City of Bonner Springs

Board of Zoning Appeals

Agenda

City Hall Council Chambers

Tuesday, July 24, 2012

Regular Meeting - 5:15 P.M.

Board of Zoning Appeals Members:
Please contact Terry Barlow @ 667-1710
No later than 12:00 Noon, Tuesday, July 24, 2012,
If you will be unable to attend

Prepared by:
Don E. Slone, AICP, CFM
Planning Director

People Planning Progress
Call to Order: Time: ________

Roll Call:
_____ Doug Clements  _____ Gregg Gibson (Chairman)  _____ Jerry Jarrett
_____ Dave Pierce (Planning Commission Member)  _____ Gene Reynolds (Vice-Chairman)

New Business:
ITEM NO. 1: Election of Officers:

Chairman: Nomination(s):

Motion: ___________________  Second: ___________________

# For: ________  #Against: ________

Vice-Chairman: Nomination(s):

Motion: ___________________  Second: ___________________

# For: ________  #Against: ________

Secretary: Nomination(s):

Motion: ___________________  Second: ___________________

# For: ________  #Against: ________

ITEM NO. 2: Variance: BZA-107: “Maple Ridge”, a request for a variance to the minimum number of
off-street parking spaces from the required two (2) spaces per dwelling unit to one and one half (1.5) per
dwelling unit as specified under the Zoning Ordinance, Article XXIII: Off-Street Parking and Loading
Regulations, Section 5(1)(e)(1). Requested by Jacob Mooney, Principal MRE Capital, under contract from
Quad J Holdings, LLC, property owners of record. This request is in order to convert the former mixed use
apartment/office complex into a senior housing project within the existing building. The property is zoned
O, Office District and is located at 515 E. Morse Avenue.

Open Public Hearing Time: ________

1. Staff Presentation
2. Applicant Presentation
3. Public Comment

Close Public Hearing Time: ________

Motion: ___________________  Second: ___________________

4. Board Discussion

# For: ________  #Against: ________

Adjournment Time: ________
VARIANCE: MAPLE RIDGE

Case No.: BZA-107
Applicant: Jacob Mooney, Principal, MRE Capital, LLC
Property Owner: Quad J. Holdings, LLC (Under Contract by MRE Capital, LLC)
Location: 515 E. Morse Avenue
Zoning: O, Office District
Lot Size: 2.68 acres
Building Size: 26,247 sq.ft.
Building Use: Age Restricted Senior Housing Apartment Complex

Parking required: 2 spaces per dwelling unit (52 units proposed) = 64 spaces
Parking provided: 46 spaces + 2 handicapped spaces = 48 spaces

Exhibits:

Staff Recommendation:
Staff supports the variance for a 25% reduction in the required off-street parking based upon the attached “KC Metro City Parking Regulations” for both One Bedroom and Elderly Units as well as the applicant’s written responsibility for enforcement of the parking restrictions as specified in the attached “Statement of Fact”.

If the Board of Zoning Appeals denies the parking variance, the following shall apply:
1. The applicant shall reduce the number of units to comply with the two (2) spaces per dwelling unit or increase the number of parking spaces to 64.

Background:
A request for a variance to the minimum number of off-street parking spaces from the required two (2) spaces per dwelling unit to one and one-half (1.5) spaces per dwelling unit as specified under the Zoning Ordinance, Article XXIII: Off-Street Parking and Loading Regulations, Section 5(1)(e)(1). This request is in order to convert the former mixed use apartment/office complex into an age restricted senior housing apartment complex within the existing building. The property is currently a mixed use apartment/office complex that was converted in 2009/2010 from the original nursing home built in 1968 per county records.

Discussion:
The issue is the ability to provide the required parking for the proposed age restricted senior housing apartment complex. The original use as a nursing home and assisted living facilities only required one (1) space per each five (5) beds. The proposed use is considered a multi-family use that requires two (2) spaces per dwelling unit. This request is a 25% reduction in the required parking spaces for the proposed use and intensity.

Note:
The applicant’s responses to the “factors for consideration” for approval a variance are listed below.
Factors for Consideration:

I. **Condition Unique to the Property** - The variance requested arises from such condition which is unique to the property in question and which is not found in the same zone or district and has not been created by an action or actions of the property owner:

*Applicants Response:*
This variance is requested due to the location of the 60+ year old building in relation to the public right of way and the existing terrain surrounding the site on the North and East side. The proposed parking layout utilizes the site to the fullest extent possible to provide 48 parking spaces. Additional parking spaces would have to be located in the rear of the facility and it is impractical to create an acceptable ingress/egress route to provide this parking due to the extreme terrain on the North and East of this site.

II. **No Adverse Affects** - The granting of the variance will not adversely affect the rights of adjacent property owners:

*Applicants Response:*
This variance will not create an adverse affect on the adjoining property as the property owner has the ultimate control on the tenant’s ability to park more than one car onsite. With that being said the age of the tenant’s is such that a large number of them will not have their own personal vehicle and as such there will be adequate spaces for the tenants, visitors and staff.

III. **Unnecessary Hardship** - The strict application of the provisions of the regulations of which the variance is requested would constitute an unnecessary hardship upon the property owner:

*Applicants Response:*
In order to provide the required number of parking spaces the property owner would be required to excavate into the extreme terrain located on the North and East side of the site in order to provide the required number of spaces. The proposed site conditions will improve the onsite conditions and constructing additional parking spaces to meet the requirement would be extremely difficult.

IV. **Public Health, Safety and Welfare** - The variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare of the public:

*Applicants Response:*
The proposed site improvements will not have any effect on the Public Health, Safety and Welfare of the community. For the tenants of the site it will improve the Safety and Welfare by providing better site circulation and access.

V. **Ordinance Intent** - The granting of the variance desired would not be opposed to the general spirit and intent of the regulations of which a variance is being requested:

*Applicants Response:*
Granting this variance would not be against the intent of the ordinance as the owner has the ability to control the number of vehicles each tenant is allowed to have and by doing this will have adequate site parking for the residents, visitors and employees.

**Staff Recommendation:**
Staff supports the variance for a 25% reduction in the required off-street parking. The cities of Blue Springs, MO, Gardner, Kansas City, KS, Lawrence, Ottawa and Overland Park all require one or one and one-half (1.5) spaces for a one bedroom unit and De Soto and Prairie Village only require one (1) space per two elderly units as shown on the attached “KC Metro City Parking Regulations”.
STATEMENT OF FACT
"Maple Ridge"
Age Restricted Senior Housing Apartment Complex
515 E. Morse Avenue

MRE Capital, LLC (MRE), the developer of the proposed Maple Ridge Apartments located in Bonner Springs, Kansas, provides the following statements of fact:

Maple Ridge was constructed in 1968 as a 60 unit nursing home.

MRE intends to acquire Maple Ridge and convert it into 32 one-bedroom units of approximately 500 square feet each.

MRE, or a subsidiary, will own Maple Ridge for a minimum of 15 years.

The project will be governed by a recorded Land Use Restriction Agreement (LURA) that restricts the use of the apartments for a period of 30 years to tenants that are 62 years old or older.

Tenant leases will restrict occupancy to persons 62 years or older and will limit tenants to one parking space.

MRE Capital, LLC and its management company will be responsible for the enforcement of the parking requirements as approved by the Board of Zoning Appeals under case No. BZA-107: Maple Ridge.

MRE CAPITAL, LLC

By: [Signature]
Daniel Sailer, Manager

By: [Signature]
Jacob Mooney, Manager

8901 STATE LINE ROAD, SUITE 250
KANSAS CITY, MO 64114
### KC Metro City Parking Regulations

**7/10/2012**

<table>
<thead>
<tr>
<th>Community</th>
<th>One Bedroom</th>
<th>Elderly</th>
<th>Two Bedroom</th>
<th>Three or More Bedrooms</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bonner Springs</td>
<td>2 spaces</td>
<td>-</td>
<td>2 spaces</td>
<td>2 spaces</td>
</tr>
<tr>
<td>Blue Springs</td>
<td>15 spaces</td>
<td>-</td>
<td>2 spaces</td>
<td>2 spaces</td>
</tr>
<tr>
<td>Gardner</td>
<td>15 spaces</td>
<td>-</td>
<td>2 spaces</td>
<td>2 spaces</td>
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<tr>
<td>Kansas City, KS</td>
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</tr>
<tr>
<td>Lawrence</td>
<td>1.1 spaces (Note)</td>
<td>-</td>
<td>2.1 spaces (Note)</td>
<td>3.1 spaces (Note)</td>
</tr>
<tr>
<td>Ottawa</td>
<td>1 space (efficiency)</td>
<td>-</td>
<td>2 spaces</td>
<td>2 spaces</td>
</tr>
<tr>
<td>Overland Park</td>
<td>15 spaces</td>
<td>-</td>
<td>1.8 spaces</td>
<td>2 spaces</td>
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<tr>
<td>De Soto</td>
<td>2 spaces</td>
<td>1 space / 2 du</td>
<td>2 spaces</td>
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<tr>
<td>Liberty, MO</td>
<td>2 spaces</td>
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<td>2 spaces</td>
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<tr>
<td>Prairie Village</td>
<td>2 spaces</td>
<td>1 space / 2 du</td>
<td>2 spaces</td>
<td>2 spaces</td>
</tr>
</tbody>
</table>

**Note:** City of Lawrence requires 1 space per bedroom + 1 per 10 units Multi-Dwelling Unit
ARTICLE XXIII

OFF-STREET PARKING AND LOADING REGULATIONS

SECTION 5. REQUIRED SPACES: Off-street parking spaces, at a minimum, shall be provided as follows:

1. Dwelling and Lodging Uses:
   (a) Boarding, Rooming and Bed and Breakfasts: One (1) parking space per each sleeping room. (Revised, Ordinance No. 1710, 12/5/94)
   (b) Hotels and Motels: One (1) space per each rental unit.
   (c) Manufactured Home Parks: Two (2) parking spaces per each manufactured home. (Revised Ordinance No. 1636).
   (d) Nursing Homes, Rest Homes, etc.: One (1) parking space per each five (5) beds based on the designed maximum capacity of the building.
   (e) Residential Dwelling Districts: (Revised Ordinance No. 1884 and 2276)

   1. Two (2) spaces per dwelling unit.
   2. On street parking is permitted, unless otherwise posted. However, no parking is permitted on front lawns, including any portion that may be within the right-of-way or on sidewalks. (Revised Ordinance No. 1884, 12/20/99)
   3. Recreational vehicles and equipment (see definition) are permitted to be parked in residential districts. No more than two (2) are permitted to be parked outside per dwelling unit. (Revised, Ordinance No. 2276)
   4. All recreational vehicles and equipment, other than those of a visitor, shall be parked on private property on either a driveway in the front, side or rear yard. Visitors may park a recreational vehicle on the street for a period not to exceed two (2) weeks. (Revised, Ordinance No. 2276)
   5. Contractor's equipment or trailers (see definitions) 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 city construction permit. (Revised, Ordinance No. 2276)
   6. Parking in the side yard may be no closer than three (3) feet from the property line.
   7. A pre-existing gravel driveway must be maintained to prevent grass and vegetation from growing in the driveway. If the driveway is not maintained in this manner, an all weather dust free driveway must be installed. (Revised, Ordinance No. 2276)

2. Business, Commercial, and Industrial Uses:
   (a) Automobile, Truck, Recreational Vehicle and Mobile Home Sales and Rental Lots: One (1) parking space for each three thousand (3,000) square feet of open sales lot area devoted to the sale, display and rental of said vehicles.
   (b) Automobile Salvage Yards: One (1) parking space for each employee, plus one (1) parking space for each ten thousand (10,000) square feet of storage area.
   (c) Financial, Business, and Professional Offices and Offices Associated with Commercial and Industrial Uses: One (1) parking space for each three hundred
STATE OF KANSAS
Wyandotte County

Erika Gray of the Legal Dept. of the Bonner Springs Chieftain being first duly sworn, deposes and says:

That this weekly newspaper printed in the State of Kansas, and published in and of general circulation in Wyandotte County, Kansas, with a general paid circulation on a weekly basis in Wyandotte County, Kansas, and that said newspaper is not a trade, religious or fraternal publication, and which newspaper has been admitted to the mails as periodicals class matter in said County, and that a notice of which is hereto attached, was published in the regular and entire issue of the Bonner Springs Chieftain.

Said newspaper is published weekly 32 weeks a year; has been so published continuously and uninterruptedly in said county and state for a period of more than five years prior to the first publication of said notice and been admitted at the post office of Bonner Springs in said County as second class matter.

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for 1 consecutive weeks the first publication thereof being made as aforesaid on 06/28/2012 with publications being made on the following dates:

06/28/2012

Subscribed and sworn to before me this

My Appointment expires:_________

Notary Public

Publication Charges $39.00
Notary And Affidavit $0.00
Additional Copies $0.00
$39.00

(Published in the Bonner Springs Chieftain, Thursday, June 28, 2012)

NOTICE OF A PUBLIC HEARING
BOARD OF ZONING APPEALS
CITY OF BONNER SPRINGS, KANSAS

The Board of Zoning Appeals will hold a public hearing on Tuesday, July 24, 2012, at 5:15 p.m. at City Hall in the Council Chambers, 205 E. 2nd Street, Bonner Springs, Kansas. The purpose of the public hearing is to receive the public’s comment on a variance request.

Variance: BZA-109: “Maple Ridge”, a request for a variance to the minimum number of off-street parking spaces from the required two (2) spaces per dwelling unit to one and one half (1 1/2) spaces per dwelling unit as specified under the Zoning Ordinance, Article XXIII: Off-Street Parking and Loading Regulations, Section 501(1)(b).

Requested by Jacob Mooney, Principal MRE Capital, under contract from Quad J Holdings, LLC, property owners of record. This request is in order to convert the former mixed use apartment/office complex into a senior housing project within the existing building. The property is located at 515 E. Morse Avenue.

The complete legal description and application for the above item is available for public inspection at the Bonner Springs Planning Department, 205 E. 2nd Street, to Don E. Sloane, AICP, CFM, Planning Director at (913) 667-1700.

Persons who wish to be heard will be given an opportunity to make comments at the public hearing.

/s/ Don E. Sloane, AICP, CFM
Board of Zoning Appeals Secretary