



City of Bonner Springs

KANSAS

Tuesday, March 19, 2024

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.

BOARD OF ZONING APPEALS MEETING - 6:00 PM

CALL TO ORDER

CONSENT AGENDA - APPROVAL OF MINUTES

1. Approval of minutes from the November 21, 2023 Board of Zoning Appeals Meeting

- | | |
|----------------|---|
| Action | Approve, Amend or Deny the minutes as presented |
| Recommendation | Staff recommends approval of the minutes as presented |
- Documents:
1. BZA Minutes 11.21.23 draft

UNFINISHED BUSINESS

NEW BUSINESS

1. PUBLIC HEARING – VARIANCE REQUEST – BZA-01-24 - Consider a request for variances from the Unified Development Ordinance, within the CC; Central Commercial District –The requested variances consist of reductions in parking lot landscape requirements, landscape buffers along thoroughfares, required dumpster screening landscape reduction for 112-120 Oak Street (The 120 on Oak).

- | | |
|----------------|--|
| Action | Approve, Amend or Deny the requested variances |
| Recommendation | Staff recommends all six (6) variance requests be approved as submitted and indicated on the attached variance request plan. While the requirement for landscaping is meant to offset such things as the urban heat island effect and the reduction of carbon emissions, in these instances they will hinder the developments requirement to provide 97 onsite parking stalls. |

Furthermore, landscaping within parking areas is meant to break up some of the monotony typically associated with large parking lots. With the location of this parking area behind the structure and enclosed fully on two sides, the reduction in landscaping will be negligible. Landscaping is still proposed and indicated on the plan, just not to the extent the current Unified Development Ordinance requires.

- Documents:
1. STAFF REPORT - BZA-01-24 - 120 Oak - Multiple Variances 3.19.24
 2. 120 Oak - BZA Variance Narrative
 3. 120 Oak - Variance Request Plan

ADJOURNMENT

Memorandum

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

Subject: Approval of minutes from the November 21, 2023 Board of Zoning Appeals Meeting

Recommendation: Staff recommends approval of the minutes as presented

Action: Approve, Amend or Deny the minutes as presented

Background: Minutes are attached

Discussion: NA

Financial Impact: NA

MINUTES – 11.21.23 – DRAFT
BONNER SPRINGS BOARD OF ZONING APPEALS MEETING
Tuesday, November 21, 2023 – Regular Meeting – 6:00 p.m.

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With the lack of a quorum, the meeting was delayed, the applicant remained at the meeting and it was started as soon as a quorum was established.

1. Meeting **CALLED TO ORDER** by Chair Mesmer at 6:54 p.m.

ROLL CALL

Board of Zoning Appeals Members Present: Lloyd Mesmer -Chair; Larry Clark - Vice-chair; Nick Perica

Absent – Sheri Neff, Paul Zeps

Quorum Established

Staff Present: Mark Lee, Community Development Director

2. **CONSENT AGENDA**

Item #2 – Approval of Minutes of September 19, 2023 Board of Zoning Appeals meeting

Chair Mesmer introduced the Consent Agenda Item #2. Board Members were awarded time to comment or ask questions.

Motion to **APPROVE** the Consent Agenda was made by Vice-Chair Clark and seconded by Board Member Perica.

Chair Mesmer called for a vote.

AYE – Mesmer, Clark, Perica

NAY – None

MOTION PASSED 3 – 0

3. **UNFINISHED BUSINESS –**

None at this time

4. **PUBLIC HEARING - BZA-04-23: 740 Linda Lane, Accessory Building Maximum Size Allowed.** A request for variances from the allowed maximum square footage of accessory buildings within the R-1, Single Family Residential zoning district. Applicant is requesting a variance to exceed the maximum allowed size for this particular lot by 500 square feet. Maximum allowed - 1,000sqft. Request – 1500sqft.

Chair Mesmer called for a motion to OPEN the Public Hearing – Vice-Chair Clark made a motion to **OPEN**, Board Member Perica **SECONDED**. Public Hearing was opened at 6:57pm.

Staff introduced the item, explained the location of the project, and the background behind the request. Staff explained that this variance was being requested due to the recent changes made to

the Zoning Ordinance and the fact that the applicant had previously placed a down-payment on a structure that would have been allowed by right prior to the change in regulations. The applicant was unaware that changes were being made to the Zoning Ordinance, as well, staff was unaware of the applicants' previous conversations.

Chair Mesmer asked if there were any individuals that would like to speak in favor of the request. Being none, Chair Mesmer asked if there were any individuals that would like to speak against the request. Being none Chair Mesmer asked if there were any questions of the staff or the applicant, there were none.

Chair Mesmer called for a motion to **CLOSE** the Public Hearing – Vice-Chair Clark made a motion to **CLOSE**, Board Member Perica **SECONDED**. Public Hearing was closed at 6:59pm.

Vice-Chair Clark made a motion to **APPROVE** the variance request with staff stipulations, Board Member Perica **SECONDED**.

Chair Mesmer called for a vote.

AYE – Mesmer, Clark, Perica

NAY – None

MOTION PASSED 3 – 0

5. ADJOURNMENT –

Meeting was adjourned at 7:00pm

Memorandum

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

Subject: PUBLIC HEARING – VARIANCE REQUEST – BZA-01-24 - Consider a request for variances from the Unified Development Ordinance, within the CC; Central Commercial District –The requested variances consist of reductions in parking lot landscape requirements, landscape buffers along thoroughfares, required dumpster screening landscape reduction for 112-120 Oak Street (The 120 on Oak).

Recommendation: Staff recommends all six (6) variance requests be approved as submitted and indicated on the attached variance request plan. While the requirement for landscaping is meant to offset such things as the urban heat island effect and the reduction of carbon emissions, in these instances they will hinder the developments requirement to provide 97 onsite parking stalls.

Furthermore, landscaping within parking areas is meant to break up some of the monotony typically associated with large parking lots. With the location of this parking area behind the structure and enclosed fully on two sides, the reduction in landscaping will be negligible. Landscaping is still proposed and indicated on the plan, just not to the extent the current Unified Development Ordinance requires.

Action: Approve, Amend or Deny the requested variances

Background: The applicant is requesting multiple variances to the Unified Development Ordinance, these variance requests are to coincide with the redevelopment of 112-120 Oak, the site of the old Thriftway grocery store, and previous businesses that were located at the site over the years. The proposed redevelopment is a 100-unit, four story apartment building.

In May 2022 the Governing Body passed a Memorandum of Understanding, a resolution in support of the applicants request for a Moderate-Income Housing Program application through the State of Kansas, and assisted in preparing and applying for a Reinvestment Housing Incentive District (RHID). Since then, the Department of Commerce has approved the creation of the RHID District. The anticipated investment in the development is approximately \$17,000,000, and will be funded through the MIH and RHID programs, developer equity, and private lender financing to the developer.

In September of 2023, several variances were granted for this project, of them was an allowed reduction in onsite parking, a minimum number of 97 spaces was required though. In ongoing discussions between staff and the development team; parking is one of the major concerns. Allowing for these requested landscaping reductions will aid in the ability to provide the required onsite parking.

The recent adoption of the Unified Development Ordinance has proven to be more challenging to this site than initially anticipated; with the parking lot landscape requirements causing concern. The project began design under the last edition of the Zoning Ordinance, many of these requests are due to the update in our regulations and the conflict they create for the intended parking area.

The variance requests being brought forward for consideration this evening are as follows:

Variance request #1: Parking Lot Landscaping – Allow more than 12 stalls in a row.

Variance request #2: Parking Lot Landscaping – Islands less than 9ft wide.

Variance request #3: Buffering Requirements – Reduction of Thoroughfare buffer requirements.

Variance request #4: Parking Lot Landscaping – Islands less than 150 sf.

Variance request #5: Parking Lot Landscaping – Landscaping less than 10% of parking area.

Variance request #6: Dumpster Screening – Landscaping reduction.

Discussion: Staff report is included within the packet

Financial Impact: NA

City of Bonner Springs
Board of Zoning Appeals
Agenda Item Cover Sheet

Agenda Item No. 4

BZA-01-24

Topic: PUBLIC HEARING – VARIANCE REQUEST – BZA-01-24 - Consider a request for variances from the Unified Development Ordinance within the CC; Central Commercial District –The requested variances consist of reductions in parking lot landscape requirements, landscape buffers along thoroughfares, required dumpster screening landscape reduction for 112-120 Oak Street (The 120 on Oak).

Narrative: The applicant is requesting multiple variances to the Unified Development Ordinance, these variance requests are to coincide with the redevelopment of 112-120 Oak, the site of the old Thriftway grocery store, and previous businesses that were located at the site over the years. The proposed redevelopment is a 100-unit, four story apartment building.

In May 2022 the Governing Body passed a Memorandum of Understanding, a resolution in support of the applicants request for a Moderate-Income Housing Program application through the State of Kansas, and assisted in preparing and applying for a Reinvestment Housing Incentive District (RHID). Since then, the Department of Commerce has approved the creation of the RHID District. The anticipated investment in the development is approximately \$17,000,000, and will be funded through the MIH and RHID programs, developer equity, and private lender financing to the developer.

In September of 2023, several variances were granted for this project, of them was an allowed reduction in onsite parking, a minimum number of 97 spaces was required though. In ongoing discussions between staff and the development team; parking is one of the major concerns. Allowing for these requested landscaping reductions will aid in the ability to provide the required onsite parking.

The recent adoption of the Unified Development Ordinance has proven to be more challenging to this site than initially anticipated; with the parking lot landscape requirements causing concern. The project began design under the last edition of the Zoning Ordinance, many of these requests are due to the update in our regulations and the conflict they create for the intended parking area.

The variance requests being brought forward for consideration this evening are as follows:

Variance request #1: Parking Lot Landscaping – Allow more than 12 stalls in a row.

Variance request #2: Parking Lot Landscaping – Islands less than 9ft wide.

Variance request #3: Buffering Requirements – Reduction of Thoroughfare buffer requirements.

Variance request #4: Parking Lot Landscaping – Islands less than 150 sf.

Variance request #5: Parking Lot Landscaping – Landscaping less than 10% of parking area.

Variance request #6: Dumpster Screening – Landscaping reduction.

Each variance request shall be addressed individually within Staff's report to the Board.

Presented by: Mark Lee – Community Development Director

Staff Recommendation: Staff recommends all six (6) variance requests be approved as submitted and indicated on the attached variance request plan. While the requirement for landscaping is meant to offset such things as the urban heat island effect and the reduction of carbon emissions, in these instances they will hinder the previous requirement to provide 97 onsite parking stalls.

Furthermore, landscaping within parking areas is meant to break up some of the monotony typically associated with large parking lots. With the location of this parking area behind the structure and enclosed currently on two sides, the reduction in landscaping will be negligible. Landscaping is still proposed and indicated on the plan, just not to the extent the current Unified Development Ordinance requires.

Attachments: Staff Report (11pgs), Applicant Narrative (5pgs), Variance Request Plan (1pg)

STAFF REPORT

Meeting Date: March 19, 2024

Report Date: March 12, 2024

Subject: Consider a request for variances from the Unified Development Ordinance within the CC; Central Commercial District –The requested variances consist of reductions in parking lot landscape requirements, landscape buffers along thoroughfares, required dumpster screening landscape reduction for 112-120 Oak Street (The 120 on Oak).

File Number: BZA-01-24

GENERAL INFORMATION

Applicant: The 120 Society, LLC
Address: PO Box 440
Bonner Springs, KS 66012

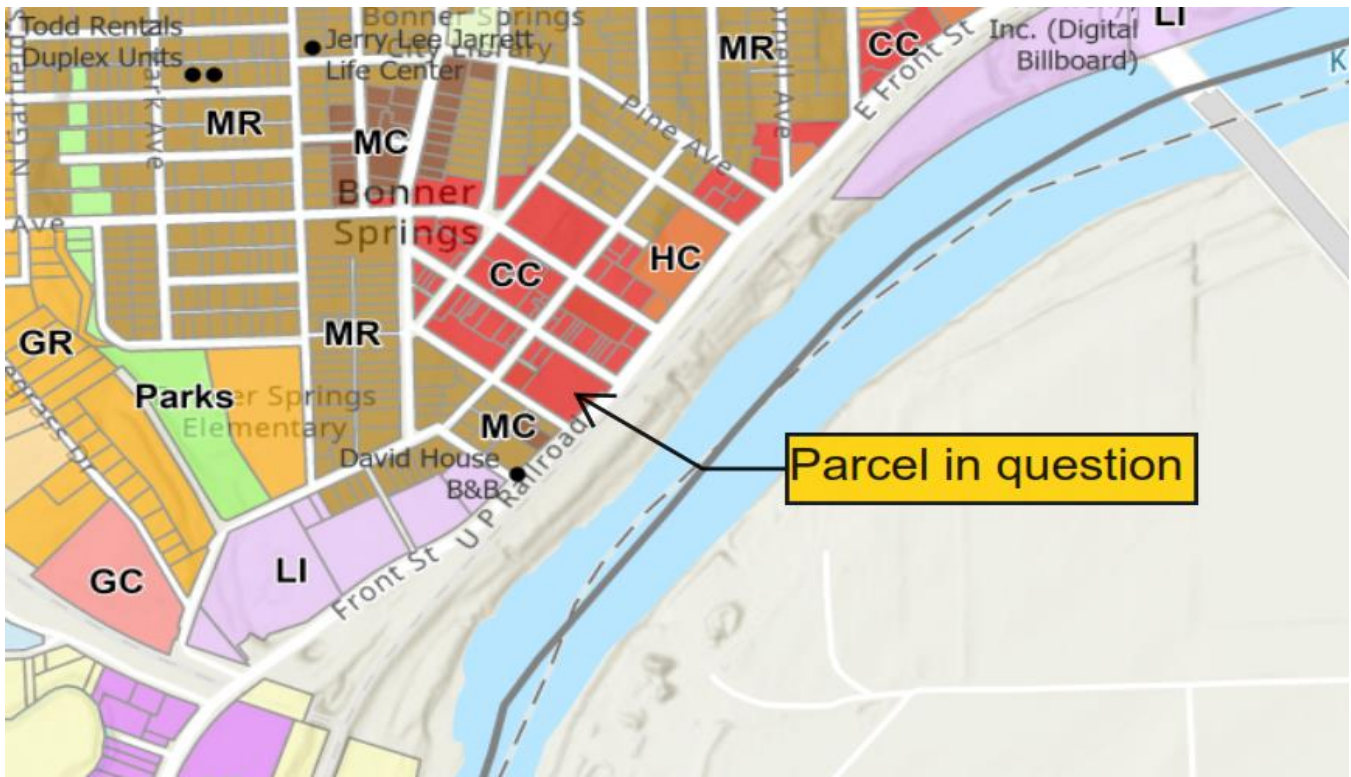
STAFF ANALYSIS

Site Characteristics

Location: 112-120 Oak Street (Corner of Oak and Front Streets)
Area of Property: 83,776 square feet; 1.923 acres
Zoning: CC; Central Commercial District
Future Land Use Map: Commercial

Adjacent Property:

Two major zoning categories encompass the parcel in question, CC (Central Commercial District) and MR (Mixed Residential District).





Narrative/Background

The applicant is requesting multiple variances to the Unified Development Ordinance, these variance requests are to coincide with the redevelopment of 112-120 Oak, the site of the old Thriftway grocery store, and previous businesses that were located at the site over the years. The proposed redevelopment is a 100-unit, four story apartment building.

In May 2022 the Governing Body passed a Memorandum of Understanding, a resolution in support of the applicants request for a Moderate-Income Housing Program application through the State of Kansas, and assisted in preparing and applying for a Reinvestment Housing Incentive District (RHID). Since then, the Department of Commerce has approved the creation of the RHID District. The anticipated investment in the development is approximately \$17,000,000, and will be funded through the MIH and RHID programs, developer equity, and private lender financing to the developer.

In September of 2023, several variances were granted for this project, of them was an allowed reduction in onsite parking, a minimum number of 97 spaces was required though. In ongoing discussions between staff and the development team; parking is one of the major concerns. Allowing for these requested landscaping reductions will aid in the ability to provide the required onsite parking.

The recent adoption of the Unified Development Ordinance has proven to be more challenging to this site than initially anticipated; with the parking lot landscape requirements causing concern. The project began design under the last edition of the Zoning Ordinance, many of these requests are due to the update in our regulations and the conflict they create for the intended parking area.

The variance requests being brought forward for consideration this evening are as follows:

- Variance request #1:** Parking Lot Landscaping – Allow more than 12 stalls in a row.
- Variance request #2:** Parking Lot Landscaping – Islands less than 9ft wide.
- Variance request #3:** Buffering Requirements – Reduction of Thoroughfare buffer requirements.
- Variance request #4:** Parking Lot Landscaping – Islands less than 150 sf.
- Variance request #5:** Parking Lot Landscaping – Landscaping less than 10% of parking area.
- Variance request #6:** Dumpster Screening – Landscaping reduction.

Each variance request shall be addressed individually within Staff’s report to the Board.

Conformance with the Unified Development Ordinance

Section 2.03.D.2.b states: *The purpose of this Section 2.03.D is to provide a process for reviewing and approving zoning relief applications from the requirements of this Chapter 2 Zoning Regulations.*

(2) *The purpose of a zoning relief application is to:*

- (a) *Provide a process for property owners to seek relief from the minimum Lot Area, setbacks, and other dimensional and Building requirements of this chapter;*
- (b) *Offer the City a method of considering alternative compliance metrics for unique or encumbered Lots where strict compliance with this Chapter 2 Zoning Regulations would result in undue hardship to a property owner; and*
- (c) *Ensure the granting of relief from the zoning standards will not adversely affect surrounding property owners, and will not jeopardize further compliance with the subdivision and Development Standards outlined in these regulations.*

The questions listed below are required by K.S.A. 12-759; this Statute goes on to state: A request for a variance may be granted in such case, upon a finding by the board that all of the following conditions have been met.

The questions below, in bold type, are required by State Statute when hearing variance requests; the applicant's responses are below them in italics, with any Staff comments following.

Variance request #1: Parking Lot Landscaping – Allow more than 12 stalls in a row.

UDO Requirement - Sect. 4.02.F.2.c. - Parking rows shall not exceed twelve (12) consecutive Parking Spaces within a group.

1(1). That the variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same zoning district; and is not created by an action or actions of the property owner or the applicant.

The project is on an infill site within the city's downtown district. The infill condition is severely limited on opportunities for site and landscape design to fully comply with a development ordinance which is intended to serve as a guide for all types of developments. This site is bounded on three sides by public streets, and by established properties on the fourth. Two sides of the site have a tall retaining wall left in place to preserve an existing public street (Elm Street) and a public park (Kelly Murphy Memorial Park). The architecture is placed up on the street frontage of Oak Street and Front Street in keeping with the downtown character. This then allowed for the parking area to be placed on the interior of the site and be well screened by the building. This design maximizes the number of parking stalls on the site, behind the building to help avoid both unsightly views and the strain on public parking. On-street parking will remain available for users of the surrounding properties.

This project was initially developed under the previous Zoning Ordinance, prior to the adoption of the Unified Development Ordinance there were no requirements regarding the number of stalls in a group or row. Changing the regulations has created some challenges for the design team. It must further be noted that the City's stance is that this development must provide as much onsite parking as possible. Allowing more than 12 stalls in a group will achieve this goal, there are three instances where this will occur. The maximum grouping of stalls being requested is 25, this grouping is located adjacent to the northwest retaining wall. The City has granted the use of a portion of the parking lot located along Elm Street for over flow parking if and when needed; while requiring the developers to provide as much onsite parking as possible.

2(1). The granting of the variance request will or will not adversely affect the rights of the adjacent property owners or residents.

Granting of this variance will not adversely affect nearby property owners. The intent of this variance request is to help limit impacts to others by allowing for more parking on the site within a well screened lot.

Granting of this variance will not adversely affect the rights of adjacent property owners. Staff feels that if the variance were not granted; it could then impact the neighboring property owners in a negative manner. The development is being required to provide the maximum amount of onsite parking.

3(1). That the strict application of the provisions of the Zoning Ordinance of which variance is requested will constitute unnecessary hardship upon the property owner represented in the application.

Strict application of the zoning regulations would reduce the amount of safe & secure parking available on site.

Staff finds that an unnecessary hardship will occur if the regulations are upheld as written. The applicant has worked with the city in an effort to make onsite and off-site parking available to their prospective tenants. By requiring the number of stalls to be separated in groups of 12 will reduce the amount of onsite parking available.

4(1). That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, the general welfare or the harmonious development of the city.

This variance request does not adversely affect the health, safety, morals, order, convenience, prosperity, or general welfare of the public. Allowing more parking on site would create less congestion, better defined circulation, and reduce the number of pedestrian-vehicle encounters in the public realm. Additionally, increasing the number of trees (beyond what is currently proposed) on a site with limited space could create an issue with the healthy growth of the trees, thereby creating a safety concern on the site.

Granting the variance will not directly affect the health, safety, morals or general welfare of the public in any adverse way. It would in fact do the opposite, by providing more onsite parking the chances of off-site parking conflicts is greatly reduced.

5(1). That granting of the variance desired will not be opposed to the general spirit and intent of the Zoning Ordinance.

The intent of the ordinance is still met. Parking islands are used at the ends of all parking rows, and the parking is well screened from the public by architectural methods. The parking area design is efficient, allows for vehicular maneuverability, promotes a high-quality design, protects pedestrian and traffic safety, and creates a reasonable parking option. The level of landscaping proposed is well in excess of the landscaping in the current parking lot on this property, as well as many of the other downtown parking lots where the 12-stall limitation is exceeded.

Granting the variance would not be opposed to the general spirit and intent of the Unified Development Ordinance. The goal of Unified Development Ordinance is to structure municipalities efficiently. Zoning regulations determine which types of properties can coexist in different areas of the city while providing guidelines for development in general. This site is unique in multiple ways, one of which is that it is considered an infill lot making redevelopment challenging. Another is that the majority of parking is located in the rear of the building site, hidden from the general public view by two large retaining walls and the building itself.

Variance request #2: Parking Lot Landscaping – Islands less than 9ft wide.

UDO Requirement - Sect. 4.02.F.2.c.(2) - Parking islands shall be surrounded by a six-inch, non-mountable curb, and shall be at least nine (9) feet in width and at least eighteen (18) feet in depth from face-of-curb to face-of curb.

1(2). That the variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same zoning district; and is not created by an action or actions of the property owner or the applicant.

The unique conditions of this site as detailed in Variance Request #1 apply to this variance request as well. Additionally, the use of six (6) foot wide parking islands is supported by other sections of the development ordinance. UDO Sect. 4.03.G.1.a.(3) states that "Interior Landscaped Areas shall be no less than three (3) feet in width..." , UDO Sect. 4.03.D.7.a.(2) states that "In no instance shall a tree be planted within three (3) feet of pavement or other impervious surfaces, including sidewalks, driveways, and curbs" , and UDO Sect. 4.03.D.4.c. states that "All required shrub planting areas shall be no less than four (4) feet in width..." The six (6) foot width proposed for the parking row end islands allows for the planting of shrubs, and for trees to be planted 3ft from paved surfaces.

The developers are attempting to provide as much parking within the confines of their infill site as possible; allowing a deviation from this requirement will aid in that. At the 2023 zoning appeal meeting, the applicants were required to provide 97 spaces onsite. The requirements to provide islands of this size effectively reduce the amount of available space for the required parking.

2(2). The granting of the variance request will or will not adversely affect the rights of the adjacent property owners or residents.

A reduction of the island sizes will still allow for proper installation of plant material within a parking lot that is already well screened from the public way by architectural methods.

The granting of this variance will not adversely affect the rights of adjacent property owners. By providing the maximum amount of parking onsite, it will in fact alleviate the need for more offsite parking to be provided and the potential for offsite parking conflicts. The parking area for this particular infill site is located out of view of the general public and will be for tenant/visitor parking only. Reduction in island size allows more onsite parking, while still providing landscaped areas.

3(2). That the strict application of the provisions of the Unified Development Ordinance of which variance is requested will constitute unnecessary hardship upon the property owner represented in the application.

Strict application of the zoning regulations would reduce the amount of safe & secure parking available on site for tenant use. More tenants would be forced to park in remote locations and walk to the site, increasing the chances for negative pedestrian-vehicle interactions.

Staff finds that an unnecessary hardship will occur if the regulations are upheld as written. At the September 19, 2023 BZA meeting the requirement to provide a minimum of 97 spaces was decided upon by the Board. While landscaping is a necessity for stormwater management, beautification and other site improvements, requiring the islands to be 9' in width, effectively removes available parking spaces from the site.

4(2). That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, the general welfare or the harmonious development of the city.

This variance request does not adversely affect the health, safety, morals, order, convenience, prosperity, or general welfare of the public. Allowing more parking on site would create less congestion, better defined circulation, and reduce the number of pedestrian-vehicle encounters in the public realm.

The requested variance for a reduction in parking island size could potentially impact the convenience and safety of the surrounding public, if not approved. By requiring the parking islands to be the size listed within the UDO, we would remove available onsite parking; thus, creating the potential for offsite parking conflicts or the need to provide more parking within our City parking lot.

5(2). That granting of the variance desired will not be opposed to the general spirit and intent of the Unified Development Ordinance.

The intent of the ordinance is still met. The landscaping will still complement the architecture, provide shade, focus attention, add natural elements, improve visual quality, replenish tree stock, screen unsightly views, and improve the overall environment. The level of landscaping proposed is well in excess of the landscaping in the current parking lot on this property, as well as many of the other downtown parking lots with landscape islands.

Granting the variance for a reduction in parking lot island size will not be opposed to the intent of the UDO. The regulations are meant to break up long runs of parking stalls and to provide areas of landscaping within parking lots. Parking lot islands are still provided and landscaping is indicated within those islands. The request is for a reduction from the required nine (9') feet to six (6') feet.

(Continued on next page)

Variance request #3: Buffering Requirements – Reduction of Thoroughfare buffer requirements

UDO Requirement - Sect 4.03.E.2.b.2 – Buffer widths and plantings shall be provided for all nonresidential, multi-family, and mixed-use Developments with Lots siding or backing onto external thoroughfare...

1(3). That the variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same zoning district; and is not created by an action or actions of the property owner or the applicant.

The project is on an infill site within the city's downtown district and is bounded on three sides by public streets: Oak Street (Local), Front Street (Arterial), and Elm Street (Local). The architecture is placed up on the street frontage of Oak Street and Front Street in keeping with the downtown character. The CC zoning district (formerly C-1) does not have building setback requirements, which allows the building to be pushed close to the street frontages. However, these zero (0) feet setback requirements are contradictory to the thoroughfare buffer requirements, which requires buildings to be moved away from the street frontages. Additionally, these buffer requirements were adopted into the city code just recently (December 2023). The current design has been in place since it was last seen by the BZA in May of 2023. Lastly, the design is only partially out of compliance. Along Oak Street, much of the building is right at the required 15ft setback with the patios and the building corners extending into the buffer. Approximately half of the building along Front Street is in compliance with the 25ft wide buffer, with only the southern portion falling out of compliance due to the angle of the street. The building complies with the 15ft wide buffer along Elm Street, but the parking does not. However, the parking is hidden from view, well below the street at the bottom of the existing retaining wall that is to remain. The shrub requirements will be met, but the proposed tree quantities on two (2) of the three (3) sides are reduced below the required amount. On Oak Street, there are three (3) existing trees to remain, with one (1) removed and four (4) new added, which complies with the code. The quantity and spacing of the new trees are dictated by the presence of utilities as well as meeting the character of the existing streetscape. The tree quantities along Front Street and Elm Street are reduced due to utility easements and existing infrastructure (retaining wall).

As mentioned earlier in Staff's report; and above in the applicant's narrative, the majority of these variance requests arise from the adoption of the Unified Development Ordinance in December of 2023. The adoption of the UDO instituted the requirement for Thoroughfare buffers. The project was designed under the Zoning Ordinance in place at the time, which did not require these buffers; but did require a specific number of trees be planted serving as that buffer.

2(3). The granting of the variance request will or will not adversely affect the rights of the adjacent property owners or residents.

Granting of this variance will not adversely affect nearby property owners. The intent of this variance is to separate development from adjacent streets, which is not indicative of the downtown district. However, ample separation between the building and street is provided when compared to other areas of downtown which creates an inviting experience for both pedestrians and vehicles. It should be noted that the buffer distances were offset from the property line. The UDO does not appear to define where the buffer is to extend from. The proposed building and parking area exceeds the required distances on all frontages if the distances are extended from the street edges.

Granting the variance for a reduction in the buffer requirements will not affect the rights of adjacent property owners. The buffer requirement is meant to separate residents/patrons from the roadway in an effort to provide a more inviting space. The Central Commercial District allows buildings to be constructed as close to the public right of way as possible, this structure will maintain that feel.

3(3). That the strict application of the provisions of the Unified Development Ordinance of which variance is requested will constitute unnecessary hardship upon the property owner represented in the application.

If the zoning appeal is denied in any of the three areas above, we will not be able to make this project work. The numbers simply won't work and the project will not support itself.

Staff finds that an unnecessary hardship will occur if the regulations are upheld as written. The site was initially developed under the Zoning Ordinance in place at the time. Buffer widths were not imposed with those regulations. With the adoption of the UDO in December it changed many of the regulations and design components. Buffers are still proposed and indicated just not the widths required by the UDO – see plan.

4(3). That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, the general welfare or the harmonious development of the city.

This variance request does not adversely affect the health, safety, morals, order, convenience, prosperity, or general welfare of the public. Placing the building close to Oak Street is indicative of the downtown environment, and the buffers provided along Front Street and Elm Street still create an inviting pedestrian and vehicular experience.

The requested variance will not adversely affect the public in any of the manners listed. The building, as shown, would be a gateway to downtown and present itself in a tasteful manner complementing the various buildings currently located within downtown. Landscaping and reduced buffer widths are indicated on the attached plan.

5(3). That granting of the variance desired will not be opposed to the general spirit and intent of the Unified Development Ordinance.

This ordinance appears to be intended more for development outside of the downtown district. However, the location of the building and parking, and level of landscaping provided meets or exceeds other areas of downtown, thus enhancing the appeal of new construction in well developed areas.

Granting the variance for a reduction in the required Thoroughfare buffer would not be opposed to the intent of the Unified Development Ordinance. In order to maintain the feel of downtown and mirror other structures within the area, the proposed building is being placed as close to the public right of way as possible.

Variance request #4: Parking Lot Landscaping – Islands less than 150 sf.

UDO Requirement - Sect. 4.03.G.1.a.(3) - Interior Landscaped Areas shall be no less than three (3) feet in width, and shall be a minimum area of one hundred fifty (150) square feet.

1(4). That the variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same zoning district; and is not created by an action or actions of the property owner or the applicant.

The unique conditions of this site as detailed in Variance Requests #1 & #2 apply to this variance request as well. Additionally, the majority of the landscape islands comply with this request. Only the two (2) small islands on the ends of the single deep row of parking stalls are less than 150 sf. Terminating the parking rows with landscaped islands is preferable, even if they do not comply with the typical minimum size.

As previously stated, the Board granted a variance for parking in September of 2023, this variance mandated the placement of 97 parking spaces within the site. The required parking island dimensions will reduce the available number of spaces onsite. The island dimension regulations were put in place with the adoption of the UDO, prior to that adoption there were not specific requirements for parking island size. There were requirements to provide “Not less than six percent (6%) of the interior of a parking lot shall be landscaped and/or a minimum of one (1) tree per ten (10) parking spaces, whichever is greater” and “The interior dimensions of any planting area or planting median shall be sufficient (in most cases not less than 36") to protect the landscaping materials planted therein and to insure proper growth. Each area shall be protected by concrete vertical curbs, or similar structures” but no minimum square footage.

2(4). The granting of the variance request will or will not adversely affect the rights of the adjacent property owners or residents.

A reduction of the island sizes will still allow for proper installation of plant material within a parking lot that is already well screened from the public way by architectural methods.

A reduction in the island size will not adversely affect the rights of adjacent property owners or residents. The parking islands are located within the confines of large retaining walls and behind the new building, they will only be visible to those residents or visitors of the structure. The islands are still indicated as containing landscaping. The reduction in size will aid in allowing more parking and better vehicle circulation.

3(4). That the strict application of the provisions of the Unified Development Ordinance of which variance is requested will constitute unnecessary hardship upon the property owner represented in the application. *Strict application of the zoning regulations would reduce the amount of safe & secure parking available on site for tenant use. More tenants would be forced to park in remote locations and walk to the site, increasing the chances for negative pedestrian-vehicle interactions.*

Staff finds that an unnecessary hardship will occur if the regulations are upheld as written. We are requiring, and the applicant is attempting to provide, an adequate number of parking spaces within the confines of the site. Requiring the regulations be utilized as written will reduce the number of spaces available.

4(4). That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, the general welfare or the harmonious development of the city. *This variance request does not adversely affect the health, safety, morals, order, convenience, prosperity, or general welfare of the public. Allowing more parking on site would create less congestion, better defined circulation, and reduce the number of pedestrian-vehicle encounters in the public realm.*

Granting the variance will not affect the health, safety, morals or general welfare of the public in any adverse way. The islands are located out of view of the general public, islands will be provided and indicate that landscaping will occur within them, this request is for a reduction in minimum size only.

5(4). That granting of the variance desired will not be opposed to the general spirit and intent of the Unified Development Ordinance.

The intent of the ordinance is still met. The landscaping will still complement the architecture, provide shade, focus attention, add natural elements, improve visual quality, replenish tree stock, screen unsightly views, and improve the overall environment. The level of landscaping proposed is well in excess of the landscaping in the current parking lot on this property, as well as many of the other downtown parking lots.

Granting the variance would not be opposed to the general spirit and intent of the Unified Development Ordinance. Islands are being provided, the reduction in size will allow for better vehicular movement within the site as well as provide more space for onsite parking.

Variance request #5: Parking Lot Landscaping – Landscaping less than 10% of parking area.

UDO requirement - UDO Sect 4.03.G.1.b.(1) – No less than ten (10) percent of all parking areas shall be landscaped with pervious cover in accordance with Section 4.03.D above. Parking area islands may be applied to this requirement.

1(5). That the variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same zoning district; and is not created by an action or actions of the property owner or the applicant.

The unique conditions of this site as detailed in Variance Requests #1 & #2 apply to this variance request as well. The current design uses every opportunity to provide landscape islands while maintaining acceptable parking stall quantities and dimensional standards. Additionally, the amount of landscaping within this design exceeds what is provided in the current parking lot and many other nearby parking fields in the downtown area.

The requirement at the time of initial design was a 6% minimum. Attempting to include the required amount of landscaping within the parking area, while maintaining the required 97 onsite parking spaces, is proving challenging. The variance request is unique to this property. Located within downtown, many of these lots do not have parking areas nor space for onsite landscaping. In this instance the parking area is not visible to the general public. A large amount of landscaping is proposed within the parking area while not limiting the number of parking spaces.

2(5). The granting of the variance request will or will not adversely affect the rights of the adjacent property owners or residents.

As indicated several times, the proposed parking is well hidden from public view by means of the newly proposed building, and the large, existing retaining wall that is to remain. A small reduction of softscape on the interior of the parking area for this site will not adversely affect the nearby property owners.

The variance, if granted, will not adversely affect the rights of the adjacent property owners or residents. The parking is located in the rear of the building and enclosed on two sides by tall retaining walls. It will be blocked from public view almost entirely by having the 2 other sides blocked by the structure itself. The landscaping is meant to help offset carbon emissions and dissipate the urban heat island, there is landscaping provided, just not the required amount. Reducing the required parking lot landscaping will allow the required number of parking spaces to be constructed.

3(5). That the strict application of the provisions of the Unified Development Ordinance of which variance is requested will constitute unnecessary hardship upon the property owner represented in the application.

Strict application of the zoning regulations would reduce the amount of safe & secure parking available on site for tenant use. More tenants would be forced to park in remote locations and walk to the site, increasing the chances for negative pedestrian-vehicle interactions.

Staff finds that an unnecessary hardship will occur if the regulations are upheld as written. The applicant began the building design under the previous Zoning Ordinance. They have also proceeded through a previous zoning variance case; in which, the minimum amount of onsite parking was set at 97 spaces. The requirement as written, will begin to diminish the amount of parking area that can be provided onsite.

4(5). That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, the general welfare or the harmonious development of the city.

This variance request does not adversely affect the health, safety, morals, order, convenience, prosperity, or general welfare of the public. Allowing more parking on site would create less congestion, better defined circulation, and reduce the number of pedestrian-vehicle encounters in the public realm.

Granting the variance will not directly affect the health, safety, morals or general welfare of the public in any adverse way. The requested reduction in landscaping within the parking area will not be noticeable due to its location. Being enclosed on multiple sides and out of view of the general public, residents and visitors would be the only individuals that see this on a daily basis. Landscaping is being provided, but at a reduced percentage.

5(5). That granting of the variance desired will not be opposed to the general spirit and intent of the Unified Development Ordinance.

The intent of the ordinance is still met. The landscaping will still complement the architecture, provide shade, focus attention, add natural elements, improve visual quality, replenish tree stock, screen unsightly views, and improve the overall environment. The level of landscaping proposed is well in excess of the landscaping in the current parking lot on this property, as well as many of the other downtown parking lots.

Granting the variance would not be opposed to the general spirit and intent of the Unified Development Ordinance. The applicant is attempting to meet requirements imposed through the parking requirements and previously approved variances while installing as much landscaping as possible within the parking area.

Variance request #6: Dumpster Screening – Landscaping reduction.

UDO Requirement - Sect 4.05.C.2.c.(2) – When located within a parking area, waste storage areas shall be landscaped along the masonry sides. (a) The minimum width of Landscaped Areas surrounding waste storage areas shall be four feet. (b) Where the waste storage area is located at the terminus of a parking group, the minimum parking island dimensions specified in Section 4.02.F.2.c above are required. [4.02.F.2.c requires 9ft landscape island width].

1(6). That the variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same zoning district; and is not created by an action or actions of the property owner or the applicant.

The unique conditions of this site as detailed in Variance Request #1 apply to this variance request as well. Additionally, the trash enclosure is not visible from Elm Street due to an existing 10 – 12ft retaining wall. It is also located deep within the site to limit visibility from the public realm. Architectural screening will be used,

and landscaping will be included as able, but including plant material on all sides would create a reduction in the total parking available on site.

The dumpster is proposed to be screened with an enclosure, as required. The request is to reduce the required landscaping around the enclosure. With the dumpster being located within the existing retaining wall areas and at the rear of the parking area, the requirement for landscaping on four sides appears irrelevant in this instance.

2(6). The granting of the variance request will or will not adversely affect the rights of the adjacent property owners or residents.

A reduction of the landscaped area around the enclosure will still allow for proper screening of the trash enclosure within a parking lot that is already well screened from the public way by architectural methods. Additionally, the trash enclosure is be relocated from an area of the site which currently has no landscaping.

The reduction in required landscaping around the dumpster will not adversely affect the rights of adjacent property owners nor residents. The dumpster will be located in the far corner out of view of the general public, due to the height of the retaining walls currently onsite. It will furthermore be screened from view by an enclosure.

3(6). That the strict application of the provisions of the Unified Development Ordinance of which variance is requested will constitute unnecessary hardship upon the property owner represented in the application.

Strict application of the zoning regulations would reduce the amount of safe & secure parking available on site for tenant use. More tenants would be forced to park in remote locations and walk to the site, increasing the chances for negative pedestrian-vehicle interactions.

Staff finds that an unnecessary hardship will occur if the regulations are upheld as written. The applicant has done their part to abide the regulations as written and the variances that were previously granted. Requiring landscape on four sides will have a negative impact on the available parking.

4(6). That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, the general welfare or the harmonious development of the city.

This variance request does not adversely affect the health, safety, morals, order, convenience, prosperity, or general welfare of the public. Allowing more parking on site would create less congestion, better defined circulation, and reduce the number of pedestrian-vehicle encounters in the public realm.

Granting the variance will not affect the health, safety, morals or general welfare of the public in any adverse way. The dumpster will be screened by an enclosure. Allowing for the reduction in landscaping around the dumpster will aid in providing the required amount of parking to be constructed. With the dumpster out of view and placed along the large retaining walls, room is not available along all sides. The dumpster is indicated as being in an enclosure.

5(6). That granting of the variance desired will not be opposed to the general spirit and intent of the Unified Development Ordinance.

The intent of the ordinance is still met. The trash receptacle will be architecturally screened, softened with plant material as able, and well hidden from view deep within the site, surrounding by the proposed architecture and existing retaining wall.

Granting the variance would not be opposed to the general spirit and intent of the Unified Development Ordinance. The intent of this requirement is to hid enclosure walls used as screening by providing a more natural appearance. The placement of this dumpster, due to the height of the existing retaining walls will be below street level. Being located at the rear of the property and behind the building will make the dumpster even less visible from the public view. As stated previously, the dumpster will be screened by an enclosure.

(Continued on next page)

Conformance with the Future Land Use Plan:

The Future Land Use Plan identifies this area as “Commercial”. A better designation for the downtown area should reflect its mix of uses. As written the CC – Central Commercial District allows for residential living on second floors and above.

The Future Land Use Plan does not mention nor pertain to variance requests. The majority of immediate area is indicated as developing in both, a residential and commercial manner.

Traffic Impact:

The proposed variance requests will not have an impact on traffic. By allowing reductions in the amount of landscaping, it provides more area to accommodate the required onsite parking.

Drainage Impact:

The proposed variance request, whether approved or denied, will have no impact on drainage. The site has been developed for years and includes an asphalt parking lot currently, the impervious surface will not be increased.

STAFF RECOMMENDATIONS

Staff recommends all six (6) variance requests be approved as submitted and indicated on the attached variance request plan. While the requirement for landscaping is meant to offset such things as the urban heat island effect and the reduction of carbon emissions, in these instances they will hinder the developments requirement to provide 97 onsite parking stalls.

Furthermore, landscaping within parking areas is meant to break up some of the monotony typically associated with large parking lots. With the location of this parking area behind the structure and enclosed fully on two sides, the reduction in landscaping will be negligible. Landscaping is still proposed and indicated on the plan, just not to the extent the current Unified Development Ordinance requires.

BOARD OPTIONS

- 1. Approve the variance request(s), with or without conditions/changes.**
- 2. Deny the variance request(s)**
- 3. Continue the Public Hearing to another date, date, time, and/or place**



ARCHITECTS PA

February 14, 2024

City of Bonner Springs, Kansas
Community and Economic Development Department
Board of Zoning Appeals (BZA)

Re: Variance Requests for 120 Oak Apartments

BZA members,

We respectfully request that you consider our application for variance requests for the 120 Oak Apartment project that is currently being reviewed by city staff under the Site & Landscape Plan application process. These variances are for aspects of the current design which deviate from the Unified Development Ordinance of the City of Bonner Springs, Kansas as adopted on December 18, 2023. Below is a list of our requested variances with a narrative explaining the reason for each departure from the typical code requirements.

Variance request #1: Parking Lot Landscaping – Allow more than 12 stalls in a row.

UDO Sect. 4.02.F.2.c. - Parking rows shall not exceed twelve (12) consecutive Parking Spaces within a group.

- **Condition unique to the Property:** The project is on an infill site within the city’s downtown district. The infill condition is severely limited on opportunities for site and landscape design to fully comply with a development ordinance which is intended to serve as a guide for all types of developments. This site is bounded on three sides by public streets, and by established properties on the fourth. Two sides of the site have a tall retaining wall left in place to preserve an existing public street (Elm Street) and a public park (Kelly Murphy Memorial Park). The architecture is placed up on the street frontage of Oak Street and Front Street in keeping with the downtown character. This then allowed for the parking area to be placed on the interior of the site and be well screened by the building. This design maximizes the number of parking stalls on the site, behind the building to help avoid both unsightly views and the strain on public parking. On-street parking will remain available for users of the surrounding properties.
- **No Adverse Effects:** Granting of this variance will not adversely affect nearby property owners. The intent of this variance request is to help limit impacts to others by allowing for more parking on the site within a well screened lot.
- **Unnecessary Hardship:** Strict application of the zoning regulations would reduce the amount of safe & secure parking available on site.
- **Public Health, Safety and Welfare:** This variance request does not adversely affect the health, safety, morals, order, convenience, prosperity, or general welfare of the public. Allowing more parking on site would create less congestion, better defined circulation, and reduce the number of pedestrian-vehicle encounters in the public realm. Additionally, increasing the number of trees (beyond what is currently proposed) on a site with limited space could create an issue with the healthy growth of the trees, thereby creating a safety concern on the site.
- **Ordinance Intent:** The intent of the ordinance is still met. Parking islands are used at the ends of all parking rows, and the parking is well screened from the public by architectural methods. The parking area design is efficient, allows for vehicular maneuverability, promotes a high-quality design, protects pedestrian and traffic safety, and creates a reasonable parking option. The level of landscaping proposed is well in excess of the landscaping in the current parking lot on this property, as well as many of the other downtown parking lots where the 12 stall limitation is exceeded.

Variance request #2: Parking Lot Landscaping – Islands less than 9ft wide.

UDO Sect. 4.02.F.2.c.(2) - *Parking islands shall be surrounded by a six-inch, non-mountable curb, and shall be at least nine (9) feet in width and at least eighteen (18) feet in depth from face-of-curb to face-of-curb.*

- **Condition unique to the Property:** The unique conditions of this site as detailed in Variance Request #1 apply to this variance request as well. Additionally, the use of six (6) foot wide parking islands is supported by other sections of the development ordinance. UDO Sect. 4.03.G.1.a.(3) states that “Interior Landscaped Areas shall be no less than three (3) feet in width...”, UDO Sect. 4.03.D.7.a.(2) states that “In no instance shall a tree be planted within three (3) feet of pavement or other impervious surfaces, including sidewalks, driveways, and curbs”, and UDO Sect. 4.03.D.4.c. states that “All required shrub planting areas shall be no less than four (4) feet in width...” The six (6) foot width proposed for the parking row end islands allows for the planting of shrubs, and for trees to be planted 3ft from paved surfaces.
- **No Adverse Effects:** A reduction of the island sizes will still allow for proper installation of plant material within a parking lot that is already well screened from the public way by architectural methods.
- **Unnecessary Hardship:** Strict application of the zoning regulations would reduce the amount of safe & secure parking available on site for tenant use. More tenants would be forced to park in remote locations and walk to the site, increasing the chances for negative pedestrian-vehicle interactions.
- **Public Health, Safety and Welfare:** This variance request does not adversely affect the health, safety, morals, order, convenience, prosperity, or general welfare of the public. Allowing more parking on site would create less congestion, better defined circulation, and reduce the number of pedestrian-vehicle encounters in the public realm.
- **Ordinance Intent:** The intent of the ordinance is still met. The landscaping will still complement the architecture, provide shade, focus attention, add natural elements, improve visual quality, replenish tree stock, screen unsightly views, and improve the overall environment. The level of landscaping proposed is well in excess of the landscaping in the current parking lot on this property, as well as many of the other downtown parking lots with landscape islands.

Variance request #3: Buffering Requirements – Reduction of Thoroughfare buffer requirements:

UDO Sect 4.03.E.2.b.2 – *Buffer widths and plantings shall be provided for all nonresidential, multi-family, and mixed-use Developments with Lots siding or backing onto external thoroughfare...*

- **Condition unique to the Property:** The project is on an infill site within the city’s downtown district and is bounded on three sides by public streets: Oak Street (Local), Front Street (Arterial), and Elm Street (Local). The architecture is placed up on the street frontage of Oak Street and Front Street in keeping with the downtown character. The CC zoning district (formerly C-1) does not have building setback requirements, which allows the building to be pushed close to the street frontages. However, these zero (0) feet setback requirements are contradictory to the thoroughfare buffer requirements, which requires buildings to be moved away from the street frontages. Additionally, these buffer requirements were adopted into the city code just recently (December 2023). The current design has been in place since it was last seen by the BZA in May of 2023. Lastly, the design is only partially out of compliance. Along Oak Street, much of the building is right at the required 15ft setback with the patios and the building corners extending into the buffer. Approximately half of the building along Front Street is in compliance with the 25ft wide buffer, with only the southern portion falling out of compliance due to the angle of the street. The building complies with the 15ft wide buffer along Elm Street, but the parking does not. However, the parking is hidden from view, well below the street at the bottom of the existing retaining wall that is to remain. The shrub requirements will be met, but the proposed tree quantities on two (2) of the three (3) sides are reduced below the required amount. On Oak Street, there are three (3) existing trees to remain, with one (1) removed and four (4) new added, which complies with the code. The quantity and spacing of the new trees are dictated by the presence of utilities as well as meeting the character of the existing streetscape. The tree quantities along Front Street and Elm Street are reduced due to utility easements and existing infrastructure (retaining wall).

- **No Adverse Effects:** Granting of this variance will not adversely affect nearby property owners. The intent of this variance is to separate development from adjacent streets, which is not indicative of the downtown district. However, ample separation between the building and street is provided when compared to other areas of downtown which creates an inviting experience for both pedestrians and vehicles. It should be noted that the buffer distances were offset from the property line. The UDO does not appear to define where the buffer is to extend from. The proposed building and parking area exceeds the required distances on all frontages if the distances are extended from the street edges.
- **Unnecessary Hardship:** Strict application of the zoning regulations would require a complete redesign of the project, reducing both the unit quantity and available parking, pushing it below the threshold of viability.
- **Public Health, Safety and Welfare:** This variance request does not adversely affect the health, safety, morals, order, convenience, prosperity, or general welfare of the public. Placing the building close to Oak Street is indicative of the downtown environment, and the buffers provided along Front Street and Elm Street still create an inviting pedestrian and vehicular experience.
- **Ordinance Intent:** This ordinance appears to be intended more for development outside of the downtown district. However, the location of the building and parking, and level of landscaping provided meets or exceeds other areas of downtown, thus enhancing the appeal of new construction in well developed areas.

Variance request #4: Parking Lot Landscaping – Islands less than 150 sf.

UDO Sect. 4.03.G.1.a.(3) - *Interior Landscaped Areas shall be no less than three (3) feet in width, and shall be a minimum area of one hundred fifty (150) square feet.*

- **Condition unique to the Property:** The unique conditions of this site as detailed in Variance Requests #1 & #2 apply to this variance request as well. Additionally, the majority of the landscape islands comply with this request. Only the two (2) small islands on the ends of the single deep row of parking stalls are less than 150 sf. Terminating the parking rows with landscaped islands is preferable, even if they do not comply with the typical minimum size.
- **No Adverse Effects:** A reduction of the island sizes will still allow for proper installation of plant material within a parking lot that is already well screened from the public way by architectural methods.
- **Unnecessary Hardship:** Strict application of the zoning regulations would reduce the amount of safe & secure parking available on site for tenant use. More tenants would be forced to park in remote locations and walk to the site, increasing the chances for negative pedestrian-vehicle interactions.
- **Public Health, Safety and Welfare:** This variance request does not adversely affect the health, safety, morals, order, convenience, prosperity, or general welfare of the public. Allowing more parking on site would create less congestion, better defined circulation, and reduce the number of pedestrian-vehicle encounters in the public realm.
- **Ordinance Intent:** The intent of the ordinance is still met. The landscaping will still complement the architecture, provide shade, focus attention, add natural elements, improve visual quality, replenish tree stock, screen unsightly views, and improve the overall environment. The level of landscaping proposed is well in excess of the landscaping in the current parking lot on this property, as well as many of the other downtown parking lots.

Variance request #5: Parking Lot Landscaping – Landscaping less than 10% of parking area.

UDO Sect 4.03.G.1.b.(1) – *No less than ten (10) percent of all parking areas shall be landscaped with pervious cover in accordance with Section 4.03.D above. Parking area islands may be applied to this requirement.*

- **Condition unique to the Property:** The unique conditions of this site as detailed in Variance Requests #1 & #2 apply to this variance request as well. The current design uses every opportunity to provide landscape islands while maintaining acceptable parking stall quantities and dimensional standards. Additionally, the amount of landscaping within this design exceeds what is provided in the current parking lot and many other nearby parking fields in the downtown area.

- **No Adverse Effects:** As indicated several times, the proposed parking is well hidden from public view by means of the newly proposed building, and the large, existing retaining wall that is to remain. A small reduction of softscape on the interior of the parking area for this site will not adversely affect the nearby property owners.
- **Unnecessary Hardship:** Strict application of the zoning regulations would reduce the amount of safe & secure parking available on site for tenant use. More tenants would be forced to park in remote locations and walk to the site, increasing the chances for negative pedestrian-vehicle interactions.
- **Public Health, Safety and Welfare:** This variance request does not adversely affect the health, safety, morals, order, convenience, prosperity, or general welfare of the public. Allowing more parking on site would create less congestion, better defined circulation, and reduce the number of pedestrian-vehicle encounters in the public realm.
- **Ordinance Intent:** The intent of the ordinance is still met. The landscaping will still complement the architecture, provide shade, focus attention, add natural elements, improve visual quality, replenish tree stock, screen unsightly views, and improve the overall environment. The level of landscaping proposed is well in excess of the landscaping in the current parking lot on this property, as well as many of the other downtown parking lots.

Variance request #6: Dumpster Screening – Landscaping reduction.

UDO Sect 4.05.C.2.c.(2) – *When located within a parking area, waste storage areas shall be landscaped along the masonry sides. (a) The minimum width of Landscaped Areas surrounding waste storage areas shall be four feet. (b) Where the waste storage area is located at the terminus of a parking group, the minimum parking island dimensions specified in Section 4.02.F.2.c above are required. [4.02.F.2.c requires 9ft landscape island width].*

- **Condition unique to the Property:** The unique conditions of this site as detailed in Variance Request #1 apply to this variance request as well. Additionally, the trash enclosure is not visible from Elm Street due to an existing 10 – 12ft retaining wall. It is also located deep within the site to limit visibility from the public realm. Architectural screening will be used, and landscaping will be included as able, but including plant material on all sides would create a reduction in the total parking available on site.
- **No Adverse Effects:** A reduction of the landscaped area around the enclosure will still allow for proper screening of the trash enclosure within a parking lot that is already well screened from the public way by architectural methods. Additionally, the trash enclosure is to be relocated from an area of the site which currently has no landscaping.
- **Unnecessary Hardship:** Strict application of the zoning regulations would reduce the amount of safe & secure parking available on site for tenant use. More tenants would be forced to park in remote locations and walk to the site, increasing the chances for negative pedestrian-vehicle interactions.
- **Public Health, Safety and Welfare:** This variance request does not adversely affect the health, safety, morals, order, convenience, prosperity, or general welfare of the public. Allowing more parking on site would create less congestion, better defined circulation, and reduce the number of pedestrian-vehicle encounters in the public realm.
- **Ordinance Intent:** The intent of the ordinance is still met. The trash receptacle will be architecturally screened, softened with plant material as able, and well hidden from view deep within the site, surrounded by the proposed architecture and existing retaining wall.



NSPJ

ARCHITECTS PA

|

Sincerely,

Clint E. Evans | AIA, NCARB
Principal Architect | Co-President
NSPJ Architects, P.A.
C-Corporation, # 48-0800449

VARIANCE REQUEST #3 - REDUCTION OF THOROUGHFARE BUFFER REQUIREMENTS:

BUFFERING REQUIREMENTS (4.03.E.2 & 2):

- 1. LOCAL STREET - BUFFER WIDTH: 15', 1 SHADE TREE PER 50 FEET OF LENGTH & 1 SHRUB PER 3 FEET OF LENGTH.
- 2. ARTERIAL STREET - BUFFER WIDTH: 25', 1 SHADE TREE PER 40 FEET OF LENGTH & 1 SHRUB PER 3 FEET OF LENGTH.

	REQUIRED:	PROVIDED:
OAK STREET (LOCAL) =	15' BUFFER	VARIES
+/-311 LF/ 50 LF =	7 TREES	3 EX. + 4 NEW SHADE & ORN. TREES
+/-311 LF/3 LF =	104 SHRUBS	104+ SHRUBS
FRONT STREET (ARTERIAL) =	25' BUFFER	VARIES
+/-267 LF/ 40 LF =	7 TREES	**3 ORN. TREES = 1 SHADE (4.03.D.8.c)
+/-267 LF/ 3 LF =	89 SHRUBS	89+ SHRUBS
ELM STREET (LOCAL) =	15' BUFFER	VARIES
+/-285 LF/ 50 LF =	6 TREES	**2 SHADE TREES
+/-285 LF/ 3 LF =	95 SHRUBS	95+ SHRUBS

**REDUCTION OF TREES IS DUE TO PRESENCE OF UTILITIES AND OTHER EXISTING INFRASTRUCTURE (RETAINING WALL).

VARIANCE REQUEST #5 - REDUCTION OF THOROUGHFARE BUFFER REQUIREMENTS:

INTERIOR LANDSCAPING REQUIREMENTS (4.03.G.1.b):

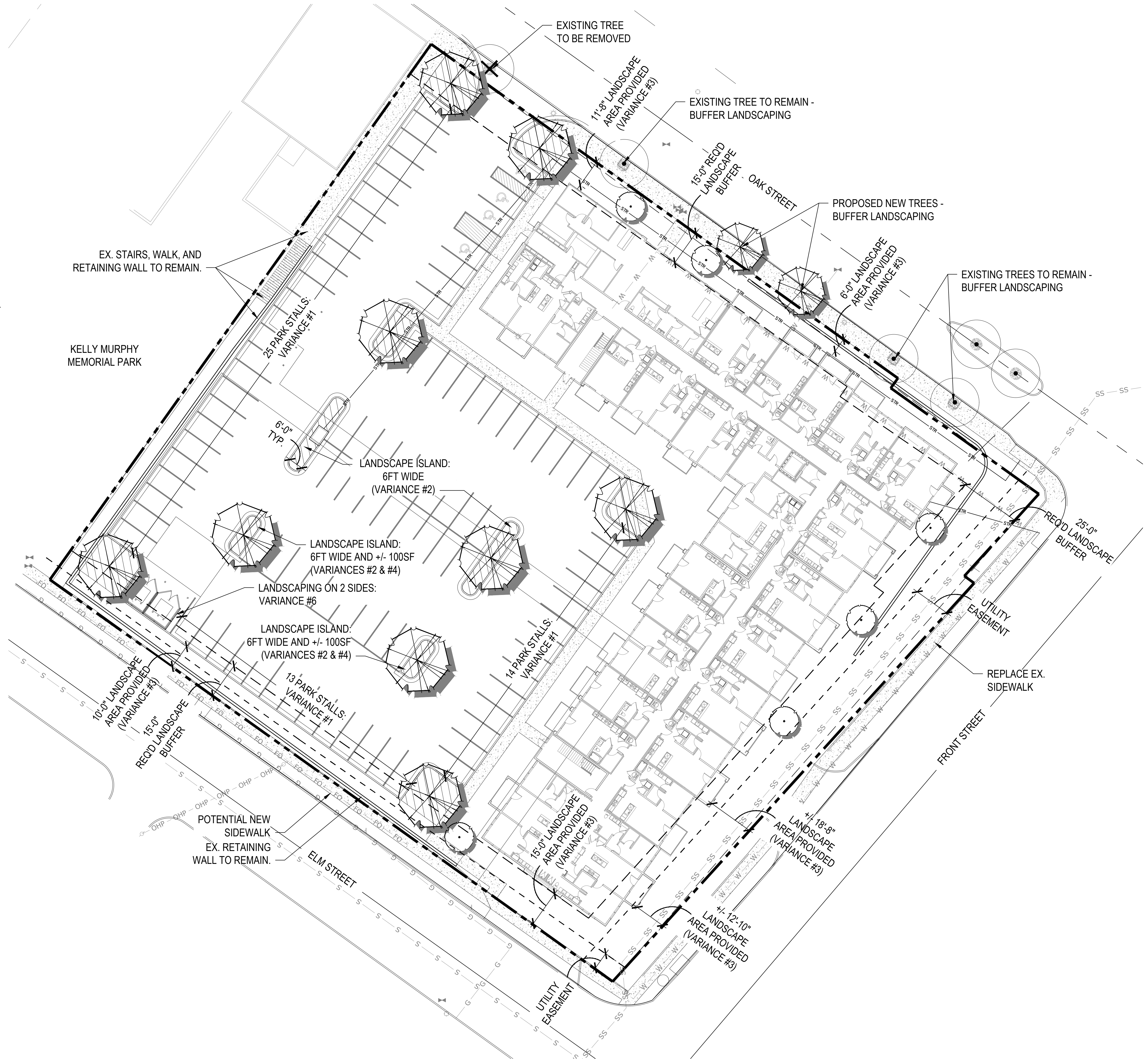
- 1. NO LESS THAN 10% OF ALL PARKING AREAS SHALL BE LANDSCAPED WITH PERVIOUS COVER.

	REQUIRED:	PROVIDED:
TOTAL PARKING AREA = +/-32,890 SF *10% =	3,289 SF	2,201 SF

INTERIOR LANDSCAPING REQUIREMENTS (4.03.G.1.c):

- 1. PARKING ISLANDS SHALL INCLUDE ONE SHADE TREE CENTERED IN ISLAND.
- 2. PARKING ISLANDS SHALL BE COVERED IN A GROUND COVERING SPECIFIED ON THE APPROVED PLANT LIST.
- 3. SHRUBBERY OR ORNAMENTAL GRASSES SHALL COVER A MINIMUM OF 50% OF PARKING AREA ISLANDS.

MINIMUM AREA REQUIRED TO MEET INTERIOR LANDSCAPING OF PARKING LOTS AREA REQUIREMENTS.



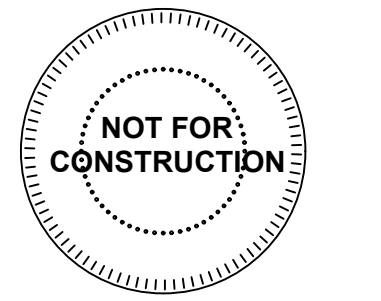
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A NEW MULTI-FAMILY DEVELOPMENT:

120 OAK

120 OAK STREET
BONNER SPRINGS, KANSAS

DRAWING RELEASE LOG
02.14.24 BZA - VARIANCE REQUEST

REVISIONS

JOB NO. 745023
DRAWN BY BNH / MLM
DATE 02.14.24

SHEET NAME
VARIANCE PLAN

SHEET NO.
L0.00

VARIANCE REQUEST PLAN

