



STAFF REPORT

Planning Commission Meeting: April 14, 2025

Application:	RZ25-0002: Rezoning from CTY AG (County Agricultural) to AG (Agricultural) District and a Preliminary Site Development Plan for the Olathe Range
Location:	Northwest of 167 th Street and Interstate 35
Owner:	City of Olathe
Applicant/Engineer:	Matthew Murphy, Treanor Inc.
Staff Contact:	Nathan Jurey, AICP, Senior Planner

Site Area:	<u>95.63 acres</u>	Proposed Use:	<u>Public Safety Service</u>
Existing Zoning:	<u>CTY AG</u>	Proposed Zoning:	<u>AG (Agricultural) District</u>
Building Area:	<u>25,570 sq. ft.</u>	Plat:	<u>Unplatted</u>
Lots:	<u>1</u>	Tracts:	<u>0</u>

	Plan Olathe Land Use Category	Existing Use	Existing Zoning
Site	Employment Area and Greenway	Agricultural	County (CTY) AG
North	Employment Area and Greenway	Quarry, Electrical Substation, & Agricultural	AG & CTY PEC-2
South	Employment Area, Industrial Area, and Greenway	Agricultural	CTY RUR & CTY PRB3
East	Employment Area and Greenway	Shooting Range, Weigh Station, & Warehousing	M-2
West	Employment Area and Greenway	Large Lot Residential	CTY RLD

1. Introduction

The City of Olathe has initiated a rezoning from the CTY AG (County Agricultural) District to the AG (Agricultural) District and a preliminary site development plan for the Olathe Range development. The subject 95.63-acre property is located northwest of Interstate 35 and 167th Street. The development is for a public safety training facility that includes a 23,570 sq. ft. training facility built in two (2) phases, a 2,000 sq. ft. shoot house, an outdoor shooting range, and an emergency vehicle driver training course. Rezoning to a City zoning district is required prior to development.

2. History

The subject property was annexed into Olathe in 2023 (ANX23-0002), and no other zoning or development application has been submitted or approved on this site. Prior to annexation, the site was used for agricultural purposes.

3. Existing Conditions

The subject property is located between Interstate 35 to the southeast and the BNSF railroad to the northwest. 167th Street is located to the south and is currently unpaved. There are two (2) tributary streams that flow across this property from south to north and flow into Cedar Creek, which runs along the northwest boundary of this site. Both Cedar Creek and the tributary streams are in the floodplain and largely wooded, which splits the property into three (3) separate areas predominantly used for agricultural purposes.

The site takes access from 167th Street via an existing driveway that runs through the property. An existing WaterOne waterline runs along 167th Street. Johnson County Wastewater provides sanitary sewer with a line located along Cedar Creek and City of Olathe operates a sewer line along the northern tributary stream.



View of subject property looking north from 167th Street.



Subject property outlined in red.

4. Zoning Standards

- a. **Land Use** – The proposed public safety training facility and shooting range is categorized under the Public Safety Service land use, which is permitted by right in the AG District. There are very limited land uses permitted within the AG District and the City intends to maintain ownership of the overall property.
- b. **Lot Standards** – The property is over 95 acres in size and over 1,000 feet wide, complying with the minimum lot area of 40 acres and minimum lot width of 600 feet.
- c. **Building Height** – Buildings in the AG District may be up to 2½ stories and 35 feet tall and the proposed buildings are one-story and less than 20 feet tall.

- d. **Setbacks** – All buildings and paved areas are setback at least 160 feet and 50 feet from all property lines respectively, exceeding the minimum building and paving setbacks of the AG District.

5. Development Standards

- a. **Phasing** – The development is planned to be constructed in three (3) phases. Phase 1 includes the outdoor shooting range, a 2,000 sq. ft. shoot house, and a small 2,400 sq. ft. training facility. Phase 2 expands the training facility with 21,170 sq. ft. of added building area for an indoor shooting range and additional training facilities. Phase 3 consists of the emergency vehicle drivers training course and associated restroom facility.
- b. **Access/Streets** – The City is improving 167th Street from the east to the existing access drive on this property and the existing drive will be paved with this development. No further improvements are required for 167th Street.
- c. **Parking** – According to UDO 18.30.160, public safety service uses must provide a minimum of one (1) stall per 800 square feet of building area. The development includes a total of 83 stalls, exceeding the minimum requirement of 32 stalls. The additional parking stalls are needed to accommodate the outdoor shooting range and the vehicle driving course.
- d. **Landscaping/Screening** – Landscaping similar to other nonresidential developments is proposed, exceeding all landscape standards for the AG District. The existing tree line along 167th Street will be preserved and a landscape buffer will be added along Interstate 35. Within the site, parking lot and building foundation landscaping is provided.
- e. **Tree Preservation** – The property is covered by 38.3 acres of woodland area, 98% of which will be preserved. Less than 2% of this woodland area will be removed for a driveway and the utilities needed to access and develop the northeast side of the property.
- f. **Noise Ordinance** – The noise study prepared by Avant Acoustics in September 2023 is included in the agenda packet. The study calculated the anticipated noise impacts of the outdoor shooting range and measured existing ambient noise found on the property. The study found that the anticipated noise level of the outdoor shooting range as measured at the property line is similar to the existing ambient noise found on site, which complies with the City's Noise Ordinance.

The noise study contemplated two scenarios: Scenario 1 reviewed a shooting range with a typical target backstop and side walls and Scenario 2 reviewed that same range with additional noise-reducing strategies. The anticipated noise levels for Scenario 1 reach around 60 to 70 dBA at the closest residential and agricultural areas, as shown on Sheet NS-01 of the noise study. Scenario 2 is shown on Sheet NS-02 and found noise levels are expected to be around 55 to 65 dBA on the closest properties, which is similar to the existing ambient noise level of 66 dBA measured on site.

The proposed range models the noise barriers from Scenario 1 and introduces sound-absorbing materials recommended in Scenario 2. The shooting range will use a 30-foot-tall target backstop and 10-foot-tall side berms and walls. Additionally, sound-absorbing rubber pellets will be used within the range, significant tree preservation areas will provide added sound buffering, and the proposed building will create a noise buffer behind the range.

- g. **Stormwater/Detention** – The proposal includes a stormwater detention basin that will collect stormwater from the development as required by Title 17. Additionally, BMPs will

be constructed as required by Title 17 to improve water quality before it is discharged into Cedar Creek.

- h. **Floodplain** – All Phase 1 and 2 development is located outside of the designated floodplain and required stream corridor areas. Phase 3 includes a driveway and utility crossing over the floodplain and stream corridor to provide access to the emergency vehicle driver training course and restroom facilities. Stream corridors will be dedicated with the final plat and a floodplain development permit will be submitted to the City and FEMA, as required, prior to development within the floodplain.
- i. **Public Utilities** – This site is in the WaterOne service area and will connect to the existing water line located along 167th Street, which will be upgraded as needed to serve the development. The property is split between the City of Olathe and the Johnson County Wastewater sanitary sewer service areas. Phases 1 and 2 will connect to JCW's existing sewer line that runs along Cedar Creek. Phase 3 will connect to the City of Olathe's existing sewer line that runs along the northern tributary stream.
- j. **Johnson County Airport** - The subject property is located within one mile of the New Century AirCenter, which is identified in the Johnson County Airport Land Use Compatibility Plan. All development applications within one mile of the airport are subject to review by the Johnson County Airport Commission and the Board of County Commissioners. The Johnson County Planning Department has provided preliminary comments and County staff has no objections regarding the proposed rezoning and preliminary site development plan.

6. Site Design Standards

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

- a. **Parking Pod Size** – Parking lots must be broken up into parking pods with no more than 160 stalls and the largest proposed parking pod is 72 stalls.
- b. **Drainage Feature** – Both Cedar Creek and the smaller tributary stream located on site will be preserved as natural drainage features. The one (1) proposed dry detention area is completely surrounded by existing woodland area and the shooting range and will not be visible to the public or from adjacent property, complying with UDO standards.

7. Building Design Standards

Buildings located within the AG District are not subject to building design standards. However, Phase 1 of the proposed 2,400 sq. ft. training facility utilizes quality building design, exceeding UDO standards as is standard for all City of Olathe projects. The proposed building includes a masonry veneer base, windows, architectural quality metal paneling, and a Class 1 standing seam metal roof. Color elevations are provided in the agenda packet for this small Phase 1 training facility.

Building elevations for the larger Phase 2 addition are not included at this time, as a revised preliminary site development plan will be submitted for review prior to development of the over 21,000 sq. ft. building addition.

8. Public Notification and Neighborhood Meeting

City staff sent the required public notification letters to surrounding properties within 200 feet and 1,000 feet in unincorporated Johnson County by certified mail and posted a sign 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 March 20, 2025 with 5 attendees. The primary questions posed by the attendees were regarding the general operations of the outdoor shooting range, traffic, and impacts to Cedar Creek. Staff corresponded with two (2) nearby property owners, a resident and Evergy, and responded with the requested project details, and no additional inquiries were made.

9. UDO Rezoning Criteria

The future land use map of the PlanOlathe Comprehensive Plan identifies the subject property as split between an Employment Area and Primary/Secondary Greenways. Employment Areas are characterized by office uses, research facilities, other light industrial uses, with limited complimentary commercial uses. Primary and Secondary Greenways preserve streamways, passive open space, provide recreational opportunities and are often publicly owned and maintained.

The majority of the property will preserve natural areas and streamways and will be owned and maintained by the City. While not directly aligned with the Employment Area future land use designation, the AG District is intended to *serve as a “holding zone” for land where future urban expansion is possible, but not yet appropriate, due to the unavailability of urban-level facilities and services.* The AG District allows limited commercial and industrial uses, such as the proposed public safety service facility, that are both compatible with this property’s designation as an Employment Area and possible with the current level of public facilities and service available on this property.

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 AG District will serve as a ‘holding zone’ that allows limited commercial and industrial uses that conform with the Employment Area future land use designation until the current level of public facilities and services available to this property is improved. In addition, the proposed development protects existing streams and woodland areas and helps maintain an adequate police force, achieving the following policies of PlanOlathe.

LUCC-6.3: Resource Protection. Designate land use patterns and intensities so as to minimize adverse impacts on valued resources, wildlife habitats and historic sites.

CF-3.1: Adequate Police Force. Remain committed to maintaining the police force level of service to ensure the safety of 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 area transitions from heavy industrial uses in the northwest, to agricultural and rural residential uses to the northeast and southwest, and back to industrial uses to the southeast. To the northwest, there is a railroad and a heavy industrial area that is predominantly used for quarrying activities, which is comprised of large open spaces with relatively small buildings. To the northeast and southwest, large open land areas are used for agricultural purposes with some single-family rural residential. To the east, there is the existing Kansas Highway Patrol outdoor shooting range, Interstate 35 and an industrial area, which is comprised of large warehouse buildings.

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 proposed AG (Agricultural) District use is in harmony with the nearby agricultural and rural residential properties and is compatible with the nearby industrial zoning and uses.

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

The property must be rezoned to a City zoning district before it may be developed.

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

The property has retained County AG (Agricultural) zoning since it was annexed in 2023. The site is currently undeveloped and was used for agricultural purposes well before the property was annexed.

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. Rezoning from County AG (Agricultural) to the AG (Agricultural) District will not result in a significantly different development pattern as both the existing and proposed zoning districts require a rural development pattern, which is embodied by large lots with relatively small buildings.

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 development abuts both the railroad and the interstate along two property lines. Additionally, the proposed AG District requires a large-lot development pattern that is similar to the rural residential and agricultural areas that abut on the other two sides.

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 public safety training facility will not generate enough traffic to adversely affect the capacity or safety of the road network as use will be limited to public safety personnel. Additionally, on-site parking will be installed to accommodate the proposed use.

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, and other impacts on the environment. The noise study prepared by Avant Acoustics in September 2023 found that the proposed outdoor shooting range will comply with the City's Noise Ordinance.

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

The proposed facility will provide training for public safety personnel and further enhance the safety of the community and economy.

- 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 CTY AG to the AG District were denied. If the application were denied, the property would be restricted to the agricultural uses permitted in the CTY AG District and the public safety facility could not be developed on this property.

10. Staff Recommendation

- A. Staff recommends approval of RZ25-0002, Olathe Range, for the following reasons:
1. The proposed development complies with the policies and goals of the PlanOlathe Comprehensive Plan.
 2. The requested zoning meets the Unified Development Ordinance criteria for considering zoning applications.
- B. Staff recommends approval of the rezoning request with no stipulations.
- C. Staff recommends approval of the preliminary site development plan request with the following stipulation:
1. The Johnson County Airport Commission and Board of County Commissioners must approve the development prior to issuance of a building permit.