



## STAFF REPORT

Planning Commission Meeting: July 14, 2025

<b>Application:</b>	<b>RZ25-0004: Zoning Amendment to Ordinance 05-25 to allow additional monument signage within the Sunnybrook development</b>
<b>Location:</b>	Southwest of College Boulevard and S. Lone Elm Road.
<b>Applicant:</b>	Mark McKinzie, Sunnybrook Management Company LLC
<b>Owners:</b>	Multiple Owners ( <i>see Site Exhibit included in agenda packet</i> )
<b>Engineer:</b>	Mark Huggins, Payne & Brockway
<b>Staff Contact:</b>	Nathan Jurey, AICP, Senior Planner

<b>Site Area:</b>	<u>74.30 acres</u>	<b>Existing Zoning:</b>	<u>CP-2 (Planned General Business) &amp; BP (Business Park) Districts</u>
<b>Parcels:</b>	<u>16 parcels</u>	<b>Plats (Multiple):</b>	<u>Sunnybrook</u> <u>Shops of Sunnybrook</u> <u>Sunnybrook Business Park</u>

	<b>Plan Olathe Land Use Category</b>	<b>Existing Use</b>	<b>Existing Zoning</b>
<b>Site</b>	<b>Employment Area &amp; Neighborhood Commercial Center</b>	<b>General Office, Retail, Restaurants, Services, and Undeveloped</b>	<b>CP-2 &amp; BP Districts</b>
<b>North</b>	Employment Area	Public Schools & Business Park	BP, R-1, & CTY RUR
<b>South</b>	Mixed Density Residential Neighborhood	Single- & Two-Family Residences and Religious Institution	R-1, R-2, & RP-2
<b>East</b>	Conventional Neighborhood	Single-Family Residences	RR & RP-1
<b>West</b>	Mixed Density Residential Neighborhood & Greenway	Single- & Two-Family Residences	RP-1 & RP-3

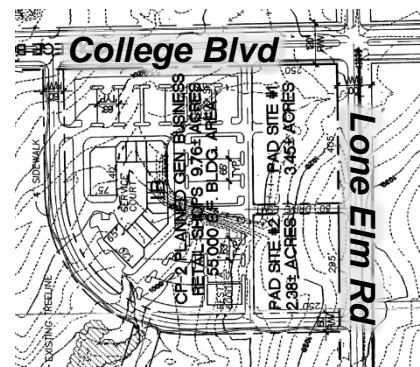
## 1. Introduction

The applicant, Mark McKinzie with Sunnybrook Management Company LLC, is requesting approval of a zoning amendment to [Ordinance 05-25](#) to allow individual monument signage for the subject properties within the Sunnybrook development. Zoning Ordinance 05-25 prohibits individual monument signs in favor of major complex signage; however, major complex signs were never pursued by the original developer or any commercial pad site development. Approval of this request would allow the property owners to pursue both major complex and individual monument signage as typical in commercial developments in alignment with the Sign Code (Unified Development Ordinance (UDO) Section 18.50.190).

All property owners in the Sunnybrook development were contacted regarding the proposed amendment, and twelve (12) separate property owners have joined the applicant's request. All 16 parcels included in this application are generally located southwest of College Boulevard and Lone Elm Road and encompass approximately 74 acres. This is the second request to amend the original zoning ordinance (Ord. 98-30) for the Sunnybrook area, with Ord. 05-25 being the first amendment regarding building design standards. Zoning amendment applications come before the Planning Commission for a public hearing and recommendation and are subject to City Council approval.

## 2. History

The Sunnybrook area, encompassing 314 acres, was annexed into Olathe in 1996 (ANX-12-1996). In 1998, all 314-acres were rezoned to both residential and commercial zoning districts to accommodate the Sunnybrook preliminary development plan (Ord. 98-30, RZ-04-1998). This application is to amend the zoning requirements for 74 acres of the original 314-acre development. Of the subject 74-acre property, approximately 15-acres was zoned to the CP-2 District at the corner of College Boulevard and Lone Elm Road for a small shopping center and two (2) commercial pad sites (see image to right) and the remaining 59 acres was zoned to the BP District for development as a business park. The 1998 zoning approval (Ord. 98-30) prohibited monument signs for individual business in favor of major complex signage, reducing the amount of signage allowed within the development.



In 2001 and 2005, Council approved requests to revise the zoning boundaries of the CP-2 and BP Districts (RZ-12-2001, Ord. 01-62) and to amend Ord. 98-30, regarding building design standards (RZ-04-2005, Ord. 05-25). However, the prohibition on individual monument signs remained through both zoning actions. The 2005 preliminary plan included a small shopping center and twelve (12) pad sites; a major change from the two (2) pad sites approved in 1998. Development began on this plan shortly thereafter and ten (10) of the twelve (12) pad sites have been developed to date, as visible in the aerial map provided on page 3. In 2024, the Crème de la Crème daycare received preliminary development plan approval (PR24-0012), creating a 13<sup>th</sup> pad site for the Sunnybrook development. Crème de la Crème School desires a monument sign, prompting this request.

The Sign Code was updated in 1998 (Ord. 98-60), after the Sunnybrook development was approved. Since then, several other Sign Code updates were approved which enhanced the design requirements for monument signs. Also of note, the other commercial area within the Sunnybrook development, located at 119<sup>th</sup> Street and Lone Elm Road, was rezoned in 2021 (RZ20-0009) and individual monument signs are allowed on that property when it develops.

*Aerial map of the subject property highlighted in yellow.*



#### 4. Zoning Standards

**Ordinance 05-25** – The applicant is requesting to remove the following language from Ordinance 05-25, Section 8.D. A copy of Ordinance 05-25 is included in the agenda packet for reference.

*8.D. Signs: All signage along street right-of-way shall be incorporated into major complex signs. No freestanding monument signs for individual businesses shall be permitted.*

Removal of this language will allow the subject property owners to pursue either major complex or individual monument signage as permitted by the Sign Code.

#### 5. Supplemental Standards

- a. **Sign Code** – The applicant provided a preliminary sign detail for the Crème de la Crème daycare development (see agenda packet), which complies with the general design requirements for monument signs. A sign permit will be submitted for administrative review, which must include a complete sign plan (i.e. the sign detail and a site plan) to review for compliance with all Sign Code requirements.

No other monument signs are being pursued at this time. Upon approval, all property owners on this application will retain the right to pursue monument signage in the future.

#### 6. Staff Analysis

Staff is supportive of this request to permit monument signs in alignment with other commercial areas of the City as the Sunnybrook Shops developed differently over time than the original 1998 plan. Individual monument signs were prohibited when the Sunnybrook Shops included a shopping center and two (2) commercial lots, all with arterial street frontage. Today, the Sunnybrook Shops includes a shopping center and 13 commercial lots, many of which do not have arterial street frontage. Visibility is important to every businesses, especially those without arterial street frontage, and monument signage is one method businesses use throughout the City to increase their visibility from the adjacent road.

If approved, the Sign Code will regulate the design and location of both major complex and individual monument signs on this property, the same way it regulates signage on nearby developments and throughout Olathe.

#### 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 a neighborhood meeting was held on July 19, 2025 with 10 attendees. The minutes from this meeting were provided by the applicant and are included in the agenda packet. The minutes state that the neighbors seemed to favor monument signs. In addition, staff corresponded with five (5) nearby residents and responded to general questions about the proposal and no additional inquiries were made.

#### 8. UDO Rezoning Criteria

The future land use map of the PlanOlathe Comprehensive Plan identifies the subject property largely as an Employment Area with a smaller area designated as a Neighborhood Commercial Center at the corner of College Boulevard and Lone Elm Road. Employment Areas are characterized by office uses, research facilities, other light industrial uses, with limited complimentary commercial uses. Neighborhood Commercial Centers are smaller

commercial areas located near residential neighborhoods that provide neighborhood serving uses, such as a small-scale retail, restaurants personal services, and office uses.

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.***

The requested zoning amendment aligns with the future land use map of the PlanOlathe Comprehensive Plan as individual monument signs are permitted in other areas designated as Employment Area and Neighborhood Commercial Center throughout Olathe. In addition, allowing individual monument signs will provide each business with the opportunity to increase their commercial visibility, achieving the following policy of PlanOlathe.

**ES-1.4: Support for Local Business.** Support the retention, expansion and entrepreneurial activities of existing local businesses and maintain a positive business climate.

**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).***

Kansas Bioscience Park, an established business park, and Olathe School District properties are located north of College Boulevard. Residential areas and large-lot religious institutions are located to the east, south and west. All nearby nonresidential properties along College Boulevard and Lone Elm Road have an existing individual monument sign.

**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.***

There are residential uses to the west, south and east under R-1/RP-1 (Single-Family) and R-2/RP-2 (Two-Family) zoning districts, and commercial, office, institutional uses to the north, east and south, several of which have individual monument signs. Any monument signs on the subject properties will be in harmony as the Sign Code authorizes the use of signs that are compatible with their surroundings.

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

No changes to the allowed principal uses are requested. The subject properties are suitable for the uses allowed in the BP and CP-2 Districts and as further restricted by Ordinance 05-25.

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

The subject properties have developed over the last 20 years since the Sunnybrook development received zoning approval in 2005. Approximately 73 acres of the development retain agricultural uses today.

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

Staff has not received information indicating that the installation of monument signage will detrimentally affect nearby properties. The signage will be subject to the same requirements as other monument signage throughout Olathe.

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

The installation of monument signage in a commercial area is not anticipated to have any detrimental impact on the value of nearby properties and all signage is subject to the requirements of UDO 18.50.190.

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.***

Any monument sign proposed on the subject properties will be required to comply with the Sign Code, which regulates minimum setbacks from street right-of-way and requires the placement of signs outside of the sight distance triangle at all intersections.

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

The installation of monument signage will not create stormwater concerns, air pollution, noise pollution, or other impacts on the environment.

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

Monument signs do not have a substantial economic impact on the community.

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 to the public health, safety, or welfare if the requested zoning amendment were denied. If the application were denied, the landowners would not be allowed to pursue individual monument signs on their properties. Major complex signs would continue to be allowed subject to all Sign Code standards.

## **10. Staff Recommendation**

A. Staff recommends approval of RZ25-0004 for the following reasons:

1. The proposed development complies with the policies and goals of the PlanOlathe Comprehensive Plan.
2. The requested zoning amendment meets the Unified Development Ordinance criteria for considering zoning applications.

B. Staff recommends approval of the requested zoning amendment to remove Section 8.D from Ordinance 05-25 and permit freestanding monument signs for individual businesses on the properties associated with this application.