



City of Bonner Springs

KANSAS

Tuesday, January 21, 2025

200 East Third Street, Bonner Springs, KS 66012
Bonner Springs City Hall
Council Chambers

PLANNING COMMISSION MEETING - 7:00 p.m.

The meeting is open to the public.

PLANNING COMMISSION MEETING - 6:30 PM

CALL TO ORDER - ROLL CALL

CONSENT AGENDA - APPROVAL OF MINUTES

1. Approval of minutes from the November 19, 2024 meeting

Action Make a motion to Approve, Amend or Deny the minutes as presented.

Recommendation Staff recommends approval of the minutes as written.

Documents:

1. 11.19.24 PC Meeting Minutes

OLD BUSINESS

NEW BUSINESS

1. PUBLIC HEARING - Rezoning – BSRZ-05-24; 13040 Cannan Drive

Action Make a motion to Approve, Amend or Deny the requested rezoning with staff's stipulations.

Recommendation Staff recommends the Planning Commission **approve** the requested zoning change for 13040 Cannan Drive from GC (General Commercial District) to HC (Highway Commercial) as indicated on the application, with the following staff stipulations.

1. A site plan shall be submitted that indicates customer parking and parking for vehicles that are for sale.
2. The maximum number of vehicles located upon the lot for sale shall not exceed thirty-one (31) vehicles.
3. Any improvements undertaken by the applicant shall be subject to building permits, if required.
4. In addition to the recommendations/stipulations listed within this staff report, the developer/property owner agrees to abide by the Unified Development Ordinance of the City of Bonner Springs

Documents:

1. Complete Agenda Item-13040 Cannan Drive - BSRZ-03-24

2. PUBLIC HEARING - Special Use Permit – SUP-03-24 – 23920 W. 43rd Street - Bonner Springs Contractor Garages

Action Make a motion to Approve, Amend or Deny the requested Special Use Permit.

Recommendation Staff recommends approval of the Special Use Permit; SUP-04-24 with the following conditions:

1. A storm water drainage report shall be prepared, reviewed and approved by the City Engineer
2. A site and Landscape Plan shall be submitted and reviewed for approval prior to building permits being issued.
3. Any area on the site used for outdoor storage shall adhere to the requirements in the Unified Development Ordinance as listed in the Use Table and stated in Section 2.06.
4. Proposed site improvement and infrastructure plans shall be submitted to the City for approval prior to construction.
5. Infrastructure installation, including sanitary service, water service and other utilities shall be installed and maintained by the developer/owner of the property (privately).
6. No portion of these buildings shall be utilized for residential

- purposes.
7. This Special Use Permit does not allow for the facility to be utilized as an outdoor self-storage facility.
 8. Building permits shall be required for any and all improvements to the structures, including initial construction and interior tenant finishes.
 9. The developer shall be responsible for all associated permit and review fees.
 10. The Special Use Permit shall run in perpetuity with the parcel, unless revoked, amended or reapplied for by another user.
 11. The Special Use Permit shall expire if the land on which the use is operated is sold, or if leased, upon termination of the lease; and
 12. The Special Use Permit shall expire when the operation of the approved use is discontinued; and
 13. The Special Use Permit shall not transfer to another person or to a different location; and
 14. Special Use Permits may be revoked by the Governing Body for violation of and/or non-compliance with the Municipal Code of Ordinances of the City of Bonner Springs, Kansas.
 15. The revocation of the Special Use Permit may occur for a violation of the Unified Development Ordinance as provided in Chapter 2; Section 2.03.B.3.d or a violation of any or all of the conditions set out in the Special Use Permit

Documents:

1. Complete Agenda Item - SUP-04-24- Contractor Garages

3. PUBLIC HEARING – Unified Development Ordinance Amendment – BSZO-04-24 - City of Bonner Springs

Action	Make a motion to Approve, Amend or Deny the requested amendment.
Recommendation	Staff recommends approval of the ENT, Entertainment and Amusement Park District, as provided by staff.

Documents:

1. Complete Agenda Item - BSZO-04-24 - ENT Zoning District Cover Page

4. PUBLIC HEARING - Rezoning – BSRZ-04-24; 720 N. 118th Street, 11801, 12215 and 12301 State Avenue, – Destination KCK

Action	At the request of the applicant, with staffs concurrence; this item was requested to be removed. In order to move forward, staff and the applicant agreed to wait for action to be taken on the previous agenda item involving the creation of the ENT; Entertainment and Amusement Park District. No action is to be taken on this item at this evenings (1/21) meeting.
Recommendation	No action is to be taken at this time. Re-publication of the hearing notice will occur prior to the next required public hearing regarding the potential rezoning of the above stated properties, new letters to surrounding property owners will be mailed as well.

Documents:

OPEN AGENDA

COMMUNITY DEVELOPMENT DIRECTOR'S REPORT

- February meeting a. BZA – setback variance request in Lake of the Forest b. Replat for 1715/1725 S. 138th Street c. Rezoning for Mattel Adventureland Theme Park(?) d. SUP renewal for APAC – Bonner Quarry

ADJOURNMENT



City of Bonner Springs

KANSAS

Planning Commission Minutes - Regular Meeting - November 19, 2024

PLANNING COMMISSION MEETING - 6:30 PM -

CALL TO ORDER - ROLL CALL - Vincint Bombardier was present via Phone and Jason Cruse was absent.

CONSENT AGENDA -

Approval of the minutes of the October 15, 2024 meeting. - Lloyd Mesmer moved and Larry Clark seconded to approve the minutes of the October 15, 2024 Planning Commission Meeting as presented.

OLD BUSINESS -

NEW BUSINESS -

Request for Rezoning - BSRZ-03-24 - Happy Hearts Working, Inc. - Paul Zeps motioned Lloyd Mesmer seconded to open the Public Hearing for BSRZ-03-24 Happy Hearts Working Inc, 144 N Nettleton Ave at 6:33 p.m.

Carol Farnsworth 15901 158th St. Bonner Springs, KS, Director of Happy Hearts Working. The current program has been located at 15901 158th St for the last 5 1/2 years. Providing services for adults 18 and older who need a little bit of extra support for daily living skills building, job skill building, social skill development and volunteer work. Our desire is to move directly into the community so that we can be fully integrated into the community. Our associates are well known in the Bonner Springs and Greater Kansas City area. We partner with over 25 area schools and businesses for paid jobs, volunteer opportunities, and social skill activities. They can not drive, so Tiblow Transit or our two vehicles will transport them to and from their daily activities. The daily activities are from 8:30-3:30 and will not impact the typical flow of traffic or sidewalks during a typical day. Our associates are adults and desire semi-independent living and just need a little extra support. There would be 4 individual apartments on the second floor, and they would reside there during the evenings and weekends. They long to live in a community just like you and me. We have nine in our program and will remain a small program. Thank you

The following spoke against the item rezoning.

Bob Bradbury 144 N Nettleton, directly south of the building under discussion here. I'm not opposed to the project, I am opposed to the rezone. It could be done as a special use permit in the existing zone and then, 10 or 20 years from now, when she is no longer there, then the property reverts back to commercial mixed use like it is now. I don't see any reason to change it. It's spot zoning and spot zoning is usually frowned upon. I would rather see it as a special use permit that way. When she is gone and someone wants to put commercial back in there, they have to undo what we are doing here tonight. Also, every person that has ever been in that building uses my parking lot. I do have other concerns about that, but it doesn't make sense to zone it residential.

Larry Clark asked Mark Lee to respond to the request for a special use permit.

Mark Lee stated that it is not allowed as a special use within our zoning regulations currently. It has to go through the rezoning in order to have this use allowed in it. Mark Lee then read a part of the staff report about character of immediate area. It refers to the zoning in which that area used to be. The area surrounding the subject property is a mix of two zoning districts. Both zoning districts allow for residential occupancy but only the MR mixed residential allows for group homes. While a large portion of the zoning surrounding the property is mixed commercial, the vast majority of the area is residential in nature. Under the previous zoning ordinance group homes were considered single family dwellings and would have been allowed under those previous zoning regulations in the MX use district. Previous zoning regulation language stated Group home: any dwelling occupied by more than 10 persons including 8 or fewer persons with a disability and not related by blood or marriage. etc.

Paul Zeps stated a special use permit is not an option.

More discussion about the residential zoning in the area.

Paul Zeps had a parking question. Does the amount of parking contained on this plat of property support the amount of

personnel it's going to take to run the group home? Mark Lee, there is a large parking lot at the back to the rear of the property.

Carol Farnsworth came back and stated that they would be parking in the back or on the street in front of their building.

Larry Clark motioned Paul Zeps seconded to close the Public Hearing for BSRZ-03-24 Happy Hearts Working Inc, 144 N Nettleton Ave at 6:48 p.m.

Larry Clark moved Vincent Bombardier seconded to approve BSRZ-03-24 Happy Hearts Working Inc. with staff stipulations.

Discussion by Lloyd Mesmer stating we need to understand that what these women are doing is a necessity for our community.

Special Use Permit - SUP-03-24 - Lloyd Mesmer motioned Larry Clark seconded to open the Public Hearing for Special use Permit SUP-03-24 at 6:53 p.m.

No one spoke for the matter.

Call for anyone speaking against the matter.

Robd Phillips 1134 S 130th St. He is opposed because this is the front door of the City. The tower is 120' and the antenna is going to make it 130'.

Guy Tiner 924 S 132nd St. He owns the property south of there, and he thinks the tower needs to be replaced or rethought so it wouldn't be such an eyesore and come up with a better idea.

Staff stated it is an allowed special use as long as they meet the criteria.

Evergy representative, Larry Louk 26625 W 103rd St Olathe, KS. The size and height of the tower is a shorter tower than the other towers in town. This is a private facility and will not be leased out to other carriers. It is the sole use of communications for Evergy personnel, operations, safety and security. They're putting in a whole private network of private LTE sites. Most of the sites are going on their existing towers to fill in gaps. This site, given its conditions as far as topography and meeting the setbacks of 137', it is situated in the only place it can go on this piece of property which has been owned by Evergy, formally Westar, for years. We believe we meet the requirements for the Special Use Permit. We would ask for approval of the site.

Larry Clark motioned Lloyd Mesmer seconded to close the Public Hearing at 7:05 p.m.

Lloyd Mesmer motioned Paul Zeps seconded to approve Special Use Permit SUP-03-24.

Replat - FP-04-24 - Replat for The 120 on Oak - Paul Zeps motioned and Vincent Bombardier seconded to approve the Replat for the 120 on Oak with staff stipulations as written.

Paul Zeps asked why the replant? Staff sent the plat out to utility companies for review. They found out that Evergy has owned it since 1940 so we will clean it up and replant into one lot the way it should be.

OPEN AGENDA - None

COMMUNITY DEVELOPMENT DIRECTOR'S REPORT - Mark Lee stated he is working on an Entertainment Zoning District. It is strongly revolving around Mattel. I will assign a size or acreage limit, ride height, hotel height. He also talked about the trail, walking and connectivity plan and that funding was the next step. The plan was adopted.

The quarry Special Use Permit expires next year.

ADJOURNMENT - 7:19 p.m.

Memorandum

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

Subject: PUBLIC HEARING - Rezoning – BSRZ-05-24; 13040 Cannan Drive

Recommendation: Staff recommends the Planning Commission **approve** the requested zoning change for 13040 Cannan Drive from GC (General Commercial District) to HC (Highway Commercial) as indicated on the application, with the following staff stipulations.

1. A site plan shall be submitted that indicates customer parking and parking for vehicles that are for sale.
2. The maximum number of vehicles located upon the lot for sale shall not exceed thirty-one (31) vehicles.
3. Any improvements undertaken by the applicant shall be subject to building permits, if required.
4. In addition to the recommendations/stipulations listed within this staff report, the developer/property owner agrees to abide by the Unified Development Ordinance of the City of Bonner Springs

Action: Make a motion to Approve, Amend or Deny the requested rezoning with staff's stipulations.

Background: The property at 13040 Cannan Drive has been zoned commercial since the areas inception as a commercial development. Prior to the adoption of the Unified Development Ordinance the property was zoned as C-2; General Business District. This zoning designation allowed for 'Auto Repair' and 'Automobile Parts & Supplies – Retail'. The zoning district of C-S; Highway Service District allowed for 'Auto Sales and Service'. The area in general was previously zoned as C-2; General Business.

The current zoning district of GC; General Commercial is described as - *providing for more intensive commercial Development along established or planned thoroughfares, exclusive of residential areas.*

The requested zoning district of HC; Highway Commercial District is described as - *providing for commercial Development targeted towards regional markets along significant thoroughfares throughout the City.*

Staff would lean towards this area fitting within either zoning district, the majority of difference between the two would be one of two things, minimum lot size and the intensity of use; GC = 6,000sqft minimum vs HC – 15,000sqft minimum. The parcel in question is 37,763sqft. and meets all other requirements of the HC, Highway Commercial District.

Discussion: Staff's report is attached.

Financial Impact: NA

City of Bonner Springs

Agenda Item Cover Sheet

Agenda Item No. 4

BSRZ-05-24
REZONING

Topic: **PUBLIC HEARING – Request for Rezoning - BSRZ-05-24;** 13040 Cannan Drive - A request to rezone the property at 13040 Cannan Drive from GC; General Commercial District to HC; Highway Commercial District to utilize the property as a used car dealership.

Narrative:

The property at 13040 Cannan Drive has been zoned commercial since the areas inception as a commercial development. Prior to the adoption of the Unified Development Ordinance the property was zoned as C-2; General Business District. This zoning designation allowed for 'Auto Repair' and 'Automobile Parts & Supplies – Retail'. The zoning district of C-S; Highway Service District allowed for 'Auto Sales and Service'. The area in general was previously zoned as C-2; General Business.

The current zoning district of GC; General Commercial is described as - *providing for more intensive commercial Development along established or planned thoroughfares, exclusive of residential areas.*

The requested zoning district of HC; Highway Commercial District is described as - *providing for commercial Development targeted towards regional markets along significant thoroughfares throughout the City.*

Presented by: Mark Lee - Community Development Director

Staff Recommendation:

Staff recommends the Planning Commission approve the requested zoning change for 13040 Cannan Drive from GC (General Commercial District) to HC (Highway Commercial District) as requested by the applicant.

Attachments:

Staff Report (5pgs)

Current zoning areas (included within staff's report)

Site rendering (1pg)

**A REQUEST TO REZONE THE PROPERTY AT 13040 CANNAN DRIVE FROM GC;
GENERAL COMMERCIAL DISTRICT TO HC; HIGHWAY COMMERCIAL DISTRICT TO
UTILIZE THE PROPERTY AS A USED CAR DEALERSHIP.**

MEETING DATE: January 3, 2025
REPORT WRITTEN: January 21, 2025
APPLICATION #: BSRZ-05-24

APPLICANT:
Vance Tran
14103 Midland Drive
Shawnee, KS 66216

ENGINEER
None needed

REQUEST:

The applicant is requesting approval to rezone 13040 Cannan Drive. The request is to rezone from GC; General Commercial District to HC; Highway Commercial District. The property in question is located west of Kansas Highway 7 in the Cannan Center commercial subdivision.

COMPREHENSIVE PLAN/FUTURE LAND USE MAP:

The Future Land Use Map currently designates this property as Commercial.

SURROUNDING ZONING:

- North GC; General Commercial District
- South GC; General Commercial District
- East GC; General Commercial District
- West GC; General Commercial District

BACKGROUND:

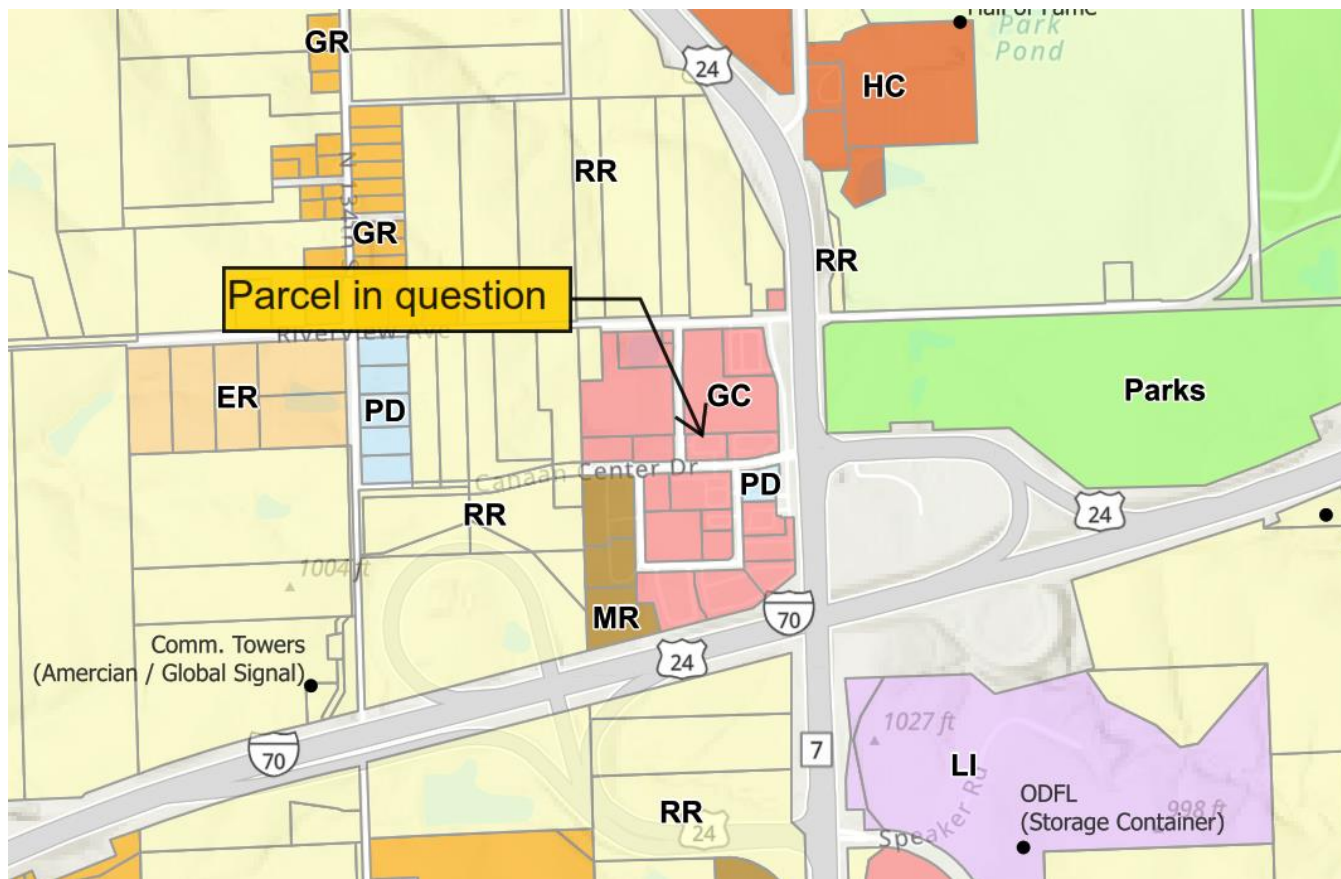
The property at 13040 Cannan Drive has been zoned commercial since the areas inception as a commercial development. Prior to the adoption of the Unified Development Ordinance the property was zoned as C-2; General Business District. This zoning designation allowed for 'Auto Repair' and 'Automobile Parts & Supplies – Retail'. The zoning district of C-S; Highway Service District allowed for 'Auto Sales and Service'. The area in general was previously zoned as C-2; General Business.

The current zoning district of GC; General Commercial is described as - *providing for more intensive commercial Development along established or planned thoroughfares, exclusive of residential areas.*

The requested zoning district of HC; Highway Commercial District is described as - *providing for commercial Development targeted towards regional markets along significant thoroughfares throughout the City.*

Staff would lean towards this area fitting within either zoning district, the majority of difference between the two would be one of two things, minimum lot size and the intensity of use; GC = 6,000sqft minimum vs HC – 15,000sqft minimum. The parcel in question is 37,763sqft. and meets all other requirements of the HC, Highway Commercial District.

THE CURRENT ZONING CONFIGURATION:



THE ZONING AND USES OF THE PROPERTY NEARBY –

- North GC; General Commercial District
- South GC; General Commercial District
- East GC; General Commercial District
- West GC; General Commercial District

REZONING:

Section 2.03.A.2.b of the Bonner Springs Zoning Regulations and the *Golden* case, the factors to be used in determining approval or denial of an application for rezoning are as follows:

- The compatibility of the existing and proposed zoning conditions to the Comprehensive Plan;
- The character of the neighborhood or built environment surrounding the affected property;
- The compatibility of the zoning and allowed uses of surrounding properties;
- The suitability of the affected property to its existing and proposed zoning conditions;
- The extent to which removal or Alteration of the existing zoning designation will negatively impact nearby property;
- The impact on the general health, safety, and welfare of the public caused by the existing and proposed zoning conditions;
- The professional recommendations of the City's staff and Development Review Team;
- The availability and adequacy of required public improvements to serve the existing and proposed zoning conditions.
- The impacts the proposed zoning condition will have on the built and natural environment, including but not limited to storm water runoff, water, air, and noise pollution, lighting, or other adverse impacts; and
- The ability of the affected Parcel to satisfy the subdivision regulations and Development Standards of these regulations under the proposed zoning conditions.

CHARACTER OF THE IMMEDIATE AREA –

The area immediately surrounding the subject property is commercial in nature, with multi-family housing being located one and half blocks to the southwest. To the east is the US Bank branch, the south is El Potro Mexican restaurant and directly north is vacant commercial ground.



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

The property is currently the location of Bonner Springs Auto Repair, the Future Land Use Map reflects the area as being commercial. Bonner Springs has envisioned this area as a commercial hub since its initial development. With the property being commercial in nature, the issue at hand is accessibility and amount of traffic that could be generated by such as a used car lot or similar use.

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

This area has long been envisioned as developing in a commercial nature. Rezoning the property to another commercial use would not detrimentally affect properties nearby, it in fact may generate more traffic for the other surrounding businesses. With properties in the immediate area being a mix of commercial uses, the requested rezoning would align with those uses.

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

The subject property is not vacant and has been utilized as an auto repair facility since it was constructed.

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

By changing the current zoning from one commercial zoning to the other there is expected to be no change to the public health, safety and welfare, the amount of traffic generated by the proposed business will not be a large enough increase to create an issue. By providing a variety of services within this area, it should be a valuable boost to the area and an increase in revenue. If the zoning change were not approved there would be a financial hardship placed upon the current property owner, as it is staff understanding the current owner is looking to vacate and is looking for potential buyers.

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

The Comprehensive Plan's Future Land Use Map currently identifies the subject property as Commercial. The requested zoning conforms to the Comprehensive Plan by providing commercial uses located along major thoroughfares and intersections. The Comprehensive Plan only designates differences between the Central Commercial District (downtown) and General Business District (all others).

The Comprehensive Plan states:

General Business District: General Business District Centers provide a mix of retail and commercial services in a concentrated and unified setting that serves the local community and may also provide a limited draw for the surrounding region. These centers are typically anchored by a larger national chain, between 120,000 and 250,000 square feet, which may provide sales of a variety of general merchandise, grocery, apparel, appliances, hardware, lumber, and other household goods. Centers may also be anchored by smaller uses, such as a grocery store, and may include a variety of smaller, complementary uses, such as restaurants, specialty stores (such as books, furniture, computers, audio, office supplies, or clothing stores), professional offices and health services. The concentrated, unified design of a community commercial center allows it to meet a variety of community needs in a “one-stop shop” setting, minimizing the need for multiple vehicle trips to various commercial areas around the community.

General Business District Centers should be located at the intersection of one or more major arterial streets, specifically along Kansas Highway 7, 32 and U.S. 24/40. They may be located adjacent to higher density residential neighborhoods and may occur along major highway corridors. Large footprint retail buildings (often known as “big-box” stores) shall only be permitted in areas of the City where adequate access and services can be provided.

RECOMMENDATION OF PROFESSIONAL STAFF-

Staff would recommend approval of the requested rezoning of 13040 Cannan Drive from GC (General Commercial) to HC (Highway Commercial) as requested.

(CONT. NEXT PAGE)

STAFF RECOMMENDATION:

Staff recommends the Planning Commission approve the requested zoning change for 13040 Cannan Drive from GC (General Commercial District) to HC (Highway Commercial) as indicated on the application, with the following staff stipulations.

1. A site plan shall be submitted that indicates customer parking and parking for vehicles that are for sale.
2. The maximum number of vehicles located upon the lot for sale shall not exceed thirty-one (31) vehicles.
3. Any improvements undertaken by the applicant shall be subject to building permits, if required.
4. In addition to the recommendations/stipulations listed within this staff report, the developer/property owner agrees to abide by the Unified Development Ordinance of the City of Bonner Springs

If approved, this item will move to the Governing Body. The request will be presented at the February 10, 2025 regular meeting for final action.



Memorandum

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

Subject: PUBLIC HEARING - Special Use Permit – SUP-03-24 – 23920 W. 43rd Street - Bonner Springs Contractor Garages

Recommendation: Staff recommends approval of the Special Use Permit; SUP-04-24 with the following conditions:

1. A storm water drainage report shall be prepared, reviewed and approved by the City Engineer
2. A site and Landscape Plan shall be submitted and reviewed for approval prior to building permits being issued.
3. Any area on the site used for outdoor storage shall adhere to the requirements in the Unified Development Ordinance as listed in the Use Table and stated in Section 2.06.
4. Proposed site improvement and infrastructure plans shall be submitted to the City for approval prior to construction.
5. Infrastructure installation, including sanitary service, water service and other utilities shall be installed and maintained by the developer/owner of the property (privately).
6. No portion of these buildings shall be utilized for residential purposes.
7. This Special Use Permit does not allow for the facility to be utilized as an outdoor self-storage facility.
8. Building permits shall be required for any and all improvements to the structures, including initial construction and interior tenant finishes.
9. The developer shall be responsible for all associated permit and review fees.
10. The Special Use Permit shall run in perpetuity with the parcel, unless revoked, amended or reapplied for by another user.
11. The Special Use Permit shall expire if the land on which the use is operated is sold, or if leased, upon termination of the lease; and
12. The Special Use Permit shall expire when the operation of the approved use is discontinued; and
13. The Special Use Permit shall not transfer to another person or to a different location; and
14. Special Use Permits may be revoked by the Governing Body for violation of and/or non-compliance with the Municipal Code of Ordinances of the City of Bonner Springs, Kansas.
15. The revocation of the Special Use Permit may occur for a violation of the Unified Development Ordinance as provided in Chapter 2; Section 2.03.B.3.d or a violation of any or all of the conditions set out in the Special Use Permit

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

Background: The subject property is located at 23920 W. 43rd Street, abutting Coleman Equipment to the east.

In the City's Unified Development Ordinance, Section 2.03.B states –

(1) The purpose of this Section 2.03.B is to provide a process for reviewing and approving Special Use Permits (SUPs) when required by the Table of Allowed Uses established in Section 2.05 below.

(2) Uses requiring a SUP are dissimilar to other uses permitted within a given zoning district, or are uses in which the product, process, mode of operation, or nature of the use may prove detrimental to the health, safety, or welfare of the surrounding built and natural environment

Special Use Permits can allow deviations from the approved Zoning Regulations by placing more stringent requirements upon them and upon recommendation by the Planning Commission and approval by the Governing Body. Industrial zoning does not typically lend itself to the possible use as retail space, it is staff's understanding that the proposed uses will be more "trade" oriented than retail, but it would not preclude that use. Any outdoor storage that would or could occur would be seen as a similar use to other industrial in the immediate area, it would though require screening as listed in the Unified Development Ordinance.

Discussion: Staff's report is attached.

Financial Impact: NA

City of
Bonner Springs
Agenda Item Cover Sheet

Agenda Item No. 5

CASE #: SUP-04-24
SPECIAL USE PERMIT

Topic: **PUBLIC HEARING-** The applicant is requesting approval of a Special Use Permit to allow for the construction of contractor garages that would allow for the storage of materials indoors as well as provide work space for individual businesses as permitted within the Unified Development Ordinance. The site will consist of 48 – 20’ x 50’ spaces located within 4 larger buildings measuring 220’ in length x 50’ in depth.

Narrative:

The subject property is located at 23920 W. 43rd Street, abutting Coleman Equipment to the east.

In the City’s Unified Development Ordinance, Section 2.03.B states –

(1) The purpose of this Section 2.03.B is to provide a process for reviewing and approving Special Use Permits (SUPs) when required by the Table of Allowed Uses established in Section 2.05 below.

(2) Uses requiring a SUP are dissimilar to other uses permitted within a given zoning district, or are uses in which the product, process, mode of operation, or nature of the use may prove detrimental to the health, safety, or welfare of the surrounding built and natural environment

Special Use Permits can allow deviations from the approved Zoning Regulations by placing more stringent requirements upon them and upon recommendation by the Planning Commission and approval by the Governing Body. Industrial zoning does not typically lend itself to the possible use as retail space, it is staff’s understanding that the proposed uses will be more “trade” oriented than retail, but it would not preclude that use. Any outdoor storage that would or could occur would be seen as a similar use to other industrial in the immediate area, it would though require screening as listed in the Unified Development Ordinance.

Presented by: Mark Lee – Community Development Director

Staff Recommendation:

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

Attachments:

Staff Report (6pgs)
Site Rendering (1pg)

CONSIDER APPROVAL OF A SPECIAL USE PERMIT TO ALLOW FOR THE CONSTRUCTION OF CONTRACTOR GARAGES, ALLOWING FOR THE STORAGE OF MATERIALS INDOORS (WAREHOUSING), LIMITED OUTDOOR STORAGE, AS WELL AS PROVIDE WORK SPACE FOR INDIVIDUAL BUSINESSES AS PERMITTED WITHIN THE UNIFIED DEVELOPMENT ORDINANCE AT 23920 W. 43RD STREET WITHIN THE LI, LIGHT INDUSTRIAL ZONING DISTRICT.

MEETING DATE: January 21, 2025
REPORT WRITTEN: August 27, 2024 – revised January 2, 2025
CASE NUMBER: SUP-04-24

APPLICANT:

- Daniel Earhart
3705 W. 52nd Place
Roeland Park, KS 66205

REQUEST:

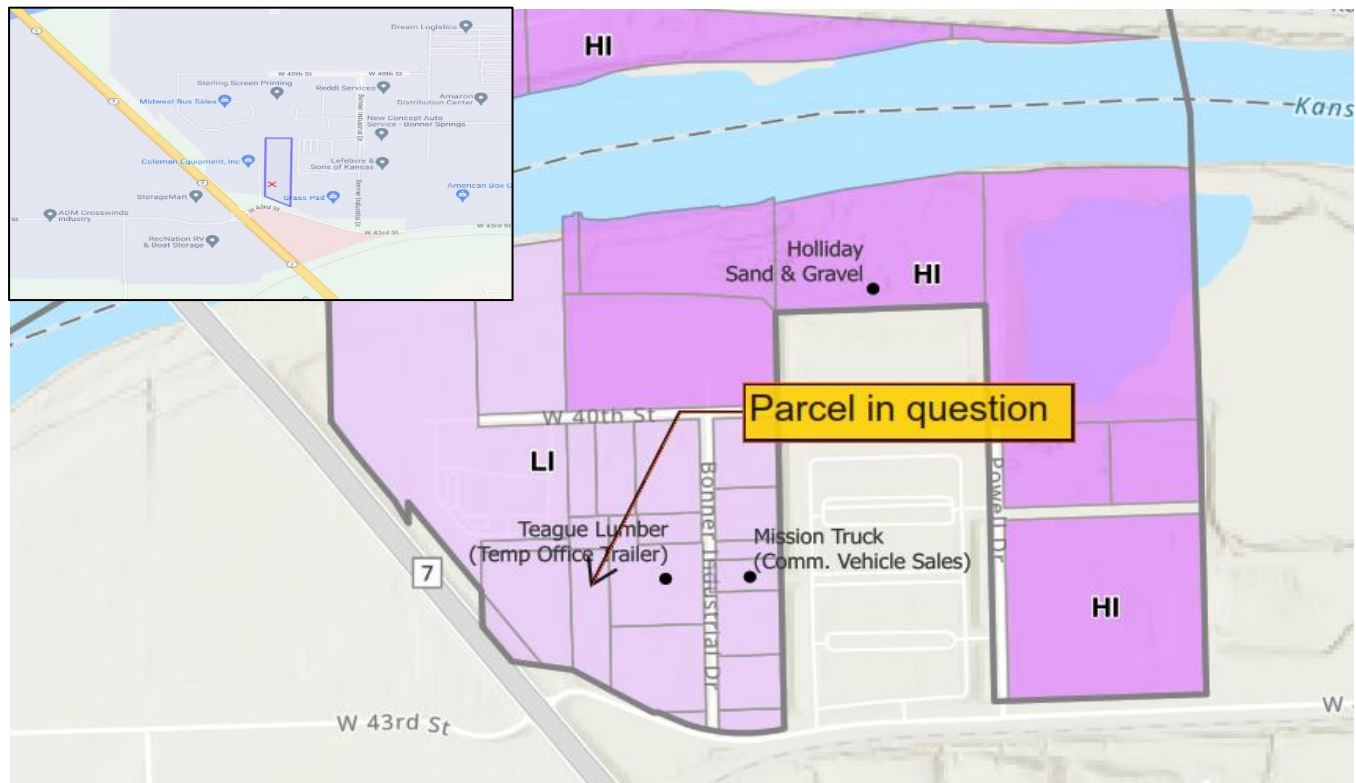
The applicant is requesting approval of a Special Use Permit to allow for the construction of contractor garages that would allow for the storage of materials indoors (warehousing), limited outdoor storage, as well as provide work space for individual businesses as permitted by Special Use Permit within the Unified Development Ordinance.

ZONING:

The property is currently zoned “LI” Light Industrial District

SURROUNDING ZONING:

North	“LI” Light Industrial
South	Business-Commercial – Shawnee Zoning
East	“LI” Light Industrial
West	“LI” Light Industrial



Inset map indicates Shawnee Kansas Zoning of Business-Commercial

BACKGROUND:

The subject property is located at 23920 W. 43rd Street, abutting Coleman Equipment to the east.

In the City's Unified Development Ordinance, Section 2.03.B states –

- (1) The purpose of this Section 2.03.B is to provide a process for reviewing and approving Special Use Permits (SUPs) when required by the Table of Allowed Uses established in Section 2.05 below.
- (2) Uses requiring a SUP are dissimilar to other uses permitted within a given zoning district, or are uses in which the product, process, mode of operation, or nature of the use may prove detrimental to the health, safety, or welfare of the surrounding built and natural environment

Special Use Permits can allow deviations from the approved Zoning Regulations by placing more stringent requirements upon them and upon recommendation by the Planning Commission and approval by the Governing Body. Industrial zoning does not typically lend itself to the possible use as retail space, it is staff's understanding that the proposed uses will be more "trade" oriented than retail, but it would not preclude that use. Any outdoor storage that would or could occur would be seen as a similar use to other industrial in the immediate area, it would though require screening as listed in the Unified Development Ordinance.

CONFORMANCE WITH THE COMPREHENSIVE PLAN:

The Comprehensive Plan states that the role of the Planning Commission is to serve as an advisory board to the City Council; by conducting public hearings to obtain public opinion regarding each special use permit application. The Commission shall adopt recommendations that are forwarded to the City Council on each special use permit application request. In viewing requested special use permits the Commission shall consider compatibility and compliance with the Comprehensive Plan.

No specific language within the Comprehensive Plan address's locations of special uses.

The Comprehensive Plan does indicate the area as being Industrial and states:

Industrial: This category accommodates land uses associated with industrial activities such as assembly, manufacturing, warehousing, and limited office/commercial activities as defined in the city's zoning regulations. This district corresponds to the 'LI', and 'HI' districts of the city zoning regulations.



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

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

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

While the specific use of “Contractor Garages” is not a listed use within our land use table, there are several uses that align themselves accordingly. While some of the uses listed are not the intention(s) of the developer, some uses would be allowed via right.

Some are allowed uses and some are allowed via special use permit

- | | |
|---------------------------------------|--------------------------------------|
| - <i>Outdoor Storage or Display</i> | - <i>Brewery, Winery, or;</i> |
| - <i>Self-storage, indoor (SUP)</i> | - <i>Distillery (by SUP)</i> |
| - <i>Self-storage, outdoors (SUP)</i> | - <i>Manufacturing or Industrial</i> |
| - <i>General Appliance repair</i> | <i>Practices, Light</i> |
| - <i>Trade School</i> | - <i>Vehicle Repair, Minor</i> |

The intent of the developer is to provide a reasonable area for individual office spaces while allowing for materials associated with said businesses to be stored inside the individual structures or spaces. Limited storage is proposed outside, if outdoor storage is utilized, the requirements of the UDO shall be met.

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

The proposed special use will contribute to and promote the welfare and/or convenience of the public. The proposed “Contractor Garages” will provide an economical solution for potential business owners that cannot or do not wish to construct their own facility. It will furthermore provide more opportunity for start-up or small businesses.

3. The proposed special use will not cause substantial injury to the value of other property in the neighborhood in which it is to be located;

The property is currently vacant and zoned as industrial. The proposed use will not cause injury to the value of any land located nearby or within the Bonner Springs Industrial Park.

4. The location and size of the special use, the nature and intensity of the operation involved in or conducted in connection with it, and the location of the site with respect to streets giving access to it are such that the special use will not dominate the immediate neighborhood so as to prevent development and use of neighboring property in accordance with the applicable zoning district regulations. In determining whether the special use will so dominate the immediate neighborhood, consideration shall be given to:

a) The location, nature and height of buildings, structures walls and fences on the site,

The location and size of the requested Special Use Permit lends itself to industrial zoning and uses, the proposed buildings are a comparable size to those located in the vicinity, fencing will be in compliance with the Unified Development Ordinance and the site will appear ‘Industrial’ in nature.

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

The property is currently vacant and would be required to adhere to the landscaping and screening requirements of the Unified Development Ordinance as listed for industrial properties.

5. **Off-street parking and loading areas will be provided in accordance with the standards set forth in the Unified Development Ordinance, and such areas shall be screened from adjoining residential uses and located so as to protect such residential uses from any injurious effect;**

Parking and loading areas will be confined to the parcel and within the building sites and/or inside the buildings themselves. They shall be constructed and screened as required in the LI; Light Industrial zoning district.

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

All of the above will be or currently are provided and reviewed for conformance.

7. **Adequate access roads or entrance and exit drives will be provided and shall be so designed to prevent traffic hazards and to minimize traffic congestion in public streets and alleys.**

Access is provided through to the parcel via West 43rd Street and the existing entrance to Coleman Equipment.

STAFF RECOMMENDATIONS:

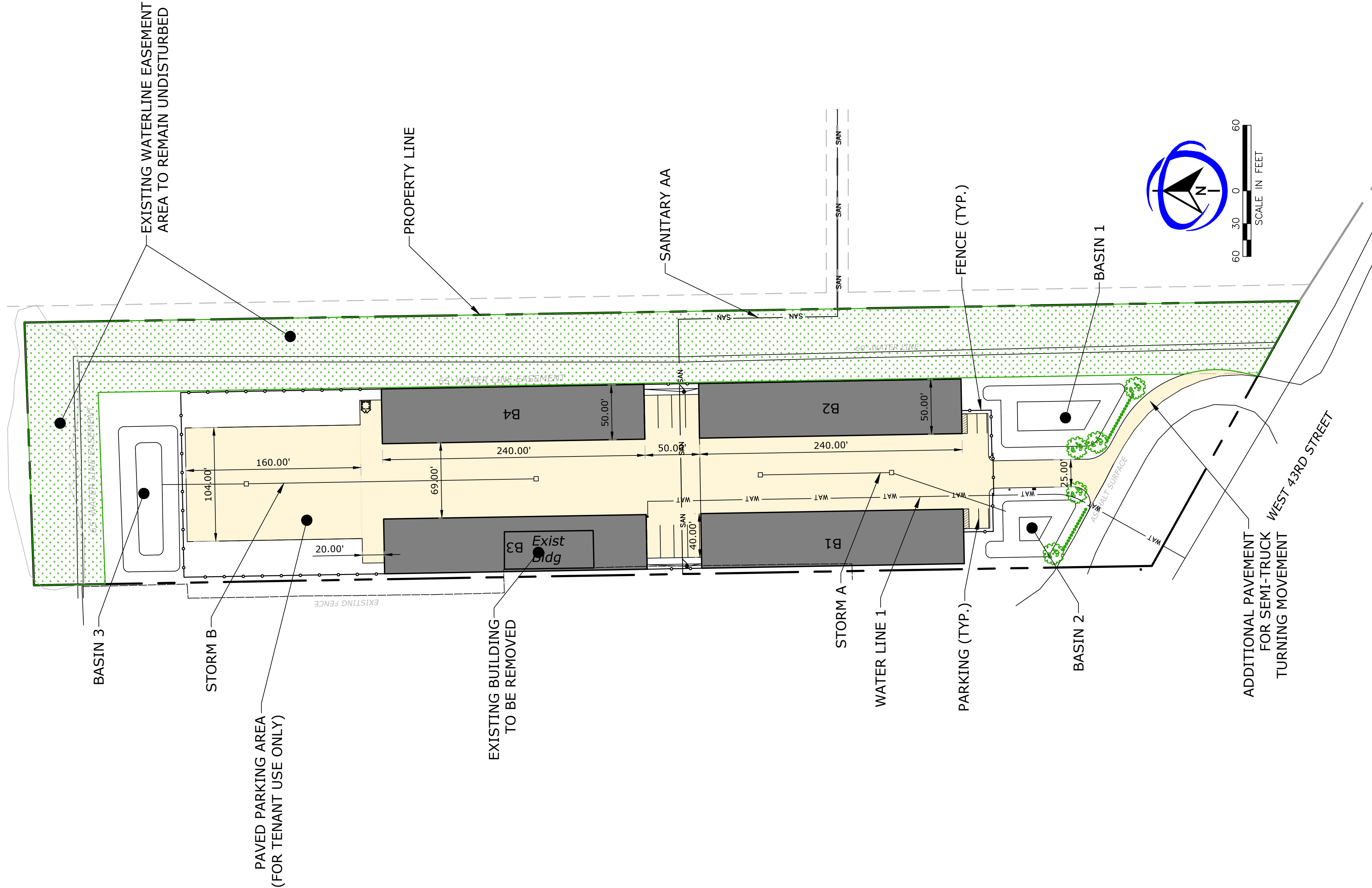
Staff recommends approval of the Special Use Permit; SUP-04-24 with the following conditions:

- 1) A storm water drainage report shall be prepared, reviewed and approved by the City Engineer
- 2) A site and Landscape Plan shall be submitted and reviewed for approval prior to building permits being issued.
- 3) Any area on the site used for outdoor storage shall adhere to the requirements in the Unified Development Ordinance as listed in the Use Table and stated in Section 2.06.
- 4) Proposed site improvement and infrastructure plans shall be submitted to the City for approval prior to construction.
- 5) Infrastructure installation, including sanitary service, water service and other utilities shall be installed and maintained by the developer/owner of the property (privately).
- 6) No portion of these buildings shall be utilized for residential purposes.
- 7) This Special Use Permit does not allow for the facility to be utilized as an outdoor self-storage facility.
- 8) Building permits shall be required for any and all improvements to the structures, including initial construction and interior tenant finishes.
- 9) The developer shall be responsible for all associated permit and review fees.
- 10) The Special Use Permit shall run in perpetuity with the parcel, unless revoked, amended or reapplied for by another user.
- 11) The Special Use Permit shall expire if the land on which the use is operated is sold, or if leased, upon termination of the lease; and
- 12) The Special Use Permit shall expire when the operation of the approved use is discontinued; and
- 13) The Special Use Permit shall not transfer to another person or to a different location; and
- 14) Special Use Permits may be revoked by the Governing Body for violation of and/or non-compliance with the Municipal Code of Ordinances of the City of Bonner Springs, Kansas.
- 15) The revocation of the Special Use Permit may occur for a violation of the Unified Development Ordinance as provided in Chapter 2; Section 2.03.B.3.d or a violation of any or all of the conditions set out in the Special Use Permit

COMMISSION OPTIONS

- 1. Recommend approval to the City Council, with or without conditions.**
- 2. Recommend denial to the City Council.**
- 3. Continue the Public Hearing to another date, time and/or place.**

If approved this item will proceed to the February 10, 2025 City Council meeting for final action



LEGAL DESCRIPTION

A tract of land in the Southwest Quarter of the Northeast Quarter of Section 33, Township 11 South, Range 23 East, in the City of Bonner Springs, Johnson County, Kansas, described as follows:
Commencing at the Southwest Corner of the Northeast Quarter of said Section 33; thence North 01 degrees 02 minutes 47 seconds East, along the West line of the Northeast Quarter of said Section 33, a distance of 300.00 feet to the point of beginning of land being described, said point being on the Northerly right-of-way line of 43rd Street, as now established; thence continuing North 01 degrees 02 minutes 47 seconds East, along the West line of said Northeast Quarter of said Section 33, a distance of 800.00 feet; thence South 89 degrees 56 minutes 27 seconds East, a distance of 240.04 feet to a point on the Westerly Plat Line of Coleman Industrial Park 1, a Platted Subdivision of Land in the City of Bonner Springs, Johnson County, Kansas; thence South 01 degrees 02 minutes 47 seconds West, along the Westerly Plat line of said Coleman Industrial Park 1, a distance of 943.75 feet to a point on the Northerly right-of-way line of said 43 rd Street; thence North 58 degrees 45 minutes 57 seconds West, along the Northerly right-of-way line of said 43rd Street, a distance of 277.65 feet to the point of beginning and containing 4.8037 acres, more or less.

SITE DATA TABLE	
PROPERTY SIZE:	6.03 AC
TOTAL BUILDING AREA:	48,000 SF
IMPERVIOUS AREA INCREASE:	115,378 SF (2.65 AC)

TIMOTHY A. ELLIOTT, PE

BONNER SPRINGS
FLEX STORAGE
SITE PLAN
23920 W 43RD ST
BONNER SPRINGS, KS 66226

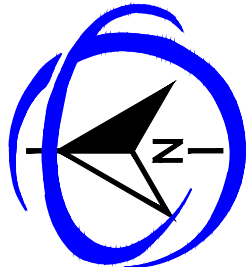
FOR PERMIT				
NO.	BY	QD	DATE	REVISION

PREPARED FOR:
Daniel Earhart
RP Holding, LLC

PROJECT #: 24-192
ISSUE DATE: 12/05/2024

SITE PLAN

C-001



VICINITY MAP
N.T.S.



Memorandum

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

Subject: PUBLIC HEARING – Unified Development Ordinance Amendment – BSZO-04-24 - City of Bonner Springs

Recommendation: Staff recommends approval of the ENT, Entertainment and Amusement Park District, as provided by staff.

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

Background: In an effort to avoid potential constant conflicts with our current UDO and the need for ongoing variance requests through the Board of Zoning Appeals staff has created the following zoning district; **ENT, Entertainment and/or Amusement District**.

Staff gathered information regarding typical ride heights of other amusement parks; locally, nationally and globally, gathered input from the development design team regarding the proposed rides, searched several other jurisdictions zoning codes; not only locally, but nationally, and compared the current plan with one that was proposed previously (Bonner Crossing).

This particular location has been proposed for amusement/entertainment uses in the past. Given the entertainment facilities nearby and access to the Interstate and State highway systems; it is staff's opinion this area is well suited for similar types of development. This zoning district will allow for a less cumbersome path to similar development. Staff has reviewed similar zoning districts and loosely based the district Dimensional Standards on those utilized in Branson, MO, while incorporating our Unified Development Ordinance as well.

Discussion between Staff and the development team revolved around a Planned Development District, those districts though are not allowed to deviate from the stated standards without requesting variances as well. They furthermore would require public hearings anytime changes were made to the approved plan. Meaning that if a plan was presented to the Commission/Council and approved, any significant changes in site layout would trigger a new public hearing and the process to repeat itself, potentially several times throughout the development of this project, significantly impacting the timeframe involved in the planning process. This district does not deviate from setback requirements nor the uses allowed within said district.

The attachments indicate the District Requirements, the proposed Dimensional Standards, the Table of Uses with ENT uses listed, Parking Standards, and the definition of 'Aerial Display'. The appropriate sections have been highlighted.

Discussion: Staff's report is attached.

Financial Impact:

City of
Bonner Springs
Agenda Item Cover Sheet

Agenda Item No. 6

BSZO-04-24

Topic: **PUBLIC HEARING – BSZO-04-24 – Consider the creation** of the ENT, Entertainment and/or Amusement District – In an effort to prepare for the potential Mattel Adventureland Theme Park and other possible future venues, staff has created a zoning district that addresses many of the rides and attractions that have been proposed in the past and future.

Narrative:

In an effort to avoid potential constant conflicts with our current UDO and the need for ongoing variance requests through the Board of Zoning Appeals staff has created the following zoning district; **ENT, Entertainment and/or Amusement District.**

Staff gathered information regarding typical ride heights of other amusement parks; locally, nationally and globally, gathered input from the development design team regarding the proposed rides, searched several other jurisdictions zoning codes; not only locally, but nationally, and compared the current plan with one that was proposed previously (Bonner Crossing).

This particular location has been proposed for amusement/entertainment uses in the past. Given the entertainment facilities nearby and access to the Interstate and State highway systems; it is staff's opinion this area is well suited for similar types of development. This zoning district will allow for a less cumbersome path to similar development. Staff has reviewed similar zoning districts and loosely based the district Dimensional Standards on those utilized in Branson, MO, while incorporating our Unified Development Ordinance as well.

Discussion between Staff and the development team revolved around a Planned Development District, those districts though are not allowed to deviate from the stated standards without requesting variances as well. They furthermore would require public hearings anytime changes were made to the approved plan. Meaning that if a plan was presented to the Commission/Council and approved, any significant changes in site layout would trigger a new public hearing and the process to repeat itself, potentially several times throughout the development of this project, significantly impacting the timeframe involved in the planning process. This district does not deviate from setback requirements nor the uses allowed within said district.

The attachments indicate the District Requirements, the proposed Dimensional Standards, the Table of Uses with ENT uses listed, Parking Standards, and the definition of 'Aerial Display'. The appropriate sections have been highlighted.

Presented by: Mark Lee – Community Development Director

Staff Recommendation: Staff recommends approval of the ENT, Entertainment and Amusement Park District, as provided by staff.

Attachments:

District Requirements (2pgs) UDO pg.# 36

ENT, Entertainment and/or Amusement zoning district dimensional standards (1pg) UDO pg.# 58

Zoning Table with applicable uses (5pgs) UDO pg.# 59-63

Parking standards (1pg) UDO pg.# 106

Aerial Display Definition (1pg) UDO pg.# 190

E. Entertainment and Amusement Park (ENT) District

1. Generally
 - a. Purpose
 - (1) The purpose of this **Section 2.03.E** is to provide a process for reviewing and approving applications for Entertainment and Amusement Park (ENT) Districts.
 - (2) The purpose of an ENT District is to:
 - (a) Provide for flexibility from these regulations regarding design, placement, arrangement, bulk, and other considerations involved in designing a site;
 - b. Applications for ENT Districts shall comply with the universal application process outlined in **Section 1.03.C** above, and shall be subject to the general zoning regulation application procedures and requirements outlined in **Section 1.04.B** above.
 - (1) Applications for ENT Districts shall be initiated by a property owner or authorized representative.
 - (2) ENT Districts shall not be conveyed or transferred between different properties, and shall remain in effect on the affected Parcel, unless otherwise stated by **Section 2.03.C.4** above, regardless of changes in ownership.
2. District Requirements
 - a. Minimum District Area

Applications for ENT Districts shall require no less than fifteen (15) contiguous acres of property, hereafter referred to as the district boundary.

 - (1) Written consent shall be required for all owners of property within the district boundary.
 - (2) For the purposes of determining continuity of the district boundary, properties separated by existing, dedicated Right-of-Ways shall be deemed contiguous.
 - b. Permitted Uses

Uses permitted in the ENT zoning district per the Table of Allowed Uses established in **Section 2.05** below shall be permitted.

 - (1) The uses permitted may be voluntarily restricted by the Applicant, or restricted as a condition of approval by the authority outlined in **Section 1.02.F** above.
 - (2) Uses that require a Special Use Permit (SUP) per the Table of Allowed Uses shall still require approval of a SUP application in accordance with **Section 2.03.B** above.
 - c. Level of Service
 - (1) The proposed Development shall be designed in such a way that the traffic generated by the Development will not cause an unreasonably hazardous condition nor inconvenience in the area.
 - (2) Structures and traffic shall be arranged so that all principal Buildings are accessible to emergency vehicles.
 - (3) The availability of services and location of public utilities shall have the approval of each agency involved, and shall be included within a ENT District application.
3. Consideration

When considering an application for a ENT District, the approval authority shall consider:

 - a. The compatibility of the existing and proposed zoning conditions to the Comprehensive Plan;
 - b. The character of the neighborhood or built environment surrounding the district boundary;

- c. The compatibility of the zoning and allowed uses of surrounding properties;
 - d. The suitability of the affected property to its existing and proposed zoning conditions;
 - e. The extent to which removal or Alteration of the existing zoning designation will negatively impact nearby property;
 - f. The impact on the general health, safety, and welfare of the public caused by the existing and proposed zoning conditions;
 - g. The professional recommendations of the City's staff and Development Review Team;
 - h. The availability and adequacy of required public improvements to serve the existing and proposed zoning conditions.
 - i. The impacts the proposed zoning condition will have on the built and natural environment, including but not limited to, storm water runoff, water, air, and noise pollution, lighting, or other adverse impacts; and
 - j. The ability of the affected Parcel to satisfy the subdivision regulations and Development Standards of these regulations under the proposed zoning conditions
 - 4. Amendments
 - a. If any substantial variation is requested to the approved ENT District, as determined by the Community Development Director, the Applicant shall be required to follow the process of the initial ENT District application as identified in this **Section 2.03.E**
- F. Zoning Relief Procedures
- 1. Generally
 - a. Purpose
 - (1) The purpose of this **Section 2.03.DE** 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.
 - b. Applications for a zoning relief shall comply with the universal application process outlined in **Section 1.03.C** above, and shall be subject to the general zoning regulation application procedures and requirements outlined in **Section 1.04.B** above.
 - c. Action
 - (1) Action will be taken on zoning relief procedures by the approval authority outlined in **Section 1.02.F** above.
 - (2) The granting of a zoning relief procedure will not establish a precedent for future requests.
 - d. Appeals of BZA Decisions
 - (1) Any person, persons, official, or department of the government, jointly or separately aggrieved by any decision of the BZA may present a petition to the District Court having jurisdiction.

5. ENT, Entertainment and/or Amusement District**a. Description and Purpose**

(1) The **ENT, Entertainment District** is intended to enhance the city's existing entertainment areas; as well as a means to create new and exciting major visitors' destinations, key economic drivers and important gateways into the community. The Entertainment District encompasses a wide range of entertainment and lodging uses including restaurants, shopping, hotels, arenas and theaters, museums, rides, amphitheaters and other attractions.

Dimensional Standards			
Building Type	Maximum Lot Coverage	General Lot Standards	Max Height
Commercial	85%	See HC, Highway Commercial	45 feet or 3 stories
Event Venue	85%	See GC, General Commercial	45 feet or 3 stories
Civic	85%	None	45 feet
Theater	85%	See GC, General Commercial	100 feet
Hotels and Lodging	85%	See HC, Highway Commercial	10 stories or 100 feet
Amusement Rides and Attractions	85%	None	120 feet 300 feet if 50% transparent
Aerial Display (excluding fireworks)	N/A	NA	400 feet
RV Spaces and Pad Standards			Accessory Structure(s)
Recreational Vehicle Parks	10 acres = 200 spaces + 4 spaces/additional acre over 10 500 maximum spaces	See RV, Recreational Vehicle for further detail	Not allowed for individual spaces
Minimum Parking Pad Space (small RV pads)	10 feet in width x 24 feet in depth		
Minimum Park Pad Space (large RV pads)	12 feet in width x 36 feet in depth		

b. Development Standards

See **Section 2.03.E** above for process and general requirements for ENT, Entertainment Districts.

(1) General Development Standards

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

Section 2.05. Table of Allowed Uses

A. Generally

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

Table 2.2. Table of Allowed Uses

Table Legend		Official Zoning Districts														Parking Space Requirements
P	Use is permitted in the district indicated	LA, Loring Agricultural District	LR, Loring Residential District	RR, Rural Residential District	ER, Estate Residential District	GR, General Residential District	CC, Central Commercial District	LC, Local Commercial District	GC, General Commercial District	HC, Highway Commercial District	LI, Light Industrial District	HI, Heavy Industrial District	MR, Mixed-Residential District	MC, Mixed-Use Commercial District	ENT, Entertainment / Amusement Park District	
	Use is prohibited in the district indicated															
S	Use is permitted in the district indicated following approval of a Special Use Permit															
#	Use is permitted (P-#) or permitted with a Special Use Permit (S-#), and must comply with conditional standards in the indicated end note															
Land Uses																
Accessory Land Uses																
Accessory Dwelling Unit (ADU)		P-1	P-1	P-1	P-1	P-1							P-1			1:dwelling (off-street)
Accessory Structure		P-2	P-2	P-2	P-2	P-2							P-2			None
Aerial Display															P	None
Construction Equipment Storage		P-3	P-3	P-3	P-3	P-3	P-3	P-3	P-3	P-3	P-3	P-3	P-3	P-3	P-3	None
Construction Field Office		P-4	P-4	P-4	P-4	P-4	P-4	P-4	P-4	P-4	P-4	P-4	P-4	P-4	P-4	None
Drive-Through							P-5	P-5	P-5	P-5				P-5	P-5	None
Electrified Fencing		S	S	S	S	S					S	S				None
Fuel Pumps							S-6	S-6	S-6	S-6	P-6	P-6		P-6	S-6	None
Garage Sale		P-7	P-7	P-7	P-7	P-7							P-7			None
Home Occupation		P-8	P-8	P-8	P-8	P-8							P-8	P-8		None
Outdoor Storage or Display							S-9	S-9	S-9	S-9	S-9	S-9		S-9	S-9	None
Personal Energy Production		P-10	P-10	P-10	P-10	P-10	P-10	P-10	P-10	P-10	P-10	P-10	P-10	P-10	P-10	None
Sports Court or Field		S-11	S-11	S-11	S-11	S-11	S-11	S-11	S-11	S-11	S-11	S-11	S-11	S-11	S-11	None
Agricultural Land Uses																
Agricultural Practice		P	P	P	P											None
Plant Nursery		P	P	P	S						S	P				None
Stable, Commercial		P	P	P	S											None
Stable, Private		P	P	P	P-12											None

Table Legend		Official Zoning Districts														Parking Space Requirements
P	Use is permitted in the district indicated	LA, Loring Agricultural District	LR, Loring Residential District	RR, Rural Residential District	ER, Estate Residential District	GR, General Residential District	CC, Central Commercial District	LC, Local Commercial District	GC, General Commercial District	HC, Highway Commercial District	LI, Light Industrial District	HI, Heavy Industrial District	MR, Mixed-Residential District	MC, Mixed-Use Commercial District	ENT, Entertainment / Amusement Park District	
	Use is prohibited in the district indicated															
S	Use is permitted in the district indicated following approval of a Special Use Permit															
#	Use is permitted (P-#) or permitted with a Special Use Permit (S-#), and must comply with conditional standards in the indicated end note															
Land Uses																
Residential Land Uses																
Assisted Living or Nursing Facility				S	S			P				S	S		2 + 1: 500 SF	
Bed & Breakfast			S	S	S							S			2 + 1: unit	
Boarding or Lodging House			S	S	S							S			1: unit	
Dwelling, Manufactured Home	P-13	P-13	P-13												2: dwelling	
Dwelling, Mobile Home															2: dwelling	
Dwelling, Modular Home	S-14	S-14	S-14	S-14	S-14										2: dwelling	
Dwelling, Multi-Family												P	P		1.5: unit	
Dwelling, Single-Family Attached					P-15							P-15			2: dwelling	
Dwelling, Single-Family Detached	P	P	P	P	P							P			2: dwelling	
Dwelling, Single-Family Duplex					P							P			2: dwelling	
Group Home			P	P	P		S					P			1.5: bed	
Manufactured Home Park	S-16	S-16	S-16	S-16											2: dwelling	
Rehabilitation Home			S	S											1: 400 SF	
Civic, Institutional, and Special Land Uses																
Airport or Helistop	S	S	S								S				1: 200 SF	
Cemetery	S	S	S	S	S							S			1: unit	
Club, Private			S	S	S										1: 400 SF	
Community Garden	P	P	P	P	P	P	P					P			1: 400 SF accessible area	
Community Gathering, Private	S-17	S-17	S-17	S-17	S-17	S-17	S-17	S-17	S-17	S-17	S-17	S-17	S-17	S-17	1: 3 attendees	
Community Gathering, Public	P	P	P	P	P	P	P	P	P	P	P	P	P		1: 3 anticipated attendees	
Day Care Center			S-18	S-18	S-18		S-18					S-18		S-18	1: 250 SF	
Day Care Residence		S-19	S-19	S-19	S-19							S-19			None	
Farmer's Market	S-20				S-20	S-20	S-20					S-20	S-20		4: booth	
Library						P	P	P	P	S			P		1: 300 SF	
Medical Clinic						P	P	P	P				P	P	1: 400 SF	
Medical Hospital			S					P	P	P	S		S		3: exam room	

Table Legend		Official Zoning Districts														Parking Space Requirements
P	Use is permitted in the district indicated	LA, Loring Agricultural District	LR, Loring Residential District	RR, Rural Residential District	ER, Estate Residential District	GR, General Residential District	CC, Central Commercial District	LC, Local Commercial District	GC, General Commercial District	HC, Highway Commercial District	LI, Light Industrial District	HI, Heavy Industrial District	MR, Mixed-Residential District	MC, Mixed-Use Commercial District	ENT, Entertainment / Amusement Park District	
	Use is prohibited in the district indicated															
S	Use is permitted in the district indicated following approval of a Special Use Permit															
#	Use is permitted (P-#) or permitted with a Special Use Permit (S-#), and must comply with conditional standards in the indicated end note															
Land Uses																
Civic, Institutional, and Special Land Uses																
Museum						P	S	P	P				P	P	1: 400 SF	
Parkland	P	P	P	P	P	P	P	P	P	P	P	P	P	P	None	
Police or Fire Station	P	P	P	P	P	P	P	P	P	P	P	P	P	P	1: 400 SF	
Prison or Correctional Facility	S	S	S												None	
Public Use or Building	P	P	P	P	P	P	P	P	P	P	P	P	P	P	1: 400 SF	
Recreational Vehicle Parks (RV Parks)	S	S	S	S	S							S		P	1:per RV space(off-street)	
Religious Institution or Practice	P	P	P	P	P	P	P	P	P	P	P	P	P	P	1: 4 seats in worship area	
School, College or University	S	S	S					S	S			S	S		By parking study	
School, High	P	P	P	P	P	P	P	P	P				P	P	8: classroom	
School, Kindergarten through Intermediate	P	P	P	P	P	P	P	P	P				P	P	2: classroom	
School, Trade	S	S	S					S	S	S	S	S	S		1: 3 seats	
Commercial Land Uses																
Adult Entertainment										S					1: 300 SF	
Alcohol Beverage Production, Brewery						P	P	P	P	P	P				1: 300 SF	
Alcohol Beverage Production, Distillery						S	S	S	S	S	P				1: 300 SF	
Alcohol Beverage Production, Winery	S		S			P	P	P	P	P	P				1: 300 SF	
Alternative Financial Service							S-21	S-21							1: 300 SF	
Bank or Financial Institution						P	P	P	P				P	P	1: 300 SF	
Bar or Tavern						P	S	P	P				P	P	1: 100 SF	
Commercial Amusement, Indoor	S					S	S	P	P	P			P	P	1: 500 SF	
Commercial Amusement, Outdoor	S-22					P-22	S-22	P-22	P-22	S-22			S-22	S-22	1: 250 gfa + 1: 500 SF of site area	
Event Venue	S		S	S	S	S	S	P	P			S	S	P	1: 200 SF + 1: seat	
Food Truck Park						P-23	S-23	S-23	S-23	P-23			P-23	P-23	By parking study	
Golf Course	S	S	S	S	S							S			5: course hole	
Gym or Fitness Center						P	P	P	P				P	P	1: 400 SF	

Table Legend		Official Zoning Districts															Parking Space Requirements
P	Use is permitted in the district indicated	LA, Loring Agricultural District	LR, Loring Residential District	RR, Rural Residential District	ER, Estate Residential District	GR, General Residential District	CC, Central Commercial District	LC, Local Commercial District	GC, General Commercial District	HC, Highway Commercial District	LI, Light Industrial District	HI, Heavy Industrial District	MR, Mixed-Residential District	MC, Mixed-Use Commercial District	ENT, Entertainment / Amusement Park District		
	Use is prohibited in the district indicated																
S	Use is permitted in the district indicated following approval of a Special Use Permit																
#	Use is permitted (P-#) or permitted with a Special Use Permit (S-#), and must comply with conditional standards in the indicated end note																
Land Uses																	
Hotel								S	S					S	P	1: room + 1: 400 SF common interior gfa	
Kennel, Indoor	S	S	S					S	P	P				S	P	1: 300 SF	
Kennel, Outdoor	S	S	S						S	S						1: 300 SF	
Massage Therapy						S	S	P								1: 300 SF	
Motel								S	S							1: room + 1: 400 SF of common interior gfa	
Movie Theater							P		P	P				P	P	1: 4 seats	
Office, Professional							P	P	P	P				P	P	1: 400 SF	
Personal Service							P	P	P						P	1: 300 SF	
Restaurant, Drive- In							P	P	S	P				P	P	5 + stalls used to order	
Retail, Local					S	P	P	P	P					P	P	1: 300 SF	
Retail, Neighborhood						P	P	P	P					P	P	1: 300 SF	
Retail, Pawn or Resale						S	S	S						S		1: 300 SF	
Retail, Regional							S	P	P					P	P	1: 300 SF	
Seasonal Sales			P-24			P-24	P-24	P-24						P-24	P-24	1: 400 SF of accessible area	
Self-storage, Indoor								S	S	S	P					1: 400 SF of office	
Self-storage, Outdoor										S	S					1: 400 SF of office	
Shooting Range									S-25	S-25						1: 400 SF	
Studio, Artisan						P	S	P							P	1: 400 SF	
Studio, Performance						P	P	P						P		1: 300 SF	
Vehicle Sales and Rental									S-26	S-26	S-26					1: 400 SF + 1: vehicle for sale/rent	
Vehicle Washing Station, Full-Service								S	S	S	P			P		1: 400 SF of office and waiting area	
Vehicle Washing Station, Self-Service							P	P	P	P	P			P	P	1: 400 SF of office and waiting area	
Veterinarian			S			P	P	P	S					S		1: 400 SF	
Wholesale								S	S							1: 400 SF	

Table Legend		Official Zoning Districts														Parking Space Requirements
P	Use is permitted in the district indicated	LA, Loring Agricultural District	LR, Loring Residential District	RR, Rural Residential District	ER, Estate Residential District	GR, General Residential District	CC, Central Commercial District	LC, Local Commercial District	GC, General Commercial District	HC, Highway Commercial District	LI, Light Industrial District	HI, Heavy Industrial District	MR, Mixed-Residential District	MC, Mixed-Use Commercial District	ENT, Entertainment / Amusement Park District	
	Use is prohibited in the district indicated															
S	Use is permitted in the district indicated following approval of a Special Use Permit															
#	Use is permitted (P-#) or permitted with a Special Use Permit (S-#), and must comply with conditional standards in the indicated end note															
Land Uses																
Industrial Land Uses																
Crematorium											S				1: 500 SF	
Energy Production, Commercial	S	S	S												4	
Energy Resource Extraction	S	S	S								S				4	
General Appliance Repair						S	S	S		P	P		S		1: 400 SF	
Hazardous Material Storage or Handling											P				1: 1,000 SF	
Heavy Machinery Storage and Sale			S					S	S		P				1: 400 SF	
Manufacturing or Industrial Practices, Heavy										S	P				1: 1,000 SF	
Manufacturing or Industrial Practices, Light								S		P	P				1: 1,000 SF	
Salvage Operation or Junk Yard											S				1: 400 SF	
Telecommunications Facility	S-27	S-27	S-27	S-27	S-27	S-27	S-27	S-27	S-27	S-27	S-27	S-27	S-27	S-27	None	
Utility Distribution	S-28	S-28	S-28	S-28	S-28	S-28	S-28	S-28	S-28	S-28	S-28	S-28	S-28	S-28	None	
Vehicle Repair, Major									S	S	P		S		1: bay + 1:400 SF of office and waiting area	
Vehicle Repair, Minor									P	P	P		P		1: bay + 1:400 SF of office and waiting area	
Vehicle Tow or Storage Lot											S-29				1: 400 SF of office	
Warehouse and Distribution										S	S				1: 1,000 SF	
Water or Wastewater Treatment Facility	S	S	S	S	S	S	S	S	S	S	S	S	S		1: employee at busiest anticipated shift	

F. Use Specific Parking Standards

1. Single-Family Residential Parking Standards

- a. No more than thirty-five (35) percent of the front, side, or rear yard may be covered with Driveways or parking surface.
- b. No vehicle with a manufacturer's gross vehicle weight of 12,500 pounds or greater may be parked in residential districts for other than temporary delivery purposes with the exception of Recreational Vehicles.
 - (1) Recreational Vehicles shall be parked in accordance with **Section 4.02.C.4** above, and shall not be visible from a public Right-of-Way or sidewalk.
 - (2) Recreational Vehicle parking within a Right-of-Way in excess of two (2) weeks shall be prohibited.
 - (3) No more than one (1) Recreational Vehicles per Dwelling Unit shall be parked On-Site.
- c. Construction vehicles and trailers are not permitted to be parked or stored in residential districts unless on an active construction site where construction is being carried on under an approved, valid construction permit.

2. Nonresidential, Multi-Family, and Mixed-Use Parking Standards

- a. Parking areas shall be laid out to continue the street or Block pattern of the area so that the Lots can easily be redeveloped with Buildings consistent with the design of the surrounding Development.
- b. No more than two (2) rows of Parking Spaces shall be located between a Building Façade and street Right-of-Way unless otherwise approved by the Community Development Director.
- c. Parking rows shall not exceed twelve (12) consecutive Parking Spaces within a group. ENT (Entertainment and Amusement) zoning shall be allowed twenty-four (24) consecutive spaces.**
 - (1) Parking islands shall be used between and at the terminus of all parking groups to soften the impact of impervious cover.
 - (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.
 - (3) Parking islands shall be landscaped in accordance with **Section 4.03.G.1** below.

G. Vehicle and Pedestrian Circulation for Nonresidential, Multi-Family, and Mixed-Use Developments

1. Vehicular Circulation

- a. Vehicular circulation routes, or Driveways, shall be provided between nonresidential and multi-family properties so as to limit the need for vehicle trips onto external thoroughfares.
 - (1) When developing adjacent to undeveloped property, internal Driveway stub outs shall be provided to the property line to allow for future extension.
 - (2) No dead-end Driveways shall exceed one hundred fifty (150) feet in length without a turnaround approved by the Fire Department.
- b. Driveways shall be shown and dedicated on a Plat within Mutual Access Easements and shall explicitly allow for the unimpeded Access of vehicles to and from the site.
 - (1) The width of Driveways shall be determined by the parking angles set forth in **Table 4.1. Parking Angle Configurations**.

175. Zoning Map Amendment

A change or modification to the boundaries of any zoning district within the City's Official Zoning Map.

Section 5.02. Land Use Definitions

This **Section 5.02** defines the land uses set forth in the Table of Allowed Uses outlined in **Section 2.05** above and related terms:

176. Accessory Dwelling Unit (ADU)

A Dwelling Unit located within a Building or structure incidental to an On-Site primary Dwelling Unit or Building, which provides independent living facilities from the primary dwelling including a kitchen, bathroom, and bedroom.

177. Accessory Structure

A Building or Structure incidental to, or customarily found in connection with, the primary use of a property.

178. Adult Entertainment

An establishment that offers services or entertainment characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas. See Chapter VIII, Article 4 of the City's Code of Ordinances.

179. Aerial Display

An aerial display refers to a flying display (drones or other), a display of information in mid-air, or a trapeze display. The key feature is that the display appears to be suspended in the air, not on a traditional screen.

180. Agricultural Practice

The cultivation or grazing of land for commercial purposes, including the growing of crops, pasturage, nursery, and the raising of poultry or other animals, which may include the necessary structures for carrying out such operations, including homesteads, barns, stables, and other incidental uses and structures. Personal gardens, greenhouses, and similar practices are not considered Agricultural Practices for the purposes of these regulations.

181. Airport or Helistop

An establishment engaged in the landing and take-off of aircraft, including but not limited to all associated Buildings, approaches, and maintenance facilities.

182. Alcohol Beverage Production, Brewery

An establishment where malt beverage, such as beer, ale, or cider, is produced and packaged for distribution, Wholesale, or Retail, either On-Site or Off-Site, with a Capacity of not more than 60,000 barrels per calendar year, which may include all necessary facilities, Buildings, and offices essential to the operation of such production.

183. Alcohol Beverage Production, Distillery

An establishment where spirit, such as liquor from any source, is produced and packaged for distribution, Wholesale, or Retail, either On-Site or Off-Site, with a Capacity of not more than 50,000 gallons per calendar year, which may include all necessary facilities, Buildings, and offices essential to the operation of such production.

184. Alcohol Beverage Production, Winery

An establishment where domestic table or fortified wine, derived from grape, honey, rice, or other means, is produced and packaged for distribution, wholesale, or retail, either On-Site or Off-Site, with a Capacity of not more than 100,000 gallons per calendar year, which may include all necessary facilities, Buildings, and offices essential to the operation of such production and cultivation.

Memorandum

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

Subject: PUBLIC HEARING - Rezoning – BSRZ-04-24; 720 N. 118th Street, 11801, 12215 and 12301 State Avenue, – Destination KCK

Recommendation: No action is to be taken at this time.

Re-publication of the hearing notice will occur prior to the next required public hearing regarding the potential rezoning of the above stated properties, new letters to surrounding property owners will be mailed as well.

Action: At the request of the applicant, with staffs concurrence; this item was requested to be removed. In order to move forward, staff and the applicant agreed to wait for action to be taken on the previous agenda item involving the creation of the ENT; Entertainment and Amusement Park District. No action is to be taken on this item at this evenings (1/21) meeting.

Background: In discussions with the applicant and their team; all parties felt it best to ensure the adoption of the newly created ENT District would not require further discussion or was approved prior to requesting the rezoning designation. While initially deciding to move both items on the same evening, the requested rezoning was pushed back to ensure things were in place for their request .

Discussion:

Financial Impact: