



STAFF REPORT

Planning Commission Meeting: August 12, 2024

Application:	<u>RZ24-0013</u>: Rezoning from the AG (Agriculture) District to the M-1 (Light Industrial) District and a Preliminary Site Development Plan for Hope Roots Collective
Location:	11515 S. Black Bob Road
Owner:	Jim Coyle, DAC Ventures LLC
Engineer/Applicant:	Judd Claussen, Phelps Engineering, Inc.
Staff Contact:	Andrea Fair, AICP, Planner II

Site Area:	<u>1.87± acres</u>	Proposed Use:	<u>Office</u>
Existing Zoning:	<u>AG (Agriculture)</u>	Existing Building Area:	<u>2,258 square feet</u>
Proposed Zoning:	<u>M-1 (Light Industrial)</u>	Plat:	<u>Unplatted</u>

	Plan Olathe Land Use Category	Existing Use	Existing Zoning
Site	Industrial Area	Single-Family Residence	AG
North	Industrial Area	Mini-Warehouse	M-1
South	Industrial Area	Office	MP-1
East	Industrial Area	Mini-Warehouse	MP-2
West	Regional Commercial Center	Motor Vehicle Sales	CP-3

1. Introduction

The applicant is requesting a rezoning from the AG (Agriculture) District to the M-1 (Light Industrial) District with a preliminary site development plan for a 1.87± acre property,

located at 11515 S. Black Bob Road. The proposed use is Office and rezoning to the M-1 District is required prior to occupancy of the site.

Hope Roots Collective is proposing to utilize the existing structures and natural features of the site to accommodate business operations. The primary structure will be rented out as office space to wellness professionals and each practitioner will have access to the outdoor seating and walking path amenities. Hope Roots Collective is focused on incorporating a variety of healing components, including nature and expressive therapies. The applicant intends to make updates to the barn and garage accessory structures at a later date. Future plans for those structures include a small conference space and therapy cow enclosure. A special animal permit will be required when the therapy cow occupies the site.

2. History

The subject property was zoned to the AG (Agriculture) District with Ordinance 746-C in 1970. This is the first development plan the City has reviewed for this property. The property is not platted and there is one existing residential structure, a detached garage, and barn that were constructed in 1929, which will be renovated to accommodate future business operations.



Aerial view of the subject property highlighted in yellow.

3. Existing Conditions

The site is developed with a single-family residence, a detached garage, and a barn on the property that were constructed in 1929 and was historically used as a single-family residence. The site slopes to the southeast and has a mature tree canopy.



View of subject property looking west from S. Strang Line Road.

4. Zoning Standards

- a. **Land Use** – The applicant is seeking a change of zoning from the AG District to the M-1 District to allow for the operation of the Office use. The site is identified as Industrial Area on the PlanOlathe Future Land Use Map (PlanOlathe) and the proposed M-1 District directly aligns with this land use designation.

M-1 District uses include a number of industrial and service-type uses including Office. Staff recommends the restriction of higher-intensity land uses on the subject property due to adjacent commercial land uses to the west and south and low-intensity industrial uses to the north and east. Staff has worked with the applicant and they amenable to restricting the following uses:

- a. Leasing/rental of Trucks, Trailers, RVs, Boats, Motorcycles,
- b. Computer and Electronic Product Manufacturing,
- c. Jewelry and Silverware Manufacturing,
- d. Office Supply Manufacturing,
- e. Production/Assembly Plant - Electronics,
- f. Sign Makers,
- g. Storage Area or Lot,
- h. Bus/Truck Maintenance, Including Repair and Storage,
- i. Freight Terminals and Truck Terminals,

- j. Parking Lots, Surface, as Principal Use,
 - k. Public Transportation Facility,
 - l. Public Utility Storage and Service Yard.
- b. **Building Height** – Buildings within the M-1 District are limited in height to 55 feet. The existing single family residence is 25 feet tall meeting this requirement.
- c. **Setbacks** – The M-1 District requires a minimum 50-foot front yard setback and 30-foot parking/paving setback from right-of-way. Additionally, 10-foot side and rear yard setbacks from all other property lines are required. The preliminary site development plan meets or exceeds all dimensional requirements of the M-1 District.

5. Development Standards

- a. **Access/Streets** – The site has one (1) existing access point from S. Strang Line Road. The access drive will be widened from 13 feet to 26 feet and constructed to meet City standards.

A pedestrian connection is provided from the entry of the primary structure to S. Strang Line Road.

- b. **Parking** – Parking for the Office use is calculated at 3.8 parking space per 1,000 square feet of gross floor area for a minimum of 9 spaces. The plan currently provides nine (9) standard parking and one (1) accessible parking space for the development. The site has space to accommodate future parking north and south of the building, as shown on the preliminary site development plan.
- c. **Landscaping/Screening** – The applicant provided a preliminary landscape plan identifying the required perimeter landscaping. The existing landscaping along the north, south, east, and west property lines meet the Type 1 buffer requirements. The proposed building foundation landscaping meets UDO requirements.
- d. **Tree Preservation** – The applicant is proposing to preserve 96% of the existing tree canopy on site, exceeding UDO requirements. Significant trees are located throughout the site, and the property is well screened from S. Strang Line Road.
- e. **Public Utilities** – The site is located within the City of Olathe sewer and water service areas. There is an existing sanitary sewer main located in the southern portion of the site and an existing water main along the west property line serving the property.
- f. **Stormwater/Detention** – The property is located within the Mill Creek (west) and Indian Creek (southeast) watersheds. The west side of the property discharges stormwater into a public inlet on S. Strang Line Road. The southeast portion of the property discharges to a public inlet on W. 117th Street. The applicant is proposing a stormwater BMP in the southern portion of the site, which will treat new stormwater runoff generated by the project. The proposed development will meet all requirements of Title 17.
- g. **Phasing** – The site will undergo improvements in two (2) phases, the first phase will include parking and paving improvements, interior renovations to the main structure, and landscaping. The future phase will include improvements to both accessory structures and adding a walking path in the south portion of the property.

6. Site Design Standards

The site is designated as Industrial Area on the PlanOlathe Future Land Use Map and is subject to Site Design Category 6 (UDO 18.15.130). The following is a summary of the applicable standards of Site Design Category 6.

- a. **Parking Pod Size** – The maximum number of parking stalls allowed in one parking pod for developments subject to Site Design Category 6 is 320 stalls. The largest parking pod within this proposed development is 5 parking stalls, meeting this requirement.
- b. **Drainage Features** – In developments subject to Site Design Category 6, open drainage areas visible to the public must be incorporated into the design of the site as an attractive amenity or focal point. The applicant is proposing a rain garden in the southern portion of the site, which will be surrounded by a future walking path.
- c. **Landscape Buffer Options** – Site Design Category 6 requires an increased setback option to accommodate landscape buffers adjacent to arterial roads: structures must be setback at least 50 feet from an arterial roadway. The existing structure is setback 110 feet from S. Strang Line Road exceeding this requirement

7. Building Design Standards

The applicant is proposing to utilize all of the existing structures on the property without making significant exterior changes. The existing primary two-story residential structure was constructed in 1929. The building is a brick craftsman style with an arched entryway, gabled roof, and clerestory windows on the primary façade. No exterior changes will be made to the primary structure; however, the applicant will make the necessary interior tenant finish improvements. All accessory structures on the property will remain as existing.



Primary Façade – west elevation.

8. Public Notification

The applicant mailed the required certified public notification to property owners within 200 feet of the site in accordance with UDO 18.40.050.B.

Neighborhood notice was also mailed to properties within 500 feet of the site, as required by the UDO. A neighborhood meeting was not required to be held in accordance with UDO requirements. Staff has received correspondence from one (1) individual inquiring about the proposed use and responded accordingly.

9. UDO Rezoning Criteria

The Future Land Use Map of the PlanOlathe Comprehensive Plan identifies the subject property as an "Industrial Area". Development of this site with industrial type uses aligns with the Industrial Area designation and is suitable for this type of development.

The following are criteria for considering rezoning applications as listed in UDO Section 18.40.090.G.

A. The conformance of the proposed use to the Comprehensive Plan and other adopted planning policies.

The Future Land Use Map of the PlanOlathe Comprehensive Plan designates the subject property as Industrial Area, and the M-1 District directly aligns with this designation. Leveraging existing activity to promote new similar and complementary uses, attract new businesses and create opportunities for spinoffs and partnerships is a goal of PlanOlathe.

The proposed zoning request meets the following policy elements of the Comprehensive Plan:

LUC-1.1: Consistency with the Comprehensive Plan. Land use proposals should be consistent with the vision of the Comprehensive Plan, as well as applicable local ordinances and resolutions.

LUC-7.2: Sustainable Design and Materials. Promote the use of sustainable design and materials in new development, redevelopment, and maintenance of property throughout the City.

LUC-8.2: Compatibility of Adjacent Land Uses. Where a mixture of uses is not complementary, use zoning as a tool to avoid or minimize conflicts between land uses that vary widely in use, intensity, or other characteristics. This may include buffering, landscaping, transitional uses and densities, and other measures. Protect industry from encroachment by residential development, and ensure that the character and livability of established residential neighborhoods will not be undermined by the impacts from adjacent non-residential areas or by incremental expansion of business activities into residential areas.

ES-1.5: New Businesses. Build upon existing economic strength to encourage new spin-off and start-up businesses.

B. The character of the neighborhood including but not limited to: land use, zoning, density (residential), architectural style, building materials, height,

structural mass, siting, open space and floor-to-area ratio (commercial and industrial).

The surrounding area consists primarily of commercial and industrial uses on large parcels. South of the property is an office use providing therapy services, north and east of the property is mini-warehousing, and west of the subject property is motor vehicle sales. Surrounding development is primarily one and two-story in height, and is a mix of commercial and industrial building design types.

C. The zoning and uses of nearby properties, and the extent to which the proposed use would be in harmony with such zoning districts and uses.

The proposal is in harmony with the surrounding zoning and uses of nearby properties. The adjacent properties are in the M-1, MP-1, MP-2 and CP-3 Districts. The surrounding properties are developed with light industrial, office, and commercial uses in accordance with the future land use map. The proposed Office use will complement the adjacent properties.

D. The suitability of the property for the uses to which it has been restricted under the applicable zoning district regulations.

The subject property is currently zoned to the AG (Agriculture) District, and the proposed office use is not permitted in the agriculture district. Rezoning the entire property to the M-1 District allows the proposed development and provides a continuation of the zoning district established to the north, east and south of the site. The property is suitable to the use restrictions of the M-1 District as proposed.

E. The length of time the property has remained vacant as zoned.

The property was zoned to the AG (Agriculture) District in 1970. A single-family residence and accessory structures were constructed on the property in 1929.

F. The extent to which approval of the application would detrimentally affect nearby properties.

Approval of this application is not anticipated to detrimentally affect nearby properties, which consists of light industrial properties to the north and east, and office and commercial uses to the south and west.

G. The extent to which development under the proposed district would substantially harm the value of nearby properties.

The M-1 district as proposed will provide uses and design standards that are not anticipated to cause any substantial harm to the value of nearby properties. The proposed rezoning is consistent with the zoning districts currently established in the surrounding area, north, east and south of the property.

H. The extent to which the proposed use would adversely affect the capacity or safety of that portion of the road network influenced by the use, or present parking problems in the vicinity of the property.

The proposed use will not cause any adverse effects on traffic and safety of the road network. The property is adjacent to an arterial roadway with adequate capacity. The proposed office use will not generate significant amounts of traffic.

I. The extent to which the proposed use would create air pollution, water pollution, noise pollution or other environmental harm.

The development is not anticipated to create pollution or other environmental harm. The development will follow all regulations and codes pertaining to stormwater, air quality, noise, and other related items. On-site detention meeting Title 17 requirements will be provided, and trees and landscaping will be installed. The property has a considerable amount of mature wooded area on the property; the applicant proposes to save 96% of the existing vegetation.

J. The economic impact of the proposed use on the community.

The proposed development will provide necessary services to residents and generate additional property taxes to be collected by the City.

K. The gain, if any, to the public health, safety and welfare due to denial of the application as compared to the hardship imposed upon the landowner, if any, as a result of denial of the application.

There is no gain or detriment to the public health, safety and welfare due to the denial of the application. If the application were denied, the office use is not permitted under the AG District zoning, which does not align with the Comprehensive Plan and surrounding uses.

10. Staff Recommendation

Staff recommends approval of the rezoning and preliminary site development plan (RZ24-0013) with the following stipulations:

- A. Staff recommends approval of RZ24-0013 for the following reasons:
 - 1. The proposed development complies with the policies and goals of the Comprehensive Plan.
 - 2. The requested rezoning to the M-1 District meets the Unified Development Ordinance (UDO) criteria for considering zoning applications.
- B. Staff recommends approval of the rezoning to the M-1 District with the following stipulation:
 - 1. The following uses are prohibited:
 - a. Leasing/rental of Trucks, Trailers, RVs, Boats, Motorcycles,
 - b. Computer and Electronic Product Manufacturing,
 - c. Jewelry and Silverware Manufacturing,
 - d. Office Supply Manufacturing,
 - e. Production/Assembly Plant - Electronics,
 - f. Sign Makers,

- g. Storage Area or Lot,
- h. Bus/Truck Maintenance, Including Repair and Storage,
- i. Freight Terminals and Truck Terminals,
- j. Parking Lots, Surface, as Principal Use,
- k. Public Transportation Facility,
- l. Public Utility Storage and Service Yard.

- C. Staff recommends approval of the preliminary development plan with the following stipulation:
1. Exterior ground-mounted or building mounted equipment including but not limited to, mechanical equipment, utilities' meter banks and coolers must be screened from public view with three (3) sided landscaping or an architectural treatment compatible with the building architecture.