



STAFF REPORT

Planning Commission Meeting: June 10, 2024

Application:	<u>RZ24-0010</u>: Rezoning from the R-1 (Single-Family Residential) and M-2 (General Industrial) District to the M-2 (General Industrial) District and a Preliminary Site Development Plan for Carson Street Storage
Location:	20550 W. 159 th Street
Owner:	Gurinder Chahal
Engineer/Applicant:	Judd Claussen, Phelps Engineering, Inc.
Staff Contact:	Andrea Fair, AICP, Planner II

Site Area:	<u>9.37± acres</u>	Proposed Use:	<u>Truck Maintenance, Repair and Storage</u>
Existing Zoning:	<u>R-1 (Single-Family) and M-2 (General Industrial)</u>	Building Area:	<u>43,400 square feet</u>
Proposed Zoning:	<u>M-2 (General Industrial)</u>	Plat:	<u>Unplatted</u>

	Plan Olathe Land Use Category	Existing Use	Existing Zoning
Site	Industrial Area/Primary Greenway	Single-Family Residence	R-1 & M-2
North	Industrial Area	Vacant	MP-2
South	Industrial Area	Refrigerated Warehouse or Cold Storage	M-2
East	Industrial Area/Primary Greenway	Single-Family Residence/Building Materials Sales and Storage	M-2
West	Industrial Area/Primary Greenway	Vacant	R-1

1. Introduction

The applicant is requesting a rezoning from the R-1 (Single-Family Residential) District and M-2 (General Industrial) District to the M-2 (General Industrial) District with a preliminary site development plan for two (2) lots on a 9.37± acre property, located at 20550 W. 159th Street. The proposed use is Truck Maintenance, Storage and Repair. A 16,400 square foot industrial building (Building A) is proposed on Lot 1 to the north, and a 27,000 square foot industrial building (Building B) is proposed on Lot 2 near 159th Street, totaling 43,400 square feet of building area. Building A will be used for truck maintenance and office space. Building B will be used for truck maintenance and storage. Rezoning to the M-2 District is required prior to development of the site.

2. History

The subject property was annexed into the City of Olathe in 1984 (ANX84-0084) and was zoned to the R-1 District in April of 1985 (RZ85-0003). A small portion of the east side of Lot 1 was zoned to the M-2 District in 1987 (RZ87-0046). This is the first development plan the City has reviewed for this property. The property is not platted and there is one existing residential structure adjacent to 159th Street that was constructed in 1977, which will be removed with this application.



Aerial view of the subject property highlighted in yellow.

3. Existing Conditions

There is one existing residential structure on the property that was constructed in 1977 and was historically used as a single-family residence. An existing streamway and areas of Flood Zone X exist on the central portion of the property. A Floodplain Development permit is required prior to issuance of any type of permit that requires work in the floodplain.



View of subject property looking north from W. 159th Street.

4. Zoning Standards

- a. **Land Use** – The applicant is seeking a change of zoning from the R-1 and M-2 Districts to the M-2 District to allow for construction of a Truck Maintenance and Storage Facility. The site is identified as Industrial Area on the PlanOlathe Future Land Use Map (PlanOlathe), with a Primary Greenway bisecting the site in the areas of stream corridor. The proposed M-2 District and stream corridor protection areas align with these PlanOlathe future land use designations.

M-2 District uses include a number of industrial and service-type uses including Bus/Truck Maintenance with Repair and Storage. Staff recommends the restriction of a few land uses on the subject property due to visibility from an arterial roadway, adjacent land uses, and to align with the existing restrictions on neighboring properties. Staff has worked with the applicant and they amenable to restricting the following uses:

- a. Automobile Storage or Towing,
- b. Paper Manufacturing,
- c. Power generation plant,
- d. Recycling Centers, Drop-Off,
- e. Parking Lots, Surface, as Principal Use,
- f. Rendering and Meat Byproduct Processing.

- b. **Building Height** – Buildings within the M-2 District are limited in height to 55 feet. Both buildings are 35 feet tall meeting this requirement.
- c. **Setbacks** – The M-2 District requires a minimum 20-foot front yard setback and 20-foot parking/paving setback from right-of-way. Additionally, 10-foot side and rear yard setbacks from all other property lines are required. The preliminary site development plan meets or exceeds all dimensional requirements of the M-2 District.

5. Development Standards

- a. **Access/Streets** – Access will be provided from W. 159th Street and be partially constructed on the property to the east, who will share access once the property is redeveloped. A new left turn lane will be constructed as an offsite improvement along W. 159th Street. Staff has stipulated that an access agreement be provided at time of final plat.
- b. **Parking** – The preliminary site development plan identifies parking areas for passenger cars and trucks throughout the property. Parking for the Truck Maintenance, Repair and Storage use is calculated at 1 parking space per 1,500 square feet of gross floor area for a minimum of 11 spaces for Lot 1 and 18 spaces for Lot 2. The plan currently provides 13 standard parking and 37 truck parking spaces for Building A, and 39 standard parking spaces and 15 truck parking spaces for Building B, exceeding minimum parking requirements.
- c. **Landscaping/Screening** – The applicant provided a preliminary landscape plan identifying the required perimeter landscaping on the property, as well as required landscaping on the adjacent property to the east. Buffers with plantings are provided adjacent to roadways, and disturbed land areas adjacent to roadways will be sodded. All outdoor truck parking areas are screened from public roadways as they are located behind Building B. The proposed parking lot and building foundation landscaping meet UDO requirements.

Staff has stipulated that additional landscaping may be required along the east property line to satisfy Type 1 Buffer requirements, if the remaining existing vegetation is not sufficient following roadway construction. Landscaping must meet all requirements of UDO 18.30.130.

- d. **Tree Preservation** – The applicant is proposing to preserve 43% of the existing tree canopy on site, exceeding UDO requirements. Areas preserved are within the Flood Plain, identified as Primary Greenway on the PlanOlathe future land use map.
- e. **Public Utilities** – The site is located within the City of Olathe Sewer and WaterOne service areas. City sewer bisects the property, which the development will connect to, and WaterOne has a water main along W. 159th Street which the development will connect to.
- f. **Stormwater/Detention** – The site drains to the stream corridor central to the site and two (2) stormwater basins will be provided both north and south of the corridor. The proposed development must meet all requirements of Title 17 which includes obtaining a Flood Plain Development Permit for work being done within the Future Flood Zone X.

- g. **Phasing** – The project will be constructed in four (4) phases, beginning with the turn lane, access drive, and the Lot 1 parking area at the north end of the property, along with the stormwater detention basin on Lot 1. Phase II includes Building B near the north end of the site. Phase III includes the Lot 2 parking area and stormwater detention basin. Phase IV will construct Building A and the associated parking area located on the south end of the site, closest to W. 159th Street.

6. Site Design Standards

The site is designated as Industrial Area on the PlanOlathe Future Land Use Map and is subject to Site Design Category 6 (UDO 18.15.130). The following is a summary of the applicable standards of Site Design Category 6.

- a. **Parking Pod Size** – The maximum number of parking stalls allowed in one parking pod for developments subject to Site Design Category 6 is 320 stalls. The largest parking pod within this proposed development is 39 parking stalls, meeting this requirement.
- b. **Drainage Features** – In developments subject to Site Design Category 6, open drainage areas visible to the public must be incorporated into the design of the site as an attractive amenity or focal point. There will be detention basins in the center portion of the development, on Lots 1 and 2.
- c. **Landscape Buffer Options** – Site Design Category 6 offers two (2) options for landscape buffers adjacent to arterial roads: a 50-foot planted buffer with no fence or wall or a 20-foot buffer with a fence or wall. The applicant is utilizing the 50-foot planted buffer along W. 159th Street, with landscaping to meet these requirements. Additionally, parking areas located in front of Building A will be screened with a 5-foot drop in grade from roadway elevation.

Industrial buildings must also be setback at least 200 feet from an adjoining R-1 (Single-Family Residential) District. Lot 1 abuts an R-1 District along the west property line and Building A is setback 60 feet, not meeting this requirement. As such, a waiver is requested to reduce the required setback (see Section 8, Waiver Request).

7. Building Design Standards

Industrial buildings constructed in the M-2 Districts are subject to building design standards for Industrial Buildings (UDO 18.15.020.G.10). The table below lists the requirements of the UDO, and the elements of the proposed design which meet these requirements.

Building Design Standards	Proposed Design
<i>Building Entryway</i>	<p><i>The main common building entry must be defined with a covered projection from the façade or by a recessed area.</i></p> <p>Building A includes a recessed entryway and Building B includes a series of canopies that project over each entry to the buildings.</p>
<i>Garage and Overhead Doors</i>	<p><i>Garage and overhead doors may only face a local or collector public street, unless completely screened from view.</i></p> <p>The proposal includes overhead service doors which do not face public streets.</p>

<i>Vertical Articulation</i>	<i>Each primary façade must provide vertical articulation every 50 linear feet of the façade.</i> Vertical articulation is provided through variation in parapet height on primary façades of both proposed buildings every 50 linear feet, as required by the UDO.
<i>Horizontal Articulation</i>	<i>Each primary façade must provide horizontal articulation every 50 linear feet of the façade.</i> Horizontal articulation is provided through wall projections on primary façades of both proposed buildings every 50 linear feet, as required by the UDO.

Proposed Building Materials

Buildings must provide a minimum of 75% Class 1 and Class 2 materials and 15% clear glass on primary façades. Secondary façades must provide no less than 40% Class 1, Class 2 or Class 3 materials. Both of the buildings meet or exceed UDO requirements for high-quality building materials on all façades, including exceeding the minimum required 75% Class 1 or 2 building materials requirement.

Both buildings within the proposed development will have a consistent architectural theme and will be constructed primarily of stucco, thin brick veneer, metal, and glass. Building entrances are wrapped with Class 3 split face CMU. The color scheme consists of shades of beige, cream, and gray with blue accents.

8. Waiver Requests

Per Section 18.40.240 of the UDO, waivers can be granted if certain criteria are met. The applicant has submitted a waiver request letter (see attached) for the following item. Upon review, staff is supportive of the waiver request, as detailed below.

- a. **Increased Setback** – The applicant is requesting a waiver from UDO 18.15.130.C requiring that the minimum setback area on the edges of an industrial site that directly abuts a R-1 Zoning District be 200 feet. The applicant is proposing a 60-foot setback.

The applicant notes that the existing R-1 District, located to the west of Lot 1, is primarily located within a FEMA floodplain and that the provided setback and landscape buffer meets the current UDO standards for the M-2 District.

Staff is supportive of the request, as the R-1 District to the west is not currently occupied with a single-family home and the intent of this requirement is to provide additional separation between industrial uses and single-family users. Additionally, Future Land Use map of PlanOlathe designates the property to the west as Industrial Area/Primary Greenway. The property to the west is surrounded by M-2 zoning, and staff anticipates the site to redevelop as an industrial area in the future.

9. Public Notification

The applicant mailed the required certified public notification to property owners within 200 feet of the site in accordance with UDO 18.40.050.B.

Neighborhood notice was also mailed to properties within 500 feet of the site, as required by the UDO. A neighborhood meeting was held on May 13, 2024 in accordance with UDO requirements and the minutes of this meeting are included in the agenda packet. Four (4) members of the public attended, the applicant made a presentation on the proposed project and no specific questions about the project were asked. Staff has received no additional correspondence regarding this project.

10. UDO Rezoning Criteria

The Future Land Use Map of the PlanOlathe Comprehensive Plan identifies the subject property as an "Industrial Area". Development of this site with industrial type uses aligns with the Industrial Area designation and is suitable for this type of development.

The following are criteria for considering rezoning applications as listed in UDO Section 18.40.090.G.

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 designates the subject property as Industrial Area, and the M-2 District directly aligns with this designation. Promotion of Olathe as an ideal place for new industry is a goal of PlanOlathe, which calls for the City to "develop distinct employment districts to ensure Olathe's strong and diversified economy."

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-8.2: Compatibility of Adjacent Land Uses. Where a mixture of uses is not complementary, use zoning as a tool to avoid or minimize conflicts between land uses that vary widely in use, intensity, or other characteristics. This may include buffering, landscaping, transitional uses and densities, and other measures. Protect industry from encroachment by residential development, and ensure that the character and livability of established residential neighborhoods will not be undermined by the impacts from adjacent non-residential areas or by incremental expansion of business activities into residential areas.

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 area consists primarily of commercial and industrial uses on large parcels. South of the property is Tyson's large cold storage warehouse, east of the property is Foley Industries Inc., land directly north and west of the subject property is currently undeveloped. The Great Plains Commerce Center is located west of the undeveloped property adjacent to the subject property.

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 proposal is in harmony with the surrounding zoning and uses of nearby properties. With the exception of the property directly to the west, which is in the R-1 District, the adjacent properties are in the M-2 and MP-2 Districts. The surrounding properties are developed with industrial uses in accordance with the future land use map. There is an existing single-family residence to the east, which was constructed in the 1971 and zoned to the M-2 District in 1989. The proposed Truck Maintenance facility will complement the adjacent industrial zoned properties.

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

The subject property is currently zoned to the R-1 (Single Family Residential) District with a small portion zoned to the M-2 District, and truck maintenance, including storage and repair uses are not permitted in residential districts. Rezoning the entire property to the M-2 District allows the proposed development and provides a continuation of the zoning district established to the north, east and south of the site, within the 159th Street corridor. The property is suitable to the use restrictions of the M-2 District as proposed.

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

The property was zoned to the R-1 (Single-Family Residential) District in 1985. A single-family residence was constructed on the property in 1977 before the property was annexed into the City.

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

Approval of this application is not anticipated to detrimentally affect nearby properties, which consists of vacant property to the north and west, and industrial uses to the south and east.

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

The district as proposed will provide uses and design standards that are not anticipated to cause any substantial harm to the value of nearby properties. The proposed rezoning is consistent with the M-2 zoning districts currently established in the surrounding area, north, east and south of the property.

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 use will not cause any adverse effects on traffic and safety of the road network. The property is adjacent to an arterial roadway with adequate capacity, which connects to I-35.

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 codes pertaining to stormwater, air quality, noise, and other related items. On-site detention meeting Title 17 requirements will be provided, and trees and landscaping will be installed. The property has a considerable amount of mature wooded area on the property; the applicant proposes to save 43% of the existing vegetation.

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

The proposed development will create new jobs and generate additional property taxes to be collected by 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 or detriment to the public health, safety and welfare due to the denial of the application. If the application were denied, the applicant would not be able to develop the property under R-1 District zoning, which does not align with the Comprehensive Plan and surrounding uses.

11. Staff Recommendation

Staff recommends approval of the rezoning and preliminary site development plan (RZ24-0010) with the following stipulations:

- A. Staff recommends approval of RZ24-0010 for the following reasons:
 - 1. The proposed development complies with the policies and goals of the Comprehensive Plan.
 - 2. The requested rezoning to the M-2 District meets the Unified Development Ordinance (UDO) criteria for considering zoning applications.
- B. Staff recommends approval of the rezoning to the M-2 District with the following stipulation:
 - 1. The following uses are prohibited:
 - a. Automobile Storage or Towing,
 - b. Paper Manufacturing,
 - c. Power generation plant,
 - d. Recycling Centers, Drop-Off,
 - e. Parking Lots, Surface, as Principal Use,
 - f. Rendering and Meat Byproduct Processing.
- C. Staff recommends approval of the preliminary development plan with the following stipulations:

1. A waiver is granted from UDO 18.15.130.C, permitting a minimum 60-foot setback adjacent to a R-1 District.
2. An access easement for the access drive must be provided to the subject property at the time of final plat.
3. A Type 1 Buffer will be required along the east property line if, at the time of roadway construction, the existing vegetation is not preserved in a manner that satisfies landscaping requirements.
4. Any outdoor storage of materials, products, or equipment must be entirely screened from view per UDO 18.30.130.I.9.
5. Existing trees and vegetation must be preserved along 159th Street to provide screening of truck parking prior to the issuance of a building permit for Phase 4.
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.