

**REQUEST FOR APPROVAL OF A ZONING CHANGE FROM MX – MIXED USE DISTRICT TO A-1 – AGRICULTURAL DISTRICT FOR LOT 1 OF BONNER CROSSING.**

**MEETING DATE:** May 18, 2021  
**REPORT WRITTEN:** April 1, 2021  
**APPLICATION #:** BSRZ-01-21

**APPLICANT:**

- CFS Engineers (representing owners)  
1421 E. 104<sup>th</sup>  
Street  
Kansas City, MO 64131

**ENGINEER**

- CFS Engineers  
1421 E. 104<sup>th</sup>  
Street  
Kansas City, MO 64131

**REQUEST:**

- The applicant is requesting approval to rezone a portion of Lot 1 of the Bonner Crossing subdivision, located at the southwest corner of State Avenue and Speedway Boulevard (118<sup>th</sup> St). The request is to rezone a portion of the MX (Mixed Use) to A-1 with the Special Use Permit attached for relocation of the concert pavilion and thus reverting the existing A-1 to MX.

**COMPREHENSIVE PLAN/FUTURE LAND USE MAP:**

- The Future Land Use Map designates this property as Mixed Use.

**SURROUNDING ZONING:**

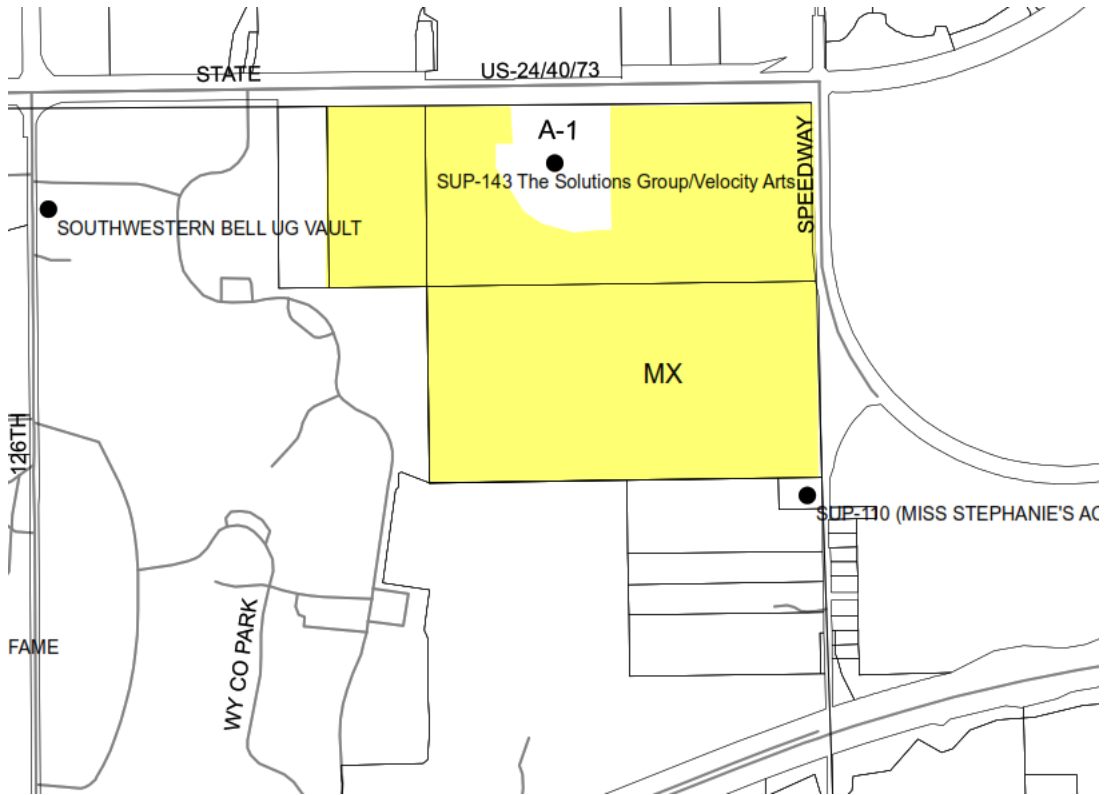
- North AG Agricultural District – Future American Royal Site
- South A-1 Agricultural District – Single Family Residences
- East A-1 Agricultural District – Wyandotte County Park
- West AG Agricultural District – Kansas Speedway

**BACKGROUND:**

The property has recently gone through several planning processes in an effort to get the project layout and design shovel ready. Since the approvals by Planning Commission there have been changes within the design group and a new design proposed. This new proposed design does not correspond with the approved zoning, thus creating the need for the requested rezoning.

There are currently two distinct zoning districts located on the property, MX for the residential/commercial portion and A-1 with a Special Use Permit allowing for the placement of a concert pavilion on the site as well. The newly proposed site layout moves the concert pavilion to a more “visible” location in the northeast corner of the property. The full intent of the applicant is to rezone the northeast corner to A-1 and request a Special Use Permit to allow for the construction of the concert pavilion.

**THE CURRENT ZONING CONFIGURATION:**



**REZONING:**

According to Article XXV, Section 1 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:

**CHARACTER OF THE IMMEDIATE AREA –**

The area surrounding the subject property includes the 325-acre Wyandotte County Park, the proposed American Royal facility to the north and other planned residential developments north of State Avenue, the Kansas Speedway Corporation to the east and the recently began Urban Outfitters distribution center.

**THE ZONING AND USES OF THE PROPERTY NEARBY –**

The zoning that surrounds the subject property is A-1 and AG, both are Agricultural zoning districts within the respective jurisdictions.

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

The property is currently vacant with zoning reflecting a variety of mixed uses, previously approved. With its close proximity to Village West, the Kansas Speedway, Hollywood Casino and various other employment and recreational opportunities the current zoning matches the sites intended use.

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

Rezoning the portion of the property from MX (Mixed Use District) to A-1 (Agricultural District) with a proposed Special Use Permit would not affect the surrounding property owners. The addition of the arts and entertainment area, along with an increase in residential housing options and employment opportunities should prove to be a benefit to the surrounding property owners.

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

The property has not seen development occur upon it.

**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 LANDOWNERS –**

Denial of the request could destroy the potential value of the petitioner’s property as it may only be utilized for agricultural purposes. In staff’s opinion, there is no measurable benefit to the public health, safety, and welfare from denial of this rezoning request.

**RECOMMENDATION OF PROFESSIONAL STAFF-**

Staff recommends approval of the requested rezoning of the sites within the existing property from MX (Mixed Use) to A-1 (Agricultural) with the specific stipulations stated in this staff report. As portions of the property are currently zoned with these designations, moving the zoned areas within the site should not create any undo harm.

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

The Comprehensive Plan's Future Land Use Map identifies the subject property as Mixed Use. The Mixed Use zoning district is intended to provide a work-live-play scenario within close proximity or with the inclusion of residential living with a variety of types and styles. This work-live-play lifestyle is meant to provide retail and commercial uses within walking distance of the residents that live within the area.

The Comprehensive Plan states:

**Mixed Use : (Primarily Commercial; and if residential, more than 6 dwelling units per acre):** The Mixed Use category includes a variety of office, small-scale retail, and general business uses that are service-commercial oriented, located in centers that can accommodate related uses. Such nonresidential uses are intended to provide services primarily to residents of the surrounding area and placed in locations with a design character that blends into the district and the neighborhood. If a Mixed Use-Residential component is proposed, it must be designed in a manner to promote pedestrian activity through a system of interconnected streets and varied streetscapes that also provide safe and efficient movement of vehicular traffic. This category promotes a variety of high-density residential land uses including a variety of commercial and mixed use-residential/commercial land uses if approved by the City; and would be limited to townhouse, condominium, and multifamily apartment dwellings. They would be designated M-U districts. They should be reviewed for land use compatibility against the City's core Guiding Principles and Neighborhood Design Policies, and the Multifamily Design Guidelines for any multifamily developments proposed within mixed use districts (Reference Appendix B). Additional uses including live-work, and limited retail commercial stores are permitted in this category under strict architectural and land use controls.

### **STAFF RECOMMENDATION:**

Staff recommends approval of the requested rezoning of the indicated property from MX (Mixed Use) to A-1 (Agricultural) and from A-1 (agricultural) to MX (Mixed Use) with the specific stipulations stated in this staff report and information supplied by the applicant.

- This item will move to the Governing Body if approved. The request will be presented at the June 14<sup>th</sup> regular meeting