



STAFF REPORT

Planning Commission Meeting: April 14, 2025

Application:	PR25-0003: Revised Preliminary Site Development Plan for County Square Commons
Location:	114-124 N. Cherry Street
Owner:	City of Olathe
Applicant:	Daniela Molina, BHC
Engineer/Architect:	Kevin Pinkowski, BHC
Staff Contact:	Emily Carrillo; Senior Planner

Site Area:	<u>0.36 ± acres</u>	Current Use:	<u>(Vacant)</u> <u>Commercial/Office</u>
Zoning	<u>D (Downtown Core)</u>	Proposed Use:	<u>Restaurant, Sit Down</u>
Proposed Building Area	<u>10,862 square feet</u>	Plat:	<u>Olathe</u>

1. Introduction

The applicant is requesting approval of a preliminary site development plan for the County Square Commons multi-tenant commercial building, located at 114-124 N. Cherry Street. The proposal includes the renovation and expansion of the existing 10,862 square-foot building situated on approximately 0.36 acres in downtown Olathe. As required by Unified Development Ordinance 18.40.120, an increase in height and the building square footage requires Planning Commission consideration.

The project scope includes a 3,900 square foot rooftop patio expansion and façade improvements to 114 and 118 N. Cherry to accommodate two (2) new restaurant tenants, Austin’s Bar & Grill and Fifth & Emery frozen yogurt shop. The remaining two (2) tenant spaces are currently being marketed and will be identified at a later date.

Austin’s Bar and Grill will occupy 114 N. Cherry and will feature a new second-story rooftop outdoor dining area. This upper patio level will provide seating for approximately 30 patrons, including lounge and bar areas. The main level will accommodate indoor seating for approximately 107 guests, with an additional 12 outdoor seats proposed. Anticipated hours of operation are from 11:00 AM to 2:00 AM, seven days a week. Construction is expected to begin in Fall 2025 and be completed during winter 2026.

A revised preliminary site development plan will be required for any major modifications to the approved plan.

2. History

The property was platted in 1866 as part of the original Town of Olathe subdivision. The existing multi-tenant building was constructed in the 1940s and received renovations and façade improvements in 2012. Historically, this was the former site of the Olathe Grange Building that was destroyed by a fire in 1936. For the last several decades, this multitenant building has been leased and utilized for both office and commercial uses. The property was rezoned from the C-2 (Community Center) District to the D (Downtown Core) District in 2023 (RZ23-0007).

3. Existing Conditions

The site is currently developed with an existing structure and relies on adjacent public parking. Approximately twelve (12) private, on-site parking spaces are designated for tenant employees. Aside from the two (2) street trees located along the N. Cherry streetscape, there are no existing trees on the property.



Aerial View of Subject Property.



View of the Property Looking East from N. Cherry Street.

4. Zoning Standards

- a. **Land Use** – The proposed *Restaurant*, uses are allowed by right in the underlying D District. The Future Land Use Map of the PlanOlathe Comprehensive Plan identifies the property as Urban Center/Downtown for business, commercial and office uses, with which this use aligns.
- b. **Building Height** – The existing building is a single-story structure ranging in height from 16 to 19 feet. The proposed building addition will reach a height of 33 feet, consistent with the standards of the Downtown District.
- c. **Setbacks** – The D District allows a maximum front yard setback of five (5) feet and does not require minimum side or rear yard setbacks. The existing building is set back zero (0) feet from the west, north, and south property lines. The current rear (east) setback ranges from approximately 25 to 50 feet, with an average setback of around 34 feet. The proposed building addition will reduce the eastern setback to approximately 15 feet at the southeast corner. All setbacks meet or exceed requirements.
- d. **Frontage Buildout** – A minimum frontage buildout of 90% is required within the Downtown Core District. The existing building frontage spans 100% of the lot width, exceeding the requirement.

5. Development Standards

- a. **Phasing** – The first phase of this redevelopment project includes improvements to 114 and 118 N. Cherry to accommodate two (2) new restaurant tenants. The remaining two (2) tenant spaces (122-124 N. Cherry) are currently being marketed and will be identified and occupied at a later date.

- b. **Access/Streets** – The subject property is primarily accessed from N. Cherry Street, as well as from the adjacent public parking lot, which is accessible via Santa Fe and N. Chestnut Streets.
- c. **Parking** – Per UDO Section 18.20.210, off-street parking is not required within the D District; however, when provided, it must be located to the side or rear of the building. Approximately twelve (12) existing parking stalls are located at the rear (east side) of the building. The development will primarily utilize public and on-street parking readily available in the vicinity. A public parking garage is located one block to the southeast, and a public surface lot is located directly adjacent to the east.
- d. **Landscaping/Screening** – Due to site constraints and the existing building footprint, there is limited opportunity for traditional greenspace or landscaping on the property. However, the development incorporates streetscape planters, street trees, and utility screening along the alley to introduce greenery, soften the hardscape environment, and provide visual screening where feasible.
- e. **Public Utilities** – The property is located within the City of Olathe water and sewer service areas. No changes to utilities are required.

6. Site Design Standards

The site is located within the Urban Center/ Downtown designation of the Plan Olathe Comprehensive Plan and is therefore subject to Site Design Category 3 of the UDO (Section 18.15.115). The following is a summary of the applicable site design requirements:

- a. **Street Frontage Area** – Commercial and mixed-use buildings must maintain a maximum street frontage setback of 15 feet, as measured from the property line. The proposal complies with this requirement, as the building is constructed at the property line with a zero-foot setback.
- b. **Façade Width in Frontage Area** -- The façade width within the required frontage area must be at least 30% of the lot width. The existing building exceeds this requirement, with a frontage that spans 100% of the lot width.
- c. **Parking Pod Size** – With only 8 parking stalls proposed, the proposal complies with the maximum parking pod size of 40 stalls.
- d. **Pedestrian Connectivity** – The development provides pedestrian connections to adjacent commercial properties via sidewalks along street frontages and public alleyways.

7. Building Design Standards

The proposed building is subject to Commercial or Retail Building design standards (UDO 18.15.020.G.7). The proposed 10,862 square foot 2-story building has two primary façades (west and east) and two secondary façades (north and south). Table 1 lists the building design standards applicable to Commercial or Retail Buildings (UDO 18.15.020.G.7) and the elements of the proposed building that meet current requirements.

Building Design Standard	<i>UDO Design Requirements</i> Proposed Design

<p><i>Building Entryway</i></p>	<p><i>Each building entry along primary facades must be defined with a covered projection from the façade or by a recessed area.</i></p> <p>The main entrances on the west and east primary façades are defined by canopy projections, meeting UDO requirements.</p>
<p><i>Façade Articulation & Expression</i></p>	<p><i>Façade bays must be differentiated from the adjoining units through a combination of horizontal and vertical wall articulation.</i></p> <p>The proposed expansion incorporates covered entryways, changes to the roofline, and differing exterior finish materials and colors meeting UDO requirements.</p>
<p><i>Building Materials for Primary Facades</i></p>	<p><i>Primary facades must use three materials from Class 1 or 2 on at least 80% of the façade, and a minimum of 25% glass.</i></p> <p>The existing primary west façade is fully clad in Class 1 materials—brick, stone, and glass—exceeding UDO requirements. The proposed expansion along the east façade is designed to complement and blend with the existing architecture, incorporating a mix of brick, stone veneer, and glass, in compliance with UDO material standards.</p>
<p><i>Building Materials for Secondary Facades</i></p>	<p><i>Secondary facades must use three materials from Class 1 or Class 2 on at least 50% of the façade.</i></p> <p>The existing north secondary façade is fully clad in brick, while the south façade retains the existing ground-floor brick. The proposed expansion incorporates additional brick along with accent materials such as metal, fiber cement, and wood slats on the upper story, all in compliance with UDO requirements.</p>
<p><i>Roofing Materials</i></p>	<p><i>Class 1 or 2 roofing materials are required.</i></p> <p>A flat membrane roof is provided, meeting requirements of the UDO.</p>

8. Downtown Envision Olathe Plan and Historic Preservation

This proposal directly supports the goals of the City’s Envision Downtown Plan by promoting thoughtful design, increasing downtown density, and reactivating existing storefronts with vibrant ground-floor restaurant and retail uses. The project contributes to a walkable, mixed-use environment that enhances street-level activity and reinforces the urban fabric of downtown Olathe. In addition, the renovation and adaptive reuse of the existing building align with the objectives of the City’s Historic Preservation Plan, which emphasizes the preservation, maintenance, and reinvestment in historic storefront buildings. By building upon the existing architectural character and integrating modern improvements, the proposal represents a balanced approach of historic continuity and downtown revitalization.

9. Neighborhood Meeting/Correspondence

Neighborhood notification was provided to property owners within 500-feet of the subject property, as required by the UDO. A neighborhood meeting was held on March 11, 2025, with approximately 25 residents and business owners in attendance. Questions were asked about business operations, ownership, development incentives, parking, and timing of the project. Neither staff nor the applicant has received any additional correspondence following the neighborhood meeting regarding the project.

10. Staff Recommendation

Staff recommends approval of the preliminary site development plan (PR25-0003) with the following stipulation:

1. A 'Right-Of-Way Use Agreement' is required for the south alley patio which will remain public alley right-of-way owned by the City of Olathe prior to Certificate of Occupancy.