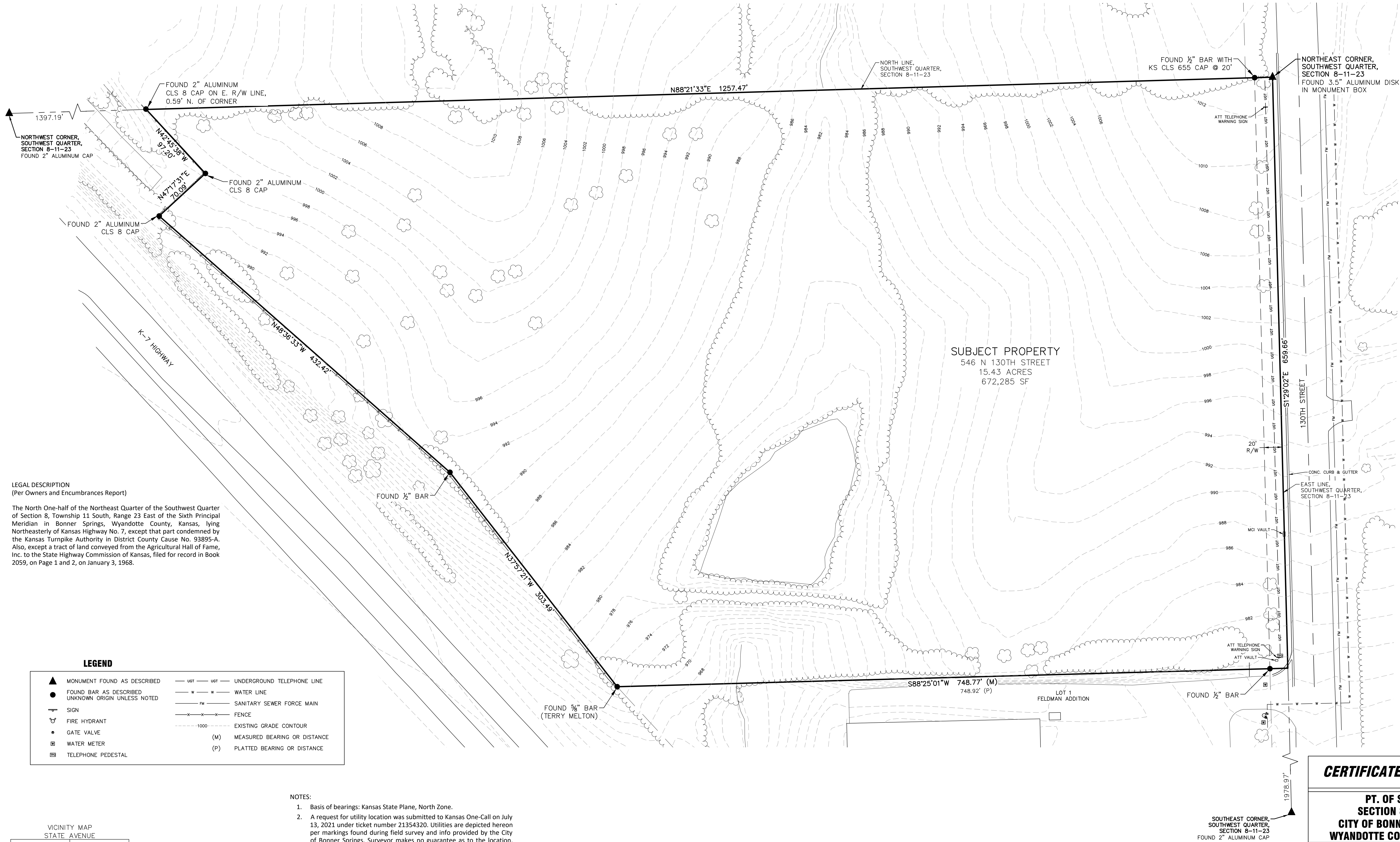
130TH STREET

130TH ST.

20'
R/W

430

T:\P\RAW\GIS_36000\36262 Interland Ventures Bonner Springs\Interland Ventures - P1, SW 8-11-23 Topo Survey.dwg Scale=11 Drawn July 30, 2021 - 12:50pm By Matt



LEGAL DESCRIPTION
(Per Owners and Encumbrances Report)

The North One-half of the Northeast Quarter of the Southwest Quarter of Section 8, Township 11 South, Range 23 East of the Sixth Principal Meridian in Bonner Springs, Wyandotte County, Kansas, lying Northeasterly of Kansas Highway No. 7, except that part condemned by the Kansas Turnpike Authority in District County Cause No. 93895-A. Also, except a tract of land conveyed from the Agricultural Hall of Fame, Inc. to the State Highway Commission of Kansas, filed for record in Book 2059, on Page 1 and 2, on January 3, 1968.

LEGEND

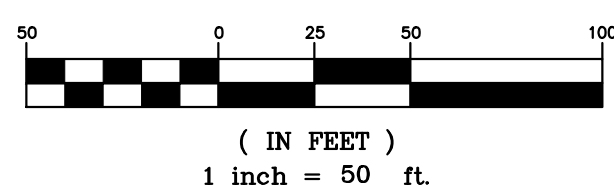
▲	MONUMENT FOUND AS DESCRIBED	— UGT — UGT —	UNDERGROUND TELEPHONE LINE
●	FOUND BAR AS DESCRIBED	— W — W —	WATER LINE
○	UNKNOWN ORIGIN UNLESS NOTED	— FM — FM —	SANITARY SEWER FORCE MAIN
⊕	SIGN	— X — X —	FENCE
⊕	FIRE HYDRANT	---	EXISTING GRADE CONTOUR
●	GATE VALVE	(M)	MEASURED BEARING OR DISTANCE
⊕	WATER METER	(P)	PLATTED BEARING OR DISTANCE
⊕	TELEPHONE PEDESTAL		

NOTES:

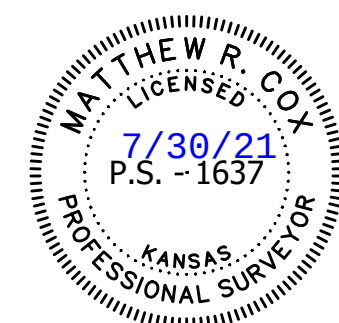
1. Basis of bearings: Kansas State Plane, North Zone.
2. A request for utility location was submitted to Kansas One-Call on July 13, 2021 under ticket number 21354320. Utilities are depicted hereon per markings found during field survey and info provided by the City of Bonner Springs. Surveyor makes no guarantee as to the location, size, depth, or material of underground utilities.
3. No easements or rights-of-way are listed on the Owners and Encumbrances report under file number 2455343.



GRAPHIC SCALE



THIS IS TO CERTIFY THAT ON THE 1ST DAY OF JANUARY 2021, THIS FIELD SURVEY WAS COMPLETED ON THE GROUND BY ME OR UNDER MY DIRECT SUPERVISION AND THAT SAID SURVEY MEETS OR EXCEEDS THE "KANSAS MINIMUM STANDARDS" FOR BOUNDARY SURVEYS PURSUANT TO K.A.R. 66-12-1.



PREPARED FOR:
HEARTLAND VENTURES
1227 MARTHA TRUMAN ROAD, SUITE 200
GRANDVIEW, MO 64030
PHONE: (816) 863-9440
CONTACT: RANDY WILLBANKS

CERTIFICATE OF SURVEY

PT. OF SW 1/4
SECTION 8-11-23
CITY OF BONNER SPRINGS
WYANDOTTE COUNTY, KANSAS



122 N. WATER STREET OLATHE, KANSAS 66061 PHONE: (913) 764-1076 FAX: (913) 764-8635			
Scale: 1"=50'	Drawn By: MRC	Project: 36262	
Date: 7/30/2021	Checked By: MRC	Section: 8-11-23	
8-11-23 CERTIFICATE OF SURVEY			

AD PROJECT # 36262

LEGAL DESCRIPTION – 546 N. 130th Street
(Per Owners and Encumbrances Report)

The North One-half of the Northeast Quarter of the Southwest Quarter of Section 8, Township 11 South, Range 23 East of the Sixth Principal Meridian in Bonner Springs, Wyandotte County, Kansas, lying

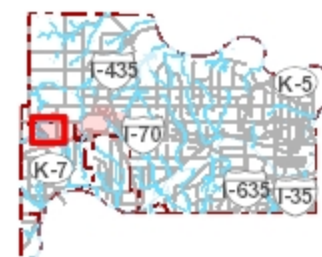
Northeasterly of Kansas Highway No. 7, except that part condemned by the Kansas Turnpike Authority in District County Cause No. 93895-A. Also, except a tract of land conveyed from the Agricultural Hall of Fame, Inc. to the State Highway Commission of Kansas, filed for record in Book 2059, on Page 1 and 2, on January 3, 1968.



Legend

- Points of Interest
- Lakes
- Rivers
- Streams
- Parks*
- - Municipal Boundaries
- + Railroads

Locator Map



Notes

Map Print Date: 10/20/2021 12:22 PM



Map Scale
1: 14,672



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Legend

- Parks
- Buildings
- POI Labels
- POI
- Street Lables
- Kansas Regional Counties
- Missouri Regional Counties
- Municipal Labels
- Municipal Boundaries
- Railroads
- MAIN
- SPUR
- YARD
- Roads
- INTERSTATE
- HIGHWAY
- MAJOR ARTERIAL
- MINOR ARTERIAL

Locater Map

Notes

Map Print Date: 11/2/2021 4:22 PM



Map Scale
 1: 14,672



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CITY OF BONNER SPRINGS, KS
Community and Economic Development Department

REZONING APPLICATION

Date: 9/6/2021

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

Subject Property Address: 546 N 135th Street, Bonner Springs, KS 66012

Project Name (if applicable): Sandstone Townhomes

Applicant Name: Alex Howe Phone: 785-410-3159

Address: _____

E-mail (required): alex@riverbendland.co

Record Property Owner: Unified Government WY CO/KCK Phone: _____

Parcel No.: 959700 Section/Township/Range: 08-11-23

Legal Description of the Tract: _____

Current Zoning: A-1 Present Land Use: Vacant Land Future Land Use Designation: Mixed Use

Proposed Zoning: R-3 Proposed Use: Rowhome Community Future Land Use Designation: High Density Residential

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

Applicant Signature: Alex Howe Date: 9/6/2021

Applicant Name (Printed): Alex Howe

Does Applicant have Permission from the Owner(s) to Apply for Rezoning and Authorize Permission to Post?
Yes ☒ No ☐

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

Rezoning Application Process

A pre-application meeting with the City Planner 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 rezoning application process.

All applications are subject to a public hearing at a Planning Commission meeting where a recommendation to approve or deny will be forwarded to the Governing Body.

Submittal Requirements

- X Completed and signed application – (Owner's consent may be required)
- Eight (8) 11" x 17" copies of a scaled site plan or survey of the area to be rezoned

Site plan must be:

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

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

X PDF copy of all drawings must be emailed to the City Planner

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 Rezoning 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 3rd Tuesday of each month at 7:00 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 2nd and 4th Monday of each month at 7:30 PM.

FEES

Application Fee: \$300	\$ 300.00
Notification: <u>5</u> x \$12 =	\$ <u>60.00</u>
Publication:	\$ _____
Sign (first): \$25	\$ <u>25.00</u>
Additional Signs _____ x \$10 :	\$ _____

pd 9/10

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

Total Due: \$ _____