



## MINUTES

### Planning Commission Meeting: April 29, 2024

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<b>Application:</b>	<b><u>RZ23-0011</u>:</b> Request for approval of a rezoning from the M-2 (General Industrial) District to the C-2 (Community Center) District and a preliminary site development plan for New Creation Community Center on approximately 0.26 acres; located at 504 E. Kansas City Road.
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**Ms. Emily Carrillo, Senior Planner**, presented RZ23-0011, a request to approve a rezoning to the C-2 (Community Center) District and a preliminary site development plan for New Creation Community Center at 504 E. Kansas City Road. The existing building, constructed in the mid-1960s, was previously used as an auction facility. The property was zoned to M-2 in 1970. New Creation, a non-profit organization, purchased the property in 2023 to use as a gathering space and social service support location for those recovering from substance abuse disorders. This use is categorized by the UDO as “Social Services” which is not permitted in the M-2 zoning district. Thus, staff notified the applicant that rezoning to C-2 would be required for their intended use. The applicant did begin utilizing the property for their patrons prior to submitting the application but have since been working closely with staff to bring the site and use into compliance.

Ms. Carrillo continued that the C-2 District permits over 94 uses that include pedestrian-scale commercial uses that draw from multiple neighborhoods as called for by PlanOlathe. While the district is appropriate for this location, zoning restrictions are recommended to ensure compatibility with the area and adjacent residential zoning. The requested zoning aligns with the Future Land Use map which designates the area as a mix of Urban Center/Downtown.. It would create a less intense district adjacent to residential and allow for commercial uses that directly support the neighborhood. This application meets the goals and policies of PlanOlathe regarding consistency with the Comprehensive Plan, encouraging a mix of complimentary uses for Downtown and Original Town Neighborhoods.

Ms. Carrillo presented the elevations of the New Creation Community Center. The applicant has made improvements since acquiring the structure, including painting and repair of the siding and the entry canopy, removal of bars from windows, and new building signage. New metal awnings will be placed in the future over the exterior doors on the east primary façade. Ms. Carrillo presented the preliminary site development plan, which includes an existing non-conforming structure which is permitted to remain in accordance with UDO Section 18.60. Ms. Carrillo continued, stating the applicant will reduce the

existing impervious surface by removing sections of paved areas and gravel (adjacent to Kansas City Road) and replace those areas with sod. Landscaping will be added as space allows, along the entrances and to help screen the parking as well as the trash enclosure. Onsite parking meets code requirements for the proposed use. Ms. Carrillo stated there is an existing 15-foot-wide sanitary sewer easement along the north end of the property; therefore, any new construction, including expansion or accessory structures, would not be permitted within that area as stipulated in the plans.

Ms. Carrillo stated all public notice requirements have been met, and a neighborhood meeting was held with one member of the public in attendance. The applicant addressed all questions. Overall, the resident express general support of the project, use, and New Creation's service in the community. Meeting notes were included in the packet. Staff has not received any correspondence regarding the project.

Ms. Carrillo summarized the application meets the criteria for considering zoning applications. Staff recommends approval of the rezoning to the C-2 district with the one stipulation regarding the land use restrictions. Staff also recommends approval of the preliminary site development plan with stipulations to address a few required details prior to final site development plans.

**Chair Janner** thanked Ms. Carrillo for her presentation. He stated it is his understanding New Creation has other operations in the neighborhood. He asked whether staff has identified those locations.

**Ms. Carrillo** answered there are a few associated residential properties in the vicinity which are all zoned appropriately and permitted by right.

**Chair Janner** asked for a map of those locations. Ms. Carrillo stated she did not have a specific map available, but answered she believed most were generally to the north of the subject property.

**Chair Janner** called for any additional questions for staff.

**Commissioner Creighton** stated the area has a number of different land uses (M-2, R-1, R-3, CP, etc.). While he did not take issue with the proposed use, Commissioner Creighton asked if the organization outgrows their current operation, whether other businesses could move into this building. Commissioner Creighton expressed he was concerned not to limit a future business owner on the property and asked for a few examples of what businesses would still be allowed.

**Ms. Carrillo** answered that uses that would serve the adjacent residential area and slightly beyond that area would be allowed, for example, a daycare.

**Commissioner Creighton** asked whether making this change would put any hardship on the M-2 that are still in the area, limiting what they can do in the future on those sites.

**Ms. Carrillo** answered no. If any M-2 or any of those properties wanted to submit for a zoning amendment or application, staff would align recommendations with the future land use map.

**Commissioner Creighton** asked whether rezoning to C-2 would be the ultimate goal for this area? He noted this area has changed significantly from the primarily industrial and retail area it was when he came to Olathe in 1984.

**Ms. Carrillo** answered, less intense zoning, like C-2 or C-1 would be appropriate for this area.

With no additional questions, **Chair Janner** opened the public hearing, but no one was signed up to speak.

With no further comments, **Chair Janner** entertained a motion to close the public hearing.

A motion was made by **Commissioner Breen** to close the public hearing, seconded by **Commissioner Chapman**. The motion passed by a vote of 7 to 0.

With no further discussion, **Chair Janner** entertained a motion on the item.

**Commissioner Creighton** moved to recommend approval of RZ23-0011, subject to all staff comments and recommendations including the preliminary site development plan, and **Commissioner Breen** seconded.

The motion passed with a vote of 7 to 0 as follows:

- A. Staff recommends approval of RZ23-0011 for the following reasons:
  1. The proposed development complies with the policies and goals of the PlanOlathe Comprehensive Plan.
  2. The requested rezoning to the C-2 District meets the Unified Development Ordinance (UDO) criteria for considering zoning applications.
- B. Staff recommends approval of the rezoning to the C-2 District with the following stipulations:
  1. The following uses are prohibited:
    - a. Animal Care – Indoor or Outdoor Kennel
    - b. Bars, Taverns, and Drinking Establishments
    - c. Convenience Stores, with Gas Sales
    - d. Entertainment Establishment
    - e. Gas Station

- f. Leasing/Rental – Consumer or Recreational Goods
- g. Liquor Store
- h. Any Distance Restricted Businesses as listed in Olathe Municipal Code Chapter 5.43

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

1. Proposed accessory structures must be removed and relocated outside of the existing sanitary sewer easement with submittal of the final site development plan.
2. Building elevations must be revised to include awnings or canopies over exterior doorways located on the east (primary) façade with submittal of the final site development plan.
3. Approved parking areas will be paved and striped per UDO 18.30.160.
4. All exterior signs require a permit in accordance with UDO 18.50.190.
5. All new on-site wiring and cables must be placed underground.
6. 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.