



City of Bonner Springs

KANSAS

Tuesday, September 17, 2024

200 East Third Street, Bonner Springs, KS 66012

The meeting is open to the public.

BOARD OF ZONING APPEALS MEETING - 6:00 PM

CALL TO ORDER

CONSENT AGENDA

1. **Approval of minutes from the August 20, 2024 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. 8.20.24 BZA Minutes

UNFINISHED BUSINESS

1. **PUBLIC HEARING - BZA-05-24 - VARIANCE REQUEST - Consider a request for variances from requirements of the Unified Development Ordinance of Bonner Springs. The requested variance is to allow for the construction of fifty (50') foot tall double masted pole sign.**

- Action Approve, Amend or Deny the request - with or without Staff stipulations
Recommendation Staff recommends denial.
Documents:
1. Complete Agenda Item BZA-05-24 - QT - Sign Height Variance Staff Report

NEW BUSINESS

1. **BZA-06-24 - Variance Requests - Consider a request for variances from requirements of the Unified Development Ordinance of Bonner Springs. The requested variance is to allow for the construction of single family dwelling within the required yard setbacks.**

- Action Staff requests that this item be tabled. Anomalies were found while working towards the completion of the staff report that will need to be addressed prior to the variance moving forward.
Recommendation Table item
Documents:

ADJOURNMENT



City of Bonner Springs

KANSAS

Board of Zoning Appeals Minutes - Regular Meeting - August 20, 2024

BOARD OF ZONING APPEALS MEETING - 6:00 PM -

CALL TO ORDER - Board of Zoning Appeals Members Present: Lloyd Mesmer - Chair, Larry Clark - Vice-Chair, Sherri Neff and Paul Zeps.
Absent - Nick Perica

CONSENT AGENDA -

Approval of minutes from the April 16, 2024 Board of Zoning Appeals Meeting. - Paul Zeps moved Larry Clark seconded to approve the minutes of the April 16, 2024, Board of Zoning Appeals meeting as presented.

UNFINISHED BUSINESS -

NEW BUSINESS - Chair Messmer called to open the Public Hearing at 6:03pm.

PUBLIC HEARING - BZA-05-24 - VARIANCE REQUEST - Consider a request for variances from requirements of the Unified Development Ordinance of Bonner Springs. The requested variance is to allow for the construction of fifty (50') foot tall double masthead pole sign. - Larry Clark moved Paul Zeps seconded to table the variance request till the September 17, 2024, Board of Zoning Appeals meeting.

ADJOURNMENT - Chair Lloyd Mesmer adjourned the meeting at 6:05 pm.

Memorandum

Date: September 17, 2024
To: Mayor and City Council
From: Mark Lee

Subject: PUBLIC HEARING - BZA-05-24 - VARIANCE REQUEST - Consider a request for variances from requirements of the Unified Development Ordinance of Bonner Springs. The requested variance is to allow for the construction of fifty (50') foot tall double masted pole sign.

Recommendation: Staff recommends denial.

Action: Approve, Amend or Deny the request - with or without Staff stipulations

Background: The applicant is requesting a variance from the requirements as written in the Unified Development Ordinance; the variances being, a request for a sign in excess of the allowed sign height and the allowance of a pole sign to be constructed within the GC, General Commercial Zoning District.

The allowed height of "Monument" type signs is twelve (12') feet plus two (2') feet per additional tenant panel up to twenty (20') feet maximum. Furthermore, "Monument signs" are required to have a base that extends along the entire width of the sign.

Pole signs and billboards are expressly prohibited by the Unified Development Ordinance.

Discussion: Staff's report is attached

Financial Impact: NA

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

Agenda Item No. 4

BZA-05-24
VARIANCE REQUEST

Topic: Consider a request for variances from requirements of the Unified Development Ordinance of Bonner Springs. The requested variance is to allow for the construction of fifty (50') foot tall double masted pole sign.

Narrative: The applicant is requesting a variance from the requirements as written in the Unified Development Ordinance; the variances being, a request for a sign in excess of the allowed sign height and the allowance of a pole sign to be constructed within the GC, General Commercial Zoning District.

The allowed height of "Monument" type signs is twelve (12') feet plus two (2') feet per additional tenant panel up to twenty (20') feet maximum. Furthermore, "Monument signs" are required to have a base that extends along the entire width of the sign.

Pole signs and billboards are expressly prohibited by the Unified Development Ordinance.

Presented by: Mark Lee – Community Development Director

Staff Recommendation: Staff recommends the variance be denied due to the restriction as outlined in the Unified Development Ordinance.

Attachments:

Staff Report (5pgs)

Aerial image (included in report)

Response by applicant to BZA questions (2pgs)

Applicants site plan 11x17 (1pg)

STAFF REPORT

Meeting Date: August 20, 2024
Report Date: July 26, 2024

Subject: The applicant is requesting a variance from the requirements as written in the Unified Development Ordinance; the variances being, a request for a sign in excess of the allowed sign height and the allowance of a pole sign to be constructed within the GC, General Commercial Zoning District.

The allowed height of “Monument” type signs is twelve (12’) feet plus two (2’) feet per additional tenant panel up to twenty (20’) feet maximum. Furthermore, “Monument signs” are required to have a base that extends along the entire width of the sign.

Pole signs and billboards are expressly prohibited by the Unified Development Ordinance.

File Number: BZA-05-24

GENERAL INFORMATION

Applicant: QuikTrip Corporation, Inc.
Address: 5725 Foxridge Drive
Mission, KS 66202

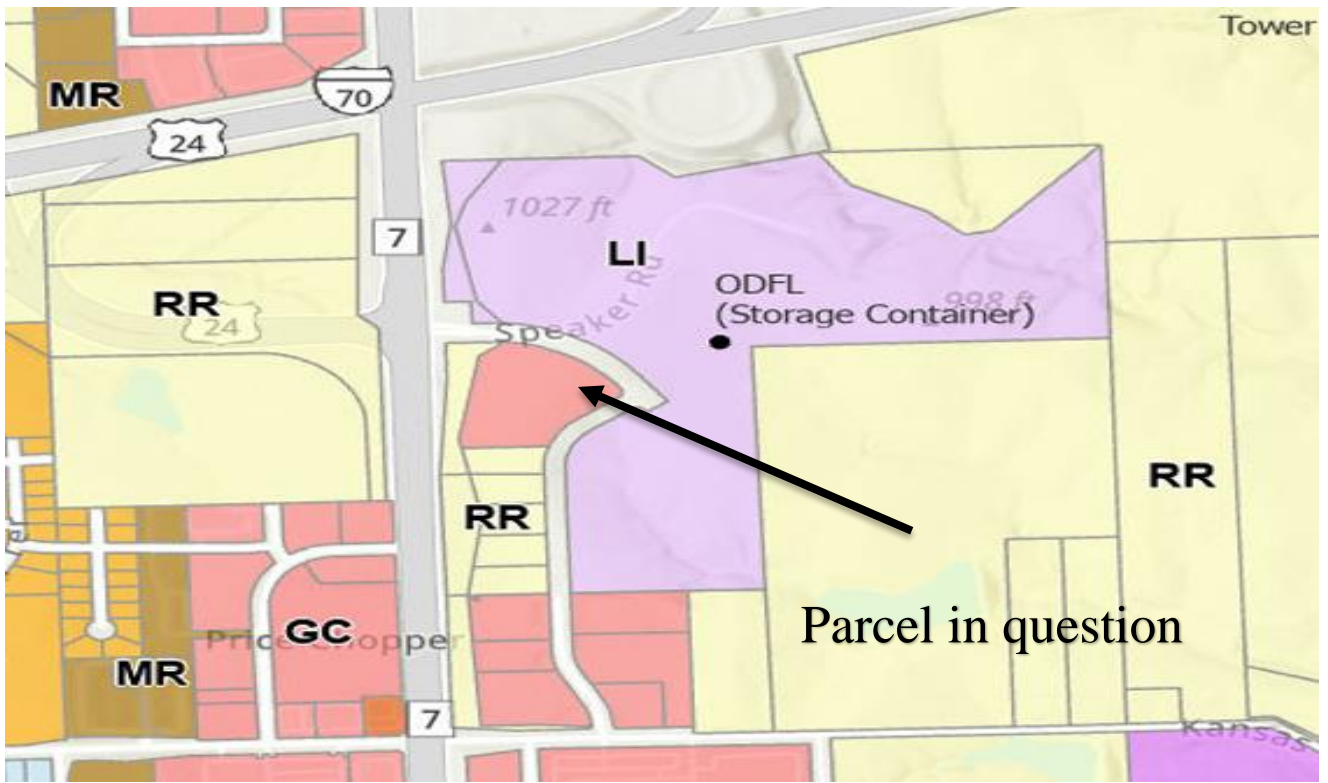
STAFF ANALYSIS

Site Characteristics

Location: 300 S. 129th Street – Lot 7 of the ODFL Bonner Springs Plat
Area of Property: 239,799sqft; 5.50 acres
Zoning: GC; General Commercial District
Future Land Use Map: Commercial

Adjacent Property:

North – LI; Light Industrial (Old Dominion Freight Lines)
South – RR; Rural Residential (reserved for commercial zoning)
East – LI; Light Industrial (Old Dominion Freight Lines)
West – Kansas Highway 7



Narrative/Background

The applicant is requesting a variance from the requirements as written in the Unified Development Ordinance; the variances being, a request for a sign in excess of the allowed sign height and the allowance of a pole sign to be constructed within the GC, General Commercial Zoning District.

The allowed height of “Monument” type signs is twelve (12’) feet plus two (2’) feet per additional tenant panel up to twenty (20’) feet maximum. Furthermore, “Monument signs” are required to have a base that extends along the entire width of the sign.

Pole signs and billboards are expressly prohibited by the Unified Development Ordinance.

Conformance with the Zoning 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.

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.

- a. The topography and significant grade changes around the entire site are conditions unique to this property.*
- b. Dense trees surround our site to the north, east and west directions*

There is no unique condition of this property, it is located along a highly traveled state highway and within close proximity of the Interstate system. While the property is not visible from the Interstate, staff feels as though there are multiple options along the Interstate to advertise. Pole signs have been prohibited by the UDO and previous Zoning Regulations for many, many years. All signs are required to be of Monument Type with a base that extends the entire width and height of the sign. Billboard signs were previously allowed via Special Use Permit in Industrial zoned districts but they have been removed in the UDO.

This request for sign style and height not allowed via the Unified Development Ordinance are created solely by the applicant.

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

- a. This pole sign location has been strategically placed to ensure that it does not prohibit visibility to neighboring properties.*
- b. We placed our sign as close to the Light Industrial District as we could while remaining on our property for maintenance and upkeep purposes. We have kept the high-rise sign as far from residential as possible.*
- c. The Academy Bank directly across from our site has a significantly tall sign and sits close to residential homes.*

Pole signs have been prohibited for many years due to their limited design elements and have been replaced by Monument Style signs. Billboards have been restricted for several years by requiring a Special Use Permit and only being allowed on Industrially zoned property. With the surrounding properties being industrial and commercial in nature, the requested sign may not adversely affect the rights of adjacent property owners but it does not compliment the image Bonner Springs is looking to project.

3. 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.

- a. Our goal is to promote attractive signs which clearly present the visual message in a manner that is compatible with their surroundings.*
- b. The strict application of the provisions of this Chapter will prevent our sign from promptly alerting vehicular traffic to our development causing us a hardship.*

Staff can see no unnecessary hardship being placed upon the property owner(s) with the denial of this variance request. Leavenworth County and the State of Kansas allow for billboards to be placed along the Interstate within their respective jurisdictions, staff would recommend QuikTrip look at this as a viable option. There are other options for signage along the Interstate system to notify travelers of the presence of a QuikTrip.

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.

- a. The granting of this variance will promote public safety by promptly alerting vehicle traffic. This prompt alert will allow vehicle traffic sufficient time to make a safe exit off Highway 70.*
- b. This variance will prove to be a benefit by providing an effective channel of communication while also ensuring signs are designed and proportioned to promote and protect the public health, safety, and general welfare.*
- c. QuikTrip upkeeps and maintains all aspects of our buildings, parking lots and signage to be appealing for the city and to be good neighbors.*
- d. The granting of this variance will not visually or physically obstruct, impede, or interfere with the safe, uniform, and efficient operation of all modes of transportation.*

The requested variance will have an adverse effect on harmonious development of the city; these styles of signs have been prohibited for several reasons over the years. Traveling along Interstate 70 and Kansas Highway 7 through the Bonner Springs City limits, it is distinctly noticeable that these styles of signs are absent (unless allowed previously). There are currently two billboards located within Bonner Springs, both in Industrial districts and allowed via Special Use Permit and little to no use of pole signs, unless allowed via previous Zoning Regulations.

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

- a. *The proposed sign would not stand out and would not be the only sign of this height and size in the area.*
- b. *The granting of this variance is a necessary and reasonable request to allow QuikTrip the opportunity to compete with neighboring fast-food restaurants as well as convenience stores in our industry. Taco Bell, KFC, Waffle House, and Phillips 66 to the north of our site have signs of varying taller heights than what code allows.*
- c. *Granting of this variance will promote attractive signs which will clearly present the visual message in a manner that is compatible with their surroundings.*

The requested variance is opposed to the general spirit and intent of the Unified Development Ordinance. The regulations in place, are there to ensure development is harmonious with its surroundings and throughout the subdivision. As stated previously, these styles and heights of signs have been prohibited and/or restricted for several reasons, some of those reasons being the desire of the city to not plaster the Interstate with billboards and to carry an appearance on signage that is appealing to the citizens and visitors alike.

Conformance with the Future Land Use Plan:

The Future Land Use Plan identifies this area as “Commercial”. The Future Land Use Plan does not address signs or signage but relates the usage of land, the surrounding area is indicated as developing in a commercial manner.

Traffic Impact:

The proposed variance request, whether approved or denied, will have no impact on the current street network.

Drainage Impact:

The proposed variance request, whether approved or denied, will have no impact on drainage.

STAFF RECOMMENDATION

Staff recommends the variance be denied due to the restrictions outlined in the Unified Development Ordinance.

BOARD OPTIONS

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

Dear Mr. Lee,

I am writing you on behalf of QuikTrip Corporation to submit a sign variance request. The High Rise Sign we are proposing will be located as close to the Light Industrial District of Old Dominion Freight Line, near Speaker Road and 129th Street, by our detention area. We are proposing a 50' Tall High-Rise sign that has a sign area of 445 Square Feet that would sit perpendicular to 70 Highway.

1. Condition Unique to the Property – the variance requested arises from such condition which is unique to the property in question, and which is not ordinarily found in the same zone or district; and is not created by an action or actions of the property owner or applicant.
 - a. The topography and significant grade changes around the entire site are conditions unique to this property.
 - b. Dense trees surround our site to the north, east and west directions.
2. No Adverse Effects – the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents.
 - a. This pole sign location has been strategically placed to ensure that it does not prohibit visibility to neighboring properties.
 - b. We placed our sign as close to the Light Industrial District as we could while remaining on our property for maintenance and upkeep purposes. We have kept the high-rise sign as far from residential as possible.
 - c. The Academy Bank directly across from our site has a significantly tall sign and sits close to residential homes.
3. Unnecessary Hardship – the strict application of the provisions of the zoning regulations of which the variance is requested will constitute unnecessary hardship upon the property owner represented in the application
 - a. Our goal is to promote attractive signs which clearly present the visual message in a manner that is compatible with their surroundings.
 - b. The strict application of the provisions of this Chapter will prevent our sign from promptly alerting vehicular traffic to our development causing us a hardship.
4. Public Health, Safety and Welfare – the variance desired will not adversely affect the public healthy, safety, morals, order, convenience, prosperity, or general welfare and
 - a. The granting of this variance will promote public safety by promptly alerting vehicle traffic. This prompt alert will allow vehicle traffic sufficient time to make a safe exit off Highway 70.
 - b. This variance will prove to be a benefit by providing an effective channel of communication while also ensuring signs are designed and proportioned to promote and protect the public health, safety, and general welfare.
 - c. QuikTrip upkeeps and maintains all aspects of our buildings, parking lots and signage to be appealing for the city and to be good neighbors.
 - d. The granting of this variance will not visually or physically obstruct, impede, or interfere with the safe, uniform, and efficient operation of all modes of transportation.

5. Ordinance Intent – the granting of the variance desired will not be opposed to the general spirit and intent of the zoning regulations
 - a. The proposed sign would not stand out and would not be the only sign of this height and size in the area.
 - b. The granting of this variance is a necessary and reasonable request to allow QuikTrip the opportunity to compete with neighboring fast-food restaurants as well as convenience stores in our industry. Taco Bell, KFC, Waffle House, and Phillips 66 to the north of our site have signs of varying taller heights than what code allows.
 - c. Granting of this variance will promote attractive signs which will clearly present the visual message in a manner that is compatible with their surroundings.

QuikTrip appreciates you considering our request and look forward to hearing your decision. We are excited to bring the second QT to the great city of Bonner Springs and know the sales tax dollars will be used well to make the city even better than it already is.

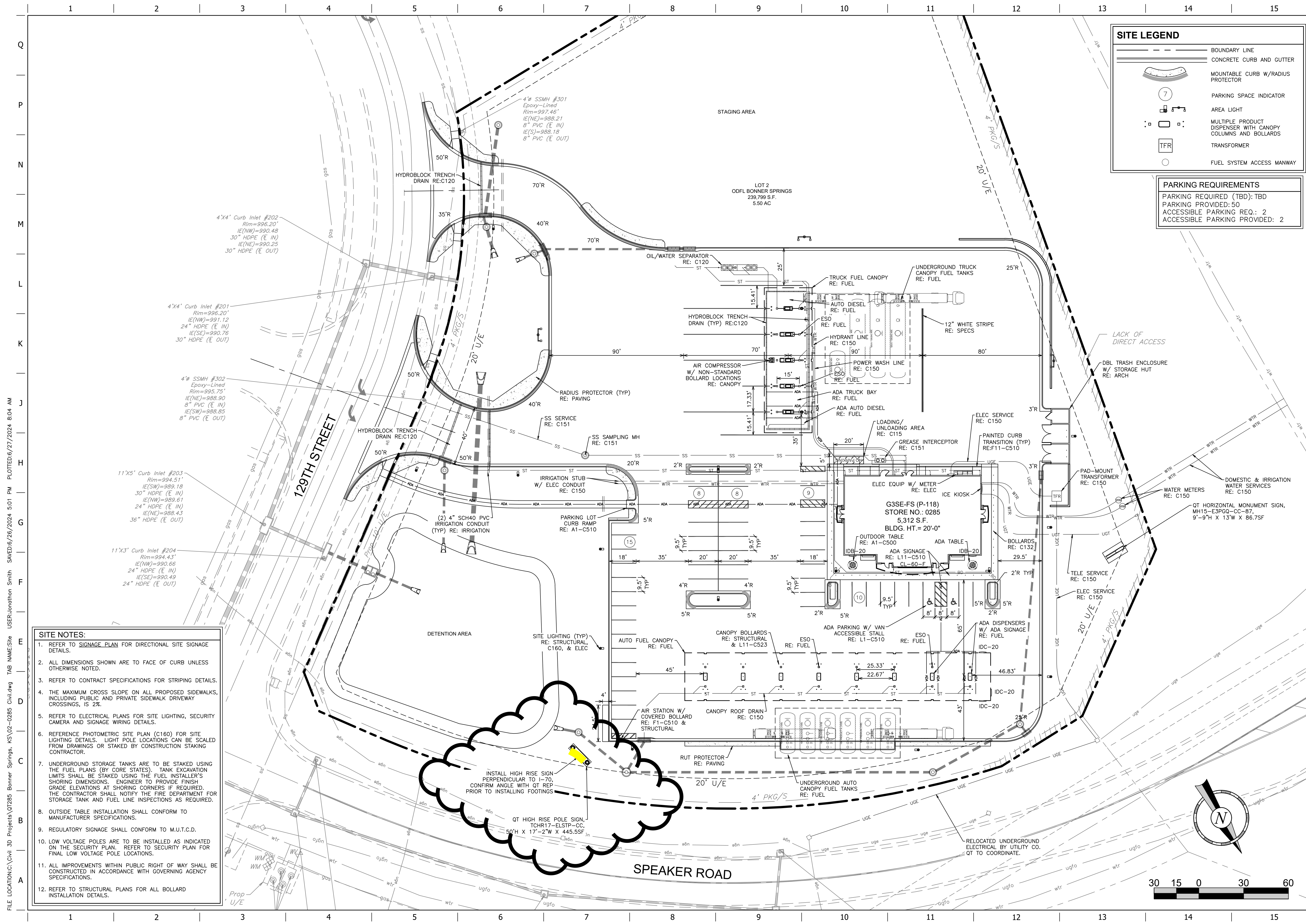
Sincerely,



Tara Limbach
Quiktrip Real Estate Project Manager



QuikTrip Corporation | tlimbach@quiktrip.com
O: 913-905-2070 | c:816-729-1393 | f: 918-994-3558
5725 Foxridge Drive, Mission, KS 66202-2401

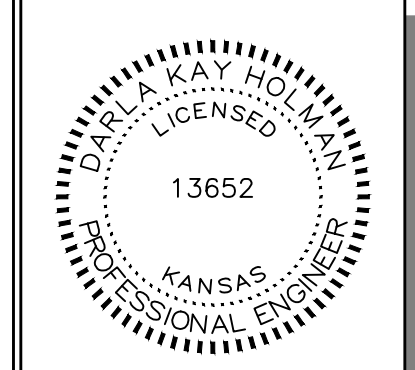


SITE LEGEND

- BOUNDARY LINE
- CONCRETE CURB AND GUTTER
- MOUNTABLE CURB W/RADIUS PROTECTOR
- PARKING SPACE INDICATOR
- AREA LIGHT
- MULTIPLE PRODUCT DISPENSER WITH CANOPY COLUMNS AND BOLLARDS
- TRANSFORMER
- FUEL SYSTEM ACCESS MANWAY

PARKING REQUIREMENTS

PARKING REQUIRED (TBD): TBD
 PARKING PROVIDED: 50
 ACCESSIBLE PARKING REQ.: 2
 ACCESSIBLE PARKING PROVIDED: 2



PROJECT NO.: 02-0285

MOG
 Midwest Design Group
 Kansas City
 PO Box 860015
 Shawnee, KS 66286-0015
 P 913.248.9385

QuikTrip No. 0285
 KS HWY 7 & SPEAKER RD
 BONNER SPRINGS, WYANDOTTE CO, KS



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PROTOTYPE: P-114
 DIVISION: 02
 VERSION: 001
 DESIGNED BY: DKH
 DRAWN BY: CSH
 REVIEWED BY: TRW

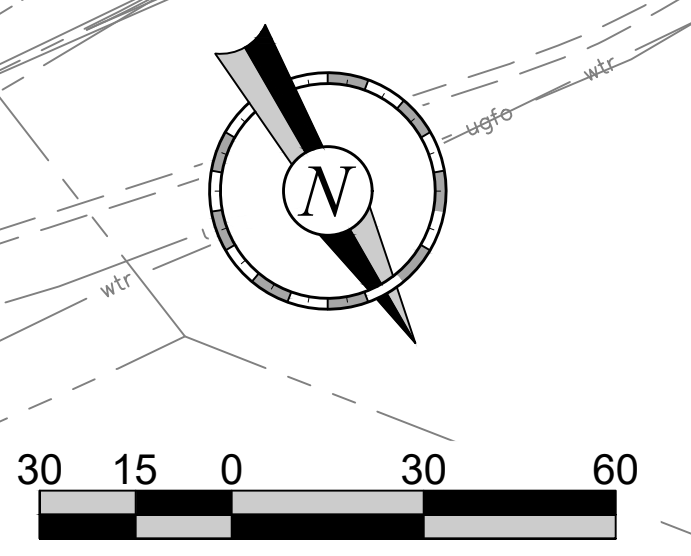
REV	DATE	DESCRIPTION

ORIGINAL ISSUE DATE: 05/28/2024

SHEET TITLE:
 SITE PLAN

SHEET NUMBER:
 C100

- SITE NOTES:**
- REFER TO SIGNAGE PLAN FOR DIRECTIONAL SITE SIGNAGE DETAILS.
 - ALL DIMENSIONS SHOWN ARE TO FACE OF CURB UNLESS OTHERWISE NOTED.
 - REFER TO CONTRACT SPECIFICATIONS FOR STRIPING DETAILS.
 - THE MAXIMUM CROSS SLOPE ON ALL PROPOSED SIDEWALKS, INCLUDING PUBLIC AND PRIVATE SIDEWALK DRIVEWAY CROSSINGS, IS .2%.
 - REFER TO ELECTRICAL PLANS FOR SITE LIGHTING, SECURITY CAMERA AND SIGNAGE WIRING DETAILS.
 - REFERENCE PHOTOMETRIC SITE PLAN (C160) FOR SITE LIGHTING DETAILS. LIGHT POLE LOCATIONS CAN BE SCALED FROM DRAWINGS OR STAKED BY CONSTRUCTION STAKING CONTRACTOR.
 - UNDERGROUND STORAGE TANKS ARE TO BE STAKED USING THE FUEL PLANS (BY CORE STATES). TANK EXCAVATION LIMITS SHALL BE STAKED USING THE FUEL INSTALLER'S SHORING DIMENSIONS. ENGINEER TO PROVIDE FINISH GRADE ELEVATIONS AT SHORING CORNERS IF REQUIRED. THE CONTRACTOR SHALL NOTIFY THE FIRE DEPARTMENT FOR STORAGE TANK AND FUEL LINE INSPECTIONS AS REQUIRED.
 - OUTSIDE TABLE INSTALLATION SHALL CONFORM TO MANUFACTURER SPECIFICATIONS.
 - REGULATORY SIGNAGE SHALL CONFORM TO M.U.T.C.D.
 - LOW VOLTAGE POLES ARE TO BE INSTALLED AS INDICATED ON THE SECURITY PLAN. REFER TO SECURITY PLAN FOR FINAL LOW VOLTAGE POLE LOCATIONS.
 - ALL IMPROVEMENTS WITHIN PUBLIC RIGHT OF WAY SHALL BE CONSTRUCTED IN ACCORDANCE WITH GOVERNING AGENCY SPECIFICATIONS.
 - REFER TO STRUCTURAL PLANS FOR ALL BOLLARD INSTALLATION DETAILS.



FILE LOCATION: C:\Civil_3D\Projects\C10285 Bonner Springs, KS\02-0285 Civil.dwg TAB NAME: Site USER: Jonathan Smith SAVED: 06/26/2024 5:01 PM PLOTTED: 06/27/2024 8:04 AM

Memorandum

Date: September 17, 2024
To: Mayor and City Council
From: Mark Lee

Subject: BZA-06-24 - Variance Requests - Consider a request for variances from requirements of the Unified Development Ordinance of Bonner Springs. The requested variance is to allow for the construction of single family dwelling within the required yard setbacks.

Recommendation: Table item

Action: Staff requests that this item be tabled. Anomalies were found while working towards the completion of the staff report that will need to be addressed prior to the variance moving forward.

Background: Several items have come to light that need to be addressed prior to a variance hearing. These items were discovered as Staff worked on the agenda item and staff report.

Discussion:

Financial Impact: