



STAFF REPORT

Planning Commission Meeting: January 8, 2024

Application:	<u>RZ23-0014</u> Rezoning from the C-2 (Community Center) District to the D (Downtown, Mixed-Use) District and a Preliminary Site Development Plan for the Olathe Group
Location:	222 S. Kansas Avenue
Owner/Applicant:	Jim Boldt, DOCE Properties, LLC
Engineer/Architect:	Judd Claussen, Phelps Engineering
Staff Contact:	Emily Carrillo, Senior Planner

Site Area:	<u>0.16± acres</u>	Proposed Use: <u>Community Services, Counseling & Intervention</u>
Building Area:	<u>1,909 sq.ft.</u>	Plat: <u>Town of Olathe</u>
Existing Zoning:	<u>C-2 (Community Center)</u>	Proposed Zoning: <u>D (Downtown, Mixed-Use)</u>

	Plan Olathe Land Use Category	Existing Use	Existing Zoning
Site	Urban Center/Downtown	Community Services, Counseling, and Intervention	C-2 (Community Center)
North	Urban Center/Downtown	Retail	C-2 (Community Center)
South	Urban Center/Downtown	Office Building	C-2 (Community Center)
East	Urban Center/Downtown	Single-Family Residential Home	C-1 (Neighborhood Center)
West	Urban Center/Downtown	Commercial	MP-2 (Planned General Industrial)

1. Introduction

The applicant is requesting to rezone from the C-2 (Community Center) District to the D (Downtown, Mixed-Use) District, with an associated preliminary site development plan for the Olathe Group of Alcoholics Anonymous and Al-Anon (AA). The subject property is located at 222 S. Kansas Avenue in downtown Olathe. The rezoning is necessary to allow for an expansion of the existing, legal non-conforming use. Staff is supportive of the request to rezone the subject property to the D (Downtown, Mixed-Use) District as outlined in this report.

The property is currently developed with an existing single-story structure that is being used as a meeting space for the local AA group. The Olathe Group moved into 222 S. Kansas Ave on September 1, 2003, which at that time, was a use that was permitted by right within the C-2 District. As a result of the 2014 comprehensive UDO update, the use was no longer permitted by right in the C-2 District, therefore creating a legal non-conformity at the current location.

The Olathe Group has outgrown their current meeting space and is looking to expand. Meetings are held twice daily, seven days a week at this location. The proposed expansion includes an 800 square foot building addition that will be ADA accessible and provide adequate meeting space for larger groups, up to 40 people.

The Unified Development Ordinance (UDO) Ch. 18.60 does not allow for the expansion or enlargement of a nonconforming use, and doing such would require the nonconformity to be brought into compliance. Rezoning the subject property to the Downtown (Mixed-Use) District would allow the Olathe Group to expand and continue as a permitted use at their current location in downtown.

2. History

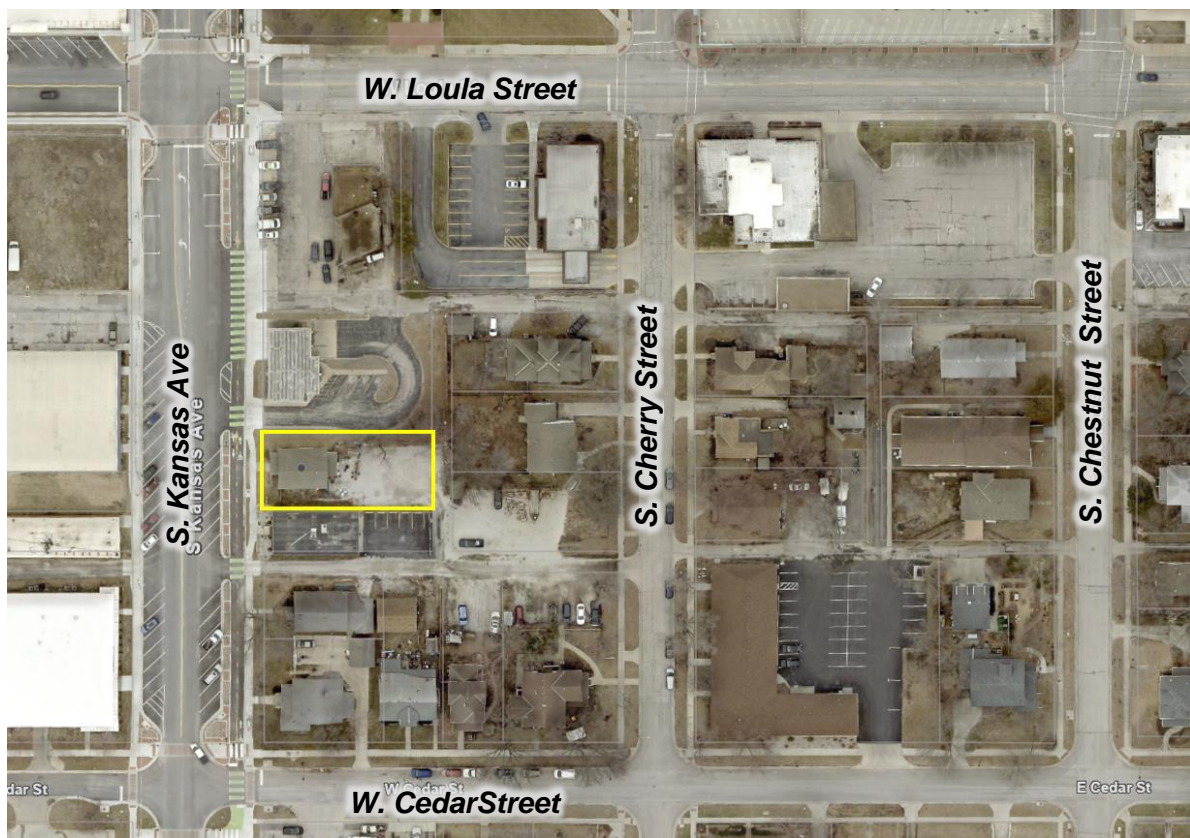
The subject property is a part of the Original Town of Olathe plat, which was recorded in 1868. The existing residential structure was originally constructed in 1940 for use as a residential dwelling. The subject property was later converted to an office use in the mid-1950's and was zoned to the C-2 (Community Center) District in June 1970 per Ord. 346-C when conventional zoning was established throughout the city.

3. Existing Conditions

The subject property currently includes a single-story, 1,109 square foot structure and large gravel parking area located to the rear of the property which is accessible from the existing alley. As previously stated, the existing residential structure has been utilized as an office or meeting space dating back to the mid-1950s.



View of subject property looking east from Kansas Avenue.



Subject property outlined in yellow.

4. Zoning Standards

- a. **Land Use** – The Downtown District recognizes the unique characteristics of the traditional core and transition areas, accommodating a mix of uses such as retail, specialty shops, service, civic and office uses, as well as residential. The Olathe Group is categorized as 'Community Services, Counseling & Intervention' per UDO Ch. 18.20.500 and is a permitted use in the requested Downtown (Mixed-Use) District.
- b. **Building Height** – The maximum building height for structures in the D-Downtown (Mixed-Use) District is 7 stories or 90' feet. The height of the proposed building addition is approximately 17 feet, and therefore, is compliant with the height standards of the D District. Additionally, the proposed height does not exceed that of the existing structure.
- c. **Setbacks** – The following table lists the minimum building setback requirements for developments in the Downtown (Mixed-Use) District as well as the setbacks for the proposed building addition.

	UDO Requirement	Proposed Addition
Front Yard	15 ft.	13 ft.*
Side Yard	5.6 ft. (10% of lot width; may be 0 on one side)	10.4 ft. (north) 24.5 ft. (south)
Rear Yard	10 ft. from the property line	11.1 ft. (east)

* Front yard setback already established with existing structure to remain.

5. Development Standards

- a. **Access/Streets** – The site fronts, and has pedestrian access from, Kansas Avenue; however, no existing driveway or vehicular access is available from Kansas Avenue. Vehicular access is provided to the rear parking lot from the rear alley connecting Kansas Avenue and S. Cherry Street.
- b. **Parking** – Off-street parking is not required in the Downtown District per UDO 18.20.210.D. Where off-street parking is provided, it must be located behind or to the side of buildings and must be screened by low hedges or walls between 3-4 feet in height.

Adequate parking is being provided to accommodate the use and proposed expansion. Four (4) new paved parking stalls, including one (1) ADA stall will be provided off of the rear alley. Additional on-street public parking is available along Kansas Avenue, as well as two (2) public parking lots and the downtown parking garage located within one (1) block of the subject property. The existing gravel lot located to the rear of the property will be removed and replaced with lawn area.

- c. **Landscaping/Screening** – Properties that are located within the Downtown District are exempt from Ch. 18.30.130 of the UDO for landscaping. However, the applicant has agreed to plant juniper shrubs and grasses to provide additional screening for rear parking,

and new landscaping will be added along Kansas Avenue to further enhance this street-facing façade.

- d. **Public Utilities** – The subject property is located within the City of Olathe water and sewer service areas.

6. Building Design Standards

Development that occurs within the Downtown District is subject to architectural design guidelines that will contribute to a high-quality architectural design of Downtown Olathe while complementing the existing development in nearby residential neighborhoods. The proposed building addition meets the applicable architectural requirements of the Downtown District and the Original Town Overlay District.

The proposed building addition will be constructed in a manner that matches the existing building and is complimentary to the mix of commercial and residential structures in the adjacent area. Design elements include a pitched roofline with asphalt shingles, white lap siding with trim and gutters, and windows to match the existing structure.

7. Original Town Overlay District

The subject property is located within the Original Town Overlay District which is intended to provide a measure of flexibility for new development or the redevelopment of existing structures in this older “Original Town” area of the City. UDO 18.20.030 works to ensure appropriateness of design elements for both architecture and site development plans that are consistent with the character of the area and adjacent properties, and in conformity with existing conditions. The proposed building additional is in compliance with the guidelines of the Original Town Overlay District.

8. Envision Olathe Downtown Plan / Olathe 2040

As outlined in the City’s Envision Olathe Downtown Plan and the Olathe 2040 Strategic Plan, application of the Downtown zoning district to the Downtown Core and parts of the Downtown Transition Area will help build the density of residents and businesses downtown needed to create a critical mass of activity. The requested Downtown District directly aligns with the policies and vision of these plans.

9. Public Notification and Neighborhood Meeting

The applicant held a neighborhood meeting on December 13, 2023, with nine (9) residents in attendance. Primary topics of discussion included operations and meeting schedules, how the addition will match the existing building, parking and access, and timing of the proposed project. The applicant provided response to these inquiries and feedback was generally supportive of the development proposal. Planning staff has not received any feedback or correspondence from the public regarding this project. Additionally, the applicant mailed the required public notification letters to surrounding properties within 200 feet and posted signs on the subject property per UDO requirements pertaining to the public hearing.

10. UDO Rezoning Criteria Analysis

The future land use map of the PlanOlathe Comprehensive Plan identifies the subject property as Urban Center / Downtown. The Downtown Mixed-Use District directly aligns with this future

land use designation and supports the goals and recommendations established in the City's Envision Olathe Downtown Plan.

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.

- **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.
- **Principle LUCC-4:** Encourage mixed-use development, especially in the downtown area, to support commercial uses, promote walkability, and provide for a variety of housing options.
- **OT-1.1 Downtown:** Encourage multiple uses Downtown. This includes offices, services and government uses as well as retail, restaurants, entertainment, and night life, mixed with a diversity of residential housing types.
- **OT-1.2: Original Town Neighborhoods:** Encourage a balanced mix of complementary and supportive land uses in each Original Town neighborhood, with a predominantly residential land use character.
- **OT-3.1 Implement Existing Plans:** Continue implementation of the Envision Olathe Downtown Plan, Streetscape Master Plan and Original Town Enhancement Plan. Consider Neighborhood Action Plans when making decisions or prioritizing projects that affect the neighborhoods.
- **Principle CRL-3:** Where possible, new construction should complement nearby historic buildings.

The proposed Downtown Mixed-Use District is identified within the *Comprehensive Plan* as the preferred district for the Downtown Transition Area. which is defined by a lower intensity mix of uses surrounding the Downtown Core that blends into residential neighborhoods.

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 neighborhood is adjacent to the Downtown Core and consists of a variety of uses that range from small commercial and offices uses, and both multifamily and single-family residential homes. The proposed zoning and permitted uses complement the surrounding uses by providing a mix of retail, small scale services, specialty shops, office uses and residential.

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 surrounding zoning primarily consists of the C-1 and C-2 Districts, with Downtown District zoning located one (1) block to the north. The uses of the surrounding properties include a mix of commercial, multifamily, and single-family residential. The proposed Downtown (Mixed-Use) District is in harmony with these existing uses.

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

Currently the site is only zoned for commercial uses. Rezoning to the Downtown Mixed-Use District will allow for a greater range of commercial, office, and service uses to expand options provided in the Downtown area.

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

The subject property has been zoned to the C-2 District since 1970, when the conventional zoning was originally established in the City. The existing structure was constructed in 1940 and has been used since that time for residential and office uses.

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

The proposed rezoning will not have any detrimental effect on nearby properties and promotes uses and activities that are compatible with the surrounding area. Additionally, the proposed zoning and permitted uses provide a transition from the Downtown Core into the mixed density residential neighborhood to the south and east.

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

Staff has not received information indicating that rezoning would lead to a substantial impact on the value of surrounding properties.

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 uses allowed in this district will not adversely affect the capacity or safety of the road network in the general vicinity. Adequate off-street parking is provided to the rear of the lot in accordance with UDO requirements.

I. The extent to which the proposed use would create air pollution, water pollution, noise pollution or other environmental harm.

The uses allowed in the Downtown (Mixed Use) District will comply with the requirements of Title 17 of the Olathe Municipal Code, and will not create air pollution, water pollution, noise pollution, or other environmental harm.

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

The proposed rezoning will allow for a mix of uses that better align with the Envision Olathe Downtown Plan and the Olathe 2040 Strategic Plan. The proposed use adds value to the community through social capital, community service and employment opportunities.

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.

The proposal does not negatively impact the public health, safety or welfare of the community as presented. If the rezoning were denied, the applicant would be unable to expand the existing use under the current zoning designation.

11. Staff Recommendation

- A. Staff recommends approval of RZ23-0014, 222 S. Kansas Avenue, for the following reasons:
 - 1. The proposed development complies with the policies and goals of the Comprehensive Plan for Land Use (LUCC) and Original Town (OT).
 - 2. The requested rezoning to the D (Downtown Mixed Use) District meets the Unified Development Ordinance (UDO) criteria for considering zoning applications.
- B. Staff recommends approval of the rezoning to the D (Downtown Mixed-Use) District as presented with no stipulations.
- C. Staff recommends approval of the preliminary site development plan with the following stipulations:
 - 1. On-site parking must occur in striped and designated parking stalls only and must not block alleyways or access drives.