AGENDA

BOARD OF ZONING APPEALS MEETING

City Hall – 205 E. 2nd Street – Bonner Springs, KS 66012
Tuesday, April 16, 2019
Shared Study Session -- 6:30 p.m. -- Regular Meeting – 8:00 p.m.

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Study Session – 6:30 p.m.

1. Presentation of the Arts & Entertainment Mixed Use project located southwest of the intersection of State Avenue and Speedway Boulevard. Q & A not related to items on the agenda. Open to the public.

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Regular Meeting – 8:00 p.m.

1. CALL TO ORDER

2. ROLL CALL

3. CONSENT AGENDA

   Item #1 – Approval of Minutes of September 18, 2018 Board of Zoning Appeals meeting

   Staff recommends APPROVAL of the September 18, 2018 Board of Zoning Appeals meeting minutes.

4. PUBLIC HEARING

   Item #2 -- BZA-116 - Four (4) variance requests for Arts & Entertainment District – each request will be reviewed, discussed, and decided separately – See staff report for details

   Request #1 -- Maximum structure height: Five (5) stories or one hundred fifteen (115) feet.

   Request #2 -- Reduce required parking by 20% for the site

   Request #3 -- Reduction of roadway classifications

   Request #4 -- Increase the maximum of any one material to 85%

5. ADJOURNMENT
BOARD OF ZONING APPEALS MINUTES  
Tuesday, September 18, 2018 @ 6:00 p.m.

Members Present: Jason Krone, Sherri Neff, Lloyd Mesmer, and Merle Parks
Members Absent: Craig Stephan
Staff Present: Don E. Slone, AICP, CFM, City Planner

Chairman Mesmer called the meeting to order at 6:05 p.m. and called roll. Roll call listed above.

Chairman Mesmer asked for a motion to approve the minutes from the August 21, 2018 Board of Zoning Appeals meeting. Merle Parks made a motion to approve the minutes with a second from Sherri Neff with one correction. The correction was to add Sherri Neff’s name to the attendance list as it was mistakenly left off. The City Planner stated that he would revise the minutes to reflect that correction.

Motion passed 4-0.

Chairman Mesmer introduced Item No. 2: Variance: BZA-115: “502 Lake Forest Drive”, requested by Bill Giles for RoxAnn Banks Dicker, property owner of record is requesting the following variances/appeal:

1. Article VIII, “R-1”, Single-Family Residential District, Section 4, Height Regulations from the maximum structure height of two and one-half stories, or thirty-five (35) feet to thirty-seven (37) feet;
2. Article VIII, “R-1”, Single-Family Residential District, Section 5, Yard Regulations, Paragraph (1) Front Yard Setback within the required twenty-five (25) feet to the current four and one-half (4 ½) feet; and
3. Article VIII, “R-1”, Single-Family Residential District, Section 5, Yard Regulations, Paragraph (3) Rear Yard Setback within the required twenty-five (25) feet to seventeen (17) feet.

These requests are to allow the property to be a “legal conforming structure”. The property is located at 502 Lake Forest Drive.

Chairman Mesmer opened the public hearing at 6:07 p.m. and asked for Staff presentation. The City Planner presented the Staff Report with support to grant the three (3) Variances requested subject to the applicants filing the “Variance Approval Letter” and provide a “filed copy” to the City Planner to close the file.

Chairman Mesmer asked if he had questions or comments. Bill Giles requested the Board approve the requested variances as his home will not look any different than what it currently does. He stated it was built in 1950 and after the remodel; it would not look any different than what it does today except it will be totally revitalized. Mr. Giles went on to ask the Board about the 2 ½ story and what it meant? He could not find definition of two one-half stories and recommended the City consider adding it. Mr. Giles stated that he thought if the front of the house is two-story and the rear is a three-story; then it is probably a two one-half story house per our regulations. The City Planner concurred with Mr. Giles analysis.

Chairman Mesmer seeing no additional public in attendance, he closed the public hearing at 6:09 p.m. and asked for a motion. Jason Krone made a motion to approve the three (3) variances with the one listed condition with a second from Merle Parks.

Chairman Mesmer asked for the vote. Motion was approved 4-0.

Chairman Mesmer asked if the Board had any additional business, seeing none, he adjourned the meeting at 6:12 p.m.

__________________________________________
Don E. Slone, AICP, CFM, Secretary
To: Bonner Springs Planning Commission

From: Rachel Clyne, City Planner

Date: April 11, 2019

Subject: BZA-116 -- Request for Variances for Arts & Entertainment District at the Bonner Crossing area located southwest of the intersection of State Ave & Speedway Blvd

It is requested that the following information be given formal consideration by the Board of Zoning Appeals at a regular meeting of April 16, 2019.

In the City’s Zoning Ordinance, Article XXVI—BOARD OF ZONING APPEALS—Section 3.2.a.b (1-5) gives authority to the Board of Zoning Appeals (Board) to grant a variance that has been requested, upon a finding by the Board that all of the following conditions have been met. The Board shall make a determination on each condition, and the finding shall be entered in the record.

The following five (5) conditions must be addressed for each variance request.

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 Effects** – 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.

The following four (4) variance requests are part of one application but are for individual review discussion, and decision. The information is taken directly from the applicant’s request letter, which is also attached for your reference. The applicable Articles and Sections of the Bonner Springs Zoning Ordinance are provided for each item and will be *italicized*. Staff will have comments/recommendations for each request.
Request #1 – Building Height and Stories for Development

ARTICLE VI, "A-1" AGRICULTURE DISTRICT, SECTION 4. HEIGHT REGULATIONS: Maximum structure height: Two and one-half (2 1/2) stories, or thirty-five (35) feet.

ARTICLE XIV, "MX" MIXED USE DISTRICT, SECTION 4. HEIGHT REGULATIONS: Maximum structure height: Three (3) stories, or forty-five (45) feet.

Variance Request – Maximum structure height: Five (5) stories or one hundred fifteen (115) feet.

The Concert Pavilion roof structure is proposed to be no more than 115' in height. This is needed due to the unique condition of the facility to house approximately 7,000 people under the canopy while still allowing the approximately 7,000 outdoor spectators to still have unimpeded views of the stage. The Performing Arts Center and Media Works also have special requirements that exceed the maximum structure height and are below the 115’ request. The proposed Class A Apartments and potentially hotels and the senior apartments would exceed the maximum stories and structure height allowed in MX Zoning.

1. Condition Unique to the Property – The seating bowl of the pavilion and Performing Arts necessitates the largest height variances. The location of the pavilion was chosen to work with the existing grades of the site thus lessening the height impact for the roof canopy. The location of the Performing Arts Center was carefully considered to provide strong visual presence on the corner of the site. The Class A Apartments are located adjacent to Wyandotte County Park.

2. No Adverse Effects – The applicant is certain there are no adverse effects to the neighboring properties. The heights and stories of the uses are used to provide a campus feel and to assist with wayfinding. The project proposes a mix of residential on the south portion of the property, State Avenue to the north is a major roadway which connects adjacent uses to the adjacent Kansas Speedway, Children’s Mercy Park and The Legends shopping district.

3. Unnecessary Hardship – Without this variance, the project would not function in its intended capacity.

4. Public Health, Safety and Welfare – The applicant is certain that this variance has no adverse effects on the public health, safety, morals, order, convenience, prosperity, or general welfare.

5. Ordinance Intent – The unique nature of the project necessitates the height and stories variance request. The applicant is certain that at this location the request does not oppose the general spirit and intent of the zoning regulations.

Staff Recommendation

Staff recommends approval of the requested variance for maximum structure height.
Request #2 - Off Street Parking

ARTICLE XXIII, OFF STREET PARKING AND LOADING REGULATIONS, SECTION 5. REQUIRED SPACES.

Variance Request – Reduce required parking by 20% for the site.

The Bonner Crossing Development and Velocity Campus parking strategy is flexible to the types of uses, peak hours, evolving transportation options, technology and sensitive to land use.

The development will utilize shared parking, multi-use parking, and ride share, all of which reduce the actual required parking. Parking studies on existing similar apartment complexes show reductions from 2 spaces per unit are warranted. Due to the types of uses within the development, the different peak times for parking and previous studies on apartment parking the applicant is requesting an overall 20% reduction in parking. The reduction in required parking will ensure a real world parking demand and that the structure can be adequately sized for the demand.

1. Condition Unique to the Property - The compatible uses and their peak times are inherent to the request. Examples include parking for an event will also be used for the adjacent retail, most people staying at the hotel will also attend an event, people living in the residential component will attend events, people utilizing the office Media works will have a different peak parking times than an event. The Esports, Performing Arts, and Concert Pavilion will not always have events concurrently. The reductions amount was partially derived using the ULI Shared Parking Worksheets, adjacent community and site studies and the team's professional experience.

2. No Adverse Effects - The applicant is certain there are no adverse effects to the neighboring properties. By utilizing this reduction, the area needed for parking has been reduced thus lessening the impacts to the site.

3. Unnecessary Hardship - Without this variance, the project would not function in its intended capacity.

4. Public Health, Safety and Welfare - The applicant is certain that this variance has no adverse effects on the public health, safety, morals, order, convenience, prosperity, or general welfare.

5. Ordinance Intent - The reduction of parking does not oppose the general spirit and intent of the zoning regulations.

Staff Recommendation

Staff recommends approval of the requested variance for reduced parking requirements.
Request #3 – Roadway Classification Requirements

CHAPTER XIV ARTICLE 5 SECTION 14-501 APWA STANDARDS INCORPORATED OF THE BONNER SPRINGS MUNICIPAL CODE & SECTION 5203.1 DESIGN CRITERIA OF THE KANSAS CITY METROPOLITAN OF THE AMERICAN PUBLIC WORKS ASSOCIATION: Minimum Horizontal Curve Radius for a Commercial Collector 500 feet; and minimum design speed of 35 MPH.

CHAPTER XIV ARTICLE 5 SECTION 14-501 APWA STANDARDS INCORPORATED OF THE BONNER SPRINGS MUNICIPAL CODE & SECTION 5203.1 DESIGN CRITERIA OF THE KANSAS CITY METROPOLITAN OF THE AMERICAN PUBLIC WORKS ASSOCIATION: Minimum Horizontal Curve Radius for a Residential Collector 300 feet; and minimum design speed of 30 MPH.

Variance Request – Reduce minimum radius and design speed of Commercial Collector Road to 350’ and 30 mph respectively. Reduce minimum radius and design speed of Residential Collector to 200’ and 25 mph respectively.

The public roads proposed to be constructed within the development are intended for the use of vehicles for users of the site. The reduction in speed limit and minimum radius is requested as a traffic calming tool to help reduce the amount of thru traffic that bypasses the main intersections.

1. **Condition Unique to the Property** – The location of a busy intersection at State Avenue and Speedway Blvd and the new loop road construction will provide vehicles the ability to bypass the intersection which is not preferred for this mixed use development with heavy pedestrian traffic.

2. **No Adverse Effects** – The applicant is certain there are no adverse effects to the neighboring properties.

3. **Unnecessary Hardship** – Without this variance, the project would not function as safely with vehicular and pedestrian conflicts.

4. **Public Health, Safety and Welfare** – The applicant is certain that this variance has no adverse effects on the public health, safety, morals, order, convenience, prosperity, or general welfare.

5. **Ordinance Intent** – The unique nature of the project necessitates the variance request. The applicant is certain that at this location the request does not oppose the general spirit and intent of the zoning regulations.

**City Engineer Comments**

"I'm acceptable to reducing the roadway classifications. Essentially they are only reducing the design speeds. Bonner typically uses a posted speed of 5 mph less than the design speed, but it is acceptable to design and post the same speed."

**Staff Recommendation**

Staff recommends approval of the requested variance for reduction of roadway classifications based upon acceptability by the City Engineer.
Request #4 – Building Material Percentage

ARTICLE V, GENERAL PROVISIONS, SECTION 10. SITE PLANS, 5. SITE PLAN REVIEW CRITERIA, 3. The building design should include a variety of materials, with a maximum of 70% of any one material on the side of the structure facing the primary street frontage.

Variance Request – Increase the maximum of any one material to 85%

Due to the nature of the Concert Pavilion the applicant is asking for a potential increase in the maximum percentage of the building material. The nature of the Concert Pavilion at this specific façade has yet to be fully developed and as the applicant works through the design would like to reserve the potential to increase this maximum materials percentage. The applicant will work with staff to ensure the spirit of the zoning ordinance is met.

1. **Condition Unique to the Property** – The Concert Pavilion is not a typical building structure and as such, its design may require an alternate approach to materials. The applicant will work with city staff to ensure an agreeable mix of materials is utilized as the design evolves.

2. **No Adverse Effects** – The applicant is certain there are no adverse effects to the neighboring properties.

3. **Unnecessary Hardship** – Without this variance, the project would not function in its intended capacity.

4. **Public Health, Safety and Welfare** – The applicant is certain that this variance has no adverse effects on the public health, safety, morals, order, convenience, prosperity, or general welfare.

5. **Ordinance Intent** – The unique nature of the Concert Pavilion necessitates the need to consider a maximum percentage increase. The applicant is certain that this does not oppose the general spirit and intent of the zoning regulations.

**Staff Recommendation**

Staff recommends approval of the requested variance for increased maximum of material use.
CITY OF BONNER SPRINGS

BOARD OF ZONING APPEALS APPLICATION

Date: 03-12-19

Application is hereby made to the Bonner Springs Board of Zoning Appeals to consider one of the following:

Variance
Appeals
Interpretation of Zoning Map
Interpretation of Zoning Text
Interpretation of Building Codes

Project Name: Bonner Crossing

WHO SHOULD APPLY: The owner, applicant or developer shall submit a Board of Zoning Appeals application for a variance or an appeal to the Zoning Ordinance or adopted Building Code.

PRE SUBMITTAL CONFERENCE: A pre submittal conference with the City Planner is required prior to submittal.

APPLICATION COST: The filing fee is $200.00 + $25.00 for the Public Notice Sign and the Public Hearing Notice publishing costs. The City Planner will bill the applicant for all publishing costs associated with this request.

REVIEW AND APPROVAL: All applications shall be reviewed by the Board of Zoning Appeals during the Public Hearing. Their decision is final and may only be challenged in District Court.

SUBMITTAL REQUIREMENTS: All Board of Zoning Appeals applications shall address the five conditions listed on the Fact Sheet. If a specific site or development is involved with the request, a site plan, drawn to scale, showing location of buildings, parking and other pertinent data concerning the proposed variance or appeal shall be submitted. Seven (7) full size copies, 11" x 17" maximum, and an electronic PDF copy of all drawings are required at time of submission. The electronic PDF copy may be emailed to the City Planner.

Name of Applicant (Print): The Solutions Group KC, LLC., Attn: Wes Schlobohm Phone: 816-564-3574
Address: 21648 Midland Drive Shawnee, Kansas 66218
E-mail (Required): wschlobohm@tskgc1.com
Record Property Owner (Print): See Attached
Property Address: See Attached
County: Wyandotte Quarter Section: NW 1/4 & NE 1/4 Section/Township/Range: S9 T11 R23
Variance/Appeal Requested: See attached letter.
Legal Description of the Tract (May be attached): See attached
Tract Acreage: 180.20 General Location: Southwest corner of State Avenue and Speedway Boulevard
Present Use: Agriculture Existing Zoning: A-1

I HEREBY CERTIFY THAT THE INFORMATION HEREIN SUBMITTED IS COMPLETE, TRUE AND ACCURATE AND THAT I/WE HAVE BEEN NOTIFIED OF THE PROCEDURES AND GUIDELINES FOR A VARIANCE OR AN APPEAL.

SIGNATURE OF APPLICANT: Wes Schlobohm Date: 03-12-19
(Please type or print name of applicant): Wes Schlobohm
SIGNATURE OF PROPERTY OWNER: See Attached Date: 
(Please type or print name of owner):
(By signing this application, you are hereby granting the City authority to post a public notice sign on your property)

DO NOT WRITE BELOW THIS LINE

Date Received: Received By:
Total Fee: Receipt #:
Board of Zoning Appeals Action (Check One): ☐ Approved ☐ Denied BZA Date: 

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FACT SHEET
BOARD OF ZONING APPEALS APPLICATION
CITY OF BONNER SPRINGS

APPLICATION PROCESS

1. Each Board of Zoning Appeals application requires publication of a legal notice in the City newspaper not less than 20 days prior to the public hearing established by the City Planner. Publication arrangements will be made by the City Planner and the applicants will be billed for all publishing costs associated with this request.

2. If the application is denied, the applicant or his or her representative may appeal to the District Court. For appeal procedures, see Article XXVI, Section 5 of the Zoning Ordinance.

The Board of Zoning Appeals has the power to rule on the following:

- Administrative Review: To hear and decide appeals where there has been an alleged possible error made by the City Planner in the enforcement of the Zoning Ordinance;
- Administrative Review: To hear and decide appeals where there has been an alleged possible error made by the Building Official in the enforcement of the adopted Building Codes; and
- To authorize a variance from the terms, standards and criteria that pertain to an allowed use category within a zoning district as authorized by the Zoning Ordinance, which may be granted, in whole, in part, or upon reasonable conditions as provided in this article, only upon a finding by the Board of Zoning Appeals.

The applicant shall submit written comments on the following five conditions with the application and be prepared to discuss the merits of the application at the public hearing. The Board of Zoning Appeals will only grant a variance if all five conditions have been met.

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 Effects – 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.

No variance may be granted to allow a use of property which is otherwise prohibited by this Ordinance.

An "unnecessary hardship" may be found when a condition, neither self-imposed nor solely financial in nature, substantially deprives the owner of an ordinary legal property right, as long as it does not conflict with the spirit of the Zoning Ordinance.
CONSENT PETITION FOR AMENDMENT OF THE ZONING CODE

We the undersigned have reviewed the petition of The Solutions Group KC, LLC (name of petitioner(s)) to rezone the property described in that petition and encompassing the following addresses:

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We understand that the petitioner seeks to rezone this property from the purpose of development under the master plan in Bonner Springs, and we do hereby consent to and accept the requested amendment of the Zoning Code of the City Bonner Springs, Kansas.

If the property is not owned by an individual, all owners or a duly authorized agent for the owner(s) must sign.

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BONNER CROSSING LEGAL DESCRIPTION

A TRACT OF LAND IN THE NORTHEAST QUARTER OF SECTION 9, TOWNSHIP 11 SOUTH, RANGE 23 EAST OF THE 6TH PRINCIPAL MERIDIAN IN WYANDOTTE COUNTY, KANSAS, COMPOSED OF THE FOLLOWING DESCRIBED PARCELS:

PARCEL 953001

THE NORTH HALF OF THE NORTHEAST QUARTER OF SECTION 9, TOWNSHIP 11, RANGE 23, WYANDOTTE COUNTY, KANSAS, LESS THAT PART TAKEN, CONDEMNED OR USED FOR PUBLIC ROAD PURPOSES;

ALSO LESS THE FOLLOWING:

A TRACT OF LAND IN THE NORTH HALF OF THE NORTHEAST QUARTER OF SECTION 9, TOWNSHIP 11, RANGE 23 IN KANSAS CITY, WYANDOTTE COUNTY, KANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE INTERSECTION OF THE SOUTH LINE OF SAID NORTH HALF OF THE NORTHEAST QUARTER WITH THE WEST RIGHT-OF-WAY LINE OF 118TH STREET, SAID POINT LYING SOUTH 87° 52' 23" WEST, A DISTANCE OF 20.00 FEET FROM THE SOUTEAST CORNER OF SAID NORTH HALF; THENCE SOUTH 87° 52' 23" WEST ALONG SAID NORTH LINE, A DISTANCE OF 21.45 FEET TO A POINT ON A CURVE CONCAVE EASTERLY, HAVING A RADIUS OF 1,689.02 FEET AND A RADIAL BEARING OF SOUTH 79° 07' 14" WEST; THENCE NORTHWESTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 08° 29' 57", A DISTANCE OF 250.55 FEET; THENCE NORTH 02° 22' 48" WEST, A DISTANCE OF 983.49 FEET; THENCE NORTH 33° 11' 57" WEST, A DISTANCE OF 29.28 FEET; THENCE SOUTH 87° 44' 35" WEST, A DISTANCE OF 584.75 FEET; THENCE NORTH 02° 15' 25" WEST, A DISTANCE OF 15.00 FEET TO THE SOUTH LINE OF THE NORTH 50.00 FEET OF SAID NORTHEAST QUARTER, SAID POINT LYING ON THE SOUTH RIGHT-OF-WAY LINE OF STATE AVENUE, AS IT NOW EXISTS; THENCE NORTH 87° 44' 35" EAST ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 379.72 FEET; THENCE SOUTH 02° 22' 48" EAST ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 5.60 FEET; THENCE NORTH 87° 44' 35" EAST ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 240.00 FEET TO THE WEST LINE OF THE EAST 40.00 FEET OF SAID NORTHEAST QUARTER, SAID POINT LYING ON THE WEST RIGHT-OF-WAY LINE OF 118TH STREET AS IT NOW EXISTS; THENCE SOUTH 02° 22' 48" EAST ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 234.40 FEET; THENCE NORTH 87° 44' 35" EAST ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 20.00 FEET; THENCE SOUTH 02° 22' 48" EAST ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 1,033.25 FEET TO THE POINT OF BEGINNING.
PARCEL 953000

THE SOUTH HALF OF THE NORTHEAST QUARTER OF SECTION 9, TOWNSHIP 11, RANGE 23, WYANDOTTE COUNTY, KANSAS, EXCEPT ALL THAT PART TAKEN FOR ROAD PURPOSES AND ALSO EXCEPT THE FOLLOWING:

A TRACT OF LAND IN THE SOUTH HALF OF THE NORTHEAST QUARTER OF SECTION 9, TOWNSHIP 11, RANGE 23, IN KANSAS CITY, WYANDOTTE COUNTY, KANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE INTERSECTION OF THE NORTH LINE OF SAID SOUTH HALF OF THE NORTHEAST QUARTER WITH THE WEST RIGHT-OF-WAY LINE OF 118TH STREET, SAID POINT LYING SOUTH 87° 52' 23" WEST, A DISTANCE OF 20.00 FEET FROM THE NORTHEAST CORNER OF SAID SOUTH HALF; THENCE SOUTH 87° 52' 23" WEST ALONG SAID NORTH LINE, A DISTANCE OF 21.45 FEET TO A POINT ON A CURVE, CONCAVE EASTERLY HAVING A RADIUS OF 1,689.02 FEET AND A RADIAL BEARING OF SOUTH 79° 07' 14" WEST; THENCE SOUTHEASTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 03° 59' 42", A DISTANCE OF 117.77 FEET TO SAID WEST RIGHT-OF-WAY LINE; THENCE NORTH 02° 22' 48" WEST ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 115.68 FEET TO THE POINT OF BEGINNING.

PARCEL 955500

THE EAST HALF OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 9, TOWNSHIP 11, RANGE 23, IN BONNER SPRINGS, WYANDOTTE COUNTY, KANSAS, LESS THAT PART TAKEN FOR ROAD PURPOSES.

PARCEL 955501

THE EAST HALF OF THE WEST HALF OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 9, TOWNSHIP 11, RANGE 23, IN WYANDOTTE COUNTY, KANSAS, EXCEPT THAT PART THEREOF TAKEN OR USED FOR ROADS. SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATION AND COVENANTS OF RECORD, IF ANY.

CONTAINING 180.20 ACRES (7,849,515 SQUARE FEET) MORE OR LESS.
March 12, 2019

Board of Zoning Appeals

RE: Bonner Crossing/Velocity Board of Zoning Appeals Request

Dear Members,

Bonner Crossing/Velocity is envisioned as a unique destination and as such there are development needs that are unique to typical development.

The following requests are being made to the Zoning Ordinance on behalf of the applicant to fulfill the needs of the project. The requests have been outlined below and referenced with the five conditions as stated on the application.

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 Effects**– 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.

If Staff or the Board of Zoning Appeals (BZA) has any questions prior to the meeting, the applicant and design team will make themselves available at your convenience.

**Request 01 – Building Height and Stories for Development**

**ARTICLE VI, “A-1” AGRICULTURE DISTRICT, SECTION 4. HEIGHT REGULATIONS:** Maximum structure height Two and one-half (2 1/2) stories, or thirty-five (35) feet.

**ARTICLE XIV, “MX” MIXED USE DISTRICT, SECTION 4. HEIGHT REGULATIONS:** Maximum structure height: Three (3) stories, or forty-five (45) feet.

**Variance Request – Maximum structure height:** Five (5) stories or one hundred fifteen (115) feet.
The Concert Pavilion roof structure is proposed to be no more than 115’ in height. This is needed due to the unique condition of the facility to house approximately 7,000 people under the canopy while still allowing the approximately 7,000 outdoor spectators to still have unimpeded views of the stage. The Performing Arts Center and Media Works also have special requirements that exceed the maximum structure height and are below the 115’ request. The proposed Class A Apartments and potentially hotels and the senior apartments would exceed the maximum stories and structure height allowed in MX Zoning.

1. **Condition Unique to the Property** – The seating bowl of the pavilion and Performing Arts necessitates the largest height variances. The location of the pavilion was chosen to work with the existing grades of the site thus lessening the height impact for the roof canopy. The location of the Performing Arts Center was carefully considered to provide strong visual presence on the corner of the site. The Class A Apartments are located adjacent to Wyandotte County Park.

2. **No Adverse Effects** – The applicant is certain there are no adverse effects to the neighboring properties. The heights and stories of the uses are used to provide a campus feel and to assist with wayfinding. The project proposes a mix of residential on the south portion of the property, State Avenue to the north is a major roadway which connects adjacent uses to the adjacent Kansas Speedway, Children’s Mercy Park and The Legends shopping district.

3. **Unnecessary Hardship** – Without this variance, the project would not function in its intended capacity.

4. **Public Health, Safety and Welfare** – The applicant is certain that this variance has no adverse effects on the public health, safety, morals, order, convenience, prosperity, or general welfare.

5. **Ordinance Intent** – The unique nature of the project necessitates the height and stories variance request. The applicant is certain that at this location the request does not oppose the general spirit and intent of the zoning regulations.

**Request 02 – Off Street Parking**

*ARTICLE XXIII, OFF STREET PARKING AND LOADING REGULATIONS, SECTION 5. REQUIRED SPACES.*

**Variance Request – Reduce required parking by 20% for the site.**

The Bonner Crossing Development and Velocity Campus parking strategy is flexible to the types of uses, peak hours, evolving transportation options, technology and sensitive to land use.

The development will utilize shared parking, multi-use parking, and ride share, all of which reduce the actual required parking. Parking studies on existing similar apartment complexes show reductions from 2 spaces per unit are warranted. Due to the types of uses within the development, the different peak times for parking and
previous studies on apartment parking the applicant is requesting an overall 20% reduction in parking. The reduction in required parking will ensure a real world parking demand and that the structure can be adequately sized for the demand.

1. **Condition Unique to the Property** – The compatible uses and their peak times are inherent to the request. Examples include parking for an event will also be used for the adjacent retail, most people staying at the hotel will also attend an event, people living in the residential component will attend events, people utilizing the office Media works will have a different peak parking times than an event. The Esports, Performing Arts, and Concert Pavilion will not always have events concurrently. The reductions amount was partially derived using the ULI Shared Parking Worksheets, adjacent community and site studies and the team’s professional experience.

2. **No Adverse Effects** – The applicant is certain there are no adverse effects to the neighboring properties. By utilizing this reduction, the area needed for parking has been reduced thus lessening the impacts to the site.

3. **Unnecessary Hardship** – Without this variance, the project would not function in its intended capacity.

4. **Public Health, Safety and Welfare** – The applicant is certain that this variance has no adverse effects on the public health, safety, morals, order, convenience, prosperity, or general welfare.

5. **Ordinance Intent** – The reduction of parking does not oppose the general spirit and intent of the zoning regulations.

**Request 03 – Roadway Classification Requirements**

**CHAPTER XIV ARTICLE 5 SECTION 14-501 APWA STANDARDS INCORPORATED OF THE BONNER SPRINGS MUNICIPAL CODE & SECTION 5203.1 DESIGN CRITERIA OF THE KANSAS CITY METROPOLITAN OF THE AMERICAN PUBLIC WORKS ASSOCIATION: Minimum Horizontal Curve Radius for a Commercial Collector 500 feet; and minimum design speed of 35 MPH.**

**CHAPTER XIV ARTICLE 5 SECTION 14-501 APWA STANDARDS INCORPORATED OF THE BONNER SPRINGS MUNICIPAL CODE & SECTION 5203.1 DESIGN CRITERIA OF THE KANSAS CITY METROPOLITAN OF THE AMERICAN PUBLIC WORKS ASSOCIATION: Minimum Horizontal Curve Radius for a Residential Collector 300 feet; and minimum design speed of 30 MPH.**

**Variance Request – Reduce minimum radius and design speed of Commercial Collector Road to 350’ and 30 mph respectively. Reduce minimum radius and design speed of Residential Collector to 200’ and 25 mph respectively.**

The public roads proposed to be constructed within the development are intended for the use of vehicles for users of the site. The reduction in speed limit and minimum radius is requested as a traffic calming tool to help reduce the amount of thru traffic that bypasses the main intersections.
1. **Condition Unique to the Property** – The location of a busy intersection at State Avenue and Speedway Blvd and the new loop road construction will provide vehicles the ability to bypass the intersection which is not preferred for this mixed use development with heavy pedestrian traffic.

2. **No Adverse Effects** – The applicant is certain there are no adverse effects to the neighboring properties.

3. **Unnecessary Hardship** – Without this variance, the project would not function as safely with vehicular and pedestrian conflicts.

4. **Public Health, Safety and Welfare** – The applicant is certain that this variance has no adverse effects on the public health, safety, morals, order, convenience, prosperity, or general welfare.

5. **Ordinance Intent** – The unique nature of the project necessitates the variance request. The applicant is certain that at this location the request does not oppose the general spirit and intent of the zoning regulations.

**Request 04 – Building Material Percentage**

**ARTICLE V, GENERAL PROVISIONS, SECTION 10. SITE PLANS, 5. SITE PLAN REVIEW CRITERIA, 3.** The building design should include a variety of materials, with a maximum of 70% of any one material on the side of the structure facing the primary street frontage.

**Variance Request – Increase the maximum of any one material to 85%**

Due to the nature of the Concert Pavilion the applicant is asking for a potential increase in the maximum percentage of the building material. The nature of the Concert Pavilion at this specific façade has yet to be fully developed and as the applicant works through the design would like to reserve the potential to increase this maximum materials percentage. The applicant will work with staff to ensure the spirit of the zoning ordinance is met.

1. **Condition Unique to the Property** – The Concert Pavilion is not a typical building structure and as such, its design may require an alternate approach to materials. The applicant will work with city staff to ensure an agreeable mix of materials is utilized as the design evolves.

2. **No Adverse Effects** – The applicant is certain there are no adverse effects to the neighboring properties.

3. **Unnecessary Hardship** – Without this variance, the project would not function in its intended capacity.

4. **Public Health, Safety and Welfare** – The applicant is certain that this variance has no adverse effects on the public health, safety, morals, order, convenience, prosperity, or general welfare.

5. **Ordinance Intent** – The unique nature of the Concert Pavilion necessitates the need
to consider a maximum percentage increase. The applicant is certain that this does not oppose the general spirit and intent of the zoning regulations.

Thank you for your consideration of the above requests.

Sincerely,
Cook, Flatt & Strobel Engineers, P.A.

Lance W. Scott, P.E.
Vice President