



STAFF REPORT

Planning Commission Meeting: June 10, 2024

Application:	RZ24-0008: Rezoning from the CP-2 (Planned General Business) and CTY RUR (County Rural) Districts to the C-2 (Community Center) District and a Preliminary Site Development Plan for Living Hope Church of the Nazarene
Location:	Northwest of W. 175 th St. and S. Ridgeview Rd.
Owner:	John Marra; Living Hope Church
Applicant:	Lance Onstott, AICP, CNU-A; PEC
Engineer/Architect:	Nick Staib, RLA; PEC
Staff Contact:	Taylor Vande Velde; Planner II

Site Area:	<u>24.72 acres</u>	Proposed Use:	<u>Religious Institution, Parks and Open Space and Commercial</u>
Existing Building Area:	<u>13,780 sq. ft.</u>	Plat:	<u>Platted, Living Hope Church of the Nazarene Second Plat</u>
Existing Zoning:	<u>CP-2 & CTY RUR</u>	Proposed Zoning:	<u>C-2 (Community Center)</u>
Lots:	<u>10</u>	Tracts:	<u>2</u>

	Plan Olathe Land Use Category	Existing Use	Existing Zoning
Site	Neighborhood Center / Conventional Neighborhoods / Secondary Greenway	Religious Institution / Open Space	CP-2 (Planned Business District) & CTY RUR (County Rural)
North	Secondary Greenway / Conventional Neighborhoods	Agriculture / Rural Residential	CTY RUR
South	Secondary Greenway / Conventional Neighborhoods	Agriculture / Rural Residential	CTY RUR
East	Secondary Greenway / Conventional Neighborhoods	Agriculture / Rural Residential	CTY RUR
West	Secondary Greenway / Neighborhood Center	Agriculture	CTY RUR

1. Introduction

The following is a request for rezoning from the CP-2 and CTY RUR Districts to the C-2 District for Living Hope Church of the Nazarene (LHCN) on 24.72 acres located in the northwest corner of W. 175th Street and S. Ridgeview Road. The existing church intends to construct an outdoor park and gathering space including a playground, splash pad, four (4) pickleball courts, walking trails, canopies, and parking for church congregation activities on Lots 1 and 2. The park is primarily intended for congregation use, but will also be open to the public. The existing church is also permitted by right in the proposed C-2 District. While there are no plans to construct commercial development on the property at this time, the proposed C-2 District zoning provides an opportunity for commercial development at this corner while maintaining church activities. A conceptual layout for future commercial development was provided depicting the feasibility of eight (8) commercial lots with internal roadways, and a revised preliminary site development plan will be required prior to submittal of the final site development plans for these lots (Lots 3 – 10).



The subject property is outlined in red.

2. History

LHCN owns 24.72 acres at the subject location which was annexed into the City of Olathe on December 2, 2008 (ANX-08-005). At the time of annexation, a conceptual site plan showed a mixed-use commercial development along the frontage of 175th Street and Ridgeview Road

and a large church for the congregation at the northern portion of the site. Subsequently, 5.34 acres of the subject property was rezoned (shown in orange) to the CP-2 (Planned General Commercial) District and platted in 2010 to construct the existing church building (Lot 1) and detention area in Tract A while the remainder of the property retained county zoning. At the time, LHCN intended to develop or sell the land along the street frontage to provide capital for the church's construction of the larger church, but have since decided to remain in their current building along W. 175th St.

A preliminary plat for the entire 24.72 acres was never approved as only a small portion of the site was rezoned for the church building. Staff requested a conceptual, preliminary plan with this application to incorporate the church's current and future outdoor recreational improvements along with future commercial sites to ensure the remaining property is developed as a commercial center in alignment with the City's future land use map with required street connections.



The subject property is outlined in red with underlying zoning.

3. Existing Conditions

The site contains an existing church, house, and outbuildings including a barn with gravel and paved parking areas. The existing barn and house predate annexation into the city and are permitted in the current and proposed zoning as legal-nonconforming uses in accordance with UDO 18.60. As the majority of the property is undeveloped, it primarily consists of native grasses with trees along the western property line and northwest corner. The site has a ridgeline roughly through the middle of the property which naturally slopes towards the south and northern boundaries, but the site remains relatively flat outside the stormwater detention area.



The view of the subject property looking northeast toward the entrance of Living Hope Church. The proposed park will be located to the right (east) of the building.

4. Zoning Standards

- a. **Land Use** – The future land use map of the PlanOlathe Comprehensive Plan designates the property as Neighborhood Center, which provides for retail such as daycares, gas stations, offices, and restaurants, and this rezoning aligns with this land use designation. The existing *Religious Institution* use is zoned to the CP-2 (Planned Commercial) District, predating the current UDO, and is permitted by right in the proposed C-2 (Community Commercial Center) District. The proposed *Parks and Open Space* use is also permitted by right within the C-2 District and promotes green space within a future commercial center.

The existing single-family residential home and barn to the east predate annexation and will become legal-nonconforming structures with the rezoning. The home is used for residential use and the barn is used for various church activities and both will be demolished at the time of future commercial development.

- b. **Building Height** – The C-2 District limits building heights to two (2) stories and 35 feet. Buildings over 20 feet in height must be set back from any residential zoning district an additional 1 foot for every 2 feet in height. The park improvements include several structures including three (3) small overhead canopies, restroom facility, and a larger open-air structure approximately 30 feet tall. These proposed structures meet all setback requirements.
- c. **Setbacks** – This property has platted setbacks including a 40-foot building setback and a 15-foot parking setback along the perimeter of the property and future development will comply with these requirements. Internal to the site, the C-2 District has minimum parking setback standards including setbacks of 15-feet from street right-of-way and 10 feet from property lines. Buildings must have a minimum front yard setback of 15 feet and 7 ½ foot side and rear yard setbacks. The existing church is setback approximately 90 feet from the right-of-way and the proposed park improvements meet minimum setback requirements.
- d. **Open Space** – The C-2 District requires a minimum of 20% open space and the proposal includes the existing church property as well as the remaining undeveloped land which exceeds these requirements. However, all future lots are also subject to these open space requirements at the time of development.

5. Development Standards

- a. **Access/Streets** – Three access drives to the property will be provided from both 175th Street and Ridgeview Road as labeled on the preliminary site development plan. Access 1 is the existing access point to the site off 175th Street and Access 2 is proposed for future development west of Access 1. Access 3 is a future access off Ridgeview Road. Future Accesses 2 and 3 will require right and left turn lanes with appropriate tapers along the existing 175th Street and Ridgeview Road. Upon future phases of this development, or improvements to Ridgeview Road or 175th Street, the three drive accesses may be modified to be right-in/right-out access only. Specific stipulations for each of these drives are included in Section 11 of this report.

A future 60-foot-wide public collector road is shown running east to west within the site to be constructed at the time of future commercial development. The proposed public collector road must meet requirements per Olathe Design Criteria for Public Improvement Projects and extend to the western property line to connect to future public roads. Two (2), 50-foot-wide private streets (Reserves A & B) are shown connecting to this collector street and will be platted as private tracts with future development.

Life safety requirements and the City's Access Management Plan will determine the level of connectivity and timing of road construction as the property develops.

- b. **Parking** – No more than one hundred fifty (150) percent of the required parking for a use may be provided on-site and parking areas must be divided into modules not to exceed fifty (50) parking spaces. Minimum parking standards are not prescribed for parks and recreation facilities and the applicant analyzed parking ratios based on three (3) spaces per pickleball court yielding a total of 12 parking spots. The church building is required to provide one (1) space per four (4) seats within the sanctuary for a total of 103 parking spots.

Overall, there are a total of 92 existing parking spots and 82 additional stalls are proposed with this application, for a total of 174 parking spots. The additional parking included with this proposal accounts for overflow parking both for the church and the park. Staff evaluated the parking proposal and found that sufficient parking is provided as the park will primarily serve the existing church members and is not expected to increase parking needs in the area.

- c. **Landscaping/Screening** – Interior and exterior parking lot screening is provided to screen the parking lot along W. 175th Street and meet UDO requirements. Parking lots visible from the street must be screened by landscaping or street walls between three (3) and four (4) feet in height which the proposal provides. Additional shade trees and foundational landscaping are also being provided to enhance the design of the park space to meet landscaping requirements.
- d. **Tree Preservation** – No existing mature trees will be removed with these improvements, however, future development on the west and northwest will be required to preserve the perimeter trees and tree canopy as identified on the preliminary plat.
- e. **Stormwater/Detention** – The property is located within the Headwaters Blue River watershed and a wet-bottom detention basin exists west of the church on Tract A. This basin collects runoff from the majority of the 24.72 acres and serves the existing church and proposed park improvements. Additionally, an existing 30-foot Drainage Easement (D/E) carries the runoff from the east side of the property to Tract A which has been incorporated into the park design. An approved Drainage Study and Storm Water

Management Plan for the site were provided with the final site development plans in 2010 for the church which satisfies the necessary documentation for stormwater management at this time. A new drainage report will be provided with the final plat of the park. Future Development will need to provide a stormwater study as additional stormwater detention will be needed.

- f. **Public Utilities** – The subject property is located within the Johnson County Wastewater (JCW) sewer and the City of Olathe water service areas. The improvements will use the current, private sewage disposal system and no additional water is proposed with the park improvements. An existing 30-foot drainage easement was incorporated into the proposed park and maintained as platted. A 40-foot access and utility easement run parallel to the site through the current park improvements and will need to be vacated during the replatting process. All other utilities will be privately dedicated including gas and electricity to serve the site as needed.
- g. **Phasing** – The first phase of this project on Lots 1 and 2 includes the park, parking lot improvements, and the removal of a gravel parking area on the eastern side of the subject property. The church would like to expand their recreational opportunities with Phase II which includes playing fields and parking areas, in addition to future commercial development.

6. Site Design Standards

The property is subject to the Site Design Category 4 standards based on the C-2 Zoning District. The following is a summary of the applicable site design requirements:

- a. **Outdoor Amenity** – The park significantly exceeds the outdoor amenity requirement by providing both passive and active park space to enhance the public realm including plazas, sitting areas, recreation spaces, and a walking path. The plan also includes an existing open area/courtyard in front of the church.
- b. **Parking Pod Size** – The maximum number of parking stalls allowed in one (1) parking pod is eighty (80) and the proposal includes a max of 51 stalls to the north of the church. Smaller existing parking areas are located to the west and south of the church while a newly proposed parking lot includes 31 parking spaces meeting this requirement.
- c. **Pedestrian Connectivity** – This improvement includes several pedestrian-oriented designs including several sidewalk connections from the existing church to the proposed park and parking lots. These paths are defined with landscaping for a more pleasant pedestrian experience.
- d. **Drainage Feature** – An existing dry detention basin in Tract A includes previously approved landscaping to buffer adjacent properties and W. 175th St which satisfies site design requirements for drainage features. Landscaping includes a mixture of native plantings, shrubs, and trees incorporating the detention area into the overall design of the property.

7. Building Design Standards

The proposed park is not subject to building design standards aside from accessory structure requirements. The proposal includes one detached restroom structure located along the east façade of the church and incorporates similar materials to the primary structure such as stone to blend with the existing building.

The proposal creates outdoor amenity areas and a variety of activities to provide a neighborhood park and focal point for the church. The park features several play equipment options and areas for children and includes 6-8-foot-tall black vinyl-coated chain-link fencing for safety. Additionally, a custom 30-foot by 30-foot canopy structure will be provided for outdoor activities and church programming along the northern portion of the park.

The existing Living Hope Church is a one-story building with a 30-foot-tall sanctuary on the west part of the building and consists of a mix of stone veneer, and metal and stucco panels with suitable articulation for a commercial district. No changes to the church building are proposed with this application.

Future buildings within the site would be subject to commercial building design standards of the UDO.

8. Public Notification and Neighborhood Meeting

The applicant mailed the required certified public notification letters to surrounding properties within 200 feet and posted public notice signs on the property per UDO requirements.

A Neighborhood Meeting was also held in accordance with the UDO on May 15, 2024, with five (5) residents in attendance. Questions posed by the residents include the development timeline, stormwater, lighting, park activity, and traffic. The Spring Hill School District provided feedback that the proposed commercial zoning did not create any concerns for the school district and did not have any other comments regarding the proposed park. Staff received a phone call from a nearby resident with general inquiries about the project. Staff responded and provided the site plan, renderings, and an overview of the project.

9. Parks and Recreation Master Plan (2023)

This project helps meet several goals of the City's Parks and Recreation Master Plan including *improving the City's parks and recreation provisions for the surrounding area and addressing a gap in recreational fields such as pickleball courts and splash pads.*

The Master Plan aims to further access to and diversification of recreation offerings within the city to meet current and future community needs which this proposal helps fulfill by adding a new private, community park. The Master Plan also mentions other providers within the City such as religious institutions which play a role in growing the overall parks and recreation system for residents with private investment. While the park is private and primarily for the Church members, it will be open to the public and fills a gap within this area of the community with limited parks and open space opportunities.

10. UDO Rezoning Criteria

The future land use map of the PlanOlathe Comprehensive Plan identifies several future land uses on the subject property including Neighborhood Commercial, Conventional Neighborhoods, and Secondary Greenways. Most of the site is identified as a Neighborhood Commercial node to support commercial and retail at the northwest portion of the intersection. The proposed C-2 District directly aligns with the future land use map, and staff is supportive of the requested change in zoning to provide commercial activity at the intersection. Parks and Open space use supports the Secondary Greenways category to provide open amenity space for the development.

The proposed zoning request meets the following policy elements of the Comprehensive Plan:

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.

LUCC-5.1: Hierarchy of Activity Centers. Focus new commercial centers in concentrated activity areas at a variety of scales distributed throughout the community.

PTR-1.1: Parks and Recreation. Park facilities and services of the City or other service entities will provide an adequate range of recreational opportunities for its residents. Such facilities and services will be designed in a manner that responds to the needs of the intended users. City park and recreation facilities will provide a variety of park environments, amenities and recreational resources for residents and visitors.

M-2.5: Transportation Corridors and Transit Nodes. Encourage growth along existing and planned transportation corridors and transit nodes.

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 development meets several policies of PlanOlathe including activity nodes and connections within commercial centers as well as providing recreational opportunities for residents and visitors.

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 subject site is in the developing 175th Street Corridor and includes agricultural properties, large lot residential, and vacant land. As a developing area, there is no specific architectural style or trend of development established for this area, however, it is expected that this area will develop with primarily commercial, lower-density residential, and civic uses.

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.

County Rural Residential (RUR) is the predominant zoning classification in this area, and agricultural and vacant land characterizes the uses of surrounding properties. The proposed C-2 (Community Center) District provides for mixed-use centers and includes pedestrian-scale development with lower-intensity commercial uses at a major intersection.

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

The proposed C-2 District allows for several commercial and retail uses but also allows for the continued use of the church and recreation. As the surrounding area is largely undeveloped, market demand will drive types of future commercial uses.

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

The property has historically been used as farmland with a house and outbuildings since the 1980s under County Rural zoning. The property has remained undeveloped until the church was constructed in 2012.

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

The proposed park would not have any detrimental impacts on nearby properties as it will primarily serve the existing church and is located approximately 375 feet from the nearest residential property not owned by the church. The park will serve as an amenity and gathering space for the church and community.

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

Staff does not anticipate any negative effects on surrounding property values. The park maintains considerable setbacks and provides active and passive recreational opportunities for the surrounding community.

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.

As the proposal is not anticipated to create additional traffic outside of current conditions, staff does not anticipate adverse impacts to the road network. The existing church generates most of its traffic on weekends and does not adversely impact the road network during heavy traffic volume periods during the week. As the property develops, additional traffic improvements will be constructed to ensure adequate access and safety measures are provided.

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

Staff does not anticipate any potential for unlawful levels of air, water, or noise pollution for the proposed park. The site includes proper stormwater drainage and detention and uses best management practices to improve stormwater quality.

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

The proposed future commercial development will generate increased tax revenue for the City. Religious assemblies 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 rezoning does not pose a threat to public health, safety, and welfare. If denied, the property may continue use as a religious institution without the proposed park and recreational uses.

11. Staff Recommendation

A. Staff recommends approval of RZ24-0008, Living Hope Church Phase I Improvements, for the following reasons:

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

B. Staff recommends approval of the rezoning to the C-2 District with the following stipulation:

1. Any Distance Restricted Businesses as listed in Olathe Municipal Code Chapter 5.43 are prohibited.

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

1. The gravel parking lot and connecting drives on the east side of the property located within the ROW must be removed prior to the Certificate of Completion (CC) of the Phase I Park improvements.
2. The existing parking lot located to the north of the church must be brought into compliance with parking lot and lighting standards prior to the Certificate of Completion (CC) of the Phase I Park improvements.
3. A revised preliminary plan must be approved prior to submittal of final site development plans for Lots 3-10.
4. The property is subject to the following access and traffic improvements based on the preliminary plan (sheet L-101) and plan (sheet G-101) dated May 28, 2024.
 - i. Access 1 has temporary full access and may be modified based on any of the following.

1. Upon construction of the proposed east/west Collector Street this drive access may be restricted to right-in/right-out or be removed.
 2. Upon construction of proposed Drive 2, this drive access may be restricted to right-in/right-out only or be removed.
 3. Upon future improvements to 175th Street, this drive access may be restricted to right-in/right-out only or be removed.
- ii. Access 2 will have temporary full access and may be modified based on the following.
1. Upon construction of the proposed east/west Collector Street this drive access may be restricted to right-in/right-out only or be removed.
- iii. Access 3 has temporary full access and may be modified based on the following.
1. Upon future improvements to Ridgeview Road, this drive may have access modified.