



**STAFF REPORT**

**Planning Commission Meeting: January 13, 2025**

<b>Application:</b>	<b>PR24-0022: Revised Preliminary Site Development Plan for Hyper Energy Bar</b>
<b>Location:</b>	2250 W. Dartmouth Street
<b>Owner:</b>	Gurmeet Singh; N. Singh & Sons, LLC
<b>Applicant:</b>	Christopher Whalen; Hyper Energy Bar
<b>Engineer/Architect:</b>	Daniel Finn; Phelps Engineering, Inc.
<b>Staff Contact:</b>	Emily Carrillo; Senior Planner

<b>Site Area:</b>	<u>2.54 ± acres</u>	<b>Current Use:</b>	<u>Vacant</u>
<b>Zoning</b>	<u>C-2 (Community Center)</u>	<b>Proposed Use:</b>	<u>Restaurant, Carryout, or Fast Food</u>
<b>Proposed Building Area</b>	<u>629 sq.ft.</u>	<b>Plat:</b>	<u>The Shops at Prairie Farms, Second Plat</u>

**1. Introduction**

The applicant is requesting approval of a preliminary site development plan for two (2) commercial lots, located at the southeast corner of Santa Fe and Persimmon Drive. Lot 1 consists of a 629 sq. ft. fast food building for Hyper Energy Bar. A future phase for Lot 2 includes a 7,500 sq. ft. general commercial building. The details provided for this lot are still conceptual in nature and a revised preliminary site development plan will be required prior to submittal of a final site development plan for Lot 2.

The proposed coffee shop with drive-through is categorized as ‘*Restaurant, Carryout, or Fast Food*’ per UDO Chapter 18.20.500 and is permitted within the existing C-2 District.

**2. History**

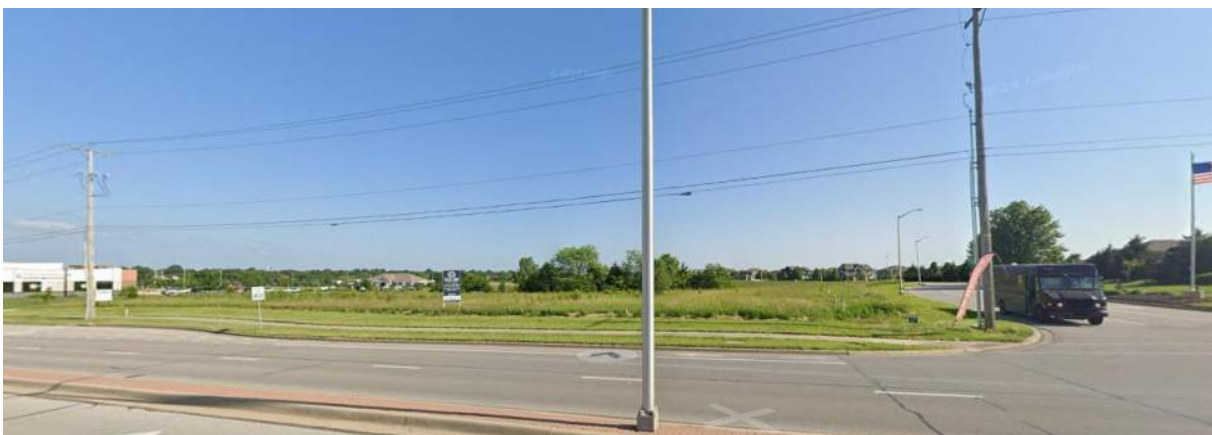
The subject property was rezoned from CP-2 and RP-3 to C-2 in August 2016 (RZ16-006) with an associated preliminary site development plan for the Shops at Prairie Farms which included a medical office, gas station and convenience store, retail and restaurant. A final plat application for The Shops at Prairie Farms, Second Plat (FP24-0037) was recently approved on December 17, 2024, establishing two (2) commercial lots at this location.

### 3. Existing Conditions

The subject property is currently undeveloped and slopes gently toward the south and east, towards W. Dartmouth Street. Santa Fe is an established major arterial road, with sidewalks present along both sides. Persimmon Drive borders the site to the west. Access to the property will be taken from Dartmouth Street along its southern boundary. Diane Street, a private road, runs along the eastern side of the site and provides connectivity to a multifamily development planned to the south.



*Aerial photo of subject property outlined in yellow.*



*View of subject property looking SE from the intersection of W. Santa Fe and Persimmon Dr.*

#### 4. Zoning Standards

- a. **Land Use** – The site is identified as a Neighborhood Commercial Center on the Future Land Use Map of the PlanOlathe Comprehensive Plan which aligns with the existing C-2 (Community Center) District. The proposed fast-food restaurant with drive-through is permitted by right in the C-2 District.

**The following analysis on dimensional, development and design standards are provided for the fast-food use proposed for Lot 1.**

- b. **Building Height** – The building is one-story and 17.7-feet at its tallest point, complying with the maximum building height of two-stories and 35 feet tall.
- c. **Setbacks** – The C-2 District requires development to maintain a front yard building setback between 15 (min) and 150 (max) feet from Santa Fe.

The building complies with the minimum side and rear yard setback of 7.5 feet to the west and south respectively. All paved areas comply with the minimum paving setback of 15 feet from street right-of-way and 10 feet from property lines.

- d. **Open Space** – The development includes 65% open space, exceeding the minimum requirement of 20% open space required within the C-2 District.

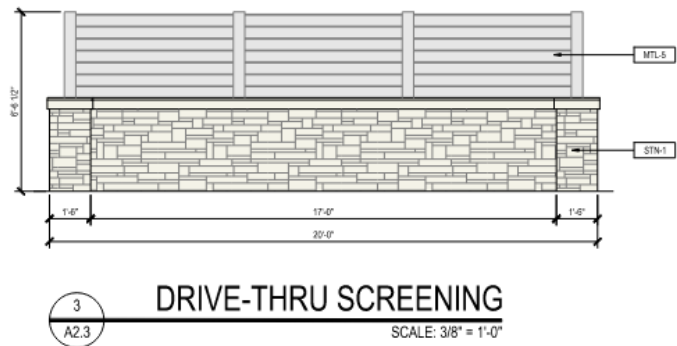
#### 5. Development Standards

- a. **Access/Streets** – The proposal takes full access from W. Dartmouth Street, and a new sidewalk will be installed along the east side of Persimmon Drive connecting to existing sidewalks along Dartmouth Street to the south, and Santa Fe to the north. Access and sidewalk connections for Lot 2 will be reviewed with a revised preliminary site development plan when a future use and tenant has been identified.
- b. **Drive-Through** – Two single-tandem drive-through lanes are proposed for the coffee shop. Both lanes provide over 156-feet of stacking length (southbound) and 124-feet (northbound) from the drive-through entrance to the menu board, exceeding the minimum requirement of 80-feet.
- c. **Parking** – A parking analysis is required for the proposed drive-through use as no indoor seating is provided for customers. The development includes five (5) on-site parking spaces to provide parking for three (3) employees and two (2) for general customer use to accommodate the outdoor seating area and walk-up order window that is a separate pedestrian-oriented feature from the drive-through. Further, the proposal does not exceed 150% of the minimum parking as required by the C-2 District. Cross access and shared parking will be provided with the future development to the east.

- d. **Landscaping/Screening** – The proposed development meets all landscape requirements. Along the perimeter of the site, the required plantings are proposed along all street frontages and buffer requirements are met along the abutting properties. Internally, the proposed parking lot and building foundation landscaping exceeds UDO requirements.

A 6-foot screen wall, and landscaping, is provided along the west portion of the building to screen the drive-through window from view of the street, in compliance with UDO 18.50.040.

All building mounted utilities, and all ground- and wall-mounted utilities will be adequately screened by the proposed landscaping. A brick trash enclosure is proposed along the west side of the development that will be adequately screened.



- e. **Stormwater/Detention** – Stormwater detention and quality standards per Title 17 are required and will be reviewed with final site development plans.
- f. **Public Utilities** – The property is in City of Olathe water and sewer service areas. Existing sanitary sewer and water mains are located to the south of the site. This development will connect to and extend these main lines along Dartmouth Drive.

## 6. Site Design Standards

The property is subject to Site Design Category 3 based on the Neighborhood Center designation of the PlanOlathe Future Land Use Map. The following is a summary of the applicable site design requirements:

- a. **Landscape Options** – One of the prescribed landscape options must be provided where building façades are not located in the minimum frontage. The development provides the planted buffer with a three-foot-tall limestone wall along Santa Fe Street.
- b. **Street Frontage Area** – The applicant is requesting a waiver, which is detailed in Section 9 of this report, to allow the building to be setback approximately 146-feet from Santa Fe Street right-of-way in lieu of the required 15-foot maximum setback and 30% frontage area. This configuration allows for the tandem drive-through associated with the proposed fast-food use as the site is limited due to a large utility easement that runs along the western portion of the site.
- c. **Parking Pod Size** – The proposal includes five (5) stalls in the single parking pod, which complies with the maximum of 40 stalls per parking pod.
- d. **Pedestrian Connectivity** – At least two prescribed pedestrian connections options must be provided on site. The site provides decorative crosswalks within the development, a new sidewalk will be constructed along Persimmon Drive, and connections are provided to existing sidewalks along Santa Fe and Dartmouth Streets.

## 7. Building Design Standards

The proposed fast-food restaurant with drive-through and conceptual commercial buildings are subject to the Commercial and Retail Building Design Standards per UDO 18.15.020.7. The north, south and west elevations of the coffee shop are considered primary façades. Due

to the minimal size and function of the proposed coffee shop, design standards such as entry features, vertical and horizontal articulation and façade expression are not applicable.

The architecture and proposed building design are well-suited and in harmony with the existing architectural style established nearby in both the Prairie Farms residential and existing commercial buildings to the east. The coffee shop features facades clad in Class 1 stone veneer, genuine stucco, a wood-look Architectural Composite Metal panel system, clear glass, and Class 2 spandrel glass.

## **8. Neighborhood Meeting/Correspondence**

Neighborhood notification was provided to property owners within 500-feet of the subject property, as required by the UDO. A neighborhood meeting was held on November 14, 2024, with no residents in attendance. Staff has not received any correspondence regarding the proposed project.

## **9. 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 has submitted a justification statement for the requested waivers, which is attached to this report. The applicant is requesting waivers from the following sections of the UDO:

1. UDO 18.15.115.C, which requires buildings to be constructed a maximum of 15- feet as measured from the property line. The applicant is requesting a waiver to allow for the construction of the building to setback approximately 146-feet from the north property line along Santa Fe Street.
2. UDO 18.15.020.G.8.b, which requires that clear glass comprises a minimum of 25% of any primary façade. The applicant is requesting a waiver to reduce the glass percentage from 25% to a range of 15-20% on all (3) primary facades of the coffee shop.

Staff is supportive of the (2) waivers being requested for this development. Staff is supportive of waiver request No. 1 to increase the maximum street frontage required. The building is situated toward the center of the property due to a significant existing utility easement located along the entire western property line that limits where the building can be placed. Additionally, given the building's compact footprint, the applicant has included a three (3) foot tall decorative masonry wall with landscaping along Santa Fe Street to assist in setting the (15-foot) frontage edge.

Staff supports Waiver No. 2, which requests a reduction to the glass requirement, due to the small building footprint and the potential disruption to interior functions if additional window area were required to meet the minimum glazing percentages. The prototypical floor plan includes a substantial amount of kitchen equipment and interior wall furring, which significantly limits the amount of glazing that can be incorporated into the building's design.

## **10. Staff Recommendation**

A. Staff recommends approval of the revised preliminary site development plan (PR24-0022) with the following stipulations:

1. A waiver is granted from UDO 18.20.130.C that exempts Lot 1 from the required street frontage area requirements along Santa Fe Street as shown on the preliminary site development plan November 22, 2024.

2. A waiver is granted from UDO 18.15.020.G.8.b to decrease the minimum glass requirement from 25% to a range of 15-20% on the primary facades for Lot 1 as shown on the elevations December 19, 2024.
3. A revised preliminary site development plan is required for Lot 2 prior to submittal of a final site development plan.
4. 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.