



STAFF REPORT

Planning Commission Meeting: July 27, 2026

Application:	SU26-0006: Special Use Permit request for Starfish Project Foundation
Location:	Southwest of W. 135 th Street and S. Brougham Drive
Applicant:	Joni Moreland; Starfish Project Foundation
Owner:	Mitzi Ryburn; M. Ryburn, Inc.
Staff Contact:	Kim Hollingsworth, AICP; Planning and Development Manager

Site Area:	<u>3.05 acres</u>	Proposed Use:	Community Food and Personal Support Services, Nonresidential
Building Area:	<u>15,000 sq. ft.</u>	Existing Zoning:	<u>CP-1 (Planned Neighborhood Business) District</u>

	Elevate Olathe Land Use Category	Existing Use	Existing Zoning
Site	Community Commercial	Vacant/Office	CP-1
North	Community Commercial	Commercial Retail	C-2
South	Single-Family Neighborhood	Single-Family Residential	R-1
East	Community Commercial	Medical Offices (Dental)	C-O
West	Community Commercial	Auto Supply Parts Store	CP-2

1. Introduction

The applicant is requesting a special use permit for the Starfish Project Foundation for the Community Food and Personal Support Services use at 16175 W. 135th Street. The property is developed with an approximately 15,000 square foot building that was previously occupied by a retail business. The Starfish Project Foundation was established in 2014 as a 501(c)3 organization that connects individuals and local nonprofit organizations with resources. The primary function intended for the subject property is the receipt and redistribution of food and

limited personal care items and clothing items. The donated items would be dropped off to the property by individuals and are also collected offsite by Starfish Project Foundation from businesses and organizations throughout the community.

A special use permit is a review for an individual use within an existing zoning district. Some land uses, buildings or structures are not appropriate under all circumstances in a given zoning district, but may be appropriate if adequate precautions are taken to assure compatibility with surrounding uses, public need, and the City as a whole through the special use permit process. Staff is recommending a shorter than typical time limit for the initial request along with stipulations that limit the hours of operation, storage of donations and require future site improvements, and the applicant is amenable to all stipulations as listed in the staff report.

2. History

The property was annexed into the City in 1968 as part of an over 2,000 acre area. The property was rezoned to the CP-1 District in May 1979 as part of a rezoning to multiple residential and commercial zoning districts within a 360-acre area south of 135th Street and between Mur-Len Road and Black Bob Road (Ord. 835). In February 1994, a preliminary site development plan was approved for ALDI to operate an approximately 15,000 square foot grocery store (PR-07-94). The adjacent property to the west, which shares access from 135th Street, was rezoned to the CP-2 District in August 1997 for an auto supply parts store and most recently the subject property was used for a retail store for the Quilters HQ quilt shop.

3. Existing Conditions

The property is developed with an existing building, paved parking areas and landscaping along the perimeter and interior parking areas of the property. The building is clad primarily of face brick and clear glass with EIFS and brick columns accentuating the entrance to the building. A truck ramp and loading dock is attached to the south façade of the building as part of the construction for the ALDI grocery store.



View of the property looking southeast



Aerial view of the subject property

4. Zoning Standards

- a. **Land Use** – The property is zoned to the CP-1 (Planned Neighborhood Business) District. A special use permit is required for the requested Community Food and Personal Support Services use on this property. This land use allows for establishments that primarily collect and redistribute food to those in need, along with distributing items such as clothing and blankets. These items are redistributed at no cost to recipients; therefore, the land use is not classified as a retail or thrift store use.

A statement of purpose provided by the applicant is attached in the meeting packet with a description of the intended activities on the property including the hours of operation and procedures for donations (Exhibit A). The building will be open Monday – Friday from 9:00 AM – 5:00 PM and the second Saturday of the month from 10:00 AM – 2:00 PM. Donations are accepted Monday – Friday from 9:30 AM – 4:30 PM and on the second Saturday during operating hours. Staff has provided a recommendation on the maximum hours of operation with some flexibility to ensure that the organization is operating within reasonable hours due to the proximity of the residential neighborhood.

- b. **Building Height** – The existing building meets the maximum building height permitted within the CP-1 District of 30 feet and two stories.

- c. **Setbacks** – The CP-1 District requires a minimum building setback of 40 feet from street right-of-way and 20 feet from residential zoning districts. The existing building significantly exceeds these requirements, as the building is located about 88 feet from W.135th Street, 53 feet from Brougham Drive, and 155 feet from the R-1 District to the south. Additionally, the CP-1 District has a minimum parking and paving setback of 15 feet from public street right-of-way, 20 feet from residentially zoned property and 10 feet from commercially zoned properties. No parking or paving areas will be expanded and the drive south of the building is located approximately 50 feet from the residential properties to the south.
- d. **Open Space** – A minimum of 20% of open space is required in the CP-1 District and no additional impervious surface is proposed on the property, retaining the existing open space area.
- e. **Performance Standards** – The CP-1 District maintains several standard requirements regarding the storage of merchandise, use of delivery vehicles, and the outdoor sales of merchandise. The Starfish Project Foundation will comply with all CP-1 District performance standards regarding the storage of merchandise (donations) and will not be conducting any outdoor sales (distribution) on the property. The applicant is requesting one waiver as detailed in Section 8 of this report regarding the size of a delivery vehicle used by the organization.
- f. **Donations** – The statement of purpose provided by the applicant provides the intended plan for the reception of donations on the property. Individuals are able to bring donations into the front door of the building or drive up to the west side of the building and staff/volunteers will bring items directly into the building using a cart. Pavement marking delineations and directional signage would be added to clearly mark the vehicle drop-off area. The applicant will place signage on the property specifying the hours for donation and anything left outdoors outside of those hours would be considered illegal dumping. Additionally, the applicant has provided that Starfish Project Foundation staff will monitor the property for any after-hours dumping of items on the property utilizing a video security system.

5. Development Standards

- a. **Access/Streets** – The property has access to Brougham Drive within the southeast portion of the property. Additionally, there is a restricted “right in only” access located west of the Auto Zone property that is shared through an access agreement between both properties. No changes to access are necessary or proposed as part of the special use permit request.
- b. **Traffic** – The surrounding street network, including W. 135th Street which is classified as an expressway and the collector road Brougham Drive, have sufficient capacity to support the proposed development. The Starfish Project Foundation has provided an estimate of 40 cars per hour visiting the property, for a total of approximately 280 vehicles per weekday. As provided by the applicant, this estimate is based on past counts of the number of people served per day at previous locations occupied by the organization.

The amount of traffic a development is expected to generate is commonly determined by the *Trip Generation Manual* published by the Institute of Transportation Engineers (ITE), which is used as a national standard in development review. For comparison, a 15,700-square-foot supermarket, which has been a previous use here, would be expected to generate approximately 60 trips during the weekday morning peak hour and 98 trips during the weekday afternoon peak hour (ITE Land Use Code 850). Another comparison: a

15,700-square-foot pharmacy/drugstore such as a CVS or Walgreens would be expected to generate up to 50 trips during the weekday morning peak hour and 70 trips during the weekday afternoon peak hour (ITE Land Use Code 880). These peak-hour volumes are higher than the applicant's estimated 40 cars per hour visiting the property and demonstrate that land uses permitted by right on the property would generate a greater peak-hour traffic demand than the proposed land use.

Additionally, improvements to the 135th Street and Brougham Drive intersection will be completed by the City of Olathe this summer. The City's project will replace the traffic signal, add a northbound right turn lane on Brougham Drive, and add a westbound right turn lane on 135th Street. These improvements will assist in expanding roadway capacity, reducing delay and replacing aging traffic signal infrastructure.

- c. **Parking** – The Community Food and Personal Support Services use requires a minimum of 1 space per 800 square feet of building area for a total of 19 spaces required on this property. The parking lot currently contains 114 parking spaces, including 4 ADA parking spaces, significantly exceeding the minimum parking requirement. The parking lot has existing lighting that must be maintained in accordance with UDO 18.30.135.
- d. **Landscaping/Screening** – The property contains existing perimeter, parking lot and building foundation landscaping that was primarily planted when ALDI was constructed in 1995. These improvements will be maintained and additional landscaping will be added to comply with the approved landscape plan. Parking lot and perimeter/buffer landscaping along the south property boundary will be planted with additional evergreen species to provide year-round screening. The property owner is responsible for the maintenance of the landscaping on a continuing basis for the life of the development. Additionally, the trash container south of the building will be screened in accordance with UDO 18.30.130 with a masonry enclosure, durable gates and landscaping.
- e. **Stormwater/Detention** – The applicant is not proposing any changes to the impervious surface on the property that would require new stormwater improvements.
- f. **Public Utilities** – The property is currently served by City of Olathe sewer and water and no changes to utilities are proposed with this application.

6. Building Design Standards

The exterior of the existing building is not proposed to be altered, expanded or enlarged as part of the special use permit request. Any modifications to the signage on the property will be subject to the requirements of UDO 18.50.190.

7. Public Notification and Neighborhood Meeting

The applicant sent the required public notification letters to surrounding properties within 200 feet by certified mail and posted signs on the subject property as required by UDO. Neighborhood notice was also sent to property owners within 500 feet of the property and the Briarwood Homeowners Association.

A neighborhood meeting was held on July 6, 2026 with approximately eighty (80) attendees. The neighborhood meeting minutes are attached as part of the meeting packet. After the neighborhood meeting, the applicant provided that they met with several neighbors from the Briarwood subdivision, including conversations with property owners located adjacent to the property regarding the landscaping buffer area, which will be enhanced with additional plantings. Additionally, the applicant had a meeting with the Olathe Police Department and a Crime Prevention Through Environmental Design (CPTED) analysis of the property was

conducted which is used as a tool to reduce opportunities for crime through design and management of the built environment on a property.

As of the July 22, 2026 publication date of this report, staff have received 88 letters from residents which are included in this Planning Commission meeting packet. Any additional correspondence received after July 22nd will be provided to the Planning Commission prior to the meeting and all correspondence will be provided to the City Council prior to the City Council meeting.

The letters received express about an even split of individuals expressing opposition to the special use permit and those expressing support. The primary feedback from correspondence in opposition to the proposed use includes the following topics: the location adjacent to the neighborhood, access and traffic on Brougham Drive, safety and crime perceptions of the use in proximity to the neighborhood and the Indian Creek Trail, and property maintenance. Those offering support focus on the community benefit of the services provided, and personal experiences donating or volunteering with the organization.

8. Waiver Request

Section 18.40.240 of the UDO provides a mechanism for waivers to be considered when unnecessary hardships can be demonstrated or where the exception would result in superior design. The applicant is requesting one waiver to the CP-1 District performance standards, which only permits the use of passenger delivery vehicles for a business. The Starfish Project Foundation is requesting to use a small box truck for the purpose of picking up donations from other properties and unloading them through the truck bay already constructed on this property. The truck will be parked on the property when not in use. A waiver request letter provided by the applicant is attached to the meeting packet detailing the use of the box truck for 2 to 3 donation pickups per week.

Staff recommends approval of the requested waiver as the box truck would be used on a minimal basis per week as an essential function of the operation of the organization. The truck is the smallest type of truck feasible to still provide the necessary function of receiving items on pallets and connecting to the existing dock for unloading directly into the building rather than moving items through the parking lot. The truck will travel north of the neighborhood as Brougham Drive, south of 135th Street, is designated by Olathe Municipal Code (OMC 10.24.020) as prohibited for trucks as defined in the code. Additional landscaping will be added by the applicant along the south property boundary to provide further year-round screening beyond typical code requirements and the dock is located approximately 230 feet away from the nearest residential home.

9. Time Limit

According to UDO 18.40.100.F.4, special use permits are approved for a five (5) year period unless otherwise recommended by the Planning Commission and approved by the City Council. Staff is recommending an initial permit for a two (2) year time-period for the Community Food and Personal Support Services use on this property. This provides the ability to follow up and confirm compliance with all site and special use permit requirements. Staff has collaborated with the applicant on the stipulations and necessary site improvements. The applicant is amenable to this time period and understands the current recommendation. At the end of this permit timeframe, a longer time period on subsequent permits may be requested by the applicant, and a new public hearing would be held as part of the special use permit renewal process.

10. UDO Special Use Criteria

The application was reviewed against the UDO criteria for considering special use 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.

The future land use map of the Elevate Olathe Comprehensive Plan designates this property as Community Commercial. The Community Commercial category includes commercial developments located along highways and major roadways. These areas serve the local population and those traveling through the City. Community Commercial areas can include neighborhood commercial uses, small/medium offices and big-box stores.

Additionally, the proposed use also conforms with the Olathe 2040: Future Ready Strategic Plan. The proposed use will help achieve the vision that *Olathe is an inclusive community where everyone can live a productive life, where there are good jobs, attainable housing, quality amenities, access to quality education, child care, and health services*. The proposed use also helps achieve several goals and strategies of Olathe 2040, including to improve opportunities for employment, education, and community resources and to create a community where people of all ages and abilities thrive.

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 contains a mix of commercial and residential development with primarily small and large-scale commercial uses, offices and single-family residential. Similar-scale one-story commercial buildings are located adjacent to the south of W. 135th Street, ranging from approximately 5,000 to 9,000 square feet in building area. The commercial properties to the north contain larger commercial buildings, including an over 80,000 square foot building and a 25,000 square foot inline retail building. Single-family homes are located directly to the south within the Briarwood Subdivision which are primarily two-story in height. The commercial and office buildings south of W. 135th Street are primarily clad in similar face brick or stone and EIFS materials in red, brown and neutral color tones.

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 area consists of similar zoning districts including the C-O (Office) District and C-2/CP-2 Districts adjacent to W. 135th Street. The R-1 (Residential Single-Family) District is located to the south with single-family homes. The property is subject to all applicable Unified Development Ordinance and Municipal Code requirements related to property maintenance, nuisance and the public offense code. The special use permit process provides for the ability to capture additional requirements through the use of stipulations that are determined to be reasonably necessary to protect the public health, safety, and welfare of the neighborhood and community.

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

The CP-1 District is intended to provide for small-scale development with primarily retail activities that are conducted entirely indoors. The district is intended for limited commercial centers in areas which are sensitive due to adjoining residential land uses or natural features. The CP-1 District allows for commercial uses including grocery, restaurants, personal services and retail stores. Additionally, the CP-1 District allows for several civic and community-serving uses including civic meeting halls, religious institutions and schools. The property continues to be appropriate for uses permitted in the CP-1 District.

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

The building was constructed in 1995 and has been occupied by various commercial retail uses since that time.

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

The proposed use is not expected to detrimentally affect nearby properties. The property is required to comply with all applicable city codes and ordinances and further enhancements to the property will be made through additional landscaping, screening and related site improvements.

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

Staff has not received any information indicating that the development as proposed 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 property is accessed from W. 135th Street, classified as an expressway, and Brougham Drive, a collector roadway with adequate capacity to support the proposed use. The existing parking lot has more than sufficient parking spaces to support the proposed use.

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

Staff is not aware of any potential for unlawful levels of air, water, or noise pollution with the proposed development. The proposed use is subject to all local, state, and federal environmental regulations.

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

Nonprofit organizations can add value to the community through social capital, jobs, volunteer opportunities, community services, and physical resources among many other impacts.

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 proposed special use does not negatively impact public health, safety, or welfare as presented. If the special use permit were denied, the applicant could not use the building for the intended Community Food and Personal Support Services use.

11. Staff Recommendation

- A. Staff recommends approval of SU26-0006, Starfish Project Foundation, as the proposal complies with the Unified Development Ordinance (UDO) criteria for considering special use permit requests.
- B. Staff recommends approval of the special use permit, SU26-0006, with the following stipulations:
 - 1. The special use permit for the proposed Community Food and Personal Support Services use is valid for a period of two (2) years following the date of the approved resolution.
 - 2. The Community Food and Personal Support Services on the subject property will occur as described in the statement of purpose attached as Exhibit A.
 - 3. No donations, merchandise, or equipment will be stored or displayed outside the building.
 - 4. A waiver is granted from UDO 18.32.060.F permitting the use of one (1) truck measuring twenty (20) feet or less in length for use by the organization.
 - 5. The following site improvements must be completed through a final site development plan:
 - a. Landscaping must be reviewed and planted in accordance with the approved landscape plan for the property.
 - b. The trash container must meet all screening requirements of UDO 18.30.130.
 - c. The parking lot must be restriped, delineating parking spaces and any no-parking areas.
 - d. 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.