



STAFF REPORT

Planning Commission Meeting: May 13, 2024

Application:	RZ24-0009: Request for approval of a rezoning from the R-1 (Single-Family) and the CP-3 (Planned Community/Corridor Business) Districts to the C-1 (Neighborhood Center) District and a preliminary site development plan for Olathe Family Dental
Location:	355 S. Parker Street
Owner:	Ahmad Almarbu; Olive LLC
Applicant:	Joshua Kiene; Kiene Dental Group
Engineer/Architect:	Daniel Finn; Phelps Engineering, Inc.
Staff Contact:	Andrea Fair, AICP; Planner II

Site Area:	<u>0.74 acres</u>	Proposed Use:	<u>Medical Office</u>
Building Area:	<u>3,938 sq.ft.</u>	Plat:	<u>Regan Plaza</u>
Existing Zoning:	<u>R-1 (Single-Family) and CP-3 (Community/Corridor Business)</u>	Proposed Zoning:	<u>C-1 (Neighborhood Center)</u>
Lots:	<u>1</u>	Tracts:	<u>0</u>

	Plan Olathe Land Use Category	Existing Use	Existing Zoning
Site	Neighborhood Commercial Center	Car Wash	R-1 / CP-3
North	Neighborhood Commercial Center	Vacant/Undeveloped	PD (Planned District)
South	Neighborhood Commercial Center	Convenience Store, with Gas Sales	C-3 (Regional Center)
East	Neighborhood Commercial Center	Auto Parts Supply Store	CP-2 (Planned General Business)
West	Neighborhood Commercial Center	Vacant/Undeveloped	PD (Planned District)

1. Introduction

The applicant is requesting to rezone from the CP-3 (Community/Corridor Business) District and the R-1 (Single-Family) District to the C-1 (Neighborhood Center) District with a preliminary site development plan for a 3,938 square foot dental office on 0.74 ± acres, located at 355 S. Parker Street. The property is developed with a car wash facility and is currently zoned to the R-1 District on the south half of the lot and the CP-3 on the north half of the lot. Olathe Family Dental will be converting the existing car wash into a dental office and relocating from their current location at 450 S. Parker Street.

2. History

The property was zoned to the R-1 District in June of 1970 and the northern portion was later rezoned to the CP-3 District in April of 2004 (RZ04-0005) to allow for the construction of a car wash. The car wash was constructed in 2005 and was operational until 2023, since then the site has remained unoccupied.



Aerial of the subject property outlined in yellow.

3. Existing Conditions

The subject property is currently developed with a car wash facility and accessory vacuums with canopy structures. The majority of the property is paved, and the property lines are lined with mature trees and natural vegetation on the north and west.



View of the subject property looking north.

4. Zoning Standards

- a. **Land Use** – The applicant is requesting to rezone from the R-1 and CP-3 Districts to the C-1 District. The future land use map of the PlanOlathe Comprehensive Plan designates the property as Neighborhood Commercial Center. Neighborhood Centers are distributed throughout Olathe neighborhoods to provide local access to convenience goods and services, reduce the need for lengthy drives, and promote walkability. The proposed land use of the Medical (Dental) Office is permitted in the C-1 District, which is consistent with surrounding zoning and land uses.

The C-1 District permits over 70 land uses that provide the convenience goods and services called for by PlanOlathe, including office, restaurant and retail uses. This rezoning is compatible with the adjacent commercial districts already found along the Parker Corridor. However, some use restrictions are recommended to maintain compatibility with the nearby residences and alignment with the Neighborhood Center designation of the PlanOlathe Comprehensive Plan. The uses provided below can generate increased noise, higher volumes of traffic, increased exterior lighting and/or longer hours of operation. Staff has worked with the applicant and they are amenable to prohibiting the following uses:

1. Fast-Food or Carryout Restaurants
2. Animal Care Facilities with Outdoor Kennels.
3. Any Distance Restricted Businesses as listed in Olathe Municipal Code Chapter 5.43.

- b. **Building Height** – The existing building is one story and 20 feet in height, complying with the maximum building height requirement in the C-1 District of two stories and 30 feet tall. No changes to building height are proposed with this application.
- c. **Setbacks** – The existing building maintains a front yard setback of 32 feet, a rear yard setback of 43 feet, and side yard setbacks of 41 feet and 83 feet meeting C-1 District requirements. Parking and paving setbacks are required to be 15 feet from street right-of-way and 10 feet from property lines. Existing paved areas meet these setback requirements with the exception of the northern driveway entrance, which is an existing nonconforming condition that is proposed to remain.
- d. **Frontage Buildout** – The existing site has 31% frontage buildout, which is less than the minimum frontage buildout requirement of 50% in the C-1 District. However, this is an existing nonconforming condition due to the adaptive reuse of an existing building that is not being expanded and is permitted to remain.
- e. **Open Space** – The existing site meets the minimum open space requirement of 20% in the C-1 District. The applicant is also adding green space on the south side of the property which increases the open space from 24% to 27%.

5. Development Standards

- a. **Access/Streets** – The site has an existing access point off of S. Parker Street at the north end of the site, and a second driveway off of S. Parker Street is shared with the existing property directly to the south of the site. No changes to access are proposed.
- b. **Parking** – The minimum required parking for the medical/dental office use is one (1) space per 500 square feet of building area. The existing building has 3,938 square feet; therefore, the minimum number of required parking spaces is eight (8). The applicant is striping existing pavement areas on the north and south sides of the building and is proposing a total of 24 standard parking spaces and two (2) ADA parking spaces.

The C-1 District states that no more than 125% of the required parking for a use be provided on site. However, all pavement being utilized for future parking areas is existing and the applicant is decreasing overall impervious surface area.

- c. **Landscaping/Screening** – The perimeter of the north and west property lines have existing mature trees to partially buffer adjacent properties. The applicant is proposing additional landscaping along the north and south property lines, exceeding UDO buffer landscaping requirements. An existing 6-foot privacy fence along the western property line is proposed to remain. Landscaping along Parker Street is being enhanced to meet UDO requirements with parking lot screening through a variety of shrubs, the preservation of four existing street trees, and the removal and replacement of one street tree.

Internally, landscaped parking lot islands are being added to the site and raised planters will be incorporated on the north side of the building in lieu of foundation landscaping which does not currently exist.

All building mounted utilities, and all ground- and wall- mounted utilities will be adequately screened by the proposed landscaping. No trash enclosure is proposed on site as the applicant hires a private service due to the nature of the business operations. Existing vacuums and canopies associated with the car wash will be removed from the east and west property lines.

- d. **Stormwater/Detention** – The property is currently served by an underground detention basin and the site improvements will decrease the impervious surface area. Therefore, no stormwater improvements are required.
- e. **Public Utilities** – The property is located within the City of Olathe water and sewer service areas. Utilities are available on the site and no changes are proposed.

6. Site Design Standards

The property is subject to Site Design Category 3 (UDO 18.15.115) standards based on the Neighborhood Commercial Center designation on the PlanOlathe Future Land Use Map. The following is a summary of the applicable site design requirements:

- a. **Landscape Options** – The site must provide a landscaped area at the sidewalk edge with a minimum of 70% permeable surfaces and 50% planted material. Due to existing site conditions, the development provides an approximately 10 foot planted buffer without a wall along S. Parker Street in lieu of the 20 foot width requirement. The proposed plan reduces the existing nonconformity by significantly increasing the amount of existing plant material.
- b. **Street Frontage Area** – The existing building is setback 32 feet from S. Parker Street and occupies 32% of the street frontage length, which does not comply with the street frontage requirements of 50% frontage buildout. However, this is an existing nonconforming condition which is permitted to remain, as changes to the site layout and building configuration are not being made.
- c. **Parking Pod Size** – The proposal includes 11 stalls in the largest parking pod, which complies with the maximum of 40 stalls per parking pod.
- d. **Pedestrian Connectivity** – A pedestrian gateway is provided with a well-landscaped and hardscaped seating area located at the pedestrian connection from S. Parker Street.

7. Building Design Standards

The proposed medical/dental office is subject to the Commercial and Retail Building Design Standards per UDO 18.15.020.G.7. The following table lists the applicable design requirements and proposed design elements. The east and south elevations are considered primary façades, and the west and north elevations are considered secondary façades.

Building Design Standard	UDO Design Requirements
	Proposed Design
<i>Building Entryway</i>	<i>Each building entry along primary facades must be defined with a covered projection or a recessed area.</i> The main entrance on the south primary façade will be defined by a recessed area and raised parapet, meeting UDO requirements.
<i>Horizontal Articulation</i>	<i>Each primary façade must provide horizontal articulation every 50 linear feet of the façade.</i>

	Horizontal articulation is provided on the east and south primary façades through wall projections, a colonnade and canopies. The south primary façade and entrance utilizes the existing free-standing columns supporting the canopy, and encloses the existing car wash bays with glazing, which provides a walkway design for added architectural interest.
<i>Vertical Articulation</i>	<p><i>Each primary façade must provide vertical articulation every 50 linear feet of the façade.</i></p> <p>Vertical articulation is provided on the east and south primary façades through variations in parapet height ranging from 17 ½ feet to 20 feet to tall. The existing vertical columns of the building are being maintained to break up the facades.</p>
<i>Façade Expression</i>	<p><i>One-story buildings must be a minimum of 17 feet tall and include a tower element or special vertical articulation to anchor the main entry or building corner.</i></p> <p>The building is 20 feet in height. The main entry includes a projection and raised parapet create a visual anchor at the southeast corner of the building.</p>

Exceptions are being granted per UDO 18.60.020.F, to allow the dental office to revitalize and adaptively reuse the existing building in manner that matches the existing building design and materials. All new materials are decreasing the existing nonconforming building conditions by more closely aligning with current UDO requirements.

The existing building is comprised of stone, minimal amounts of glass, and EIFS with a flat roof and standing seam metal canopies. The updated building will be clad primarily in new stone veneer (Class 1), glass (Class 1), and the existing EIFS (Class 3) is proposed to remain. On the east façade, new Class 1 stone and Class 1 glass is being added, and the existing EIFS on the upper portion of the building will remain. On the south façade, new stone will wrap the existing columns, and the existing EIFS above the main entrance will be extended to provide a recessed entry.

Each façade will be repaired and refinished to modernize the structure. The existing stone will be replaced with a new cliff stone patterned stone veneer, all the existing bay openings will be infilled with a storefront glass system with Low-E glass coating for better performance, and the existing EIFS will be patched and repainted in off-white to compliment the stone. Blue accents are provided through metal trim features and roof to incorporate color throughout the design.

8. Public Notification and Neighborhood Meeting

The applicant mailed the required public notification letter to the surrounding property owners within 200 feet and posted a sign on the property per UDO requirements.

Neighborhood notice was also mailed to properties within 500 feet of the site, as required by the UDO. A neighborhood meeting was held on April 22, 2024. No members of the public attended. Neither staff nor the applicant has received any correspondence about this project.

9. UDO Rezoning Criteria

The future land use map of the Plan Olathe Comprehensive Plan identifies the subject property as a Neighborhood Commercial Center. Neighborhood centers are distributed throughout Olathe neighborhoods to provide local access to convenience goods and services, reduce the need for lengthy drives, and promote walkability. The proposed C-1 District aligns with this designation and compliments the surrounding land uses.

The application was reviewed against the UDO criteria for considering rezoning applications listed in UDO Section 18.40.090.G as detailed below.

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

The requested district directly aligns with the Neighborhood Commercial designation of the Comprehensive Plan. The proposed zoning request meets the following policy elements of the Comprehensive Plan:

LUCC-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.

LUCC-6.1: Targeted Development. With guidance from the Comprehensive Plan's Future Land Use Map, encourage targeted development, redevelopment, and infill so as to channel growth where it will contribute to the long-term community vision and improve access to jobs, housing, and services.

ES-1.4: Support for Local Businesses. Support the retention, expansion and entrepreneurial activities of existing local businesses and maintain a positive business climate.

ES-3.1: Reinvestment in Existing Commercial and Industrial Areas. Cooperate with the private sector to foster the revitalization of existing commercial and industrial areas to create greater vitality.

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 neighborhood is adjacent to the K-7/Parker Corridor and consists of a variety of uses that range from small single-story commercial and office uses, and both multifamily and single-family residential homes. The project fits with the surrounding properties style which include a wide variety of materials and designs including stone, brick, siding, stucco, and EIFS.

The proposed zoning and permitted use complement the surrounding uses by supporting neighborhood center-oriented uses.

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.

Properties to the north and west are zoned PD (Planned District), properties to the east are zoned to the CP-2 (Planned General Business) District, and properties to the south

are zoned C-3 (Regional Center) and R-3 (Low-Density Multifamily). The proposed use is in harmony with the zoning and uses of the surrounding properties, which include a mix of commercial and multifamily residential currently under construction within the planned development to the west.

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

The property is suitable for the land uses allowed in the existing CP-3 District; however, the requested C-1 District provides a more appropriate variety of neighborhood-oriented commercial uses of less intensity that are more compatible with the planned development to the north and west.

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

The property was zoned to the CP-3 District in 2004 and the car wash was constructed in 2005. The property has been vacant as zoned since 2023.

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

Staff has not received information indicating the proposed project will detrimentally affect nearby properties, which are zoned for similar uses. The proposal will significantly improve the underutilized property.

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

The development as proposed is not anticipated to have any detrimental impact on the value of surrounding properties which are zoned for similar uses. The property currently has a commercial zoning designation.

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.

This proposed use will not cause any adverse effect on traffic and safety of the road network. The proposed use will replace the existing auto-oriented use and reconfigure internal traffic circulation to improve safety. Onsite parking is provided exceeding minimum parking requirements.

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 requirements pertaining to stormwater, air quality, noise, and other related items.

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

The proposed use will redevelop a currently vacant building and retain a well-established local business.

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.

The proposal does not negatively impact the public health, safety or welfare of the community as presented. Rezoning of the property is required prior to the redevelopment of the site due to the presence of two existing zoning districts.

10. Staff Recommendation

Staff recommends approval of the rezoning and preliminary site development plan (RZ24-0009) with the following stipulations:

A. Staff recommends approval of RZ24-0009 for the following reasons:

1. The proposed development complies with the policies and goals of the Comprehensive Plan.
2. The requested rezoning to the C-1 District meets the Unified Development Ordinance (UDO) criteria for considering zoning applications.

B. Staff recommends approval of the rezoning to the C-1 District with the following stipulations:

1. The following uses are prohibited:
 - a. Fast-Food or Carryout Restaurants
 - b. Animal Care Facilities with Outdoor Kennels
 - c. Any Distance Restricted Businesses as listed in Olathe Municipal Code Chapter 5.43.

C. Staff recommends approval of the preliminary site development plan with the following stipulations:

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.