



STAFF REPORT

Planning Commission Meeting: February 26, 2024

Application:	<u>RZ23-0008:</u> Request for approval of a Rezoning from the CP-2 (Planned General Business) District to the C-3 (Regional Center) District for B Street Collision Center
Location:	Northeast of W. 151 st Street and S. Pflumm Road
Applicant	Robert M. Meurer, White Company Commercial Real Estate
Owner:	George Gilchrist
Engineer:	Jeffrey T. Skidmore, P.E.; Schlagel Associates
Staff Contact:	Jessica Schuller, AICP, Senior Planner

Site Area:	<u>3.43± acres</u>	Plat:	<u>Unplatted</u>
Proposed Building Area:	<u>28,300 square feet</u>	Proposed Use:	<u>Vehicle Painting and Body Shops</u>
Existing Zoning:	<u>CP-2 (Planned General Business)</u>	Proposed Zoning:	<u>C-3 (Regional Center)</u>

1. Introduction

The proposed rezoning to the C-3 District for B Street Collision Center was considered by the Planning Commission on November 13, 2023. The Planning Commission held and closed the public hearing and recommended denial of the C-3 District request by a vote of 8 to 0.

On December 5, 2023, the City Council heard the application and after discussion, remanded this application back to the Planning Commission for review of the preliminary site development plan and to prepare a list of recommended stipulations. While this is a rezoning application, the decision regarding the land use and zoning district request remains with the City Council. The discussion this evening is for an overview of the preliminary site plan, and recommended stipulations pertinent to the requested plan and zoning district.

The applicant is requesting a rezoning from the CP-2 (Planned General Business) District to the C-3 (Regional Center) District, for B Street Collision Center. The proposal includes one 28,300 square foot, single-story building for collision repair uses (including estimating, detailing, service and body repair, for both individuals and the automotive industry), located central to four existing parcels with the Executive Plaza commercial center. B Street Collision employs 50 persons and operates Monday–Friday between 7:00 am–5:00 pm.



Aerial View of Property (outlined in blue) and Nearby Subdivisions

2. Zoning Standards

- a. **Land Use** – Uses allowed in the C-3 District include a variety of commercial uses that serve a more regional market and are slightly more intense than the uses allowed in the CP-2 District. To ensure compatibility of land uses in the area, Staff is recommending that four (4) uses be restricted on the property. Staff collaborated with the applicant on this list, and the applicant is amenable to restricting the following uses on the subject property:
 1. Recycling Centers and Drop-Off; and
 2. Mini-Warehouse; and
 3. Cemetery; and
 4. Parking Lots, Surface, as Principal Use.
- b. **Setbacks** – The proposed building complies with the minimum setbacks in the C-3 District including 15-foot front yard setbacks and 10-foot side and rear yard setbacks. Additionally, the parking/paving setbacks comply with requirements of the C-3 District of 15 feet from street right-of-way and 10 feet from property lines.
- c. **Building Height** – The overall height of the proposed building is 26 feet which complies with the maximum height permitted of 3 stories and 40 feet in the C-3 District.

- d. **Open Space** – A total of 25% of the property must be retained as open space, and the applicant is providing 26% open space, meeting this requirement.

3. Development Requirements

- a. **Site Access** – Two points of access are proposed from Haskins Street, a private drive to the west. Haskins Street connects to W. 151st Street to the south and W. 149th Terrace and Pflumm Road to the northwest.
- b. **Traffic** – A traffic impact study was not required with this application. The number of trips generated by the proposed use are adequately accommodated by the existing roadway network.
- c. **Parking** – A minimum of 1 parking space per 500 square feet of building area is required for a total of 57 spaces. The C-3 District also requires that no more than 150% percent of the required parking for a use may be provided on site, for a maximum of 85 parking spaces.

The applicant proposes a total of 152 spaces on site and is requesting a waiver from this requirement (see Section 6, Waiver Request). Of these spaces, 70 stalls are dedicated for storage parking areas (service vehicles' awaiting repair and salvage vehicles that will be taken from the site), 28 stalls are dedicated for customer parking, and 54 stalls are dedicated for employee parking.

The applicant has stated that vehicles awaiting repair will be moved indoors after hours and over the weekend, except for the salvage vehicles which will be parked on the east side, south of the trash enclosure. Unloading of wrecked vehicles from tow trucks will also occur on the east side of the building. Delivery of damaged vehicles does occasionally occur outside of business hours, on the evenings and weekends, and staff has stipulated that drop-off will only occur on the east side of the building.

- d. **Landscaping** – Type 1 (10-foot) landscape buffers are required on the north, east and south property lines, and a 10-foot nonresidential landscape buffer is required on the west property line. Landscape buffers exceeding UDO requirements as 25-foot buffers are provided on the north, east and south, and the required 10-feet is provided on the west. Additional evergreen trees are provided in lieu of shrubs on the east and southeast corner of the site to increase the screening of vehicle storage areas. Landscaping along the northern property line is proposed to be provided offsite, along the northern limits of the Executive Plaza shopping center, by the shopping center's land owner. This will enhance the screening directly adjacent to residential properties, and staff has stipulated that installation of this northern buffer is required prior to Certificate of Occupancy for this proposed facility.
- e. **Screening** – Per UDO 18.30.130, in commercial districts, storage of materials, products or equipment outside of a fully enclosed building must be 100% screened from public view. Additionally, Ordinance 99-109, governing the larger Executive Plaza commercial center, requires that overhead doors shall not be visible from residential properties.

The applicant proposes a composite wood screen fence with masonry columns running the length of the northern property line, and wrapping the northwest and northeast corners of the property to minimize visibility of storage parking areas from adjacent roadways. The fence will be softened with landscaping. Due to the proposed location of salvage vehicle storage on site, staff has stipulated that the eastern fence

line be extended south to the “Limits of Vehicle Storage Area” as labeled on the site plans.

- f. **Stormwater/Detention** – An existing regional detention basin is located directly north of the subject property. The grading of this detention basin is proposed to be adjusted slightly with this development, and the basin will have adequate capacity to accommodate the proposal.
- g. **Utilities** – The property is served by City of Olathe water and Johnson County Wastewater. Sewer is currently located on the property, and water mains will be extended from the southwest corner of the development area to serve the property.

4. Site Design Standards

The preliminary site development plan was reviewed for compliance with the requirements of **Site Design Category 4** (UDO 18.15.120). The following is a summary of the applicable site design elements proposed on site:

- a. **Parking Pods** – Parking areas for developments must be designed in pods no greater than 80 stalls. The parking areas are divided into individual pods with 32 parking spaces in the largest individual parking pod.
- b. **Pedestrian Connectivity** – A public sidewalk is provided along Haskins Street to the west, with a pedestrian connection from the building to this exterior walkway. A pedestrian gateway feature will be incorporated with this pedestrian connection, demarcated with special paving materials and a seating area.
- c. **Driveway Connectivity** – Driveway connections to adjacent properties are not needed as the development is separated from adjacent properties by Haskins Drive to the west, a detention basin to the north, Johnson County Airport property to the east, and approved carwash development to the south.
- d. **Drainage Features** – No drainage features are proposed on the subject property. Regional detention is provided on the lot directly north of the site. This detention basin will be supplemented with landscaping along the northern property line in conjunction with this project.

5. Building Design Standards

The development is subject to the Commercial and Retail building category as established in UDO Section 18.15.020.G.7. The following is a summary of the applicable building design requirements and proposed design elements. The west and south elevations are considered primary facades, and the north and east elevations are considered secondary facades.

Table 1: Building Design Standards	Design Requirements
	Proposed Design
<i>Building Entryway</i>	<i>Each building entry along primary facades must be defined with a covered projection from the façade or by a recessed area.</i> The main entrances on the east and south primary façades are defined by covered projections, meeting UDO requirements.

<p><i>Garages and Overhead Doors</i></p>	<p><i>Garages and overhead doors must not face a public street.</i></p> <p><i>If visible from a public street, the garage and overhead doors must be recessed a minimum of four (4) feet from the building façade line and be architecturally treated with a combination of glass windows, archways, columns, canopies, or overhangs.</i></p> <p>Garage doors on the west facade face Haskins Drive, a private street. The doors are visible from Pflumm Road and 151st Street, public roadways, and as such are treated with glass and canopy overhangs. A wall offset is also provided to recess the doorways the required 4-feet.</p>
<p><i>Façade Articulation</i></p>	<p><i>Horizontal articulation is required every 50 feet across the length of primary façades. Vertical articulation of at least two feet in height is also required every 50 feet across the length of primary façades.</i></p> <p>Horizontal articulation is provided through wall offsets on primary facades, located a minimum of every 50 feet, which are seen in the areas of the charcoal-colored wall planes.</p> <p>Vertical articulation is provided on primary facades through variation in parapet height of 2 and 3 feet located at least every 50 feet across the facades, meeting UDO requirements.</p>
<p><i>Façade Expression</i></p>	<p><i>The minimum first floor height for one (1) story buildings is 17 feet, and buildings less than 3 stories in height must include a tower element or special vertical articulation to anchor the main entry or building corner.</i></p> <p>The first-floor height of the buildings is 26 feet, and the building includes special vertical articulation at the primary customer entrance, meeting these requirements.</p>
<p><i>Roofing Material</i></p>	<p><i>Class 1 or 2 roofing materials are required.</i></p> <p>The flat roof is not visible to the public, and will meet all UDO requirements.</p>

- a. **Building Materials** – The proposed building elevations and material quantities are included in the packet for reference. Primary facades are required to provide three materials from Class 1 and 2 on no less than 80% of the façade, and a minimum of 25% clear glass. Secondary facades are required to provide a combination of three materials from Class 1 or 2 on no less than 50% of the façade. Additionally, Ordinance 99-109 which encompasses the larger Executive Plaza commercial center, requires that a minimum of 80% of all buildings and structures be constructed with face brick, and that consistent architectural design, including building materials and colors, be carried throughout the development.

The applicant is compliant with these requirements by providing 80% face brick on all facades in shades of tan and gray, in addition to pre-cast wall panels, ACM metal wall panels and glass. The minimum of 25% glass is provided on the south primary façade, and 26% glass is provided on the west primary façade, meeting UDO requirements.

- b. **Ordinance 99-109 Design Requirements** – Existing Ordinance 99-109, applicable to the larger Executive Plaza, requires that buildings create human scale with elements such as canopies or porticos, arcades, colonnades, raised landscape planters, pedestrian level lighting and special building material treatments. To meet these requirements, the applicant provided horizontal solar shade elements, horizontal canopies above doorways, at-grade landscape beds along the east and south facades and pedestrian lighting at doorways.

Ordinance 99-109 also requires building facades to be staggered with recess and projections, incorporating windows, colonnades, and major entry features/canopies to break up the visual expanse of flat walls. A minimum of 75% of the building façade facing a public street must have windows, awnings, and arcades or a combination thereof. Additionally, a minimum of 50% of the building façade facing internal shopping center access drives must have windows, awnings and arcades or a combination thereof. The applicant is providing a combination of spandrel and vision glass on the south façade, and is providing awnings, clerestory glass, and a 4-foot horizontal wall offset on the west façade to break up the visual expanse of façade and meet these requirements.

6. Waiver Requests

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 waiver, which is attached to this report (see Attachment A). Staff has not provided an analysis for the waiver due to the recommendation of denial on the application; however, the waiver request is provided for consideration by the Planning Commission and City Council.

The applicant is requesting a waiver from:

1. UDO 18.20.150.C, requiring that no more than 150% of the required parking for a use may be provided on site. The maximum amount of parking is 85 parking stalls, and the applicant proposes 152 parking stalls.

The applicant's justification statement provides that significant screening and buffering is providing for adjoining properties including additional landscaping and fencing. The property is more than 315 away from the residential property line to the north, and enhanced landscaping will be added adjacent to the residential property line. The applicant states that an unnecessary hardship is imposed because UDO regulations do not contemplate sufficient parking for this use.

7. Neighborhood Feedback

Since the application was heard by the City Council on December 5, 2023, Staff has received correspondence through 16 letters from residents which are included in the meeting packet. These letters reflect similar concerns to those letters received prior to the December 5, 2023 City Council meeting including concerns about the scale of the building, the amount of outdoor parking, outdoor storage of vehicles, and the loss of future retail space and uses that better serve the surrounding neighborhood (for reference, see pages 25 – 32 of [this report](#), and additional correspondence located [here](#)).

8. Development Process

As stated previously, the public hearing for this rezoning application was closed on November 13, 2023, and the City Council remanded the application back to the Planning Commission for review against UDO requirements. Staff's recommendation on the requested C-3 District remains unchanged. The role of the Planning Commission regarding this remanded application is to recommend stipulations to the City Council.

Following the Planning Commission meeting, this application will return to the City Council for review and action on RZ23-0008.

9. Conclusion

A. In summary, the applicant is requesting the following waiver for consideration by the Planning Commission and City Council:

1. UDO 18.20.150.C, requiring that no more than 150% of the required parking for a use may be provided on site.

B. If approved, Staff recommends the following stipulations for the rezoning to the C-3 District:

1. The following uses are prohibited:
 - a. Recycling Centers and Drop-Off; and
 - b. Mini-Warehouse; and
 - c. Cemetery; and
 - d. Parking Lots, Surface, as Principal Use.
2. This property is subject to the site design, building material, and building design criteria of Ordinance 99-109 (Sections e, f, and g).
3. The rezoning to the C-3 District must be approved by the Johnson County Airport Commission and Board of County Commissioners prior to the publication of the zoning ordinance.
4. Installation of the offsite landscape buffer, along the northern limits of the Executive Plaza commercial center, shall be approved and installed prior to issuance of a Certificate of Occupancy for any buildings on the subject lot.
5. Hours of operation for the Vehicle Painting and Body Shop use are limited to Monday-Friday from 7:00 am to 5:00 pm.
6. No outdoor overnight storage of vehicles awaiting repair is permitted, except for vehicles delivered after business hours, which must be stored on the east side of the building and relocated the following day.
7. Salvage vehicles must be stored along the east property line, and may not be stored beyond the northern or southern limits of the building.
8. Unloading of vehicles from transport vehicles must occur on the east side of the building.

- C. If approved, Staff recommends the following stipulations for the preliminary site development plan:
1. Proposed fencing must be a durable composite material with decorative masonry columns. Wood and chain link fencing are not permitted.
 2. The proposed fence on the east side of the site must be extended south to the "Limits of Vehicle Storage Area" as identified on the site development plans dated February 14, 2024. In addition, the proposed double row of evergreens must be retained.
 3. Building mounted signage is not permitted on the north façade.
 4. All new on-site wiring and cables must be placed underground.
 5. 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.