



MINUTES

Planning Commission Meeting: March 25, 2024

Application:	<u>RZ23-0009:</u> Request for approval of a rezoning from the CTY RUR (County Rural) District to the M-2 (General Industrial) District and a preliminary site development plan for Intermodal Industrial Park on approximately 186.22 acres; located north of W. 175th Street and east of Clare Road.
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Ms. Jessica Schuller, Senior Planner, presented RZ23-0009, a request to approve a rezoning to the M-2 (General Industrial) District and a preliminary site development plan for eight speculative buildings on 186 acres. The property is located east of Clare Road and north of 175th Street. It was annexed to the City of Olathe in August 2022. The Coca-Cola bottling facility, currently under construction, is located east of the site. To the northeast is the Lone Elm Commerce Center. Land to the west and south are part of the City of Gardner. The site is surrounded on the north and east by M-2 (General Industrial) and BP (Business Park) zoning. Surrounding uses include approved warehousing, a bottling works facility, and other industrial uses. The applicant has proposed to rezone to M-2 to match surrounding uses. Staff analyzed the approximately 80 uses allowed by right in M-2, against the appropriateness of this location. Staff recommends that five uses be prohibited, because of high visibility from the high-traffic roadways and incompatibility with future anticipated commercial development. The applicant is amenable to the list of prohibited uses.

PlanOlathe's Future Land Use map designates this area as an industrial area. The rezoning request also aligns with several goals and policies of PlanOlathe, by diversifying the employment base, creating distinct employment districts and concentrating truck traffic in accessible locations to the interstate highway.

Ms. Schuller presented the preliminary site development plan for Intermodal Industrial Park. There are eight proposed industrial buildings. New public roadways will be constructed with this project. Ms. Schuller demonstrated where the public roadway would be constructed, as well as two future stoplights on Gleason and Clare Roads, will be constructed when traffic volume warrants. The central access point at 175th Street will be right in/right out only; additional turn lanes will be required on Clare Road. Ms. Schuller added the site will be phased: The first phase will include Buildings 1, 4, and 5 (nearest Clare Road). Building 8 (to the north) is scheduled to be constructed last. Ms. Schuller presented the landscape plan, which meets City requirements with buffers, foundation

landscaping, parking lot trees, and evergreen plantings to screen from the interstate and 175th Street.

Ms. Schuller presented the speculative building elevations and renderings, stating they will have a consistent theme and style. The buildings meet UDO requirements for articulation and materials except for the primary facades that contain truck courts. The applicant has requested waivers to the glass percentage and horizontal articulation.

Ms. Schuller detailed the two architectural waiver requests for facades containing truck courts: The first waiver request is to reduce the minimum glass on the first floor primary facades from 15% to 8% glass. The second waiver request is to waive the horizontal articulation, which is required every 100 feet of façade width.. The applicant has offered enhanced building design and landscape screening in exchange for the waiver. Staff supports both waivers.

Ms. Schuller detailed a landscape waiver request: The applicant requests a 20-foot landscaped area with a minimum 3-foot-tall landscape berm in lieu of the required fence or wall. Staff supports this alternative design, especially considering the right of way along Interstate 35 is fairly wide and provides greater visual distance between the edge of pavement and the site.

Staff recommends approval of the rezoning with stipulations. Staff recommended approval of the preliminary site development plan with stipulations.

Commissioner Corcoran asked if Ms. Schuller could comment regarding the consistency of this request compared to others for industrial buildings. **Ms. Schuller** answered the horizontal and glass waiver requests are fairly common in industrial buildings, which is typically when docks face a public street. If it's not on a primary facade, it's not typically an issue. On this site, there are irregularly shaped lots, which causes the building orientation to be different, creating these rather typical requests.

Commissioner Creighton asked for clarification about the access from 175th Street. He stated he had spoken with staff earlier and recognizes the Commission's role isn't to plan roadway improvements. However, regarding this particular site, where KDOT, Johnson County, Gardner, and Olathe all converge here, that will take time for roadway improvements to be pulled together. Commissioner Creighton asked staff whether they believe the length of right in/right out lanes will be sufficient for smooth traffic, even if the overall road improvements take a while or stoplights are installed. He added, if staff finds there are additional lengths needed, whether there is adequate space to widen those lanes.

Mr. Chet Belcher, Chief Community Development Officer, answered the lengths are about twice what normally would be proposed, because of the higher speeds on 175th Street (55 mph) and the consideration that about 17% of the volume is truck traffic. In addition, with every building that comes in, staff requires new traffic counts and mitigates with the traffic based on the new traffic generation. Depending on tenant finishes, that can affect whether the traffic count is lower or higher.

Commissioner Creighton thanked Mr. Belcher, stating that addressed his two concerns about the length of the lanes and how often staff would be able to evaluate the traffic study.

Commissioner Brown stated he personally prefers berm to trees or fence. He asked how high the berm may be.

Ms. Schuller answered it would be a minimum of 3 feet. In places where the berm can be wider or taller, staff will evaluate that at final plan application.

Commissioner Brown asked how much screening that would provide from I-35.

Ms. Schuller answered the primary benefit would be the double row of evergreens, which is a code requirement. However, it takes time for trees to become established.

Commissioner Bergida asked Mr. Belcher, referencing the diagram, to confirmed truck traffic would come out on 175th Street.

Mr. Belcher confirmed.

Commissioner Bergida asked Mr. Belcher to repeat what percentage of existing traffic on 175th Street is truck traffic.

Mr. Belcher stated staff doesn't have the current percentage of truck traffic, but the goal is 17% when everything is developed.

Commissioner Bergida stated although this isn't an "Olathe" issue, he understood there was discussion about truck traffic along 175th Street. He asked whether the City of Gardner has any prohibitions that would make it difficult for trucks exiting on 175th Street to comply with those regulations. He acknowledged he should have looked it up beforehand and can't recall exactly, but there was some discussion regarding prohibiting truck traffic along this road.

Mr. Belcher answered staff talked to Gardner staff about that. Yes, there is a prohibition on traffic, more easily defined on "truck routes" they plan to do. KDOT is also looking at 175th and I-35 Interchange. It has not yet made it into the development portal, but it's being considered by KDOT.

Commissioner Bergida asked whether truck traffic exiting this facility, traveling west, whether they would in any way violate Gardner's prohibition on truck traffic.

Mr. Belcher answered no, not if the trucks stay on 175th Street and 56 Highway. He added that anything within a mile of interstate or a state highway, truck traffic cannot be prohibited.

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 Corcoran** to close the public hearing, seconded by **Commissioner Brown**. The motion passed by a vote of 9 to 0.

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

Commissioner Creighton moved to approve RZ23-0009 subject to all staff's comments, recommendations, and waivers including the preliminary development plan, and **Commissioner Chapman** seconded.

The motion passed with a vote of 9 to 0 as follows:

A. Staff recommends approval of RZ23-0009 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 stipulations:

1. The following uses are prohibited:

- a) Automobile Storage or Towing
- b) Paper Manufacturing
- c) Rendering and Meat Byproduct Processing
- d) Storage Area or Lot, except when as an accessory use to a building, and not visible from 175th Street, Clare Road, and I-35.
- e) Bus/Truck Maintenance, Including Repair and Storage

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

1. A waiver is granted from UDO 18.15.020.G.10 to permit a reduction of glass on select primary façades containing truck courts, from 15% to 8%, as shown on the attached architectural elevations dated March 15, 2024.
2. A waiver is granted from UDO 18.15.020.G.10. to remove horizontal articulation requirements from primary facades which contain truck courts, as shown on the attached architectural elevations dated March 15, 2024.

3. A waiver is granted from UDO 18.15.130.C, permitting a 20-foot setback area with a 3-foot landscaped berm adjacent to I-35, in lieu of a fence or wall.
4. All development on the subject property must meet the access management requirements of the Kansas Department of Transportation (KDOT) and the City of Olathe.
5. The applicant must submit a revised traffic study with the final development plan for each building, to verify that appropriate public improvements are in place to accommodate development traffic.
6. All street improvements must be provided in accordance with the traffic impact study and as required by the City Engineer.
7. A letter from Evergy is required at the time of final site development plan for each lot to approve any work within Evergy easements, including but not limited to, grading, signage, streetlights, driveways and landscaping.
8. Outdoor storage areas must be identified at the time of final site development plan and must meet the screening requirements of UDO 18.30.130.I.
9. All new on-site wiring and cables must be placed underground.
10. Mitigation for removal of existing trees must be provided in accordance with UDO 18.30.240.G.3.
11. 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.
12. All trash enclosures and compactors must be screened per the requirements of UDO 18.30.130 and architectural details must be provided at the time of final site development plan.