BOARD OF ZONING APPEALS AGENDA

CITY HALL COUNCIL CHAMBERS

TUESDAY, MAY 15, 2018

MEETING BEGINS @ 6:00 P.M.

BOARD OF ZONING APPEALS MEMBERS:

Please Contact Don @ 667-1708

No later than 12:00 Noon, Tuesday, May 15, 2018,

If you will be unable to attend

PREPARED BY:

DON E. SLONE, AICP, CFM
City Planner – Floodplain Manager
CRS Coordinator

PEOPLE  PLANNING  PROGRESS
CITY OF BONNER SPRINGS  
BOARD OF ZONING APPEALS Agenda  
TUESDAY, MAY 15, 2018 @ 6:00 P.M.  

Call to Order:  

Time: ________  

Roll Call:  

_____ Lloyd Mesmer (Chairman) _____ Craig Stephan (Vice-Chairman) _____ Sherri Neff  

_____ Merle Parks _____ Jason Krone  

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-112: “Netleton Manor Apartments”, a request by Justin Unger, Steele Nettleton, LLC, property owners of record for a the following variances:  

1. Article XV, C-1 Central Business District, Section 4, Height Regulations from the maximum height of structure, three (3) stories, or forty-five (45) feet, to the existing six (6) story building that measures fifty-eight (58) feet to the top of the roof parapet;  

2. Article XIV, MX, Mixed Use District, Section 5, Yard Regulations, Paragraph 2, Side Yard from the minimum ten (10) feet, to the existing nine (9) feet; and  

3. Article XXIII Off-Street Parking and Loading Regulations Section 5, which requires two (2) spaces per unit. This request grants the existing parking to be sufficient for the seventy-six (76) unit residential building.  

Open Public Hearing Time: ________  

1. Staff Presentation  

2. Applicant Presentation  

3. Public Comment  

Close Public Hearing Time: ________  

Motion: ____________________ Second: ____________________  

4. Board Discussion / Vote  

_____ Mesmer _____ Stephan _____ Neff _____ Parks _____ Krone  

Approved: _______  

Denied: _______
ITEM NO. 1

BOARD OF ZONING APPEALS AGENDA
Tuesday, May 15, 2018 – 6:00 p.m.

Variance: BZA-112: “Nettleton Manor Apartments”, a request by Justin Unger, Steele Nettleton, LLC, property owners or record for the following variances:

1. Article XV, C-1 Central Business District, Section 4, Height Regulations from the maximum height of structure, three (3) stories, or forty-five (45) feet to the existing six (6) story building that measures fifty-eight (58) feet, to the top of the roof parapet;

2. Article XIV, MX, Mixed Use District, Section 5, Yard Regulations, Paragraph 2, Side Yard from the minimum ten (10) feet, to the existing nine (9) feet; and

3. Article XXIII Off-Street Parking and Loading Regulations Section 5, which requires two (2) spaces per unit. This request grants the existing parking to be sufficient for the seventy-six (76) unit residential building.

Note: These requests are to allow the property to be a “legal conforming use” located at 111 E. Kump Avenue.

PRESENT
Mesner
Krone
& VOTE:
Neff
Parks
Stephan

MOTION: ____________________________

SECOND: __________________________

ACTION: Make a motion to approve.

STAFF RECOMMENDATION: The City Planner recommends approval of the requested variances subject to the conditions listed in the Staff Report.

NARRATIVE: A Staff Report is included in the agenda. Staff will be present to answer any questions.
VARIANCE:  “NETTLETON MANOR APARTMENTS”

Case No.:  BZA-112

Applicant/Owners:  Steele Properties, LLC
Location:  111 E. Kump Avenue (Parcel No. 188616)
Zoning:  C-1, Central Business District – (“MX”, Mixed Use District – BSZ-140)
Lot Size:  1.12 acres
Building Size:  50’ x 144’ (10,118 sq.ft.)
Building Height:  58’
Building Use:  6-Story, Seventy-Six (76) Unit Residential Building

**Staff Recommendation:**

The City Planner supports the request to grant the following (3) variances:

1. Article XV, C-1 Central Business District and/or Article XIV, MX, Mixed Use District, Section 4, Height Regulations from the maximum height of structure, (3) stories, or 45 feet to the existing (6) story building that is 58 feet, to the top of the roof parapet;
2. Article XIV, MX, Mixed Use District, Section 5, Yard Regulations, Paragraph 2, Side Yard from the minimum ten (10) feet, to the existing nine (9) feet; and
3. Article XXIII Off-Street Parking and Loading Regulations Section 5, which requires two (2) spaces per unit. This request grants the existing parking to be sufficient for the seventy-six (76) unit residential building.

This recommendation is subject to the following (2) conditions:

1. Governing Body approval of the change in zoning under BSZ-140; and
2. The applicants filing the “Variance Approval Letter” provided granting the variances as listed and provide a “filed copy” to the City Planner to close the file.

**Exhibits:**

Applicant’s response to the “Conditions for Consideration”; Property Survey; Variance Exhibit; WYCO Parcel Data Sheet; Article XV, C-1, Central Business District zoning; Article XIV, MX, Mixed Use District zoning; Article XXIII, Off-Street Parking and Loading Regulations; Excerpts of the adopted Urban Renewal Plan for Downtown Bonner Springs dated March 10, 1970, adopted April 15, 1970; and the Proof of Publication.

**Background:**


**Discussion:**

In staff’s opinion, the existing seventy-six (76) unit residential building was constructed in accordance with the “Objectives and Provisions” of the adopted Urban Renewal Plan as noted:

1. Provision of land for construction (publicly or privately sponsored) of low and low-to-moderate income housing facilities (see page R 213-2(h));
2. Provision of parking facilities as required to support public and private land uses in the Urban Renewal Area. (see page R 213-2(j));
3. Maximum Building Heights – Multi-Family Residential – No restriction (see page R 213-6(4)(b));
(4) Minimum Off-Street Parking – hereby deemed to be in compliance with the parking requirements under this Urban Renewal Plan (see page R 213-7(6)).

**Provisions for Granting a Variance:**

A variance may be granted, upon a unanimous finding by the Board that all five of the following conditions have been met.

The Board shall make a determination on each condition and finding, and shall be entered into the record.

1. **Condition Unique to the Property** – The variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone or district; and is not created by an action or actions of the property owner or applicant;

2. **No Adverse Affects** – The granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents;

3. **Unnecessary Hardship** – The strict application of the provisions of the zoning regulations of which the variance is requested will constitute unnecessary hardship upon the property owner represented in the application;

4. **Public Health, Safety and Welfare** – The variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare; and

5. **Ordinance Intent** – The granting of the variance desired will not be opposed to the general spirit and intent of the zoning regulations.
April 4th, 2018

Mr. Don Slone
City Planner
City of Bonner Springs:
205 E. 2nd Street, P.O. Box 38
Bonner Springs, KS 66012

Re: Board of Zoning Appeals Application for Nettleton Manor Apartments

Dear Mr. Slone,

Please see our comments below to the five conditions listed within the Board of Zoning Appeals Application.

1. **Condition Unequal to the Property** – The variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone or district; and is not created by an action or actions of the property owner or applicant;

   The property was developed as a multi-family senior facility under the Urban Renewal Plan for Downtown Bonner Springs. At the time of construction, the building, parking and use complied with the Urban Renewal Plan. Since the initial development, zoning requirements have been revised. Given that this is an existing property, the developer/Owner is seeking the re-zoning in effort to protect the housing that exists. A condition of Owner/Developer’s equity investor is that, in the event of a catastrophic event, the rebuilt building will contain the same number of units. Since this project will be financed, in part, with the equity obtained under Section 42 (low income tax credits) it is critical that the number of units be maintained. This application is being sought so that, in the event of a casualty, the Owner would have the necessary zoning in place to reconstruct the housing.

2. **No Adverse Effects** – The granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents;

   There would be no impact to adjacent property owners or residents, as all existing use groups, occupancies and building classifications would remain the same.

3. **Unnecessary Hardship** – The strict application of the provisions of the zoning regulations of which the variance is requested will constitute unnecessary hardship upon the property owner represented in the application;

   The applicant has consulted with its architect to determine whether, in the event of a casualty exceeding 50%, the building could be reconfigured on the lot in such a way as to reconstruct the current number of units while satisfying the current zoning requirements. The architect has indicated that it would be physically impossible to reconstruct a 76-unit residential facility under the current zoning regulations. A copy of the architect’s letter is attached hereto. Financing for the project will be contingent upon the Applicant obtaining a change in
zoning classification (allowing for residential use), increasing the number of floors (including the variance for the height restriction) and providing a parking and set-back variance.

4. **Public Health, Safety and Welfare** – The variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare; and

The variance desired would not change the character, construction, use or occupancy of the building from its present use. There would be no impact to the public health, safety, morals, order, convenience, prosperity or general welfare in any way. The property was initially constructed to fulfill the objectives of the Urban Renewal Plan. Those objectives included: (i) the provision of needed public services and amenities; (ii) the improvement of social and economic conditions; and (iii) provision of housing for low and low-to-moderate residents. Approving the requested modifications furthers the positive impact within the local community.

5. **Ordinance Intent** – The granting of the variance desired will not be opposed to the general spirit and intent of the zoning regulations.

The granting of the variances allows the building to be grandfathered into the zoning restrictions under the Urban Renewal Plan without expanding the footprint of the building.

Sincerely,

[Signature]

David Asarch
Steele Nettleton LLC
04/02/2018

Justin Unger
Steele Properties
6875 E. Evans Avenue
Denver, CO 80224
P: (303) 226-9136

Adam Pickett
Benton Design Group
913 Bullpen Drive
O'Fallon, MO 63366
P: (636) 515-0382

Re: Nettleton Manor Apartments – Bonner Springs, KS

To Whom It May Concern:

I am providing this document to serve as a statement of my position on the Nettleton Manor Apartments.

I have served as Project Architect for the Nettleton Manor Apartments and the proposed limited renovation to occur in coordination with Kansas Housing Resources Corporation tax credits.

In reviewing the current zoning codes and regulations, it is my position that it is not feasible to reconstruct a seventy-six (76) unit residential building on the existing lot, in the instance of a catastrophic event and full reconstruction be required.

Should you have any questions, please don't hesitate to let me know.

Thank you,

Adam Pickett, AIA NCARB
City of Kansas City, Kansas

Kansas City
Official Website of the Unified Government of Wyandotte County and Kansas City, Kansas

Thursday, April 19, 2018

Home > Departments

Print View

PARCEL INFORMATION
Parcel: 188816 [See Parcel Map]
KUPN: 049203020010000001
Status: Tax Unit: 110
Volume: 20
TD: 5
Book: 8A
Reference: 0585
Map: 603
Map Section: D29

PROPERTY DESCRIPTION
Property Address: 111 E KUMP AVE BONNER SPRINGS KS 66012
Subdivision: BONNER SPRINGS
Assessed With Parcel: Yes
Assessed Here Parcel: Yes
Sec-Twp-Range: 00-00-00
Description: B15 PART OF L13 TO L16; ALSO PART OF VACATED KUMP N OF B17 L1 & L11; BEG NW COR L16; S39N-100FT, S 09.58FT, E 174.65FT, E218R-04904

MAP INFORMATION
Frontage: 0.00 Left: 0.00 Right: 0.00 Rear: 0.00
Dedicated Acres: Map: Mapped Acres: 1.116 Mapped SQ: 46011.110

NAME & ADDRESS
Owner Name: STEELE NETTLETON, LLC
ATTN: ACCOUNTING
Mailing Address: 6875 E EVANS AVE DENVER CO 80224
Lease:

APPRaisal SUMMARY DISCLAIMER - VALUES AND/OR INFORMATION IS SUBJECT TO CHANGE

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ARTICLE XV

“C-1” CENTRAL BUSINESS DISTRICT

SECTION 1. PURPOSE: The purpose of this district is to provide a zone which is suitable for retail shopping and offices that are typically located in the central business district area of a city. (Revised, Ordinance 1710, 12/5/94)

SECTION 2. PERMITTED USES: The retailing of goods and services, public and semi-public uses, and second story apartments are permitted. For a specific listing of permitted uses and uses permitted by special use permit, see Appendices A and B of these regulations.

SECTION 3. INTENSITY OF USE REGULATIONS:
1. Minimum Lot Area: None, except as required to meet fire code.
2. Minimum Lot Width: None

SECTION 4. HEIGHT REGULATIONS: Maximum height of structure: Three (3) stories, or forty-five (45) feet.

SECTION 5. YARD REQUIREMENTS: Except as modified by the provisions of Article XXII, minimum yard sizes shall be as follows:
1. Front Yard: None.
2. Side Yard: None.
3. Rear Yard: None.
4. Encroachments: Under no circumstances will structures encroach into easements, required yards or rights-of-way. Encroachments shall not include chimneys, balconies, roof overhangs, etc., two feet above grade and not extending more than three (3) feet into the setback. Structural retaining walls that are not part of a larger structure also shall not be considered as encroachments. (Revised, Ordinance No. 1884, 12/20/99)

SECTION 6. USE LIMITATIONS: Each business must be conducted entirely within an enclosed building, including the storage of supplies, goods and equipment; provided, however, that vending machines and the temporary display of seasonal retail goods shall be permitted where the area used for such display is less than 200 square feet.

SECTION 7. SCREENING REQUIREMENTS: Site and landscape plans for all high-density residential projects and all commercial, office and light industrial projects shall include a detailed drawing of the screening methods as provided hereafter. For the purpose of the section, the phrase “screened from public view” means not visible from adjoining properties or any street right-of-way. The below listed screening requirements shall be installed and maintained at the property owner’s expense.

1. Trash, grease, and business recycling enclosures shall be screened from public view on all four sides. The screening shall be a minimum of six (6) foot solid opaque fence constructed of wood, masonry or other compatible building material. The enclosure shall be constructed large enough to fully enclose the trash, grease and business recycling receptacle(s);
ARTICLE XIV

"MX" MIXED USE DISTRICT

SECTION 1. PURPOSE: The purpose of this district is to permit the grouping of office, retail and residential uses which are intended by design and use.

SECTION 2. PERMITTED USES: Office, retail and residential uses are permitted. For a specific listing of permitted uses and uses permitted by special use permit, see Appendices A and B of these regulations.

SECTION 3. INTENSITY OF USE REGULATIONS: Area occupied by buildings in this district shall not exceed forty (40) percent of the ground area on which the buildings are located.

SECTION 4. HEIGHT REGULATIONS: Maximum structure height: Three (3) stories, or forty-five (45) feet.

SECTION 5. YARD REGULATIONS: Except as modified by the provisions of Article XXII, minimum yard sizes shall be as follows:

1. Front Yard: Twenty (20) feet
2. Side Yard: Ten (10) feet
3. Rear Yard: Twenty (20) feet
4. Encroachments: Under no circumstances will structures encroach into easements, required yards or rights-of-way. Encroachments shall not include chimneys, balconies, roof overhangs, etc., two feet above grade and not extending more than three (3) feet into the setback. Structural retaining walls that are not part of a larger structure also shall not be considered as encroachments.

SECTION 6. USE LIMITATIONS: Each business must be conducted entirely within an enclosed building, including the storage of supplies, goods and equipment; provided, however, that vending machines and the temporary display of seasonal retail goods shall be permitted where the area used for such display is less than 200 square feet.

SECTION 7. SCREENING REQUIREMENTS: Site and landscape plans for all high-density residential projects and all commercial, office and light industrial projects shall include a detailed drawing of the screening methods as provided hereafter. For the purpose of the section, the phrase “screened from public view” means not visible from adjoining properties or any street right-of-way. The below listed screening requirements shall be installed and maintained at the property owner’s expense.

1. Trash, grease, and business recycling enclosures shall be screened from public view on all four sides. The screening shall be a minimum of six (6) foot solid opaque fence constructed of wood, masonry or other compatible building material. The enclosure shall be constructed large enough to fully enclose the trash, grease and business recycling receptacle(s);
2. Exterior ground-mounted or building mounted equipment including, but not limited to, mechanical equipment, utilities and banks of meters, shall be screened from public view with landscaping, fencing or with an architectural treatment compatible with the building architecture;
3. All rooftop equipment shall be screened from public view with an architectural treatment which is compatible with the building architecture;
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 (300) square feet of gross floor area dedicated to the same. (Revised Ordinance No. 1884)
URBAN RENEWAL PLAN

for

DOWNTOWN BONNER SPRINGS
PROJECT NO. KANS.R-42

DATED: MARCH 10, 1970
Mayor Vaughn called the adjourned meeting to order. Councilmen Dick, Stephan, Noel Nyman, Harold Callahan, Dr. Robert Laing and Eugene McGraw were present. William Clark was absent.

Mayor Vaughn gave up-to-date report on progress of the Urban Renewal proposal and explained that the purpose of this meeting is to familiarize the public concerned, answer questions and act on a Resolution approving the Urban Renewal Plan and the feasibility of relocation for Project No. Kane S-N2 and authority to execute an agreement providing for this project.

Mayor Vaughn reminded those present that all conversation was being recorded by tape and shorthand and would become a part of these minutes.

Dr. Ernest Mitts was introduced as a member of the Urban Renewal agency who presented the Urban Renewal Plan to an audience of over one hundred persons.

Notice of this meeting was published in the local newspaper with date and time set at April 15th, 1970 at 7:30 P.M.

The following members of the Urban Renewal Commission were present: Stephan, Nyman, Callahan, Dr. Laing, McGraw, Art Penner, Wayne Phillips, Herman Merritt, director, Dr. Andreas, Ed Roberts, Frank Schlimmer and Dr. Ernest Mitts.

Questions from the floor were answered by Robert Des Marteau, Assistant to the Director of the Project. Discussion ended at 9:45 at which time a recess of fifteen minutes was declared.

Mayor Vaughn rapped for order at 9:45 P.M. City Clerk read a resolution of City Council of Bonner Springs approving the Urban Renewal Plan and the feasibility of relocation for Project No. Kane S-N2 in its entirety after which Mr. Callahan moved its adoption. Mr. Nyman seconded the motion. Roll call as follows:

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<td>Stephan</td>
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<td>Dr. Laing</td>
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<td>Yes</td>
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Motion carried. Resolution #4 declared adopted by Mayor Vaughn.

Mr. Des Marteau presented a cooperation agreement between the Urban Renewal Agency of the City of Bonner Springs, Kansas and the City of Bonner Springs, Kansas providing for carrying out the plans of the Urban Renewal Agency and providing for the financing of the project not to exceed $2,263,249.00.

Councilman Stephan moved that the Mayor be authorized to sign and City Clerk to attest the Cooperation Agreement between the Urban Renewal Agency of Bonner Springs, Kansas and the City of Bonner Springs, Kansas pertaining to, among other things, the undertaking of the Urban Renewal Program and to the carrying out of the Urban Renewal Program.

Dr. Laing seconded the motion and roll taken was as follows:

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Mayor Vaughn declared the vote unanimous and motion carried.

Mr. Callahan moved meeting recess at 9:45 P.M., until April 21, 9:30 P.M. at which time Resolution #5 will be presented for action.

Christine DeBerry, City Clerk
HENCE westerly along the north line of the south 10 feet of said Lot 10 extended to the west line of Cornell Avenue;
HENCE south along the west line of Cornell Avenue to the northeast corner of Lot 9, Block 2, Oak Ridge Addition;
HENCE west along the north line of Lots 9 and 10, Block 2, Oak Ridge Addition to the east line of Emerson Avenue;
HENCE north along said east line of Emerson Avenue to a point 6 feet north of the northeast corner of Lot 12, Block 2, Oak Ridge Addition;
HENCE west along a line parallel to and 6 feet north of the south line of Lot 6, Block 3, Oak Ridge Addition to the west line of said Lot 6;
HENCE north along the west line of Lot 6, Block 3, Oak Ridge Addition to the northeast corner of Lot 10, Block 3, Oak Ridge Addition;
HENCE west along north line of said Lot 10, Block 3 and extended along the north line of Lot 6, Block 4, Oak Ridge Addition; to the northwest corner of said Lot 6;
HENCE south along the west line of said Lot 6 to the north line of Pine Street;
HENCE northwesterly along said north line of Pine Street to point of Beginning.

Urban Renewal Plan Objectives

Local objectives to be achieved in the Urban Renewal Area through implementation of this Urban Renewal Plan include the creation of a physical character and environment meeting desirable planning standards, the provision of needed public services and amenities, and the improvement of social and economic conditions affecting the Urban Renewal Area.

Accomplishment of these objectives will require:

a. Conservation and/or rehabilitation of all structures that are in conformance with the land use provisions of this Plan and that are economically feasible for rehabilitation.

b. Demolition of all structures not economically feasible for rehabilitation.

c. Acquisition and clearance of real property not in conformance with the land use provisions of this Plan.

d. Improvement of transportation facilities.

e. Construction and/or improvement of public facilities and utilities, including provision of necessary land therefor.

f. Provision of other public land for parks, pedestrian areas, and open space.

g. Underground placement of utility lines (within the downtown area).

h. Provision of land for construction (publicly or privately sponsored) of low and low-to-moderate income housing facilities.

i. Improvement of commercial facilities through rehabilitation or redevelopment, as appropriate.

j. Provision of parking facilities as required to support public and private land uses in the Urban Renewal Area.

k. Preservation and restoration of historical structures and areas.

l. Landscaping of public and private areas, including visual screening of objectional views.

m. Elimination of all other blighting conditions affecting the environment of the Urban Renewal Area.
Access and Pedestrian Areas: The uses permitted in these areas are public plazas, pedestrian malls, and spaces including all the amenities associated with these kinds of pedestrian facilities, such as canopies, street furniture, plant materials, water features and sculpture. Also permitted in these use areas, will be limited vehicular movements and parking so long as the implementation of said movements and parking conform to the design objectives of the plan.

b. In addition to the foregoing, the following regulations, controls or restrictions shall be imposed on all real property acquired in connection with the project.

(1) General. The real property covered hereunder shall be subjected to those conditions, covenants, restrictions, reservations and easements to ensure its best use and most appropriate development and improvement; to preserve and enhance the amenity and convenience of such property; to guard against the erection thereon of poorly designed or proportioned structures, and structures built of improper or unsuitable materials; to ensure the highest and best development of said property; to encourage and secure the erection of attractive structures thereon, with appropriate locations thereof to secure adequate free spaces between structures; and in general to provide adequately for a high type of quality of improvement in said property.

(2) Procedure. No improvement shall be undertaken for which plans and specifications have not been submitted to, and approved in writing by, the Urban Renewal Agency as to conformity and harmony with the objectives of this Urban Renewal Plan. Should the Urban Renewal Agency fail to approve or disapprove such plans and specifications within thirty (30) days after said plans and specifications have been submitted to it, this requirement will be deemed to have been fully complied with.

(3) Maximum Site Coverage of Structures

(a) Residential - 35 percent of site area
(b) Commercial - 100 percent of site area
(c) Office Administration - 35 percent of site area

(4) Maximum Building Heights

(a) Single-family and Two-family Residential - 35 feet
(b) Multi-family Residential - No restriction
(c) Commercial - No restriction
(d) Office Administration - No restriction

(5) Minimum Setback from Street Rights-of-Way

(a) Residential - 25 feet
(b) Commercial - No restriction
(c) Office Administration - 20 feet
(6) **Minimum Off-Street Parking**

As indicated on Plate II, Land Use Plan, public off-street parking areas have been designated, generally serving the commercial area on either side of Oak Street. This off-street parking will be developed by the City of Bonner Springs with development costs wholly or partially assessed to a benefit district. All properties included in such benefit district are hereby deemed to be in compliance with the parking requirements under this Urban Renewal Plan.

Properties not included within said off-street parking benefit district and which are acquired and offered for redevelopment by the Urban Renewal Agency shall be subject to minimum off-street parking requirements as follows:

(a) **Residential** - 1.5 spaces per dwelling unit

(b) **All Other** - Two spaces per each 1,000 square feet of land area.

(7) **Maximum Residential Density**

Not more than 15 dwelling units per acre.

(8) **Signs**

(a) **Residential** - No signs, advertisements, billboards or advertising structures of any kind may be erected or maintained on the property; provided, however, that one signboard not more than one square foot in size may be permitted for the sole purpose of offering for sale or lease the property upon which it is erected; and provided further, that one sign not more than one square foot in size identifying any home occupation is permitted.

(b) **Nonresidential**

(1) All identifying or advertising signs must be designed and their positions indicated on the final working drawings and plans to be submitted for approval prior to erection of the proposed development. The signs should be related to the structure to which they are to be attached in position, form, color and size. The one permitted exception is the case of individual occupiers of retail space, but final drawings should nevertheless indicate the proposed position of the sign.

(2) Signs affixed to a building wall shall not extend more than 12 inches from the building wall.

(3) No hanging sign will be permitted unless affixed immediately beneath a porch or pedestrian canopy. Roof signs are prohibited.

(4) Any permitted sign may be illuminated from within or without, provided that such lighting shall be limited to a non-flashing type.

(5) One sign devoted exclusively to the identification of each occupancy of the main floor of a building, or to identify the products or services available on such main floor premises will be permitted on each elevation to which such occupancy abuts, provided that, in addition multiple-occupancy structures, either retail, commercial or residential, shall be permitted one sign at each entrance identifying the building as a whole.

(6) Signs advertising building or premises as for sale or for lease shall be limited to one in number for each building, shall not exceed five square feet in area and shall be removed on consummation of the sale or lease.
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, May 15, 2018 at 6:00 pm at City Hall in the Council Chambers, 205 E. 2nd Street, Bonner Springs, Kansas. The purpose of the public hearing is to receive public comment for:

Variance: BZA-112: “Nettleton Manor Apartments”, request by Justin Unger, Steel Properties, under contract from Nettleton Manor Holdings, LLC, property owners of record are requesting the following variances:

1. Article XV, C-1 Central Business District and/or Article XIV, MX, Mixed Use District, Section 4, Height Regulations from the maximum height of structure: Three (3) stories, or forty-five (45) feet to the existing six (6) stories; and

2. Article XXIII Off-Street Parking and Loading Regulations Section 5, Required Spaces for Multi-Family Residential uses.

These requests are to allow the property to be a “legal conforming use”. The property is located at 111 E. Kump Ave.

The complete legal description and application for the above item is available for public inspection at the City Planner’s Office, 205 E. 2nd Street, to Don E. Slone, AICP, CFM, City Planner at (913) 667 1708 or by email to delonce@bonnersprings.org.

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

/s/ Don E. Slone, AICP, CFM
Board of Zoning Appeals Secretary
First published 4-19-18
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PROOF OF PUBLICATION

State of Kansas, Wyandotte County, ss:
Roberta M. Peterson, of lawful age, being duly sworn, says that she is the PUBLISHER of The Wyandotte Echo, a weekly newspaper, owned and operated by M.R.P.P. Inc., printed and published in the city of Kansas City, Wyandotte County, State of Kansas, which said newspaper has a general circulation and has been admitted to the mails as second class matter in said county, and has been published therein during a period of more than five years prior to the first publication of the legal notice hereto annexed; that affiant, of her own knowledge, knows that the printed notice was published each and every issue of The Wyandotte Echo for ___ consecutive week(s) as follows:

1st Publication was made on April 19, 2018

2nd Publication was made on:

3rd Publication was made on:

4th Publication was made on:

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SUBSCRIBED AND SWORN TO before me this:

19th day of April, 2018

Notary Public:

[Signature]

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