



STAFF REPORT

Planning Commission Meeting: February 23, 2026

Application:	RZ25-0020: Rezoning from the BP (Business Park) District to the C-2 (Community Commercial) District with a Preliminary Site Development Plan for Dillons at Sunnybrook and with the Final Plat (FP25-0043) of Sunnybrook Business Park 4th Plat
Location:	Southwest of College Boulevard and S. Valley Road
Applicant:	Michael Rokas, Dillons Food Stores
Owner:	Mark McKinzie, Leonard B. & Eulalia E. McKinzie Family LLC
Engineer:	Marvin Brown, Pickering Firm
Staff Contact:	Nathan Jurey, AICP, Senior Planner

Site Area:	<u>14.11 acres</u>	Existing Zoning:	<u>BP District</u>
Building Area:	<u>100,159 sq. ft.</u>	Proposed Zoning:	<u>C-2 District</u>
Lots:	<u>1</u>	Proposed Use:	<u>Grocery, Meat, Dairy Product, and Bakery Sales</u>
Tracts:	<u>0</u>	Plat:	<u>Part of Lot 6 of Sunnybrook</u>

	Plan Olathe Land Use Category	Existing Use	Existing Zoning
Site	Employment Area	Undeveloped	BP District
North	Employment Area	Elementary School	R-1 & CTY RUR
South	Employment Area	Undeveloped (<i>Future Daycare Center</i>)	BP
East	Neighborhood Commercial Center	Offices and Daycare Center	BP & CP-2
West	Employment Area & Primary Greenway	Undeveloped	BP

1. Introduction

The applicant is requesting to rezone property from the BP (Business Park) to the C-2 (Community Commercial) District with a preliminary site development plan for the Dillons at Sunnybrook development. The subject 14-acre property is located southeast of College Boulevard and Valley Road. The applicant is pursuing the C-2 District to allow for the Grocery, Meat, Dairy Product, and Bakery Sales use. The proposal includes a 99,982 square foot grocery store with a 14-pump gas station and associated fuel attendant kiosk. The final plat (FP25-0043) for Sunnybrook Business Park 4th Plat consists of one (1) lot and the necessary right-of-way and easement dedications to accommodate the proposed development. Rezoning applications come before the Planning Commission for a public hearing and recommendation and are subject to City Council approval.

2. History

The Sunnybrook area, encompassing 314 acres, was annexed into Olathe in 1996 (ANX-12-1996). In 1998, the entire Sunnybrook area was rezoned to the RP-1, RP-3, CP-2, and BP zoning districts, with the subject 14-acre property a part of the BP District (Ord. 98-30, RZ-04-1998). In 1999, the Sunnybrook final plat (FP-85-1999) was recorded.

In 2005, the subject property was part of a zoning amendment involving the Sunnybrook Shops to the east (RZ05-0004, Ord. 05-25), but the BP District on the subject property was unchanged. In 2025, City Council approved a zoning amendment (RZ25-0004) to allow monument signs on this site and other nearby commercial properties.

3. Existing Conditions

The subject 14-acre property is located at the southeast corner of College Boulevard and Valley Road. The site generally drains from the north down to the south and no significant trees are located on the premises. Currently, the property is used for agricultural purposes and a monument sign for the Sunnybrook Development is located along College Boulevard.



View looking southwest from the northeast corner of the site along College Boulevard.



Aerial map of the subject property highlighted in yellow.

4. Zoning Standards

The development is following the base standards of the requested C-2 District found in Column 1 of UDO 18.20.140 and the following is a summary of the applicable land use and dimensional standards:

- a. **Land Use** – The applicant is seeking a change of zoning to allow the Grocery, Meat, Dairy Product, and Bakery Sales use and gas station within the C-2 District. Uses permitted in the C-2 District generally include various types of retail, service, and office uses.

The site is designated as Employment Area on the PlanOlathe Future Land Use Map. The requested C-2 District generally aligns with this future land use designation as it will serve as a complementary retail and service area for the much larger Employment Area located

to the north between College Boulevard and K-10 Highway. The applicant is agreeable with staff's recommendation to limit several uses with outdoor activities and uses that have been restricted in the nearby Sunnybrook Shops development to the east.

- b. **Building Height** – In accordance with UDO 18.30.110, the proposed grocery store is one-story and 33-feet-tall, complying with the maximum building height of two-stories and 35 feet in the requested C-2 District.
- c. **Building Footprint** – The C-2 District allows a maximum building footprint of 85,000 square feet and the applicant is requesting a waiver from this standard to allow up to a 100,000 square foot building. Additional analysis of this request is found in Section 10 of this report.
- d. **Setbacks** – All buildings and paved areas are setback at least 15 feet from street right-of-way and 10 feet from property lines to comply with the minimum standards in the C-2 District. The proposal also complies with the maximum front-yard setback of 150 feet by locating the gas station canopy and fuel kiosk approximately 80 feet from College Boulevard.
- e. **Open Space** – The C-2 District requires a minimum of 20% open space and the proposal exceeds this requirement by providing over 26% of the overall site as open space.
- f. **Parking Pods** – The largest parking pod includes 45 stalls, complying with the maximum allowed parking pod size of 50 parking stalls in the C-2 District.

5. K-7 Corridor Design Guidelines

The site is located within the K-7 Corridor Area which contains design guidelines serving to define the expectation of high-quality projects within the corridor. The K-7 Corridor Design Guidelines promote pedestrian amenities which provide areas of interest and interaction along with publicly accessible pedestrian linkages between public and private spaces. The guidelines also promote consistent architectural styles and themes throughout the development area. The proposal aligns with all K-7 Corridor Design Guidelines. The development provides a well-connected pedestrian network and amenity area located west of the building and uses predominantly masonry materials similar to other buildings in the area.

6. Development Standards

- a. **Access/Streets** – The applicant submitted a Traffic Impact Study (TIS) for evaluation. The development completes the surrounding street network by extending 113th Street and connecting Sunnybrook Boulevard to College Boulevard. The proposal includes one (1) right-in/right-out access on College Boulevard with the required turn lane and three (3) access drives on Sunnybrook Boulevard, with a median limiting the northernmost drive to right-in/right-out access only. This proposal adheres to the City's Access Management Plan. The final plat dedicates all required public street right-of-way to accommodate this development.
- b. **Parking** – Per UDO 18.30.160, minimum parking for the grocery store use is required at a rate of one (1) stall per 300 square feet of floor area. In addition, the C-2 District limits parking to a maximum of 150% of the minimum. A total of 401 parking stalls are provided, complying with both the minimum of 334 stalls and the maximum of 501 stalls required by UDO.
- c. **Drive-Through** – The proposal complies with minimum stacking requirement of UDO 18.50.040 for the gas station and drive-through pharmacy use. Over 40 feet of stacking is

provided per pump as required for gas stations. Drive-through pharmacies must provide at least 80 feet of stacking per window and 123 feet of stacking is provided.

- d. **Landscaping/Screening** – Nonresidential landscaping is provided along the three (3) streets to the north, west, and south as required by UDO. To the east, a Type 1 buffer is provided to comply with requirements between commercial and business park uses. Internal to the site, perimeter parking lot landscaping is provided using a combination of berms and 3-foot-tall shrubs and the required parking lot landscape islands are provided internally. In addition, building foundation landscaping is provided along all primary façades as required by UDO.

Loading areas must be located out of public view and the proposed overhead doors are setback approximately 240 feet from Sunnybrook Boulevard right-of-way and screened by a masonry wall to the south and by a 3-foot-tall berm with significant evergreen landscaping to the west. All other rooftop- and ground-mounted utilities will be screened as required by UDO. The proposed trash compactor is not fully screened from public view as required by UDO and the applicant is requesting a waiver as outlined in Section 10 of this report.

- e. **Stormwater/Detention** – Stormwater detention for this property is provided by an existing regional detention basin located to the south. Stormwater from this development will be captured and directed through a stormwater interceptor that will catch debris before the water is conveyed into the regional detention basin.
- f. **Public Utilities** – This site is located within the City of Olathe sewer and WaterOne service areas. A sanitary sewer service line will be extended to the property and water mains will be extended along W. 113th Street and Sunnybrook Boulevard. The final plat includes the dedication of utility easements (U/E) to accommodate this development.

7. Site Design Standards

The property is subject to the Site Design Category 5 based on the Employment Area designation of the PlanOlathe Future Land Use Map. The following is a summary of the applicable site design requirements:

- a. **Pedestrian Connectivity** – A cross-property pedestrian connection is provided connecting the grocery store to both College and Sunnybrook Boulevards, meeting the requirement to provide at least one (1) pedestrian connection feature. Details for this connection will be reviewed with the final development plan.
- b. **Increased Setback** – All buildings must be setback at least 40 feet from arterial streets and adjacent nonresidential properties and all buildings are setback over 75 feet from College Boulevard and the adjacent nonresidential properties to the east.
- c. **Perimeter Landscaping** – Perimeter landscaping is provided along College Boulevard with a well-landscaped, 40 feet wide buffer, achieving the prescribed planted buffer with “no fence or wall” landscape option.

8. Building Design Standards

The proposed 99,982 sq. ft. one-story grocery store is subject to the Commercial or Retail Building design standards according to UDO Section 18.15.020.G.7. The north, west, and south street-facing elevations are primary façades, with only the east elevation considered a secondary façade. The building primarily uses high quality Class 1 glass, stone veneer, and brick in tan and reddish-brown hues. Other major materials include Class 2 architectural-quality metal panels, as classified by the Planning Official, and ground-face and combed-face

architectural masonry units with the use of Class 3 split-face CMUs limited to the east (secondary) façade.

The gas station canopy is subject to Free-Standing Canopy standards and the fuel kiosk is subject to accessory building standards of UDO 18.15.020.E. Both buildings are clad with Class 1 stone veneer and utilize colors that are consistent with the primary grocery store building as required by UDO.

Building elevations for both the grocery store and gas station are included in the meeting packet. The following table lists the applicable design requirements of the UDO and proposed design elements:

Building Design Standards	Design Requirements <i>Proposed Design</i>
<i>Building Entryway</i>	<p><i>Each building entry along primary façades must be defined with a covered projection or by a recessed area.</i></p> <p>The main building entry and exit along the front (primary) façade are defined with a canopy that projects over each entry and exit, meeting UDO requirements.</p>
<i>Garage and Overhead Doors</i>	<p><i>Garage and overhead doors must not face a public street.</i></p> <p>Overhead doors face Sunnybrook Boulevard and the applicant requests a waiver from this requirement as described in Section 10 of this report.</p>
<i>Facade Articulation</i>	<p><i>Horizontal and vertical articulation must be used on every 50 feet of façade width to divide primary façades into vertical bays.</i></p> <p>Each primary façade is divided into vertical bays using a variation in the roofline of at least two (2) feet and either a wall offset or wall projection to provide both vertical and horizontal articulation. These elements are used at least once within every 50 feet segment on the front primary façade.</p>
<i>Building Height</i>	<p><i>One-story buildings must be a minimum height of 17 feet.</i></p> <p>This one-story building is 33-feet-tall, meeting this requirement.</p>
<i>Special Vertical Articulation</i>	<p><i>One-story buildings must include tower elements or similar vertical articulation to bookend the building or anchor the main entry or building corner.</i></p> <p>A tower feature with differing materials is used to accentuate and anchor the main building entry, achieving this requirement.</p>
<i>Minimum Glass</i>	<p><i>Primary façades must use at least 25% glass on the first floor.</i></p> <p>The front, west side, and rear primary façades provide 34%, 5%, and 0% first floor glass respectively. The applicant requests a waiver from this requirement for the side and rear primary façades as outlined in Section 10 of this report.</p>

<i>Roof Material</i>	<i>Class 1 or 2 roofing materials must be used.</i> A Class 2 nonvisible membrane roof is proposed.
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Primary and secondary facades must use a minimum of three (3) different Class 1 and 2 materials on 80% and 50% of the façade area, respectively. All facades meet these requirements, with Class 1 glass, stone, brick, and Class 2 architectural masonry units and metal panels comprising at least 90% and 51% of primary and secondary façades, respectively. Class 3 metal panels and split-face CMUs are used on the remainder of the façade with Class 4 metal trim limited to less than 5% of any façade as required.

9. Public Notification and Neighborhood Meeting

The applicant sent the required public notification letters to surrounding properties within 200 feet by certified mail and posted signs on the subject property as required by UDO. Neighborhood notice was also sent to property owners within 500 feet of the property, and a neighborhood meeting was held on January 29, 2026 with 17 attendees. The minutes from this meeting were provided by the applicant and are included in the agenda packet. Topics of discussion at the neighborhood meeting were regarding stormwater, landscaping, screening, noise, site lighting, and security. Staff received correspondence from one (1) resident that commented on the shared maintenance of Sunnybrook's regional detention basin and two (2) individuals who were simply interested in the project, and all inquiries were answered.

10. Waiver Request

Section 18.40.240 of the UDO provides a mechanism for waivers to be considered when unnecessary hardships can be demonstrated or where the exception would result in superior design. The applicant submitted a justification statement for the four (4) waivers requested which is included in the meeting packet.

- A. **Building Footprint** – A waiver is requested from the maximum building footprint required in UDO 18.20.140.B. The C-2 District limits building footprint to a maximum of 85,000 square feet and the applicant requests to allow a maximum building footprint of 100,000 square feet.
- B. **Glass** – A waiver is requested from the minimum percentage of first-floor glass on primary façades required in UDO 18.15.020.G.7.b. Commercial and Retail Buildings must use a minimum of 25% glass on the first floor of primary facades and 5% and 0% is provided on the side and rear primary facades respectively.
- C. **Overhead Doors** – A waiver is requested from the overhead door placement standards of UDO 18.15.020.G.7.a. Overhead doors on Commercial and Retail Buildings must not face a public street and the proposed loading docks face Sunnybrook Boulevard.
- D. **Trash Enclosure** – A waiver is requested from the trash enclosure design standards of UDO 18.30.130.I. Trash compactors must be screened from public view on all four (4) sides and the proposal is to screen from view on two (2) sides.

Staff worked closely with the applicant to understand the operational needs of this grocery store and is supportive of Waivers A-C, but is not supportive of Waiver D. Regarding the maximum building footprint, Dillons made significant effort to reduce their prototypical store footprint from 123,000 square feet to just under 100,000 square feet and any further reduction would limit the operations of a full-service grocery store. Regarding minimum glass, opportunities to add glass are limited in back-of-house areas, which include restrooms; food prep, storage, & cooler areas; and loading areas, and these back-of-house areas are

relegated to the periphery of the building to maximize the customer-serving area within the front and center of the building. Regarding overhead door locations, alternative layouts were explored but facing the overhead doors to the east away from the public street hindered truck turning movements.

Staff is supportive of Waivers A-C as enhanced building and site design is provided to mitigate the impact of these waivers. Increased building setbacks and enhanced architectural design, including four-sided building articulation and higher percentages of Class 1 and 2 materials, help soften the visual impact of a larger building footprint. In lieu of windows on the west and south elevations, the north and east elevations exceed glass requirements, brick relief patterns were added to simulate windows on the west elevation, and an enhanced pedestrian amenity area is provided at the northwest building corner. In lieu of facing overhead doors away from public streets, the overhead doors are completely screened from view to the south with an architectural screen wall and are predominantly screened to the west with a 3-foot-tall berm with significant evergreen landscaping and a setback of approximately 240 feet.

Staff is not supportive of Waiver D, the trash enclosure waiver, as four-sided screening is a standard requirement for all developments, providing both visual screening and noise reduction. The UDO was updated in 2009 (Ord. 09-22) with a more robust trash enclosure requirement, requiring all trash areas, including compactors, to be fully screened from public view on four (4) sides with a gate allowed on the fourth side. The proposed trash service area will face and be visible from anticipated future development to the west and Sunnybrook Boulevard, which serves as a collector road for existing residential neighborhoods and planned commercial development to the south. While the applicant has cited operational concerns that an additional screen wall will interfere with truck movement and that trucks will damage the enclosure, there are similar developments that exist in Olathe and comply with this requirement.

Staff does not find that approval of this proposed waiver achieves the City's goals for development and does not find that the justification statements demonstrate a hardship or result in superior design for a waiver to be approved. If this rezoning request is approved, staff recommends that at the time of final site development plan review, screening details meeting UDO requirements be submitted as stipulated within Section 12 of this report.

11. UDO Rezoning Criteria

Rezoning applications are reviewed against the Golden Criteria listed in UDO Section 18.40.090.G to ensure compatibility with the surrounding area. The application was reviewed against this criteria and staff's findings are detailed below.

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 identifies the subject property as Employment Area. The Employment Area is envisioned as predominantly large-format office buildings with high employment uses and *complementary retail and services should be limited in scale and carefully integrated with surrounding employment uses.*

The requested C-2 District aligns with this vision as it will serve as a complementary retail and service area for the much larger Employment Area located between College Boulevard and K-10 Highway. In addition, the proposal achieves the following Comprehensive Plan policies.

LUC5-5.1: Hierarchy of Activity Centers. Focus new commercial centers in concentrated activity areas at a variety of scales distributed throughout the community.

LUC 8.1: Mixture of Complementary Land Uses. Encourage and enable a mixture of complementary land uses in major new developments. In existing neighborhoods, a mixture of land use types, housing sizes and lot sizes may be possible if properly planned and respectful of neighborhood character. Whenever land uses are mixed, careful design will be required in order to ensure compatibility, accessibility and appropriate transitions between land uses that vary in intensity and scale.

ES-2.1: Balance of Jobs and Housing. Use the Future Land Use Map, zoning and other tools to ensure that there is an adequate supply of residential, employment, and commercial lands, in order to provide a sustainable balance of jobs and housing in the community.

- 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).***

Generally, the surrounding neighborhood transitions from residential uses in the south to undeveloped land and commercial and office uses to the west and east, with larger business park development to the north. Residential areas are a mixture of single- and two-family homes. Commercial areas are characterized by medium-sized buildings with parking lots covering significant land area. The business park area is more of a campus-style development, with larger buildings and parking surrounded by significant green space.

- 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 requested C-2 District allows commercial and office uses, which are in general harmony with the commercial and office uses found in the CP-2 and BP District to the east. To maintain harmony across this area, staff's recommendation includes a stipulation to limit several uses that are currently prohibited in the Sunnybrook Shops area to the east.

Adjacent BP zoned properties to the south and west are undeveloped. To the north, College Boulevard provides a transition from the K-State Olathe Innovation Campus and the Meadow Lane Elementary School, which are in the BP, R-1, and CTY RUR Districts. Again, staff recommends limiting certain uses that are not harmonious with the existing office and education uses to the north. The applicant is agreeable with staff's recommended land use restrictions.

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

While the property is still suitable for the uses allowed in the BP District, the pattern of development to the east is more commercial in nature, as opposed to the large campus-style development typical of the BP District.

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

The subject property has remained undeveloped in the BP District since the Sunnybrook development first received zoning approval in 1998.

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

Staff has not received information indicating the proposed rezoning will detrimentally affect nearby properties. Rezoning from the BP District to the C-2 District will allow the property to develop in a similar manner as nearby commercial properties to the east.

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 nearby properties as this commercial development abuts similar development to the east and a future daycare development to the south.

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.*

Staff evaluated the Traffic Impact Study submitted with this application and agrees that there is adequate road capacity to accommodate this development with the proposed road extensions and turn lanes. Additionally, sufficient parking is provided on-site to accommodate the proposed use as required by UDO.

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

The development will follow all regulations and codes pertaining to stormwater, air quality, noise, odors, and other impacts on the environment.

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

The proposed grocery store will create additional employment opportunities and generate property tax and sales tax revenues for 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 to the public health, safety, or welfare if the application to rezone from the BP District to the C-2 District were denied. If the application were denied, the landowner could not develop the grocery store use, but could pursue other office and light industrial uses allowed in the BP District.

12. Staff Recommendation

A. Staff recommends approval of RZ25-0020 for the following reasons:

1. The proposed development complies with the policies and goals of the PlanOlathe Comprehensive Plan.
2. The requested zoning amendment meets the Unified Development Ordinance criteria for considering zoning applications.

B. Staff recommends approval of the rezoning request with the following stipulations:

1. The following uses are prohibited:
 - a. Animal Care Facility with Outdoor Kennel;
 - b. Auto-Supply (Parts) Stores;
 - c. Laundry, Coin Operated;
 - d. Vehicle Services;

- e. Check cashing, except in connection with a bank or savings and loan institution, tax service, or investment/brokerage service or as ancillary to a convenience store or grocery store;
 - f. Class A, Class B, or other private club as defined in the Kansas Liquor Control Act;
 - g. Distance Restricted Businesses as set forth in Chapter 5.43 of the Olathe Municipal Code and any amendments thereto;
 - h. Outdoor storage of any kind, whether a primary or accessory use;
 - i. Vapor Retailer and Tobacco Shop as defined in Chapter 6.20 of the Olathe Municipal Code.
- C. Staff recommends approval of the preliminary site development plan with the following stipulations:
1. A waiver is granted from UDO 18.20.140.B to increase the maximum building footprint from 85,000 to 100,000 square feet as shown on the site development plan dated February 11, 2026.
 2. A waiver is granted from UDO 18.15.020.G.7.b to reduce the minimum glass from 25% to 5% on the west façade and no minimum glass requirement on the south façade as shown on the elevations dated February 10, 2026.
 3. A waiver is granted from UDO 18.15.020.G.7.a to allow overhead doors to face a public street as shown on the site development plan dated February 11, 2026.
 4. Screening of the trash compactor will be provided at the time of final site development plan in accordance with the requirements of UDO 18.30.130.I.
 5. Exterior ground-mounted and building-mounted equipment including but not limited to, mechanical equipment, utility meter banks, and coolers must be screened from public view with three (3) sided landscaping or an architectural treatment compatible with the building architecture.
- D. Staff recommends approval of the final plat of Sunnybrook Business Park 4th Plat (FP25-0043) with no stipulations.